



Written by [Raven Clabough](#) on April 26, 2016

North Carolina's Voter ID Law Withstands Legal Challenge in U.S. District Court

On Monday, a federal judge upheld North Carolina's Voter ID law, asserting that the plaintiffs failed to provide sufficient evidence that the law unfairly impacts the ability of minority voters to exercise their right to vote.

Passed in 2013, the North Carolina Voter ID law requires that voters who cast ballots must show an acceptable form of identification, which could include a driver's license, passport, or military ID. Associated Press reports that the law also eliminated same-day voter registration and out-of-precinct voting, while also reducing the number of early-voting days.

Defenders of the law explain that it is intended to combat voter fraud, but critics contend that the law disproportionately impacts minority and poor voters.

The case against the law was brought forward by the U.S. Justice Department, the North Carolina chapter of the National Association for the Advancement of Colored People (NAACP), and several individual plaintiffs. They claim that the Voter ID law was passed in order to disenfranchise minority voters and that it violated the U.S. Voting Rights Act.

But U.S. District Judge Thomas Schroeder did not agree.

In his 485-page [opinion](#), Judge Schroeder wrote, "North Carolina has provided legitimate state interests for its voter ID requirement and electoral system that provides registration all year long up to twenty-five days before an election, absentee voting for up to sixty days before an election, ten days of early voting at extended hours convenient for workers that includes one Sunday and two Saturdays, and Election Day voting."

Furthermore, Schroeder wrote that the plaintiffs "failed to show that such disparities will have materially adverse effects on the ability of minority voters to cast a ballot and effectively exercise the electoral franchise" as a result of the voter ID law.

Schroeder notes that while North Carolina's history includes "significant, shameful past discrimination," there is no evidence in the state's recent history of "official discrimination." The judge said 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."

And even with the 2013 voting law intact, "There are simply very many easy ways for North Carolinians to register and vote," Judge Schroeder added.

North Carolina's Republican governor, Pat McCrory, celebrated the ruling as a victory that preserves





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the integrity of the vote. “Common practices like boarding an airplane and purchasing Sudafed require photo ID and thankfully a federal court has ensured our citizens will have the same protection for their basic right to vote,” McCrory said in a prepared statement.

The victory may be short-lived, however, as the plaintiffs have already announced their intent to appeal to the U.S. Court of Appeals for the Fourth Circuit. “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,” said Dale Ho, director of the ACLU’s Voting Rights Project.

“This is just one step in a legal battle that is going to continue in the courts,” said Penda Hair, an attorney representing the NAACP.

Whether an appeal will impact the 2016 elections is another issue, however, according to Richard L. Hasen, an election-law expert at the University of California at Irvine.

Hasen contends that the Fourth Circuit Court of Appeals could “reverse parts of” the law, and be appealed once again to the Supreme Court, where it would likely result in a 4-4 tie, thereby leaving the Fourth Circuit ruling in place.

But Hasen notes that this process would have to move quickly in order to change the law before the 2016 elections. “All of those appeals will have to happen in short order,” Hasen said, “for it to affect how the 2016 elections take place under the Purcell principle,” which mandates that courts do not issue an opinion in an election case too close to an Election Day in order to avoid voter confusion.



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