Voter Protection Program

ISSUE ALERT:
ENSURING SAFETY FOR ELECTION OFFICIALS

LEGAL RULES

The First Amendment does not protect violence, unlawful conduct, threats of imminent violence, or destruction of property.

- Law enforcement may declare an unlawful assembly and order demonstrators to disperse when a group has become violent or poses a clear danger of imminent violence.

- Law enforcement may impose viewpoint-neutral, reasonable time, place, and manner restrictions on protestors in order to protect public safety

There is no political activity exception to public safety laws.

- Officers are empowered to maintain order and enforce content-neutral laws – including noise ordinances, trespassing laws, and other criminal laws of general applicability – even during "protests" or "demonstrations."

- Content-neutral laws must be enforced evenhandedly and not based on the viewpoint or message of the protestors.

The Second Amendment does not protect private militias.

- Private armed militias and paramilitary organizations have no authority under federal or state law to engage in law enforcement activities and such conduct is unlawful in every state. Law enforcement agencies should not coordinate with, encourage, or facilitate the participation or presence of armed militia groups.

MESSAGING GUIDANCE

- I strongly support the right to peacefully protest, but nobody has the right to threaten public officials with violence for carrying out their oath of office.

- As chief law enforcement officer, I want to be really clear: We're going to keep our election officials safe. We're going to protect them. We're going to prosecute anyone who illegally threatens them.

- Our democracy relies on the state and local officials who administer our elections. They are the keepers of our democracy. We owe them an enormous debt of gratitude. And everyone – from both parties – should have their backs.

- Threats against election officials are threats to our democracy. They are threats to every citizen's right to vote. I will not tolerate it.

- This isn't a partisan issue, and I can't echo strongly enough what my colleagues have said on both sides of the aisle: This has to stop.