

Assignment 4: Legislative History

You are representing parties bringing an action against the state of Illinois. In 1993 Congress passed the National Voter Registration Act (NVRA), which is codified beginning at 42 U.S.C. § 1973gg. The statute created obligations for states that are designed to make it easier for potential voters to register. § 1973gg-5 specifies the requirements a state must meet; the text of § 1973gg-5(a) reads as follows:

(a) Designation

(1) Each State shall designate agencies for the registration of voters in elections for Federal office.

(2) Each State shall designate as voter registration agencies--

(A) all offices in the State that provide public assistance; and

(B) all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.

Prior to Congress enacting this law, Illinois farmed out the process of filing applications for public assistance to third-party, private entities. Illinois now claims that these public assistance offices do not have to be designated voter registration agencies because they are not state run and operated. You must determine whether these non-governmental offices are mandatory voter registration places under the applicable statute. You have been assigned the job of locating any relevant legislative history.

1. The first step in compiling a legislative history, after identifying the language you wish to investigate, is to identify the public law(s), and section(s) within each relevant public law, that contain the language. In this example, you must locate where the language found in 42 U.S.C. § 1973gg-5(a)(1) and (2) is located in the public law(s)? List the relevant information below, including public law number and the relevant section(s) of the public law.

2. Which provision of the statute defines the term “elections?”

3. Has title 42 of the U.S.C. been enacted into positive law? Explain the basis for your answer.

4. Does U.S.C. (or U.S.C.A or U.S.C.S.) provide any hints as to documents related to the law that are part of the legislative history of this law? If so, which documents are referenced?

5. Assume that you have all the tools of a magnificent law library, much like the one at N.D., at your disposal for you legislative history research. Also assume that you want a comprehensive list of all documents associated with this public law. In other words, you must compile your own legislative history. Which resource would be best to use for this purpose?

6. Using this source, track down references to documents that are part of the legislative history of the public law involved in this situation. Which bill became the public law identified in Question 1 above? Where did you find this information?

7. Were other bills on this same subject introduced in the same Congress? If so, what are the numbers?

8. What possible use could other bills introduced in the same Congress be to you in this project?

9. Look at the committee reports listed.

A. Which committee reports are listed as being relevant to this public law?

B. Are all three related to the bill that became law? If not, which one is not?

10. Concentrating on committee reports, is there anything that helps resolve the question in this problem? If you find helpful information, provide a cite to the appropriate report(s). **Spend no more than ten to fifteen minutes on this particular question.**

11. When were the earliest hearings held on this topic?

12. Now, let's look to see if any other sources, such as books, law review articles, or cases might provide any assistance in answering this question.

A. List two ways you could locate any books that discuss the legislative history of this act. Use one; did you locate anything that looks relevant? If so, provide a cite to any relevant source.

B. List two ways you could locate articles. Any relevant? If so, provide a cite to any relevant source.

C. List two ways you could locate cases that discuss the legislative history of this statute. Any relevant cases? If so, please provide a cite to any relevant cases.

13. Based on the information you located, what is the answer on this issue? Be sure to consider and incorporate any mandatory/persuasive authority into your answer.

14. Look at the opinion you identified above. Read that part of the opinion that specifically discusses which materials the court consulted to determine the history of the act. Which materials did the court consider to be most authoritative and why?

15. Let's assume for the moment that you do not have access to any subscription service, like HeinOnline or LexisNexis Congressional, so you do not know of the existence of such bills. Please identify the steps you would need to take to identify related bills and documents related to those related bills.