Date set for North Carolina voter ID state trial

BY GARY D. ROBERTSON
ASSOCIATED PRESS

RALEIGH — A challenge to North Carolina's new voter identification requirement will go to trial in state court this fall setting the stage for a possible decision before early in-person voting begins for the big November election.

Superior Court Judge Michael Morgan on Monday set Sept. 26 for the trial, which could last a week or two. Morgan asked lawyers in a Wake County courtroom to confirm the Oct. 27 start date for early voting, when perspective voters must show one of several forms of photo ID. A two-week trial would give Morgan less than three weeks to rule.

The ID mandate was approved in 2013 and used for the first time in the March primary and again in the June congressional primary.

The case is separate from federal lawsuits challenging the photo ID requirement and other voting changes by the General Assembly. A panel of the 4th U.S. Circuit Court of Appeals heard arguments last month on whether a lower court decision upholding all the changes should stand.

A ruling in that appeal could come soon, but Morgan said he can't make his decisions based on what other courts may do.

``I'll stay in my lane. I don't know what else is going to be done by any other entities or persons," Morgan said from the bench. ``I will move this matter forward as expeditiously as possible."

Morgan set a date even though attorneys for the state have argued it was too late to hold a trial this fall. They've said a pre-election ruling could upset the training and planning process for voter ID in a presidential election year. The lawyers also contend the case should be transferred to a three-judge state panel or that an appeal at the Court of Appeals should be heard first.

Proceedings in the state lawsuit already were delayed while voter ID was implemented in March with a supplemental law allowing people who had trouble obtaining a qualified ID to fill out a form and provide other information so their vote would still count.

The state lawsuit makes different claims than the federal lawsuit, which focuses on the U.S. Voting Rights Act, said Anita Earls, the lead attorney in the state case for voters and voting-rights groups who filed originally in August 2013.

The state case focuses on whether the ID requirement is another qualification to vote beyond what is set in the North Carolina Constitution. The plaintiffs' amended lawsuit filed in April argues the mandate intentionally discriminates against black and American Indian voters at disproportionate rates.

State attorneys have said voter ID is a legal extension of voter registration rules to ensure the person seeking to vote is actually the person listed in voter rolls.

N. C. keeps police camera videos from public record

BY ANNA GRONEWOLD
ASSOCIATED PRESS

RALEIGH — Recordings from law enforcement body and dashboard cameras will not be considered public records in North Carolina under a law signed Monday by Gov. Pat McCrory.

Civil libertarians and social justice activists said the law will make it more difficult to hold officers accountable.

Bystander videos posted online have fueled protests nationwide after last week's killings of black men by white officers in Louisiana and Minnesota, and the attack by a black sniper that killed five officers at a march in Dallas. Police videos of these crime scenes have yet to be made public.

The law clarifies that body and dashboard camera recordings cannot be kept confidential as part of an officer's personnel file – a practice that has kept some images from being scrutinized indefinitely.

``If you hold a piece of film for a long period of time, you completely lose the trust of individuals," the governor said. On the other hand, ``we've learned if you immediately release a video, sometimes it distorts the entire picture, which is extremely unfair to our law enforcement officials."

``In North Carolina we're going to walk that fine line and do the right thing," McCrory said.

While 29 other states and D.C. have laws addressing police camera recordings, North Carolina joins at least five other states that exempt them from public records requests, according to the National Conference of State Legislatures.

Gov. McCrory

Supporters say the law, which will take effect in October, will protect the privacy of crime victims and suspects as well as officers. McCrory says the uniform system of requesting access will increase public safety.

People who appear in the police videos, or their representatives, can ask to view but not copy the recordings. But a law enforcement agency can deny such a request to protect a person's safety or reputation or if the recording is part of an active investigation.

``It comes down to a personal or moral level of whoever the police chief is," said Wanda Hunter of the Raleigh Police Accountability Community Task Force. ``If it's someone you constantly come head to head with, you can just hang it up there."

Once denied, a requester could seek permission from a judge, who can consider whether there's ``compelling public interest" in releasing it.

Prosecutors also would have access, to see whether an officer's actions were legal.

The American Civil Liberties Union of North Carolina called it a ``shameful law" that will make holding police accountable for their actions ``nearly impossible."

``People who are filmed by police body cameras should not have to spend time and money to go to court in order to see that footage. These barriers are significant and we expect them to drastically reduce any potential this technology had to make law enforcement more accountable to community members," Susanna Birdsong, policy counsel for the ACLU of North Carolina, said in a statement.

More than 3,000 people signed a petition delivered to McCrory Friday seeking his veto of the bill, which passed overwhelmingly with bipartisan support last month.

The state's sheriffs' and police chiefs' associations have offered strong support, saying the law will increase public access, because it makes clear the recordings are not personnel files and requires each agency adopt written policies for how officers use of body cameras.

``We anticipate that at some point members of the press will take the new law out for a test drive to determine how well it's going to work," said Mark Prak, a lawyer for the North Carolina Press Association. ``Lord knows the events of the past week made clear that in order for the public to understand what's going on in the world, that kind of video can be really telling."

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4. **Deadline: All submissions must be postmarked by Friday, September 2, 2016.** DVD submissions may not be returned and may remain property of The Chronicle Newspaper.