



## Identity Politics

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August 16, 2004

While controversy rages across the country over whether computerized voting machines may result in lost or manipulated votes, there is another change in the election system this year that could lead to lost voting rights: Some people who show up at the polls will now have to show identification in order to cast a ballot. The federal Help America Vote Act of 2002 (HAVA) requires first-time voters in a "jurisdiction" who register by mail and who do not include verification with their registration form to present identification. The identification can be a photo ID, utility bill, bank statement or government document that shows the name and address of the voter. Despite the apparent limited reach of the new requirement, there is already evidence that it could lead to disenfranchisement of minority voters in particular.

Officials in South Dakota are investigating complaints from voters—primarily from counties in which Indian reservations are located—that they were not allowed to vote in the June primary when they could not produce photo identification, as is required for all voters under a recently passed South Dakota law. Although poll workers were also required by law to offer such voters affidavit ballots, they did not do so and simply turned them away.

Similar complaints came out of the Ohio primary in March. The Cleveland Plain Dealer reported that the voter empowerment coordinator for the NAACP received at least fifty phone calls from black voters who were required to present identification in Cuyahoga County – a suspiciously high number considering that, according to the Cuyahoga county board of elections, a total of only 185 voters in the whole jurisdiction were required under HAVA to present identification. A leader of the Greater Cleveland Voter Registration Coalition also received such calls from black voters.

In Mississippi, a state with a long history of creating hurdles for minority voters, a bitterly partisan dispute over enacting a voter ID requirement for all voters—not just the narrow group identified in HAVA—rekindled conflicts from the not-so-distant past about racial discrimination at the polls. Most white legislators argued that this is a sensible anti-fraud measure. But African-American legislators reminded their colleagues of the barriers minority voters have had to overcome throughout American history, especially in the South, such as poll taxes and literacy tests. The voter identification requirement, they said, represents a new obstacle that is likely to fall disproportionately on minority voters. Mississippi blacks remember that as recently as 1993, the governor wanted to require people registering under the new motor-voter law—intended to make registration easier for minorities—to show identification.

There are many ways an ID requirement can be used to disqualify people from voting. For example, poll workers might—purposely or inadvertently—fail to give voters the complete list of alternative

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nonphoto IDs HAVA allows the voter to present. Also, any person who cannot present acceptable identification is supposed to be offered an affidavit or provisional ballot. But that may not happen—as in the South Dakota case—or even if it does, depending on state law and whether the voter voted in the right precinct, that ballot might not be counted. In addition, other voters might not have the kind of identification required by the law. For example, it is not unusual for only one spouse to be listed on household bills or for low-income people, senior citizens, people with disabilities and students not to have driver's licenses, bank accounts or paychecks. States can spell out in their implementation rules the many types of documents that can be construed to meet this requirement. In California, the Secretary of State has said this includes such items as a student ID card, public housing ID card, drug prescription or tax return. But other states may interpret the types of acceptable identification more narrowly, and some voters could simply find themselves disenfranchised.

Finally, there has long been concern among civil rights advocates that election officials and poll workers might selectively enforce the Help America Vote Act identification provision—say by only asking minority voters to produce documentation. The nation is justifiably focused on the problems of the machines voters will be using this fall. In the meantime, however, let's not forget about the problems that may prevent voters from entering the booth in the first place.

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