North Carolina Governor Signs Voter Photo ID Law

North Carolina Republican Gov. Pat McCrory (shown) signed a voter ID bill into law on August 12. The new law, which will go into effect for the 2016 elections, will require all voters to present a valid government-issued photo ID at the polls.

Though many major news outlets have described the new law as "controversial," it is far from unusual. McCrory noted that most states already have voter ID laws, and he accused elements on the "extreme left" of using "scare tactics" to bolster opposition to the law.

"They're more interested in divisive politics than ensuring that no one's vote is disenfranchised by a fraudulent ballot," CNN quoted McCrory as saying. He added, "Common practices like boarding an airplane and purchasing Sudafed require photo ID, and we should expect nothing less for the protection of our right to vote."

"While some will try to make this seem to be controversial, the simple reality is that requiring voters to provide a photo ID when they vote is a common sense idea," McCrory also said, reported Fox News. "This new law brings our state in line with a healthy majority of other states throughout the country."

Fox News reported that the new law will allow voters to cast a provisional ballot if they come to a polling station without proper ID. It also will shorten the period for early voting by a week, reducing it to 10 days.

The new law will not, however, allow a person to register and vote on the same day.

McCrory defended the logic behind the new voter law in an interview with WUNC, North Carolina's public television, declaring,

> I frankly think our right to vote deserves similar protection that we're giving to Sudafed. I think photo ID, which you use to board an airplane, which you use to cash a check, which you use to get Sudafed, which you use to get almost any government service, including food stamps — you have to use a picture ID to get that.

McCrory explained his reasons for signing the bill in a video posted on YouTube. Opponents of the law claim that it creates a burden on some voters to obtain valid IDs, but McCrory said that photo IDs are available at DMV offices even for people who do not obtain driver's licenses. McCrory cited several public opinion polls showing that 67 to 75 percent of North Carolinians favor requiring voter ID.

The American Civil Liberties Union, the Southern Coalition for Social Justice (slogan: "Empowering the people and communities who change the world"), and others have already filed a lawsuit challenging the law, according to a statement the ACLU released Monday. The lawsuit criticizes the law for "voter suppression," specifically targeting provisions that limit early voting, end registration on the same day as the vote, and prevent voting "out-of-precinct." According to a statement posted on the ACLU website:

> The suit specifically targets provisions of the law that eliminate a week of early voting, end same-day registration, and prohibit "out-of-precinct" voting….
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> The lawsuit was filed on behalf of several North Carolinians who will face substantial hardship under the law, and on behalf of the League of Women Voters of North Carolina, the North Carolina A. Philip Randolph Institute, North Carolina Common Cause, and Unifour Onestop Collaborative, whose efforts to promote voter participation in future elections will be severely hampered if the measure takes effect.…
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> For many voters, the choice is between early voting or not voting at all. Early voting provides flexibility in finding time to vote, and significantly eases the burden of arranging transportation to a voting site.…
>
> Eliminating same-day registration and out-of-precinct voting also imposes hardship and silences the people's voice.

The statement also laments that the new law disqualifies out-of precinct voting, stating: "For over a decade voters who accidentally cast a ballot in the wrong precinct could still expect to have their votes counted for races such as governor and president. If this law takes effect, those votes would be void."

It might be questioned whether a voter incapable of voting in the correct precinct possesses the intellectual acuity to vote responsibly.

The case, *League of Women Voters of North Carolina et al. v. North Carolina*, was filed in the U.S. District Court for the Middle District of North Carolina.

Another lawsuit has been filed by the NAACP and the Advancement Project, on behalf of lead plaintiff Rosanell Eaton, a 92-year-old woman from Louisburg, N.C. alleging that "Mrs. Eaton will incur substantial time and expense to correct her identification documents to match her voter registration record in order to meet the new requirements."

One wonders if the NAACP might put its resources to better use to help Eaton (and others like her) get her documents corrected, instead of using them to engage in the lawsuit, which, ultimately, will cost the taxpayers countless dollars to defend against the litigation.

North Carolina and other states have found it easier to rewrite their voter qualification laws — which, under the Tenth Amendment, should be a matter for states alone to decide, since the Constitution does not grant this power to the federal government — following the Supreme Court's ruling in June that struck down Section 4(b) of the Voting Rights Act of 1965.

Section 4(b) contained the coverage formula that determined which state and local jurisdictions were subject to Section 5 preclearance. Section 5 of the Act required that the U.S. Department of Justice through an administrative procedure, or a three-judge panel of the U.S. District Court for the District of Columbia, through a declaratory judgment action, "preclear" any attempt by a state or local jurisdiction to change "any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting" in any "covered jurisdiction," which is a jurisdiction that falls within the Section 4(b) coverage formula.

In that 5-4 ruling, in *Shelby County v. Holder*, authored by Chief Justice John Roberts and joined by Justices Antonin Scalia, Anthony Kennedy, Clarence Thomas, and Samuel Alito, the Court ruled that "things have changed dramatically" in the South in the nearly 50 years since the passage of the Voting Rights Act of 1965.

"Our country has changed, and while any racial discrimination in voting is too much, Congress must ensure that the legislation it passes to remedy that problem speaks to current conditions," Roberts wrote.

"There is no doubt that these improvements are in large part because of the Voting Rights Act," he continued. "The Act has proved immensely successful at redressing racial discrimination and integrating the voting process."

In his statement, Roberts did not consider that the lessening of voter discrimination might have been attributable to natural social changes and improved private relationships among people of all races, rather than because of federal edict.

Once *Shelby County v. Holder* declared that section 4(b) of the voting rights act was unconstitutional, the practical effect was that without a valid coverage formula, no jurisdiction is currently required to have any of their voting changes precleared under Section 5. However, the Court allowed Section 5 to stand. Therefore, while the ruling effectively removed a particularly onerous portion of the Voting Rights Act, it did nothing to reverse the federal usurpations inherent in the rest of the Act.

CBS News reported that Virginia and Arkansas adopted photo voter ID laws earlier this year and four other southern states — Alabama, Mississippi, Texas, and South Carolina — had passed laws that have been held up by Justice Department review or litigation. These four announced after *Shelby County v. Holder* that their voter photo ID laws would take effect immediately.

Photo of North Carolina Governor Pat McCrory: AP Images