

Voter ID Laws and Voter Fraud in North Carolina

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What are Voter ID Laws?

In their most basic form, voter identification laws require a voter to provide some form of documentation about their identity before casting their ballot. Some states do not have an identification requirement for voting, while among those that do, some have “stricter” voter identification laws that require photo identification.⁶

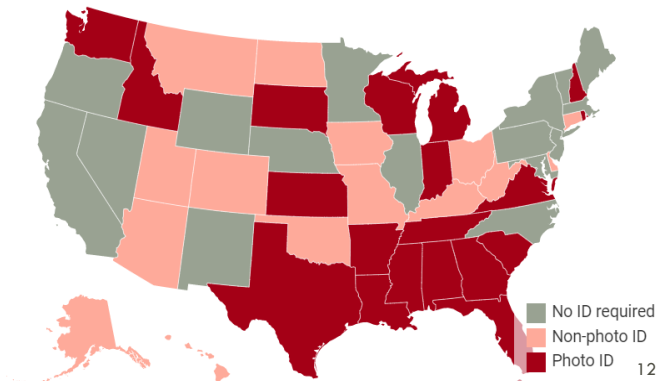
Where did they come from?

After the controversial 2000 presidential election between George W. Bush and Al Gore, voter fraud was in the forefront of citizens and politicians' minds, and as a result, support for stricter voting laws was at an all-time high.⁷

What is the Problem?

Voter identification laws have the potential to disenfranchise racial and ethnic minorities, who are less likely than Whites to possess a valid ID. 81% of Blacks possessed a valid ID, compared with 91% of Whites, 82% of Latinos, 85% of Asians, and 86% of those who identify some other way. Furthermore, age, gender, having been born outside the United States, education, income, and homeownership all affect an individual's likelihood to possess a valid ID.²

Voter Identification Requirements across the United States



African Americans and Latinos are **~10%** less likely than Whites to Possess a Valid form of ID.²

A Brief History of Voter ID Laws in North Carolina

First Voter ID Law Passed

2013

Federal Appeals Court Rules 2013 Law Unconstitutional

2016

SCOTUS Rejects NC's Appeal

2017

Ballot Referendum Requiring Voter ID Passes

2018

Federal Judge Rules 2018 Law Unconstitutional

2019

In 2013, Republican legislators in North Carolina passed the state's first attempt to implement stricter voting laws that included a voter identification requirement.⁶ Under the 2013 law, IDs issued to government employees, students, and people receiving public assistance could not be used for voting, which are forms of ID that black people are disproportionately likely to have.⁹

In 2016, after only being in place for one election, the 2013 law was struck down as unconstitutional by a federal appeals court which ruled the law, “target[ed] African-Americans with almost surgical precision.”⁹

In 2017, the Supreme Court of the United States rejected North Carolina's appeal.⁹

In 2018, Republican legislatures in North Carolina continued to pursue stricter voting laws through a referendum that proposed an amendment to the NC state constitution requiring a voter ID, which passed with a 55% majority.⁹

In December 2019, Federal Judge Loretta Biggs struck down the voter ID law, ruling the law was, “impermissibly motivated, at least in part, by discriminatory intent.”⁴ Biggs went on to say that, “... rather than trying to cleanse the discriminatory taint which had imbued (the 2013 law), the legislature sought ways to circumvent state and federal courts and further entrench itself.”⁴ As a result, the identification requirement was not in effect for the March 2020 election.

Addressing Myths and Misconceptions

A Solution to a Non-Existent Problem

From 2000 to 2014, Justin Levitt, a professor at Loyola Law School, identified only 31 cases of potential voter impersonation nationwide that photo identification laws could have prevented, out of nearly 1 billion votes cast during the same time.⁸

Or a mere,



Two of the possible thirty-one cases Levitt identified took place in North Carolina, one in 2004 and the other in 2012, however neither was confirmed by the North Carolina Board of Elections.⁸ The NC appeals court noted this in their 2016 ruling saying that the North Carolina Legislature,

“Failed to identify even a single individual who has ever been charged with committing in-person voter fraud in North Carolina.”⁹

The Importance of Framing

Republicans have “won the framing war” by effectively framing voter ID laws as a non-partisan and “common sense” solution to addressing “illegal voting.”⁴ This led the public to believe supporting the voter ID laws was a moral issue, which made them less likely to consider arguments about voter suppression.⁴

Invoking feelings of fear when framing voter ID laws made whites who scored highly in implicit racism more likely to be in favor of voter ID laws for reasons like, “protecting the integrity of the electoral process” or “stopping voter fraud.”¹

Finally, in another study respondents were less likely to support voter ID laws when there was any sort of framing of potential harm to subgroups of the population including, college-aged and Hispanic voters, and even more significantly for African Americans.¹³

More Research is Necessary

There is currently insufficient evidence to conclude a correlation between the implementation of voter ID laws and racial disparities in voter turnouts. Attempts to replicate studies that have found such a correlation have failed,¹⁰ which some theorize is due to analyses uncritically combining different kinds of elections and a limited number of national elections conducted since voter ID laws became widespread.³

Potential Solutions

One solution is to ensure all citizens have access to the necessary requirements to vote. Organizations such as Spread the Vote have had success in North Carolina, and many other states across the country with strict voter ID requirements, obtaining valid IDs for eligible voters.¹¹ However, some may worry that the solution fails to address the core problem, and accepts that voter ID requirements are here to stay.

Another potential solution is to challenge the law in the courts, which the North Carolina NAACP did by filing a lawsuit in 2019.⁵ This resulted in the suspension of the voter ID requirement of the March 2020 primary election, but the North Carolina Attorney General Josh Stein plans to appeal the ruling.⁶ If North Carolina wins the appeal, voter ID requirements passed by the 2018 referendum are likely here to stay due to the difficult nature of amending the NC state constitution.

As a result, the most viable solution seems to be to focus on reframing voter ID laws, and most importantly, not allowing voter ID laws to continue to persist as a moral issue. In other words, the most critical piece to the solution is to debunk the myths and misconceptions around voter ID laws. Citizens that understand in person voter fraud is not a prevalent issue and that voter ID laws have the potential to disenfranchise minority subgroups of the population will be less likely to support legislatures imposing even stricter voting laws in the future.

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