

A Difference That Makes A Difference

How Some States Discourage Voters

The notion of equal access to the ballot for all—one person, one vote—is a cornerstone of American democracy. But how do you determine whether the person seeking to vote has the right to vote?

That question is at the center of one of the major debates in U.S. politics in recent years. Numerous states have put in place greater safeguards to protect against voter fraud, demanding evidence of identification such as driver's licenses at polling places and sometimes requiring that those wishing to register to vote produce documents such as birth certificates. (See Map 5-1.)

These laws were given the green light by the U.S. Supreme Court in 2008, when it upheld a 2005 Indiana law requiring that voters produce government-issued photo identification at the polls. Kris Kobach, the Republican secretary of state in Kansas and sponsor of his state's 2011 voter ID law, says that requiring voters to show a photo ID is no burden at a time when they have to do the same to board an airplane, enter a federal building, or even “buy the kind of Sudafed that works.”

Such arguments have been persuasive, at least with the general public. Polling in recent years has consistently shown that about 70 percent of Americans support voter ID laws.

Still, critics of the laws—mostly Democrats—complain that they amount to attempts at voter suppression. The people least likely to be able to produce government-issued IDs are minorities, the young, and the old—all groups expected to favor Democratic candidates in

general. “He’s doing a better job as Republican state chair as secretary of state than he did when he was the Republican state chair,” Kansas state representative Ann Mah, a Democrat, said of Kobach.

Voter ID laws are a solution in search of a problem, the argument goes. The 41 incidents of improper voting or registration activity for 2010 that Kobach's office cited are mostly accounted for by honest mistakes, Mah argued, such as snowbirds accidentally seeking to vote in two states or felons being allowed to vote although they were ineligible. There was no evidence that Kansas was seeing large numbers of illegal aliens voting, or that there was a conspiracy on the part of any party or group to affect the outcomes of elections, said Chris Biggs, Kobach's Democratic predecessor as secretary of state.

Those findings track those of national studies. An analysis of 2,068 reported fraud cases dating back to 2000, conducted by a Carnegie-Knight investigative reporting project in 2012, found that there had been just 10 cases of alleged in-person voter impersonation since 2000. “With 146 million registered voters in the United States, those represent about one for every 15 million prospective voters,” reported *The Washington Post*.^a

During the 2012 election year, media reports appeared frequently about senior citizens who had voted for decades but had been turned away from the polls when they were unable to produce long-lost documents that were suddenly the key to the franchise. Matt Barreto, a University of Washington political scientist, conducted a survey in 2012 that found that, while most Pennsylvanians believed they had proper ID, 13 percent of registered voters lacked the kind of identification required by the state's new law.^b

Eric Holder, President Obama's attorney general, likened voter ID requirements to “poll taxes,” a long-discredited and abandoned tool meant to disenfranchise African American voters. Despite the Supreme Court ruling, the U.S. Justice Department and other entities challenged numerous voter ID laws in court.

Pennsylvania lawmakers were chagrined when their own attorneys had to concede in court that the state had



AP Photo/Marc Levy, FILE

Voter ID laws became controversial in 2012. Democrats argued that Republicans were seeking to suppress Democratic supporters, their fears fueled by remarks from Pennsylvania House GOP leader Mike Turzai that a new voter ID law would “allow” Republican presidential nominee Mitt Romney to win the state.