Voter ID and the Supreme Court

January 21, 2008

In an earlier commentary I talked about the importance of a voter ID. That case out of Indiana has gone before the Supreme Court, and we will hear their verdict in the next few months.

Although the case shouldn't be that controversial, it centers on the requirement in Indiana that voters show photo identification when they cast their ballot. Given the simple fact that we have to show photo IDs for so many routine actions, you wouldn't think that requirement would be that controversial.

Opponents argue that this imposes an unconstitutional burden on voters. Yet the law allows those few citizens without a driver's license (estimated to be around one percent) to obtain a free, state-sponsored picture ID. And even if someone arrives at the polling place unprepared, they are given a provisional ballot that they can validate later.

Opponents also argue that this law will disenfranchise low-income voters, minorities, or seniors. Yet a statistical analysis by the Heritage Foundation demonstrated that voter ID laws in other states do not depress voter turnout. It does however limit the number of dogs, cats, or deceased people who try to vote in an election.

One critic suggested that this voter ID law would move us closer to a national ID. But if you are concerned about that, you might want to have the government rethink the use of a photo ID in so many other areas of life. After all, most people vote once every two years or once every four years. But they are required to show a photo ID every time they board a plane or every time they cash a check.

How the Supreme Court rules on this case will not only affect Indiana, but may have an impact on 24 other states that have various kinds of laws on the books to prevent voter fraud. Former president Jimmy Carter pointed out that the United States is merely attempting to do what most countries already do. He said: “Voters in nearly 100 democracies use a photo identification card without fear of infringement on their rights.”

Let’s hope the Supreme Court takes that into account.

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Voter ID

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While we find ourselves in the midst of the election season, there is an issue in the background that will have a profound impact on future elections. It is simply the question of whether election officials can ask you for a photo ID before you vote.

The Supreme Court will hear oral arguments in a case out of Indiana that required potential voters to present a photo ID in order to prove their identity before they can vote. One would think this would hardly be a contentious issue. You need to provide an ID to cash a check. You need an ID to board an airplane or rent a car. In fact, often you need to provide an ID with your credit card. So you would think that requiring an ID before you vote in an election would not be contentious.

If you thought that, you would be wrong. Columnist Cal Thomas quotes from a recent *Washington Post* article in which an election-law expert at Loyola Law School said that the court’s

decision will decide “whether protecting the integrity of the voting process from fraud is of equal or greater value than making sure as many eligible voters as possible take part in the process.”

In other words we may have to allow voter fraud in order to assure that as many people as possible can vote. While that sounds noble, you have to remember that we are already facing major problems with voter fraud. Four years ago, John Fund with the *Wall Street Journal* wrote the important book, *Stealing Elections.* Just in the last four years, we have had enough new examples that he could publish a volume two to that book.

Try getting on an airplane without a photo ID. Try checking a check without a photo ID. In fact, call your credit card company and then refuse to answer the questions they ask to confirm your identity. I would like to see how far you get. But go into a polling place and you can probably pick up a ballot with very few questions asked.

We will see how the Supreme Court rules in this case. I trust they will protect the integrity of the voting process.

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