



Written by [Raven Clabough](#) on June 17, 2013

Supreme Court Strikes Down Arizona Voter ID Law

The Supreme Court ruled on Monday that an Arizona law requiring proof of citizenship for voters is illegal. According to the court's decision, states cannot require voters to prove they are American citizens because it violates a 1993 federal law that allows people to register to vote through a single form accepted by all states in which voter's "swear" they are citizens of the United States.



By a 7-2 vote, the justices determined that Arizona's voter requirement that prospective voters document their United States citizenship in order to use the registration form under the federal "Motor Voter" voter registration law is illegal.

Fox News [explains](#) the issue at the heart of the case:

The federal "motor voter" law, enacted in 1993 to expand voter registration, requires states to offer voter registration when a resident applies for a driver's license or certain benefits. Another provision of that law — the one at issue before the court — requires states to allow would-be voters to fill out mail-in registration cards and swear they are citizens under penalty of perjury, but it doesn't require them to show proof. Under Proposition 200, Arizona officials require an Arizona driver's license issued after 1996, a U.S. birth certificate, a passport or other similar document, or the state will reject the federal registration application form.

The court determined that while Arizona may ask the federal government to include extra documents as a state-specific requirement, the state cannot make such changes to voter laws on their own.

Federal law "precludes Arizona from requiring a federal form applicant to submit information beyond that required by the form itself," Justice Antonin Scalia wrote for the court's majority.

Arizona had appealed to the Supreme Court after the Ninth Circuit Court of Appeals had determined that the National Voter Registration Act of 1993 trumps Arizona's 2004 Proposition 200, which required voters to document their citizenship.

Justices Clarence Thomas and Samuel Alito were the only two dissenters.

In his dissent, Thomas wrote that the Constitution "authorizes states to determine the qualifications of voters in federal elections, which necessarily includes the related power to determine whether those qualifications are satisfied."

But those opposed to the law assert it is an assault on minority groups.

Following the Supreme Court ruling, Mexican American Legal Defense and Educational Fund vice president Nina Perales issued a celebratory declaration.

"Today's decision sends a strong message that states cannot block their citizens from registering to vote by superimposing burdensome paperwork requirements on top of federal law," said Perales, who served as the lead counsel in the challenge against Proposition 200. "The Supreme Court has affirmed that all U.S. citizens have the right to register to vote using the national postcard, regardless of the



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state in which they live.”

Barbara Arnwine, president and executive director of the Lawyer’s Committee for Civil Rights Under Law, contends, “The court has reaffirmed the essential American right to register to vote for federal election without the burdens of state voter suppression measures.”

But Arizona officials assert that states should be permitted to pass laws that would stop illegal immigrants from appearing on voting rolls.

Thomas Horne, a lawyer for Arizona, [told](#) the justices that the state has a right to ask for more information beyond the federal form, which Horne calls “extremely inadequate” because it virtually operates on an “honor system.”

As noted by Fox News, the ruling has implications for several other states — Alabama, Georgia, Kansas, and Tennessee — all of which have similar requirements. And 12 other states are in the process of considering similar legislation.

But Arizona retains the option of asking the federal government to include an extra document as a state-specific requirement, as was recently seen in Louisiana, where the Election Assistance Commission approved that Louisiana may require applicants who do not have a Louisiana driver’s license, ID card, or Social Security number to attach additional documentation.

In the majority opinion, Scalia agreed that the federal form wherein voters “swear” that they are in fact legal citizens does not properly serve as proof, but instead is a mere statement. He encouraged Arizona to pursue a state-specific requirement in order to assess voter eligibility.

Photo of U.S. Supreme Court



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