

beaming with pride. "Lawrence is unique. There's no other city in Massachusetts like it."

And she has noticed the trend much closer to home. "I was shocked when my twenty-four-year-old grandson, James, said he was going to run for City Council. He's watching the news and reading about politics." She sees the results in Latino children, too. "You listen to the kids, and they're talking about politics now," Isabel observed. "This week, I saw two young people talking, and I heard one say, 'One day, I'm going to be mayor.'"<sup>2</sup>

Although bilingual ballots open democracy to Americans in Lawrence and other towns across the nation, some argue that translations at the polls are unnecessary and expensive and breed divisiveness. Congress enacted the Voting Rights Act's language-assistance requirements in 1975 for seven years; in 1982, it extended the provisions for ten years, and in 1992 for fifteen years. In the period leading up to the sunset of the language-assistance provisions in 2007, several groups and politicians campaigned against renewing the provisions. Republican U.S. Congressman Peter King of New York represents parts of two counties required to provide bilingual ballots in Spanish, but King has twice introduced legislation that would repeal the Voting Rights Act's language-assistance provisions. Although his bill has yet to make it out of committee, fifty-one members of Congress cosponsored King's most recent proposal.

The bilingual-ballot debate raises larger questions: With a diverse citizenry featuring multiple languages, racial groups, cultures, physical abilities, and economic classes, how do we balance government's obligation to make voting accessible against an individual's responsibility for casting his or her own vote? To what extent should election officials invest resources to maximize voter participation through bilingual ballots, better and more accessible voting machines and polling locations, and other practices that make voting easier?<sup>3</sup>

## BILINGUAL BALLOTS: BRIDGE OR BARRIER?

The arguments against language assistance at the polls resemble those used to oppose bilingual education and other multilingual policies. Groups such as English First, ProEnglish, and U.S. English claim that the English language unites our nation of immigrants while multiple languages divide our country along ethnic lines. Widespread translations are paternalistic, obstruct assimilation, and cheat recent immigrants out of opportunities enjoyed by those who came from such countries as Germany and Italy in earlier generations—or so the argument goes. Language is not an immutable characteristic like skin color—everyone in the United States should be expected to learn English as quickly as possible. Further, multilingual policies are usually more costly and ineffective than a policy that conducts all societal business in English, as realized by the majority of states that have adopted English as their official state language. In the words of Dr. Samuel Ichiye Hayakawa, whom U.S. English proudly proclaims as its founder, "Bilingualism for the individual is fine, but not for a country."

While these points may seem hostile to some, they make sense to many Americans, including "Six Million Dollar Man" Lee Majors, golfer Arnold Palmer, and California Governor Arnold Schwarzenegger (all sit on U.S. English's advisory board). They also resonate with many Americans who have struggled to understand a cashier at their local McDonald's or 7-Eleven. At the other end of the spectrum, multiculturalists argue that hostility toward other languages reflects the insecurity of provincial English speakers who hope to maintain their spot atop the existing American political hierarchy.

But Americans don't all need to agree on a linear, objective story about the proper role of language, culture, and assimilation to support bilingual ballots. Even if Arnold Palmer detests bilingual schools and thinks Congress should adopt English as the official

language of the United States, he should support language assistance at the polls. Voting is different.<sup>4</sup>

Why? Because bilingual ballots advance citizen engagement and integration rather than cultural separatism. Prior to the provision for language assistance, many citizens with limited English skills went unregistered because they could not read registration applications or ballots or talk with poll workers. Rather than reach out to citizens who spoke little English, candidates and political parties excluded them and ignored their political interests, which in turn made them feel even less a part of the system. Vilma Martinez, president and general counsel of the Mexican American Legal Defense and Educational Fund, testified before Congress in 1974 that election officials in Uvalde County, Texas, refused to name Latinos as deputy registrars, removed registered Latino voters from voting rolls, and refused to aid Spanish speakers who spoke little English. Others testified that as recently as the early 1970s, native-born Mexican Americans attended segregated schools that denied instruction in English—a situation that served as a structural barrier to participation to many. The enactment of the language-assistance provisions of the Voting Rights Act in 1975, however, sparked voter-registration drives of Latinos. Bilingual ballots gave politicians, parties, and other political groups greater incentives to reach out and form coalitions with language minorities. Perhaps to the dismay of more radical multiculturalists, this informal, voluntary social interaction promotes integration and perhaps even—dare one say it—English.

As Congressman Hamilton Fish, Jr., then the ranking Republican on the U.S. House Judiciary Committee, said in 1992, “[I]t seems evident to me that by enabling language minority citizens to vote in an effective and informed manner, we are giving them a stake in our society, and this assistance provides true access to government that I trust will lead to more, not less integration and inclusion of

these citizens in our mainstream.” Congressman Fish’s insight is not new. During and after the Revolutionary War, the Continental Congress unified Americans by issuing government publications such as the Articles of Confederation in official English, German, and French editions.

Yet English-only advocates assert that immigrants use translations in daily life as a crutch to avoid learning English. For the sake of argument, let’s assume that the state’s proper role is to select and promote one language—English—over others. The “crutch” argument might seem persuasive regarding policies such as education, since children attend school roughly 180 days a year. Voting, however, occurs only a couple of times a year, is voluntary, and doesn’t provide the same incentives to learn English. Those who oppose bilingual ballots also make the unsubstantiated assumption that immigrants need additional incentives to develop their English skills. “This is not just an issue of whether immigrants want to learn English,” says Rosalind Gold, the senior director of policy for the National Association of Latino Elected and Appointed Officials (NALEO). “They do. They understand learning English is a part of economic mobility in this country.” The negligible benefits of promoting fluency through English-only ballots do not outweigh the significant costs of disenfranchisement and political isolation of language minorities.

In response, bilingual critics might assert that English-only ballots send an important message. According to their argument, English-only ballots convey to newcomers that our nation’s most precious collective activity—voting—is conducted in English. Or, in the words of U.S. English’s former communications director Jim Lubinskas, “Bilingual ballots are un-American.”

But a rejection of bilingual ballots also sends a message: exclusion. Historical discrimination in immigration policies, segregated schools, and other policies have hindered Asian-American and

Latino political influence. Bilingual ballots announce that those days are behind us and that all citizens are valued and have equal standing before the law.

Language assistance at the polls also differs from other multilingual policies because voting raises unique issues of representation. Latinos and Asian Americans are the fastest-growing ethnic groups in the United States; both are increasing at a rate nearly four times that of the total population. Although the Office of Immigration Statistics tracks naturalization rates by country of origin rather than by ethnicity, countries in Asia and the Pacific Islands accounted for 42.1 percent of all newly naturalized U.S. citizens in 2003, and 34.1 percent of all new citizens came from Mexico, Central and South America, and the Caribbean. This means significant numbers of new eligible voters from these ethnic groups. Latinos jumped from 2 percent of the electorate in 1992 to 8 percent in 2004. As demographics change, it is not implausible that a few politicians could exclude newcomers to hang onto power and dictate policy. Bilingual ballots send the message that the government is operating in good faith and is not gaming the system to favor the old guard by suppressing votes among citizens whose English is not as strong.

Critics of bilingual ballots also argue that those with poor English skills are likely to make uninformed decisions at the polls, which in turn produces weaker public policy. Most news broadcasts, newspapers, and political advertisements appear in English, and Americans with minimal English skills thus have less access to important public-affairs information. But Congress rejected the "informed voter" argument in 1965, when it passed Voting Rights Act provisions that banned literacy tests. Even though widespread literacy (like widespread English proficiency) was and continues to be an important goal, illiterate citizens pay taxes, abide by rules, and make other important contributions to society, and we decided they should have a say in our democracy. The same logic applies to those with limited English skills.

Further, the underlying premise that those who speak languages other than English are uninformed is flawed—especially in areas with large numbers of newspapers, radio stations, and even television networks that disseminate local, state, and national news in languages other than English. This is especially true in communities where the language-minority population is significant enough to trigger the Voting Rights Act's language-assistance requirements. Between 2000 and 2005, for example, NBC's Telemundo Spanish television stations increased their average ratings in Chicago by 94 percent, Houston by 100 percent, New York by 184 percent, and Miami by 258 percent.

Political participation by a broad group of Americans—including those with low English proficiency—allows for better rather than worse government decisions. Such participation exposes elected officials to diverse viewpoints and allows them to distribute resources and burdens to reflect evolving problems and needs.<sup>5</sup>

#### DO BILINGUAL BALLOTS HELP?

Critics also claim that bilingual ballots are unnecessary. English-only proponent Robert Klein Engler, for example, writes:

[O]ne of the requirements to become a citizen of the United States is the ability to speak English. . . . Because only citizens can vote in United States elections, and because to be a naturalized citizen you have to read, write and speak English, why would any citizen need help or voting materials in a language other than English?

But millions of U.S.-born citizens have limited English skills and benefit from language assistance in voting. Thousands of members of American Indian tribes live on New Mexico, Arizona, and Utah

reservations where English is rarely used. These original Americans have inhabited what is now the United States for thousands of years without the need to prove their English abilities to immigration officials. As mentioned earlier, many native-born Mexican Americans attended segregated schools that denied instruction in English, and Puerto Rican-born citizens who migrated to the mainland may not be proficient in English. Four million native-born Americans who speak Spanish as their primary language are limited in their English proficiency.

A variety of other U.S. citizens may lack perfect English skills. Naturalization law requires that most immigrants applying for citizenship "can read or write simple words and phrases" but says nothing about learning technical election-specific terms absent from daily conversation—such as "straight-party vote," "Chief Justice, Third Court of Appeals District," "electors," or "County Surveyor." Naturalization law does not test for the legalese found on many ballot questions, such as the following from the November 2004 Florida ballot:

Proposes to amend the State Constitution to provide that an injured claimant who enters into a contingency fee agreement with an attorney in a claim for medical liability is entitled to no less than 70% in the first \$250,000.00 in all damages received by the claimant, and 90% of damages in excess of \$250,000.00, exclusive of reasonable and customary costs and regardless of the number of defendants. This amendment is intended to be self-executing.

Further, naturalization law makes exceptions to the English requirement for a variety of people, such as those over fifty who have lawfully resided in the United States for twenty years, those over fifty-five who have lawfully resided in the United States for at least fifteen years, and those who have a physical or mental impair-

ment that affects their ability to learn English. In short, bilingual ballots help many with limited English skills feel more comfortable and make better-informed decisions at the polls.

Demographic data confirm the need for bilingual ballots. According to the 2000 U.S. Census, more than eight million Americans age eighteen and over admit to speaking English less than "very well." That's more voting-age citizens than live in Michigan, the eighth-largest state in the country. Of this group, 4.5 million speak a form of Spanish and 1.6 million an Asian or Pacific island language. In a survey of Latinos conducted in Spanish in 1989 and 1990, 77 percent of respondents who spoke Spanish at home used bilingual ballots, and almost 58 percent of those who spoke some or only English at home reported that Spanish ballots helped them vote. In light of the small pool of respondents and the 86 percent increase in the number of foreign-born Latinos in the United States between 1990 and 2000, a contemporary survey might provide a more precise picture that shows an increased need for bilingual ballots today.

A survey of Asian-American voters across eight states on Election Day 2004 found that only 14 percent spoke English as their native language, and 41 percent had limited English proficiency. Nearly one in three Asian-American voters relied on some form of language assistance to vote, and nearly half of all first-time voters needed assistance.

We should also be concerned about already-fragile voter participation among language minorities. Voter participation among Latino and Asian-American citizens trails that of whites by roughly twenty points (67 percent of whites voted in 2004, compared with 60 percent of African Americans, 47 percent of Latinos, and 44 percent of Asian-American citizens). While the vast majority of Latinos and Asian Americans speak English, eliminating bilingual ballots would disproportionately affect language-minority communities and broaden racial disparities in voter participation.<sup>6</sup>



## CHAPTER SIX

# FRAUD OR SUPPRESSION?

In 2003, the Republican-controlled South Dakota legislature instigated a photo-identification requirement for the first time. It so happened that a few months earlier, South Dakota's 16,000 Democratic-leaning American Indian voters carried U.S. Senate candidate Tim Johnson to a narrow 524-vote victory over a Republican challenger. Voters now have to show poll workers a South Dakota driver's license, a state-issued photo ID, a tribal photo ID, or a state university photo ID.

Supporters of the photo ID requirement insisted that the law was necessary to prevent voter fraud, and alleged that fraudulent registrations came from American Indian areas in the 2002 contest. "The tradition in South Dakota is that we carefully protect the right to vote," claimed Republican State Representative Stan Adelstein, chairman of the State-Tribal Relations Committee. Pennington County Auditor Julie Pearson explained the law this way: "People wanted to be assured they would be allowed to vote their vote. If someone votes your name prior to you getting there, you are the one who doesn't get to vote. Without an ID law, there is nothing auditors can do to assure that to voters or to the courts."

But opponents discounted the threat of fraud and asserted that

the photo-ID requirement disproportionately harmed American Indians. "What was broke in South Dakota that required us to pass this legislation? In my opinion, there was nothing broken," said Thomas Shortbull, president of Oglala Lakota College on the Pine Ridge Reservation and a former South Dakota state senator. Tom Katus, a member of the Northern Plains Tribal Voter Education Project, claimed: "I've never seen anyone in my life double-vote. The law should never have been there. . . . The Legislature overreached, and this thing should be thrown out."

According to Oliver Semans, an activist and an enrolled member of the Rosebud Sioux, "The people of the Rosebud Sioux Indian Reservation, 99 percent of them, know that this law was put in place to suppress their vote and punish them for 2002." Many American Indians in South Dakota do not drive cars and lack driver's licenses. Several tribes do not issue photo-identification cards. Semans said that the new law "is basically telling [American Indians] that we don't trust you. That's the message."

Defenders of the photo-ID requirement claimed that the law was not intended to discriminate against American Indians, and they emphasized that the law provided that even those without a photo ID could vote if they simply signed an affidavit confirming their identity. Indeed, data from the first election covered by the new law in June 2004 confirmed suspicions that a disproportionately large number of American Indian voters did not bring photo IDs to the polls, and that if the affidavit option had not been available, they would not have been allowed to vote. Affidavits were signed by under 2 percent of voters statewide, but in each of the predominantly American Indian counties (Shannon, Todd, Corson, Dewey, and Ziebach), 5.3 to 16 percent of voters signed affidavits.

But not everyone who arrived at the polls without a photo ID during the June 2004 election was given the opportunity to sign an affidavit. Yankton Sioux tribal elder Edna Weddell went to vote without a photo ID. When Ms. Weddell's granddaughter asked that

Ms. Weddell be allowed to sign an affidavit, the poll worker refused. Ms. Weddell, who uses a walker, eventually did vote, but only after returning home to retrieve her ID. Written poll worker instructions in Corson County even stated: "Some voters are reporting that ID is not required. Please inform the voters that ID is in fact required." There was no mention of providing affidavits.

South Dakota Secretary of State Chris Nelson, a Republican, acknowledged that some poll workers did not offer voters who arrived without IDs the opportunity to fill out an affidavit, and he promised better compliance in the future by the state's 3,500 poll workers. But he stood by the ID provision, noting that many who were not offered affidavits returned to their cars or homes to get a photo ID. "The ultimate question is, is it too much to ask that each person placing a ballot in our ballot box is who they say they are?" he said.

"That's not the question," responded Jennifer Ring, executive director of the American Civil Liberties Union of the Dakotas. "The question is, is this a reasonable and fair way for the state to address that?" Rosebud Sioux member Oliver Semans elaborated: "The law you put into effect to stop one person from doing something wrong in turn affects hundreds or thousands who have done nothing wrong. You are punishing thousands for what you think might happen."<sup>1</sup>

## FRAUD OR ACCESS

The conflicting values of voter integrity and voter access increasingly frame today's debates about democracy. Often, measures that prevent fraud in elections—such as photo-ID requirements—make voting more difficult and reduce access for legitimate voters.

Republicans often claim that voter fraud represents a primary threat to democracy. They call for measures that enhance integrity

in the electoral process, such as photo-ID requirements, partisan challenges to the qualifications of particular voters, purges of voter rolls, and rigorous requirements for registering to vote. Drawing on historical images of Democratic big-city political machines stuffing ballot boxes with votes of dead people, integrity advocates claim voting has become too easy. They warn that legitimate votes are diluted by fraudulent ballots cast by felons, migrant farmworkers, terrorists, and homeless people who vote multiple times in exchange for cigarettes and cash.

Democrats, on the other hand, often prioritize widespread access to voting. They claim that the call for increased voter integrity serves as a pretext to create barriers that disproportionately exclude people of color and less-affluent voters.

In October 2002, U.S. Attorney General John Ashcroft launched a "Voter Access and Integrity Project," which emphasized the role of the Justice Department's Civil Rights Division in eradicating discriminatory barriers and the Public Integrity Section's role in preventing voter fraud. In 2002, Congress passed the Help America Vote Act, which enhances access by providing provisional ballots to registered voters whose names do not appear on the rolls. But the law also appeased the integrity hawks by requiring all first-time voters who registered by mail to provide identification when they arrive at the polls.

In his book *Stealing Elections: How Voter Fraud Threatens Our Democracy*, *Wall Street Journal* editor John Fund offers perhaps the most comprehensive statement of the emerging integrity movement. According to Fund, in 2001 the voter rolls of many American cities contained more names than the U.S. Census listed as the total number of voting-age residents. He writes of fictitious people and pets being registered and cites examples of political operatives giving homeless people cigarettes and cash to cast a vote. Fund asserts that the National Voter Registration Act ("Motor Voter Act"):

... imposed fraud-friendly rules on the states by requiring driver's license bureaus to register anyone applying for licenses, to offer mail-in registration with no identification needed, and to forbid government workers to challenge new registrants, while making it difficult to purge "deadwood" voters (those who have died or moved away).

According to Fund, prosecutions for voter fraud are rare because prosecutors fear "charges of racism or of a return to Jim Crow voter suppression tactics if they pursue touchy fraud cases."

Fund proposes that a photo-ID requirement at the polls and more vigorous prosecutions would prevent fraud. Other voting-integrity advocates, such as Hans A. von Spakovsky, a member of the Federal Election Commission, add that the presence of partisan challengers at the polls also prevents voter fraud.

But antifraud proponents make their claims without answering vital questions. For example, what is the evidence of massive, widespread fraud? Do voter-integrity proposals disproportionately burden less-affluent voters or voters of color? Since conservatives are generally skeptical of regulation due to their distrust of big government, how do they ensure that politicians don't manipulate political outcomes by adopting antifraud regulations that suppress participation by legitimate voters? Have voter-integrity proponents established that their proposals, when enacted, will exclude fewer legitimate voters than fraudulent voters?

### WHO TAKES THE HIT?

Proponents of antifraud measures such as photo-ID requirements fail to undertake a serious cost-benefit analysis. While more research is needed, the existing evidence suggests that the harm of a photo-ID requirement would seriously outweigh any speculative

benefit. Indeed, antifraud activists cannot establish that a photo-ID requirement would exclude even one fraudulent vote for every thousand eligible voters excluded.

According to the 2001 Carter-Ford Commission, an estimated 6 percent to 10 percent of voting-age Americans (up to 19 million potential voters) do not possess a driver's license or a state-issued nondriver's photo ID. A photo-ID requirement would exclude Americans of all backgrounds, but the poor, the disabled, the elderly, students, and people of color would bear the greatest burden. According to the Georgia chapter of AARP, 36 percent of Georgians over age seventy-five do not have a driver's license. In the United States, more than 3 million people with disabilities do not have identification issued by the government. A June 2005 study in Wisconsin found that the rate of driver's license possession among African Americans was half of that for whites. Among men ages eighteen to twenty-four, 36 percent of whites, 57 percent of Latinos, and 78 percent of African Americans lacked a valid driver's license. A series of factors may explain these disparities, including that fewer people of color and fewer poor Americans own automobiles or are willing to pay the fee required to obtain a state ID card.<sup>2</sup>

Even if cash-strapped governments agreed to issue photo IDs to those without driver's licenses free of charge, there would still be the financial burden of providing the underlying documentation to obtain that "free" ID. A certified copy of a birth certificate costs from \$10 to \$45 depending on the state, a passport costs \$85, and certified naturalization papers cost \$19.95. Even aside from the cost and the paperwork, limited business hours, long lines, and other factors prevent many state DMV offices from being easily accessible models of efficiency. For example, in 2005 only one of the ten Georgia counties with the highest percentage of blacks had an office that issued state IDs, and no such office existed in Atlanta. When faced with the prospect of spending hours away from work, family, and other obligations to secure a photo ID used a couple of

times a year to vote, many citizens will unfortunately choose to forgo their vote.

The exclusionary effects of a photo-ID requirement are best illustrated by some of the people it is most likely to disenfranchise—the victims of Hurricane Katrina. Many who were left behind in hurricane-torn New Orleans were poor, did not own a car, and were less likely to have a driver's license. These forgotten Americans—and many like them across our nation—are the ones a photo-ID requirement would most likely leave out of our democracy.

While a photo-ID requirement would exclude millions of voters, antifraud activists have failed to prove that it would prevent more than a few fraudulent votes. Instead, photo-ID proponents try to bolster their claims by citing fraud that would not be prevented by a photo-ID. For example, rather than grappling with the extent to which antifraud measures suppress voter participation, John Fund suggests that fraud hurts not only white candidates but also candidates of color. He reports that Latino Congressman *Ciro Rodriguez* lost a Democratic primary when a “missing ballot box appeared in south Texas with enough votes to make his opponent the Democratic nominee by 58 votes.” But Fund creates a straw man. If we assume that the missing ballot box was filled with illegitimate votes, then Congressman *Rodriguez* seems to have been defeated by fraud committed by election administrators rather than fraudulent voters. Antifraud measures designed to monitor election workers would have been more effective in protecting the *Rodriguez* election than photo-ID requirements or regular purges of voting rolls that could dampen the political influence of legitimate Latino voters.

Other proponents of photo ID generally invoke anecdotes of fraud to support their claims, but generally their examples do not justify a photo-ID requirement. For example, a photo-ID requirement at the polls does nothing to prevent fraud by absentee voting. Nor does it prevent voting by ineligible persons with felony con-

victions who are misinformed of their voting rights. Rather, a photo-ID requirement guards against only one type of fraud: individuals arriving at the polls to vote using false information, such as the name of another registered voter or a recent but not current address. These are extraordinarily inefficient means to influence the results of an election. Since the costs of this form of fraud are extremely high (federal law provides for up to five years' imprisonment), and the benefits to any individual voter are extremely low, it is highly unlikely that this will ever occur with any frequency.

In the most comprehensive survey of alleged election fraud to date, Professor *Loraine Minnite* and *David Callahan* have shown that the incidence of individual voter fraud at the polls is negligible. A few prominent examples support their findings. In Ohio, a statewide survey found four instances of ineligible persons voting or attempting to vote in 2002 and 2004, out of 9,078,728 votes cast—a rate of 0.00004%. In 2005, Georgia Secretary of State *Cathy Cox* stated that she could not recall one documented case of voter fraud relating to the impersonation of a registered voter at the polls during her ten-year tenure as secretary of state or assistant secretary of state. An extensive investigation in Washington state following the 2004 election uncovered less than one case of double voting or voting in the name of another for every 100,000 ballots cast.

*John Fund* points to the potential for fraud from dead or otherwise inactive or ineligible voters left on voter registration lists. While such fraud is rare, it is addressed by the Help America Vote Act's provisions that require regular cleaning of the registration lists to remove persons rendered ineligible by felony conviction or death. Once HAVA's provisions are implemented, persons who have been rendered ineligible by a felony conviction or death will simply not be listed on the voter rolls as eligible voters. Thus, if such persons—or others purporting to be them—show up at the polls, they will not be able to cast a regular ballot.

While existing facts suggest that individual election fraud that



would be deterred by photo ID is extremely rare, there is hard evidence that a photo-ID requirement would unduly burden millions of eligible voters who lack ID. Photo-ID advocates argue that in a close election a small amount of fraud could make the margin of difference. It is equally true, however, that the rejection of a much larger number of eligible voters could make a much bigger difference in the outcome. Based on the existing evidence, the exclusion of legitimate voters through restrictive photo-ID requirements are likely to erroneously determine the outcome of thousands of more elections than any speculative fraud by individual voters at the polls.<sup>3</sup>

#### THE BENEFITS OF EXCLUDING VOTERS

Antifraud advocates argue that responsible individuals who properly register and bring a photo ID to the polls have nothing to fear from their proposed regulations. They assert that those who want to vote will take the steps required to meet eligibility standards. Indeed, the argument goes, isn't it paternalistic to assume that people of color and the poor are too irresponsible to obtain a photo ID?

Many Americans accept these justifications at face value. Why shouldn't they? I always carry my driver's license in my wallet when I leave home. This isn't a big deal, one might think.

But politicians see things differently. They focus much of their time and mental energy on activities that will get them reelected or will increase their political influence—activities such as raising money and attracting media attention. With similar intensity, politicians fixate on understanding who goes to the polls and how to ensure a political mix that provides them with a safe margin of victory and maximizes their party's influence. Politicians know that a slight reduction in the ballots cast by minority or poorer voters can determine who controls the governor's mansion, the U.S. Senate, or even the White House.

Voter-integrity advocates emphasize the steps a person can take to protect the *individual* right to vote, but they fail to address the *structural* impact of self-interested politicians who champion such rules in order to manipulate political outcomes. By making it more difficult to register and vote, voter-integrity rules allow politicians to modulate and control the electorate. And it is not just poor and minority voters who are harmed. Antifraud regulations that hinder voter access allow politicians to pander to a narrowly defined group of experienced likely voters, with less fear that discontented new voters will enter the electorate and support a candidate who challenges the status quo. In 1998, Minnesota's same-day registration—which is opposed by many voter-integrity proponents—allowed 250,000 new voters to mobilize around and elect as governor political newcomer Jesse Ventura, who won by under 57,000 votes. Supporters of a variety of candidates who challenge the establishment—such as Democrats Howard Dean and Al Sharpton, as well as Republicans Gary Bauer and Pat Robertson—face disadvantages when they confront heightened hurdles. Voter-integrity regulations are framed as necessary to protect the votes of regular Americans, but they can actually exclude many Americans from the political process and entrench incumbents.

Voter-integrity advocates claim that photo-ID requirements for voting are reasonable because individuals now must produce photo identification to board airplanes, use a credit card, or buy liquor and cigarettes. But voting differs from air travel, check cashing, and entering federal buildings. Airlines, for example, have no incentives to exclude legitimate travelers, while some politicians have incentives to exclude legitimate voters who are likely to cast ballots for their opponents (as we see in the redistricting context). An individual air traveler or credit-card user is inconvenienced by having forgotten to carry on ID; with voting, however, the harm extends past an absentminded voter and impinges upon political allies and a democracy that fails to reflect the will of the people.