**Everything You’ve Ever Wanted to Know About Voter ID Laws**

*More than 30 states have enacted some version of voter ID law in recent years. How much do these laws change voting rules and what impact could they have on the general election?*

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Voter ID laws are a contentious issue in the 2016 presidential election cycle. Many of the statutes will have their first test at the polls this year. Supporters say the laws — which [36 states](http://www.ncsl.org/research/elections-and-campaigns/voter-id.aspx) have now enacted in some form — are needed to combat voter fraud, while critics see them as a tactic to disenfranchise voters.

**So what are these laws?**

They are measures intended to ensure that a registered voter is who he says he is and not an impersonator trying to cast a ballot in someone else’s name. The laws, most of which have been passed or strengthened in the last five years, require that registered voters show ID before they’re allowed to vote. Exactly what they need to show varies. Some states require a government-issued photo, while in others a current utility bill or bank statement is sufficient.

**As a registered voter, I thought I always had to supply some form of ID during an election.**

Not quite. [Per federal law](http://www.law.cornell.edu/uscode/text/42/15483), first-time voters who registered by mail must present a photo ID or copy of a current bill or bank statement. Some states generally [advise voters bring some form of photo ID](http://www.lwvil.org/ElectionDay.asp). But prior to the 2006 election, no state ever required a voter to produce a government-issued photo ID as a condition to voting. Indiana in 2006 became the first state to enact a strict photo ID law, a law that was [upheld](http://www.nytimes.com/2008/04/29/washington/29scotus.html) two years later by the U.S. Supreme Court.

**Why are these voter ID laws so strongly opposed?**

Voting law opponents contend these laws disproportionately affect elderly, minority and low-income groups that tend to vote Democratic. Obtaining photo ID can be costly and burdensome. While many states with strict laws offer a free state ID for people without any other way to vote, these IDs require documents like a birth certificate that can cost up to $25 in some places. According to [a study](http://www.brennancenter.org/content/resource/the_challenge_of_obtaining_voter_identification) from NYU’s Brennan Center, 11 percent of voting-age citizens lack necessary photo ID while many people in rural areas have trouble accessing ID offices.

A lawsuit filed against Alabama in early December 2015 cites the example of a high schooler who can’t vote because she lacks a driver’s license. [According to the suit](http://www.naacpldf.org/update/ldf-files-lawsuit-challenge-alabama%E2%80%99s-racially-discriminatory-photo-id-law), she needs to get a state issued voter ID at the DMV, but the one nearest to her is only open one day per month and there’s no public transportation to another DMV 40 miles away roundtrip.

During closing arguments in a 2012 case over Texas’s voter ID law, a [lawyer for the state](http://tpmmuckraker.talkingpointsmemo.com/2012/07/texas_voter_id_trial_closing_arguments.php) brushed aside geographical obstacles as the “reality to life of choosing to live in that part of Texas.”

Former Attorney General Eric Holder and others have [compared](http://abcnews.go.com/blogs/politics/2012/07/eric-holder-dubs-texas-voter-id-law-a-poll-taxes/) the laws to [a poll tax](http://texaspolitics.laits.utexas.edu/6_5_3.html), in which Southern states during the Jim Crow era imposed voting fees, which discouraged blacks, and even some poor whites — until the passage of [grandfather clauses](http://civilrights.uslegal.com/voting-rights/grandfather-clauses-literacy-tests-and-the-white-primary/) — from voting.

Given the sometimes costly steps required to obtain needed documents today, legal scholars [argue](http://balkin.blogspot.com/2012/07/paying-for-ballots-reviving-poll-tax.html) that photo ID laws create a new “financial barrier to the ballot box.”

**Just how well-founded are fears of voter fraud?**

There have been only a small number of fraud cases resulting in a conviction. [A New York Times analysis from 2007](http://www.nytimes.com/2007/04/12/washington/12fraud.html?pagewanted=all) identified 120 cases filed by the Justice Department over five years. These cases, many of which stemmed from mistakenly filled registration forms or misunderstanding over voter eligibility, resulted in 86 convictions.

There are “very few documented cases,” said UC-Irvine professor and election law specialist Rick Hasen. “When you do see election fraud, it invariably involves election officials taking steps to change election results or it involves absentee ballots which voter ID laws can’t prevent,” he said.

An analysis by News21, a national investigative reporting project, [identified](http://votingrights.news21.com/article/election-fraud/) 10 voter impersonation cases out of 2,068 alleged election fraud cases since 2000 — or one out of every 15 million prospective voters.

One of the most vocal supporters of strict voter ID laws, then-Texas Attorney General Greg Abbott (now the state’s governor), [told the Houston Chronicle](http://blog.chron.com/txpotomac/2012/07/qa-texas-attorney-general-greg-abbott-on-the-voter-id-law/) in July 2012 that his office has prosecuted about 50 cases of voter fraud in recent years. “I know for a fact that voter fraud is real, that it must be stopped, and that voter id is one way to prevent cheating at the ballot box and ensure integrity in the electoral system,” he told the paper. Abbott’s office did not respond to ProPublica’s request for comment.

**How many voters might be turned away or dissuaded by the laws, and could they really affect the election?**

It’s not clear. According to the Brennan Center, about 11 percent of U.S. citizens, or roughly 21 million citizens, don’t have government-issued photo ID. This figure doesn’t represent all voters likely to vote, just those eligible to vote. A 2012 [analysis](http://www.reuters.com/article/2012/09/26/us-usa-campaign-voterid-idUSBRE88P1CW20120926) by Reuters and research firm Ipsos of data culled from 20,000 voter interviews found that those lacking proper ID were less likely to vote anyway, “regardless of state law changes.”

Among those who said they were “certain to vote,” only 1 percent said they did not have proper ID while another 1 percent said they were uncertain whether they had the proper ID. The analysis also found that those who lack valid photo ID tended to be young people, those without college educations, Hispanics and the poor.

Much of the academic literature finds that voter ID laws have an outsize effect on minorities: A [working paper](http://pages.ucsd.edu/~zhajnal/page5/documents/voterIDhajnaletal.pdf) from researchers at the University of California, San Diego found that states with a strict photo ID law saw a significant decrease in turnout among minority and immigrant voters and an increase in the participation gap between white and nonwhite voters.

Exact state figures on how many people lack acceptable IDs can be hard to nail down. Before Pennsylvania’s voter ID law was struck down, a 2012 [analysis of state records](http://articles.philly.com/2012-07-05/news/32537732_1_voter-id-new-voter-id-cards) by the Philadelphia Inquirer found that nearly 760,000 registered voters , or 9.2 percent of the state’s 8.2 million voter base, don’t own state-issued ID cards. State officials, on the other hand, placed the number between 80,000 and 90,000.

In a 2012 trial over Wisconsin’s voter ID law, the plaintiff estimated that about 300,000 voters didn’t have ID and attempted to analyze the demographic breakdown. An expert for the defense put the number between 100,000 and 300,000 and called the demographics an “open question.”

As for the potential effect on the election, one analysis by Nate Silver at the New York Times’ FiveThirtyEight blog estimates they could decrease voter turnout anywhere [between 0.8 and 2.4 percent](http://fivethirtyeight.blogs.nytimes.com/2012/07/15/measuring-the-effects-of-voter-identification-laws/). It doesn’t sound like a very wide margin, but it all depends on [the electoral landscape](http://www.washingtonpost.com/wp-srv/special/politics/election-map-2012/president/).

“We don’t know exactly how much these new laws will affect turnout or skew turnout in favor of Republicans,” said Hasen, author of [The Voting Wars](http://www.amazon.com/The-Voting-Wars-Election-Meltdown/dp/0300198248): From Florida 2000 to the Next Election Meltdown. “But there’s no question that in a very close election, they could be enough to make a difference in the outcome.”

**Voter ID laws were a big story in 2012. Why are we still talking about them?**

A few reasons. While a majority of the voter ID laws were passed before the 2012 election, not all of them went into effect immediately. Wisconsin’s voter ID law, passed in 2011, was only in effect for a low-turnout primary in a few municipalities before getting tied up in court and will have its first major test in 2016. States such as Virginia, Texas, and North Carolina passed voter ID laws after 2012 that haven’t yet been tested in a high-turnout presidential election (Virginia and Texas’ 2013 laws were in effect for the states’ 2014 midterm elections, but North Carolina’s voter ID law hasn’t yet been in effect for a federal election).

This election cycle is also the first presidential election without Section 4(b) of the Voting Rights Act in effect. In 2013, it was struck down in a 5–4 Supreme Court decision, Shelby County v. Holder. States previously required to get preclearance from the Justice Department to change voting laws under a formula laid out in Section 4(b) [no longer have to](https://www.justice.gov/crt/about-section-5-voting-rights-act). This means there’s a whole [spate of new voting laws in effect](http://www.brennancenter.org/analysis/shelby-county-one-year-later). Texas, for example, was initially blocked from implementing its voter ID law until it received preclearance. But the day of the Shelby ruling, the state announced that the law would take effect.

It also means that it’s harder to challenge laws. The Justice Department can still challenge laws for discriminatory voting practices under Section 2 of the Voting Rights Act. But the plaintiff carries the burden of proof under Section 2 challenges, making them harder to win.

“This is the first presidential election in more than 50 years of the Voting Rights Act that the department’s ability to enforce the act has been so severely cut back,” Vanita Gupta, the head of the Justice Department’s civil rights division, [told The Washington Post](https://www.washingtonpost.com/news/post-nation/wp/2016/02/29/voters-in-these-super-tuesday-states-will-face-new-stricter-requirements/) the week before Super Tuesday.

Legal challenges to the laws — from groups like the NAACP, League of Women Voters, and Democratic lawyers — are still winding their way through the legal system. In many states, these cases aren’t the first time the laws have been challenged.

**Why has there been such a recent surge in voter ID legislation around the country?**

[This report](http://brennan.3cdn.net/92635ddafbc09e8d88_i3m6bjdeh.pdf) by NYU’s Brennan Center for Justice cites primarily big Republican gains in the 2010 midterms which turned voter ID laws into a “major legislative priority.” Aside from [Rhode Island](http://providence.thephoenix.com/news/138781-who-passed-voter-id/?page=1), all voter ID legislation has been [introduced](http://www.democrats.org/news/blog/protecting_the_vote_our_new_report_and_website) by Republican-majority legislatures.

Republican figures have championed such laws. In a now-infamous remark, Mike Turzai, majority leader of the Pennsylvania House of Representatives, [praised the state’s legislative accomplishments](http://www.politicspa.com/turzai-voter-id-law-means-romney-can-win-pa/37153/) — including passing a voter ID law — at a 2012 Republican State Committee meeting.

“Voter ID, which is gonna allow Governor Romney to win the state of Pennsylvania, done,” he said.

A spokesman for Turzai, Steve Miskin, told ProPublica that Turzai was “mischaracterized” by the press. “For the first time in many years, you’re going to have a relatively level playing field in the presidential elections” as the result of these new laws," Miskin said.

**Correction August 20, 2012:** An earlier version of this story incorrectly stated “voting law advocates contend these laws disproportionately affect elderly, minority and low-income groups that tend to vote Democratic.” It’s voting law opponents who make that contention.

**Correction July 24, 2012:** An earlier version of this story said Texas went to federal court to challenge the DOJ’s denial of preclearance. In fact, Texas filed a lawsuit seeking preclearance from the federal district court two months before the DOJ announced its decision. Also, some states require a government-issued photo that does not have to come from the federal government as first detailed.

**Clarification Sept. 25, 2012:** This post has been clarified to reflect details about who was discouraged from voting under a poll tax.

**Correction Oct. 4, 2012:** An earlier version of this story stated that New Hampshire was unsuccessful in enacting a voter ID law. In fact, its legislature overrode the governor’s veto and the law is now in place in the state.

**QUESTIONS: Answer the following, print off and turn in during class.**

1. Write a paragraph (7-10 sentences) that summarizes this article.
2. Why are voter ID laws such a big concern? Explain in 1 paragraph.
3. Where do you stand on voter ID laws? Are you in favor or against? Explain in 1 paragraph.
4. What questions do you have about the article or voter ID laws?