



*Fighting for Voting Rights and a Democratic United States*

## **DEMOCRATIC LAW BRIEFS**

A Publication of the DC Chapter of the National Lawyers Council  
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**WELCOME TO DEMOCRATIC LAW BRIEFS**, the official newsletter of the DC Chapter of the National Lawyers Council. If you would like to be on our mailing list, please sign up at <http://www.democraticlawyers.org/join.php> or e-mail your name, title, company, addresses, and phone numbers to [signup @ democraticlawyers.org](mailto:signup@democraticlawyers.org). We'll happily add you to the list.

### **NOTICE**

#### **DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS**

The Regular Meeting of the DC Board of Elections and Ethics will be held on Wednesday, March 11, 2009 at 10:30 a.m. at One Judiciary Square, Room 280 North (originally scheduled on Wednesday, March 4, 2009).

The agenda features election reform, including Same-Day Registration and Early Voting proposals. The full agenda can be accessed here:  
[http://www.dcboee.org/pdf\\_files/nr\\_188.pdf](http://www.dcboee.org/pdf_files/nr_188.pdf)

For more information, the public may call 202-727-2525 (TDD: 202-638-8916)

### **VOTING RIGHTS NEWS**

#### **VOTER FRAUD**

**Nationwide** - Budget concerns seem to be rendering most of this year's threatening election reform proposals impassable. However, that does not prevent these measures from perpetuating the irrational distrust in elections (and voters) that come with restrictive voter ID and voter registration proposals. Instead of focusing on resolutions that would create more transparency in election administration without disenfranchising voters, lawmakers in Oklahoma, Minnesota, Mississippi and Texas made headlines for their battles to move voter ID laws last week, while two more states are discussing bills that would negatively impact young voters. For more on this issue read here:

[http://projectvote.org/index.php?id=265&tx\\_ttnews\[tt\\_news\]=3060&tx\\_ttnews\[backPid\]=263&cHash=bce1e8d179](http://projectvote.org/index.php?id=265&tx_ttnews[tt_news]=3060&tx_ttnews[backPid]=263&cHash=bce1e8d179)

## VOTING MACHINES

**Maryland** - Maryland Delegate Addie Eckardt (R) has introduced a bill that would delay the State's switch to new voting machines. The bill was heard in Committee this week and Eckardt says she didn't hear much opposition to it. She says the State is scheduled to start paying for new machines this year, but they will continue paying on the current machines until 2016. Eckardt says this is not the time to take on two payments. Read More here:

<http://www.wmdt.com/topstory/displaystory.asp?id=12062>

## VOTING RIGHTS ACT- SECTION 2

**National** - A fractured Supreme Court yesterday narrowed the protections of the Voting Rights Act, saying it does not require governments to draw electoral districts favorable to minority candidates in places where minorities make up less than half the population. See the Supreme court opinion in Bartlett v. Strickland here:

<http://www.supremecourtus.gov/opinions/08pdf/07-689.pdf>

## MINNESOTA SENATE RACE

**Minnesota** - Another setback for Republican Norm Coleman at the Minnesota Senate recount trial -- and it could be a big one. The judges have thrown out the testimony of a Minneapolis poll worker who claimed to witness errors that could have caused double counting of votes. The poll worker had supplied materials to Coleman's legal team that weren't given to lawyers for Democrat Al Franken. The judges found that to be a violation of civil trial procedures. Read more about the ruling here:

<http://www.msnbc.msn.com/id/29395245/>

**Minnesota** -The Minnesota Supreme Court on Friday refused Al Franken's request to be immediately certified as winner of the U.S. Senate election, saying that step must await a final resolution of the long-running recount trial and possible appeals. Read more on this issue here:

[http://www.startribune.com/politics/national/senate/40850567.html?elr=KArksLckD8EQDUoaEyqyP4O:DW3ckUiD3aPc:\\_Yqc:aUUss](http://www.startribune.com/politics/national/senate/40850567.html?elr=KArksLckD8EQDUoaEyqyP4O:DW3ckUiD3aPc:_Yqc:aUUss)

## VOTING VIA EMAIL

**Florida** - Florida could someday extend the right to vote via e-mail to Floridians on the road or U.S. Military men and women stationed overseas. Secretary of State Kurt Browning has been trying to line up lawmakers to sponsor a bill making the change in the upcoming 60-day legislative session starting this week. Read more here:

<http://www.orlandosentinel.com/news/local/orl-loc-capview-01030109,0,2488017.story>

## VOTER IDENTIFICATION

**Texas-** The Texas Senate is gearing up for battle over a plan to tighten ID requirements for voters. Republicans say Voter ID – as the legislation is known at the Capitol – is crucial to stop ballot fraud. Democrats complain it's all about erecting hurdles to keep their base voters, like minorities, away from the polls. More on this story here:

<http://www.chron.com/disp/story.mpl/ap/tx/6284639.html>

**Oklahoma** - A proposal that would require voters to show "proof of identity" before casting their ballots has cleared a legislative committee and is expected to be heard by the full state Senate [this] week. But not every lawmaker is thrilled with the proposal. Senate Bill 4, by Bartlesville Republican John Ford, would require voters to provide documents that include the voter's name and picture prior to voting in an election. Details here:

[http://www.normantranscript.com/localnews/local\\_story\\_058011232](http://www.normantranscript.com/localnews/local_story_058011232)

**Mississippi** - Republicans in the Mississippi Senate are trying to revive a voter identification bill, days after some of their own members killed it in a move that surprised and angered many party loyalists.

<http://www.natchezdemocrat.com/news/2009/mar/07/senators-try-resurrect-voter-id-bill/>

## VOTERS AND POLITICAL APPAREL

**Virginia** - Voters will be able to wear clothing with their candidate's name to the polls under a bill passed in the General Assembly today. The allowance would void a ban that the Virginia Board of Elections instituted on wearing candidate's paraphernalia at the polls in the November election. The bill also aims to clarify residency requirements for registering to vote, which became an issue in many college towns in Virginia. Details can be found here:

[http://www.timesdispatch.com/rtd/news/local/article/ELECGATER01\\_20090228-171413/218466/](http://www.timesdispatch.com/rtd/news/local/article/ELECGATER01_20090228-171413/218466/)

## VOTING REFORM

**Maryland-** Legislation under debate in Annapolis would call for a referendum that, if passed would make a one-sentence constitutional amendment allowing for same-day registration, said Sen. Mike Lenett (D-Montgomery County), and the details of how to implement it will be determined later. After the outcome of the proposed

referendum, the General Assembly will vote on the amendment. Details on this legislation here:

<http://media.www.diamondbackonline.com/media/storage/paper873/news/2009/02/27/News/Lawmakers.Debate.Voting.Reform-3652470.shtml>

### ELECTION ASSISTANCE COMMISSION OPENING

**Washington, DC** - Commissioner Rosemary E. Rodriguez resigned from the U.S. Election Assistance Commission (EAC), effective February 28, 2009. She is returning home to Denver to serve as the State Director for United States Senator Michael Bennet of Colorado. The complete story here:

[http://www.eac.gov/News/press/commissioner-rodriguez-resigns/base\\_view](http://www.eac.gov/News/press/commissioner-rodriguez-resigns/base_view)

### S.J.RES.7 - REQUIRE ELECTIONS TO FILL SENATE VACANCIES

**Washington DC** - Senator Russ Feingold (D-WI) introduced S.J.Res.7 - a constitutional amendment to require elections to fill Senate vacancies and prohibit temporary appointments by governors. The amendment, cosponsored by Senators Mark Begich (D-AK), John McCain (R-AZ), and Dick Durbin (D-IL), will be the subject of a hearing this Wednesday, March 11th at 10:00 a.m., to be held in the Senate Judiciary Constitution Subcommittee jointly with the House Judiciary Subcommittee on the Constitution, Civil Rights, and Civil Liberties. A companion version was introduced in the House of Representatives by House Judiciary Committee Chairman John Conyers (D-MI) and Rep. David Dreier (R-CA).

## DC DLC BRAIN TEASERS

DC DLC BRAIN TEASERS - Each week we have a puzzle or a brain teaser or a trivia question for you to answer. You can e-mail your answers to [editors@democraticlawyers.org](mailto:editors@democraticlawyers.org). Please put "Brain Teaser" in the subject line. We will run the names of all those who get the right/best answer in the following issue.

### THIS WEEK'S QUESTION

William Harrison was the first President to suffer from this Tecumseh curse. What was the curse?

## LAST WEEK'S QUESTION

What two Presidents are related as Grandfather - Grandson?

## ANSWER

The ninth President William H. Harrison and the twenty-third President Benjamin Harrison were related as grandfather and grandson. We had correct answers from William Stephens and Gautam Dutta. Congratulations William and Gautam!! Good Luck this week.

## WHO ARE WE?

The DC Democratic Lawyers Council (DC DLC) is a group of Democratic lawyers, affiliated with the National Lawyers Council of the Democratic National Committee, volunteering their legal skills to strengthen the democratic process. We work to ensure that every eligible citizen is allowed to vote and that every vote cast in every election is counted. The DC DLC was formed out of a concern that voting rights are increasingly under attack in our country and an understanding that now is the time to put the skills of Democratic attorneys to work to ensure that every citizen's right to vote will be upheld in future elections. Our activities include advocating for better laws and regulations and initiating litigation when necessary to guarantee the fairness of and the widest participation in the U.S. electoral process.

The Democratic Lawyers Council was founded by attorneys who have served on the front line of election law for the Democratic Party in numerous elections, including most recently, the 2000 and 2004 presidential elections. The lesson learned from the recount debacle was that post-election day litigation will hardly ever fix any election injustice. Given that, many of the recount lawyers, particularly those based in Florida, engineered a comprehensive voter protection program to confront and deal with voter and election issues before Election Day. One aspect of this effort was the recruitment of 3200 lawyers who, after receiving specialized election law and procedures training, worked inside the polls in key precincts in Florida on Election Day to assure that every citizen who showed up to vote, was able to do so.

Our mission statement is simple:

We are a coalition of lawyers and others dedicated to fostering universal participation and trust in the electoral process by ensuring that:

- All eligible persons can register to vote easily;

- All registered voters are able to vote simply, fairly, and without intimidation; and
- All votes are counted accurately and all voting systems are open and reliable.

We encourage you to send us an e-mail if you would like more information or are interested in becoming a part of our organization.

Please e-mail us at [erika @ democraticlawyers.org](mailto:erika@democraticlawyers.org).

## COMMITTEES

We are a volunteer-driven and volunteer-dependent organization. Please lend your time, talents, and effort to helping to solve important voting rights issues. Please click on <http://www.democraticlawyers.org/join.php> and sign up for our committees, which include:

### **DC Community Outreach Committee**

*Co-Chairs*, David Goldblatt ([david @ democraticlawyers.org](mailto:david@democraticlawyers.org)), Curtis LeGeyt ([curtis @ democraticlawyers.org](mailto:curtis@democraticlawyers.org)) & Candice Jones ([candice @ democraticlawyers.org](mailto:candice@democraticlawyers.org))

This committee is responsible for working with community leaders and Democratic elected officials in the District of Columbia on important voting rights initiatives.

### **Building the National Lawyers Council Committee**

*Chair*, Rita Aguilar ([rita @ democraticlawyers.org](mailto:rita@democraticlawyers.org))

This committee is responsible for working with the National Lawyers Council to build chapters throughout the country, as well as developing “model” chapter and voting rights materials.

### **Federal Legislation Committee**

*Chair*, Dick Meltzer ([dick @ democraticlawyers.org](mailto:dick@democraticlawyers.org))

This committee is responsible for monitoring federal election law activity, e.g., HAVA and UOCAVA, educating membership and helping push for voting rights reform at the federal level.

### **Redistricting & Voting Rights Act Committee**

*Chair*, Jeff Wice ([jmwice @ democraticlawyers.org](mailto:jmwice@democraticlawyers.org))

This committee is responsible for preparing Democrats for the next redistricting cycle (2010), e.g., reviewing case law from the 2000 cycle, and monitoring Voting Rights Act developments.

## **Ex-Felon Voting Rights Committee**

*Chair, John Shuman ([john @ democraticlawyers.org](mailto:john@democraticlawyers.org))*

This committee is responsible for helping non-incarcerated ex-offenders secure a right to vote in federal elections, e.g., congressional outreach, to encourage successful re-entry of these citizens.

## **Events Committee**

*Chair, Jordan Usdan ([jordan @ democraticlawyers.org](mailto:jordan@democraticlawyers.org))*

This committee is responsible for organizing year-round activities. These can include professional networking opportunities, guest speaker events, assisting with National Lawyers Council events, and other social and political activities.

In addition, please consider participating in leadership positions and organizational committees, which include:

- Steering Committee
- Event Planning
- Recruiting and Publicity
- Election/Campaign Finance Law Compliance
- Democratic Party/Candidate Outreach
- Fundraising

## **READING SOMEONE ELSE'S COPY???**

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## **GOT NEWS?**

If you have news for Democratic Law Briefs, we'd love to get it. E-mail your news, ideas, rumors and thoughts to Paul Roath and Arielle Harry-Bess at [editors @ democraticlawyers.org](mailto:editors@democraticlawyers.org). We reserve the right to use, not use, edit, paraphrase, or otherwise play with your submissions.

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