

# VOTER IDENTIFICATION: BACKGROUND AND KEY MESSAGES

In recent years, the fight over voter ID requirements has emerged as one of the central fronts in the greater struggle to secure access to the ballot for American voters. Efforts to require photo ID have spread across the country. Should these efforts prove successful, many marginalized communities could find it harder to vote.

## VOTER ID MEASURES: LEGISLATIVE EFFORTS ACROSS THE COUNTRY

A total of 13 states passed more restrictive voter ID laws between 2011 and 2014, 12 of which are slated to be in effect in 2014. Nine states passed strict photo ID requirements, meaning a citizen cannot cast a ballot that will count without a specific kind of government-issued photo ID. An additional four states passed less strict ID requirements.

Eleven percent of Americans do not have government-issued photo ID, according to a Brennan Center study, which has been confirmed by numerous independent studies. Research shows these laws disproportionately harm minorities, low-income individuals, seniors, students, and people with disabilities. In Texas, for example, 1.2 million eligible voters lack a form of government-issued photo ID. Hispanic voters are 2.4 times more likely than white voters to lack accepted ID, and black voters are 1.8 times more likely than white voters to lack ID. In North Carolina, estimates show that 318,000 registered voters — one-third of whom are African-American — lack a DMV-issued ID.

## WHAT RESEARCH SHOWS

- **Challenge — Voters Mistakenly Believe Fraud Is a Problem:** Although very few cases have been found or proven, most voters believe we have a responsibility to prevent fraud. This sensibility is coupled with a mistaken view held by most voters that fraud is a widespread problem.
- **Challenge — Voters Favor ID Requirements:** Advocates must be careful in educating voters about the challenges associated with many voter ID policies because a majority of people tend to favor some form of photo ID.
- **Opportunity — Americans Oppose Politically-Motivated Barriers to Voting:** 81 percent of voters believe it is wrong to “create new barriers for partisan purposes that make it harder to vote.” Research shows that attributing voting barriers to political motivations and electoral manipulation is a highly effective message across a range of constituencies.

## PROTECTING BALLOT ACCESS: COURT DECISIONS ON VOTER ID MEASURES

Before the 2012 election, 10 courts blocked new restrictions in at least 7 states. Some of those legal fights continued into this year — in Pennsylvania (where the governor gave up on photo ID after a state court struck it down), in Texas (where photo ID is back in court after last year's Voting Rights Act decision), and in Arizona and Kansas (where both states are suing over a voter registration requirement). Voters received favorable decisions in ongoing lawsuits in Wisconsin and Arkansas.

There have been setbacks as well, in Tennessee and in South Carolina (though during the course of the litigation, South Carolina interpreted the law in a way that was much less restrictive). Both of those laws are in place this year.

### KEY MESSAGES

Advocates fighting restrictive voter ID requirements can draw upon the following messages to reach key audiences:

- These new voter ID requirements are not reasonable election regulations. They are efforts by some politicians to manipulate the system for their own advantage. These laws could keep millions of eligible citizens from participating.
- Our country was founded on the principle that we all are “created equal.” Living up to this promise — to provide all citizens with the same freedoms and opportunities — means it is wrong to pass laws that block some eligible Americans from voting and deny them the opportunity to participate equally in our democracy.
- The reality is that many voters who live in very rural or in dense urban areas are less likely than you and me to have either driver's licenses or the sort of similar IDs that are mandated by restrictive new voting laws. In fact, more than 21 million Americans don't have the specific form of ID required by these new laws to vote.

#### **SAMMIE LOUISE BATES:** An Example of How ID Requirements Harm Voters

Sammie Louise Bates, a senior and lifelong voter, lives in Texas but does not have the kind of photo ID required under the state's harsh new law. To get one, she needed a copy of her Mississippi birth certificate, which cost \$42. But with a monthly income of just a few hundred dollars, Bates had a decision to make. “I had to put \$42 where it would do the most good,” she told a federal judge in September. “We couldn't eat the birth certificate.” Bates cast a provisional ballot in the November 2013 election, but it didn't count because she couldn't get the ID.

- These new laws do little to improve the integrity of our elections, but they do exclude eligible voters from participating in our democracy. They fall hardest on the elderly, veterans, and communities of color. Our country's voting system must be free, fair, and accessible.
- While you need ID to fly, cash a check, or buy beer, not being able to do those things doesn't undermine our democracy. Eligible voters being denied their fundamental rights does.
- In these tough times, we should be flexible and provide a variety of ways for eligible citizens to prove their identity — not pass restrictive laws requiring documentation that more than 21 million eligible American voters don't have.

## KEY FACTS

### When advocating against restrictive voter ID measures, some facts advocates can cite include:

- **A Burden to Many Americans:** Research from the Brennan Center shows that 11 percent of Americans lack an acceptable form of photo ID.
- **Disenfranchising Minority Voters:** Latino and African-American voters disproportionately lack photo ID. In Texas, Latinos are 2.4 times more likely than white voters to lack an accepted ID. In North Carolina, one-third of all registered voters without acceptable photo ID were African-American.
- **A Barrier for Low-Income Americans:** Those earning less than \$35,000 per year are twice as likely to lack valid government-issued photo ID as those making over \$35,000 annually.
- **Stripping Seniors of the Right to Vote:** Survey results indicate that seniors disproportionately lack photo identification. Eighteen percent of American citizens age 65 and above do not have current government-issued photo ID, which amounts to more than 6 million senior citizens.

**For more on new voting restrictions passed since the 2010 election, visit:** [www.brennancenter.org/votingsince2010](http://www.brennancenter.org/votingsince2010)