

Voter ID supporters lack hard evidence

Voting is different from boarding an airplane, using a credit card, or buying alcohol.

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In Congress and about a dozen states, recent debates over proposals to require photo identification at the polls have fallen along partisan lines. Republicans generally support ID requirements and Democrats oppose them.

Both parties need to move beyond political posturing and empty rhetoric. Voter fraud is wrong. At the same time, however, advocates have yet to show that ID laws solve more problems than they create.



Spencer Overton, a professor at the George Washington University Law School, is writing a book on voting rights.

Photo ID requirements will reduce participation by legitimate voters. While more research is needed, one study by the Task Force on the Federal Election System showed that 6 percent to 10 percent of the existing American electorate lacks any form of state ID. According to the AARP's Georgia chapter, about 36 percent of Georgians over age 75 have no driver's license. A 1994 Justice Department study found that blacks in Louisiana were four to five times less likely than whites to have photo IDs. In 2004, South Dakota voters in predominantly Native American counties were two to eight times more likely to fail to bring ID to the polls than other voters.

Photo ID advocates downplay access concerns by arguing that responsible voters who bring an ID to the polls have nothing to fear, and that IDs are commonly required to board airplanes, use credit cards, and buy alcohol.

While ID supporters explain how a person can protect her individual right to vote, they fail to address the structural impact of ID requirements. Similar to recent abuses of the redistricting process, self-interested politicians can use ID laws to manipulate election results by disadvantaging political groups whose members are less likely to bring ID to the polls. Any rule that reduces participation by even 1 percent of legitimate voters can determine a close election.

An individual air traveler or credit card user is inconvenienced when she forgets her photo ID, but with voting the harm extends past an absent-minded voter and impinges upon her political allies and a democracy that falls short of reflecting the will of the people.

Photo ID advocates generally try to attract support by telling a few anecdotes about fraud (some of which an ID law would not prevent, like double voting in different states, felon voting, or ballot box stuffing by election workers).

Photo ID supporters fail to produce, however, tangible data or studies that establish or estimate the actual percentage of fraudulent votes cast. If only 0.01 percent of votes cast are fraudulent, for example, adopting an ID requirement that reduces legitimate voter turnout by 5 percent hurts democracy.

Photo ID supporters must address other practical issues. How will state officials prevent poll workers from enforcing the law selectively? New York City doesn't even have an ID requirement, but a recent study showed that poll workers improperly asked one in six Asian American voters for ID.

Finally, anti-fraud advocates should not burden voters without also clamping down on election administrators, who generally have greater opportunities to finagle election outcomes. Laws should require regular and unannounced independent audits of polling places, county election boards, secretaries of state, and private companies that provide voting machines and purge voter rolls. Unlike photo ID requirements, these anti-fraud measures pose little risk of discouraging legitimate voter participation and skewing election results.

So far, politicians in both parties have debated the ID issue using shallow sound bites. We should demand better numbers about the magnitude of voter fraud and the extent to which ID requirements would reduce legitimate voter turnout. Based on those facts, we can determine whether the benefits of ID laws outweigh the costs.