

Court Of Appeals Sidelines Decision Granting Voting Rights To Felons On Parole and Probation

By Administrator

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The North Carolina Court of Appeals blocked a lower court ruling in a felon voter rights case, granting a petition for a writ of supersedeas and staying the expanded injunction pending appeal. This decision comes after legislative leaders asked Attorney General Josh Stein to immediately appeal the lower court's verbal order. When Stein refused to act, legislative leaders fired Stein and hired outside counsel.

Sen. Warren Daniel (R-Burke) said, **"The decision to block the lower court's ruling affirms that judges can't just replace laws they don't like with new ones. It also shows how false Attorney General Josh Stein's purported reason was for refusing to defend the legislature in this case."**

The North Carolina Constitution stipulates that felons cannot ever vote unless the legislature adopts a law to re-enfranchise them. In 1973, Democrats in the legislature passed such a law outlining when and how felons can regain the right to vote.

More than a year ago, a group filed a lawsuit seeking to overturn that 1973 law. The suit was dormant for most of the year, until last month a court decided to fast-track the case. The trial ended two weeks ago and the court verbally issued its decision, but declined to release a written opinion.

The verbal 2-1 decision effectively puts in place a new law, created by judges, governing felon voting rights to replace the law passed in 1973.

After the lower court's ruling, Sen. Warren Daniel (R-Burke) said, **"This law, passed by a Democrat-led legislature 50 years ago, provides a path for felons to regain voting rights. If a judge prefers a different path to regaining those rights, then he or she should run for the General Assembly and propose that path. Judges aren't supposed to be oligarchs who issue whatever decrees they think best."**

After the lower court's ruling, legislative leaders asked their lawyer, Attorney General Josh Stein, to immediately appeal the determination. Stein refused, citing an odd technicality that his office claimed forbade him from appealing a judge's ruling without a written opinion.

Legislative leaders fired Stein for refusing to perform his duties

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The legislature then engaged a new firm for new representation. The new firm filed a stay pending appeal of the court's ruling almost immediately. That request was granted today by the Court of Appeals.

The decision means that the lower court's ruling is blocked while a full appeal of that ruling proceeds.

Sam Hayes, General Counsel for House Speaker Tim Moore said, "We are pleased with the Order upholding the rule of law, which was issued today by the North Carolina Court of Appeals."