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Requiring Photographic Identification by Voters in North Carolina

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Abstract

America is one of the few democracies in the world that do not uniformly require voters to present photo identification when they vote. All of the other 100 countries administer such a requirement without any problems and without any reports that their citizens are in any way unable to vote. Requiring voters to authenticate their identity is a perfectly reasonable and easily met requirement. It is supported by the vast majority of voters of all races and ethnic backgrounds. As the U.S. Supreme Court has said, voter ID protects the integrity and reliability of the electoral process. It should be applied to in-person voting as well as to absentee ballot voting, which is all too often the “tool of choice” of vote thieves.

Protecting the Integrity of Elections

Guaranteeing the integrity of elections requires having security throughout the entire election process, from voter registration to the casting of votes to the counting of ballots after the polls have closed. For example, jurisdictions that use paper ballots seal their ballot boxes when all of the ballots have been deposited, and election officials have step-by-step procedures for securing election ballots and other materials throughout the election process.

I doubt anyone believes that it would be a good idea for a country to allow worldwide Internet access to the computer it uses in its election headquarters to tabulate ballots and count votes. We are a computer-literate generation that understands allowing such outside access to the software used for counting votes would imperil the integrity of the election.

KEY POINTS

- Every illegal vote steals the vote of a legitimate voter.
- There are enough incidents of voter fraud throughout the nation to make it very clear that we must take the steps necessary to make such fraud hard to commit. Requiring voter ID is just one common sense step that states can take to increase the security and integrity of their elections.
- Despite many false claims to the contrary, there is no evidence that voter ID decreases the turnout of voters or has a disparate impact on minority, poor, or elderly voters: The overwhelming majority of Americans have photo ID or can easily obtain one.
- Election results in Georgia and Indiana confirm that claims that voter ID will hurt minority turnout are incorrect. Turnout in both states went up dramatically in 2008 in both the presidential preference primary and the general election after their voter ID laws went into effect.

This paper, in its entirety, can be found at <http://report.heritage.org/hl1234>

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Requiring voters to authenticate their identity at the polling place and when voting absentee is part and parcel of the same kind of security necessary to protect the integrity of elections and access to the voting process. Every illegal vote steals the vote of a legitimate voter. Voter ID can prevent:

- Impersonation fraud at the polls,
- Voting under fictitious voter registrations,
- Double voting by individuals registered in more than one state or locality, and
- Voting by illegal aliens.

As the Commission on Federal Election Reform headed by President Jimmy Carter and Secretary of State James Baker said in 2005:

The electoral system cannot inspire public confidence if no safeguards exist to deter or detect fraud or to confirm the identity of voters. Photo IDs currently are needed to board a plane, enter federal buildings, and cash a check. Voting is equally important.¹

Voter fraud does exist, and criminal penalties imposed after the fact are an insufficient deterrent to protect against it. In the 2008 case of *Crawford v. Marion County Election Board*,² in which the U.S. Supreme Court upheld Indiana's voter ID law, the Court said that despite such criminal penalties:

It remains true...that flagrant examples of such fraud in other parts of the country have been documented throughout this Nation's history by respected historians and journalists, that occasional examples have surfaced in recent years...

that...demonstrate that not only is the risk of voter fraud real but that it could affect the outcome of a close election.³

The relative rarity of voter fraud prosecutions for impersonation fraud at the polls, as the Seventh Circuit Court of Appeals pointed out in the Indiana case, can be “explained by the endemic underenforcement” of voter fraud cases and “the extreme difficulty of apprehending a voter impersonator” without the tools—a voter ID—needed to detect it.⁴

However, as I pointed out in a paper published by The Heritage Foundation,⁵ as well as a book published in 2012 on voter fraud and election reform,⁶ a grand jury in New York released a report in the mid-1980s detailing a widespread voter fraud conspiracy involving impersonation fraud at the polls that operated successfully for 14 years in Brooklyn without detection. That fraud resulted in thousands of fraudulent votes being cast in state and congressional elections and involved not only impersonation of legitimate voters at the polls, but voting under fictitious names that had been successfully registered without detection by local election officials. This fraud could have been easily stopped and detected if New York had required voters to authenticate their identity at the polls.

According to the grand jury, the advent of mail-in registration was also a key factor in perpetrating the fraud. In recent elections, thousands of fraudulent voter registration forms have been detected by election officials, but given the minimal to nonexistent screening efforts engaged in by most election jurisdictions, there is no way to know how many others slipped through. In states without identification requirements, election officials have no way to prevent bogus votes from being cast by unscrupulous individuals through fictitious voter registrations or registrations based on false addresses or false claims of residing in a particular district.

1. *Building Confidence in U.S. Elections*, REPORT OF THE COMMISSION ON FEDERAL ELECTION REFORM (Sept. 2005), at 18; available at <http://www1.american.edu/ia/cfer/>.

2. 553 U.S. 181, 128 S.Ct. 1610 (2008). Indiana's voter ID law has also been upheld by the Indiana Supreme Court. *League of Women Voters v. Indiana*, 929 N.E.3d 758 (Ind. 2010).

3. *Crawford*, 128 S.Ct. at 1619.

4. *Crawford v. Marion County Election Board*, 472 F.3d 949, 953 (7th Cir. 2007).

5. Hans A. von Spakovsky, *Stolen Identities, Stolen Votes: A Case Study in Voter Impersonation*, LEGAL MEMORANDUM No. 22, The Heritage Foundation (March 10, 2008); available at <http://www.heritage.org/Research/Reports/2008/03/Stolen-Identities-Stolen-Votes-A-Case-Study-in-Voter-Impersonation>.

6. JOHN FUND AND HANS VON SPAKOVSKY, *Who's Counting? How Fraudsters and Bureaucrats Put Your Vote at Risk* (Encounter Books, 2012).

The problem of possible double voting by someone who is registered in two states is illustrated by one of the Indiana voters highlighted by the League of Women Voters in their *amicus* brief before the U.S. Supreme Court in the Indiana case. This voter was used by the LWV as an example of someone who had difficulty voting because of the voter ID requirement. However, after an Indiana newspaper interviewed her, it turned out that the problems she encountered voting in Indiana stemmed from her trying to use a Florida driver's license to vote in Indiana. Not only did she have a Florida driver's license, but she was also registered to vote in Florida where she owned a second home. In fact, she had claimed residency in Florida by filing for a homestead exemption on her property taxes, which is normally only available to individuals who claim residency in a state.

In states without identification requirements, election officials have no way to prevent bogus votes from being cast by unscrupulous individuals through fictitious voter registrations or registrations based on false addresses or false claims of residing in a particular district.

So the Indiana law worked perfectly as intended to prevent someone who could have illegally voted twice without detection (and who was asserting residency in a *different* state) if the voter ID law had not been in effect. The *Charlotte Observer* reported in 2004 that there could be as many as 60,000 voters registered in both North and South Carolina, so North Carolina may face a similar threat.⁷

I do not claim that there is “massive” voter fraud in North Carolina or anywhere else. In fact, as a

former election official, I think we do a good job overall in administering our elections. But we have a documented history of voter fraud in this country, and even North Carolina has some who are willing to commit voter fraud, from individual voters who have been convicted of voting twice in your state to felons who have voted illegally and even local officials who abused the helpless residents of a rest home to ensure their reelection through absentee ballot fraud.⁸

The potential for abuse exists, and as the Supreme Court recognized, there is a “real risk that voter fraud could affect a close election's outcome.”⁹ There are enough incidents of actual voter fraud throughout the nation to make it very clear that we must take the steps necessary to make such fraud hard to commit. Requiring voter ID is just one such common sense step among a number of others that states can take to increase the security and integrity of their elections.

Voter ID Does Not Reduce Turnout

Not only do we want to protect the security of the election process, but we also want to ensure that every eligible individual is able to vote.¹⁰ Not only does voter ID help prevent fraudulent voting, but where it has been implemented, it has not reduced turnout. Despite many false claims to the contrary, there is no evidence that voter ID decreases the turnout of voters or has a disparate impact on minority, poor, or elderly voters: The overwhelming majority of Americans have photo ID or can easily obtain one.

Numerous studies have borne this out. A report by the University of Missouri on turnout in Indiana showed that turnout actually *increased* by about two percentage points overall in local elections in Indiana in 2006 after the voter ID law went into effect. There was no evidence that counties with higher percentages of minority, poor, elderly, or less-educated populations suffered any reduction in voter turnout. In fact, “the only consistent and statistically significant impact of photo ID in Indiana is to increase

7. Scott Dodd and Ted Mellnik, *Voters Found on Both N.C., S.C. Rolls*, THE CHARLOTTE OBSERVER, Oct. 24, 2004.
8. *Jones County Man Convicted of Voter Fraud for Voting Twice*, ASSOCIATED PRESS, July 21, 2005; *United States v. Odom*, 736 F.2d. 104 (4th Cir. 1984).
9. *Crawford*, 128 S.Ct. at 1612.
10. In 2008, 71 percent of voting-age citizens were registered to vote in the U.S. *Voting and Registration in the Election of November 2008*, U.S. CENSUS BUREAU (July 2012).
11. Jeffrey Milyo, *The Effects of Photographic Identification on Voter Turnout: A County Level Analysis*, INSTITUTE OF PUBLIC POLICY REPORT 10-2007, TRUMAN SCHOOL OF PUBLIC AFFAIRS, UNIVERSITY OF MISSOURI (Nov. 10, 2007); available at <http://munews.missouri.edu/news-releases/2008/0102-voter-id.php>.

voter turnout in counties with a greater percentage of Democrats relative to other counties.”¹¹

The Heritage Foundation released a study in September of 2007 that analyzed 2004 election turnout data for all states. It found that voter ID laws do not reduce the turnout of voters, including African Americans and Hispanics: Such voters were just as likely to vote in states with ID as in states where just their names were asked at the polling place.¹²

Not only does voter ID help prevent fraudulent voting, but where it has been implemented, it has not reduced turnout.

A study by the Universities of Delaware and Nebraska–Lincoln examined data from the 2000, 2002, 2004, and 2006 elections. At both the aggregate and individual levels, the study found that voter ID laws do not affect turnout, including across racial/ethnic/socioeconomic lines. The study concluded that “concerns about voter identification laws affecting turnout are much ado about nothing.”¹³

In 2010, a Rasmussen poll of likely voters in the United States showed overwhelming support for requiring photo identification in order to vote in elections. This support runs across ethnic and racial lines: Rasmussen reports that “This is a sentiment that spans demographics, as majorities in every demographic agree.”¹⁴

A similar study by John Lott in 2006 also found no effect on voter turnout and, in fact, found an

indication that efforts to reduce voter fraud such as voter ID may have a positive impact on voter turnout.¹⁵ That is certainly true in a case study of voter fraud committed in Greene County, Alabama, that was published by The Heritage Foundation.¹⁶ In that county, which is 80 percent African American, voter turnout *increased* after several successful voter fraud prosecutions instilled new confidence in local voters in the integrity of the election process.

Election results in Georgia and Indiana also confirm that the claims that voter ID will hurt minority turnout are incorrect. Turnout in both states went up dramatically in 2008 in both the presidential preference primary and the general election after their voter ID laws went into effect.

There was record turnout in Georgia in the 2008 presidential primary election: over 2 million voters, more than twice as many as in 2004 when the voter photo ID law was not in effect. The number of African Americans voting in the 2008 primary also doubled from 2004. In fact, there were 100,000 more votes in the Democratic primary than in the Republican primary,¹⁷ and the number of individuals who had to vote with a provisional ballot because they had not obtained the free photo ID available from the state was less than 0.01 percent.

In the 2008 general election when President Obama was elected, Georgia, with one of the strictest voter ID laws in the nation, had the largest turnout in its history: more than 4 million voters. Democratic turnout was up an astonishing 6.1 percentage points from the 2004 election when there was no photo ID requirement. Overall turnout in Georgia went up 6.7 percentage points, the second highest increase of any state in the country. The black share of the statewide

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12. David B. Muhlhausen and Keri Weber Sikich, *New Analysis Shows Voter Identification Laws Do Not Reduce Turnout*, HERITAGE FOUND. CENTER FOR DATA ANALYSIS No. 07-04 (Sept. 10, 2007); available at http://s3.amazonaws.com/thf_media/2007/pdf/cda07-04.pdf.
 13. Jason D. Mycoff, Michael W. Wagner, and David C. Wilson, *The Empirical Effects of Voter-ID Laws: Present or Absent*, PS: POLITICAL SCIENCE & POLITICS, 42 (2009), 121–126. An earlier version of this paper appeared as Jason D. Mycoff, Michael W. Wagner, and David C. Wilson, *Do Voter Identification Laws Affect Voter Turnout?* Working Paper, DEPARTMENT OF POLITICAL SCIENCE AND INTERNATIONAL RELATIONS, UNIVERSITY OF DELAWARE (2007).
 14. Rasmussen Reports, *82% Say Voters Should Be Required to Show Photo ID*, available at http://www.rasmussenreports.com/public_content/politics/general_politics/august_2010/82_say_voters_should_be_required_to_show_photo_id.
 15. John Lott, *Evidence of Voter Fraud and the Impact that Regulations to Reduce Fraud Have on Voter Participation Rates*, UNIVERSITY OF MARYLAND FOUNDATION (Aug. 18, 2006); available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=925611.
 16. Hans A. von Spakovsky, *Absentee Ballot Fraud: A Stolen Election in Greene County, Alabama*, LEGAL MEMORANDUM NO. 31, HERITAGE FOUND. (Sept. 5, 2008); available at <http://www.heritage.org/Research/Reports/2008/09/Absentee-Ballot-Fraud-A-Stolen-Election-in-Greene-County-Alabama?query=Absentee+Ballot+Fraud:+A+Stolen+Election+in+Greene+County+Alabama>.
 17. Turnout in Democratic primaries is obviously a clear indicator of black turnout since upwards of 90 percent of African Americans vote Democratic.
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vote increased from 25 percent in 2004 to 30 percent in 2008. By contrast, the Democratic turnout in the nearby state of Mississippi, also a state with a high percentage of black voters but without a voter ID requirement, increased by only 2.35 percentage points. The 2010 election saw similar results.

In fact, Georgia, one of the states covered under Section 5 of the Voting Rights Act, keeps voter registration data by race. The official, certified returns from the Georgia Secretary of State show the following results in the 2008 and 2010 elections (2008 was the first year the photo ID requirement was in effect for a presidential election, and 2010 was the first year it was in effect for a congressional election):¹⁸

- Hispanic/Latino votes cast in 2008 totaled 43,000, an increase of 140 percent from 18,000 in 2004;
- Black votes cast in 2008 totaled 1.2 million, an increase of 42 percent from 834,000 in 2004; and
- White votes cast in 2008 totaled 2.5 million, an increase of 8 percent from 2.3 million in 2004.
- Hispanic/Latino votes cast in 2010 totaled 19,000, an increase of 66.5 percent from 11,600 in 2006;
- Black votes cast in 2010 totaled 741,000, an increase of 44.2 percent from 513,700 in 2006; and
- White votes cast in 2010 totaled 1.7 million, an increase of 11.7 percent from 1.6 million in 2006.

There were dramatic increases in minority turnout in both 2008 and 2010. According to data from the U.S. Census Bureau, this increase “outpaced the growth rate of those populations in Georgia over a 10-year period.”¹⁹

The Georgia voter ID requirement went into effect because it was upheld in final orders issued by every state and federal court in Georgia that reviewed the law, including the Eleventh Circuit Court of Appeals²⁰ and the Georgia Supreme Court.²¹ As these courts held, such an ID requirement is not discriminatory and does not violate the Constitution or any federal voting rights laws, including the Voting Rights Act of 1965.

As you are probably aware, a three-judge panel of the District of Columbia federal district court made a similar finding last year in *South Carolina v. Holder*.²² The court dismissed an objection filed against the law by the Holder Justice Department claiming the law is discriminatory under Section 5 of the Voting Rights Act. That photo ID law is now in effect for all elections in South Carolina, and there have been no reported problems.

Just as in North Carolina, however, organizations in Georgia like the ACLU and the NAACP made spurious claims when Georgia’s law was first passed that there were hundreds of thousands of Georgians without photo ID. Yet when the federal district court dismissed all of their claims, the court pointed out that after two years of litigation, none of the plaintiff organizations like the NAACP had been able to produce a single individual or member who did not have a photo ID or could not easily obtain one. The district court judge concluded that:

[T]his failure to identify those individuals “is particularly acute” in light of the Plaintiffs’ contention that a large number of Georgia voters lack acceptable Photo ID.... [T]he fact that Plaintiffs, in spite of their efforts, have failed to uncover anyone “who can attest to the fact that he/she will be prevented from voting” provides significant support for a conclusion that the photo ID requirement does not unduly burden the right to vote.²³

18. Data from Brian P. Kemp, Georgia Secretary of State, “Voting with Photo Identification” PowerPoint presentation made at Conservative Leadership Conference of the Civitas Institute, March 2, 2012.

19. Hans A. von Spakovsky, *Lessons from the Voter ID Experience in Georgia*, Issue Brief No. 3541, HERITAGE FOUND. (March 19, 2012); available at <http://www.heritage.org/research/reports/2012/03/lessons-from-the-voter-id-experience-in-georgia>.

20. *Common Cause of Georgia v. Billups*, 554 F.3d 1340 (N.D. Ga. 2009); cert. denied, 129 S.Ct. 2770 (U.S. 2009).

21. *Democratic Party of Georgia v. Perdue*, 707 S.E.2d 67 (Ga. 2011).

22. 898 F.Supp.2d 30 (D.D.C. 2012).

23. *Common Cause of Georgia v. Billups*, 504 F.Supp.2d 1333, 1380 (N.D. Ga. 2007).

In Indiana, which the U.S. Supreme Court said has the strictest voter ID law in the country, turnout in the Democratic presidential preference primary in 2008 quadrupled from the 2004 election when the photo ID law was not in effect: In fact, there were 862,000 more votes cast in the Democratic primary than in the Republican primary. In the general election in November, the turnout of Democratic voters increased by 8.32 percentage points from 2004, the largest increase in Democratic turnout of any state in the nation. The neighboring state of Illinois, with no photo ID requirement and President Obama's home state, had an increase in Democratic turnout of only 4.4 percentage points—only half of Indiana's increase.

In 2010, turnout in Indiana was almost 1.75 million voters, an increase of more than 77,000 voters over the 2006 election. Indiana was one of the states with a “large and impressive” increase in black turnout in the 2010 election: “the black share of the state vote was higher in 2010 than it was in 2008, a banner year for black turnout.” In fact, the black share of the total vote went from only 7 percent in 2008 to 12 percent in 2010.²⁴

Just as in the federal case in Georgia, the federal court in Indiana noted the complete inability of the plaintiffs in that case to produce anyone who would not be able to vote because of the photo ID law:

Despite apocalyptic assertions of wholesale vote disenfranchisement, Plaintiffs have produced not a single piece of evidence of any identifiable registered voter who would be prevented from voting pursuant to [the photo ID law] because of his or her inability to obtain the necessary photo identification. Similarly, Plaintiffs have failed to produce any evidence of any individual, registered or unregistered, who would have to obtain photo identification in order to vote, let alone anyone who would undergo any appreciable

hardship to obtain photo identification in order to be qualified to vote.²⁵

North Carolina State Board of Elections Study

Similar claims have been made in North Carolina based on a flawed and incomplete January 7, 2013, “study” done by the North Carolina State Board of Elections, the “2013 SBOE-DMV ID Analysis.” In this analysis, the board compared its list of 6.6 million registered voters to the Department of Motor Vehicles’ list of 12.2 million North Carolinians with driver’s licenses. The board reported that there are 612,955 voters without a DMV ID match, and that figure has been widely (and erroneously) reported as the number of voters who have no ID who would supposedly be unable to vote.²⁶

There are numerous problems with this analysis. To begin with, the comparison included 106,192 inactive voters. The board says that “inactive voters” are those voters “for whom a county board of elections has been unable to subsequently verify their mailing address after their address was initially verified.” That means that the county board sent the registered voter notice by nonforwardable, first class mail and the notice was returned because the U.S. Postal Service records show that individual no longer lives there. Such mail is returned when an individual has moved or died. In fact, following guidelines under the National Voter Registration Act of 1993, such notices are often sent out after an individual has not voted in two federal elections, which is another sign that they may have become ineligible because they have moved out of state, died, or been convicted of a felony and are serving time in prison.

The board’s handling of inactive voters is also problematic, as illustrated by a story in the *News & Observer*. In August 2012, the Voter Integrity Project delivered to the board the names of 27,500 registered voters who are dead. Veronica Degraffenried,

24. David A. Bositis, *Blacks and the 2010 Midterms: A Preliminary Analysis*, JOINT CENTER FOR POLITICAL AND ECONOMIC STUDIES (Nov. 16, 2010).

25. *Indiana Democratic Party v. Rokita*, 458 F.Supp.2d 775, 822–823 (S.D. Ind. 2006).

26. It should be noted that the State Board of Elections subsequently published a new analysis, the “April 2013 SBOE-DMV ID Analysis,” that considerably reduced the number of registered voters that it claimed had no photo ID. From a high of 612,955 voters in the January analysis, the April analysis dropped to only 318,643 voters. The April analysis further reported that of the 318,643 voters, at least half of them had not voted in the last two general elections, a sure sign that the vast majority of them are no longer eligible to vote because they have moved out of state or died.

the board's director of voter registration, admitted that the board already "had almost 20,000 of the names" and that one-third were "listed as inactive, meaning they were on track for removal."²⁷ However, deceased voters should not be listed as "inactive"; they should be immediately removed from the registration list. The fact that dead voters were listed as inactive and thus included in the board's comparison with the DMV list is indefensible from a data analysis standpoint.

Including such inactive voters in a DMV comparison was one of the reasons that a federal district court determined that a similar analysis in Indiana was "utterly incredible and unreliable" and refused to allow it to be admitted as evidence in the case. Including "inactive voters" as well as refusing to account for voter roll inflation by removing duplicate records "revealed a conscious effort" to "report the largest possible number of individuals impacted by" the voter ID law "regardless of the reliability of that number."²⁸

Including "inactive voters" as well as refusing to account for voter roll inflation by removing duplicate records "revealed a conscious effort" to "report the largest possible number of individuals impacted by" Indiana's voter ID law "regardless of the reliability of that number.

This problem is compounded by the fact that the board has not joined the Interstate Voter Registration Crosscheck Program started by Kansas. The program allows the participating states to compare their voter registration lists to find individuals who have moved across state lines and are registered in more than one state. In 2012, the participating states compared over 45 million voter registration records. States such as Tennessee and Mississippi found 91,678 and 164,837 voters in each of their respective states with duplicate registrations in

other states. Yet North Carolina is not participating in this program to remove registered voters who have moved to other states, voters who likely will not show up as having a North Carolina driver's license because they have moved out of state and obtained a new license.

Another mistake made in the analysis is that the board failed to exclude voters protected by the Uniformed and Overseas Citizens Absentee Voter Act (UOCAVA) from the comparison. UOCAVA voters are overseas American civilians and military personnel and their families. Obviously, even if they do not have a North Carolina driver's license, they have passports and/or military IDs, which are acceptable forms of identification for voting. The board is aware of who these voters are since it is required by federal law to file reports with the U.S. Election Assistance Commission after every federal election about the number of ballots requested, transmitted, and counted of UOCAVA voters. Yet the board failed to remove these voters from its analysis.

The board also admitted in the analysis that at least 133,732 of the supposed 612,955 voters without a DMV match actually "*do* have a driver license number in their voter registration record." But that number may have been recorded incorrectly through a data entry mistake, or it may be a license that is currently "revoked, suspended or expired." Any individual who fits this latter category obviously has all of the documentation needed to easily obtain a photo ID. Since the board admits that further research should have been done on this large number of voters who in all likelihood do have a photo ID, there is no explanation of why the board would have released this report before that research was completed.

Georgia, which is similar in size to North Carolina with about 6 million registered voters, had a similar comparison done by its former secretary of state, who made no secret of her opposition to voter ID. She also failed to include such revoked licenses in her initial comparison; when those registered voters were included, the Georgia federal court found 198,000 voters whose licenses had been "cancelled, revoked, suspended, or declared invalid."²⁹ In 2011, the board released a similar analysis that claimed

27. Kelly Poe, *N.C. Elections Board Reviewing Names of Purportedly Dead Voters*, NEWS & OBSERVER, Sept. 21, 2012.

28. *Indiana Democratic Party v. Rokita*, 458 F.Supp.2d 775, 803-804 (S.D. Ind. 2006).

29. *Common Cause of Georgia v. Billups*, 504 F.Supp.2d 1333, 1361 (N.D. Ga. 2007).

there were 1 million registered voters with no photo ID in North Carolina (there is no explanation in the 2013 analysis of the sudden drop of 400,000 voters from the 2011 analysis). Gary Bartlett, the director of the board, said in 2011 that the final total could fall by up to 400,000 names after records are reviewed more closely for people with suspended licenses or who changed their names.³⁰

The court in the Georgia case also noted another significant failure that is repeated by the board in its North Carolina analysis. The Georgia secretary of state failed to “match its list of registered voters to federal government databases, to databases of other state government agencies that issue identification cards, or to tribal identification lists.” Among the acceptable IDs being considered in North Carolina are “a state employee ID card, a University of North Carolina system ID card, a military ID card, a passport, or a tribal ID card.”³¹ Since the board is a state agency, it has access to other state databases such as state employment records and University of North Carolina system student records. Yet there is no explanation by the board of why it only compared its voter registration list to DMV records and not to other easily available state records on acceptable IDs. And there was no comparison to federal or tribal databases.

The analysis also states that it considered registered voters to have a DMV-issued license only if there was an “exact” match of certain information. This is problematic because it likely missed large numbers of voters with a slight variation in their names or other data between the two lists. For example, the analysis says it found only 688,887 voters on the DMV list “based on an exact match of their name and date of birth.” Under this scenario, if DMV lists a “James L. Smith” with a birth date of January 1, 1960, but the same individual is registered as “James Lee Smith” with a birth date of January 1, 1960, the board’s criteria would classify this as a no-match. Mr. Smith would end up on the board’s analysis as having no photo ID.

It is possible these are two different individuals, but that question could easily be answered by comparing other data in the two records. Yet the board failed to do so. It did admit in a footnote that “[i]f a

name discrepancy exists between a person’s voter registration record and his or her DMV customer record, then it is possible that these individuals could be grouped with those voters for whom no DMV-issued ID could be matched.”

A survey by American University of voters in Maryland, Indiana, and Mississippi found that less than 0.5 percent of respondents had neither a photo ID nor citizenship documentation.

By the time all of these factors are taken into account, it is highly likely that only a very small fraction of the original 612,955 individual voters who supposedly do not have an ID would remain. In fact, it is highly likely that North Carolina would have the same experience as Georgia: Only a tiny fraction of its registered voters have applied for a free ID over the past seven years because they did not already have one. In 2012, for example, in a presidential election year, only 3,641 voters applied for a free voter ID card out of almost 6 million registered voters. Kansas, which has 1.8 million registered voters and whose voter ID law became effective in January 2012, had only 120 voters apply for a free ID from January 1 through September 30, 2012, which represents only 0.007 percent of all voters registered in Kansas.

That is in line with valid studies such as a survey by American University of voters in Maryland, Indiana, and Mississippi that found that less than 0.5 percent of respondents had neither a photo ID nor citizenship documentation.³² This is a far cry from the over 9 percent of North Carolina voters who the board claims have no photo ID.

Voter ID Is Not a Poll Tax

One final point on the claims that requiring an ID, even when it is free, is a “poll tax” because of the incidental costs like possible travel to a registrar’s office or obtaining a birth certificate that may be

30. *NC Data Quantify People Lacking Photo ID*, ASSOCIATED PRESS, Feb. 5, 2011.

31. Barry Smith, *GOP Lawmakers to Give Voter ID Bill Another Try*, CAROLINA JOURNAL ONLINE (Jan. 22, 2013).

32. *Voter IDs Are Not the Problem: A Survey of Three States*, CENTER FOR DEMOCRACY & ELECTION MANAGEMENT, AMERICAN UNIVERSITY 37 (Jan. 2008).

involved. That claim was also raised in Georgia. The federal court dismissed this claim, agreeing with the Indiana federal court that concluded that:

[S]uch an argument represents a dramatic overstatement of what fairly constitutes a “poll tax”. Thus, the imposition of tangential burdens does not transform a regulation into a poll tax. Moreover, the cost of time and transportation cannot plausibly qualify as a prohibited poll tax because those same “costs” also result from voter registration and in-person voting requirements, which one would not reasonably construe as a poll tax.³³

Conclusion

We are one of the few democracies in the world that do not uniformly require voters to present photo ID when they vote. All of those 100 other countries administer such a requirement without any problems and without any reports that their citizens are in any way unable to vote.

In fact, our southern neighbor Mexico, which has a much larger rate of poverty than North Carolina or the United States, requires both a photo ID and

a thumbprint to vote—and turnout has increased in their elections since this requirement went into effect in the 1990s. It is also credited with greatly reducing the fraud that had prevailed in many Mexican elections.

North Carolina has a valid and legitimate state interest not only in deterring and detecting voter fraud, but in maintaining the confidence of its citizens in the security of its elections. Requiring voters to authenticate their identity is a perfectly reasonable and easily met requirement. It is supported by the vast majority of voters of all races and ethnic backgrounds.

As the U.S. Supreme Court has said, voter ID protects the integrity and reliability of the electoral process. It should be applied to in-person voting as well as to absentee ballot voting, which is all too often the “tool of choice” of vote thieves.

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33. Common Cause of Georgia v. Billups, 439 F.Supp.2d 1294, 1354 (N.D. Ga. 2006) (citations omitted).