



## RESOLUTION ON THE VOTER ACCESS PROTECTION ACT OF 2007

**WHEREAS** the Coalition of Bar Associations of Color (CBAC), organized in 1993, is a coalition created to act as a collective voice for issues of common concern to its member organizations; and

**WHEREAS** the member organizations of the Coalition of Bar Associations of Color are the Hispanic National Bar Association (HNBA), National Asian Pacific American Bar Association (NAPABA), the National Bar Association (NBA), and the National Native American Bar Association (NNABA); and

**WHEREAS** the Coalition of Bar Associations of Color believes that protection of the right to vote is a fundamental right in our democracy that is preservative of other rights; and

**WHEREAS** the Coalition of Bar Associations of Color believes that this fundamental right to vote is denied when a photo identification document is required in order to cast a ballot in a federal election; and

**WHEREAS** the United States Supreme Court in an opinion filed on April 28, 2008, in *William Crawford, et al., v. Marion County Election Board, et al.*, No. 07-21 and *Indiana Democratic Party, et al., v. Todd Rokita, Indiana Secretary of State, et al.*, No. 07-25 held that the photo identification requirement imposed by the State of Indiana as a prerequisite for casting a ballot was not unconstitutional; and

**WHEREAS** the Mexican American Legal Defense and Educational Fund, as *amicus curiae*, in the *Crawford* litigation, stated the following with respect to having a photo identification requirement as a prerequisite for casting a ballot:

a photo identification requirement is the functional equivalent of a poll tax that is targeted to poor and minority voters and prevents them from having access to the political process; and

a photo identification requirement has a disproportionate impact on poor and minority communities who do not have equal access to secure government issued photo identification documents; and

based upon studies conducted of Indiana registered voters and eligible voters there is a six percent gap among White registered voters and African American registered voters who have access to identification documents with the gap increasing to at least eleven percent when considering the State's eligible voter population for the two groups; and

Native American Tribal citizens have major historical impediments limiting their comfort with registering with state and federal governments for identification, including, but not limited to past governmental efforts at registering or identifying community members had been for the purpose of taking land, relocating a community, or forcefully removing children to boarding schools. These experiences, ingrained in the collective memory of Native communities, are apparent in the ongoing resistance to "register" for a government ID; and

many Tribal leaders estimate that up to 20% of their Tribal citizens were not born in a traditional hospital setting and do not have easy access to state photo identification; and

based upon studies conducted of Indiana registered voters, of those registered voters earning less than \$ 40,000 per year at least twenty-five percent of such registered voters did not have a driver's license; and

based upon national studies minority voters are less likely to have the necessary identification requirements that were the subject of the *Cranford* litigation; and

based upon a study conducted of Milwaukee County, Wisconsin, at least seventy-five percent of African American males did not have a valid driver's license; and

based upon a study conducted of Wisconsin residents, there is substantial disparity between those individuals who have valid driver's licenses and those who do not among Whites and minorities: those lacking valid driver's licenses - fifty-five percent of African American men, forty-nine percent of African American women, forty-six percent of Latino men, and fifty-nine percent of Latina women compared to only twenty percent of Anglo men and nineteen percent of Anglo women; and

based upon an investigation conducted by the United States Department of Justice White residents in the State of Louisiana were more likely to have valid photo identification documents than African American residents by a factor of four to five times; and

based upon studies conducted of various states, where voters were presented with the option of presenting an affidavit in lieu of a photo identification document to be permitted to vote, minority voters have a higher likelihood of utilizing such affidavits as opposed to presenting a photo identification document; and

based upon a review of relevant census information since minority voters have higher rates of low income and higher rates of poverty status, the financial cost of securing a photo identification document is onerous; and

**WHEREAS** historians and other scholars, as *amicus curiae*, in the *Cranford* litigation, stated the following with respect to having a photo identification requirement as a prerequisite for casting a ballot:

there is a difference in treatment between those voters who vote in person and those voters who vote absentee -- persons voting absentee are not required to produce a

valid photo identification document whereas those persons going to the polling place are required to produce such a document; and

that the state administrative process in the State of Indiana for securing a valid photo identification document requires persons to present documents that can be burdensome to produce, thereby resulting in the denial of a valid state identification document for a large number of persons; and

**THEREFORE BE IT RESOLVED** that the Coalition of Bar Associations of Color supports legislation – the Voter Access Protection Act of 2007 (H.R. 4026) – prohibiting the implementation of a photo identification requirement as a prerequisite for casting a ballot in a federal election.

**CERTIFICATION**

WE, the duly-elected Presidents of the Hispanic National Bar Association (HNBA), National Asian Pacific American Bar Association (NAPABA), National Bar Association (NBA), and National Native American Bar Association (NNABA), hereby certify that the foregoing Resolution was duly enacted by a duly-noticed meeting of the Coalition of the Bar Associations of Color Board of Directors.



NNABA

Victor M. Marquez  
President, Hispanic National Bar Association

5/15/09  
Date

Nanette M. Banks  
President, National Bar Association

5/15/08  
Date

HEATHER DAWN THOMPSON  
President, National Native American Bar Association

5/15/08  
Date

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President, National Asian Pacific American Bar Association

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Date