

United States Senate

WASHINGTON, DC 20510

October 29, 2025

The Honorable Susan Wiles
Chief of Staff
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

The Honorable David Warrington
White House Counsel
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear Ms. Wiles and Mr. Warrington,

We write with serious concern that Kurt Olsen has reportedly been hired by the White House as a “special government employee” to “investigate” the 2020 election.

While the 2020 election was nearly five years ago, Mr. Olsen's appointment appears to be part of a scheme to convince the President to attempt a national emergency declaration to illegally claim unconstitutional federal powers over state and local election administration. Any such declaration would quickly fail to withstand legal scrutiny, but it would still represent a completely unacceptable attempt to undermine the U.S. Constitution and free and fair elections in this country. We write to remind you of your responsibilities to oversee any work conducted by Mr. Olsen, and other similarly minded appointees, to ensure they do not violate legal and ethical standards and undermine the future of free and fair elections in this country.

Unfortunately, these concerns are very real. Deputy Assistant Secretary for Election Integrity at the Department of Homeland Security Heather Honey has advocated for the Trump Administration to declare a “national emergency” to seize “some additional powers that don’t exist right now” in order to take “these other steps without Congress and we can mandate that states do things and so on.”¹ Ms. Honey claimed that such an action could somehow be prefaced on an “investigation” of the 2020 election, the purpose for which Mr. Olsen has been hired at the White House.² Notably, she stated: “I don’t know if that’s really feasible and if the people around the president would let him test that theory.” Ms. Honey is a veteran of the Election Integrity Network, the group founded by Cleta Mitchell, who supported Trump’s attempt to reverse the legitimate outcome of the 2020 election. Ms. Honey collaborated with Mr. Olsen in his efforts to support Kari Lake’s 2022 election loss in Arizona.³

¹ Alexandra Berzon and Nick Corasaniti, *Trump Empowers Election Deniers, Still Fixated on 2020 Grievances*, THE NEW YORK TIMES (Oct. 22, 2025), <https://www.nytimes.com/2025/10/22/us/politics/trump-election-deniers-voting-security.html>

² Maggie Haberman, Jonathan Swan, and Nick Corasaniti, *Kurt Olsen Helped Trump Fight His 2020 Defeat. Trump is Talking to Him Again*. THE NEW YORK TIMES (Oct. 22, 2024), <https://www.nytimes.com/2024/10/22/us/politics/kurt-olsen-trump-2020-lawyer.html>

³ *Supra* note 1

The 2020 election was heavily litigated and closely examined, and there is no justification for White House staff in 2025 to waste taxpayer money on endlessly rehashing false 2020 election conspiracy theories. Mr. Olsen is particularly ill-suited to lead such a probe, given that he advanced such conspiracy theories as he worked to prevent four battleground states from certifying the 2020 election. When all legal avenues were exhausted, he spoke with President Trump in the lead up to the attack on the Capitol on January 6, 2021, where a violent mob assaulted the Capitol to prevent the counting of electoral votes. Since then, Mr. Olsen has received sanctions from the Arizona Supreme Court for “unequivocally false” claims made to overturn the 2022 Arizona governor’s race on behalf of Kari Lake. More recently, he encouraged President Trump to make unfounded legal demands of Arizona, Wisconsin, and Georgia relating to voting machine data,⁴ to lay the groundwork to challenge the results of the 2024 election if President Trump had lost again.

Mr. Olsen has also perpetuated false claims that voting machines were not properly secured during the 2020 election.⁵ Major news networks that carried such false claims have paid hundreds of millions in legal settlements brought by voting equipment companies for defamation. Meanwhile, the Administration has shown no concern for the actual needs of state and local election administration by proposing to slash election security grant funding and eliminating the election-related work at the Cybersecurity and Infrastructure Security Agency (CISA).

Mr. Olsen’s appointment also raises concerns in light of Executive Order 14248 which purports to direct the Election Assistance Commission (EAC) to revise voting system standards and, concerning, “rescind all previous certifications of voting equipment based on prior standards.”⁶ You both have a duty to ensure that Mr. Olsen and other appointees follow the *Help America Vote Act*, which was enacted on an overwhelming bipartisan basis, and establishes the EAC as an independent entity that cannot be unilaterally directed from the White House.

In August, President Trump threatened to issue a second illegal and unconstitutional Executive Order on elections in an attempt to ban mail-in ballots.⁷ As you know, the President himself has voted by mail, as do millions of Republicans, Democrats and independents in numerous states according to state laws. The U.S. Constitution gives exclusive power over the administration of elections to the states and Congress, not the

⁴ *Supra* note 2.

⁵ Josh Dawsey, Eliza Collins, and C. Ryan Barber, *White House Hires ‘Stop the Steal’ Lawyer to Investigate 2020 Election Claims*, THE WALL STREET JOURNAL (Oct. 17, 2025), https://www.wsj.com/politics/elections/white-house-hires-stop-the-steal-lawyer-to-investigate-2020-election-claims-6395d322?gaa_at=eafs&gaa_n=AWETsqeb8yHbPfXqboVInQnB4nLILuWxYg8Fbgz-IJ3JSDJGoNW3bLvZ0zaEZzmOVHQ%3D&gaa_ts=6900ee78&gaa_sig=r1eobYN14oi3_ztMhxZ5DhYFkPG9bjoixyjwBYRGHjqO4rJQXsh5XYpT0YWbilo_xZ1p_GM0wmDAIRJLHK0E3A%3D%3D.

⁶ Sec. 4(b)(ii), Exec. Order 14, 248 (2025).

⁷ Ashley Lopez, Trump wants to stop states from voting by mail and using voting machines. NPR (Aug. 19, 2025), <https://www.npr.org/2025/08/18/nx-s1-5506210/trump-mail-in-ballots-ban>.

president, and we understand that this second Executive Order has not been issued following further internal discussions.

Let us be clear: any attempt to declare a national emergency to interfere in state and local election administration would be illegal and unconstitutional. While we are confident any such scheme would fail quickly in the face of judicial scrutiny, it still poses unacceptable risks of undermining future elections in this country. Therefore, we demand you closely oversee Mr. Olsen and other appointees to ensure they do not engage in illegal or unethical conduct in pursuit of an unconstitutional national emergency regarding elections.

Sincerely,



Alex Padilla
United States Senator



Richard Blumenthal
United States Senator



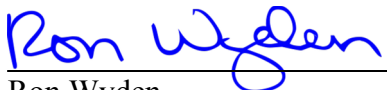
Adam B. Schiff
United States Senator



Jeffrey A. Merkley
United States Senator



Jeanne Shaheen
United States Senator



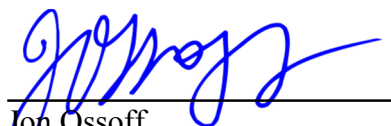
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United States Senator



Jon Ossoff
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