

Ruling upholds North Carolina anti-voting rights law

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A federal district judge in Winston-Salem, North Carolina issued a sweeping, antidemocratic ruling Monday upholding all of the restrictive provisions of a state law curtailing access to the polls, including a voter identification requirement. The law, North Carolina House Bill 589, was passed only weeks after the US Supreme Court's June 2013 decision striking down a key enforcement provision of the landmark 1965 Voting Rights Act.

North Carolina is one of 16 states, mostly in the South, that were covered in full or part by Section 5 of the Voting Rights Act, which the high court abrogated in a 5-4 ruling, *Shelby County v. Holder*. Section 5 required states and other jurisdictions with a history of voter discrimination against African-Americans to pre-clear all changes in voting rules with either the federal Justice Department or a federal court in Washington DC.

With that enforcement provision eliminated, a number of Republican-controlled states that were formerly part of the segregated Jim Crow South have enacted new voting regulations aimed at suppressing the votes of low-income working class and minority people, as well as students and youth. North Carolina's law is among the most draconian.

In addition to requiring voters to present specific forms of photo ID before casting a ballot, it slashes the early voting period by ten days, eliminates the ability of people to register to vote on Election Day, ends preregistration by 16- and 17-year-olds, which automatically made preregistered people eligible to vote once they turned 18, and bans the counting of votes cast outside the voter's precinct.

The American Civil Liberties Union (ACLU), Southern Coalition for Justice, US Justice Department, National Association for the Advancement of Colored People (NAACP), League of Women Voters and other organizations and individuals filed suit in federal court against HB589 shortly after it was passed. The US Court of Appeals for the Fourth Circuit ordered North Carolina to restore same-day registration and out-of-precinct voting for the 2014 elections as the case made its way through the courts, but that ruling is no longer in effect.

District Judge Thomas D. Schroeder, who handed down the 485-page ruling on Monday, previously rejected appeals by the plaintiffs to block the new law from being implemented on a temporary basis. As a result, most of its provisions were in effect for last month's presidential primary elections in North Carolina. Unless the Fourth Circuit or Supreme Court intervenes, the restrictive and discriminatory rules will be enforced for the November general election.

The trial began last January and featured detailed and extensive evidence submitted by the plaintiffs that the more liberal voting rules overturned by HB 589 were used disproportionately by low-income, African-American and Hispanic voters, and that the new regulations would prevent hundreds of thousands of would-be voters from casting ballots. They argued that the law violated the equal protection clause of the US Constitution's Fourteenth Amendment as well as Section 2 of the Voting Rights Act, which outlaws voting rules that have a discriminatory impact on African-Americans or other minorities.

Judge Schroeder, a George W. Bush appointee, dismissed these arguments, writing that the law served a "legitimate state interest" in its effort to "detect and deter fraud." This disregards the fact, as pointed out by the plaintiffs, that there are practically no documented cases of voter fraud in North Carolina.

The judge cited a token measure added to the law to provide a façade of fairness in regard to the voter ID requirement, according to which a voter can cast a provisional ballot without the required ID provided he or she submits a "reasonable impediment declaration" explaining why the ID could not be acquired. "Plaintiffs' contention that North Carolina's requirement is one of the strictest in the country," he wrote, "ignores the reasonable impediment exception."

Judge Schroeder declared that the challengers "have not established that...African-Americans or Hispanics have less opportunity than other members of the electorate to participate in the political process and to elect

representatives of their choice.” He brushed aside charges and evidence that the new rules create unfair obstacles for poor and minority voters, saying, “There are simply very many easy ways for North Carolinians to register and vote.”

In a statement, Republican Governor Pat McCrory said the ruling affirmed that requiring a photo ID to vote is “not only common sense, it’s constitutional.”

Monday’s ruling ignored the fact that over 1,000 voters in last month’s North Carolina primary election who did not have acceptable ID and filled out a “reasonable impediment” affidavit nevertheless had their ballots rejected on trivial grounds. At the same time, an analysis of the primary vote showed that more than 29,000 voters were able to cast ballots and have them counted only because an injunction preserved the same-day registration and out-of-precinct voting provisions that are now eliminated under Schroeder’s ruling.

Dale Ho, director of the ACLU’s Voting Rights Project, denounced the decision, stating, “The sweeping barriers imposed by this law undermine voter participation and have an overwhelmingly discriminatory impact on African-Americans. This ruling does not change that reality. We are already examining an appeal.”

In a press release, the ACLU said Monday’s ruling was in violation of the Fourth Circuit Appeals Court’s 2014 ruling temporarily blocking the HB 589’s provisions on same-day registration and out-of-precinct voting. In that decision, the judges said those provisions were likely in breach of Section 2 of the Voting Rights Act.

Judge James A. Wynn Jr. wrote at the time there was “undisputed evidence” that those two provisions “were enacted to increase voter participation, that African-American voters disproportionately used those electoral mechanisms, and that House Bill 589 restricted those mechanisms and thus disproportionately impacts African-American voters.”

In its statement, the ACLU added that in the course of the trial on HB 589 “dozens of witnesses spoke of how the law has severely restricted ballot access for the state’s most vulnerable citizens, including low-income voters, those with transportation challenges, and particularly African-American voters.” The statement continued: “In the 2012 election, 900,000 North Carolinians cast their ballots during the seven days of early voting eliminated by the North Carolina Assembly—70 percent of those who voted early were African-American.”

Penda D. Hair of the Advancement Project said, “The [law] turns back the clock to our nation’s terrible Jim Crow past.”

Monday’s ruling is part of an escalating attack on the right to vote and democratic rights more broadly. While

voter ID and other restrictive measures are being pushed primarily by Republican officials and mainly target likely Democratic voters, the Democratic Party is fully complicit. It has made no serious attempt to update the Voting Rights Act to restore the enforcement powers stripped away by the 2013 Supreme Court ruling in *Shelby County v. Holder*. A mere two bills have been introduced since that decision, and neither has even received a hearing.

In the meantime, anti-voting rights laws have proliferated. Two-thirds of states in the US now have voter ID requirements.

The 2013 Supreme Court ruling and Monday’s ruling in North Carolina are a continuation and deepening of the attacks on the right to vote that began with the infamous *Gore v. Bush* Supreme Court ruling that halted vote-counting in Florida and handed the 2000 election to George W. Bush, the loser of the popular vote. As the *World Socialist Web Site* explained at the time, the refusal of the Democratic Party to fight the theft of the election revealed the absence of any significant constituency within the ruling establishment for the defense of democratic rights.

At the time of the 2013 Voting Rights Act decision, the WSWS wrote: “The official response to the stolen election of 2000 has been an escalating attack on the right of workers, students and poor and unemployed people of all races to vote. Many states have passed voter suppression measures such as the requirement that voters present state-dispensed ID when they go to vote. Tuesday’s Supreme Court ruling opens the floodgates for the proliferation of such measures, in the states covered by the Voting Rights Act and beyond.”

This analysis has been completely confirmed. The conclusion that follows is that it is impossible to defend democratic rights on the basis of appeals to the Democratic Party or any section of the ruling class. Democratic rights are incompatible with capitalism, and can be defended only in the struggle for socialism.



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