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Contact: Timothy Rusch, Demos (212) 389-1407  
Natalia Kennedy, Brennan Center, (212) 998-6736

## **VOTING RIGHTS GROUPS RESPOND TO CARTER-BAKER COMMISSION REPORT ON ELECTION REFORM:**

### **FLAWED COMMISSION PROCEDURES YIELD FLAWED RECOMMENDATIONS; SOME WOULD DISFRANCHISE VAST NUMBERS OF ELIGIBLE VOTERS**

WASHINGTON, DC—*A growing coalition of voting rights organizations issued the following statement today criticizing the deeply flawed deliberative process of the Carter-Baker Commission on Federal Election Reform—a process culminating in a new report with some deeply flawed recommendations. The Commission was established in March of 2005 with the goal of increasing voter access and restoring America’s confidence in the electoral process, and was co-chaired by former President Jimmy Carter and former Secretary of State James Baker III.*

After just two limited hearings and no call for public comment, the Carter-Baker Commission on Federal Election Reform has issued a new report containing many deeply flawed recommendations. The substantive shortcomings of these recommendations are examined at length in a rebuttal available shortly at [www.carterbaker.com](http://www.carterbaker.com) and [www.carterbakerdissent.com](http://www.carterbakerdissent.com). In general, we are disappointed by the path that the Commission has chosen—one characterized by a lack of transparency and a reluctance to conduct thorough research or consult with a full range of recognized experts. Unfortunately, this Commission failed to live up to the transparent and effective process of its predecessor, the 2001 Carter-Ford Commission on Federal Election Reform. Owing to its vast flaws, this Commission’s recommendations suffer by comparison.

Unlike its predecessor, this Commission gave little attention to detail. There were no separate task forces devoted to any particular aspects of our election system. There was little attempt to gather rigorous empirical data to support any conclusions. The result is a report based on anecdote and supposition, rather than rigorous analysis of real-world facts.

Unfortunately, this process yielded an incomplete report of poor quality. Some of the Commission’s recommendations—notably, the call for non-partisan election administration, improved poll-worker training and more effective enforcement of the American’s with Disabilities Act—are constructive and will limit disfranchisement. Several of its recommendations, however, will have a chilling effect on voter participation and access. These should not be implemented under any circumstance.

For example, the Commission’s Report recommends a draconian government-issued photo identification requirement as a prerequisite to voting, without any credible assessment of the need for such a measure and without adequate acknowledgment of the burden it will impose. We discuss in detail the shortcomings of this proposal at [www.carterbakerdissent.com](http://www.carterbakerdissent.com). The Commission recommends that beginning in 2010, all voters be required to present poll workers with a “REAL ID” card or its equivalent in order to vote. “REAL ID” is a controversial new, Congressionally-mandated driver’s license that was passed into law without debate and deliberation as an attachment to an omnibus military spending bill in May 2005. REAL ID puts unprecedented burdens on states in issuing drivers’ licenses to verify multiple documents with their issuing agency. Because of the law’s requirements many citizens will not be able to obtain this identification.

The exclusionary effects of the “REAL ID” proposal are most vividly illustrated by those affected by Hurricane Katrina. More than one-fifth of New Orleans residents had no access to an automobile, and thus are among those least likely to have a driver’s license. The hundreds of thousands of displaced citizens will find it difficult, if not impossible, to secure the identity papers they left behind or to obtain new records from government offices and hospitals that have been destroyed. These Americans, and many like them across our

nation—like those with disabilities, the elderly, people of color, students and the poor—would be effectively barred from voting under the Commission’s proposal.

The impact of “REAL ID” voting cards on Louisianans would be mirrored around the country. For instance, nearly four million Americans living with disabilities currently do not have a driver's license or other form of state-issued photo ID. In Georgia it is estimated that 36 percent of residents 75 or older do not possess a driver's license. And a June 2005 study by the University of Wisconsin found that less than half of Milwaukee County’s African American and Latino adults had a valid driver’s license. Yet nowhere in the Commission’s Report are these enormous costs carefully balanced against the minimal benefits such a REAL ID voting card would provide.

The empirical and analytical backup for several other recommendations is similarly shoddy. For example, the Report's recommendations on felony re-enfranchisement are not only out of step with public opinion, but also fundamentally unworkable. The Commission’s recommendation—to permanently disfranchise some persons convicted of a felony, and to allow restoration of the franchise to others only once they have fully served a complete sentence—is a step backward from the policy of 37 states. It also fails to acknowledge that a clear majority of Americans favor restoration of voting rights once a person with a criminal conviction reenters society as a taxpaying citizen. The Commission’s recommendation also leaves in place the patchwork system of restoration that creates potential for confusion, as in Washington State, and manipulation, as in Florida.

America deserved a blue-ribbon Election Commission with a sound methodology that relied on research and expert analysis rather than allegation and hyperbole. Reversing voting rights and a national trend toward fairness and full participation in democracy is not a bellwether of progress. We urge Congress to consider the real problems that plague elections rather than the phantoms highlighted by the Commission.

For more information about the Carter-Baker Commission report, visit [www.carterbaker.com](http://www.carterbaker.com), or visit [www.carterbakerdissent.com](http://www.carterbakerdissent.com) to read dissenting commentary by Commissioner Spencer Overton.

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Members of the press, for more information, or to schedule an interview with an expert from a Network member organization, please contact: Timothy Rusch, (212) 389-1407

Spokespeople include:

Jonah Goldman, Lawyers Committee for Civil Rights Under Law, (202) 662-8321  
Wendy Weiser, Justin Levitt; Brennan Center for Justice at NYU School of Law, (212) 998-6130  
Miles Rapoport, Steven Carbó; Dēmos: A Network for Ideas & Action, (212) 389-1400

**Endorsing Organizations (List in Formation)**

Advancement Project  
Appleseed Foundation  
Asian American Legal Defense and Education Fund  
Brennan Center for Justice at NYU School of Law  
Citizen Action of NY  
Dēmos: A Network for Ideas & Action  
Institute for Puerto Rican Policy  
Lawyers Committee for Civil Rights Under Law  
National Asian Pacific American Legal Consortium  
National Disability Rights Network

National Voting Rights Institute  
People for the American Way Foundation  
Project Vote  
Service Employees International Union