

Congress of the United States

Washington, DC 20515

July 15, 2022

The Honorable Susan E. Rice
Director
Domestic Policy Council
The White House
Washington, DC 20500

The Honorable Shalanda Young
Director
Office of Management and Budget
725 17th Street N.W.
Washington, DC 20503

Dear Ambassador Rice and Director Young:

We continue to conduct oversight of the Administration's implementation of the Voting Rights Act of 1965 (VRA) and federal statutes relating to voting. Despite the Constitution's express reservation of primary election authority to state legislatures, Democrats have sought to nationalize elections and unconstitutionally change state election procedures.¹ In addition, according to a recent report, the Biden Administration is working in secret—and in apparent collusion with a left-wing special interest group—to misuse government resources for selective voter turn-out operations.²

¹ See, e.g., H.R. 1, 117th Cong. (2021); Republican Staff Report, *How Democrats are Attempting to Sow Uncertainty, Inaccuracy, and Delay in the 2020 Election*, H. Comm. on the Judiciary & Comm. on Oversight & Reform (Sept. 23, 2020); *Significant Events in the 2020 Election Cycle*, U.S. H. Comm. On H. Admin., <https://republicans-cha.house.gov/media/significant-events-election-cycle>.

² See Mollie Hemingway, *Yes, Biden Is Hiding His Plan to Rig the 2022 Midterm Election*, *The Federalist*, June 23, 2022. See also Letter from Nine House Republican Committee Leaders to Susan E. Rice, Director, Domestic Policy Council, and to Shalanda Young, Director, Office of Management and Budget re: Concerns Biden Administration Directing Federal Agencies to Engage in Voting Access and Registration Activities (Mar. 29, 2022), <https://republicanscha.house.gov/sites/republicans.cha.house.gov/files/documents/FINAL%203.29.2022%20Letter%20Biden%20Admin%20-%20EO%20Promoting%20Access%20to%20Voting%5B23%5D.pdf>; Letters from Republican Leadership of House Committees on Administration, Agriculture, Education and Labor, Energy and Commerce, Oversight and Reform, and Small Business, as well as the Appropriation Committee's Subcommittees on Agriculture, Financial Services, and General Government to the U.S. Department of Education, the U.S. Department of Labor, the National Labor Relations Board, the U.S. Equal Employment Opportunity Commission, the U.S. Small Business Administration, the U.S. Office of Personnel Management, the General Services Administration, the U.S. Department of Health and Human Services, the U.S. Department of Energy, the U.S. Environmental Protection Agency, the U.S. Department of Commerce, and the U.S. Department of Agriculture re: the Biden Administration's lack of constitutional and statutory authority to enact the Executive Order of Promoting Access to Voting (June 15, 2022), <https://republicans-cha.house.gov/elections-clause-states-primary-constitutional-authority-over-elections>; Letter from 36 Members of Congress to Shalanda Young, Acting Director, Office of Management and Budget re: Requesting information and expressing concerns about Biden's Executive Order on voting (Jan. 19, 2022), https://budd.house.gov/uploadedfiles/budd_letter_to_omb_on_voting_eo.pdf.

The Election Clause of the U.S. Constitution gives state legislatures the primary authority to prescribe “[t]he Times, Places and Manner of holding [federal] Elections” within their jurisdictions.³ Article II of the U.S. Constitution reserves the power to state legislatures to determine the manner of appointing presidential electors.⁴ Thus, in our system of government, as the Supreme Court has explained, state legislatures “bear primary responsibility for setting [federal] election rules”.⁵

Since at least 2019, however, Democrats have sought to politicize the voting process in an attempt to garner a political advantage. In March 2019, Democrats in the House of Representatives passed H.R. 1—their biggest legislative priority—to mandate a federal take-over of election administration.⁶ A year later, Democrats took advantage of a once-in-a-lifetime pandemic to radically alter election administration in several key states, including by abruptly implementing all-mail voting in States without the necessary preparation, training, equipment, space, or personnel, and by weakening election integrity measures.⁷ We warned at the time that these last-minute changes in election administration would open the door to election-related fraud and errors, harm the integrity of the election process, and create chaos in the general election.⁸ Unfortunately, many of the concerns we highlighted about irregularities and improprieties came to pass.⁹

On March 7, 2021, President Biden signed Executive Order 14019, misleadingly labeled as “Promoting Access to Voting.”¹⁰ President Biden directed federal agencies to “consider ways

³ U.S. CONST. art I § 4, cl. 1. *See also* Ranking Member Rodney Davis, Report: *The Elections Clause: States’ Primary Constitutional Authority Over Elections*, U.S. H. Comm. on H. Admin. (Aug. 12, 2021), https://republicans-cha.house.gov/sites/republicans.cha.house.gov/files/documents/Report_The%20Elections%20Clause_States%20Primary%20Constitutional%20Authority%20over%20Elections%20%28Aug%2011%202021%29.pdf.

⁴ U.S. CONST. art. II, § 1, cl. 2.

⁵ *Democratic Nat’l Comm. v. Wisconsin State Legislature*, 141 U.S. 28, 29 (2020) (Gorsuch, J., concurring). *See* U.S. CONST. art I § 4, cl. 1; U.S. CONST. art. II, § 1, cl. 2.

⁶ H.R. 1, 116th Cong. (2019).

⁷ Republican Staff Report, *How Democrats are Attempting to Sow Uncertainty, Inaccuracy, and Delay in the 2020 Election*, H. Comm. on the Judiciary & Comm. on Oversight & Reform, at 1-3 (Sept. 23, 2020). *Significant Events in the 2020 Election Cycle*, U.S. H. Comm. On H. Admin., <https://republicans-cha.house.gov/media/significant-events-election-cycle>.

⁸ *Id.*; *see also* Alexa Corse and Brent Kendall, *Lawsuits Over Voting Rules Coming Down to the Wire*, WALL ST. J. (Aug. 14, 2020). *Davis Sends Oversight Letter Amid Last-Minute Changes to North Carolina Election Protocols* (Oct. 5, 2020), <https://republicans-cha.house.gov/media/press-releases/davis-sends-oversight-letter-amid-last-minute-changes-north-carolina-election>. *See also* Ranking Member Davis Sends Ten Oversight Election Letters to Problematic Localities (July 23, 2020), <https://republicans-cha.house.gov/media/press-releases/ranking-member-davis-sends-ten-oversight-election-letters-problematic>; *Ranking Member Davis Sends Additional Election Oversight Letters to New York, New Jersey, and Pennsylvania* (Sept. 23, 2020), <https://republicans-cha.house.gov/media/press-releases/ranking-member-davis-sends-additional-election-oversight-letters-new-york-new>.

⁹ *See, e.g.*, Republican Staff Report, *How Democrats are Attempting to Sow Uncertainty, Inaccuracy, and Delay in the 2020 Election*, H. Comm. on the Judiciary & Comm. on Oversight & Reform, at 1-3 (Sept. 23, 2020); *Significant Events in the 2020 Election Cycle*, U.S. H. Comm. On H. Admin., <https://republicans-cha.house.gov/media/significant-events-election-cycle>.

¹⁰ Exec. Order No. 14,019, 80 Fed. Reg. 13623 (2021).

to expand citizens' opportunities to register to vote and to obtain information about, and participate in, the electoral process."¹¹ E.O. 14019 further instructed federal agencies to submit their "strategic plan outlining the ways identified under this review that the agency can promote voter registration and voter participation" to the Domestic Policy Council.¹²

Despite the requirements of E.O. 14019 that agencies submit their voter registration plans to the Domestic Policy Council, a new report suggests that the Biden White House has stonewalled public transparency surrounding these plans.¹³ Republicans want every eligible voter who wants to vote to be able to cast a ballot and for that ballot to be counted according to law. Yet, because of this secrecy, it is impossible to know whether these voter registration plans amount to a misuse of government resources to selectively target groups likely to vote for Democrat candidates. The White House's collusion with Demos, a left-wing special interest group, suggests as much.¹⁴ Demos has been vocal about its belief of the need to change voting procedures and election laws to advantage candidates holding progressive views.¹⁵

The directives contained within E.O. 14019 are particularly troubling given the Biden Administration's willingness to weaponize the voting process for political purposes. For example, Attorney General Merrick Garland has politicized enforcement of the VRA against states that have enacted commonsense election integrity reforms, like Georgia and Texas. On March 25, 2021, Georgia Governor Brian Kemp signed S.B. 202 into law.¹⁶ The bill strengthened ballot box protections and enhanced the state's election integrity.¹⁷ Following S.B. 202's enactment, in June 2021, Attorney General Garland announced that the Department of Justice filed suit against Georgia, alleging several S.B. 202 provisions "discriminate[] against Black voters" in violation of Section 2 of the VRA.¹⁸ Contrary to the Democrat narrative that the new Georgia voting law constituted "Jim Crow 2.0" and "voter suppression,"¹⁹ Georgia saw record turnout during its May 2022 primary election under its new voter integrity law.²⁰

Based on this information, we have serious concerns that E.O. 14019 is nothing but another brazen attempt by the Biden Administration to usurp state power to nationalize elections

¹¹ *Id.*

¹² *Id.*

¹³ See Hemingway, *supra* note 2.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Governor Kemp on Georgia Voting and Election Law*, C-SPAN (Mar. 25, 2021).

¹⁷ *Id.*

¹⁸ Erin Doherty, *Justice Department sues Georgia over GOP voting restrictions*, AXIOS (Jun. 25, 2021).

¹⁹ See Karl Rove, *Biden's election-reform deception*, WALL ST. J. (Mar. 31, 2021); Chandelis Duster, *Abrams on GOP efforts to target voting: "It is a redux of Jim Crow in a suit and tie"*, CNN (Mar. 14, 2021).

²⁰ More than 850,000 Georgians cast ballots in the primary, which represented a 168 percent increase in voter turnout compared to the last gubernatorial primary in 2018 and a 212 percent increase from the presidential primary in 2020. Press Release, Georgia Sec'y of State, *Georgia Election Law Results in Records Early-Voting Turnout* (May 21, 2022). After casting her ballot, one elderly, minority Georgia voter stated, "I had heard that they were going to try to deter us in any way possible. To go in there and vote as easily as I did and to be treated with the respect that I knew I deserved as an American citizen—I was really thrown back." Marc A. Thiessen, *Georgia's primary turnout shows Biden's falsehoods*, WASH. POST (May 27, 2022).


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The Honorable Shalanda Young
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and commandeer the voting process to Democrats' political advantage. In order to assist our oversight of this matter, we request that you produce the following material:

1. All documents and communications between or among employees of the Executive Office of the President, the Domestic Policy Council, the Office of Management and Budget, and Demos;
2. All documents and communications between or among employees of the Executive Office of the President, the Domestic Policy Council, the Office of Management and Budget, and any nongovernmental entity referring or relating to E.O. 14019 or promoting voter access; and
3. All documents and communications between or among employees of the Executive Office of the President, the Domestic Policy Council, the Office of Management and Budget, and all other federal departments or agencies referring or relating to E.O. 14019 or promoting voter access.

Please provide this information as soon as possible but no later than 5:00 p.m. on July 29, 2022. Thank you for your prompt attention to this matter.

Sincerely,




Jim Jordan
Ranking Member
Committee on the Judiciary



James Comer
Ranking Member
Committee on Oversight
and Reform



Rodney Davis
Ranking Member
Committee on House Administration



Ted Budd
Member of Congress

cc: The Honorable Jerrold L. Nadler, Chairman, Committee on the Judiciary
The Honorable Carolyn B. Maloney, Chairwoman, Committee on Oversight and Reform
The Honorable Zoe Lofgren, Chairperson, Committee on House Administration