



# NAACP

**Derrick Johnson**  
*President and  
Chief Executive Officer*

**Leon W. Russell**  
*Chairman  
National Board of Directors*

## NAACP VOTING RIGHTS CASES 2020-2021

- **NAACP sued the U.S. Postal Service to restore prompt and reliable mail delivery, and to ensure that mail-in ballots are accorded priority status.** On August 20, 2020, the NAACP sued USPS in the United States District Court of Washington D.C., alleging that Louis DeJoy, the Postmaster General, impeded the timely distribution of mail, implemented crippling policies on postal workers, and sabotaged the USPS in a blatant attempt to disenfranchise voters of color, who are already more harshly impacted by the coronavirus and require alternative methods to in-person voting to protect their health and safety. The lawsuit claimed that USPS failed to take the required steps before implementing operational changes, including submitting them to the Postal Regulatory Commission, an oversight body. By ignoring this required process for changes, the American public was denied a reasonable opportunity to submit comments and provide input on the proposals. **In response to the NAACP lawsuit, the USPS was subject to aggressive oversight in court of its handling of election mail.** [*NAACP v. USPS*]
- **The NAACP in Michigan intervened in a lawsuit filed by the Trump campaign that would disenfranchise Black voters.** The Trump campaign filed a lawsuit in federal court to stop Michigan from certifying the election results of the 2020 general election. The lawsuit alleges numerous irregularities in Wayne County, and attempts to throw out the election results from Wayne County. The NAACP-Michigan State Conference moved to intervene as a defendant on November 13, 2020 because it believes it has a right to prevent the disenfranchisement of its members. On November 17, 2020, the court granted the NAACP's motion to intervene. On November 18, 2020, the NAACP-Michigan State Conference, in their role as a defendant-intervenor, asked the court to dismiss the lawsuit. The NAACP argued that it should be dismissed because 1) the campaign could have asserted these claims before Election Day or during the counting of the ballots, preventing the disenfranchisement of hundreds of thousands of voters in Wayne County and 2) the campaign does not provide any concrete evidence of fraud or illegal activities but instead relies on vague anecdotes. On November 19, 2020, the plaintiff voluntarily dismissed the lawsuit. [*Trump for President v. Benson*]
- **The NAACP in Michigan moved to intervene in a lawsuit that would disenfranchise Black voters.** Two Michigan voters filed a lawsuit in federal court to stop the final certification of election results until there is an independent audit to investigate all claims of voter fraud in Wayne County and to certify the legality of all absentee ballots cast. On November 18, 2020, the NAACP-Michigan State Conference moved to intervene in order to protect one of its core missions of ensuring its members are given a full and equal opportunity to exercise their fundamental right to vote. On November 18, 2020, the plaintiffs voluntarily dismissed the lawsuit. [*Johnson v Benson*]

**National Association for the Advancement of Colored People**

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- **The NAACP in Michigan moved to intervene in a lawsuit that would disenfranchise Black voters in three counties.** A group of individuals filed a lawsuit in federal court to exclude presidential-election results from three counties - Wayne, Washtenaw, and Ingham - which would result in more than one million voters being disenfranchised. They allege illegal votes were cast in those counties, diluting the vote counts. The NAACP-Michigan State Conference moved to intervene as a defendant on November 14, 2020 because it believes it has a right to prevent the disenfranchisement of its members. On November 16, 2020, the plaintiffs voluntarily dismissed the lawsuit. [*Bally v. Whitmer*]
- **The NAACP in Michigan filed a friend of the court brief in a lawsuit to overturn the results of the election.** Six voters filed a lawsuit in federal court to overturn the certified results of the presidential election in Michigan. On December 3, 2020, the NAACP-Michigan State Conference filed an amicus brief to prevent the disenfranchisement of more than 5.5 million Michigan citizens, including their members. The brief states that the complaint does not include any concrete evidence of fraud or impropriety. On December 7, 2020, the court declined to provide the requested relief. [*King v. Whitmer*]
- **The NAACP in Michigan filed a friend of the court brief in a lawsuit to segregate the ballots and overturn the state’s certification of the presidential election.** Two individuals, who described themselves as members of Black Voices for Trump, filed a lawsuit in the state Supreme Court to overturn the certified results of the presidential election in Michigan and segregate absentee ballots so they can be investigated by a committee of legislators. On December 3, 2020, the NAACP-Michigan State Conference filed an amicus brief to prevent the disenfranchisement of more than 5.5 million Michigan citizens, including their members. The brief stated that the process for absentee ballots was known months before the election, and the claims of irregularities came from a partisan political operative, not an “expert.” The lawsuit was dismissed. [*Johnson v. Benson*]
- **The NAACP in Pennsylvania intervened in a lawsuit filed by the Trump campaign that would disenfranchise Black voters.** The Trump campaign filed a lawsuit in federal court to stop Pennsylvania from certifying the results of the 2020 General Election. On November 21, 2020, the case was dismissed with the judge ruling that it included “strained legal arguments without merit and speculative accusations... unsupported by evidence.” The decision stated, “[I]n the United States of America, this cannot justify the disenfranchisement of a single voter, let alone all the voters of its sixth most populated state.” [*Donald J. Trump for President v. Boockvar*]
- **The NAACP in Pennsylvania filed a friend of the court brief to ensure that all valid mail-in and absentee ballots in Montgomery County, Pennsylvania are counted.** The Trump campaign sued to try to use a technicality to prevent voters from exercising their constitutional right to vote in a safe and secure manner. The campaign argued that ballots should be discarded if they do not include the voters’ address on the declaration although Pennsylvania’s election law does not include this requirement and the Montgomery Board of Elections previously ruled that it is not required. On November 13, 2020, a state judge rejected the lawsuit. [*Trump for President v. Montgomery County Board of Elections*]

- **The NAACP filed a friend of the court brief to ensure that Pennsylvanians who made an honest mistake in casting their absentee ballot have a right to be notified so they can have their votes counted and their voices heard.** On November 5, 2020, the NAACP joined an amicus brief to protect the right of Pennsylvania voters to fix their ballot, by casting a provisional ballot, if they made an honest mistake in casting their absentee ballot. Pennsylvania's election law specifically allows any voter who requested an absentee or mail-in ballot, but whose ballot has not been voted, to cast a provisional ballot. On November 6, 2020, the Commonwealth Court of Pennsylvania ordered that all provisional ballots cast on Election Day by voters who also returned a mail-in ballot by Election Day must be segregated from other provisional ballots. These voters may have voted provisionally due to learning of an error on their mail-in ballot that caused it to be rejected. After the provisional ballots are segregated, the Court ordered that it must be determined whether they are valid and can be counted under Pennsylvania Election Code. [*Hamm v. Boockvar*]
- **The NAACP in Pennsylvania helped defeat the Trump campaign's efforts to make it harder for voters to vote by mail.** The Trump campaign attempted to remove ballot drop boxes in the state, require signature matching for mailed ballots, remove a county residency requirement for poll watchers, and allow campaign poll watchers at drop boxes. A Trump-appointed judge dismissed the claims finding that there was no proof that Pennsylvania's measures would lead to election fraud. [*Trump for President v. Boockvar*]
- **The NAACP in Georgia moved to intervene in a lawsuit that would overturn the election results.** Donald Trump, the Trump campaign and a Trump elector filed a lawsuit in the Superior Court of Fulton County challenging the state's presidential election results and asking for a new presidential election or for the court to prohibit the appointment of the slate of presidential electors. On December 10, 2020, the NAACP-Georgia State Conference filed a motion to intervene as a defendant in the lawsuit because of their interests in ensuring their members' votes are counted. The Georgia Supreme Court rejected the case. [*Trump v. Raffensperger*]
- **The NAACP in Georgia moved to intervene, and filed a friend of the court brief, in a lawsuit that would disenfranchise Black voters.** A lawsuit was filed by an individual in federal court to challenge the inclusion of absentee ballots in the 2020 general election results. On November 18, 2020, the NAACP-Georgia State Conference moved to intervene in order to protect one of its core missions of ensuring its members are given a full and equal opportunity to exercise their fundamental right to vote. On November 20, 2020, a request for a temporary restraining order to halt certification was denied and the plaintiffs appealed to the 11<sup>th</sup> Circuit Court of Appeals. On December 1, 2020, the NAACP-Georgia State Conference filed an amicus brief to ensure that Black voters are not disenfranchised. On December 5, 2020, the appeals court affirmed the lower court's denial and ruled that because Georgia already certified its election results and its slate of presidential electors, the request for emergency relief is moot. [*Lin Wood v. Raffensperger*]
- **The NAACP in Georgia moved to intervene in a lawsuit that would disenfranchise Black voters in eight counties.** A group of voters filed a lawsuit in federal court to stop Georgia officials from certifying the results of the 2020 presidential election unless the results from eight

counties are excluded. The more than 1.4 million votes cast in those counties account for more than half of the votes in the state and the lawsuit claims that there was fraud only in the presidential election. The NAACP-Georgia State Conference moved to intervene as a defendant on November 14, 2020 because it believes it has a right to prevent the disenfranchisement of its 10,000 members. On November 16, 2020, the plaintiffs voluntarily dismissed the lawsuit. [*Brooks v. Mahoney*]

- **The NAACP in Georgia helped prevent the purge of more than 14,000 voters just before the election.** Republican operatives sought to challenge the validity of over 14,000 voters' registrations in Fulton County, Georgia. The operatives filed a mandamus action to compel the Fulton Board of Elections to hold a hearing on the contested registrations. The NAACP moved to intervene to defend the registrations, and the court dismissed the mandamus petition. Although the court denied the NAACP's motion to intervene, it relied heavily on the NAACP's briefing in dismissing the petitioner's case. [*Schmitz v. Fulton County Board of Registration and Elections*]
- **The NAACP in Wisconsin moved to intervene in a lawsuit that would disenfranchise Black voters in three counties.** Four voters filed a lawsuit in federal court to stop Wisconsin officials from certifying the results of the 2020 presidential election unless the results from three counties - Milwaukee, Dane and Menominee - are excluded. The NAACP-Wisconsin State Conference moved to intervene as a defendant on November 14, 2020 because it believes it has a right to prevent the disenfranchisement of its 4,000 members. On November 16, 2020, the plaintiffs voluntarily dismissed the lawsuit. [*Langenhorst v. Pecore*]
- **The NAACP in Wisconsin intervened in a lawsuit that would disenfranchise Black voters.** The Trump campaign filed a lawsuit in federal court challenging the results of the presidential election in Wisconsin. The NAACP-Wisconsin State Conference moved to intervene as a defendant on December 3, 2020, to ensure that their members are not disenfranchised. On December 8, 2020, the court granted the motion to intervene and the NAACP-Wisconsin State Conference filed a brief opposing the campaign's temporary restraining order and a motion to dismiss the case. The trial court rejected the plaintiff's claim and the Seventh Circuit Court of Appeals upheld the decision. The U.S. Supreme Court denied certiorari. [*Trump v. Wisconsin Elections Commission*]
- **The NAACP in Wisconsin filed a friend of the court brief to ensure Black voters are not disenfranchised.** The Wisconsin Voters Alliance and a group of Wisconsin voters filed a lawsuit in the state Supreme Court to invalidate the presidential election in Wisconsin and block the certification of the election. On November 27, the NAACP-Wisconsin State Conference filed an amicus brief to ensure their members are not disenfranchised, arguing that the plaintiff's claims are based on "spurious, unsubstantiated and inadmissible" evidence. On December 4, 2020, the Wisconsin Supreme Court denied the petition for leave to commence an original action. [*Wisconsin Voters Alliance v. Wisconsin Elections Commission*]
- **The NAACP in Wisconsin filed a friend of the court brief to ensure Black voters are not disenfranchised.** A Trump elector and a Republican voter filed a lawsuit in federal court seeking to decertify the presidential election results in Wisconsin. On December 7, 2020, the NAACP-Wisconsin State Conference filed an amicus brief to ensure that the votes of Black

voters in the state are not invalidated, and calling out a pattern of the Trump campaign and its allies of singling out alleged corruption in cities with large black populations – in this case, in Milwaukee County. On December 9, 2020, the court dismissed the case. [*Feehan v. Wisconsin Elections Commission*]

- **The NAACP in Wisconsin moved to file a friend of the court brief to ensure Black voters are not disenfranchised.** The Trump campaign filed a petition claiming there was fraud in the 2020 presidential election and that there should be a recount in Milwaukee and Dane County. On December 9, the NAACP-Wisconsin State Conference filed a motion for amicus at the trial court level, which was denied. The NAACP argued that the Trump campaign was targeting two counties with the largest Black populations in the state in order to disenfranchise Black voters. They also pointed out that the Trump campaign did not assert that a single voter cast an unlawful vote but rather were trying to disenfranchise voters on the basis of alleged improper conduct by election officials. The case was appealed up to the Wisconsin Supreme Court and on December 14, 2020, in a 4-3 ruling, the court rejected the campaign's claims finding three of the campaign's claims were filed too late and the other was without merit. [*Trump v. Biden*]
- **The NAACP in Texas helped protect Harris County's curbside voting practices.** In Texas, Republican candidates and activists attempted to toss out nearly 127,000 ballots cast by drive-through voting in Harris County. A federal judge rejected the case on the grounds that the plaintiffs did not show they would be harmed if the ballots were counted. If those votes were rejected, it would have disenfranchised approximately 10% of all in-person ballots cast during early voting in Harris County. [*Hotze v. Hollins*]
- **The NAACP in Texas sued to make polling places safer.** In Texas, a court challenge was brought to the exemption from the state's mask mandate for polling places - including for poll workers. The exclusion was challenged as discriminatory against Black and Latino voters who are more likely to be harmed by the coronavirus. The challenge was defeated by the 5<sup>th</sup> Circuit Court of Appeals, overruling a lower court judge. [*Mi Familia Vota; Texas State Conference of the NAACP; Guadulpe Torres v. Abbott*]
- **The NAACP in Alabama argued that curbside voting should be allowed to keep voters safe during the coronavirus pandemic.** While the 11<sup>th</sup> Circuit Court of Appeals held that counties could offer curbside voting if they choose, the U.S. Supreme Court ruled that it was not allowed. While Alabama law doesn't provide for the practice, it doesn't prohibit it either. [*People First v. Merrill*]