

ELECTIONS

Cure is worse than disease when it comes to voter ID law

By Mark P. Jones

In principle, any effort to safeguard our voting system is meritorious. However, in its zeal to eliminate a tiny number of isolated and uncoordinated instances of electoral fraud in the form of voter impersonation, the Texas voter ID law (SB 14), passed in 2011 and presently under review by the U.S. District Court in Washington, D.C., erects a substantial barrier to participation for hundreds of thousands of Texans. The law would effectively disenfranchise a large number of citizens who lack the photo identification required by the law and are unable or unwilling to invest the time and money necessary to obtain the election identification certificate (EIC) offered by the state. Viewed in its most favorable light, SB 14 is an attempt by Republican leaders to satisfy a longstanding demand of GOP activists, and, at its worst, a concerted effort to gain electoral advantage vis-à-vis the Democratic Party through vote suppression.

SB 14 would burden many lower-income voters with nontrivial costs, tantamount to a poll tax, such as purchasing a birth certificate and arranging for transportation and forgoing a day's wages to visit a Department of Public Safety (DPS) office to obtain an EIC. It would force a myriad of Texans to choose between putting food on the table for their children and voting. One of the law's principal weaknesses is its failure to make a serious effort to address this cost issue, a flaw likely to result in the federal courts preventing SB 14 in its present form from ever being enforced.

Nearly one out of every three Texas counties lacks an operational DPS office, and no office is open after 6 p.m. or on weekends. DPS offices in the largest urban counties are limited in number, with the closest location often a substantial distance from the home of many residents. For instance, not one of the DPS offices in Harris County is inside the 610 Loop. Additionally, most DPS offices are poorly served by mass transit, a significant issue given that a large proportion of those in need of an EIC lack a driver's license. Finally, waits of two to three hours are not uncommon at DPS offices.



Michael Paulsen / Houston Chronicle

Attorney General Eric Holder told the NAACP National Convention in Houston last week that voter ID laws are comparable to poll taxes.

The level of access to DPS offices in Texas contrasts markedly with that in Indiana, whose 2005 photo identification law was determined to be constitutional by the U.S. Supreme Court in 2008. Every Indiana county has at least one Bureau of Motor Vehicles office, and those offices are generally open for four hours on Saturday. Indiana's most populous county (Marion) has 12 offices for the 911,000 inhabitants residing within its 396 square miles, one office more than Harris County, which has a population (4.181 million) and land

area (1,704 square miles) more than four times that of Marion County.

Ironically, SB 14 does not address the most common type of voting malfeasance in Texas: mail-in ballot fraud. While rare, it nonetheless is a problem of equal, if not greater, concern than voter impersonation fraud. And yet, SB 14 does nothing to combat it, neglecting to follow the example of a half-dozen states that mandate a voter's signature on the mail-in ballot envelope be verified by a notary public or two witnesses. Under SB 14, a photo ID is not

required to vote by mail.

When crafting SB 14, lawmakers likely determined that the negligible benefits in fraud prevention obtained by enhancing the integrity of the mail-in ballot process paled in comparison to the negative impact this reform would have on Texans, primarily those 65 and older, by making voting by mail more difficult for some and leading others to refrain from casting a ballot altogether. However, this same logic holds for SB 14's photo ID requirement, which provides a minuscule enhancement in electoral integrity at the cost of placing even more onerous demands on a larger number of Texans.

One area where these two measures differ is in the demographic and partisan composition of the registered voters affected. The photo ID requirement would disproportionately affect African-Americans and Hispanics, two groups that voted overwhelmingly (98 percent and 64 percent) for Democrat Barack Obama in 2008.

In contrast, a notary/witness requirement for mail-in ballots would disproportionately affect voters age 65 and over, a group that largely (67 percent) backed Republican John McCain in 2008 (Anglos account for more than two-thirds of senior voters in Texas, with 79 percent voting for McCain). In Harris County, 63 percent of those who voted by mail supported McCain, compared to 48 percent who cast their ballot in person.

If the sole effect of the Texas voter ID law was merely to remedy an essentially nonexistent problem, there would be little reason to object to its enforcement. This is, however, not the case. The law would increase the costs associated with voting for hundreds of thousands of Texans as well as depress the overall level of voter turnout from what it otherwise would have been in the law's absence. Upon reflection, SB 14 appears to have less to do with safeguarding elections and more to do with appeasing portions of the Republican party base and potentially, if the law is eventually enforced, reducing the vote share of Democratic Party candidates in many races across Texas by perhaps a few percentage points.

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POWER

Texas can take measures to avoid blackouts

By Bill White

Power blackouts rolled through Texas twice last year. This summer the state's grid operator warns that very hot weather "would result in the need for rotating outages to maintain the integrity of the system as a whole." A consultant hired by the Public Utility Commission, or PUC, politely advised the state last month to manage "public expectations about reliability implications" of its policies. After talking to power traders, one columnist (Loren Steffy, Chronicle, "Power market lurches along," Page D1, July 1) used less guarded language. He likened us to passengers aboard "the Titanic," before whom "the hottest stretch of summer looms like an iceberg on the horizon."

Texas is the only state in the nation that has no legal means to secure a reasonable and prudent amount of backup power — in industry jargon, "a reserve margin" — to avoid blackouts. And no, this is not some Texas tradition. Until 1999 state regulators required a reserve margin. California briefly experimented with deregulation without a reserve margin

and learned an expensive lesson. That state scrambled to avoid blackouts by paying billions in exorbitant prices and ration

power when its historical reserve margins had been contracted away before the summer of 2000.

As Houston's mayor,



Associated Press

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years ago I warned of the risk and called on Austin officials to develop a plan to secure a reasonable reserve margin.

Engineering, not politics, dictates the need for power reserves to avoid blackouts. Unlike many products, the amount of electricity consumed must always precisely equal the amount generated, since transmission lines, the "wires," must operate at a constant frequency. Blackouts occur when power demands exceed the capacity of those transmission lines or the supply of available power. Texas law allows the PUC to secure spare transmission capacity, but not to secure a modest reserve of power. So, for example, the PUC authorized billions of dollars for investments in lines bringing wind energy from West Texas. But the state does not obtain emergency use of gas-fired power during the hottest summer afternoons, when wind power predictably drops.

A prudent reserve margin serves as an insurance policy against disruptive power outages. Other states use a variety of means to spread the cost of competitively

priced power reserves. They recognize, as Texas still does for transmission, that maintaining a reserve margin is less costly than allowing blackouts to force people, businesses and medical facilities to protect their computers and other critical operations by paying a fortune for backup power at each site. Last month, the PUC acknowledged this threat and responded by sharply raising this summer's ceiling price on short-term power sales. Yet no power plant can be built in the remaining weeks of this summer. The PUC's recent action is like a driver who pays a stiff premium for extra auto insurance while veering into a lane of oncoming traffic, knowing full well that the policy will not go into effect until after the accident.

Some power retailers now claim that they lack the financial capacity to honor existing contracts if power prices spike when suppliers reach full capacity. That is why my request to state officials, five years ago, also urged rules against "excessive debt on retail or transmission providers." That request was made promptly after news of a proposed sale of the state's largest utility to

a leveraged buyout firm. Although the PUC did limit buyout debt imposed on the acquired transmission operations, it failed to protect the balance sheet of the retailer. Now that retailer's holding company, burdened with debt, reports a negative net worth of \$6 billion. For years, many undercapitalized Texas retailers have gone out of business, unable to meet customer commitments.

As it is, any undercapitalized retailer can collect monthly bills, make profits by securing power for normal weather, and not have to secure power for peak needs or contribute to a system-wide reserve margin. The PUC cannot make rules retroactively, but it can at least learn from prior problems. If retailers do not have the equity to afford a reasonable reserve margin, then how can anyone expect adequate incentives for demand management programs or peak power supplies? The Lone Star State deserves better than the prospect of Third World blackouts.

White, who served as deputy U.S. energy secretary and Houston mayor, is chairman of Lazard Houston.