



*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 44 December 21, 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.

## **VOTING RIGHTS NEWS**

### **FEDERAL ELECTION COMMISSION**

**New York, NY-** In a *New York Times* editorial, the Republican members of the Commission are blasted for their blatant engineering of stalemates that have resulted in the non-enforcement of the rules and regulations. According to the editorial the Republican members have cynically withheld their votes for months, rejecting staff investigators' sound recommendations for citations and fines in current cases of obvious abuse. They seem to have completely forgotten why they are there: they are supposed to be enforcing the law, not sabotaging it. Read the editorial here: [http://www.nytimes.com/2009/12/20/opinion/20sun3.html?\\_r=1&ref=opinion](http://www.nytimes.com/2009/12/20/opinion/20sun3.html?_r=1&ref=opinion)

**Washington, DC** - The Federal Election Commission (FEC) has elected Matthew S. Petersen as Chairman and Cynthia L. Bauerly as Vice Chair for 2010. Both Petersen and Bauerly were nominated to the Commission by President George W. Bush and unanimously confirmed by the United States Senate on June 24, 2008. Petersen served as Republican chief counsel to the U.S. Senate Committee on Rules and Administration from 2005 until his appointment to the Commission. In this capacity, he provided counsel on issues relating to federal campaign finance and election administration laws as well as the Standing Rules of the Senate. Read more here: <http://www.fec.gov/press/press2009/2009Dec17Chairman2010.shtml>

### **NEW YORK STATE ELECTRONIC VOTING MACHINES**

**Albany NY** - The unanimous vote by the four-person board certified two types of electronic voting machines, from Dominion and ES&S, for state use. The certification

means the state is moving toward compliance with a federal court order that new machines must be in use by the 2010 elections. Read more here:  
<http://www.timesunion.com/AspStories/story.asp?storyID=878377&category=STATE>

### FLORIDA VOTING MACHINES

**Tallahassee, FL** - Florida Attorney General Bill McCollum is conducting an anti-trust investigation of a voting-machine company merger that would create a near-monopoly over the levers of democracy in Florida and much of the United States. McCollum's office has issued at least six subpoenas covering every major voting-machine company as part of a civil investigation of Election Systems & Software's \$5 million acquisition of Diebold Inc.'s elections division -- a merger that would give a private company too much power over the machines used to cast votes, voting-rights groups say. Read the details here:

<http://www.miamiherald.com/news/florida/story/1385770.html>

### ILLINOIS VOTE BY MAIL

**Springfield, IL** - For the first time, in the Feb. 2 primary election Illinois voters will be able to vote by mail without the need for an absentee ballot. Under a new law passed by the General Assembly and signed by the governor this year, any registered voter can request a ballot by mail. Previously, voters had to request an absentee ballot and had to have a valid excuse for voting absentee, such as being out of county on Election Day, serving in the military, being physically disabled and unable to make it to the polls, or attending college. Read more here:

<http://www.pioneerlocal.com/lakevilla/news/1939741,lake-county-votingbymail-121709-s1.article>

### US MILITARY VOTER REGISTRATION AID

**Washington, DC** - The Department of Defense said last week that it would require every military installation around the world to help troops register to vote, the latest move in Washington to eliminate what are considered longstanding obstacles to voting by military personnel. The move comes in response to efforts by Senator Chuck Schumer to facilitate voting for military personnel stationed overseas. Read the details here:

[http://www.nytimes.com/2009/12/18/us/politics/18vote.html?\\_r=1](http://www.nytimes.com/2009/12/18/us/politics/18vote.html?_r=1)

### AUTOMATIC VOTER REGISTRATION

**National** - The problems with the current system of voter registration in most parts of the country affect both the accuracy of voter registration rolls and the size of the voting population. A Utah Commission has unanimously recommended adopting an

automatic voter registration process, and the results of a pilot study of interstate voter registration file matching are presented. Read the reports here:  
<http://www.electionreformproject.org/>

## 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

The controversy over a block of marble donated by this person helped cause the work to be halted in 1854 when the monument was a mere 153 feet high. Who was that person?

### LAST WEEK'S QUESTION

December 6, 1884 marked the completion of this DC feature?

### ANSWER

The Washington Monument was completed on December 1884.

## 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 44

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.