[Name]

[Law Enforcement Agency]

[Street Address]

[City, State, Zip Code]

[email address]

October \_\_, 2020

Dear [Insert name or use Law Enforcement Official]:

As a member of the National Bar Association (NBA) in collaboration with Advancement Project, National Office, I offer vital information to protect the rights of Black voters and voters of color in your jurisdiction during this public health crisis. In this critical election year, NBA seeks to protect Black voting rights by informing local law enforcement about some of the challenges Black voters and communities of color face in exercising their right to vote in light of the recent event in Michigan[[1]](#footnote-1).

[ADD A FEW SENTENCES HERE TO CONNECT THE ABOVE TO THE MOU. SPECIFICALLY AROUND THE COMMUNITIES FEAR AND LAW ENFORCEMENT]

**Memorandum of Understanding between**

**Local Law Enforcement and Community Members**

**Purpose**

The purpose of this memorandum is to set forth guidelines to ensure that Law Enforcement and the community have shared understanding of the role and responsibilities of each in maintaining safe polling places and ballot drop boxes while also diminishing any possible intrusion into individuals’ voting experiences.

The parties to this document (“Parties”) understand that the right to vote is a fundamental cornerstone of our democracy and all eligible voters should be able to participate in elections without any impediments. The parties also understand that the presence of Law Enforcement at polling places and ballot drop boxes could distract and even deter some individuals from casting their votes. Therefore, the parties shall take preventative measures to avoid, or at least minimize to the greatest extent possible, the presence of Law Enforcement during every step of the voting process from the Early Voting period through the aftermath of Election Day when voters may cure their provisional ballots.

In their shared mission to protect the right to vote, the parties to this document commit to the following best practices:

**Limit Calling of Law Enforcement to Polling Places and Ballot Drop Boxes**

1. Local Election Officials and Poll Workers shall try to handle emergency situations that may arise at polling places and ballot drop boxes without the involvement of Law Enforcement whenever possible, especially where there is no serious and immediate threat of injury to any individual therein. In other words, the calling of Law Enforcement to any polling place and ballot drop box shall be a last resort.
2. Federal law expressly prohibits voter intimidation of any kind.[[2]](#footnote-2) Parties shall not call Law Enforcement—including, but not limited to ICE—that engages in voter intimidation and threatens the integrity of the voting process to any polling place and ballot drop box.

**Minimize the Presence of Law Enforcement**

1. The involvement of Law Enforcement at polling places and ballot drop boxes shall be limited to conduct posing serious and immediate threat of injury to any individual therein.

1. When the conduct posing serious and immediate threat of injury ends, Law Enforcement shall leave the polling place and ballot drop box as soon as possible.
2. Law Enforcement shall have limited interactions with voters. To that end, Law Enforcement shall be located as far as possible from entrances and lines for polling places and ballot drop boxes.
3. Law Enforcement shall wear plain clothes instead of official uniforms at polling places and ballot drop boxes whenever possible.
4. Law Enforcement shall drive in unmarked vehicles at polling places and ballot drop boxes whenever possible.
5. If marked Law Enforcement vehicles are necessary, they shall be as inconspicuous as possible, *e.g.*, parked in the back of a polling place and ballot drop box instead of the front side near the entrance.
6. As stated above, federal law expressly prohibits voter intimidation of any kind.[[3]](#footnote-3) Parties shall ask anyone engaging in voter intimidation polling places and ballot drop boxes to leave the premises immediately.

**Provide Persons in Custody Access to the Ballot**

1. Law Enforcement shall not detain voters before they cast their ballots whenever possible.
2. Police stations shall contain provisional ballots to ensure that anyone their custody who wants to cast a ballot is able to do so.

**Institute Training, Transparency and Accountability**

1. Poll worker training sessions shall address ways to resolve emergency situations that may arise at polling places and ballot drop boxes without the involvement of Law Enforcement. Examples of such training include, but are not limited to: practice scenarios, promulgation of non-Law Enforcement contacts to handle emergencies, and discussion of the best practices outlined above.
2. Law Enforcement parties to this document shall be trained on the best practices outlined above in advance of the Early Voting period.
3. A stakeholder group of voters, voting rights activists, attorneys, and community leaders shall monitor adherence to this MOU on the part of Law Enforcement. This group shall be empowered to receive notice of changes to this MOU.
4. Where allegations that a Law Enforcement officer engaged in and/or facilitated voter intimidation at polling places and ballot drop boxes are substantiated, that officer must face meaningful disciplinary action.

**For more information on this MOU, please contact:**

[Insert Contact Name]

[Insert Contact Position & Organization]

[Insert Contact Phone Number]

[Insert Contact Email Address]

1. [INSERT CITE] [↑](#footnote-ref-1)
2. 18 U.S.C. § 594. [↑](#footnote-ref-2)
3. *Id*. [↑](#footnote-ref-3)