Victory for Honest Elections

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A federal court in Kansas just rendered a much-needed decision against the federal government's interference with state efforts to combat voter fraud. Kansas and Arizona won total support for their laws to stop voter registration by illegal aliens and other non-citizens, and the court ordered a federal agency to revise its forms "immediately."

It's not every day that federal bureaucrats are told to submit to state law. Big-government liberals have been in disbelief ever since the issuance of this ruling, which upheld the power of the states to require the federal Election Assistance Commission (EAC) to include proof-of-citizenship requirements on voter registration forms pursuant to the National Voter Registration Act of 1993.

Kansas and Arizona had enacted laws requiring real proof-of-citizenship, such as a birth certificate or passport, in order to register to vote. Until now, the federal voter registration form required only a mere signature to affirm citizenship, without showing any documents or real proof.

Illegal aliens break the law to enter this country, so it is obviously naive to pretend that they would never lie in signing a form. Moreover, legal aliens who are here on green cards or temporary visas have not sworn their loyalty to the United States, nor have they surrendered the citizenship of their country of origin.

The brilliant approach of requiring proof of citizenship on the registration form is the brainchild of Kansas Secretary of State Kris Kobach, and this new court decision confirms that the Obama Administration must comply with this common-sense regulation. This is a great step forward for states that are trying to protect their citizens against a federal government that refuses to enforce federal immigration law.

Kobach explained to the Associated Press, "This is a really big victory, not just for Kansas and Arizona but for all 50 states." Alabama immediately moved forward with its own law against illegal voter registration, and the other 47 states can now do likewise.

The phony canard of "voter suppression" is already being chanted by liberals, even though the only "suppression" is of illegal votes that never should be cast. The U.S.

Supreme Court has upheld the requirement to show identification in order to vote, so showing a document to prove citizenship is plainly reasonable.

This dispute started in October 2012 when the EAC refused to cooperate with attempts by the states to crack down on illegal voting. Federal bureaucrats typically refuse to take orders from states unless commanded to do so by a court.

So Kris Kobach sued, in Kobach v. U.S. Election Assistance Commission, to force the federal government to include proof of citizenship requirements on its form for registering voters in Kansas and Arizona. State law, after all, is what defines election eligibility, not federal law, apart from a few exceptions such as forbidding discrimination and allowing 18-year-olds to vote.

Arizona previously tried to require proof of citizenship in order to register to vote, but the Supreme Court struck down Arizona's prior attempt. This time, however, Arizona and Kansas did what the Supreme Court invited them to do: add the document requirement on the printed federal form on which people register to vote.

In ruling for the states, the federal court held that "Congress has not preempted state laws requiring proof of citizenship through the National Voter Registration Act," and states have the power to require proof because the "Constitution gives each state exclusive authority to determine the qualifications of voters for state and federal elections."

This splendid new decision by federal Judge Eric F. Melgren explained that "Because the Constitution gives the states exclusive authority to set voter qualifications under the Qualifications Clause, and because no clear congressional enactment attempts to preempt this authority," it is OK for the states to decide that "a mere oath is not sufficient" for a prospective voter to prove that he is a citizen.

The judge then ordered the federal Election Assistance Commission "to add the language requested by Arizona and Kansas to the state-specific instructions on the federal mail voter registration form, effective immediately." The words "effective immediately" are particularly gratifying because they order the Obama Administration to comply right now, before the 2014 elections.

Congratulations to Kris Kobach for his persistence in pursuing honest elections. That's the job of state secretaries of state.

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