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February 24, 2021

Hon. Nancy Pelosi
Speaker
House of Representatives
Washington, DC 20515

Hon. Chuck Schumer
Majority Leader
United States Senate
Washington, DC 20510

Hon. Kevin McCarthy
Minority Leader
House of Representatives
Washington, DC 20515

Hon. Mitch McConnell
Minority Leader
United States Senate
Washington, DC 20510

Dear Leader Schumer, Speaker Pelosi, Leader McConnell, and Leader McCarthy:

We, the undersigned Attorneys General of Maryland, Colorado, Connecticut, Delaware, the District of Columbia, Illinois, Iowa, Maine, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, and Washington (collectively the "States"), write to express our support for H.R. 1/S. 1, the For the People Act of 2021 (the "Act"). The Act would strengthen our democracy by making it easier to vote, reducing the pernicious influence of dark money in elections, and codifying ethical standards for our public servants.

America faces a stark choice—whether to pursue the reforms necessary to make this country a functional multiracial democracy, or to accept the systemic and accelerating disenfranchisement of Black and other minority voters. According to a Brennan Center report, in 2021 legislative sessions to date, at least 165 bills in 33 states have been introduced to restrict voting access—*four* times the number of similar bills introduced last year.¹ This new push for voter suppression follows the 2020 election, where a record number of Americans exercised their right to vote. Offering Americans new and convenient methods of voting, including expanded absentee and mail-in voting options, had the dual benefits of protecting the public health during the COVID-19 pandemic and enabling greater turnout.

Despite confirmation by former Attorney General Barr and others that there was no evidence of widespread fraud or irregularity in the 2020 election, state legislators have seized upon former President Trump's baseless voter-fraud allegations to curtail mail-in voting options, impose stringent voter ID requirements, limit voter registration opportunities, and allow even more

¹ See BRENNAN CTR. FOR JUST., *Voting Laws Roundup 2021* (Feb. 8, 2021), <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-2021-0>.

aggressive purging of voter rolls.² In the wake of a safe and secure election, which enabled greater levels of voter participation than in over a century, we should be building on this progress, not dismantling it.

The Act includes several measures that would neutralize these cynical efforts at voter suppression by improving access to the ballot. Voters in many states face the frustrations of antiquated, error-ridden voter registration systems; the Act would modernize voter registration by requiring states to implement online registration, establish automatic voter registration, and prohibit unnecessary purges of the voting rolls. The Act also addresses discriminatory voter identification laws by requiring states to permit voters in federal elections to submit a sworn statement to meet ID requirements. Early voting provisions contained in the Act would expand access to federal elections by providing for at least 15 days of early voting at accessible locations and making available the option to vote by mail to anyone eligible to cast a vote in an election for federal office. Although the States' election laws vary, we have broad collective experience with the implementation of similar voting-access reforms and do not anticipate that the Act's mandates would prove overly burdensome to implement.

Critically, the Act would also confront the problem of partisan gerrymandering by putting redistricting in the hands of independent commissions. The threat of severe gerrymandering in the post-2020 redistricting process is especially acute given the Supreme Court's decision in *Shelby County v. Holder*, which effectively eliminated the preclearance protections contained in Section 5 of the Voting Rights Act ("VRA").³ Without the preclearance restraints of the VRA and the corresponding oversight from the Department of Justice, there is a substantial risk that states with a history of racial discrimination will seek to minimize the political power of minority voters by drawing aggressive congressional district lines. By divesting redistricting power from politicians who manipulate the process to consolidate power, the Act will ensure that voters choose their representatives, not the other way around.

As the chief law enforcement officers of our respective states, we are well-acquainted with schemes to discourage, impede, and prevent our citizens from voting. In the lead up to November's election, disinformation designed to depress voter turnout was endemic, spread by bad actors through social media, robocalls, and texts. Thankfully, the fear of widespread, armed intimidation at polling places did not materialize last year. That possibility, however, looms in future elections—especially once election day turnout is no longer diminished due to an ongoing pandemic. By prohibiting the knowing dissemination of materially false information about elections and stiffening penalties for voter intimidation, the Act will provide law enforcement officials with the tools needed to thwart and punish those who attempt to interfere with the exercise of the fundamental right to vote.

The Act also contains important changes to campaign finance law designed to address the concerning rise of dark money in federal elections. Since the Supreme Court's ruling in *Citizens*

² *See id.*

³ 570 U.S. 529, 557 (2013).

United v. FEC,⁴ dark money has flooded political campaigns at unprecedented levels.⁵ As a result, billionaires, corporations, and special interest groups—groups that already had outsized voices in our political process—now wield even more power, often exercising that power anonymously through opaque “non-profits” that are not required to disclose their donors. The Act would close dark-money loopholes by requiring disclosure when wealthy donors give \$10,000 or more to a group that spends money on elections. As the Supreme Court has explained, “transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages.”⁶ Bringing sunlight to political contributions is a crucial step to restoring faith in government.⁷

Last but certainly not least, the Act seeks to close a number of legal loopholes—revealed in striking and disturbing ways during former President Trump’s term in office—that allow the President to evade accountability for personally profiting from the Office. In particular, the Act heightens disclosure requirements applicable to the president, requires the holder of the Office of the President to divest from financial interests that pose a conflict of interest, and ensures accountability by providing the Office of Government Ethics with enhanced enforcement powers. Surprising gaps in the ethics laws affecting non-presidential public servants would also be closed. For instance, the Act would prohibit members of Congress from serving on the board of directors of for-profit entities during their terms in office and, for the first time, require the Judicial Conference to develop a code of ethics applicable to Supreme Court Justices. Collectively, the ethics reforms contained in the Act would ensure that our public servants are working on behalf of America’s best interests, not just their own.

American democracy needs repairing. The problems we face—outdated election infrastructure, unjustified barriers to voting, extreme gerrymandering, the polluting influence of dark money, and insufficient ethical constraints—urgently need addressing. We believe that the Act represents an important step toward addressing these problems and urge its swift passage.

Sincerely,



Brian E. Frosh
Maryland Attorney General



Philip J. Weiser
Colorado Attorney General

⁴ 558 U.S. 310 (2010).

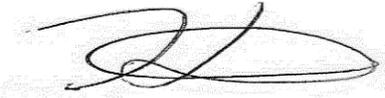
⁵ See Anna Massoglia, ‘Dark money’ in politics skyrocketed in the wake of *Citizens United* (Jan. 27, 2020), <https://www.opensecrets.org/news/2020/01/dark-money-10years-citizens-united/>.

⁶ *Citizens United*, 558 U.S. at 371.

⁷ Unsuccessful challenges to analogous state laws, such as the Montana DISCLOSE Act, have demonstrated that such laws pass constitutional muster. See *Montanans for Cmty. Dev. v. Motl*, 216 F. Supp. 3d 1128 (D. Mont. 2016), *aff’d in part, dismissed in part sub nom. Montanans for Cmty. Dev. v. Mangan*, 735 F. App’x 280 (9th Cir. 2018), *cert. denied*, 139 S. Ct. 1165 (2019).



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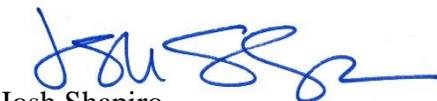
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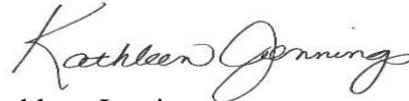
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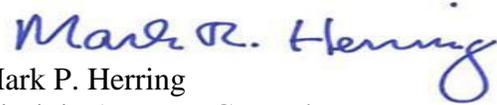
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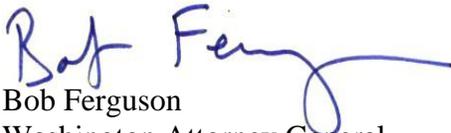
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