

The Dishonesty of Voter ID Laws

New York Times, September 30, 2013

The Justice Department on Monday [sued North Carolina](#) over the state's restrictive new voting law, which requires photo identification for in-person voting and cuts back on early voting and same-day [registration](#) — all of which will disproportionately affect black voters. The suit, which follows similar litigation against Texas, is the latest effort by the department to go after voting discrimination in the wake of [the Supreme Court's ruling in June striking down](#) part of the Voting Rights Act.

Attorney General Eric Holder Jr. called the North Carolina law “an intentional attempt to break a system that was working,” and he said that it was clearly intended to discriminate on the basis of race.

But North Carolina and Texas represent only one front in the continuing battle to protect voting rights. Twenty years after Congress passed the “motor voter” law to make it easier for Americans [to register](#) to vote, numerous states keep trying to make it harder, relying on vague and dubious claims of voter fraud to push through misguided and harmful legislation.

The 1993 law, formally known as the National Voter Registration Act, established a uniform federal form that requires only that voters attest under penalty of perjury that they are citizens. The form, which states must “accept and use” when people apply for a driver's license, has helped millions of Americans [register](#) to vote.

One week before it gutted the Voting Rights Act, the Supreme Court reaffirmed the federal motor voter law's primacy, [striking down an Arizona law](#) that required prospective voters to prove their citizenship. That was the right result. In the face of scant evidence of voter fraud, there is no reason to increase barriers to voting.

But the court also noted that if a state believes it needs to see more concrete proof of citizenship, it may request specific changes to the form used within its borders if “necessary” to determine voters' eligibility.

Last month, Kansas and Arizona seized on that point, and [sued the federal government](#) for refusing to add their stricter requirements to the federal form. (While Kansas permits voters who use the federal form to vote in federal elections, it stops them from voting in state and local elections if they don't provide proof of citizenship.)

Why does Kansas believe it is “necessary” to require the additional proof? The state makes broad claims that noncitizens have unlawfully registered and voted, but, as usual, there is no evidence that any significant voter fraud exists.

The Kansas secretary of state, Kris Kobach, a longtime proponent and [drafter](#) of these laws, points to a 1997 vote on a county ballot measure, in which he claims “a bus full of individuals believed to be aliens” voted illegally, and a 2010 election that he says was stolen by “50 votes illegally cast by citizens of Somalia.” But [these claims don't stand up to scrutiny](#). The first case resulted in no prosecutions, and a state judge found no evidence of voter fraud in the second. Mr. Kobach cites a total of seven convictions for voter fraud since 1997.

Meanwhile, [more than 17,000 Kansans — nearly a third of all those who have registered to vote in 2013 — currently sit on a “suspense list,”](#) prevented from voting because the state says they did not provide the required proof of citizenship. State officials have acknowledged that a majority of those on the list may be there because of confusion over conflicting state requirements.

Instead of acknowledging the seriousness of these mix-ups, Mr. Kobach called those on the list “mostly casual registrants, many of whom do not intend to vote.”

Kansas’s law, like those the Justice Department has challenged, reveals the underlying dishonesty of voter ID laws. They have nothing to do with stopping the nonexistent threat of voter fraud and everything to do with making it harder for more eligible voters [to register](#) and vote.