

## Pennsylvania's Voter ID Law Won't Be Reconsidered

BY: McClatchy News | April 29, 2014

By Amy Worden

A Commonwealth Court judge on Monday denied the Corbett administration's request to reconsider his ruling overturning the state's two-year-old voter identification law.

In a 29-page decision, Judge Bernard L. McGinley said the law requiring Pennsylvania voters to produce photo ID at the polls failed "to provide liberal access to compliant photo ID" and, as a result, disenfranchised voters.

"The evidence showed the voter ID provisions at issue deprive numerous electors of their fundamental right to vote, so vital to our democracy," wrote McGinley, who struck down the law in January.

The Corbett administration has 30 days to file an appeal to the state Supreme Court.

Joshua Maus, spokesman for the Office of General Counsel, said the office was reviewing the ruling.

Lawyers representing plaintiffs in the case praised the ruling.

"The court confirmed that the photo ID law is unnecessary and disenfranchises hundreds of thousands of people," said Jennifer Clarke, executive director of the Public Interest Law Center of Philadelphia. "We call on the governor, the attorney general, and the secretary of state to stop spending our precious state dollars on defending this law, so dangerous to our democratic system."

The administration has spent about \$6 million in state and federal funds to educate voters about the law and \$1 million in state funds to the Philadelphia law firm Drinker Biddle to help defend it.

Gov. Corbett signed the voter ID bill – considered among the strictest in the nation – in March 2012 after protracted legislative debate and public protests along partisan lines.

Republicans said showing an ID would reduce voter fraud, while Democrats contended the limited types of valid ID would bar access to the polls, particularly among minorities, the elderly, students, and low-income voters.

The law has been on hold because of the litigation. Poll workers were allowed to ask for but not demand ID for voting.

Both sides agreed that the law would not be enforced during 2014 elections.

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## Will Voter ID Changes Affect the 2014 Elections?

*The cumulative impact of voting-rule changes on the outcome of several key state races in November looks to be hit or miss.*

BY: Louis Jacobson | March 20, 2014

Over the past few years, new limitations on voting – including stricter requirements for voter identification, cutbacks in early voting options and rollbacks of same-day voter registration – have spread across the nation, provoking outrage from critics who charge that Republican-dominated legislatures and GOP governors have increased obstacles to voting in order to disenfranchise minorities and less affluent voters who disproportionately vote Democratic.

As three dozen states gear up for statewide elections in 2014, we thought it would be a good time to look at how these changes might affect actual electoral results this fall.

Adding obstacles to voting is clearly something that's a problem for individual voters. However, the cumulative impact of voting-rule changes on determining the winner of key races looks more likely to be hit and miss in 2014. (In our next column, we will look at some of the impacts of voting-law changes beyond the 2014 election, which are likely to be more significant.)

For 2014, only a handful of states will be operating under new voting rules, and most of those already lean solidly toward the GOP. Indeed, in most of those states, relatively few significant races are expected to be competitive enough for changes in the voting laws to sway election results.

"It's really tough to link policy changes to a change in turnout or electoral outcomes," says Wendy Underhill, a program manager at the National Conference of State Legislatures (NCSL). The impact of voting-law changes "should be on the margins. Who is on the ballot, what the issues are and even [what the] weather on Election Day [will be are] going to be the bigger determinants of turnout."

Since 2001, nearly 1,000 voter ID bills have been introduced in 46 states, with 34 states now enforcing some form of voter ID law, according to the NCSL. Not all are in force yet, either because the effective date is still to come, or because the law is still being challenged in court. The laws vary in their degree of strictness. Some don't require a photo ID, some require a photo ID but have generous definitions of what types count and some require only certain types of government-issued IDs.

Among the states that have passed or tightened voter ID laws since 2001 are Colorado, Georgia, Idaho, Indiana, Kansas, Minnesota, Missouri, Montana, New Hampshire, New Mexico, Ohio, South Dakota, Tennessee, Utah and Washington state. Tennessee, a strongly Republican state, offers an example of how even significant changes can have a limited electoral impact.

"I have seen little evidence that decreased turnout in 2012 did – or, in 2014, will – affect outcomes," says Anthony Nownes, a University of Tennessee political scientist. Tennessee "is so heavily Republican now that marginal increases or decreases in turnout do not seem to matter much," he says.

Several of the states that have had voter ID laws in force for more than one election cycle are likely to see competitive gubernatorial contests this year, such as Colorado and Kansas. However, for this column, we're going to focus on states that are implementing new or tightened voting standards for the first time in 2014 to take stock of what might turn out differently this year.

### **ALABAMA: LOW IMPACT**

Alabama, like other states on this list, approved changes to the voting laws at a time when the GOP has become dominant in state politics. A lack of interest, rather than voting laws, will be the main factor in determining electoral outcomes, says University of Alabama political scientist William H. Stewart. "What would really energize voters is not photo ID but highly competitive races and Alabama simply does not have [competitive races] at the state level," Stewart says.

### **ARKANSAS: MODERATE TO HIGH IMPACT**

A stricter voter ID law that requires a government-issued photo ID is in effect. Arkansas has a number of competitive races on tap for 2014 – open-seat gubernatorial and state attorney general contests, plus a hard-fought U.S. Senate race. "At the margins, some votes traditionally cast will not be counted," says Hal

Bass, an Ouachita Baptist University political scientist. If these contests remain close enough that could make a difference in the result.

#### **MISSISSIPPI: LOW IMPACT**

Even though photo IDs are required at the polls this year, Mississippi is an increasingly solid Republican state and it has few elections on the ballot in 2014 – just some (for now) uncompetitive U.S. House and Senate contests plus races for lower-level offices such as judgeships.

#### **NORTH DAKOTA: LOW IMPACT**

In North Dakota, another solidly Republican state, several races this year appear to be strongly tilted toward the GOP, including contests for attorney general, secretary of state and tax commissioner. The only one that could become competitive is the race for state agriculture commissioner, where a Democrat, former state Senate Minority Leader Ryan Taylor, is **challenging incumbent** Republican Doug Goehring. As a result, the state's new voter ID law isn't expected to play much of a role this fall.

#### **OHIO: MODERATE TO HIGH IMPACT**

In February, Gov. John Kasich **signed sweeping legislation** that cut back on early voting and tightened rules for absentee and provisional ballots that had been **used effectively by Democrats** and minority voters. Kasich himself has a somewhat competitive re-election race, and Democrats should be able to make more than token challenges for other statewide offices.

#### **OKLAHOMA: MODERATE IMPACT**

The GOP, which is dominant statewide, is favored to win the gubernatorial and state AG races. Still, the contest for superintendent of public instruction is more wide-open than one would expect and could be impacted by photo ID requirements. Republican Superintendent Janet Barresi is facing a primary as well as a number of potentially credible Democratic challengers.

#### **RHODE ISLAND: LOW TO MODERATE IMPACT**

Rhode Island is unusual among the states on this list: Its voter ID law - which requires that voters show a photo ID – received backing from Democrats as well as Republicans. In general, its requirements are also more lenient than those in states with primarily GOP-backed changes. Democrats, who are dominant in Rhode Island, are favored in both the gubernatorial and state AG races, though Republicans should be able to offer credible opposition for both posts. "With adequate public education about voter ID requirements, polling-place locations and better training of poll workers, I believe the election changes enacted will result in minimal impact on voter turnout," says Lisa Pelosi, who worked for former Republican Gov. Lincoln Almond.

#### **SOUTH CAROLINA: MODERATE TO HIGH IMPACT**

The gubernatorial race, between GOP Gov. Nikki Haley and Democrat Vincent Sheheen, is more competitive than one would expect in a solidly Republican state, and the contest for superintendent of public instruction is wide open. "My guess is that voter ID legislation will chill voting in 2014 because a lot of people will be intimidated by new rules and just won't vote," says Andy Brack, editor and publisher of [StatehouseReport.com](#), which covers South Carolina politics. Lawmakers are also warning that **warning that a paucity of election-related changes** in recent years has sown confusion among just about everybody. "There seems to be a continuing beat to file election-related legislation, year after year, by mostly GOP lawmakers to change precinct lines, change precinct locations, change election commissions and rewrite all kind of rules on county-by-county levels," Brack says.

#### **TEXAS: LOW IMPACT**

Texas's voter ID legislation is arguably as restrictive as any in the United States, says Mark P. Jones, a Rice University political scientist. Yet the electoral impact for 2014 should be low for several reasons. "Given that only a little more than one-in-four voting age Texans normally turn out to vote in gubernatorial elections, I suspect the number of citizens who would have voted but will not due to the voter ID law is not going to be substantial in 2014," Jones says. Another reason to project only a small impact: Despite the national attention to the open-seat gubernatorial race involving Republican Greg Abbott and Democrat Wendy Davis, there are few genuinely competitive contests in Texas in 2014, either in statewide or congressional races. Just one state Senate seat and a dozen state House seats may be competitive, Jones said. The biggest impact could be longer term. In a state with a growing Hispanic population, "Democrats will be able to use the voter ID law as an additional piece of secondary evidence to buttress their broader argument that the Texas Republican Party is anti-Hispanic," he says.

#### **VIRGINIA: LOW IMPACT**

The bulk of Virginia's statewide elections took place in 2013, so the new photo ID requirement taking effect in 2014 will have a limited impact.

One wild card emerged on March 19, when a federal judge in Kansas ruled that federal election authorities had to assist Kansas and Arizona in requiring proof of citizenship before registering voters. If this ruling is upheld, it could potentially affect competitive gubernatorial races in both states this year, as well as other races.

*In the next column: A look at the ways in which voting-law changes could play a role beyond the 2014 elections.*

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