

SUPREME COURT OF THE UNITED STATES

Moore v. Harper, 380 N.C. 317

868 S.E.2d 499 (2022) (2023) · No. No. 21-1271 · Decided June 27, 2023

SUMMARY

The Supreme Court held that the Elections Clause does not give state legislatures exclusive and independent authority to regulate federal elections free from restrictions imposed by state law. State legislatures remain subject to state constitutional constraints and ordinary state judicial review when prescribing rules for federal elections. The Court affirmed the judgment of the Supreme Court of North Carolina and held that it had jurisdiction despite subsequent state-court proceedings.

CASE DETAILS

COURT	Supreme Court of the United States
WRITING FOR THE COURT	Chief Justice Roberts; Justice Sotomayor; Justice Kagan; Justice Kavanaugh; Justice Barrett; Justice Jackson; Justice Thomas; Justice Gorsuch; Justice Alito
JURISDICTION	Federal
DECIDED	June 27, 2023
DOCKET	No. 21-1271
DISPOSITION	affirmed
PROCEDURAL POSTURE	On writ of certiorari to the Supreme Court of North Carolina to review Harper I's resolution of the Federal Elections Clause issue.
STANDARD OF REVIEW	De novo review of federal jurisdiction and the federal constitutional question; the Court did not review whether the North Carolina Supreme Court exceeded the ordinary bounds of state-law judicial review because petitioners did not meaningfully present that issue.
PRECEDENTIAL VALUE	binding
PARTIES	Timothy K. Moore, in his official capacity as Speaker of the North Carolina House of Representatives, et al. v. Rebecca Harper, et al.

TOPICS

- election law
- redistricting
- gerrymandering
- federalism
- constitutional law

PRACTICE AREAS

constitutional law

election law

federal courts

redistricting

QUESTIONS PRESENTED

1. Whether the Supreme Court had jurisdiction to review the North Carolina Supreme Court's judgment in Harper I after subsequent state-court proceedings overruled Harper I's reasoning on state-law justiciability.
2. Whether the Federal Elections Clause insulates state legislatures from review by state courts for compliance with state constitutional law.
3. Whether state courts may exceed the ordinary bounds of judicial review and thereby arrogate to themselves the power vested in state legislatures to regulate federal elections.

HOLDINGS

1. The Court had jurisdiction under Article III and 28 U.S.C. § 1257(a) because Harper I's judgment enjoining use of the 2021 congressional maps remained operative, the legislative defendants continued to have a personal stake, and the Federal Elections Clause issue had finally been decided by the State's highest court and survived subsequent proceedings.
2. The Elections Clause does not vest exclusive and independent authority in state legislatures to set rules governing federal elections free from restrictions imposed by state law. When state legislatures prescribe such rules, they remain subject to ordinary state constitutional constraints and state judicial review.
3. State courts may not transgress the ordinary bounds of judicial review so as to arrogate to themselves the power vested in state legislatures to regulate federal elections. The Court did not adopt a specific test for identifying such a violation.

KEY QUOTATIONS

"The Elections Clause does not insulate state legislatures from the ordinary exercise of state judicial review." (15)

"We hold only that state courts may not transgress the ordinary bounds of judicial review such that they arrogate to themselves the power vested in state legislatures to regulate federal elections." (29)

"State courts retain the authority to apply state constitutional restraints when legislatures act under the power conferred upon them by the Elections Clause." (30)

FACTUAL BACKGROUND

After the 2020 census entitled North Carolina to an additional congressional seat, the General Assembly enacted new congressional and state legislative district maps along party lines. Several groups of plaintiffs challenged the maps under provisions of the North Carolina Constitution, alleging that the congressional map was an impermissible partisan gerrymander. The North Carolina Supreme Court held that the map violated state law and rejected the argument that the Federal Elections Clause gave the state legislature exclusive authority insulated from state-court review.

PROCEDURAL HISTORY

Following the 2020 census, North Carolina enacted congressional and state legislative districting maps. Plaintiffs challenged the maps under the North Carolina Constitution. A three-judge Wake County Superior Court found partisan-gerrymandering claims nonjusticiable and denied relief, but the North Carolina Supreme Court reversed in Harper I, held the claims justiciable, rejected the Elections Clause defense, struck down the maps, and remanded for remedial proceedings. While the case was pending in the United States Supreme Court, the North Carolina Supreme Court withdrew Harper II and overruled Harper I on state-law justiciability grounds, but did not disturb Harper I's judgment enjoining use of the 2021 maps. The United States Supreme Court held that it retained jurisdiction and affirmed Harper I.

DISPOSITION

affirmed

CASES CITED

- United States v. Detroit Timber & Lumber Co., 200 U.S. 321, 337 (1906)
- Genesis HealthCare Corp. v. Symczyk, 569 U.S. 66, 71 (2013)
- Chafin v. Chafin, 568 U.S. 165, 172 (2013)
- Cox Broadcasting Corp. v. Cohn, 420 U.S. 469, 477-480 (1975)
- Ohio ex rel. Davis v. Hildebrant, 241 U.S. 565, 569-570 (1916)
- Smiley v. Holm, 285 U.S. 355, 365-370, 373 (1932)
- Arizona State Legislature v. Arizona Independent Redistricting Commission, 576 U.S. 787, 792-818 (2015)
- Marbury v. Madison, 1 Cranch 137, 176-177 (1803)
- McPherson v. Blacker, 146 U.S. 1, 25, 27 (1892)
- Leser v. Garnett, 258 U.S. 130, 137 (1922)
- Hawke v. Smith, 253 U.S. 221, 228-231 (1920)
- Bush v. Gore, 531 U.S. 98, 104-105, 114-115 (2000)
- Rucho v. Common Cause, 588 U.S. ____ (2019)
- Hunt v. Cromartie, 526 U.S. 541, 546 n.1 (1999)
- Federated Department Stores, Inc. v. Moitie, 452 U.S. 394, 398 (1981)
- Phillips v. Washington Legal Foundation, 524 U.S. 156, 164 (1998)
- Bay Area Laundry and Dry Cleaning Pension Trust Fund v. Ferbar Corp. of Cal., 522 U.S. 192, 206-208 (1997)

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