October 26, 2016

Democratic National Committee  
430 South Capitol St. SE  
Washington, DC 20003

Republican National Committee  
310 1st Street SE  
Washington DC 20003

Dear Chairs of the Republican National Committee (RNC) and Democratic National Committee (DNC):

As our country prepares for the Presidential election in less than two weeks, I write to raise serious concerns about the current tone and rhetoric concerning voter participation on Election Day. The NAACP Legal Defense and Educational Fund, Inc. (LDF) is the country’s first and foremost civil rights legal organization. Since its founding in 1940, LDF has been a pioneer in the struggle to secure and protect the voting rights of African Americans. LDF has been involved in nearly all precedent-setting litigation and public policy initiatives relating to minority voting rights, including the promotion, defense, and ongoing enforcement of the Voting Rights Act of 1965 (VRA).

In 2013, the U.S. Supreme Court effectively disabled the key protection of Section 5 of the Voting Rights Act, which required certain jurisdictions with a history of chronic, entrenched racial discrimination in voting to submit all proposed voting changes to the U.S. Department of Justice or a federal court in Washington, D.C. for pre-approval.

As a result of the Supreme Court’s effective immobilization of Section 5, the upcoming Presidential election will be the first one in 50 years to be held without the full protection of the Voting Rights Act. We have chronicled many of the state and local threats to voting rights that have arisen in the wake of Section 5’s absence in our publication Democracy Diminished: State and Local Threats to Voting Post-Shelby County, Alabama v. Holder.

In addition to these threats, we are concerned about the corrosive and intimidating effect of the current vitriolic rhetoric surrounding this election that has permeated our discourse nationally and at the local level. The right to vote and to have that vote count is a core pillar of our democracy. For African Americans, who fought, bled, and died for the full expression of that right, voting is a powerful, almost sacred expression of citizenship.

That is why we call on the leaders of the two major political parties to demonstrate leadership in uniting to push back against efforts to disparage, undermine, and challenge the right of every eligible citizen to participate freely in the exercise of the right to vote on Election Day. The obligation to protect
the right to vote is non-partisan. It represents the highest expression of patriotism and fealty to our shared democratic ideals.

Therefore, we write to request that leaders of the two major political parties in our country stand against unsubstantiated attacks on the integrity of our election system and denounce veiled or explicit rhetoric that encourages voter intimidation. Such efforts undermine our democracy and threaten the vitality of our electoral process. As you well know, voter intimidation is not only detrimental to a fair and inclusive electoral process, it is illegal. Federal law protects the rights of voters at the polls to participate freely in the electoral process. For example:

- Section 2 of the VRA prohibits states and local jurisdictions from denying or abridging the right to vote based on race, color, or membership in a language minority group.
- Section 11(b) of the VRA prohibits the intimidation of voters and those aiding voters.
- Section 203 of the VRA provides that language minorities should receive translated election materials and affords language minorities the right to language assistance at the polls.
- The VRA further provides in Section 208 that voters with disabilities are entitled to assistance at the polls.
- The National Voter Registration Act provides expanded opportunities to register to vote; requires states to maintain accurate, uniform, and non-discriminatory voter rolls; prohibits unlawfully purging citizens from the voter rolls; and provides additional safeguards to ensure that eligible citizens can vote.
- In addition, the Help America Vote Act establishes important standards for states to follow in election administration, including providing provisional ballots to voters whose names do not appear on voter rolls.

In addition to these and other federal laws, state laws also provide for the full, unfettered, and equal access to the political process.

No voter seeking to exercise rights under these laws should be discouraged from either seeking assistance or participating in the electoral process, and any attempt to intimidate eligible voters or those assisting them from casting their vote on Election Day should be roundly condemned.

LDF has taken a number of steps to ensure the rights of voters are protected on Election Day, including continuing our annual, non-partisan Prepared to Vote Campaign, which is designed to protect the right of African Americans and other voters to participate freely and equally in the political process on Election Day. In addition, we are litigating to ensure compliance with federal courts orders, put in place to protect minority voters, in places like Texas.

We are mindful, however, of the critical role that you play in leading members of your party, who will work as poll watchers, election observers, campaign aides and candidates. They need to hear from you, a clear statement of your expectations and their obligations on Election Day. In particular, they need to hear a message from you that unequivocally affirms your support of the unfettered right of every eligible American to participate freely in the political process on Election Day.

The U.S election system should be an exemplar of free and fair elections for the world. While the RNC's decision to not use poll watchers in the upcoming Presidential election is a good first step, we believe that the current climate requires a bi-partisan response and commitment to protect the fundamental right to vote. We respectfully encourage leadership in both the DNC and RNC to speak out
publicly and jointly against voter intimidation and to actively promote the right of every citizen to vote. In addition, to make certain that each and every campaign comports with the highest standards of conduct and guarantee that every voter is able to participate equally and freely in our electoral process, we call on the RNC and DNC to pledge:

1. To develop a joint plan and set of safeguards to ensure that voters are not intimidated or discriminated against at the polls on Election Day.

2. To work jointly with election officials in each state to execute this plan.

3. To work jointly with each political campaign to require that the activities and tone of each campaign are consistent with the goal of ensuring that our electoral process is free of discrimination and intimidation.

4. To withhold financial and other support to any campaign that fails to meet this goal.

Our democracy demands nothing less.

Sincerely,

Sherrilyn Ifill
President and Director-Counsel