

# Voting rights under attack across US

## States move to enact new restrictions

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A determined effort is under way in numerous states across the US to further restrict ballot access and voting rights. Despite the theft of the 2000 presidential election by George W. Bush and his installation in the White House by the US Supreme Court, and allegations of voter disenfranchisement in Ohio and other states during the 2004 election, there has been no effort made to defend voters' rights.

On the contrary, moves are afoot in a number of states to further restrict the constitutionally protected right to vote. This assault has taken two major forms. First, state governments are passing laws requiring individuals to present additional identification when they vote. Second, a number of state governments are enacting legislation placing strict limits on voter registration drives.

In the vast majority of cases, the new regulations are being pushed by state legislators who claim they want to curb voter fraud. In reality, the restrictions are aimed at denying the right to vote—and are disproportionately targeted at the poor, minorities and the elderly.

In **Missouri**, a bill signed into law June 14 by Governor Matt Blunt, a Republican, requires voters there to show a government-issued photo ID as soon as the November elections. Nearly 200,000 Missourians registered to vote do not have state-issued photo IDs and may be denied the right to vote if they do not obtain such identification in time.

Most of those without a government-issued photo ID are senior citizens, the disabled or the urban and rural poor. Legislators offered to provide free photo IDs to all these citizens in time for the election, or to offer them a provisional ballot. Secretary of State Robin Carnahan, who opposes the new law, pointed out that of the approximately 8,000 provisional ballots cast in Missouri in 2004, only about 3,000 were ever counted.

The Missouri law does allow voters to use forms of ID other than the state-issued ID. However, it also states: "local election officials will determine whether your identification meets the requirements listed below. The Department of Revenue and its contract offices will NOT be the arbiter of such questions." The "list below" referred to by the state web site contains no less than eight pages of instructions and caveats that accompany the new law. One reads: "*NOTE: Provisional ballots may not be available in all elections*" (emphasis in the original).

Thus, in addition to new ID requirements, the law allows local officials to monitor polls at specific locations and block as many as 200,000 voters who don't have approved identification. A legal challenge is expected.

In March 2005, the **Georgia** legislature passed a series of reforms to the state's election statutes, signed into law by Republican Governor Sonny Perdue. The package included a new provision reducing the number of acceptable forms of photo voter identification from 17 to 6. Only last week, two court rulings struck down the new provisions, and Tuesday's primary elections will proceed under the previously existing Georgia law.

Under the legislation sponsored by state Republicans and passed by the Georgia General Assembly, registered voters were to present one of the following items when going to the polls: a drivers license, a current US passport, a government employee ID card, a military ID card, a tribal ID

card, or other government photo ID. Other identification such as a birth certificate, a student or non-government employee ID or even a Social Security card were not to be accepted.

Forcing voters to have the additional identification would have disproportionately placed a burden on the elderly and the poor, who are less likely to have a drivers license, passport or other types of photo ID required under the law. In addition there are substantial costs for such forms of identification. It is estimated that 675,000 registered voters in Georgia do not have a photo ID.

In Georgia, a drivers license or state photo ID costs \$20 for five years or \$35 for ten years. People without drivers licenses face the additional burden of getting to a location to obtain one. For instance, Georgia identification cards were on sale in only one location in Atlanta, Georgia's capital, a large city with a population of 5 million.

The Georgia law was struck down July 5 by Judge Harold Murphy of Federal District Court, who cited the 24th Amendment of the US Constitution, ratified in 1964, which bans forcing voters to pay poll taxes before being allowed to vote in federal elections. This practice was widely used by Southern states to prevent blacks from voting.

On July 12, the Georgia Supreme Court denied an emergency request to overrule a court order that blocked enforcement of the new voter photo ID law. It is likely that chaos could still ensue at the polls during Tuesday's primary election as poll workers scramble to revert to the old regulations at the last minute.

In **Arizona**, Proposition 200 was signed into law in 2004. ID rules were cleared by federal officials last October, and were first used in local elections in March. The law is highly restrictive and is aimed overwhelmingly against the state's large Latino population, as well as the poor and elderly.

Proposition 200 made Arizona the first state to require proof of citizenship when registering to vote. Citizens who do not have such proof—such as a birth certificate (cost—\$15) or passport (cost—\$85)—would be required to obtain one to exercise their right to vote.

Arizona has consistently ranked 49th or 50th nationally in voter turnout. If anything, the new regulations will serve to further hamper voter participation. The state is also one of a handful already being monitored by the Department of Justice Voter Watch because of a decades-long history of voter intimidation and harassment at polling places.

Proposition 200 also includes highly controversial restrictions on *legal* immigrants from obtaining "federal benefits"—and fines of as high as \$750 and four-month jail terms for public employees who make an error in assessing an individual's citizenship status.

As with other policies being enacted across the US, Proposition 200 will have a chilling effect on voting rights and voter turnout. Further, it is combined with other grossly antidemocratic regulations aimed against immigrants, working families and the poor. It is facing a legal challenge by the Hopi Tribe, Inter Tribal Council of Arizona, League of United Latin American Citizens and League of Women Voters of Arizona.

A lawsuit filed on May 9 was brought by several Hispanic groups. Opponents of the proposal say its sponsors have ties to white supremacist groups, such as the Council of Conservative Citizens.

In **Pennsylvania**, a bill cleared the legislature in late February, but was vetoed by Democratic Governor Edward Rendell, who cited the ruling in Georgia as a recent precedent. Under the proposed law, each voter would have had to show election workers a form of identification such as a drivers license; US passport; student, employee or government ID; or county voter registration card before being able to vote.

Current state law requires identification only from people voting in a polling place for the first time.

According to the National Conference of State Legislatures, about half of all states require some sort of identification at the polls.

One of the more sinister means by which voting is being restricted is through attempts to intimidate those who seek to register voters.

In **Florida**, the League of Women Voters (LWV) filed suit against new rules by the state legislature which place prohibitive demands on them. These rules impose fines of \$250 for every voter registration form the group files more than 10 days after it is collected, and \$5,000 for every form that is not submitted, even if it is due to a hurricane or other unexpected event.

The law is clearly aimed at organizations which conduct voter registration drives. LWV officials explained that their procedure after conducting a drive is to take the time to review registration forms to ensure that they are accurate and complete before turning them in.

As a result of this recent law, the LWV has stopped registering voters pending the outcome of its lawsuit against the draconian measures. While the move is unprecedented in the League's 67-year history of registering poor, minority and less educated voters who would otherwise not be a part of the electoral process, the group says it does not have the resources to pay such heavy penalties.

In **Ohio**, Republican J. Kenneth Blackwell, the current secretary of state who is running for governor, has put in place "emergency" regulations that could hit voter registration workers with criminal penalties for perfectly legitimate registration practices.

Blackwell has come under scrutiny for his office's conduct during the 2004 presidential election, in which Democratic presidential candidate John Kerry lost the key state to Bush. Allegations of improprieties include lost and incomplete registration lists, as many as 300,000 missing votes—including provisional and absentee ballots—and predominantly minority voters being made to wait hours to cast their ballots, with many finally forced to abandon their efforts.

Blackwell also acted vigorously and successfully to keep third-party candidates off the 2004 ballot, including Green Party presidential candidate Ralph Nader and the presidential and congressional candidates of the Socialist Equality Party.

Under the new Ohio regulations, registration workers—even volunteers—must personally take forms they collect to an election office. Organizations that run registration drives generally have workers who register voters bring forms back to supervisors, who can then review them for errors. Under Blackwell's edict, everyone involved in the registration process could be committing a crime. Blackwell's rules also prohibit people who register voters from sending forms by mail. That rule itself violates federal election law.

Needless to say, these rules could effectively shut down voter registration drives in Ohio leading up to the 2006 election.

Another means by which the Ohio government is disenfranchising voters is through its disregard for the National Voting Rights Act (NVRA) of 1993—commonly known as the "Motor Voter" law for its requirement that states provide voter registration opportunities when residents apply for drivers licenses—which also contains a requirement that voter registration must be offered during most transactions at public assistance

agencies.

Congress included this provision to ensure that those who do not visit motor vehicle departments still have an opportunity to register to vote. Citizens with low incomes are among those least likely to have drivers licenses and therefore the public assistance requirement is crucial to include them in the political process. It is this aspect of the law that Ohio has ignored. Many other states have failed to comply with other parts of NVRA.

In **Washington** state a new law prevents people from voting if the information they provide when registering to vote fails to match information on other government databases. For instance, if a person registered for unemployment benefits resides at one location, but moves and registers to vote at a new address, that person could lose the right to vote. People who have recently married or have a hyphenated last name and commonly use only one name could also have their voting rights denied.

The current assault on voters' rights is being carried out in the name of *preventing* election fraud. Following the 2000 elections, millions of people were outraged by corrupt practices employed by Florida election officials to take people off voter registration roles, block people from getting to polls, print confusing and misleading ballots, and not count tens of thousands of votes.

In the wake of this assault on voting rights—and in a climate where the Bush administration has pushed through attacks on a wide array of basic civil liberties—state legislators have been emboldened to call for even more regressive measures to restrict ballot access. The thrust of official action on voting rights issues today is directed *against* the elementary rights of the population. The mass media, a co-conspirator, conceals these facts from the American public.

While most of the reactionary measures have been pushed by the Republican Party, the Democrats have given only lip service to opposition. The raft of new legislation demonstrates that the major political parties fear, above all else, the independent participation of working people in politics. Increasingly, "democracy" in America, a country run by a ruthless financial oligarchy, is a hollow shell.



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