

Veto No. 2006-1

HB 1318

March 15, 2006

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I am returning House Bill 1318 without my approval.

Elements of this bill will cause significant interference with the fundamental right to vote and violate the U. S. Constitution as well as Article I, Section 5 of the Pennsylvania Constitution, which states: "Elections shall be free and equal; and no power *civil or military*, shall at any time interfere to prevent the free exercise of the right of suffrage." I, therefore, must veto this legislation.

At a time of growing apathy and cynicism among our citizens regarding elections, I believe that the government should be doing everything it can to *encourage* greater participation in the electoral process, not *discouraging* participation by placing additional limitations on the right to cast a vote. Moreover, without compelling evidence of a problem with the current system of voter identification in Pennsylvania, I see no reason to enact laws that will result in voter confusion and disenfranchise legitimately registered voters. Beyond the basic constitutional threshold, House Bill 1318 unnecessarily requires every voter to provide identification before casting a vote in every primary and general election.

Some proponents of the bill claim that no one is actually being denied the right to vote – that voters are merely being asked to comply with a simple requirement meant to reduce the instances of voter fraud. They point to the various acceptable forms of identification that are listed in the bill as support for their defense that the provision is not an attempt to suppress voter turnout. Regardless of how long the list of acceptable forms of identification is, there are people who may not be in a position to produce any of them; people who live in a household where the lease and utility bills are in someone else's name, people in nursing homes, and those who may have been temporarily displaced from their residences, to name just a few. As federal judge Harold Murphy very eloquently stated in a recent case discussing a similar bill enacted in Georgia, "For those citizens, the character and magnitude of their injury – the loss of the right to vote – is undeniably demoralizing and extreme, as those citizens are likely to have no other realistic or effective means of protecting their rights."

Others have suggested that this voter identification provision is needed to reduce the instances of voter fraud in Pennsylvania. However, I have not seen any evidence of widespread voter impersonation in Pennsylvania that would justify imposing this additional burden on voters. Elizabeth Milner, the Chair of the Pennsylvania League of Women Voters, agrees. In her letter urging a veto, Ms. Milner says, "Show us the fraud. Proponents of House

Bill 1318 have failed to document a single instance in which the outcome of a Pennsylvania election was affected by individuals posing as registered voters. Indeed, the National Commission on Election Reform found that there is no evidence that the fraudulent acts the voter ID provision seeks to address exists anywhere in the United States.”

The Pennsylvania method of signing voters in and comparing their signatures to what is on file with the County Election Board has been in effect for more than 70 years. It is a tried and proven method of ensuring that a bona fide voter has appeared at the polling place to vote. In fact, the current voter identification system works so well that neither the poll workers, who manage our Election Day operations, nor our County Commissioners, to whom we entrust the oversight of the election process, believe that it needs to be changed.

This bill would also slow down the voting process and create longer waiting periods before citizens could cast their votes. During the 2004 election, we all saw many voters leave their polling places without casting votes because of the long lines they faced. As the Pennsylvania Chapter of the AARP said in their letter to me urging a veto: “Equally troubling is the negative impact this law would have on the voting process. Requiring voters to produce identification cards will significantly increase the time needed for overworked poll workers to process each voter. The end result will be longer lines and increased wait times to vote, which may serve to disenfranchise voters and lower voter turnout.”

In making the decision to veto this bill, I reviewed the many letters I have received from well-respected organizations across the commonwealth. The spectrum of those who urge this veto – from the League of Women Voters to the Pennsylvania Council of Churches, from the AARP to the NAACP, from the Congreso de Latinos Unidos to VotePA and Pennsylvania Acorn – is evidence of the public concern regarding this unnecessarily burdensome act being imposed by this legislation.

While the voter identification provision is at the heart of the reason that I am vetoing this bill, there are other provisions that are also seriously problematic.

This legislation requires, by July of this year, the closing of hundreds of locations across the state currently serving as polling places, some of which have been the standard polling place for thousands of voters for decades. Again, without any evidence of a real problem, this legislation bans the use of certain types of buildings as polling locations. Of course, I believe that the best place to cast a vote is in a building generally accessible to the public. I also know that our County Commissioners do the best they can to find locations in which voters can feel confident that their vote is cast without undue influence. I urge that any restriction upon the type of locations used for polling places occur only after a competent study has been conducted of the existing polling places and of the options available for alternative locations, if such options are necessary. Moreover, if any future action is

taken to restrict locations, it is imperative that such action be defined in consultation with our County Boards of Election so that there is certainty that the timeframes for compliance can be achieved without any negative impact upon those seeking to exercise their franchise.

While this bill offers limited improvements to the voting methods for overseas voters, I must point out that this bill does not afford any of the improvements to Pennsylvanians in the military who may be deployed within the borders of the United States. Moreover, the *key* improvements for all overseas and military voters that will ensure their ability to cast an absentee vote are not included in this legislation. Among those key elements not included are: permitting computer electronic transmissions for absentee ballot applications; earlier filing deadlines for independent candidates so that ballots can be printed earlier and sent overseas in time for the voter to return the ballot before the deadline; and clear deadlines for county absentee ballot preparation so that every appropriately cast vote can be counted. I note that on December 12, 2005, the House of Representatives passed House Bill 544, which I proposed last Memorial Day and which includes all of these protections for our military and overseas voters. If we are serious about protecting the rights of our military and overseas citizens, the Senate should pass this bill immediately so that it can become law.

House Bill 1318 amends the Pennsylvania Election Code in ways that impose new requirements on voters and counties – some of which I believe violate the U.S. and Pennsylvania Constitutions. Other provisions require much more debate, understanding, and most certainly refinement before they can be enacted. Finally, this bill does not provide for the critical elements necessary to ensure that our overseas and military voters have a chance to vote – and to have their votes counted – in every election.

For all these reasons, I must withhold my signature from House Bill 1318.

EDWARD G. RENDELL