

DEMOCRACY DEFENDED

EXECUTIVE SUMMARY

Volunteers help a woman locate her correct polling place after being unable to locate her voter registration on Election Day at Church of Jesus Christ of latter-day Saints on November 3, 2020 in Fayetteville, North Carolina. Photo by Melissa Sue Gerrits/Getty Images

2020 was a year like no other, as the United States — and the world — confronted a global pandemic that perpetuated devastating health, social, and economic consequences. Amid this backdrop, Americans turned out in record numbers for a general election in which voters of color endured and triumphed over relentless efforts to suppress their vote. Given 2020's innumerable challenges, voters' resiliency and determination to cast their ballots — by voting early, via mail, or in-person on Election Day — was nothing short of extraordinary.

This record-breaking turnout in the face of myriad hurdles was also facilitated by countless organizations dedicated to protecting the right to vote, including the [NAACP Legal Defense and Educational Fund, Inc.](https://naacpldf.org) (LDF). LDF has monitored elections for decades as a founding member of the non-partisan Election Protection Hotline (1-866-OUR-VOTE) and, most recently, through its [Prepared to Vote \(PTV\)](#) and [Voting Rights Defender \(VRD\)](#) projects.

While many media outlets painted the 2020 election as operating smoothly with no major setbacks, our election monitoring work readily [contradicts this characterization](#). The unabated and ever-evolving voter suppression tactics our team documented — the majority of which went unchallenged by officials whose duty it is to protect the right to vote — will only continue to grow if left unchecked. The results of our 2020 monitoring unequivocally affirm that the electoral process in the United States is in dire need of reform, as evidenced by the following preliminary analysis:

Despite headlines to the contrary, however, this election season was not a smooth one.

OUR PRELIMINARY ANALYSIS OF THE 2020 ELECTIONS REVEALS THE FOLLOWING KEY FINDINGS:

1 Intimidation against Black voters was more rampant than in any recent election.

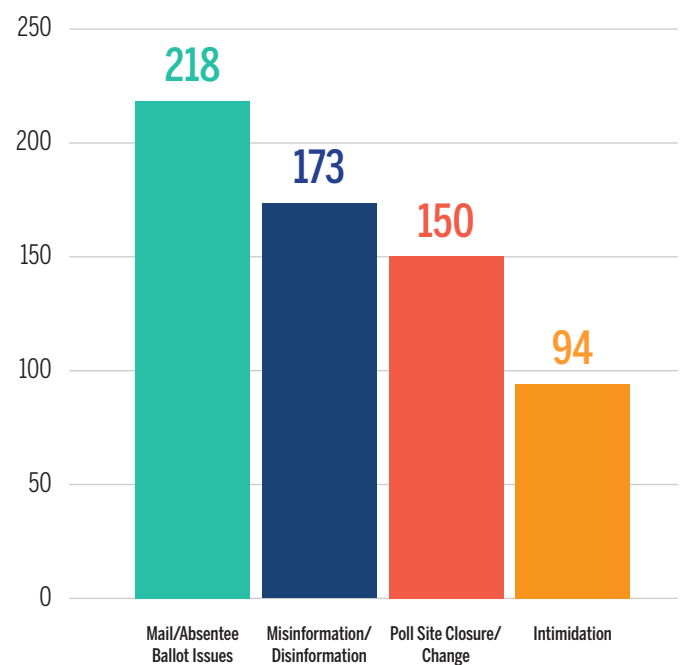
The 2020 election season saw historic Black voter turnout, in which Black voters comprised [11%](#) of the national electorate. At the same time, LDF witnessed an alarming surge in voter intimidation tactics — both passive and aggressive. Multiple states reported heightened police presence at polling locations, agitated partisan crowds verbally assaulting and threatening voters, and supporters of former President Trump armed with automatic weapons loitering at and circling polling sites. Threats of violence soared during Georgia's 2021 runoff election, where Black voters proved their political power against challenging odds. Leading up to the runoff, at least 10 Georgia counties reported [threats of violence at polling sites](#), including bomb threats.

2 Election administration issues continue to compromise voting accessibility.

Across the country, polling site locations — for early and Election Day voting — shrunk by alarming numbers. Milwaukee, which is nearly 40% Black, only had [five polling locations open](#) for its April primary, instead of its usual 180. Election officials cited a lack of poll workers as the reason for this change. To help address poll worker shortages across the country, LDF partnered with More Than A Vote campaign, the organization co-founded by LeBron James, in a poll worker recruitment drive that successfully enlisted more than 42,500 poll worker applicants and made a significant impact on polling site operations nationwide.

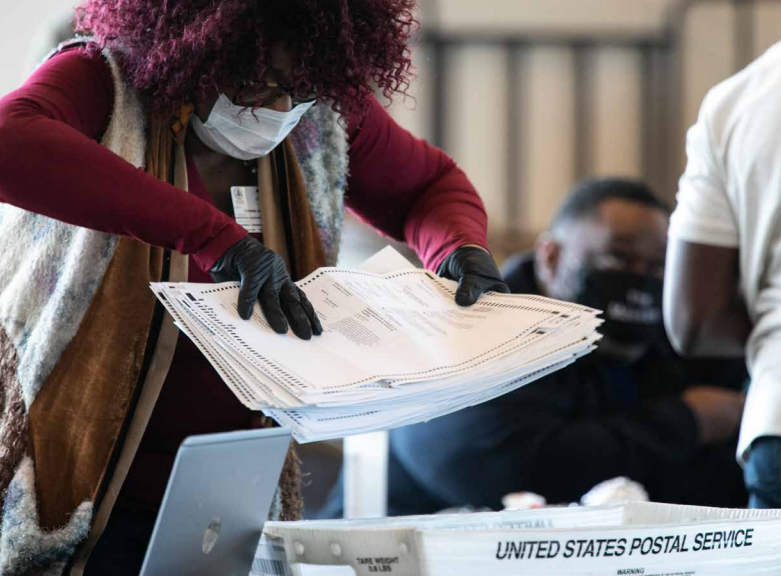
Another recurring issue was a lack of signage indicating polling locations, polling site entrances, and polling site changes, which confused many

voters on their way to the ballot box. This also contributed to accessibility issues for seniors and voters with disabilities. In many instances, our volunteers created signage or stood in front of polling locations that had been changed to direct voters to the correct location. Overall, LDF documented pervasive administrative issues across multiple states that directly impacted voters, the totality of which are reflected in the graphic below.



3 Early voting is an essential feature of ensuring access to the polls, especially for Black voters.

With COVID-19 cases continuing to surge, early voting was key to minimizing polling site lines and crowds, thereby decreasing voters' risk of exposure to the virus. The racial disparities in COVID-19 deaths and illnesses — Black and Latinx people are [2.8 times more likely](#) to contract and die from COVID-19 than white people — meant communities of color were disproportionately at risk if their



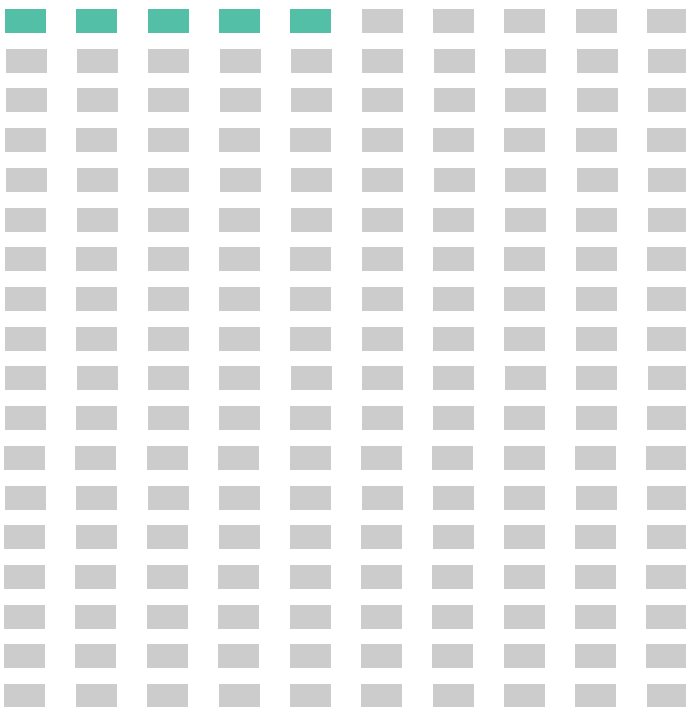
A Fulton County worker moves a stack of absentee ballots at State Farm Arena on November 6, 2020 in Atlanta, Georgia. Photo by Jessica McGowan/Getty Images

localities did not offer robust alternatives to voting in-person on Election Day. In 2020, Black voters voted early at [six times](#) the rate than in the previous presidential election. Mississippi and Alabama did not have early voting, and LDF observed that voting lines were especially long in those states. Alternatively, states that expanded early voting had increased voter turnout and, in many cases, shorter lines at polling places on Election Day. For example, in response to an [LDF lawsuit challenging Louisiana’s voting requirements amid the pandemic](#), the state extended its general election early voting period by three days, which helped drive the state’s record turnout numbers.

4 Mail-in voting is a critical voting option for all communities.

At the beginning of the pandemic, LDF identified the essential role mail-in voting would play in this election, especially for Black and other at-risk voters seeking to limit their exposure to COVID-19. Preliminary estimates suggest that the use of mail-in voting more than [doubled](#) when compared with the 2016 general election, with nearly [half](#) of all voters voting by mail. Throughout the spring and summer of 2020, LDF filed lawsuits in [Alabama](#), [Louisiana](#), and [South Carolina](#) challenging the lack of safe and accessible voting options, including strict mail-in voting policies and insufficient access to curbside voting. Our lawsuits resulted in changes in mail-in voting requirements, ID policies, and curbside voting access — significantly increasing voter protections and accessibility.

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NAACP LEGAL DEFENSE FUND

USPS Must Continue to Deliver Ballots

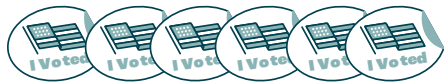
“The failure of the USPS to fully comply with today’s order is outrageous and unacceptable. This underscores precisely why this litigation is so important. Judge Sullivan’s order tonight makes clear his expectation that the USPS will continue the process set forth in his order in the remaining hours left this evening.

“In a number of regions covered by Judge Sullivan’s orders, **there are hours remaining for the delivery of ballots by state deadlines**, and the USPS must work diligently to meet those deadlines. Every voter who relied on the postal service deserves to know that their ballot was delivered, and we will not stand down in our demand that the USPS fulfill this important public trust.”

SHERRILYN IFILL, President and Director-Counsel of the NAACP Legal Defense and Educational Fund, Inc.



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5 Our democracy continues to require an outsized proportion of non-government efforts to protect the right to vote.

Over the last year, LDF worked aggressively alongside dozens of voting rights organizations to prevent voter suppression, educate voters, staff polling sites, and alert officials about illegal behavior we witnessed throughout election season. LDF's PTV and VRD teams, in partnership with local organizing groups, monitored polling sites in over 10 states. Our teams operating remotely, with on-the-ground and online remote volunteer monitors, along with reports from the hotline, observed last-minute polling site changes, blatant misinformation tactics to confuse voters, insufficient numbers of drop boxes for mail-in ballots, and wait times as long as four hours.

We pushed state election officials to change their policies surrounding absentee voting, ID and witness requirements, and early voting periods. We urged governors to remind their constituents that voter intimidation is illegal and to prosecute anyone who broke voting laws. We sued state officials for failing to provide safe, accessible voting options amid a deadly pandemic. **LDF also successfully sued the United States Postal Service (USPS) to reverse policy changes that led to widespread mail delays and ensure that ballots would be delivered in a timely manner.** Multiple federal court orders

required USPS facilities in Alaska, Illinois, Iowa, Maryland, Mississippi, North Dakota, Ohio, Texas, and West Virginia to coordinate with local Boards of Elections to deliver all ballots before the relevant extended state ballot receipt deadline.

If not for these interventions, millions of voters would have been unable to cast a ballot or have their ballot counted. Instead, [two-thirds](#) of the U.S. eligible-voting population — the highest turnout in 120 years — cast ballots in the general election.

The past twelve months have taught us many sobering lessons about the strengths and weaknesses of our democracy. While voter engagement was impressively high, there remains a great deal of work ahead to ensure that U.S. elections are free from voter suppression, intimidation, and racial discrimination. Black and other historically marginalized voters should not have to continually surmount endless obstacles to exercise their fundamental right to vote.

Government officials who fail to fulfill their duties to protect the right to vote should be held accountable. Voting advocacy organizations should not have to constantly intervene to prevent relentless violations of voters' rights as they did in 2020--time and time again. These organizations, along with indefatigable voters of color who fearlessly endured risks to their health and safety to make their voices heard, even amid intensive voter suppression efforts, carried the weight of protecting our democracy and ensuring electoral integrity. They proved that the power and resilience of Black voters and other communities targeted by voter suppression are unmatched—but we still need stronger legislation and enforcement mechanisms to protect them. LDF will continue our commitment to protect the right to vote and secure a future where every eligible person can exercise their right to vote without barriers or burden.