

Voting rights become a proxy war in the 2016 presidential election

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Who gets to vote? Democrats and Republicans clash over the answer.

Republicans – with a helping nudge from the United States Supreme Court’s conservative majority (of which more below) – are passing restrictive voting laws in states where they control both branches of government.

Meanwhile, Democrats are expanding voting rights in states where they dominate the governing process. Democrats Senator Patrick Leahy of Vermont and Representative John Lewis of Georgia also introduced a [bill](#) in Congress at the end of June that would require states (mostly in the South) to get federal approval for any changes in any statewide voting laws or procedures.

This battle is especially important for a presidential election year, when voter turnout is significantly higher [than in midterm elections](#).

Much of the difference in the turnout is made up of prime Democratic constituencies – the young and minorities – which explains why Democrats are so set on increasing turnout and Republicans would prefer to restrict it.

Under the banner of preventing "voter fraud," GOP lawmakers are making it harder for people to register to vote by requiring photo-ID documents and by limiting early and weekend voting, which is more frequently used by those who find it hard to get to the polls on a Tuesday.

In many inner cities, for example, black churches have run ["souls to the polls"](#) caravans on the Sunday before election day.

Republicans in Maine went so far as to repeal their long-standing Election Day Registration law (EDR); however voters reinstated it in 2011 when Democrats managed to place the issue on a [referendum](#) ballot.

On the other side of the aisle, Democrats have successfully extended Election Day registration in the blue states of Colorado, Connecticut, Illinois, California and Rhode Island, bringing the number of EDR states to 13 plus the [District of Columbia](#).

GOP cites 'rampant voter fraud'

Republicans cite rampant voter fraud as the basis for more restrictive voting laws. However, there is [scant empirical evidence](#) for such claims.

The risk of prosecution for perjury is a strong disincentive for an ineligible voter to impersonate someone else in order to cast a single ballot. While voter fraud does exist, [it is usually committed](#) by election officials who would be unaffected by photo ID laws.

Despite this, Republican lawmakers keep pushing such regulations, which Democrats contend have the greatest impact on segments of the population - racial minorities and young people - who tend to vote Democratic and are less likely to have driver licenses or other acceptable forms of ID.



Republicans want to clamp down, Democrats want to open up [corund/Shutterstock](#)
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Tightening laws in the red states

Since the 2010 election, 21 Republican-controlled states have [enacted](#) laws making it more difficult to register or vote. Among the most draconian of these laws are:

North Carolina: The Voter Information and Verification Act mandates strict identification to cast a vote, and disallows the use of student or public employee IDs. It also cut back early voting days [by a week](#). One study found that 55% of North Carolina Democrats [lacked](#) an appropriate state-issued ID.

Ohio: The legislature [sharply curtailed](#) early voting, including voting on the Sunday before an election, when historically African-American churches rallied their congregants to go to the polls. It also eliminated Golden Week when citizens could both register and vote on the same day.

Florida: The state is arguably the leader in implementing voting restrictions. It was one of the first states to cut back on early voting, suppress voter registration drives and cut off voting rights for those with former criminal convictions. Some 1.5 million Floridians with criminal convictions are essentially [permanently disenfranchised](#).

Texas: The state's voter ID law is probably the [strictest in the country](#). It allows only a few forms of photo identification, and does not allow student IDs or tribal IDs, although gun permits are acceptable. The law was initially struck down by a federal court, but the US Supreme Court [allowed it](#) to go into effect for the 2014 election.

Georgia: The Peach State has one of the [most restricting](#) photo ID laws. It does not recognize student ID cards from private colleges or government benefit cards.

Kansas: The [Secure and Fair Elections Act of 2011](#) requires the following in order to vote: (1) show a photo ID at the polling place; (2) voters requesting a mail-in ballot must submit their driver's license number or a copy of a photo ID; and (3) provide proof of US citizenship.

Pennsylvania: In 2012, the legislature passed a law requiring voters to bring a photo ID to the polls. But in 2014, the Commonwealth Court struck down the law, finding it in violation of the State Constitution. The court found that “hundreds of thousands of registered voters lacked the restrictive forms of ID required.” And the state had not made it easy to get an ID. The court also found there was no evidence of in-person voter fraud. The state [declined to appeal](#).

More [restrictive voting laws](#) were also adopted in the following states: Arkansas (photo ID required to vote - Legislature overrode gubernatorial veto; Indiana (authorized challengers can demand proof of identification); Nebraska (reduced early voting period); North Dakota (required photo ID to vote); Tennessee (more restrictive photo ID requirement); Virginia (required photo ID and restricted third-party voter registration).

Legislative battles continue to rage in many other states over Republican-backed voting restrictions, and court fights continue over many of those already in place.

However, the conservative Supreme Court majority has provided support for many of these laws, first by [upholding](#) the Indiana photo ID law a decade ago and then by [striking down](#) Section 5 of the Federal Voting Rights Act, which required states with a history of racial discrimination in voting to get pre-clearance for new restrictive voting laws from either a federal court or the US Department of Justice.

Blue states expand voting rights

Meanwhile, blue states have been moving sharply in an opposite direction to expand the right to vote. At the same time, Democrats are [challenging voter rights restrictions](#) imposed by Republicans.

A [number of states](#) have adopted on-line voting registration, making it easier for eligible voters to get on the rolls in states like Illinois, Virginia and West Virginia. And Maryland expanded early voting and allowed same-day registration during early voting.

But most significantly, Oregon [adopted universal](#) registration of anyone over 18 who does not opt out. This position now seems to be supported by [Hillary Rodham Clinton](#), the Democrats' likely presidential candidate, and will no doubt be endorsed by other Democratic politicians.

The general counsel for Clinton's presidential campaign, [Marc Elias](#), has been [leading the charge](#) in filing challenges to voting rules in the key [battleground states](#) of Virginia, Ohio and Wisconsin.

The success of those challenges – or the continued ability of Republican legislators to impose voting restrictions – would markedly change the US electorate in the decades to come.