NationalJournal

RULES OF THE GAME

Voting: The Rising Degree of Difficulty

There are new efforts across the country, led mostly by conservative activists, aimed at making it more difficult for people to vote.

by **Eliza Newlin Carney**
Sunday, March 13, 2011 | 12:05 p.m.

A dire voter fraud warning tops the home page of the Texas-based tea party group known as "True the Vote." Organizers "were shocked at the fraud we discovered" while monitoring polls last year, the site proclaims.

Then comes the smoking gun: "Precinct judges often failed to check voter IDs," and some would even "help people vote."

Help people vote? Shocking, indeed. One would hate to think of a poll worker helping someone to vote. To be sure, election administrators should be helping voters sign in, not helping them fill out ballots. Still, like so many voter fraud allegations, the breathless True the Vote warnings bring a Texas cliché to mind: All hat and no cattle.

It would be a mistake to dismiss anti-fraud activists as harmless conspiracy theorists, however. True the Vote plans a "National Summit" in Houston on March 25 to train hundreds of citizen volunteers to act as poll watchers equipped to challenge voters at precincts around the country in 2012. A similar poll-watching drive last year prompted warnings of voter intimidation and calls for a Justice Department investigation.

The movement to challenge voters in person is only one prong of a multi-part national campaign to fight supposed fraud by erecting new barriers to voting. These include proposed photo IDs and proof-of-citizenship bills; plans to eliminate same-day voter registration, and efforts to restrict voting access for students and felons. The movement is fueled in part by new GOP legislative majorities.

The campaign threatens to make 2012 "a battleground for voting," said Wendy Weiser, director of voting rights at the Brennan Center for Justice at New York University's School of Law. The Brennan Center is one of more than a dozen voting rights, disability, civil rights, and student groups working to block efforts that they warn will disenfranchise voters.

The push for voter ID is nothing new, nor is the perennial debate over voter access versus voter fraud. Eight states already require or request voters to present a photo ID at the polls, according to the

National Conference of State Legislatures, and another 20 or so ask for identification in some form.

But the new laws pending in more than 30 states "are far more restrictive than we've seen in the past," said Weiser. To voting rights activists, the trend represents an alarming reversal. In the decade since the Help America Vote Act was enacted in the wake of the contested 2000 presidential election, state and federal officials have toiled to modernize voting through better machines and streamlined registration systems.

Now the point seems to be to make voting harder, say voter advocates. In Florida, the Board of Executive Clemency voted March 9 to require Floridians with past felony convictions to wait seven years before voting. In New Hampshire, a House committee recently turned back efforts to restrict student voting and eliminate same-day voter registration, following bipartisan student protests.

"We seem to be drifting backward," said Robert Brandon, president of the Fair Elections Legal Network. Photo ID provisions seem like a simple fix, said Brandon, but overlook that a disproportionate percentage of elderly, minority, student, and disabled voters lack photo IDs.

Many GOP-controlled legislatures are working from model legislation produced by the American Legislative Exchange Council, a conservative group that has received funding from the Charles G. Koch Charitable Foundation, the progressive group Campus Progress recently disclosed. That link points to "a concerted national effort" that is less about fraud than "about stopping people from voting," charged Brandon.
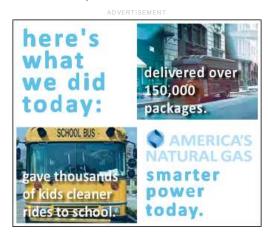
Fraud opponents counter that they're simply proposing common-sense solutions to a widespread problem. In Colorado, where GOP legislators have proposed both photo ID and proof-of-citizenship bills, Secretary of State Scott Gessler recently declared that his office "has every reason to believe that thousands of non-citizens are registered to vote in Colorado."

The problem with such claims is that even when voter rolls turn up names of cartoon characters or dead people, the errors rarely seem to translate into fraud. Time and again, state and federal investigators, independent commissions and legal scholars have hunted for evidence of voter fraud and come up empty-handed.

The other problem with photo ID laws is that, on closer inspection, they turn out to be just the kind of big-government boondoggle that Republicans profess to hate. In order to withstand a constitutional challenge, such IDs would have to be distributed for free—something that could ramp up election administration costs by millions, according to the Brennan Center.

They also steer uncomfortably close to a national ID system, warned Jim Harper, director of information policy studies at the Cato Institute. The push for photo IDs "is taking a handy solution to

address a non-problem," said Harper, who noted that IDs would not fix those areas most vulnerable to fraud, such as absentee or mail-in voting.

The biggest danger for Republicans, however, might be political. Students, in particular, "are fired up" over recent ID and other proposals, said Heather Smith, president of Rock the Vote. She recently posted this message to the group's 2.5 million members: "We cannot wait until November of 2012 to express our shock and frustration with a broken system."