Citizens Denied

The Impact of Photo ID Laws on Senior Citizens of Color

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SUMMARY

"THE ELECTIVE FRANCHISE, IF GUARDED AS THE ARK OF OUR SAFETY, WILL PEACEABLY DISSIPATE ALL COMBINATIONS TO SUBVERT A CONSTITUTION, DICTATED BY THE WISDOM, AND RESTING ON THE WILL OF THE PEOPLE."

THOMAS JEFFERSON

The right to vote is a cornerstone of democracy in America. Laws that require voters to show government-issued photo identification may make voting more difficult for citizens to cast their vote in future elections. Far too many seniors of color may face significant obstacles to voting given barriers to getting the necessary identification. In this report, we estimate that nearly half of senior voters who are Black and nearly a third of senior voters who are Latino will have a more difficult time voting in states with strict photo ID laws. In the upcoming election, we estimate that in the four states with strict photo ID laws in effect nearly 140,000 seniors of color – after years of voting regularly, volunteering at elections, marching for civil rights and fighting for our country – will have a more difficult time having a say in who should hold elected office.

Recent reports discuss the potential impact of photo ID laws on the voting ability of marginalized populations, pointing to a widespread lack of driver's licenses and birth certificates as well as monetary and physical challenges to obtaining alternate forms of ID.1 The Brennan Center estimates that 18% of citizens 65 and older, 16% of Latino citizens and 25% of Black citizens are unable to provide the types of government-issued photo identification required under strict photo ID laws.2

In this report, we employ a quantitative analysis to show how strict photo ID laws may affect seniors of color by combining the effects of race and age. This analysis estimates that in states with strict photo ID laws:

- Nearly one in two Black voters 65 and older may have a harder time voting.
- Nearly one in three Latino voters 65 and older may have a harder time voting.
- Seniors of color may be excluded at a rate two to three times the rate of White seniors.
- A total of nearly 140,000 voters of color 65 and older may have a harder time voting in the 2012 election.

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• The disenfranchisement of seniors of color could affect the outcome in certain local elections.

Thanks to a history of racial segregation and inadequate services and employment in the South, present-day consequences include seniors of color lacking the necessary documents to get a government-issued ID. Barring the elderly from the ballot is a shameful denial of citizens’ rights and this report makes clear that states should reconsider voter ID laws.

**THE RACIALLY DISPARATE IMPACT OF VOTER ID LAWS ON SENIORS OF COLOR**

**“Strict” vs. “Non-Strict” Photo ID Laws**

To determine the impact of photo ID laws on the ability of seniors of color to vote, we must first define which states we are considering as affected by photo ID laws. Of the 17 states with these laws, some are “strict” and some are “non-strict”.³ “Strict” laws require current, signed photo identification. Without it, citizens must file a provisional ballot that will only be counted if they return within a short amount of time (usually a few days) with the proper identification. “Non-strict” laws give more leeway if the voter does not have a government-issued photo identification by accepting either supplemental photo identification or, on the prerogative of election officials, a signed affidavit. Because the Brennan Center estimates of disenfranchisement are based on the ability to provide photo identification specifically, we narrow our analysis to the nine states with “strict” laws.

**The Combined Effect of Race and Age**

Calculating the effect of photo ID laws on seniors of color requires looking at the effects of race and age combined. To calculate this combined effect, we used the Brennan Center’s estimates of voter exclusion by race (9%, 25% and 16% for White, Black and Latino citizens) along with its estimate of voter exclusion for those 65 and older (18%) and the Census 2011 national population estimates to solve for exclusion rates for those 65 and older within each race group (Appendix A). Figure 1 demonstrates stark differences in how senior citizens may be affected by strict photo ID laws.

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From the above analysis, we estimate that strict photo ID laws, while a barrier for many White elderly citizens, may be a significant barrier to the ballot box for vast numbers of seniors of color:

- 15% of White senior voters may be barred from the ballot under strict photo ID laws.
- 45% of Black senior voters may be barred from the ballot under strict photo ID laws.
- 30% of Latino senior voters may be barred from the ballot under strict photo ID laws.
- Seniors of color may be excluded at a rate two to three times the rate of White seniors.

The Impact of Potential Disenfranchisement

To determine impacts, we examine each state that passed a photo ID law and calculate the estimated turnout for each senior demographic based on 2008 national turnout rates (73% for White seniors, 68% for Black seniors and 56% for Latino seniors). We then apply our combined effect of race and age by multiplying each group’s expected turnout – 15%, 45% and 30% respectively (Table 1).

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### Table 1: Potential Race/Age Exclusion for States with Strict Photo ID Laws

<table>
<thead>
<tr>
<th>State</th>
<th>2012?</th>
<th>White 65+ (N)</th>
<th>Black 65+ (N)</th>
<th>Latino 65+ (N)</th>
<th>White 65+ Turnout (N*73%)</th>
<th>Black 65+ Turnout (N*68%)</th>
<th>Latino 65+ Turnout (N*56%)</th>
<th>White 65+ Excluded (Turnout *15%)</th>
<th>Black 65+ Excluded (Turnout *45%)</th>
<th>Latino 65+ Excluded (Turnout *30%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Georgia</td>
<td>Y</td>
<td>800,434</td>
<td>228,952</td>
<td>53,778</td>
<td>580,795</td>
<td>33,388</td>
<td>37,254</td>
<td>88,862</td>
<td>70,692</td>
<td>9,028</td>
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<tr>
<td>Indiana</td>
<td>Y</td>
<td>782,850</td>
<td>49,093</td>
<td>31,391</td>
<td>568,036</td>
<td>17,566</td>
<td>13,914</td>
<td>86,910</td>
<td>15,158</td>
<td>5,270</td>
</tr>
<tr>
<td>Kansas</td>
<td>Y</td>
<td>349,014</td>
<td>12,478</td>
<td>24,864</td>
<td>253,245</td>
<td>8,486</td>
<td>13,914</td>
<td>38,746</td>
<td>3,853</td>
<td>4,174</td>
</tr>
<tr>
<td>Mississippi</td>
<td>N</td>
<td>286,239</td>
<td>94,123</td>
<td>6,298</td>
<td>207,695</td>
<td>64,013</td>
<td>3,524</td>
<td>31,777</td>
<td>29,062</td>
<td>1,057</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>N</td>
<td>1,777,895</td>
<td>137,670</td>
<td>73,960</td>
<td>1,290,041</td>
<td>93,629</td>
<td>41,388</td>
<td>197,376</td>
<td>42,508</td>
<td>12,416</td>
</tr>
<tr>
<td>S Carolina</td>
<td>N</td>
<td>511,241</td>
<td>129,591</td>
<td>16,098</td>
<td>370,956</td>
<td>88,135</td>
<td>9,008</td>
<td>56,756</td>
<td>40,013</td>
<td>2,703</td>
</tr>
<tr>
<td>Tennessee</td>
<td>Y</td>
<td>771,050</td>
<td>87,533</td>
<td>16,722</td>
<td>559,474</td>
<td>59,531</td>
<td>9,358</td>
<td>85,600</td>
<td>27,027</td>
<td>2,807</td>
</tr>
<tr>
<td>Texas</td>
<td>N</td>
<td>1,810,995</td>
<td>232,527</td>
<td>1,188,751</td>
<td>1,314,058</td>
<td>158,142</td>
<td>41,388</td>
<td>201,051</td>
<td>71,796</td>
<td>199,568</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>N</td>
<td>747,684</td>
<td>21,294</td>
<td>26,599</td>
<td>542,520</td>
<td>14,482</td>
<td>9,008</td>
<td>83,005</td>
<td>6,575</td>
<td>2,703</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>7,837,402</td>
<td>993,261</td>
<td>1,438,461</td>
<td>5,686,819</td>
<td>675,517</td>
<td>804,963</td>
<td>870,083</td>
<td>306,685</td>
<td>241,489</td>
</tr>
</tbody>
</table>

This table shows that laws in states with strict photo ID requirements may make voting more difficult for nearly a half million senior voters of color (306,685 Black senior voters; 241,489 Latino senior voters). Not all nine of those states will have laws in effect for 2012, mostly due to concerns over disenfranchisement that resulted in judicial injunctions. However, four states – Georgia, Indiana, Kansas and Tennessee – have strict photo ID laws in effect, which could disenfranchise nearly 140,000 senior voters of color.

This estimate of 140,000 is conservative. In states where laws are under review and states with non-strict laws, seniors may be disenfranchised due to confusion among voters and election officials about who can vote.5

This impact analysis shows:

- Strict photo ID laws may make it harder for nearly a half million senior voters of color to vote.
- In this election, these laws may make it harder for 140,000 senior voters of color to vote.
- Seniors of color may be excluded at a rate two to three times the rate of White seniors.

**Electoral Implications**

“There is certainly something to be gained from those in power now...in trying to limit turnout from certain demographic groups.” (Dr. Sid Bedingfield, University of South Carolina)

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What does this mean for the outcome of the 2012 election? While we are facing a closely contested presidential election, many of the photo ID laws in swing states such as Pennsylvania have been successfully challenged due to concerns over disenfranchisement. However, several local elections may be swayed by the potential loss of the votes of seniors of color, assuming seniors of color vote consistent with historic trends and if margins are narrow. Table 2 shows how seniors of color may be affected in congressional districts with high populations of color.

<table>
<thead>
<tr>
<th>Congressional District</th>
<th>Roll Call Rating</th>
<th>White 65+ (N)</th>
<th>Black 65+ (N)</th>
<th>Latino 65+ (N)</th>
<th>White 65+ Turnout (N*73%)</th>
<th>Black 65+ Turnout (N*68%)</th>
<th>Latino 65+ Turnout (N*56%)</th>
<th>White 65+ Excluded (Turnout *15%)</th>
<th>Black 65+ Excluded (Turnout *45%)</th>
<th>Latino 65+ Excluded (Turnout *30%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Georgia 12</td>
<td>Toss Up</td>
<td>50,984</td>
<td>27,902</td>
<td>1,700</td>
<td>36,994</td>
<td>18,976</td>
<td>951</td>
<td>-5,660</td>
<td>-8,615</td>
<td>-285</td>
</tr>
<tr>
<td>Indiana 7</td>
<td>Safe Dem</td>
<td>48,184</td>
<td>18,644</td>
<td>1,357</td>
<td>34,962</td>
<td>12,680</td>
<td>759</td>
<td>-5,349</td>
<td>-5,757</td>
<td>-228</td>
</tr>
<tr>
<td>Tennessee 9</td>
<td>Safe Dem</td>
<td>26,038</td>
<td>32,925</td>
<td>1,333</td>
<td>18,893</td>
<td>22,392</td>
<td>746</td>
<td>-2,891</td>
<td>-10,166</td>
<td>-224</td>
</tr>
</tbody>
</table>

Georgia 12
Georgia’s 12th Congressional District, which includes the cities of Augusta, Dublin, Douglas and Statesboro, is home to an estimated 18,976 Black and 951 Latino senior voters. Barriers to the ballot resulting from strict photo ID requirements at the rates of 45% and 30% respectively would make it harder for 8,900 of these seniors of color to vote.

Roll Call is currently rating this election as a “toss-up“. The potential disenfranchisement of nearly 9,000 senior voters of color, who represent 3.6% of the total voters in 2008, could sway the outcome of this election.

Indiana 7
Indiana’s 7th Congressional District, which includes Indianapolis, is home to an estimated 12,680 Black and 759 Latino senior voters. Disenfranchisement resulting from photo ID requirements at the rates of 45% and 30% respectively would make it harder for 5,985 of these seniors of color to vote.

Though the potential disenfranchisement of nearly 6,000 senior voters of color, who represent 2.2% of the total voters in 2008, may not have a large impact in and of itself, the district as a whole is 40% Latino and Black, and these populations face an overall estimated disenfranchisement rate of 16% and 25% respectively. The combined effect of potentially disenfranchising seniors of color at a very high rate of 45% and other citizens of color at lower but still significant rates could move this election from a safe lead for Democrats to one in which the outcome is less certain.

Tennessee 9

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Tennessee’s 9th Congressional District, which includes Memphis, is home to an estimated 22,392 Black and 746 Latino senior voters. Barriers to the ballot resulting from photo ID requirements at the rates of 45% and 30% respectively would make it harder for 10,390 of these seniors of color to vote.

Though the potential disenfranchisement of over 10,000 senior voters of color, who represent 5% of the total voters in 2008, may not have a large impact in and of itself, the district as a whole is 70% Latino and Black, and in a manner similar to Indiana, the combined effect may potentially disenfranchise seniors of color at a very high rate as well as other citizens of color at lower but still significant rates.

A STRUCTURAL EXPLANATION: DISENFRANCHISEMENT AND THE RACIALIZED HISTORY OF BIRTH CERTIFICATES

“I’ve been trying for five years to get my birth certificate.” (Elderly Black voter in South Carolina)

Photo ID laws disenfranchise senior voters of color disproportionately because of our nation’s history of discriminating by race in issuing birth certificates. To get government-issued photo identification the applicant must show an accurate birth certificate. But systematized birth registration is a fairly recent phenomenon. It was not until World War II that official birth certificates became a key indicator of citizenship, particularly important in obtaining defense jobs, food rations and family allowances. Prior to that period, births were either recorded in an official but unstandardized way according to each state’s own rules or privately in church records or the family bible. Today’s voters who are 65 and older would have been born in or before 1947 and therefore likely subject to the particular recording whims of their birth state.

Race and the Geography of Birth Registration

Region of birth affects the likelihood of birth registration. States did not implement birth registration all at once. In fact, there was a significant regional lag. Starting in the North, higher registration rates spread to the Midwest, then to the West, and then finally to the South (see Figure 2). According to the 1940 Census, over three-quarters of African Americans were living in the South and more than two out of five Latinos were living in the South at this time. Therefore, these regions’ lagging registration systems alone would have disproportionately affected families of color in 1940.

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In addition to lagging behind in birth registration, Southern states were also home to some of the most restrictive practices in services and employment for people of color. Under the Jim Crow laws in effect during the early part of the twentieth century, hospitals either refused to admit Black families or provided substandard treatment.\(^9\) Latinos were also subject to similar Jim Crow-like restrictions on services.\(^{10}\) Families of color often had no better choice than to give birth at home, which presented little opportunity for any official state record of birth. Studies show that at this time about three in four infants of color were born at home, a trend found across both urban and rural areas. The birth registration rate for infants of color born out of the hospital was 77%, versus 96.3% for those born in the hospital.\(^{11}\) Without birth certificates, these children would grow up to become seniors who have a harder time proving their citizenship at the polls under restrictive photo ID laws.

Residence on a farm was a further predictor in the likelihood of birth registration. In the early part of the twentieth century, most African Americans in the South were working in the cotton fields as sharecroppers and tenant farmers. Mexican migrants, who had arrived in the American Southwest in great numbers in the 1920s and 1930s, were also funneled into the cotton fields. By 1930, over one million Mexicans were settled and raising families in California, Texas, Arizona and New Mexico.\(^{12}\) However, babies born to farm residents were far less likely to be officially registered. In fact, a family of

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\(^{11}\) Ibid, Smith.

color, living on a farm and having little to no formal education, had a likelihood of their baby’s birth being registered of less than one in three.\(^{13}\)

*Contemporary Consequences of the Racialized History of Birth Certificates*

Since in 1940 most people of color were living and raising families in the South, then most of today’s seniors of color were likely born under the conditions described above. Since over 1.5 million people of color moved from the South to the North, Midwest and West during the Second Great Migration (1940-1970)\(^{14}\), these seniors are likely living all over the country. One of the seniors in the Pennsylvania voter ID case, 86-year-old African-American Dorothy Barksdale, represents just such a situation. Though she is currently a resident of Pennsylvania, she was originally born in the state of Virginia, which has informed her they have no record of her birth. For many seniors of color like her, their births never made it onto the official record, which now hurts their ability to vote under strict photo ID laws.

**CONCLUSION**

Voter ID laws are a highly controversial addition to the 2012 election landscape. They have the potential to disenfranchise voters across race but in racially disparate ways:

- White seniors may be disenfranchised or barred from the ballot box at a rate of 15%.
- Black and Latino seniors may be disenfranchised or barred from the ballot box at 45% and 30% respectively.
- The potential loss of the vote of seniors of color at disproportionately higher rates may impact local elections.

Strict photo ID laws have the potential to hurt seniors of color and far too many White seniors. They undermine the credibility of our electoral system for populations unfairly barred from the ballot. Citizens must be able to take part in choosing who should lead us. Rather than turning back the clock, we must protect our right to participate by calling out and challenging laws that may bar the participation of certain groups. Seniors of color, who have voted, volunteered and sacrificed for our country for decades, should be able to contribute their voices to the direction of our country’s future.

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\(^{13}\) Ibid.


Objective: Solve for the percentage of disenfranchised voters with the combined effects of race and age that is consistent with the Brennan Center survey findings.

- **Step 1:** Enter in known data from Brennan Center survey in **bold** A1 “Percentage Disenfranchised”.
- **Step 2:** Enter in known data from American Community Survey in A2 “Total (ACS 2011) (mil)”.
- **Step 3:** Solve for A1 “Total Disenfranchised” and “Percentage Disenfranchised” for all remaining groups.
- **Step 4:** Estimate how more likely is it that voters 65 and over are disenfranchised than voters under 65 within any given race group.
- **Step 5:** Solve for number of disenfranchised voters in A2 “Total Disenfranchised” using this estimate.
- **Step 6:** Adjust likelihood estimate until there is a match between “Total Disenfranchised” for All voters in both A1 and A2 (2.0691).
- **Step 7:** Solve for A2 “Percent Disenfranchised”. Apply these percentages to estimated national turnouts to determine potential disenfranchisement.

**Table A1: Separated Age and Race Population Groups**

<table>
<thead>
<tr>
<th>Population Group</th>
<th>Percentage Disenfranchised</th>
<th>Total Disenfranchised (mil)</th>
</tr>
</thead>
<tbody>
<tr>
<td>All voters</td>
<td>11%</td>
<td>36,276</td>
</tr>
<tr>
<td>65 and Over</td>
<td>18%</td>
<td>7,587</td>
</tr>
<tr>
<td>White</td>
<td>9%</td>
<td>17,738</td>
</tr>
<tr>
<td>Black</td>
<td>25%</td>
<td>9,798</td>
</tr>
<tr>
<td>Latino</td>
<td>16%</td>
<td>8,310</td>
</tr>
<tr>
<td>Other</td>
<td>1%</td>
<td>430</td>
</tr>
<tr>
<td>Under 65</td>
<td>9%</td>
<td>28,689</td>
</tr>
</tbody>
</table>

**Table A2: Combined Race and Age Population Groups**

<table>
<thead>
<tr>
<th>Population Group</th>
<th>Total (ACS 2011) (mil)</th>
<th>Total Disenfranchised (mil)</th>
<th>Percent Disenfranchised</th>
</tr>
</thead>
<tbody>
<tr>
<td>White under 65</td>
<td>164,190</td>
<td>12,705</td>
<td>7.7%</td>
</tr>
<tr>
<td>White over 65</td>
<td>32,895</td>
<td>5,032</td>
<td>15.3%</td>
</tr>
<tr>
<td>Black under 65</td>
<td>35,622</td>
<td>8,178</td>
<td>23.0%</td>
</tr>
<tr>
<td>Black over 65</td>
<td>3,568</td>
<td>1,619</td>
<td>45.4%</td>
</tr>
<tr>
<td>Latino under 65</td>
<td>48,996</td>
<td>7,428</td>
<td>15.2%</td>
</tr>
<tr>
<td>Latino over 65</td>
<td>2,944</td>
<td>882</td>
<td>30.0%</td>
</tr>
<tr>
<td>Other under 65</td>
<td>30,821</td>
<td>377</td>
<td>1.0%</td>
</tr>
<tr>
<td>Other over 65</td>
<td>2,743</td>
<td>53</td>
<td>1.9%</td>
</tr>
<tr>
<td>All voters</td>
<td>329,779</td>
<td>36,276</td>
<td>11.0%</td>
</tr>
<tr>
<td>Total over 65</td>
<td>42,150</td>
<td>7,587</td>
<td>18.0%</td>
</tr>
</tbody>
</table>
The Center for Social Inclusion works to identify and support policy strategies to transform structural inequity and exclusion into structural fairness and inclusion. We work with community groups and national organizations to develop policy ideas, foster effective leadership, and develop communications tools for an opportunity-rich world in which we all will thrive no matter our race or ethnicity.

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