

# ACLU and the 2026 Midterms

**ACLU**  
AMERICAN CIVIL LIBERTIES UNION

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FOUNDATION

# Background

As we continue to defend civil liberties during the Trump administration, we remain laser-focused on the 2026 midterm and 2028 elections. From litigation to responding to threats at the state level to direct voter education, the ACLUF<sup>1</sup> and ACLU are dedicated to ensuring that the 2026 elections are fair, representative, and reflect the best of democracy.

An affiliate-by-affiliate assessment is already underway to identify threats in each state, map the landscape and capacity of potential partners, and determine where additional support is needed. The ACLUF and ACLU are also updating our threats analysis from the 2024 elections and developing a new response framework to address potential federal deployment and intimidation at the polls.

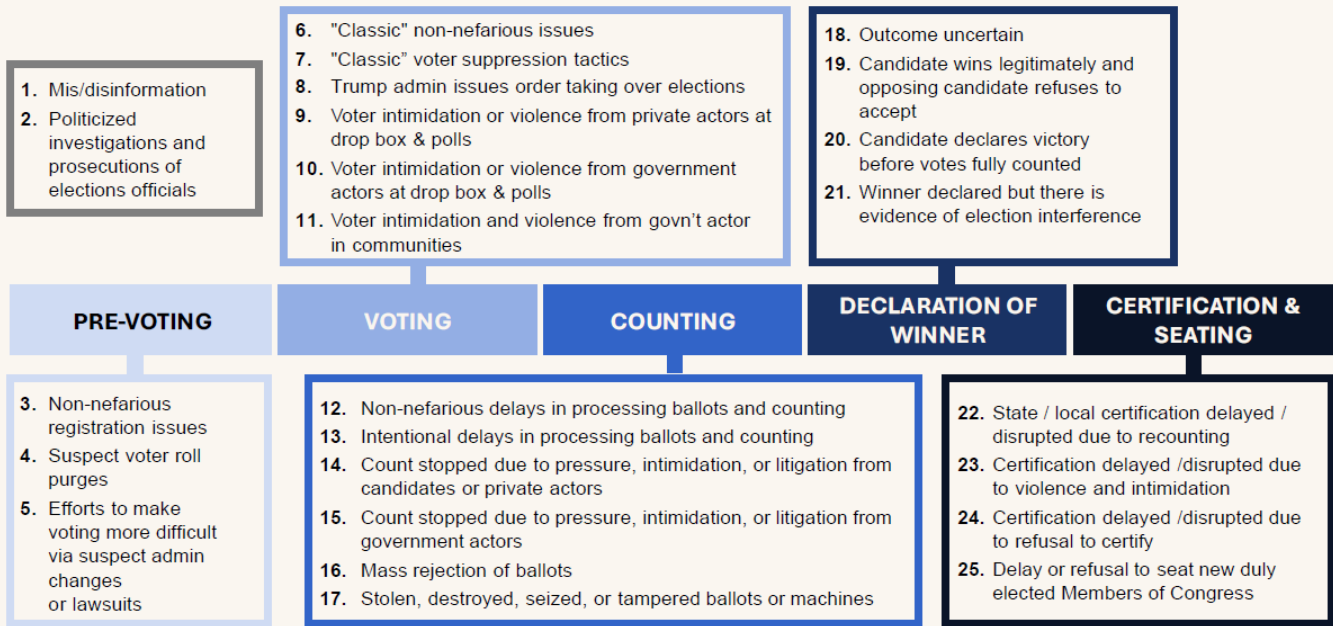
In the wake of the Supreme Court's devastating ruling in *Louisiana v. Callais*, the Voting Rights Act has been severely weakened—with Section 2, the crown jewel of the civil rights movement and once the primary protection against discriminatory voting systems, effectively gutted. The decision opens the door for lawmakers to enact discriminatory maps and roll back voting rights with impunity, threatening Black voters' equal opportunity to shape our policies and politics. Its reach extends beyond congressional redistricting to challenges involving state legislative and local election systems across the country.

In the immediate term, we will continue defending communities currently in redistricting litigation, where the *Callais* ruling has direct consequences for voters seeking relief from vote dilution, restrictive registration requirements, and discriminatory changes to election administration. We will pursue state constitutional claims and other legal avenues that remain available where federal protections have been narrowed, and we will push for new federal legislation to restore the protections the court has stripped away. On the ground in Louisiana and beyond, our teams remain committed to protecting every voter's right to participate. The legal landscape is difficult, but our commitment to defending every voter's access to the franchise has never been stronger.

As we approach the 2026 elections, we are strategizing around five threat categories, as illustrated in the chart below. We are working to counter threats across all of them—from pre-voting suppression to certification and seating challenges.

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<sup>1</sup> The ACLU and ACLU Foundation (ACLUF) are separately incorporated entities. The ACLU, a 501(c)(4), conducts lobbying and supporter mobilization. The ACLU Foundation, a 501(c)(3), conducts litigation and public education and does not engage in electioneering. All ACLU entities follow rigorous protocols to ensure appropriate separation of activities and finances under federal tax law.



## ACLUF Legal Work

The ACLUF's goals in the electoral space are to ensure everyone eligible can vote freely and accessibly and have their vote counted equally, by challenging voter suppression and advancing fair district maps leading up to the midterm elections. Ongoing efforts on this front in the litigation space include:

- **Taking legal action across 16 states and Washington, D.C., to block Department of Justice efforts** to obtain sensitive, nonpublic voter information without lawful purpose;
- **Enforcing Freedom of Information Act requests** to obtain information about the Department of Government Efficiency's voter list-maintenance database and communications between federal agencies and states regarding voter data sharing and list-maintenance practices;
- **Challenging provisions in Georgia** that ban providing food and water to voters in line and require birthdates on absentee ballot envelopes, with appeals pending in the 11th Circuit;
- **Challenging the Iowa secretary of state's directive** requiring election officials to challenge thousands of voters incorrectly listed as noncitizens, with settlement discussions ongoing to prevent future use of flawed data;
- **Intervening in a lawsuit against a new Montana law** that eliminates eight hours of Election Day voter registration opportunity, which disproportionately impacts Native American participation;
- **Challenging North Carolina's onerous documentary proof of citizenship requirements** and removal of protections against surprise eligibility challenges;

- **Continuing to challenge Pennsylvania’s requirements** that reject mail ballots over handwritten date errors on return envelopes following mixed court rulings;
- **Defending New York’s Voting Rights Act against a constitutional challenge** while supporting the plaintiffs’ claim that Newburgh’s at-large voting system prevents Black and Hispanic communities from electing candidates of choice, with potential Supreme Court implications;
- **Defending a trial victory in Alabama** which found that the congressional map both dilutes Black voting power and was enacted with racially discriminatory intent;
- **Defending a 2023 court ruling finding that Georgia’s legislative maps discriminate against Black voters**, with an appeal decision pending;
- **Challenging Georgia’s state legislature’s remedial maps** for failing to fully fix the proven injuries to Black voters;
- **Defending trial victories in Mississippi requiring the creation of additional Black-majority districts** in the state legislature and new district lines for state Supreme Court elections to ensure equal opportunity;
- **Challenging Missouri’s unconstitutional mid-decade congressional map** that would split Kansas City’s Congressional District 5 into three separate districts to secure an additional Republican seat; and
- **Challenging North Carolina’s retaliatory mid-decade redistricting plan**—the fifth map in six years—that surgically dismantles Congressional District 1, a Black opportunity district, and shifts thousands of Black voters out of their communities of representation.

## ACLU and ACLUF Advocacy and Education

The ACLU, our 501(c)(4) organization, plans to run the largest election safeguarding program in its history to build confidence in the electoral process and set the tone for election defense in an environment ripe for election crises created by the Trump Administration. The ACLUF will also be part of distributing voting rights information and education to historically disenfranchised populations, as it has in prior cycles.

To start, the ACLU is conducting a state-by-state analysis for priority states to identify specific threats (such as intimidation at the polls and/or officials not certifying election results) and ensure ACLU affiliates have access to tools and resources to handle state-specific conditions. We expect the work of ACLU affiliates to include some of the following:

- Poll monitoring;
- Organizing get-out-the-vote activities, like parties at the polls;
- Staffing election protection hotlines;
- Distributing know-your-rights materials to historically disenfranchised populations;

- Building relationships with key election officials to ensure everyone does their job and upholds election procedures, including certifying results;
- Helping to deescalate at the polls if federal agents are deployed at or around polling sites;
- Managing potential mass mobilization in response to attempts to subvert election results;
- Advancing media stories that demonstrate the validity of the elections to eschew false narratives about voter fraud; and
- Leading peaceful and lawful mass mobilizations as needed.

The ACLU will prioritize:

- **Tier 1 States:** traditionally seen as “battlegrounds,” such as Arizona, Georgia, Michigan, North Carolina, Nevada, and Pennsylvania. Having long worked in battleground states, these ACLU affiliates are generally sophisticated in election safeguarding work. The ACLU will ensure that ACLU affiliates in these states are fully resourced to do all that they can to advance election integrity. Many of the Tier 1 states now have influential officeholders committed to election integrity—such as secretaries of state, attorneys general, and state supreme court justices.
- **Tier 2 States:** these are nationally impactful states—including California, Colorado, Iowa, Kansas, Maine, Minnesota, Nebraska, New Hampshire, New York, Utah, and Wisconsin—that had narrow margins in the last election and now have competitive congressional races and, in many cases, secretary of state races. These states will also receive state-specific resources to help them ensure the election is conducted with integrity.

#### CASE STUDY: ACLU of Georgia’s Local Election Advocates and Defenders (LEAD) Program

The LEAD program helps build more transparent, effective, accessible, and responsive elections offices.

ACLU of GA recruits volunteers who help hold state and local officials accountable for decisions that are for the good of all Georgia voters by monitoring and document what occurs at local election meetings.

Volunteers are embedded in assigned counties to closely monitor and advocate for voter access. LEAD volunteers attend local Board of Elections meetings, report on potential issues, and work with the ACLU of GA to advocate for voter-minded policies and practices. Their reports can help the ACLU of GA and its partners litigate or advocate as needed to ensure all votes are counted fairly.

Currently 30 of 159 counties in the state are covered by LEAD.

Undergirding the ACLU's efforts will be engaging over 3,000 election volunteers, including:

- Recruiting at least 1,000 election safeguarding volunteers, like poll monitors and certification monitors;
- Staffing election protection hotlines with qualified legal professionals;
- Organizing get-out-the-vote events;
- Distributing know-your-rights materials to historically disenfranchised populations; and
- Monitoring election board meetings in key counties for any election mischief, such as closing polling places or shortening voting hours.

New for 2026, given the realities of the political climate, will be ensuring that election results “stick.” With so many efforts by the current administration calling elections into question, a Department of Justice that cannot be relied upon to enforce election outcomes, and sometimes hostile courts, this is a relatively new but vitally important component of our work.

## CONCLUSION

The ACLU, ACLU Foundation, and our network of state-based affiliates are launching the largest election safeguarding program in our history—utilizing all tools available to defend against myriad possible threats to a safe, fair, and free election. We hope you will partner with us, as a supporter and as a volunteer in your community.