



Fighting for Voting Rights and a Democratic United States

DEMOCRATIC LAW BRIEFS

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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.

THANKS TO ALL THE VOLUNTEERS

The Editors want to offer their sincere and heartfelt thanks to all the volunteers who gave of their time and efforts in last week's elections. Thanks for all your hard work!!

HAPPY VETERAN'S DAY

U.S. President Woodrow Wilson first proclaimed an Armistice Day for November 11, 1919, in honor the German signing of the Armistice, which ended the major hostilities of World War I formally ended at the 11th hour of the 11th day of the 11th month of 1918. The United States Congress passed a concurrent resolution seven years later on June 4, 1926, requesting the President issue another proclamation to observe November 11 with appropriate ceremonies. An Act (52 Stat. 351; 5 U. S. Code, Sec. 87a) approved May 13, 1938, made the 11th of November in each year a legal holiday; "a day to be dedicated to the cause of world peace and to be thereafter celebrated and known as 'Armistice Day. In 1953, an Emporia, Kansas shoe store owner named Al King had the idea to expand Armistice Day to celebrate all veterans, not just those who served in World War I. King had been actively involved with the American War Dads during World War II. He began a campaign to turn Armistice Day into "All" Veterans Day. The Emporia Chamber of Commerce took up the cause after determining that 90% of Emporia merchants as well as the Board of Education supported closing their doors on November 11, 1953, to honor veterans. With the help of then-U.S. Rep. Ed Rees, also from Emporia, a bill for the holiday was pushed through Congress. President Dwight Eisenhower signed it into law on *May 26, 1954*¹.

1. Adapted from http://en.wikipedia.org/wiki/Veterans_Day

VOTING RIGHTS NEWS

ANTIRUST AND YOUR VOTE

National - In a *New York Times* Editorial, the sale of Diebold voting machines to its major competitor is discussed. The *Times* raises antitrust issues as the sale would mean that nearly seventy percent of the nation's voting precincts would be using a single corporation's machines. Read the editorial here:

http://www.nytimes.com/2009/10/29/opinion/29thu3.html?_r=2&ref=opinion

MILITARY VOTING

Washington, DC - Last week the Military and Overseas Voter Empowerment Act was signed into law. This bill represents the largest overhaul in military voting since UOCAVA and the most substantial federal election law change since HAVA. Senator Charles Schumer's statement on the Senate Floor emphasizes its significance, and a factsheet summarizes the provisions of the MOVE Act. Read Senator Charles Schumer's Statement here:

<http://www.electionreformproject.org/Features/b45b5b20-d42b-4062-a59d-80a226b63204/r1/Detail.aspx>

SAME DAY VOTING

Washington, DC - The City Council, on Tuesday, gave final approval on legislation for early voting and same-day registration/voting. Read the details here:

<http://www.ballot-access.org/2009/11/05/district-of-columbia-passes-same-day-voter-registration/>

Washington, DC - Senator Russ Feingold and Rep. Keith Ellison discuss reasons for Same Day Registrations (SDR) which would allow voters to exercise their Constitutional right to vote without worry about meeting some arbitrary dead line. The discussion hits on the major reasons that republicans use, aside from the fact that the majority of those voters are unlikely to vote republican in the first place, the ever scary voter fraud and massive administrative problems. Read the discussion here:

<http://thehill.com/blogs/congress-blog/campaign/66137-dc-takes-up-same-day-registration-so-should-congress-sen-russ-feingold>

Washington DC - Last week, U.S. Senator Charles E. Schumer, Chairman of the Senate Committee on Rules and Administration, announced that the Election Assistance Commission (EAC) has agreed to finalize and release the translation of the Federal Mail-In Voter Registration Form into the Asian languages, as required by the

Voting Rights Act, before the start of the 2010 primaries. With only months until the start of the 2010 federal primaries, Asian communities covered by the law will be afforded the same access to registering to vote as Spanish-speaking voters already have. Read the announcement here:

http://schumer.senate.gov/new_website/record.cfm?id=319764

VOTING MACHINE LAW

Tennessee- Tennessee Secretary of State Tre Hargett and state Coordinator of Elections Mark Goins may have dodged the bullet, but it would appear from a ruling Thursday by Chancellor Russell T. Perkins in Nashville that a pistol is still pointed at them on the matter of enforcing the 2008 Tennessee Voter Confidence Act (TVCA). Chancellor Perkins denied the immediate injunctive relief sought by Common Cause of Tennessee and associated counsel, including University of Memphis law professor and county commissioner Steve Mulroy, but explicitly invalidated the persistent claim by defendants Hargett and Goins that no acceptable voting machines are available to carry out the act's mandates. Details can be found here:

<http://www.memphisflyer.com/JacksonBaker/archives/2009/11/05/ruling-on-voting-machine-law-leaves-wiggle-room-on-both-sides>

EARLY PRIMARY VOTING

Hawai'i - Hawai'i election officials are considering asking the Legislature to move up the state's primary date to comply with a new federal law designed to protect the voting rights of American troops and civilians overseas, Hawai'i's top elections officer said. Under the federal statute, signed by President Barack Obama on Oct. 28, ballots must be sent to overseas voters at least 45 days before an election. Read more here:

http://www.starbulletin.com/news/20091108_Earlier_primary_voting_considered.html

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. 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

True or False: Congress has mandated that all elections be held on the first Tuesday after the First Monday in November?

LAST WEEK'S QUESTION

Francis Crick and James Watson won the 1962 Prize for Medicine but their work was based on another worker's data that many felt deserved a share of the award. Who was that researcher and why did that researcher not receive award recognition?

ANSWER

Francis Crick and James Watson used the results from previous studies and X-ray diffraction data from Maurice Wilkins and Rosalind Franklin to help them determine the molecular structure of DNA (i.e. the double helix). While Wilkins was awarded one third of the Nobel Medicine prize, Franklin was not mentioned. Many researchers believe that the Nobel committee should have relaxed its long standing policy of not awarding posthumous awards to recognized Franklin's (who died in 1958) important contribution. We had one person who correctly identified Franklin and knew that there are no posthumous awards. 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).

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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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