Final Pardon Statement of U.S. Pardon AttorneyEdward R. Martin Jr. on the Comprehensive Pardons for Contingent Electors and Affiliates

Introduction

For over 200 years, this Nation held elections as our framers envisioned—by gathering at the polls, in person, on election day to cast our ballots and vote our conscience. Whoever prevailed, citizens could be confident that their votes would count, without dilution or diminishment. This process endured, unfailingly, through the best and worst of our history. Defying war, disease, and every manner of natural disaster, our polls remained open for our citizens to gather and perform their civic duty.

This proud tradition died in 2020. For the first time in American history, partisan state and local officials, relying on narrow exceptions for absentee voting and signature verification, attempted to conduct a fully remote Presidential election (2020 Presidential Election or Election). These officials did so despite a complete lack of infrastructure to securely process and verify large volumes of mail-in ballots, while ignoring bipartisan warnings regarding the extraordinary risks posed by such a course. Worse, officials, aided by private partisan organizations and nearly $1 billion in private funding, repeatedly and blatantly violated a myriad of laws that state legislatures—vested with the sole and inviolable Constitutional duty to direct the manner of Presidential elections—had erected to prevent fraud and corruption.

At the same time, biased media failed to accurately inform the American people of the unlawful actions taken to deprive our county of a free and fair election. Our Founding Fathers prioritized freedom of the press, enshrining it in the First Amendment, because they recognized its role as a cornerstone of a free society. They believed an informed citizenry was necessary for self-governance, and a press free from government control could provide the information needed to check power.

Prior to and during the Election, however, both legacy and powerful social media blatantly and aggressively censored information harmful to then-Candidate Biden's campaign. Most egregiously, the media led a disinformation campaign to wrongfully discredit validated facts gathered from Biden's son's laptop, which laid bare Biden family's corruption and unfitness to lead our country. Following the Election, this pattern of unrestrained censorship continued, with legacy and social media wrongly and uncritically suppressing widespread and legitimate concerns regarding the integrity of the Election.

The 2020 election was also marred by a massive, covert social media censorship operation instigated by federal officials operating to suppress freedom of speech about election-

integrity issues, including the activities of CISA and the FBI, and their collaboration with the so-called "Election Integrity Partnership" operated by the Stanford Internet Observatory. *See Missouri v. Biden*, 680 F. Supp. 3d 630, 641 (W.D. La. 2023) (describing this as "arguably … the most massive attack against free speech in United States' history."). Among other things, this covert operation caused the censorship of the Hunter Biden laptop story on Twitter and Facebook, as well as the de-platforming of the New York Post on Twitter for two weeks in late October 2020, directly orchestrated by FBI officials as described therein.

Moreover, for decades prior to the 2020 election, responsible commentators across the political spectrum widely and consistently acknowledged that voting by mail poses significant election-security risks—especially when conducted without appropriate safeguards such as rigorous voter verification, restrictions on ballot-delivery, and careful chain-of-custody controls. For example, in *Crawford v. Marion Cty. Election Bd.*, 553 U.S. 181 (2008), the U.S. Supreme Court stated that the prospect of fraudulent voting "perpetrated using absentee ballots" demonstrates "that not only is the risk of voter fraud real but that it could affect the outcome of a close election." *Id.* at 195-96. Likewise, the bipartisan Carter-Baker Commission, co-chaired by former President Jimmy Carter, emphasized that "[a]bsentee ballots remain the largest potential source of voter fraud"; that "[a]bsentee balloting is vulnerable to abuse is several ways"; that "absentee balloting … has been a major source of fraud"; and that "States need to do more to prevent … absentee ballot fraud." The Commission on Federal Election Reform, Building Confidence in U.S. Elections: Report of the Commission on Federal Election Reform 35–46 (2005).

Similarly, the U.S. Department of Justice's (Department) manual on Federal Prosecution of Election Offenses, published by its Election Crimes Branch, notes states that "[a]bsentee ballots are particularly susceptible to fraudulent abuse," and describes "[a]bsentee ballot frauds" committed both with and without the voter's participation. U.S. Dep't of Just., Federal Prosecution of Election Offenses 28–29 (2017). Nevertheless, in the 2020 Election, this long-accepted wisdom was suddenly ignored, and a whole host of safeguards established in the laws of the states for the integrity of voting by mail were deliberately, summarily, and unlawfully swept aside, even as voting by mail exploded to epidemic proportions, under the pretext of COVID.

The impact of these twin threats to the integrity of the 2020 presidential election: the massive mail ballot onslaught coupled with the suppression by the left-leaning media of concerns about the election process cannot be overstated. The election of 2020 was

seriously and significantly marred, and the American people were not supposed to talk about it—much less try to do anything about it.

Notwithstanding this unprecedented media censorship campaign, ordinary citizens throughout the Nation courageously and accurately reported widespread fraud, corruption, anomalies, and unlawful irregularities they had witnessed during and following the Election, tainting the integrity of the Election results in at least seven states. These reports, supported in many instances by sworn affidavits, expert testimony, and reports demonstrating votes cast illegally, but nonetheless counted, credibly alleged significant deviations from bedrock election security measures, such as signature verification, chain of custody, and voter registration laws and requirements, among other egregious departures from duly enacted election laws and procedures.

Likewise, reports of outright fraud poured in from around the country, including allegations of fraudulent voter registrations, corrupted voting machines, double-scanning ballots, trailers of missing ballots, the purging of records to prevent audits, and unlawful threats against election officials to force the certification of an Election fraught with problems. The Department refused to investigate these critical allegations and ignored the deliberate actions of partisan officials to subvert state law. Patriotic Americans who attempted to raise credible allegations of misconduct and election issues were marginalized and subjected to public condemnation and, for purposes of this Memorandum, criminal prosecution.

The Courts also failed the American people. Lawsuits brought to challenge the unconstitutional changes to election laws, procedural violations, ineligible voters, and election irregularities were dismissed by courts on technical and procedural grounds rather than being fully adjudicated on the merits. Indeed, the common narrative that "Trump lost all his election challenges" fails to consider that there were only two evidentiary hearings in the myriad post-election lawsuits, and those were both truncated. In the most brazen example of judicial fecklessness, the Chief Judge of Fulton County, Georgia was slow to appoint a judge eligible under Georgia law to hear the evidence in the election contest filed by President Trump. *See Trump v. Raffensperger*, 2020cv343255 (Fulton Cty. Super. Ct.). Not until January 4, 2021, were President Trump's lawyers notified that a judge had finally been appointed, with an initial status conference set for two days after the counting of the Electoral votes by Congress. The utter failure of the judicial branch of government to hear and take seriously the allegations of election irregularities and violations of state election laws prevented a thorough examination of evidence and left legitimate grievances unaddressed, further eroding trust in the electoral system.

Contingent Electors

To preserve our Nation's right to a free and fair Election, state and federal legislators, supported by countless millions of citizens, petitioned Congress to allow state legislatures time to review and consider these irregularities before certifying the results. To support these efforts, the duly constituted Trump electors in seven states (Wisconsin, Michigan, Arizona, Pennsylvania, Georgia, New Mexico, and Nevada) (collectively, the "Challenged States") found themselves in a position in which the outcome of the popular vote in the Challenged States was in doubt. Consistent with hundreds of years of bipartisan tradition, these Trump electors (the "Contingent Slates") met, and cast their votes for President Donald J. Trump, and transmitted the results to Congress consistent with core Article II and Twelfth Amendment federal functions. Those actions were taken based on sound historical and legal precedent, and ensured that legislatures in the Challenged States could select the rightful winner of the Election in the event the legislatures or the courts determined there had been a flawed calculation of votes or an unconstitutional deviation from state election law resulting in the wrong electoral votes being counted.

This function, far from novel, has been the appropriate and lawful mechanism for challenging Presidential election outcomes throughout our Nation's history. *See infra*. pp. 9-11. So too, in 2020, contingent slates were imperative to ensuring an orderly certification in the event of a failed Election. These citizens and their supporters acted openly, in consultation with counsel, and while active litigation or other challenges were pending. At all times, they sought to uphold fundamental federal Constitutional principles in advance of the election certification proceedings before Congress, while acting to ensure, not denigrate, the integrity of the election process.

Nonetheless, over the past four years, these innocent Trump electors, attorneys, and supporters have paid a heavy price for performing this essential federal function—they have been criminally indicted. Forty-eight individuals, including the President himself and his White House Chief of Staff, have been indicted by partisan Democrat attorneys general in three states and one corrupt district attorney in Georgia. Not content to stop there, literally hundreds more Trump supporters, campaign workers, and attorneys have faced unprecedented attacks by federal and state officials, including partisan and politically motivated prosecutions and state bar proceedings, and have been subjected to enormous financial, professional, and emotional duress—solely because of their support for President Trump, their role in the 2020 Presidential campaign, or their publicly stated concerns about the Election.

Although the contingent electors acted lawfully within established Constitutional traditions, many of them are facing years in prison and massive financial and other hardships. At no time in our country's history have contingent electors or those associated

with them been prosecuted criminally for their actions taken to ensure the integrity of the electoral process. These citizens have not violated any law, but instead advanced core Constitutional principles to challenge significant and provable irregularities in the Election. They deserve immediate relief and freedom from this partisan oppression.

Accordingly, and in recognition of their innocence, the need to "end[] a grave national injustice that has been perpetrated upon the American people over the last four years," and to continue the "process of national reconciliation," the Department recommends that the President grant a full, complete, and unconditional pardon for all conduct relating to the advice, creation, organization, execution, submission, support, voting, activities, participation in, or advocacy for or of any slate or proposed slate of Presidential electors, whether or not recognized by any state or state official, in connection with the 2020 Presidential Election.

Summary of State Irregularities and Unlawful Actions

Unlawful changes to bedrock election integrity and security and voter identification verification procedures engendered widespread and legitimate doubt regarding the integrity and security of the Election. These deviations from state law and irregularities permeated the electoral process in the Challenged States and led to outcomes that were in doubt throughout the post-election period. Unilateral changes in state law were often advanced by partisan election officials and even court decisions that undermined the electoral process set by state legislatures.

Examples of partisan state and local officials and court decisions include:

- **Wisconsin:** (1) Permitted hundreds of thousands of voters in Milwaukee and Dane counties to claim mail ballots without proof of identification, violating Wis. Stat. § 6.87(1) (2018); (2) Allowed hundreds of unstaffed and unmonitored ballot drop boxes in Democratic-leaning counties, breaking applicable chain of custody requirements, violating Wis. Stat. § 6.87(4)(b)1 (2018); (3) Allowed clerks to unilaterally and unreliably cure mail ballots missing required witness address information, violating Wis. Stat. § 6.87 (2018); and (4) Allowed mail voting to proceed in nursing homes without the supervision of bipartisan special voting deputies, obstructing the statutorily required process to ensure votes were made without coercion and free from exploitation of vulnerable residents, violating Wis. Stat. §§ 6.875(4)(a), 6.875(4)(am) (2018).
- **Michigan:** (1) Unilaterally mailed millions of unsolicited absentee ballot applications to all registered voters, contrary to Mich. Comp. Laws Serv. § 168.759

(2020) despite being approved by the Michigan courts pursuant to a novel "inherent power" theory; (2) Unlawfully instructed clerks to "presume" that signatures on ballot applications or return envelopes were valid, forcing the uncritical acceptance of 3.3 million absentee ballots, violating Mich. Comp. Laws Serv. § 168.766(2) (2018); (3) Allowed, according to witness affidavits, the counting of absentee ballots that had arrived after applicable deadlines, violating Mich. Comp. Laws Serv. § 168.764a, Step 7 (2020); and (4) Failed to adequately secure tabulation machines, which wrongly counted thousands of President Trump votes for Candidate Biden in at least one jurisdiction.

- **Arizona:** (1) Permitted registration long past the applicable deadline, violating Ariz. Rev. Stat. § 16-120(A) (2017) and Ariz. Rev. Stat. § 16-134(C) (2006) in an "an obvious abuse of discretion," that "add[ed] thousands of ineligible voters to the rolls [which] compromise[d] Arizona's election." *Mi Familia Vota v. Hobbs*, 977 F.3d 948, 955–56 (9th Cir. 2020) (Bybee, J. concurring in part); (2) Failed to conduct meaningful signature verification in Arizona's largest county (Maricopa), contrary to Ariz. Rev. Stat. § 16-550(A) (2017) and the 2019 Arizona Sec'y of State, Election Procedures Manual (EPM), Ch. 2(VI)(A)(1), affecting over 1.9 million ballots; and (3) Failed to comply with chain of custody requirements in collecting ballots from drop boxes, violating Ariz. Rev. Stat. § 16-621(E) (2017) and EPM Chap. 2(I)(I)(7) for as many as 200,000 ballots and undermining crucial anti-fraud protections.
- **Pennsylvania:** (1) Prohibited ballot signature verification for mail-in votes statewide, violating 25 Pa. Cons. Stat.§ 3146.8(g)(3) (2020) despite being ratified by the Pennsylvania Supreme Court and thereby eviscerating Pennsylvania's primary method for detecting and preventing mail-in ballot fraud; (2) Unilaterally extended the deadline for the return of mail in ballots, in admitted violation of 25 Pa. Cons. Stat. § 3150.16(c) (2020); (3) Ordered the canvassing of ballots received after the deadline, despite a United States Supreme Court stay; and (4) Failed to audit a significant discrepancy showing 205,122 more ballots counted than the total number of voters logged as voting, violating 25 Pa. Cons. Stat. §§ 3031.13 and 3154 (2020).
- **Georgia:** (1) Placed extra-statutory restrictions on the ability of clerks to reject invalid mail-in ballot signatures, violating Ga. Code Ann. § 21-2-386(a)(1)(C) (2019); (2) Failed to utilize available tools for electronically screening signatures and instead relied only on resource-limited manual review, inviting errors and reducing confidence in the accuracy of the review; and (3) Ignored "'evidence from witnesses and . . . affidavits sworn under oath' reporting violations of chain of custody and

signature verification requirements, the 'possible or even likely' submission of 'large numbers of fraudulent ballots . . . that were counted as voted,' the exclusion of poll watchers, and numerous other reported issues with the Election." The Chairman's Report of the Election Law Study Subcommittee of the Standing Senate Judiciary Committee Summary of Testimony from December 3, 2020 Hearing, http://www.senatorligon.com/THE_SENATE%20JUDICIARY%20SUBCOMMITTEE_FINAL%20REPORT.PDF (Dec. 17. 2020) (last visited August 20, 2025).

- **New Mexico:** (1) Allowed the use of unsecured, unmonitored ballot drop boxes statewide, violating of N.M. Stat. Ann. § 1-6-9 (2019); (2) Failed to prevent unlawful ballot harvesting, violating N.M. Stat. Ann § 1-6-10.1 (2019); and (3) Ignored allegations of inadequate signature verification and other potential fraud reported by the Chair of New Mexico's Republican Party.
- **Nevada:** (1) Ignored credible data analysis identifying tens of thousands of potential duplicates, deceased, and non-citizen voters; and (2) Ignored undisputed evidence of vote buying, violating Nev. Rev. Stat. Ann. § 293.700.

The Department also refused to fully and comprehensively investigate other serious allegations of fraud and misconduct, including, as just a few examples:

- As many as 50,000 potentially fraudulent voter registration applications submitted in Michigan by partisan organizations, including GBI Strategies;
- Errors in a risk limiting audit in Fulton County, Georgia, which resulted in a shift of votes from President Trump to Biden; a determination that over 3,000 ballots in that county were scanned twice; violation of state law requirements for requesting absentee ballots; counting thousands of ballots cast by voters illegally registered pursuant to Georgia law.
- Errors in computerized election systems in Ware County, Georgia, which likewise shifted votes from President Trump to Biden;
- Reports that a trailer with completed ballots from Bethpage, New York being sent to and left in Pennsylvania, with no explanation;
- Maricopa County, Arizona's purging of its election management system and movement of 2020 General Election data and log files after they received a subpoena from the Arizona Senate to have the election system audited; and
- Unlawful threats against Wayne County, Michigan's Board of Canvassers, and their children, calculated to create pressure to wrongly certify the Election results.

These are but a few of the problems, issues, and irregularities that abound in the true history of the Election, yet these do not even touch on the myriad of concerns with the voting technology and systems utilized in the Election, about which significant problems have been identified and voiced—but never resolved. As Director of National Intelligence Tulsi Gabbard said in a April 10, 2025 meeting of President Trump's cabinet:

We have evidence of how these electronic voting systems have been vulnerable to hackers for a very long time and vulnerable to exploitation to manipulate the results of the votes being cast, which further drives forward your mandate to bring about paper ballots across the country so that voters can have faith in the integrity of our elections.

Director Gabbard advised the country on that date that there is more information to be made public on this very subject.

In summary, the prosecutions and persecutions of President Trump and far too many others, to include his attorneys, electors and supporters, as well as Americans across the country, for raising these questions and issues have been a very dark chapter in our history.

Challenges to the Election

In view of the above, eighteen states, the Republican Party, President Trump, and numerous others filed challenges to the conduct of the Election in state and federal court. *See Texas v. Pennsylvania*, 141 S. Ct. 1230 (2020). Likewise, officials in the Challenged States called for immediate audits to ensure the legitimacy of the Election, as well as renewed legislative consideration of the appropriate electoral slates in each Contested State.

For example, in Wisconsin, five elected members of the Wisconsin Assembly's Election Committee, including the chairman and vice chairman, acknowledged "irrefutable evidence [of] irregularities" in the conduct of the Election, and "contest[ed] the decision to have electors from Wisconsin participate in the national Electoral College until all legal action" and other challenges had been resolved. from Ron Tusler et al. (Dec. 14, 2020); *see also* Examining Irregularities in the 2020 Election: Hearing Before the S. Comm. on Homeland Security and Governmental Affs., 116th Cong. 405, at 13 (Dec. 16, 2020) (statement of Sen. Ron Johnson, Chairman, S. Committee on Homeland Security and Governmental Affs., noting "You are talking about over 200,000 [ballots in Wisconsin] that were outside of our law that probably, if the law would have been followed, should not have been counted.").

Similar challenges took place in:

- **Michigan:** *See* Ltr. from Michigan Senator Aric Nesbitt and 39 other Michigan Legislators (Nov. 16, 2020) (calling for a "full, independent audit" audit prior to

certification, recognizing "serious allegations" that were "backed up by sworn affidavits of over 100 Michigan citizens, real people, willing to face legal consequences to their lives and livelihoods to stand by their assertions," and that "cannot and should not be ignored.");

- **Pennsylvania:** *See* Ltr. from over 80 Pennsylvania state legislators requesting that Pennsylvania's Attorney General appoint an independent prosecutor to investigate Election irregularities (Dec. 4, 2020);
- **Arizona:** *See* Ltr. from 25 Arizona Legislators (Jan. 1, 2021) ("Under Article II, Section 1, Clause 2 [the Appointment Clause] of the Constitution of the United States, it is the Legislatures that possess plenary power to select Electoral College Electors. . . . The Legislature has received voluminous evidence and testimony. . . the evidence rises to the level of clear and convincing. It shows the 2020 Arizona Elections to be irredeemably flawed. . . Based upon the clear and convincing nature of the evidence, we respectfully ask that you recognize our desire to reclaim Arizona's Electoral College Electors and block the use of any Electors from Arizona until such time as the controversy is properly resolved through the pending litigation or a comprehensive forensic audit.");
- **Georgia:** *See* Ltr. from Georgia Legislators (Jan 2, 2021) (stating that the Georgia Senate and House "have already uncovered extensive irregularities and fraud" and requested that Vice President Pence "delay and stay [Congress's] count of votes of the Electoral College for twelve (12) days to allow for further investigation of fraud, irregularities, and misconduct."); and
- **New Mexico:** *See Rep. Brown Introduces Bill to Decertify New Mexico Biden Electors*, Republican Party of New Mexico (January 7, 2021), https://newmexico.gop/2021/01/07/decertify-biden-electors/ (indicating that state Rep. Cathrynn Brown announced that she planned to "a bill to decertify the New Mexico electoral vote for Biden" based on "election law violations and questionable vote counting."); *Id.* (quoting state Rep. Cathrynn Brown as saying, "[a] pattern of premeditated fraud has been seen in a number of states. In New Mexico, we have examples of foul play over multiple elections specifically in Dona Ana County. I can tell you that New Mexicans are contacting lawmakers in record numbers and asking us to address the fraud. Citizens can accept the outcome of an election that has been fairly conducted, but when cheating is used to manipulate the final tallies, voters have every right to insist that truth and justice prevail."). *Id.*

These fundamental challenges to the electoral process advanced by elected officials and ordinary citizens were entirely justified and well-founded. Moreover, in Congress, seven Senators and four Senators-elect, recognizing the core federal interests at stake—and the implicit legitimacy of contingent electors—called for an "Electoral Commission, with full investigatory and fact-finding authority, to conduct an emergency 10-day audit of the election returns in the disputed states." *Joint Statement from Sen. Cruz, Johnson, Lankford, Daines, Kennedy, Blackburn, Braun, Senators-Elect Lummis, Marshall, Hagerty, Tuberville,* Ted Cruz U.S. Sen. for Texas (Jan. 2, 2021), https://www.cruz.senate.gov/newsroom/press-releases/joint-statement-from-senators-cruz-johnson-lankford-daines-kennedy-blackburn-braun-senators-elect-lummis-marshall-hagerty-tuberville. "Once completed," the Commission's findings would be transmitted to the contested states, which could then "convene a special legislative session to certify a change in their vote, if necessary." *Id*.

The Organization of Contingent Slates of Electors is Consistent with the Constitution, Applicable Law, and Longstanding History and Tradition

By mid-December 2020, numerous legitimate challenges to the conduct and outcome of the Election in the Contested States remained unresolved. Under these circumstances, the unfailing tradition in our country is for contingent slates to meet and cast their proposed votes at the appointed time, such that the states and Congress may appropriately recognize the legitimate winner in each state following the conclusion of all pending challenges or, alternatively, determine a failed election and reject all proposed votes from that state. In that event, the outcome of the Election would be determined by the state legislatures as provided for in the Constitution.

For example, in 1872, in response to allegations of fraud and irregularities, electors in Louisiana submitted two competing slates to Congress. *See* Stephen A. Siegel, *The Conscientious Congressman's Guide to the Electoral Count Act of 1887*, 56 Fla. L. Rev. 541, 581 (2004). Unable to determine the legitimate winner, Congress rejected both slates. *Id*.

In 1876, several states submitted contingent electors to Congress after numerous allegations of fraud and irregularities. In response, Congress appointed a commission to decide the "true and lawful electoral vote" after Democrats in five different states (South Carolina, Florida, Oregon, Louisiana, and Vermont) sent competing slates to Congress. Act Creating an Electoral Commission, 19 Stat. 227, § 2 (1877). Congress charged the Commission with considering all slates "purporting to be the certificates of electoral votes," regardless of their origin. *Id*. This included competing slates in two states—South Carolina and Vermont—that Democrats submitted without any official backing but nonetheless asserted should be considered counted based on claims of fraud. Edward B Foley, *A Historical Perspective on Alternate Electors: Lessons from Hayes-Tiden*, Just

Security (July 7, 2022). Congress rejected these competing slates, but neither the federal government nor the states criminally prosecuted any person involved. *Id*.

Next, in 1889, "at the first electoral count after the [Electoral Count Act's] enactment, the Senate President presented a second set of returns from Oregon." Siegel, 56 Fla. L. Rev. at 638. Although Congress again rejected this second slate, no prosecution followed. See *id*.

Finally, in 1961, Hawaii certified a slate of electors for then-Vice President Richard Nixon based on the state's initial returns. Then Senator Kennedy challenged, requesting a recount and filing a related action in federal court. With these disputes still pending, but without any official state backing, Democrats produced a contingent slate of electors to ensure Hawaii's votes would go to Kennedy should the challenges prove successful. This occurred, and "on January 4, 1961, the newly elected Governor certified the Democratic electors," which Congress then accepted as Hawaii's official slate. *Bush v. Gore*, 531 U.S. 98, 127 n.5 (2000) (Stevens, J., dissenting on other grounds).

Following in this bipartisan tradition, Republican electors in 2020, with the assistance, advice, and participation of counsel, prepared contingent slates for Congress and the states to consider and recognize if, and only if, the pending challenges in the Contested States proved successful. The language of the slates substantively mirrored Kennedy's 1960 contingent certificate. *Compare Politico.com, https://www.politico.com/f/?id=0000017e-d45f-d1c5-a7ff-d6ffa18c0000 (last visited August 20, 2025)(*copy of Contingent Certificate of Vote from Hawaii*), with* the National Archives, https://www.archives.gov/files/foia/az-full-1.pdfhttps://www.archives.gov/files/foia/az-full-1.pdf (last visited August 20, 2025) (copy of Trump 2020 Contingent Certificate of Vote from Arizona).

The 2020 contingent certificates, like the 1960 contingent certificates, indicated that the electors were "duly and legally appointed and qualified," but lacked official state seals or accompanying certificates of ascertainment. *See* 3 U.S.C.A. § 6 (1948). Thus, there was no genuine question that the slates were contingent in character, and that the states had not yet recognized the slates as the states' official votes. Indeed, with respect to Pennsylvania and New Mexico, the contingent certificates explicitly recognized they would become effective only "if, as a result of a final non-appealable Court Order or other proceeding proscribed by law, [the contingent electors] are ultimately recognized as being the duly elected and qualified Electors." Trump 2020 Contingent Certificate of Vote (Pennsylvania); Trump 2020 Contingent Certificate of Vote (New Mexico).

Throughout our history, Democratic and Republican contingent electors have thus been selected and submitted to Congress in connection with a valid exercise of Constitutional rights. Not one, or any of their supporters, have ever been prosecuted.

Weaponization of the Justice System Against Contingent Electors and Others

On January 6 and 7, 2021, Congress certified President Biden as the 46th President without addressing or resolving any of the legitimate concerns regarding the integrity of the Election or otherwise allowing the states time to do the same.

In the aftermath of Biden's inauguration, partisan officials within the federal government and the Contested States began a coordinated campaign of retribution against citizens who had exercised their Constitutional rights to appropriately question the Election. This "systematic campaign" of injustice "weaponiz[ed] the legal force of numerous Federal law enforcement agencies and the Intelligence Community against [the prior administration's] perceived political opponents in the form of investigations, prosecutions, civil enforcement actions, and other related actions." Executive Order 14147, 90 FR 8235 (Jan. 20, 2025).

As part of these attacks on our Constitutional order, "the Department of Justice . . . ruthlessly prosecuted more than 1,500 individuals associated with [the] January 6" protests, in a manner "oriented more toward inflicting political pain than toward pursuing actual justice or legitimate governmental objectives." *Id*. Worse, the prior administration violated every principle of our Constitutional democracy by prosecuting President Trump for his official (and entirely appropriate) acts as President—all in a transparent and failed effort to undermine his 2024 Presidential campaign against the prior administration. The egregious and unlawful prosecution against President Trump also included fake allegations of violations of criminal law based on the activities of contingent electors who sought to ensure the correct outcome of the 2020 Presidential Election. This prosecution was eventually dismissed.

These efforts were part of a coordinated effort to attack a political movement supportive of President Trump using the criminal justice system in a way never seen before in our country's history. Lawfare became the weapon of choice of partisan prosectors, including those in the Department of Justice, to deprive citizens of fundamental Constitutional rights.

At the same time, partisan officials in several of the Contested States, following the Biden administration's lead, began politically motivated investigations and prosecutions against the contingent electors and others who were attorneys for or supporters of the President and the contingent electors for discharging their federal Constitutional role. Specifically:

- **Nevada:** The state's Democrat Attorney General publicly announced in 2023 that he would not charge anyone associated with the contingent electors concluding "we

ascertained that current state statutes did not directly address the conduct in question." Sean Golonka, *AG says Nevada will not bring charges against GOP 'fake electors,' urges Law Change*, The Nevada Independent, May 12, 2023. However, later that year, the Nevada Attorney General reversed course and announced charges against the contingent electors for purportedly offering a false instrument for filing and uttering a forged instrument. *Nevada v. Michael J. McDonald*, No. C-23-379122-4 (Clark Cty. Dist. Ct. December 5, 2023). The district court dismissed the case for improper venue, *see id*. (Order, July 26, 2024), which the Nevada Attorney General appealed to the State Supreme Court with oral argument to be heard this year. In the meantime, the state refiled forgery charges not precluded by the statute of limitations against other citizens in Carson City, Nevada. *Nevada v. McDonald*, No. 24-CR-016241C001-6, (Clark Cty Dist. Ct. December 12, 2024.)

- **Michigan:** The state's Democrat Attorney General charged Michigan's 16 contingent electors with similar forgery and conspiracy offenses. *Michigan v. Berden*., No. 2022-0343234-A (Mich. Dist. Ct. July 18, 2023). Pending in Lansing's 54-A District Court, the court has held preliminary hearings on whether there is sufficient evidence to send the cases to a jury trial, referred to as "bind over."

- **Arizona:** the state's Democrat Attorney General indicted Arizona's 11 contingent electors, along with multiple others associated with them, on forgery and related charges. *Arizona v. Ward*, No. CR2024-006850 (AZ Super. Ct. April 25, 2024). On May 19, 2025, the trial court remanded the case for reconsideration by the grand jury, finding the State: (1) failed "to make a fair and impartial presentation to the grand jury" by not properly instructing the grand jury on the Electoral Count Act; and (2) "denied [defendants] a substantial procedural right as guaranteed by Arizona law." *See id. (*Minute Entry, May 19, 2025). The case is presently stayed.

- **Georgia:** Fulton County's Democrat District Attorney, in an unlawful conspiracy with an affair partner, charged three of Georgia's contingent electors, along with President Trump and fifteen others associated with his campaign, including attorneys acting in legal advisory roles, in a false facially improper indictment. *Georgia v. Trump*, No. 23-SC-188947 (Fulton County Super. Ct. August 14, 2023). The Georgia Court of Appeals disqualified the prosecutor for her conduct with her affair partner, but the case remains on appeal. In the interim, a special prosecutor with the Prosecuting Attorneys' Council of Georgia, who was assigned to consider whether to continue the case against one contingent elector, concluded that the "matter does not warrant further consideration" because "[t]he evidence reveals [the elector] acted in a manner consistent with his position representing the

concerns of his constituents and in reliance upon the advice of attorneys when he served as an alternate elector. The evidence also indicates Senator Jones did not act with criminal intent, which is an essential element of committing any crime." *Statement and Findings of Executive Director Peter J. Skandalakis Regarding Senator Burt Jones's Involvement in Matters Surrounding the Presidential Election of 2020 in Georgia,* Prosecuting Attorneys' Council of Georgia (Sept. 13, 2024), https://pacga.org/2024/09/13/statement-and-findings-of-executive-director-peter-j-skandalakis-regarding-senator-burt-joness-involvement-in-matters-surrounding-the-presidential-election-of-2020-in-georgia/.

- **Wisconsin:** the state's Elections Commission twice unanimously rejected a complaint alleging the contingent electors acted unlawfully. In the memorandum accompanying its first rejection of the complaint, the Commission attached a letter from the Wisconsin Department of Justice concluding that the electors did not violate the law and were legitimately trying to preserve President Trump's legal standing as election challenges unfolded. *See* Scott Bauer, *Wisconsin Elections Commission Rejects Complaint Against Trump Fake Electors for Second Time*, AP, Dec. 20, 2023. Nonetheless, the Democrat Attorney General of Wisconsin charged two attorneys and one former Trump campaign operative with conspiracy and acting "as a party to a crime" of forgery, based solely on the theory of 'fake' electors. *See Wisconsin v. Chesbro, Roman, Troupis,* Nos. 2024-CF-1293, 94, and 95 (Dane Cty. Cir. Ct. December 10, 2024). The defendants filed motions to dismiss, which were recently denied on August 25, 2025. Wisconsin has not charged any contingent electors.

A Pardon is Appropriate

The states' prosecutions—amounting to nothing more than baseless partisan retribution for otherwise lawful conduct—may, and should, fail on the merits. merits. Notwithstanding that fact, these prosecutions are attempts by partisan state actors to shoehorn fanciful and concocted state law violations onto what are clearly federal constitutional obligations of the 2020 Trump campaign: the establishment of the contingent electors, the actions attendant to their roles as presidential electors, and their duties under established historical and legal precedent to exercise their responsibilities as electors – all of which are functions of federal – not state - law.

These constitutionally suspect prosecutions continue to impose intolerable costs on the innocent victims of the prosecutions, all of whom must contend with the extraordinary burdens and uncertainty inherent in criminal proceedings, and on the Republic as a whole, which suffers grave and irreparable injustice due to these wrongful and legally groundless indictments.

Additionally, each of these citizens possessed an inalienable Constitutional right to seek Congressional redress for the illegal acts and fraud that occurred during the 2020 Presidential Election. For states to punish or prosecute these individuals now, for exercising that individual right, fundamentally undermines our Constitutional system of government. *See Elrod v. Burns*, 427 U.S. 347, 373 (1976) (the deprivation of Constitutional rights "for even minimal periods of time, unquestionably constitutes irreparable injury.").

In sum, the activities of the contingent electors, President Trump's White House chief of staff, his attorneys, and Trump campaign workers and supporters, were indisputably federal in character, facilitating Congress's Constitutional and statutorily mandated responsibility of receiving and counting electoral votes. *See* U.S. Const. Amed. XII; 3 U.S.C. § 15 (1948). Thus, the states' prosecution of this lawful and well-established conduct, for the first time in American history, does great and unacceptable violence to our Nation's federalist structure. *See* 18 U.S.C. § 3231 ("The district courts of the United States shall have original jurisdiction, exclusive of the courts of the States, of all offenses against the laws of the United States."); *Field v. United States*, 1951 WL 44182, at *4 (U.S. July 25, 1951) (same).

As the President recognized on the first day this term, "[i]t is time to end this injustice." Proclamation No. 10887, 90 F.R. 8331 (Jan. 29, 2025). That occurred for some of the most egregiously prosecuted by the Democrats' regime of tyranny against President Trump and people in his orbit and following in 2020. The time has now come to finish the "process of national reconciliation," *id.,* and free all remaining victims of political lawfare related to the 2020 Presidential Election. A pardon recognizing the complete exoneration of the contingent electors and all who have been swept into this unjust vendetta against President Trump is appropriate and fully serves the interests of justice.