

## **THE BATTLE OVER VOTER ID**

By William Nicoson

When you go to the polls to vote on November 2<sup>nd</sup>, bring an identification card with you. Your driver's license or social security card will do. What? You say that's asking too much? You say you'll just stay home? That's exactly what the Virginia Democratic Party says will happen. The Democrats have brought a lawsuit seeking to invalidate the recently enacted voter-ID pilot program for polling stations in Fairfax County and 9 other localities.

You remember the old system: you'd call out your name and address for the voting registrars who combed their lists, checked off your name and gave you a pass to the booth. Now you'll be obliged to offer proof of your identity. If you can't come up with a card, you'll be able to sign a form of deposition and vote.

The old system is obviously open to the classic voter fraud of bygone years. A party checks voter lists from prior years to determine who never votes, then deploys early in the day a platoon of frequent voters to impersonate those who've been perennially absent from the polls. If by some miracle the real voter shows up later, he or she will simply be disqualified. Hence the old adage: vote early and often.

For reasons I don't understand, the voter-ID legislation passed both houses of the General Assembly on a party-line vote (except for one Democratic delegate who claims to have voted aye by mistake). By enforcing party loyalty against reform, the Democratic Party seems to prefer a voting system open to fraud. This is bad enough, but the Party then seeks to suppress by court action the voting reform it could not defeat in the legislature. This looks perilously like political suicide.

Restonian Jay Myerson, general counsel for the Virginia Democratic Party, has argued publicly against "the chilling effect" of carding voters, particularly voters without ID who may feel "stigmatize[d]." Craig Bieber, executive director of the Party, has noted publicly that minorities might feel intimidated.

Throughout our nation young people, including minorities, are routinely carded where liquor is sold. Do voting laws deserve less scrupulous enforcement than drinking laws? On October 16<sup>th</sup>, Restonians will vote in a preference poll for candidates seeking seats on the Board of the Reston Community Center. To cast a ballot you'll be asked for identification. It's been that way for years, and it's time Virginia caught up with Reston.

It's the Democratic Party that demeans minorities by claiming they would be intimidated or discouraged by an obligation to prove their voting identity. But let's suppose the Party is right. Should our voting system remain open to fraud in order to avoid distress or even offense to minorities? This is political correctness run amok.

The Party's lawsuit claims that there is insufficient time to prepare for fair administration of voter-ID by November 2<sup>nd</sup>. It also claims that the voter-ID statute is unconstitutional because it's limited to 10 localities. If this seems inconsistent, well, that's what many lawsuits are. But I agree that the General Assembly, though it acted constitutionally, was too cautious as a matter of policy. Preventing voter fraud may not be much of a challenge in rural areas, but the principle makes sense in all localities regardless of population.

*William Nicoson is a D.C. lawyer and a former publisher of Connection Newspapers.*