



New State Voter Laws Hinder Right to Vote, Harm Democracy ACS Issue Brief States

Fla. Leads Wave of New Voter Regulations Aimed at So-Called Voter Fraud

**FOR IMMEDIATE RELEASE:
June 6, 2012**

CONTACT: Jeremy Leaming
202-393-6181
jleaming@acslaw.org

Washington, D.C. – In the 2008 general election a persistent gap substantially narrowed between turnout among minority voters and non-Hispanic white voters – but that trend could come to end because of a string of onerous new restrictions on voting that are being advanced in numerous states, a new ACS Issue Brief states.

In “[The New Wave of Election Regulation: Burden without Benefit](#),” Loyola Law School Professor Justin Levitt focuses on Florida’s recently enacted restrictions on voting, writing that “these burdens are not only real and inequitable but also unnecessary, which renders them suspect as a matter of constitutional law and fundamentally flawed as a matter of public policy. Not only do they make it more difficult for eligible Americans to vote, but they do so without any meaningful benefit.”

Levitt will participate in a panel discussion on the new state restrictions on voting at the ACS 2012 National Convention. The panel, “What’s at Stake: Examining Voting Rights in the 21st Century,” will take place on Saturday, June 16 at 11:00 a.m. See the [Convention schedule here](#) for all of the panel’s participants and registration information. The Convention is free for media, but please RSVP to press@acslaw.org.

The Florida law, H.B. 1355, Levitt writes, includes onerous restrictions on early voting, voter registration drives and voter identification. These new restrictions are allegedly aimed, in part, at preventing voter fraud – something Levitt says is not much of a problem and moreover puts questionable restrictions on the fundamental right of voting.

The law’s restrictions on voter registration drives – regulations providing numerous obstacles and preconditions for groups such as the League of Women Voters of Florida to register voters – “are the most restrictive provisions in the country, though recent legislation in Texas has some similar hallmarks.”

He continues, “When voter registration drives are unable to offer their assistance, citizens lose one vital means to ensure that they are properly registered to vote – not merely new registrants, but also 14% of Floridians who move within the state and need to re-register.” (A federal judge recently issued a preliminary injunction against this portion of the Florida law, saying it proved too burdensome to organizations trying to expand the state’s pool of voters. The judge wrote, “Allowing responsible organizations to conduct voter registration drives – thus making it easier for citizens to register and vote – promotes democracy.”)

Florida’s law also curtails early voting opportunities. “The most significant restriction,” Levitt writes, “is that jurisdictions no longer have the option to offer early voting on the Sunday before Election Day.”

That change, Levitt continues, “directly impacts a notable form of mobilization in Florida: many houses of worship encourage their congregations to discharge their civic obligations after fulfilling their spiritual ones. After Sunday morning church services, many congregants traveled to the polls in the counties that offered Sunday voting. HB 1355 removes the option, on the most important Sunday in the voting cycle.”

The restriction, like those on voter-registration drives, falls unevenly on minority voters, Levitt writes.

“In 2008, for example, African-Americans represented 13% of the total voters, and 22% of the early voters, but 31% of the total voters on the final Sunday; Hispanic citizens represented 11% of the total voters, and 11% of the early voters, but 22% of the total voters on the final Sunday.” That pattern was similar in the 2010 midterm elections, Levitt noted.

The new voter identification rules advanced by Florida’s H.B. 1355 also are likely to disproportionately hamper minority voters, the law professor states. He notes that “available data clearly show that those without government-issued photo ID are more likely to be nonwhite, more likely to be either younger voters or seniors, and more likely to be from low-income households, and more likely to have less formal education.”

Policymakers often justify these onerous restrictions on voting as needed to curb voter fraud, Levitt writes. But Levitt says that evidence of voter impersonation is scant.

“There have been credible allegations of impersonation at the polls,” he writes. “But they are notable for their rarity. In the most prominent forum to date for collecting such allegations, proponents of these rules cited nine votes since 2000 that were caused either by fraud that in-person identification rules could possibly stop ... or by innocent mistake. During the same period, 400 million votes were cast, in the general election alone. Even assuming that each of the nine votes were fraudulent, that amounts to a relevant fraud rate of 0.000002 percent. Americans are struck and killed by lightning more often. And every year, there are far more reports of UFO sightings.”

Similar restrictions on voting are also being replicated in a string of other states, including Ohio, Pennsylvania, South Carolina, Texas and Wisconsin.

The ACS Issue Brief is [available here](#). Please contact the ACS Communications Department to arrange interviews with Levitt.

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