

United States Senate

WASHINGTON, DC 20510

May 1, 2026

The Honorable Todd Blanche
Acting Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Acting Attorney General Blanche:

On March 31, President Trump signed an executive order (EO), entitled “Ensuring Citizenship Verification and Integrity in Federal Elections,” which is another attempt by the President to exceed the constitutional authorities granted to the Executive Branch concerning federal elections.¹ Given the clearly unconstitutional nature of this EO, the Department of Justice (DOJ) should take no steps pursuant to the EO that violate the law and risk disenfranchising eligible voters. We further request that DOJ provide us with all legal opinions drafted by the Office of Legal Counsel (OLC), and any other DOJ correspondence or documents concerning any claims regarding the legality of the EO, including any communications between senior DOJ officials and the Department of Commerce.

For over a decade, the President has sought to sow doubt in our electoral system, baselessly attempting to make the case that the only secure elections are those that he wins. This behavior is not only unbecoming of his office, but also hypocritical. For example, while the President has condemned the practice of voting by mail, he still mailed in his own ballot during a recent special election in Florida.² Notwithstanding the wild fabrications about widespread voter fraud coming from the White House, it is imperative that, as our nation’s chief law enforcement official, you uphold the rule of law and not implement this unlawful executive order and its enforcement provisions.

Article I, Section 4 of the U.S. Constitution clearly indicates that states have the primary authority over election administration.³ Nonetheless, President Trump has repeatedly sought to restrict access to the ballot under the guise of election security. The recent EO disregards federalism and the constitutional right to vote and instead deems the Department of Homeland Security (DHS) and the Social Security Administration (SSA) arbiters of citizenship using data that even DHS itself has admitted contains numerous errors, empowering them to compile a list of approved voters with scarcely any oversight.⁴ The EO also tasks the United States Postal Service (USPS) with only delivering ballots from voters to election officials that are on the

¹ The White House, Executive Order, *ENSURING CITIZENSHIP VERIFICATION AND INTEGRITY IN FEDERAL ELECTIONS*, March 31, 2026 (available online at <https://www.whitehouse.gov/presidential-actions/2026/03/ensuring-citizenship-verification-and-integrity-in-federal-elections/>).

² Bill Barrow, *Trump casts Florida mail ballot as he pushes Congress to severely limit that voting option*, AP, March 24, 2026 (available online at <https://apnews.com/article/donald-trump-vote-by-mail-bd52fd205f4484237d5b77d2e7319350>).

³ See U.S. CONST. art. I, § 4, cl. 1.

Administration's approved list of voters and directs the Attorney General to prioritize investigating and prosecuting a wide variety of actors involved in activities as innocuous as printing a ballot that is distributed to individuals the Administration determines are not eligible to vote. Furthermore, the printing, sending, and returning of mail and absentee ballots by voters for federal primary and special elections has been ongoing across the country for months prior to the general election in just over six months. Taken together, the foreseeable result of these directives is that tens of thousands of eligible U.S. citizen voters will be disenfranchised.

Contrary to President Trump's erroneous claims, state and local election officials already have measures in place to ensure that only registered voters are able to vote. In fact, noncitizens rarely successfully cast ballots in U.S. elections. A Bipartisan Policy Center analysis of the Heritage Foundation's Election Fraud Database only found 77 such instances from 1999 to 2023 out of hundreds of millions of votes.⁵ And nonpartisan experts concluded that only 0.000043 percent of mail-in ballots cast in federal general elections from 2016 to 2022 were fraudulent.⁶ That is only four cases out of every 10 million votes cast through the mail.

In addition to the obvious constitutional issues presented by the executive order, Section 2 is especially concerning, as it directs you to prioritize the investigation and prosecution of election officials if ineligible voters receive—not cast—ballots. As a result, the EO risks imposing criminal liability on election administrators, even absent clear evidence of intent to enable illegal voting. Additionally, Section 5 directs you to withhold federal funds from states and localities that fail to comply with the order. While the text does not specify which provisions are at issue, federal courts have repeatedly rejected as unlawful the practice of defunding localities simply because of policy differences.⁷

Besides the disruption it would cause for mail-in voters, the President's order would also further corrupt the mission of the DOJ Civil Rights Division to protect civil rights and ensure that all eligible voters are able to exercise their right to vote. Since January 2025, DOJ has been gutted—morally and physically. Within one year, the Civil Rights Division lost 75 percent of its attorneys, and it has been reported that 55 major civil rights cases concerning racial gerrymandering and police misconduct were closed as the Division prioritized Second Amendment and anti-trans cases.⁸ More broadly, DOJ seems wholly disinterested in enforcing

⁴ Jasleen Singh, *Homeland Security's "SAVE" Program Exacerbates Risks to Voters*, Brennan Center, July 21, 2025 (available online at www.brennancenter.org/our-work/research-reports/homeland-securitys-save-program-exacerbates-risks-voters); *Privacy Impact Assessment for the Systematic Alien Verification for Entitlements "SAVE" Program*, U.S. Dep't of Homeland Security, www.dhs.gov/sites/default/files/2025-10/privacy-pia-dhsuscis006d-save-october2025%20%28002%29.pdf (last visited Apr. 24, 2026).

⁵ Wren Orey, Theresa Cardinal Brown, Feyisayo Oyolola, & Theo Menon, *Four Things to Know about Noncitizen Voting*, Bipartisan Policy Center, February 20, 2026 (available online at <https://bipartisanpolicy.org/article/four-things-to-know-about-noncitizen-voting/>).

⁶ Samara Angel, Jonathan Katz, & Randi Wright, *Mail voting in the US: Data points to very low fraud and significant benefits to voters*, Brookings Institution, November 6, 2025 (available online at <https://www.brookings.edu/articles/mail-voting-in-the-us-data-points-to-very-low-fraud-and-significant-benefits-to-voters/>).

⁷ See, e.g., *City & Cty. of San Francisco v. Trump*, 897 F.3d 1225 (9th Cir. 2018); *Martin Luther King, Jr. Cty. v. Scott Turner*, No. 2:25-cv-814 (W.D. Wash. Aug. 12, 2025); *State of Illinois v. Fed. Emergency Mgmt. Agency*, No. 1:25-cv-00206 (D.R.I. Sept. 24, 2025).

the law, dropping an estimated 23,000 criminal investigations in the first six months of President Trump's second Administration to focus on immigration enforcement.⁹

As Acting Attorney General, you have sworn an oath to defend the Constitution. This EO is clearly at odds with that responsibility. New polling shows that 58 percent of Americans believe that many people will be told they are ineligible to vote when they arrive to the polls this November.¹⁰ This 16-point rise from January 2020 is alarming but entirely predictable, given the President's concerted misinformation campaign regarding voter fraud.

DOJ should reprioritize protecting the ability of all eligible voters to fairly and accessibly exercise their fundamental right to vote. Protecting civil rights was a foundational purpose for establishing DOJ, and ensuring legal access to voting remains a key responsibility of DOJ leadership. As such, we urge you to ensure that the Department does not implement this unlawful executive order.

It is imperative that we understand the Department's role in justifying this unlawful order. Through the Office of Legal Counsel, the Department of Justice reviews all executive orders "proposed to be issued by the President ... for form and legality."¹¹ Please provide any DOJ or OLC opinions, correspondence, or other documents related to DOJ's evaluation of the legality of this EO; communications between senior DOJ officials, including Assistant Attorney General Harmeet Dhillon and Acting Voting Section Chief Eric Neff, with the Department of Commerce, including Secretary Howard Lutnick's office; and, if none exist, please explain why this is the case. We request that you comply with this request no later than May 15.

We look forward to your prompt response.

Sincerely,



Richard J. Durbin
United States Senator



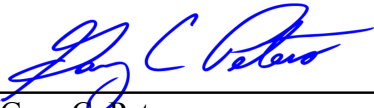
Charles E. Schumer
United States Senator

⁸ Sean Michael Newhouse, *Ex-DOJ civil rights attorneys continue their work 'just not in the division,'* Government Executive, February 27, 2026 (available online at <https://www.govexec.com/workforce/2026/02/ex-doj-civil-rights-attorneys-continue-their-work-just-not-division/411770/#:~:text=The%20project%20has%20identified%2055,your%20news%20tips%20with%20us:>).

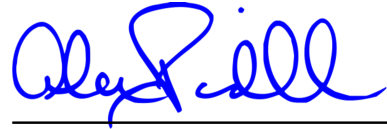
⁹ Ken B. Morales & David Armstrong, *Trump's Justice Department Dropped 23,000 Criminal Investigations in Shift to Immigration,* ProPublica, March 31, 2026 (available online at <https://www.propublica.org/article/trump-doj-immigration-bondi-declinations-criminal-investigations>).

¹⁰ Matt Loffman, *Americans are increasingly worried about voting, new poll shows,* PBS News, March 11, 2026 (available online at <https://www.pbs.org/newshour/politics/americans-are-increasingly-worried-about-voting-new-poll-shows>).

¹¹ *About the Office,* Office of Legal Counsel, U.S. Dep't of Justice, <https://www.justice.gov/olc> (last visited Apr. 15, 2026).



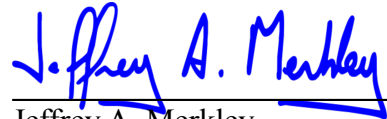
Gary C. Peters
United States Senator



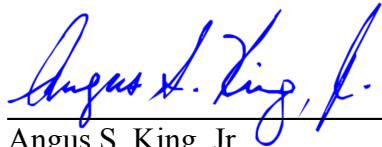
Alex Padilla
United States Senator



Kirsten Gillibrand
United States Senator



Jeffrey A. Merkley
United States Senator



Angus S. King, Jr.
United States Senator



Peter Welch
United States Senator



Michael F. Bennet
United States Senator



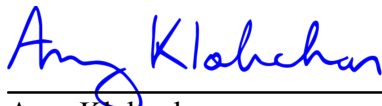
Martin Heinrich
United States Senator



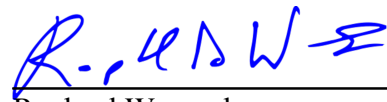
Richard Blumenthal
United States Senator



Mark R. Warner
United States Senator



Amy Klobuchar
United States Senator



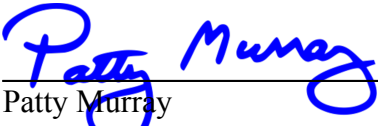
Raphael Warnock
United States Senator



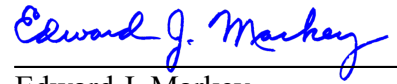
Chris Van Hollen
United States Senator



Angela D. Alsobrooks
United States Senator



Patty Murray
United States Senator



Edward J. Markey
United States Senator



Tim Kaine
United States Senator



Mazie K. Hirono
United States Senator



Ron Wyden
United States Senator



Maria Cantwell
United States Senator



Adam B. Schiff
United States Senator



Cory A. Booker
United States Senator