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**LDF President and Director-Counsel Janai S. Nelson Testifies Before U.S. Senate
on the Need to Reform The Electoral Count Act**

Today, Legal Defense Fund (LDF) President and Director-Counsel Janai S. Nelson testified before the U.S. Senate Committee on Rules & Administration as part of its hearing, “The Electoral Count Act: The Need for Reform.”

In her remarks to the Committee, Nelson said: “I come before you today to sound a piercing alarm ... Voters of color face the greatest assault on our voting rights since Jim Crow. U.S. democracy is in crisis because of a deep-seated, irrational, and discriminatory fear of the truly inclusive, multiracial, multiethnic democracy that our nation has never been, but our increasingly diverse electorate holds the promise to deliver. Those who reject and fear that vision of democracy have proven that they are willing to sabotage our elections to avoid its fruition and to destroy our democracy in the process.”

She also offered recommendations on how best to reform the Electoral Count Act: “Any reform should eliminate both ambiguities in the law and opportunities for manipulation, while preserving voters’ ability to enforce their rights under existing law. Any judicial process to determine the official slate of presidential electors for Congress to count should be conducted according to established and clear guidelines and be fair and unbiased, both in fact and in appearance. That process must yield a single, definitive, and final result that is not subject to competing outcomes, prior to the meeting of the Electoral College. In addition, this process must not intrude on voters’ prerogative to seek relief against discrimination, undue burdens, or due process violations in state or federal court.”

In her written testimony submitted to the Committee prior to the hearing, Nelson noted that strengthening the Electoral College process should not be the “end game” for Congress, but rather part of a much broader effort during this critical moment in our nation’s history.

“Our democracy is presently in crisis because of a deep-seated, irrational, and discriminatory fear of the truly inclusive, multiracial, multiethnic democracy that our nation has never been, but our increasingly diverse electorate holds the promise to deliver,” she wrote. “The violent insurrection on January 6th, the growing threats of violence against election workers, burgeoning efforts to undermine fair vote counts in myriad ways, and the ongoing push to erect

discriminatory barriers to the ballot in states across the country all have a common root cause: a white supremacist backlash to voters of color asserting power in the 2020 election.

“To prevent another January 6th and bring our democracy back from the brink, Congress must address the full range of these challenges, including rampant voting discrimination, ranging from voter suppression and racial gerrymandering to violence and intimidation, that has for centuries impeded Black and Brown Americans’ voice and power.”

Read Janai Nelson’s full written testimony [here](#).

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Founded in 1940, the Legal Defense Fund (LDF) is the nation’s first civil rights law organization. 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 Legal Defense Fund or LDF. Please note that LDF 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.