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**IN THE COMMONWEALTH COURT  
OF THE COMMONWEALTH OF PENNSYLVANIA**

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No. 330 M.D. 2012

VIVIETTE APPLEWHITE, *et al.*,

Petitioners,

v.

COMMONWEALTH OF PENNSYLVANIA, *et al.*,

Respondents.

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**BRIEF FOR *AMICUS CURIAE*,  
THE REPUBLICAN CAUCUS OF THE PENNSYLVANIA  
HOUSE OF REPRESENTATIVES, IN OPPOSITION TO  
THE APPLICATION FOR PRELIMINARY INJUNCTION**

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## **STATEMENT OF INTEREST OF *AMICUS CURIAE***

*Amicus Curiae*, the Republican Caucus of the Pennsylvania House of Representatives, files this brief in support of the position of Respondents, the Commonwealth of Pennsylvania; Thomas W. Corbett, in his capacity as Governor; and Carol Aichele, in her capacity as Secretary of Commonwealth, in opposition to the Applewhite Petitioners' Application for Preliminary Injunction of the Act of March 14, 2012, P.L. 195, No. 18 ("Act 18" or "HB 934"), which is more commonly known as Pennsylvania's Voter ID law.

Similar legislation has been enacted in 32 other states. While varying in certain details, all of these Voter ID laws, like Pennsylvania's Act 18, require that voters substantiate their eligibility to cast a ballot by producing reliable identification. While the Applewhite Petitioners have broadly assaulted Act 18, there remains, on remand, just a single issue for this Court's consideration in connection with the Applewhite Petitioners' request for preliminary relief barring Pennsylvania's presumptively constitutional Voter ID law. That issue is whether the implementation of Act 18 has, in fact, disenfranchised the Applewhite Petitioners. If not, or if each of the Applewhite Petitioners reasonably could cast his or her vote in November notwithstanding Act 18's implementation, then their Application for Preliminary Injunction must be denied.

The interest of the House Republican Caucus in this case relates to the authority of the General Assembly to pass legislation, like Act 18, which regulates elections. In that capacity, the Republican Caucus has a significant interest in this case in ensuring that both the relevant legislative history of Act 18 and the independent efforts of the House Republican Caucus and other legislators to inform the Commonwealth's electorate of Act 18's changes are considered in this Court's analysis.

## ARGUMENT

The intent of the General Assembly, from the introduction of HB 934 until its final passage and enactment as Act 18, has been to protect the integrity of the vote. One person, one vote represents the fundamental principle of our democratic system and most basic expression of vote integrity. Pennsylvania's Voter ID law has always been about honoring this constitutional tenet. Expanding the franchise serves this principle, but protecting the franchise preserves its value. To make sure that each individual vote matters requires that someone else does not have the opportunity to abuse the system.

A necessary corollary to the basic principle of protecting the franchise is respect for ballot access by those entitled to vote. These are two sides of the same coin, both integral to the proper functioning of democratic government.

Act 18 does nothing more than this. It says that every citizen who is entitled to vote should be able to vote, and that every citizen who votes should not have his or her vote diluted by someone else's fraud. And the General Assembly's authority – some would say, its obligation – to protect the franchise in this manner has been unanimously affirmed by the Supreme Court. As noted in the Pennsylvania Supreme Court's September 18 *per curiam* order:

[C]ounsel for Appellants acknowledged that there is no constitutional impediment to the Commonwealth's implementation of a voter identification requirement .... Given **reasonable** voter education efforts, **reasonably available** means for procuring identification, and **reasonable time** allowed for implementation, Appellants apparently would accept that the State may require the presentation of an identification card as a precondition to casting a ballot.

Applewhite v. Commonwealth, 71 MAP 2012, slip op. at p. 5 (Pa. September 18, 2012)

(emphasis added). The two dissenting Justices joined in this foundational holding, as Justice McCaffery, joined by Justice Todd, wrote in his dissenting statement that even he has “no

argument with the requirement that all Pennsylvania voters, at some reasonable point in the future, will have to present photo identification before they may cast their ballots.” Applewhite, 71 MAP 2012, slip op. at p. 7 (McCaffery, J., dissenting). Thus, on its face, Pennsylvania’s Voter ID law is constitutional.

The only remaining issue to emerge from the Pennsylvania Supreme Court’s review of Act 18 concerns its implementation for the November 2012 general election. In its *per curiam* order, the Supreme Court referenced this Court’s “previous judgment that the Commonwealth’s efforts”<sup>1</sup> would prevent significant disenfranchisement. Applewhite, 71 MAP 2012, slip op. at p. 6. Given the passage of time since that previous judgment, however, the Supreme Court’s order remanding this matter directed this Court to assess the “actual availability” of the Department of State identification cards (DOS cards) and “consider whether the procedures being used for deployment of the cards comport with the requirement of liberal access which the General Assembly attached to the issuance of PennDOT identification cards.” Id. As long as the DOS cards are available in the same “liberal” spirit as envisioned by Act 18 for PennDOT cards and the Applewhite Petitioners are not disenfranchised, then those petitioners are not entitled to any relief which would forestall the effective date of Act 18.

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<sup>1</sup> From this Court’s earlier opinion:

[C]onsidering the believable testimony about the pending DOS photo IDs for voting, and the enhanced ability of birth confirmation through the Department of Health for those born in Pennsylvania, I am not convinced any qualified elector need be disenfranchised by Act 18 . . . based on the availability of absentee voting, provisional ballots, and opportunities for judicial relief for those with special hardships, I am not convinced any of the individual Petitioners or other witnesses will not have their votes counted in the general election.

Applewhite v. Commonwealth, 330 M.D. 2012, slip op. at p. 11 (Pa. Commw. Aug. 15, 2012).

Consequently, any inquiry into access to identification for voting purposes has to include consideration of both an informational component and a practical component. In order to exercise the many options available to eligible voters under Act 18, the Applewhite Petitioners and other voters must know the options which exist. Further, the numerous forms of such identification available, particularly the DOS card, must ensure that those who are entitled to vote will reasonably have the opportunity to do so.

The Republican Caucus of the Pennsylvania House of Representatives, both as a legislative entity and through its constituent Members, has played a vital role in the informational and practical implementation of Act 18 throughout the history of Voter ID legislation in Pennsylvania. From its nascent stages as proposed legislation dating back to 2003, through the early implementation of Act 18 in the April primary election, to the present-day refinements still being made, the Commonwealth has worked tirelessly to educate the public about the Voter ID Law and to provide easily available identification to that small sub-set of eligible Pennsylvania voters who do not already possess it or cannot already avail themselves of an exception to Act 18's identification requirements. And as illustrated below, the Commonwealth has not been alone in this effort. Legislators throughout the Commonwealth – and the Republican and Democratic Caucuses of the House of Representatives – have engaged voters through their constituent service functions to make sure that every Pennsylvanian who wants voting identification for the November election will have it.

**I. THE HIGHLY-PUBLICIZED HISTORY OF VOTER ID PROPOSALS IN PENNSYLVANIA.**

There appears to be a misperception that HB 934 is a new idea, introduced for the first time in this legislative session. See Applewhite, 71 MAP 2012, slip op. at 7 (McCaffery, J.,



dissenting) (noting the purported “urgency” of Act 18’s implementation). This could not be further from the truth. To the contrary, Voter ID legislation has been around for some time.

Legislative Session	Voter ID Bill Number	Last Action
2003 – 2004	House Bill 2018	Referred to State Government Comm.
2005 – 2006	House Bill 1667	Referred to State Government Comm.
2005 – 2006	House Bill 1318	Passed by both Houses of the General Assembly - Vetoed by the Governor
2007 – 2008	House Bill 2519	Referred to State Government Comm.
2007 – 2008	House Bill 1118	Referred to State Government Comm.
2009 – 2010	House Bill 1630	Referred to State Government Comm.
2011 – 2012	House Bill 934	Act 18 of 2012

As illustrated in the table above, Voter ID bills have been introduced in every recent legislative session. Furthermore, House Bill 1318 of the 2005-2006 session passed both Houses of the General Assembly, but was subsequently vetoed by then-Governor Rendell.

This long history of legislative consideration of Voter ID bills has generated much publicity. House Bill 1318 of 2005-2006 was then, and still is, the subject of such publicity:

- “[T]he Post-Gazette has supported HB 1318 as another way to boost public confidence in the election process .... At the end of the day ... we thought this legislation reasonable.” *Editorial: Vote and veto/Two principles clash on ID legislation*, Pitt. Post-Gaz. (Feb. 26, 2006), <http://www.post-gazette.com/stories/opinion/editorials/editorial-vote-and-veto-two-principles-clash-on-id-legislation-423483/>.
- “Gov. Ed Rendell today vetoed a bill that would have forced all voters to produce some form of personal identification in order to vote.” Tom Barnes, *Rendell vetoes voter ID bill*, Pitt. Post-Gaz. (Mar. 15, 2006), <http://www.post-gazette.com/stories/local/breaking/rendell-vetoes-voter-id-bill-425756/>.
- “Corbett said that he’ll sign the voting bill ‘right away,’ noting that ID legislation’s been around for years and debated to no end. Again, he’s right.

It failed in '02.<sup>[2]</sup> Gov. Ed Rendell vetoed another attempt in '06.” John Baer, *The ins and outs of voter ID*, [http://www.philly.com/philly/columnists/john\\_baer/20120314\\_John\\_Baer\\_.html](http://www.philly.com/philly/columnists/john_baer/20120314_John_Baer_.html) (Mar. 14, 2012).

It is worth noting that Act 18 departs from its predecessor, House Bill 1318 of 2005 – 2006, in several ways which further protect the franchise. For example, Act 18 allows the use of certain identification cards which are expired (but for no more than 12 months), provides indigent voters without identification an opportunity to cast a provisional ballot and then follow-up with an affidavit to the county board of election with an affirmation that they are indigent and unable to obtain an identification card without payment of a fee, and allows voters to obtain a free identification card without affirming indigency.

HB 934, which became Act 18, received no less publicity than its predecessors. In fact, HB 934 received extensive legislative vetting, and in the process extensive public attention, prior to its enactment. The bill itself took more than a full year to travel through the legislative process, being introduced on March 11, 2011 and not signed into law until March 14, 2012. After passage from the House on June 23, 2011, the bill underwent extended review by the Senate. The bill also received debate on the floor of the House and Senate on six different days. And throughout this long process, HB 934 was subject to constant public scrutiny and extensive media reporting.

Protecting the integrity of the vote is not a new concept in Pennsylvania. Neither is legislation which would implement a reasonable voter identification requirement to ensure that one person, one vote is more than a vague aspiration.

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<sup>2</sup> This appears to be a reference to Amendment 3787 to Senate Bill 824, Printer’s Number 1954 of the 2001- 2002 legislative session. While the amendment was adopted by the House on final passage, the comprehensive voter identification language was removed by the Senate. SB 824 went on to become Act 150 of 2002, establishing identification requirements for first time voters in an election district.

**II. THE ENACTMENT OF ACT 18 AND THE LEGISLATURE'S EFFORTS TO ENSURE BROAD ACCESS TO IDENTIFICATION FOR ELIGIBLE VOTERS.**

The intent of the General Assembly, from the introduction of HB 934 until its final passage and enactment as Act 18, has been to protect the integrity of the vote. The prime sponsor of House Bill 934, Representative Daryl Metcalfe, Chair of the House State Government Committee, encapsulated that purpose when he offered the following comments on the House floor:

Mr. Speaker, our intent in this legislation is not to keep any law-abiding citizen from casting their vote and exercising that right. Our intent is to ensure that every law-abiding citizen has the right to integrity in the process and to have their vote counted by ensuring that the person that is showing up next to them or later in the day actually is the individual that they claim to be according to the voting rolls and actually eligible to cast a vote to be a participant in we the people's government.

2011 Pa. Leg. J. 1362 (June 21, 2011).

Representative Michael Turzai, Majority Leader of the Pennsylvania House of Representatives, expanded on this explanation at length:

What is the foundation of a democracy? Your vote. And it is one person, one vote. And to make sure that your individual vote matters means that somebody else cannot be abusing the system to be voting for somebody who has passed away and on a roll or somebody is doing impersonation . . . . Whether it is once or over a thousand times, any time that it occurs devalues each and every one of your votes and each and every one of our constituent's votes at the polls. One person, one vote is the crux of a functioning democracy; the crux.

Now, I would agree with many of my colleagues on the other side of the aisle that America has been about the expansion of enfranchisement – about the expansion. The Civil War was fought about citizenry for our citizens and the freedom from slavery, and that came about with the 13th, 14th, and 15th Amendments, which made it clear that each and every citizen was entitled to due process and the rights completely afforded by this country and the ability to vote. And in 1920 the right to vote was expanded to women in this country, who long had not had that opportunity.

And in the seventies while we were fighting in the Vietnam war, again we expanded voter enfranchisement to those who are 18 and older, because if you can go to war and fight for this country, you should be able to vote. And we eliminated, I agree, property holding requirements, absolutely. And the key here is this: A voter ID is just saying that every citizen who is entitled to vote should be able to vote, and every citizen who votes should be sure that their vote has not been diluted by somebody else's fraud.

\* \* \*

And, Mr. Speaker, in 2005, after the contested election for President, there was a building confidence in United States elections and the report of the Commission on Federal Election Reform, and its leaders were former President Jimmy Carter and James A. Baker, III. A quote from the letter from the cochairs: "We are recommending a photo ID system for voters designed to increase registration with a more affirmative and aggressive role for states in finding new voters and providing free IDs for those without driver's licenses." The executive summary said, ". . . to make sure that a person arriving at a polling site is the same one who is named on the list, we propose a uniform system of voter identification based on the 'REAL ID card' or an equivalent for people without a driver's license. To prevent the ID from being a barrier to voting, we recommend that states use the registration and ID process to enfranchise more voters than ever. States should play an affirmative role in reaching out to non-drivers . . . and provide photo IDs free of charge . . . ."

2012 Pa. Leg. J. 373 (Mar. 13, 2012). This contemporaneous legislative history is, of course, an important element in ascertaining the intent of the General Assembly, and thus in analyzing Act 18. See 1 Pa. C.S. § 1921(c)(7); Board of Revision of Taxes v. City of Philadelphia, 607 Pa. 104, 129 n.10, 4 A.3d 610 (2010) (collecting authority for the proposition that the statements of legislators during the debate on a bill's passage are "instructive to our analysis and persuasive evidence" of legislative intent).

Consistent with this legislative intent, Act 18 provided for a long list of acceptable identification. Indeed, given the sheer number of these options to obtain identification cards (more options, in fact, than the constitutionally-tested and judicially-endorsed Indiana law upon

which Act 18 was modeled),<sup>3</sup> liberal access was clearly the legislature’s goal. Critically, one of Act 18’s alternatives for identification includes an identification which meets the basic parameters established by the Act 18<sup>4</sup> and was “issued by . . . [t]he Commonwealth of Pennsylvania.” 25 P.S. § 2602(z.5)(2)(iv). This is the language which authorizes the use of the DOS card. Act 18 imposes no other requirements on the DOS card.

The legislature’s consistently expressed intent was that Act 18 be construed as providing an extensive selection of acceptable identification cards to prevent any interference with the right to vote. Other identification cards in the expansive list provided in Act 18 may prove beneficial to Commonwealth citizens in contexts beyond their use in elections. For example, Pennsylvania Department of Transportation non-driver photo cards may be used at airports and in other situations where a DOS card would be found lacking. Offering Pennsylvania citizens the full panoply of available identification cards in order of their relative value for purposes beyond voting in no way detracts from the fundamental function of the DOS card as recognized by Act 18’s expansive definition, i.e., liberal access to proof of identification in order to vote. However, a change in this practice would be within the scope of the legislation as well as the intent of the General Assembly.

As Rep. Metcalfe explained, the General Assembly believed it to be “better policy” to establish general parameters in HB 934 but not try to “micromanage” the Department of State’s

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<sup>3</sup> Some of the identification cards available for voting purposes under Act 18, but not included in the Indiana Statute found constitutionally sound by the United States Supreme Court, include cards issued by accredited Pennsylvania institutions of higher learning and Pennsylvania care facilities. See Crawford v. Marion County Election Bd., 553 U.S. 181 (2008) (upholding Indiana Senate Enrolled Act No. 483, 2005 Ind. Acts 2005).

<sup>4</sup> In short, these parameters are the voter’s name and photograph as well as an expiration date for the card.

implementation efforts. 2012 Pa. Leg. J. 359 (March 13, 2012). This plainly comports with liberal access and gave practical meaning to the General Assembly's intention for wide access to identification.<sup>5</sup>

**III. THE EXTENSIVE OUTREACH EFFORTS BY THE COMMONWEALTH AND ITS INNOVATIVE USE OF THE PRIMARY ELECTION AS ANOTHER METHOD OF OUTREACH TO VOTERS ABOUT ACT 18.**

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The Secretary of the Commonwealth was specifically tasked with the statutory duty to notify the public of the proof of identification requirements of Act 18. See 25 P.S. § 2626(a). Additionally, the Secretaries of the Commonwealth and of Transportation, as well as county boards of election, were directed to disseminate information on free identification for voting purposes. 25 P.S. §2626(c). This informational role is integral to Act 18's implementation in order to ensure that all those who are entitled to vote will be able to do so. This Court previously determined that the Department of State and other executive agencies, as well as outside groups, will "fully educate the public." Applewhite, 330 M.D. 2012, slip op. at p. 11.

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<sup>5</sup> Indeed, when the legislative history is consulted, it is clear that the General Assembly acted with the expectation that Act 18 would lead to greater voter participation, not diminished participation. As noted in the floor debate, similar efforts to ensure voting integrity in other states by requiring identification actually increased voter turnout rather than suppressing it:

The issue here is one person, one vote. And I would also indicate that after Indiana implemented it, there was an increase by 2 percent overall in the first election after the voter ID law went into effect.

2012 Pa. Leg. J. 320 (Mar. 12, 2012) (remarks of Rep. Turzai). This same point was made on the following session day by Representative Bryan Cutler, who said:

Mr. Speaker, furthermore, there have been allegations that somehow requiring an ID would suppress voter turnout. That certainly has not been the case in Georgia and Arizona where after their ID law, minority turnout was up.

2012 Pa. Leg. J. 356 (Mar. 13, 2012). The point was reiterated again and again during debate.

The General Assembly engineered Act 18 in such a way as to provide the Commonwealth with especially effective opportunities to educate the public about Act 18. This is because Act 18 is somewhat unique in that it has an effective date which precedes its implementation date. As a general rule, the date a statute becomes effective is the date that the change is implemented. There is no lag time between the effective date of a statute and its implementation date, i.e., its impact on the Commonwealth's citizens. This was not the case, however, with Act 18. Pennsylvania's Voter ID law became *effective* immediately upon signature by the Governor on March 14, 2012. Actual *implementation* of Act 18's voter identification requirements, however, did not become mandatory until September 17, 2012, and is not practically applicable to voters until the general election on November 6, 2012. This extended implementation period of 237 days – from March 14 until the general election – stands in stark contrast to the default rule of 60 days for both effective date and implementation found in the Statutory Construction Act. See 1 Pa. C.S. § 1701(a)(5).

This extended period was purposefully done to provide the Commonwealth with an innovative way both to educate voters as to the requirements of Act 18 and to help individual voting locations adapt to its changes. The General Assembly planned for the Voter ID law to receive a live test during the April 24, 2012 primary election. At this election, voters were asked to show proof of identification. If they did not have sufficient proof of identification at that time, they were able to vote but were informed of the pending requirement. During the 237 day period between the effective date and the general election, county boards of election, outside groups, citizens, legislators and other individuals and entities provided feedback to the Department of State concerning the operation of the statute. As part of the ongoing process to fine-tune Act 18's

implementation during this period, the Department of State created the DOS card. This authorized method of identification was developed to ensure widespread ballot access.

The Commonwealth Respondents have already provided extensive evidence as to their ongoing outreach efforts to ensure that every eligible voter in Pennsylvania can exercise his or her right to vote, but it is important to put these efforts into their proper context. While the Commonwealth has adapted its outreach and forms of available identification over time, *that is exactly what the General Assembly intended for the Commonwealth to be able to do.* To the extent that the April 2012 primary provided useful feedback on possible impediments to Act 18's implementation, the law was designed to allow for the Commonwealth to shift its efforts in response to that valuable experience. The Commonwealth's many actions to implement Act 18 thus again simply reflect the Commonwealth taking full advantage of the flexibility accorded it under Act 18 to implement its provisions in a manner designed to ensure that no eligible voter be denied the franchise.

**IV. THE LEGISLATURE, THROUGH ITS CAUCUSES AND THEIR MEMBERS, REACHED OUT TO CONSTITUENTS REGARDING THE REQUIREMENTS OF ACT 18.**

Although the Commonwealth may have been statutorily charged with public education efforts relating to Act 18, they were hardly alone in the extensive outreach to voters that has subsequently taken place. One of the traditional and recognized aspects of legislative service in Pennsylvania is commonly referred to as "constituent service." State legislators serve as the front door for state government in their communities. They are the single most accessible resource point for government information that most Pennsylvanians have. They often maintain government applications and information for constituents to use. Further, legislators and their offices serve as an educational resource to inform constituents about bills before the General Assembly and laws which have been passed, such as Act 18.



During the debate on HB 934, several legislators discussed this legislative practice in the context of Voter ID. Representative Clymer offered his opinion on the obligations of legislators to provide information and assistance to citizens, stating that legislators “should be very proactive.” 2012 Pa. Leg. J. 364 (March 13, 2012). Representative Knowles contributed his perspective as follows:

One of the speakers, the gentleman from Philadelphia I believe it was, said that he was going to do everything that he had to do to make sure that every person in his district that was eligible to vote is going to vote. Well, let me tell you something, Mr. Speaker: I am going to do something too .... my legislative office will help them with whatever paperwork they need to make sure that they can get that ID that they can use when they go to vote.

2012 Pa. Leg. J. 368 (March 13, 2012).

These legislators were not lonely voices in the wilderness. The Republican Caucus of the Pennsylvania House of Representatives has engaged in aggressive outreach to constituents concerning the requirements of Act 18. The day after Act 18 was signed into law, an informational package was posted to the website of the Republican Caucus, a copy of which is attached under Tab A. This information was maintained until it was replaced with a banner and hyperlink to the Department of State’s Voter ID web page (votesPA). See <http://www.pahousegop.com>. The Democratic Caucus of the Pennsylvania House of Representatives appears to be equally aggressive in its outreach efforts. The Democratic Caucus, for example, maintains a web page devoted to information about the Voter ID Law. See <http://www.pahouse.com/voterid.asp>. This is in addition to what have undoubtedly been numerous efforts by its constituent members to convey information to the residents of their legislative districts.

Act 18 outreach by individual members of the House Republican Caucus *so far* has included links and other information on legislator's web pages; press releases and op-eds; mass e-mails (a total of 244,845 e-mails have been sent so far, mainly to lists of civically active constituents who have affirmatively signed up to receive legislative updates); telephone town halls; social media posts; radio spots; video spots; constituent newsletters numbering more than 815,000; and town hall and senior center meetings. As demonstrated by the map found at Tab B, every House Republican legislator has engaged in outreach to constituents about the requirements of Act 18. And, of course, the assistance has been the same no matter the political affiliation of the individual constituent.

This outreach has supplemented rather than supplanted the comprehensive and ongoing efforts of the Pennsylvania Department of State, other executive agencies, outside groups and the news media; Pennsylvania's Voter ID law has become ubiquitous.

## CONCLUSION

“Voter identification is designed not to infringe upon the sanctity of each citizen’s vote, but to safeguard the sanctity of each citizen’s vote. We are protecting the individual’s right in a democracy.” 2011 Pa. Leg. J. 1450 (June 23, 2011) (remarks of Rep. Turzai). Through the vast public education efforts and liberal access to proof of identification for those legally able to vote, via DOS cards and the various other cards recognized by Act 18, no eligible voter who wants to vote in November will be denied the right to vote in November. And now Act 18’s common-sense and constitutional identification requirements will protect the integrity of each such vote that is cast. For all the foregoing reasons, *Amicus Curiae*, the Republican Caucus of the Pennsylvania House of Representatives, requests that this Court deny the Applewhite Petitioners’ Application for Preliminary Injunction.

Respectfully submitted,



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Dated: September 24, 2012

**CERTIFICATE OF SERVICE**

I, Rodney A. Corey, Esq., certify that on this 24<sup>th</sup> day of September 2012, caused a copy of the foregoing Brief for *Amicus Curiae* to be served via electronic and overnight mail upon the following:

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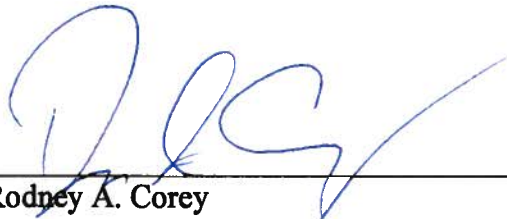
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# Tab A

**Text on PAHouseGOP.com voter ID page from March 15, 2012 until the PAHouseGOP.com voter ID link was switched to VotesPA.com**

**A new law is in place in Pennsylvania that requires all voters to show a valid photo ID at the polling place in order to cast their vote.**



**Here are the details you need to know about the new law:**

### **Will this law be in effect for the Nov. 6 general election?**



**Yes. Poll workers will ask voters for photo identification for the Nov. 6 general election.**

Those who don't have photo ID for the general election may cast a provisional ballot. Those voters would then have six days to go to their county election board to show valid identification. Additionally, voters may submit an electronic, facsimile or paper copy of the affirmation and the proof of identification to their county election board. **NO ONE** legally entitled to vote will be denied the right to do so.

Voters who do not have a valid form of photo ID may obtain one from PennDOT at no cost. Information on how to do so is listed below.

### **What photo ID is acceptable for me to use in order to cast my ballot?**

Valid forms of identification must include a name, photo and expiration date, except when an individual presents a military ID card. A driver's license or ID card issued by PennDOT, military ID cards (including ones from the PA National Guard), cards issued by an accredited Pennsylvania university or a licensed nursing home will all be accepted.

#### ***Here are the specifics on the acceptable forms of ID:***

- Identification issued by the United States government that includes my name, a photograph, and an expiration date that is not expired. \*
- Identification issued by the Commonwealth of Pennsylvania that includes my name, a photograph, and an expiration date that is not expired (unless issued by the Department of Transportation, then the expiration of the identification cannot be more than 12 months past the expiration date).

- Identification issued by a municipality of this Commonwealth to an employee of that municipality that includes my name, a photograph, and an expiration date that is not expired.
- Identification issued by an accredited Pennsylvania public or private institution of higher learning that includes my name, a photograph, and an expiration date that is not expired. (Note: Pennsylvania residents who attend college out of state will not be able to use their student IDs to vote.)
- Identification issued by a licensed Pennsylvania care facility that includes my name, a photograph, and an expiration date that is not expired.

For those with religious objections to being photographed, a valid without-photo driver's license, or a valid without-photo card issued by PennDOT will be acceptable forms of ID at the polls.

*\*In the case of a document from an agency of the armed forces of the United States or their reserve components, including the Pennsylvania National Guard, that establishes the voter as a current member or a veteran of the United States Armed Forces or National Guard and that does not designate a specific date on which the document expires, the document must include a notation indicating that the expiration is indefinite.*

## How Does This Law Affect Voting by Absentee Ballot?

Voters must provide drivers license number, last 4 digits of Social Security Number, or a copy of an accepted photo ID when applying for an absentee ballot.

Voters may provide identifying number to county over the phone, by email or mail.

Identification will be verified by the county board of elections before the voters ballot will be counted. Voters have 6 days following an election to provide the necessary identification.

UOCAVA voters and voters affected by the Voting Accessibility for Elderly and Handicapped Act are exempt.

## How Do I Obtain a Valid Photo ID from the Commonwealth of Pennsylvania if I Don't Already Have One?



If you don't have any of the five allowable forms of ID and wish to apply for a free photo ID from the state, you must declare under oath or affirmation by completing the Oath/Affirmation Voter ID form that you do not possess any qualifying identification.

**\*\* The \$13.50 fee for acquiring an Identification Card will be waived for individuals completing the Oath/Affirmation Voter ID form. \*\***



PennDOT has announced that it will coordinate with other state agencies to offer special hours, as well as shuttles for seniors to get the proper identification. Details regarding those options will be posted on this page as they become available.

Here are the steps, after completing the oath, that you'll take to apply for a free photo ID card from PennDOT.

**Step 1**

To obtain a Pennsylvania photo identification card, an individual needs to visit a Pennsylvania Department of Transportation Driver License Center with a completed [Application for an Initial Photo Identification Card \(formDL-54A\)](#), and the following:

Social Security card  
AND

One of the following:

- Certificate of U.S. Citizenship
- Certificate of Naturalization
- Valid U.S. passport
- Birth certificate with a raised seal

PLUS

- Two proofs of \*residency such as lease agreements, current utility bills, mortgage documents, W-2 forms, tax records.

\*Students at least 18 years of age: Accepted proofs of residency include the room assignment paperwork (considered a lease) and one bill with their dorm room address on it. Bank statements, paystubs and credit card bills are all acceptable. Other individuals who may not have any bills, leases or mortgage documents in their name may bring the person with whom they are living along with their driver's license or photo ID to a driver license center as one proof of residence.

**Step 2**

When their application and supporting documentation have been reviewed and processed, a Driver License Center staff member will direct the applicant to the Photo Center to have their photo taken for their Photo ID card.

**Step 3**

Once their photo has been taken, they will be issued a photo ID card.  
Additional information at the [PennDOT Photo ID Website](#)

To find the Driver License Center nearest you, and learn what identification and residency documentation you will need to get a photo ID visit [PennDOT's Voter ID website](#) or call the Department of State's Voter ID Hotline at 1-877-VotesPA (1-877-868-3772).

# Tab B

# Legislative Districts Where Voter ID Outreach Was Conducted

