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LDF Responds to President Trump's Suggestion to Delay the 2020 Election

This morning, President Trump suggested in a tweet that the 2020 presidential election should be delayed and advanced his false narrative of fraudulent absentee voting. The tweet makes inaccurate claims that 1) absentee voting has been made universal, 2) voting by mail and absentee voting are different methods, and 3) voting by mail, also known as absentee voting, is fraught with fraudulent ballots. When discussing the tweet at a press conference, Secretary of State Michael Pompeo stated that the Department of Justice should make the “legal determination” as to whether a delay could occur.

In response, Sherrilyn Ifill, President and Director-Counsel of the NAACP Legal Defense and Educational Fund, Inc. (LDF) issued the following statement:

“Neither President Trump nor the Department of Justice has the legal authority to delay the presidential election. Article II of the Constitution states that Congress alone determines the date of the general election — which has been fixed since 1845 — and delaying the election would require a congressionally-initiated change in federal law. Mr. Trump’s suggestion to move the election date is a disgraceful attempt at voter suppression by creating confusion, stirring controversy, and spreading misinformation.

“Mr. Trump’s claim that mail-in voting, otherwise known as absentee voting, is fraudulent is inaccurate and hypocritical. In fact, Mr. Trump has publicly admitted that he votes by mail, as do many other politicians who are pushing this false narrative about voter fraud. The fact that these individuals consistently utilize and trust the very same voting system they are publicly condemning lays bare that the intention behind their erroneous claims is to actively suppress votes by discouraging the use of mail-in ballots.

“Mr. Trump and his allies should be held accountable for their rhetoric, and online platforms, like Twitter and Facebook, have a responsibility to remove posts that spread inaccurate voting information designed to undermine American democracy. As the November presidential election approaches, this oversight role will be more critical than ever, as it is abundantly clear that this administration cannot be relied upon to advance factual messages about voting and voting rights.

“LDF will continue advocating for policy changes and pursuing court cases so that every voter has the opportunity to cast a ballot without risking their well-being and safety. This is critically important as our country continues to contend with a deadly pandemic that vastly and disproportionately impacts Black people and other communities of color. Improved access to absentee voting — not delaying the election — is one of the most

important steps we can take to ensure equal access to the ballot box while protecting Americans' health and lives.

“On this day when Representative John Lewis is finally laid to rest in Georgia, we encourage Black voters to remain focused on exercising the right to vote on Election Day. They can prepare by ordering absentee ballots; voting early where possible; learning about every office on the ballot; and having masks and gloves ready and available for in-person voting.”

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation's first civil and human rights law organization. LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF.

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