NC Photo Voter ID Case: Partner Info Kit

NAACP NC v. Hirsch (formerly v. Cooper)

The ongoing fight in federal court to stop a discriminatory photo voter ID law in North Carolina

Table of Contents

Case Overview…… Pg. 2

Case History…… Pg. 3

The Implications of Photo Voter ID …… Pg. 4

Getting Involved: Key Campaign Components…… Pg. 5

Voter Information and Resources…… Pg. 6

Media Coverage of the Case ..... Pg. 7

Previous Media releases…….. Pg. 8

Key Contacts…….. Pg. 9

Social Media Toolkit…… Pg. 10

Case Overview

This past year, our state saw the first elections that required a photo voter ID, making it harder for Black, brown, and poor people to access their constitutional right to vote. As we approach the 2024 general election, on behalf of the NC NAACP State Conference and six NAACP branches, Forward Justice is lead counsel in the only remaining litigation in North Carolina challenging the discriminatory Photo Voter ID law (SB 824), as well as the only remaining litigation challenging the Constitutional amendment requiring photo voter ID.

Because 2023 marked a full decade without federal voting rights protections, or a fully restored Voting Rights Act, the two cases NC NAACP and Forward Justice are currently litigating against discriminatory photo voter ID will determine whether Black and Latino voters in North Carolina can vote on equal terms in the 2024 election and beyond.

On May 6th, 2024, we will be going to trial in our *NC NAACP v. Hirsch* case, which challenges the validity of North Carolina's photo voter ID law (S.B. 824) on the grounds that it violates Section 2 of the Voting Rights Act, as well as the Fourteenth and Fifteenth Amendments, because the passage of this law was motivated by discriminatory intent in an effort to dilute the voting strength of Black and Brown voters across the state, and will have a discriminatory impact on these very same voters.

We know the power of voting in a state where election margins are regularly razor thin, and key offices like Chief Justice of the North Carolina Supreme Court have been decided by only 401 votes. We stand ready with our clients and movement partners, with the total weight of evidence and the will of the people behind us, to continue vigorously pursuing our legal challenges alongside the NC NAACP to defend our constitutional right to vote.

Key Parties

NAACP NC, represented by attorneys from Forward Justice and Arnold and Porter

Relevant Legal Documents

Original Complaint

Preliminary Injunction Decision

Expert reports (Coming soon)

Case History/Timeline

December 2018- ***Forward Justice filed a lawsuit on behalf of Plaintiffs NC State Conference of the NAACP, and several NAACP chapters, challenging the validity of North Carolina's photo voter ID law (S.B. 824)*.** The law was enacted in a lame-duck session held immediately after the 2018 election and passage of the constitutional amendment, before the newly elected legislature – elected under legal maps – was seated. The NC NAACP Plaintiffs allege that S.B. 824 violates Section 2 of the Voting Rights Act, as well as the Fourteenth and Fifteenth Amendments, because the passage of this law was motivated by discriminatory intent as part of an effort to dilute the voting strength of the African American and Latinx populations and because it will have a disparate impact on the right of African American and Latinx citizens in North Carolina to participate in the political process.

Dec. 31, 2019- ***The U.S. District Court for the Middle District of North Carolina issued a 60-page opinion in NAACP v. Cooper, granting the NC NAACP's motion for a preliminary injunction and blocking North Carolina's photo voter ID law.*** The Court found that the passage of this law was likely motivated by racially discriminatory intent in violation of the Voting Rights Act and the Constitution: Because of that preliminary injunction, Photo Voter ID was not required in North Carolina's 2020 Primary or General Elections.

Dec 2, 2020- A three-judge panel of the United States Court of Appeals for the Fourth Circuit reversed the preliminary injunction decision of the District Court, paving the way for photo voter ID to be implemented in NC.

June 9, 2023- Following the North Carolina Supreme Court's partisan overturning of the prior court's ruling in *Holmes v. Moore* , ***Plaintiffs*** from the NAACP North Carolina, including the Chapel Hill-Carrboro, Greensboro, High Point, Moore County, Stokes County and Winston-Salem Forsyth County branches, ***requested a status conference in the case,*** which was held on July 26, 2023. The request plaintiffs' made ***to lift the stay and begin moving the case through the courts again*** came a day after the historic 5-4 decision from the U.S. Supreme Court, which found that Alabama discriminated against Black voters when it drew its seven congressional districts in 2022.

June 2022- **The** ***U.S. Supreme Court ultimately decided that the legislative leaders could intervene as a procedural matter in this case.*** However, that decision did not address the constitutionality of North Carolina's discriminatory Voter ID law, just the legislative leader's ability to defend this racially discriminatory law. NAACP North Carolina Continues to vigorously pursue its challenge to that law now that the case has returned to the federal trial court.

November 21, 2023- A hearing was held to set a trial date in the case. ***The trial will begin for this case on May 6, 2024, at the Hiram Ward Federal Courthouse in Winston-Salem, NC.***

The Implications of Photo Voter ID

1. **Photo Voter ID law (S.B. 824) *increases the likelihood of voter harassment* and imposes burdensome rules that will have *a disproportionate impact on Black and brown citizen's* ability to participate in the political process.**

S.B. 824 requires registered voters to show one of a limited number of photo identification cards in order to cast a ballot and have it counted in a North Carolina election. This requirement will disproportionately impact African American and Latino voters, who are less likely than other members of the electorate to possess the required forms of identification and who also face disproportionate burdens in obtaining such identification. As a result, African American and Latino voters are more likely than other North Carolina voters to have their votes denied or diluted by S.B. 824.

When the legislature passed S.B. 824, it excluded public assistance IDs, which are disproportionately possessed by voters of color, as a form of qualifying ID.

The bill permits the appointment of up to ***200 more*** at-large poll observers and permits any registered voters to challenge ballots at any polling place in their county. The state legislature passed these measures despite evidence of significant voter intimidation in recent elections.

2. **The General Assembly's rush of the legislative process for passing S.B. 824 illustrates ill intent.**

In 2018, the Senate Rules Committee only heard a mere four minutes for public comment on the bill. In total, S.B. 824 underwent a mere five days of review in chamber or committee. This process was intended to prevent detailed scrutiny of the bill's lack of justification. Additionally, the General Assembly did not take time to consider any new information or evidence either justifying or demonstrating the lack of justification for S.B. 824's restrictions on the right to vote.

3. **There is not currently, and never has been, any need for voter photo identification in North Carolina.**

After the 2016 election, the North Carolina State Board of Elections (SBOE) conducted an extensive study and found that ***only one*** fraudulent vote ***might*** have been prevented by a requirement to present photo ID before in-person voting. This shows that there is no justification for a bill whose implementation will cost North Carolina residents an estimated $17 million over five years.

4. **S.B. 824 violates Section 2 of the Voting Rights Act**, as the limitations it imposes on the right to vote have a disparate impact on African Americans and Latinos. This results in denying African Americans and Latinos equal and meaningful access to the political process and ultimately results in the denial of the franchise and dilution of minority voting strength.

5. **S.B. 824 violates the Fourteenth and Fifteenth Amendments of the U.S. Constitution**, as it imposes discriminatory and unlawful burdens on the right to vote that are not justified by any legitimate or compelling state interest (the burden the State must meet).

Getting Involved: Key Campaign components

1. **Litigation:** *North Carolina State Conference of the NAACP v. Hirsch*

This historic trial will begin on Monday, May 6th in Winston Salem, NC. This is a trial for the movement and its people who are taking a stand against the state's onslaught of voter suppression. *We encourage you to join us in-person at the trial if you can to pack the courtroom* and show your support for equal access to our democracy.

2. Community Education and Organizing:

A) Protect Our Vote NC Tour

Protect Our Vote NC (POV NC) is a campaign aimed at ensuring that Black and Brown voters, and voters in rural areas, are protected and informed during elections. As we head into the 2024 election season, Forward Justice is launching the POV NC tour to build relationships with local communities and organizations while providing them with educational resources and working to understand their local issues and concerns.

The tour will begin June with a stop in Forsyth County and continue with stops in Pasquotank, Cabarrus, Guilford, Alamance, Harnett, Rockingham, New Hanover- where organizers will share resources and information on voter intimidation, safe sites, current voting rights laws and updates on the current photo voter ID case, while activating registered and unregistered voters for the coming election.

B) Voter protection hotlines

As a part of our work to protect voters in the state, **Forward Justice is running two direct, nonpartisan voter protection hotlines.** One hotline is aimed at addressing misinformation and disinformation and combatting racist voter intimidation; while the other serves voters who have been directly impacted by the criminal legal system and have questions about their voting status and eligibility.

NONPARTISAN NC VOTER PROTECTION HOTLINE *1-888-OUR-VOTE (8683)*:
If you have questions about your voter registration status, voting by mail or in person, or photo voter ID requirements, you can **contact the non-partisan North Carolina Election Protection Hotline at *1-888-OUR-VOTE (8683)***. **You should also contact this hotline if you experience any form of voter intimidation,** which includes: being yelled at or harassed; being threatened with a weapon; the presence of white supremacist groups or hate symbols at the polls; having your citizenship questioned because of your ethnicity or name; poll observers interfering with your ability to vote; or aggressive electioneering.

SECOND CHANCE VOTER HOTLINE *1-877-880-VOTE (8683)*:
If you are directly impacted by the criminal legal system and you have questions about your eligibility to vote in North Carolina please contact us at *1-877-880-VOTE (8683)*. In North Carolina, individuals with prior criminal convictions are eligible to vote unless they have been convicted of a felony and have not yet completed their sentence (including probation, post-release supervision, or parole).

Voter Information and Resources

NC State Board of Elections

Overview of the new Voter ID requirement

Acceptable forms of ID

What to do if you don't have an ID

How to obtain an accepted form of ID

Support getting an ID- Vote Riders.org

Find your County Board of Elections Office

Upcoming election dates and deadlines

Check your registration status or update your registration

Find your polling place

What to expect at the polls

What to do if you encounter voter intimidation at the polls

Non-partisan Voter Protection Hotline

Hotline for Justice-Involved voters

Register to vote online

Partner Websites and Resources

NAACP NC

Protect Our Vote NC

Unlock Our Vote NC

Safe Voter NC

Democracy NC

Black Voters Matter NC

You Can Vote

Vote Riders.org

Media Coverage of the Case

NBC News (March 2024) Map: 29 million Americans live under new voter ID laws put in place since 2020

Associated Press (Feb. 2024)- North Carolina voter ID trial rescheduled again for spring in federal court

WRAL (Nov. 2023)- NAACP, state lawmakers jostle over voter ID trial date as 2024 election looms closer

Indy Week (July 2023)- New Voter ID Rule in NC Sparks Worries About Fairness for Black, Latino Voters

Newsweek (June 2023)- Supreme Court Ruling Renews NAACP Fight

CNN (Dec. 2019)- Federal court says it will temporarily block new NC voter ID law

Reuters (Dec. 2018)- North Carolina NAACP sues to stop Republican-backed voter ID law

Previous Media Releases

November 21, 2023- Hearing Held Today To Set Trial Date In Naacp Nc's Federal Challenge To Nc's Discriminatory Photo Voter Id Law

June 23, 2022 - U.S. Supreme Court Allows North Carolina Legislators to Intervene in Federal Voter ID Case, Restarting the Fight to Protect Voting Rights Under the Federal Constitution and the Voting Rights Act

June 9, 2023 - NAACP North Carolina Requests Action In its Federal Court Challenge to North Carolina's Discriminatory Photo Voter ID Law

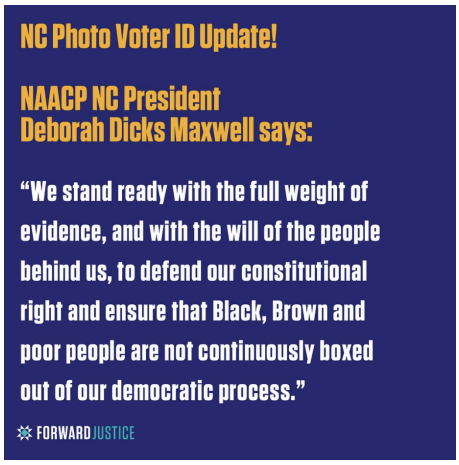
Key Campaign Contacts

Need	Point Person	Contact
Communications and materials needs	**Brittany Cheatham**, Sr. Communications Manager- Forward Justice	bcheathatham@forwardjustice.org
Organizing and community outreach support	**Isaiah Withers**, Sr. Organizer- Forward Justice	iwithers@forwardjustice.org
Share a story about your voting experience	**Kimaya Davis-Stovall**, Law and Narrative Associate- Forward Justice	kdavis@forwardjustice.org
Legal Questions	**Ashley Mitchell,** Staff Attorney- Forward Justice **Caitlin Swain**, Co-Director- Forward Justice **Kat Roblez**, Senior Staff Attorney- Forward Justice **Lori Sherman**, Staff Attorney- Forward Justice	legal@forwardjustice.org

Social Media Toolkit

GRAPHICS + EXPLAINER VIDEO

Caption	Graphic	[Link to downloadable content]
Our federal court challenge to discriminatory photo voter ID in North Carolina is headed to trial! Check out this explainer video on our fight to ensure voters in North Carolina will be able to vote on equal terms in this upcoming election and beyond.		[Download Video]
2024 will be the first presidential election in North Carolina history that will require us to show photo ID to vote. Here's what you need to know about photo voter ID in NC!		[Download]
Join us in Winston-Salem on Monday, May 6th as we continue our fight against discriminatory photo voter ID in North Carolina!		[Download]

For more information and resources on the fight for free and fair access to the ballot visit protectourvotenc.org!		[Download]
Our federal trial against discriminatory photo voter ID in North Carolina will determine if voters in this state are able to vote on equal terms in the upcoming election and beyond! Stand with us as we #PackTheCourt in Winston-Salem.		[Download]
Your right to vote is protected! If something does not feel right at the polls, call the NC Election Protection hotline at 888-687-8683.		[Download]

Have you been involved with the criminal legal system? Do you have questions about your right to vote? Call our second chance voter hotline at 1-877-880-8683 for assistance!		[Download]

View and share the Pack the Court Email Announcement