THE PROBLEM

On November 8, 2000, Americans woke up to the sobering reality that there were serious flaws in the way the United States conducted the general election. A later study by Caltech and MIT confirmed that between 4 million and 6 million votes were not counted in the 2000 election as a result of fundamental flaws in the electoral process. Furthermore, the study found that this widespread disenfranchisement disproportionately impacted minority communities.

Across the country, citizens were deprived of the most fundamental democratic right – the right to vote and have that vote counted accurately. The following problems contributed to the failure of the electoral process:

- Late processing of voter registration applications
- Purging voters who were validly registered
- Mistakes in voter registration lists
- Late opening of polling sites
- Deceptive practices aimed at suppressing black voter turnout
- Harassment and intimidation of voters
- Closure of polling places with voters still waiting in line to vote
- Confusing ballots and ballot instructions
- Malfunctioning voting machines
- Disrespectful or misinformed election officials
- Inaccurate vote counts

UNITY '04 TARGET STATES

In collaboration with **Unity '04** (a coalition of over 100 non-profit, non-partisan organizations actively mobilizing their members primarily to ***register voters*** and ***get out the vote***), the Lawyers' Committee is the lead organization on ***election protection*** issues in thirty states with large African-American, Latino, and Native American populations. Virtually every one of these states has an extensive history of voting irregularities. The fourteen "top priority" states are highlighted below:

Alabama	**Louisiana**	**Ohio**
Arizona	Massachusetts	**Pennsylvania**
Arkansas	**Michigan**	**South Carolina**
California	**Mississippi**	South Dakota
Colorado	**Missouri**	Tennessee
Florida	Nevada	**Texas**
Georgia	New Jersey	Virginia
Illinois	New Mexico	Washington
Indiana	New York	Washington, D.C.
Kentucky	North Carolina	**Wisconsin**

LAWYERS' COMMITTEE RESPONSE

The Lawyers' Committee's Election Protection Program is the largest legal formation in the country. It will deploy thousands of *pro bono* attorneys and law students in a **non-partisan** effort to guarantee that the democratic process does not exclude the most vulnerable communities. The program aims to ensure that all citizens who seek to participate in the 2004 election will be able to register to vote, cast a ballot, and have that ballot counted accurately.

LAWYER ACTIVITIES PRIOR TO ELECTION DAY

- ☑ Outreach to election officials to verify that they understand their obligations under local, state and federal law regarding registration and voting procedures
- ☑ Recruit and train thousands of *pro bono* lawyers and law students to monitor polling places and staff a nationwide hotline
- ☑ Mobilize *pro bono* and staff attorneys to enter into litigation to resolve obstacles prior to the election
- ☑ Advise voter registration groups working to ensure citizens are properly registered and educated on how to cast ballots that clearly reflect their voting intentions
- ☑ Staff with trained, *pro bono* lawyers and law students a national hotline (1-866-OUR-VOTE) from 6AM EST (when polling sites open on the East Coast) to 8PM PST (when polling sites close on West Coast) **two weeks before the election** to provide immediate legal assistance to voters in states with early voting
    - Providing an opportunity to resolve problems before election day

LAWYER ACTIVITIES ON ELECTION DAY

- ☑ Monitor polling sites in minority precincts to identify and help resolve problems as soon as they occur
    - Particularly important this year because of the introduction of the new voting machines in many districts and the misuse of the "provisional ballot" requirement
- ☑ Staff a nationwide hotline (as described above) to provide immediate legal assistance to help voters overcome obstacles and cast their ballots
- ☑ Contact election officials to remedy problems reported by voters through the hotline and Lawyers' Committee monitors at the polling sites
- ☑ Initiate legal action when election officials are not responsive in resolving disenfranchisement issues brought to their attention
    - Legal action may include: obtaining temporary restraining orders to prevent voter intimidation, petitioning the court to order polling sites to remain open so registered voters can cast their ballots, and redressing problems with incomplete voter registration rolls)

BACKGROUND ON THE LAWYERS' COMMITTEE AND VOTING RIGHTS

The Lawyers' Committee for Civil Rights Under Law ("Lawyers' Committee") is a non-profit organization ***established in 1963, at the request of President John F. Kennedy***, to involve private attorneys in the effort to insure the civil rights of all Americans. Over the past 41 years, through its national office in Washington, D.C., and its eight independent local affiliates, the Lawyers' Committee has enlisted the services of thousands of members of the private bar in addressing the legal problems of racial minorities and the poor in voting, education, employment, housing, municipal services, the administration of justice and law enforcement.

Since its inception, the Lawyers' Committee has worked for minority voting rights, including the enactment of the ***Voting Rights Act of 1965 and subsequent reauthorizations in 1970, 1975, and 1982***. Through the rule of law, the Voting Rights Project – beginning in 1965 in Mississippi and other Southern states – has helped minority voters secure dramatic gains in democratic participation. In some states these efforts have led to minority representation for the first time in Congress. Project attorneys with *pro bono* counsel bring litigation under the Voting Rights Act, National Voter Registration Act, and Equal Protection Clause of the Fourteenth Amendment of the United States Constitution, as well as under other federal and state laws.

In response to the problems that arose during the 2000 election, the Lawyers' Committee has played a key role in ensuring that minority voters have a meaningful opportunity to participate in the political process. We served as lead counsel for the litigation team that brought and successfully settled ***NAACP v. Harris***, a case that was designed to ensure that the disenfranchisement of minority voters in Florida did not happen again. ***The Lawyers' Committee has now conducted Election Protection Programs during six election cycles, including a program focusing on 20 targeted states during the 2002 mid-term elections and a statewide program during the October 2003 California gubernatorial recall election.*** Through these efforts, the Lawyers' Committee has gained substantial experience in educating voters and in anticipating, identifying, and responding to voting irregularities.

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