



CENTRAL QUESTION



Should Americans be required to present a government-approved ID when voting?

INTRODUCTION



Free elections are the backbone of American democracy, allowing citizens to regularly express their most closely held values, desires, and concerns. Yet the voting process is far from uniform, as voters in different states are subject to different processes and requirements when they arrive at their polling places. In this *Close Up in Class Controversial Issue in the News*, we will examine whether or not states should require voters to show an approved form of ID before casting their ballots, outline the varying state laws regarding this issue, and weigh the pros and cons of the paths forward.

BACKGROUND



The history of voter ID laws dates back to 1950, when South Carolina became the first state to request that voters show a document bearing their name at the polls. Hawaii (1970), Texas (1971), Florida (1977), and Alaska (1980) followed suit in requesting some form of voter ID—but each state also allowed exceptions for voters who could not verify their identity. By 2000, a total of 14 states were asking voters to show ID at the polls.¹

Momentum for voter ID laws accelerated in 2005, when the bipartisan Commission on Federal Election Reform, led by former President Jimmy Carter and former Secretary of State James Baker, recommended that states require a government-issued ID—one that is available without cost to the citizen—at the polls.²

Within a few years, Georgia and Indiana established a new, stricter form of voter ID law which required (rather than requested) voters to show ID. Under these laws, a citizen without proper ID can vote on a provisional ballot, which is counted only if the voter returns to an elections office within days with an appropriate ID.³ The Supreme Court upheld the Indiana law in its 2008 decision in *Crawford v. Marion County Election Board*, ruling 6-3 that the law protected the state's legitimate and "nondiscriminatory" interests in preventing voter fraud.⁴

The pace of state action accelerated between 2011 and 2013, as legislatures across the country passed voter ID laws.⁵ Perhaps the most controversial was a 2011 Texas statute which mandated that voters present government-issued ID cards at the polls. The law allowed citizens to obtain a free, state-approved ID from offices of the Texas Department of Public Safety, but critics argued that it did not account for other costs to voters. For example, there were no such offices in 27 of the state's 254 counties in 2016, potentially forcing some Texas voters to travel a great distance to obtain a free ID.⁶

The Department of Justice initially blocked the Texas law as a violation of the Voting Rights Act of 1965.⁷ But in 2013, the Supreme Court ruled in *Shelby County v. Holder* that the federal government was using an outdated and unconstitutional formula to determine which states—such as Texas—require federal preapproval of their election laws due to their histories of discrimination.⁸ The decision allowed states such as Alabama, Mississippi, North Carolina, and Virginia to move forward with new voter ID requirements (although North Carolina's law was struck down in court in 2016). Texas, meanwhile, opted to revise its 2011 law to allow voters without one of seven approved forms of ID to present an alternate form of ID and sign an affidavit swearing that a "reasonable impediment" kept them from obtaining an official ID. In April 2018, the U.S. Court of Appeals for the Fifth Circuit ruled that the Texas law could stand for the 2018 elections.⁹

THE CURRENT CONTROVERSY

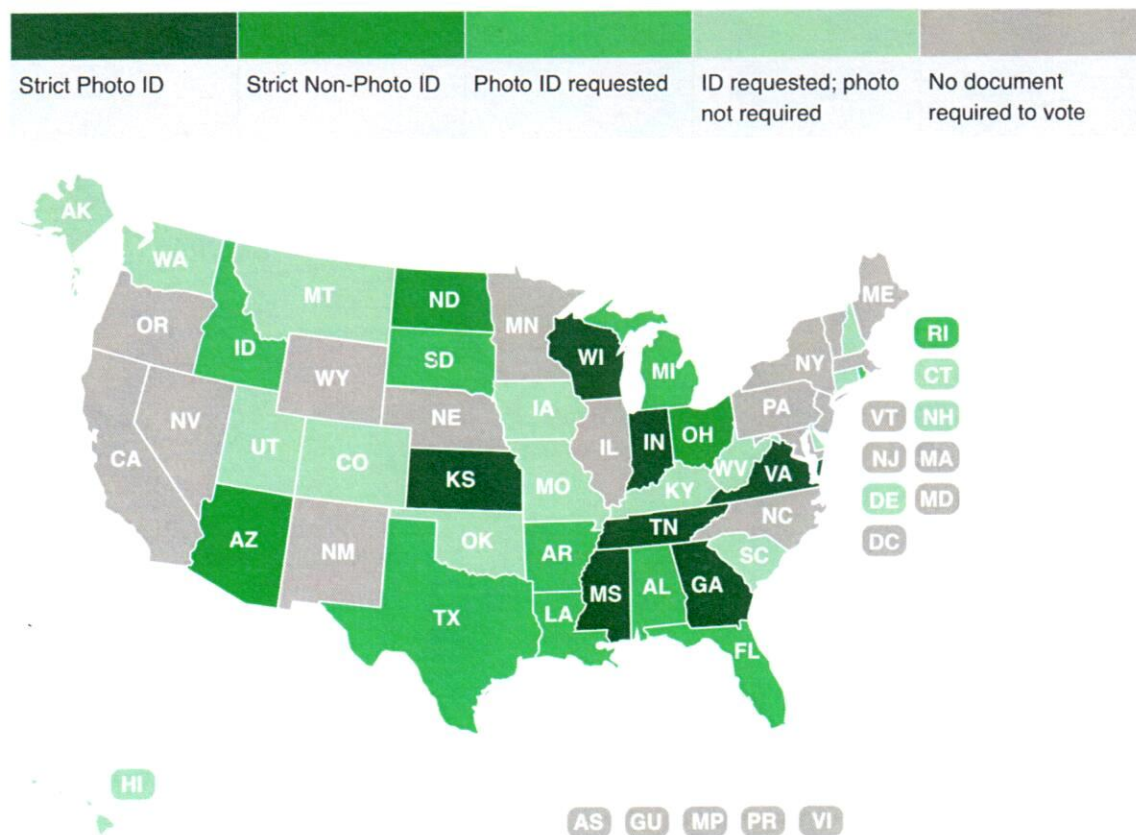


Should Americans be required to show a government-approved ID when voting?

In January 2018, voter ID laws were in force in 34 states.¹⁰ These laws vary in their toughness, as each state determines the type of ID it requests or requires, as well as what procedures to follow when a voter does not have ID.

 [Learn about the voter ID requirements in your state](#)

Voter Identification Laws in Effect in 2018



Source: National Conference of State Legislatures, 2018

The remaining 16 states use other methods to verify voters' identities. These methods include having voters provide certain pieces of personal information or sign poll books, voter registration lists, mail-in envelopes, or affidavits asserting their eligibility.¹¹

The wisdom of voter ID laws remains a topic of intense debate among voters, policymakers, and candidates. Advocates of these regulations insist that they are the only way to protect the right to vote, to prevent fraud, and to instill public confidence in the electoral process. Yet critics of voter ID laws insist that they are thinly veiled attempts to restrict the right to vote, especially among poor and minority voters, and that they impose unnecessary costs to fight nearly non-existent voter fraud.



SHOULD AMERICANS BE REQUIRED TO SHOW A GOVERNMENT-APPROVED ID WHEN VOTING?



YES: Voter ID laws are a simple, commonsense way to protect the sacred right to vote.

“A share in the sovereignty of the state, which is exercised by the citizens at large, in voting at elections is one of the most important rights of the subject, and in a republic ought to stand foremost in the estimation of the law,” Alexander Hamilton, the first secretary of the Treasury, once wrote. “It is that right, by which we exist a free people.”¹²

Hamilton’s words are as true now as they were in 1784. The right to vote is the sacred cornerstone of democracy—a right that ensures that each and every citizen has a voice in choosing their government. Therefore, it is entirely appropriate for state governments to place safeguards on protecting that right against fraud.

“There is no evidence of extensive fraud in U.S. elections or of multiple voting, but both occur, and it could affect the outcome of a close election,” the bipartisan Commission on Federal Election Reform reported in 2005. “The electoral system cannot inspire public confidence if no safeguards exist to deter or detect fraud or to confirm the identity of voters. Photo IDs are currently needed to board a plane, enter federal buildings, and cash a check. Voting is equally important.”¹³

It does not matter that voter fraud is rare in the United States—even one occurrence of someone casting a ballot in another’s name is unacceptable. “It doesn’t matter if there’s one, 100, or 1,000 [instances of voter fraud],” Governor Scott Walker, R-Wis., said. “Amongst us, who would be that one person who would like to have our vote canceled out by a vote that was cast illegally?”¹⁴

Voter ID laws are not aimed at disenfranchising voters—they are fair, commonsense measures that aim to protect every vote. Even the Texas law, one of the strictest in the nation, allows voters to obtain IDs free of charge. “There is nothing ‘discriminatory’ about a law that protects the legitimate votes of American citizens and promotes the integrity of our elections,” Senator Ted Cruz, R-Texas, said.¹⁵

The sad truth is that some policymakers—many of them Democrats—make dishonest arguments against voter ID laws because they want to boost turnout among their own voters, even if those voters are unmotivated and uninformed. Then-Governor Chris Christie, R-N.J., who vetoed a 2015 bill to establish automatic voter registration and increase early voting, said, “Taxpayers deserve better than to have their hard-earned tax dollars spent on thinly veiled political gamesmanship.”¹⁶

In June 2015, 76 percent of respondents told Rasmussen that voters should be required to show photo IDs at the polls.¹⁷ And there is a reason for this overwhelming support—Americans deserve to have complete and total faith in their electoral system.



NO: Voter ID laws are thinly veiled attempts to disenfranchise voters.

“We have a responsibility to say clearly and directly what’s really going on in our country, because what is happening is a sweeping effort to disempower and disenfranchise people of color, poor people, and young people from one end of our country to the other,” said former Secretary of State Hillary Clinton. “We should be clearing the way for more people to vote, not putting up every roadblock anyone can imagine.”¹⁸

Secretary Clinton makes a valid point. In a nation where voter fraud is nearly non-existent, voter ID laws are a thinly veiled attempt by state legislatures to depress electoral turnout among poor and minority voters.

In 2012, Pennsylvania State Representative Mike Turzai, a Republican who was then serving as majority leader, went so far as to suggest that the state’s voter ID law would benefit Republicans. “Voter ID, which is gonna allow Governor [Mitt] Romney to win the state of Pennsylvania, done,” he boasted.¹⁹ But that 2012 law was struck down by the Pennsylvania Supreme Court.

“My job as a candidate is to get people to vote for me based on my ideas. My job is not to figure out a way to keep people whose views are different from mine from voting,” Senator Bernie Sanders, I-Vt., said. “Anybody who is suppressing the vote, anybody who is intentionally trying to keep people from voting because the candidate knows that those people would vote against him or her, that person is a political coward.”²⁰

In 2014, the Government Accountability Office (GAO) issued a report that analyzed the effect of voter ID laws in Kansas and Tennessee. The GAO concluded that turnout in 2012 dropped at least 1.9 percentage points in Kansas and 2.2 percentage points in Tennessee—or a total of 122,000 votes—thanks to the laws.²¹ That decline was weighted more heavily toward younger voters and black voters.²²

Nationwide, the National Association for the Advancement of Colored People has estimated that 25 percent of voting-age African Americans and 16 percent of voting-age Latinos lack a government-issued photo ID. And in Texas alone, the Department of Justice estimated that 600,000 people lacked the IDs required by the state’s original 2011 voting law.²³

These cumbersome laws are not about combating voter fraud. In fact, since 2000, Loyola Law School professor Justin Levitt has found only 31 incidents of fraud at a polling place—out of more than one billion ballots cast during that time.²⁴

“Voter fraud is, in fact, a serious crime in my view. It should be punished,” said Senator Sanders. “The good news is we have virtually no voter fraud in America. What is the fraud [are] the people who are changing laws because of so-called voter fraud. That’s the fraud.”²⁵

QUESTIONS TO CONSIDER



- 1. Do you believe voters should have to show a government-approved ID at the polls? Why or why not?**
- 2. What restrictions, if any, do you believe the government should place on the right to vote? Explain your answer.**
- 3. Is voting a right or a privilege? Explain your reasoning.**