

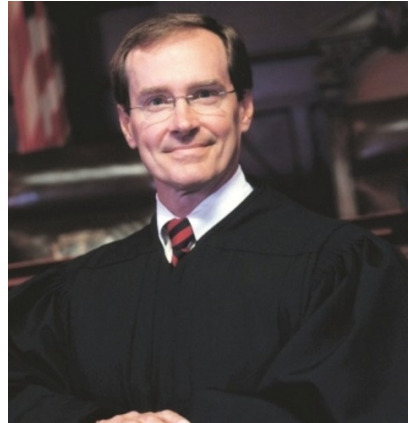


Written by [Raven Clabough](#) on October 4, 2012

Pennsylvania Judge Rules Against Voter ID Law

A Pennsylvania judge has [issued](#) a preliminary injunction against the state's photo ID law for voters, asserting that the state did not adequately ensure that people could easily acquire the necessary identification in order to vote on Election Day. As noted by the Associated Press, the ruling "could help President Barack Obama in a presidential battleground state."

Commonwealth Court Judge Robert Simpson (pictured at right, along with samples of Pennsylvania drivers licenses) wrote in his decision, "I am still not convinced ... that there will be no voter disenfranchisement" if the law took effect immediately."



Judge Simpson reportedly based his decision on guidelines he received by the state Supreme Court to help him determine whether the state made it possible for voters to easily acquire photo IDs before the election.

His ruling followed several days of testimony regarding state efforts to make the requirements easier, in addition to accounts of long lines and ignorant clerks at driver's license centers. He determined that it would be a logistical impossibility for all the necessary IDs to be issued before Election Day.

In the 16-page ruling, Simpson stated:

I expected more photo IDs to have been issued by this time. 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.

Judge Simpson ruled that election workers may still ask voters to show ID, but those who do not have a valid ID may still proceed to use a voting machine and will not be asked to cast a provisional ballot or prove their identity in any way, at least for this Election Day, though Simpson may issue a permanent injunction. He wrote:

I reject the underlying assertion that the offending activity is the request to produce photo ID; instead, I conclude that the salient offending conduct is voter disenfranchisement. As a result, I will not restrain election officials from asking for photo ID at the polls.

Plaintiffs in the case against the voter ID law included the Homeless Advocacy Project, the League of Women Voters of Pennsylvania, and the Pennsylvania chapter of the National Association for the Advancement of Colored People (NAACP).

Opponents of the law claimed that voter ID requirements prevent some from voting, though an actual determination of how many would be barred is difficult to assess.



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But *Business Week* [reports](#), “The state’s photo ID requirement could have excluded as many as 759,000 eligible voters, or about 9 percent of the state’s electorate, according to an analysis by the Pennsylvania Department of State.”

Critics of the voter ID law asserted that certain groups, including minorities and young adults, would find it difficult to vote as a result of the new law.

Some celebrated the judge’s ruling. “This decision is a big win for voters in Pennsylvania,” said Witold Walczak of the American Civil Liberties Union of Pennsylvania, which helped challenge the law.

But not all of the law’s opponents are satisfied with the outcome.

“While we’re happy that voters in Pennsylvania will not be turned away if they do not have an ID, we are concerned that the ruling will allow election workers to ask for ID at the polls and this could cause confusion,” said Penda Hair, co-director for the advocacy group the Advancement Project. “This injunction serves as a mere Band-Aid for the law’s inherent problems, not an effective remedy.”

“The thing I’m concerned about is that it will lead to confusion on Election Day,” said Nathaniel Persily, who teaches election law at Columbia University in New York. “There will be spotty enforcement ... and there could be lines and slow voting as a result.”

David Gersch, an attorney with Arnold & Porter LLP who represented the American Civil Liberties Union in the case, said of the ruling, “In many respects, it’s a victory.” He added, “We have concerns about whether the Commonwealth will continue running advertisements saying you need an ID to vote, which is no longer true.”

Pennsylvania is one of nine states which have passed laws requiring voters to show a state-issued ID before casting their ballots. Seventeen states have passed laws requiring voters to show some kind of photo identification.

Though just six months old, the Pennsylvania Voter ID law has already sparked significant controversy, acquiring a reputation as the nation’s toughest such legislation. The *Associated Press* explains:

About a dozen primarily Republican-controlled states have toughened voter ID laws since the 2008 presidential election. But states with the toughest rules going into effect — including Kansas and Tennessee — aren’t battleground states, making their impact on the presidential election unclear.

Pennsylvania’s particular voter ID law was considered the toughest because of its strictness: It permitted only certain types of IDs to be accepted. Republican Governor Tom Corbett was a leading supporter of the law, but has indicated that he may not appeal the decision.

Pennsylvania Deputy Secretary of State Shannon Royer said that the state is “reviewing all legal options” but is overall “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, Judge Simpson seems to support the notion of presenting photo ID at voting booths. A voter-ID 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,” he wrote.

For Simpson, the issue was simply how feasible it would be for voters to acquire the proper identification in just a few weeks.



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Other states are dealing with similar voter ID battles. In Texas, a federal court panel struck down its voter ID law, while a state court in Wisconsin placed a temporary block on the voter ID law there. In South Carolina, a federal court is currently reviewing the law.

Likewise, other legal battles pertaining to Election Day are taking place across the country as well. The *Washington Post* [writes](#):

The U.S. Court of Appeals for the 6th Circuit is considering two challenges to Ohio statutes, one limiting early voting and the other regarding the counting of provisional ballots. Groups in Florida are fighting efforts by Gov. Rick Scott (R) to scour the voting rolls for noncitizens; the groups say there is a risk that qualified voters will lose their rights in a hasty process so close to the election.

Meanwhile, many believe that Simpson's decision in Pennsylvania is sure to favor President Obama, who has been leading Romney in that key battleground state in recent polls.

A September 26 poll by Quinnipiac University shows Obama leading Romney among likely voters by 54-42 percent. A Franklin & Marshall College Poll shows Obama leading Romney, 52 to 43 percent. And a September 21 Rasmussen Report poll [shows](#) Obama in the lead against Romney, 51 to 39 percent.



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