



Jeff Landry
Attorney General

State of Louisiana
DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
P.O. BOX 94005
BATON ROUGE
70804-9005

September 28, 2022

Joseph R. Biden, Jr.
President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500
IGA46@who.eop.gov

Dear Mr. President,

As attorneys general, it is our obligation to protect our states and citizens from illegal and unconstitutional overreach by the federal government. In fulfilling our sacred duty, we call on you to immediately rescind Executive Order 14019.

The Elections Clause of the U.S. Constitution places primary responsibility for deciding the “Times, Places and Manner of holding Elections,” squarely upon the shoulders of the state legislatures with limited oversight from Congress. Nowhere does the U.S. Constitution authorize the executive branch to utilize the power, resources, and reach of all federal executive agencies to carry out voter registration and voter mobilization activities. Yet, that is precisely what your executive order seeks to do.

For example, section 3 of EO 14019 states that you and the federal agencies led by your political appointees will: “expand citizens’ opportunities to register to vote”; “promote voter registration and voter participation”; “directly engage with public...about how to register to vote”; “provide access to registration services”; distribute “voter registration and vote-by-mail ballot forms”; “assist applicants in completing voter registration and vote-by-mail ballot application forms”; “solicit and facilitate approved, non-partisan third party organizations and State officials to provide voter registration services on agency premises”; and promote “participation in the electoral process.”

Generally, regulation of the registration process has been a state legislative function, except when Congress intervenes—such as through the Help America Vote Act (HAVA) and the National Voter Registration Act (NVRA). But with EO 14019,

you are attempting to grant power to your political appointees, who lead the hundreds of federal agencies with offices located in states across the nation, to intervene in elections in unprecedented ways. This intervention goes well beyond what is required under federal law, including the NVRA, without specific congressional authorization. This you cannot do.

In carrying out this EO, federal executive agencies that have no business engaging in voter registration efforts, and all agencies that plan to engage in voter mobilization efforts, as the executive order directs, will surely exceed the scope of their authority under federal law and violate the Administrative Procedure Act (APA) in the process.

But that is not all. In carrying out your EO, these agencies and their employees could also violate other laws such as the Hatch Act, designed to keep federal agencies led by political appointees from engaging in political activities to benefit one political party over another, as well as the Antideficiency Act which prohibits executive agencies from spending funds Congress has not authorized, or accepting volunteer services from “approved” third-party organizations as your executive order directs.

Perhaps the most troubling aspect of your executive order is its command for federal agencies to support “approved” third-party organizations as they conduct voter registration efforts by allowing them to do so on federal agency premises in states across the country. The order provides no details as to which groups will be approved, who will approve them, and what criteria will be used for approval. Obviously, there is a legitimate concern that only those groups aligned with the political party of the current administration, your political party, will receive approval and be granted this unprecedented support and access. This will clearly benefit these organizations allowing them to redirect resources they otherwise would have spent on registration efforts, to mobilization efforts instead, with taxpayers footing the bill. There is also a legitimate concern that this is an attempt to help these third-party groups circumvent state election laws by engaging in their efforts on federal agency premises, outside of the reach of state prosecutors and law enforcement.

It is the longstanding policy of the States to prevent, in the interest of free and fair elections, third-party organizations from injecting themselves into the election process. These third party-organizations, which may create the appearance if not the actuality of corruption, undermine the integrity and public trust in elections and runs counter to the U.S. and state Constitutions. The States’ Legislature enacted an election laws, which carefully defines the powers, duties and responsibilities of those involved in conducting elections. Those statutory terms are pervasive, comprehensive, and exclusive, and nothing in the States’ Constitution or its statutes law permits the federal government from essentially engaging in electioneering and partisan politics by the use of third-party approved organizations. The States have a

compelling interest in maintaining a fair election system untainted by party and third-party organizations, and it will take whatever court action is necessary to stop third-party interference, just as it did against Center for Tech and Civil Life "CTCL," when it offered to make private contributions to select local officials in connection with the 2020 Presidential election.

In the end, your executive order appears to be a get-out-the-vote effort designed by the Left, to benefit the Left, all paid for by federal taxpayers. It is illegal, unethical, and unconstitutional, and that is why it must be rescinded.

Sincerely,



Jeff Landry
Louisiana Attorney General



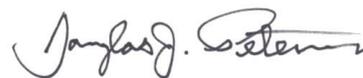
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Alabama Attorney General



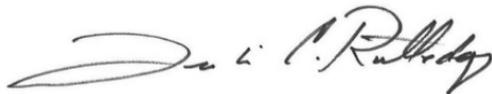
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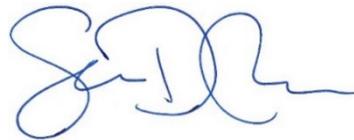
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