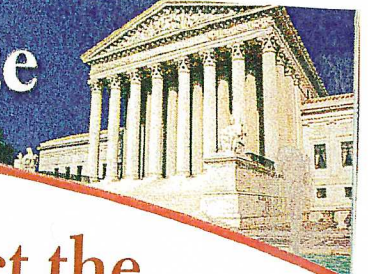


# Supreme Court Cases to Debate



## When Do Voter ID Laws Restrict the Right to Vote?

*Crawford v. Marion County Election Board, 2008*

**F**or the right to vote to be preserved, the electoral process must guarantee access to the polls while protecting against voter fraud—only eligible voters are permitted to vote. This case examined the constitutionality of a new voter ID law in Indiana.

### Facts of the Case

In 2005 the Republican-controlled legislature of Indiana passed a law that set more strict requirements for identifying Indiana voters at the polls. They require a voter to present an ID issued by the state or the federal government that includes a photo. Usually only a current driver's license or a passport qualifies. The state will issue a photo ID card for nondrivers, but obtaining it requires a person to provide a birth certificate, a passport, or another primary document.

The Indiana Democratic Party, among other groups, challenged the law on two grounds. First, it said that there was no proven voter fraud to justify a need for the new requirement. Second, it said the law placed a special burden on people with no driver's license. A higher number of nondrivers are poor, elderly, or disabled. Finally, plaintiffs pointed

out that the voter ID law was the strictest in the nation and that it had been passed by Republican legislators with not a single Democratic vote.

### The Constitutional Issue

The justices attempted to judge whether a new state law aimed at preventing voting fraud was reasonable. Was the state's interest in electoral integrity enough to justify new forms of identification for voters? The plaintiffs said that the new law would make it harder for some citizens to exercise the right to vote. The plaintiffs further noted that the problem of voter fraud had not been proven, but was only a *potential* danger. They also wanted the law overturned before it went into effect. (Waiting to see if it harmed some voters would mean that that election would be unfair.)

The state argued that the new ID card was free and that going to the Bureau of Motor Vehicles for it was not any more burdensome than the ordinary inconvenience of voting. Was the law too burdensome and was the goal of the law justified? The justices had to decide the case without evidence of voter fraud and without evidence that the new law might hinder access to the polls.

### Debating the Issue

#### Questions to Consider

1. What was the legislative background of the voter ID law?
2. Why did the Democratic Party enter into the lawsuit against state election officials?
3. What two factors did the justices weigh?

#### You Be the Judge

How burdensome does the new law seem to you as a potential voter? Do you think that someone without a car or who works unconventional hours might face an extreme burden? Do you think the justices' decision might influence other states?



▲ Indiana solicitor general announcing the decision