



Congress of the United States
Washington, DC 20515

October 19, 2026

R. Trent McCotter
Acting Deputy Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Acting Deputy Attorney General McCotter:

Your October 13, 2026, letters to California Secretary of State Dr. Shirley Weber (the “Letters”) and Dean Logan, Los Angeles County Registrar-Record/County Clerk, the Department of Justice’s (the “Department”) related October 15, 2026, complaint (the “Complaint”), and its October 16, 2026, letter to the Los Angeles County Counsel’s Office raise serious and unprecedented questions about political weaponization at the Department during an ongoing federal election.

The Department’s lawsuit and subsequent threat to use federal criminal law to interfere with the mailing and counting of ballots in California rests the on highly suspect legal and intellectual bases and raises questions about the standards of professional responsibility to which the Department should hold its attorneys. The Department must serve the interests of Americans, not operate at the personal and political direction of the president or to advance the partisan interests of a political party. In this instance, it appears that the Department has betrayed its historical duty “to enforce the laws of the United States . . . in a neutral and impartial manner.”¹ As such, we require information from you related to the Department’s decision-making in this matter.

The Complaint’s claim “that California will count vote-by-mail ballots of likely noncitizen voters” bears no basis in fact—the Department makes no effort to present any evidence that any individuals included on the Trump Administration’s list of alleged noncitizens are ineligible to vote. Nor does the Department explain with any specificity why it doubts that California will fail to manage its voter rolls properly. Indeed, similar claims from the Trump Administration have proven dismally false in the past. For example, the Department of Homeland Security (“DHS”) made an outlandish and unsubstantiated claim that it had discovered 16,000 noncitizens on Nevada voter rolls—a claim that Nevada officials later determined was flatly incorrect; every person identified by DHS was a lawful United States citizen.² *In fact, the Department itself has admitted that alleged noncitizenship lists manufactured by the Trump Administration are unreliable.*³

¹ Office of the Att’y Gen., U.S. Dep’t of Just., Election Year Sensitivities (June 24, 2024).

² Nick Corasaniti, *From 16,000 to 185 to Zero: Trump’s Claims of Illegal Voting in Nevada Fizzle*, N.Y. TIMES (Sept. 24, 2026), <https://www.nytimes.com/2026/09/24/us/politics/nevada-voters-homeland-security-trump.html>.

³ Melissa Quinn & Jacob Rosen, *Judge blocks Trump administration’s overhauled database of Americans’ personal information*, CBS NEWS (June 22, 2026), <https://www.cbsnews.com/news/judge-trump-database-save-system-voter-rolls/>.

But while the allegations underlying the Letters and the Complaint are entirely conjectural, the relief demanded would impose real and onerous burdens on California in the midst of an ongoing election. And the Department's design here is clear—undermining public confidence in the outcome of California elections to further President Trump's longstanding but baseless vendetta against a state that has, on three occasions, voted for the Democratic presidential nominee.⁴ This is the second time in less than four months that the Department has responded to the President's public demands to interfere in an ongoing election in California,⁵ and it is a blatant misuse of the Department's resources and abuse of the Department's authority.

Glaring partisan motivation is not the only fatal flaw in the Department's machinations. The Complaint plainly demands that California violate state and federal law. The Department's attempt to disenfranchise thousands of American voters *en masse*, based on no evidence of any individual's ineligibility, is a clear violation of Californians' federal constitutional right to vote.⁶ The right to vote, of course, is also enshrined in the Constitution of California.⁷ In addition, the Department's own guidance for compliance with the National Voter Registration Act ("NVRA") states: "list maintenance activities that may violate the NVRA include comparing voter files to outdated or inaccurate records or databases, taking action that erroneously affects a particular class of voters (such as newly naturalized citizens)."⁸

While you falsely accuse California and Los Angeles County officials of criminal violations, the Department's demands here would violate federal statute: "No person acting under color of law shall fail or refuse to permit any person to vote who is entitled to vote . . . or willfully fail or refuse to tabulate, count, and report such person's vote."⁹ The Complaint's baffling claim that California "knows that noncitizens might be registered to vote, and it knows the names of such individuals," but that the state "still intends to count their vote without verifying the voter's citizenship," is, simply, fiction. Despite the Department's attacks regarding "unverified statements of citizenship necessary to registering," the truth is that voters in California make an attestation of citizenship under penalty of perjury to register to vote—similar to the vast majority of states *and as set forth in federal law*.¹⁰

The Department is apparently seeking to create the disastrous and foreseeable outcome that tens of thousands of Americans—people who have already received and potentially cast ballots—could see their votes cast aside based on innuendo and defective data. The Department's unprecedented demand that

⁴ See, e.g., Rachel Leingang, *Trump 'inventing fraud' in California, experts warn as president ramps up baseless claims*, GUARDIAN (June 9, 2026), <https://www.theguardian.com/us-news/2026/jun/09/trump-election-california-fraud-claims>; Steve Gorman, *Trump steps up attacks on California's election system*, REUTERS (June 8, 2026), <https://www.reuters.com/world/us/trump-steps-up-attacks-californias-election-system-2026-06-09>; Ryan Mancini, *Trump threatens legal action against mail voting in California redistricting election*, THE HILL (Nov. 4, 2025), <https://thehill.com/homenews/campaign/5588384-trump-threatens-legal-action-california-redistricting>; Jackson Walker, *Trump suggests he'd win California if 'Jesus Christ came down' to count ballots*, ABC4 NEWS (Aug. 28, 2024), <https://abcnews4.com/news/nation-world/trump-suggests-hed-win-california-if-jesus-christ-came-down-to-count-ballots-donald-trump-phil-mcgraw-dr-phil-politics-religion-christianity-2024-election>.

⁵ Shawn Hubler, *Trump Claims He Asked Prosecutor to 'Do Me a Favor' and Look Into the California Election*, N.Y. TIMES (June 24, 2026), <https://www.nytimes.com/2026/06/24/us/politics/trump-us-attorney-hilton-california-governor.html>.

⁶ *Reynolds v. Sims*, 377 U.S. 533, 537 (1964).

⁷ CAL. CONST. art. II, § 2 ("A United States citizen 18 years of age and resident in this State may vote.").

⁸ *NVRA List Maintenance Guidance*, U.S. Dep't of Just. (Sept. 18, 2024), <https://www.justice.gov/crt/nvra-list-maintenance-guidance>.

⁹ 52 U.S.C. § 10307.

¹⁰ 52 U.S.C. § 20506(a)(6)(A)(i).

California arbitrarily segregate ballots and ignore the state’s legal responsibility¹¹ to process and tabulate the ballots cast by eligible American voters runs afoul of the Constitution and the rule of law.

Further, the Department simply has no legal or constitutional authority to make such a demand on California. The Complaint woefully misstates—or simply misunderstands—the theory of federal preemption. The Department’s extreme demand that a federal court “[d]eclare that California’s actions here . . . are preempted and thus violate the Supremacy Clause,” would effectively abrogate the states’ clear and specific constitutional duty to regulate the time, place, and manner of elections in our Republic.¹² The claims in the Letters and Complaint lack any basis in fact and the Department lacks any basis in legal authority.

Finally, the recent behavior of the Department in this and other matters raise serious concerns about the professional integrity and ethical responsibility expected of attorneys by the Department’s leadership. Federal law requires that attorneys at the Department comply with the professional responsibility rules of the states in which they practice.¹³ First, the Department of Justice Manual includes an election non-interference policy which states that the Department: “should generally avoid interfering or appearing to interfere with election administration, tabulation, validation, or certification.” Perhaps Americans should not be surprised that the Department is failing to adhere to its own standards when one of the key Department officials involved in threatening California election officials has reportedly stated “[*]k the Justice Manual” in the context of another politically-motivated attempted criminal prosecution.¹⁴

In addition, the Rules of Professional Conduct of the State Bar of California, for example, make clear that it is professional misconduct for a lawyer to “engage in conduct involving dishonesty, fraud, deceit, or reckless or intentional misrepresentation,”¹⁵ or “engage in conduct that is prejudicial to the administration of justice.”¹⁶ The District of Columbia Bar holds its attorneys to almost identical standards.¹⁷ And as a recent opinion of the American Bar Association makes clear:

all lawyers, including government lawyers, have a responsibility to abide by the professional conduct rules applicable to their own conduct . . . and, if the direction provided by the supervisor is “a reasonable resolution of an arguable question of professional duty,” the subordinate may defer to it even if the subordinate would decide the issue differently. However, unless the superior’s direction meets that standard, *following orders is no excuse and the subordinate lawyer is responsible for the lawyer’s own conduct.*¹⁸

In both the Letters and the Complaint, the Department’s stated motivations are spurious; they poorly conceal an unmistakable—and unethical—improper partisan motivation that comes through even more

¹¹ CAL. CONST. art. II, § 2.5 (“A voter who casts a vote in an election in accordance with the laws of this State shall have that vote counted.”).

¹² U.S. CONST. art. I, § 4, cl. 1.

¹³ 28 U.S.C. § 530B.

¹⁴ Ben Penn & Maia Spoto, *Trump’s LA Prosecutor Orders Cases His Staff Say Lack Evidence*, BLOOMBERG LAW (July 29, 2025), <https://news.bloomberglaw.com/private-equity/trumps-la-prosecutor-orders-cases-his-staff-say-lack-evidence>.

¹⁵ Cal. R. Prof’l Conduct. R. 8.4(c).

¹⁶ *Id.* at 8.4(d).

¹⁷ D.C. R. Prof’l Conduct 8.4.

¹⁸ ABA Comm. on Ethics & Prof’l Resp., Formal Op. 524 (July 22, 2026) (emphasis added).

clearly in Department officials' social media posts.¹⁹ Both the October 13 letter and the Complaint misrepresent the law and overstate the Department's authority. And, in both the Letters and the Complaint, the Department attempts to subvert a free and fair American election. Any Department staff engaged in this effort should be wary as lapses in an attorney's professional responsibilities have far-reaching, and expensive, repercussions.²⁰

In order to safeguard American elections, Congress must determine whether additional legislation is necessary to address the brazen misuse of the Department's law enforcement powers for partisan purposes—in California or in any other state or jurisdiction in which the Department is considering, or may consider in the future, similar illegal action. Accordingly, in exercise of Congress's oversight and legislative authority, we request that you provide the following information and materials no later than 5:00 p.m. on November 2, 2026:

1. Did the White House direct any aspects of the decision-making related to the Letters or the Complaint, or was the White House aware of or involved in any other way in developing and implementing the steps leading to and including the lawsuit against California?
2. How, and on what basis, did DHS or the Department identify the names provided to California?
 - a. Who was involved in the process by which these names were identified?
 - b. Did private parties provide any of the data that DHS or the Department delivered to California? If so, how much?
3. Why did the Department wait until now, weeks before the election, to first threaten California through the Letters and file the Complaint if, as the Department alleges, this data was assembled months ago?
4. Who was involved in the decision to send the October 13, 2026, letter to California and subsequently to file the Complaint?

¹⁹ See, e.g., F.A. United States Attorney Bill Essayli (@USAttyEssayli) (Oct. 16, 2026, 7:21 PM), <https://x.com/USAttyEssayli/status/2111236140925862126>; F.A. United States Attorney Bill Essayli (@USAttyEssayli) (Oct. 16, 2026, 5:27 PM), <https://x.com/USAttyEssayli/status/2111207531666411775>; F.A. United States Attorney Bill Essayli (@USAttyEssayli) (Oct. 15, 2026, 9:08 PM), <https://x.com/USAttyEssayli/status/2110900574300655704>.

²⁰ See Press Release, State Bar of Cal., Attorney John Eastman Disbarred by the California Supreme Court (Apr. 15, 2026), <https://www.calbar.ca.gov/news/attorney-john-eastman-disbarred-california-supreme-court>; see also Josh Gerstein & Kyle Cheney, *Rudy Giuliani permanently disbarred in Washington, DC*, POLITICO (Sept. 26, 2024), <https://www.politico.com/news/2024/09/26/rudy-giuliani-disbarred-washington-00181183>; Melissa Quinn, *Supreme Court leaves sanctions in place against Sidney Powell and others over 2020 election suit in Michigan*, CBS NEWS (Feb. 20, 2024), <https://www.cbsnews.com/news/supreme-court-trump-sanctions-lawyers-sidney-powell-2020-election-michigan>; Mary Hennigan, *Brooklyn Center lawyer in Big Lie cases suspended by Minnesota Supreme Court*, YAHOO NEWS (June 9, 2025), <https://www.yahoo.com/news/articles/brooklyn-center-lawyer-big-lie-163913835.html>; Natalie Colarossi, *GOP Attorney Fined \$10,000 for Bogus Election Challenges Against Ilhan Omar, Other Democrats*, NEWSWEEK (Mar. 28, 2021), <https://www.newsweek.com/gop-attorney-fined-10000-bogus-election-challenges-against-ilhan-omar-other-democrats-1579324>.

- a. For purposes of robust congressional oversight, please identify the specific senior advisory personnel who were responsible, including any who may have relevant information about the process.
 - b. Please also specifically identify every Department, other administration agency, or private party lawyer, who worked on the October 13, 2026, letter, the October 16, 2026, letter, or Complaint.
5. Did the Department consult private parties, or did such parties advise, upon the “legal theory” advanced in the Complaint against California?
6. What, precisely, does the Department mean when it refers to “thousands of likely noncitizens registered to vote in California”?
 - a. What threshold of “likelihood” did the DHS or the Department establish (especially considering the previous, and extensively erroneous, citizenship identification lists the Trump Administration has produced for other states)?
 - b. Please provide the complete matching methodology and criteria used to build the supposed list of noncitizens registered in the state of California. Identify every official who validated the list before it was given to a local election office.
 - c. Did any DHS personnel misrepresent themselves as California voters when attempting to access California voter data as part of the process to identify these names?
7. Federal law bars systematic voter purges within 90 days of a federal election. California mailed ballots on October 5, and the Department filed its complaint 19 days before Election Day.²¹ Did the Department’s lawyers produce any analysis of whether its request violates federal law? Please either produce said analysis or confirm none was conducted.
8. Did Department leadership or any individual involved in drafting the Letters or the Complaint consult the Department’s Office of Professional Responsibility or Department ethics counsel regarding the clear ethical and policy questions presented by the Department’s unprecedented constitutional claim to threaten, and then file suit against, a state within weeks of the November elections?
 - a. If so, what advice was received?
 - b. If no consultation took place, explain why.
9. Did DHS and the Department follow established agency cybersecurity practices in the creation, and transmittal, of the thumb drive delivered to Los Angeles Couty?
 - a. If so, please delineate the precise guidelines DHS and the Department followed.

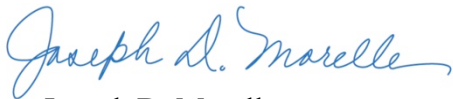
²¹ 52 U.S.C. § 20507(c)(2).

- b. If not, please explain why the Trump Administration chose to jeopardize both the private personal information of thousands of American citizens and the election infrastructure of Los Angeles County.
- c. Who approved this method of delivery of sensitive voter data?

As Ranking Member of the Committee on House Administration and a member of the House Appropriations subcommittee with oversight of the Department, and Ranking Member of the Senate Committee on Rules and Administration, who represents the State of California, we look forward to your prompt transmittal of the above requested information.

Thank you for your attention to this matter.

Sincerely,



Joseph D. Morelle
Member of Congress
Ranking Member
Committee on House Administration



Alex Padilla
United States Senator
Ranking Member
Committee on Rules and Administration