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## Election Law Program Launched by William & Mary and National Center for State Courts

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By Ann Gaudreux

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An explosion of election challenges began in 1996, and the number has grown exponentially since then. The Conference of Chief Justices, comprised of the chief justices of the 50 states, has recently identified election law cases as one of the most pressing issues facing the state judiciary. The Election Law Program at William & Mary Law School was established in 2005, in collaboration with the National Center for State Courts, to help state judges, at every level, deal more effectively with election-related disputes.

"These election law cases are extraordinarily important to the American democratic process," noted Program Director Davison M. Douglas, "as they often concern fundamental issues such as ballot access, accurate vote counts, and voter challenges. The integrity of our election law process depends upon prompt and sound resolution of these disputes. Unfortunately, most state court judges have no particular expertise in election law, and many lack research support from law clerks. Moreover, many of the election law cases involve issues of first impression that must be resolved with considerable haste given the exigencies of the election process, and in the context of highly partisan conflict."

The Election Law Program will carry out its goal in a variety of ways. First of all, the Program is currently preparing an Election Law Manual that it will make available to all state judges in either hard copy or through a web site. This Manual, which will be updated regularly, will analyze all of the major election-related legal issues that a judge is likely to confront with particular attention to the types of remedies that are appropriate when violations are found. In addition, the Program will organize educational programs for judges that deal with cutting-edge election law issues. This past summer, the Program presented a three-hour program for the annual meeting of state supreme court justices in Charleston, South Carolina.

"One of William & Mary Law School's important roles is to be useful to the legal profession," said Law School Dean Taylor Reveley. "The Election Law Program is an opportunity to help state judges as they engage rapidly evolving issues affecting the validity of election results."



The Election Law Program is housed at William & Mary, and Elizabeth Bircher, a 2005 graduate of the Law School, serves as Election Law Research Coordinator. Mary McQueen, President and Chief Executive Officer, National Center for State Courts, oversees the Center's role in the Program, and is assisted in that effort by David B. Rottman, Ph.D., Principal Court Research Consultant. Bircher is researching and writing the manual at the National Center.

McQueen said, "One reason the National Center for State Courts (NCSC) decided to locate in Williamsburg was to develop a dynamic relationship between NCSC and the William & Mary Law School. This fact was important to Chief Justice Warren Burger and, when I became president of NCSC, my goal was to reinvigorate that relationship." One of the most dynamic and challenging issues for state courts are challenges to state elections and the laws governing them, McQueen added. "There was no resource for state trial or appellate judges, no collected case laws documenting these challenges."

William & Mary, partnered with NCSC, stands as the only place that can uniquely respond to this need, according to McQueen. "The NCSC also consults with judges from emerging democracies, and we can utilize some of the lessons learned in the Election Law Program to applicable cases in countries where the rule of law is being established," she said.

Davison M. Douglas, Hanson Professor of Law, joined the faculty in 1990. He received a J.D. and Ph.D. in history from Yale University. He currently teaches courses in election law, constitutional law and employment law. Douglas clerked for Judge Walter R. Mansfield, U.S. Court of Appeals for the Second Circuit, practiced law in Raleigh, and served as a visiting professor at the University of Iowa, Emory University, and University of Auckland law schools. He also served as director of William & Mary's Institute of Bill of Rights Law from 1997 to 2004.

He received the Black Law Students Association Outstanding Faculty Award in 2004, the State Council of Higher Education Outstanding Faculty Award in 2002 (one of 11 recipients throughout Virginia), and the Walter L. Williams, Jr. Teaching Award in 1993, 1995, 1999 and 2001 as the Law School's outstanding teacher. He was given the William & Mary Phi Beta Kappa Faculty Award for Advancement of Scholarship in 1995.