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Proskauer Kicks Off Election Protection Efforts with Panel Discussion

Proskauer For Good on **July 11, 2024**

To signal the official launch of Proskauer's 2024 Election Protection efforts, Proskauer hosted a panel presentation on voting rights.

With a presidential election coming up this fall, protecting the right to vote has never been more important. Proskauer's panel event highlighted numerous present threats to American democracy, including voter suppression efforts and a lack of sufficient federal protections against racial discrimination. To offer their expertise on these topics, Proskauer welcomed Patrick Berry, Voting Rights Counsel in the Brennan Center's Democracy Program, and Casey Smith, Equal Justice Fellow sponsored by Proskauer and Bloomberg Philanthropies at the American Civil Liberties Union's Voting Rights Project.

During the conversation, these panelists spoke extensively about the various ways voting has been criminalized in the United States. For people with past convictions, the system for restoring one's right to vote can be incredibly difficult to navigate. The rules vary from state to state, forming a confusing patchwork that has recently resulted in some people getting prosecuted for mistakenly voting while ineligible. For example, an ACLU client, Crystal Mason, attempted to vote in Texas in 2016 by casting a provisional ballot while on supervised release for federal tax evasion. She was subsequently arrested, convicted, and sentenced to five years in prison even though she did not actually know that her being on probation made her ineligible. The ACLU along with co-counsel secured an acquittal of her conviction this past March.

In Florida, voters approved a constitutional amendment intended to restore the right to vote to 1.4 million people with past convictions who completed the terms of their sentence. After the amendment was accepted, however, the state enacted a law requiring people to pay off certain legal financial obligations before they could vote legally, even though no government agency exists in Florida to reliably tracks how much one has paid or owes. As of today, the state of Florida has charged upwards of 40 people with voter fraud, including individuals who were told by government officials that they could vote and others who had received voter information cards in the mail. Some local state attorneys declined to bring these types of cases, given the lack of intent to commit a crime. As a result, the Office of Statewide Prosecution (OSP) stepped in and started charging individuals for allegedly voting while ineligible. A number of these cases have been dismissed on the grounds that the OSP does not have jurisdiction, but the state has since appealed. The Brennan Center, ACLU VRP, ACLU of Florida, and NAACP Legal Defense Fund have filed Amicus briefs in several of these cases, including one written with a Proskauer team. Apart from the injustice of arresting and seeking to imprison people for trying in good faith to exercise their right to vote, these prosecutions also endanger our democracy because they deter people who are eligible to vote from voting out of fear of prosecution.

The panelists also discussed the effects of voting restrictions on people with disabilities. Casey described a spate of new laws that restrict access to voting in several states, such as increasing photo ID requirements and placing restrictions on the use of drop boxes and curbside voting. These restrictions disproportionately affect people with disabilities. For example, Georgia and Mississippi passed laws that make it a felony or misdemeanor to assist a voter with their ballot in many circumstances. This precludes people who need any assistance due to a disability from casting their ballots. Disability Rights Mississippi and the League of Women Voters Mississippi, represented by the ACLU and co-counsel, successfully won an injunction against the Mississippi ballot assistance ban in July 2023 and the state since corrected the law in response to the lawsuit. Although these laws are purportedly intended to prevent voter fraud, the Brennan Center has conducted several studies demonstrating that voter fraud is incredibly rare.

Proskauer lawyers will once again staff the Lawyers' Committee for Civil Rights Under Law's Election Protection hotline (866-OUR-VOTE) this fall. This nonpartisan effort is intended to ensure all voters have an equal opportunity to vote and have their vote count.

Pro bono intern Atifah Osmani contributed to the drafting of this blog post.

View original.

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