JOINT STATEMENT
FROM ELECTED PROSECUTORS AND LAW ENFORCEMENT LEADERS

Newly-Enacted Voting Restrictions and Criminal Penalties Put Our Democracy at Risk – We Must Act Now to Protect the Right to Vote
June 2021

As elected prosecutors and law enforcement officials from across the country, we are deeply concerned by the growing wave of restrictions on the right to vote, and, in particular, measures that create and impose new criminal penalties. Public trust is integral to promoting public safety. These infringements on democracy erode both trust in, as well as the legitimacy of, our public institutions, including the justice system. By further fracturing already frayed bonds of trust, these newly enacted and proposed voting restrictions will compromise our ability to protect the communities we serve. And in too many instances, these changes appear to be driven by a deeply concerning effort to disenfranchise communities of color.

In the wake of widely debunked claims of voter fraud during the 2020 election, misinformation about the legitimacy of America’s electoral system has been gaining traction around the country. This has resulted in state legislatures creating a tangled web of new voting restrictions on a scale unseen since the Jim Crow era. As public safety leaders, and as community leaders, we feel compelled to speak out. We call on policymakers to reject these efforts to erode the rights of all in our communities to participate in our nation’s democratic process of voting. And we urge Congress to pass the For the People Act and the John Lewis Act to provide much needed federal protection for the right to vote.

Already, in the first half of 2021, 14 states have enacted 22 new laws restricting access to the vote, including prominent examples in Arizona, Georgia, Iowa, Florida, Arkansas, Kansas, Montana, and Wyoming. This sprawling complex of laws has made it more difficult to vote in a variety of ways. Some new laws impose stringent voter identification requirements. Others make it easier for election officials to purge voter rolls. And many limit access to absentee voting, early voting, and even election day voting, by reducing timeframes for voting and creating new requirements to obtain ballots.

More such laws are likely to come. Since the beginning of 2021, 48 of 50 state legislatures have seen the introduction of these types of bills. One recent analysis found that nationwide, as of May 10 of this year, 137 bills were pending in legislative committees, 22 had passed at least one committee, and another 41 had passed one or both legislative chambers.

These restrictions make it more difficult to vote at a time when we should be broadening and encouraging — and not curtailing — access to this fundamental constitutional right and robust participation in our nation’s democratic processes. These limitations will also have an outsized effect on communities of color and people in poverty, because these groups tend to have a more difficult time meeting unnecessarily burdensome ID requirements, and also tend to vote more frequently through alternative avenues such as early voting and same-day voter registration. As
leaders committed to justice and fairness, we are particularly troubled by attempts to resurrect voting barriers that evoke one of the darkest chapters in American history, when law enforcement officials in the Jim Crow era blocked Black citizens from accessing the polls.

Even more alarming is that many of the state laws create a wholly unnecessary set of new criminal and civil penalties. Georgia has criminalized the act of giving snacks and water to voters waiting in line at the polls. Iowa now threatens county auditors with criminal prosecution for not abiding by voter roll purge guidelines. In Florida, any election supervisor who fails to ensure that ballot drop boxes are monitored can be fined $25,000. Texas is seriously considering a law that would make it a crime for local election officials to send applications to vote by mail to voters who didn’t request them.

These are just a few examples. There are at least two dozen bills pending in nine states that seek to establish new penalties, fines, or criminal liability for election-related mistakes or errors. As leaders in the criminal justice and law enforcement community, we stand together in opposition to these punitive and gratuitous measures. And, as noted above, our concerns are multifaceted.

- First, these laws are entirely unnecessary. Numerous researchers, court findings, and government investigations have shown there is no evidence of widespread or significant voter fraud in this country. The new voting laws are a solution in search of a problem. They further restrict our liberty and expand the cost and size of the criminal justice system, without any evidence-based justification.

- Second, the new criminal laws and penalties will make our communities less safe by diverting limited crime-reduction resources to address problems that simply don’t exist. As prosecutors and law enforcement leaders, we deplore these efforts to criminalize good faith participation in the electoral process. Our resources must instead remain focused on the serious and very real crimes that impact families and communities every day.

- Third, we are concerned that the imposition of criminal penalties and fines will discourage people from participating in elections, including as poll workers. A large and well-trained cohort of citizens willing to assist with elections is essential to the functioning of our democracy. These harsh new laws put jurisdictions at risk of being unable to address this vital need.

This is a critical time in our country. Lies and misinformation about the integrity of our elections have spread widely. As officers of the justice system, we must help restore integrity and confidence in our system of government. We do that today by urging state leaders across the country to stop passing laws that limit and criminalize voting. We likewise call for leaders at all levels of government to prioritize measures to protect the franchise. These sensible measures include automatic voter registration and expanding access to online voter registration, same-day registration, and early voting. And we should restore and strengthen federal oversight of state laws that restrict citizens’ ability to vote.
For all of these reasons, we also urge Congress to give serious and immediate consideration to the For the People Act and the John Lewis Act, bills which would institute these, and many other, crucial reforms. Without congressional action, this nation faces a grave risk that the assault on democracy mounted by restrictive state voting laws will go unaddressed.

Today we are speaking out and standing together to protect a fundamental right of our democracy that is under attack. Doing nothing is simply not an option.

Respectfully,

Hector Balderas
Attorney General, New Mexico

Diana Becton
District Attorney, Contra Costa County, California

Wesley Bell
Prosecuting Attorney, St. Louis County, Missouri

Buta Biberaj
Commonwealth's Attorney, Loudoun County, Virginia

Rob Bonta
Attorney General, California

Sherry Boston
District Attorney, DeKalb County, Georgia

Chesa Boudin
District Attorney, City and County of San Francisco, California

RaShall M. Brackney, Ph.D.
Chief, Charlottesville Police Department, Virginia

Aisha Braveboy
State's Attorney, Prince George's County, Maryland

Jim Bueermann
President (Ret.), National Police Foundation
Chief (Ret.), Redlands Police Department, California

John T. Chisholm
District Attorney, Milwaukee County, Wisconsin

John Choi
County Attorney, Ramsey County, Minnesota
Jerry L. Clayton  
Sheriff, Washtenaw County (Ann Arbor), Michigan

Dave Clegg  
District Attorney, Ulster County, New York

Scott Colom  
District Attorney, 16th Judicial District, Mississippi

John Creuzot  
District Attorney, Dallas County, Texas

Satana Deberry  
District Attorney, Durham County, North Carolina

Parisa Dehghani-Tafti  
Commonwealth's Attorney, Arlington County and the City of Falls Church, Virginia

Steve Descano  
Commonwealth's Attorney, Fairfax County, Virginia

Thomas J. Donovan, Jr.  
Attorney General, Vermont

Michael Dougherty  
District Attorney, 20th Judicial District, Colorado

Mark Dupree  
District Attorney, Wyandotte County (Kansas City), Kansas

Matt Ellis  
District Attorney, Wasco County, Oregon

Keith Ellison  
Attorney General, Minnesota

Aaron Ford  
Attorney General, Nevada

Kim Foxx  
State's Attorney, Cook County (Chicago), Illinois

Neill Franklin  
Former Executive Director, Law Enforcement Action Partnership
Maj. (Ret.), Baltimore and Maryland State Police Departments
Kimberly Gardner  
Circuit Attorney, City of St. Louis, Missouri

George Gascón  
District Attorney, Los Angeles County, California  
Former District Attorney, City and County of San Francisco, California  
Former Chief, San Francisco Police Department, California  
Former Chief, Mesa Police Department, Arizona

Sarah F. George  
State's Attorney, Chittenden County (Burlington), Vermont

Sim Gill  
District Attorney, Salt Lake County, Utah

Diane Goldstein  
Executive Director, Law Enforcement Action Partnership  
Lieutenant (Ret.), Redondo Beach Police Department, California

Joe Gonzales  
District Attorney, Bexar County (San Antonio), Texas

Deborah Gonzalez  
District Attorney, Western Judicial Circuit (Athens), Georgia

Mark Gonzalez  
District Attorney, Nueces County (Corpus Christi), Texas

Eric Gonzalez  
District Attorney, Kings County (Brooklyn), New York

Ron Hampton  
Former Executive Director, National Black Police Association  
Community Relations Officer (Ret.), D.C. Metropolitan Police Department

Andrea Harrington  
District Attorney, Berkshire County, Massachusetts

Maura Healey  
Attorney General, Massachusetts

Mark Herring  
Attorney General, Virginia

Jim Hingeley  
Commonwealth's Attorney, Albemarle County, Virginia
John Hummel
District Attorney, Deschutes County, Oregon

Natasha Irving
District Attorney, 6th Prosecutorial District, Maine

Michael Jackson
District Attorney, Dallas County, Alabama

Letitia James
Attorney General, New York

Kathleen Jennings
Attorney General, Delaware

Melinda Katz
District Attorney, Queens County, New York

Zach Klein
City Attorney, Columbus, Ohio

Justin F. Kollar
Prosecuting Attorney, County of Kaua’i, Hawaii

Lawrence S. Krasner
District Attorney, Philadelphia, Pennsylvania

Miriam Aroni Krinsky
Executive Director, Fair and Just Prosecution
Former Assistant U.S. Attorney, Former Chair, Solicitor General’s Criminal Appellate Advisory Group, U.S. Department of Justice

Brian S. Mason
District Attorney, 17th Judicial District, Colorado

Beth McCann
District Attorney, 2nd Judicial District (Denver), Colorado

Karen McDonald
Prosecuting Attorney, Oakland County, Michigan

Garry McFadden
Sheriff, Mecklenburg County (Charlotte), North Carolina

Ryan Mears
Prosecuting Attorney, Marion County (Indianapolis), Indiana
Spencer Merriweather
District Attorney, Mecklenburg County (Charlotte), North Carolina

Brian Middleton
District Attorney, Fort Bend County, Texas

Stephanie Morales
Commonwealth's Attorney, Portsmouth, Virginia

Michael W. Morrissey
District Attorney, Norfolk County, Massachusetts

Marilyn Mosby
State's Attorney, Baltimore City, Maryland

Jody Owens
District Attorney, Hinds County, Mississippi

Alonzo Payne
District Attorney, 12th Judicial District, Colorado

Melba Pearson
President, National Black Prosecutors Association Foundation
Former Assistant State Attorney, Miami-Dade County

Joseph Platania
Commonwealth's Attorney, City of Charlottesville, Virginia

Bryan Porter
Commonwealth's Attorney, City of Alexandria, Virginia

Harold F. Pryor
State Attorney, 17th Judicial Circuit (Fort Lauderdale), Florida

Karl A. Racine
Attorney General, District of Columbia

Kwame Raoul
Attorney General, State of Illinois

Mimi Rocah
District Attorney, Westchester County, New York

Rachael Rollins
District Attorney, Suffolk County (Boston), Massachusetts
Ellen Rosenblum
Attorney General, Oregon

Marian Ryan
District Attorney, Middlesex County, Massachusetts

Javier Salazar
Sheriff, Bexar County (San Antonio), Texas

Dan Satterberg
Prosecuting Attorney, King County (Seattle), Washington

Eli Savit
Prosecuting Attorney, Washtenaw County (Ann Arbor), Michigan

Mike Schmidt
District Attorney, Multnomah (Portland), Oregon

Josh Shapiro
Attorney General, Pennsylvania

Daniella Shorter
District Attorney, 22nd Judicial District, Mississippi

Carol Siemon
Prosecuting Attorney, Ingham County (Lansing), Michigan

Darrel Stephens
Former Executive Director, Major City Chiefs Association
Chief (Ret.), Charlotte-Mecklenburg Police Department

Jack Stollsteimer
District Attorney, Delaware County, Pennsylvania

David Sullivan
District Attorney, Northwestern District, Massachusetts

Shannon Taylor
Commonwealth's Attorney, Henrico County, Virginia

Steven Tompkins
Sheriff, Suffolk County (Boston), Massachusetts

Raúl Torrez
District Attorney, Bernalillo County (Albuquerque), New Mexico
Gregory Underwood  
Commonwealth's Attorney, City of Norfolk, Virginia

Matthew Van Houten  
District Attorney, Tompkins County, New York

Cyrus R. Vance  
District Attorney, New York County (Manhattan), New York

Andrew Warren  
State Attorney, 13th Judicial Circuit (Tampa), Florida

Lynneice Washington  
District Attorney, Jefferson County, Bessemer District, Alabama

Todd Williams  
District Attorney, Buncombe County (Asheville), North Carolina

Jared Williams  
District Attorney, Augusta, Georgia

Organizations

Law Enforcement Action Partnership

National Organization of Black Law Enforcement Executives