



May 29, 2007

Re: Opposition to SA 1170, McConnell Voter Identification Amendment

Dear Senator:

On behalf of the Mexican American Legal Defense and Educational Fund (MALDEF), the Asian American Justice Center (AAJC), the National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund, the League of United Latin American Citizens (LULAC), the Hispanic National Bar Association (HNBA), and the National Council of La Raza (NCLR), we write to express our strong opposition to Senate Amendment 1170, the McConnell voter identification amendment to the Senate immigration reform bill (S. 1348). Our organizations have grave concerns that this amendment would deny the franchise to untold numbers of U.S. citizens who are otherwise eligible to vote, and that its burdens would be borne disproportionately by the poor, the elderly, and racial and ethnic minorities.

The McConnell Amendment would require voters to present government-issued photo identification in order to receive a ballot to participate in any election for federal office, beginning in November 2008. While the cost of the underlying documents needed to prove identity and receive a photo identification card may seem negligible to some, it represents a significant burden to many Americans. While the McConnell amendment contains a provision that would require states to provide free photo identification cards to individuals who do not currently possess them, this does not cure the disproportionate burden upon poor, working, racial and ethnic minority, and elderly voters. Beyond the cost of the card itself, the indirect costs in lost wages, travel time, child care, transportation costs, etc., necessary to secure the photo identification and the underlying documents present significant and disproportionate barriers to registration for many voters.

The McConnell amendment amounts to an impermissible "poll tax" by requiring otherwise qualified voters to pay a fee to obtain underlying documents needed to receive photo identification necessary to vote, in violation of the Twenty-Fourth Amendment to the U.S. Constitution. The U.S. Supreme Court, in *Harper v. Virginia State Bd. of Elections*, noted that voting requirements run afoul of the Constitution whenever they make "the affluence of the voter or payment of any fee an electoral standard. Voter qualifications have no relation to wealth."

The McConnell Amendment presents an unacceptable risk of denying the vote to otherwise eligible voters. At the same time, there is simply no good evidence that voter fraud by non-citizens constitutes a genuine or widespread problem – and certainly not on a scale to justify a response that is so costly, heavy-handed, and discriminatory in effect. Voter identification requirements are quite simply a solution in search of a problem.

Senate Amendment 1170 would impermissibly burden the fundamental right to vote, the basis of our democratic system. Requiring voters to purchase documents in order to exercise the franchise is as much an affront today as it was when the Supreme Court issued its *Harper* ruling forty years ago. On behalf of those Americans who would disproportionately bear this burden, we urge you to oppose this damaging proposal. For further information, please contact Peter Zamora, MALDEF Regional Counsel, at 202-293-2828 or pzamora@maldef.org.

Sincerely,

Asian American Justice Center
Hispanic National Bar Association
League of United Latin American Citizens
Mexican American Legal Defense and Educational Fund
National Association of Latino Elected and Appointed Officials Educational Fund
National Council of La Raza