

# New **BARRIERS** to Voting

*By Mike Slater, Laura  
Kyser and Jo-Anne  
Chasnow*



## **Eroding the Right to Vote**

**M**any states have developed laws, rules or procedures that limit access to the ballot box. And this has happened while countless citizens are working to engage their neighbors in democracy. The 2004 election season saw more efforts to register new voters than ever before—from small volunteer programs in churches and on college campuses to large professional programs run by nonprofits.

In some states, the new developments take the form of restrictions on voter registration activities. In other states, they are voter ID requirements. Moreover, many states have chosen to implement the state-wide database requirement of the Help America Vote Act (HAVA) in ways that make it harder for eligible applicants to register. Together, these new requirements disproportionately impact those citizens who have been historically marginalized in the political process: women, low-income

people, members of ethnic and racial minorities, youth, people with disabilities and seniors.

### **Restricting Registration Drives**

Voter registration drives are a hallmark of contemporary American democracy, from the Mississippi Freedom Summer Campaign of the civil rights era to today's volunteer programs organized by religious organizations, college student groups

and others. Registration drives expand our democracy by reaching out to historically disenfranchised and under-represented communities. These efforts are particularly important to more mobile populations including students and low-income families, whose registration information may become quickly outdated.

States have historically had difficulty reaching out to these communities. Most recently, many states have failed to live up to their responsibilities under the National Voter Registration Act (NVRA) to offer voter registration to applicants and clients of public assistance agencies. A recent report found that public agency registration has declined steadily in ten years from 2.6

percent to 1.6 percent. Registration drives expand our democracy by reaching out to historically disenfranchised and under-represented communities. These efforts are particularly important to more mobile populations including students and low-income families, whose registration information may become quickly outdated. Delaware, for example, offers training once a month, only in Dover.

There are reasonable solutions. A state may request that the registration drive's sponsoring organization designate an agent or organizer who then registers with the state, so that elections officials have someone to contact if issues arise. Additionally, states could offer "train the trainer" programs, where one representative attends a training

session. States can also substitute written materials for in-person training sessions. hours to 10 days in reaction to protests. Short transmittal periods particularly harm volunteer voter registration efforts where forms are distributed at one regularly-scheduled meeting, and completed forms are collected at another, as is the case for many programs sponsored by religious congregations.

### ***Prohibitions on Paying Staff***

Some states have attempted to prohibit paying employees for registering voters by requiring efforts be exclusively volunteer. This disproportionately impacts participation by low-income citizens, who rarely have the time to volunteer. Further, even small nonprofits must hire volunteer coordinators, so there is often paid staff organizing the efforts. In Maryland, where the state attempted to limit voter registration drives to only volunteer efforts, Project Vote sued to allow paid registration drives and the state settled.

### **Identification Requirements and the New Poll Tax**

Not more than ten years ago, the almost universal method for identification at the polls was a signature. Voters would sign their names and they would be matched against the signatures on file and available at the polls. However, a growing—but still small—number of states are taking the ID concept and raising the bar so high as to make it impossible for some eligible citizens to vote. They are attempting to pass laws requiring photo ID to vote.

Estimates are that between six and ten percent of voting-age Americans lack either a driver's license or state-issued ID. Americans without photo ID are disproportionately people who don't have resources. In Missouri, where the Legislature is debating a photo ID bill, the Secretary of State estimates that almost 200,000 Missourians of voting age do not have a state-issued photo ID. She estimates that at least 16 percent of Missouri's seniors don't have drivers' licenses. In Georgia, where the Legislature is determined to pass a voter ID requirement that survives judicial scrutiny, the Governor estimated that

## **Elections officials should encourage people to register others to vote, not deter them.**

million voters registered in 1995–1996 to barely one million. In comparison, just five nonprofit organizations helped five million Americans register to vote in 2003–04 through organized voter registration drives.

Limiting the reach of voter registration programs reduces the effectiveness of these drives. States have already begun restricting registration drives in a number of ways.

### ***Registration and Training Requirements***

A number of states require voter registration programs of any size to register with the state; some mandate state-run training. While training and registration requirements may seem reasonable, the details of compliance can unreasonably restrict large paid and small volunteer programs.

New Mexico, for instance, requires the identity of every employee and volunteer be disclosed to the state in advance of registration activities. This requirement bur-

session. States can also substitute written materials for in-person training sessions.

### ***Limitations on Voter Registration Applications***

Elections officials should encourage people to register others to vote, not deter them. Yet a number of states limit the number of voter registration forms available to organizations. These policies hurt not only high-volume operations, but also organizations like churches that need to have a large number of forms available at the same time for their members to take home.

### ***Short Transmittal Periods***

A number of states impose unreasonable deadlines on the submission of completed voter registration cards to elections administrators. New Mexico set a deadline of 48 hours after the voter completes the form! Georgia recently changed its deadline of 72

300,000 Georgians over age 18 do not have drivers' licenses.

Another barrier is mobility. The US Census reports that Americans have an annual mobility rate of 14 percent. Hispanics and Blacks, however, have an annual mobility rate of 18 percent, while those with incomes below the poverty level are almost twice as likely to move (24 percent) as those with incomes above the poverty level (13 percent). Consequently, people of color and poor people are less likely to have photo identification showing a current address even if they have photo ID.

Just the barriers to obtain a photo ID may disenfranchise enough minority voters to violate the Voting Rights Act (VRA). The Courts have ruled that Georgia's photo ID requirement is tantamount to a poll tax, which is prohibited under the VRA, because voters have to pay to obtain government-issued photo IDs. The cost is often compounded by the fact that some voters would first have to pay to obtain other government documents, such as official copies of birth certificates. In some cases, these other documents are not available, as is the case for some older rural citizens who were born at home and never received birth certificates.

### Rejection by Typo

The Help America Vote Act (HAVA) requires first-time registrants who register by mail to provide identification prior to voting. But HAVA also allows states to exempt these voters when they provide either their driver's license or Social Security numbers and when the numbers can be matched to the respective database. Unfortunately, according to the Brennan Center for Justice, at least six states are *rejecting* voter registration applications if the voter's record cannot be matched. Washington has gone so far as to enshrine the policy in statute. This policy is contrary to HAVA, which intended the matching procedure to ease the burden on first-time registrants who register by mail, rather than serve as a barrier.

The problem with requiring exact matches between any piece of information on a voter registration application and a

record in a large database is that the possibility of error is too high. A data entry clerk, working in an elections office or at a department of motor vehicles (DMV), could transpose a number, misspell a name or overlook a field. The likelihood of this happening increases for women, because of name changes, and members of ethnic minorities, because of people's unfamiliarity with ethnic names—but all voters are at risk. For example, the Social Security Administration reported that through January 2006 they experienced a 28.5 percent “no match” rate when attempting Social Security number matches.

New York City provides another illustration of the problem's seriousness. In September 2004, the city's board of elections sent 15,000 registration records with driver's license numbers to the state DMV. The DMV found almost 3,000 of those records did not match any records in its database. The board of elections chose to audit its database by reviewing the scanned original applications for each registration form that did not match. The audit found that the driver's license numbers on 99.7 percent of those records were incorrectly entered. Had the city rejected those applications for failure to produce a match, almost 20 percent of new registrants who had supplied driver's license numbers would have been disenfranchised as a result of clerical error.

### New Rules, Same Game

The NVRA was enacted to expand voter registration opportunities, and has had notable success in helping more people register. Ten years later, under the pretense of complying with another federal law to address disenfranchisement, HAVA, states are reversing course. Rather than take this as yet another opportunity to *help* Americans who have historically faced barriers to register to vote, some local and state elections officials are issuing more restrictive procedural requirements. These new procedures hurt all citizens, but disproportionately impact women, people with disabilities, low-income citizens and people of color—those who have worked so hard for their right to vote.

## A Solution in Search of a Problem

Some legislators and elections officials insist that new restrictions on registering to vote or voting are necessary to eliminate “voter fraud.” But the real crime is the disenfranchisement of eligible voters brought about by these restrictions. The allegations of voter fraud invoked by policymakers, and repeated frequently enough by the media to take on the patina of fact, are generally unsubstantiated. In several states, allegations of double voting and ballots cast by dead people have proven to be almost universally false, often the result of errors in list maintenance and poll book entries.

The reality: Election fraud is exceedingly rare. And *election fraud* that does exist is more often committed by candidates and office holders through such traditional tactics as ballot box stuffing, vote buying and voter intimidation. It is statistically more likely for an American to be struck by a bolt of lightning than to have that person's vote cancelled out by someone committing voter fraud, i.e., by submitting a false registration with the intent to vote or by posing as another voter to cast a ballot.

Unfortunately, the truth about voting fraud—that it is largely unsubstantiated allegation—is increasingly drowned out in the echo chambers of state legislatures. And, policymakers react by designing solutions to problems that don't exist.

Project Vote, the League of Women Voters, and other organizations are working in a number of states to ensure election administration policies help, not hinder, eligible voters' access to the polls. ■

*Michael Slater is the director, Laura Kyser is a policy analyst and Jo-Anne Chasnow is the policy director of Project Vote's Election Administration Program.*

### VOTER LINKS

- [www.projectvote.org](http://www.projectvote.org)
- [www.lwv.org](http://www.lwv.org)
- [www.brennancenter.org](http://www.brennancenter.org)