



Written by [Raven Clabough](#) on August 2, 2016

## Federal Judge Blocks North Dakota Voter ID Law

Another judge has struck a blow against a state's efforts to combat voter fraud.

On Monday, U.S. District Judge Daniel Hovland issued a temporary restraining order against North Dakota's voter ID law after a group of Native Americans claimed it placed unfair and excessive burdens on them.

"The record is replete with concrete evidence of significant burdens imposed on Native American voters attempting to exercise their right to vote," Judge Hovland determined.

Prior to the implementation of North Dakota's voter ID law, the state had provisions that permitted voters to cast a ballot without a valid ID if someone could vouch for them or if the voter signed an affidavit attesting to his or her own qualifications as a voter. The state repealed those provisions in 2013, a decision that was criticized by Judge Hovland in his opinion, claiming that the changes directly impacted the state's Native American population.

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"The public interest in protecting the most cherished right to vote for thousands of Native Americans who currently lack a qualifying ID and cannot obtain one, outweighs the purported interest and arguments of the State," Hovland wrote. "There are a multitude of easy remedies that most states have adopted in some form to alleviate this burden."

North Dakota has been requiring voters to show ID since 2004. Acceptable IDs include driver's licenses or any identity cards issued by the state, long-term care facilities, or North Dakota's American Indian tribes, Fox News reports.

In 2013, the North Dakota legislature repealed provisions that allowed a voter without proper identification to cast his or her vote if the poll worker had knowledge of the voter's identity and residence, or if the voter agreed to sign an affidavit attesting to his or her voter eligibility. The legislature also mandated that all valid identifications show a voter's current address.

In January, the Turtle Mountain Band of Chippewa filed a lawsuit against the state over the voting requirements, claiming many Native Americans did not have addresses and that a number of tribal IDs did not require them.

Tom Dickson, an attorney for the north-central North Dakota tribal members, argued that the 2013 change to voting provisions created an undue burden and amounted to people having to "pay to vote."

According to Dickson, members of the Turtle Mountain tribe cannot afford to acquire the necessary identification, and that those who possess tribal IDs still must pay to get their IDs updated to reflect their current addresses, thereby creating a financial burden.

"This was blatantly discriminatory," Dickson said. "The point of these laws is to keep people from voting





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and suppressing the Native American vote, who generally vote Democratic in North Dakota.”

The state counters that its requirements are not unreasonable and that those involved in the lawsuit did not prove that the burdens involved for them to obtain a valid ID were any different than for those who do not classify as Native American.

But Judge Hovland disagreed, writing that “undisputed statistics and studies support the finding that, given the disparities in living conditions, it is not surprising that North Dakota’s new voter ID laws are having and will continue to have a disproportionately negative impact on Native American voting-eligible citizens.”

Judge Hovland dismissed the state’s assertions that the law was necessary to prevent voter fraud.

“To the contrary,” he wrote, “the record before the court reveals that the secretary of state acknowledged in 2006 that he was unaware of any voter fraud in North Dakota.”

The *New York Times* reports that North Dakota Secretary of State Alvin Jaegar has indicated that the state will not appeal the decision and will instead revert to the identification rules that were in place prior to the change in 2013.

“After the election we have a legislative session coming up, and we’ll see how we can address the issues then,” he said.

Judge Hovland’s ruling follows several similar rulings last week regarding laws in North Carolina and Wisconsin.

A federal appeals court determined that North Carolina’s voter ID law deliberately “target[s] African-Americans with almost surgical precision,” and ruled against the state’s requirements that voters present photo identification at the polls. The court also restored voters’ ability to register to vote on Election Day as well as the ability to register before reaching the 18-year-old voting age. Additionally, the court determined that ballots of voters who voted at the wrong polling stations are still valid.

Similarly, U.S. District Judge James Peterson determined that certain provisions within Wisconsin’s 2011 voter ID law were unconstitutional and ordered the state to make photo IDs more readily available and to accept a wider range of student IDs at polling stations.

Judge Peterson ultimately accused the Wisconsin legislature of deliberately intending to disenfranchise some of its citizens.

“The evidence in this case casts doubt on the notion that voter ID laws foster integrity and confidence,” he wrote. “The Wisconsin experience demonstrates that a preoccupation with mostly phantom election fraud leads to real incidents of disenfranchisement which undermine rather than enhance confidence in elections.”

Early last month, an appellate court also determined that the voter ID law in Texas was discriminatory. A 15-judge panel on the 5th U.S. Circuit Court of Appeals determined that the law — which asks Texas residents to show one of seven forms of identification — violates the Voting Rights Act, despite a provision that allows citizens who do not have one of the qualifying IDs to obtain free “election identification certificates” after they present valid birth certificates.

Proponents of the Texas law contend that the state makes it easy for residents to obtain free IDs, and therefore the law does not place a substantial burden on any Texan interested in voting. However, the majority determined that the law was inherently racist.



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In the 9-6 ruling, the court wrote, “We acknowledge the charged nature of accusations of racism, particularly against a legislative body, but we must also face the sad truth that racism continues to exist in our modern American society despite years of laws designed to eradicate it.”



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