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ISSUE BRIEF

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The Truth about Voter ID

An ACURU Special Report
by Don Feder

Executive Summary

No reform is more necessary for the integrity of the electoral process—and none has been subjected to more savage and disingenuous attacks—than voter ID laws. Of all these, the most outrageous is the charge that voter ID is the same as Jim Crow—the racist system that was used to disenfranchise Southern blacks for generations after Reconstruction.

Voter ID laws currently in place in 20 states—though some have been delayed by activist courts or are being challenged by Eric Holder's Justice Department—require voters to present a valid photo ID, like a driver's license, before voting.

J. Christian Adams, formerly with the Justice Department's Civil Rights Division, warns: "Liberal foundations, public interest law firms and advocacy groups have created a permanent network of experts and organizations devoted to an arcane but critical task: monopolizing the narrative on elections laws and procedures, Cloaking their actions in the rhetoric of civil rights and the right to vote, they seek to affect the outcome of elections. They challenge any efforts to protect the integrity of the ballot box by denying the possibility of vote fraud and crying 'Jim Crow.'"¹

Opponents of voter ID take a three-prong approach to defeating the reform. First, they argue that it's unnecessary—that voter fraud is so rare as to be virtually non-existent. This constitutes a denial of both history and reality. Election fraud has always been with us, from ballot-box stuffing and the graveyard vote to voting by illegal immigrants. By requiring voters to prove their identity, ID laws help to ensure honest election.

After trying to demonstrate that vote fraud is a myth (that there's no legitimate reason for Voter ID laws), opponents then argue that the reform is motivated by pure malice—that it's a partisan attempt to limit the minority vote.

In this regard, comparisons to Jim Crow are de rigueur. Jim Crow—which maintained white political power in the South for 100 years after the Civil War by disenfranchising blacks—was a tragic and shameful part of our history. But likening it to efforts to ensure honest and accurate elections by requiring all voters to prove they are who they say they are has no basis in reality. It is a smear tactic designed to short-circuit debate.

Unlike Jim Crow, Voter ID doesn't target a particular race. It applies to all and is intended to keep corruption from diluting the votes of Americans of every race.

Finally, opponents argue that requiring proof of identity will prove an insurmountable obstacle to voting by many black Americans—that, for those who don't already have a driver's license, obtaining an alternative ID is both costly and difficult. But some form of identification is required to board a plane, cash a check, buy prescription medication (and many over-the-counter medicines), buy alcohol and tobacco products and receive public assistance. Apparently, cost and hardship are no barriers to obtaining photo ID here.

Voter ID is opposed by those who see racism everywhere, by those who use charges of racism to inflame minority voters, and by those who fear a secure ballot. Charges of Jim Crow, hurled with abandon, are groundless and an attempt to defeat reason with raw emotion.

For a comprehensive look at the real horrors of Jim Crow, please see the ACRU's booklet "[The Truth About Jim Crow](#)."

A bipartisan [Commission on Federal Election Reform](#) in 2005 chaired by former President Jimmy Carter and former U.S. Secretary of State James A. Baker III found no evidence that requiring photo IDs would suppress the minority vote. The panel recommended a national photo ID system and a campaign to register voters.²

"A complete, accurate, and current voter roll is essential to ensure that every eligible citizen who wants to vote can do so, that individuals who are ineligible cannot vote, and that citizens cannot vote more than once in the same election," [the report](#) states on page 10. "Invalid voter files, which contain ineligible, duplicate, fictional, or deceased voters, are an invitation to fraud."

In a 2008 column, Mr. Carter and Mr. Baker cited a study by American University's Center for Democracy and Election Management that echoed the election commission. Among other things, researchers found that in three states—Indiana, Mississippi and Maryland—only about 1.2 percent of registered voters had no photo ID.

Voter ID and Jim Crow—The Absurdity of the Equation

Florida Congresswoman and Democratic National Committee Chair Debbie Wasserman Schultz told a CNN talk-show host: “Now you have the Republicans, who want to literally drag us all the way back to Jim Crow laws and literally – and very transparently – block access to the polls to voters who are more likely to vote for Democratic candidates....” To her credit, Wasserman Schultz later admitted that “Jim Crow was the wrong analogy to use.” If only her allies were as honest.

Republicans “are unleashing the modern version of Jim Crow voter suppression techniques,” charges Jesse Jackson.³ The Rev. Al Sharpton has called North Carolina’s voter ID law “the worst attack on voting rights since the Jim Crow era.”⁴ Former President Bill Clinton agrees, warning: “There has never been in my lifetime, since we got rid of the poll tax and all the Jim Crow burdens on voting, the determined effort to limit the franchise that we see today.”⁵

David Goodman, brother of slain Civil Rights worker Andrew Goodman, refers to the reform as “these new Jim Crow photo ID laws.”⁶

Speaking at a Black History Month reception on February 25, Vice President Joe Biden (who told a black audience in 2012 that Mitt Romney and the Republicans were “going to put y’all back in chains”⁷) insisted that state voter ID laws are driven by pure malice. “These guys [*who supposedly would suppress black voting by legislation*] never go away. Hatred never goes away.”⁸ Neither does Mr. Biden’s propensity for self-parody.

The Soros-funded Brennan Center for Justice, which leads the charge to save corrupt ballot practices, raves, “We are now seeing a war on voting that can only be compared to the dark and discriminatory past of the Jim Crow era.”⁹

A fund-raising letter from the NAACP warns that the right to vote “is now under assault from modern day voter suppression tactics reminiscent of the worst of the Jim Crow era.”¹⁰

Jim Crow in the Post-Reconstruction South

Dark and discriminatory it most certainly was, which is why the analogy is worse than demented. It dishonors the victims of Jim Crow and smears election reformers – including the majority of African Americans who support voter ID.

Jim Crow was a deliberate, systematic and largely successful effort to maintain white political power in the post-Civil War South. Ironically, the chief beneficiary of Jim Crow was the Democratic Party of that era. Today, Democrats use baseless charges of Jim Crow to defeat an election reform that benefits all Americans.

During Reconstruction, black Americans were making real political gains in the former Confederacy, due in part to the racial composition of Southern states. Nearly half of Alabama’s population was black. African Americans had absolute majorities in Mississippi and South

Carolina, parity in Louisiana and were at least 40% of the population in four other Southern states.¹¹

When Democrats recaptured the Tennessee legislature after Reconstruction, they passed the first Jim Crow laws in 1881, which were soon copied throughout the South. The results were devastating. In Louisiana, the number of black voters fell from 130,334 in 1896 to 1,342 by 1904.¹²

Regarding elections, Jim Crow primarily consisted of the poll tax, literacy tests and the grandfather, or “good character,” clause. Even a poll tax of \$1 or \$2 could be a hardship to a man who earned \$6 a week. Proof that the tax had been paid was a prerequisite to voting. In 1870, Georgia instituted a poll tax.¹³ To be eligible to vote, an individual had to prove he’d paid the tax every year from the time he turned 21.

Another artificial barrier to black voting was the literacy test. This wasn’t merely a matter of a prospective voter demonstrating that he was literate. In some cases, he was required to read and interpret passages from the U.S. Constitution. In others, the test asked ambiguous questions, giving those administering it the greatest latitude in determining who had failed.

While largely eliminating the black vote, racists didn’t want to limit the franchise among poor whites (who tended to be poorly educated), hence the good-character/ “grandfather” clause. In Georgia, the literacy test was waived for those who had voted before January 1, 1867 (before African Americans were eligible to vote by ratification of the 15th Amendment) as well as the sons—and, in some cases, the grandsons—of those who had cast ballots before that date.

Another obstacle to minority voting was the white primary. Democratic Parties in the South were treated as private clubs that could determine their own membership. Since winning the party’s nomination was tantamount to election, excluding blacks from Democratic primaries meant they had no voice in the outcome of elections.

Behind it all was the terror of the Ku Klux Klan—lynchings, beatings and intimidation to keep blacks away from the polls. Jim Crow was so successful at keeping African Americans from voting that from 1876 until after the passage of the Voting Rights Act of 1965—a period of almost a century—not a single African American was elected to the Alabama legislature.

To compare voter ID laws to Jim Crow is to assume the following: 1. Supporters of the laws have an evil intent. 2. Most African Americans don’t have drivers’ licenses or another valid form of ID. 3. African Americans who don’t drive have no idea of where to obtain another form of ID. 4. Many African Americans are too impoverished to afford the \$5 to \$10 fee required to secure such documentation. (In some states, alternative ID is provided free.) None of this is exactly flattering to the African American community.

The Reality of Voter Fraud

In order to make the case that voter ID laws are racist, opponents are forced to argue that election fraud is a myth, thus denying both history and reality. By this line of reasoning, the Tweed gang, the Daly machine, ballot-box stuffing, Landslide Lyndon, the graveyard vote and vote-often-and-early-for-James-Michael-Curley are as fictitious as unicorns and leprechauns.

Witold Walczak, legal director of the Pennsylvania ACLU, which challenged the state's voter ID law, insists: "The type of problem that is addressed by voter ID laws is virtually nonexistent."¹⁴

The Brennan Center assures us that "proven voter fraud, statistically, happens about as often as death by lightning strike."¹⁵ Attorney General Eric Holder called North Carolina's ID law, which DOJ is challenging, "an intentional attempt to break a system that was working."¹⁶

Since voter ID doesn't address a real problem, opponents argue, its purpose can only be to limit the franchise among certain groups, by making it more difficult for them to cast ballots. But denying the reality of vote fraud is like denying that IRS harassment of Tea Party groups had anything to do with politics, or denying the connection between fundamentalist Islam and terrorism.

Writing for the majority in the Supreme Court decision validating the constitutionality of Indiana's voter ID law, Justice John Paul Stevens, one of the most liberal Justices, observed, "The State has a valid interest in participating in a nationwide effort to improve and modernize election procedures that have been criticized as antiquated and inefficient."¹⁷

In their book, *Who's Counting? How Fraudsters and Bureaucrats Put Your Vote at Risk*, *Wall Street Journal* commentator John Fund and former Department of Justice official Hans von Spakovsky explain: "When voters are disenfranchised by the counting of improperly cast ballots or outright fraud, their civil rights are violated just as surely as if they were prevented from voting. The integrity of the ballot box is just as important to the credibility of elections as access to it."¹⁸

The integrity of the ballot box is undermined so regularly, and on such a massive scale, that to deny it takes a strenuous effort of will.

- In 2012, the Pew Center on the States reported that, nationwide, "approximately 24 million voter registrations are no longer valid or have significant inaccuracies." This included more than 1.8 million deceased who were still on the voter rolls, 2.75 million who were registered in more than one state and 12 million who had other discrepancies that made it impossible to verify their status.¹⁹
- In a Rasmussen poll taken that year, 64% of African Americans said vote fraud is a serious problem, slightly more than the percentage of whites who believe this (63%).²⁰
- In 1984, a New York grand jury uncovered a widespread conspiracy to steal votes in Brooklyn over a 14-year period. One witness described how he led a crew of eight that moved from polling place to polling place, each voting approximately 20 times in one election.²¹

- In 2012, Florida election officials said that as many as 53,000 deceased, 182,000 non-citizens and another 2,600 who were ineligible to vote were registered in the state. President Obama carried Florida, a key swing state, by roughly 74,000 votes that year.²²
- Kansas Secretary of State Kris Kobach noted that the Colorado Secretary of State's office identified 11,805 aliens illegally registered to vote in the 2010 election. Of these, more than 4,000 cast ballots.²³
- Also in 2012, in two Ohio counties, the number registered to vote exceeded the voting-age population. In Lawrence County, there were 109 registered voters for every 100 eligible to vote.²⁴
- In St. Lucie County, Florida, 247,713 ballots were cast in the last presidential election, though only 174,554 were actually registered.²⁵
- In the hotly contested 2008 U.S. Senate race in Minnesota, Minnesota Majority, a watchdog group, claimed that more than one thousand felons may have voted illegally. At least 177 were convicted of that crime and more were awaiting trial. After several recounts, Democrat Al Franken was declared the winner over Republican Norm Coleman by 312 votes.²⁶
- ACORN, a group with which President Obama was associated, registered 1.1 million voters nationwide in 2008. As of November 2012, 52 individuals who worked for ACORN or one of its affiliates were convicted of voter-registration fraud. The scandal caused the organization to disband in 2010, though it's alleged to still be operating under other names.²⁷
- Former Democratic Congressman Artur Davis, an African-American who was defeated in a primary after opposing ObamaCare, says he was aware of rampant vote fraud in areas of his district with powerful machines. Davis discloses: "I know it exists. I've had the chance to steal votes in my favor offered to me, and the people it hurts the most are the poor and those without power."²⁸
- Harold Metts, a black Rhode Island state senator who voted for the state's ID law, was told by a poll worker of a voter who couldn't spell what he claimed was his last name.²⁹
- To show just how easy vote fraud is without an identification requirement, conservative filmmaker James O'Keefe made a video of a young man who tried to vote in the 2012 D.C. primary election as Eric Holder (who, you'll recall, maintains the system isn't broken). The impersonator, who's white and in his 20s, was offered a ballot for the Attorney General, who's black and in his 60s (and not unknown to those who watch the evening news occasionally). The impersonator did not vote – which would have been a crime – but could easily have done so.³⁰

- On February 13, the Iowa Division of Criminal Investigation completed a two-year investigation of 245 cases of possible vote fraud in the state. To date, more than 80 cases have been referred to local authorities for prosecution. Since July 2012, there have been five guilty pleas and another 15 cases are pending in courts across the state. A story in *National Review Online* notes; “The number of races for Iowa’s legislature that have been decided by fewer than 100 votes has grown. A full ten races have involved margins of less than 50 votes since 2008.”³¹

Is Voter ID a Burden for Minority Voters?

Whatever the intent, do voter ID laws in fact create a barrier to minority voting?

Hard evidence says no.

In Georgia, minority turnout in the 2008 and 2010 elections increased significantly with a photo ID law in place. With Barack Obama on the ballot, “65 percent of the black voting-age population voted in the 2008 election, compared to only 54.4 percent in 2004—an increase of more than 10 percentage points,” according to John Fund and Hans von Spakovsky in their book *Who’s Counting*.³²

“Democratic turnout was up an astonishing 6.1 percentage points from the 2004 election (when there was no photo ID requirement)—the fifth-largest increase of any state.”³³

When Mr. Obama was not on the ballot in the next congressional election, minority turnout still increased from the previous off-presidential-year election:

“Turnout in Georgia, in the 2010 congressional election, was more than 2.6 million voters—an increase of almost 500,000 voters over the 2006 election.”³⁴

“While only 42.9 percent of registered black Georgians voted in 2006, 50.4 percent voted in 2010—with the voter ID law in effect—an increase of more than seven percentage points. As Georgia’s Secretary of State pointed out, when compared to the 2006 election, voter turnout in 2010 “among African Americans outpaced the growth of that population’s pool of registered voters by more than 20 percentage points.”³⁵

Similarly, the new voter ID law in Indiana did not reduce minority voting—far from it, as Fund and Spakovsky note:

“In Indiana, which the U.S. Supreme Court said has the strictest voter ID law in the country, turnout in the Democratic presidential preference primary in 2008 quadrupled from the 2004 election, when the law was not in effect—in fact, there were 862,000 more votes cast in the Democratic primary than in the Republican primary.”³⁶

In 2008, the U.S. Supreme Court upheld Indiana’s voter photo ID law. That same year, “59.2 percent of the black voting-age population cast ballots... compared to only 53.8 percent in

2004.” The black share of the total vote then “went from only seven percent in 2008 to 12 percent in 2010.”³⁷ If this is “voter suppression,” other groups should have what black Americans are having.

“The neighboring state of Illinois—President Obama’s home state—which had no photo-ID requirements, saw a rise in Democratic turnout of only 4.4 percentage points—only half of Indiana’s increase,” Fund and Spakovsky write. “[T]he black share of the state vote was higher in 2010 than it was in 2008, a banner year for black turnout,’ an analysis showed. In fact, the black share of the total vote went from only seven percent in 2008 to 12 percent in 2010.”³⁸

In a July 2012 report, the Brennan Center claimed that in states with a newly implemented voter ID law, half a million would struggle to meet the standards, and most of those disenfranchised would be African American, Hispanic, elderly, poor or a combination thereof.³⁹

Holder charges, “Many of those without IDs would have to travel great distances to get them and some would struggle to pay for the documents they might need to obtain them.”⁴⁰

You need a photo ID to board a plane, cash a check, buy certain over-the-counter drugs (not to mention prescription medication), enter many government buildings, buy a gun, buy alcohol and tobacco products, rent a car or open a post office box. California requires it to get food stamps and public housing. You also need a photo ID to use a credit card in some stores and to take certain types of public transportation.

Unless they never leave their home, it’s hard to see how anyone—rich, poor or middle class—can function today without some form of identification. Does Eric Holder really believe that it’s unreasonable to expect individuals to produce identification to vote, but not to cash a check or buy cigarettes?

As Edward White points out in a Townhall.com commentary: “All fifty states and the District of Columbia offer them (*alternative ID*) to their residents who don’t have drivers licenses. As a general rule, to obtain a photo ID you need to provide proof of residency/citizenship and your Social Security number. There are organizations to help the poor, specifically, with the process.”⁴¹

Burdensome? White further discloses, “The documentation required to obtain a photo ID is among the same documentation a person needs to obtain public assistance in the State of Iowa, or food stamps in the State of Minnesota or government provided health care (Medi-Cal) in the State of California.”⁴²

Why aren’t Holder and the Brennan Center protesting the fact that, based on their reasoning, the poor and minorities are being denied access to these forms of public assistance without documentation which they claim is expensive and difficult to obtain? Aren’t access to these services every bit as much a basic human right as access to the ballot? Perhaps there’s a conspiracy to deny black Americans welfare and food stamps.

Is cost an obstacle? In New York City, it costs \$420 to apply for a firearms ID card, in order to exercise a right enshrined in the Constitution. To get a government-issued ID to vote costs \$10-\$6.50 if you're elderly or unemployed.⁴³

If voter ID laws are part of a sinister conspiracy to deny blacks the right to vote, why do a majority of African Americans support them? In an April 2012 FOX News poll, 70% of all Americans favored requiring voters to show "state or federally issued photo identification" to prove their identity prior to voting. This included 58% of non-whites, as well as 52% of both liberals and Democrats.⁴⁴

In another FOX poll released in March 2014, 70 percent overall approved of voter ID laws, including majorities of all age groups and by race, sex and party affiliation.⁴⁵

In a national poll⁴⁶ by Rasmussen Reports released in August 2014, 74% overall approved of voter-ID laws, including 64 percent of blacks, 56 percent of Democrats and 76 percent of independents.⁴⁷

In 2008, American University surveyed registered voters in Maryland, Indiana and Mississippi and found that less than 0.5% lacked a government-issued ID.⁴⁸

In a 2012 article, von Spakovsky notes:

"For instance, Kansas has a new voter-ID law. Through May of this year, only 32 out of 1.7 million registered voters have applied for a free photo ID because they didn't already have one. In most of the six years that Georgia has had voter ID in place, less than 0.05 percent of the state's registered voters received free IDs."⁴⁹

A study by the University of Missouri found that in 2006, the first election after Indiana's voter-ID law went into effect, turnout increased 2%.⁵⁰

The only similarity between voter ID and Jim Crow is that both concern or concerned elections. Otherwise, in terms of intent, operation or results, they have nothing in common.

Jim Crow was shameful. But what's the difference between keeping a man from voting because of his race, and seeing the votes of millions of honest and conscientious Americans of every race diluted because of the type of widespread fraud which could be prevented by use of a simple ID requirement?

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