



THE
CAMPAIGN
LEGAL CENTER

Launch of Voting Rights Institute

Remarks of J. Gerald Hebert, Executive Director &
Director of Litigation, Campaign Legal Center

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VOTING RIGHTS INSTITUTE

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Thank you to Partners: (Georgetown Law School-Dean William Treanor; Vice Dean Jane Aiken; and Asst. Dean, Centers & Institutes, Vicki Arroyo)(ACS: Caroline Fredrickson and Zack Gima). In a time of intense concern for and scrutiny of voting rights, the Institute will develop innovative legal and policy solutions that protect the right to vote. Our goal is to make the Voting Rights Institute at Georgetown Law a hub of thoughtful engagement on all voting rights issues in the U.S. The first class of students in the Voting Rights Institute at Georgetown Law enrolled in August 2015 and currently are working on several cases identified by CLC and ACS. They include an amicus curiae brief in the United States Court of Appeals for the Eleventh Circuit in a Voting Rights Act case in Georgia, as well as possible litigation under the National Voting Rights Act (NVRA) against a state or states that are failing to provide voter registration applications and materials at public assistance agencies. ACS and CLC will continue to provide counsel and strategic advice to the clinical fellow and the students handling voting rights cases.

Thank you to those who supported us and gave us encouragement to get us to where we are today: John D. & Catherine T. MacArthur Foundation, and particularly, Elspeth Revere, Lauren Pabst & Tara Magner, the Rockefeller Brothers Fund (Ben Shute and Keesha Gaskins), Mertz Gilmore Foundation (Jay Beckner) and Wallace Global (Allison Barlow). Your encouragement

and financial support let ACS and CLC begin the important task of training the next generation of voting rights attorneys and leaders.

As Caroline has noted, we used the support in 2013-2015 to train lawyers and law students about voting rights issues across the nation, and we have worked up to now to connect legal resources and to provide information to victims of voting rights violations, as well as for attorneys and law students who protect those voting rights. Today's launch takes the VRI to a whole new level and would not have been possible without the financial support that got us here!

The VRI will have 3 main focuses, and Dean Treanor and Caroline Fredrickson have highlighted two of them: a VRI at Georgetown Law will provide opportunities for students, recent graduates, and fellows to engage in litigation and policy work in the field of voting rights through work in Georgetown Law's Civil Rights Clinic, with ACS and CLC directly involved to provide counsel, strategic advice, and through practicum courses. We have committed to establishing the first-ever

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Voting Rights Institute at GULC, making it “the place” to study voting rights law and learn how to conduct voting rights litigation.

Caroline has explained ACS’s vast network of lawyers and law students which we have tapped in conducting trainings nationwide to educate attorneys and stimulate interest within the legal profession about the best practices of voting rights advocates, and how we have recruited attorneys and connected them with resources and individuals or groups who need voter protection.

I want to tell you about other important aspects of the VRI: we are building a dynamic website that provides up to date and unique legal resources for attorneys and experts handling voting rights cases. In addition, working with allies (e.g., the civil rights community and voting rights organizations), we will work to develop state-of-the-art voting rights technology to enable voter and legal experts to obtain and report voting problems in real time to protect the right to vote; and we will provide opportunities and platforms for scholars conducting research and gathering data on voting rights issues.

So why is a VRI needed? Before *Shelby County v. Holder*, the right to vote in places with a long history of discrimination was largely protected by the Voting Rights Act’s preclearance mechanism. No voting changes to voting laws or procedures could take effect unless a covered state or local government proved the voting change was not discriminatory before the changes could take effect. *Shelby County* changed all that. Today, to stop discriminatory voting changes, litigation is the only way victims can stop discriminatory laws from going into effect. That is a burden that’s time-consuming and very costly.

Community activists also lost information when SCOTUS struck down a key part of the VRA. In the pre-*Shelby* preclearance world, voters had to be informed that voting changes were being made and they could learn why those changes were being made. That too was lost in *Shelby County*, which is why the public portal on our website will be valuable to all Americans who want information about what’s happening in their community.

In the past few years, many states have enacted new obstacles to registering or voting, reversing our Nation’s long struggle to expand voter eligibility and participation. That trend became a veritable rush as the 2012 election year approached. Current Supreme Court doctrine gives the states broad leeway to enact voting restrictions, but the recent epidemic of restrictions on voters shows a need to re-examine the meager constitutional protection for voters.

Since 2010, twenty-one states have passed new voting restrictions. Unsurprisingly, these restrictions have reduced the number of eligible voters, and have specially burdened poor and minority voters. For example: a photo ID law enacted by Texas in 2011 and mired in litigation ever since was found to disfranchise more than 600,000 registered voters (nearly 5 percent of the state’s total). This disfranchised group was disproportionately made up of African-American and Hispanics. In 2013, North Carolina passed legislation eliminating one week of the early voting period and abolishing same day registration sharply curbing minority voters’ access to elections. In Florida, a 2011 law would impose strict financial and criminal sanctions for voter registration organizations that did not pre-register with the state, have each volunteer sign a sworn affidavit subjecting them to harsh financial and criminal penalties, account for all forms issued to the organization, and submit monthly updates on registration efforts, even when no efforts have been undertaken. Federal judges have twice blocked such laws. And just yesterday it was reported that the State of Alabama, which recently enacted a law requiring a photo ID to vote, announced that it would stop issuing driver’s licenses in counties where 75 percent of registered voters are black.

The Voting Rights Institute will collect nationwide data through the website, and we will coordinate with other civil rights/voting rights organizations to shed light on what proposed voting changes will mean from both a legal and on-the-ground perspective at the local and national level. We will also monitor state and local websites and news articles identifying proposed or implemented voting changes, and will collect and distribute reporting from local sources to Voting Rights Institute-trained attorneys and other legal experts as appropriate, thereby helping groups in the field fill gaps in the current data collection, dissemination of information, and recruitment of legal advocates and volunteers.

The Voting Rights Institute website’s public portal will also provide voters an opportunity to find legal representation to protect their voting rights directly: a process which does not yet exist in the voting rights community. Voters can report their issues through an online intake form, which will then be reviewed by VRI staff at CLC, as well as attorneys and law students at the Voting Rights Institute at Georgetown Law. Using these resources, attorneys and law students at the VRI can then develop the facts about the issue raised in the intake form, determine whether a violation exists, and, if necessary, pursue litigation themselves or connect VRI-trained legal representation with the complainant. This screening process will be helpful in maximizing the efficiency of the voting rights bar. Let me show you the types of

resources that will be available to voting rights advocates and others interested in protecting the right to vote. [Here we will show a handful 4-5 mock-up slides of certain pages of our ‘soon-to-go-active’ website].

So who will benefit from the VRI? The key beneficiaries of this project are: voters, who will have access to information and legal resources protecting their voting rights; Georgetown law students who will gain ‘hands on’ practical training in the field of voting rights by experienced litigators in voting rights cases; lawyers and community activists across the country who need access to current voting information, legal resources, and data, and who need training in the complex field of voting rights law; voting rights and civil rights organizations, who face increasing demands on their limited resources to engage in voting rights enforcement; and members of the media who need information in real time about a voting rights issue.

We are creating a first of its kind comprehensive Voting Rights Institute. No right is more precious than the right to vote. And we have committed our institutions to doing everything we can to create an enduring, effective VRI that will be a legacy to all those who have dedicated their lives, and in some cases given their lives, for the right to vote.

Former Texas State Senator Davis has been a part of the voting rights Institute already, having served as a panelist at one of our trainings held earlier this year. In addition, when Texas attempted to divide her majority-minority senate district five ways to harm her near minority constituents who were roughly half the population of her senate district, she saw first-hand the importance of trained legal counsel needed to protect the voting rights. It is now my distinct honor and privilege to present to you our guest speaker, former Texas State Senator Wendy Davis.

Gerry Hebert is the Executive Director & Director of Litigation at the Campaign Legal Center in Washington, DC, a nonpartisan, nonprofit organization that defends and protects our democracy in the areas of campaign finance, voting rights, political communication and government ethics.

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