

HOW RECENT CHANGES IN VOTING LAWS THREATEN EQUAL RIGHTS IN GEORGIA – AND BEYOND

by Richard F. Doner, Emory University, and Jonathan Schneer and Daniel Amsterdam, Georgia Institute of Technology

Over the past few years, many states across the country have passed new laws restricting voter access to the polls. Newly installed rules include restrictions on early voting, limits on voter registration drives, repeal of same-day voter registration, and requirements that voters show specific types of photo identification and documents that are often not easily accessible to otherwise eligible voters. Administrative efforts are also being launched to purge names from voter rolls, which may leave long-time voters without the right to cast ballots when they arrive at the polling place on Election Day.

A Wave of New Restrictions with Little Justification

Although these efforts date back to 2004, they have gathered steam over the last five years. Since 2008, ten states have passed strict photo identification laws; and during 2011 and 2012, lawmakers proposed 62 photo identification bills in 37 states, including multiple bills in some states. In 2013, 92 restrictive pieces of legislation were proposed in 33 states, eight of which became law.

What is the justification for these bills and laws? Supporters claim they are necessary to prevent cheating that could undermine free and fair elections; and they imply rampant cheating by undocumented immigrants, certain categories of felons, or fraudulent voters trying to impersonate someone else. But most researchers and prosecutors have found little or no evidence of such practices. In the most thorough investigation thus far, Rutgers University political scientist Lorraine Minnite searched through two decades of news reports and prosecution records from thousands of jurisdictions across the entire United States and found almost no voter impersonation. As the League of Women Voters has concluded, there is “no evidence” to suggest any need for these new laws.

If there is little evidence of the types of misdeeds the new rules are supposed to prevent, what accounts for their spread? Strong evidence points to a desire by Republicans to impede or block voting by Democratic-leaning constituencies, especially African Americans and Latinos, but also low-income people and students. Thanks to new research from University of Massachusetts sociologists Keith Bentele and Erin O’Brien, we know that restrictive legislation is more common in states that have several characteristics – including larger African-American and non-citizen populations, higher levels of minority voter turnout, and increasing minority turnout since the last presidential election. Restrictive legislation is also more likely in states where Republicans control the legislature and the governor’s office. Out of the 41 voter restrictions adopted from 2006 to 2011, 83% were passed by Republican-controlled legislatures; and all of

the bills requiring either a photo identification or documentary proof of citizenship were passed under Republican-controlled legislatures.

Sometimes the sponsors of restrictions are frank about their political motives. After Pennsylvania's new voter identification law was enacted in 2012, the Republican House Majority Leader quipped that this measure would "allow Governor Romney to win the state of Pennsylvania." Efforts to shape the electorate are ongoing. In 2013, the Republican-controlled legislatures in the important swing states of Ohio and North Carolina also proposed bills making it harder for students to vote.

Georgia Has Jumped on the Bandwagon

Recent voting rules proposed or passed in Georgia largely conform to the recent nationwide patterns. Under Republican control, the legislature adopted legislation to eliminate or shorten the early voting period. And the state has had a voter identification law since 2006. Although the state offers a free card, the conditions for obtaining one are onerous, especially for the elderly and many African American and Latino voters. To get a card, a Georgia resident must provide "documentation showing... identity, residential address, full social security number, and U.S. citizenship." A U.S. passport or birth certificate can be provided, but if the would-be voter does not have or cannot locate those documents, he or she must pay for a replacement. For most, the supposedly free voter card isn't really free.

Consistent with national patterns, Georgia has not experienced the kinds of problems that would warrant the restrictions recently enacted. Georgia Secretary of State Brian Kemp justified Georgia's photo identification law by pointing to roughly 200 cases of election fraud his office prosecutes every year. But a 2012 investigation by the *Atlanta Journal and Constitution* found that state officials "could not point to a single case of ballot fraud the voter ID law had prevented." A random review of cases listed on the Secretary of State's website indicates violations such as fraudulent voting by absentee ballot, voting at the wrong address, and improper actions by election officials – none of which is addressed by recent rule changes.

If Minority Voting is Increasing, Why Worry?

So far, Georgia's new voting rules may not actually be reducing voting. As Secretary Kemp notes, registration among minority voters rose since Georgia instituted photo identification and reduced early voting.

Yet proponents of full and equal voting still have reasons for concern. Turnout among African Americans and Latinos, as well as the elderly and poor persons, might well have been higher in the absence of the new rules. This is suggested by research on the impact of new voter restrictions in Florida done by political scientists Michael Herron and Daniel Smith. Immediate results aside, pointless impediments to voting are just plain wrong as a matter of principle. The United States has distressingly low voter turnout by international standards, and it is wrong to erect new hurdles in the name of addressing nonexistent problems. Our goal should be to encourage more civic engagement, and making registration and voting easier, not harder, for all eligible citizens is a good place to start. Experts have identified many reforms – ranging from same-day voter registration to adding polling places and providing better training to election officials – that can be instituted by politicians of any stripe who truly care about free and fair elections.