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Supreme Court Rules in Favor of North Carolina Republicans Seeking to Defend Voter ID Law; Opinion allows Republican lawmakers to intervene in NAACP challenge to state's election law

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Abstract

None available.

Full Text

WASHINGTON—The Supreme Court on Thursday said top Republican legislators in North Carolina can step in and advocate for a voter-identification law they believe the state's attorney general, a Democrat, isn't adequately defending in court.

In a narrowly drawn 8-1 decision written by Justice Neil Gorsuch, the court said Republican leaders of the North Carolina legislature can intervene in long-running litigation over a 2018 law requiring a photo ID to vote in person at the polls.

Read the Decision: [Berger v. North Carolina State Conference of the NAACP](#)

Justice Gorsuch said North Carolina law explicitly allows the Republican lawmakers to intervene in the voting rights litigation. Justice Sonia Sotomayor was the sole dissenter.

"This litigation illustrates how divided state governments sometimes warrant participation by multiple state officials in federal court," Justice Gorsuch wrote.

The 2018 law required North Carolina voters to present photo identification—such as a state driver's license, U.S. passport or student ID—when voting in person. Voters can obtain state-issued identification cards at no cost.

The measure was designed to implement a voter-identification mandate added to North Carolina's state constitution by voters in a referendum that year.

State judges in North Carolina blocked the voter-identification law last year, saying the measure discriminated against Black voters.

Republican lawmakers have praised the voter-identification requirement as a common-sense measure to prevent ballot fraud.

Litigation over the voter ID law is also unfolding in the federal court system, and state Sen. Philip Berger and state Rep. Timothy Moore sought to intervene there to defend the law. They argued North Carolina's governor and attorney general, both Democrats, were hostile to the voter ID law and wouldn't defend it with enough vigor.

The NAACP, the civil-rights organization that brought the challenge, opposed the intervention bid.

The NAACP argued that the governor and attorney general's representation of the state was adequate and that the state of North Carolina should speak with one voice in the courts.

A federal appeals court sided with the NAACP last year and denied the intervention request by the Republican legislators.

Supreme Court & North Carolina's Voter-Identification Law

Mr. Berger expressed satisfaction with the Supreme Court's ruling. "North Carolinians deserve to have their laws vigorously defended in court," he said in a statement.

North Carolina Attorney General Josh Stein said attorneys in his office had vigorously defended the voter ID law. "Our office has never opposed the legislature's involvement in this case, and we welcome their participation now, notwithstanding their baseless, partisan sniping," Mr. Stein said in a statement.

Constitutional lawyer Vikram D. Amar, the dean of the University of Illinois College of Law, said aspects of the ruling are unique to North Carolina, limiting its impact on other states.

Federal appeals courts confronted with novel questions of state law typically ask state courts to weigh in. This process, known as certification of legal questions, is grounded in the idea that state courts should have the first say on these matters.

North Carolina is the only state that doesn't have a legal mechanism for this process, a quirk that played a role in the case ending up before the Supreme Court in the first place, Mr. Amar said.

"In some ways, this case is a one-off because the remedy of certification is unavailable," Mr. Amar said. "So, in that sense, it may not be that important to other states."

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Credit: By Jan Wolfe and Alexa Corse

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