

LET



PEOPLE

VOTE

— ACLU —



AMERICAN CIVIL LIBERTIES UNION

Voting Rights since *Crawford*,
583 U.S. 181 (Apr. 28, 2008)

- 2008-2013: Obama's election to *Shelby*
- 2013: *Shelby* decision (June 25, 2013)
- Shelby* to present: Voter suppression and responsive litigation

North Carolina



- **Omnibus Voter Suppression Bill**
- **Litigation Summary**
- **Key Takeaways**

Omnibus Voter Suppression Bill

- Voter ID
- ~~Week of early voting~~
- ~~Same-day registration~~
- ~~Out of precinct voting~~



Litigation Summary

2014:

- District court denies preliminary injunction.
- 4th Circuit reverses re: SDR & OOP. **Sec. 2 VRA.**
- SCOTUS stays injunction (7-2). **Purcell.**

2016:

- District court denies all claims.
- 4th Circuit reverses, striking down entire law. **EP (intent) & Sec. 2 VRA.**
- SCOTUS denies stay (4-4).
- Cert petition pending.

NAACP v McCrory (4th Cir., July 29, 2016)

“With surgical precision, North Carolina tried to eliminate voting practices disproportionately used by African-Americans.”

“[T]argeting voters who, based on race, were unlikely to vote for the majority party. Even if done for partisan ends, that constituted racial discrimination.”

“In many ways, the challenged provisions constitute solutions in search of a problem.”

Key Takeaways

- Using race as proxy for party is unlawful.
- Courts will scrutinize state's justifications for voting restrictions, including voter ID.

Wisconsin

- **Wisconsin Voter ID Law**
- **Litigation Summary**
- **Key Takeaways**



Wisconsin's Voter ID Law

- 300,000 citizens w/o ID.
- Racial minorities 2x as likely as whites to lack ID.
- Racial minorities 2x as likely as whites to lack documents needed to get ID (e.g., BC, SS card)



Litigation Summary

Frank v. Walker

- District court: WI voter ID unconstitutional. **EP & Sec. 2.**
- 7th Cir.: No its not.
- En banc 7th Cir.: $\neg _ (\text{ツ}) _ /$
- SCOTUS: No stay. **Purcell.**
- District court: No exceptions.
- 7th Cir.: Yes exceptions.
- District court: Exceptions.
- 7th Cir.: No exceptions.
- En banc 7th Cir.: Not right now (stay)



Key Takeaways

Three ways to deal with voter ID laws

- Strike down? *Whole Woman's Health*, 136 S. Ct. 2292 (2016)
- Affidavit at polling place?
(TX, SC, NC, WI district court)
- IDs easier to get? Must be able to get ID from DMV “with as much as he or she has”
– 7th Cir. (en banc)



CONTACT INFORMATION



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