



N.C. Policy Watch

Hot summer ahead for voting rights

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N.C. POLICY WATCH

Just as the U.S. Supreme Court wraps up its term with decisions in several high-profile cases expected in late June, state and federal courts here will be gearing up for what promises to be a long hot summer for voting rights — with more to follow.

Several constitutional challenges to the sweeping voting law changes enacted in 2013 head to trial starting in July and the state Supreme Court rehears the redistricting case in August.

Add to that an October trial in the federal court challenge to congressional districts, a newly filed federal challenge to state legislative districts, and other actions looming over the apparent state agency failure to register voters, and you've got one intense fight brewing over the right to vote in North Carolina.

Here's a quick look at what's ahead.

In July, U.S. District Judge Thomas Schroeder will begin trial in Winston-Salem in the three cases filed shortly after the state enacted sweeping voting law changes in late summer 2013.

Together those changes created what many have called the most restrictive voting environment in the nation and included a strict voter ID requirement, cuts in early voting, the elimination of same-day registration and restrictions on provisional ballot use by out-of-precinct voters.

Last August Schroeder refused to block enforcement of those provisions (other than the voter ID requirement — which takes effect in 2016) during the November 2014 elections.

The viability of the entire voting law package will now be considered by the judge in the three cases — two filed by individuals and voting rights advocates and one by the Justice Department — which have been consolidated for what's expected to be a two-week trial.

In August, a state court judge will begin trial in a separate case challenging the voter ID provision, considering in *Currie v. North Carolina* whether the photo ID requirement creates a new qualification to vote and discriminates against African-American voters in violation of the North Carolina Constitution.

Superior Court Judge Michael Morgan denied [2] a state request to dismiss the case in March, setting it down for trial instead beginning on August 24 in Wake County Superior Court.

One week later, on August 31, the state Supreme Court will revisit its redistricting decision in *Dickson v. Rucho* at the direction of the U.S. Supreme Court.

The state justices reviewed North Carolina's 2011 redistricting plan in early 2014 and handed down a decision almost a year later, splitting along party lines and finding that the General Assembly was justified in using race to redraw the state's congressional and legislative voting districts after the 2010 census, to the extent necessary to avoid liability under the Voting Rights Act.

Lawmakers had adopted a mechanical formula when drawing the new districts, contending that because African Americans constituted one-fifth of the State's voting age population, approximately 10 of the State's 50 senate districts had to be majority-black districts to achieve racial proportionality, and approximately 24 of the State's 120 house districts should be majority-black districts.

But the nation's highest court ruled last month that a similar rote process employed by Alabama lawmakers when drawing that state's new voting maps was not necessary to comply with the Voting Rights Act.

Instead, the justices said in a 5-4 decision in *Alabama Legislative Black Caucus v. Alabama*, lawmakers should have done a "facts-on-the-ground" analysis first to determine if corrections under the Act were needed — especially in districts where black voters, though still in the minority, had nonetheless been exercising control.

Based upon the same reasoning the U.S. Supreme Court in April sent the *Dickson* case — which had by then worked its way up — back to state Supreme Court for further review.

September brings a brief respite, though threatened action over the failure of state agencies to register voters as required under the federal "Motor Voter" law may have ripened into lawsuits by then.

Voting rights groups sent a notice letter to the State Board of Elections and the Department of Health and Human Services on May 8, advising both [6] that employees were failing to provide residents with the opportunity to register to vote when they applied for public assistance — such as food stamps or welfare.

The groups gave the state 90 days to comply with the law or face yet another voting rights lawsuit.

And two cases challenging the 2011 redistricting plan in federal court will begin heating up in October.

New plaintiffs have filed these cases and asserted harm specific to their own situations, but as in the state redistricting case they contend that lawmakers used race when redrawing voting lines in ways that the U.S. Constitution prohibits.

The first case, *Harris v. McCrory* — filed in October 2013 — challenges the drawing of the state's congressional districts and is set for trial on October 13 in Greensboro.

And the second case, *Covington v. North Carolina* — filed Tuesday, May 19 — challenges the drawing of the state's legislative districts.

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