



MARK BRNOVICH  
ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL  
STATE OF ARIZONA

August 23, 2021

Dear Representatives:

This week, the U.S. House of Representatives will consider H.R. 4, the *John Lewis Voting Rights Advancement Act*. I urge you to vigorously oppose this legislation on behalf of Arizonans and all Americans.

Few issues are more important than election integrity and state sovereignty. Free and fair elections are the cornerstone of our constitutional republic. If Americans lose trust in our elections, then our system of government will rapidly decay. We must work together, as Republicans and Democrats, to assure all of our constituents that their votes are being fairly and accurately counted.

We also have a duty as public servants to protect state sovereignty under the Tenth Amendment of the U.S. Constitution. Each state has the authority to set the time, place, and manner of elections. The Constitution does not grant the federal government the ability to commandeer this power that has been expressly reserved for the states. .

H.R. 4, much like H.R. 1 that was previously passed by the U.S. House earlier this year, would eviscerate our state's sovereignty and undermine our constituents' trust in elections. H.R. 4 takes the authority from state legislatures to pass election integrity measures and reforms, giving it instead to the U.S. Attorney General and the U.S. District Court for the District of Columbia (D.C.)

To do this, H.R. 4 enacts that "*any newly enacted or adopted law, regulation, or policy that includes a voting qualification or prerequisite to voting, or a standard, practice, or procedure with respect to voting,*" that is a "*change to method of election; changes to jurisdiction boundaries; changes through redistricting; changes in documentation or qualifications to vote; changes to multilingual voting materials; changes that reduce, consolidate, or relocate voting locations, or reduce voting opportunities; or new list maintenance process*" must receive preclearance from the aforementioned U.S. District Court or the U.S. Attorney General.

This attack on Arizona's sovereignty would relegate state legislators, state attorneys general, and governors to the sidelines in the fights to ensure the integrity of our elections.

Arizona should not be forced to adopt the same election procedures and policies as New York, for instance. Each state is a laboratory of democracy and – under our carefully crafted constitutional republic – a check and balance on the federal government. Public servants have a duty to protect the sovereignty of their respective states, not to contribute to a centralization of power within the federal government.

Over my tenure as Attorney General, I have consistently defended Arizona's commonsense laws to uphold the integrity of our elections. Most recently, I defended Arizona's measures regarding ballot harvesting and out-of-precinct voting, when I argued in front of the Supreme Court of the United States. We won this historic case, *Brnovich v. DNC*, in a 6-3 decision.

H.R. 4 would eliminate my ability to defend Arizona's election laws, transferring that power to the U.S. Attorney General. This is clearly contrary to the Tenth Amendment and the constitutional prescription for state legislatures to set and conduct their own elections. States decide who they will send to Washington, D.C., not the other way around.

For these reasons, I urge you to vote against H.R. 4, which could be renamed as, "*the Elimination of States' Authority to Conduct Their Own Elections Act.*" We must defend state sovereignty and protect the integrity of our elections. H.R. 4 would decimate both.

Respectfully,

A handwritten signature in blue ink that reads "Mark Brnovich" followed by a long, wavy horizontal line.

Mark Brnovich  
Arizona Attorney General