



Written by [Raven Clabough](#) on July 16, 2013

## Pennsylvania Court Hearing Arguments on Voter ID Law

On Monday, the Pennsylvania Commonwealth Court began hearing [arguments](#) over the state law requiring a photo ID before voters may cast their ballots — a law that some claim is controversial, despite the seemingly common-sense approach to the voting process.

Pennsylvania is one of nine states to have passed a law requiring voters to show a state-issued ID before voting. Seventeen states require voters to show some kind of photo ID. Pennsylvania's law was considered the strictest, as it permitted only certain types of IDs to be accepted.

Bloomberg News [reports](#),

Pennsylvania's law requires a driver's license, state-issued ID or acceptable alternative such as a military ID to cast a ballot. The law requires that acceptable IDs must have an expiration date, which eliminates common forms of photo identification such as veterans' IDs, commonwealth employee IDs and student IDs.

Temporary injunctions have prevented the law from being enforced, though it has been in place for the last three elections.

Prior to the 2012 election, Commonwealth Court Judge Robert Simpson [ruled](#) against the measure, declaring that Pennsylvania officials did not provide ample time for voters to acquire their photo IDs.

"I expected more photo IDs to have been issued by this time," Simpson said in the 16-page ruling. "I accept petitioners' argument that in the remaining five weeks before the general election, the gap between the photo IDs issued and the estimated need will not be closed. Consequently, I am still not convinced in my predictive judgment that there will be no voter disenfranchisement. Under these circumstances, I am obliged to enter a preliminary injunction."

Following that ruling, the Pennsylvania Deputy Secretary of State Shannon Royer said that state officials were "reviewing all legal options" but overall were "pleased" that the law was still upheld in the decision.

"Under today's ruling, voter ID will be implemented on a different timeframe. This November, all voters will be asked to show photo ID when they vote, though it will not be required," she said in a statement.

She also noted that the judge had not called the voter ID law unconstitutional. In fact, Simpson seemed to support the notion of presenting photo ID at voting booths, writing that the requirement is a "reasonable, non-discriminatory, non-severe burden when viewed in the broader context of the widespread use of photo ID in daily life."

For Simpson, the issue was simply how feasible it would be for voters to acquire the proper





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identification in just a few weeks.

Critics have alleged that the law is unfair because it prevents people from exercising the right to vote, while others have asserted that the law is well within the limits of the Constitution and is necessary to prevent voter fraud.

“Voter I.D. is constitutional,” said Nils Hagen-Frederiksen, press secretary for the Pennsylvania governor’s office of general counsel. “The trial is about the implementation,” he continued. “Right now, in Pennsylvania, any eligible voter that needs an I.D. can get an I.D. free of charge.”

But opponents argue that the law disenfranchises certain voters, particularly minorities, who do not have a photo ID, and that the Republicans are pushing the measure for political reasons.

“This will disproportionately affect persons of color, Latinos, African-Americans and also certain populations. Our elderly really have a hard time getting I.D.,” Pennsylvania Democratic State Representative Vanessa Lowery Brown, chairman of the state’s Black Caucus, told Fox News. “This is a national agenda that is sweeping through our country, and unfortunately Pennsylvania is one of those battleground states that has been selected to implement this law.”

Of the over eight million registered Pennsylvania voters, an estimated 760,000 lacked a photo ID with fewer than 20,000 reportedly obtaining one.

Critics of the law contend that some people simply cannot be troubled to visit a state office for an I.D. Fox News reported,

The American Civil Liberties Union presented two witnesses at the Harrisburg court, both women in their early ‘90’s, who testified via videotape that they could not obtain a voter I.D. because of their fragile health and inability to drive.

“Should she put her own life in her hands to get an I.D?,” asked plaintiff lawyer Michael Rubin.

“Getting there is only half the battle, it’s getting there, standing in line, waiting, no chairs, nowhere to sit, it is not something she could do ... it’s thousands of others just like that.”

“They don’t have I.D.’s because they have not attempted to obtain them,” explained Hagen-Frederiksen, who added that the state provides “numerous” accommodations for people who need help getting the photo ID.

“You are making people go to a place that is not convenient,” claimed plaintiff lawyer David Gersch about the state’s system.

Despite assertions of an underhanded agenda, however, there is evidence that voter fraud has been prevalent in Pennsylvania, a battleground state. According to the Philadelphia City Commissioner Al Schmidt, “hundreds of cases of voting irregularities” took place during the 2012 primary election in Philadelphia, including “voting by non-registered individuals, voting by individuals in the incorrect party’s primary, voter impersonation, voting by non-US citizens, [and] voting more than once.”

Pennsylvania officials believe the law will ultimately be upheld in court, particularly since residents are able to get an ID at any of the 71 offices throughout the state. The Pennsylvania Department of State has offered a new card for voting purposes as a last resort for those who are unable to obtain state-issued IDs.

Hagen-Frederiksen points out that people do not need any proof of identity in some cases. “You don’t have to show anything; all you have to do is show up,” he said, adding, “The constitutional issue here is,



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is it a disproportionately unfair burden on a particular group or class of people? The photo I.D.'s are available to everyone; the centers are available to everyone.”

But Representative Lowery Brown stated that some of her constituents have complained that they were turned away from state offices when applying for an ID and had to return before they received one.

“Free ID is not free,” she insisted.

Judge Bernard McGinley is expected to issue a ruling in a few weeks, and most observers predict that the losing side of the case will appeal to the Pennsylvania State Supreme Court.

*Photo of sign in Pennsylvania notifying voters of ID requirements: AP Images*



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