



HOW PHILLY WORKS

Voter ID Law: Dead or Alive?

This year's controversial voter ID law in Pennsylvania prompted headlines throughout the world. We heard from people in Germany, Australia, China, Russia and United Arab Emirates, to name a few.

The talk died. But the law – requiring all state voters to show photo identification every time they go to the polls – did not.

The fate of the Voter ID law is now back in the hands of the same judge who blocked it from going into effect for the November 6 election. A trial will take place this summer. Can we expect the same roller coaster ride as in 2012? Our 2013 preview is in this last-of-2012 edition of **HOW PHILLY WORKS**.

- December 28, 2012

Why does voter ID matter any more? Wasn't the law all about Obama and Romney?

Without a doubt, the intense emotions about Voter ID were wrapped around the 2012 presidential race. PA House Majority Leader Mike Turzai added fuel to the fire by predicting that the Voter ID law would enable Mitt Romney to win Pennsylvania. Passions won't be at a fever pitch in 2013. But the law impacts your rights as voters and, for some people, could affect if they vote at all. So, yes, the law still matters.

Give me the bottom line. Will I need to show photo identification for the May 2013 primary?

We're going to go out on a limb here, but our best guess is "not likely."

Explain.

The ruling blocking the Voter ID law from going into effect on November 6 was only temporary. PA Commonwealth Court Judge Robert Simpson said he is planning to schedule a trial this summer to hear from both sides on whether the law should be permanently stopped. In the meantime, Simpson has to decide what to do about the May 2013 primary.

What are his options?

The first option is to allow the Voter ID law to go forward. The second is to continue a "soft roll-out" of the law: Just as in November (and in the May 2012), poll workers would be obligated to ask for photo identification. But most voters will not have to show or have photo identification to use the voting machines. (Pennsylvanians voting for the first time ever, or voting for the first time in a new election division, will have to show some identification, photo or non-photo.)

Will Governor Corbett oppose a third "soft roll-out?"



Committee of Seventy

Fighting for Better Local Government

His lawyers haven't said. The Governor's ultimate goal is to get the Voter ID law in place once and for all. He may decide to save his all-out efforts for the summer trial. (That's why we lean in favor of the Voter ID law not going into effect in May.)

Why doesn't Simpson hold a trial before the May primary?

It's a complicated case and Simpson said there isn't time to get it done. But he does want a final decision – which will inevitably be made by the Pennsylvania Supreme Court – by the November 2013 election.

Jumping ahead to the PA Supreme Court, do we know what the justices think?

Six justices on the Supreme Court (the seventh justice has been indicted and is not deciding cases) had a chance to weigh in on Voter ID when the petition to temporarily block the law for November 6 was making its way through the courts. The four justices who issued the *per curiam* order (which means you don't know who wrote it) – Chief Justice Ron Castille, Justices Thomas Saylor, J. Michael Eakin and Max Baer – did not reveal their position on the law itself. But they framed what they see as the challenge facing the opponents when they noted that, during the oral argument before them, “[the opponents] apparently would accept that the State may require the presentation of an identification card as a precondition to casting a ballot” assuming reasonable voter education efforts, reasonably available means for getting identification and a reasonable time for implementing the identification requirement.

And the other two justices?

Justice Debra Todd and Seamus McCaffery filed dissenting statements, which made their anti-Voter ID positions pretty clear. Although Todd's focused on the law happening too quickly not to disenfranchise voters by November 6, she joined McCaffery's dissenting statement which said: “I have no argument with the requirement that all Pennsylvania voters, at some reasonable point in the future, will have to present photo identification before they may cast their ballots.”

So have the opponents conceded that it's okay to require photo identification to vote?

No, they haven't. This year's legal proceedings were directed only towards determining whether or not the Voter ID law would be implemented and enforced on November 6. The opponents did not give up their claim that the law on its face is unconstitutional. You can expect them to argue that, under the Voter ID law, the list of photo identifications that would be accepted at the polls are too restrictive, the rules for voting by provisional (paper) ballot if a voter doesn't have photo identification are too burdensome and too many registered voters are still unable to obtain photo identification.

Should voters without photo identification just sit and wait it out?

Our best advice now, as it was before even when the Voter ID law was temporarily blocked for November 2012, is that voters without photo identification should get one. It's always good to be prepared.

As we have since the Voter ID law was passed in March 2012, the non-partisan Committee of Seventy is deeply committed to making sure all Pennsylvanians, regardless of party affiliation, are educated about the Voter ID law and know what they need to do to comply. If you have questions, e-mail us at futureofthe



Committee of Seventy

Fighting for Better Local Government

city@seventy.org, call us at 215-557-3600 or go to http://www.seventy.org/Elections_Voter_ID.aspx for the latest information on Voter ID.