



Written by [Annalisa Pesek](#) on July 1, 2021

## SCOTUS Strikes Down Democrats' Challenge to Arizona Voting Rules: Policies Are "Not Enacted With a Racially Discriminatory Intent"

As part of their design for an exceptionally unique form of government for America, the Founding Fathers stated plainly in [Article I of the U.S. Constitution](#) that the state legislatures have the authority to set their own election laws and rules for elections in their states.

Today, in a vote of 6-3, with liberal Justices Elena Kagan, Stephen Breyer, and Sonia Sotomayor dissenting, the U.S. Supreme Court upheld the Constitution's commitment to state sovereignty and to ensuring integrity in U.S. elections by ruling in favor of Arizona laws protecting election-day and early mail-in voting.



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The Court ruled in [Brnovich v. Democratic National Committee \(DNC\)](#), identifying Arizona Attorney General Mark Brnovich and the DNC, that "neither Arizona's out-of-precinct policy nor its ballot-collection law [[House Bill 2023](#)] violates Section 2 of the VRA [Voting Rights Act]," as claimed by the Democrats.

The final decision reverses an earlier judgement by the Ninth Circuit Court of Appeals that found the DNC's accusations admissible.

The Ninth Circuit ruling rejected the decision by U.S. District Judge Douglas L. Rayes, an Obama appointee, that Arizona's "out-of-precinct policy had no meaningfully disparate impact on minority voters' opportunities to elect representatives of their choice, and that the ballot-collection restriction was no cause for a meaningful inequality in minority voters' electoral opportunities."

Upholding the District Court's findings in favor of Arizona, the High Court concluded that the restrictions against counting ballots cast in a precinct other than the one where the registered voter resides, as well as the state's choice to criminalize unauthorized possession of early ballots (also known as ballot harvesting) by anyone other than the registered voter were "not enacted with a racially discriminatory purpose."

"At first, the 9th Circuit Court of Appeals affirmed the trial court," reported the [Epoch Times](#), "but the appeal court's ruling was then reversed when all the judges of the circuit reviewed it at the en banc stage."

"Arizona's policy of wholly discarding ... out-of-precinct ballots, and ... criminalization of the collection of another person's ballot, have a discriminatory impact on American Indian, Hispanic, and African American voters in Arizona, in violation of the 'results test' of Section 2 of the VRA," Judge William A. Fletcher, a Clinton appointee, [wrote for the appeals court.](#)"



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Judge Fletcher appears to echo the lawsuit filed by the DNC, asserting that “the State’s [Arizona’s] refusal to cast ballots in the wrong precinct and its ballot-collection restriction had an adverse and disparate effect on the State’s American Indian, Hispanic, and African-American citizens in violation of the Voting Rights Act.”

Conversely, Justice Samuel Alito argued in his opinion to the Court that Arizona law in general makes voting easy and accessible to all voters, with voters allowed to cast ballots by mail and in person as early as 27 days before an election. Justice Alito further clarified:

The Arizona restrictions claimed to be unlawful were taken up in a trial by the District Court, which upheld the rules, as did a panel of the Appeals for the Ninth Circuit. But an en banc court by a divided vote, found them to be unlawful. It relied on the rules’ small disparate impacts on members of minority groups, as well as past discrimination dating back to the State’s territorial days. And it overturned the District Court’s finding that the Arizona Legislature did not adopt the ballot-collection restriction for a discriminatory purpose.

We now hold that the en banc court misunderstood and misapplied §2 and that it exceeded its authority in rejecting the District Court’s factual finding on the issue of legislative intent.

The Court’s decision comes just a week after the Biden administration filed a [lawsuit](#) against Georgia, accusing the state of implementing a new election law that, instead of protecting Americans’ votes, promotes voter suppression, denying minorities, specifically black people, access to the ballot box.

Immediate and swift resistance ensued from Georgia Republican Governor Brian Kemp, who declared the suit “[legally and constitutionally dead wrong](#),” and the accusations by prosecutors “quite honestly, disgusting.” Georgia Secretary of State, Brad Raffensperger has announced he is challenging the lawsuit.

As the birth certificate of the nation states, voting is a right and a privilege, and restoring Americans’ confidence in elections begins at the state level. Though many constitutional amendments have been ratified since America’s first election, recent contention about racial inequality and election integrity continue to contribute to the Democrats’ accelerating attempt to divide Americans on both issues. Certainly, all legislators can agree that laws that make it easier for all Americans to vote and harder to cheat are vital, and this is exactly what Arizona’s regulations set out to achieve. Yet while met with broad consensus by the Republicans, Arizona’s rules — which indeed make it easier to vote and harder to cheat — have been unequivocally rejected by the Democrats. At the very least, the Supreme Court’s judgement is a favorable result that gives Americans a tad more confidence in the conservative justices residing on the bench.



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