

# United States Senate

WASHINGTON, DC 20510

June 29, 2011

The Honorable Eric Holder  
Attorney General  
United States Department of Justice  
Robert F. Kennedy Building  
950 Pennsylvania Ave., N.W.  
Washington, DC 20530

Dear Attorney General Holder:

We are writing to express our concerns about highly restrictive photo identification requirements under consideration or already signed into law in several states. These measures have the potential to block millions of eligible American voters without addressing any problem commensurate with this kind of restriction on voting rights. Studies have shown that as high as 11% of eligible voters nationwide do not have a government-issued ID. This percentage is higher for seniors, racial minorities, low-income voters and students. Voting is the foundation of our democracy, and we urge you to protect the voting rights of Americans by using the full power of the Department of Justice to review these voter identification laws and scrutinize their implementation.

Section 5 of the Voting Rights Act vests significant authority in the Department to review laws before they are implemented in covered jurisdictions. As you know, the burden of proof in this preclearance process is on those covered jurisdictions, which must be able to show that legal changes will not have a discriminatory impact on minority voters. New photo identification laws, for instance, must be subjected to the highest scrutiny as states justify these new barriers to participation. In Section 5 jurisdictions, whenever photo identification legislation is considered, the Department should closely monitor the legislative process to track any unlawful intent evinced by the proceedings.

Restrictive photo identification requirements are also being considered or have passed in states and jurisdictions that are not covered by Section 5. The Department should exercise vigilance in overseeing whether these laws are implemented in a way that discriminates against protected classes in violation of Section 2 of the Voting Rights Act. Additionally, federal civil rights law - 42 U.S.C. 1971(a)(2)- prohibits different standards, practices or procedures from being applied to individuals within a jurisdiction. We believe the Department should ensure that these photo identification laws do not violate this statute or other federal voting rights statutes.

Highly restrictive photo identification requirements at the polls can make it more difficult for well-intentioned voters to cast their ballots, and as far as America's civil rights

trajectory is concerned, that sort of effect takes America in the wrong direction. We urge you to exercise your authority to examine these laws so that voting rights are not jeopardized. We also request that you brief us on the efforts the Department is undertaking to ensure these new laws are implemented in accordance with the Voting Rights Act.

Thank you for your work protecting the civil rights of all Americans.

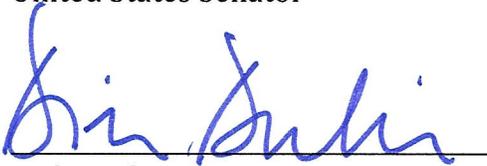
Sincerely,



Michael F. Bennet  
United States Senator



Harry Reid  
United States Senator



Dick Durbin  
United States Senator



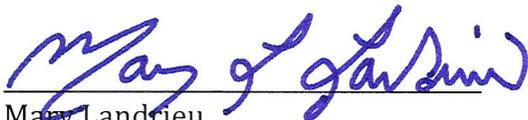
Charles E. Schumer  
United States Senator



Patty Murray  
United States Senator



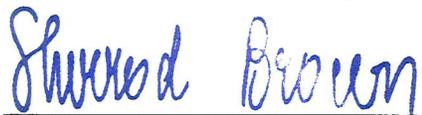
Jeanne Shaheen  
United States Senator



Mary Landrieu  
United States Senator



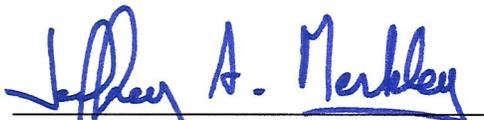
Benjamin L. Cardin  
United States Senator



Sherrod Brown  
United States Senator



Mark Begich  
United States Senator



Jeff Merkley  
United States Senator



Kirsten E. Gillibrand  
United States Senator

*Ron Wyden*

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Ron Wyden  
United States Senator

*Tom Udall*

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Tom Udall  
United States Senator

*Tom Harkin*

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Tom Harkin  
United States Senator

*Herb Kohl*

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Herb Kohl  
United States Senator