

Preparing for 2016

Select Election Law

Developments

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“The City of Yakima is permanently enjoined from administering, implementing, or conducting any future elections for the Yakima City Council in which members of the City Council are elected on an at-large basis, whether in a primary, general, or special election.”

Montes v. City of Yakima , (E.D. Wa., 2015)

“Plaintiffs here expected the Court to rely on the results of only a single election cycle to support a finding of vote dilution while ignoring other relevant election data, whereas controlling legal authority, binding on this Court, restricts this Court from doing so. Thus, on the basis of the election data before this Court, the Court must conclude that Plaintiffs have not, at this time, satisfied their burden of proving that the current districting system of election to the City Court of Baton Rouge violates VRA Section 2, the Fourteenth Amendment, the Fifteenth Amendment, or 42 U.S.C. §§ 1983, 1986, as those provisions have been interpreted by the U.S. Supreme Court and the U.S. Court of Appeals for the Fifth Circuit.”

Hall v. State of Louisiana, (M.D. La., 2015)

“...[D]istrict court correctly entered summary judgment in favor of United Spinal based on undisputed evidence of the BOE’s failure to address barriers to access at New York City polling places. These barriers to access included steep ramps,

missing handrails or guardrails on ramps, locked or heavy interior doors, blocked interior pathways, and missing signs identifying accessible entrances.

Disabled in Action et al v. NY Board of Elections, (2nd Cir., 2013)

LOS ANGELES (AP) - The U.S. Justice Department is investigating whether California illegally denied voting rights to people with autism spectrum disorder, cerebral palsy and other intellectual or developmental disabilities, officials confirmed Wednesday.

The agency disclosed the probe in a May 15 letter to Secretary of State Alex Padilla and the California Supreme Court, in which investigators sought detailed records on how certain voters with disabilities are disqualified, an explanation of the rationale behind it and an account of how frequently it is happening.

The probe follows a federal complaint filed last year by advocates for the disabled who said thousands of people with intellectual and developmental disabilities, including conditions such as Down syndrome, are being systematically denied the right to vote. The department is investigating whether state voting practices and procedures have violated the Americans with Disabilities Act.

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Bruce L. Adelson, Esq, CEO of Federal Compliance Consulting LLC, is nationally recognized for his compliance expertise concerning many federal laws, such as Title VI of the Civil Rights Act of 1964, Rehabilitation Act of 1973, Americans with Disabilities Act, Affordable Care Act, and federal voting laws. Mr. Adelson is a former U.S Department of Justice Senior Trial Attorney. During his Justice career, Mr. Adelson had national enforcement responsibility for many federal laws.