



IDEAS

# The Republican Party's Irrational War on Voting Rights

State-level efforts to restrict the franchise may hurt democracy—and also, the GOP's own voters.

By David A. Graham



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In February, Arizona state senators tried to have the Maricopa County Board of Supervisors thrown in jail.

The legislators had demanded that the county officials hand over documents relating to the 2020 presidential election in the state, which Democrat Joe

Biden won by fewer than 11,000 votes. Maricopa County, home to Phoenix, had already audited its results and found no evidence of fraud. The board argued that it was not legally allowed to hand over the ballots themselves.

“The two audits they have are a joke,” Senator Warren Petersen said. “They’re not going to find anything. They’re not meant to find anything, even if there is fraud.”

Senators tried to hold the board in contempt, which would have allowed its five members to be arrested. The motion failed, by a single vote, and supporters promptly tried to retaliate against the swing voter, tanking a pet bill of his.

Perhaps this sounds like just another skirmish in the vicious partisan battle over voting between Democrats and Republicans. But although the senators who wanted to lock up the county board are Republicans, so are four of the five members of the board. And the rogue senator who blocked the effort? He’s a Republican too. (The legislation that was punitively killed was a school-voucher bill—a top GOP goal.)

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Republican legislators insist that they’re merely responding to the righteous indignation of their voters as they pursue a raft of new rules that would make voting more difficult. “When you have this many constituents that are emailing us and calling us and demanding that their questions be answered, it always should be a top priority,” Karen Fann, the president of the state Senate, told the *Los Angeles Times*. “If that’s what’s important to our voters, we take care of it.”

In the intramural Maricopa melee, that indignation has pitted the people actually conducting elections, who see the legislature’s interventions as counterproductive and possibly illegal, against superfans of former President Donald Trump who are demanding action to deal with nonexistent fraud. Around the country, indignation has driven Republicans to propose new restrictions on voting rights. Some of these are likely unconstitutional. Some appear to target particular constituencies. But one of the most striking features of these proposals as a whole is their incoherence.

In their eagerness to demonstrate their loyalty to Trump, Republican legislators are rushing to apply scattershot solutions to an imagined set of problems. And although they seem unmoved by warnings that these laws will

disproportionately affect minority voters, they may well discover that they have actually disenfranchised many of their own supporters, even as their push to pass restrictive rules energizes their opponents.

Although Republicans in state capitols around the United States have sought stricter voting laws since Biden's victory, the Arizona GOP is in a class of its own. Legislators have introduced 22 bills that would restrict voting. Progressives and voting advocates have reacted with horror and rage, arguing that the bills would particularly affect minority voters, who helped swing Arizona to Biden and elect Democratic U.S. Senator Mark Kelly in November. Some Republicans have been open about their goal of suppressing votes.

“Not everybody wants to vote, and if somebody is uninterested in voting, that probably means that they're totally uninformed on the issues,” State Representative John Kavanagh told CNN last week. “Quantity is important, but we have to look at the quality of votes as well.”

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Although unusually frankly expressed, this view fits a long-standing pattern. For decades, Democrats have sought to make voting easier and Republicans have sought to make it harder. Democrats argue that the right to vote is fundamental to American democracy, and that there should therefore be fewer barriers. Kavanagh's Kinsley gaffe aside, Republicans mostly contend that such barriers are needed to prevent fraudulent voting, because any fraud taints democracy. The problem is that despite years of efforts to find it, there's still no evidence of widespread voter fraud at levels that would tip elections. (Kavanagh and Fann are among a dozen Republican lawmakers who have sponsored restrictive bills and did not respond to requests for interviews or comment.)

This debate has been supercharged by the bogus claims of fraud that Trump lodged both before and after the election. As of February, the left-leaning Brennan Center for Justice has tallied 253 bills in 43 states that seek to restrict voting.

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In Arizona, some of the bills are very technical, and many are statements of ambition or ideology that are almost certain to go nowhere—one would even allow the legislature to override voters and declare the winner of a presidential election in the state at any time prior to inauguration—but others have already passed one or both houses of the legislature. Among other things, these bills would ban same-day registration, ban automatic registration, bar officials from sending mail ballots out unless specifically requested, and shorten the period in which a voter can “cure” a problem with their signature on a mail-in ballot. One would require voters to include a driver’s license or state-ID number, and if they don’t have one of those, to enclose photocopies of multiple documents; another would purge voters from the state’s permanent early-voting list if they did not vote in two consecutive elections. (Another bill, currently stalled, would eliminate the list altogether.) There’s also a bill to move the deadline for receipt of mailed ballots to before Election Day. Legislators also hope to ban private funding for administering elections. Philanthropic funding was a lifeline for many jurisdictions to adapt to the pandemic in 2020.

The GOP drive for stricter voting laws, and in particular to make voting by mail more difficult, is rooted in three incorrect assumptions. The first, and most widely debunked, is that the 2020 election was tainted by significant fraud. The second is that the historically large turnout was responsible for Trump’s defeat. As the CNN data analyst Harry Enten recently wrote, “Trump lost because he was an unusually unpopular president, and he likely would have been defeated if turnout looked like it did in 2016.” The third is that mail voting swung the election toward Democrats. A Stanford University report released this month concludes that “no-excuse absentee voting mobilized relatively few voters and had at most a muted partisan effect despite the historic pandemic. Voter interest appears to be far more important in driving turnout.”

If these laws pass, they are likely to make it harder for Democratic-leaning minority voters to cast ballots. Randy Perez, who until this month was the democracy director at the progressive organization Living United for Change in Arizona, calculated that the purge bill would kick about 50,000 Latinos off the permanent early-voting list, or about 7 percent of the state’s Latino voters—almost five times Biden’s margin of victory. Torey Dolan, who works on voting issues at Arizona State University’s Indian Legal Clinic, listed a range of ways that proposed bills would hurt Native American voters: Many don’t have utilities or pay property taxes or have access to copiers, making it challenging to provide documentation; street addresses on

reservations aren't always standard; and mail delivery is slow, so shorter voting periods would be a particular burden.

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But just as Trump's claims of fraud were not backed by evidence, Republicans don't seem to have carefully thought through all the ways their bills might affect the state's entire electorate. Whereas past efforts at voter suppression around the country seemed to target Democratic demographics "with almost surgical precision" (as a federal judge wrote of North Carolina's 2013 voter-ID law), some of the laws currently under consideration in Arizona and nationwide look like blunt instruments that could end up making it harder for Republicans to vote too.

Take the proposed changes to absentee voting. In many states, the idea of large numbers of citizens casting their ballots by mail was new last year. Not in Arizona. Since 2007, the state's permanent early-voting list has allowed voters to sign up to receive a mailed ballot for every election. It's not as sweeping as the vote-by-mail systems in states such as Colorado and Washington, but it makes absentee voting the dominant method of casting a ballot: In 2016, three-quarters of voters cast ballots by mail, and in 2018, that number rose to 80 percent.

"You look across the country, the western states have tended to be more progressive in expansion of voting opportunities, ways to register to vote, when and where you can vote," says Tammy Patrick, a senior adviser at Democracy Fund who worked in the Maricopa County Elections Department for more than a decade. "When I left there in 2014, almost 70 percent of Maricopa County voters were getting their ballot by mail. They were electing [mostly] Republicans. There was no question about the security of voting by mail, there was no question around the fraud risks of voting by mail, because the process was tried and true."

Now that energy in Arizona has shifted away from expanding access, legislators are effectively targeting the methods of voting that got them elected. That could make voting more difficult for their own supporters.

"When you look at the history of mail voting, it has traditionally been used at much higher rates by older voters and more affluent and more white voters—constituencies that tend to lean more Republican in their voting patterns," Wendy Weiser, a voting expert at the Brennan Center, says.

Snowbirds who spend part of the year outside Arizona could be hit especially hard if the permanent early-voting list goes away, because they're not accustomed to having to request a ballot. And although the new requirements for ballot security would create barriers for the poor, they might also be a challenge for older voters. Garrett Archer, an election-data analyst at the ABC affiliate in Phoenix, calculated that a shorter deadline for ballot arrival would have invalidated more Republican than Democratic ballots in 2020. The Washington Post found that some of the bills under consideration in Georgia might similarly have negative effects on Republican-leaning demographics there.

How all of these laws would actually affect voter turnout is difficult to predict. When legislators change the laws, voters change how they vote—so eliminating some methods may create challenges, but it won't necessarily prevent citizens from casting a ballot. This is an important lesson. New laws can be unwieldy and have unexpected consequences.

Voter-ID laws are generally a bad idea because they are antidemocratic and seek to solve a problem that doesn't exist. The good news is that despite the dangers they pose, most have had a small effect on turnout. This may be in part because voting-rights groups and progressive organizations have reacted aggressively to these laws, not just educating voters about what they need to do to cast their ballots, but also stoking political anger about suppression measures—anger that may itself drive turnout. (These efforts are resource-intensive, and don't excuse the needless attempts to make voting harder.) In close elections, especially if many tweaks are combined, even voting-rule changes that have only marginal impact can still swing races.

David A. Graham: Signature-matching is the “witchcraft” of elections

Republicans have pushed voting restrictions despite the danger of backlash, Perez believes, because the imperative to show loyalty to Trump has overshadowed careful deliberation: “They're responding to one god right now, and his name is former President Donald Trump.” Arizona Governor Doug Ducey, a Republican, defended the state's system against attacks from Trump last fall. “I've been pretty outspoken about Arizona's election system, and bragged about it quite a bit, including in the Oval Office. And for good reason,” he tweeted. “In Arizona, we have some of the strongest election laws in the country, laws that prioritize accountability and clearly lay out procedures for conducting, canvassing, and even contesting the results of an election.”

Ducey has not indicated how he'd handle any bill the legislature might pass, and his spokesperson told me that the governor does not comment on pending bills. But Chuck Coughlin, a longtime Republican operative in Phoenix, said that many of the most overreaching bills were already stalled. And he said he expects that Ducey would veto anything that passes that the public might see as voter suppression.

“My instinct is that the Democrats will look at it as a turnout mechanism, and whoever's running for governor will look at it as a branding mechanism for the person that they're running against,” Coughlin said. As for the legislators, “I don't even think they're thinking that hard about it. They're caught up in their righteous indignation right now.”

That's the problem with letting righteous indignation guide legislation. It's a powerful political tool, but it doesn't always make for good policy.

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