

Bloomberg and Proskauer Sponsor Equal Justice Works Fellow at the ACLU Voting Rights Project

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Bloomberg and Proskauer are sponsoring [Equal Justice Works Fellow](#) Casey Smith, who will work at the American Civil Liberties Union Voting Rights Project. Casey, a recent graduate of Yale Law School, will contribute to the defense of individuals unjustly prosecuted for voting. Casey also will help to develop impact litigation that challenges statutes imposing harsh penalties upon people who vote without realizing they are ineligible to do so.

In this interview, Casey discusses her important work.

Please describe your fellowship:

My fellowship is about lessening the criminal and immigration consequences of voting for people with prior felony convictions and noncitizens. I will support clients who try to vote – thinking they are eligible to do so – and end up facing serious consequences, like being criminally prosecuted or having their immigration status impacted. In addition, I will pursue broader advocacy efforts, like impact litigation, to combat this criminalization of the ballot box.

In what context are people criminally prosecuted for voting and to what extent is this a real problem today?

Many states disenfranchise people who have been convicted of felonies, and many also make it a crime to register or vote while ineligible. Current laws about re-enfranchisement after a felony conviction vary a lot from state to state. Those laws can be extremely complicated to navigate, as people often aren't provided clear information as to their eligibility. Sometimes people make a mistake and try to vote, not realizing they are not eligible to do so.

After recent elections, prosecutors and state officials have investigated and charged people – mostly people of color – who made the mistake of trying to vote while ineligible. We are seeing an uptick in these prosecutions in many states, including Texas, North Carolina, Georgia, Minnesota, and Florida. States are even moving to have greater police and prosecutor involvement with elections; for example, Florida recently created a new election police force to charge more people for voting-related crimes. There is a real need for a large-scale and national response to these prosecutions.

Why is this work so important?

The criminalization of voting is a racial justice issue. Historically, passing felon disenfranchisement laws and prosecuting voting were some of many ways states tried to suppress the votes of Black people and other minorities. Now, this practice is resurging, and prosecutors are still targeting people of color. (For instance, recent ACLU data showed that the election unit of the Texas Attorney General's office has disproportionately charged and investigated Black and Latinx people for voting unlawfully.)

On an individual level, it is a terrifying ordeal for those affected – imagine having police burst into your home and arrest you, putting you at risk of being incarcerated, all because you tried to vote. On a wide scale, these prosecutions could chill voting among the communities of color who are targeted, even among those who are eligible to vote, because it is very frightening for people to know they could be arrested, imprisoned, or deported if they make a simple mistake as to their eligibility.

What kind of work will your fellowship include?

My project will seek to improve access to counsel for people charged with voting unlawfully, building defense and immigration lawyers' capacity to represent people in voter prosecution cases. I also plan to develop impact litigation challenging the laws that make it a crime to try to vote when ineligible, and inform the public more about this issue.

How did you become interested in election protection and this issue in particular?

I grew up in North Carolina, and I volunteered on campaigns as an election protection volunteer there. I met people who were trying to vote but faced all kinds of barriers to do so, and I saw how confusing our eligibility rules could be. Over the past few years, North Carolina officials prosecuted dozens of people, mostly people of color, for allegedly voting unlawfully, and they have sought very harsh sentences of multiple years in prison. Making someone go through the ordeal of a criminal prosecution and trying to incarcerate or deport them, just for trying to participate in our democracy, struck me as a cruel and racist voter suppression tactic.

Also, before law school I worked in immigration law, and in my law school clinics I represented clients seeking release from prison and post-conviction relief. So I look forward to continuing to support clients in their immigration and criminal matters in a way that also advances voting rights.

Please discuss the power of an Equal Justice Works fellowship and your partnership with Bloomberg and Proskauer.

Equal Justice Works partners each fellow with a host organization and a sponsor who work together to tackle an unmet legal need. I am grateful that I found a host organization and sponsors that are uniquely positioned to make real progress to combat the criminalization of voting. The ACLU Voting Rights Project, my host, is a national voting rights organization with litigation and advocacy capacity in every state. It is very well suited to address this voting rights issue emerging across multiple states, like the case of Ms. Crystal Mason who was sentenced to five years in prison for trying to cast a ballot when she did not know that Texas considered her ineligible. By advocating for clients like Ms. Mason and witnessing the immense injustices they face, ACLU attorneys are very motivated to support more people affected by voter prosecutions and to work to end this practice.

Bloomberg and Proskauer bring crucial pro bono capacities to this project, and I look forward to collaborating with them to make progress on this issue.

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