



The Honorable Vernon Elders, Chair
The Honorable Juanita Millender-McDonald, Ranking Member
Committee on House Administration
United States House of Representatives
Washington, D.C. 20515

June 21, 2006

Dear Representative Ehlers and Representative Millender-McDonald,

On behalf of the Lawyers' Committee for Civil Rights Under Law, I write in opposition to Representative Henry Hyde's so-called "Federal Election Integrity Act of 2006," because it will sacrifice the most fundamental rights guaranteed to all American citizens by our constitution – the right to vote. Contrary to its title, the bill will undermine the integrity of our electoral process by making federal elections less responsive to the will of eligible American voters. At a time when our brave men and women are sacrificing their lives to ensure that Iraqis can experience the national pride of a fair democratic process, patriotic responsibility demands that we insist on nothing less for our own citizens. H.R. 4844 needlessly requires proof of citizenship when eligible voters register to vote and photo identification when citizens cast a ballot. These may seem like innocuous provisions, but in reality they will create an unprecedented regime of disenfranchisement aimed at our nation's traditionally disenfranchised voters.

For over forty years, the Lawyers' Committee for Civil Rights Under Law has fought the poisonous specter of discrimination through litigation, advocacy, and organizing. Our foundation rests on ensuring that all eligible voters have the opportunity to cast a meaningful ballot. Our legacy is why we are committed to opposing unnecessary restrictions that disenfranchise voters, such as Congressman Hyde's bill. In Georgia and Arizona, the Lawyers' Committee is counsel for eligible citizens who will be disenfranchised by similar state initiated provisions.

Representative Hyde's bill is undemocratic, unfair, and unconstitutional because it:

- Places an unconstitutional burden on the fundamental right of eligible citizens to participate equally in the democratic process;
- Constitutes a poll tax;
- Unfairly removes eligible voters from the electoral system, primarily from traditionally disenfranchised communities;
- Is impossible for states to administer; and
- Attempts to address a problem that does not exist.

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As the United States District Court for the Northern District of Georgia found in *Common Cause v. Billups*, 406 F.Supp.2d 1326 (N.D.Ga. 2005), when considering a Georgia law requiring ID at the polls, photo identification requirements unconstitutionally burden the fundamental right to vote of eligible American citizens. The court found that these provisions disproportionately affect traditionally disenfranchised voters, including senior citizens, minority voters, poor voters, disabled voters, and young voters. Mr. Hyde's bill goes even further by requiring proof of citizenship when registering to vote; adding another layer of unnecessary restrictions on eligible voters.

As the court found in *Common Cause v. Billups*, requiring photo identification at the polls amounts to an unconstitutional poll tax. The Lawyers' Committee fought for the Twenty Fourth Amendment, which brought an end to a shameful period in our nation's history by outlawing the poll tax; resurrecting it, as H.R. 4844 most certainly will do, leads us down that dark path once again.

Proponents of photo identification provisions at the polls and proof of citizenship when registering to vote claim that these draconian constraints are necessary to guard against identity fraud at the nation's polling places; the truth, however, tells a far different story. Proponents of ID and proof of citizenship requirements have been unable to point to any credible evidence that eligible voter impersonation or non-citizen voting is anything but an anomaly. In fact, according to the United States Department of Justice, out of 196,139,871 votes cast between since 2002, only 52 voters were convicted of federal election fraud. Similar studies in Ohio by the non-partisan League of Women Voters of Ohio and by a joint task force of state and federal law enforcement in Wisconsin found a similar diminutive number of ineligible voters. The numbers of non-citizens who attempt to participate in the system is similarly miniscule. In most cases, those non-citizens who do end up on the voter registration rolls found their way onto the list through misinformation, not malice. This type of fraud plays no role in influencing the outcome of elections.

Implementing H.R. 4844, however, will certainly have an impact on the outcome of elections by unnecessarily, unfairly, and unconstitutionally removing eligible voters from the process. According to the United States Department of Transportation, 6-12% of eligible voters do not have the identification required by Mr. Hyde's bill. The Secretary of State of Georgia recently investigated the impact Georgia's proposed ID law will have on the citizens in her state and found nearly 700,000, about 1 in 7 registered voters, do not have either a driver's license or non-driver state issued ID. In many states, obtaining this type of identification is costly and difficult, especially for those who cannot get to often remote issuing agencies.

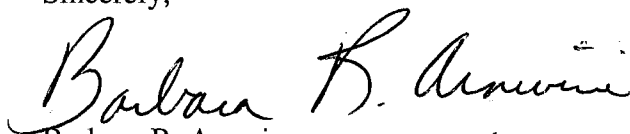
While H.R. 4844 is bad for all Americans, it has a disproportionate impact on traditionally disenfranchised voters. For example, a University of Wisconsin study found that in Milwaukee nearly 50% of African American and Latino men did not have government issued photo identification. Seniors in Georgia are similarly unfairly targeted by these laws. According to the AARP, 36% of voters in Georgia over the age of 75 do not have government issued photo identification. The American Association of People With Disabilities estimates that nearly 4 million disabled Americans would not be able to cast a ballot under the regime set up by H.R. 4844. Students and low-income Americans will be similarly disenfranchised. Native Americans

living on tribal lands often do not have street addresses, and centuries-long cultural traditions prevent many in Indian Country from having their picture taken.

While ID requirements will lead to unprecedented national disenfranchisement, proof of citizenship requirements are even more unworkable. To date, Arizona is the only state that has implemented a proof of citizenship requirement for voter registration and the results are devastating. Maricopa County, the largest county in the state, routinely rejects 30% of all voter registrations because they lack a proof of citizenship. In addition to being discriminatory, this lacks common sense. Americans are not in the habit of carrying proof of citizenship. In fact, many of us do not even have it. According to the Bureau of Consular Affairs, only 25-27% of eligible Americans have passports, the most common proof of United States citizenship. Those who cannot afford the \$97 it costs to obtain a passport must be able to produce a valid, state issued birth certificate which can cost up to \$40. While many Americans may not be able to locate their birth certificates, many were never issued one. Many older Americans have never been issued a state birth certificate, particularly African American seniors born in the south. Of course, only naturalized citizens receive naturalization papers. Replacing or obtaining any of these documents takes money, time and, frequently, travel – all of which the constitution does not envision as a prerequisite to voting.

In the past decade, we have seen exceedingly close federal elections. These hotly contested national contests have exposed the crumbling infrastructure of our electoral system. Americans are demanding change; and there is plenty that needs to be done, but instead of trying to confuse these feelings with fabricated flaws in the electoral system, it is Congress' responsibility to ensure that we have a model system of choosing our elected officials. We must seriously address the real problems with how we conduct our elections. Instead, passing H.R. 4844 will dishonor the Americans of generations past as well as our heroes of today who have risked their lives to promote our commitment to a responsive democracy around the world. Americans deserve your attention on making the system more dynamic and responsive, not on removing countless eligible Americans in search of phantoms of fraud.

Sincerely,

A handwritten signature in cursive script that reads "Barbara R. Arnwine". The signature is written in black ink and is positioned above the printed name and title.

Barbara R. Arnwine
Executive Director