In a recent election year, Lila Cockrell went to the polls to cast a vote in her city’s mayoral runoffs. As the first female mayor of San Antonio, you can imagine her shock when election officials told her that she could not vote without a form of authorized identification.\(^1\) As an elderly person who no longer drives and has no need for an ID, Cockrell could have had this situation easily addressed through a provision in Texas law that had been repealed. The state’s ID requirements had only become harsher in recent years. “It was uncomfortable for the election officials to tell her, ‘No!’ Obviously, they knew who she was,” said one of the administrators in her county.\(^2\) At a time when the stakes for many elections could not be higher, outraged citizens like Cockrell have been finding themselves subject to new, frustrating barriers to voting across the United States.

The last decade has seen an exponential growth in voter documentation requirements, affecting around twenty-five million eligible voters and their constitutional right to cast a vote.\(^3\) Many of the states with the strictest voter ID requirements also happen to be swing states that matter the most in general elections. During the US general election in 2020, the voter registration efforts that reduced these barriers made headlines, especially in shattering expectations for turnout among minorities, from Asian American and Black voters in Georgia to Navajo and Latino voters in Arizona.\(^4\) Former Georgia House Democratic minority leader and voting rights activist Stacey Abrams and community organizations led on-the-ground voter registration drives that not only supported the election of a new president but flipped the state from red to blue—and the US Senate majority with it.\(^5\) In response to these successes, hundreds of new, stricter voting laws continue to be proposed and passed in state legislatures across the nation.\(^6\) Following these and other pressing developments, such as renewed attention to voter identification requirements due to an increase in the use of mail-in ballots during the COVID-19 pandemic, in this book we chart the state of voter
ID requirements and the maddening difficulties that they are creating for people, and we offer solutions for this growing challenge that is failing democracy in the United States.

*States of Confusion* surveys ten states with especially strict documentation requirements for registration and for voting. The type of broad research we conducted—the first of its kind on this issue—is the basis for a series of practical recommendations arising from our communication with citizens, state agencies, and nonprofit groups working on voter engagement and assisting eligible citizens to obtain necessary documentation. We explain the recent history of voter ID laws and offer several perspectives on the challenges voters face in complying with these requirements.

Ultimately, we find that many citizens are confused by documentation requirements and frustrated by the barriers to voter registration and voting that have been put in place in many states, particularly over the past decade. As a result, large numbers of people are being excluded by our voting system. We also find that voters in different states have vastly different experiences, raising the question of why citizens in one state should confront radically different requirements than citizens in another state.

We thus call on policymakers to adopt uniform, national voter ID standards that are simple, accessible, and cost-free. In the absence of sweeping policy changes, however, we provide interim solutions for assisting eligible citizens with voter documentation requirements through the nonprofit and community organizations closest to, and most capable of helping, those most affected by these new laws. This change would address unreasonable barriers that are preventing eligible voters from voting and provide for more equitable experiences with the voting process.

That any person faces difficulties in getting what they need to vote should be cause for alarm. Tackling new voter ID requirements is an urgent matter that will shape public participation in this country for a generation and the health of our democracy.

***

While we were finishing this book, the COVID-19 pandemic broke out, affecting just about every person on the planet. In the United States,
we observed the challenges that voters face multiply during a presidential election year. Every issue connected to citizens’ opportunities to vote underwent a political magnification, particularly with regard to mail-in voting. With the virus’s very public, deep, and wide effects, it became difficult to keep political intentions private. The political parties had opposite aims: it was believed that Democrats would be aided by increased voter turnout, and that Republicans would be aided by decreased voter turnout. Amid the COVID outbreak in Wisconsin, for example, attempts to relax mail-in voting rules for a primary election were thwarted, forcing tens of thousands of voters to the polls at risk of exposure to the virus. In Alabama the choice between protecting one’s health and voting (especially for those with disabilities, the elderly, and people of color) was brought to the fore through lawsuits pointing to the significance of ID requirements: “Absentee voters are currently required to submit photocopies of their photo identification as well as sign the absentee ballot before a notary or two witnesses,” impossible expectations during the pandemic. In Kentucky, too, the issue of ID came forcefully into view when lawmakers overrode their governor’s veto of a bill limiting voting only to those with a particular type of government-issued photo ID. Those who opposed the bill argued that the measure would have suppressive effects on certain voters, and they raised the question of how people could be expected to procure such an ID during a time when the government offices that supply them were closed. Choosing to cast a vote became a matter of life and risking death.

Former US president Donald Trump and his followers asserted during the pandemic election season that voting from home would intensify election vulnerabilities, cheating, and other problems. Continuing a running theme from across his years as president, Trump created a megaphone for claims that the election was stolen due to ballot insecurities and similar charges, laying a foundation for everything from a violent insurrection at the US Capitol on January 6, 2021, to an insistence that audit upon audit take place in battleground states, to the establishment of even more limiting and exclusionary voter ID laws across the country.

On the other side, advocates cited long-standing successes with mail-in voting, virtually no evidence of election integrity violations, and the vast numbers of eligible voters who already stood to be disenfranchised
by consequences of the pandemic. Responding to claims by Trump and his followers, judges and officials (including Trump’s own appointees) and election staff at every level of government concluded that, despite the challenges of COVID, this “was one of the most secure elections in our history.” Through the lens of ID requirements, we address these and related issues throughout this book, at a time when they have never mattered more in the United States. We find that connected problems point toward larger issues arising from our voting systems, their inequitable processes, and the consequent disenfranchisement of many US citizens.

We believe in election integrity. What became apparent in the course of our project is that many citizens feel similarly. No one wants an election to be run by anything other than the highest standards and processes for accountability, to make sure that every vote cast is valid and counted. We know that at first glance strict voter documentation requirements can seem to exist simply to enforce the law by making sure that each person will only have one vote. Yet, in practice, these laws function to exclude many citizens from this basic right by making voting far more complicated and challenging than it needs to be.

For reasons we will detail, in the absence of federal oversight, and in part arising from constitutional complexities, states have been determining what forms of ID work for voting, reflecting arbitrary and sharply partisan preferences. Since generally speaking election processes are governed and implemented by states, it is the states that allow these inequities to increase. Technicalities have been designed to create disproportionate, racial imbalances in voting accessibility. As one report highlights, Texas doesn’t allow student ID cards but does accept concealed weapons permits for the purposes of voting. Underscoring the potential impact of this law, “More than 80 percent of handgun licenses issued to Texans in 2018 went to [W]hite Texans, while more than half of the students in the University of Texas system are racial or ethnic minorities.” Millions of eligible voters, or those previously eligible to vote, continue to come up against these types of obstacles constructed by policymakers who have learned that changing state-level election laws can tip the balance of power in their favor, maximizing the impact of some voting blocs while minimizing others. These developments have led the Reverend William Barber II to conclude, “Jim Crow did not
retire: he went to law school and launched a second career. Meet James Crow, Esquire.”

Voter documentation requirements are thoroughly politicized and racialized policies designed to excise the votes of marginalized communities and partisan political enemies in the guise of protecting election integrity. These requirements follow a long and ugly history of voter suppression in the United States. Until the exclusionary effects of voter documentation requirements and many other, connected forms of suppression are overcome, it will not be possible to claim that any national or even local election is truly representative of US citizens. These are the stakes.

We hope that readers of this book do not lose sight of our main point: voting should be easy. We want readers to see and feel the infuriating frustrations that many voters continue to experience, in the hope that the crisis in voter identification requirements can be addressed and the electorate expanded through the community-informed, research-based solutions identified in this project. Everyone learning from this book can find ways to oppose voter disenfranchisement and ensure that every citizen’s vote and voice count.