

**Congress of the United States**  
**Washington, DC 20515**

July 29, 2020

President Donald J. Trump  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Dear President Trump,

We write today in response to your continued attacks on vote-by mail, the American public's best opportunity to safely participate in the upcoming November elections. Over 4.3 million Americans have been diagnosed with COVID-19, and tragically, nearly 150,000 have died as a result of complications from the virus.<sup>1</sup> While we all hope this crisis will subside quickly, the scientific uncertainty surrounding it necessitates that we take action now to prepare for the safe administration of elections in November in the event that it does not. As president of the United States, you should be ensuring all states, territories, and the District of Columbia have the election administration infrastructure they need so all Americans may exercise their constitutional right to vote without fear of contracting the virus.

Five states—led by both Democrats and Republicans—already conduct their elections entirely by mail—Colorado, Hawaii, Oregon, Washington, and Utah<sup>2</sup>—and another 21 states allow their state or local elections to be conducted by mail. This reflects a bipartisan desire to conduct elections in this manner, which mirrors a sentiment reflected in public opinion. In 2018, Michigan voters overwhelmingly approved of a ballot initiative to provide for no-excuse absentee voting,<sup>3</sup> and 64% of Americans nationwide said they were in favor of their state allowing registered voters to vote by mail or absentee ballot.<sup>4</sup>

We have already witnessed the detrimental effects of states holding primary elections fraught with voting and public health concerns. When Wisconsin decided to hold its primary election in the midst of the pandemic, consolidated polling locations resulted in hours-long waits to cast a ballot, and hundreds of poll workers backed out due to health concerns.<sup>5</sup> Afterwards, the

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<sup>1</sup> *Johns Hopkins University of Medicine Coronavirus Resource Center* (Online at <https://coronavirus.jhu.edu/us-map>)

<sup>2</sup> *All-Mail Elections (aka Vote-By-Mail)*, National Conference of State Legislatures (March 24, 2020) (Online at <https://www.ncsl.org/research/elections-and-campaigns/all-mail-elections.aspx>)

<sup>3</sup> *Voters approve Proposal 3, bringing sweeping changes to Michigan's election law*, Detroit Free Press (November 6, 2018) (Online at <https://www.freep.com/story/news/politics/elections/2018/11/06/michigan-voting-proposal-3-results/1885266002/>)

<sup>4</sup> *Most Americans Favor Voting by Mail as Option in November*, Gallup (May 12, 2020) (Online at <https://news.gallup.com/poll/310586/americans-favor-voting-mail-option-november.aspx>)

<sup>5</sup> *Wisconsin voters face long waits, lines amid coronavirus outbreak*, NBC News (April 7, 2020) (Online at <https://www.nbcnews.com/politics/2020-election/wisconsin-set-vote-national-guard-called-out-many-polling-places-n1178206>)

Wisconsin Department of Health Services announced at least 52 people who voted in person or worked the polls had tested positive for coronavirus.<sup>6</sup> Despite Georgia Secretary of State Brad Raffensperger, a Republican, mailing every active registered voter an application for an absentee ballot, voters there experienced similar challenges. The alarming scenes across these states show the danger of voting in-person during this public health crisis and could foreshadow a devastating election day in November.<sup>7</sup>

Many states are working to expand vote-by-mail in order to more effectively navigate balancing election administration and public health amid the COVID-19 pandemic. The bipartisan, independent U.S. Election Assistance Commission has acknowledged the critical necessity of these initiatives, as evidenced by its webpage dedicated to providing states with resources for implementing vote-by-mail initiatives during this time.<sup>8</sup> Nevada Secretary of State Barbara K. Cegavske, a Republican, mailed ballots to voters for her state's primary election, and Michigan Secretary of State Jocelyn Benson mailed absentee ballot applications for the November general election to all registered voters in the state<sup>9</sup>—both actions that courts declined to halt.<sup>10</sup> Additionally, in May, the Wisconsin Election Commission unanimously approved a measure to send absentee ballot applications to registered voters in Wisconsin for the upcoming general election.<sup>11</sup>

While states have been working hard to find real solutions to ensure that no one must choose between their right to vote and their health, you have been using your position to spread misinformation about vote-by-mail. You have gone so far as to falsely suggest it leads to voter fraud,<sup>12</sup> contentions that led Twitter to add a fact-checking label to two of your tweets promoting misinformation about mail-in ballots.<sup>13</sup> Federal Election Commission commissioner Ellen Weintraub, in a series of tweets, systematically refuted and debunked your arguments, asserting

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<sup>6</sup> *52 who worked or voted in Wisconsin election have COVID-19*, ABC News (April 29, 2020) (Online at <https://abcnews.go.com/Health/wireStory/52-worked-voted-wisconsin-election-covid-19-70406317>)

<sup>7</sup> *Voter turnout soared in Georgia despite massive primary day problems*, NBC News (June 12, 2020) (Online at <https://www.nbcnews.com/politics/2020-election/voter-turnout-soared-georgia-despite-massive-primary-day-problems-n1230806>)

<sup>8</sup> *Voting By Mail/ Absentee Voting*, U.S. Election Assistance Commission (Online at <https://www.eac.gov/election-officials/voting-by-mail-absentee-voting>)

<sup>9</sup> *Secretary of State: All Michigan voters will get absentee ballot applications at home*, Detroit Free Press (May 19, 2020) (Online at <https://www.freep.com/story/news/politics/elections/2020/05/19/all-michigan-voters-get-absentee-ballot-applications-in-mail/5218266002/>)

<sup>10</sup> *Judge won't put immediate stop to Benson's mailing of absentee ballot applications*, The Detroit News (June 18, 2020) (Online at <https://www.detroitnews.com/story/news/politics/2020/06/18/judge-wont-immediately-stop-bensons-mailing-ballot-applications/3216721001/>)

<sup>11</sup> *Wisconsin approves measure to send absentee ballot applications to voters*, CNN (May 28, 2020) (Online at <https://www.cnn.com/2020/05/28/politics/wisconsin-absentee-voting-applications/index.html>)

<sup>12</sup> *Trump Repeats Unfounded Claims about Mail-In Voting, Threatens Funding to 2 States*, NPR (May 20, 2020) (Online at <https://www.npr.org/2020/05/20/859333693/trump-repeats-unfounded-claims-about-mail-in-voting-threatens-funding-to-some-st>)

<sup>13</sup> *Twitter flags Trump tweet with fact-checking label for first time*, CBS News (May 27, 2020) (Online at <https://www.cbsnews.com/news/twitter-fact-check-warning-trump-tweet/>)

there is “no basis” for allegations that vote-by-mail leads to high levels of fraud, and that these falsehoods “may well undermine the American people’s faith in our democracy.”<sup>14</sup>

What is more, your contentions were even found to be unsubstantiated by your own Voting Integrity Commission. Despite your fallacious claims that millions of ballots were illegally cast in the 2016 election that you won,<sup>15</sup> your Commission never found widespread fraud or released any evidence to support your claims.<sup>16</sup> Instead, your staff shut down the Commission due to mounting legal challenges from states. In an interview with *Politico*, when asked if a substantial amount of mail-in voting could cause you to question the legitimacy of the election, you responded: “My biggest risk is that we don’t win lawsuits. We have many lawsuits going all over. And if we don’t win those lawsuits, I think—I think it puts the election at risk.”<sup>17</sup> Once again, instead of embracing a system used in states, run by both Democrats and Republicans, that allows voters to safely participate in our elections during a global pandemic, you and the Republican Party have launched lawsuits across the country to restrict Americans’ ability to safely participate in the 2020 election.

Regardless, as President of the United States, you lack the authority to dictate how elections are conducted. Article I, Section IV of the Constitution grants that power—in the case of federal elections—largely to the states themselves:

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations.<sup>18</sup>

States therefore have the power to make many of the decisions related to federal election administration, preempted only by Congressional action. For example, Congress has exercised that authority by passing legislation—such as the *Help America Vote Act* and the *National Voter Registration Act*—to dictate how states administer various aspects of the federal election process, but it has taken no action on vote-by-mail processes. Nothing in the Constitution provides the Executive Branch with the authority to supplant and restrict states from administering elections how they see fit.

As elected officials, we are given great power, but also great responsibility. One of those responsibilities is to ensure that we act in the best interest of the people we represent. You should

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<sup>14</sup> *FEC commissioner: ‘No basis’ for Trump claims voting by mail leads to fraud*, The Hill (May 28, 2020) (Online at <https://thehill.com/homenews/campaign/499890-fec-chairwoman-no-basis-for-trump-claims-voting-by-mail-leads-to-fraud>)

<sup>15</sup> *Fact-checking Trump’s repeated substantiated claim of widespread voter fraud*, ABC News (May 11, 2017) (Online at <https://abcnews.go.com/Politics/fact-checking-trumps-repeated-unsubstantiated-claim-widespread-voter/story?id=45021067>)

<sup>16</sup> *‘The most bizarre thing I’ve ever been a part of’: Trump panel found no widespread voter fraud, ex-member says*, The Washington Post (August 3, 2018) (Online at <https://www.washingtonpost.com/news/politics/wp/2018/08/03/the-most-bizarre-thing-ive-ever-been-a-part-of-trump-panel-found-no-voter-fraud-ex-member-says/>)

<sup>17</sup> *‘My biggest risk’: Trump says mail-in voting could cost him reelection*, Politico (June 19, 2020) (Online at <https://www.politico.com/news/2020/06/19/trump-interview-mail-voting-329307>)

<sup>18</sup> *The Constitution of the United States: A Transcription*, National Archives (Online at <https://www.archives.gov/founding-docs/constitution-transcript>)

be working to ensure that our country remains united, rather than sowing further discord in a highly partisan environment. And what is more, as an elected official, your actions are also held to a higher standard.

Your continued insistence on spewing misinformation and hoaxes does nothing more than create confusion. Your rhetoric is manipulating people into believing the upcoming November elections are “rigged” without any evidence—a mistaken belief that threatens the integrity of our democracy moving forward. Without providing any evidence to corroborate your claims, you tweeted that millions of mail-in ballots will be printed by foreign countries<sup>19</sup> and the upcoming election will be “the most RIGGED Election in our nations [*sic*] history—unless this stupidity is ended.”<sup>20</sup> During this unprecedented public health crisis, elected officials should be doing everything in their power to ensure Americans can participate in the upcoming elections, not create confusion and suppress the vote of millions like you are doing.

Mr. President, our country is at a breaking point. Partisan politics and messaging have threatened to divide the country to a point that may be impossible to reverse. All Americans must have an opportunity to cast their vote in the upcoming November election free from misinformation and unlawful efforts to undermine the integrity of our election system.

Sincerely,



Brenda L. Lawrence  
Member of Congress

s/ Jackie Speier  
Member of Congress

s/ André Carson  
Member of Congress

s/ Frederica S. Wilson  
Member of Congress

s/ Mary Gay Scanlon  
Member of Congress

s/ Raúl M. Grijalva  
Member of Congress

s/ Eleanor Holmes Norton  
Member of Congress

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<sup>19</sup> @realDonaldTrump (June 22, 2020) (Online at <https://twitter.com/realDonaldTrump/status/1275024974579982336>)

<sup>20</sup> @realDonaldTrump (June 22, 2020) (Online at <https://twitter.com/realDonaldTrump/status/1275062328971497472>)

s/ Joseph P. Kennedy, III  
Member of Congress

s/ Gerald E. Connolly  
Member of Congress

s/ Dan Kildee  
Member of Congress

s/ Grace Meng  
Member of Congress

s/ Pramila Jayapal  
Member of Congress

s/ Nydia M. Velázquez  
Member of Congress

s/ James P. McGovern  
Member of Congress

s/ John Yarmuth  
Member of Congress

s/ Stephen F. Lynch  
Member of Congress

s/ Earl Blumenauer  
Member of Congress