

# ISSUE BRIEF

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## Lessons from the Voter ID Experience in Texas

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The latest data from Texas about the state's experience with its first election held after its new photographic voter identification law became effective show that this requirement has done nothing to suppress voter turnout throughout the state. In fact, turnout in last year's constitutional elections in Texas yielded some of the highest turnout numbers in the past decade for similar type elections.<sup>1</sup>

Although this trend applies to statewide turnout, it is also true of various counties' turnout rates, even those with large numbers of minority voters where voter ID laws were predicted to restrict the ability of many citizens to vote. The oft-heard claim by voter ID opponents that such laws discriminate against poor and minority voters has once again been shown to be untrue.

**Voter ID.** Passed in 2011, Senate Bill 14 requires all in-person voters in Texas to present a valid photo ID when voting. Forms of acceptable ID include:

- A Texas driver license issued by the Texas Department of Public Safety (DPS),
- A Texas Election Identification Certificate issued by DPS,
- A Texas personal identification card issued by DPS,

- A Texas concealed handgun license issued by DPS,
- A U.S. military identification card containing the person's photograph, or
- A U.S. passport.<sup>2</sup>

A Texas Election Identification Certificate can be obtained for free from any DPS driver's license office, as well as county offices in 37 additional counties.<sup>3</sup> Prior to the November 2013 election, DPS also set up mobile ID stations in 41 other counties.

U.S. Attorney General Eric Holder objected to the Texas voter ID law under Section 5 of the Voting Rights Act on March 12, 2012, and a federal district court in Washington, D.C., refused to dismiss his objection.<sup>4</sup> But that court opinion and the objection became moot in 2013 when the U.S. Supreme Court held in a separate case, *Shelby County v. Holder*, that the coverage formula for Section 5—which dictated the state's inclusion under the Section 5 preclearance regime—was unconstitutional.<sup>5</sup> The Texas voter ID law immediately went into effect.

**Constitutional Amendment Elections.** The November 2011 and November 2013 elections in Texas, occurring in off years, featured statewide constitutional amendments on the ballots—10 propositions in 2011 and nine in 2013—as well as some candidates and ballot issues for individual counties. The 2011 statewide ballot amendments addressed education, taxes, and administration of government.<sup>6</sup> Statewide propositions in 2013 featured taxes, county governance, and administration of government, among other things.

The number of registered voters in Texas in 2011, when the voter ID law was not in effect, was

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12,841,808. In 2013, after the law had been implemented, there were 13,445,285 registered voters by the November elections.

Statewide turnout among registered voters for the 2013 constitutional election in Texas was 8.55 percent (1,149,337 voters)—a number remarkably higher than the turnout in 2011, which was only 5.37 percent (690,052 voters) of registered voters. The turnout of the voting-age population in 2013 was 7.93 percent, compared to only 3.77 percent in the 2011 election.<sup>7</sup> It is hard to equate a doubling of the percentage increase in voter turnout with any form of voter suppression, particularly when the Census estimates that there was only a 5.2 percent increase in the total Texas population from April 1, 2010, to July 1, 2013.

**Improved Minority Turnout.** A major concern among opponents of voter ID in Texas was that the law would have a particularly negative effect on poor and minority voters. These worries appear to have been unnecessary based on an analysis of voter turnout data by county for the 2013 election.

Webb County has a population that is 95 percent Hispanic, and 30.6 percent of the residents are below the federal poverty level.<sup>8</sup> Yet it experienced a huge jump in voter turnout among registered voters in

2013, after the new photo ID law was in effect: 2,223 people came out to vote in Webb County in 2009, and only 1,285 people voted in 2011. This number spiked to 10,600 voters last year—an increase of more than eight times the amount of voters from 2011.<sup>9</sup>

Similarly, Fort Bend County—whose population is 24 percent Hispanic, 21.4 percent black, and 18.1 percent Asian<sup>10</sup>—saw nearly 13,000 more voters show up at the polls for the 2013 election,<sup>11</sup> nearly doubling turnout from 2011.<sup>12</sup> Whites are only 36 percent of the population.

Hidalgo County, which is 91 percent Hispanic and has 35 percent of its residents living below the poverty level, saw its voter turnout increase by four times in 2013: 16,000 people voted in last year's election, compared to just 4,000 in 2011.

Cameron County, another overwhelmingly Hispanic county (35 percent poverty level), experienced a similar increase in voter turnout in 2013.<sup>13</sup>

**Turnout in Urban Counties.** The unwarranted discrimination claims appear to be even less grounded in fact when the counties surrounding Texas's major cities are examined. The counties that contain or border Dallas, Houston, and Austin have substantial minority populations, yet voter turnout

1. Bryan Preston, "Texas Voter ID Law Didn't Suppress Vote," CNN, November 12, 2013, <http://www.cnn.com/2013/11/12/opinion/preston-texas-id-laws/> (accessed January 28, 2014).
2. Texas Secretary of State, Register to Vote, Required Identification for Voting in Person, <http://votetexas.gov/register-to-vote/need-id/> (accessed January 28, 2014).
3. Texas Department of Public Safety, Election Identification Certificate (EIC), <http://www.dps.texas.gov/DriverLicense/electionID.htm> (accessed January 28, 2014); and Counties Issuing Election Identification Certificates, <http://www.dps.texas.gov/DriverLicense/documents/EICCountyrun.pdf> (accessed February 6, 2014).
4. *Texas v. Holder*, Civil Action No. 12-128 (D. D.C. August 30, 2012).
5. *Shelby County v. Holder*, 570 U.S. \_\_\_\_ (2013). Based on *Shelby County*, the Supreme Court vacated the Texas decision. *Texas v. Holder*, 133 U.S. 2886 (2013).
6. Texas Legislative Council, *Analyses of Proposed Constitutional Amendments: Nov. 8, 2011, Election*, pp. 7-59, <http://www.tlc.state.tx.us/pubsconamend/analyses11/analyses11.pdf> (accessed January 28, 2014).
7. Texas Secretary of State, Elections and Voter Information, "Turnout and Voter Registration Figures (1970-Current)," <http://www.sos.state.tx.us/elections/historical/70-92.shtml> (accessed January 21, 2014).
8. U.S. Department of Commerce, U.S. Census Bureau, State and County QuickFacts, Webb County, Texas, People QuickFacts, <http://quickfacts.census.gov/qfd/states/48/48479.html> (accessed January 21, 2014).
9. Cody Permenter, "Voter Turnout Better Than Previous Election Cycles," *Laredo Morning Times*, November 8, 2013, <http://www.lmtonline.com/articles/2013/11/08/front/news/doc527d5426858c8331937805.txt> (accessed January 21, 2014).
10. U.S. Department of Commerce, United States Census Bureau, State and County QuickFacts, Fort Bend County, Texas, People QuickFacts, <http://quickfacts.census.gov/qfd/states/48/48157.html> (accessed January 31, 2014).
11. Fort Bend County, Texas, Fort Bend Votes, Election Results, 2013 Election Results, November 5, 2013, Special and General Election, <http://www.fortbendcountytexas.gov/modules/showdocument.aspx?documentid=12842> (accessed January 31, 2014).
12. Fort Bend County, Texas, Fort Bend Votes, Election Results, 2011 Election Results, November 8, 2011, Constitutional Amendment Election, <http://www.fortbendcountytexas.gov/modules/showdocument.aspx?documentid=6110> (accessed January 31, 2014).
13. Preston, "Texas Voter ID."

among registered voters nearly doubled in almost all of these counties. Dallas County, which has a population that is 23 percent black and 39 percent Hispanic,<sup>14</sup> saw voter turnout increase from just 3.5 percent (38,537 voters) of registered voters in 2011 to 5.99 percent (69,463 voters) in 2013.<sup>15</sup>

Harris County, which contains the city of Houston, has a population that is 20 percent black and 42 percent Hispanic and a total population of 4,253,700 people.<sup>16</sup> Voter turnout was 8.83 percent (164,971 voters) in 2011<sup>17</sup> but jumped to 13.23 percent (260,437 voters) in 2013.<sup>18</sup>

The same can be said for the counties surrounding Austin. Williamson County, whose population is 6.7 percent black and 24 percent Hispanic,<sup>19</sup> saw voter turnout increase from 6.83 percent (15,942 voters) in 2011<sup>20</sup> to 11.47 percent (29,275 voters) in 2013.<sup>21</sup> Travis County has a population that is 9 percent black and 34 percent Hispanic,<sup>22</sup> and its voter turnout among registered voters increased from 8.73 percent (50,774 voters) in 2011<sup>23</sup> to 13.75 percent (85,005 voters) in 2013.<sup>24</sup>

**The Effects of Voter ID.** The implementation of a voter ID law in Texas has done nothing to suppress voter turnout across the state. Some rural counties,

such as Webb County, experienced voter turnouts in 2013 that were almost 10 times higher than the 2011 election. Urban counties—with large minority populations—containing and surrounding Texas’s major cities also saw an increase in voter turnout in 2013. This delegitimizes claims that voter ID laws are likely to negatively affect poor and minority voters. Instead, since the implementation of voter ID in Texas, turnout and registration totals have actually increased quite dramatically.

These results parallel those of other states such as Georgia and Indiana with years of experience in multiple elections with voter ID requirements. This is more evidence that the lawsuit filed against the Texas voter ID law by the U.S. Department of Justice in August 2013<sup>25</sup> under Sections 2 and 3 of the Voting Rights Act that claims voter ID is discriminatory is unwarranted and has no basis in fact or law.

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