



*Fighting for Voting Rights and a Democratic United States*

## **DEMOCRATIC LAW BRIEFS**

A Publication of the DC Chapter of the National Lawyers Council

*Volume 5 Issue 32 September 15, 2009*

**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.

**LAWYERS NEEDED IN VIRGINIA!!!**



Are you interested in helping to get Creigh Deeds, Jody Wagner and Steve Shannon elected, as well as local candidates in the 2009 Election in Virginia? Promote & Protect the Vote 2009 (P2TV) is recruiting volunteer attorneys and law students to monitor targeted precinct polling places across the Commonwealth on Election Day, November 3, 2009, and to canvass the vote the day after Election Day, November 4, 2009.

P2TV is a program aimed at promoting fair elections and protecting voters from election law violations in Virginia. Experience has shown that an effective voter protection program and vote canvass can change the outcome of an election.

As a member of the D.C. Democratic Lawyers Council, you can help protect the votes of Virginians and make a meaningful impact in communities around Virginia by volunteering with P2TV on one or both days. Virginia Bar membership is not required to volunteer but it is a plus.

If you are interested in helping, please go to <http://www.vademocrats.org/page/s/promotethevote09> and sign up to volunteer.

If you have questions about the program or volunteer opportunities please contact Kristina Perry, Promote & Protect the Vote Coordinator, by email at [kperry@vavictory09.org](mailto:kperry@vavictory09.org) or by phone at (804) 644-1966 ext. 241.

P2TV began in Virginia in 2001 and has continued to expand and grow each year. This program is only effective because of the participation of passionate members of the legal community.

Thank you for your support in helping to keep Virginia moving forward.

## VOTING RIGHTS NEWS

### VOTING MACHINES

**Ohio** – ATM maker Diebold Inc. has sold its much-criticized U.S. voting-machine business to its bigger competitor, Election Systems & Software Inc. of Omaha, Neb. Diebold, based in North Canton, announced the sale of its Allen, Texas-based subsidiary Premier Election Solutions Inc. on Thursday and said it will get \$5 million plus payments representing 70 percent of collections of the unit's accounts receivable as of Aug. 31. Read the details here:

[http://www.google.com/hostednews/ap/article/ALeqM5iiesbo\\_XRYKaqI5BTjx1nFgJGUzQD9AG1N900](http://www.google.com/hostednews/ap/article/ALeqM5iiesbo_XRYKaqI5BTjx1nFgJGUzQD9AG1N900)

**Washington, DC** - U.S. Sen. Charles Schumer is asking the Justice Department to review Diebold Inc.'s sale of its U.S. voting-machine business to a bigger competitor, Election Systems & Software Inc. of Omaha, Neb. The New York Democrat said Monday that the sale could have adverse implications on how the country votes. Details can be found here:

<http://www.washingtonexaminer.com/economy/ap/59251787.html>

### VOTER INTIMIDATION

**Wisconsin** - A hearing was held last week in the Wisconsin State Senate on a bill that would toughen laws against voter intimidation. Under the proposal, a voters bill of rights would be created that would be posted in each polling place. Read more here: <http://www.chicagotribune.com/news/chi-ap-wi-xgr-voterintimida,0,6080177.story>

**Washington, DC** - The Department of Justice's internal ethics watchdog is looking into the circumstances surrounding the dismissal in May of voter intimidation charges against members of the New Black Panther Party, a case that has sparked outrage from conservatives. Rep. Lamar Smith (R-Tex.), the top Republican on the House Judiciary Committee, revealed the inquiry in a news release last week. Smith has been a vocal critic of the Obama DOJ's decision to dismiss charges against one members of the black separatist group, who stood outside a Philadelphia polling place

last November in military-style fatigues and beret. The DOJ won an injunction against another New Black Panther, who'd carried a nightstick. Read more here: <http://www.philly.com/philly/news/local/58387987.html>

## E-POLL BOOKS

**IOWA** - Scott County Auditor Roxanna Moritz and her staff liked what they saw Tuesday in the North Scott voting precinct where an electronic pollbook was in use for the first time. The pollbook, a laptop specially programmed with voter registration and procedures, was used instead of the printed pollbook that has voter registration information published in it. Read the details here: [http://www.qctimes.com/news/local/article\\_62767306-9dad-11de-9d06-001cc4c002e0.html](http://www.qctimes.com/news/local/article_62767306-9dad-11de-9d06-001cc4c002e0.html)

## VOTER REGISTRATION REFORM

**Washington, DC** - The movement to reform voter registration increased its profile last week when the bipartisan Committee to Modernize Voter Registration publicly announced its formation, and The Pew Center on the States released an issue brief recommending ways to update the current system of voter registration. Read the report here: [http://www.pewcenteronthestates.org/uploadedFiles/Voter\\_Registration\\_Modernization\\_Brief\\_web.pdf](http://www.pewcenteronthestates.org/uploadedFiles/Voter_Registration_Modernization_Brief_web.pdf)

## CAMPAIGN FINANCE

**National**- Money and politics are often equated as the fuel and engine of American democracy, but thanks to the Supreme Court, century-old government speed bumps on the campaign speech superhighway may soon be a thing of the past. Those are the monumental stakes when the justices return early from its summer recess Wednesday to re-hear a case which could radically alter the election calculus for corporations, unions, advocacy groups, and individuals seeking a voice in the crowded national political debate. <http://www.cnn.com/2009/POLITICS/09/04/mears.election.laws.1/index.html>

**Washington, DC** - On September 9th, the Supreme Court heard arguments in the case of Citizens United vs. Federal Election Commission, which was brought when Citizens United, a nonprofit organization, tried to air their anti-Clinton movie, "Hillary: The Movie" on cable and pay-per-view networks, as well as ads for the movie in other venues. The FEC ruled that federal law prohibited airing of the movie. Read more here: [http://www.pbs.org/newshour/updates/law/july-dec09/scotus\\_09-09.html](http://www.pbs.org/newshour/updates/law/july-dec09/scotus_09-09.html)

## VOTER IDENTIFICATION

**Mississippi** - With an Oct. 7 deadline approaching, Mississippi Republican Party Chairman Brad White said Friday about 35,000 signatures have been verified on a petition for a 2010 ballot initiative to require voters to show identification. The state GOP is under the gun to collect the needed signatures to get the initiative on the ballot in 2010, which is a Congressional election year. White said besides the 35,000 verified signatures and a few thousand more being processed by circuit clerks, hundreds are showing up at his office daily. Only a few weeks remain to get nearly 55,000 more verified signatures to reach the required total, which must be evenly divided between five areas of the state. Read the details here:  
<http://www.sunherald.com/local/story/1600119.html>

**Utah** - With early voting already under way for this year's municipal primaries, voting officials are asking voters to remember their photo IDs, as required for the first time by state law. The Legislature passed a new statute this year that requires all voters to show an acceptable identification, which includes state-issued cards with photos such as a driver's license or passport. Two forms of other identification, which show a name and current address, may also be accepted. Read more here:  
<http://www.thespectrum.com/article/20090908/NEWS01/909080317>

## 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

What President's wife would not marry him until he promised to run for an elected office?

### LAST WEEK'S QUESTION

What law school did Senator Edward Moore Kennedy attend??

## ANSWER

Senator Edward (“Ted”) Moore Kennedy attended University of Virginia School of Law. We had correct answers from James Gibson and Jeff Wice. Congratulations to the both of you! 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).

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

To get your own copy of Democratic Law Briefs, please visit <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).

### TO UNSUBSCRIBE

ALL YOU HAVE TO DO IS ASK - If you want off the distribution list, just send a request, with all your possible e-mail addresses (a lot of you have your mail forwarded) to [editors @ democraticlawyers.org](mailto:editors@democraticlawyers.org). Put "Unsubscribe" in the subject of the message.

### 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.

\* \* \*

Democratic Law Briefs, E-Mail Edition, Volume 5 Number 32

Copyright 2009 DCDLC, Paul Roath, Ph.D., Esq., Arielle Harry-Bess, Esq. and Erika Moritsugu, Esq.

This material is intended for personal use only. For other than personal use, it is illegal to make copies or faxes of the information or to store it in a database without permission. All material herein is copyrighted and is intended for the sole personal use of members of the Democratic Lawyers Council. While copies for personal use are permitted, the information otherwise may not be reproduced, republished or downloaded to a local area network without written permission. Violators risk penalties and \$100,000 in damages per offense.