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Don't Rush the Courts on Voter ID

By Andrea Kaminski and Carolyn Castore

As we enter the final weeks before the general election, a couple of state legislators have issued statements calling for the Wisconsin Supreme Court to take up the voter ID issue and reverse the two injunctions currently blocking the law. One senator noted that "time is of the essence" and said he doesn't want people to wake up on November 7 to find that the election "was decided by a dithering Wisconsin judicial process."

Given that Wisconsin elections have only once had a voter photo ID requirement and never had a problem with voter impersonation, what is the hurry? Given that an estimated 300,000 registered Wisconsin voters do not have an acceptable ID, why should the Court hastily reinstate a law that has been found by two circuit court judges to violate the state constitution? Given that the Supreme Court has already once declined to take up the cases before the Appeals Court has given the issue careful legal review, why should the justices do so now?

In challenging the voter ID law, the League of Women Voters did not act out of concern about the outcome of this or any election. The League never endorses or opposes any political party or candidate. We acted to ensure that democracy works, that all qualified citizens have the opportunity to exercise their right to vote. Specifically, the League challenged the ID law because it violated the Suffrage section of our state Constitution, which limits the authority of the state legislature to enact laws that deny qualified citizens the right to cast a ballot and have it counted.

While some legislators are frustrated that a law passed 17 months ago is blocked, the truth is that the law violated a section of the constitution that was adopted by the people in the 1980s. To get into the constitution, that amendment had to be passed by the legislature twice and then have a vote of the people in a statewide election. Amending the constitution is appropriately difficult to do, because it is the fundamental charter designed to limit the power of government in order to protect us from the partisan swings of the day. That is why the constitution trumps a law passed in one session by the legislature.

Our democracy is based on having three co-equal branches of government. People in the legislative branch should not be placing pressure on the courts to speed up the judicial process in order to influence the outcome of an election. That is exactly why we need an independent judiciary – to hold the other two branches accountable to the constitution.

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Andrea Kaminski is executive director and Carolyn Castore is election observer coordinator for the League of Women Voters of Wisconsin Education Network, a nonpartisan organization that advocates for informed and active participation in government. There are 16 local Leagues in Wisconsin. Find the League on Facebook.