

**November 18, 2020**

**ATTORNEY GENERAL RAOUL CALLS ON JUSTICE DEPARTMENT TO REVERSE NEW POLICY ON  
FEDERAL ELECTION FRAUD INVESTIGATIONS**

***Raoul, 22 Attorneys General Object to Abrupt Policy Change That Allows U.S. Attorneys to Pursue  
Allegations of Voter Fraud Without Adhering to Long-Established Guardrails***

**Chicago** — Attorney General Kwame Raoul today called on U.S. Attorney General William Barr to reverse an abrupt change to a 40-year-old U.S. Department of Justice (DOJ) policy that until this week had prevented the department from interfering with election results. [In a letter sent today to Attorney General Barr](#), Raoul and a coalition of 23 attorneys general called on Barr to reverse this policy, which they argue “will erode the public’s confidence in the election.”

“The right to participate in our nation’s democracy is one of the most fundamental rights we have as Americans,” Raoul said. “This year, a record number of Americans cast their ballots in the general election, and state election officials took great effort to maintain the integrity of the election and ensure that those ballots were cast in a safe and secure way. The Justice Department should continue its 40-year policy that gave states the primary responsibility to investigate election irregularities.”

On Nov. 9, Attorney General Barr issued a new directive that U.S. attorneys may now pursue allegations of voter fraud without adhering to long-established, important guardrails. Until now, the DOJ has recognized that the principal responsibility for overseeing elections lies with states and has “taken care to avoid affecting the outcome of elections or even the perception of political intrusion in the electoral process,” Raoul and the coalition wrote.

Joining Raoul in sending the letter are the attorneys general of California, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Virginia, Washington and Wisconsin.



The Office of  
**Minnesota Attorney General Keith Ellison**  
helping people afford their lives and live with dignity and respect • [www.ag.state.mn.us](http://www.ag.state.mn.us)

November 13, 2020

**Via E-mail and U.S. Mail**

The Honorable William Barr  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530-0001  
[attorney.general@usdoj.gov](mailto:attorney.general@usdoj.gov)  
[Stephen.e.boyd@usdoj.gov](mailto:Stephen.e.boyd@usdoj.gov)

Dear Attorney General Barr:

The 2020 election is over, and the people of the United States have decisively chosen a new President. It is in this context that we express our deep concerns about your November 9 memorandum entitled “Post-Voting Election Irregularity Inquiry.”

As the chief legal and law enforcement officers of our respective states, we recognize and appreciate the U.S. Department of Justice’s (DOJ) important role in some instances in prosecuting criminal election fraud. Yet we are alarmed by your reversal of long-standing DOJ policy that has served to facilitate that function without allowing it to interfere with election results or create the appearance of political involvement in elections. Your directive to U.S. Attorneys this week threatens to upset that critical balance, with potentially corrosive effects on the electoral processes at the heart of our democracy.

State and local officials conduct our elections. Enforcement of the election laws falls primarily to the states and their subdivisions. If there has been fraud in the electoral process, the perpetrators should be brought to justice. We are committed to helping to do so. But, so far, no plausible allegations of widespread misconduct have arisen that would either impact the outcome in any state or warrant a change in DOJ policy.

For 40 years, the Department of Justice has followed a policy that recognizes the states’ principal responsibility for overseeing the election process. It has taken care to avoid affecting the outcome of elections or even the perception of political intrusion in the electoral process. This policy has directed that DOJ’s investigations must minimize “the likelihood that the investigation itself may become a factor in the election. The mere fact that a criminal investigation is being conducted may impact upon the adjudication of election litigation and contests in state courts.”<sup>1</sup>

We write, therefore, to express our strong objection to your directive that U.S. Attorneys may now pursue allegations of voter fraud without adhering to these long-established and important

---

<sup>1</sup> See, Department of Justice, Public Integrity Section’s Federal Prosecution of Election Offenses, 8<sup>th</sup> ed., December 2017, at 8.

The Honorable William Barr  
November 13, 2020

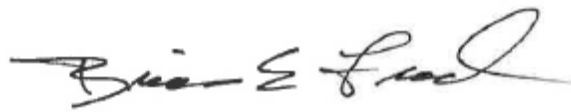
guardrails. This reversal of departmental policy will erode the public's confidence in the election. While we are confident any such investigations will not succeed in overturning the election's outcome, we believe that using the Department of Justice to stoke these efforts will come at the terrible cost of undermining trust in the democratic institutions on which this country depends.

The people of the United States have spoken. The U.S. Department of Justice should not interfere with their choice, nor should it undermine confidence in the electoral process. We ask that you respect the will of the people and reverse your decision promptly.

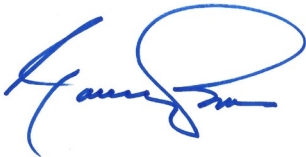
Respectfully,



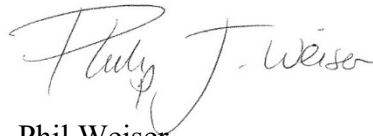
Keith Ellison  
Minnesota Attorney General



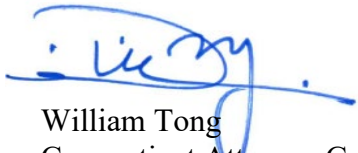
Brian Frosh  
Maryland Attorney General



Xavier Becerra  
California Attorney General




Phil Weiser  
Colorado Attorney General



William Tong  
Connecticut Attorney General



Kathleen Jennings  
Delaware Attorney General



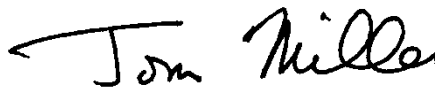
Karl A. Racine  
District of Columbia Attorney General



Clare E. Connors  
Hawaii Attorney General

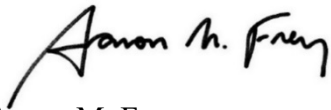


Kwame Raoul  
Illinois Attorney General



Tom Miller  
Iowa Attorney General

The Honorable William Barr  
November 13, 2020



Aaron M. Frey  
Maine Attorney General



Maura Healey  
Massachusetts Attorney General



Dana Nessel  
Michigan Attorney General



Aaron D. Ford  
Nevada Attorney General



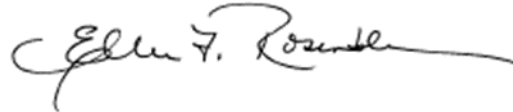
Gurbir S. Grewal  
New Jersey Attorney General



Hector Balderas  
New Mexico Attorney General



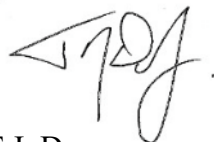
Letitia James  
New York Attorney General



Ellen F. Rosenblum  
Oregon Attorney General

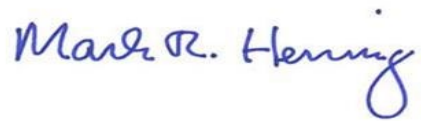


Peter F. Neronha  
Rhode Island Attorney General



T.J. Donovan  
Vermont Attorney General

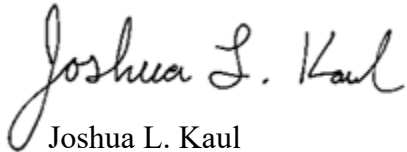
The Honorable William Barr  
November 13, 2020



Mark R. Herring  
Virginia Attorney General



Bob Ferguson  
Washington State Attorney General



Joshua L. Kaul  
Wisconsin Attorney General