



ACLU

**AMERICAN CIVIL LIBERTIES UNION
of TENNESSEE**

The Vigil

Fall 2008

Please join us for ACLU-TN's 2008 Bill of Rights Celebration!

Guy and Candie Carawan, Lifetime Achievement Award

Musicians who dedicated their lives to using song to promote civil rights, justice and equality, including organizing through Highlander Center and introducing "We Shall Overcome" to the civil rights movement

Support Student Safety Coalition, Bill of Rights Award

Former and current high school students who persuaded the Metro Nashville School Board to adopt a comprehensive anti-discrimination policy

Edmund Schmidt III, Bruce Kramer Cooperating Attorney Award

Volunteer attorney who successfully represented the "Does" in an ACLU lawsuit to protect religious freedom in Wilson County schools

Silent Auction—6:30 - 7:45 pm; Dinner—7:45 pm

Loews Vanderbilt Hotel, 2100 West End Avenue, Nashville, TN

Complimentary Self Parking

R.S.V.P. by October 27, 2008 by mailing in the form below or by visiting our website at www.aclu-tn.org

For more info or to inform us of dietary restrictions, please call 615.320.7142.



Special Sponsorship Levels

Special Sponsors are listed in the program and invitation & invited to a pre-event reception with the honorees.

- ___ Guardian of Liberty (\$2,000 — includes a table for ten and an invitation for four to the reception)
- ___ Host (\$600 — includes two dinner reservations and an invitation for two to the reception)
- ___ Patron (\$300 — includes one dinner reservation and an invitation for one to the reception)

Bill of Rights Celebration Tickets

- ___ Dinner Tickets (\$120 per person) Desired Ticket Quantity: ___
- ___ Table for Ten (\$1200 per table) Desired Table Quantity: ___

(\$85 of each reservation or \$850 per table is tax deductible)

Supporters

___ I/we cannot attend; please accept my tax-deductible donation of \$_____

Name: _____ **Please list me/us:** as written as anonymous

Address: _____ **Phone:** _____

- ___ My check, payable to ACLU-TN, is enclosed.
- ___ Please charge Visa/MasterCard number: _____ Expiration : _____

Please return this form by **Oct. 27, 2008** to: **ACLU-TN, P.O. Box 120160, Nashville, TN 37212**

Traveling Hopefully...

from Hedy Weinberg, Executive Director

As Election Day approaches, we are reminded that the right to vote is the cornerstone of our democracy. It was just over 40 years ago that the Voting Rights Act of 1965 was passed, lifting the Jim Crow barriers that prevented African-Americans from voting. Notwithstanding the passage of this landmark legislation, there are millions of people in this nation who are still disenfranchised or are intimidated from voting.

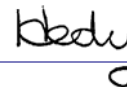
The fight to access the ballot box continues and ACLU-TN is working in the courts, in the legislature and in the community to ensure that all citizens can vote and that each vote cast is counted.

This newsletter highlights our exciting voting rights work, which includes challenging the financial obstacles that prevent former felons from voting; studying and reporting on the 95 local election commissions' low level of awareness about the voter restoration law; stopping discrimination by election commission officials against immigrants eligible to register; and securing voting rights for

full-time RVers who lack "bricks and sticks" residences. In our continuing campaign to encourage voter participation, ACLU-TN is distributing voter empowerment cards across the state which describe voting rights and problems that might be encountered as voters go to the polls to cast their votes. These cards, available in English and Spanish will be available on our website and can be ordered in bulk by contacting us (see below).

In addition, ACLU will staff a hotline for voters who face obstacles at the polls on Election Day. Registered voters can call our hotline at 615-320-7142 or our national ACLU Voting Rights Project at 1-877-523-2792. The hotlines will be open from 7 am. to 7p.m. on Tuesday, November 4th.

Please help preserve our democracy by voting on November 4th - Remember your vote is your voice and it needs to be heard! To verify you are registered and/or get information about where you vote, visit <http://tnmap.state.tn.us/voterlookup/>.



Get Your 2008 Tennessee Voter Empowerment Cards Today!

Topics include: Election Day logistics, absentee voting, avoiding common voting problems, what to do if you have any problems at the polls, and more

Available online at www.aclu-tn.org/votingrights.htm or call 615-320-7142 to order in bulk

Barriers to the Ballot Box: Election Officials' Knowledge of the Law

ACLU-TN recently released *Addressing Barriers to the Ballot Box: Registering to Vote in Tennessee with a Past Felony Conviction*, a report on a statewide survey of election officials which reveals widespread misunderstanding of the laws governing the right to vote of citizens with felony convictions, endangering the voting rights of many in the upcoming presidential election.

The results of the survey, conducted between May and July 2007, indicate that most election officials do not know or understand the 2006 voter restoration law which dictates when and how people with felony convictions regain their right to vote. Survey results indicate that the TN disenfranchisement law poses far too many administrative burdens which confuse both election officials and individuals eligible to regain their voting rights.

ACLU of Tennessee staff surveyed election officials in each of the state's 95 Election Commission offices in an effort to gauge their knowledge of and ability to administer state disenfranchisement policy. The survey's results reveal that the current law is far too complex for election officials to understand fully and to administer correctly. Not a single question asked by ACLU-TN staff regarding the existing law elicited a 100 percent accurate answer from the officials surveyed, and at least 30 percent of the answers to the questions asked were incorrect, incomplete or inaccurate.

Based on the survey's results, ACLU-TN recommends, among other things, mandated training for all local election commission staff, probation and parole staff, and court clerks about the voter restoration procedure and the adoption and implementation of a statewide notification policy that would ensure that the terms of disenfranchisement and the required steps for restoration are effectively communicated to the public. In addition, ACLU-TN urges the automatic restoration of voting rights for individuals convicted of felonies upon release from prison in order to ease the confusion at local election commission offices and support the reintegration of former felons into their communities, in turn enhancing public safety.

The report can be found online at: <http://www.aclu-tn.org/pdfs/RTV/FinalRTVSurvey.pdf>.

Highlights from ACLU-TN's Voting Rights Work

Protecting Foreign-Born Voters in Sumner County

After being notified that the Sumner County Election Commission was denying the voter registration applications of multiple naturalized U.S. Citizens based only on their national origin, ACLU-TN contacted the appropriate election officials to ensure compliance with the law. The naturalized citizens were registered with the apologies of the commission for the treatment they received.

Opening Records in Maury County

When ACLU-TN learned that Maury County residents were having difficulty obtaining access to purged voter lists, we worked with local election officials to ensure access to the requested information.

Retired RVer's Vote Restored in Time for Election

The Teels and Mr. Layton, retirees who live full-time in their recreational vehicles, were among over 250 full-time RVer's who were purged from Tennessee voting rolls in 2006 based on a change in Tennessee law which prohibited people from using a commercial address to register to vote. After unsuccessfully attempting to regain their voting rights, the Teels and Mr. Layton contacted ACLU-TN.

In November 2007, ACLU-TN filed Teel, et. al. v. Darnell, et. al. in federal court, arguing that the 2006 law violated RVer's equal protection and due process rights. While dismissing the case, the Court acknowledged alternative ways for the Teels and Mr. Layton to restore their right to vote while maintaining their right to travel and their autonomy to choose where they live.

After lengthy discussions with ACLU-TN, the Bradley County Election Commission agreed that the National Voter Registration Act allows the Teels and Mr. Layton to use the address of the parking lot of a mail forwarding service to register to vote. The Teels and Mr. Layton are excited to vote in the upcoming presidential election.

Felon Reenfranchisement Suffers Setback

ACLU-TN and the ACLU Voting Rights Project recently filed suit against state and county officials to challenge a 2006 law that made the restoration of voting rights for people convicted of felonies contingent on the payment of all outstanding legal financial obligations, namely restitution and child support fees. ACLU filed on behalf of four individuals who had completed their terms of imprisonment, parole and probation but whose financial obligations precluded them from voting under the law.

Thanks to our Summer '08 Interns & Volunteers!



The ACLU argued that requiring some individuals to bear an undue financial burden before voting is tantamount to a poll tax in violation of the Twenty-Fourth Amendment and the Fourteenth Amendment's equal protection clause. The ACLU also charged that the Tennessee law violates the ex post facto and due process clauses in the federal and state constitutions.

A federal court rejected ACLU's challenge, but did not rule on the due process claim. ACLU is planning to appeal.

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Due Process Protected in English-Only Ballot Initiative

Recently the Davidson County Election Commission determined that proponents of a referendum to make

English the only language allowed in all official Metro Nashville government communications had failed to follow proper procedures to place the issue on the November ballot.

ACLU-TN believes that in order to administer just and fair elections, rules must be in place to ensure equal treatment of all viewpoints and that those procedures must be followed. In light of this, ACLU-TN, along with the Chamber of Commerce, Tennessee Immigrant and Refugee Rights Coalition, Service Employees International Union, Councilman Michael Jameson and James Zralek, a Nashville citizen, jointly filed a motion to intervene and/or to appear as a friend of the court in support of the Election Commission's determination.

Ultimately, Chancellor Bonnyman agreed with the Davidson County Election Commission and ACLU-TN and its partners on this issue, ruling that proper procedures were not followed in placing this measure on the ballot.

In the Courts





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"The right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government."

— Chief Justice Earl Warren
Reynolds vs. Sims, 377 U.S. 533 (1964)

Dates to Remember

Nov. 1, 2008, 6:30 p.m.
ACLU-TN Bill of Rights Celebration
Loews Vanderbilt Hotel
Nashville, TN

Nov. 4, 2008
Election Day—VOTE!

Nov. 18, 2008, 7:00 p.m.
Jackson Coalition for Justice
Town Hall Meeting:
A Conversation on Racial Profiling
New St. Luke Missionary Baptist Church
1617 North Royal Street, Jackson, TN

March 11, 2009
ACLU-TN Students' Rights Conference
Know Your Rights, Make Some Change
Nashville Youth Opportunity Center
Nashville, TN

