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The United States Commission on Civil Rights Applauds Recent Federal Court Decisions Striking Down Voter Identification Laws

Since its creation by Congress in 1957, the U.S. Commission on Civil Rights has investigated, and made recommendations regarding improving disenfranchised Americans' access to the polls. The Commission issued its first report on impediments to the exercise of voting rights – almost 700 pages in length - in 1959.¹ Our State Advisory Committees are also strong allies in the monitoring of voting rights across the country. Many advances in access to the ballot box for racial minority citizens, including passage of the Voting Rights Act of 1965, have been hard-won in the last fifty years.

In 2013, the U.S. Supreme Court stripped racial minorities of important protections from statutory disenfranchisement efforts by eliminating the requirement that states comply with the pre-clearance coverage formulation of Section 4b of the Voting Rights Act of 1965.² Since that time, a number of states have enacted voter identification laws -- ostensibly to eliminate nearly non-existent voter fraud. Racial prejudice, however, cannot be ignored as a motivating factor. The Fourth Circuit Court of Appeals, in striking down North Carolina's voter identification law on July 29, 2016, stated, “We cannot ignore the record evidence that, because of race, the legislature enacted one of the largest restrictions of the franchise in modern North Carolina history.”³ The real impact of these statutes is the creation of a larger number of barriers in front of racial minority citizens who wish exercise their constitutional right to vote.

The Commission is pleased to see that federal courts have found merit in challenges to some of the recently-enacted, state-level voter identification laws and struck them down. Courts have vitiated, in whole or in part, voter identification laws in North Carolina, Texas, South Dakota, North Dakota, Ohio, and Wisconsin. The Commission opposes

¹ “Report of the United States Commission on Civil Rights,” 1959, available at <https://www.law.umaryland.edu/marshall/usccr/documents/cr11959.pdf>.

² Shelby County v. Holder, 570 U.S. ____ (2013), available at https://www.supremecourt.gov/opinions/12pdf/12-96_6k47.pdf.

³ North Carolina State Conference of the NAACP, et al., v. McCrory, No. 16-1468, and consolidated cases, U.S. Court of Appeals for the Fourth Circuit, July 29, 2016, p. 77, available at <https://www.justice.gov/crt/file/882456/download>.

voter identification laws which complicate or eliminate access to the ballot box for any Americans eligible to vote, and racial minorities in particular.

Commission Chairman Martin R. Castro stated, “We commend those courts which have struck down these thinly-veiled efforts to deny racial minorities access to the ballot box. We hope courts continue to protect the franchise, however, we urge the Congress to quickly restore the Voting Rights Act’s protections so that no U.S. citizens’ right to vote are left to the whim of the states.”

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The U.S. Commission on Civil Rights is an independent, bipartisan agency charged with advising the President and Congress on civil rights matters and issuing a federal civil rights enforcement report. For information about the Commission, please visit <http://www.usccr.gov> and follow us on Twitter: <https://twitter.com/usccrgov>