



Fighting for Voting Rights and a Democratic United States

DEMOCRATIC LAW BRIEFS

A Publication of the DC Chapter of the National Lawyers Council
Volume 6 Issue 6 February 16, 2010

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.

EVENTS

ANALYSIS OF THE *CITIZENS UNITED* CASE: A VICTORY FOR FREE SPEECH OR A THREAT TO DEMOCRACY AND SELF-GOVERNMENT?

Date: Thursday, February 18, 2010

Time: 12:00 PM - 1:30 PM

Format: Teleconference and Live audio webcast

Fee : Check ABA registration page

To register visit: <http://www.abanet.org/cle/programs/t10cuc1.html>

On January 21, 2010, the U.S. Supreme Court released its much anticipated 5-4 decision in *Citizens United v. Federal Election Commission*. This case has generated overwhelming national media attention and is one of the most important campaign finance decisions in decades. Proponents of this decision to remove existing independent expenditure restraints on corporations call the decision a victory for free speech, while others have assailed it as a threat to democracy and self-government. This CLE Program will discuss the implications of the decision, including:

- How much will it really alter state and federal elections;
- What is a corporate "person" and how did corporations gain rights under the Bill of Rights;

- The significance of the majority's rejection of the dissenter's "institutional media" concept;
- The role of foreign corporations with U.S. based operations;
- The role of labor unions and whether they are to be treated the same as corporations; and
- The potential legislative responses from Congress and the states.

Panelists

Moderator: Benjamin E. Griffith, Former Chair, State & Local Government Section, *American Bar Association*, Editor, *America Votes: A Guide to Modern Election Law and Voting Rights (ABA 2008)*, Cleveland, MS

William H. Hurd, Former Solicitor General of Virginia, Partner, *Troutman Sanders LLP*, Richmond, VA

John C. Keeney, Jr., Chair, *ABA Standing Committee on Election Law*, Partner, *Hogan & Hartson*, Washington, DC

Trevor Potter, Former Chair, *Federal Election Commission*, Partner, *Caplin & Drysdale*, Washington, DC

Dale Rubin, Professor of Law, *Appalachian School of Law*, Grundy, VA

You May Also Like

VOTING RIGHTS NEWS

VOTER IDENTIFICATION

Hattiesburg, MS - Mississippi Republicans say they have enough signatures to put a voter ID initiative on the November 2011 ballot. State GOP Chairman Brad White told The Associated Press on Wednesday that the party will submit the certified names to the secretary of state's office today. That's the deadline for the party to end a one-year effort to get registered voters to sign petitions. Read more here:

<http://www.hattiesburgamerican.com/article/20100211/NEWS01/2110340/1002>

Columbia, MO - A Missouri House committee considered a proposal yesterday that could require people to show a photo ID before casting a ballot but allow them to vote before Election Day. A proposed constitutional amendment would allow lawmakers to eventually pass bills to require voters to show a photo ID and create an advance voting period. A separate bill would set up at least one early voting center in Kansas City, St. Louis and all 114 counties. Read the details here

<http://www.columbiatribune.com/news/2010/feb/10/house-panel-mulls-id-law-for-elections/>

VOTERS ABROAD

Tempe, AZ - Arizona voters serving in the military or living overseas will soon have some new ways to assure their ballot has been counted. A bill unanimously supported by the state Legislature and signed into law by Gov. Jan Brewer on Thursday brings Arizona into compliance with federal legislation by setting new timelines for ballots being sent overseas and establishing a verification system for completed ballots. It is among the first bills of this legislative session to become law. For more on this go here:

<http://www.azcentral.com/arizonarepublic/local/articles/2010/02/12/20100212politics-overseas0212.html>

VOTING RIGHTS FOR NON U.S. CITIZENS

Portland, ME - The Portland Charter Commission is exploring the possibility of extending voting rights to non U.S. citizens. While it may be a new concept for Maine, non-citizen voting is not without precedent. A handful of towns in a few states allow immigrants to vote, and non-citizens are permitted to cast a ballot on school issues in Chicago. Read more here:

<http://www.wmtw.com/news/22540143/detail.html>

FELON VOTING RIGHTS

Frankford, KY - The Kentucky State House approved a constitutional amendment Wednesday that would allow certain felons to have their voting rights automatically restored after completing their sentences. House Bill 70, sponsored by Rep. Jesse Crenshaw, D-Lexington, passed 83-16 and now goes to the Senate for consideration. The amendment would exempt from the automatic restoration of rights felons convicted of intentional murder, rape, sodomy or sexual contact. Details here:

<http://www.courier-journal.com/article/20100210/NEWS01/2100404/House+approves+amendment+to+restore+felons++voting+rights>

NATIVE AMERICAN VOTING RIGHTS

Sioux Falls, SD - The American Civil Liberties Union filed an amended class action lawsuit in federal court today to restore the voting rights of American Indians who were illegally disfranchised in the 2008 presidential election. The lawsuit was filed in the U.S. District Court for the Western District of South Dakota on behalf of Kim Colhoff, Eileen Janis and others, who attempted to vote in the election but were improperly removed from the voter rolls due to felony convictions. Because state law only disfranchises individuals sentenced to prison and both women were sentenced to probation only, election officials unlawfully took away their voting rights. Read more on this lawsuit here:

<http://www.aclu.org/racial-justice-voting-rights/aclu-challenges-illegal-disfranchisement-american-indian-voters-south-d>

PRISON-BASED GERRYMANDERING

New York, NY - This week, the Census Bureau has agreed to produce a new data product that will assist state and local governments in avoiding prison-based gerrymandering, whereby districts that contain prisons are given extra representation in the legislature. The move was commended by a national network. Under most state constitutions and election law statutes, a prison cell is not a residence, but existing Census Bureau practices count incarcerated people as residents of the prison location. In the past, states and counties that wished to correct this overrepresentation of districts with prisons have received little support from the Census Bureau, as the Bureau has traditionally published the prison populations at the census block level long after redistricting is underway or completed. Additional details can be found here:

http://www.demos.org/updates/DDNewsAlertFeb11_10.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](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

Who was the first President to face an assassination attempt?

LAST WEEK'S QUESTION

What President delivered the longest State of the Union Speech?

ANSWER

Harry Truman delivered the longest speech, in word whereas Bill Clinton delivered the longest speech in length of time. We had a correct answer from Kevin Kingston and

partial answers from Lorelie Masters, Eleanor LeCain and Jeff Wice. Congratulations to all. 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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Democratic Law Briefs, E-Mail Edition, Volume 6 Number 6

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