

Strict Voter-Registration Rules

Citizens Alliance for Secure Elections v. Vu (Paul R. Matia, N.D. Ohio 1:04-cv-2147)

In a challenge to a county's voter-registration procedures, claiming that they were so strict as to disfranchise voters, the court determined, on the case's third day, that provisional-ballot procedures were sufficient to protect voters from disfranchisement.

Subject: Registration procedures. *Topics:* Registration procedures; provisional ballots.

On October 25, 2004, citizens' organizations and would-be voters sued Cuyahoga County's board of elections in the Northern District of Ohio's Cleveland courthouse claiming that the county's overly strict enforcement of voter-registration requirements and insufficient efforts to assist would-be voters in correcting registration errors would disfranchise voters, especially minority voters, in the general election eight days later.¹ With the complaint, the plaintiffs filed a motion for a temporary restraining order.²

The court assigned the case to Judge Paul R. Matia,³ who, on the following day, ordered a hearing at 2:30 p.m.⁴ The hearing lasted an hour and a half;⁵ on the third day, Judge Matia denied the plaintiffs immediate relief because "the provisional vote mechanism will allow voters whose names do not appear on the final list of registered voters to cast ballots that will be counted if it is later determined that their names should have been listed."⁶

On the day before election day, two voters moved to intervene to defend the county's strict enforcement of registration requirements.⁷ On election day, Judge Matia set that day as the due date for opposition papers.⁸ Plaintiffs responded by voluntarily dismissing the action.⁹

1. Complaint, *Citizens Alliance for Secure Elections v. Vu*, No. 1:04-cv-2147 (N.D. Ohio Oct. 25, 2004), D.E. 1; *see* Amended Complaint, *id.* (Oct. 26, 2010), D.E. 6; *see also* John Caniglia, *Suit Says Cuyahoga County Board Botched Voter Registrations*, Cleveland Plain Dealer, Oct. 26, 2004, at B4; Edward B. Foley, *The Promise and Problems of Provisional Voting*, 73 Geo. Wash. L. Rev. 1193, 1197 (2005); Daniel P. Tokaji, *Voter Registration and Election Reform*, 17 Wm. & Mary Bill Rts. J. 453, 477 (2008).

2. Temporary-Restraining-Order Motion, *Citizens Alliance*, No. 1:04-cv-2147 (N.D. Ohio Oct. 25, 2004), D.E. 4.

3. Tim Reagan interviewed Judge Matia for this report by telephone on May 1, 2012. Judge Matia on May 31, 2005. Federal Judicial Center Biographical Directory of Article III Federal Judges, www.fjc.gov/history/judges.

4. Order, *Citizens Alliance*, No. 1:04-cv-2147 (N.D. Ohio Oct. 26, 2004), D.E. 8.

5. Minutes, *id.* (Oct. 26, 2004), D.E. 9.

6. Order at 3-4, *id.* (Oct. 27, 2004), D.E. 10.

7. Intervention Motion, *id.* (Nov. 1, 2004), D.E. 11.

8. Order, *id.* (Nov. 2, 2004), D.E. 13 (noting that opposition papers were due at 4:00 p.m.).

9. Order, *id.* (Nov. 2, 2004), D.E. 15; Notice, *id.* (Nov. 2, 2004), D.E. 14.

Although Judge Matia acted quickly in this case, he strove to take enough time to rule correctly.¹⁰

10. Interview with Paul R. Matia, May 1, 2012.