

WISCONSIN CATHOLIC CONFERENCE

EYE ON THE CAPITOL

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VOTER ID LAWS DO MORE HARM THAN GOOD

By John Huebscher, Executive Director

The “principle of proportionality” is a useful tool for evaluating laws and public policy. It suggests that the remedy should not create more problems than it solves. Put another way, the principle means: “Thou shalt not use a sledgehammer to kill a fly.” Moreover, in assessing whether a law’s impact is proportionate, we must take special care to weigh its impact on those who have a special claim on our concern: the poor and marginalized in our society.

The principle of proportionality can be quite helpful when applied to proposals to require law abiding citizens to produce a photo ID card prior to voting in Wisconsin.

To make a case for such law one must first ask: Is there a problem with voter fraud in our state? The clear answer to this question is “No.” Research of voter records for the past several elections shows almost no fraud exists. Elections in Wisconsin are clean and about as well administered as activities operated by fallible human beings can be.

More specifically, the type of fraud a photo ID card is intended to prevent, voter impersonation, is virtually nonexistent.

Backers of such a requirement argue that obtaining a photo ID is not difficult and should not deter honest voters from getting to the polls. That may be true for most of us. But if one is poor, elderly or disabled, or a member of a racial minority, that may not be the case.

Getting your picture taken may seem easy on its face. However, obtaining supporting documents to prove your identify is less so. Moreover, doing so can be costly to those with little money.

Producing a birth certificate is easy for me. My grandmother, born in Italy, would have found it impossible to do so. As a male, my name stayed the same when I married. For many women, it does not. Such a discrepancy in one’s records can be a barrier to procuring an ID card. I have a car and a job that allows flexibility in going to government offices to navigate the system to obtain such records. Many poor voters do not.

Indeed, citing expert testimony presented on the impact of a photo ID requirement, the judge suggested that about 300,000 people may lack the documentation necessary to obtain such an ID card. As the judge noted, the law is virtually certain to impair ballot access for many more legally qualified voters than it will deter fraudulent voters. Further, those more likely to be discouraged from voting are those who are poor, African-American, or of Latino ancestry.

All in all, it seems clear that a photo ID requirement flunks even a basic test of proportionality.

The disproportionate impact of photo ID requirements on the poor is even more worrisome when we consider that they are already less likely to vote than more affluent Americans. According to a recent Census Bureau study, over 81% of Americans making more than \$150,000 a year report they voted in the 2008 elections. On the other hand, about half of those making less than \$30,000 cast ballots that year. While this gap has narrowed some in recent years, that it exists at all is a scandal. Our voting laws should serve to reduce that gap, not enlarge it.

The late State Senator Tiny Krueger once said that human dignity is not a privilege dependent on prosperity, but a right on which our very prosperity depends. Our right to participate in choosing our leaders, regardless of our economic or social status, is a vital means by which we affirm our dignity to ourselves, our children, and our fellow citizens. For much of the 20th century, Wisconsin has been a leader in safeguarding this right to participate. We should ask if we really want to abandon that legacy in the 21st.

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