

Miller Canfield Works to Support Voter Rights

July 31, 2020

Miller Canfield pro bono attorneys in partnership with the nonpartisan Brennan Center for Justice filed an amicus brief in support of Michigan Secretary of State Jocelyn Benson's authority to mail absentee ballot applications to registered voters in Michigan. Her authority to do so was challenged in three cases that were filed in the Michigan Court of Claims; in two of those cases, the plaintiffs sought an injunction to stop the mailing of absentee ballot applications to registered Michigan voters.

Michigan Court of Appeals Judge Cynthia Diane Stephens on July 16, 2020, denied the motion for injunction. A motion for summary disposition is currently under review by the court.

Michigan voters approved, by more than a 2-1 margin, a 2018 ballot proposal to allow absentee voting for any registered voter. Brennan Center for Justice and Miller Canfield stated that mailing applications for absentee ballots is consistent with the Michigan Constitution and state election law and promotes safe elections during this unprecedented public health threat.

Voting rights is one of the Miller Canfield pro bono team's key areas of focus. The absentee ballot application matter is the most recent case taken up by the team. In another significant project, Miller Canfield's pro bono counsel Wendy Richards led a team of attorneys from 14 law firms to create 50 state guides on how and why to become a poll worker. In partnership with Lawyers' Committee for Civil Rights Under Law, Brennan Center for Justice and the Association of Pro Bono Counsel, the guides are intended to encourage lawyers and law students to become election workers.

"One person, one vote" is the bedrock of our democracy. But the lack of qualified workers on Election Day is a serious impediment to voter access. One solution is to ensure that the polls are staffed with knowledgeable workers, such as attorneys and law students, who care deeply about free and fair elections.

The guides, which are voter-focused and customer-service oriented, were rolled out in a select number of states, in time for the midterm elections and several have been updated for the 2020 presidential election.

The firm has been instrumental in recruiting attorneys to work at the polls in Detroit for the Michigan Presidential Primary, and it continues to work in partnership with a broad coalition of nonprofits to mobilize attorneys and law students to take on this critical task for the General Election in November.