

# Deliberation

## Should Our State Enact a Photo ID Requirement for In-Person Voting?

### Introduction

The right to vote is a fundamental right, protected by the U.S. Constitution. But there are limits to this right, and states can establish reasonable restrictions on time, place, and manner of voting. For example, states can pick the date and time of their elections and can require their residents to register before voting. States can also determine which qualifications voters must have, as long as they do not violate any specific constitutional prohibitions.

A decade ago, no state required a voter to show a government-issued photo ID in order to vote. Since then, 16 states have enacted photo ID laws, some stricter than others. In 2006, Indiana was the first state to enact a strict law, requiring voters to show a government-issued ID in order to vote, which they could get for free from the Indiana Bureau of Motor Vehicles by presenting either a birth certificate or certificate of naturalization along with another document that shows the voter's name and address. Two years later, the Supreme Court upheld Indiana's law as constitutional, saying that the opponents of the law had not shown that enough people would be negatively impacted by the law.

**Imagine our state is considering enacting a law like Indiana's:** Voters would be required to show a government issued photo ID in order to vote. Voters without an ID could complete a provisional ballot, which would be counted if they proved their identity later. The state would provide free IDs to people who cannot afford them as long as those people go to the DMV and show their birth or citizenship certificate and proof of state residence.

**Should California enact this law?**

## **YES: A photo ID law is Constitutional in the U.S., and it's a good policy**

A photo ID law is just common sense. People in America have to have an ID for practically everything today – to drive, get a job, board a plane, even to get a library card. Americans generally have photo IDs and are comfortable showing them. For most people, it's not a big deal, and yet it makes a huge difference to the security and integrity of our elections.

In every election, some people manipulate the system to vote when they should not be allowed to. Instances of voter fraud have been identified and prosecuted in many states. In fact, the federal Department of Justice has prosecuted more than 120 cases in recent years, resulting in 86 convictions. The amount and nature of voter fraud is disputed. It's difficult to detect, and expensive to investigate and prosecute. No one is sure just how much fraud there is. But one case of improper voting is one case too many. It is far better to prevent voter fraud than to try to track it down after the votes have been counted.

Fair and transparent elections are essential to the functioning of our democracy, and the people must have faith in the results of elections. The presence of even a small amount of fraud shakes peoples' confidence in the system, imperiling the integrity of our elections. Most people favor photo ID laws, and believe it will restore trust in elections. It makes a lot more sense to provide free IDs for the few people who will need them than to leave our election system vulnerable to manipulation.

And most voters won't be impacted, anyway. Most Americans already have a photo ID. Most of the people without ID are unlikely to vote. An analysis of voter interviews across the United States in 2012 by Reuters found that people without ID were less likely to vote than those with ID, regardless of state voting laws. Among the people who said they were definitely going to vote, only 1 percent said they did not have proper ID, and another 1 percent said they were unsure of whether they had the proper ID.

It is not difficult to obtain a photo ID in our state, and the state will waive the fee for people who cannot afford it. Opponents will argue that many people will be improperly denied the right to vote, but there is really no evidence that significant numbers of voters have been denied in states that have already enacted photo ID laws.

Most importantly, this law is constitutional. Voting is a constitutionally protected right, but every right has limits. States are allowed to set voting procedures and to take steps to keep elections safe, fair, and transparent. The Supreme Court ruled on a very similar law in Indiana years ago and upheld it as constitutional. Fifteen other states have enacted photo ID laws and Indiana's has been in operation for almost ten years, and yet the Supreme Court has not revisited the issue. Opponents of the law liken it to a poll tax, saying that it will require voters to spend money to obtain an ID. But that's not true – the state will provide the IDs for free. How can something be a tax if the government is providing it for free? Like other constitutional rights, our right to vote can have reasonable limits. The second amendment protects the right to possess a gun, but you still have to show an ID to buy one.

## Sources:

- *Department of Justice News Release:* [http://www.justice.gov/archive/opa/pr/2005/August/05\\_ag\\_404.htm](http://www.justice.gov/archive/opa/pr/2005/August/05_ag_404.htm)
- *National Conference of State Legislatures: Voter ID Laws* <http://www.ncsl.org/research/elections-and-campaigns/voter-id.aspx>
- *Pro Publica, Everything You've Ever Wanted to Know about Voter ID Laws:* <http://www.propublica.org/article/everything-youve-ever-wanted-to-know-about-voter-id-laws>
- *Article by Patricia Zengerle at Reuters: Young, Hispanics, poor hit most by US voter ID laws: study* <http://www.reuters.com/article/2012/09/26/us-usa-campaign-voterid-idUSBRE88P1CW20120926>
- *Commentary by Robert D. Popper in the Wall St. Journal: Political Fraud about Voter Fraud* <http://www.wsj.com/articles/SB10001424052702303380004579521603120225572>
- *Article by Eric Lipton and Ian Urbina in the New York Times: In 5-Year Effort, Scant Evidence of Voter Fraud* <http://www.nytimes.com/2007/04/12/washington/12fraud.html?pagewanted=all>
- *Article by Marie French at the Associated Press: Missouri secretary of state candidate files voter ID measure* <http://www.ksfb.com/news/local-news/missouri-secretary-of-state-candidate-files-voter-id-measure>

## **NO: A Photo ID law would violate the U.S. Constitution, and it's a bad policy.**

This law would make tens of thousands of people ineligible to vote and therefore violates the U.S. Constitution. It's a solution to a problem that does not exist.

There are very few documented cases of voter fraud compared to the hundreds of millions of votes cast. Over five years in the early 2000s, the Justice Department under George W. Bush convicted only 86 people of voter fraud. And most of those were not in-person voter fraud, where someone pretends to be someone else in order to vote—which is the only kind of fraud this law would prevent! Most cases of voter fraud relate to the registration process, absentee ballots, or election officials. In person voter fraud is not occurring on a large scale – certainly not in a way that could swing elections. Should we disenfranchise up to 200,000 people in order to prevent 2 or 3 improperly cast ballots?

The real impact of voter ID laws is to prevent poor people, the elderly, and minorities from voting. It is estimated that 200,000 state residents would not have the required government issued photo ID if this law were enacted. The Brennan Center found that across the U.S., 16 percent of Latinos, 25 percent of African Americans of voting age, and 18 percent of all American citizens 65 or older do not own a valid government issued photo ID. About 18 percent of American citizens ages 18 to 24 do not have photo ID with current address and name. Voting participation is already lower among these groups; we should not further discourage them from voting.

Obtaining the required ID is not as quick and easy as proponents would have you believe, either. Even if the state waives the fee for an ID, the process is time-consuming and expensive. A potential voter would first have to obtain his or her birth certificate or other documentation, which can cost money and require travel to distant counties. Many of the affected people don't have the means to travel long distances or the time off work to wait in long lines at government offices. All these costs add up for people who don't have any money to spare.

Proponents mistakenly believe that everyone already has a photo ID and that it is not a big deal to show it since many of us use a photo ID in everyday life. But voting is not like boarding a plane or visiting the library. Voting is a fundamental right, central to our democracy. Voting should not be conditioned on a person's ability to afford paperwork or the ability to travel to a distant government office. That is why the Constitution prohibits poll taxes, and this law amounts to a poll tax.

When the Supreme Court ruled on Indiana's photo ID law, the first in the country, it had not even gone into effect yet. The Court ruled that the challengers had not shown that enough people would be negatively impacted by the law. Ten years of experience since then shows us that many people are negatively impacted, and that the majority of those for whom it gets harder to vote are minorities, the elderly, and the poor. Our state should be helping all people vote, not throwing up roadblocks for an unfortunate few.

#### Sources:

- *Department of Justice News Release:* [http://www.justice.gov/archive/opa/pr/2005/August/05\\_ag\\_404.htm](http://www.justice.gov/archive/opa/pr/2005/August/05_ag_404.htm)
- *National Conference of State Legislatures: Voter ID Laws* <http://www.ncsl.org/research/elections-and-campaigns/voter-id.aspx>
- *Brennan Center, Voting Rights and Elections* <https://www.brennancenter.org/issues/voting-rights-elections>
- *Pro Publica, Everything You've Ever Wanted to Know about Voter ID Laws:* <http://www.propublica.org/article/everything-youve-ever-wanted-to-know-about-voter-id-laws>
- *Advancement Project, Voter Protection* <http://www.advancementproject.org/issues/voter-protection>
- *Article by Patricia Zengerle at Reuters: Young, Hispanics, poor hit most by US voter ID laws: study* <http://www.reuters.com/article/2012/09/26/us-usa-campaign-voterid-idUSBRE88P1CW20120926>
- *Article by Marshall Griffin: Missouri House passes voter photo ID bills; critics call proposal 'racist'* <http://news.stlpublicradio.org/post/missouri-house-passes-voter-photo-id-bills-critics-call-proposal-racist>
- *Article by Eric Lipton and Ian Urbina in the New York Times: In 5-Year Effort, Scant Evidence of Voter Fraud* <http://www.nytimes.com/2007/04/12/washington/12fraud.html?pagewanted=all>