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## State will ask U.S. justice to let ID rule stay

**By Howard Fischer**

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PHOENIX — The state will ask a justice of the nation's high court to let Arizona election officials require voters to produce identification for next month's general election.

Attorney General Terry Goddard said Tuesday legal papers will be given to Supreme Court Justice Anthony Kennedy, possibly by the end of the week, asking him to void an order by the 9th U.S. Circuit Court of Appeals blocking the state from enforcing the voter ID provisions of Proposition 200 while a legal challenge to them works its way through federal court.

Goddard's move comes in response to the full appellate court refusing on Tuesday to overturn a decision by two of its judges blocking the identification rules. The attorney general said that leaves the Supreme Court as the only opportunity for relief.

His decision was a surprise to Nina Perales, the attorney for the Mexican American Legal Defense and Educational Fund.

"You're kidding," she said when informed of Goddard's decision. It was Perales who convinced the appellate court that allowing the state to require voters to provide identification would be a hardship for many Arizonans.

But Goddard said he will argue to Kennedy that changing the identification rules now, just weeks before the election, would create a real hardship for the state.

Goddard also dismissed Perales' concerns about the ID requirements causing problems at the polls. He said the rules "did not cause significant disruption" during last month's primary.

Perales said Goddard is missing the point.

"There is an untold number of people who found out about these restrictions, realized they couldn't satisfy them and didn't go to vote," she said. "There's also an untold number of people who presented (at the polls), saw the posters (about identification requirements) and didn't bother signing in but turned around and left at that point."

Kennedy is only one of the nine justices of the U.S. Supreme Court. But as the "duty justice" for cases arising out of the 9th Circuit he has the legal authority, by himself, to dissolve that court's order on an emergency basis.

Proposition 200, approved by voters in 2004, requires people to prove they are U.S. citizens before they can register. And they must present acceptable forms of identification showing their address before they can vote — usually one government-issued card with a photograph or two other forms of identification without pictures.

In the lawsuit filed earlier this year, Perales said this amounts to discrimination because Latinos are less likely to have the kinds of ID required. She argued that would deny Latinos the right to vote, running afoul of federal voting-rights laws.

The case was consolidated with a separate lawsuit charging that the requirements discriminate against the poor who are less likely to have the required documents.

U.S. District Judge Roslyn Silver refused to block the requirement while the case is being considered, allowing the Sept. 12 primary to be conducted under Proposition 200 rules.

But the appellate judges, while not ruling on the merits of Perales' argument, decided last week to have the Nov. 7 general election conducted under the pre-200 rules.

Goddard said that's not fair, as election workers would have to be retrained on what they can ask would-be voters. "In the time we have left, it's virtually impossible to do that," he said.

Perales said Goddard is ignoring the fact elections in Arizona were conducted under the old rules "for years." She said many people who worked elections before will be at the polls next month.

The appellate court ruling has provoked anger by many backers of Proposition 200.

The latest manifestation is a rally planned at noon Friday at the state Capitol being organized by the Mohave County Minutemen. That group, which is not affiliated with the Minuteman Civil Defense Corps, is promoting "one hour of silence to express our rage" against the "treasonous 9th Circuit Court judges."

The e-mail notifying people of the demonstration urges them to bring their own flags, their own gags and "exercise your 2nd amendment rights," the right to keep and bear arms.

Zach Petersen, a member of the group who is promoting the Friday demonstration, said that simply recognizes that "in Arizona anybody has the right to openly carry" a weapon. He said the group was neither promoting nor anticipating violence.

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