

# The Vermillion

## Future voter ID laws show no clear danger to accessibility

March 12, 2017



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A vast array of controversial issues floods news and social media networks. Possibly ranging from terrorism to our nation's economy. One prevalent, but misunderstood issue is whether voter ID laws are to be considered constitutional.

Few academic articles have been published on this topic because not all states having voter ID laws, thus not providing sufficient data. However, the Supreme Court has laid the groundwork for breaking down, analyzing and understanding voter ID laws and how they are or are not in accord with the Constitution. Prominent cases such as Crawford v. Marion County Election Board have laid the groundwork for state legislators of various states to model future voter ID laws.

In Crawford, Indiana, the Indiana Voter ID law was in dispute after its passage when the Democratic Party of Indiana filed suit against the state claiming that the enactment of the new Voter ID Law disenfranchised women, minority and elderly voters by placing a severe burden on their right to vote. They claimed this law violated the Equal Protection Clause of the 14th Amendment. The appellate court concluded that the petitioner (Democratic Party and enjoining

parties) could not provide empirical evidence of one single voter whom had their right to vote impinged, thus finding their facial claim incredible and invalid.

When examining the court's reasoning in affirming the appellate court's decision, the Supreme Court explicitly states that a "litmus test" is not required to determine whether a restriction is considered to invidiously discriminate, but rather weigh the reasons provided by the state for the burden against the severity of the burden (*Anderson v. Celebrezze*).

Now, you might be asking yourself, "What does this all mean?" The takeaway from studying the court's decision-making process when determining the constitutionality of voter ID laws is whether the law is facially discriminatory or discriminatory as applied. In other words, does the law blanketly exclude certain suspect classes of individuals (i.e. women, minorities, the elderly, etc.), or is the language of the law neutral, but the results yielded invidiously discriminate towards certain classes of individuals to substantially deter voter turnout? The standards presented in the aforementioned paragraph are a road map to answering these complex questions and understanding the length a state may go to prevent voter fraud without impinging on individual liberties, such as equal protection of the law. With this brief understanding of voter ID case law, let's turn our focus to the yielded results of states with voter ID laws.

Since the enactment of the Indiana Voter ID Law in 2008, few political scientist engaged in the endeavor of discovering whether voter ID laws disenfranchised those who are indigent, or where voter IDs are not readily available. In "The Empirical Effects of Voter ID Laws: Present or Absent," Political Scientist, Jason D. Mycoff, University of Delaware; Michael W. Wagner, University of Nebraska; and David C. Wilson, University of Delaware, hypothesized that voter ID laws have a minimal burden on individual voters to where voter turnout behavior is not affected by these laws. In understanding voter turnout trends, Mycoff, Wagner and Wilson's research determined that those who actively vote in elections are typically not affected by voter ID laws due to their increased likelihood of voting and involvement in politics (*The American Voter*, 1960).

This leaves them examining those less likely to be involved or those whom have trouble accessing the polls, such as indigent voters, minorities, and elderly voters. Theoretically speaking, those with a low socioeconomic status face an increased burden when gaining access

to the proper voter IDs. This understanding derives from the fact that when surveying six states on access to the proper voter ID, fifteen percent of individuals did not have access to proper forms of voter ID, where 20 percent of those voters were minority voters (“The Empirical Effects of Voter ID Laws: Present or Absent”). A contributing variable to this statistic is that the 34 states with voter ID laws vary between two forms: strict and non-strict voter ID laws.

These two forms of voter ID laws bases off whether the State legislator provided exceptions to the law where they accept other forms of photo ID and non-photo ID, or if the state only accepts a valid photo ID. This has made determining the complete affect voter ID laws have on minorities to be inconclusive. In the case of the Indiana Voter ID Law, the law was written to make acquiring a valid photo ID relatively painless by requiring the Indiana Bureau of Motor Vehicles (BMV) to issue a voting eligible citizen a free voter-ID card, which is valid for six years. There are also currently 146 open BMV offices throughout the state of Indiana with an average wait time of eight minutes before serviced, and the BMV between 2007-2008 issued 257,100 free identification cards (Indiana BMV 2008). The provided statistics lead Mycoff, Wagner and Wilson to conclude that even with the enactment of the strict voter ID law by the Indiana legislature, the law hardly affected engaged voters and minorities because procuring a valid photo ID was as simple as taking time out to go to the BMV.

In conclusion, the empirical evidence provided by current Supreme Court precedent and thought-provoking political scientists leads us to believe that voter ID laws have a minimal burden on individual’s access to the polls. The analyses into voter ID laws are not completely conclusive being that future voter ID laws may impose harsher burdens on individual access to the polls by shortening the provisional ballot submittal time, longer processing time for potential name or address changes, closure of photo ID centers — limiting access for rural voters and other various ways States may impose their will for the greater good of the electoral process. These harsher burdens may turn the tide for the yielded outcomes that could negatively impact classes of individuals and alter the aforementioned statistics.

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