



# TRANSPARENT TIMES

A Publication of the Pennsylvania House  
State Government Committee  
Representative Daryl D. Metcalfe, Chairman

## *Voter Fraud and Transportation Security Administration Hearings*

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On March 21, 2011, the House State Government Committee held a public hearing on House Bill 934 (Metcalfe, R-Butler) and House Bill 647 (Cruz, D-Philadelphia) regarding voter fraud.

On March 30, 2011, the committee held a hearing on House Resolution 16 and House Bill 852 (Representative Will Tallman, R-Adams & York Counties), and the Transportation Security Administration's (TSA) use of full body scan machines and pat-downs at airports.

## VOTER FRAUD

House Bill 934 requires each voter to present photo identification at every election. The legislation was modeled after Indiana's photo identification (ID) law, which was upheld by the U.S. Supreme Court against a challenge to its constitutionality.

House Bill 647 will complement House Bill 934 in that the bill will provide voters with another means of obtaining a photo ID card.

Information presented by experts on voter fraud and election law made it clear that voter fraud is a real issue and therefore needs to be addressed as soon as possible, citing a number of national and Pennsylvania-based incidents of voter fraud.

Hans von Spakovsky, Senior Legal Fellow from The Heritage Foundation, described four types of voter fraud that can be prevented through the use of voter ID: impersonation at the polls, fictitious registrations, double-voting and voting by illegal aliens.

Michael Bekesha, an attorney at Judicial Watch, offered information from FBI records which showed that "those working for Project Vote and ACORN sought to 'cause confusion on election day to keep polls open longer,' 'allow people who can't vote to vote,' and 'allow [people] to vote multiple times'...the FBI found instances of canvassers thinking that if they 'used a completely fake name it would be less like ID theft.'"

Heather Heidelbaugh, Co-Chair of the National Republican Lawyers Association, presented state interests in enacting a voter ID law identified by the U.S. Supreme Court, "including: deterrence and detection of voter fraud, ...preventing voter fraud in part that results from maladministration of voter registration rolls that still include a significant number of voters that no longer live in the state or are deceased, and safeguarding voter confidence in the integrity of the voting process."

Mr. von Spakovsky also acknowledged that there is a misconception that voter ID legislation suppresses turnout of voters. He cited a study by the University of Missouri, which showed that "turnout actually increased by about two percentage points overall in Indiana in 2006 after the voter ID law went into effect. There was no evidence that counties with higher percentages of minority, poor, elderly or less-educated populations suffered any reduction in voter turnout."

Information provided by testifiers confirm that enacting stronger voter fraud legislation will help increase voter turnout, will not adversely affect any one group of voters and will further protect the people of this Commonwealth and their right to vote.



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# TRANSPORTATION SECURITY ADMINISTRATION

House Resolution 16 urges Congress to restrict TSA from using advanced imaging technology and thorough pat-downs to only those passengers who are under arrest, for whom a search warrant has been issued or where probable cause exists.

House Bill 852 creates a third degree misdemeanor of indecent assault for contacting another person's genitals or breasts in the course of conducting a body search, unless a person is under arrest, is subject to a search warrant or when probable cause for a search exists.

The Committee received testimony which raised questions regarding the effectiveness and constitutionality of the advanced imaging technology and pat-downs.

Randall Wenger, Esq., Chief Counsel at the Pennsylvania Family Council, presented his concerns by recounting an incident at a Miami airport where, "During training, a TSA worker walked through the scanner. A co-worker saw his genitals and ribbed him about it until he assaulted the co-worker. Some may not have a feel for the explicit nature of the images – but the TSA workers certainly do."

"I believe these are precisely the kind of intrusive searches against which the Fourth Amendment was intended to protect Americans," said Professor Morriss, D. Paul Jones, Jr. & Charlene A. Jones Chairholder in Law & Professor of Business at the University of Alabama stated.

Addressing the effectiveness of full-body scanners to deter terrorism, Jena Baker McNeill, Senior Policy Analyst of Homeland Security with the Heritage Foundation stated, "Screening everyone equally...increases the amount of information that security screeners must process and dilutes the ability to drill down to those individuals that represent tangible risks to the traveling public."

During the hearing, questions were also raised concerning the possible negative effects, such as radiation exposure, of pat-downs and advanced imaging technology. Professor Morriss noted that TSA records suggest that "some scanners may have been emitting more than ten times the permissible level of radiation."

Testifiers suggested amendments to House Bill 852, which would improve its chances of withstanding a possible challenge to the bill's constitutionality from those who assert that the supremacy clause precludes state action in this area. Jim Harper, Director of Information Policy Studies at the CATO Institute, expressed confidence that "the challenge to federal power in House Resolution 16 and House Bill 852 are appropriate assertions of state power."



## *Looking Ahead*

The House State Government Committee will hold a public hearing on performance-based budgeting (HB 726) in Harrisburg on April 18, 2011.

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