

US courts strike down “Voter ID” laws in four states

By Ed Hightower
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Recent court rulings concerning attacks on the right to vote in several states—North Carolina, Wisconsin, Kansas and North Dakota—underscore the deeply anti-democratic character of “Voter ID” laws, as well as the significance of the 2013 gutting of the Voting Rights Act by the US Supreme Court.

The Republican campaign against alleged vote fraud is itself a fraud, a means of blocking access to the polls on the part of voters—mainly minorities and youth—likely to vote Democratic. Impersonation of a voter is both exceedingly rare and highly inefficient as a means to steal an election. The much more likely methods of election rigging, through stuffing ballot boxes or manipulation of software in the tabulation of votes, are entirely unaffected by voter ID laws.

On July 29, the US Court of Appeals for the Fourth Circuit struck down key provisions of a North Carolina ballot access law that targeted African Americans and working class voters, in the words of the court ruling, “with almost surgical precision.”

The Republican-controlled North Carolina General Assembly prepared the law in question, SL 2013-381, on the day after the US Supreme Court handed down the reactionary ruling in *Shelby County v. Holder* in 2013, that struck down the preclearance provisions of the Voting Rights Act of 1965. The timing of the bill underscores its anti-democratic intent, and confirms the prediction of the *World Socialist Web Site* that the emasculatation of the Voting Rights Act would encourage attacks on the right to vote.

According to the opinion by Judge Diana Motz, the Republican legislators behind SL 2013-381 requested data about the state voting practices and their use *by race*. Based on the data, the General Assembly prepared to disenfranchise likely Democratic voters, using race as a predictor of voter intent. (The court

found that in North Carolina, race was a more accurate predictor of voter intent than even voting in a party’s primary). The new law restricted early voting, imposed photo ID requirements, ended same-day registration and preregistration for minors, and ended out-of-district provisional voting.

“Although the new provisions target African Americans with almost surgical precision, they constitute inapt remedies for the problems assertedly justifying them and, in fact, impose cures for problems that did not exist,” the opinion stated.

U.S. District Judge James Peterson similarly characterized parallel laws in Wisconsin, also on Friday. He described the photo ID provisions of the Wisconsin statute in question as aimed to disenfranchise likely Democratic voters, and ordered the state to facilitate means for all voters to obtain a free photo ID that would be valid for voting purposes. He also struck down restrictions on absentee and out-of-district voting, an increase in residency requirements from 10 to 28 days, and a prohibition on using expired student IDs to vote.

In the third such ruling on Friday, a judge for Sedgwick County, Kansas suspended a proof of citizenship requirement that would have affected some 17,000 voters in yesterday’s legislative and local elections, and up to 50,000 in the November election.

“Losing one’s vote is an irreparable harm in my opinion,” Judge Larry Hendricks said. Irreparable harm is something that the plaintiffs must usually show to obtain an injunction to block a law temporarily.

The proof of citizenship requirement was the brainchild of Kansas Secretary of State Kris Kobach, a leading figure in the Republican-led attacks on voting rights.

On Monday, U.S. District Judge Daniel Hovland

struck down a North Dakota voter ID law, finding that it created an undue burden for Native Americans. “No eligible voter, regardless of their station in life, should be denied the opportunity to vote,” he said.

In 2015, North Dakota lawmakers tightened photo ID requirements, banning college IDs and most tribal ID cards. The court found that nearly 24 percent of Native American voters lacked necessary ID, compared to 12 percent of non-Native voters, and that about 48 percent of Native Americans lacked the documents needed to obtain one. It also found that on average, Native Americans had to travel twice as far as non-Native Americans to obtain a driver’s license.

Earlier this month, the Fifth Circuit Court of Appeals struck down provisions of a Texas law containing an aggressive and partisan photo ID law, which allowed concealed-carry weapons permits as valid ID for voting, but not student ID cards from state universities, a combination intended to favor likely Republican voters and hinder younger voters, who tend to vote Democrat.

Details of the North Carolina bill follow those of other states, differing only in the brazenness of their discriminatory intent.

SL 2013-381 kept valid only the kinds of photo IDs more commonly held by whites, including driver licenses, while it invalidated public assistance IDs. The bill sharply reduced early voting, from seventeen to ten days. This move eliminated one of two “souls-to-the-polls” Sundays, which are get-out-the-vote initiatives rooted in the Democratic-leaning African American churches.

According to the court record, the proponents of the bill conceded that “[c]ounties with Sunday voting in 2014 were disproportionately black” and “disproportionately Democratic.”

“Thus, in what comes as close to a smoking gun as we are likely to see in modern times, the State’s very justification for a challenged statute hinges explicitly on race—specifically its concern that African Americans, who had overwhelmingly voted for Democrats, had too much access to the franchise,” the court said.

The court also found that the bill’s advocates specifically targeted and dismantled the state’s popular preregistration program, which allows high school students and others nearing voting age to register to

vote at school before they turn 18. Preregistration increased youth, African American and working class voting, and was associated with zero incidents of even alleged voter fraud.

The author also recommends:

US Supreme Court guts Voting Rights Act
[26 June 2013]

US Supreme Court ruling sparks new attacks on voting rights
[3 July 2013]

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