

US appeals court approves Wisconsin voter ID law for November election

Barry Grey
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In a sharp blow to voting rights, a three-judge panel of the US Court of Appeals for the Seventh Circuit in Chicago has overturned a lower court ruling and activated a reactionary voter ID law in Wisconsin ahead of the November elections.

The ruling came with unusual speed on Friday following a one-hour hearing held that morning. The administration of Republican Governor Scott Walker had lodged an appeal with the federal appeals court following a ruling last April by a federal district judge in Wisconsin enjoining the state from implementing the 2011 law, known as Act 23.

On Monday, Wisconsin election officials said they were delaying mailing out absentee ballots. Many absentee ballot requests had already been sent without copies of photo IDs.

The brazenly political character of the appeals court ruling is underscored by a number of factors. All three judges involved in the ruling are Republican appointees, one having been nominated by President Ronald Reagan and the other two by President George W. Bush.

The ruling takes place at the height of a hotly contested contest between Walker, running for reelection as governor, and his Democratic opponent, Mary Burke. Recent opinion polls show Burke with a slight lead.

Burke is a former business executive and multi-millionaire. Her father, Richard Burke, founded the Trek Bicycle Corporation. She is running a right-wing campaign that does not seriously challenge any of the anti-working class policies enacted by Walker. The tenor of her campaign is exemplified by a television campaign spot in which she praises Reagan and lauds his tax policies.

Judge Lynn Adelman had struck down the law on the

grounds that it disproportionately affected blacks, Latinos and other minorities and violated both the Voting Rights Act of 1965 and the equal protection clause of the US Constitution's Fourteenth Amendment. The law had been suspended since March of 2012 as a result of four different challenges in state and federal courts.

The perfunctory one-page order of the appeals court panel lifting the injunction imposed by Judge Adelman was remarkable not only for its anti-democratic substance—upholding an arbitrary requirement designed to block poor people, workers and students from voting—but also for its timing. In issuing its approval for the implementation of the voter ID law less than two months from the November 4 election, the appeals court broke from a general policy observed by the courts of not issuing such controversial decisions, with clear political and electoral implications, so close to Election Day.

The law was enacted by Walker and Wisconsin's Republican-controlled legislature the same year that Walker defied mass protests by workers across the state to impose sweeping cuts in public employee pensions and health benefits, along with spending reductions for schools and other social services, and largely stripped public-sector workers of their bargaining rights.

In early 2012, Wisconsin Republicans pushed through a law eliminating early voting hours on nights and weekends for the 2014 elections.

The raft of laws in Wisconsin and other states imposing photo ID requirements and other restrictions on access to the ballot represent an attack on the fundamental democratic right to vote and have one's vote counted. Laws similar to Wisconsin's voter ID statute are currently being contested in nearly a dozen states, including Pennsylvania and Texas.

These laws target those sections of the electorate most likely to vote Democratic, which is why they have been championed by Republican officials. In Wisconsin, for example, over 250,000 people, or one in twelve of all voters, voted early in 2012. These early voters favored Barack Obama over his Republican challenger for the presidency, Mitt Romney, by 58 percent to 41 percent.

To vote under the provisions of Wisconsin's Act 23, people must show poll workers their driver's licenses, state ID cards, some types of student IDs, military IDs, naturalization certificates or IDs issued by a tribe based in Wisconsin. Nine percent of the Wisconsin electorate lacks such identification, and it is estimated that the law will prevent hundreds of thousands of would-be voters from casting ballots.

The appeals court's ruling stated that the Wisconsin voter ID statute was "materially identical" to an Indiana voter ID law which the US Supreme Court upheld in a 2008 decision. It also asserted that the state government had introduced new procedures following last April's district court ruling making it easier to obtain photo ID cards.

The three-judge panel did not rule on the merits of the challenge to Act 23 from the American Civil Liberties Union (ACLU), the National Association for the Advancement of Colored People (NAACP) and other organizations, but only on the injunction handed down by the lower court in April. The appeals court said it would consider the substance of the case and issue a ruling "in due course."

In his April opinion, Judge Adelman had written: "The evidence at trial established that virtually no voter impersonation occurs in Wisconsin. The defendants [state officials] could not point to a single instance of known voter impersonation occurring in Wisconsin at any time in the recent past... It is absolutely clear that Act 23 will prevent more legitimate votes from being cast than fraudulent votes."

The judge went on to note that some 300,000 Wisconsinites were without the necessary identification, and that the 2010 gubernatorial election had been decided by about 125,000 votes.

Walker and other Republican officials hailed the appeals court ruling on Friday. "We are taking every step to fully implement the voter photo ID law for the November general election," said Kevin Kennedy, the

state's top election official.

Walker issued a statement declaring, "Voter ID is a common sense reform that protects the integrity of our voting process. Today's ruling makes it easier to vote and harder to cheat."

Dale Ho, director of the American Civil Liberties Union's Voting Rights Project, said: "The decision fails to protect the voters of Wisconsin and the integrity of our elections. Before today, courts considering ID laws have not allowed them to go into effect this close to an election."



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