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LDF and Local Alabama Organization File Federal Lawsuit Challenging President’s “Election Integrity” Commission

Today, the NAACP Legal Defense and Educational Fund, Inc. (LDF) joined the Ordinary People Society in filing a federal lawsuit against the Presidential Advisory Commission on Election Integrity, which the President created by an executive order signed on May 11. Our complaint alleges that the commission was formed with the intent to discriminate against voters of color in violation of the Constitution. We also contend that the President exceeded his executive authority in forming a commission to investigate individual or groups of voters, and that the commission’s overwhelmingly skewed composition and pre-determined findings violate the law governing federal advisory committees.

“Our lawsuit goes to the very core of purpose behind the President’s so-called ‘Election Integrity’ Commission,” said LDF President and Director-Counsel Sherrilyn Ifill. “This commission has one purpose: to justify voter suppression. Numerous statements made by this President and his surrogates about the need for this commission – statements detailed in our complaint – support the conclusion that this commission was created to substantiate the claim that African American and Latino voters are engaged in widespread voter fraud.”

Last month, the commission asked all 50 states and the District of Columbia for their voter rolls. The commission also asked for Social Security identifying information, records of felony convictions and party affiliation. As stated in our complaint, we have reason to believe that the commission plans to check state voter rolls against a database of non-citizens maintained by the Department of Homeland Security. This unreliable method of uncovering “voter fraud” will disproportionately harm voters of color.

“It’s been clear from the first day of its existence that this commission is designed not to protect the integrity of our elections, but to erode it,” said LDF Associate Director-Counsel Janai Nelson. “It is led and staffed by officials with long records of perpetuating the myth of voter-fraud. And it has already gone too far in seeking the personal data of millions of Americans for some undefined purpose. We intend to make sure that it goes no further.”

President Trump has repeatedly made false allegations of widespread voter fraud in the United States, often using racially coded language linking voter fraud to predominately minority urban communities and to “illegals,” despite the lack of any evidence to support his claim and the overwhelming evidence that in-person voter fraud is virtually non-existent.

“Allegations of voter fraud have historically been used to target minority voters and deprive them full access to the franchise,” said LDF attorney Natasha Merle. “This commission is just the latest entry in our nation’s tragic legacy of denying voters of color their most basic right as citizens.”

The membership of the commission reflects its purpose. It is staffed largely by members who share the unsubstantiated belief in the myth of widespread, in-person voter fraud. Kansas Secretary of State Kris Kobach, the Co-Chair of the commission, is a leading proponent of the voter fraud myth.

The damage caused by this commission is not speculative. We are already seeing its effects in several states, registered voters are canceling their registration and unregistered voters are deciding not to register.

In addition to being formed for an unconstitutional purpose, the President does not have the authority to create a committee to investigate Americans for criminal or improper conduct (such as voter fraud). Congress has already spoken to the issue of voter fraud and voter registration and specifically delegated the authority to ensure the accuracy of voter rolls to the Election Assistance Commission, not the President.

Furthermore, the Federal Advisory Committee Act requires that any commission be “fairly balanced in terms of the points of view represented.” LDF’s incoming Director of Litigation, Sam Spital, said, “The stacked composition of the commission – in favor of those who share the false view that widespread in-person voter fraud exists, and that minority voters are disproportionately engaged in this alleged fraud – is designed to reaffirm the President’s false allegations of voter fraud, and to provide a basis for actions that will target African-American and Latino voters, rather than to objectively analyze an issue of national significance.”

This lawsuit forms part of a growing number of legal challenges to the propriety of the commission by non-partisan civil rights and good government groups.

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation’s first civil and human rights law organization and has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF.