

U.S. DEPARTMENT OF JUSTICE: PROTECTING THE RIGHT TO VOTE

“The right of all eligible citizens to vote is the central pillar of our democracy, the right from which all other rights ultimately flow...This lawsuit is the first step of many we are taking to ensure that all eligible voters can cast a vote; that all lawful votes are counted; and that every voter has access to accurate information.”

- Attorney General Merrick B. Garland

UNITED STATES V. GEORGIA

In *United States v. Georgia*, the Department of Justice contends that several provisions of Georgia Senate Bill 202 were adopted with the purpose of denying or abridging the right to vote on account of race. The Justice Department’s lawsuit alleges that the cumulative and discriminatory effect of these laws—particularly on Black voters—was known to lawmakers and that lawmakers adopted the law in spite of this. The Department’s complaint challenges several provisions of Georgia Senate Bill 202, including the following:

- A provision banning government entities from distributing unsolicited absentee ballot applications.
- The imposition of costly and onerous fines on civic organizations, churches and advocacy groups that distribute follow-up absentee ballot applications.
- The shortening of the deadline to request absentee ballots to 11 days before Election Day.
- The requirement that voters who do not have identification issued by the Georgia Department of Driver Services photocopy another form of identification in order to request an absentee ballot without allowing for use of the last four digits of a social security number for such applications.
- Significant limitations on counties’ use of absentee ballot drop boxes.
- The prohibition on efforts by churches and civic groups to provide food or water to persons waiting in long lines to vote.
- The prohibition on counting out-of-precinct provisional ballots cast before 5 p.m. on Election Day.

The complaint asks the court to prohibit Georgia from enforcing these requirements.

GUIDANCE REGARDING THREATS AGAINST ELECTION WORKERS

The Department also issued a memo to United States Attorneys and FBI Field Offices on investigating and prosecuting threats to election officials. To assist with this important effort the Department is launching a task force—including members from the Criminal Division, the Civil Rights Division, and the FBI—to address the rise in threats against election officials.

DEPARTMENT EFFORTS AND ENFORCEMENT ACTIONS TO SECURE THE RIGHT TO VOTE

- **Increase Resources:** DOJ is working to double the Civil Rights Division’s enforcement staff for protecting the right to vote. In addition, the Administration recently requested Congress provide a total of \$183.2 million for the Civil Rights Division—the largest budget increase in the Division’s history.
- **Review New and Current Voting Laws:** DOJ is scrutinizing *new* laws that seek to curb voter access, and where we see violations of federal law, we will not hesitate to act. DOJ is scrutinizing *current* laws and practices, in order to determine whether they discriminate against Black voters and other voters of color. On April 15, 2021, the Justice Department [announced](#) it has entered into a proposed consent decree to settle a voting rights lawsuit with the City of West Monroe, Louisiana. The Justice Department’s lawsuit, brought under Section 2 of the Voting Rights Act, challenges the current at-large method of electing the West Monroe Board of Aldermen. Under this agreement, the City of West Monroe will change its method of electing its Board of Aldermen to ensure compliance with the protections of the Voting Rights Act.
- **Guidance to States:** DOJ intends to publish guidance explaining the federal civil and criminal statutes that apply to post-election audits. DOJ intends to publish guidance regarding early voting, voting by mail, and voting for people with disabilities. DOJ intends to publish new guidance to make clear voting protections that apply to all jurisdictions as they redraw their legislative maps. On June 8, 2021, the Justice Department sent election monitors to Union County, New Jersey to examine

compliance with the language provisions of the Voting Rights Act. On January 12, 2021, the Justice Department reached [agreement](#) with the Board of Election Commissioners for the City of St. Louis to ensure polling place accessibility for voters with disabilities.

- **Protecting Election Records and Voters:** DOJ will apply the same scrutiny to post-election audits, to ensure they abide by federal statutory requirements to protect election records and avoid the intimidation of voters. For example, on May 5, 2021, DOJ sent a letter to the Arizona Senate, expressing concern over, and explaining federal legal constraints on, the conduct of its post-election audit.
- **Increase Access to Voter Registration:** DOJ will ensure access to voter registration for all eligible individuals in federal custody, which is consistent with President Biden’s executive order to promote access to voting. DOJ will assist other federal agencies in expanding voter registration opportunities, as permitted by law.
- **Combat Disinformation:** DOJ will partner with other federal agencies to combat election disinformation that intentionally tries to suppress the vote.

“The right to vote is one of the most central rights in our democracy and protecting the right to vote for all Americans is at the core of the Civil Rights Division’s mission. The Department of Justice will use all the tools it has available to ensure that each eligible citizen can register, cast a ballot, and have that ballot counted free from racial discrimination. Laws adopted with a racially motivated purpose, like SB 202, simply have no place in democracy today.”

- Assistant Attorney General Kristen Clarke for the Justice Department’s Civil Rights Divisio