

Pa.'s tough, new voter ID law lands in court

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HARRISBURG, Pa. – The first legal test for Pennsylvania's tough new voter law requiring photo identification began Wednesday, with state lawyers calling the measure a completely rational step, while opponents attacked it as an unnecessary, unjustified and partisan scheme that will deprive countless people of their right to vote.

The law is the subject of a furious debate over voting rights as Pennsylvania is poised to play a key role in deciding the Nov. 6 presidential election. Republicans say if GOP candidate Mitt Romney wins Pennsylvania, then President Barack Obama, a Democrat, will lose the national election.

Commonwealth Court Judge Robert Simpson, who presided over a packed courtroom, must decide whether to block the law from taking effect in this year's election as part of a wider challenge to its constitutionality.

The original rationale in Pennsylvania's Republican-controlled Legislature for the law — to prevent election fraud — will play little role in the legal case since the state's lawyers have decided not to make that argument and acknowledged that they are "not aware of any incidents of in person voter fraud." Instead, they are trying to show that lawmakers properly exercised their latitude to make election-related laws when they chose to require voters to show widely available forms of photo identification.

David Gersch, a lawyer for the plaintiffs, told Simpson that the law could make it difficult for more than a million people to exercise their right to vote and that justification — to prevent election fraud — is a pretext. The real purpose is for partisan advantage, Gersch said.

"That is not under any circumstances a compelling state interest," Gersch told Simpson.

The first three plaintiffs to testify Wednesday were all older women, minorities and Philadelphia residents who said they vote regularly. But they have no valid identification under the new law, and they apparently don't have the required documents — a birth certificate, a Social Security card and two proofs of residency — necessary to get the most common kind, a state photo ID.

Wilola Lee, 60, is unable to get a birth certificate from her birth state, Georgia, which apparently has no record. Viviette Applewhite, 93, who recalled marching with Martin Luther King Jr. in 1960, testified that she is unable to get a birth certificate and Social Security card with the same last name after being adopted early in life. And Ana Gonzalez, 63, who also was adopted early in life and came to the United States as a child, has no Social Security card and doesn't seem to have the identification necessary to get a birth certificate from Puerto Rico.

Three others testified later to similar barriers. A Philadelphia lawyer, Veronica Ludt, who runs a legal clinic aimed at helping people — usually poor blacks — obtain birth certificates, described

a bureaucratic nightmare that can be costly and complicated by uninformed or unresponsive clerks at public agencies.

Senior Deputy Attorney General Patrick Cawley contended that the state is taking pains to create new ways of getting identification and that it has removed a great number of barriers to people who want to vote. On Election Day, anyone who wants to vote will be able to get an ID card that allows him or her to do so, he insisted.

"In this day and age, nothing could be more rational than requiring a photo ID when voters come to the polls," Cawley said.

Pennsylvania's Department of State said Friday it plans to begin offering a special free photo ID card for voters who are unable to obtain a photo ID issued by the Department of Transportation.

Simpson, a Republican, said he hoped to rule during the week of Aug. 13. His decision likely will be appealed to the state Supreme Court, which is split between three Republicans and three Democrats. The hearing will continue Thursday and was expected to last a week.

Meanwhile, the U.S. Department of Justice is looking at whether Pennsylvania's law complies with federal laws.

Republican Gov. Tom Corbett signed the law in March after it passed the Legislature without a Democratic lawmaker voting "yes."

Democrats' accusations that it is an election year scheme to steal the White House were fanned in June when the House Republican leader told a state party gathering that the law would allow Romney to win Pennsylvania in the fall.

The photo ID requirement is a significant departure from current law, which asks only people voting in a ward for the first time to show identification, including such non-photo forms as a utility bill or bank statement.