RECOMMENDATION

RESOLVED, That the American Bar Association urges law firms and other legal employers to allow time spent by lawyers as official poll workers (not poll watchers) to qualify as community service, or voluntary public service hours; and for nonlawyer staff to be allowed paid leave to serve as official poll workers.
REPORT

During the formative years of our country, Thomas Jefferson advocated that lawyers should aspire to be “public citizens.” This concept has further evolved in our present time through the various codes of conduct for our profession. Specifically, the Association’s own Model Rules of Professional Conduct describe lawyers as public citizens. In 2004, the Leon Jaworski Public Program Series of the Public Education Division featured the American lawyer as citizen at its annual program. Various state and local bar associations, law schools, and other organizations have developed awards, internships, committees or programming on the topic of the citizen lawyer or the importance of public service in the legal profession. The ABA’s Division for Public Services includes the Standing Committee on Election Law, in addition to eight other public services entities.

Elections are the bedrock of our democratic society and as such public confidence in our electoral process is essential. Fair administration of elections is a non-partisan value and needs to be conducted by individuals who have an ability to understand the sometimes complicated processes by which we vote as well as the ability to provide solutions which adhere to the law. Historically, the American Bar Association has been involved with efforts to improve voter registration and participation through policy development and advocacy, as well as through partnerships with other organizations.

Election Law attorneys have traditional roles in the political process, through activities ranging from defense of the Voting Rights Act, to serving as ethics and campaign finance law advisors to political candidates and groups advocating for change in elections, to contesting election results. But, what role can lawyers, who do not specialize in election law, play during the election process? There is a large unmet need for more and better trained official poll workers on election day. The Committee has heard numerous requests from registrars in various jurisdictions stressing that this is their priority need. States and localities are actively recruiting more technologically savvy poll workers -- particularly individuals in high school or college, as well as those in the workforce today. As an example, legislation has been recently introduced in Tennessee that would allow eligible students in Tennessee state colleges or universities to serve as election officials during primary and general elections for credit hours applicable towards a degree.\(^1\) The current Chair of the Election Assistance Commission has stressed the urgent need for trained poll workers and the Commission has cited as one of its top priorities the recruitment of...

of more poll workers by election officials. By nature of their training, lawyers and their nonlawyer staff are practical and analytical, attentive to detail, and able to craft solutions to disputes.

Voting in our country is administered on the state, local or territorial level. For instance, federal laws do not mandate the usage of any one piece of voting machinery. States also vary as to the time and method of election. Some states, such as Arizona and Texas, allow early voting, and Oregon now conducts its elections exclusively via mail-in ballots. There is simply not a one size fits all approach to voting, even within a particular state. As technology changes it impacts all aspects of society, even our electoral process. Specifically, the methods by which we vote, as well as how we maintain voter registration databases and administer elections in general have become a changing landscape from election to election. Lawyers and their nonlawyer staff daily work with advances in technology, thus providing a solid base for assisting others through service as official poll workers. This is a natural extension of existing Association policy, adopted in August 1979, which urges all lawyers to register and vote as well as encouraging and assisting employees in their offices or firms to participate in the election process by disseminating information about registration in territorial, local, state and national elections, and providing necessary leave to register and vote.

The Standing Committee is cognizant that some states may have a stringent definition of pro bono service hours, which is restricted to the provision of legal services, and as such suggests that time spent by lawyers working as official poll workers could also be categorized as community or public service hours. This proposal seeks to emphasize a practical non-partisan means for lawyers and their nonlawyer staff to become involved in their communities as public citizens.

Respectfully Submitted,

John C. Keeney, Jr.
Chair

August 2008

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GENERAL INFORMATION FORM

To Be Appended to Reports with Recommendations

Submitting Entity:  Standing Committee on Election Law

Submitted By:  John C. Keeney, Jr., Chair

1. Summary of Recommendation(s).
   This recommendation urges law firms and other legal employers to allow time spent by lawyers as official poll workers (not poll watchers) to qualify as pro bono, community service, or voluntary public service hours; and for nonlawyer staff to be allowed paid leave to serve as official poll workers.

2. Approval by Submitting Entity.
   Approved by the Standing Committee on Election Law on 26 March 2008.

3. Has this or a similar recommendation been submitted to the House or Board previously?
   No.

4. What existing Association policies are relevant to this recommendation and how would they be affected by its adoption?
   The proposed recommendation enhances an existing policy, adopted in August 1979, which urges all lawyers to register and vote as well as encouraging and assisting employees in their offices or firms to participate in the election process by disseminating information about registration in territorial, local, state and national elections, and providing necessary leave to register and vote.

5. What urgency exists which requires action at this meeting of the House?
   Adoption of this proposed report and recommendation will provide a non-partisan avenue for lawyers and non lawyer staff to serve as public citizens during the 2008 presidential election and subsequent election cycles.

6. Status of Legislation.  (If applicable.)
   n/a

7. Cost to the Association.  (Both direct and indirect costs.)
   n/a

8. Disclosure of Interest.  (If applicable.)
   n/a
9. **Referrals.**
   In mid May 2008, this Report and Recommendation was referred to the Chairs and staff of all ABA Sections and Divisions as well as the Council for Racial and Ethnic Justice and the Standing Committee on Pro Bono and Public Service.

10. **Contact Person.** (Prior to the meeting.)
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11. **Contact Person.** (Who will present the report to the House.)
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EXECUTIVE SUMMARY

Summary of Recommendation:
This recommendation urges law firms and other legal employers to allow time spent by lawyers as official poll workers (not poll watchers) to qualify as pro bono, community service, or voluntary public service hours; and for nonlawyer staff to be allowed paid leave to serve as official poll workers.

Summary of the Issue Which the Recommendation Addresses:
This recommendation provides a non-partisan venue for lawyers and non lawyer staff to serve as public citizens during the 2008 presidential election and subsequent election cycles.

Explanation of How the Proposed Policy Position Will Address the Issue:
This recommendation encourages law firms and other legal employers to allow lawyers and non-lawyer staff to serve as official poll workers.

Summary of Any Minority Views or Opposition Which Have Been Identified:
None to date.