



*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 20 June 8, 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**

#### **ELECTION PROTECTION LEADERSHIP WORKSHOP WITH THE DNC AND DC DEMOCRATS**

##### **Election Protection in the Age of Obama: Why it Still Matters”**

The Democratic National Committee has considered voter protection to be critically important for many years, and the 2008 presidential election saw an unprecedented effort to ensure that every eligible citizen could cast their ballot. This work is equally important in 2010 and beyond, in part because many of the President's supporters belong to those populations that are typically disenfranchised: young voters, mobile voters, minority voters, older voters, and inexperienced voters. Midterm elections are especially significant, because lower turnout means that every vote can make more of a difference, and because maintaining control in Congress helps support President Obama's agenda. Expanding access to voting and making voting easier and more reliable for all will continue to be a systemic focus of the national party into the future.

**This Saturday, as a part of the DC Democrats' State Convention, please join national and local leaders to discuss what we have accomplished, where we are going, and how you can get involved.**

**Who:** DC Democratic Party and the DC Democratic Lawyers Council  
**What:** DC Democratic Convention Leadership Workshop with Will Crossley, DNC Counsel and Director of Voter Protection  
**Where:** Howard University Law School, Dumbarton Campus  
2900 Van Ness Street Northwest

Red Line Metro: Van Ness-UDC  
Limited on-site parking available to “early bird” arrivers  
Saturday, June 12, 10:00 a.m.

**When:**

**Register here:** <http://dcdsc.org/convention2010.htm>

**Or RSVP** to [erika@democraticlawyers.org](mailto:erika@democraticlawyers.org) with your name, affiliation, phone number, and e-mail

## 2010 WOMEN OPENING DOORS FOR WOMEN

**What:** 21st Annual Women Opening Doors for Women (WODW) event!-

With EMILY's List President Stephanie Schriock, celebrate this year's outstanding WIN Advisory Council member and WIN network, enjoy appetizers and wine, and network with fellow professional women

**Where:** AFL-CIO (815 16th St. NW, Washington, DC 20006)

**When:** Thursday, June 17, 6:00 p.m.

Please click [here](#) to select your dinner, then register for this event by purchasing your ticket to the **2010 Women Opening Doors for Women**.

[http://org2.democracyinaction.org/o/2741/t/9921/p/salsa/web/common/public/content?content\\_item\\_KEY=2656](http://org2.democracyinaction.org/o/2741/t/9921/p/salsa/web/common/public/content?content_item_KEY=2656)

## VOTING RIGHTS NEWS

### ELECTION DAY REGISTRATION

**Sacramento, CA** -The California State Senate has approved a bill that would allow for Election Day Registration. Democratic State Senator Leland Yee says California is near the bottom of the list when it comes to voter turnout. His measure would allow Californians to register and vote on the same day—either Election Day or during early voting. Right now, voter registration is cut off two weeks before Election Day. California's top elections official, Secretary of State Debra Bowen says the concept is a good one, but she hasn't taken a position on the bill. Details Here: <http://www.cpradio.org/articles/articledetail.aspx?articleid=8334>

## VOTER REGISTRATION

**Columbia SC** - Legislators have reached agreement on a bill that would require South Carolina voters to show photo ID at the polls and allow early voting. A committee of House and Senate members approved a compromise Thursday, less than two hours before the regular session was set to end. Both chambers still must approve it. The holdup had been early voting. House GOP leaders wanted only the photo ID requirement. But senators insisted that early voting be part of the bill. The agreement creates a one-week window for voters to cast ballots early without needing an excuse for why they can't vote on Election Day. It continues to allow in-person absentee voting up to a month early with an excuse, but only on paper ballots. Read more here:

<http://www.goupstate.com/article/20100603/ARTICLES/100609878?Title=SC-legislators-agree-on-voter-ID-early-voting->

**Austin, TX** - Another big state has taken steps to modernize voter registration at its motor vehicle offices. The Texas Department of Public Safety, which oversees state driver licenses and identification cards, has instituted a new system that simplifies the voter registration process. "The new Driver License System allows us to provide voter registration information to the Secretary of State's office electronically, eliminating the need to print and transfer paper documents," said Greg Gloria, deputy assistant director of the Driver License Division at DPS, speaking of the new system that took over in late April. "This process eliminates delays that occur as a result of hand delivering or mailing the printed registration forms and the time needed to enter the information into the official voter registration files." Details can be found here:

<http://www.projectvote.org/blog/?p=514>

## PRISONER CENSUS

**Dover, DE** - Last week the Delaware House of Representatives unanimously passed a bill that will count, for redistricting purposes, incarcerated people at their actual home addresses, not where they happen to be incarcerated. The bill now goes to the Senate. The U.S. Census counts incarcerated people as residents of the prison location. If the bill is passed by the Senate and signed in to law, Delaware would be the second state - after Maryland - to eliminate prison-based gerrymandering in their state. Learn more here:

<http://www.prisonersofthecensus.org/news/2010/06/02/delaware-house/>

## FELON VOTING RIGHTS

**Sioux Falls, SD** - A settlement in a voting rights lawsuit calls for new procedures, training and education by the secretary of state's office to protect the voting rights of certain felons. The lawsuit was filed by the American Civil Liberties Union on behalf

of Eileen Janis and Kim Colhoff, both of Pine Ridge. They said they were illegally removed from the Shannon County voter registration list in 2008 following felony convictions in federal court that resulted in probation but no prison time. State law removes from voter registration lists any person convicted of a felony and sentenced to prison. Voting rights are reinstated when the sentence is completed. Details here: [http://indiancountrynews.net/index.php?option=com\\_content&task=view&id=9255&Itemid=109](http://indiancountrynews.net/index.php?option=com_content&task=view&id=9255&Itemid=109)

## PRISON-BASED GERRYMANDERING

**National** - Prisoners in most states are counted as members of the districts where they are incarcerated, artificially inflating the political power of those districts at the expense of their own communities. But because of prison-based gerrymandering, a person's vote counts more if that person lives near a prison, in violation of the basic principle that each person's vote should count equally. Prison-based gerrymandering uses a captive and disfranchised population that is comprised disproportionately of people of color to inflate the political strength of the surrounding jurisdiction. It is all-too reminiscent of the infamous "three-fifths compromise," whereby enslaved and disfranchised African Americans were counted to inflate the number of constituents—and thus, the political influence—of Southern states before the Civil War. Read the report here:

[http://www.naacpldf.org/content/pdf/felon/captive\\_constituents.pdf](http://www.naacpldf.org/content/pdf/felon/captive_constituents.pdf)

## IMMIGRATION HYSTERIA

**Nashville, TN** - A disturbing and growing hysteria over immigration—most evident in Arizona's horrifyingly oppressive new law—has now spread into election administration legislation in at least one state. On the same day that the Maine Republican Party adopted a blatantly xenophobic Tea Party platform, the Tennessee Senate injected anti-immigrant sentiment into a draconian bill to require proof of citizenship when registering to vote. On Monday, the Tennessee Senate adopted a bill to allow election administrators who doubt the eligibility of any voter applicant to demand satisfactory proof of U.S. citizenship before processing the application. The state legislature had previously been unsuccessful in passing similar legislation in recent sessions, but is now tapping into the anti-immigrant hysteria, using "border protection" rhetoric to advance the bill. Read more here:

<http://www.projectvote.org/blog/?p=482>

## VOTER ID

**Jefferson City, MO** - Another chapter in the Missouri photo ID saga has ended. Once again, right wing lawmakers proposed a restrictive photographic ID requirement and, once again, it died with the adjournment of the Missouri legislature. The saga began

five years ago when the Missouri legislature passed a photo ID bill that the Missouri Supreme Court later held to be unconstitutional. Every year since, proponents have introduced the ID proposal in the form of a constitutional amendment in order to get around the court decision. The proposed amendment would enshrine in the constitution one of the most draconian identification requirements in the country. This year, the proposed amendments went through several permutations as its sponsors hoped that legislators would swallow the ID proposal if only they had something positive to sweeten the deal. At one point the bill also contained an “advance voting” option that hardly deserved the name: at another, the bill was briefly attached to an ethics proposal. Read more here:  
<http://www.projectvote.org/blog/?p=535>

### 17<sup>TH</sup> AMENDMENT REPEAL

**National** - There's an odd - and therefore probably not surprising - proclivity among some Tea Party members to bemoan the Constitution's 17th Amendment, and call for its repeal. David Firestone, in an editorial for The New York Times, notes for us that the 17th Amendment was added to the Constitution in 1913 and provided "for the direct popular election" of U.S. senators. Before the amendment was adopted, state legislatures, "filled with men of property and stature," chose senators, Firestone writes. Apparently some think that returning to the pre-17th Amendment system would reduce the power of the federal government and enhance state rights." Read more here:  
<http://acslaw.org/node/16260>

## 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 two veteran's of the Mexican War became President?  
Bonus: Name a third veteran of the Mexican War also became a very high ranking politician.

## LAST WEEK'S QUESTION

Which Supreme Court Justice ended up filling the seat the [sic] that Robert Bork was nominated for?

## ANSWER

On November 30, 1987, Anthony Kennedy was nominated to the Supreme Court seat vacated by Lewis F. Powell, Jr., after Reagan's failed attempts at placing Robert Bork (formally rejected by the Senate) and Douglas Ginsburg. Kevin Kingston correctly identified Justice Kennedy. Congratulations Kevin. 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. The lesson learned from the recount debacle in 2000 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 in 2004. 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 to assure that every citizen who showed up to vote, was able to do so.

Since then, our members have been involved in priority federal and state and local elections across the nation. DC DLC members served in volunteer and leadership capacities in support of the election of President Obama and federal, state, and local Democratic candidates in 2008 and volunteered for the 2009 off-year elections. Now, we are gearing-up to protect the vote so that we can grow our majorities in the House and Senate during the 2010 mid-term elections

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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