

US Supreme Court upholds restrictive Arizona voting rules

Trévon Austin
2 July 2021

On Thursday, the US Supreme Court upheld two restrictive Arizona voting regulations aimed at limiting the ability of poor, minority and working-class people to cast a ballot. The vote was six to three, with the court's three nominally liberal members in dissent. In upholding the Arizona regulations, the Supreme Court overturned a ruling striking them down last year by the US Federal Court of Appeals for the Ninth Circuit, based in San Francisco.

The cases in question—*Brnovich v. Democratic National Committee* and *Arizona Republican Party v. Democratic National Committee*—concern two reactionary and discriminatory voting regulations dating from 2016 and 2018. One invalidates any ballots cast “out of precinct,” and the other criminalizes transporting another person's ballot to the appropriate polling station on his or her behalf, an act Republican critics call “ballot harvesting.”

The ruling takes place within the context of a wave of voter suppression measures following Donald Trump's false claim that the 2020 presidential election was stolen because of “voter fraud.”

Arizona is among 43 Republican-controlled states whose legislatures have introduced “election integrity” bills attacking the right to vote. The laws restrict voting by antidemocratic means, including shortening the time polls remain open, imposing new requirements and shortening timelines for voting by mail, and obstacles to the voting process. Such laws have already been enacted in 14 states as of mid-May, according to the Brennan Center for Justice.

The Democratic Party challenged the two Arizona regulations, claiming the policies violated a section of the Voting Rights Act of 1965, which bars voting regulations that result in racial discrimination. According to the Democratic National Committee, Maricopa County, which includes Phoenix and is home to more than 60

percent of Arizona's population, cut the number of polling places by 70 percent between 2012 and 2016.

The Democrats argued that the regulations would disproportionately impact minorities because Native Americans, Hispanics and African Americans in Arizona are twice as likely as whites to vote out of precinct.

Writing for the right-wing majority, Justice Samuel Alito said both restrictions were lawful under a set of new “guidelines” recommended by the court. Alito argued that the ban on out-of-precinct voting was justified because it introduced only a “minor inconvenience” for voters, noting that there were other ways to vote, including by mail. Alito also sustained the prohibition on ballot collections on the grounds that it was meant to combat voting fraud. He ignored multiple reports denying the existence of significant voter fraud in US elections.

During oral arguments, Alito said poor and less educated voters would naturally “find it more difficult to comply with just about every voting rule” and proposed asking only whether policies denied voters an “equal opportunity” to participate in elections.

Voting law changes may have a different impact on minority and nonminority groups, Alito said, “but the mere fact there is some disparity in impact does not necessarily mean that a system is not equally open or does not give everyone an equal opportunity to vote.”

He upheld this reactionary conception is his “guidelines,” writing that courts may discount “disparities in a rule's impact on members of different racial or ethnic groups ... to the extent that minority and nonminority groups differ with respect to employment, wealth and education.”

In her dissenting opinion, Justice Elena Kagan, joined by Justices Stephen G. Breyer and Sonia Sotomayor, wrote that the majority's “cramped reading” of the Voting Rights Act trod on the nation's ideals.

“What is tragic here,” she wrote, “is that the court has

(yet again) rewritten—in order to weaken—a statute that stands as a monument to America’s greatness and protects against its basest impulses. What is tragic is that the court has damaged a statute designed to bring about ‘the end of discrimination in voting.’”

Justice Kagan argued that the measures disproportionately affected rural Native American communities because many lack access to postal services.

President Joe Biden said in a statement that he was “deeply disappointed” by the court’s decision.

“In a span of just eight years, the court has now done severe damage to two of the most important provisions of the Voting Rights Act of 1965—a law that took years of struggle and strife to secure,” he said, adding that the ruling makes federal voting legislation even more necessary.

However, the current assault on democratic rights is an escalation of an attack that has been ongoing for decades, against which the Democratic Party has offered no serious opposition. The Democrats demonstrated their lack of concern for defending voting rights in 2000, when the entire party accepted the Supreme Court ruling in *Bush v. Gore* that handed the election over to George W. Bush, who had lost the popular vote, by halting a recount of votes in Florida that had been ordered by that state’s Supreme Court.

This continued in 2013, when the Supreme Court handed down its 5–4 ruling to overturn Section 5 of Voting Rights Act in *Shelby County v. Holder*. The ruling invalidated the key means of enforcing the Voting Rights Act by lifting the requirement for former Jim Crow states in the South to pre-clear any changes in voting procedures with the federal government. Neither the Obama administration nor the congressional Democrats mounted any serious effort to pass legislation restoring Section 5, emboldening the Republicans to expand their drive to impose barriers in states across the country to block working-class voters.

The “For the People Act,” a congressional bill that would expand voting rights, remains stalled in the Senate by a Republican filibuster, which requires 60 votes to override. Some Democratic senators expressed support for abolishing the filibuster for the bill, but others, such as Senator Joe Manchin, remained opposed, meaning the bill has little chance of becoming law.

In response to the Republican blockade, the Biden administration and the Democratic leadership have effectively abandoned their opposition to voter ID laws, one of the means by which mainly Republican-led states

have sought to restrict voting by working-class and poor people.

Thursday’s decision also underscores the dead end of racial politics. The Voting Rights Act was substantial and significantly expanded suffrage. It was a concession to the mass civil rights struggles of black and white workers and youth in the 1950s and 1960s, in which people of all races and ethnic backgrounds were martyred in the fight for equality, murdered by the KKK and segregationist police in the Democratic-controlled South. At the time, the FBI under J. Edgar Hoover declared Martin Luther King, Jr. to be a communist and the civil rights movement to be communist plot.

However, the Voting Rights Act’s limited nature, prohibiting discrimination based only on factors of identity, primarily race, set the stage for sweeping measures that inhibit workers from voting.

Trump and the Republicans represent the most predatory and fascistic elements of the American ruling class. Their assault on democratic rights, won through the struggles of millions of workers, has been emboldened by the spineless response of Biden and the Democrats to the January 6 attempted coup. The Democrats continue to call for “unity” with the conspirators who attempted to overturn the election results, while seeking to cover up the extent of the plot.

The Democrats’ actions are guided by a fear of the emergence of a working-class movement outside of the capitalist two-party system. They are no less callous than their Republican counterparts when it comes to blocking ballot access to left-wing and socialist parties.

No confidence can be placed in either party of the American corporate-financial oligarchy to defend the right to vote. The defense of the right to vote and all democratic rights requires the building of a mass socialist movement of the working class, independent of the capitalist parties.



To contact the WSWS and the Socialist Equality Party visit:

[wsws.org/contact](https://www.wsws.org/contact)