

## NewsRoom

8/11/16 Daily News (Los Angeles, CA) 8  
2016 WLNR 24433835

Daily News (Los Angeles, CA)  
Copyright (c) 2016 Daily News of Los Angeles

August 11, 2016

Section: Opinion

Commentary: In court, victories for the most basic right

Erwin Chemerinsky

Several recent federal court decisions have invalidated state laws restricting voting and have reaffirmed a basic principle: Laws adopted with the purpose - or effect - of keeping racial minorities from voting are invalid.

No right is more precious in a democracy than the right to vote. As the Supreme Court declared long ago, it preserves all other rights. But in a number of states, Republican-controlled legislatures adopted laws that were clearly intended and unquestionably would have the effect of keeping African-Americans and Latinos from voting.

Rulings in the last few weeks striking down restrictive voting laws in Kansas, North Carolina, North Dakota, Texas and Wisconsin send a clear message: The government cannot act to suppress voting by racial minorities.

The North Carolina law is illustrative. A conservative, Republican state Legislature imposed restrictions on voting knowing that the effect would disproportionately be to keep racial minorities, who tend overwhelmingly to vote Democratic, from being able to cast ballots. The law required that individuals present photo identification in order to vote, eliminated registration on election day, prevented those under 18 from registering to vote at the next election where they would be eligible, greatly restricted early voting and refused to count ballots from those who mistakenly voted at the wrong polling place.

On July 28, the U.S. Court of Appeals for the Fourth Circuit concluded that the North Carolina Legislature carefully looked for and chose measures that would keep racial minorities from being able to vote.

A week earlier, on July 20, the U.S. Court of Appeals for the Fifth Circuit struck down key provisions of a Texas law that is one of the most restrictive in the country in requiring photo ID for voting. The court concluded that the Texas law disproportionately burdened black and Hispanic voters, thereby violating the federal Voting Rights Act's ban on racial discrimination in American elections. It concluded that the law would keep 600,000 eligible voters, overwhelmingly African-American and Latino, from being able to vote.

Critics said these were partisan rulings by Democratic judges. But that is false; judges appointed by both Democratic and Republican presidents were in the majority in these decisions.

Commentary: In court, victories for the most basic right, 2016 WLNR 24433835

---

The 15th Amendment says the right to vote cannot be denied on account of race. The Voting Rights Act prevents the government from acting with the purpose or the effect of harming minority voters.

Proponents of the laws say they were motivated by a desire to stop voter fraud. But many studies have demonstrated that voter fraud rarely occurs through people claiming a false name. In striking down the North Carolina law, the Court of Appeals said that "[t]he new provisions target African Americans with almost surgical precision" and "impose[s] cures for problems that did not exist."

The United States has a dismal history of equality with regard to voting. The 15th Amendment was adopted in 1870, but it was rarely enforced before the passage of the Voting Rights Act of 1965. Throughout American history, states have repeatedly adopted a wide array of restrictions on voting designed to keep racial minorities from being able to cast ballots.

The recent decisions of federal courts of appeals and federal district courts are crucial in ensuring that state legislatures no longer can enact laws to keep African-Americans and Latinos from voting.

In recent days, Donald Trump has asserted that the November election will be rigged. There is no evidence to support this. And these recent decisions show that the federal courts will be vigilant in making sure polls across the country will be open to all eligible voters to cast ballots.

Erwin Chemerinsky is dean of the UC Irvine School of Law.

--- Index References ---

News Subject: (Campaigns & Elections (1CA25); Global Politics (1GL73); Government (1GO80); Judicial Cases & Rulings (1JU36); Legal (1LE33); Minority & Ethnic Groups (1MI43); Public Affairs (1PU31); Social Issues (1SO05); World Elections (1WO93))

Region: (Americas (1AM92); North America (1NO39); North Carolina (1NO26); Texas (1TE14); U.S. Southeast Region (1SO88); U.S. Southwest Region (1SO89); USA (1US73))

Language: EN

Other Indexing: (Donald J. Trump; Donald Trump; Erwin Chemerinsky)

Keywords: (Commentary); (AP Taxonomy)

Word Count: 602

---

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.

**NewsRoom**