



Evidence That Photo Identification and Proof-of-Citizenship Laws Lower Voter Turnout

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The right of citizens to shape the direction of government through voting is a cherished right secured by many groups at hard cost. Expansions in access to the ballot started at the end of the Civil War with the 14th and 15th Amendments to the Constitution, only to be reversed for African Americans by the notorious Jim Crow laws put in place after 1876. Expansions started again with the 20th century achievement of woman's suffrage plus a series of Supreme Court rulings and changes in state laws – followed by the landmark Civil Rights Act of 1965 and supportive Supreme Court rulings plus further state revisions. Easing access to the ballot proceeded via the Help America Vote Act and the spread of early voting arrangements.

But a new period of restrictions by the states has set in in recent years. Research we have done shows that, in fact, the new restrictions reduce voting by poorer people.

The Contemporary Spread of State Voting Restrictions

Over the past decade and a half, one U.S. state after another has added prerequisites for voting and voter registration.

- The new enactments include rules requiring citizens to obtain and show specific kinds of photo identifications, such as passports or drivers' licenses, that are not already possessed by many low-income, young, or very elderly citizens.
- Would-be voters may be required to produce birth certificates or other forms of proof that they are U.S. citizens.
- State legislatures have also enacted cut-backs on early voting days and hours, often eliminating times that are convenient for low-income workers or parents.
- Legislatures have erected or strengthened new barriers for ex-felons who hope to regain voting rights after serving time in prison.

The Supreme Court Clears the Way

In contrast to the situation after 1965, the U.S. Supreme Court no longer blocks state efforts to restrict ballot access. In 2013, the Court's *Shelby County v. Holder* decision opened the door to laws that have a disparate impact on minorities by ending pre-clearance practices previously used to enforce rights under the Voting Rights Act. December 11, 2014

Rights Act of 1965. Another 2013 high court ruling in *Arizona v. Inter-Tribal Council* authorized states to create a “two tiered” system of voter registration, in which citizens who do not provide proof of citizenship are registered to vote in federal but not state elections. As of November 2014, over 21,000 Kansans find themselves in this awkward situation. The state of Arizona also uses this “two tiered” approach to reduce voting in state elections.

What Difference Do the New Requirements Make?

Our research has investigated the impact of proof-of-citizenship laws on rates of voter registration and turnout rates. Do such laws combined with high levels of poverty reduce voter participation? We tracked changes in voter turnout at the county level from the 2008 through the 2012 presidential elections.

Even when we took into account a host of other factors that could affect voter participation – including “hot button” ballot initiatives, the impact of Hurricane Sandy, changes in a state’s electoral competitiveness – we found that states with proof-of-citizenship laws had lower turnout by the poor. Under these laws, our research found a voter turnout drop of just over 0.1% for every one percent increase in the percentage of people in poverty in a county, as measured by the 2010 U.S. Census. This means that a county with a 30% poverty rate will see turnout drop more than 3% under such laws. Interestingly, contrary to our expectations, such drops in participation do not always hurt Democrats.

Other research corroborates our findings. For example, the 2013 *Kansas Speaks* survey of about 950 people by the Docking Center at Ft. Hays State University found seven respondents who answered “yes” when asked if they were prevented from registering by the state’s proof-of-citizenship law. Seven more people said that they could not vote because they lacked the necessary photo identification cards. Overall, therefore, about 1.5% of the Kansans surveyed reported being stopped from voting by these new kinds of restrictive laws. That percentage may sound small, but it is larger than the margin by which many close elections are decided. Even in a heavily Republican state, most of these respondents who faced barriers to voting identified themselves as Democrats or Independents who leaned toward the Democratic side.

Troubling Implications

Research showing that new photo identification and proof of citizenship laws reduce voter participation, especially in poor areas in U.S. states, raises troubling issues. Equal and full voting rights are typically considered essential to democratic governance in the United States and across the world, so presumably there would need to be a strong justification for the enactment of any new rules that make it harder for some people to register or cast ballots. However, the best available studies – including a comprehensive study of the incidence of individual voter fraud completed by Justin Levitt and Lorraine Minnite and published by the Brennan Center at New York University – undermines the kinds of claims politicians make to justify new state laws focused on voter identification. In-person fraud, in which a person misrepresents his or her identity in order to register or to vote, almost never occurs. Consequently, new laws aimed at preventing such fraud are erecting barriers with little or no justification. That might not matter very much if the new barriers to registration and voting had a random impact across all social groups. But our research and other studies suggest that photo identification and proof of citizenship rules especially impede the poor and members of minority groups, making American elections in many states less truly democratic.

Read more in Kevin Anderson, Michael A. Smith, and Chapman Rackaway, *State Voting Laws in America: Historical Statutes and Their Modern Implications* (Palgrave Macmillan, 2014).