

Administrative Law Review **Symposium**

The Honorable Liz Cheney



Representative Jamie Raskin

WE THE PEOPLE?

The Future of U.S. Elections & Democracy

Friday, February 23, 9 a.m. - 4:30 p.m

Claudio Grossman Hall



Administrative Law Review: Symposium Agenda
“We the People? The Future of U.S. Elections & Democracy”

Registration & Coffee – 8:30 a.m.

Welcome & Opening Remarks – 9:00 a.m.

Lauren Saxe, *ALR Senior Symposia & Communications Editor*

Panel: The Voting Rights Act and Redistricting

9:05 a.m. – 10:15 a.m.

Moderated by: Professor John Powers

Panelists:

- **Marcia Johnson**, *Co-Director of the Voting Rights Project at the Lawyers’ Committee for Civil Rights Under Law*
- **Leah Tulin**, *Senior Counsel, Litigation, Democracy at the Brennan Center for Justice*
- **Danielle Lang**, *Senior Director, Voting Rights at the Campaign Legal Center*
- **Celina Stewart**, *Chief Counsel at the League of Women Voters*

Panel: Presidential Power & the Electoral System

10:30 a.m. – 11:45 a.m.

Moderated by: Professor Stephen Wermiel

Panelists:

- **Kathy Boockvar**, *Former Secretary of the Commonwealth of Pennsylvania and President of Athena Strategies*
- **Marcus A.R. Childress**, *Former Investigative Counsel for the House Select Committee to Investigate the January 6th Attack on the U.S. Capitol and Partner at Jenner & Block*
- **Sarah Brannon**, *Managing Attorney at the ACLU Voting Rights Project*

Lunch Break – 11:45 – 12:30 p.m.

Afternoon Kickoff Remarks – 12:30 p.m.

Dean Roger A. Fairfax, *Dean of the American University Washington College of Law*

Keynote Address 1 – 12:35 p.m. – 1:45 p.m.

Representative Jamie Raskin

Introduced By: Professor Andrew Popper



Keynote Address 2 – 2 – 3 p.m.

The Honorable Liz Cheney

Introduced By: Junior Staffer Elizabeth Perry

Panel: The Role of Agencies in Elections

3:15 – 4:15 p.m.

Moderated by: Professor Jeffrey Lubbers

Panelists:

- **Dara Lindenbaum**, *Commissioner at the Federal Election Commission*
- **Lisa J. Stevenson**, *Acting General Counsel at the Federal Election Commission*
- **Thomas Hicks**, *Commissioner at the Election Assistance Commission*
- **Donald Palmer**, *Commissioner at the Election Assistance Commission*

Closing Remarks – 4:15 p.m.

Madison Gestiehr, *ALR Editor in Chief*

Moderator: John Powers



John Powers is the Director of the Advancement Project's Power and Democracy Program. He is also an Adjunct Associate Professor at the American University Washington College of Law, where he teaches the American Political Process. From 2021 through January 2024, he served as a political appointee in the front office of the Civil Rights Division of the Department of Justice, where his portfolio included voting rights and he oversaw DOJ's Voting Section. He started his career in the Voting Section, where he worked from 2007 to 2015. Between 2015 and 2021, he worked as an attorney for the Lawyers' Committee for Civil Rights Under Law, where he focused on voting rights litigation, redistricting issues, and election protection efforts across the country.

Panelist: Marcia Johnson



Marcia Johnson is a co-director of the Lawyers' Committee's Voting Rights Project. She oversees the Project's programmatic and advocacy portfolios which includes convening ElectionProtection, the nation's largest non-partisan voter protection coalition; addressing persistent undercount of African Americans in the U.S. census; ensuring minority participation in the redistricting process; researching and documenting the history of discrimination in voting; advocating for the restoration of the full protections of the Voting Rights Act and national electoral reform, including testifying before the U.S. Congress; and advocating for the full restoration of voting rights for those with felony

convictions. She served on the litigation teams defending the constitutionality of the Voting Rights Act. She also coordinates the Lawyer's Committee's international human rights initiatives including monitoring U.S. compliance with its treaty obligations. Marcia received her Juris Doctor from Villanova University School of Law and her Bachelor of Science in Linguistics from Georgetown University.

Panelist: Leah Tulin



Leah Tulin serves as senior counsel in the Brennan Center's Democracy Program. She works on litigation across the Democracy Program's issue areas, including voting rights and redistricting. Prior to joining the Brennan Center, Tulin was the director of impact litigation at a non-profit legal services organization in Washington, DC. She also served as a special assistant to Maryland Attorney General Brian E. Frosh, where she represented the State of Maryland in litigation involving a range of constitutional and statutory provisions. Before her service in the Maryland Attorney General's Office, Tulin was an associate and then a partner in the Washington office of Jenner & Block, LLP. In that role, she litigated

complex cases in state and federal court, represented clients in proceedings before the Federal Communications Commission, and maintained an active pro bono practice. Tulin received her law degree from Georgetown University Law Center and her undergraduate degree from the University of Pennsylvania. After law school she clerked for the Honorable Ronald Lee Gilman in the United States Court of Appeals for the Sixth Circuit and the Honorable Emmet G. Sullivan in the United States District Court for the District of Columbia. She also served as one of the Honorable Cornelia T.L. Pillard's first law clerks in the United States Court of Appeals for the District of Columbia.

Panelist: Danielle Lang



Danielle Lang leads Campaign Legal Center's voting rights team dedicated to safeguarding the freedom to vote. She litigates in state and federal courts from trial to the Supreme Court, and advocates for equitable and meaningful voter access at all levels of government. Danielle has worked as a civil rights litigator her entire career. At CLC, she has led litigation against Texas's racially discriminatory voter ID law, Florida's modern-day poll tax for rights restoration, Arizona's burdensome registration requirements, North Dakota's voter ID law targeting Native communities, and numerous successful challenges to signature match policies for absentee ballots. Previously, Danielle served as a Skadden Fellow in the

Employment Rights Project of Bet Tzedek Legal Services in Los Angeles, where she represented low-wage immigrant workers in wage and hour, discrimination, and human trafficking matters. From 2012 to 2013, Danielle clerked for Judge Richard A. Paez on the U.S. Court of Appeals for the Ninth Circuit. Danielle is a 2012 graduate of Yale Law School and a 2008 graduate of New York University, where she earned a bachelor's degree with honors in European studies. Danielle is a member of the District of Columbia, New York, and Pennsylvania bars, as well as the bars of the U.S. Supreme Court, the U.S. Court of Appeals for the Fifth Circuit, Sixth Circuit, Ninth Circuit and Eleventh Circuit, and the U.S. District Court for the District of Columbia. She joined Campaign Legal Center in 2015.

Panelist: Celina Stewart



Celina Stewart joined the League of Women Voters as Senior Director of Advocacy and Litigation in April 2018. In this role, she developed and implemented League political strategies and policy positions around election reform and voting rights issues; oversaw prospective litigation for the national and state leagues; worked closely with League grassroots staff in implementing national agenda; and served as lead lobbyist and liaison with Congress and the Administration for the League. In her new role as Chief Counsel, she continues the work she started and works to build stronger relationships with legal partners, strengthen relationships and visibility of the League at the Hill, and continues oversight of the People Powered Fair Maps™ initiative. Prior to joining the League, she was acting Chief Operating Officer and Director of

Philanthropy at an electoral reform nonprofit. Celina's experience also includes serving as a litigation consultant to several Am 100 law firms handling complex merger and acquisition transactions; legislative aide at the Michigan legislature handling the public interest portfolio for the House Tax Chair; and as Legal Counsel to the Minority Leader Stacey Abrams at the Georgia House of Representatives. Celina earned her J.D. from Western Michigan University Law School and her B.A. in Sociology from Spelman College. She has served on the Boards of the Bar Association of DC; the Women's Bar Association of DC; the National Association of Advancement of Colored People (NAACP-DC); and was an American Bar Foundation Law Practice Fellow.

Moderator: Stephen Wermiel



Stephen Wermiel is a professor of practice at American University Washington College of Law where he has been teaching for 25 years. He teaches constitutional law, First Amendment, a course on civil rights litigation, and a seminar on the workings of the Supreme Court. He is past chair of the American Bar Association (ABA) Section of Civil Rights and Social Justice (CRSJ), and co-chairs the Section's Free Speech and Free Press Committee. He is on the Board of Editors of the ABA Journal. He is a past member of the ABA Board of Governors and House of Delegates. He is co-author of two books: "Justice Brennan: Liberal Champion," the definitive biography of the late Supreme Court Justice

William J. Brennan Jr., and also "The Progeny: Justice William J. Brennan's Fight to Preserve the Legacy of New York Times v. Sullivan." Wermiel covered the U.S. Supreme Court for the Wall Street Journal from 1979 until 1991, and earlier in his career, was a Washington correspondent for the Boston Globe. He earned his B.A. from Tufts University in 1972 and his J.D. from the Washington College of Law.

Panelist: Kathy Boockvar



Kathy Boockvar is President of Athena Strategies LLC, working to strengthen election security and democracy across the U.S.. She also serves as Senior Advisor to the Brennan Center for Justice and to the Institute for Responsive Government. Ms. Boockvar previously served as Pennsylvania Secretary of State and chief election official, overseeing secure and accessible elections amidst a global pandemic, marked by unparalleled transparency and voter participation. She also served as co-chair of the National Association of Secretaries of State's Elections Committee from 2019-2020. Earlier in her career Ms.

Boockvar was a poll worker and a voting rights attorney for the national civil rights organization Advancement Project, and she is a founding member of the Committee for Safe and Secure Elections, a cross-sector collaboration working to help protect election workers, voters, and infrastructure. She is a proud alumna of the American University, Washington College of Law (J.D. 1993), as well as of the University of Pennsylvania (B.A. 1990). She was a founding and managing member of the American University Journal of Gender, Social Policy, and the Law and is proud of its continuing impact!

Panelist: Marcus A.R. Childress



Marcus A.R. Childress offers unique insight into the topic of presidential power, the electoral college, and election officials from his experience serving as investigative counsel to the House Select Committee to Investigate the January 6 Attack on the US Capitol. In that role, he conducted more than 60 depositions and interviews of key witnesses and worked with members to prepare the nationally televised hearings. Now in private practice, Marcus is a partner based out of Jenner & Block's DC office, where he represents clients facing congressional investigations, government enforcement actions, civil

litigation, and workplace crises. Additionally, as the 2024 presidential election campaign heats up, media outlets nationwide, including CNN and MSNBC, frequently turn to Marcus for his perspective on the most consequential issues.

Panelist: Sarah Brannon



Sarah Brannon joined the ACLU in July of 2017 and is currently a Deputy Director for the American Civil Liberties Union's Voting Rights Project. Ms. Brannon's expertise and area of focus is enforcement of the National Voter Registration Act. She was also a leading member of the ACLU litigation team that successfully stopped the Trump Administration's attempts to add a citizenship question to the 2020 Decennial Census. She is also the ACLU lead for all of the on-going litigation related to redistricting in Louisiana, both for the Congressional Map and the State Legislature Maps. Ms. Brannon started her legal career as a

law clerk for the Honorable Paul W. Grimm in the United States District Court for the District of Maryland. She has more than 20 years of years of litigation experience, including trial and appellate work in many areas of civil rights and civil liberties. She has worked for several non-profit organizations and nationally renowned law firms, including Hogan Lovells US LLP. Just previously to joining the ACLU, Ms. Brannon was the Litigation Director at Project Vote. Ms. Brannon is a graduate of St. Mary's College of Maryland and obtained a J.D. from University of Maryland School of Law in 1999. In her free time, Sarah is an avid hiker and enjoys cooking.

Moderator: Jeffrey Lubbers



Jeffrey S. Lubbers is Professor of Practice in Administrative Law here at WCL where he has taught since 1996. He has also taught at various law schools in the U.S. and abroad, especially Japan and China. He has degrees from Cornell University and the University of Chicago Law School and is a member of the bars of the State of Maryland and the District of Columbia. Prior to joining American University, he served in various positions with the Administrative Conference of the United States (ACUS) including as Research Director from 1982-1995. He now serves as special counsel to ACUS. He is the author of the ABA's "A Guide

to Federal Agency Rulemaking," published by the American Bar Association (6th ed. 2018). He has also co-authored "Administrative Law and Process in a Nutshell" (West) (6th ed. 2017).

Keynote Speaker: Congressman Jamie Raskin



Congressman Jamie Raskin is the U.S. Representative for Maryland's 8th Congressional District. He serves as the Ranking Member on the House Committee on Oversight and Accountability. He served as the Lead House Manager in the second Senate impeachment trial of former President Donald Trump, which ended with a 57-43 vote to convict the president for inciting a violent insurrection against the government to overthrow the 2020 presidential election. Raskin also served on the Select Committee to Investigate the January 6th attack on the U.S. Capitol and served three terms on the House Judiciary, Oversight and Administration Committees. He served two terms on

the Rules Committee. Prior to Congress, Raskin was a three-term State Senator in Maryland and a professor of constitutional law for more than a quarter-century at American University Washington College of Law. He is a magna cum laude graduate of Harvard College and Harvard Law School, where he served as an Editor of the Harvard Law Review. He has authored several books, including "We the Students: Supreme Court Decisions for and About Students," the Washington Post best-seller "Overruling Democracy: The Supreme Court versus the American People," and the New York Times number #1 best-seller "Unthinkable: Trauma, Truth and the Trials of American Democracy" (2022).

Keynote Speaker: The Honorable Liz Cheney



Liz Cheney served as the U.S. representative for Wyoming's at-large congressional district from 2017 to 2023. She chaired the House Republican Conference, the third-highest position in the House Republican leadership, from 2019 to 2021, and served as the Vice Chair of the Select Committee to Investigate the January 6th Attack on the United States Capitol. She was also a member of the House Armed Services Committee, China Task Force, Natural Resources Committee, and the House Committee on Rules. Cheney served previously at the State Department as the Principal

Deputy Assistant Secretary of State or Near Eastern Affairs, and in positions for USAID and the Department of State working in Poland, Hungary, Russia, and Ukraine. Cheney practiced law with White and Case and at the International Finance Corporation.

She is the author of the newly released memoir, "Oath and Honor," which tells her firsthand account of the moment our democracy threatened to unravel and the story of the brave men and women who fought to save it. A specialist in national security and foreign policy, she is the co-author, along with her father, former Vice President Dick Cheney, of "Exceptional: Why the World Needs a Powerful America."

Cheney received her Bachelor of Arts degree from Colorado College and received her Juris Doctor from the University of Chicago Law School. In 2022, Cheney, along with Ukrainian President Volodymyr Zelensky, received the John F. Kennedy Presidential Library's prestigious Profile in Courage Award, with a commendation for her "consistent and courageous voice in defense of democracy."

Panelist: Commissioner Dara Lindenbaum



Dara Lindenbaum was nominated to the Federal Election Commission by President Joseph Biden on February 3, 2022, and confirmed by the U.S. Senate on May 24, 2022. Prior to her appointment, Commissioner Lindenbaum was a partner at Sandler Reiff Lamb Rosenstein & Birkenstock, P.C. (Sandler Reiff) where she advised candidates, political committees, and organizations on a wide range of laws and regulations, including complying with state and federal campaign finance and election laws. She served as outside general counsel for several organizations and worked with directors, boards, and staff on general business matters, structuring their programs, and navigating the complex legal

and compliance landscape. Before joining Sandler Reiff, Commissioner Lindenbaum was an associate counsel in the Voting Rights Project at the Lawyers' Committee for Civil Rights Under Law, where she focused on election law and voting rights. Commissioner Lindenbaum received her B.S. from Northeastern University and her J.D. from the George Washington University Law School.

Panelist: Lisa J. Stevenson



Lisa J. Stevenson is Acting General Counsel at the Federal Election Commission, a position to which she was appointed in September 2016. In that role, she serves as legal advisor to the Commission and supervises all of the organizational units of the Office of General Counsel, including Enforcement, Policy and Litigation. Ms. Stevenson joined the Commission in May 2012, serving first as Special Counsel to the General Counsel, then Deputy General Counsel for law before her acting appointment. Prior to her arrival at the Commission, Ms. Stevenson was a Partner at Zuckerman Spaeder LLP where she focused on white collar criminal defense and compliance advice. Before joining Zuckerman Spaeder, she

was an Associate with Covington & Burling from 1997 to 2005, and she served as Law Clerk to Honorable James Robertson of the United States District Court for the District of Columbia from 1996 to 1997. Ms. Stevenson is a 1992 magna cum laude graduate of Amherst College and she received her law degree from the University of Michigan in 1996.

Panelist: Commissioner Thomas Hicks



Thomas Hicks was confirmed by unanimous consent of the United States Senate on December 16, 2014 to serve on the U.S. Election Assistance Commission (EAC). Mr. Hicks has focused on increasing youth engagement with the voting process and frequently speaks at conferences on issues such as cybersecurity, election official safety, and voter access. Under his leadership, the EAC developed a pocket-sized voter card that serves as a guide on voting rights for voters with disabilities. Prior to his appointment with the EAC, he served on the U.S. House of Representatives Committee on House Administration from 2003 to 2014. In this role, he was responsible for issues relating to campaign finance,

election reform, contested elections, and oversight of both the EAC and the Federal Election Commission. Mr. Hicks recently completed the Election Center and Auburn University's Certified Elections/Registration Administrator (CERA) program. He received his J.D. from the Catholic University of America, Columbus School of Law, and his B.A. in Government from Clark University (Worcester, MA).

Panelist: Commissioner Donald Palmer



Donald Palmer serves on the United States Election Assistance Commission (EAC) after being nominated and approved by unanimous consent in 2019. He served as the Chairman of the Commission in 2021. He is currently the Designated Federal Officer for the EAC Board of Advisors. Before the EAC, he served as a Bipartisan Policy Center Fellow, advancing the recommendations of the Presidential Commission on Election Administration. Mr. Palmer is a former Secretary of the Virginia State Board of Elections and served as the Commonwealth's Chief Election Official from 2011 to 2014. During that time, Palmer established Virginia as a founding member of the Election Registration

Information Center (ERIC), a group of states working together to maintain the accuracy of voter registration rolls. Mr. Palmer has also served as Florida's Director of Elections, where he expanded the Florida voting system state certification program and modernized the state's voting machines. Prior to his work in election administration, he served as a trial attorney with the Voting Section in the U.S. Department of Justice's Civil Rights Division, where he enforced the nation's voting laws. Finally, Palmer is a military veteran, retiring from the U.S. Navy after two decades as an intelligence officer and judge advocate general.