



ELECTION 2018

LATINO VOXOTERS AT RISK:

The Impact of Restrictive ID Requirements
on the Nation's Fastest Growing Electorate

A REPORT BY THE NALEO EDUCATIONAL FUND

The nation's leading non-profit organization that facilitates full Latino participation in the American political process, from citizenship to public service.

EXECUTIVE SUMMARY

Restrictive voter ID laws are spreading and growing more exclusionary. Advocates of strict voter ID claim we need it to prevent voter fraud, yet no one has ever produced evidence of significant fraud, or even attempted fraud. This failure is not surprising, since it is hard to imagine how people posing as other voters could alter an election.

Their main effect is different: they reduce the voting rates of historically underrepresented minorities like Latinos, both by barring people without ID from polling places and by dissuading people who are not certain they have qualifying ID from even trying to vote.

This report examines the extent to which the most restrictive voter ID laws reduce underrepresented voters' participation, and their potential impact on the 2018 election in the 15 states that have them. It also briefly examines their role in local elections, and their deterrent effect on Latino voting beyond the letter of the law itself.

VOTER ID LAWS CLEARLY INHIBIT VOTING.

NALEO Educational Fund estimates that:

- At least seven percent of eligible Latino voters lack proof of their U.S. citizenship, and certain states may reject their applications to register.
- Sixteen percent of eligible Latino voters lack a government-issued photo ID document acceptable at the polling places in many states.
- Even when they possess such a document, Latinos often do not understand the complex ID rules and have mistakenly assumed they cannot vote.
- Overall in 2018, voter ID laws may impair at least **1,142,400** Latino eligible voters who live in states with new, enhanced, or pre-existing voter ID requirements.

The policies work at two levels: registration and, more commonly, voting itself.

SOME STATES REQUIRE DOCUMENTARY PROOF OF CITIZENSHIP OR RESIDENCY TO REGISTER.

They may prevent Latinos from beginning the voting process without a document like a certificate of naturalization or passport. Those citizens without such proof face more hurdles to obtaining it, since they have, on average, lower incomes, less access to transportation, and tighter work and family care schedules.

STRICT ID LAWS LIKELY REDUCE THE LATINO BALLOT COUNT.

Voters may arrive at the polling place only to find they lack the ID they need. For instance, a 2018 review of surveys concluded that on average, just 82 percent of eligible Latino voters and 81.2 percent of eligible African American voters possessed a current, accurate photo ID, compared to 90.5 percent of eligible non-Hispanic white voters. While some states offer workarounds, they can be time-consuming or intrusive, and may not ensure that all qualified voters are able to cast ballots. At the same time, tests have repeatedly shown that poll workers do not enforce ID requirements in a nondiscriminatory manner.

The table below summarizes the most restrictive and concerning ID laws state-by-state. It sets forth the number of Latinos eligible to vote, by state, who will face challenges in Election 2018.

TABLE 1
Number of Eligible Latino Voters at Risk from ID Laws

State	Proof of citizenship or residency required for registration	Strict voter ID law	Restrictive photo ID requirement
Alabama		11,000	
Arizona	*	*	
Arkansas			12,400**
Georgia		55,800	
Indiana		31,200	
Iowa			12,600**
Kansas		23,700	
Mississippi	*	5,700	
Missouri			19,400**
New Hampshire	*, **		
North Dakota		2,400**	
Tennessee	*	18,500	
Texas			868,000**
Virginia		52,700	
Wisconsin		29,000	
TOTAL	*	230,000	912,400

* No estimate provided of Latino voters affected, because of insufficient public data or other information to make a reliable projection.

** New or changed laws since Election 2016.

MANY LATINOS INCORRECTLY BELIEVE THEY CANNOT SATISFY ID REQUIREMENTS.

We cannot predict how many eligible Latino voters nationwide will not vote because of this mistake. However, we know that it keeps a large number from voting. In fact, their number likely exceeds the number of potential Latino voters whom these laws prevent outright from casting ballots.

LATINO VOTERS ARE MORE LIKELY TO EXPERIENCE INTIMIDATION AND SCRUTINY IN POLLING PLACES.

This fact may be one reason Latino voters are more apt to believe that ID laws are stricter than they actually are.

ALL THESE FACTORS TOGETHER STILL DO NOT CAPTURE THE FULL IMPACT OF VOTER ID LAWS.

For instance, they fail to show the extent to which ID requirements keep eligible citizens from registering in the first place.

STRICT VOTER ID LAWS WOULD NOT HAVE SPREAD BEFORE 2013.

In that year, the Supreme Court invalidated a key protection of the Voting Rights Act: preclearance. Previously the courts had identified portions of 16 states that had histories of passing election laws to exclude minority communities. These jurisdictions had to submit all new voting policies to anti-discrimination review—preclearance—before implementing them. Now they can alter ID laws without this oversight. This report shows how they have.

OUR DEMOCRACY REQUIRES ELECTIONS THAT REFLECT THE WILL OF ALL ITS PEOPLE.

The ballot has given our nation unparalleled power and resilience. However, voting rates have declined from the 1950s to the 2010s, and some state legislatures are now forcing the rates down further. In 2018, strict voter ID laws will keep more Americans from voting.

NALEO Educational Fund is committed to ensuring that only eligible citizens vote and that our elections retain full integrity. At the same time, we urge legislators to eliminate the negative effect of existing ID requirements, and to enact policies that increase voter engagement.

**American democracy has not suffered because too many citizens have voted,
but because too few have.**

Voter Identification and the Voting Rights Act in 2018

For most of its first forty years, the Voting Rights Act (VRA) stood strong, despite the difficulty of enacting it and the ferocity of conflicts over its application. States and localities—particularly those with a history of repressive lawmaking that had to meet preclearance requirements—knew that the Department of Justice and voter advocates would challenge efforts to erect discriminatory barriers to voting.

When Congress last reauthorized the VRA in 2006, Members preserved its broad strokes and only 33 voted against it. National consensus supported legal protection of equal voting rights, yet cracks were already showing. On the heels of the Help America Vote Act's codification of non-photo identification requirements for newly-registered voters, the states of Georgia and Indiana adopted the nation's first strict photo ID voting laws in 2005.

The movement that began in 2005 reached a milestone of sorts in 2018, when a federal appellate court upheld a Texas voter ID requirement that had previously been found intentionally discriminatory in violation of the VRA. The court's ruling built on the foundation created by the Seventh Circuit Court of Appeals' 2014 decision allowing Wisconsin's strict voter ID law to remain in effect, and the Supreme Court's refusal to take up that case. Although interim federal court determinations have recognized the discriminatory intent and effects of some strict ID requirements, the courts' final decisions have most often upheld those requirements. Accordingly, legislators in many states have resumed efforts to toughen identification requirements of voters.

Courts Have Overlooked and Discounted Discriminatory Effects of Voter ID

Despite the federal court decisions, a strong, growing body of evidence shows the discriminatory intent and effects of voter ID laws. No proponent of strict ID has ever produced evidence of widespread attempted fraud that identification checks would prevent. This lack of evidence is not surprising. Common sense tells us that individuals impersonating other voters could alter very few elections and hence would have no reason to try. At the same time, voter participation rates have declined from the 1950s to the 2010s. American democracy has not suffered because too many citizens have voted, but because too few have.

If fraud is not a problem in American elections, why have legislatures passed voter ID laws? Insiders' comments strongly suggest the goal is to impede voter participation. For example, North Carolina political consultant Carter Wrenn said of related developments in his state, "Of course [voter ID laws are] political. Why else would you do it?" Former Wisconsin legislative staffer Todd Allbaugh revealed that he "was in the closed Senate Republican Caucus when the final round of multiple Voter ID bills were being discussed. A handful of the GOP Senators were giddy about the ramifications and literally singled out the prospects of suppressing minority and college voters."

Voter ID advocates are, at minimum, aware that ID requirements will likely impose their heaviest burden on voters who have been historically excluded from elections. At worst, they may intend to prevent them from voting. For instance, members of the Texas legislature and state Administration acknowledged as much in statements cited in litigation over the state's law. Then-State Representative Todd Smith said, "If the question is are the people that do not have photo IDs more likely to be minority than those that are not, I think it's a matter of common sense that they would be." According to a 2014 court decision, State Senator Rodney Ellis "testified that all of the legislators knew that [Texas] SB 14, through its intentional choices of which IDs to allow, was going to affect minorities the most."

Now that certain strict voter ID requirements have been in effect for a decade, evidence has shown that these laws do not merely prevent people without identification from casting ballots. By sowing confusion and warning voters that they will face additional scrutiny in polling places, voter ID laws alienate many qualified members of the electorate.

Tests have repeatedly revealed that poll workers do not implement ID requirements in a uniform or nondiscriminatory manner. For example, in 2008, when only Georgia and Indiana were enforcing strict photo ID requirements, 70 percent of African American voters and 65 percent of Latino voters, compared to just 51 percent of non-Hispanic white voters, reported being asked for photo ID at the polls in the Survey of the Performance of American Elections. Moreover, where voters need not present photo ID, poll workers are more likely to request personal documents from voters of color, according to a 2014 study by Professors Lonna Rae Atkeson, Yann P. Kerevel, R. Michael Alvarez, and Thad E. Hall. When Professors Ariel R. White, Noah L. Nathan, and Julie K. Faller sent test inquiries about voter ID laws to more than 7,000 election administrators in 48 states in 2014, they found that when their messages came from Latino aliases or were written in Spanish, they were significantly less likely to receive any response, or to receive a correct and complete response, than when they sent messages from non-Latino white aliases.

In sum, legislators have enacted heightened ID requirements for voters knowing that a larger percentage of qualified minority voters cannot satisfy them. Latino voters are not only less likely than whites to possess voter ID, but also more likely to be asked for it at polling places, and less likely to have election administrators answer their questions about voter ID laws satisfactorily. It is therefore regrettably unsurprising that polls after the 2014 and 2016 elections showed that strict voter ID requirements caused more voters of color to misunderstand voting rules and not participate than their white counterparts.

NALEO Educational Fund finds that in 2018, at least **230,000** eligible Latino voters, living in states that prohibit voters without ID from casting ballots, will likely confront voter ID requirements they cannot immediately satisfy. Moreover, mounting evidence suggests that many more eligible Latinos may sit out Election 2018 in part due to apprehension about ID requirements, even though our laws should encourage them to vote. With federal courts permitting ID requirements and legislators newly emboldened, the chilling effects of ID laws are at risk of spreading in the coming years.

Voter ID Requirements Will Stand in the Way of Latino Voters in 2018

For the 2018 Election, some states will enforce pre-existing strict ID laws, and other states will implement new or newly altered requirements. In the states in question, significant numbers of eligible Latinos lack the ID required at polling places.

Beginning with the Brennan Center for Justice's landmark 2006 study, *Citizens Without Proof*, a long line of surveys and studies has consistently shown that potential Latino voters disproportionately lack the identification documents they may need to register and to vote in person. The Brennan Center concluded that 16 percent of Latinos did not have a current, valid government-issued photo ID, compared to 11 percent of all adult U.S. citizens surveyed. Those figures are consistent with numerous evaluations that have followed. In 2014, for example, the Government Accountability Office conducted a literature review and found credible a selection of studies that showed that between 84 and 95 percent of potential voters had state-issued identification documents, and African American, Latino, and other voters of color were less likely than whites to possess such ID. Another summary of several national and state-based surveys to be published in 2018 in *American Politics Research* finds that, after controlling for factors other than race and ethnicity, 82 percent of Latinos eligible to vote and 81.2 percent of African Americans eligible to vote possess qualifying voter ID, compared to 90.5 percent of non-Hispanic white eligible voters.

Numerous academic investigators have reached consistent conclusions about racial and ethnic disparities in document possession, after surveying voters or comparing voter registration records to databases of holders of government-issued identification. For example:

- In 2012 Professor Stephen Ansolabehere determined that among registered voters in Texas the following had a current state ID: whites, 89 percent; blacks, 79 percent; Latinos, 83 percent.
- Professors Matt Barreto and Gabriel Sanchez surveyed eligible Texan voters in 2014 and found that Latinos were 2.42 times more likely than whites to report lack of a usable ID, and African Americans 1.78 times more likely than whites.
- These results mirrored the professors' previous findings. In Pennsylvania the following reported a usable ID: eligible whites, 86 percent, and Latinos, 81.7 percent. In Milwaukee County, Wisconsin, the following reported *lacking* a usable ID: whites, 7.3 percent; African Americans, 13.2 percent; and Latinos, 14.9 percent.
- In 2017, Professors Eitan Hersh and Stephen Ansolabehere compared Texas' voter registration list to lists of Texans who held each of the identification documents accepted at the state's polling places, and found that 3.6 percent of registered white non-Latino voters appeared to lack qualifying voter ID, compared to 7.5 percent of African American and 5.7 of Latino voters.

Experts generally agree that eligible voters who are not registered or who are not habitual voters are more likely to lack ID than their counterparts who are registered and who are consistent voters. In a 2008 study of Indianans published in the journal *PS: Political Science and Politics*, for example, Professors Barreto, Sanchez, and Stephen Nuno found disparities of between 2.7 percent and 4.7 percent in ID ownership rates between voters and non-voters, with non-voters less likely to have an ID they could use to vote.

Studies of voter turnout, moreover, confirm the existence of racial and ethnic disparities in possession of ID documents. According to an article published by Kelly McConville, Lynne Stokes, and Mary Gray in 2018 in the journal *Statistics and Public Policy*, exit surveys of Texan, Pennsylvanian, and Virginian voters conducted after adoption of stricter voter ID requirements revealed that black voters were 4.5 times more likely than non-black voters to have been unable to vote because of an ID-related problem; in the Dallas area, individuals who reported inability to vote because of ID issues were exclusively black and Latino voters. A 2016 study of voting in Michigan by Professors Phoebe Henninger, Marc Meredith, and Michael Morse found that minority voters were 2.5 to six times more likely than non-Hispanic white voters to go to the polls without a photo ID. In addition, according to analysis by Professors Bernard L. Fraga and Michael G. Miller, among just over 16,000 Texan voters who appeared at polling places without qualifying ID in 2016, African Americans and Latinos were overrepresented.

In addition to disproportionately lacking required ID, Latino and other underrepresented voters are more likely than white voters to lack proof of their U.S. citizenship and other precursor documents they need to obtain voter ID. For example, a 2012 survey of 18- to 29-year old eligible voters by the Black Youth Project found that more than 84 percent of potential white voters had access to their birth certificates, and 47.5 had a U.S. passport; however, just 73.3 percent of African Americans and 55.1 percent of Latinos had their birth certificates, and 37.1 percent of Latinos and 22 percent of African Americans had current passports. As of 2016, Census data showed that 24.9 percent of eligible Latino voters and 7.5 percent of eligible black voters were naturalized citizens, compared to just three percent of non-Hispanic white voters. Naturalized and derivative citizens cannot prove their status with a birth certificate, and if they need a replacement certificate of citizenship or naturalization to register or vote, they face a major hurdle: certificates of citizenship presently cost \$1,170 and replacement certificates of naturalization cost \$555. Derivative citizens who need documentation of their citizenship, and naturalized citizens who do not have their original certificates of naturalization, must wait on average between seven and 13 months for the Department of Homeland Security to process an application for a citizenship document, as of October 2018.

Laws that require proof of U.S. citizenship for voter registration may prevent Latino and other underrepresented voters without birth certificates, certificates of naturalization, or passports from voting. In addition, these voters will struggle to obtain the state-issued IDs they may need to cast in-person ballots. As NALEO Educational Fund has described in Latino Voters at Risk reports issued in 2012 and 2016, Latino Americans and people who lack proof of citizenship and other government-issued forms of identification have, on average, lower incomes than their counterparts. These “citizens without proof” are also more likely to lack regular access to transportation, and less likely to enjoy flexible work and family care schedules. Hence if a potential voter lacks sufficient ID, she is also more likely to encounter significant hurdles to obtaining it.

To determine the potential negative impact of voter ID requirements in 2018, we continue to use the Brennan Center’s survey finding in light of its consistency with the findings of subsequent surveys and studies. We estimate that 16 percent of eligible Latino voters lack an ID document sufficient to vote in states with strict photo ID requirements. In addition, we estimate that at least seven percent of all eligible Latino voters lack proof of their U.S. citizenship, and may therefore have their voter registration applications rejected in certain states. In 2018, voter identification laws may impair at least 1,142,400 Latino eligible voters who live in states with new, enhanced, or pre-existing voter ID requirements.

States with New and Enhanced Voter ID Laws

ARKANSAS

The Arkansas legislature originally adopted a voter ID requirement in 2013, but before it went into effect for a federal election, the state Supreme Court invalidated it. The Court found that the ID requirement constituted an additional qualification for voting that went beyond the bounds of the minimum qualifications set forth in the state constitution. In addition, the 2013 law had not been adopted with two-thirds of legislators’ votes, as required of changes to voting qualifications.

In 2017, the state legislature tried again, and succeeded in adopting a voter ID requirement by margins that exceeded the necessary two-thirds. This new law requires Arkansan voters to display a photo ID at polling places, or to include a copy of a photo ID with absentee ballot submissions. The ID must contain the voter’s name and be issued by the federal government, state of Arkansas, or an accredited post-secondary educational institution in Arkansas, and if it bears an expiration date, that date must be no earlier than four years before the election in question. People without ID may cast provisional ballots, and those ballots are counted as long as the voters in question sign an affidavit attesting to their identity or show IDs to county boards of election or county clerks by noon on the Monday following Election Day. Although the law should not prevent voters without ID from casting ballots, it also provides for the sharing of lists of voters who appear at the polls without identification with prosecuting attorneys for potential investigation and prosecution of any alleged fraud.

Litigation over the 2017 voter ID requirement is continuing as of the publication date of this paper. However, the state Supreme Court paused a preliminary ruling against the law, allowing its enforcement during the 2018 primary elections. It is likely that the Court will also allow the law for the 2018 general election, as courts disfavor changing election procedures within the month or two preceding an election day. A 2018 ballot measure may make the pending challenge to the law moot after Election Day: Arkansans will soon vote on a proposed state Constitutional amendment that would clarify the permissibility of an ID requirement for voters.

Although Arkansan voters without ID can still cast ballots, the requirement is likely to deter some voters who do not know of their options. Moreover, the smooth functioning of the law depends upon the uncertain proposition that poll workers will faithfully offer provisional ballots and affidavits, or that voters without ID will request them. Therefore, we remain concerned about the potential disfranchising effect of the law upon Arkansan Latino voters. According to 2017 American Community Survey one-year data—the most up-to-date figures available—there were 77,412 eligible Latino voters in Arkansas, nearly 27 percent of them naturalized citizens. NALEO Educational Fund estimates that approximately **12,400** Latino U.S. citizens in Arkansas may lack ID they could use to vote in 2018, and may therefore be less likely to vote successfully in this and future elections.

IOWA

In 2017, the Iowa legislature adopted a new voter ID law. It requires Iowans to present one of four identification documents at polling places to obtain ballots: an Iowa driver's license, an Iowa nondriver identification card, a U.S. passport, or a military or veteran's identification card issued by the federal government. A voter who cannot, in the alternative, present his or her pre-signed state voter ID card, or the testimony of another registered voter in the same precinct willing to sign a statement at the polling place attesting to personal knowledge of the identity and residency of the voter without ID. For elections held in 2018 only, voters will also be allowed to sign sworn statements attesting to their own identity. Subject to its provision of requisite funding, the state legislature also directed the state registrar to cross-reference the state's voter registration list against lists of holders of driver's licenses and state IDs, and to issue free voter identification cards to existing registrants and future new registrants without state-issued IDs. Voters who cannot satisfy any of these requirements may cast provisional ballots, which are counted if voters satisfy identity verification requirements by the Monday after the election.

As in Arkansas, community members and voting advocates sued to block implementation of Iowa's new requirement, along with other voting-related provisions in the same piece of legislation. Interim rulings will affect the 2018 voting process in Iowa, in pertinent part by preventing officials from requiring absentee voters to submit their unique voter identification numbers with absentee ballot requests, and by prohibiting the Secretary of State from promulgating advertising or other communications that suggest that ID is required to vote in 2018. Nonetheless, identity verification procedures will be in effect on Election Day, and in-person voters will be asked for government-issued ID.

Although Iowans retain the right to vote in 2018 without ID upon completion of an affidavit of identity, they will have to present either an identification document or a qualified person to vouch for them in future election cycles. Numerous eligible voters may not acquire the voter ID cards that the state intends to issue as failsafe, including those who do not register in advance of election days and those who are wrongly matched to another person in the state ID database. Routine issuance of these cards also depends on the appropriation of funds.

In addition, the Secretary of State's early efforts to inform voters about the ID law create concern that voters and poll workers may misunderstand the new law's many nuances. For example, some state advertisements appeared to constitute checklists for voters and advised Iowans to register, obtain ID, then vote, suggesting that ID would be required to secure a ballot, even in 2018. NALEO Educational Fund fears that Latino Iowans without a state ID, passport, or military or veteran's ID are at heightened risk of avoiding the upcoming election or being wrongfully denied the opportunity to vote. According to Census data, there are 78,723 adult Latino U.S. citizens residing in Iowa; approximately **12,600** likely lack a driver's license, nondriver state ID, passport or military ID.

MISSOURI

The Missouri legislature enacted a new voter ID requirement in 2016 which then-Governor Jay Nixon initially vetoed. The legislature overrode the veto in September 2016, and new ID requirements went into effect on June 1, 2017. The 2016 law calls for Missouri in-person voters to display either an unexpired Missouri driver's license, nondriver state ID, state or federal military or veteran's ID, or another federal government- or Missouri-issued document containing the voter's name, photo, and an expiration date after the date of the election in question. Voters without a qualifying ID may vote regular ballots if they sign a statement confirming that they do not possess a government-issued photo ID that meets applicable criteria, and also present another identification document issued by a Missouri government agency, the federal government, or a Missouri institution of higher education; a current utility bill, bank statement, government check, paycheck, or other government document that lists correct name and address; or any other ID approved by the Secretary of State. Rather than signing a statement, people without photo ID may vote provisionally. A provisional ballot cast by a registered voter who does not bring an ID to the polls is counted if the voter returns to the polling place on the same day to show a qualifying government-issued photo ID, or if the voter's signature on his or her provisional ballot matches his or her signature on file.

As in other states, voters and voting advocates sued to block Missouri's new voter ID law. On October 9, 2018, a state judge upheld the ID requirement generally while taking issue with two aspects of its implementation: the signed-statement option and the state's advertising around the new requirement which implied that voters would be prohibited from voting if they could not present a photo ID.

Finding that the signed-statement language prescribed by statute was internally contradictory and misleading, the judge prohibited the state from requiring voters without photo ID to execute it, and also ordered the state to make clear in any communications or advertising that there are permissible alternatives under law to displaying photo ID at polling places. Barring any subsequent developments, this ruling will govern operations during the 2018 election.

Although Missourians, like Arkansans and Iowans, may still vote without a government-issued photo ID, confusion and apprehension about the new law will probably have a deterrent effect on Latinos without such ID. The court's October 2018 decision made this likelihood clear, citing testimony from two voters who said that poll workers had incorrectly told them that the new law forbade them from voting without government-issued photo ID. The court also confirms that state officials and agencies have created misimpressions of the law's requirements. In total, Census data tell us that 121,043 adult Latino U.S. citizens live in Missouri. About **19,400** of them likely lack government-issued photo IDs, and are at heightened risk of presuming that they cannot vote, or of being unjustly turned away from the polls, in 2018.

NEW HAMPSHIRE

New Hampshire adopted a voter ID rule in 2012 which provided for a menu of options for in-person voters. As of the 2012 general election, New Hampshire voters must display a photo identification document at polling places, or complete alternative identity verification. Acceptable IDs include student identification cards issued by New Hampshire educational institutions, and all photo IDs determined to be valid by election supervisors. Voters without ID may cast regular ballots if they complete an affidavit of identity and have their picture taken for attachment to the affidavit, or if an election worker affirms their identity based on his or her personal knowledge. After each election, the Secretary of State must mail letters to voters who took advantage of the affidavit option, notifying them that someone voted in their name without ID, and asking them to return the letter within 30 days to confirm that the voters in question were who they claimed to be. The Secretary and state Attorney General must investigate individuals whose letters are returned as undeliverable, or who fail to return letters.

While these identification confirmation procedures have preserved options for New Hampshire voters without a qualifying voter ID, the state has created additional documentation-related requirements for certain voters in 2017 and 2018 that may deter the same residents most likely to encounter difficulties attributable to voter ID requirements. First, in 2017, the state adopted rules that distinguished between people registered to vote more than 30 days before an election and less than 30 days. People who have been in New Hampshire for less than 30 days are presumed to be temporary residents, and cannot register and vote in the state unless they have taken action to make New Hampshire their permanent residence. Accordingly, if a person registered 30 or fewer days before an election, she must specify the date on which she established New Hampshire residency, and must provide documentary proof of residency. Registrants who fail to provide that evidence in time become the subjects of investigations that may encompass review of municipal records and official visits to a voter's home.

In 2018, the state added an additional requirement that voters be, or intend to become, legal residents of New Hampshire. "Residents" of the state, in turn, must obtain New Hampshire driver's licenses and vehicle registration within 60 days of becoming residents if they drive or own cars, and must use their New Hampshire addresses for other official purposes including paying taxes.

This requirement will enter into effect in 2019, at which time New Hampshire voters who display IDs with addresses outside the state or who have other discernible connections to other states will become subject to possible investigation and removal from voter registration rolls.

Together, these new rules impose heightened ID requirements on at least some New Hampshire voters—in particular, students and others who may move to the state as an election approaches. We do not know how many people possess the documentation needed to prove residency and thus cannot estimate the effect of these rules upon the state's Latino voters. Nor can we estimate the number of Latino New Hampshire residents who hold ID documents from other states or who use an address outside New Hampshire for official purposes. We are nonetheless concerned that these requirements will dissuade some potential New Hampshire Latino voters from voting, even though they consider New Hampshire their primary residence. Nearly 28,000 Latino New Hampshire residents are potentially eligible to vote, according to 2017 Census data.

NORTH DAKOTA

Although North Dakota has no voter registration system, the state adopted a strict voter ID requirement in 2013. In its original form, the law required voters at polling places to present a current driver's license, state- or federal government-issued ID, passport, tribal ID card, student ID, or certificate documenting residence at a long-term care facility. It eliminated a previous option to sign a statement attesting to identity and qualification to vote. In 2015, the legislature further narrowed the list of acceptable IDs to include only North Dakota driver's licenses and nondriver IDs, tribal IDs, long-term care certificates, and current military IDs and passports. To be accepted as voter ID, these documents generally were required to contain a voter's name, residential street address, and date of birth.

However, many North Dakotans live in areas without street addresses, and therefore lack qualifying ID under the 2015 version of the law. As a result, voters and advocates successfully challenged this version of the rule in 2016, and won a ruling that required the state to permit voters without qualifying ID to vote in 2016 after completing affidavits affirming their identity. Subsequently, in 2017, the state legislature enacted a third version of the law. At present, it keeps the narrow 2015 list of permissible IDs, but allows a voter whose ID is not current or does not include all the required information to present another non-photo-bearing document, such as a utility bill, bank statement, government check or other document, or paycheck, that contains the missing or outdated information.

Voters who appear at the polls without required documentation may cast provisional ballots, but the provisional ballots are only counted if the voters display required ID to an election administrator before the meeting of the canvassing board on the sixth day after Election Day. Absentee voters with disabilities may satisfy requirements by having another voter sign their absentee ballots to attest to their identity.

North Dakotan plaintiffs renewed their lawsuit against the latest version of the state's law. Although they won an initial ruling barring the state from requiring IDs to list a street address, and obliging the state to accept additional tribal-issued documents as proof of identity, this ruling was overturned by an appeals court, and on October 9, 2018, the U.S. Supreme Court denied a request to intervene to preserve broad access to the polls in North Dakota in 2018. As a result, different and more restrictive rules will apply to the November 2018 election than in the 2018 primary, and even at the start of the 2018 general election early voting period. North Dakotans will encounter a strict ID law that prevents any voter without qualifying ID from having his or her vote counted.

The Latino population is growing rapidly in North Dakota, and four of the ten U.S. counties whose Latino populations increased the most between 2007 and 2014 are in North Dakota. As of 2017, Census data show that there were 14,820 Latinos eligible to vote in the state. NALEO Educational Fund estimates that about **2,400** North Dakotan Latinos likely lack photo IDs, and may be prohibited from voting in 2018 for that reason.

TEXAS

Texas' voter ID rule has been a fixture of debate among legislators, as well as the subject of litigation, from its inception in 2011 through final resolution in 2018. In its original form, the law required all in-person Texan voters to display a form of government-issued photo ID. Election officials counted provisional votes cast by individuals without ID only if the voters in question returned before the sixth day after the election to show a qualifying ID to an election administrator. Acceptable IDs were limited to driver's licenses, state IDs, state Election Identification Certificates, military IDs, certificates of citizenship, passports, and concealed handgun permits that were current or no more than 60 days past expiration. Legislators adopted limited exceptions for people with religious objections to being photographed and for victims of natural disasters.

The VRA's preclearance provisions prevented implementation of this extremely restrictive version of Texas' voter ID requirement in 2012. Even after the Supreme Court ended preclearance in 2013, federal courts blocked the Texas ID law on the strength of an alternate finding that it constituted an intentional effort to discriminatorily prevent Latinos, African Americans, and other historically underrepresented voters from casting ballots. By the summer of 2016, both a federal district court judge in Texas and the Fifth Circuit Court of Appeals had agreed that Texas's 2011 law violated the VRA. As a result, for the 2016 general election, courts ordered Texas to allow citizens without ID to vote upon their completion of statements attesting to identity and declaring an impediment to obtaining or presenting a qualifying ID. More than 16,000 Texans voted using a declaration instead of a photo ID in November 2016.

In 2017, the state legislature amended its voter ID rule to respond to courts' concerns and adopt solutions advanced by jurists. As amended, the law now requires the Secretary of State to provide free Election Identification Certificates to voters through mobile units. Officials accept qualifying photo IDs so long as they are no more than four years past expiration, and voters without photo ID can vote upon showing a non-photo-bearing government document, utility bill, bank statement, check, or U.S. birth certificate, and executing a declaration of impediment to obtaining or displaying a qualifying photo ID. Although false statements on declarations of impediment are punishable, election officials may not reject a voter's asserted good-faith reasons for not obtaining or showing a photo ID.

Litigation continued after the 2017 enactment of amendments to the Texas voter ID requirement, but courts ultimately concluded that the state legislature had fixed the discriminatory effects of its 2011 bill, and excised any discriminatory intent, by expanding voting options for Texans without IDs. The case was closed in May of 2018, rendering the requirements Texans will face at polling places permanent. Although voters without government-issued photo ID can vote in 2018 if they provide alternate non-photo ID and execute a declaration, we are certain that the long history of conflict in Texas has left many potential voters—particularly those who lack a current, valid photo ID—confused about and intimidated by this regime. Texas is home to nearly 19 percent of all eligible Latino voters in the country, so its election laws wield significant influence over the nation’s Latino electorate.

According to the Census Bureau, there were 5,424,880 adult Latino U.S. citizens living in Texas as of 2017; NALEO Educational Fund estimates that approximately **868,000** Latino Texans who are potential voters lack government-issued photo IDs, and are at heightened risk of sitting out the 2018 election, or of being wrongly refused a ballot by any poll workers who misapply the law.

Direct Effect of New and Enhanced Voter ID Laws

In total, NALEO Educational Fund estimates that there are at least **914,800** Latinos eligible to vote who lack access to a government-issued photo ID, but live in a state that has created or altered voter identification requirements between November 2016 and October 2018. While the laws permit most of them to vote if they satisfy other procedures, election authorities in these states have placed advertising and published documents that suggest photo ID is an absolute requirement. Their poll workers have accordingly misapplied the law by turning back some voters without ID who should have been allowed to prove their identity by other means. For these reasons, we expect that at least some eligible Latino voters without ID in Arkansas, Iowa, Missouri, New Hampshire, North Dakota, and Texas are at acute risk of disfranchisement in 2018.

States with Pre-Existing Strict ID Requirements

The nation’s most unforgiving voter ID requirements pre-date 2018. In this year, eight additional states will apply strict photo ID laws, and one additional state will apply a strict non-photo ID law, all of which were also in effect for the 2016 election. These laws generally prohibit the counting of ballots of voters who do not present qualifying ID within a few days of an election. Although many Latino and other voters in these states, as well as poll workers and administrators, have experience with these requirements, some voters will have to meet stringent requirements for the first time because they moved into the state or became newly eligible to vote. Therefore, we review requirements in these states, and estimate the number of eligible Latino voters without photo ID living there.

ALABAMA

Alabama law requires documentary proof of citizenship as a prerequisite to voter registration. However, the state has so far declined to enforce this rule, because litigation elsewhere has yielded an understanding that states may not require such documents from voters who register using standard federal forms and wish to vote in federal elections. Current Alabama Secretary of State John Merrill commented in 2017, “That’s an election administration nightmare, if nothing else. You’d have to have two sets of poll books, one for federal elections and one for state elections, and that just doesn’t make any sense to me.”

Alabama has, however, enforced its strict voter ID law since 2014, the first federal election year in which the state had leeway to change voting rules without obtaining preclearance under the VRA. Alabamians must present one of the following valid, photo-bearing documents at polling places: a state- or federal government-issued ID, a passport, a government employee ID, a student or employee card issued by an Alabama college or university, a military ID, or a tribal ID. Voters without ID may also vote regular ballots if at least two election workers sign an affidavit attesting to personal knowledge of the voter's identity. Otherwise, voters without ID may vote provisional ballots, but must show an ID to an election official by 5pm on the Friday following Election Day for their ballots to count.

Alabama's Latino population grew by 164 percent between 2000 and 2014, according to the Pew Research Center. It is likely that a steadily-increasing number of Latino Americans will find themselves at risk of being prevented from voting by the state's restrictive election procedures. As of 2017, Census data indicated that there were 68,933 Latino Alabamians eligible to vote; approximately **11,000** of them likely lack photo IDs that would be accepted for voting.

ARIZONA

In 2004 Arizona became the first state in the nation to adopt a strict requirement that new registrants display documentary proof of their U.S. citizenship to be added to registration lists. At present, the state adds all new registrants, regardless of whether they have provided this proof, to its list of qualified voters for federal elections. However, in state and local elections, new registrants can only vote if state DMV records confirm that they are U.S. citizens, or if they submit citizenship documentation to elections officials. DMV records are not always correct or current about an Arizonan's citizenship. Unless she brings her change in status to the attention of state officials, for example, an Arizonan who obtained a state ID as a green card holder and subsequently naturalized will almost certainly appear in DMV records as a non-citizen green card holder.

Arizona Latinos therefore risk exclusion from state and municipal elections because of the proof-of-citizenship mandate. NALEO Educational Fund estimates that more than 80,000 eligible Latino voters in Arizona may lack ready access to proof of their U.S. citizenship. Of particular note, the state is home to more than 200,000 adult Latino naturalized citizens who may not realize that unless they proactively inform the DMV of their change in status, they are likely to be incorrectly designated as non-citizens in state databases, and at risk of being wrongfully prevented from voting in state and local elections as a result.

Voters who clear the hurdle imposed by the proof-of-citizenship rule must still satisfy strict ID requirements to cast ballots in person. At a polling place, a registered Arizonan must present either:

1. A valid photo ID with the voter's address, issued by a federal, state, or local government, or tribal authority, or
2. Two non-photo ID documents with the voter's name and address.

Acceptable non-photo documents include current utility bills and bank statements, Arizona vehicle registrations and property tax statements, and certificates issued by county recorders. Voters without ID may use provisional ballots, but officials only count them if the voters display qualifying ID to an election administrator no later than 5pm on the fifth business day after a federal election (or earlier, in the case of a non-federal election). We do not have enough information to estimate the number of eligible Arizonan Latino voters who may lack both photo and non-photo ID documents, yet we do know that there are Arizonans who attempt to vote but have their ballots rejected for failure to satisfy ID requirements. The state reported to the Election Assistance Commission, for example, that 436 provisional ballots were cast but rejected in 2016 due to "insufficient identification."

GEORGIA

Like Alabama, Georgia has enacted but declined to enforce a rule requiring citizens to prove citizenship to register. At the same time, at the polling place, Georgia has one of the oldest strict voter ID requirements in the nation. In 2018, Georgians still had to display a photo-bearing passport, military ID, government employee ID, other state- or federal government-issued ID, or tribal ID to vote. Voters without ID may vote provisionally, but must display a qualifying ID to an official within three days of the election to have their ballots counted. 2017 Census data show that there are at least 348,842 Latino Georgians eligible to vote. NALEO Educational Fund estimates that **55,800** of them lack a government-issued photo ID, and are at risk of being prohibited from voting for that reason alone.

INDIANA

Indiana pioneered the concept of a restrictive voter ID requirement alongside Georgia, and 2018 will mark its tenth year of requiring photo ID at the polls. Although state legislators have not altered the initial list of IDs accepted for voting purposes, they did strengthen the state's voter ID law in 2013 by enacting a provision that permits any poll watcher to demand to inspect any voter's ID documents. To vote regular ballots, Indianans must display identification at the polls that is issued by the state of Indiana or the federal government, and that includes the voter's name, photo, and an expiration date after the date of the then-most recent general election (though military IDs are accepted without expiration dates). Voters without ID may vote provisionally, and to have their ballots counted, they must present a qualifying ID to election officials by noon on the Monday after Election Day, or execute an affidavit affirming that they cannot obtain ID because they have a religious objection to being photographed or cannot afford an ID. While the affidavit option provides a failsafe for some voters without ID, others will be unable or unwilling to get qualifying identification documents for reasons other than inability to pay for them, and therefore will not be eligible to take advantage of the affidavit alternative. As of 2017, there were 195,216 adult Latino U.S. citizens residing in Indiana. Approximately **31,200** of them likely lack government-issued photo IDs, and may therefore be prevented from voting or having their ballots counted.

KANSAS

In 2011 Kansas tightened documentation requirements for both new registrants and people seeking to vote, and began enforcing a mandate that people registering to vote provide documentary proof of their U.S. citizenship in January 2013. This requirement drew multiple legal challenges and in June 2018 a federal district court decision resolved them by invalidating proof of citizenship requirements. Therefore, unless there are further developments, Kansans may register and vote in federal, state, and local elections without providing documents to prove their U.S. citizenship.

In 2018, however, Kansan voters will once again have to satisfy ID requirements. Forms of identification accepted must contain voters' names and photos, and include state driver's licenses and nondriver IDs, concealed weapons permits, passports, military IDs, student IDs issued by accredited postsecondary schools in Kansas, and other government-issued employee or public assistance-related IDs. These IDs must be current, though voters 65 or older may present expired IDs. Voters without ID may vote provisionally, and must display qualifying ID to election officials before the post-election meeting of their county's board of canvassers to have their ballots counted. As of 2017, 148,379 eligible Latino voters resided in Kansas. NALEO Educational Fund finds that approximately **23,700** Latino Kansans are eligible to vote but likely lack government-issued photo ID, and will experience difficulty for that reason if they attempt to vote in 2018.

MISSISSIPPI

Although Mississippi does not require that all people registering to vote provide documents that prove their U.S. citizenship, it does require naturalized citizens to display or provide a copy of their certificates of naturalization to election officials. We lack enough information at present to know by what means or to what extent the state enforces this requirement, but we note with concern that the approximately 6,600 Latino naturalized citizens who live in Mississippi may be subject to extraordinary scrutiny if and when they attempt to register, and may be kept from voting as a result of discriminatory assessment.

Mississippi applies a strict photo ID requirement to all in-person voters. They must present current and valid government-issued photo identification at polling places, which may include drivers' licenses and state IDs, passports, government employee IDs, concealed weapons permits, tribal IDs, military IDs, and student IDs issued by Mississippi educational institutions. Voters without ID may vote provisionally and have their ballots counted if they present qualifying ID to election officials within five days of an election, or sign an affidavit attesting to a religious objection to being photographed. According to Census data, there are 35,854 adult Latino U.S. citizens living in Mississippi as of 2017. Approximately **5,700** are likely to lack a government-issued photo ID and are at risk of exclusion.

TENNESSEE

Like Mississippi, Tennessee targets a discrete group of new registrants for scrutiny under its law requiring citizenship documentation from new registrants. While Tennesseans who wish to register need not submit any documents with their registration applications, the state requires documentary proof of citizenship from an individual whom state driver's license or ID records indicate is a noncitizen.

From experience in other states, and as a matter of common sense, we know that virtually all such people are naturalized citizens whose records the state failed to update when they became U.S. citizens. For example, in 2011 and 2012, Florida conducted an investigation that commenced by comparing its voter registration list against its DMV database of state-issued IDs. At first glance, approximately 182,000 registered Florida voters seemed to be noncitizens. However, the state learned through further investigation and contact with some of these voters that most were, in fact, U.S. citizens. Of the original 182,000 people on the list, Florida eventually identified 198 as noncitizens. In other words, just one-tenth of one percent of people who appeared to be noncitizens actually were. Knowing the near 100 percent rate of false positives that such checks produce, NALEO Educational Fund is concerned about the unwarranted scrutiny that the over 28,000 adult Latino naturalized citizens in Tennessee are at risk of encountering.

Tennessee also adopted a strict voter ID rule in 2011, and made the law even more exacting in 2013 by shortening the list of documents accepted as proof of identity. In 2018, in-person voters will have to present a valid Tennessee driver's license or nondriver ID, a valid passport or military ID, or a Tennessee weapons permit with a photo. The law allows for limited exceptions, and most importantly, it lets people without ID vote regular ballots if they complete an affidavit affirming their identity and averring that they cannot afford an ID or that they have a religious objection to being photographed. Otherwise, voters who come to polling places without ID may vote provisionally and ensure that their ballots are counted by showing their ID to an election official by the close of business on the second business day after the election.

The alternative option for people unable to afford ID is a positive change, but it requires these individuals to attest publicly to the sensitive and potentially embarrassing fact that they cannot pay for a state ID, which costs \$12, or for other similarly-priced documents. In addition, Tennessee law provides no relief to people who cannot obtain qualifying IDs for other reasons. We expect, therefore, that the state's voter ID requirement will definitively prohibit some Tennesseans from voting. Census data show that there are 115,686 Latino Tennesseans eligible to vote; approximately **18,500** of them lack a government-issued photo ID and that fact alone may prevent them from voting.

VIRGINIA

In 2013, Virginia narrowed the list of identification documents its citizens can present at polling places. As a result, in 2018, Virginians who want to vote in-person must display a photo ID no more than one year past its expiration date that is issued by the federal government, Virginia, or a Virginia municipality, or is a student ID issued by a Virginia school, a tribal ID issued by one of the 11 tribes recognized by the state, or an employee ID. Virginia offers a free Voter Identification Card to registered voters without other ID, but unlike some other states, does not require registered voters to provide birth certificates or any other precursor documents to obtain the document. Voters need only complete an application affirming their identity and lack of other qualifying ID, and appear in person at a state office for a photograph and to provide a signature. Voters who arrive at the polls without ID may vote provisionally, and must show their ID to election officials by noon on the third day after the election to have their provisional votes counted.

Although the Voter Identification Card is relatively accessible, NALEO Educational Fund has encountered Virginia citizens without ID who have been refused regular ballots between 2013 and 2018. We know that voters are not familiar with the Voter Identification Card, and do not always find it easy to fulfill the steps to obtain it or alternate qualifying ID. Our experience indicates that the state's ID requirements will prevent some Virginians from voting, and that those at special risk include young people and naturalized citizens who are newly eligible to vote. As of 2017, 329,257 adult Latino U.S. citizens lived in Virginia. NALEO Educational Fund estimates that about **52,700** eligible Latino Virginian voters likely lack a government-issued photo ID, and may be prevented from voting.

WISCONSIN

Wisconsin legislators adopted a strict photo ID requirement in 2011, but the law did not take effect until 2015 because of protracted litigation. Although the legal challenges remain pending as of October 2018, the most recent ruling allowed the state to enforce its law as written for the 2016 general election and beyond, so long as it continued to offer free state IDs to voters without other qualifying documents. Unless federal courts take further action, Wisconsinites must present at least one acceptable photo ID at polling places. Acceptable IDs include Wisconsin state IDs, military IDs, passports, certificates of naturalization issued no more than two years before the election in question, tribal IDs issued by Wisconsin-based federally-recognized tribes, photo IDs issued by the Veteran's Health Administration, and student IDs that include a signature, date of issuance, and an expiration date that is no later than two years after the election. If a voter displays an ID that does not include his or her residence, he must also present another ID that proves residency. Voters without ID have until 4pm on the Friday after the election to show an ID to an election official to have their vote counted.

Census data show that there were 181,025 adult Latino U.S. citizens residing in Wisconsin as of 2017. NALEO Educational Fund estimates that about **29,000** of them lack government-issued photo ID, and are at risk of effectively losing their right to vote.

Local Identification Requirements

Unfortunately, state voter ID requirements are not the only barrier to the ballot for Latinos without government-issued photo ID. Counties and municipalities may impose their own ID requirements for voters in local elections. NALEO Educational Fund has not undertaken a comprehensive survey of municipal ID requirements, but we note that such laws do exist and may further impede some of the most vulnerable Latino voters. For example, voters in Albuquerque, New Mexico must display photo ID to vote in municipal elections. Acceptable IDs include driver's licenses and state IDs, student ID cards, bank and insurance cards, and union or professional association membership cards. The cities of Rio Rancho, Clovis, and Hobbs, New Mexico impose similar requirements.

Effect of Pre-Existing Non-Strict Voter ID Requirements

In 2016 and prior election cycles, numerous states not cited above employed voter ID requirements that remain in effect, and that include a failsafe alternative for voters without ID. For example, Florida poll workers ask the state's voters to provide a valid, photo- and signature-bearing ID, and voters without one may only vote a provisional ballot. The state counts these ballots, however, as long as voters' signatures on ballot envelopes match those on file with the state. In other states including Michigan and South Dakota, voters without qualifying ID must complete affidavits at the polling place attesting to their identity, and can then vote regular ballots.

While voters without ID who live in these and other non-strict voter ID states should be able to vote even if they lack certain forms of identification, NALEO Educational Fund finds some risk of wrongful disfranchisement under these systems. As previously noted, instances have occurred of election officials issuing misleading advertising and poll workers misapplying the law. Moreover, studies of voters from states with voter ID requirements strongly indicate that these laws have an outsized inhibiting effect on voter turnout. Such mandates dissuade significant numbers of voters from even trying to participate in elections—whether or not they can satisfy the requirements. Misunderstanding of voter ID rules is widespread, and NALEO Educational Fund therefore expects that a number of eligible Latino voters in non-strict voter ID states are unaware that they can vote without showing a qualifying ID, and poll workers or election administrators will not accurately inform them of their options. States of concern in this regard, in addition to those already cited, include Idaho, Louisiana, Ohio, Oklahoma, Rhode Island, South Carolina, and Washington.

Indirect Effect of Voter ID Requirements on Voter Participation

2018 marks not only the beginning of the second decade of this country's experience with strict voter ID requirements, but also the maturing of our scholarship on and understanding of the effects of these laws. The longer voter ID mandates have existed, the more well-rounded the body of work has become. Between 2016 and 2018, surveys have consistently supported two conclusions that heighten NALEO Educational Fund's concern about the impact of voter ID laws on Latino voters:

1. Significant numbers of eligible non-voters cite voter ID requirements as a reason why they declined to vote, and
2. Significant numbers of potential voters incorrectly believe that ID requirements are stricter than they actually are and that they themselves cannot satisfy them.

In 2014, Professors Jim Granato and Renée Cross of the University of Houston and Mark P. Jones of Rice University pioneered research on the actual effect of voter ID mandates. They conducted a post-election survey of individuals who were registered in Texas's 23rd Congressional District but did not vote. The survey looked beyond what may have happened at polling places and asked people about their motivations. The professors found that 5.8 percent of the registered non-voters they reached said the principal reason for not voting was lack of the requisite photo ID. In addition, more than twice as many non-voters—12.8 percent— said that their lack of an acceptable ID was one of the reasons they had sat out the 2014 election.¹ Most strikingly, only 2.7 percent of all respondents actually lacked such an ID. Moreover, the lack of it would have kept an even smaller percentage from actually voting. In summary, according to the researchers, “the most significant impact of the Texas voter photo ID law on voter participation in CD-23 in November 2014 was to discourage turnout among registered voters who did indeed possess an approved form of photo ID, but through some combination of misunderstanding, doubt or lack of knowledge, believed that they did not possess the necessary photo identification.” Latino participants in this survey were significantly more likely than white non-voters to say that lack of a qualifying ID was one of the reasons, or the primary reason, why they did not vote in 2014.

The 2016 election cycle provided an important opportunity to test these findings, with more states enforcing strict ID laws, and legislative and legal developments altering certain states' rules. The professors who conducted the 2014 study broadened their effort, querying registered non-voters in both CD-23 and Harris County, Texas. Although a federal court decision had by then expanded options available to Texan voters, and enabled voters without ID to cast regular ballots upon execution of an affidavit, even larger shares of 2016 non-voters cited inability to meet ID requirements as a reason they had not voted. In Congressional District 23, 14.8 percent of surveyed non-voters mentioned the ID law, while in Harris County 16.5 percent cited it. In both jurisdictions, Latino non-voters were substantially more likely to cite lack of a qualifying ID than white non-voters. Once again, further inquiry showed that most of these individuals— 98.5 percent in Harris County and 97.9 percent in CD-23—actually had a qualifying ID. However, misunderstanding was very widespread, particularly among registered Latino non-voters. Just 21.1 percent of those surveyed in Harris County, and 17.9 percent of CD-23 residents, could accurately describe the ID law in force for 2016. Majorities of non-voters in both jurisdictions incorrectly believed that they had to present an unexpired Texas driver's license or state ID to vote in person that year, and Latino non-voters were the least likely segment of survey subjects to know ID requirements.

Similar results in Wisconsin support the Texas researchers' findings, and their conclusion that widespread misunderstanding of ID rules has kept people from voting. University of Wisconsin-Madison researchers Kenneth Mayer and Michael DeCrescenzo surveyed a sample of registered non-voters from Milwaukee County and Dane County in 2017, seeking their reasons for not participating in the 2016 election and detailed information about their qualifying IDs. They concluded that 11.2 percent of registered non-voters in these counties failed to cast ballots because of their perceived lack of ID. Further, just over half of these registered non-voters actually lacked the ID, or cited their perceived lack of ID as the primary reason they did not go to the polls. African Americans were significantly more likely than whites to report lacking ID and to cite the ID rule as a reason they did not vote, and lower-income registrants were far more likely than high-income individuals to have concerns about or experience inability to satisfy ID requirements. Eighty percent of potential voters who were deterred by Wisconsin's ID law in 2016 had voted in 2012, and their non-participation in 2016 reduced voter turnout in the two counties by an estimated 2.2 percentage points. This finding is remarkably similar to the determination by the Government Accountability Office that strict voter ID laws in Kansas and Tennessee reduced voter turnout in those states in 2012, relative to states without such stringent laws, by an additional 1.9 to 2.2 percent in Kansas, and by 2.2 to 3.2 percent in Tennessee. In addition, Wisconsin's voter turnout rate was lower in 2016 than in any other presidential election year since 2000, further supporting the conclusion that its ID law depressed participation.

¹ Other survey respondents who were not impeded by the voter ID requirement said that they had not voted, in order of frequency, because they were too busy with conflicting obligations; were not interested or felt their vote wouldn't make a difference; were ill or caring for an ill family member; were out of town; didn't like the candidates or issues; and had transportation problems.

A July 2018 paper from professors Phoebe Henninger of the University of Michigan, Marc Meredith of the University of Pennsylvania, and Michael Morse of Yale Law School provides further evidence that voter ID laws deter potential voters who both do and do not have ready access to qualifying ID. The researchers reviewed affidavits of Michigan voters who went to vote in person without ID, and found that while their number was relatively modest, non-white voters were between 2.5 and six times more likely than white voters to lack a qualifying photo ID. Most importantly, their work confirmed that many voters incorrectly believe ID requirements are more stringent than they actually are. The professors surveyed eligible voters in states with varying rules, and discovered that 56 percent of residents of non-strict photo ID states like Michigan believed that strict photo ID mandates applied and they could not vote without satisfying them. Voters from states with non-strict ID rules were more likely than those from states with no ID laws to think they had to present a photo ID. According to these professors, their findings “are consistent with the hypothesis that non-strict photo ID laws may de facto disenfranchise some people who are eligible to vote by deterring them from showing up to the polls.”

Estimating the Indirect Negative Effect of Voter ID Laws on Eligible Latino Voters

NALEO Educational Fund is confident that the negative effect of voter ID laws extends beyond the universe of citizens who lack ready access to government-issued photo IDs and documents proving their citizenship. Even the surveys above, however, do not capture the full impact of voter ID laws. For instance, surveys of registered non-voters fail to show the extent to which ID requirements or lack of ID dissuade people from registering in the first place. Surveys of voters in particular jurisdictions also are not necessarily representative of statewide populations; for example, the Wisconsin researchers note that they focused on the two Wisconsin counties with the largest numbers of lower-income eligible voters and that that fact may have influenced results.

Although we cannot predict how many eligible Latino voters nationwide are likely to be deterred from voting by their belief—in many cases mistaken—that they cannot satisfy ID requirements, we know that this number supplements the number of potential Latino voters whom these laws outright prevent from casting ballots. To gain a better sense of the size of and damage from their indirect deterrence on the Latino electorate, we apply the Texas researchers’ 2016 findings to projected Latino voter eligibility and turnout statewide for 2018. As noted, Census data show that as of 2017 there were 5,424,880 adult Latino U.S. citizens in Texas. In 2014, according to the Census Bureau’s Current Population Survey, 46.2 percent of eligible Texan Latino voters were registered to vote, and 22.4 percent of all eligible Latino voters cast a ballot. Assuming the same rates for 2018, about 2,506,000 Latinos will be registered to vote and about 1,215,000 Latinos will cast ballots. At these rates, roughly 1,291,000 Latino citizens in Texas will be registered yet sit out the election. In Congressional District 23, 14.8 percent of 2016 non-voting registrants were deterred at least in part by the state’s voter ID requirements, as were 16.5 percent of 2016 non-voting registrants in Harris County. If the Texas voter ID requirements deter at least 14.8 percent of all non-voting Latino Texan registrants in 2018, the law might contribute to the loss of more than **191,000** potential Latino votes in Texas alone. This de facto disfranchisement is particularly concerning in light of the fact that voters without ID were not actually prohibited from voting in Texas in 2016, and can cast ballots in 2018 too.

At least two considerations likely magnify the actual dissuasive effect of ID laws on Latino voters even beyond the numbers we can project. First, surveys indicate that Latinos and other historically underrepresented voters are less well-informed than white voters about what ID laws actually require. Second, Latino voters are disproportionately likely to experience intimidation and scrutiny in polling places, regardless of the laws on voting. This second fact may be one of the reasons Latino voters are disproportionately likely to believe that ID laws are stricter than they actually are. For example, a 2018 Public Religion Research Institute poll found that Latino and African American respondents were three times more likely than whites to say that they or someone in their household had been told that they lacked the necessary ID documents the last time they voted. Similarly, nine percent of Latino respondents and seven percent of African American respondents in this poll reported having been harassed while trying to vote, compared to just four percent of white respondents.

Conclusion

The success and legitimacy of our government rely upon citizens' belief that their representatives reflect the will of the American people and respond to it. These notions are severely threatened by the fact that, typically, fewer than half of all those who are eligible cast a ballot in Congressional mid-term elections. As they have proliferated around the country, voter ID laws have gained prominence as one reason why so many of those who could vote decide not to or feel frustrated in their attempts. In 2018, aggressive purging of voter registration records, polling place closures, and pronounced hostility toward people speaking languages other than English, among other developments, will also prohibit or dissuade some Americans from voting. Cumulatively, these laws and actions that make voting more difficult imperil American democracy at a time when its most pressing problem is too little participation rather than too much.

Identification mandates that force Americans to go to extraordinary lengths to prove they are qualified to vote, or to confirm their identity at the polling place, are not merely unnecessary, but also discriminatory in effect, and likely in intent. NALEO Educational Fund is committed to maintaining the integrity of American elections by supporting reasonable procedures that ensure that only qualified voters participate in our democracy. Voter ID requirements do not meaningfully advance this goal, however, and hinder more qualified members of the electorate from voting than they prevent ineligible votes from being cast. We urge municipal, state, and federal legislators to refocus on enacting policies that increase voter engagement, while also taking advantage of opportunities to mitigate and eliminate the negative effect of existing ID requirements.

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