

January 6, 2021

**RE: ACLU Urges Certification of Electoral College Votes**

Dear Senator:

The American Civil Liberties Union strongly urges you to oppose efforts by some members of Congress to trample the will of the American electorate by objecting to certain states' electoral votes when Congress meets today to certify the results of the 2020 presidential election. The effort is illegitimate, based on false allegations of voter fraud. Members of Congress who sanction this effort by rejecting certified state electoral votes will inflict lasting damage to our republic and to our democratic norms of self-governance. The ACLU will score any vote that would deny or delay the counting of certified votes submitted by a state.



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The outcome of the 2020 presidential election is the most litigated ever in our country's history. At least 60 legal challenges have been filed to throw out lawfully cast ballots. These lawsuits have had a single purpose: to disenfranchise qualified American voters who voted against President Trump. The courts—both federal and state, whether nominated by a Republican or Democrat—have unanimously rejected these challenges as without basis in fact or law.

The legal challenges have pursued a hodgepodge of claims, involving challenges to the propriety of voting system hardware and software, the proximity of party observers to officials in charge of evaluating ballots, the constitutionality of validly enacted state laws adopted to create safe and reliable voting conditions during the pandemic, the qualifications of thousands of registered voters, and purported voter fraud committed by individuals.

The lawsuits have also sought extraordinary relief that can only be described as extremely anti-democratic. These requests have included motions for preliminary and permanent injunctions to enjoin state officials from certifying election results, to block presidential electors from casting their votes, and to stop officials from counting voted ballots altogether. In some instances, mandamus relief has been sought to force states to reverse certification and even to conduct a second presidential election. Courts who have evaluated these claims have unanimously denied the relief sought by plaintiffs in all of these cases.

The lawsuits have presented either flimsy or no evidence whatsoever of alleged voting irregularities. In court decision after decision, federal and state judges have cited the absence of evidence to support allegations of fraud, irregularities, or malfeasance in the election process. It is also treacherous that allegations of voter fraud and the

accompanying legal efforts have focused squarely on jurisdictions with the highest proportion of racial minority voters, including Clark County in Nevada, Maricopa County in Arizona, Fulton County in Georgia, Milwaukee County in Wisconsin, Wayne County in Michigan, and Philadelphia County in Pennsylvania. Voter fraud is a trope that has been used throughout our country's history to target the voting rights and political power of racial minorities. This recent effort to undermine the legitimacy of ballots cast in the 2020 election by Black and Hispanic voters is in step with this sordid history.

A significant number of these lawsuits have also been filed well after the results of the November 3 presidential election became apparent, a fact which obviously suggests disagreement with the electoral outcome rather than with the process. States have followed their respective legal processes to canvass votes, resolve disputes concerning the voting process and validity of ballots, and certify their election results, as they have done throughout our country's history. State officials across the political spectrum have rejected efforts to overrule their voters' choices for President and Vice-President. False allegations of fraud or irregularities, which have been investigated and rejected by state officials and federal and state courts, leave no reasonable argument to object to the counting of state electoral votes. The political posturing by members of Congress in rejecting state-certified election results threatens the rule of law and the very foundation of democracy itself.

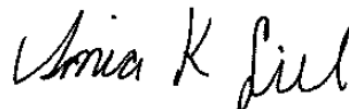
Congressman Lewis cautioned in his final words to the nation, that democracy is not a guarantee. We can lose it. Members of Congress are oath-bound by the Constitution to uphold our system of self-government and reject this extraordinarily dangerous effort to destabilize the United States' democratic system.

Please contact Sonia Gill at [sgill@aclu.org](mailto:sgill@aclu.org) with any questions regarding this correspondence.

Sincerely,



Ronald Newman  
National Political Director



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