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A wave of new voter identification legislation is occurring throughout the U.S. in time to have an impact on the upcoming presidential election – a critical election that could affect our national direction on health care, taxes, the budget, the vision for our country and more.



# Do we need stricter voter identification laws?

A wave of new voter identification legislation is occurring throughout the U.S. in time to have an impact on the upcoming presidential election – a critical election that could affect our national direction on health care, taxes, the budget, the vision for our country and more.

## Voter identification across the U.S.

According to Ballotpedia (updated August 2012), 15 states now require photo identification and 35 states have non-photo requirements.

Valid forms of photo IDs often include:

- A valid driver's license
- Military identification
- A state identification card
- United States passport
- Student identification

If valid identification is not provided, most states issue provisional ballots. Voters must sign an Affidavit of Identity and their vote is counted once their eligibility is confirmed, typically within a few days.

Mississippi, South Carolina and Texas are among the states with new strict photo ID laws that may take effect before

## Expected turnout

Local officials expect a voter turnout for the upcoming 2012 election to be comparable to the turnout for the last presidential race in 2008: 68%.

the November 2012 presidential election (although new voter identification laws in Texas and Florida were overruled recently). Other new laws may take effect in 2014 or after cleared under Section 5 of the Voting Rights Act.

Legislation is pending in 32 states so far: new voter ID proposals in 14 states, proposals to strengthen existing voter ID laws in 10 states, and bills in nine states to amend the new voter ID laws passed in 2011.

## Need an ID?

If a citizen does not have a driver's license, they may obtain a government-issued ID card from Daviess County Circuit Court Clerk Susan Tierney for \$12. If a letter is provided that verifies that the applicant is poor or homeless, the cost of the ID is reduced to \$4 and is good for one year.

A national ID initiative has been adopted, but not yet implemented.

## Kentucky law

Kentucky is among the states with a non-photo ID law. This means that voters are required to produce identification; however, the identification does not need to feature a photograph. Election officers can also confirm identities by personal acquaintance or through documentation.

Voters must produce one of the following five forms of identification:

- Personal Acquaintance (in which a poll worker verifies that the voter is the person they claim to be)
- Driver's License
- Other ID (e.g., student ID)
- Social Security ID card
- Credit Card

According to Richard House, Chief Deputy in the Daviess County Clerk's Office, 95 percent of voters in Daviess County present a driver's license to the poll worker.

"I don't see the need for additional laws or changes in the current law," said Daviess County Court Clerk David "Oz" Osborne.

## Students, minorities and voter ID laws

In some states, proposals have been adopted or are under consideration that

- would not allow student IDs to be used to qualify voters
- would not allow student IDs to be used if they do not have an expiration date
- would not allow out-of-state students to use student IDs if they do not have a driver's license from the state of the school they attend
- limit "third party" organizations, including student groups, from registering new voters.

In some states, handgun licenses would be acceptable forms of photo IDs but student IDs would not.

Young voters – students on university campuses, for example – often do not have automobiles. Consequently, many do not have driver's licenses. Moreover, some states require that a student ID include an expiration date, but many do not know that they need an expiration sticker or where to get one.

Many students have difficulty voting because they have out-of-state driver's licenses. (Penn State, for example, enrolls 10,000 students from other states.)

Given their mobility, college students and voting can be complicated if students have not lived in a precinct for a designated period of time.

Eight percent of white, voting-age U.S. citizens do not have a government-issued photo ID, compared to 25 percent of blacks.

## Does one vote matter?

In 1983, veteran Owensboro City Commissioner Alton Puckett was defeated for re-election by one vote.

In the 1960 presidential election, John F. Kennedy's narrow margin of victory over Richard Nixon was equivalent to one vote per precinct.

The 2004 election (Bush v. Gore) was decided by a 537-vote margin in Florida, with 12,000 eligible voters wrongly purged from the rolls, according to the Brennan Center for Justice.

## Why is this important to the candidates and political parties?

The 2012 Voter ID debate is increasingly intense as it appears that the presidential race will again be close.

In 2008, young voters supported Barack Obama by a 2-1 margin and were largely responsible for his election. The Center for the Study of the American Electorate predicts that more than 80 million eligible voters will not vote in 2012. Those unlikely voters back Obama's re-election over Mitt Romney by more than 2-1.

Mike Turzai, Pennsylvania's majority leader (Republican) said the "Voter ID (law) ...is going to allow Governor Romney to win the state of Pennsylvania, done."

## Partisan spin

- Proponents of change, typically Republican, say that voter ID laws should be strengthened to reduce voter fraud and ensure the integrity of the election process.
- Opponents say that stricter voter ID laws are more about suppressing the vote from traditionally Democratic voters and the younger voting bloc.

### Proponents of stricter voter ID laws say...

During the 2012 assembly of the Kentucky state legislature, Representative Joe Fischer (R-Fort Thomas) filed a voter ID bill but the proposal did not make it out of committee.

Kentucky's U.S. Senator Mitch McConnell supports stricter voter ID laws to combat voter fraud and to protect the integrity of elections. "Voter fraud is not imaginary: federal prosecutors recently convicted or accepted guilty pleas from 11 people seeking to defraud elections in Breathitt County (Ky)."

Photo IDs are required "to board airplanes, buy cigarettes or alcohol... the U.S. is the only industrialized nation that does not require ID to vote," McConnell said.

Despite a strict photo ID law in Indiana, Obama carried the state in 2008.

According to a USA Today/Suffolk University poll, 75 percent of the public think that citizens should be required to show a photo ID before voting.

### Opponents of stricter voter ID laws say...

Others see the various voter ID initiatives as deliberate attempts to suppress the vote of traditionally Democratic voters: the poor, elderly, young and minorities. For instance, they cite the impact of stricter laws in Indiana and Georgia where more than 1,200 temporary ballots were thrown out.

As for voter fraud, according to a Justice Department investigation during the George W. Bush administration, only 86 people were convicted for voter fraud in federal elections involving millions of people.

The Republican National Lawyers Association identified election fraud prosecution of less than one per state per year over a decade.

"We don't have a problem with voter fraud in Daviess County," said David "Oz" Osborne, Daviess County Clerk.

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# Public deliberation and our community “wish list”

## Latest list of community project priorities

Prior to Kentucky’s 2012 legislative session, a coalition of local leaders and organizations representing the City of Owensboro, Daviess County Fiscal Court, Greater Owensboro Economic Development Corporation and Greater Owensboro Chamber of Commerce identified and promoted an ambitious list of community projects and priorities for state government funding.

## Status of state government support from the 2012 general assembly

However, the global recession and a sluggish economic recovery took its toll on state government revenues. According to Nate Pagan, project manager of the Daviess County Fiscal Court, Owensboro-Daviess County did not fare well in the projects proposed during the 2012 Kentucky legislature:



### International Bluegrass Music Center

No state support. The City of Owensboro committed \$3 million toward a \$10 million project. Private fundraising is underway.



### Completion of Advanced Technology Center at Owensboro Community and Technical College

No state support. Dropped from first priority of the Kentucky Community and Technical College System to seventh.



### Classroom building at Western Kentucky University – Owensboro

No state support. Project is the fifth priority of Western Kentucky University.



### Family Court

No state support. Proposal through the state Administrative Office of the Courts rejected by the legislature. There are family courts in 72 of 120 Kentucky counties.



### Osteopathic medical program

No state support. Project in the planning stages.



**Extending water lines to all homes in Daviess County**

No state support. Daviess County Fiscal Court plans to apply coal severance funds to advance the project.



**Owensboro Museum of Fine Art Expansion**

No state support. Funds were allocated through coal severance funds, but receipts did not reach projections.



**Painting of the Glover Cary Bridge**

No state support. However, \$8.5 million is included in the FY 2013 state transportation budget.



**Extending Grimes Avenue**

No state support. Project in the planning stages.



**Upgrading U.S. 231 in Indiana and the Natcher Parkway to become an interstate spur**

No state support. Project in the planning stages.



**Improving Thruston-Dermont Road**

No state support. However, \$500,000 is included in the FY 2015 state transportation budget.

### Being prepared in case projects are funded

The next legislative session is not a budget session, but in the past, this has not prevented certain projects from being funded when supported by influential officials. Given that the 2013 state general assembly will convene in a few months, Representative Tommy Thompson encourages Owensboro-Daviess County to “move forward, prioritize local projects and ensure that key local leaders are on the same page.”

### Independent initiatives occur

A united coalition is important and valuable, but independent advocates typically mobilize – sometimes quietly – to promote their own projects to the governor or legislature even when the projects are not included on the community wish list.

### Some prefer that we not seek state funds

To reduce government spending and help balance the budget, some citizens and organizations prefer that Owensboro-Daviess County set an example and decline state support for projects. Others say that such a practice could make sense when competitor communities agree to the same practice; otherwise, local tax money would be used to fund projects in other Kentucky cities and counties.

### Can these projects be funded privately?

Nearly all of the projects on the list are considered public

infrastructure projects: roads, bridges, public education and the courts, and will likely require some combination of local, state or federal government support.

Even when certain projects cannot be funded or financed publicly, project advocates point to the revenue that various

projects generate in a broader sense. For example, a museum attraction can increase property values and property taxes, sales tax receipts, hotel tax receipts, revenue for gas stations/convenience stores, restaurants, retail shops, occupational taxes from the jobs created and more.

### The public deserves to be in the loop

For nearly a decade, the Public Life Foundation of Owensboro (PLFO) has encouraged a more public process to identify and prioritize community projects for consideration by the state legislature and the administration. Typically a few public officials and the leadership of the Chamber and EDC determine the community wish list.

PLFO proposed a mechanism through which these projects could be objectively described, discussed and ranked based on pre-established criteria. The public could then participate in this process and rank the projects through public forums, surveys, focus groups and more.



The public deserves to be in the loop in identifying and prioritizing proposals to state government.



## Recent air quality rankings, health implications

An August 2012 report of the National Resources Defense Council (NRDC) ranked Kentucky as the worst state in the U.S. for toxic emissions. Nearby states also ranked poorly: Ohio (second), Indiana (fourth) and West Virginia (fifth).

The report, “Toxic Power: How Power Plants Contaminate Our Air and States,” goes on to say that despite the troubling health and environmental consequences of current facilities and practices, by 2015 new mercury and air toxic standards will reduce

- mercury pollution from 34 tons to seven tons (79 percent reduction)
- sulfur dioxide from 5.1 million to 1.9 million tons (63 percent reduction)
- hydrochloric acid from 106,000 tons to 5,500 tons (95 percent reduction)

Whether utilities stay with coal-fired power plants or convert to natural gas, new technologies or renewable sources, conformance to these new regulations will be costly, but the report also points to the following public health benefits by 2016:

- 11,000 fewer premature deaths
- 130,000 fewer asthma attacks
- 5,700 fewer hospital visits
- 4,700 fewer heart attacks
- 2,800 fewer cases of chronic bronchitis

Moreover, reductions in mercury emissions will reduce occurrences of neurological and developmental damage to fetuses, pregnant

## Perspectives on air quality initiatives

### U.S. Representative

#### Brett Guthrie:

“(I am ) concerned about some of the requirements handed down from federal regulatory agencies – including the one involving mercury emissions that will impact Owensboro-area coal-fired power plants... That one regulation will affect Century Aluminum, where jobs are at stake... this new regulation requires power plants to get to a mercury (emissions) level you can’t even measure... We’re not talking about putting high levels of mercury into the Ohio River and killing fish.”



### President Barack Obama:

“I will not back down protecting our kids... Over the years, the (Clean Air) law was never fully implemented. Special interest groups kept delaying the process... these are common sense, cost-effective standards.”



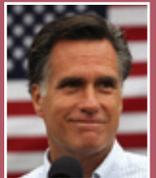
“I think clear air is important. I think global warming is important... but the notion of no coal is an illusion...”

“If technology allows us to use coal in a clean way, then we should pursue it.”

### U.S. Presidential Candidate

#### Mitt Romney:

“Massachusetts has been a national leader in the effort to clean up our oldest and dirtiest power plants. The implementation of these new mercury standards, coupled with major reductions in other air pollutants now underway, will ensure that the citizens of the Commonwealth will breathe the cleanest air possible.”



In a 2012 campaign statement, Romney opposed a landmark environmental regulation controlling mercury and other toxic air pollution from power plants.

“President Obama cannot claim to support clean coal while imposing regulations that his EPA admits would prevent another coal plant from ever being built.”

women, infants and children, those most vulnerable. And currently, there is a fish advisory in all Kentucky waterways.

Local impact is difficult to estimate, but could be proportionately worse given our region's proximity to the nation's highest concentration of coal-fired power plants. There are 22 coal-fired power plants in Kentucky; nine in the Owensboro-Daviess County area.

According to the NDRC report, the new regulations will save \$37-\$90 billion in health care costs and prevent up to 540,000 missed work or sick days annually.

In Kentucky, the Electric Sector Toxic Air Pollution total is more than 40 million pounds. Thirty-two states emit fewer than three million pounds of these pollutants.

For 2010, the Paradise plant in Muhlenberg County was listed as the top power plant polluter in the nation at 7.8 million pounds. Three other Kentucky plants made the top 10 list.

The Owensboro Municipal Utilities (OMU) Elmer Smith Station was not listed. The Smith station was built in 1964 and the utility has spent \$ 173 million since that time on emission control equipment. OMU General Manager Terry Naulty estimates that the mercury control technology could cost the utility up to \$25 million.

According to the NRDC, coal- and oil-fired power plants account for nearly 44 percent of all reported toxic pollution from industrial sources. Older coal-fired power plants are the greater challenge.

However, more than 92 percent of Kentucky's electricity comes from coal, and Kentucky's low energy cost has been a decisive factor in landing several major manufacturing facilities – particularly the aluminum industry in nearby Hancock County.

Given the age of OMU's Smith Station, the cost of the upgrades that will be required to meet higher emission control standards, the increasing competitiveness of alternative sources (particularly natural gas), and growing concerns about climate change, local officials are already identifying and examining options for future power generation to meet the needs of our community.

Since each option involves advantages and disadvantages, tradeoffs and consequences, this strategic community decision would be well-served to incorporate balanced and deliberative public dialogue. OMU is owned by the citizens of Owensboro and its net revenues are vital to the city government budget. The public deserves to be educated and involved in a substantive way.

As Massachusetts governor, Romney joined other northeast states in suing the EPA to demand that the new rules on mercury be enforced. "We have to find ways to keep pollution from one state overwhelming the ability of another state to have clean air."

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**U.S. Environmental Protection Agency:**

"To develop these (new mercury and toxic) standards, EPA worked extensively with a broad array of stakeholders, including the public, environmental and health groups and industry, receiving over 900,000 public comments which helped inform the final standard."

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**U.S. Senate Republican Leader Mitch McConnell:**

"(The new clean air rules) threaten thousands of coal mining and aluminum industry jobs, and we must rein in the Obama EPA and their continued assault on Kentucky jobs and their families."



"Although the Democrats in Washington, the Obama Administration, and Lisa Jackson and the EPA will never say so, the truth is obvious. They have declared war on Kentucky's coal industry."

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**Kentucky Governor Steve Beshear:**

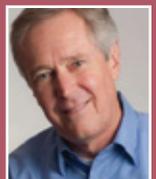
"I am disappointed that the federal government's war on coal, which I am fighting against every single day, is now threatening to cause drastic utility rate increases."



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**James Fallows, Atlantic Monthly**

"... the only way to meet the world's energy needs, and to arrest climate change before it produces irreversible cataclysm, is to use coal – dirty, sooty, toxic coal – in more-sustainable ways. The good news is that new technologies are making this possible... If we are serious about global warming, America needs to work with China to build a greener future on the foundation of coal. Otherwise, the clean-energy revolution will leave us behind."



# Family court advocates still pushing

For more than a decade, local officials have seen 72 family courts established across the Commonwealth – and nearly all of them are in communities smaller than Daviess County.

A family court is recommended highly by local judges, attorneys, social workers, parole officers and other officials. It would bring about a more coordinated, streamlined judicial process and case management involving parents, guardians, foster parents, teachers, counselors and more – working as a team to improve the prospects for families at risk and in crisis.

Space to accommodate a family court could be a challenge in Owensboro-Daviess County. The \$5 million Morton Holbrook Daviess County Judicial Center was near capacity when it opened in 1990. “We would need space equivalent to another floor of the Judicial Center,” said Daviess County District Court Judge Lisa Jones. “The current facility was not designed by people who knew courthouses, and security has changed so much that we needed to reconfigure the entrance,” she added.

Efforts have been made to secure state funds for a new Daviess County Judicial Center comparable to facilities in Madisonville (\$19.4 million), Shelbyville (\$22 million), Somerset (\$23.7 million), Frankfort (\$29.1 million), Campbell County (\$31.1 million), Pike County (\$38.9 million) and others. A family court could move into such a center. However, given the condition of state government financ-



A sample of new judicial centers across Kentucky, many of which include facilities for family courts.

es and competing local priorities, a new or expanded judicial center and family court have not gained significant momentum.

“Of course funds are tight, but a family court would come out of a different pot of money so that it would not compete with projects like the Advanced Technology Center at Owensboro Community and Technical College, the painting of the bridge, roads and so on,” said Judge Lisa Jones. In addition to the judgeship, a family court operating budget would require funds for a staff attorney, secretary and case worker.

A family court would be established at the circuit court level, so the court would pull cases from the other Circuit Court Judges Jay Wethington and Joe Castlen, as well as District Court Judges Nick Burlew, David Payne, and Lisa Jones. This would bring together cases involving divorce, adoption, parental rights, juvenile delinquency, neglect, abuse, child support, domestic violence, juvenile status offenses and more.

“A family judge would lighten the load of circuit judges. It would provide continuity, and treat and counsel families as units, so that service providers can focus on the overall situation and needs,” said Judge Jones. “The family courts have been well-received in other cities,” she said.

“No one is really against this. The Daviess County Bar Association is for it. It’s all about money. The local coalition of advocates needs to speak out.”



# Pursue civic engagement to generate public knowledge, not public input

For more than a decade, the Public Life Foundation has facilitated broad and meaningful citizen participation through a process of **information > deliberation > action**.

The observations of the Harwood Institute (below) challenge us to a more meaningful and effective process of civic engagement. There is a difference in allowing public input versus drawing from the knowledge and experience of the people.

To the many citizens who have participated in our town meetings, forums, workshops, focus groups and more... here is something for us to think about:

### In generating public input, we often:

Ask each person to give his or her individual view and quickly – “Please line up at the microphone in front; you have two minutes each.”

Assume that we can add up all these individual responses and thus figure out what people as a whole believe.

Set as a goal getting as many people as possible to speak: Credibility is gained through numbers.

Focus on individual opinions or preferences (often expressed as what someone “thinks” or “wants”).

### In generating public knowledge, we:

Encourage give-and-take between and among people, which requires time.

Ask people to consider different perspectives and points-of-view and to weigh choices and trade-offs against each other.

Set as a goal discovering what people hold valuable: their aspirations, common purpose, directions for action, willingness to act.

Recognize that, while everyone has self-interests, people also have the capacity (and desire) to act as citizens and are willing to consider others’ interests as well as their own.

### The Harwood Institute for Public Innovation

(Shared by Mattice Haynes, AmericaSPEAKS)

## Upcoming opportunities for civic dialogue

For more information, contact Shelly Nichols, PLFO Director of Civic Engagement (685-2652 or shelly.nichols@plfo.org)

### “The Weight of the Nation”

More than 20 public viewings of a four-part HBO documentary followed by discussions and report to our community.

### “Civic Literacy and Responsibility”

Lecture by *Courier-Journal* columnist Al Cross

### Carbon Nation

Film screening and Q & A with filmmaker Peter Byck

### Owensboro-Daviess County Candidate Forums

(hosted by Citizens for Good Government)

### Kentucky Nonprofit Leadership Forum

### Kentucky Engagement Conference

### Kentucky Youth Advocates Public Forum

Ali Center, Louisville