

VOTER ID LAWS: THE PROMOTION OF ELECTION INTEGRITY?

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ABSTRACT

Throughout history, election laws have played a significant role in U.S. elections. Under Article I of the Constitution, states have the duty to oversee the election process.¹ The 21st century has introduced voter identification (ID) laws, which require citizens to show an ID card at the polls. Since the ruling of *Crawford v. Marion County Election Board* (2008) and *Shelby County v. Holder* (2013), the limitations on voter ID laws have virtually disintegrated, and these laws have become increasingly popular to regulate the electoral process and restrict voting access. This article describes the use of voter ID laws as a means to restrict individuals from participating in elections and examines the subversion of democratic principles by exploring empirical evidence that demonstrates the discriminatory effects of these laws against people of color and low-income citizens. Further, this research looks at the contradictory framing by lawmakers as they claim to preserve democratic integrity but blatantly ignore the principle of one person, one vote. To counter the impact these laws have on the integrity of elections and erosion of legitimacy, the John R. Lewis Voting Rights Advancement Act is viewed as a solution that modernizes the unconstitutionally ruled preclearance formula in section 4 of the Voting Rights Act of 1965.

¹ U.S. Const. art. I, §4. cl. 1.

The History of Voter Access and Restrictions

The history of the expansion of voter access can be traced back to the nineteenth century when the Civil Rights Act of 1866 provided citizenship to any individual born on U.S. soil, regardless of race or color.² In 1869, the 15th Amendment officially addressed voting accessibility, stating, “The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.”³ However, the Supreme Court could not see how federal regulation could be legally justified under the Amendment, which resulted in the Republican majority failing to produce a clear framework or any concrete regulations over the statewide and national election process.⁴ On the other hand, the Republican Party believed “Article 1 Section 4 of the Constitution provided Congress with the authority to fully control federal elections.”⁵ With this interpretation of Article 1 Section 4, Republicans established the deputy marshals,

² An Act to protect all Persons in the United States in their Civil Rights and liberties, and furnish the Means of their Vindication, ch. 31, 14 Stat. 27, 27 (1866).

³ U.S. Const. amend. XV, § 1.

⁴ David A. Bateman, *Race, Party, and American Voting Rights*, The Forum, 2016, at 39, 55.

⁵ *Id.*

responsible for supervising local producers to ensure compliance with federal law.⁶ Unfortunately the 15th Amendment was only a step in the fight for equal voting rights, as there were still obstacles in place to prevent African Americans from voting.⁷ Discriminatory practices such as literacy tests and “grandfather clauses” were frequently used as a consequence of poor regulatory institutions.⁸

The next major milestone in voting rights was the Voting Rights Act of 1965 (VRA), which abolished previous barriers to voting as a way to implement what the 15th Amendment had tried to do: give every eligible citizen an equal opportunity to exercise their right to vote.⁹ Section 2 of the VRA stated, “No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on

⁶ Bateman, *supra* note 4, at 55.

⁷ *15th Amendment to the U.S. Constitution: Voting Rights (1870)*, National Archives, <http://www.archives.gov/milestone-documents/15th-amendment> (last visited Apr. 11, 2023).

⁸ *Id.*

⁹ *Voting Rights Act (1965)*, National Archives, <http://www.archives.gov/milestone-documents/voting-rights-act> (last visited Apr. 11, 2023).

account of race or color.”¹⁰ This policy revoked state-level Jim Crow voting restrictions, including literacy tests.¹¹ A year earlier, the 24th Amendment eradicated the use of state level poll taxes by stating that all eligible citizens, “shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.”¹² The VRA pushed the Attorney General to abolish poll taxes and materially enforce the 24th Amendment.¹³ The VRA also created “federal examiners,” who had the authority to register an eligible citizen to vote if they were previously barred.¹⁴ Section 5 stated that several states needed to receive a “preclearance” from the federal government before adding new election laws in order to protect citizens’ rights.¹⁵ Section 5 was tested in the courts on multiple occasions, including *South Carolina v. Katzenbach* (1966), in which the Supreme

¹⁰ An Act to enforce the fifteenth amendment to the Constitution of the United States, and for other purposes, Pub. L. No. 89-110, §2, 79 Stat. 437, 437 (1965).

¹¹ *Id.*

¹² U.S. Const. amend. XXIV, § 1.

¹³ National Archives, *supra* note 9.

¹⁴ An Act to enforce the fifteenth amendment to the Constitution of the United States, and for other purposes, Pub. L. No. 89-110, §2, 79 Stat. 437, 437 (1965).

¹⁵ An Act to enforce the fifteenth amendment to the Constitution of the United States, and for other purposes, Pub. L. No. 89-110, §5, 79 Stat. 437, 437 (1965).

Court upheld the constitutionality of section 5.¹⁶ Overall, the policy created a framework for voter rights by removing barriers to voting and establishing federal control over the election process.

In 2002, the Help America Vote Act (HAVA) was passed in an attempt to make the election process more efficient.¹⁷ The act requested “minimum requirements for verification of voter registration information” for in person and mail-in ballot voters, which include driver’s license or Social Security number.¹⁸ However, under Section 303, there is a “special rule for applicants without driver’s license or social security number” who wish to vote by mail, in which they can provide a bank document or utility bill with their name and residency.¹⁹ This introduces a restriction by requiring eligible citizens to show ID. Yet, HAVA included a requirement that citizens who had previously voted by a mail-in ballot would be required to provide identification

¹⁶ *South Carolina v. Katzenbach*, 383 U.S. 301 (1966).

¹⁷ *Help America Vote Act*, U.S. Election Assistance Comm’n, http://www.eac.gov/about_the_eac/help_america_vote_act.aspx (last visited Mar. 29, 2023).

¹⁸ H.R.3295 - 107th Congress (2001-2002): Help America Vote Act of 2002, H.R.3295, 107th Cong. (2002), <http://www.congress.gov/bill/107th-congress/house-bill/3295>.

¹⁹ *Id.*

when voting in-person for the first time.²⁰ This condition, introduced by Senator Christopher “Kit” Bond (R-MO), inspired some states to consider requiring voter ID for its citizens in any election.²¹ These early voter ID laws were lenient, such as “requesting” documents ranging from a driver’s license to a piece of mail rather than requiring a certain type of ID to be shown.²² Introducing these small conditions among a few states set the tone for *Crawford v. Marion County Election Board*, and marked the beginning of a trend toward restrictive voting laws.

2008 was a significant year in voting rights milestones, specifically voter ID laws. Political scientist and professor at Cornell University, David Bateman, wrote, “As recently as 2008, scholars of election law could write that ‘the United States is in the midst of a reform era,’ in which states and national actors were generally seen as working on expanding access to the ballot and participation in elections.”²³ This was the conclusion after various measures were introduced to make voting easily accessible. Besides HAVA, states have

²⁰ Bateman, *supra* note 4, at 43.

²¹ *Id.*

²² *Id.*

²³ Bateman, *supra* note 4, at 42.

implemented other policies, such as expanding early voting or repealing felon disenfranchisement policies.²⁴ Yet, some state legislatures also began to introduce more restrictive bills, such as Indiana’s legislature passing SEA 483.²⁵

Crawford v. Marion County Election Board emerged after the state of Indiana attempted to enact an election law, SEA 483, that would make it necessary for citizens to show a form of photo identification.²⁶ The law was immediately criticized by left-wing interest groups who claimed it would disproportionately affect people of color and older people.²⁷ There were various amicus briefs filed for this case but particularly the brief of Political and Social Scientists provided empirical evidence demonstrating the disproportionate impact of voter ID laws on minority groups.²⁸ The evidence concluded that “voter ID laws are subject to arbitrary and discriminatory enforcement by poll

²⁴ *Id.*

²⁵ *Crawford v. Marion County Election Board*, 553 U.S. 181 (2008).

²⁶ *Id.*

²⁷ *Crawford v. Marion County Election Board*, Oyez, <http://www.oyez.org/cases/2007/07-21> (last visited Feb. 24, 2023).

²⁸ *Amicus Briefs filed in Crawford v. Marion County Election Board*, Brennan Ctr. for Just., <http://www.brennancenter.org/sites/default/files/legal-work/Crowford%20Amicus%20descriptions.pdf> (last visited Feb. 24, 2023).

workers.”²⁹ The possibility of discriminatory effects led to questions about the constitutionality of the law.³⁰ The Supreme Court upheld Indiana’s law with a 6-3 vote.³¹ One reason for the ruling was that HAVA provided a template for the requirement of identification from voters and that the passage of HAVA gives reasons for states to want to modify their voting laws.³² Furthermore, the state used the threat of voter fraud as grounds for this law.³³ The Supreme Court sought for protection from voter fraud, but there was no empirical evidence in Indiana to support the argument. Justice Souter dissented stating, “And even the State’s interest in deterring a voter from showing up at the polls and claiming to be someone he is not must... be discounted for the fact that the State has not come across a single instance of in-person voter impersonation fraud in all of Indiana’s history.”³⁴ Justice Souter further elaborated that, “without a shred of evidence that in-person voter impersonation is a problem in the State, much less a crisis, Indiana has adopted one of the most

²⁹ *Id.* at 1.

³⁰ *Crawford v. Marion County Election Board*, 553 U.S. 181 (2008).

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ *Crawford v. Marion County Election Board*, 553 U.S. 181, 209–37 (2008) (Souter, J., dissenting).

restrictive photo identification requirements in the country.”³⁵ Justice Souter concluded that lower-income citizens will bear a burden with this ID law in place.³⁶ Breyer wrote a dissenting opinion concluding, “while the Constitution does not in general forbid Indiana from enacting a photo ID requirement, this statute imposes a disproportionate burden upon those without valid photo IDs.”³⁷ These dissenting opinions illuminate the potential unconstitutionality of this voter ID law, emphasizing the disproportionate effect on citizens and lack of legitimate need for the legislation.

After the ruling, several states introduced voter identification laws in their legislatures.³⁸ With greater public scrutiny and consideration of these bills, *Shelby County v. Holder* became another landmark case brought to the Supreme Court in 2013 from the local government of Shelby County, Alabama.³⁹ The county filed in the district court with

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Crawford v. Marion County Election Board*, 553 U.S. 181, 237–41 (2008) (Breyer, J., dissenting).

³⁸ *New Voting Restrictions in America*, Brennan Ctr. for Just., <http://www.brennancenter.org/our-work/research-reports/new-voting-restrictions-america> (last updated Nov. 19, 2019).

³⁹ *Shelby County v. Holder*, 570 U.S. 529 (2013).

the goal of “a declaratory judgment that Section 5 and Section 4(b) are unconstitutional and a permanent injunction against their enforcement.”⁴⁰ Section 5 required states to receive a federal seal of approval before enacting any law relating to the voting process.⁴¹ Section 4(b) applied Section 5 to certain states that had a history of discriminatory practices when the VRA was passed.⁴² The Supreme Court ruled that Section 4(b) of the Voting Rights Act is unconstitutional.⁴³ The 5-4 majority claimed that Section 4 was no longer relevant and considered the preclearance requirement for certain states and counties to be outdated. Legally, the Court decided that section 4(b) was “a violation of the power to regulate elections that the Constitution reserves for the states”⁴⁴ In dissent, Justice Ginsburg wrote, “Throwing out preclearance when it has worked and is continuing to work to stop discriminatory changes is like throwing away your umbrella in a rainstorm because you are not getting wet.”⁴⁵ The ruling of *Shelby County v. Holder* following *Crawford v. Marion County Election Board*

⁴⁰ *Shelby County v. Holder*, Oyez, <http://www.oyez.org/cases/2012/12-96> (last visited Mar. 29, 2023).

⁴¹ National Archives, *supra* note 9.

⁴² *Id.*

⁴³ *Shelby County v. Holder*, 570 U.S. 529 (2013).

⁴⁴ *Id.*

⁴⁵ *Shelby County v. Holder*, 570 U.S. 529, 559–94 (2013) (Ginsburg, J., dissenting).

prompted significant changes in current voting rights legislation.

As of January 2023, 35 states require photo identification to vote at any polling location.⁴⁶ Eight of these states are categorized as having “strict photo ID” laws in place, as defined by the NCSL, while 4 are classified as having “strict non-photo ID” laws.⁴⁷ The most recent voter ID law is Ohio House Bill 458, which will require non-photo identification in April of 2023 for all eligible voters.⁴⁸ The majority of states having any voter ID laws in the present contrasts dramatically with the beginning of the 21st century when no state had such a rigid requirement.⁴⁹ So far, in 2023, 15 states have introduced new or stricter voter ID requirements for student ID cards alone.⁵⁰

Discriminatory Trends in Voter ID Laws

Voter ID laws have been linked to discriminatory

⁴⁶ *Voter ID Laws*, Nat'l Conf. of State Legislatures, <http://www.ncsl.org/elections-and-campaigns/voter-id> (last updated Mar. 9, 2023).

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ Brennan Ctr. for Justice, *supra* note 38.

⁵⁰ *Voting with Student ID in 2023: The State of the Law & Pending Legislation*, Voting Rts. Lab (Mar. 21, 2023), <http://votingrightslab.org/voting-with-student-id-in-2023-the-state-of-the-law-pending-legislation/>.

motives. As of 2020, 11% of voters did not have an ID.⁵¹ As a result, 21 million eligible voters were legally barred from casting a ballot as a consequence of restrictive voter ID laws.⁵² A 2006 survey conducted by the Opinion Research Corporation and sponsored by the Brennan Center for Justice at the New York University School of Law sought to provide empirical data on citizens and their identification documents. Questions asked participants about any current ID they have, as well as any documentation they have to prove their citizenship. The survey found that 7% of the sample did not have passports, driver's licenses, or birth certificates.⁵³ Furthermore, the survey found that 12% of Americans who made less than \$25,000 a year did not have the necessary documentation for the voter ID laws put in place.⁵⁴ The survey demonstrates how low-income individuals are disproportionately impacted by voter ID laws because of their

⁵¹ *Oppose Voter ID Legislation – Fact Sheet*, Am. Civil Liberties Union, <http://www.aclu.org/other/oppose-voter-id-legislation-fact-sheet> (last visited April 11, 2023).

⁵² *Voter ID 101: The Right to Vote Shouldn't Come With Barriers*, Indivisible, <http://indivisible.org/resource/voter-id-101-right-vote-shouldnt-come-barriers> (last visited April 11, 2023).

⁵³ Brennan Ctr. for Just. at NYU School of Law, *Citizens without Proof: A Survey of Americans' Possession of Documentary Proof of Citizenship and Photo Identification*, 3 (November 2006), http://www.brennancenter.org/sites/default/files/legacy/d/download_file_39242.pdf.

⁵⁴ *Id.*

lack of identification.

21 million people is a significant percentage of the U.S. population being denied their fundamental right to cast a ballot. The majority of the 21 million citizens identify as people of color. As of 2020, only 8% of white citizens did not have the necessary identification to vote, while 25% of Black citizens do not have the necessary identification.⁵⁵ These percentages showcase how Black voters are disproportionately affected by voter ID laws as they are relatively more likely to lack the required documents than White voters. Further, a study by Caltech and MIT conducted in 2006, found that Hispanic identifying voters in New Mexico were more likely to be asked to show their identification than other voters.⁵⁶ Similarly, a study was conducted in 2014 by the Government Accountability Office (GAO), which found that voter ID laws harm voter turnout among minority groups that are already disproportionately vulnerable, such as Black and Latino voters, because these

⁵⁵ Am. Civil Liberties Union, *supra* note 51.

⁵⁶ Lonna Rae Atkeson, Lisa Ann Bryant, Thad E. Hall, Kyle Saunders & Michael Alvarez, *A New Barrier to Participation: Heterogeneous Application of Voter Identification Policies*, 29 *Electoral Stud.* 66, 70 (2010).

groups are less likely to obtain the required documentation.⁵⁷

The study suggests the consequence of requesting ID is the deterrence of minority groups at the polls.⁵⁸ The data demonstrates how the gap of turnout between minority voters and white voters is vast.⁵⁹

Voter ID laws also perpetuate discrimination on access to transportation. There is a notable gap for the access to polling locations between those with and without access to a vehicle. It was found in a study that 36% of eligible voters without a car voted in the 2018 midterm elections while 66% of those with access to a vehicle voted.⁶⁰ The overall finding of the study is that access to a vehicle is a major determinant on election participation and therefore an obstacle for eligible voters.⁶¹ It was reported that 15% of Black voters claimed that they have trouble finding a polling center, while only 5% of White voters expressed the same issue.⁶² This could be due to

⁵⁷ Am. Civil Liberties Union, *supra* note 51.

⁵⁸ Zoltan Hajnal, Nazita Lajevardi & Lindsay Nielson, *Voter Identification Laws and the Suppression of Minority Votes*, 79 J. of Pol. 363 (2017).

⁵⁹ *Id.*

⁶⁰ Justin de Benedictis-Kessner & Maxwell Palmer, *Driving Turnout: The Effect of Car Ownership on Electoral Participation*, Pol. Science Rsch. and Methods 1, 3 (2021).

⁶¹ *Id.* at 1.

⁶² Robert P. Jones, Daniel Cox, Rob Griffin, Molly Fisch-Friedman & Alex Vandermaas-Peeler, *American Democracy in Crisis: The Challenges of Voter Knowledge, Participation, and Polarization*, PPRI (July 17, 2018),

the fact that elected officials assign districts specific locations for polling for partisan gain, which can result in discrimination throughout the locality.⁶³ This contributes to discriminatory practices due to varying access to transportation.

If a low-income citizen is living in an urban area, they are less likely to obtain a driver's license because they will likely use public transportation.⁶⁴ Furthermore, obtaining an ID is a complex and time-consuming process.⁶⁵ It takes time to learn about and understand how to comply with the requirements of voter ID laws, and financial costs, such as legal fees and transportation.⁶⁶ As of 2012, around 10 million eligible citizens live more than 10 miles away from a government office that issues ID cards more than 2 days a week, 1.2 million of these citizens identify as Black and

<http://www.prr.org/research/American-democracy-in-crisis-voters-midterms-trump-election-2018/>.

⁶³ Julia Kirschenbaum & Michael Li, *Gerrymandering Explained*, Brennan Ctr. for Just., <http://www.brennancenter.org/our-work/research-reports/gerrymandering-explained> (last updated, Aug. 12, 2021).

⁶⁴ Richard Sobel, *The High Cost of 'Free' Photo Voter Identification Cards*, Charles Hamilton Houston Inst. for Race and Just. at Harvard Law School, 1–4 (June 2014), <http://charleshamiltonhouston.org/wp-content/uploads/2015/01/FullReportVoterIDJune2014.pdf>.

⁶⁵ *Id.*

⁶⁶ *Id.*

500,000 as Hispanic.⁶⁷ In Justice Souter's dissenting opinion in *Crawford v. Marion County Election Board*, he writes, "So most voters must pay at least one fee to get the ID necessary to cast a regular ballot... both the travel costs and the fees are disproportionately heavy for, and thus disproportionately likely to deter, the poor, the old, and the immobile."⁶⁸ It can be argued that strict voter ID laws unfairly suppress low-income citizens and people of color, especially Black and Latino voters.

The case study of North Carolina's Senate Bill 824 exemplifies how voter ID laws discriminate against minority groups. The North Carolina General Assembly attempted to amend its Constitution to mandate photo ID verification as a requirement to vote.⁶⁹ Multiple Black voters from North Carolina, represented by the Southern Coalition for Social Justice, sued in state district court to overturn the voter ID law

⁶⁷ Keesha Gaskins & Sundeep Iyer, *The Challenge of Obtaining Voter Identification*, Brennan Ctr. for Just. (July 18, 2012), <http://www.brennancenter.org/our-work/research-reports/challenge-obtaining-voter-identification>.

⁶⁸ *Crawford v. Marion County Election Board*, 553 U.S. 181, 209–37 (2008) (Souter, J., dissenting).

⁶⁹ An Act to Implement the Constitutional Amendment Requiring Photographic Identification to Vote, 2018 N.C. Sess. Laws 144.

on the grounds that it had a discriminatory objective.⁷⁰ The district court agreed with the plaintiffs on the argument that the bill violated the Equal Protection Clause and the court blocked the law from being implemented.⁷¹ After the decision was affirmed by the North Carolina Court of Appeals, the case moved to the North Carolina Supreme Court.⁷² In December 2022, a 4-3 decision in the North Carolina Supreme Court affirmed the decision: “the law was enacted with discriminatory intent to disproportionately disenfranchise and burden African-American voters in North Carolina.”⁷³ This case demonstrates how voter ID laws have been legally proven to violate minority groups from exercising their constitutional right to vote. Overall, it can be empirically seen through statistics and legal cases that voter ID laws are discriminatory by nature.

Addressing Voter ID Laws/New Legal Pathway to Address Discrimination

While the facts show a move towards stricter voter

⁷⁰ Michael Wines, *Citing Bias, Judges Block Voter ID Law in N. Carolina*, N. Y. Times, Sept. 18, 2021, at A18.

⁷¹ *Holmes v. Moore*, 383 N.C. 171 (2022).

⁷² *Id.*

⁷³ *Id.*

identification laws for most states, there is a piece of federal legislation that could halt the trend. The John R. Lewis Voting Rights Advancement Act, introduced by Terri Sewell (D-AL), would reinstate the protections provided under the Voting Rights Act of 1965.⁷⁴ The namesake of this legislation is former representative, John R. Lewis (D-GA), who advocated for the protection of Black voters during the 19th century and supported the enactment of the VRA.⁷⁵ The act “moderniz[es] the VRA’s formula determining which states and localities have a pattern of discrimination” and hopes to enlarge the federal government’s administrative power over the voting process by employing federal workers to oversee the electoral process in any location where the “risk of discrimination” is sizeable.⁷⁶ Specifically, the bill would require preclearance for 10 years as a consequence of 3 kinds of violations within a 25 year span.⁷⁷ The 3 types of violations include: more than 10 infractions happened and one was carried out by the state

⁷⁴ H.R.4 - 117th Congress (2021-2022): John R. Lewis Voting Rights Advancement Act of 2021, H.R.4, 117th Cong. (2021), <https://www.congress.gov/bill/117th-congress/house-bill/4>.

⁷⁵ *John R. Lewis Voting Rights Advancement Act*, Common Cause, <http://www.commoncause.org/our-work/voting-and-elections/john-r-lewis-voting-rights-act/> (last visited March 29, 2023).

⁷⁶ *Id.*

⁷⁷ *Id.*

government itself, more than 15 voting rights violations happened, or more than 3 violations occurred within the timespan.⁷⁸ The process of preclearance would require the approval of a law from the United States District Court for the District of Columbia or from the Department of Justice.⁷⁹ The act would help reduce the number of voter ID laws since states that violate voting rights multiple times will no longer be able to pass discriminatory laws, and it would establish a framework to regulate election changes.

While the bill has a concise structure, it also could not be constitutionally challenged like Section 4(b) of the VRA was by the Supreme Court in 2013.⁸⁰ Roberts's opinion from *Shelby County v. Holder* stated, "Congress did not use the record it compiled to shape a coverage formula grounded in current conditions. It instead reenacted a formula based on 40-year-old facts having no logical relation to the present day."⁸¹ The John R. Lewis Voting Rights Advancement Act would be an updated version that could not constitutionally be contested by the Supreme Court on the basis of outdated facts. The bill

⁷⁸ *Id.*

⁷⁹ H.R.4 - 117th Congress (2021-2022): John R. Lewis Voting Rights Advancement Act of 2021, *supra* note 75.

⁸⁰ *Shelby County v. Holder*, 570 U.S. 529 (2013).

⁸¹ *Id.*

passed the House of Representatives in the 117th Congress and is awaiting introduction in the 118th Congress.⁸² The necessity for Congress to reimpose the Voting Rights Act and promote democratic electoral processes cannot be overstated, for this piece of legislation will protect the foundation of American democracy: the fundamental right to vote.

Conclusion

There are claims that voter ID laws protect the integrity of elections.⁸³ These views seek to protect the election process from voter fraud via voter ID.⁸⁴ A study by political scientist, Lorraine Minnite, states that while 24 people were convicted of voter fraud between 2002 and 2005, none of the cases were someone attempting to impersonate another and only 5 of the cases were attempts to vote twice.⁸⁵ Similarly, a study by Justin Levitt with the Brennan Center of Justice, analyzes voter fraud data to showcase how most voter fraud allegations are not real cases of voter fraud or basic

⁸² *Id.*

⁸³ Hans A. von Spakovsky, *Voter Photo Identification: Protecting the Security of Elections*, The Heritage Foundation, 2–4 (July 13, 2011), http://thf_media.s3.amazonaws.com/2011/pdf/lm0070.pdf.

⁸⁴ *Id.*

⁸⁵ Lorraine C. Minnite, *The Politics of Voter Fraud*, Project Vote, http://www.projectvote.org/wp-content/uploads/2007/03/Politics_of_Voter_Fraud_Final.pdf (last visited Apr. 11, 2023).

human error at the polls.⁸⁶ Furthermore, Levitt concludes that, “By throwing all sorts of election anomalies under the “voter fraud” umbrella, however, advocates for such laws artificially inflate the apparent need for these restrictions and undermine the urgency of other reforms.”⁸⁷ Court opinions have agreed that voter fraud is extremely rare, as seen in the *Crawford v. Marion County Election Board* court opinion and Justice Souter’s dissenting opinion.⁸⁸ It is true that election integrity is a fundamental piece of democratic elections, but creating barriers for eligible citizens directly opposes the democratic pillar of participation.

Overall, implementing strict voter identification laws is an important matter in the election process because it impacts Americans’ right to vote. By requiring individuals to possess a state or federally-issued ID card, eligible citizens are being constrained from exercising their fundamental right to vote. Voter ID laws are barriers preventing all citizens from voting. Whether the discriminatory effect is due to explicit motive or

⁸⁶ Justin Levitt, *The Truth About Voter Fraud*, Brennan Ctr. for Just. at NYU School of Law, 7–8 (2007), <http://www.brennancenter.org/media/179/download>.

⁸⁷ *Id.* at 6.

⁸⁸ *Crawford v. Marion County Election Board*, 553 U.S. 181 (2008); *Crawford v. Marion County Election Board*, 553 U.S. 181, 209–37 (2008) (Souter, J., dissenting).

is an unintended consequence of voter ID laws does not matter. It is crucial that every citizen is given the same right and is able to exercise it. The North Carolina case study reflects how the motive of voter ID laws can be discriminatory towards certain minority groups and thus should be questioned on its constitutionality. Voter ID laws need to be regulated or abolished to prevent discrimination. While the Supreme Court stripped away the protection that the VRA established for voters, the John R. Lewis Voting Rights Advancement Act would rectify the unjust ruling by the Court.