

The Myth of the Lazy Nonvoter

By Sarah Jackel and Stuart A. Thompson

Ms. Jackel is the general counsel for Vote.org. Mr. Thompson is the graphics director for Opinion.

If history is any indicator, only around 40 percent of eligible voters will vote in the midterm elections. Most people assume that voter turnout remains this low because Americans are apathetic and simply don't want to vote. But it's more likely that most Americans *do* want to vote, and one of the root causes of low turnout is this country's framework of restrictive voting laws.

The United States is unique in allowing state laws to largely govern voting in federal elections. Ever since key federal protections were dismantled by the Supreme Court in 2013 – including portions of the Voting Rights Act, which required some states and localities with a history of discrimination to obtain federal permission before changing voting procedures — state lawmakers have had more latitude than ever to enact laws affecting whether, how and when one can vote in a federal election.

To explore the hurdles that voters face this election, we created five voter profiles: the voter with no ID, the procrastinator, the student, the working parent and the convicted felon. There is one figure for each state. In states with a **Republican** majority in the state House of Representatives, the figure is red. In states with a **Democratic**-majority House, the figure is blue.

The No-ID Voter

Here we look at voters who have no form of ID that shows name and address (such as a driver's license, utility bill or bank statement) but who have voted at least once before in their state. First-time voters without an ID face especially daunting barriers: Federal law requires all first-time voters who do not supply information that can be verified against other state or federal databases at the time they register to show some form of ID when they vote.

State voter-ID laws [vary](#). Some require all voters to present a photo ID, while others require some sort of official documentation, like a bank statement or utility bill, with at least a name and current address. Both requirements can significantly depress turnout by young and low-income voters, who are more likely not to have a driver's license or to be listed on an official bill.

Registration itself is less complicated, at least on paper. Voters can register without an ID using the mail-in federal form — if they know it exists. Among states that offer online voter registration, most require a driver's license.

The Procrastinating Voter

Voter-registration deadlines can catch would-be voters by surprise. Here, we look at voters who have the required ID but put off getting registered until just three days before Election Day. Only a few states allow late or in-person same-day voter registration. Most deadlines range from [two weeks to 30 days](#) before Election Day, and voters who fail to register by the specified date cannot cast a ballot.

Even states permitting same-day registration often impose some limitations. In California, for example, voters may register on Election Day, but only provisionally, and in some counties may have to visit a local elections office or designated satellite location.

The Eager Student Voter

Many students face difficulties in meeting state ID requirements. A smaller proportion of students have a driver's license today than in the 1980s, according to a study by the [University of Michigan](#). Those attending school out of state may not have the in-state ID that the law requires. Students are also less likely to have other forms of ID commonly required by state laws, like a utility bill or bank statement with a current address. Some states accept a student ID on its own, but several do not — even when it is issued by a public university and includes a photo.

Even among states that accept student IDs, there are sometimes restrictions that limit their use. In Wisconsin, for example, an eligible student ID must include a name, photo, signature, issue date and expiration date. The issue date cannot be more than two years from the expiration date, and students must also present proof of enrollment.

The Working-Parent Voter

Two out of every five people who most likely won't vote next month are already registered and have the proper ID. Many of them face considerable obstacles in getting to the polls because they are parents with full-time jobs who cannot afford to take unpaid time off work to vote. Less than half of the states require employers to pay employees for time off to vote on Election Day.

In this profile, we look at states where parents can take paid time off so they can vote during working hours.

According to a Pew Research Center [survey](#), 35 percent of those who registered but did not vote in the 2014 midterms said that scheduling conflicts with work or school kept them from getting to the polls. For many working parents, the ability to vote by mail or through early in-person voting on weekends is critical. However, a number of states, including Alabama, Michigan and Pennsylvania, give residents neither the option to vote early in person nor the option to vote by mail (without satisfying certain requirements). In such states, without guaranteed paid time off to vote on Election Day, working parents often can't make it to the polls.

Many of the states that require employers to give paid time off have limitations, such as providing only two hours off, or restricting paid time off to voters who do not otherwise have two consecutive hours off while the polls are open. Let's say you're a working parent in a state where polls open at 7 a.m. and your workday starts at 9 a.m. You may not be entitled to any paid time off, even though you have no meaningful ability to vote because you're caring for your children in those two hours before work.

The Convicted-Felon Voter

Many Americans who have been convicted of a felony but are now out of prison, on parole or on probation may want to vote, but many states have laws that expressly limit their voting rights. Those laws have direct historical ties to Jim Crow and racial discrimination. The rapidly expanded prison population in many states since the 1980s means that more than 6.1 million convicted felons potentially cannot cast a ballot, according to [the Sentencing Project](#).

In the last 20 years, many states have made significant strides in changing these restrictive laws. Four states — Louisiana, Maryland, New York and Rhode Island — recently expanded voting rights to people on probation or parole.

“The trend is in a positive direction,” said Danielle Lang, senior legal counsel, voting rights and redistricting at the Campaign Legal Center, which created [a tool to guide felony convicts](#) through the complicated state laws that determine whether they can vote. “States are typically not passing more restrictive felony disenfranchisement laws.”

A [ballot measure in Florida](#) this year, called Amendment 4, would allow many felons to vote once they completed their sentences. If passed, it could re-enfranchise 1.5 million citizens.

Still, only two states, Maine and Vermont, allow prisoners to vote. And even in states where convicted felons can vote, Ms. Lang said, many still believe they cannot, and the path to registering post-conviction is onerous: waiting periods, board applications, fines or fees, and lots of paperwork. “You should not need a lawyer to exercise your right to vote, but for a lot of people with convictions, that's exactly what you need,” she said.

The Impact of Restrictive Voting Laws

According to the [Brennan Center for Justice](#), since 2010, at least 23 states have enacted laws restricting the ability to vote in some manner, including many states with competitive midterm races. These new laws limit early voting, make registration more difficult and introduce stricter photo-ID requirements, factors that particularly affect African-American, Hispanic, low-income and young voters. The outcomes in those states this November could hinge on which Americans — eager as ever to participate — are actually able to cast a ballot.

States With New Voter Restrictions

Since the 2010 midterm election, 23 states have passed restrictions that make voting harder. They are color-coded by the majority of House representatives after the 2016 election

The Brennan Center [estimates](#) that as many as 11 percent of eligible voters do not have, and will not get, the documents required by strict voter-ID laws, and these numbers are higher for certain groups.

“Paperwork requirements are the No.1 way to suppress the right to vote,” Ms. Lang said.

Some of the states that enacted stricter voter-ID requirements after 2010 saw a significant reduction in voter turnout in subsequent elections.

A study of Wisconsin’s voter-ID laws showed that nearly [17,000 registered voters](#) in two of the state’s counties couldn’t cast ballots in the 2016 election because of a 2011 law that required citizens to show a driver’s license, passport, naturalization certificate or other uncommon documents to vote. The law could have made a difference in the state’s 2016 presidential election outcome: Hillary Clinton lost Wisconsin by just 22,748 votes out of the more than 2.9 million that were cast.

The U.S. Compared With Other Countries

Voting in the United States sits in stark contrast to voting in countries like Belgium and Australia, where it is compulsory, and where voter registration is linked to national records and elections take place on a holiday or weekend. With those conditions for national elections, voting-age population turnout regularly reaches more than 79 percent.

Country	Turnout in last election	Compulsory voting	Registration linked to national records	Door-to-door registration	Weekend/holiday voting
BELGIUM (2014)	87.2%	YES	YES	NO	YES
SWEDEN (2014)	82.6%	NO	YES	NO	YES
DENMARK (2015)	80.3%	NO	YES	NO	NO
AUSTRALIA (2016)	79.0%	YES	YES	YES	YES
FINLAND (2015)	73.1%	NO	YES	NO	YES
HUNGARY (2018)	71.7%	NO	YES	NO	YES
NORWAY (2017)	70.6%	NO	YES	NO	YES
GERMANY (2017)	69.1%	NO	NO	NO	YES
AUSTRIA (2017)	68.8%	NO	YES	NO	YES
FRANCE (2017)	67.9%	NO	NO	NO	YES
MEXICO (2012)*	66.0%	YES	YES	YES	YES
ITALY (2018)	65.3%	NO	YES	NO	YES

U.K. (2017)	63.3%	NO	NO	YES	NO
CANADA (2015)	62.1%	NO	YES	NO	NO
GREECE (2015)	62.1%	YES	NO	NO	YES
PORTUGAL (2015)	61.8%	NO	NO	NO	YES
SPAIN (2016)	61.2%	NO	YES	NO	YES
SLOVAKIA (2016)	59.4%	NO	YES	NO	NO
IRELAND (2016)	58.0%	NO	NO	YES	NO
UNITED STATES (2016)	55.7%	NO	NO	NO	NO
POLAND (2015)	53.8%	NO	YES	NO	YES
JAPAN (2017)	53.7%	NO	YES	NO	YES
CHILE (2017)	52.2%	NO	YES	NO	NO
SWITZERLAND (2015)	38.6%	YES	YES	NO	YES
TURKEY (2017)	NA	YES	NO	YES	YES

Federal Voting Laws Around the World

Note: Date indicates year of last election. Turnout reflects votes as a share of voting-age population. Source: Vote.org

While many countries greatly simplify the voting process — or make voting mandatory — the solutions here in the United States may not need to be so drastic.

In fact, they are right in front of us. Just as some states that have passed laws restricting access to voting in recent years have seen reduced turnout, states with laws that afford people the greatest access to voting — several states where ID requirements are not onerous, where all residents can register to vote online and registration periods extend to Election Day, and where voters have many options to vote early or on Election Day without losing any income — have experienced high participation. Our democracy depends on the ability to participate freely, without unnecessary barriers. The voters must choose elected officials, and not the other way around.

Sarah Jackel is a litigator and the general counsel of Vote.org, a registered nonprofit focused on political engagement, voter turnout and American democracy. Stuart A. Thompson is the graphics director for The New York Times Opinion section.

Note: Includes the District of Columbia. Nebraska has a nonpartisan unicameral legislature, but the majority of members are Republican. Sources: Vote.org; [Brennan Center for Justice](#); [the Sentencing Project](#); [National Conference of State Legislatures](#).