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“Defending Democracy: Protecting Elections from Executive Overreach”
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Introduction

Ranking Member Thompson and Members of the Committee, on behalf of the NAACP, I thank you for holding this important and timely forum.

This hearing comes at a critical time because the threat before us is real and urgent—and because we have seen it before. The all-out effort by this administration, and its cohorts in some state governments, to seize control of how elections are run, to determine which eligible voters can vote and can cast a ballot, and which votes will be counted, is the latest chapter in a very long story of power being used to silence the Black community at the ballot box. The NAACP has led the fight against that effort for over a century. We are leading it today.

The NAACP has spent the past several years building a framework for voter protection and civic mobilization that is working—and that can be replicated by state and local governments, civil society organizations, trusted community institutions, and individuals all across this country.

My testimony offers both a warning and a roadmap.

Disenfranchisement and the Birth of the NAACP

The Fifteenth Amendment was ratified in 1870. It promised that the right to vote could not be denied on account of race. Within a generation, that promise had been systematically broken across the South through poll taxes, literacy tests, grandfather clauses, and the constant threat of violence. By the early twentieth century, Black Americans in the former Confederate states had been virtually removed from political life.

The NAACP was born into that world. On February 12, 1909—the centennial of Abraham Lincoln's birth—a group of Black and white activists including W.E.B. Du Bois, Ida B. Wells-Barnett, and Mary Church Terrell founded this organization to secure for Black Americans the rights the Constitution already guaranteed. Voting rights were central to our mission from the very first day because we recognize that the promise of full equality in every area of life for Black Americans cannot be realized without full and fair access to the ballot. The NAACP remains unwavering in our efforts to defend, enforce, and strengthen voting rights protections,

The Voting Rights Act

When the Voting Rights Act was enacted in 1965, it brought about a slow and eventual transformation of American democracy. It did not merely prohibit discriminatory voting practices—it required jurisdictions with a documented history of racial discrimination in voting to seek pre-approval, called preclearance, from the federal government before making any

change to voting law or procedure. For nearly fifty years, that requirement blocked thousands of discriminatory voting changes before they could be instituted. It was the most effective civil rights enforcement mechanism ever enacted.

In the years that the Act was most vigorously enforced, Black voter registration and turnout increased significantly, the wage gap between Black and white workers in the South narrowed, and Black political representation at every level of government expanded, including in the U.S. Congress. These were not abstract benefits. They were real changes in real people's lives—lower Black infant mortality rates, better-funded schools, more responsive local governments. The right to vote, fully exercised, is not just a political right. It is a life-and-death matter.

Shelby County, Alabama v. Holder and Its Aftermath

In 2006, Congress reauthorized the Voting Rights Act with tremendous bi-partisan support, culminating in a vote of 390 to 33 in the House and 98 to 0 in the Senate. Lawmakers held 21 hearings and compiled more than 15,000 pages of evidence that discrimination in voting had not been eradicated and that preclearance remained necessary. Seven years later, a 5-4 majority of the Supreme Court dismantled the Act's Section 5 preclearance mechanism, concluding that that coverage formula was unconstitutional. Justice Ruth Bader Ginsburg's dissent made it plain: throwing away preclearance because discrimination had declined, she wrote, was like throwing away your umbrella in a rainstorm because you are not getting wet.

The rainstorm came immediately. Within hours of the *Shelby County, Alabama v. Holder* decision, the Texas Attorney General announced that a strict voter photo ID law—previously blocked under preclearance—would take effect at once. North Carolina adopted an omnibus bill containing numerous provisions intended to make access to the ballot harder. A Circuit Court ultimately found that provisions of the bill were adopted with almost “surgical precision” in terms of the effect on Black voters. Other states promptly followed.

Since then, there has been a cascade of voter suppression laws that would never have been permitted pre-*Shelby* as states scrambled to make it harder for Black voters to cast ballots.

The Federal Government Has Abandoned its Mission of Safeguarding Civil Rights

The threat before us today is different from what we have confronted before—not in its purpose, which has always been the same, but in the power behind it.

In the past, the enemies of Black voting rights were primarily private actors and state governments: the White Citizens Councils, the Ku Klux Klan, and the local officials who collaborated with them. What made the Voting Rights Act transformative was that it brought federal power to bear on the side of voters. When Black Americans were threatened at the polls, they could look to the U.S. Department of Justice to carry out its mission and enforce federal law. The vigor of enforcement varied across administrations—some were more aggressive than others—but one principle held: the goal of our federal government's chief law enforcement agency was to protect voters, not harm them.

I am proud to have been a part of that history as Assistant Attorney General for Civil Rights during the last administration when we vigorously worked to enforce the Voting Rights Act and other federal voting rights laws with the goal of protecting the rights of all voters. And I am dismayed to see how egregiously and cruelly that work is being trampled on by this current administration, which has turned the Department of Justice into an instrument of oppression and lawlessness.

Our federal government is currently abusing and exploiting the massive powers of the federal machinery in ways that is causing harm to voters, causing harm to everyday Americans and allowing bad actors to act with impunity.

In March 2025, President Trump signed an executive order directing the U.S. Election Assistance Commission to require documentary proof of citizenship on the federal voter registration form—a requirement that would erect significant new barriers for millions of eligible Americans, particularly naturalized citizens, elderly voters, low-income voters, and voters of color who are less likely to have the specific documents the order demands. The NAACP immediately sued as part of a coalition of voting rights organizations. Five different courts struck down the order.

But the administration did not stop there. Last month, the President signed a second executive order targeting mail-in voting. It directed the United States Postal Service to refuse delivery of ballots to voters the federal government deemed ineligible. It required states to submit lists of mail voters to the Postal Service sixty days before federal elections—before voter registration deadlines in many states. And it threatened criminal prosecution of election officials, community organizations, and individuals who helped voters cast ballots that this federal government deems were improper. Roughly 18% of Black voters voted by mail in the 2024 federal election. Under this order, NAACP volunteers helping elderly residents in a nursing home cast their ballots by mail could face federal prosecution. Moreover, the order hinders access for people with disabilities, college students, rural voters, incarcerated people, emergency personnel and many others who need to vote by mail. Within days, the NAACP filed suit in the U.S. District Court for the District of Columbia to block the order, alongside Common Cause, Black Voters Matter, and the Lawyers' Committee for Civil Rights Under Law.

We recently saw FBI agents raid and seize hundreds of boxes of original election materials in Fulton County, Georgia – action that harms NAACP members and breeds distrust in the process.

Just last week, it was reported that the Justice Department would discontinue coordination that has been in place for decades – a rapid response team of prosecutors, FBI agents, and police departments – that worked together to address severe election day problems such as bomb threats, website hackings, power grid failures, and other potential criminal acts.

The Administration, without evidence, claims these actions are necessary in order to combat "widespread voter fraud." But the data tell a different story. Our colleagues at the Brennan Center recently found "incident rates between 0.0003 percent and 0.0025 percent" indicating "it's more likely that an American will be struck by lightning than s/he will impersonate another person at the polls."

We want to be very clear about what these orders are, despite the lies being used to sell them to the American public. Every era of Black disenfranchisement has dressed itself in the language of administrative necessity—election integrity, fraud prevention, eligibility verification. What is different today is the source. This is not state-level suppression that federal intervention can remedy. It is a president of the United States weaponizing the massive powers of the federal government machinery to dictate which voters participate in American elections. It is also a blatantly unconstitutional seizure of authority that the Constitution assigns to Congress and the states.

But we have an important message: It. Will. Not. Work.

The NAACP has faced down efforts to silence the Black vote before, including efforts backed by the full force of state governments and the silent complicity of the federal government. We didn't back down then and we won't back down now.

The NAACP Plan

We have a plan and a process and it has proven to work.

The NAACP's voter protection framework is founded on two solid pillars: 1) our exceptional legal expertise; and 2) our civic engagement program.

Post-*Shelby*, when it was clear that a concerted effort to roll back Black voting rights, the NAACP fought vigorously in the courts and won significant victories that helped to stem the tide and mitigate the damage.

At the same time, we built on our century of knowledge, expertise and reputation to structure a comprehensive voter protection and mobilization framework designed to do what the law could no longer be trusted to do: protect Black voters before, during, and after every election. That framework is working—and it is replicable and scalable.

The foundation for this is our unmatched national network of more than 2,200 local branches, staffed by members who are already trusted in their communities. Trust is not something you can manufacture in the weeks before an election. It is earned over years of showing up, and the NAACP has been showing up and doing the work in communities across the country for more than 100 years.

Our civic engagement program works with the full support of our legal program, with NAACP lawyers – staff and volunteers - providing the legal knowledge and backbone for this work. Our community members know that they have full legal backup and that our lawyers are fighting for them, as we have throughout the organization's history.

Here are a few of the things we do:

1. Conduct year-round voter drives and outreach—not just in election years, but every year.

- a. Canvass door-to-door to ensure community members know how to register, how to verify their registration, where their polling place is, and how to navigate absentee and mail-in voting;
 - b. Produce nonpartisan voter guides tailored to state-specific requirements;
 - c. Maintain an online Voter Protection Hub—featured in all of our communications and available to every state, regional, and local chapter—that gives voters the tools to register, confirm their status, understand their ballot, and locate their polling place;
2. Enlist and deploy lawyers in the days leading up to, on and after Election Day, to ensure that people’s rights are protected;
 3. Staff Election Protection Command Centers across the country, field real-time incident reports, and file emergency litigation when voters are turned away, ballots are being blocked, or poll closures are being manipulated.

The NAACP’s civic engagement program in 2024 was the largest in our 115-year history: We recruited and trained more than 100,000 volunteers across twelve battleground states, reached more than 14 million Black voters through direct contact, phone banking, digital organizing, and mail. We also ran structured training sessions on national voting rights trends, hosted community town halls and education forums so voters could understand what was on their ballot, and organized volunteers to help neighbors navigate the process from registration through certification.

In 2024, we received thousands of incident reports from Black voters—nearly 1500 in hotly-contested states. We filed emergency litigation in Michigan, Pennsylvania, Maryland, North Carolina, Georgia, and other states. We were in communities, at the polls and in the courtrooms at the same time.

This framework can be replicated and amplified. State and local governments can partner with trusted community organizations to expand voter education and protection infrastructure. Businesses, faith institutions, HBCUs, labor unions, and civic groups can adopt and adapt these tools. This work must be face-to-face, from trusted sources, in the languages and settings where people actually are.

When people know what they are up against—and know that they have the tools and the backing to fight back—they don’t give up. They show up.

So, the message of that framework has to be clear and consistent: voters have power. The massive drive to suppress our votes is real but it does not have to work.

Do not believe anyone telling you that voting doesn't matter because “the election will be stolen anyway.” That’s exactly what they want you to think, but it’s a lie with a purpose. The easiest suppression is the kind that convinces us to suppress ourselves.

Conclusion

I urge you, on behalf of the NAACP and our historic movement, to work with us to replicate our voter protection framework - built on trusted community relationships, year-round civic education, robust legal infrastructure, and a clear, hopeful message of voter empowerment—has proven its effectiveness. Help us create a resilient infrastructure of civic participation and legal support that will help to ensure that our community can vote and that our votes are counted.

Our message to Black voters is this: you are not alone, your vote has power, and we have your back.

We will litigate, we will organize, we will mobilize, we will empower, and we will vote.

I am grateful for the opportunity to testify before this forum and welcome any questions from Members of the Committee.