



May 24, 2007

United States Senate
Washington, DC 20510

Dear Senator:

On behalf of the more than one million members and activists of People For the American Way (PFAW), we urge you to stand up for the rights of all citizens to fully participate in our democratic society by opposing Amendment # 1170, offered by Senator McConnell during consideration of the immigration bill (S. 1348). This amendment will do nothing more than erect burdensome and unnecessary barriers to the ballot. Our American democracy is one of inclusion that thrives on the diversity of our populace and the full participation of its citizenry. Overly burdensome and unnecessary voter ID and proof of citizenship requirements are an anathema to this ideal and only serve to alienate and disenfranchise eligible citizens and return us to the poll tax days of the Jim Crow era.

We urge you to oppose Senator McConnell's amendment because it would impose a severe burden and is extremely likely to disenfranchise poor, minority, elderly and young voters, who are less likely to have photo identification and move more frequently. The data is clear:

- Approximately 6 to 10% of the American electorate does not have any form of state identification.
- African Americans are four to five times less likely than whites to have photo identification.
- Young adults (age 20-29) move almost 6 times more frequently than adults over 55, and minorities move 50% more frequently than whites.
- In Georgia, it is estimated that nearly 40% of seniors lack photo identification.

20th Century Poll Tax

Restrictive ID requirements are the equivalent of a 20th century poll tax. This was, in fact, reiterated by the federal district court during the debate over Georgia's new Photo ID requirement. By mandating that voters provide photo identification – even if purportedly offered free of charge to voters as indicated in Amendment #1170 – these same voters would still have to pay for the necessary documents to obtain this “free” photo-ID. Obtaining the required forms of ID, such as drivers' licenses and passports, costs money and time away from work – and transportation is particularly complicated for voters with disabilities. The same is true of getting the supporting documents required to obtain ID.

Discriminatory Implementation

The reality of implementing an additional photo ID requirement must not be overlooked. Such requirements place an inordinate amount of discretion in the hands of overworked (and usually unpaid and sometimes poorly trained) poll workers. Deciding whether a voter matches or does not match the photo in an ID card – which can often be many years old – is a very subjective process and easily prone to mistakes or worse. Because many voter ID laws do not explain how disputes over the validity of an ID card should be handled, and because they often keep voters who don't have “valid” ID from obtaining provisional ballots, they can easily open the door to widespread racial and ethnic discrimination at polling places. Even under the more lenient requirements of the Help America Vote Act, ID provisions are often

implemented in a discriminatory way. According to the nation's largest nonpartisan exit poll of Asian Americans, nearly 70% of Asian voters were asked for ID in states where no ID was required.

Election Fraud

Fraud takes many forms. While proponents of voter ID claim to be addressing the existence of massive "voter fraud," particularly by illegal immigrants, to date, there are no credible reports of significant fraud to support the need for such restrictive proposals. While it is true that the integrity of the electoral process must be protected, this can only be done by addressing actual problems that truly serve to undermine voter confidence. This necessarily includes procedures and actions by individuals and election administrators that will prevent eligible voters from participating in the electoral process. Voter intimidation and harassment of voters at the polls are some of the more obvious forms of activities that disenfranchise voters and contribute to fraud in our election process. Other actions such as election officials removing eligible voters from the registration rolls, the destruction of voter registration cards because of registrants' political affiliation, or the mass challenging of minority voters at the polling places are other fraudulent activities that must be addressed. Any definition that is not sufficiently broad to include such activities prevents decision makers from devising appropriate solutions.

As noted, the purported reason for enacting such restrictive voting measures to counteract voter fraud is unsubstantiated. Virtually every academic study of voter fraud concludes that it is not close to being a significant problem. In fact, in 2002 the Bush Justice Department launched the "Voting Access and Integrity Initiative," which directed Justice Department attorneys, including those in U.S. Attorneys' offices, to prioritize investigations of alleged voter fraud. Despite being a top priority, this initiative resulted in only 24 convictions for illegally voting nationwide from 2002 to 2005, compared to the hundreds of millions of votes cast during that period. Even bipartisan experts contracted by the Election Assistance Commission (EAC) similarly found, in a report they submitted to the EAC in 2006, that there is no widespread existence of voter fraud.

Furthermore, when questioned regarding the existence of voter fraud in states where it was used as the justification for requiring restrictive voter identification, supporters of voter identification have been consistently forced to testify that they cannot prove that any widespread voter fraud exists. Examples include:

- The State of Indiana, and its Republican Secretary of State Todd Rokita, in defending the voter identification law in court documents, admitted that it could not find one single instance of voter impersonation fraud in the history of the state. *Indiana Democratic Party v. Rokita*, 2006 U.S. Dist. LEXIS 20321 (S.D. Ind. 2006).
- The Republican Governor of Missouri, who had formerly been the Secretary of State (and run Missouri's elections), admitted that elections in Missouri were "fraud-free," before unsuccessfully defending the restrictive voter identification laws in court. *Weinschenk v. Missouri*, 203 S.W.3d 201 (Mo. 2006). Missouri's Secretary of State agrees, noting in a recent report that "As in previous elections, the absence of reports of voting impersonation or voting fraud in the 2006 election in Missouri was notable."
- The State of Arizona and its counties, in defending their restrictive voter registration laws and voter identification laws, admitted that, of the over 2.7 million registered voters in Arizona, not one had been convicted of registering to vote illegally, and not one instance of voting by an ineligible non-citizen.

Real Solutions

Even if fraud were a problem, there are positive steps that states can take to lessen the threat of fraud and protect the integrity of the ballot box without risking disenfranchising voters, such as fully implementing statewide voter registration databases as mandated by HAVA. Additional “fraud-protection” measures could include *accurate* cleansing of voter registration rolls, and of course, the vigorous prosecution of intimidation and harassment claims that have become increasingly rampant in the most recent federal elections. These are real solutions to actual documented problems.

Conclusion

Since the 2000 Presidential Election, our sister organization, People For the American Way Foundation has been a leader in the Election Protection Coalition along with its allies the NAACP and the Lawyers’ Committee for Civil Rights under Law. Integral to Election Protection was the deployment of thousands of volunteers across the country to serve as poll monitors to assist voters and document the problems voters faced as they attempted to exercise their right to vote. The data collected from volunteers and voters through reports from the field and through the Election Protection Hotline clearly evidence a need for election officials to address the real problems created by voter harassment and intimidation, the lack of machines at low-income and minority poll sites, improperly trained poll workers and the creation of overly burdensome voter registration procedures by partisan election officials just to name a few. These are the real problems that deserve the priority of election officials. Only then, can we truly maintain the integrity of our electoral system and protect the right to vote of all eligible citizens. Voter ID proposals are simply forms of a 21st century poll tax that have no business in our electoral process. Such proposals unnecessarily erect barriers to the ballot and are likely to be enforced in discriminatory ways against poor and minority voters to intimidate, misinform, stigmatize, and ultimately suppress the vote. The right to vote is fundamental and Congress should be focused on ways to open the franchise to all eligible citizens. Consistent with this view, PFAW urges that you oppose Amendment #1170 offered by Senator McConnell.

Sincerely,



Ralph G. Neas
President



Tanya Clay House
Director, Public Policy