



VOTER ID:

Supreme Court Gives State
New Opportunity to Secure
Elections

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An Individual Liberties LIFT Commentary

Following the guidance of the U.S. Supreme Court, state legislators have another opportunity to help secure our elections from fraud by enacting photo identification and citizenship verification requirements.

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BACKGROUND

On April 28, the U.S. Supreme Court upheld Indiana’s photo identification law with a six-to-three ruling in *Crawford v. Marion*. The majority opinion, authored by Justice John Paul Stevens, invalidates volumes of spurious claims made by opponents of photo identification requirements, forever memorializing their constitutional weightlessness.

The Court’s Ruling

Directly stated, the Court ruled "the universally applicable requirements of Indiana’s voter-identification law are eminently reasonable." While an ID requirement may place a burden on voters, the Court concluded that "burdens... arising from life’s vagaries, however, are neither so serious nor so frequent as to raise any question about the constitutionality of [photo ID requirements]." Justice Scalia, in a concurring opinion, refers to the burdens of photo identification as "minimal and justified."

The Court also ruled that for the few voters without identification, the burden of obtaining one (for free under Indiana’s law), "does not qualify as a substantial burden on the right to vote."

In short, the Supreme Court decision clears a major hurdle for Texas legislators to pass a photo identification law which help address the vast potential for fraud that is evident.

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Election Integrity Crisis

In November 2007, the State Auditor identified 49,049 registered voters who may be ineligible to vote, mostly felons or deceased. The Supreme Court upheld Indiana’s photo ID law in part as means for Indiana to safeguard against fraud stemming from the state’s inflated, inaccurate registration lists. Texas would clearly benefit from a similar law in that regard.

The election integrity crisis in Texas runs deeper. The Special Investigations Unit in the Office of the Attorney General referred eleven cases of vote fraud for prosecution in 2007, and two public officials were convicted on separate charges of vote fraud.

Rejecting Voter Suppression Claims

Nonetheless, some levy the argument that fraud is non-existent. The Supreme Court considers that argument and determines that vote fraud has been significantly documented by respectable journalists and historians to warrant election integrity measures such as Indiana's photo ID law.

Requiring photo identification to vote in Texas elections is a simple and common sense election integrity measure, especially since so many Texans currently hold a Texas driver's license.

The office of the secretary of state reports that there are 12.7 million registered voters in Texas as of the March 2008 primary elections. According to the Department of Public Safety, there are more than 14 million valid Texas driver's licenses and almost another 4 million valid Texas ID cards issued to Texans over age 18. Currently, there are 5.3 million more government-issued identification cards possessed by the voting age population than there are registered voters.

Although photo ID detractors frequently cite concern for the elderly, a majority of older Texans currently hold valid Texas driver's license: 73 percent of the age seventy-nine and 63 percent of 85-and-older

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population. Most telling is that 93 percent of elderly voters who voted in 2006 in Harris County — the state's most populous county — hold a valid Texas driver's license.

The Supreme Court also rejected the argument that photo identification is a partisan ploy aimed at limiting access to the polls. Justice Stevens cites the bipartisan Commission on Federal Election Reform, led by President Carter and former Secretary of State James Baker, which issued 87 recommendations for ensuring equal access to

elections and election integrity. The Carter-Baker Commission recommended that states require photo identification at polling places.

Recommendation

The United States Supreme Court has sanctioned new election integrity measures, such as a photo identification requirement, to protect elections from the taint of fraud. Following the guidance of the U.S. Supreme Court, state legislators have another opportunity to help secure our elections from fraud by enacting photo identification and citizenship verification requirements.