

MITT'S EFFORTS AT DISENFRANCHISEMENT DROWN IN GROVER NORQUIST'S BATHTUB

PA's Supreme Court just sent the state's voter ID law back to the Commonwealth judge with instructions that, unless the state can ensure that all voters who want a voter ID can get it in time for the election, then the judge must issue an injunction against use of the IDs for November's election.

Thus, we will return the matter to the Commonwealth Court to make a present assessment of the actual availability of the alternate identification cards on a developed record in light of the experience since the time the cards became available. In this regard, the court is to consider whether the procedures being used for deployment of the cards comport with the requirement of liberal access which the General Assembly attached to the issuance of PennDOT identification cards. If they do not, or if the Commonwealth Court is not still convinced in its predictive judgment that there will be no voter disenfranchisement arising out of the Commonwealth's implementation of a voter identification requirement for purposes of the upcoming election, that court is obliged to enter a preliminary injunction.

As DDay notes, this likely means the judge will have to issue the injunction, given some of the barriers to getting an ID.

The state Supreme Court set the standard that access to ID cards must be extremely easy and generous in order for

the law to go forward.

That's pretty clearly not the case now. There are a limited amount of PennDOT offices available to administer ID cards, and 13 of them are only open once a week. Up until a couple days ago it took two trips to the PennDOT offices to get the ID. With many of the potentially disenfranchised voters elderly, disabled, not close to a PennDOT office and/or with no access to a vehicle, clearly there's a hardship here for the eligible voters, presumably enough to enjoin the law.

This comes just a few weeks after a panel of Federal judges threw out Texas' voter ID law because it is too hard—and too expensive—for people to get an ID.

Like any fixed cost, the \$22 (minimum) EIC applicants will have to pay to obtain prerequisite documentation weighs disproportionately on those living in poverty. Moreover, while a 200 to 250 mile trip to and from a DPS office would be a heavy burden for any prospective voter, such a journey would be especially daunting for the working poor. Poorer citizens, especially those working for hourly wages, will likely be less able to take time off work to travel to a DPS office—a problem exacerbated by the fact that wait times in DPS offices can be as long as three hours during busy months of the year. US Ex. 10 at 1. This concern is especially serious given that none of Texas's DPS offices are open on weekends or past 6:00 PM, eliminating for many working people the option of obtaining an EIC on their own time. See U.S. Ex. 361. A law that forces poorer citizens to choose between their wages and their franchise unquestionably denies or abridges their right to vote.

In both cases, the small number of ID offices, their inconvenient hours, and the lines (See Ari Berman's picture of one in Philadelphia) impose too high a cost on franchise. As a result, Republicans won't (in TX) and probably won't (in PA) be permitted to suppress the vote as they had wanted to this November.

Of course, the underlying problem is that states have cut back on services to the point where Republicans can't even disenfranchise people efficiently enough under the law.

This is not over yet—the judge in PA can still certify an inadequate DOT network hunky dory in PA.

But for the moment it appears Mitt's disenfranchisement is being drowned in Grover Norquist's bathtub.