

YOUTH LEGAL JOURNAL



For the youth,
by the youth.

Enhancing legal
literacy in the youth
population.



OCTOBER 2024

ISSUE 01

THE STAFF

PRESIDENT

Aditya Kumar

VICE PRESIDENTS

Jasheen Kaur

Hannah Thomas



WRITERS AND EDITORS

Amelia Lancaster

Fadekemi Laniyonu

Lauren Miller

Ahana Samantray

OUTREACH

Aarush Choudhary

Aditya Kumar is a junior at Clarksburg High School. He founded this organization to spread law literacy better, especially due to the lack of matters related to law in Montgomery County. Outside of Youth Legal Journal, he takes part in Asian-American advocacy, playing badminton, and he loves listening to music. Aditya is so excited to work with the board this year.

ADITYA KUMAR



Jasheen Kaur is a senior at Clarksburg High School. Jasheen joined this organization to help minimize political polarization within her generation and educate the youth on legal subjects that matter. Aside from Youth Legal Journal, Jasheen is highly involved with the Montgomery County Council and takes a specialty within local laws.

JASHEEN KAUR



Hannah is a junior at Clarksburg High School. She believes that law literacy is a necessary skill for citizens of all ages, and joined this organization to spread more awareness about prevalent legal issues. Outside of Youth Legal Journal, Hannah loves to read, play music, bake, and learn.

HANNAH THOMAS



TABLE OF CONTENTS



5

The Department of Justice Sues Virginia for Violating the Voter Registration Act

6

Maryland Supreme Court Rules “Baby Bonus” Unconstitutional

7

Children's Safe Welcome Act: Transforming Immigration Custody for the Well-Being of Children

9

Gun Safety vs. Free Speech: Maryland Shall Issue's Challenge to Anne Arundel's Firearm Law

10

Federal Trade Commission Bans Fake Reviews and Testimonials

11

Historic Hurricanes Bring Voter Registration Deadlines to Court



THE DEPARTMENT OF JUSTICE SUES VIRGINIA FOR VIOLATING THE VOTER REGISTRATION ACT

BY FADEKEMI LANIYONU

On Friday, October 11, 2024, the Department of Justice announced that it is filing a lawsuit against the Virginia State Board of Elections and Virginia Commissioner of Elections, claiming that Virginia has violated the National Voter Registration Act (NVRA) by attempting to remove voters from the registration list too close to the November election.

This lawsuit comes in light after August 2024, when Virginia Governor Glenn Youngkin signed an executive order requiring the commissioner of the Department of Elections to conduct daily updates to its voting list, including comparing the list of individuals identified as noncitizens by the State Department of Motor Vehicles to the list of registered voters. Local officials are then required to notify people found on both lists that their voter registration will be canceled if they do not respond to the notice and complete an Affirmation of Citizenship form in 14 days.

The Department of Justice argues that Virginia's actions violate Section 8(c)(2) of the NVRA, also known as the Quiet Period Provision, which requires states to complete systematic programs aimed at removing the names of ineligible voters no later than 90 days before federal elections. The Quiet Period is crucial for the protection of voters as systematic removal programs can be prone to error and remove eligible voters who may be unable to correct the State's errors in time. Virginia's actions, which began just 90 days before the election, are seen as a violation of this rule.

The claims that some of the people identified as noncitizens actually have U.S. citizenship, have lead to unnecessary cancellations of voter registrations. This could potentially confuse, deter, and disenfranchise eligible voters.

This is the second lawsuit the Department of Justice has raised in the past month against a state violating the National Voter Registration Act. Previously, on Friday, September 27, 2024, the Department of Justice filed a lawsuit against Alabama and its secretary of state, similarly arguing that Alabama had been removing voters too close to the election.

The Department of Justice's primary motive is to ensure that everyone who is eligible to vote has the ability to freely express their rights. In a statement regarding the lawsuit, Assistant U.S. Attorney General Kristen Clarke said, "Congress adopted the National Voter Registration Act's quiet period restriction to prevent error-prone, eleventh hour efforts that all too often disenfranchise qualified voters. The right to vote is the cornerstone of our democracy and the Justice Department will continue to ensure that the rights of qualified voters are protected."

Protecting the right to vote is crucial to ensuring a fair and functioning democracy. This lawsuit underscores the vital importance of adhering to federal election laws to safeguard our democratic process. The Department of Justice's intervention emphasizes that voter rights must be protected and upheld to maintain the integrity of our elections. Every vote is a cornerstone of democracy, and ensuring that no eligible voter is unjustly disenfranchised is paramount.

MARYLAND SUPREME COURT RULES “BABY BONUS” UNCONSTITUTIONAL

BY AMELIA LANCASTER

On August 29, 2024, the Maryland Supreme Court ruled that the Baltimore city “Baby Bonus” ballot initiative was unconstitutional. This ballot initiative was written by the Maryland Child Alliance, an advocacy organization based in Baltimore that organized the Baltimore Baby Bonus campaign. The proposal that they wrote would pay new Baltimore parents a one-time \$1,000 payment in order to help them pay for some of the expenses of having a baby, such as baby formula, diapers, and childcare.

The organizers of the campaign estimated that the expenses would reach \$7 million per year, an amount that they deemed to be attainable for the city. During their campaign, the advocates got over 10,000 signatures from Baltimore city residents in order to meet the requirement from the Board of Elections to put the issue on the November ballot.

Proponents of the proposal felt that it would be especially useful for Baltimore residents specifically; Baltimore officials estimate that around 4 in 10 Baltimore families live below the poverty line in comparison to the national average of 3 in 10 families. Under normal circumstances, Baltimore residents could vote on whether to enact the initiative.



However, this initiative was met with resistance from city representatives, who filed a lawsuit to prevent the initiative from ever making it onto the ballot. In a statement, city representatives said that although they have “sympathies towards the underlying policy,” they emphasized that it “commandeer[ed] the role of the legislature,” and went “against Maryland law and the City’s charter.” Aside from this, they also voiced concerns regarding their inability to fund the expenses for the program.

For these reasons, on August 9, the Baltimore City Circuit Court ruled that the referendum was unconstitutional. After the decision was appealed, the Maryland Supreme Court heard arguments on August 28. They had limited time to announce their verdict, given that ballots were scheduled to be printed the following week. After a day, the justices upheld the ruling from the Circuit Court, effectively striking down the ballot initiative. Representatives from the city encouraged citizens to advocate for the federal government to enact this initiative instead.

The Maryland Child Alliance, in response to the initial verdict, noted that their fund mirrored a similar program in Flint, Michigan enacted earlier this year, which gave parents \$1,500 after 20 weeks of pregnancy and \$500 every month during the infant’s first year. They argued that the decision to keep the initiative off of the ballot was not based on logistics, and stated, “this is about power and taking away city voters’ opportunity to enact the Baby Bonus Fund.” According to proponents of the policy, the lawsuit was a disservice to Baltimore families. They are awaiting the release of the full decision from the Maryland Supreme Court, rather than just the verdict, which is what they’ve received so far. The Maryland Child Alliance then plans to review it and discuss the possibility of revising the initiative in time for the 2026 election.



CHILDREN'S SAFE WELCOME ACT: TRANSFORMING IMMIGRATION CUSTODY FOR THE WELL-BEING OF CHILDREN

BY AHANA SAMANTRAY



Children arriving at the U.S. border, unaccompanied or separated from their families, face numerous challenges in government custody under current policies. The existing immigration system often fails to meet their needs, resulting in separations from their families and extended stays in detention facilities. Advocates have raised concerns about these harmful practices on children and infants. Legal settlements like the Flores Settlement Agreement have attempted to establish basic standards of care for minors in immigration custody. However, these protections are often not enforced.

The Children's Safe Welcome Act (CSWA) seeks to address these issues by prioritizing family connection and creating a more humane approach to immigration detention for minors. The bill emphasizes keeping families together whenever possible. When children arrive at the border unaccompanied, the CSWA seeks to place them in family-like settings. The bill promotes the prompt release of children from federal custody, minimizing the time children spend in immigration detention. This act also enforces stronger protections for children's health and well-being, requiring that facilities caring for detained minors meet higher standards of care. The CSWA reflects extensive research that children do best when they are with family or in family-like settings.

The CSWA, reintroduced in May 2024 by Senator Jeff Merkley (D-Ore.) and Congresswoman Sydney Kamlager-Dove (D-CA), aims to reform how the U.S. immigration system treats children in custody. This bill focuses on prioritizing the well-being of immigrant children, a group often subjected to harsh and dehumanizing conditions due to the current policies. Supported by child advocacy groups like the National Center for Youth Law (NCYL) and the Young Center for Immigrant Children's Rights, the bill offers much-needed reforms, putting immigrant children's safety, health, and family connections first.



“THE EXISTING IMMIGRATION SYSTEM OFTEN FAILS TO MEET THEIR NEEDS, RESULTING IN SEPARATIONS FROM THEIR FAMILIES AND EXTENDED STAYS IN DETENTION FACILITIES.”



The Young Center for Immigrant Children's Rights, have praised the bill for focusing on family unity. Mary Miller Flowers, Director of Policy and Legislative Affairs at the Young Center, emphasized that the bill's approach aligns with decades of research showing that children fare much better when they are placed with family members, rather than being held in institutional settings. According to Neha Desai, senior director of immigration at NCYL, the bill represents a critical step toward fixing the government's failure to adequately care for children in custody. The NCYL's extensive experience working with detained minors informs the bill's recommendations for reform.

Senators Dick Durbin, Elizabeth Warren, and Bernie Sanders are among its co-sponsors, signaling broad support from progressive members of Congress. On the House side, Representatives Nanette Barragán and James P. McGovern have also voiced their support for the legislation.

To conclude, the Children's Safe Welcome Act aims to create a more humane and family-centered approach to immigration. It emphasizes keeping children with their families and minimizing the time they spend in detention, overall ensuring that these children have a successful future ahead of them.



GUN SAFETY VS. FREE SPEECH: MARYLAND SHALL ISSUE'S CHALLENGE TO ANNE ARUNDEL'S FIREARM LAW"

BY AMELIA LANCASTER

On June 28, 2018, a deadly mass shooting occurred at The Capital Gazette in Annapolis, Maryland, killing five employees and injuring two. After the shooting occurred, Anne Arundel officials established a Gun Violence Intervention Team to mitigate the problem of gun violence. As a continuation of these efforts, on January 3, 2022, Anne Arundel County passed a law called Bill No. 108-21. The law mandated that sellers of firearms display pamphlets "relating to gun safety, gun training, suicide prevention, mental health, and conflict resolution" and give them to buyers with their purchases. Advocates for the bill argued that it was a promising step towards resolving the issue of the usage of firearms in suicides and mass shootings, and that firearms dealers should want to show "their commitment to the safety of their customers and our communities."

However, gun rights lobbyist group Maryland Shall Issue (MSI) asserted that the pamphlets violated their first amendment rights by forcing firearms sellers into compelled speech, or promoting messages that they may not want to promote. In its petition, it said that the group disagreed with the statement set forth in the suicide pamphlet that asserts that mere access to firearms is risk factor for suicide, as well as taking offense to the implicit suggestion that "the public should not buy guns because they cause suicides."

Maryland Shall Issue therefore filed a lawsuit against the county on the behalf of four firearms dealers: Field Traders LLC, Cindy's Hot Shots, Pasadena Arms Inc., and Worth-A-Shot Inc. While the case was in progress, Anne Arundel County officials agreed to put the law on hold. On March 21, 2023, the U.S. District Court for Maryland ruled that Bill 108-21 was, in fact, constitutional. The court ruled that the pamphlets were not compelled speech, but instead "purely factual and uncontroversial". In January of 2024, Maryland Shall Issue then appealed the issue to the United States Court of Appeals for the Fourth Circuit, which upheld the ruling from the District Court under the precedent of *Zauderer v. Office of Disciplinary Counsel of the Supreme Court of Ohio* (1985).

On May 17, 2024, Maryland Shall Issue then filed a petition for certiorari to appeal to the Supreme Court to hear the case. The specific legal issues that it appealed were the application of *Zauderer* in the Fourth Circuit trial, as well as the Fourth Circuit's affirmation of the Maryland District Court's exclusion of a witness brought forward by MSI. In its petition, the county noted that the pamphlet, coauthored by the National Shooting Sports Foundation, did not "discourage the use or purchase of firearms." On Monday, October 7, the Supreme Court finally denied MSI's petition for certiorari, meaning that it will not hear the case.

Representatives for MSI expect that this issue will be appealed elsewhere, given that similar laws are already being passed elsewhere in the country. Mark Pennak, the president of Maryland Shall Issue, expects that "sooner or later some other court of appeals is going to disagree with the Fourth Circuit". In the meantime, Anne Arundel began enforcing law after the Maryland District Court ruled on the matter, and representatives hope that the law will impact gun violence in the county.

FEDERAL TRADE COMMISSION BANS FAKE REVIEWS AND TESTIMONIALS

BY FADEKEMI LANIYONU

The Federal Trade Commission voted unanimously on Wednesday, August 14 to ban companies from knowingly using fake reviews to promote their products. With an increasing number of advertisers turning to programs such as ChatGPT to generate potentially misleading reviews, this ruling comes in light of the rise of generative AI.

The Federal Trade Commission, also known as the FTC, is a federal agency in the United States that helps protect consumers from unfair and misleading business practices. The FTC has federal rule-making authority to issue industry-wide regulations to combat these deceptive practices.

The actions of the FTC impact everyone, even children and teenagers. For example, in June the FTC banned the anonymous messaging app “NGL: ask me anything” from hosting minors on its platform to safeguard teens from cyberbullying and alleged that it was unfairly marketed to minors.

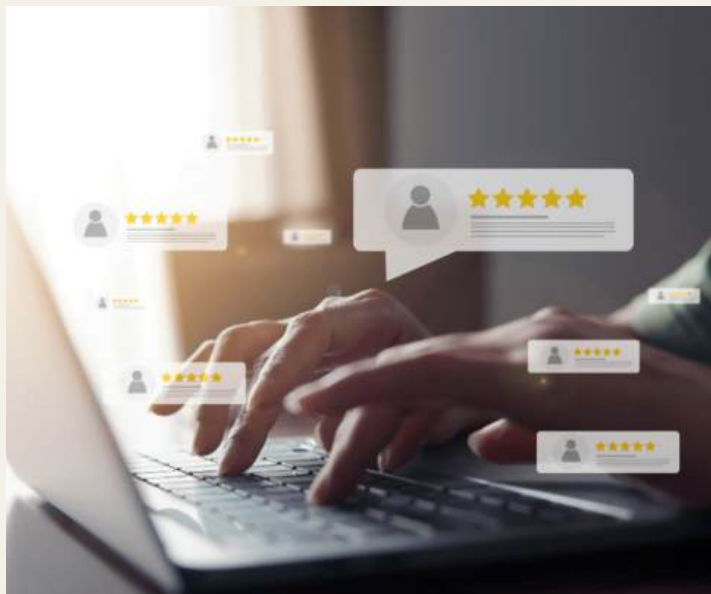


With this new ban, the FTC is given a greater ability to prosecute companies that knowingly utilize fake reviews and testimonials. The rule officially prohibits reviews created by someone who does not exist, including AI-generated reviews, or who did not interact with the business. “Fake reviews not only waste people’s time and money, but also pollute the marketplace and divert business away from honest competitors,” FTC chair Lina M. Khan said in a statement, “by strengthening the FTC’s toolkit to fight deceptive advertising, the final rule will protect Americans from getting cheated, put businesses that unlawfully game the system on notice and promote markets that are fair, honest, and competitive.”

In addition to fake reviews, their decision prohibits companies from paying someone who posts positive or negative reviews or using any threat to prevent or remove a genuine customer negative. It also bans failing to make disclosures about insider reviews and testimonials and prohibits a business’s officers and managers from writing reviews or testimonials about the company or its products or services without clearly disclosing their relationship.

Moreover, the rule prohibits selling or buying social media influence, such as followers or views generated by a bot account. The FTC can now seek a maximum penalty of around \$51,744 per violation. All five of the FTC’s commissioners voted unanimously to adopt this rule, which will go into effect 60 days after it’s published in the Federal Register, which took place on August 22, 2024.

Consumers should be able to trust the reviews and testimonials they encounter to make educated decisions with the money they spend. This rule from the FTC protects consumers from the influx of falsified reviews and empowers them to make well-informed decisions regarding commerce.



HISTORIC HURRICANES BRING VOTER REGISTRATION DEADLINES TO COURT

BY LAUREN MILLER



A legal battle has ensued over voter registration deadlines in the aftermath of Hurricane Helene. The debate erupted over whether Georgia should extend its voter registration deadline following Hurricane Helene's landfall on September 26. The widespread disruptions prompted three advocacy groups — the Georgia chapter of the NAACP, the Georgia Coalition for the People's Agenda, and the New Georgia Project — to file a lawsuit against Governor Brian Kemp and Secretary of State Brad Raffensperger. They argued that the storm deprived citizens of their constitutional right to register to vote, since it forced the cancellation of voter registration drives and closed election offices across the state.

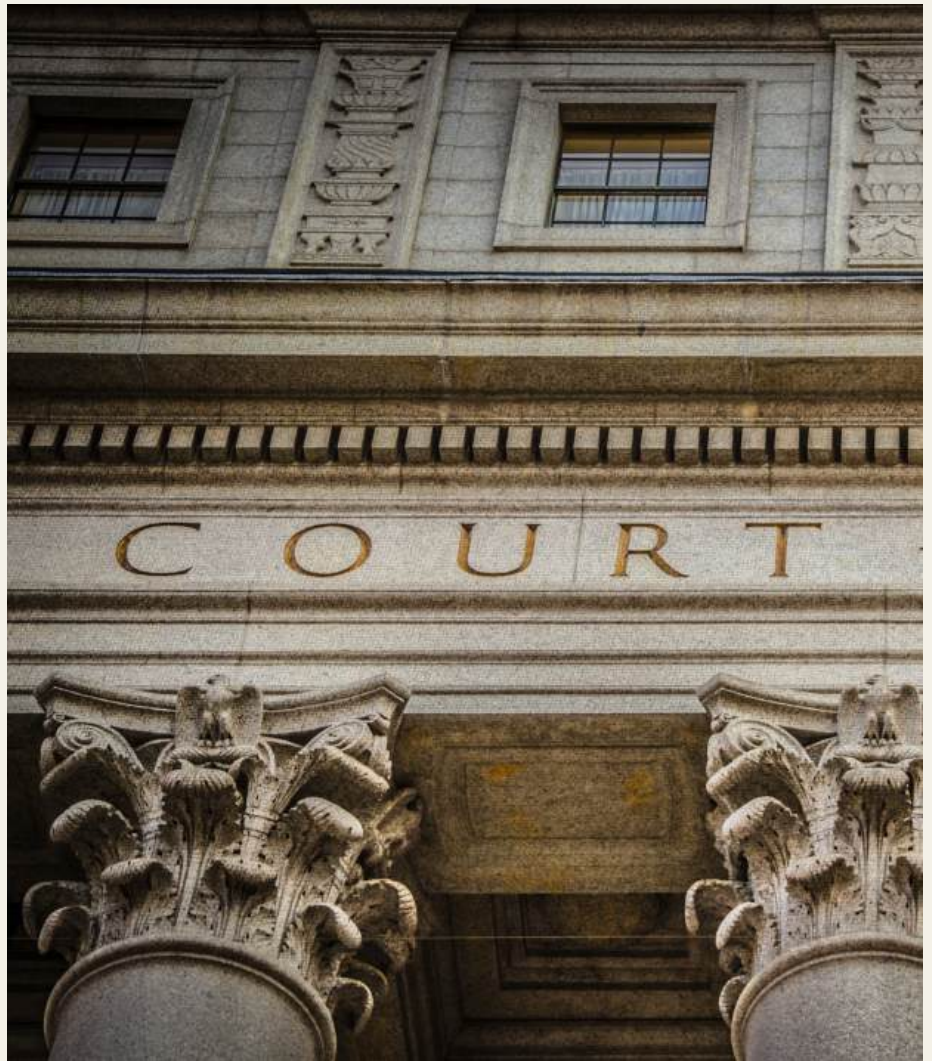
The plaintiffs pointed out that Helene caused internet and power outages, which made online registration difficult. Additionally, at least 37 county election offices were closed, and mail services were suspended in 27 counties, including key cities like Augusta, Savannah, and Dublin. The groups also noted that there is usually a surge in registration right before the deadline, so the natural disaster unfairly prevented many prospective voters from registering.

Despite these arguments — and the dozens of advocacy groups that asked for an extension even before the lawsuit was filed — U.S. District Judge Eleanor Ross ruled against extending the deadline. Ross found that the plaintiffs did not sufficiently demonstrate that Georgians were harmed enough to warrant the extension. She agreed with Kemp and Raffensperger that there was no legal provision that justified the deadline extension. Additionally, the continuance could put an additional strain on the election process since absentee ballots had already been mailed out and early in-person voting was set to begin October 15th.

Judge Ross concluded that the “harm to the state's interests outweighs the plaintiffs' interests,” mirroring a similar decision in Florida, where another federal judge also denied a request to extend the registration deadline. Florida's deadline, October 7th, was sandwiched between two natural disasters: Hurricane Helene, which made landfall on September 26th, and Hurricane Milton, which made landfall on October 10th. Florida's chapters of the NAACP and League of Women Voters sued Governor Ron DeSantis, arguing that thousands of Floridians potentially missed the deadline due to the storms, but U.S. District Judge Robert Hinkle sided with the state, citing a “substantial state interest” in maintaining the current election process. Hinkle stated that he wouldn't allow a “constitutional reworking of the deadline that the Florida legislature set.” Mohammad Jazil, attorney for DeSantis and Secretary of State Cord Byrd, asserted that people could have registered online despite the natural disasters and pointed out that the election supervisors already have a very tight schedule approaching Election Day on November 5th.



“HOWEVER, THE GEORGIA PRESIDENTIAL ELECTION WAS DECIDED BY A MERE 12,000 VOTES IN 2020, SUGGESTING THAT THE OUTCOME OF THIS YEAR’S ELECTION COULD BE INFLUENCED BY THE TWO STATES’ IMPACTED REGISTRATION.”



These decisions highlight the challenges of balancing voter access with election administration, particularly in exigent circumstances. Emergencies like hurricanes necessitate increased flexibility in the voting process to avoid the “complete disenfranchisement [of] prospective voters,” according to Amir Badat, lawyer for the plaintiffs in Georgia.

Historically, both Georgia and Florida have extended voter registration deadlines for natural disasters, including post-Hurricane Matthew in 2016. In addition, South Carolina, also devastated by Helene, postponed its deadline to October 14th. The chair of the South Carolina Democratic Party, the plaintiff in that case, stated that “this isn’t a partisan issue,” as voter disenfranchisement was the concern. However, the Georgia presidential election was decided by a mere 12,000 votes in 2020, suggesting that the outcome of this year’s election could be influenced by the two states’ impacted registration.



INTERESTED IN WRITING ARTICLES?

GET INVOLVED TODAY!

- Check out the Youth Legal Journal deputy applications on our official website to get involved in writing articles, managing internal affairs, or playing a part in managing our Instagram!

VISIT OUR INSTAGRAM

- Take a look at our infographics summing up some of the most recent legal news!

