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Federal Judge Dismisses Tennessee Student Voting Rights Case

Washington, DC – Late yesterday, U.S. District Judge Aleta Trauger granted the State of Tennessee’s motion to dismiss the federal case challenging Tennessee’s voter ID law. The Court relied on the Supreme Court’s 2008 decision in *Crawford v. Marion County Election Board*, arguing this foreclosed plaintiffs’ claims of discrimination against college and university student voters.

The plaintiffs – the Nashville Student Organizing Committee (NSOC) and seven students from Fisk University, Belmont University and Tennessee State University – claimed that Tennessee’s voter ID law discriminated against them on account of their age in violation of the 26th Amendment and discriminated against public college and university students by excluding their student ID cards from the list of accepted voter IDs while permitting faculty and staff ID cards from the same institutions.

The case was litigated since March 2015. Discovery had been ongoing when the Tennessee Attorney General’s office filed a motion to dismiss the amended complaint. The Court suspended all discovery pending a ruling on the motion to dismiss. Previously on August 12, 2015, the Court issued a ruling allowing depositions of state legislators to go forward, over their legislative privilege objections.

“If this ruling stands, it is further proof that voting rights law – weakened over the years by Supreme Court decisions and Congressional inaction – fails to protect against even this obvious discriminatory behavior by Tennessee state legislators,” said Jon Sherman, Counsel at the Fair Elections Legal Network. “Tennessee’s state legislators successfully used the voter ID law to skew the electorate in favor of older voters and against younger voters, as confirmed by a federal government study, and yet, our clients have been denied their day in court to prove this.”

“We are obviously disappointed with the Court’s decision which we believe is wrong,” Douglas Johnston, a partner at Barrett Johnston Martin & Garrison, LLC. “We will be spending some time discussing next steps with our clients.”

No decision has been made about whether to appeal the Court’s ruling. A trial was originally scheduled for early September 2016.

Background

Earlier this year, a federal lawsuit was filed in the U.S. District Court in Nashville challenging Tennessee's voter ID law as violating the voting rights of Tennessee college and university students. The lawsuit was filed on behalf of a student organization and nine college students by the Fair Elections Legal Network, a national voting rights organization, and Nashville law firm, Barrett Johnston Martin & Garrison, LLC. The lawsuit asks the court to rule that the current voter ID law violates the 14th Amendment and 26th Amendment to the U.S. Constitution because it discriminates against college students by excluding student ID cards from the list of accepted voter IDs.

Since 2011, the Tennessee General Assembly has consistently made it harder for young college students to vote, while making it easier for older voters to comply with or avoid the ID requirement entirely. The voter ID law allows voters to use public college and university faculty and employee ID cards but not student ID cards issued by the same institutions. The suit alleges legislators have purposely singled out students, particularly out-of-state students, in order to discourage them from voting in Tennessee, as is their right.

This case asks that college and university student ID cards be added to the list of accepted voter IDs. Of the states that have recently adopted strict photo voter ID laws, only Tennessee, Texas, and South Carolina refuse to accept student IDs.

The plaintiffs include the Nashville Student Organizing Committee (NSOC), a student-run social justice organization that has long advocated for making student IDs an accepted form of voter ID, and seven individual students from public and private colleges and universities in Tennessee, including Fisk University and Tennessee State University, both historically black institutions in Nashville, as well as Belmont University.

The First Amended Complaint is available here: <http://fairelectionsnetwork.com/wp-content/uploads/NSOC-v.-Hargett-First-Amended-Complaint.pdf>.

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