

Coalition Secures Settlement That Expands Voter Registration Opportunities Across Nevada

Low-Income Nevadans Will Have Federally Required Access to Voter Registration

NEW YORK, LAS VEGAS, RENO, and CARSON CITY, NV (March 14, 2016) – Voting rights advocates and Nevada officials announced today that a three-year federal lawsuit, initially filed before the 2012 election, [has ended in a settlement](#) that will ensure low-income citizens are provided voter registration services through public assistance agencies in advance of the 2016 presidential election.

The lawsuit – brought by the National Council of La Raza (NCLR) and the Las Vegas and Reno-Sparks branches of the NAACP against the Nevada Secretary of State (SOS) and the Director of the Department of Health and Human Services (DHHS) – regarded the failure of the state’s public assistance agencies to provide voter registration services as required by the National Voter Registration Act of 1993 (NVRA). The Ninth Circuit Court of appeals granted a sweeping victory for the community groups this past September, setting the stage for today’s settlement agreement.

“Every step we take to assist all eligible Americans to become voters is a sound step,” said Clarissa Martinez De Castro, Deputy Vice President of National Council of La Raza. “That’s what the NVRA is all about, and today’s agreement will help more Nevadans have access to registration and to the opportunity to make their voices heard in the voting booth. We hope all agencies soon follow suit in upholding the spirit of NVRA.”

“Whether through bureaucratic inertia or intentional activity, we continually fight voter suppression in Nevada,” stated Reno-Sparks NAACP President Patricia Gallimore. “This victory to expand and protect voter enfranchisement regardless of income is thus very welcome news. I would like to thank former Reno-Sparks branch president Lonnie Feemster for all his hard work in making this settlement possible.”

The plaintiff organizations have a long history of protecting Nevadans’ fundamental right to vote, a legacy that is continued with this agreement.

“This settlement is a great victory for civil rights. I would like to thank the past President Frank Hawkins and Past Vice President Richard Boulware and the State and Regional President Jeanetta Williams for their parts in this positive outcome,” said Roxann McCoy, President of the Las Vegas branch of the NAACP. “The legacy of the NAACP continues as the local branch continues to fight for everyone’s civil rights. As the current President, I and the Executive Board will continue to fight for freedom of all people.”

The plaintiffs were represented by Dēmos, Project Vote, The Lawyers’ Committee for Civil Rights Under Law, the law firm Dechert LLP, and Chris Wicker of Nevada law firm Woodburn and Wedge.

The case was initially dismissed in 2012 when the District Court Judge ruled, among other things, that the plaintiffs – organizations that conduct voter registration in low-income communities – were unharmed by the state’s violations and therefore could not challenge them in court. The Ninth Circuit

Court of Appeals not only reversed the District Court's decision, but it determined the judge's decision was so problematic that it removed him and ordered the case reassigned to a different judge.

"It's taken years of litigation and negotiation to get where we are today," said Scott Novakowski, counsel at Dēmos and an attorney in the case. "We're pleased that we were able to reach an agreement that ensures low-income Nevadans now have an equal opportunity to participate in the political process. We're equally pleased that we were able to win an appellate court decision that further establishes the right of community organizations like our clients to protect their rights in court."

"Congress mandated voter registration through public assistance agencies to reach citizens who were less likely to register by other means," said Sarah Brannon, Director of Project Vote's Government Agency Voter Registration Program. "Today's settlement will help ensure that Nevada's electorate more accurately reflects the diverse citizenry of the state."

[Today's settlement](#) is between the community groups and the Nevada Secretary of State and the Department of Health and Human Services, the state agency that administers benefits programs such as SNAP (formerly food stamps), cash assistance, Medicaid, and WIC, a nutrition program for pregnant women and children. It includes a robust plan for ensuring applicants are provided the voter registration services required by the NVRA. Highlights of the agreement include:

- Unless the client declines in writing, DHHS will provide each public assistance client with a voter registration application, offer assistance in completing the forms, and transmit completed voter registration applications to election officials. These services will be offered regardless of how the client interacts with the agency – whether in person, online, or over the phone.
- The SOS, DHHS, and each local DHHS office will assign a staff member the responsibility for coordinating and implementing voter registration services and all employees who work with clients will be provided regular training on voter registration procedures.
- DHHS and the SOS will oversee the agency's compliance with the law through a system of data tracking and analysis, and will intervene when it appears an office is failing to provide the required services.

"Today's settlement will help ensure that all Nevadans have a meaningful opportunity to register to vote," said Ezra Rosenberg, Co-Director of the Voting Rights Project at the Lawyers' Committee for Civil Rights Under Law. "Experience has shown that the procedures required by the agreement will help add a significant number of new voters to the rolls."

"We are thrilled that this settlement will have a profound impact on tens of thousands of low-income Nevadans by ensuring that they have the opportunity to register to vote," said Neil Steiner, a partner at Dechert who argued the case before the Ninth Circuit.

"In a democracy, not much is more important than the right to vote. Making it easier to register to vote improves our democracy," said Chris Wicker, an attorney with the Reno firm of Woodburn and Wedge. "We appreciate the cooperation of the Secretary of State's office in reaching a settlement so more Nevadans have an opportunity to register to vote."

The parties [filed papers in federal court](#) on Friday asking Judge Miranda Du to dismiss the case based on the settlement agreement, to retain jurisdiction to resolve any disputes that may arise under the agreement, and to determine the amount of legal fees plaintiffs are entitled to under the law. The settlement agreement will remain in effect for three years.

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