

Promote the Vote, Protect the Vote

Barriers to Voting

Recognizing measures that make it harder to register to vote and/or cast a ballot is an important aspect of protecting the vote. Below are just a few ways in which some states are creating barriers to voting.

Voter ID

Perhaps the most popular measures to block access to voting are voter ID laws. Voters should be able to prove their identity before casting a ballot; however, the burden of proof must not prevent eligible voters from exercising their rights. Unfortunately, many states have enacted or are drafting laws that require voters to possess specific government-issued photo IDs, such as a state driver's license with current address, a passport, or military ID. Voter IDs usually cost money and take time to obtain, and eligible voters without photo IDs are disproportionately people of color or those with low-incomes. These laws are particularly harmful to voters of color, as noted, but also transgender and gender nonconforming individuals, young voters, senior citizens, and individuals with disabilities.

Know the Facts:

- **Wide-spread voter fraud is nonexistent.** Proponents of voter ID laws claim the laws prevent in-person voter fraud, but, in-person voter fraud in the US is very rare. The *Washington Post* found only four cases of voter fraud in the 2016 election out of over 165 million ballots cast.
- **Voter ID laws require unnecessarily strict forms of identification.** Voter ID laws differ by state, but most states require a government-issued photo ID with the voter's current address. Voters must visit a local Department of Motor Vehicles or other government agency with limited hours of operation to obtain IDs. Additionally, most states charge a fee for a government-issued photo ID. These provisions hinder low-income workers, elderly, and rural voters from obtaining the required documentation.
- **Photo ID requirements disenfranchise marginalized communities.** Brennan Center for Justice studies show that 11 percent of eligible voters, 21 million individuals, don't have updated, state-issued photo IDs. This number includes 25 percent of African Americans, 15 percent of those earning less than \$35,000, 18 percent of senior citizens, and 20 percent of voters ages 18 to 29. Further, transgender and gender nonconforming individuals are disproportionately harmed by ID requirements because the gender markers on their federal and state documentation may not align, and their photo ID may not match their current gender and/or physical appearance.

- **Voter ID laws are like a modern-day poll tax.** The cost of a photo ID ranges from \$5 to \$54 depending on the state. Some states discount photo IDs for individuals with disabilities and give seniors photo IDs. An ID fee can be insurmountable for low-income voters that struggle to make ends meet. Furthermore, the 24th Amendment, ratified in 1964, bans “both Congress and the states from conditioning the right to vote in federal elections on payment of a poll tax or other types of tax.”
- **Voter ID laws impact election results.** The Wisconsin state senate enacted a voter ID law in April 2016. Research shows that almost 17,000 registered voters in Milwaukee and Madison could not vote because they lacked a photo ID. The margin of victory in the 2016 presidential election in Wisconsin was 23,000 votes.

Voter Purges

Voter purges remove voters from registration lists in the name of keeping those lists up-to-date. When done properly, maintaining and updating voter rolls are important for election integrity. However, many states are using voter purges to block voters from the ballot by using methods that are too stringent and remove voters without adequate cause. Some voters don't even know they can no longer vote until they show up to the polls, where it is frequently difficult to remedy.

Criminal Disenfranchisement

Millions of Americans, disproportionately people of color and indigenous people, have been blocked from the ballot by criminal disenfranchisement laws, which strip the right to vote from people with past criminal convictions. These laws differ by state; in some states, voting rights are automatically restored to individuals upon release from prison, while in Florida, Kentucky, and Iowa, all people with felony convictions are permanently barred.

Diluting the Vote

Gerrymandering — drawing political districts for the benefit of a particular party or group — is a threat to voting rights because it can dilute the power of a vote. Districts are drawn at the state level after each decennial census by a variety of methods — some states have redistricting commissions, while others leave it to the legislature (and thus inevitably to the party in power). When districts are drawn to concentrate members of a particular party or group, the vote of each individual member of that group is diluted because the district is essentially guaranteed a specific election outcome. Challenges to partisan and racial gerrymandering are increasingly being heard and decided in the courts.

Ignoring Accessibility

Election materials and polling places must be accessible under federal law. Language-minority voters are entitled to assistance and materials in their own language (within certain parameters), and voters with disabilities are entitled to receive assistance to vote, if requested. This often doesn't happen, however, due to budget constraints, intentionally not providing materials, or for other reasons. In addition to accessibility, polling locations can present other barriers to voting. For example, a polling place within a police station can suppress voter turnout, particularly for voters of color, given the fraught history and relationship between communities of color and the criminal justice system.