

Voter ID decision could have major impact on electoral landscape for decades

by *Marc_H._Morial*

With the presidential race in full swing, the U.S. Supreme Court is currently considering a case that could have a huge impact on the nation's electoral system forever.

It revolves around an Indiana statute that requires voters to show current state-issued photo identification when they cast their ballots.

Last Election Day, 61-year-old Valerie Williams attempted to vote in the lobby of her retirement home as she had the past two elections. This time around, poll workers turned her away because she lacked a current Indiana-issued photo identification card. Her telephone bill, social security letter and an expired Indiana driver's license weren't enough to prove her identification, though they had been in previous elections.

So, Williams, who requires a cane to get around, was permitted to cast a provisional ballot, which was ultimately discarded when she couldn't secure a ride to the local voting office to verify her identity within 10 days as required by state law. She and 31 others affiliated with the case recounted similar experiences. Most failed to comply with the law because they lacked the transportation to get to the local voting office to convert their provisional ballots into actual votes or couldn't afford state-issued identification.

They represent as much as 12 percent of all voters, a disproportionate number of them elderly, poor, minorities or disabled, who do not have government-issued photo identification. And a recent hearing of oral arguments over the case by the nation's top court did little to give them hope. Major media outlets predicted it would rule in favor of the law.

In 2006, the U.S. House of Representatives, under different leadership than in 2007, passed legislation imposing the photo ID requirement along with proof of citizenship upon all Americans, just weeks after reauthorizing the landmark Voting Rights Act. Fortunately, the notion hasn't garnered as much support in the current Congress - not yet, at least.

Proponents of photo-ID requirements continue to labor under the misconception that they're needed to deter individual voter fraud, hardly the most pressing problem facing our nation. As the Boston Globe editorial page sagely noted recently, "The American voting system has had all manner of problems lately, but an epidemic of voter fraud is not one of them."

And in a 2007 Washington Post editorial, the New York University Law School's Brennan Center for Justice's Michael Waldman and Justin Levitt concluded "the notion of widespread voter fraud - is itself a fraud." I must concur.

Falsely claiming citizenship and voting fraudulently have long been federal offenses. From 2002 to 2006, only 86 U.S. residents were convicted of federal election fraud, according to the Department of Justice. All this fuss over less than 100 convictions among millions of votes cast?

Still, that hasn't stopped legislators in 27 states from introducing legislation just like Indiana's, even though in some states, like Georgia, similar efforts have been struck down by state and federal courts. That is what makes the Supreme Court's decision all the more important. The precedent our nation's most prominent jurists set will dictate the course of our nation's elections system for years to come.

More than 40 years after the first wave of the civil rights movement, we must continue to fight for and encourage the full participation of our citizenry in the electoral process, not move to disenfranchise thousands of registered voters.

In 2005, a federal judge in Georgia concluded that a photo-ID requirement passed by that state's legislature constituted a poll tax.

I would dare to say it's a 21st century poll tax.

If the Supreme Court upholds the Indiana law, it threatens to take the United States back to the days of literacy tests and all kinds of Jim Crow-era tactics that kept blacks from voting for decades in the 20th century.

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