



CONGRESS CONSIDERS REQUIRING PHOTO ID TO VOTE

October 25, 2006

The House of Representatives has passed a bill that would require people to present a photo identification to vote, and the U.S. Supreme Court has ruled on the matter that is gaining steam as the midterm elections approach.

Arizona is one of six states that requires a photo ID of voters. To rent a movie from Blockbuster, says Arizona Republican state Representative Russell Pearce, you must present two forms of identification.

"We're in an ID era," he told the Arizona Republic newspaper. "You have to have ID to go to the city dump."

So why, asks Pearce and a growing number of politicians around the country, can you vote in federal elections without ever proving your identity?

IDs to vote

Since the 2004 election, many states have moved to require voters to present photo identification at the polls.

However, a series of contradictory court decisions have recently called into question the constitutionality of such measures.

Critics charge that the added requirements are an unfair burden on voters and disproportionately affect minority, poor and elderly voters, who they say are less likely to have photo IDs.

The battle over voter IDs has fallen mostly along party lines.

Many Republicans argue that illegal immigrants, felons and people posing as the deceased can vote with little difficulty, while Democrats argue that the changes are simply a means to discourage constituencies who tend to vote Democratic.

Lower courts have largely steered clear of the partisan dilemma, arguing in the majority of cases that such laws impose too great of a burden on their voting rights.

Weighing in on the controversy just weeks before the Nov. 7 elections, the U.S. Supreme Court issued an unsigned, five-page opinion Oct. 20 temporarily upholding Arizona's new voting rule.

Though the court declined to judge the constitutional merits of the case just yet, it argued that with so little time remaining before the election, striking down the law at this point would cause too much confusion for voters.

ID legislation

Because most voting laws come from state governments, the success of movements to require photo identification largely depends on the political makeup of each state's legislature.

This has resulted in a patchwork of laws that varies from state to state.

According to the Election Reform Information Project -- a nonpartisan, non-advocacy group -- 24 states require first-time voters who register by mail to show some sort of identification when voting for the first time.

Two states require the same of voters regardless of how they register.

Another 18 require voters to show some sort of identification every time they go to the polls.

Six states -- Arizona, Florida, Hawaii, Indiana, Louisiana and South Dakota -- have the most stringent voting laws, requiring photo IDs from all voters.

Georgia and Missouri had laws on the books requiring photo identification, but they were struck down in state courts.

In an effort to standardize election laws throughout the country, the House of Representatives passed a bill in September that would compel voters nationwide to present photo identification when voting; states would be required to provide such ID free of charge.

This law is still pending, as the Senate has yet to take action on it.

But is there a problem?

While proponents of photo ID laws claim that abuse of the system is rampant, critics argue that there is no documented problem.

Senator Hillary Rodham Clinton, D-N.Y., who called such measures "a modern day poll tax," said voter fraud by non-citizens "simply doesn't happen on any significant scale."

But Pearce, the Arizona lawmaker, disagrees. He told The New York Times, "We know people are approached to register whether they are illegal or not. We know the left side's agenda."

Though little objective data exist to bolster either side's case, the U.S. Election Assistance Commission -- a federal body established by Congress to aid the administration of elections -- commissioned a report in May that concluded: "There is widespread but not unanimous agreement that there is little polling-place fraud, or at least much less than is claimed, including voter impersonation, 'dead' voters, non-citizen voting and felon voters."

The courts

In its Oct. 20 opinion, the Supreme Court indicated that both sides of the argument had a legitimate case.

On the one hand, the opinion read, "Voter fraud drives honest citizens out of the democratic process and breeds distrust of our government. Voters who fear their legitimate votes will be outweighed by fraudulent ones will feel disenfranchised."

On the other hand, "the possibility that qualified voters might be turned away from the polls would caution any district judge to give careful consideration to the plaintiff's challenges."

In a concurring opinion, Justice John Paul Stevens argued that one compelling reason for letting the Arizona law temporarily stand was to let it be a test to determine what effect, if any, it had on the election's result.

"Allowing the election to proceed without enjoining the statutory provisions at issue, will provide the courts with a better record on which to judge their constitutionality," he wrote.

The Supreme Court is likely to rule on the constitutionality of these laws at some point following November's elections.

--Compiled by Paul Heintz for NewsHour Extra

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