

How Will Voter ID Laws Affect November's Election? Current Issues Club Research Team for September 12, 2014

TEXAS LAW – Effective June 2013

IDs - Seven acceptable forms of ID.

NUMBERS - 13.6 million registered voters in Texas

Estimated 787,000 registered voters lacking an acceptable form of ID

ACCESS TO ID – If you do not have one of the required 7 forms of ID “visit a driver license office” for a free Election Identification Certificate (EIC) - free voter ID through TX Dept. of Public Safety
<http://www.txdps.state.tx.us/driverlicense/electionid.htm>

Documentation Requirements - <http://www.txdps.state.tx.us/DriverLicense/eicDocReqmnts.htm>

Document citizenship and identity – “Estimated cost of getting the underlying documents needed for a state ID card would cost \$63.45.” Kevin Jewell, a veteran Texas lawyer

Application - <http://www.txdps.state.tx.us/internetforms/forms/DL-14C.pdf>

“If you are not a US citizen, you are not eligible for an Election Identification Certificate.”

Other facilities: <http://www.txdps.state.tx.us/DriverLicense/documents/EICCountyrun.pdf>

How accessible are the “other facilities?”

(If over 60 – get a Texas ID for \$6 and it never expires.)

DO NOT NEED TO SHOW PHOTO ID - If you are voting by mail. Can apply to your county voter registrar if you have a documented disability.

WHO'S WHO

State – Secretary of State - Chief elections officer

County – Handled differently – May be Election Administrator or Tax Collector-Assessor or County Clerk

Training: Conducting elections - <http://www.sos.state.tx.us/elections/conducting/index.shtml>

County appoints Voter Registrar who qualifies applications

Polling Place – Election Supervisor – Oversees polling place - how selected, training, who supervises?

REGISTERING TO VOTE

REGISTRATION – Who checks application information? What do they check? Complete in 30 days?

If you register to vote on 10/6, will you be processed in time to vote early?

Or will you be given a provisional ballot and have to submit ID in 6 days?

VOLUNTEERS – Volunteer Deputy Registrar training

COUNTY EQUITY - How could Travis County add all the former names to voter ID's?

Name changes on voter ID cards - http://www.lwvtexas.org/PDFs/19681300_1387816688.pdf

COLLEGE STUDENTS – Must register where they will vote.

POLLING PLACES

CHECKING IDs – What training is provided? Do all polling places follow the same procedures?

PARTY AFFILIATION – Do poll workers know which party you voted for?

ELECTION JUDGE at Polling Place (Same as the Election Supervisor?)

Political appointment – <http://www.sos.state.tx.us/elections/laws/advisory2012-13.shtml>

“... the political parties whose candidate for governor received the highest and second highest number of votes in the county in the 2010 gubernatorial election ...”

“The election judge is required to compare the name on the ID card to the voter registration card or the computerized voter roll If the names are not a match, the election judge can declare them "substantially similar" if the difference is slight (Wendy Davis vs. Wendy Russell Davis), a customary variation (Gregory Abbott vs. Greg Abbott) or if the name is the same but filled out in a different order (Mary Jones vs. Mary Jones Smith).”

VOTING

EARLY - When are early voting ballots counted? Does anyone get the results early?

Early Voting Ballot Board Handbook -

http://www.sos.state.tx.us/elections/forms/ballot_board_handbook.pdf

“When at least 10 early voting ballots cast by mail have been qualified and placed in the ballot box or other container, the ballot envelopes may be removed from the box or container, opened, the ballots removed, the ballot envelopes discarded, and the ballots counted. This process may be repeated any time there are at least 10 ballot envelopes in the box or container. [Sec. 87.062(a)]”

PROVISIONAL VOTING – Without ID, voter casts a provisional ballot which is only counted if proper ID is submitted within 6 days (calendar or business days?). To whom do they submit ID to?

In the November 2012 General Election – 38,207 Provisional ballots were cast. How many counted?

2012 VOTER TURNOUT

University of Texas, Austin - In 2012, Texas ranked 48th in voter turnout.

Texas is one of the worst performers when it comes to voter turnout. In 2010, just 36.4 percent of registered voters actually voted, making it the worst state for turnout.

Wendy Davis, 2014 Candidate for TX governor

“Texas is not really a Red State. It’s just a non-voting state.”

Mark P. Jones, Rice University political scientist

“Texas’s voter ID legislation is arguably as restrictive as any in the United States. Yet the electoral impact for 2014 should be low for several reasons. Given that only a little more than one-in-four voting age Texans normally turn out to vote in gubernatorial elections, I suspect the number of citizens who would have voted but will not due to the voter ID law is not going to be substantial in 2014.”

Joseph Kulhavy, a former Voting Rights Act compliance attorney in the Texas Secretary of State’s elections office.

“In the past five years, Texas has detected about 60 cases of election fraud, with only one or two instances of in-person voter impersonation, the only fraud addressed by photo IDs.”

FEDERAL OVERSIGHT

Texas’s voter ID law, passed in 2011, was struck down the following year by a federal court, which ruled that it violated Section 5 of the Voting Rights Act (VRA). Under Section 5, Texas and other covered areas had to show that their election laws *didn’t* disproportionately affect racial minorities before they could go into effect. In 2013, the Supreme Court neutered Section 5 in *Shelby County v. Holder*, and Texas announced that its ID law was back in force. The new challenge which began 9/2/14 is under Section 2 of the VRA, which was unaffected by *Shelby*. The onus is on the law’s challengers to show not just that it hits minorities hardest, but that it does so because of a history of racial discrimination. Under what’s left of the Civil Rights-era law, U.S. District Judge Nelva Gonzales Ramos can restore federal oversight if she rules that Texas lawmakers intentionally discriminated against minority voters when writing the Photo ID law.

Bloomberg News, 9/2/14

“The photo ID trial represents one of two chances for the Justice Department to wrest back oversight through a process known as pre-clearance, which requires federal approval for any changes in state election laws.”