

# Voter suppression laws on trial in North Carolina

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A federal court in Winston-Salem, NC, will begin hearings this week to determine whether voter suppression laws passed by the state legislature in 2013, violate the federal Voting Rights Act. A lawsuit seeks to restore federal pre-clearance of any changes to the state's voting laws under the 1965 civil rights law.

The suit was brought by the state chapter of the NAACP (National Association for the Advancement of Colored People), the League of Women Voters, the US Department of Justice, and a group of college students. It attacks a series of measures enacted by the legislature to make voting less convenient for voters who have difficulties with transportation or getting time off to go the polls, who are disproportionately poor and African American.

The state of North Carolina was the first to act after the June 2013 decision by the U.S. Supreme Court to overturn section 4 of the Voting Rights Act. This section of the law required federal approval of any changes in state voting laws in nine, mostly southern states, where legal segregation and racial discrimination at the polls had prevailed into the 1960s.

The 5-4 court majority claimed that there was no longer any need for automatic pre-clearance of changes in voting procedures in those states, because so much time had passed since the abolition of Jim Crow.

The Republican-controlled legislature moved quickly to prove the court majority wrong, passing a raft of restrictions aimed at reducing the African American vote in the state. None of the laws specifically targets people by race, but the discriminatory effect and intent were nonetheless clear. Among the actions:

- reduction of early voting days from 17 to 10
- elimination of automatic registration for 16 and 17-year-old high school students
- an end to same-day registration, which allowed

voters to register and cast ballots at the same time

- authorizing the presence of “vigilante” poll observers, who may seek to intimidate and mislead citizens at voting sites

The legislature also passed a strict voter ID law at the time, requiring all voters to provide state-issued photo identification at the polls, but that law was softened earlier this year to remove that issue from the constitutional challenge in the federal court.

The plaintiffs had originally sought an injunction against the laws prior to the 2014 elections. Judge Thomas Schroeder, an appointee of President George W. Bush who is hearing the case this week without a jury, denied the request. His decision was reversed by the US Court of Appeals for the Fourth Circuit, but its decision was then reversed by the U.S. Supreme Court, with the result that all the restrictions were in effect during the voting last November.

It is widely expected that regardless of the outcome of the current case, the losing side will appeal the result all the way to the Supreme Court.

That the North Carolina laws were put in place to suppress the minority vote, there is little doubt. The plaintiffs pointed out that black voters have taken advantage of early voting laws to cast their votes more conveniently (with less unpaid time off for those working) and avoid harassment at the polls.

African-Americans are 23 percent of registered voters in the state, but in the 2012 elections, African-Americans made up 70 percent of the early vote, 34 percent of those who voted without state issued ID and 41 percent of those who took advantage of same-day registration.

Attorneys for the state along with Republican legislators, on the other hand, claim that the restrictions on voting are intended to fight voter fraud. This widely

discredited lie has been commonly used by right-wing politicians as a pretext for disenfranchising working class voters. Actual proven cases of voter fraud are exceedingly rare.

An expert opinion filed by the plaintiffs in the case by Dr. Lorraine C. Minnite states: “Between 2000 and 2014, the North Carolina State Board of Elections referred just two cases of voter impersonation to county district attorneys for prosecution. Over the same period, there were no federal indictments for voter impersonation in North Carolina. More than 35 million votes (35,134,262) were cast in the 16 primary and federal elections alone between 2000 and 2014 in North Carolina. If we count the two referrals as cases of voter impersonation, the rate of voter impersonation fraud in these elections is .000005692449.”

In spite of the lack of documented fraud, state Republicans continue to assert that the measures are necessary. After signing the law in 2013, Governor Pat McCrory declared: “Even if the instances of misidentified people casting votes are low, that shouldn’t prevent us from putting this non-burdensome safeguard in place.”

North Carolina House speaker Thom Tillis admitted at the time, “There is some voter fraud, but that’s not the primary reason for doing this.” Instead, he claimed, the issue was popular fears of fraud, however unjustified, fears that have been systematically whipped up by right-wing talk radio and the ultra-right Tea Party faction of his own Republican Party.

“There’s a lot of people who are just concerned with the potential risk of fraud, and in our state it could be significant,” he said. “This is just a measure that we think makes three-fourths, nearly three-fourths of the population more comfortable and more confident when they go to the polls.”

The state’s brief scarcely concealed the racial and political motivation of the anti-voting measures, denouncing, “Plaintiffs’ argument ... that minorities are entitled to either the equivalent of election law affirmative action or practices that are favored by political organizations dedicated to maximizing Democratic turnout.”

The voter suppression laws are just the latest in a host of reactionary laws passed in recent years by the North Carolina legislature. In 2013, the state eliminated federal unemployment benefits at a time when the state

had the fifth largest unemployment rate in the country, causing 70,000 to lose benefits. In the same year the state repealed the Racial Justice Act of 2009, which allowed for defendants in capital murder cases to commute their death sentences to life imprisonment based on statistical evidence of racial bias. The state legislature also refused Medicaid expansion under the Affordable Care Act—which would have expanded coverage under the program by 500,000 people—while approving expansion of a school voucher programs to gut public education and removing the state’s ban on hydraulic fracturing.

The North Carolina laws are part of a national trend where states that were formerly covered by section 4 of the Voting Rights Act have passed laws to suppress working-class voters. In 2014, the U.S. Supreme Court refused to block Texas from implementing the most repressive voter ID law in history, disenfranchising an estimated 600,000 voters. Similar measures have also been signed into law by Republican governors in northern states in recent years, with both Wisconsin and Ohio passing voter ID laws.



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