

The Bill of Rights in Action: Landmark Supreme Court Cases
Document Set H
Crawford v. Marion County Election Board



Facts of the Case

In 2005, the Indiana Legislature passed a law requiring all voters who cast a ballot in person to present a photo ID issued by the United States or the State of Indiana. Plaintiffs including the local Democratic Party and interest groups representing minority and elderly citizens argued that the law constituted an undue burden on the right to vote. At trial, the plaintiffs did not produce any witnesses who claimed they would be unable to meet the law's requirements. The district court and the court of appeals both upheld the law. However, the three-judge appellate panel was deeply divided. Dissenting Judge Terrence Evans claimed that the law was a thinly-veiled attempt to dampen turnout by those likely to vote for Democratic candidates.

Question

Does a law that requires voters to present either a state or federal photo identification unduly burden citizens' right to vote?

Conclusion

By a vote of 6 to 3, the Court upheld the law, concluding that the photo I.D. requirement was closely related to Indiana's legitimate state interests in preventing voter fraud. The slight burden the law imposed on voters' rights did not outweigh these interests, which the Court characterized as "neutral and nondiscriminatory." Although there was no majority opinion, the Court's decision included concurring opinions written by Justices John Paul Stevens and Antonin Scalia. Justices David Souter and Stephen Breyer each wrote dissenting opinions. Justice Ruth Bader Ginsburg joined Justice Souter's dissent.

Source: The Oyez Project, *Crawford v. Marion County Election Board*, 553 U.S. ____ (2008), available at: http://www.oyez.org/cases/2000-2009/2007/2007_07_21/

Syllabus

SUPREME COURT OF THE UNITED STATES

CRAWFORD ET AL. v. MARION COUNTY ELECTION BOARD et al.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Argued January 9, 2008—Decided April 28, No. 07–21. 2008*[±]

After Indiana enacted an election law (SEA 483) requiring citizens voting in person to present government-issued photo identification, petitioners filed separate suits challenging the law's constitutionality. Following discovery, the District Court granted respondents summary judgment, finding the evidence in the record insufficient to support a facial attack on the statute's validity. In affirming, the Seventh Circuit declined to judge the law by the strict standard set for poll taxes in *Harper v. Virginia Bd. of Elections*, 383 U. S. 663, finding the burden on voters offset by the benefit of reducing the risk of fraud.

Held: The judgment is affirmed.

JUSTICE STEVENS, joined by THE CHIEF JUSTICE and JUSTICE KENNEDY, concluded that the evidence in the record does not support a facial attack on SEA 483's validity. Pp. 5–20.

(a) . . . even rational restrictions on the right to vote are invidious if they are unrelated to voter qualifications. However, "even handed restrictions" protecting the "integrity and reliability of the electoral process itself" satisfy *Harper's* standard. . . Pp. 5–7.

(b) Each of Indiana's asserted interests is unquestionably relevant to its interest in protecting the integrity and reliability of the electoral process. . . Finally, Indiana's interest in protecting public confidence in elections, while closely related to its interest in preventing voter fraud, has independent significance, because such confidence encourages citizen participation in the democratic process. Pp. 7–13.

(c) . . . Because Indiana's cards are free, the inconvenience of going to the Bureau of Motor Vehicles, gathering required documents, and posing for a photograph does not qualify as a substantial burden on most voters' right to vote, or represent a significant increase over the usual burdens of voting. . . Pp. 13–16.

(d) Petitioners bear a heavy burden of persuasion in seeking to invalidate SEA 483 in all its applications. . . Pp. 16–20.

JUSTICE SCALIA, joined by JUSTICE THOMAS and JUSTICE ALITO, was of the view that petitioners' premise that the voter-identification law might have imposed a special burden on some voters is irrelevant. The law should be upheld because its overall burden is minimal and justified. . . Pp. 1–6.

Notes

*[±] Together with No. 07–25, *Indiana Democratic Party et al. v. Rokita, Secretary of State of Indiana, et al.*, also on certiorari to the same court.

Source: 472 F. 3d 949, affirmed.