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Editorial

Voter IDs on Trial

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Representative Trey Martinez Fischer, the chairman of the Mexican-American Legislative Caucus in the Texas House of Representatives, flew to Washington this week to persuade a panel of federal judges to invalidate a requirement that voters must have an ID card. His trip was less arduous than the one some residents would have to endure to get a government-issued photo ID.

"In West Texas, some people would have a 200-mile round-trip drive" to the nearest state office to get a card, he testified, according to [The Dallas Morning News](#). More than a quarter of the state's counties don't even have an office to get a driver's license or voter card. Lines at the San Antonio motor vehicles offices are often more than two hours long, he said.

Texas is one of [10 Republican-controlled states](#) that have imposed a government ID requirement to vote, purportedly to reduce fraud but actually to dissuade poor and minority voters who tend to vote Democratic. (Seven other states have passed slightly less-restrictive rules.) In most cases the federal government can do little to resist this incursion on voting rights, because [the Supreme Court upheld ID requirements in 2008](#). But Texas is different. It is covered by the Voting Rights Act of 1965, which allows the Justice Department to disapprove of any change in voting procedures in areas with a history of discrimination.

That's exactly what the department did in March, saying the law imposes a huge disadvantage on Hispanic voters, who lack a government ID, like a driver's license or gun permit, at a far higher rate than the general population. Texas sued, and a trial began Monday.

Those defending Texas' law told the judges that "only" 168,000 eligible voters in Texas lack a government-issued ID, but federal officials said the number is actually closer to 1.4 million, mostly Hispanic and black voters. Texas, of course, was unable to demonstrate any level of voter fraud that would justify the law, pointing only to five prosecutions for voter impersonation.

The same effect is being seen in other states. In Pennsylvania, 758,000 registered voters [lack ID cards](#) and could be turned away at the polls in November. The Associated Press [recently reported](#) that 1,200 legitimate ballots were tossed in the 2008 general election in Indiana and Georgia after officials said voters lacked the required IDs. The voters, who used temporary ballots when they were challenged at the polls, never knew their votes did not count.

Attorney General Eric Holder Jr. [said Tuesday](#) that **25 percent of black citizens lack an ID card, compared with 8 percent of white citizens**. These requirements, he said, are the modern equivalent of a poll tax. Of course, states aren't allowed to charge for a card, but he is correct that using this tactic to erect barriers to participation harks back to Jim Crow efforts. And the stakes are no less high because Texas is expected to ask the Supreme Court to strike down Section 5 of the Voting Rights Act — the provision that allows the federal government to preapprove changes in voting procedure — if the three-judge panel rules against its voter-ID requirement.

People died to achieve that federal law, but 47 years later, the discrimination has not disappeared.

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On Mon, Jul 16, 2012 at 4:46 PM, Henry Willis <hmw@ssdslaw.com> wrote:

On the subject of street-level efforts to fight disenfranchisement, an article about Pennsylvania:
<http://www.post-gazette.com/stories/news/politics-state/rush-is-on-to-help-pennsylvania-voters-obtain-ids-644741/?p=0>

7/20/2012