

Promoting Fair and Free Elections

List of Resources and Materials

This document brings together resources and materials curated to assist prosecutors in promoting and protecting democracy, fair and free elections, and the rights of all voters. The listed materials offer context, analysis, and concrete recommendations on issues including understanding the recent rise in authoritarianism and growing threats to democracy, enhancing voter information, debunking myths around voter fraud, addressing concerns with threats and intimidation of voters and election officials, and the rise of private armed militia.

Contextualizing on Recent Threats to Democracy

- [What Propels the Global Authoritarian Surge and How We Can Fight Back](#), Movement Law Lab (2024). An article discussing global anti-democratic trends, authoritarian threats in the U.S., and strategies for protecting democratic rights.
- [The Authoritarian Playbook](#), Protect Democracy (2022). A guide to help the media – and other protectors of democracy – identify and report on authoritarian threats.
- [The Authoritarian Playbook for 2025](#), Protect Democracy (2024). A guide analyzing potential post-election scenarios and providing recommendations to address threats to democracy in 2025.
- [Why Attacks on Prosecutorial Discretion Are Attacks on Democracy](#), American Criminal Law Review Online (2024). An article authored by FJP’s Miriam Krinsky and Rebecca Blair analyzing anti-democratic undercurrents in recent attempts to curtail the discretion of reform-minded prosecutors.

Planning for the Election

General Planning Resources

- [The Prosecutor’s Role in Protecting and Promoting Fair and Free Elections, Fair and Just Prosecution](#) (2024). Overview of specific steps elected prosecutors can take – before, during, and after the election – to protect voting rights, guard against interference at the polls, keep the public informed, proactively dispel any misinformation or myths, and preserve the integrity of the election results.
- [Strengthening Our Elections and Preventing Election Crises: Lessons and Recommendations from the 2020 General Election](#), National Task Force on Election Crises (2021). This report analyzes challenges, successes, and lessons learned from the 2020 election, focusing on election administration, the role of media and social media, and the unprecedented efforts to delegitimize and overturn the results. It aims to provide recommendations for preventing future election crises and protecting the integrity of American democracy.
- [Federal Resources for the Protection of Election Offices and Personnel](#), Committee for Safe and Secure Elections (2023). List of federal resources to support local law enforcement in enforcing voting laws and protecting elections.
- [Information on Efforts to Protect the Right to Vote, Prosecute Election Fraud and Secure Elections](#), U.S. Department of Justice (2022). Overview of the DOJ’s Civil Rights

Division, Criminal Division, and National Security Division’s work to ensure fair and free elections.

- [Planning for a Safe Election Season](#), States United Democracy Center, National Policing Institute, and 21CP Solutions (2024). This document provides a detailed checklist for law enforcement agencies working to ensure public safety during election season.

Addressing Intimidation of Voters and Election Officials and the Rise of Unauthorized Armed Militias

- [Prohibiting Private Armies at Public Rallies](#), The Institute for Constitutional Advocacy and Protection (ICAP) (2024). A 50-state catalog of constitutional and statutory provisions regarding unauthorized armed militias.
- [State Fact Sheets](#), ICAP. Fact sheets for each state on unauthorized militias and what to do if armed individuals are near a polling place or voter registration drive.
- [Preventing Armed Voter Intimidation](#), Giffords Law Center (2020). Report providing a comprehensive analysis of state laws aimed at preventing armed voter intimidation across the U.S.
- [Guns Down at the Polls: How States Can and Should Limit Firearms at Polling Places](#), Coalition to Stop Gun Violence and Guns Down America (2020). Report examining potential methods that states can use to protect voters from gun violence and armed intimidation at the polls without interfering with constitutional rights.
- [Intimidation of State and Local Officeholders](#), Brennan Center for Justice (2024). Report providing information and data about recent threats and attacks against election officials, and recommendations on how to address them.
- [Voter Intimidation: An Overview for Voters & the Media](#), National Task Force on Election Crises (2024). A guide that provides an overview of federal laws protecting voters from intimidation, lists examples of behaviors that can constitute unlawful voter intimidation, and provides recommendations for media coverage.
- [Tracker: State Legislation to Protect Election Officials](#), Public Citizen (2024). Resource that tracks existing and introduced legislation to protect election officials.
- [Guide to Laws Against Intimidation of Voters and Election Workers](#), Brennan Center for Justice (2024). Resource guide identifying the kinds of intimidating conduct that are most likely to arise and outlining legal tools to deter, mitigate, and respond to such tactics.
- [Guidelines for Election Officials Outlining Protections Against Voter and Election Official Intimidation](#), All Voting is Local and the Brennan Center for Justice (2024). Eight state-specific guides outlining the existing laws against intimidating voters, election officials, and election workers.
- [Threats to Election Officials: Informational Guide for Law Enforcement](#), States United Democracy Center (2022). A resource for law enforcement discussing the threats election officials and workers face and ways of prevention, protection, and accountability.
- [“Constitutional Sheriffs” and Elections](#), ICAP and States United Democracy Center. Fact sheets explaining the “constitutional sheriffs” movement and its efforts to intervene in election administration, as well as state-specific laws regarding the authority of sheriffs and the administration of election laws.

Policing Practices

- [De-Escalation: A Toolkit for Election Officials](#), States United Democracy Center (2022). This toolkit lays out seven steps to develop a plan for de-escalation methods in addressing violence and interference with election officials' work.
- [Protecting and Facilitating the Right to Engage in Peaceful Protests and Demonstrations](#), Ron Davis and Lateefah Simon (2020). Memo for California Governor Gavin Newsom providing recommendations to improve police responses to demonstrations and protests and encourage de-escalation.
- [Public Safety & Elections: A Guide for Law Enforcement](#), States United Democracy Center (2024). Guide for law enforcement on keeping voters, election officials, and the public safe during the election season, while also maintaining a welcoming environment for all voters. The guide includes recommendations in several areas, such as training, interagency collaboration, de-escalation, communication, and messaging.

Election Law Reference Information

General Election Law Reference Sources

- [State-Specific Reference Guides on Election Law](#), Committee for Safe and Secure Elections (2024). State-specific reference guides for law enforcement with succinct summaries of relevant state laws.
- [Summary of Recent State Voting Legislative Activity, LexisNexis U.S. Voting Laws & Legislation Center](#) (2024). A resource mapping, comparing, and tracking voting laws and proposed legislation in all 50 states and the District of Columbia.

Issue-Specific Reference Sources

- [Voter Challengers](#), Brennan Center for Justice (2012). Report summarizing the potential risks and consequences associated with voter challengers in elections, concerns about voter intimidation and disenfranchisement, and information about how to address potentially partisan or discriminatory practices and voting laws.
- [State Laws Prohibiting Electioneering Activities](#), National Association of Secretaries of State (2020). Summary of state laws regarding electioneering near polling places.
- [Policies of Election Observers](#), National Conference of State Legislatures (2022). Summary of legislation and information related to election observers or watchers in all 50 states.
- [Policies on Provisional Ballots](#), National Conference of State Legislatures (2022). Summary of state laws relating to the right of voters to cast provisional ballots if their eligibility to vote is questioned.
- [Third-party Ballot Drop-off Laws and Restrictions](#), National Conference of State Legislatures (2024). Summary of state laws governing ballot drop boxes.
- [Absentee Voting Requirements](#), Rock the Vote. Summary of state laws on absentee voting, including eligibility criteria, application processes, and deadlines.
- [Voter Identification Laws](#) and [Voter Verification Without Identification Documents](#), National Conference of State Legislatures (2024). Summary of legislation and information related to voter identification in all 50 states.

- [Artificial Intelligence \(AI\) in Elections and Campaigns](#), National Conference of State Legislatures (2024). Summary of statutes governing the use of AI in elections and campaigns and introduced legislation in all 50 states.
- [Early Voting Fact Sheet](#), Fair and Just Prosecution (2020). Succinct overview of the importance of early voting, emphasizing its role in expanding access to the electoral process and reducing barriers to participation.

Communications and Community Outreach Resources

Voters' Rights Information

- [Know Your Rights](#), American Civil Liberties Union. Compilation of essential information and guidance on voting rights and protections.
- [Voter information for all 50 states](#), Election Protection Hotline. Summary of key voter information for every state.
- [Election Protection hotlines](#): 866-OUR-VOTE (866-687-8683).

Debunking Myths

- [The Myth of Voter Fraud](#), Brennan Center for Justice (2007). Report recounting key facts and statistics underscoring the integrity of mail-in voting and the rarity of voter fraud.
- [Election Rumors in 2024](#), Brennan Center for Justice (2024). Real-time resource tracking false rumors about voting and election administration and providing accurate information to voters.
- [Election Security Rumor vs. Reality](#), U.S. Cybersecurity & Infrastructure Security Agency (CISA) (2024). A resource addressing common disinformation narratives by providing accurate information related to elections.

Commentary

- [Local Prosecutors Are Now the Last Defense Against Voter Suppression and Election Day Chaos](#), Miriam Krinsky, MarketWatch (2020). Op-ed describing how local prosecutors are preparing to ensure that everyone in their communities can exercise their right to vote.
- [DAs Warn Anti-Fraud Voting Laws Threaten Public Safety](#), The Crime Report (2021). Op-ed discussing the public safety threats presented by anti-democratic attempts to suppress voting.

Joint Statements from Elected Prosecutors and Law Enforcement Leaders

- [Joint Statement by Law Enforcement Leaders on Protecting Voters](#), Fair and Just Prosecution (2020). Statement signed by 79 elected prosecutors and law enforcement leaders highlighting the importance of safeguarding the right to vote.
- [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](#), Fair and Just Prosecution (2021). Statement signed by 95 elected prosecutors and law enforcement leaders condemning efforts by state legislatures across the country to limit and criminalize voting, despite the lack of any

evidence of widespread voter fraud. The statement calls on local and federal policymakers to protect and expand voting rights.

- [Statement in Support of Universal Suffrage](#), Fair and Just Prosecution (2021). Statement condemning felon disenfranchisement laws and supporting universal suffrage for all people with a criminal record, including those currently behind bars.

Example Prosecutorial Policies and Resources

- Philadelphia District Attorney's Office election task force releases and news coverage:
 - [Philly DA Krasner launches Election Day task force to prevent voter suppression, protect polling places](#), Philadelphia Inquirer (2024).
 - [District Attorney's Office Election Task Force Activated to Protect Philadelphia's Right to Vote](#), Philadelphia DAO (2023).
 - [RELEASE: Philadelphia District Attorney's Election Fraud Task Force will be Deployed for Primary Election Day](#), Philadelphia DAO (2018).
- Washington, D.C. Attorney General's Office resources:
 - [District Voting Rights and Information](#): This post summarizes D.C. voter rights in a succinct and nonpartisan manner.
 - [D.C. Voter Checklist](#): This post lists the essential steps to be able to vote in D.C.
 - [Voter Advisory: Protecting D.C. Residents from Unauthorized Poll Monitoring and Voter Intimidation](#) (2020): This advisory responds to threats of unauthorized poll monitoring and illegal voter intimidation and stresses the D.C. OAG's commitment to enforcing these laws to ensure a free and fair election.
- [Bexar County DA Request for Opinion](#), Letter sent by Bexar County, TX, District Attorney Joe Gonzales to the Texas Attorney General describing concerns over the removal of mail sorting machines and setting forth applicable laws that empower the DA to prosecute interference with voting.
- [Guidance to Prosecutors on Election Day Readiness](#), Baltimore State's Attorney's Office. Guidance encouraging prosecutors to pay special attention to crimes that occur in the context of the election and outlining guidance on some especially relevant criminal statutes.
- [AGO Guidance Regarding Voter Intimidation And Harassment](#), Vermont Office of the Attorney General. Memo, prepared ahead of the 2020 elections, providing guidance on voter intimidation and harassment and emphasizing the office's willingness to enforce these laws to protect Vermonters' fundamental right to vote.
- Web pages from the Michigan Attorney General's Office:
 - [Accessible voting](#)
 - [Locating polling places](#) and [early voting locations](#)
 - [How to register to vote](#) and [how to vote absentee](#)
 - Information for [voters with disabilities](#), [military and overseas voters](#), and [students](#)