



REMARKS OF AMBASSADOR NORMAN L. EISEN (RET.)

SENATE COMMITTEE ON RULES AND ADMINISTRATION

*Protecting the Future of American Democracy: Stopping the Trump Administration's Attempted
"Takeover" of Elections*

February 25, 2026

Thank you, Senator Padilla, for inviting me to be here today. Thank you to the Senate Rules Committee Democratic Members for bringing us together on this critically important set of issues.

My name is Norman Eisen, and I have been doing election-related work for more than a quarter of a century, including representing voters, civil rights and democracy groups, campaigns, candidates and parties all along the political spectrum.

I am here on behalf of Democracy Defenders Action, which I co-founded and serve on the board of. I also chair its sister organization, Democracy Defenders Fund. These nonpartisan organizations defend the rule of law, stop corruption, and protect free and fair elections. We have more than 250 legal cases and matters pushing back against the Trump administration's attacks on our democracy.

Our democracy relies on safe, free and fair elections. As we know, the freedom to vote is under attack by Donald Trump and the election-denying MAGA movement, who are doing everything they can to undermine confidence in our elections and intimidate states into compliance with their anti-voter agenda. The voters are the ones who are harmed and lose their right to have their voices heard.

Donald Trump's recent calls to takeover elections—despite the Constitution clearly assigning that authority to the states and Congress—are not new. They reflect a pattern we have already seen.

Throughout this administration, efforts to expand presidential influence over election administration has taken multiple forms, including through the Trump elections executive order and his insidious redistricting strategy, both of which we've successfully helped counter. Should he try a new executive order or other outlandish takeover schemes, such as deploying ICE to the

polls, we and our coalition partners stand prepared to respond, drawing on our ongoing efforts litigating to enforce Constitutional and legal limits on deploying ICE and National Guard.

One of the most consequential Trump election takeover efforts of 2025 was the executive order on voting issued early that year. Framed as an “election integrity” measure, the order sought to unlawfully impose new voter registration requirements, direct an independent bipartisan agency to alter election procedures, and introduce barriers that risked disenfranchising millions of eligible voters.

In substance and effect, the order blatantly exceeded the President’s constitutional authority. Our system is clear. Congress legislates. States administer. Presidents cannot unilaterally rewrite election rules.

Together with our partners, we met this threat in the courts. And we have been winning.

That success was the product of broad collaboration. We were proud to co-represent the League of United Latin American Citizens (LULAC) as part of a coalition that included Campaign Legal Center, many other civil rights organizations, and state partners.

The U.S. District Court for the District of Columbia struck down key portions of the order. The ruling made it clear that the president cannot unilaterally compel the Election Assistance Commission, an independent bipartisan body by design, to adopt burdensome documentation mandates. It blocked provisions requiring federal agencies to assess citizenship status before providing voter registration forms. And it rejected attempts to impose new proof-of-citizenship requirements on military and overseas voters.

That experience offers an important perspective for the present moment.

One of the defining features of this administration has been its “flood the zone” strategy– an approach built on constant disruption and the normalization of instability. The goal is often not to win, but to overwhelm and stress.

Yet the story is not only one of disruption. It is also one of resilience.

We have met Donald Trump’s flood the zone with rule-of-law shock and awe, and we have stopped him, over and over again.

Democracy Defenders Fund and Democracy Defenders Action and our over 250 legal cases and matters have been a critical part of driving that resistance and leading the rule of law shock-and-awe campaign to combat Donald Trump’s flood-the-zone approach.

To take another example, when the administration sought to expand domestic deployment of federal forces, we also responded swiftly. These actions were meant to generate fear and create chaos.

The pro-democracy coalition, including Democracy Defenders Fund, focused its legal opposition to these measures on representing and otherwise working with cities and states to resist federal encroachment on state and local sovereignty. When Trump mobilized the federal government's military to patrol the streets of American cities, the democracy ecosystem worked, successfully, in many cases, to eject them through the courts.

These precedents matter deeply in the election context because the underlying dynamics are the same.

Election interference does not require locked polling places or discarded ballots to inflict damage. Even the possibility of immigration enforcement near voting locations will instill fear and intimidation at the polls. In communities already experiencing anxiety around enforcement activity, voters—particularly in immigrant communities, communities of color, and mixed-status families—will likely disengage.

We must remain vigilant and be prepared to respond in the courts if similar tactics emerge, including any deployments of a federal presence at the polls.

Another important attempted nationalization has come through Trump's illegitimate redistricting. I'm a lifelong proponent of redistricting commissions and have testified in support of them, but I also do not believe in bringing a proverbial knife to a gun fight. When Texas Republicans attempted to steal five Congressional seats through redistricting, I was proud to represent those Texas legislators who fled the state to help sound the alarm.

And when California responded to the alarm, we were proud to enter the case on behalf of LULAC to defend Proposition 50 and successfully did so. Those congressional maps will be used in the 2026 elections.

Despite sustained disruption, despite volatility, despite attempts to stretch institutional limits, the rule of law continues to hold. It is a powerful demonstration of its resilience.

After testing how far they could push election interference through intimidation and abuse of power, the Trump administration and his congressional allies are now moving rapidly to codify election subversion through the so-called Make Elections Great Again Act and the SAVE America Act.

These bills don't protect elections—they disqualify voters over trivial paperwork and overly burdensome requirements. Voters who have faced generations of barriers to obtaining birth certificates or passports—along with students, married women, seniors, and disaster-displaced families—could be denied the right to vote.

The central rationale for this campaign—that existing safeguards are inadequate and non-citizens are voting in significant numbers—is a myth.

As we wrote in our report on The Big Lie of 2024—La Gran Mentira, “Using the narrative of ineligible immigrant voting to justify solutions to problems that do not exist simply fuels conspiracy theories and erodes public confidence in our elections.” That observation is not ideological. It is grounded in years of data, audits, and judicial findings.

Even the Heritage Foundation's own data revealed this reality.

Yet we continue to see the same lies recycled—claims that were exhaustively litigated, investigated, and disproved time and time again. Assertions of widespread unlawful voting did not withstand scrutiny then, and they do not withstand scrutiny now.

Despite the almost daily corruption scandals and insidious attempts by the Trump administration to rig elections so we have “the right people” voting, I have great trust in the American people and remain optimistic about what lies ahead.

We've emerged from every major scandal and crisis as a stronger nation.

Congress must pass critical reforms like the Freedom to Vote Act, John R. Lewis Voting Rights Advancement Act, DC statehood, and other comprehensive policies that restore power to “We the People.”

We stand ready to collaborate and join forces with the Senate Rules Committee and other members of Congress to advance these legislative measures.