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IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

STATE OF ARIZONA,	)	No. CR2024-006850-016
)	
Plaintiff,	)	DEFENDANT CHRISTINA BOBB'S
	)	NOTICE OF LODGING MOTION
vs.	)	TO DISQUALIFY ARIZONA
	)	ATTORNEY GENERAL AND
CHRISTINA BOBB (016),	)	STATES UNITED FROM FURTHER
	)	PROSECUTING THIS MATTER
Defendant.)	
	)	Assigned to: Hon. Sam Myers
)	

Defendant, CHRISTINA BOBB (016), hereby gives notice that she has this date lodged her *Motion to Disqualify the Attorney General, Her Office and States United Democracy Center From Further Prosecuting This Matter*. Defendant Bob has concurrently filed a Motion to Modify Stay of Proceedings with the Arizona Court of Appeals, requesting a modification of that court's March 26, 2025, order staying Superior Court Proceedings (except Rule 12.9 and related proceeding), pending Special Action Review of this court's order related to A.R.S. §12-751.

Defendant Bobb is aware of the stay issued by the Court of Appeals and does not request that any action be taken upon this motion, nor that the court require the State to file a Response, until such time as the stay of Superior Court proceedings is either modified or lifted to allow the

court such authority. The issues raised in the Motion to Disqualify touch upon all aspects of the case, however, including appellate proceedings, and this Notice is filed in order to make the court aware of the matters raised therein.

RESPECTFULLY SUBMITTED this 4th day of June 2025.

LAW OFFICES OF THOMAS JACOBS

By 

Thomas Jacobs, Esq.

Attorney for Defendant Christina Bobb

Copy of the foregoing electronically
delivered this 4th day of June 2025, to:

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IN AND FOR THE COUNTY OF MARICOPA

STATE OF ARIZONA,)	No. CR2024-006850-016
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Plaintiff,)	DEFENDANT CHRISTINA BOBB'S
)	MOTION TO DISQUALIFY THE
vs.)	ATTORNEY GENERAL, HER
	)	OFFICE, AND STATES UNITED
CHRISTINA BOBB (016),	)	DEMOCRACY CENTER FROM
	)	FURTHER PROSECUTING THIS
Defendant.	)	MATTER
)	
	)	Assigned to: Hon. Sam Myers
_____)	

Defendant, CHRISTINA BOBB (016), moves this Court for an order disqualifying the Attorney General and her office from further prosecuting this matter on the grounds that the Attorney General and her office have engaged in an improper and prejudicial relationship with States United Democracy Center (“States United”), violating Ms. Bobb’s Constitutional rights and Arizona Rules of Professional Conduct, which appears to have resulted in the Attorney General profiting significantly from this prosecution at the expense of the defendants and taxpayers.

The Attorney General and her office have abused the laws regulating the use of outside counsel and has involved herself and her office in irreparable conflicts of interest. As a result, she and her staff have violated their oaths of office under the Arizona Rules of Professional Conduct, while creating a significant appearance of impropriety, and should be disqualified from prosecuting this matter.

INTRODUCTION

States United Democracy Center (hereinafter States United) is a liberal non-profit organization with whom the Arizona Attorney General's Office claims an attorney-client relationship in this criminal matter. After providing significant campaign contributions to AG Krisi Meyes, States United initiated and planned the strategy for the instant prosecution and the Attorney General's Office continues to use their work product, most recently to request a search warrant, which is still pending.

States United claims on their website that they are "an initiative of the Progressive State Leadership Committee" ("PSLC"). PSLC has the exact same address, president, executive director, and nearly identical leadership team as the Democratic Attorneys General Association (DAGA), which is a committee of the Democratic Party. Additionally, DAGA pays the salaries of the PSLC employees, according to their most recently available Tax Form 990. PSLC and DAGA are the same people, sitting in the same building in Washington DC, getting paid from the same bank account.

According to public records DAGA paid \$50,000 to Kris Mayes' "legal fund" September 5, 2023, long after Kris Mayes' campaign was over and just a couple months after the Attorney General's Office signed a contract giving prosecutorial influence to States United. The payment was also very close in time to the opening of this grand jury investigation. DAGA made a second

payment of \$150,000 to Kris Mayes' legal fund July 3, 2024, over 18 months after her campaign ended and roughly a month after Ms. Bobb and her co-defendants were all, arrested, arraigned, and publicly humiliated.

By comparison, DAGA made donations to the Arizona Democratic Party in 2022, *during the campaign cycle*, of only \$25,000. Yet, Kris Mayes' legal fund received \$200,000 *after the election was over*, but while she was in office and developing this criminal case.¹ Notably, DAGA only minimally contributed to Kris Mayes' campaign or legal fund during the 2022 election cycle, making three payments of \$2,500, \$2,800 and \$1066. The payments only arrived after Mayes was in office and had signed a contract with States United to participate in this prosecution.

DAGA, the ***Democratic*** Attorneys General Association, benefits from the prosecution of its political opponents, Trump attorneys and allies. This prosecution chills the willingness of republicans to participate in or challenge elections on pain of potential criminal prosecution, a benefit to DAGA.

States United, as "an initiative of" PSLC/DAGA, has an inherent conflict and cannot impartially participate in the prosecution of their obvious political opponents. Kris Mayes had an obligation to disclose that the organization she hired, allegedly *pro bono*, to advise her on prosecuting prominent republicans is effectively an initiative of DAGA, which is a committee of the Democratic Party. Instead, she tried to cover it up.

States United was exposed as assisting in this prosecution only due to an error, after the memo prepared by States United planning the legal strategy for this prosecution was attached to

¹ Timing suggests that these later contributions may have been for the purpose of paying Mayes' legal fees associated with the election challenge brought by her opponent, Abraham Hamadeh, but this is not part of the public records. However, the ethical and legal effect of the contributions does not change.

an AG pleading as an exhibit. The prosecutors now claim States United's involvement is privileged because States United is the AG's attorney and are refusing to disclose their activity.

Could Attorney General Mayes have received the two payments totaling \$200,000 for a lawful unrelated purpose? Yes. However, there's a significant appearance of impropriety when (1) the payments come *after* Kris Mayes is in office, (2) Mayes gives a level of prosecutorial authority (3) to "an initiative" (States United) of the paying party (PSLC/DAGA), and (4) the payments just so happen to be around the same time (a) the grand jury investigation was open and then (b) arrests were made of the groups' political opponents. The logical next question is *will there be a third payment if she secures a conviction?*

At best, Kris Mayes, her office, and States United have glaring political conflicts of interest that they failed to voluntarily disclose, they tried to conceal from the defendants, and those conflicts cannot be remedied. At worst, the actions raise serious questions of criminal activity. Either way, Defendant Bobb's fundamental rights to a fair and impartial process have been irredeemably violated. The only viable solution is to disqualify the Attorney General, States United, and the Arizona Attorney General's Office.

STATEMENT OF FACTS

I. THE ARIZONA ATTORNEY GENERAL CLAIMS AN ATTORNEY CLIENT RELATIONSHIP WITH STATES UNITED

The Attorney General's Office does not dispute their relationship with States United. In fact, they continue to evoke Attorney-Client privilege in this matter and rely upon their work product to continue prosecuting this case.

A. The Attorney General claims States United represents her office in this matter

The Arizona Attorney General's Office claimed on the record that States United represented the Arizona Attorney General's Office in this criminal matter, and all their communications with the liberal non-profit are covered by attorney-client privilege. To support their claim for attorney client privilege, prosecutors produced a contract, signed by Daniel Barr (Mayes' Chief of Staff) on behalf of the Attorney General's Office. (*Exhibit A, Letter of Engagement, 5/4/23*) Prosecutors claim the contract is an engagement letter, despite the fact that it does not identify any attorney licensed in Arizona with whom they claim privilege. The States United attorney's signature block on the contract is not an attorney licensed in Arizona.

In asserting their position that they have an attorney client relationship with States United, the Attorney General's Office sent an email to defense counsel stating:

“. . . As discussed, the State did not intend to provide the July 25, 2023 memorandum, instead, the State intended to provide a publicly-available memorandum from States United. However, because it was submitted and relied upon by the Court, it was properly disclosed under Rule 15 as part of discovery.

However, the State maintains that this was not a waiver of the attorney-client privilege. The State will not provide additional information from States United because of the attorney-client privilege.” (*Exhibit C, Email from AG Kim Hunley, 12/12/24*)

Ms. Bobb disputes that a lawful attorney-client relationship exists. The Attorney General's Office maintains that States United represented the Attorney General's Office in preparation and planning for this prosecution. It is also true that States United has provided legal services furthering this prosecution, despite never having entered an appearance. According to the memorandum that the Attorney General's Office unintentionally disclosed, States United created the blueprint for this prosecution. (*Exhibits A and B*). The contract

between the Attorney General’s Office and States United was signed May 15, 2023. (*Exhibit A*). The blueprint memo drafted by States United was produced to the Attorney General’s Office on July 25, 2023. (*Exhibit D*). That memorandum outlines the charges in this case, and the Attorney General’s Office continues to rely on that guidance to request a search warrant after they secured the indictment, which is how the defense discovered the memo. (*Exhibit B, Memo from States United, 7/25/23*)

B. STATES UNITED ORIGINATES FROM THE DEMOCRATIC ATTORNEY GENERAL’S ASSOCIATION, A COMMITTEE OF THE DEMOCRATIC PARTY

Norm Eisen launched States United, originally called Voter Protection Program, shortly after the 2020 election, “to [monitor] every pressure point to ensure that Trump could not overturn the results.” (*Exhibit D – Time article, Exhibit H – SUDC Guide dated Jan 4, 2021*). Norm Eisen is a prominent Democrat attorney who served as President Obama’s Ethics Czar and Ambassador to the Czech Republic. (*Exhibit E – Brookings Bio*). The attorney and law firm listed on the organization’s Tax Form 990 is Marc Elias, another prominent Democrat attorney whose website boasts is “a mission driven firm committed to helping democrats win, citizens vote, and progressives make change.” (*Exhibit F, States United Tax Filing, pg. 9, and G (www.elias.law)*). The organization was founded as a partisan effort to oppose Donald Trump and his allies and continues in that mission to the present day. (*Exhibit D – Time article, Exhibit H – SUDC Guide dated Jan 4, 2021, Exhibit J – SUDC Statement Nov 10, 2020*).

States United, as an organization, openly calls for the punishment of Trump attorneys, including Ms. Bobb and her co-defendants in this matter. (*Exhibit K – SUDC Letter, Dec 1, 2022; Exhibit L – SUDC website complaint to DC bar; Exhibit W – PSLC website*).

1. States United promotes itself “as an initiative of the Progressive State Leadership Committee, a 501(c)(4) organization.”

On the States United Website, at the bottom of several pages, there is a notification that says “The Voter Protection Program is a nonpartisan initiative of the Progressive State Leaders Committee, a 501(c)(4) organization. Visit www.statesunited.org for more details.” (Exhibit I (1-4) – pdfs of SUDC website).

2. The Progressive State Leadership Committee has the exact same address, president, executive director, and nearly identical leadership team as the Democratic Attorneys General Association.

Upon examination of tax filings, the Progressive State Leaders Committee (“PSLC”) has the exact same address, president, executive director, and nearly identical leadership team as the Democratic Attorneys General Association (DAGA), which is a committee of the Democratic Party. (Exhibit M, N, O – PSLC Form 990, DAGA Form 990, <https://democrats.org/who-we-are/about-the-democratic-party/>). Additionally, DAGA pays the salaries of the PSLC employees. (Exhibit M – PSLC Form 990, bottom of page 25). PSLC and DAGA are the same people, sitting in the same building in Washington DC, getting paid from the same bank account.

3. The Democratic Attorney Generals Association is a committee of the Democratic Party

According to the Democrat Party’s website, the Democratic Attorney Generals Association is a committee of the Democratic Party. (<https://democrats.org/who-we-are/about-the-democratic-party/>) (pdf at Exhibit O).

C. IT APPEARS THAT THE DEMOCRATIC ATTORNEY GENERAL’S ASSOCIATION PAID KRIS MAYES \$200,000, FOR WHATEVER USE, IN EXCHANGE FOR PROSECUTORIAL INFLUENCE IN THIS MATTER TO PROSECUTE THEIR POLITICAL OPPONENTS.

The Democratic Attorney General’s Association only paid Kris Mayes’ legal fund after her campaign was over and after her office signed a contract with States United (“an initiative of” PSLC/DAGA) granting the organization influence in this prosecution. (*Exhibit P – DAGA Tax Form Expenditures to Mayes*). Notably, DAGA did not make any significant payments to Kris Mayes during the election but waited until after she won and had prosecutorial authority. By comparison, DAGA only donated \$25,000 to the Arizona Democratic Party, and that was *during the 2022 campaign cycle. (Exhibit Q)*. Defendant recognizes that the payments could have been made for lawful reasons, but the timeline and parties involved raises grave concerns about the impartiality of this prosecution, creating at the very least an appearance of impropriety.

1. The timeline of events and payments raises serious concerns about outside political influences in this prosecution.

Kris Mayes won her election in November 2022, which ended her campaign. She had received no payments from DAGA during her campaign. Attorney General Mayes took office in January 2023. Kris Mayes, through her Chief of Staff, entered a contract with States United (“an initiative of” PSLC/DAGA) to provide legal services, granting States United a level of prosecutorial authority in this criminal matter, on May 15, 2023. (*Exhibit A*). States United delivered a roadmap to prosecute Ms. Bobb and her co-defendants on July 25, 2023. (*Exhibit B*). The first payment of \$50,000 was made from DAGA to Kris Mayes’ legal fund on September 5, 2023. (*Exhibit P*). Kris Mayes initiated a grand jury investigation into Ms. Bobb and her co-defendants in December 2023. The Arizona Attorney General’s Office violated Ms.

Bobb and her co-defendants’ due process rights to secure a widely publicized, but unconstitutional, indictment from the grand jury on April 23, 2024. (*Exhibit R – Court Order for Remand based on Due Process violations; Exhibit S – News articles*). The unconstitutional indictment provided opportunity for the Democratic Party to publicly humiliate Ms. Bobb and her co-defendants, in an effort to sway voters for the upcoming election. (*Exhibit V – DNC statement*). Ms. Bobb and her co-defendants were arrested, arraigned, and widely slandered on May 22, 2024. (*Exhibit T, U- media humiliation*). Following the indictment, DAGA made a second payment of \$150,000 to Kris Mayes’ legal fund on July 3, 2024. (*Exhibit P*).

LAW AND ARGUMENT

AG Krisi Mayes’ conduct raises serious concerns that the Arizona Attorney General has given authority to “an initiative” (States United) of the Democratic Attorney General’s Association to prosecute her. In exchange, it appears that Attorney General Mayes was paid \$200,000 potentially to allow a committee of the Democratic Party to influence this prosecution for political gain – a clear violation of Ms. Bobb’s constitutional rights, professional ethics, and the Attorney General’s oath of office.

I. THE OFFICE OF THE ATTORNEY GENERAL’S CONFLICT OF INTEREST VIOLATES MS. BOBB’S CONSTITUTIONAL RIGHT TO A FAIR AND IMPARTIAL PROCESS FREE FROM POLITICAL INFLUENCES

The Fifth and Fourteenth Amendments to the United States Constitution, and Article 2, Section 4, of the Arizona Constitution, guarantee Ms. Bobb a due process right to be prosecuted by an impartial, disinterested and uninfluenced prosecutor. Prosecution by someone with conflicting loyalties “calls into question the objectivity of those charged with bringing a defendant to judgment.” *Younger v. United States*, 481 U.S. 787, 810 (1987) (plurality opinion): As outlined in *Younger*,

“it is a fundamental premise of our society that the state wield its formidable criminal enforcement powers in a rigorously disinterested fashion, for liberty itself may be at stake in such matters. We have always been sensitive to the possibility that important actors in the criminal justice system may be influenced by factors that threaten to compromise the performance of their duty.”

Id.; see generally *Berger v. United States*, 295 U.S. 78 (1935). Arizona courts have developed their own standard of disqualification based on an appearance of impropriety. any attorney must avoid not only the fact, but even the appearance of representing conflicting interests. *Bicas v. Superior Court In and For Pima Cnty.*, 567 P.2d 1198, 1202, 116 Ariz. 69, 73 (Ariz.App. 1977)(Disqualification of opposing counsel upheld). *Gomez v. Superior Court*, 149 Ariz. 223, 226 (1986), sets out the four factors that must be considered on a motion to disqualify counsel.

“We believe that the court, when considering a motion for disqualification based upon the appearance of impropriety, should consider the following: (1) whether the motion is being made for the purposes of harassing the defendant, (2) whether the party bringing the motion will be damaged in some way if the motion is not granted, (3) whether there are any alternative solutions, or is the proposed solution the least damaging possible under the circumstances, and (4) whether the possibility of public suspicion will outweigh any benefits that might accrue due to continued representation.” *Alexander v. Superior Court*, 141 Ariz. at 165, 685 P.2d at 1317.

See also *State v. Latigue*, 108 Ariz. 521 (1972, En Banc)(prosecuting attorney disqualified due to a conflict of interest, as the attorney had previously represented the defendant in a related matter), *State v. Superior Court (Romley)*, 184 Ariz. 409 (1995)(Entire Maricopa County Attorney's Office disqualified due to the appearance of impropriety, as the office had previously represented a key witness in a related civil matter), *State v. Hurles*, 185 Ariz. 199 (1996)(Prosecuting agency disqualified due to a conflict arising from the prosecutor's personal relationship with a key witness), *State v. Marner*, 251 Ariz. 198, 199 (2021).

A. This Motion to Disqualify the Attorney General, her entire office, and States United is not brought to harass, but to protect Ms. Bobb's constitutional right to a fair and impartial process.

The Democratic Party, of which DAGA is a committee, widely publicized and benefited from the fact that Ms. Bobb, then serving as Senior Election Integrity Counsel at the RNC, was indicted. (*Exhibit U – DNC Statement on Ms. Bobb's Indictment*). The purpose of this prosecution appears to be to benefit the Democratic Party, not to protect the public. Forcing Ms. Bobb to endure the devastating impact of a criminal prosecution, the expense, time, and exposure is “harassing” to say the least. Mayes also campaigned openly on her intent to seek indictment of Trump electors and supporters. See *Defendant Bobb's Motion to Dismiss (A.R.S. §12-751)*.

B. Ms. Bobb will be damaged significantly if this motion is not granted

Ms. Bobb has been and continues to be damaged by this unfair and unconstitutional prosecution. She has been subject to significant media ridicule, damage to her reputation, her TSA pre-check has been revoked, and she now has a criminal record. Significantly, Ms. Mayes predecessor, declined to prosecute the matter and referred it to the US Department of Justice. *Exhibit Y (AZ Central Article, 4/25/24)*. Therefore, it is quite possible that another prosecutor looking at this case might choose to discontinue the prosecution as ethically or legally unsupportable and Ms. Bobb continues to be damaged by the continuation of this biased prosecution.

C. There are no alternative solutions

The only possible cure for this unconstitutional prosecution is to completely disqualify Attorney General Mayes and her entire office. The prosecutors in Ms. Mayes office have perpetuated States United's influence in this prosecution, following their guidance, and

shielded their participation through invoking attorney-client privilege. Ms. Mayes and her entire office are irredeemably compromised and must be disqualified. A variety of alternative prosecutorial agencies exist to which the case could be transferred, including the various County prosecuting offices and the United States Attorneys Office, or even appointment of a special prosecutor.

D. The possibility of public suspicion of Arizona's criminal justice system outweighs any benefit from continued prosecution by the Attorney General's Office

The public should be extremely concerned that the Arizona Attorney General, while in office, is receiving payments from a committee of the Democratic Party, in exchange for what appears to be granting them influence over this political prosecution. States United identifies itself as "an initiative" of the Progressive State Leadership Committee, which appears to be another name for the Democratic Attorney General's Association. Not only has the Attorney General granted them a level of prosecutorial authority but based on their blueprint memo (*Exhibit B*), States United appears to be the driving force of this prosecution. As this matter is also highly politically charged, and Ms. Mayes won election by fewer than 300 votes statewide, it is a given that over half of the electorate, citizens of Arizona, will believe that some impropriety exists. This can be avoided by disqualifying the Arizona Attorney General and allowing a neutral agency to review this matter and consider the propriety of this action and a fair and unbiased manner.

II. OTHER JURISDICTIONS HAVE FOUND THAT POLITICAL INTEREST AND CONTRIBUTIONS FROM INTERESTED PARTIES MAY REQUIRE DISQUALIFICATION OF A PROSECUTING AGENCY.

The facts of this case are extremely unique and require careful consideration. Other jurisdictions have considered similar cases and ordered disqualification of prosecuting agencies. The same disqualification is required in this case.

In the *State of Georgia v. Donald J. Trump*, the trial court and Court of Appeals considered a motion to disqualify due to an improper relationship of the prosecutors and the appearance of financial kick-backs generated from that prosecution. Ultimately, the Court of Appeals ruled that the prosecutors and the entire office were disqualified from participating in the case based on the conflict of interest and appearance of impropriety. See *Roman v. State*, 910 S.E.2d 609, 617, 373 Ga.App. 863, 874 (Ga.App., 2024). In this case, the appearance of impropriety cannot be remedied.

In *People v. Eubanks*, 14 Cal.4th 580 (Cal.,1996), the California Supreme Court found that a prosecuting agency that accepted contributions from an interested “victim” of the case involving alleged theft of trade secrets was properly disqualified. The court found that the contributions “created a conflict of interest so grave as to make fair treatment of the defendants unlikely,” which was a finding required by California statutes. *Id.*, at 601. Of significance to the court was the fact that the contributions went toward a debt already incurred by the prosecution. In a like manner, contributions to AG Mayes “legal fund” went, at least in part, to pay legal fees already incurred by her and/or her campaign in litigating a challenge to her election.

In *State v. Culbreath*, 30 S.W.3d 309 (Tenn.,2000), the court addressed a case in which a district attorney’s office used a private attorney who had received private financial contributions from a special interest group to assist in a prosecution. The court held that the contribution created the appearance of impropriety, which warranted disqualification of the district attorney’s office because the prosecutor had been privately compensated by a special interest group and therefore owed a duty of loyalty to that group. *Id.*, at 316.

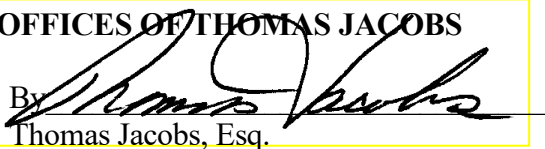
In Ms. Mayes case, she received financial contributions to her campaign for the office she now holds from DAGA and States United and also promised to pursue a criminal prosecution against Ms. Bobb and others allegedly involved in the 2020 Republican Electors plan. Those special interest groups were specifically interested and remain interested in the prosecution since the proposed targets were their political opponents. Ms. Mayes further accepted, and concealed, additional financial contributions from the same special interest groups after she was elected to office. Subsequently, Ms. Mayes signed a retainer agreement with States United to secure their services as attorneys for the Arizona Attorney Generals Office, for the unique and specific purpose of planning and pursuing a prosecution of States United's political opponents. At a minimum, these facts expose a glaring conflict of interest and certainly an undeniable appearance of impropriety. It may be reasonably expected that to the majority of Arizona citizens there will be an appearance of impropriety arising from these facts. Disqualification is required.

CONCLUSION

Ms. Bobb respectfully requests that this court grant this motion to disqualify Attorney General Kris Mayes, her entire office, and States United from further participating in this matter.

RESPECTFULLY SUBMITTED this 4th day of June 2025.

LAW OFFICES OF THOMAS JACOBS

By 
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Attorney for Defendant Christina Bobb

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EXHIBIT

A



May 4, 2023

VIA EMAIL

Dan Barr, Chief of Staff
daniel.barr@azag.gov

Re: Retainer for Arizona Attorney General's Office

Dear Dan,

This letter explains and confirms the terms and conditions under which States United Democracy Center ("States United") will undertake to advise the Arizona Attorney General's Office ("you", "your") in connection with developing legal strategies to ensure the integrity and security of elections.

The enclosed General Terms explain the terms that govern our engagement and other critical aspects of our representation. By signing this letter, you agree to the General Terms. Our work will be provided pro bono. You will not make expenditures or incur indebtedness in connection with this representation and the services provided by States United.

Although [REDACTED] will be the ones principally responsible for the engagement, other States United lawyers and non-lawyers may handle various portions of this matter pro bono or otherwise as set forth in the General Terms.

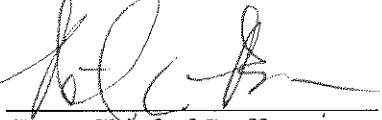
If the foregoing meets with your approval, we would appreciate it if you would sign and return a copy of this engagement letter.

We are pleased to have this opportunity to be of service and to work with you.

Sincerely,

Christine P. Sun
SVP, Legal
States United Democracy Center

AGREED TO AND ACCEPTED

By: 

Dan Barr, Chief of Staff

Deputy Attorney General

Dated: May 15, 2023

EXHIBIT

A-1

GENERAL TERMS

Except as modified by the accompanying engagement letter, the following apply to the relationship between States United and our clients:

1. Consulting Independent Counsel. Under rules in certain jurisdictions where we practice, we must advise you that you may consult independent counsel to advise you regarding these documents governing our relationship, and we encourage you to do so if you like. Also, you retain the right to consult with independent counsel at any time while we represent you. However, we are not responsible for any advice an independent counsel may give you, and such consultation will be entirely at your expense.
2. Paralegals and Other States United Personnel. Where appropriate, we may utilize paralegal personnel or other States United personnel. Their time will be pro bono. In some situations, we may use personnel who are not States United employees, such as contract lawyers or experts.
3. Waiver of Conflicts. States United may represent other clients (“clients”), consistent with its internal policies. During the time we are representing you we may be asked to represent:
 - a. other present or future clients in litigation, regulatory matters or other disputes directly adverse to you that are not the same or substantially related to our representation of you; and/or
 - b. parties who are considered directly adverse parties in matters we handle for you. Our work for these directly adverse parties would be in matters that are not the same or substantially related to our work for you; and/or
 - c. you in future litigation or other disputes directly adverse to other clients in matters not substantially related to our work for the other clients.

By signing this engagement letter, you agree that States United can undertake such future representations without the need to obtain any further or separate approval from you, as long as those representations described in (a) and (b) above are not the same or substantially related to work States United has done, or is doing, for you. Your signature below constitutes your consent to such representation(s). We agree not to use any proprietary or other confidential nonpublic information concerning you acquired by us as a result of our representation of you in connection with any litigation or other matter in which we represent a party directly adverse to you. States United may need to consult with or secure consent from its other current or prospective clients who are or may become adverse to you in order to clear or address actual or potential conflicts of interest. You agree and consent that to the extent it is reasonably necessary in such communications, States United may disclose to each such current or prospective client the fact that States United has or has had an attorney-client relationship with you.

Moreover, States United will notify you of any potential or actual conflict that may emerge during the course of this representation. If so, we will discuss with you what

actions, if any, ought to be taken in response to such a conflict. States United has reviewed its records and established that it does not currently represent any client who is adverse to you.

4. Rules of Professional Conduct. During our representation of you, there may be issues that raise questions about our duties under the rules of professional conduct that apply to lawyers. These might include, e.g., conflict of interest issues, and could even include issues raised because of a dispute between us and you over the handling of this matter. Normally when such issues arise we would seek the advice of our counsel who are experts in such matters. Consistent with the rulings of courts in many jurisdictions, we consider such consultations to be attorney-client privileged conversations between States United personnel and States United counsel. However, there have been judicial decisions indicating that under some circumstances such conversations involve a conflict of interest between the client and States United and that our consultation with States United counsel may not be privileged, unless we either withdraw from the representation of the client or obtain the client's consent to consult on a privileged basis with States United counsel. We believe that it is in our clients' interests, as well as ours, that in the event legal ethics or professional responsibility issues arise during a representation, we receive expert analysis. Accordingly, as part of our agreement concerning our representation of you, you agree that if we determine in our own discretion during the representation that it is appropriate to consult with States United counsel, we have your consent to do so on a privileged basis despite any alleged conflict of interest. You further agree that our continuing to represent you at the time of such consultation shall not thereby waive or otherwise limit any attorney-client privilege that States United has regarding the confidentiality of our communications with our counsel.
5. Cooperation/Reliance on Accurate Information. To enable us to represent you effectively, you will cooperate fully with us in your matter(s). You and your agents will fully and accurately disclose to us all facts and documents that may be relevant to a matter we undertake or which we may otherwise request. This information will form the basis of our legal advice.
6. Legal Service Provider. We provide strictly legal services to you in connection with this agreement. You are not relying on us for any services other than legal services.
7. Cloud Storage of Documents. As is industry practice, States United may store some or all of your files on a variety of platforms, including third-party cloud-based servers. Although we take significant precautions to make sure these are secure, there still is a possibility that your confidential or privileged information may be disclosed. By signing below, you consent to our use of such storage services.
8. Termination. You have the right at any time to terminate our services and representation by notice to States United.
9. Withdrawal. We reserve the right to withdraw from our representation for any reason permitted by the Rules of Professional Conduct including if, among other things, you fail

to honor the terms of the engagement letter, or any fact or circumstance would or could, in our view, render our continuing representation unlawful or unethical. If we elect to withdraw, you will take all steps necessary to free us of any obligation to perform further services, including the execution of any documents necessary to complete our withdrawal.

10. Conclusion of Representation. You agree that the attorney-client relationship is terminated upon completion of any services that we have been retained to perform, regardless of whether we have been paid for our services. If you later retain us to perform further or additional services, after verifying that we have no conflict which would prevent us from taking on the new matter, our attorney-client relationship will be revived subject to these terms of agreement, as they may be supplemented or changed at that time.
11. Production of Client File: At the close of our representation of you, in the event that you ask for a copy of your client file, you agree that you will be given a single electronic copy, free of charge, of these items only: communications with you or opposing counsel, pleadings that were filed on your behalf, and documents received from you. If there are original documents that we have received from you, we will return those to you. By this agreement, you expressly acknowledge that you will not be provided any additional materials beyond those described above and you waive any right to receive any such materials. For example, you agree you will not receive internal States United communications about your matter, research, notes, communications other than those with you or opposing counsel, or internal documents related to billing or staffing; nor will you receive drafts of any documents not otherwise sent to you.
12. Retention of Client File: When our representation of you concludes, we expect, in most cases, to retain only those materials which we would otherwise produce to you, as described above: communications with you or opposing counsel, pleadings that were filed on your behalf, and original documents received from you. Internal States United communications about your matter, internal administrative material related to your matter, research notes, and/or communications other than those with you or opposing counsel may be destroyed in our sole discretion and consistent with our document preservation policies. By executing this agreement, you agree to give up any right that may obligate us to retain materials beyond those set out above.
13. Interaction with Public Records Laws: You understand and agree that States United has not and is not providing you with advice about the interpretation of any applicable laws relating to what records may be required to be maintained as a result of applicable state or local law and that it is your responsibility to ensure that the provisions of this agreement comply with any obligations you may have under any such law or laws.
14. Governing Law: This engagement will be governed by and construed in accordance with the laws of Washington D.C. without regard to conflict of law provisions that might provide for the application of the law of any other jurisdiction. However, with respect to

our conduct during the representation, you understand and agree that we will comply with the Rules of Professional Conduct that govern the representation.

15. Arbitration: You agree that any controversy or claim arising out of or relating to this agreement, or States United's representation of you, shall be settled by binding arbitration administered by the American Arbitration Association under the Expedited Procedures of its Commercial Arbitration Rules. The arbitration shall take place in Washington, D.C. and the costs of the arbitration shall be borne by both parties equally, unless the arbitrator determines that a different allocation of costs would be equitable at the conclusion of the arbitration. Any judgment on the award rendered by the arbitrator may be entered in any court having jurisdiction thereof. In any such arbitration, the prevailing party shall be entitled to an award of its attorney's fees and costs by the other party. By agreeing to arbitration, you agree that you are waiving your right to a jury trial of any dispute covered by this agreement, you are waiving your right to take discovery as a part of an arbitration, and you are waiving any right to appeal an adverse award.

EXHIBIT

B

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CLERK OF THE SUPERIOR COURT
FILED

08-31-2023 3:45p M

B. Navarro, Deputy



To: Office of the Arizona Attorney General
From: States United Democracy Center
Date: July 25, 2023
Re: Arizona False Electors Scheme Memo

I. INTRODUCTION

After losing the 2020 election, former President Donald Trump and his allies launched a complex and unlawful plan to overturn the election results in certain states, including Arizona, with the goal of preventing Joe Biden from being declared the winner of the presidential election. The plan included perpetuating, even before Election Day, the “big lie” that the only way that Trump could lose is if the election were “stolen”; filing frivolous post-election lawsuits; pressuring officials in seven battleground states to delay or stop certification of election results; urging state legislatures to declare a “failed” election, to order a complete “audit” of all votes, and to appoint their own slate of (Republican) electors; and finally, disrupting the January 6, 2021, Joint Session of Congress and pressuring then-Vice President Mike Pence to reject legitimate slates of (Democratic) electors from those battleground states, including Arizona.

A critical part of this effort involved organizing “alternate” slates of Trump electors to cast fake electoral votes in seven states which Biden had won (Arizona, Georgia, Nevada, New Mexico, Michigan, Pennsylvania, and Wisconsin). This came to be known as the “fake elector” scheme. The existence of these fake electoral votes was an essential premise for the argument by Trump lawyer John Eastman that Pence had the unilateral authority to reject or delay the counting of the legitimate electoral slates at the January 6 Joint Session, where electoral votes were to be counted and the election was to be certified and declared for the actual winner, Biden. Alternatively, a core group of national and state figures attempted to use the fake slates of electors to urge members of Congress to object to the legitimate Biden electors and to pressure legislatures in those seven states to certify their electoral votes for Trump, even though he had lost, potentially disenfranchising millions of voters. Fortunately, these efforts failed.

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In Arizona, at the end of November 2020 and in accordance with the state's election results, Arizona's then-Governor, Doug Ducey, signed a Certificate of Ascertainment¹ for the Biden electors. In the days and weeks after, the fake elector scheme played out in Arizona much like it did in other states: a group of individuals who purported to be the "duly elected" presidential electors met in Phoenix and cast fake electoral votes for Trump and Pence by signing fake certificates of electoral votes and mailing them to the Archivist of the United States and the President of the Senate.

Publicly released emails and text messages between organizers of the scheme provide critical insight into how the plan unfolded in Arizona.² The fake elector scheme originated with high-level Trump campaign advisers and staff, who organized the actors in individual states including Arizona. Those advisers and staff included Trump's attorneys Rudolph Giuliani and Boris Epshteyn, as well as outside legal advisors Kenneth Chesebro and John Eastman. By early December, the Trump campaign had decided to pursue this scheme. Chesebro and others were dedicated to making it happen. They worked actively to bring a set of key players in Arizona into their scheme, including the then-Chair of the Arizona Republican Party, Kelli Ward; the then-Executive Director of the Arizona Republican Party, Greg Safsten; and a lawyer for the Arizona Republican Party, John "Jack" Wilenchik. In email and text message communications, the organizers made clear that the purpose of the scheme was to submit fake certificates of votes from false electors in order to obstruct the congressional proceeding on January 6, at which Biden would otherwise be declared President after a count of the electoral votes.³ Chesebro played a pivotal role, providing a roadmap and a certificate template to the false electors.⁴ He and other Trump advisers regularly updated White House Chief of Staff Mark Meadows and Giuliani on their plans and progress. Eastman also pressured Pence and the then-Chair of the Republican National Committee, Ronna McDaniel, to assist in the scheme.⁵ On December 14, the Arizona

¹ In presidential elections, there are at least four relevant "certificates." The first is the certification of the election results by the state entity in charge of elections. In Arizona, the Secretary of State canvasses and certifies statewide elections. The second is the Certificate of Ascertainment sent by the state's governor (usually) to the Archivist of the United States attesting to the names of the state's duly elected Electoral College members. *See* 3 U.S.C. § 6 (2020). The third is a Certificate of Votes sent by the electors after they meet. *See* 3 U.S.C. § 7-11 (2020). In 2020, the federal law governing the Electoral College also had a fourth relevant certificate—a Certificate of Final Ascertainment—issued by a governor after final resolution of all controversies or contests in the state regarding the presidential election. 3 U.S.C. § 6 (2020). The second and third certificates are necessary for Congress when it meets to count the votes on January 6.

² Maggie Haberman & Luke Broadwater, *'Kind of Wild/Creative': Emails Shed Light on Trump Fake Electors Plan*, THE NEW YORK TIMES (July 26, 2022), <https://www.nytimes.com/2022/07/26/us/politics/trump-fake-electors-emails.html>.

³ *Id.*

⁴ Email from Kenneth Chesebro to Greg Safsten (Dec. 11, 2020, 3:37 AM UTC), available at <https://www.govinfo.gov/content/pkg/GPO-J6-DOC-CTRL0000918596/pdf/GPO-J6-DOC-CTRL0000918596.pdf>, [hereinafter, Email from Chesebro to Safsten, Dec. 11, 2020].

⁵ *Final Report of the Select Committee to Investigate the January 6th Attack on the United States Capitol*, H.R. Rep. No. 117-663 at 346, 356 (2022), available at <https://www.govinfo.gov/content/pkg/GPO-J6-REPORT/pdf/GPO-J6-REPORT.pdf>, [hereinafter, Jan. 6th Comm. Report].

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false electors met and signed the fake certificates of votes.⁶ On that same day, the true electors from the Democratic Party met a few miles away and signed the bona fide certificates.

Not only did the fake electoral votes have no legal basis, but the actions of the false electors and those who conspired to devise and execute the scheme as part of the larger plan to overturn the election were potentially criminal. Because the participants in the scheme may have had different levels of involvement and intent, and thus may have differing levels of culpability, we found it helpful to group the participants into different categories based on available evidence pointing to their potential culpability. Category 1 includes people who directly organized or participated in the scheme in Arizona. Based on publicly available evidence, Category 1 consists of: (a) in-state organizers, including Wilenchik, Greg Safsten, and Kelli Ward; (b) out-of-state organizers, including Chesebro, Giuliani, and Thomas Lane; and (c) participants, including all the false electors. The publicly available evidence already reveals the roles played by these individuals, although further investigation may elaborate on certain facts. Category 2 includes individuals who had some contact with organizers or false electors in Arizona, but more evidence is needed to establish the extent of their involvement. Category 2 includes individuals such as Eastman, Epshteyn, and Meadows. Category 3 includes individuals who may have been involved in the scheme, such as Clea Mitchell (an outside attorney who advised the Trump campaign), Ronna McDaniel, and Trump himself.

This memo details important facts about the Arizona scheme and the false electors based on publicly available information and analyzes potential criminal violations committed by the false electors and others involved in the scheme. Finally, this memo discusses potential defenses these individuals may assert.

II. FACTS

A. Procedures for Statewide Election Certification

In Arizona, the initial canvass of an election—the tallying of the election returns—occurs at the county level. Each county is governed by a Board of Supervisors (“BoS”) that is responsible for conducting the canvass. For a general election that canvass must be completed within six to twenty days after election day.⁷ The BoS must then transmit the official canvass to the Arizona Secretary of State (“SoS”).⁸

⁶ Arizona Republican Party, (@azgop), TWITTER (Dec. 14, 2020, 2:42 PM), <https://twitter.com/AZGOP/status/1338600278459727872?s=20>.

⁷ A.R.S. § 16-642 (A).

⁸ A.R.S. § 16-646 (B).

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“On the fourth Monday following a general election,” the SoS must conduct the statewide canvass in the presence of the Governor and Attorney General.⁹ The SoS then must declare that the candidate for each office who received the highest number of votes is “elected” and issue a Certificate of Election to that candidate.¹⁰ For a presidential election, the Certificate of Election is issued to the designated electors for the candidate who received the highest number of votes, as discussed in detail below.¹¹ In 2020, the statewide canvass was conducted on November 30.

B. Procedures for Appointment of Presidential Electors

Federal and state law prescribe procedures for the designation of presidential electors. Pursuant to federal law, each state is allocated a certain number of presidential electors “equal to the number of Senators and Representatives” for that state at the time of a presidential election.¹² The Constitution assigns responsibility to the states to prescribe the process for selecting presidential electors.¹³ In Arizona, each presidential candidate’s putative eleven electors are designated pursuant to a state statute. Within ten days after the primary election, “[t]he chairman of the state committee of a political party that is qualified for representation on an official party ballot at the primary election and accorded a column on the general election ballot shall appoint candidates for the office of presidential elector” and file a nomination paper with the SoS.¹⁴ In a presidential election, when individuals cast their votes for a candidate, they are effectively electing the slate of electors from the corresponding political party.¹⁵ In Arizona, the names of the presidential electors for each presidential candidate are printed on the official ballot next to the name of the candidate.¹⁶

As previously discussed, according to Arizona law, the SoS must issue a Certificate of Election to each candidate who received the highest number of votes.¹⁷ For a presidential election, that Certificate of Election is issued to the electors for the candidate who received the most votes.¹⁸ While federal law does not require that electors cast their votes in accordance with the winner of the popular vote in their state, Arizona state law requires them to do so. In 2017, Arizona passed a “faithless elector” law mandating that individuals who serve as presidential electors must cast their electoral votes for the presidential and vice presidential candidates who “jointly received the highest number of votes.”¹⁹ The statute also provides for the removal and replacement of

⁹ A.R.S. § 16-648 (A).

¹⁰ Ariz. Const. Art 7 § 7; A.R.S. § 16-650.

¹¹ See A.R.S. § 16-650; see also A.R.S. § 16-344.

¹² 3 U.S.C § 3 (2020).

¹³ 3 U.S.C § 1 (2020).

¹⁴ A.R.S. § 16-344.

¹⁵ A.R.S. § 16-212 (A).

¹⁶ A.R.S. § 16-502 (C)(1).

¹⁷ A.R.S. § 16-650.

¹⁸ A.R.S. § 16-212 (A).

¹⁹ A.R.S. § 16-212 (B).

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a presidential elector who refuses to cast their electoral vote for the presidential ticket that received the highest number of votes.²⁰ Prior to the passage of the faithless elector law, the unbroken and consistent pattern in Arizona was for electors whose candidate received the greatest number of votes to cast their electoral votes for that candidate.²¹ The electors have no authority to deviate from the election results.²²

Under federal law, the executive²³ of each state must sign a “Certificate of Ascertainment” declaring that the individuals who received the highest number of votes are the duly elected presidential electors.²⁴ The Certificate of Ascertainment must have the state seal affixed to it, and the governor must mail that certificate to the Archivist of the United States.²⁵ As discussed below, the presidential electors must then meet on the date designated by federal law for that election year and officially cast their electoral votes for the candidate whom they represent. The SoS has historically presided over the meeting of the electors where the electoral votes are officially cast. And the SoS has historically signed the “Presidential Elector Ballot” as a witness.²⁶ Moreover, the SoS typically provides administrative assistance to the electors in complying with the relevant provisions of the Electoral Count Act (“ECA”). See 3 U.S.C. § 7-11 (2020).

Federal law also prescribes procedures for determining the validity of electoral slates and the date that electors from each state are required to meet to cast their votes. First, the ECA²⁷ provides a “safe harbor” mechanism to create a “conclusive” set of electors.²⁸ Under 3 U.S.C. § 5, as it was in place in 2020, if a state had enacted laws before Election

²⁰ A.R.S. § 16-212 (C).

²¹ See Arizona Secretary of State, *Historical Election Results & Information*, <https://azsos.gov/elections/results-data/voter-registration-statistics/historical-election-results-information> (last visited July 14, 2023); see also, *Arizona Elections Procedures Manual* (Dec. 2019), at 128, https://azsos.gov/sites/default/files/2019_ELECTIONS_PROCEDURES_MANUAL_APPROVED.pdf (“As a prerequisite to placement of their nominees on the general election ballot, each recognized political party must timely submit the names of presidential electors who will cast votes for the winning candidate in the Electoral College.”).

²² *Bowyer v. Ducey*, 506 F. Supp. 3d 699, at 710 (D. Ariz. 2020) (“Arizona law makes clear that the duty of an Elector is to fulfill a ministerial function, which is extremely limited in scope and duration, and that they have no discretion to deviate at all from the duties imposed by the statute.”); A.R.S. § 16-212 (C).

²³ The Electoral Count Act places the duty to send a Certificate of Ascertainment on the state’s executive. In Arizona, historically, the Certificates of Ascertainment have been sent by the governor. Going forward in this memorandum, we will refer to the governor as having this responsibility.

²⁴ 3 U.S.C. § 6 (2020); Nat’l. Archives and Records Admin., *The 2020 Presidential Election/ Provisions of the Constitution and U.S. Code* (July 2020), <https://www.archives.gov/files/electoral-college/state-officials/presidential-election-brochure.pdf>, at 2, 5-6, [hereinafter, Nat’l. Archives, *2020 Presidential Election*].

²⁵ *Id.* at 4.

²⁶ Governor Katie Hobbs, FACEBOOK LIVE, <https://www.facebook.com/SecretaryHobbs/videos/2020-electoral-college/420122549030605/> (last visited July 14, 2023).

²⁷ In 2022, Congress revised the law governing the appointment of electors and the process for resolving disputes regarding their validity. This memorandum describes the provisions in effect in 2020.

²⁸ The ECA does not use the term “safe harbor,” but the shorthand is widely used. As a result of the 2022 revisions, the “safe harbor” mechanism no longer exists.

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Day for determining any “controversy or contest” regarding the presidential election—and if those rules lead to a “final determination” at least six days before the meeting of the Electoral College (the “safe harbor deadline”)—that final determination “shall be conclusive . . . so far as the ascertainment of the electors appointed by such State is concerned.”²⁹ In 2020, the safe harbor deadline was December 8th, and electors from each state—collectively members of the Electoral College—were required to meet and officially cast their electoral votes on December 14th.³⁰

C. The 2020 Presidential Election in Arizona

During the early voting period and on election day, November 3, 2020, a record number of Arizona voters cast their ballots.³¹ By November 23, 2020, the SoS had received the results of each county’s official canvass of the 2020 presidential election.³² On November 30, 2020, the then-Secretary of State, Katie Hobbs, completed the statewide canvass in a public meeting with then-Governor Doug Ducey, then-Attorney General Mark Brnovich, and Chief Justice of the Arizona Supreme Court Robert Brutinel present and officially confirmed that Biden had received 10,457 more votes than Trump.³³ On the same day, then-Governor Ducey signed the Certificate of Ascertainment declaring that the Democratic Party Presidential Electors “received the highest number of votes cast for any candidate for this office,” and were the “duly elected Presidential Electors.”³⁴

Also on that same day, November 30, 2020, Kelli Ward filed a lawsuit in Maricopa County Superior Court against the Biden Electors challenging the results of the presidential election.³⁵ In her original petition, Ward asserted claims under three

²⁹ 3 U.S.C. § 5 (2020).

³⁰ 3 U.S.C. § 7 (2020); Nat’l. Archives, *2020 Presidential Election*, at 4.

³¹ Arizona Secretary of State, *Voter Registration Statistics*, <https://azsos.gov/elections/results-data/voter-registration-statistics> (last visited July 5, 2023); Arizona Secretary of State, *2020 Election Information*, <https://azsos.gov/2020-election-information> (last visited July 10, 2023).

³² Arizona Secretary of State, *2020 General Election County Canvass Returns*, <https://azsos.gov/2020-general-election-county-canvass-returns> (last visited July 13, 2023).

³³ *Id.*; see also C-SPAN, *Arizona 2020 Election Results Certification* (Nov. 30, 2020), <https://www.c-span.org/video/?478418-1/arizona-2020-election-results-certification>; see also Jerod Macdonald-Evoy, *Arizona certifies 2020 general election results*, *AZ Mirror* (Nov. 30, 2020), <https://www.azmirror.com/2020/11/30/arizona-certifies-2020-general-election-results/>.

³⁴ *Arizona Certificate of Ascertainment 2020* (Nov. 3, 2020), <https://www.archives.gov/files/ascertainment-arizona.pdf>; Note, Governor Ducey sent the National Archives two additional documents entitled “Certificate of Final Determination of Presidential Electors” on January 4, 2021, and January 6, 2021, updating the Archives on the final disposition of two election contests that ultimately upheld the election results. The additional documents did not alter, replace, or nullify the original Certificate of Ascertainment that was signed on November 30th.

³⁵ Note, Kelli Ward filed a preliminary discovery petition under a rule that allows discovery prior to filing a lawsuit when necessary to “prevent a failure or delay of justice.” *Ariz. R. Civ. P. § 27*; *Ward v. Jackson*, Maricopa Cnty. Super. Ct., No. CV2020-015285, Statement of Elections Contest pursuant to A.R.S. § 16-673 (Nov. 30, 2020), available at <https://www.democracymirror.com/wp-content/uploads/2020/11/11->

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statutory provisions, alleging that (1) Maricopa County election workers engaged in misconduct; (2) illegal votes had been counted; and (3) by reason of erroneous count of votes the person declared elected did not in fact receive the highest number of votes for the office.³⁶ Specifically, Ward claimed that the signature verification process for mail-in ballots in Maricopa County (by far the state's most populous county and one that Biden won) was not conducted according to state law³⁷ and that bipartisan observers were not allowed to fully observe the signature verification process.³⁸ She also claimed errors with regard to ballot duplication in Maricopa County. When a ballot is too damaged or illegible to be read by a tabulation machine, Arizona law provides a process by which a ballot can be duplicated and counted.³⁹ Ward alleged that observers were not allowed to observe part of the ballot duplication process and that there was an unusually high number of duplicate ballots in a particular congressional district.⁴⁰ Ward argued that due to the alleged misconduct of election officials, the election results were "fundamentally uncertain."⁴¹

The trial court held an "accelerated evidentiary hearing on December 3 and 4, 2020."⁴² On December 4, 2020, the court ruled that Ward had not presented sufficient evidence to show fraud or misconduct and confirmed the election results.⁴³ The court noted that it had allowed Ward to inspect 100 mail-in ballot envelopes/affidavits to do a signature comparison.⁴⁴ After reviewing the mail-in ballots, Ward's expert "found 6 signatures to be inconclusive," and the defendant's expert found 11 to be inconclusive.⁴⁵ Neither found signs of "forgery or simulation."⁴⁶ The court also allowed Ward to inspect duplicate ballots, and out of the 1626 duplicate ballots that were inspected, only 9 errors were

30-20-Amend-Verified-Complaint-1.pdf. The election contest could not be filed until the SoS finished canvassing the votes, which was completed on November 30, 2020. *Ward v. Jackson et. al.*, Maricopa Cnty. Super. Ct., No. CV2020-015285, Verified Petition for Rule 27 Discovery (Nov. 24, 2020), available at <https://www.democracymocket.com/wp-content/uploads/2020/11/11-30-20-Amend-Verified-Complaint-1.pdf>.

³⁶ *Ward v. Jackson*, Maricopa Cnty. Super. Ct., No. CV2020-015285, Statement of Elections Contest pursuant to A.R.S. § 16-673 (Nov. 30, 2020), ¶ 30-1, available at <https://www.democracymocket.com/wp-content/uploads/2020/11/11-30-20-Amend-Verified-Complaint-1.pdf>.

³⁷ *Id.* ¶ 38.

³⁸ *Id.* ¶ 37.

³⁹ A.R.S. § 16-621(A).

⁴⁰ *Ward v. Jackson*, Maricopa Cnty. Super. Ct., No. CV2020-015285, Statement of Elections Contest pursuant to A.R.S. § 16-673 (Nov. 30, 2020), ¶ 26-8, available at <https://www.democracymocket.com/wp-content/uploads/2020/11/11-30-20-Amend-Verified-Complaint-1.pdf>.

⁴¹ *Id.* ¶ 38.

⁴² *Ward v. Jackson*, Maricopa Cnty. Super. Ct., No. CV2020-015285, Minute Entry and Order (Dec. 4, 2020), at 4, available at <https://www.clerkofcourt.maricopa.gov/home/showpublisheddocument/1930/637426940256270000%20at%207-8>.

⁴³ *Id.* at 6-7, 9.

⁴⁴ *Id.* at 7.

⁴⁵ *Id.* (cleaned up).

⁴⁶ *Id.*

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found.⁴⁷ Nevertheless, Ward's attorney, Wilenchik, argued in his closing that this error rate could have flipped the election results.⁴⁸ The trial court rejected these arguments and concluded that there was "no misconduct, no fraud, and no effect on the outcome of the election."⁴⁹

On the same day that the trial court issued its decision, Ward appealed the ruling to the Arizona Supreme Court. That court unanimously confirmed the election results on December 8, 2020, holding that Ward's lawsuit "fail[ed] to present any evidence of 'misconduct,' 'illegal votes' or that the Biden Electors 'did not in fact receive the highest number of votes for office,' let alone establish any degree of fraud or a sufficient error rate that would undermine the certainty of the election results."⁵⁰

While *Ward v. Jackson* was still pending in the Superior Court, Kelli Ward and the other 10 Arizona false electors also pursued litigation to attempt to overturn the election results. On December 2, 2020, all 11 false electors and three county GOP chairs filed a lawsuit against then-Governor Ducey and then-Secretary of State Katie Hobbs and requested that the court order the defendants to decertify the election results.⁵¹ On December 9, 2020, the United States District Court for the District of Arizona dismissed the case on grounds related to Article III standing, abstention, laches, mootness, and federal pleading standards.⁵² In the dismissal order, the court summed up the lack of evidence supporting plaintiffs' claims thus: "Allegations that find favor in the public sphere of gossip and innuendo cannot be a substitute for earnest pleadings and procedure in federal court. They most certainly cannot be the basis for upending Arizona's 2020 General Election."⁵³ The plaintiffs filed an appeal to the United States Court of Appeals for the Ninth Circuit, which they subsequently voluntarily dismissed.⁵⁴

⁴⁷ *Id.* at 8.

⁴⁸ Arizona Republican Party, (@azgop), TWITTER (Dec. 6, 2020, 3:26 PM),

<https://twitter.com/AZGOP/status/1335727223165239299?s=20&t=K5aKeaow4B-S-izT23N3cA>.

⁴⁹ *Ward v. Jackson*, Maricopa Cnty. Super. Ct., No. CV2020-015285, Minute Entry and Order (Dec. 4, 2020), at 8, *available at*

<https://www.clerkofcourt.maricopa.gov/home/showpublisheddocument/1930/637426940256270000%20at%207-8>.

⁵⁰ *Ward v. Jackson*, No. CV-20-0343-AP/EL, 2020 WL 8617817 (Ariz. Dec. 8, 2020), *cert. denied*, 141 S. Ct. 1381, 209 L. Ed. 2d 125 (2021), at 6, *available at*

<https://www.clerkofcourt.maricopa.gov/home/showpublisheddocument/1984/637437053596970000>.

Other individuals and the Trump campaign also filed litigation to challenge the elections results in Arizona, but because *Ward v. Jackson* was specifically filed to give cover for the fake elector scheme, as explained further below, we discuss the case in more detail here. A full list of the other cases can be reviewed at: Stanford-MIT Healthy Elections Project, *COVID-Related Election Litigation Tracker*, <https://healthyelections-case-tracker.stanford.edu/results> (last visited July 14, 2023).

⁵¹ Complaint for Declaratory, Emergency, and Permanent Injunctive Relief, *Bowyer v. Ducey*, No. 2:20-CV-02321-DJH (D. Ariz. Dec. 2, 2020).

⁵² *Bowyer v. Ducey*, 506 F.Supp.3d 699, at 708 (D. Ariz. 2020).

⁵³ *Id.* at 724.

⁵⁴ Order Dismissing *Bowyer v. Ducey* Appeal, *Bowyer v. Ducey*, No. 2:20-CV-02321-DJH (9th Circ. Apr. 13, 2021).

D. The False Elector Scheme in Arizona in 2020

1. Origination and organization of the false elector scheme

In the days after Biden was unofficially declared by major media outlets as the winner of the presidential election, the Trump campaign launched a coordinated scheme in the seven battleground states, including Arizona, to have purported electors meet and sign fake certificates casting the states' electoral college votes for Trump. The scheme largely played out from November 30 through January 6, 2021, but its genesis began before that.⁵⁵ The scheme involved staff members of the Trump campaign, Trump's White House staff, and key Trump allies in the target states, some of whom were elected officials.⁵⁶

Kenneth Chesebro, an attorney and outside legal advisor to the Trump campaign, was a main legal architect of the fake elector scheme in all seven target states, authoring legal memos and emails that provided the blueprint for how the plan would operate.⁵⁷ In a legal memo dated November 18, 2020, to James R. Troupis, a Wisconsin-based attorney for the Trump campaign, Chesebro focused his analysis on Wisconsin, suggesting that "the Trump Campaign could gain a few extra weeks for litigation to challenge that state's election results, so long as a Wisconsin slate of Republican nominees to the electoral college met on December 14th to cast placeholder electoral college votes on a contingent basis."⁵⁸

The memo acknowledged that it "may seem odd that the electors pledged to Trump and Pence might meet and cast their votes on December 14 even if, at that juncture, the Trump-Pence ticket is behind in the vote count, and no Certificate of Election has been issued in favor of Trump and Pence."⁵⁹ But the memo argued that doing so on a contingent basis would ensure that "a court decision (or, perhaps, a state legislative determination) rendered after December 14 in favor of the Trump-Pence slate of electors should be timely."⁶⁰

This theory—that organizing a fake slate of electors would create a viable path for Trump to remain president—began to gain momentum with members of the Trump campaign from the top down. For example, as Rusty Bowers testified before the January

⁵⁵ See Jan. 6th Comm. Report, at 341-343.

⁵⁶ For example, on November 6, 2020, U.S. Representative Andy Biggs (R-AZ) texted Mark Meadows, urging him to "encourage the state legislators to appoint [electors]." *Id.* at 115.

⁵⁷ *Id.* at 343; see also Kenneth Chesebro, *Memorandum Re: The Real Deadline for Settling a State's Electoral Votes* (Nov. 18, 2020), at 2, available at <https://www.nytimes.com/interactive/2022/02/02/us/trump-electors-memo-november.html>, [hereinafter, Chesebro Nov. 18 Memo].

⁵⁸ Jan. 6th Comm. Report, at 343.

⁵⁹ Chesebro Nov. 18 Memo, at 2.

⁶⁰ *Id.*

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6 Select Committee, during a November 22, 2020 phone call, Giuliani pressured Bowers, then the Speaker of the Arizona House, to replace the duly elected electors with an alternative slate of Trump electors.⁶¹ Bowers rejected the proposition out of hand.⁶² Giuliani and then Trump himself continued this pressure campaign in the days that followed.⁶³

By the beginning of December, Chesebro's memo had reached Trump's White House Chief of Staff, Mark Meadows. On December 6, 2020, in an email between Meadows and Trump campaign Senior Advisor Jason Miller, Meadows requested a meeting with Miller about Chesebro's November 18th memo. In his response, Miller confirmed that he was aware of the arguments in the memo and stated that members of the team had held "on-background calls on this very subject." In a subsequent response to Miller, Meadows noted that Miller was "on it" and added that "[w]e just need to have someone coordinating the electors for the states."⁶⁴ Miller sent Meadows a spreadsheet that contained contact information for virtually all of the Republican electors in the target states.⁶⁵ A Special Assistant to the President and an assistant to Meadows, Cassidy Hutchinson, later confirmed Meadows' "significant involvement in the plan."⁶⁶ Hutchinson told the January 6th Committee in dramatic testimony that Meadows followed the progress of the fake elector effort closely and that she "remember[ed] him frequently having calls, meetings, and outreach with individuals and this just being a prominent topic of discussion in our office."⁶⁷ When asked how many of his calls or meetings it came up in, she estimated "[d]ozens."⁶⁸

By early December 2020, the Trump campaign was coordinating the false elector scheme in the target states, with Chesebro designated "as the point person for the legal documents going forward" and Michael Roman, the director of Election Day Operations for the Trump campaign, tasked with leading the coordination of the individual false electors.⁶⁹

⁶¹ Bennie Thomas, *Here's every word from the fourth Jan. 6 committee hearing on its investigation*, NPR (June 21, 2022), <https://www.npr.org/2022/06/21/1105848096/jan-6-committee-hearing-transcript>.

⁶² *Id.*

⁶³ Ryan Randazzo and Maria Polletta, *Arizona GOP lawmakers hold meeting on election outcome with Trump lawyer Rudy Giuliani*, ARIZONA REPUBLIC (Nov. 30, 2020), <https://www.azcentral.com/story/news/politics/elections/2020/11/30/republican-lawmakers-arizona-hold-meeting-rudy-giuliani/6468171002/>; Ximena Bustillo, *Arizona lawmaker Rusty Bowers details the pressure put on him by Trump and Giuliani*, NPR (June 21, 2022), <https://www.npr.org/2022/06/21/1106413341/arizona-lawmaker-rusty-bowers-pressure-giuliani>.

⁶⁴ Email from Mark Meadows to Jason Miller (Dec. 6, 2020, 4:33 PM EST), available at <https://www.govinfo.gov/content/pkg/GPO-J6-DOC-MM003771/pdf/GPO-J6-DOC-MM003771.pdf>, [hereinafter, Email from Meadows to Miller, Dec. 6, 2020].

⁶⁵ Jan. 6th Comm. Report, at 345.

⁶⁶ *Id.*

⁶⁷ *Id.* at 345-6.

⁶⁸ *Id.* at 346.

⁶⁹ The January 6th Committee described Roman as leading an "Electors Whip Operation." Jan. 6th Comm. Report, at 349-50.

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In the weeks after he sent his November 18 memo, Chesebro continued to press Trump allies, including Wilenchik, who served as legal counsel to the Arizona Republican Party and Kelli Ward, to organize false slates of electors in states beyond Wisconsin. On December 8, 2020, Wilenchik wrote to Boris Epshteyn, a senior advisor and attorney for the Trump campaign, and others: “I just talked to the gentleman who did that memo, Ken Chesebro. His idea is basically that all of us (GA, WI, AZ, PA, etc.) have our electors send in their votes (even though the votes aren’t legal under federal law—because they’re not signed by the Governor); so that members of Congress can fight about whether they should be counted on January 6th.”⁷⁰ After admitting that the votes were not legal, Wilenchik explained the motive for nevertheless sending the votes: “we would just be sending in ‘fake’ electoral votes to Pence so that ‘someone’ in Congress can make an objection when they start counting votes, and start arguing that the ‘fake’ votes should be counted.”⁷¹ In a follow up email also sent on December 8 to Epshteyn and others, Wilenchik wrote “‘alternative’ votes is probably a better term than ‘fake’ votes,” adding a smiley face emoji.⁷²

As the scheme percolated through the key states, Chesebro and others continued to shape its contours and provide his legal theory to potential participants. Chesebro sent a second legal memo on December 9, 2020, to Wisconsin’s Troupis, in which he acknowledged that none of the Republican electors in six target states (AZ, GA, MI, NV, PA, WI) were “currently certified as having been elected by the voters of their State.” Nevertheless, he advised that taking the “essential steps needed to validly cast and transmit their votes” would allow the votes to be counted later “by a court, the state legislature, or Congress” (emphasis added).⁷³ Critically, the January 6th Committee highlighted that with this memo, Chesebro’s theory had evolved to suggest that “Congress itself could choose among dueling slates of purported electoral votes—and thereby decide the Presidential election—even though Article II of the Constitution grants that power to the electoral college via the States.”⁷⁴ In the memo, Chesebro delivered a step-by-step roadmap outlining federal law requirements and analyzing the relevant laws of each state. Specifically, he laid out when and how the false electors should meet (in private if possible), specified how many “certificates” they should sign and provided examples, and noted how they should mail the fake certificates.⁷⁵ After reviewing the laws in Arizona related to presidential electors, Chesebro concluded that it

⁷⁰ The other recipients of the email were Christina Bobb, Lee Miller, Dennis Wilenchik, Aaron Green, Josh Offenhartz, Christine Ferreira, and Victoria Stevens. See Haberman & Broadwater, *Fake Electors Plan*, *supra* note 2.

⁷¹ Jan. 6th Comm. Report, at 344.

⁷² Haberman & Broadwater, *Fake Electors Plan*, *supra* note 2.

⁷³ Kenneth Chesebro, *Memorandum Re: Statutory Requirements for December 14 Electoral Votes* (Dec. 9, 2020), available at <https://int.nyt.com/data/documenttools/trump-electors-memo-december/eb149df1a68cc512/full.pdf>, [hereinafter, Chesebro Dec. 14 Memo].

⁷⁴ Jan. 6th Comm. Report, at 343.

⁷⁵ Chesebro Dec. 14 Memo.

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was the most “straightforward” state, noting that it did not require presidential electors to meet at a specific place or at a specific time.⁷⁶

The next day, on December 10, 2020, Chesebro emailed Arizona false elector Greg Safsten directly to provide samples of the language for the certificate the false electors could sign, and he attached his November 18 and December 9, 2020, memos.⁷⁷ Safsten at the time was the executive director of the Republican Party of Arizona. In a later email also sent on December 10, 2020, Chesebro provided Safsten and Wilenchik a draft certificate “suitable for Arizona,” noting that he had crafted the language for the certificate from “best practices.”⁷⁸

On December 11, 2020, Chesebro wrote to Wilenchik and confirmed that Giuliani had spoken directly with false elector Kelli Ward and then-Arizona State Representative Kelly Townsend about “the campaign’s request that all electors vote Monday in all contested states.”⁷⁹ Ward and Townsend apparently expressed concern that the fake electoral votes were not legal.⁸⁰ Also on December 11, 2020, Chesebro wrote to Wilenchik: “Just got off the phone with Mayor Giuliani. I told him that 3 days ago, you had told me you planned to seek cert. from the AZ Sup Ct’s dismissal of the case. Do you still plan to do this? If so, can you get the cert. petition on file by Monday? Reason is that Kelli Ward & Kelly Townsend just spoke to the Mayor . . . Ward and Townsend are concerned it could appear treasonous for the AZ electors to vote on Monday if there is no pending court proceeding that might, eventually, lead to the electors being ratified as the legitimate ones.”⁸¹ That same day, as counsel for Ward, Wilenchik filed an appeal of the twice-rejected *Ward v. Jackson* lawsuit with the United States Supreme Court to (in Wilenchik’s words) “give legal cover for the electors in AZ to vote” in favor of Trump.⁸² This was three days before the false electors would meet and sign the fake certificates.

Chesebro again laid out the false elector scheme in more detail to Rudy Giuliani in an email on December 13, 2020, entitled “Brief notes on ‘President of the Senate’

⁷⁶ *Id.* at 5.

⁷⁷ Emails from Kenneth Chesebro to Greg Safsten (Dec. 10-11, 2020), *available at* <https://www.govinfo.gov/content/pkg/GPO-J6-DOC-CTRL0000918596/pdf/GPO-J6-DOC-CTRL0000918596.pdf>, [hereinafter, Email from Chesebro to Safsten, Dec. 11, 2020].

⁷⁸ *Id.*

⁷⁹ Maggie Haberman & Luke Broadwater, *Arizona Officials Warned Fake Electors Plan Could ‘Appear Treasonous’*, THE NEW YORK TIMES (Aug. 2, 2022),

https://www.nytimes.com/2022/08/02/us/politics/arizona-trump-fake-electors.html?action=click&pgtype=Article&state=default&module=styln-capitol-mob&variant=show®ion=BELOW_MAIN_CONTENT&block=storyline_flex_guide_recirc.

⁸⁰ *Id.*

⁸¹ Kelly Townsend did not serve as a fake elector, but Kelli Ward and Kelli Ward’s husband Michael Ward did, and they both signed the fake certificates. *See* Haberman & Broadwater, *Treasonous*, *supra* note 81.

⁸² *Id.*; SCOTUS denied the motion to expedite consideration in that case on January 11, 2021, well after the deadline for electors from each state to submit the certificate of electoral votes. *Ward v. Jackson*, No. 20-809, Petition for Certiorari to the Supreme Court of the United States (Dec. 11, 2020), *available at* https://www.supremecourt.gov/DocketPDF/20/20-809/163521/20201211121556721_12-11-20%20Pet%20for%20Writ%20Ward%20v%20Jackson.pdf.

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strategy.”⁸³ The email outlined how the scheme would operate and provided guidance on how to use various levers of power to make courts and state legislatures feel pressure to consider more than one electoral slate. Chesebro explained how Mike Pence, presiding over the joint session of Congress on January 6th, would open “two envelopes from Arizona, and announce[] that he cannot and will not, at least as of that date, count any electoral votes from Arizona because there are two slates of votes.”⁸⁴ In an email to false elector Safsten on the same day, Chesebro confirmed that Giuliani was willing to personally persuade potential false electors to participate, writing, “I talked with [sic] evening with Mayor Giuliani, who is focused on doing everything possible to ensure that that all the Trump-Pence electors vote on Dec. 14. If you think he could help with encouraging your fellow electors to make this happen, please do not hesitate to reach out to me, and I will do my best to get him to follow up.”⁸⁵

Officials and employees of the Republican National Committee were also active participants in the scheme. Days before the false electors signed the Certificate of Votes, Trump personally called the Chair of the Republican National Committee (“RNC”), Ronna McDaniel, to solicit her help in organizing the false electors in each state.⁸⁶ During the call with McDaniel, Trump introduced John Eastman, an attorney, law professor, and outside legal counsel for the Trump campaign, “to talk about the importance of the R.N.C. helping the campaign gather these contingent electors.”⁸⁷ McDaniel explained that it was her understanding that the Trump electors were meeting on a contingent basis “in case something happened where the outcome of a State election changed, based on these legal actions.”⁸⁸ After the call, McDaniel instructed individuals within in the RNC to “reach out and assemble” the Trump electors.⁸⁹

2. Signing the Certificates of Electoral Votes in Arizona

On December 14, 2020, at 10:00 am, the duly elected slate of Democratic electors met to sign Arizona’s “Presidential Elector Ballot” and officially cast their electoral votes for Biden.⁹⁰ Then-Secretary of State Katie Hobbs presided over the signing ceremony,

⁸³ Email from Kenneth Chesebro to Rudy Giuliani (Dec. 13, 2020, 9:48 PM), *available at* <https://www.govinfo.gov/content/pkg/GPO-J6-DOC-Chapman004708/pdf/GPO-J6-DOC-Chapman004708.pdf>, [hereinafter, Email from Chesebro to Giuliani, Dec. 13, 2020].

⁸⁴ *Id.*

⁸⁵ Email from Chesebro to Safsten, Dec. 11, 2020.

⁸⁶ Jan. 6th Comm. Report, at 346.

⁸⁷ Final Report of the Select Committee to Investigate the January 6th Attack on the U.S. Capitol, *Interview of: Ronna McDaniel* (June 1, 2022), at 9, *available at* <https://www.govinfo.gov/content/pkg/GPO-J6-TRANSCRIPT-CTRL0000915972/pdf/GPO-J6-TRANSCRIPT-CTRL0000915972.pdf>.

⁸⁸ *Id.* at 9-10.

⁸⁹ *Id.* at 12.

⁹⁰ Governor Katie Hobbs, FACEBOOK LIVE, <https://www.facebook.com/SecretaryHobbs/videos/2020-electoral-college/420122549030605/> (last visited July 14, 2023); *see* Arizona Secretary of State, 2020 *Electoral College*, <https://azsos.gov/elections/results-data/2020-electoral-college> (last visited July 14, 2023).

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caused the state seal to be affixed to the Certificates of Votes, and signed as a witness.⁹¹ Those Certificates of Votes were sent to the Archivist of the United States, who is the head of the National Archives, as well as the other statutorily required recipients.⁹²

On the same day, although they were not legally authorized to do so, the eleven Republican electors who were previously selected by Kelli Ward gathered at the Arizona Republican Party headquarters to cast fake electoral votes. The false electors consisted of Tyler Bowyer, Nancy Cottle, Jake Hoffman, Anthony Kern, James Lamon, Robert Montgomery, Samuel Moorhead, Loraine Pellegrino, Gregory Safsten, Kelli Ward, and Michael Ward.⁹³ At the time they gathered on December 14, it was widely known that: (1) the statewide canvass had been completed and certified for Biden, giving the Democratic electors the right to cast votes for President; (2) the margin of victory was over ten thousand votes; (3) there was no pending court-ordered recount; and (4) almost all pending litigation challenging the Arizona presidential election had been dismissed or rejected by state courts.⁹⁴

The false electors purported to be the “duly elected and qualified Electors for President and Vice President of the United States of America from the State of Arizona.”⁹⁵ They certified that they had “convened and organized...to perform the duties enjoined upon us...” and signed six identical copies of the fake election certificate while recording themselves on video.⁹⁶ The video shows that after listening to someone read aloud the text from the fake certificate, the false electors clapped and signed their names.⁹⁷ A staff member from the Trump campaign, Thomas Lane, who had seemingly been sent to Arizona by the Trump campaign to oversee the operation, can be seen on video passing

⁹¹ Governor Katie Hobbs, FACEBOOK LIVE, <https://www.facebook.com/SecretaryHobbs/videos/2020-electoral-college/420122549030605/> (last visited July 14, 2023). This document is called a Certificate of Votes in federal law. However, the caption placed on the Arizona Certificate of Votes in 2020 was “Presidential Elector Ballot.” Legally speaking, they are the same thing.

⁹² *Arizona Presidential Elector Ballot Certificate of Vote 2020* (Dec. 14, 2020), <https://www.archives.gov/files/electoral-college/2020/vote-arizona.pdf>.

⁹³ Kira Lerner, *Trump’s fake electors: Here’s the full list*, AZ MIRROR (Feb. 1, 2022), <https://www.azmirror.com/2022/02/01/trumps-fake-electors-heres-the-full-list/>.

⁹⁴ When the false electors met, only one election contest remained open in state court. That case was untimely filed. Indeed, it was dismissed as untimely on Dec. 15, 2020, the very next day. *Burk v. Ducey*, Pinal Cnty. Super. Ct., No. CV2020-01869, Ruling on Motion to Dismiss (Dec. 7, 2020), available at <https://elections.maricopa.gov/asset/jcr:8f65c472-f56b-480e-aff4-96d50e1a30b7/Burk%20v.%20Ducey%20-%20Court%20Order%20ruling%20on%20MTD%20filed%20121520.pdf>.

⁹⁵ *Certificate of Vote from the Republican slate of electors from the State of Arizona* (Dec. 14, 2020), <https://www.archives.gov/files/foia/az-full-1.pdf>, [hereinafter, Arizona Fake Certificate].

⁹⁶ Arizona Republican Party, (@azgop), TWITTER (Dec. 14, 2020, 2:42 PM), <https://twitter.com/AZGOP/status/1338600278459727872?s=20>.

⁹⁷ *Id.*

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out copies of the phony election certificates.⁹⁸ Nancy Cottle served as chair and Loraine Pellegrino served as secretary for the group.⁹⁹

The cover page of the fake certificates listed recipients as the President of the Senate, Archivist of the United States, Arizona Secretary of State, and Chief Judge, U.S. District Court for the District of Arizona.¹⁰⁰ The fake certificates from Arizona were delivered to the Archivist of the United States and the President of the Senate.¹⁰¹ While there is no conclusive evidence as to who physically sent the fake certificates to the respective offices, the cover memorandum for the certificate stated that the certificate was from “Nancy Cottle, Chairperson, Electoral College of Arizona.”¹⁰²

Notably, the false electors in Arizona did not include any conditional language in their fake certificates. Although there was no basis in law for a false slate of electors in any state, the false electors in Pennsylvania and New Mexico included conditional language in the text of their certificate. In New Mexico, the text read: “WE, THE UNDERSIGNED, on the understanding that it might later be determined that we are the duly elected and qualified Electors for President and Vice President of the United States of America from the State of New Mexico.”¹⁰³ Similarly, in Pennsylvania, the text read: “WE, THE UNDERSIGNED, on the understanding that if, as a result of a final non-appealable Court Order or other proceeding prescribed by law, we are ultimately recognized as being the duly elected and qualified Electors for President and Vice President of the United States of America from the State of Pennsylvania.”¹⁰⁴ In early 2022, Pennsylvania’s then-Attorney General, Josh Shapiro, determined that the inclusion of this conditional language foreclosed criminal charges for forgery against the Pennsylvania false electors.¹⁰⁵

⁹⁸ *Id.* Jan. 6th Comm. Report, at 350, 356 n.76; Lane was subpoenaed by the FBI as part of its investigation into the fake elector scheme. He is currently serving as Elections Counsel and Director of Election Coalitions at the U.S. House of Representatives – Committee on House Administration, advising the Committee on House Administration on elections. See Heidi Przybyla & Zach Montellaro, *Former Trump campaign staffer subpoenaed by DOJ is now working for House committee on elections*, POLITICO (May 5, 2023), <https://www.politico.com/news/2023/05/05/former-trump-staffer-elections-committee-00095490>.

⁹⁹ Arizona Fake Certificate.

¹⁰⁰ *Id.* (These were the recipients required by federal law in 2020. See 3 U.S.C. § 11 (2020)).

¹⁰¹ *Id.*; Jan. 6th Comm. Report, at 354-5; See also, Nat’l. Archives, *2020 Presidential Election Unofficial Certificates submitted to The Office of the Federal Register*, <https://www.archives.gov/foia/2020-presidential-election-unofficial-certificates> (last visited July 18, 2022).

¹⁰² *Id.*

¹⁰³ *Certificate of Vote from the Republican slate of electors from the State of New Mexico* (Dec. 14, 2020), at 1, <https://www.archives.gov/files/foia/nm-full.pdf>.

¹⁰⁴ *Certificate of Vote from the Republican slate of electors from the State of Pennsylvania* (Dec. 14, 2020), at 1, <https://www.archives.gov/files/foia/pa-cov-full.pdf>.

¹⁰⁵ Mike Wereschagin, *Pa. Republicans’ hedged language may have saved them from prosecution over electoral vote scheme*, LNP: LANCASTER ONLINE (Jan. 17, 2022), https://lancasteronline.com/news/politics/pa-republicans-hedged-language-may-have-saved-them-from-prosecution-over-electoral-vote-scheme/article_849d4f7e-7589-11ec-8881-6383a823557d.html.

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After the false electors in various states met and signed fake certificates on December 14, 2020, the GOP's McDaniel sent a note to the White House with the names of the electors who had done so.¹⁰⁶ The next morning, Kelli Ward informed viewers of the Arizona Republican Party's YouTube channel that the false electors had signed and cast their votes for Trump and Pence. She stated:

"December 14th, the true electors for the Presidency met yesterday, yes the Republican electors. We gathered together, we took a vote for President Trump and for Mike Pence for President and Vice President. We have transmitted those results to the proper entities in Washington, D.C. for consideration by Congress. We believe that we are the electors for the legally cast votes here in Arizona. Now, there is historic precedent for this move. There's a lot of precedent, but let's talk about 1960. In 1960, the Democrat electors for John F. Kennedy met despite the fact their governor had certified the election for Richard Nixon. They transmitted their, their [sic] votes and those votes were awarded to President Kennedy 11 days after they cast those votes. So, this election is far from over. Anyone who is telling you differently, whether it's in the media, whether it's the Democrat Talking Heads or whether it's the Republican establishment is just avoiding the facts. The fact is there are a lot of legal challenges out there and this is a contested election and so, stay strong. I thank all of you for fighting for this and for fighting for the 74 million plus Americans who voted for President Trump. In this, we truly are all in this together. Let's work hard and I'll see you tomorrow."¹⁰⁷

On December 14, 2020, Biden received sufficient votes in the Electoral College to win the presidency.¹⁰⁸ Subsequently, the President of the Senate (Vice President Pence) was scheduled to count the electoral votes on January 6, 2021, a Joint Session of Congress, which would then officially declare the election for Biden.¹⁰⁹

In the weeks after the December 14th Electoral College vote, Trump and his allies continued to advance the false elector scheme in an effort to have Pence to use his position as presiding officer over the Joint Session to hand Trump the presidency.¹¹⁰ For example, on December 27, 2020, then-U. S. Representative Louis Gohmert and the 11 Arizona false electors sued Pence in a Texas federal district court. The plaintiffs, alleging

¹⁰⁶ Select Committee to Investigate the January 6th Attack on the U.S. Capitol, *Interview of Ronna McDaniel* (June 1, 2022), at 18, available at <https://www.govinfo.gov/content/pkg/GPO-J6-TRANSCRIPT-CTRL0000915972/pdf/GPO-J6-TRANSCRIPT-CTRL0000915972.pdf>.

¹⁰⁷ Arizona Republican Party, *AZGOP State of the Race Update (12/15/20)*, YOUTUBE (Dec. 15, 2020), at 00:19-01:50, <https://youtu.be/TIipJA5X2Bcc>.

¹⁰⁸ Jonathan Lemire & AP Writers, *Electoral College makes it official: Biden won, Trump lost*, THE ASSOCIATED PRESS (Dec. 14, 2020, 10:10 PM), <https://apnews.com/article/joe-biden-270-electoral-college-vote-d429ef97af2bf574d16463384dc7cc1e>.

¹⁰⁹ *Id.*; see also Nat'l. Archives, *2020 Presidential Election*, at 12-3.

¹¹⁰ Jan. 6th Comm. Report, at 341-2.

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that there were “competing slates” of electors, asked the court to declare that the Electoral Count Act is unconstitutional and that the Vice President has the “exclusive authority and sole discretion” to determine which slates of electoral votes should be counted.¹¹¹ On January 1, 2021, the district court dismissed the lawsuit because the plaintiffs did not have standing, and that dismissal was affirmed on appeal on January 2, 2021.¹¹² Similarly, false elector and current Arizona State Representative Jake Hoffman sent a letter to Pence on January 5, 2021, requesting that Pence overturn the will of millions of Arizona voters and allow the Arizona legislature to decide who would serve as presidential electors for the state.¹¹³

Trump and his advisors also directly pressured Pence. In an email to Eastman and Epshteyn sent on January 1, 2021, Chesebro lobbied for Pence to “derail the joint session of Congress” arguing that he could do so because “there are two competing slates of electoral votes in several States and [Pence could] tak[e] the position that only he, or possibly Congress, could resolve any disputes concerning them.”¹¹⁴

On January 4, 2021, Chesebro forwarded Eastman the email he had written to Giuliani on December 13, 2020, that laid out the false elector scheme in detail.¹¹⁵ Eastman and Chesebro worked together to coordinate arguments in support of the fake votes.¹¹⁶ In late December and early January 2021, Eastman authored two memos that asserted theories similar to those in Chesebro’s earlier memos. Eastman wrote that the Vice President, serving as President of the Senate, could unilaterally “reject the certified electors from several States won by [Biden]” or “delay the joint session to give State legislatures the opportunity to certify new electors loyal to the President.”¹¹⁷

His plan was to use “dual slates of electors” to throw the joint session of Congress into chaos and thwart the declaration of Biden as President.¹¹⁸ The plan to disrupt the counting of the electoral votes therefore hinged on the fake certificates of votes from Arizona and other states, as well as Pence’s cooperation.

¹¹¹ *Gohmert v. Pence*, 510 F. Supp. 3d 435, at 438–39 (E.D. Tex.), *aff’d*, 832 F. App’x 349 (5th Cir. 2021).

¹¹² *Id.* at 443; *Gohmert v. Pence*, 832 F. App’x 349, at 350 (5th Cir. 2021), cert. denied. The U.S. Supreme Court denied the plaintiff’s application for expedited considerations on Jan. 7, 2021, *available at* <https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/20a115.html>.

¹¹³ Richard Ruelas, *Rep. Jake Hoffman letter asked Pence to not count Arizona’s 2020 electoral college votes*, ARIZONA REPUBLIC (last updated Feb. 18, 2022, 10:05 AM), <https://www.azcentral.com/story/news/politics/arizona/2022/02/16/rep-jake-hoffman-asked-pence-not-accept-arizona-electoral-votes/6820511001/>.

¹¹⁴ Jan. 6th Comm. Report, at 356.

¹¹⁵ Email from Kenneth Chesebro to John Eastman (Jan. 4, 2021, 8:41 PM PST), *available at* <https://www.govinfo.gov/content/pkg/GPO-J6-DOC-Chapman004708/pdf/GPO-J6-DOC-Chapman004708.pdf>, [hereinafter, Email from Chesebro to Eastman, Jan. 4, 2021].

¹¹⁶ Jan. 6th Comm. Report, at 356.

¹¹⁷ *Id.* at 428.

¹¹⁸ *Id.* at 356.

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Pence ultimately rejected Trump's pressure to count the fake electoral votes or send the issue back to the seven states for resolution by state legislatures, and Joe Biden was declared President on the early morning of January 7, 2021, hours after the insurrection by Donald Trump supporters in our nation's capital that left five people dead and 138 police officers injured.¹¹⁹

III. LEGAL ANALYSIS – POTENTIAL CRIMINAL CHARGES

Criminal Code Offenses

As explained below, the current publicly available evidence demonstrates that organizers and participants in the false elector scheme may have committed several crimes under Arizona law. This section reviews each potentially applicable statute. For the most part, setting aside mental state elements, publicly available information shows that the other elements of these statutes are likely satisfied as to the false electors and others involved. Proving intent or other mental state requirements will generally be more challenging. First, we review the law concerning intent in our statute-by-statute analyses (sections III.A through III.F). Then, in a separate section (section III.G), we focus on the intent requirements for the relevant crimes, explaining what we know from public information and what additional investigation may reveal regarding the mental state of the false electors and others involved.

This section analyzes the potential criminal code offenses in the following order:

- Forgery, A.R.S. §13-2002
- Tampering with a Public Record, A.R.S. § 13-2407
- Criminal impersonation, A.R.S. § 13-2006
- Presentment of False Instrument for Filing, A.R.S. § 39-161
- Fraudulent Schemes and Artifices, A.R.S § 13-2310
- Conspiracy, A.R.S. § 13-1003

A. Forgery, A.R.S. § 13-2002

A person commits forgery under Arizona law if:

- (1) They either
 - a. falsely made, completed, or altered a written instrument, OR
 - b. knowingly possessed a forged instrument, OR

¹¹⁹ Nat'l. Archives, *2020 Electoral College Results*, <https://www.archives.gov/electoral-college/2020#:~:text=Due%20to%20violent%20unrest%20in,morning%20of%20January%207%2C%202021> (last visited July 25, 2023); see Michael Schmidt and Luke Broadwater, *Officers' Injuries, Including Concussions, Show Scope of Violence at Capitol Riot*, THE NEW YORK TIMES (July 12, 2021), <https://www.nytimes.com/2021/02/11/us/politics/capitol-riot-police-officer-injuries.html>.

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- c. offered or presented, whether accepted or not, a forged instrument or one containing false information, AND

(2) Did so with the intent to defraud.

See A.R.S. § 13-2002(A); Rev. Ariz. Criminal Jury Instructions 20.02 (5th Ed. 2019) [hereinafter, RAJI (CRIMINAL) 5th].

1. Falsely made, knowingly possessed, or offered or presented

There are several alternative means of satisfying the first element. This subsection discusses each method, in turn.

a. Falsely made

First, the false electors, and others who aided in the creation of the fake certificates, likely satisfy the first alternative prong (1.a. as listed above) of this element because they falsely made or completed a written instrument. See A.R.S. § 13-2002(A)(1); see also A.R.S. §§ 13-301, 13-303 (extending liability to accomplices who aid or counsel another person in planning or committing an offense or provide the means to another to commit the offense); *State v. Rea*, 145 Ariz. 298, 299 (App. 1985) (concluding that a conviction turned on whether there was sufficient proof that “defendant either falsified or aided another to falsify the check”).¹²⁰ A “written instrument” is defined to include “[a]ny paper, document or other instrument that contains written or printed matter or its equivalent.” A.R.S. § 13-2001(12)(a).

To falsely “make” a written instrument means “to make or draw a complete or incomplete written instrument that purports to be an authentic creation of its ostensible

¹²⁰ Arizona has jurisdiction over out-of-state actors for substantive crimes, such as forgery, to the extent those out-of-state actors aided and abetted criminal conduct that occurred in Arizona. See A.R.S. §§ 13-108, 13-301, 13-303; *State v. Duffy*, 124 Ariz. 267, 273 (App. 1979). Based on the facts discussed herein, the signing of the certificates in Arizona by the false electors supports jurisdiction over out-of-state actors connected to these acts.

As an alternative to (or in addition to) charging those who encouraged the commission of forgery (or the other offenses we discuss) by way of accomplice liability, the government could charge them with the crime of solicitation. That crime occurs when a person, with the intent to facilitate an underlying crime, encourages or requests that another person engage in criminal conduct. A.R.S. § 13-1002(A). At least in the context of these facts, however, it does not appear that solicitation would extend liability to anyone who would not already qualify as an accomplice. Cf. *State v. Woods*, 168 Ariz. 543, 545, 815 P.2d 912, 914 (App. 1991) (without deciding the issue, observing that the defendant had at most “established that the offense of solicitation to sell a narcotic drug is the same offense as sale of a narcotic drug by an accomplice”). And a solicitation conviction usually carries lesser penalties. A.R.S. § 13-1002(B). Moreover, as later discussed, because the solicitation of certain offenses discussed in this memorandum is a misdemeanor, and misdemeanors have a statute of limitations of one year, that limitations period has likely expired for those solicitation offenses.

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maker but that is not either because the ostensible maker is fictitious, or because, if real, the ostensible maker did not authorize the making or drawing of the written instrument.” See A.R.S. § 13-2001(7). To falsely “complete” a written instrument means “to transform an incomplete written instrument into a complete one by adding . . . matter without the permission of anyone entitled to grant it, so that the complete written instrument falsely appears or purports to be in all respects an authentic creation of its ostensible maker or authorized by him.” See A.R.S. § 13-2001(6).

Here, the fake certificates qualify as “written instruments.” They were “falsely ma[de]” under the law because the false electors lacked authority to make them. Once signed, the fake certificates purported to be authentic certificates—they imitated the form of authentic certificates and were sent to the Archivist of the United States, where authentic certificates are sent.¹²¹ But the false electors were not granted authority to create these certificates by the voters of Arizona, by any state official with the power to grant it, or otherwise by any legal process. Therefore, the conduct of the eleven false electors who signed the fake certificates, as well as of others who aided the scheme like Chesebro (who provided a template and language for the false electors to use) and Wilenchik (who in various ways aided false electors), satisfy this prong.

b. Knowingly possessed

Second, any of the signers, creators, or transmitters of the fake certificates would likely also satisfy the second alternative, which requires knowingly possessing a forged instrument. See A.R.S. § 13-2002(A)(3). “Possession” is defined as “a voluntary act if the defendant knowingly exercised dominion or control over property.” See A.R.S. § 13-105(35). One who commits forgery via the possession prong has committed a lesser included offense of the greater crime of forgery via offering or presenting a forged document. *State v. Berlieu*, No. 1 CA-CR 17-0093, 2018 WL 2306993, at *3 (Ariz. Ct. App. May 22, 2018) (memorandum decision) (so holding because, to present a forged instrument, a defendant must necessarily first knowingly possess it). By the same logic, possession of a forged instrument is a lesser included offense of the greater crime of falsely making or completing a written instrument. Here, the false electors knowingly possessed the fake certificates when they signed them and authorized their submission to the Archivist, the President of the Senate, and other offices.

c. Offered or presented

Lastly, the third alternative prong would be satisfied by anyone who transmitted or aided in transmitting the fake certificates to the United States Senate or the Archivist, because in so doing they offered or presented a forged instrument or one containing false information. See A.R.S. § 13-2002(A)(3); see also A.R.S. §§ 13-301, 13-303. The fake certificates would qualify as a “forged instrument” under Arizona law. See A.R.S. § 132001(8) (forged instrument defined as a “written instrument that has been

¹²¹ Nat’l. Archives, *2020 Presidential Election*, at 5.

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falsely made, completed or altered”). The false electors violated this prong by signing the certificates and authorizing their submission to the Archivist, the President of the Senate and other offices. In sum, the first element could likely be satisfied under any of the three alternative prongs.

2. Intent to defraud

Proving the second element, intent to defraud, could be more challenging. Intent to defraud requires that it was the defendant’s “objective to cause a particular result through deception.” *State v. Allen*, 235 Ariz. 72, at 76 (App. 2014) (cleaned up). Intent to defraud can therefore be conceptualized as requiring (a) a qualifying intended result, and (b) an intent to achieve that result through deception.

a. Intended result

As to the intended result, in the typical case an intent to defraud is found where the defendant intends to cause a monetary loss or gain. *State v. Thompson*, 194 Ariz. 295, at 297 (App. 1999). But an intent to defraud can also be found when there is intent to impair a governmental function. *Id.* at 298 (holding that a defendant who forged vehicle registrations, for no apparent monetary reason, had an intent to defraud because he “intentionally undermined the authenticity and accuracy of those records and impaired a government function”); see also *State v. Soriano-Torres*, No. 1 CA-CR 13-0468, 2014 WL 3608692, at *2 (Ariz. Ct. App. July 22, 2014) (affirming forgery conviction based on false information on tax forms used to gain employment because doing so “impaired the governmental function of collecting taxes”). It is irrelevant whether anyone was actually injured, *Thompson*, 194 Ariz. at 297, and the factfinder can consider whether the conduct “risked trouble for some unknown person” in ascertaining whether intent to defraud existed. *Allen*, 235 Ariz. at 75 (upholding forgery conviction based on false signature on a written warning for trespassing). Here, the fake certificates could have and did impair a government function--namely the conduct of a presidential election and the lawful transition of power.

b. Achieve result through deception

The second part of intent to fraud—that the defendant intended to cause this result through deception—could be more challenging. In forgery cases, it is often not disputed that the document was forged. Rather, what is disputed is whether the defendant *knew* that the document was forged, and that the defendant therefore intended to deceive when creating or transmitting the document. See, e.g., *State v. Valdivia*, No. 1 CA-CR 16-0867, 2021 WL 1578157, at *4 (Ariz. Ct. App. Apr. 22, 2021) (in a case where defendant did not dispute that she attempted to cash a forged check, defining the “primary question before the jury” as whether the defendant “intended to defraud the bank when she gave them a forged check, or whether she unknowingly handed over the check after being duped by [a third party]”); *State v. McFarland*, No. 1 CA-CR 17-0679, 2018 WL 5306475, at *3 (Ariz. Ct. App. Oct. 25, 2018) (affirming a forgery conviction

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after concluding that sufficient evidence showed that the defendant “knew the supervisor’s signature on his ticket was invalid and that he knowingly, with an intent to defraud, presented the ticket for payment”); *see also State v. Maxwell*, 95 Ariz. 396, 399 (1964) (holding that the evidence had to show that the “signer had knowledge of his lack of authority”). Moreover, the *Maxwell* court concluded that a factfinder cannot infer intent to defraud *only* from the unauthorized use of another’s name. *Id.*

Mental states can be proven, however, by either direct or circumstantial evidence. *See Thompson*, 194 Ariz. at 298. Further, courts have held that “the possession by the defendant of a forged instrument requires only slight corroborative proof of other inculpatory circumstances in order to sustain a conviction.” *State v. Dixon*, 7 Ariz. App. 457, 458 (1968). In *Dixon*, for example, the court held that, because it was evident on the face of a check that it was forged, minimal additional evidence of mens rea (beyond the defendant’s possession of the forged check) was required to prove intent to defraud. *Id.*

Here, there is circumstantial evidence that all of the false electors intended to deceive because they all signed certificates that falsely stated that the false electors were the “duly elected” presidential electors of Arizona (when they were not) and falsely purported to cast Arizona’s electoral votes to the Trump-Pence ticket (when the false electors had no authority to do so). By that point in time (December 14), it had been widely publicized that the statewide canvass had been completed and certified for Biden, that the margin of victory was over ten thousand votes, that there was no pending recount, and that Governor Ducey had certified the Biden electors as the duly elected presidential electors for Arizona.¹²² The false electors and other participants in the scheme undoubtedly knew that the fake certificates were not the official, government-sanctioned documents.

Nevertheless, some additional evidence of intent to defraud could be important. Some false electors—at least, for example, Jim Lamon and Loraine Pellegrino—have said publicly that they believed the certificate was just a contingency plan in the event litigation or some other process caused the Biden electors to be decertified. If true, at least some of the false electors may not have intended to deceive anyone concerning the legal force of the fake certificate. By contrast, the email exchanges acknowledging the falsity of certificates are powerful evidence of intent to defraud, at least as to the participants in those exchanges like Chesebro, Wilenchik, and others.

Accordingly, there is likely a current basis for prosecution against, at a minimum, Chesebro and Wilenchik for forgery. Further investigation and additional evidence could establish a stronger basis for prosecution of the false electors and scheme organizers. The strength of forgery charges against the false electors will largely depend on the

¹²² *See* Reid Epstein, *Arizona and Wisconsin Certify Biden’s Wins: ‘The System Is Strong,’* THE NEW YORK TIMES (Nov. 30, 2020), <https://www.nytimes.com/2020/11/30/us/politics/wisconsin-arizona-election-results.html>.

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strength of the evidence that each false elector had intent to defraud—in particular, whether they intended to deceive others into believing that the fake certificate were genuine documents with the authority to cast Arizona’s electoral votes.

B. Tampering with a Public Record, A.R.S. § 13-2407

In relevant part, a person commits the crime of tampering with a public record if, knowingly and with intent to defraud, that person either:

1. Makes or completes a written instrument, knowing that it has been falsely made, which purports to be a public record or true copy thereof or alters or makes a false entry in a written instrument which is a public record or a true copy of a public record; or
- ...
3. Records, registers or files or offers for recordation, registration or filing in a governmental office or agency a written statement which has been falsely made, completed or altered or in which a false entry has been made or which contains a false statement or false information . . .

A.R.S. § 13-2407(A)(1), (3). “Public record” is defined to include any official paper, written instrument, or record “created, issued, received or kept by any governmental office or agency or required by law to be kept by others for the information of the government.” See A.R.S. § 13-2407(B). Accordingly, the fake certificates would qualify as documents purporting to be a public record as the fake certificates imitated the form of the real certificates, which are public records received and kept by the National Archives, a governmental office.¹²³

The elements of the first relevant method of committing this crime are:

1. The defendant knowingly made or completed a written instrument which purported to be a public record or a true copy thereof,
2. The defendant knew the instrument had been falsely made, AND
3. The defendant did so with the intent to defraud.

See A.R.S. § 13-2407(A)(1); RAJI (CRIMINAL) 5th 20.02.

The first element would be easily established. By signing fake certificates, the false electors knowingly made or completed written instruments purporting to be public records. We turn to the second and third elements, concerning knowledge of falsity and intent to defraud, later below.

¹²³ Nat’l. Archives, *2020 Presidential Election*, at 11.

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The elements of the other relevant method of committing this crime are:

1. The defendant knowingly presented or used a written instrument that was, or purported to be, a public record or copy,
2. The defendant knew that the public record had been falsely made, completed or altered, or that a false entry had been made,
3. The defendant did so with the intent that the written instrument be taken as genuine, AND
4. The defendant did so with the intent to defraud.

See A.R.S. § 13-2407(A)(3); RAJI (CRIMINAL) 5th 20.02. To the extent a false elector or other actor participated in transmitting the fake certificates to the President of the U.S. Senate, the Archivist of the United States, the Arizona Secretary of State, or the United States District Court the first element would be satisfied.

The knowledge and intent elements of both potential violations could require more evidence to prove. “Knowingly” does not require knowledge that one’s conduct is unlawful, but it does require, “with respect to conduct or to a circumstance described by a statute defining an offense, that a person is aware or believes that the person’s conduct is of that nature or that the circumstance exists. It does not require any knowledge of the unlawfulness of the act or omission.” See A.R.S. § 13-105(10)(b). The requirement that conduct be done “knowingly” is a higher standard than, say, when the standard is “recklessly,” which only requires that, “with respect to a result or to a circumstance described by a statute defining an offense, that a person is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists.” See A.R.S. § 13-105(10)(c). Accordingly, it would not be enough to show merely that the false electors *should* have known that the certificates were false. Nevertheless, the state can also meet its burden in proving knowledge by showing that the defendant deliberately avoided learning the truth. In a fraud case, for example, the Arizona Supreme Court held that there was sufficient evidence of defendant’s knowledge because “even if defendant had no actual knowledge of the fraud, he was aware of the high probability that the scheme was fraudulent and deliberately shut his eyes to avoid learning the truth.” *State v. Haas*, 138 Ariz. 413, 420 (1983); see also *State v. Fierro*, 220 Ariz. 337, 339 (App. 2008) (in a drug possession case where the state had “presented no direct evidence that [the defendant] actually knew he was transporting marijuana,” holding that the jury was properly instructed that “knowledge can be established by showing that the defendant was aware of the high probability that the packages contained marijuana, and that he acted with conscious purpose to avoid learning the true contents of the packages” (cleaned up)). Thus, even circumstantial evidence that a false elector deliberately avoided learning that the fake certificates were indeed fake could satisfy the knowledge requirement.

As with forgery, “intent to defraud” need not involve intent to cause any particular person an injury but can be shown by intent to impair a government function. *Id.* at 298. Though it appears that no other caselaw substantively addresses this element in the

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context of this offense, cases addressing the term “intent to defraud” in the context of the forgery statute seemingly also apply here. *See id.* (after analyzing intent to defraud for purposes of forgery counts and upholding defendant’s convictions, holding that the defendant’s argument concerning the tampering statute, which requires an intent to defraud or deceive, “fails for the same reason”). Accordingly, it would also be necessary to prove that it was the defendant’s “objective to cause a particular result through deception.” *State v. Allen*, 235 Ariz. 72, 76 (App. 2014) (cleaned up).

In sum, the strength of a tampering with a public record charge will largely hinge on the strength of the evidence that the organizers and false electors knew the certificates were false and signed or submitted them with the intent to impair the counting of the official election results at the joint session of Congress on January 6, 2021. The current publicly available evidence likely supports tampering charges against, at a minimum, Kelli Ward, Chesebro, and Wilenchik. Further investigation and additional evidence could bolster the case against the false electors and others who aided and abetted the scheme.

C. Criminal impersonation, A.R.S. § 13-2006

A person commits the crime of criminal impersonation, in relevant part, by either (1) “[a]ssuming a false identity with the intent to defraud another” OR (2) “[p]retending to be a representative of some person or organization with the intent to defraud.” *See* A.R.S. § 13-2006(A)(1), (2). Both of those means of committing criminal impersonation could plausibly apply to the false electors, to the extent the evidence shows that they had the intent to defraud when they pretended to be something which they were not—the elected presidential electors of Arizona. But there is little case law or statutory definitions elaborating on these provisions or defining key terms. Accordingly, it remains uncertain whether Arizona courts would conclude that either of these scenarios could apply to false electors, but the better argument is that the second prong would apply.

1. Assuming a false identity

The false electors might have committed criminal impersonation via the first prong, by assuming a “false identity,” if the term “false identity” is broad enough to encompass falsely assuming a position that one does not actually hold. But if the term is construed more narrowly—such as to only encompass falsely using personal identifying information of another, such as their name or Social Security Number—then this prong of the criminal impersonation statute would not apply to false electors. The criminal impersonation statute does not define the term; nor is it defined in that criminal code chapter’s list of definitions. *See* A.R.S. §§ 13-2001, 13-2006. The few published cases we found citing this prong of the statute involved convictions based on the use of personal identifying information, *see, e.g., State v. Romero-Gomez*, No. 1 CA-CR 18-0522 PRPC, 2019 WL 1125581, at *1 (Ariz. Ct. App. Mar. 12, 2019), but these cases did not address whether other types of conduct would suffice. The most useful guidance comes from other criminal statutes in the same chapter of the criminal code that use the term

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“identity” in the narrower sense. These statutes prohibit taking or trafficking in “the identity of another person,” which is defined as taking certain unlawful actions with another person’s “personal identifying information.” See A.R.S. §§ 13-2008, 13-2009, 13-2010. “Personal identifying information,” in turn, is defined to mean a name, signature, address, various identification numbers, and the like. See A.R.S. § 13-2001(10). That suggests that the criminal impersonation statute, too, uses the term “identity” in this narrower sense. In sum, even setting aside the need to prove intent to defraud, it seems unlikely—although not foreclosed—that this prong of the statute can serve as a basis for prosecuting false electors.

2. Pretending to be a representative of some person or organization

The second prong of the criminal-impersonation statute is more promising, if also subject to some uncertainty. The false electors may have violated this prong—which concerns “[p]retending to be a representative of some person or organization with the intent to defraud”—by having pretended to hold the position of presidential elector. The false electors were purporting to be the “duly elected” representatives of the voters of Arizona and the state of Arizona, which seems to fit squarely within the spirit (and comfortably within the text) of the term “representative of some person or organization.”¹²⁴ The false electors might argue otherwise, given that neither case law nor statutes elaborate on what that phrase means. And the few cases we found involving criminal-impersonation convictions under this theory appear to involve fact patterns quite a bit more conventional than false electors, such as false representations about employment. See, e.g., *State v. Ludwig*, No. 1 CA-CR 16-0735, 2017 WL 3484502, at *3 (Ariz. Ct. App. Aug. 15, 2017, amended Feb. 5, 2018) (involving a defendant who, while no longer employed by the Arizona Attorney General’s Office, falsely implied that he was).

But no case suggests that this statute would not apply to these facts. Moreover, Black’s Law Dictionary defines “organization” as a “group that has formed for a particular purpose,” gives the intergovernmental entity “World Trade Organization” as an example, and notes that it has historically been used “for the institution of the magistracies and even the whole state.” Organization Definition, *Black’s Law Dictionary* (11th ed. 2019) (emphasis added). Accordingly, absent contrary authority, the term organization likely encompasses governmental units, such as the State of Arizona. Thus, with sufficient evidence of intent to defraud, the “pretending to be a representative” prong of the criminal-impersonation statute likely could serve as a vehicle for prosecuting false electors.

Although Arizona courts have not directly addressed the meaning of “intent to defraud” for purposes of this statute, the term likely has the same meaning as in the forgery and

¹²⁴ See Arizona Fake Certificate, at 2 (“WE THE UNDERSIGNED, being the duly elected and qualified Electors for President and Vice President of the United States of America from the State of Arizona, do hereby certify the following...”).

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tampering statutes. *See, e.g., State v. Thompson*, 194 Ariz. 295, 298 (App. 1999). Accordingly, it would also be necessary to prove that it was the defendant's "objective to cause a particular result through deception." *State v. Allen*, 235 Ariz. 72, 76 (App. 2014) (cleaned up).

In sum, although subject to some uncertainty, the criminal impersonation statute could likely serve as a vehicle for prosecuting false electors (and their accomplices) under the theory that they were pretending to be representatives of an organization. The strength of these charges would largely depend on the evidence of intent to defraud.

D. Presentment of False Instrument for Filing, A.R.S. § 39-161

A person commits the crime of presentment of a false instrument if they satisfy three elements: the person (1) "acknowledges, certifies, notarizes, procures or offers to be filed, registered or recorded in a public office in this state"; (2) "an instrument he knows to be false or forged"; (3) "which, if genuine, could be filed, registered or recorded under any law of this state or the United States." *See* A.R.S. § 39-161; *see also* RAJI (CRIMINAL) 5th 39.161.

The first element, requiring a defendant's involvement in the filing or recording of the instrument, should be satisfied as to false electors whether or not they were the ones who transmitted the fake certificates to government offices for filing. It is enough that the defendant's actions "caused an instrument . . . to be placed in a situation whereby the instrument would ultimately be recorded." *State v. Edgar*, 124 Ariz. 472, 475 (1979) (rejecting argument that a defendant cannot be found guilty "because he did not file the instruments himself"). Indeed, the statute does not even require that the document actually be filed or recorded—it is enough that a defendant prepared the documents and "then submitted them to people who he had reason to believe would accept and record them." *Id.*

The second element requires evidence that the defendant knew the instrument was false or forged. A false or forged instrument is not one that merely contains a false statement, but it must be an instrument that purports to be genuine when it is, in fact, not. *See State v. Jones*, 222 Ariz. 555, 563 (App. 2009). Unlike the forgery statute, this statute does not require proof of fraudulent intent. *State v. Edgar*, 124 Ariz. 472, 474 (1979). But the government must prove that the defendant knew that the instrument was false. *State v. Royer*, 150 Ariz. 501, 504 (App. 1986). Accordingly, proof would be required that the defendants knew that the fake certificates were purporting to be, but were not in fact, genuine. Proof that the defendants deliberately avoided learning that the certificates were not genuine would also suffice to prove knowledge. *See State v. Haas*, 138 Ariz. 413, 420 (1983); *State v. Fierro*, 220 Ariz. 337, 339 (App. 2008).

The third element would be easily satisfied by both laws of Arizona and of the United States, *see* A.R.S. § 39-161, which authorize the filing of such authentic certificates.

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In sum, presentment of a false instrument for filing is a viable charge against false electors and their accomplices. The strength of such charges will depend primarily on the strength of the evidence showing that the defendants knew the fake certificates were not genuine.

E. Fraudulent Schemes and Artifices, A.R.S § 13-2310

A person commits the crime of fraudulent schemes and artifices if:

1. A plan or scheme existed, the purpose of which was to defraud others,
2. The person knowingly used false or fraudulent pretenses, representations, promises, or material omissions,
3. The person knowingly acted pursuant to the plan or scheme, AND
4. As a result, the person obtained any benefit.

See RAJI (CRIMINAL) 5th 23.10; *State v. Bridgeforth*, 156 Ariz. 60, 64 (1988) (adding, to the statutory language, the fraudulent purpose element); see also A.R.S. § 13-2310. Courts broadly construe this statute to “cover all of the varieties [of fraud] made possible by boundless human ingenuity.” *State v. Haas*, 138 Ariz. 413, 424 (1983).

Parts of this crime would be easy to establish. A plan existed to sign and transmit false certificates, and the false electors, acting pursuant to that plan, made false representations (in representing through their signatures that they were the “duly elected” presidential electors of Arizona) and used false pretenses (that they were authorized to assign Arizona’s electoral votes to the Trump-Pence ticket). It is not necessary that any other person relied on the false representations. A.R.S. § 13-2310(B); accord *State v. Fierson*, 146 Ariz. 287, 291 (App. 1985).

As with the other statutes analyzed, the parts of this crime going to intent and knowledge could be more challenging to satisfy. The *mens rea* requirements for this statute are slightly lower than those that require intent to defraud. For this statute, the government “need not prove in every instance that the accused intended to defraud anyone,” but rather must prove that the purpose of the plan was to defraud others and that the defendant had knowledge of the plan’s fraudulent purpose when acting pursuant to the plan. *State v. Bridgeforth*, 156 Ariz. 60, 64 (1988). For purposes of this case, that would mean that the defendant knew the purpose of the plan was to deceive others into accepting the fake certificates as genuine, even if the defendant lacked that particular intent.

What makes it unclear whether this statute is a viable basis for prosecution, at least to some actors discussed in this memorandum, is the requirement that the defendant received a “benefit” as a result of their participation in the plan. “Benefit” is broadly defined as “anything of value or advantage, present or prospective.” A.R.S. § 13 105(3). The benefit need not be in the form of money or property, and courts have affirmed convictions resting on less tangible benefits. See, e.g., *State v. Henry*, 205 Ariz. 229, 235

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(App. 2003) (holding that “sexual gratification” qualifies as a benefit); *State v. Griffin*, 250 Ariz. 651, 656 (App. 2021) (holding that by failing to register as a sex offender, the defendant “evaded the burdens of sex offender registration and thereby secured a benefit or advantage not enjoyed by other sex offender registrants”); *State v. Ward*, No. 1 CA-CR 18-0629, 2020 WL 948868, at *3 (Ariz. Ct. App. Feb. 27, 2020) (by forestalling the foreclosure process on a home, the defendant “obtained a benefit for his friends to live in the foreclosed home”) Moreover, because the benefit can be “prospective,” a scheme that enables the defendant to gain some benefit in the future is sufficient even if the benefit has not yet been obtained. *State v. Baker*, No. 1 CA-CR 21-0069, 2022 WL 16570927, at *2 (Ariz. Ct. App. Nov. 1, 2022); *Henry*, 205 Ariz. at 235. While benefit is defined broadly, the element must have some meaning, and we are not aware of case law defining the outer bounds of a qualifying benefit. *Henry*, 205 Ariz. at 235 (noting that the court “need not decide the maximum reach of § 13–2310 today”).

F. Conspiracy, A.R.S. § 13-1003

A person commits the crime of conspiracy if, “with the intent to promote or aid the commission of an offense, such person agrees with one or more persons that at least one of them or another person will engage in conduct constituting the offense and one of the parties commits an overt act in furtherance of the offense.” A.R.S. § 13-1003(A). The elements of this crime are:

1. The defendant agreed with one or more persons that one of them or another person would engage in certain conduct,
2. The defendant intended to promote or assist in the commission of such conduct,
3. The intended conduct would constitute the crime charged, and the defendant knew that such conduct was a crime, AND
4. An overt act was committed in furtherance of such conduct.

RAJI (CRIMINAL) 5th 10.031.

From a prosecutor’s perspective, the benefit of a conspiracy charge is that it could apply to actors who agreed to the plan to create and submit the fake certificates, even if those actors did not directly participate in creating or submitting the fake certificates. The core of a conspiracy charge is the existence of an agreement, which can be proven through circumstantial evidence. *State v. Willoughby*, 181 Ariz. 530, 540 (1995). An agreement is a “common scheme or plan.” *State v. Allen*, 253 Ariz. 306, 311 (2022). Conspiracy does not require the underlying offense to have been completed, so long as at least one conspirator committed an overt act to further the conspiracy. *State v. Newman*, 141 Ariz. 554, 560 (1984). Another advantage of a conspiracy charge is that, so long as at least one conspirator committed an overt act in Arizona, the state would have jurisdiction over conspirators whose conduct occurred wholly outside Arizona. *State v. Chan*, 188 Ariz. 272, 274 (App. 1996).

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The element of “agreement” is shown, first, through the false electors’ and organizers’ participation in the scheme itself. Because conspiracies can “rarely, if ever” be proven by direct evidence of agreement—as the “secret conferences which inaugurate” the plan are generally not open to view of law enforcement—the existence of an agreement can be inferred from the “consequences or results” of the agreement and other “overt conduct of the parties.” *State v. Avila*, 147 Ariz. 330, 336 (1985). Here, the coordination necessary for a large group of people to work together to draft, sign, and transmit fake certificates implies the existence of an underlying plan. Accordingly, evidence that a person helped draft the language for the certificates, signed the certificates, or transmitted the certificates may be sufficient to infer their assent to a common scheme or plan. But here, there is also direct evidence of agreement to a common scheme, at least as to some of the participants, in emails and other messages concerning the plan. The element of each elector’s intent to “promote or assist” in the agreement is also shown by overt conduct—as evidenced, for example, by their signatures on the fake certificates, as well as the video of the signing in which all the electors assented to the text after it was read out loud.

The most challenging aspect of a conspiracy charge would be the third element, which requires that the intended conduct would constitute a crime *and* that the defendant knew the object of the conspiracy was criminal. As to the second part of this element, the object of the conspiracy could be any of the crimes previously discussed (e.g. forgery, criminal impersonation, or tampering with a public record). And then it would need to be shown that the defendant knew the conduct was a crime. The state need not prove that the defendants knew that their conduct violated any particular criminal statute. See RAJI (CRIMINAL) 5th 10.031 (noting that it “does not appear necessary under [the conspiracy statute] to prove that the defendant knew the statutory provision or intended to violate a specific law”). In general, ignorance of the law is no defense to criminal prosecution. *State v. Morse*, 127 Ariz. 25, 31 (1980). But the Arizona Supreme Court has held that, to convict for conspiracy, the agreement must have been “consciously criminal.” *State v. Gunnison*, 127 Ariz. 110, 113 (1980); see RAJI (CRIMINAL) 5th 10.031 (interpreting *Gunnison* to mean that “the defendant had to know that the underlying act of the conspiracy was a criminal act”). Thus, there must be evidence showing that the conspirators knew that the planned conduct was criminal. See RAJI (CRIMINAL) 5th 10.031.

In sum, and as further explored in the intent section below, the viability of conspiracy charges against any particular defendant will hinge primarily on evidence of that the defendant was aware that the object of the conspiracy was criminal. Further investigation would provide additional relevant evidence.

G. Intent and knowledge

Although the mens rea requirements for each of these statutes differ in some respects, nearly all of them have an element that requires that the defendant have some awareness (or deliberately avoided becoming aware) that the fake certificates were

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falsely purporting to be something that they were not or were going to be used in pursuit of a fraudulent scheme. Accordingly, under any of these statutes, the government will have to muster the same sort of evidence and make the same sort of factual showing to establish mens rea. We set forth the relevant standards and examine the relevant evidence from public sources below.

The crimes of forgery, tampering with a public record, and criminal impersonation all require an “intent to defraud.” Based on the currently available facts, under these statutes, proving intent to defraud would require showing that the false electors were purporting to be the genuine electors submitting genuine certificates when they knew they were not. By contrast, if the false electors believed that they were submitting alternate certificates that would be effective only if a court decision reversed Arizona’s election results, they might not have acted with intent to defraud.

Turning to conspiracy, although that statute does not necessarily require an intent to defraud, it does have a mens rea requirement that, for our purposes, is somewhat similar: that the agreement is “consciously criminal.” *State v. Gunnison*, 127 Ariz. 110, 113 (1980); see also RAJI (CRIMINAL) 5th 10.031 (interpreting *Gunnison* to mean that “the defendant had to know that the underlying act of the conspiracy was a criminal act”). None of this requires that the prosecution prove that any defendant had knowledge of what particular laws their conduct violated. But it does require evidence, direct or circumstantial, showing some awareness or belief that signing or submitting fake certificates was unlawful.

Presentment of a false instrument, which lacks an element requiring intent to defraud or conscious criminality, see *State v. Edgar*, 124 Ariz. 472, 474 (1979), could present a lower burden of proof. But that statute still requires knowledge that the written instrument purports to be genuine but is not. See *State v. Jones*, 222 Ariz. 555, 563 (App. 2009); *State v. Royer*, 150 Ariz. 501, 504 (App. 1986). This requirement, in the context of false electors, would seemingly require proof of knowledge that the fake certificates were not the valid submission of the lawful electors or a genuine “alternative” slate of electors.

Accordingly, evidence showing that the false electors or their co-conspirators knew that the fake certificates were not genuine or were otherwise improper documents purporting to be authentic certificates is helpful for all the above crimes.

Here, as discussed, there is circumstantial evidence that all the false electors intended to deceive because they all signed certificates that falsely stated that the false electors were the “duly elected” presidential electors of Arizona (when they were not) and falsely purported to cast Arizona’s electoral votes to the Trump-Pence ticket (when the false electors had no authority to do so). The election results, showing that this was not true, were widely known at that time. What follows is some analysis of direct evidence of various participants’ intent, based on currently available information, that either strengthens or complicates this circumstantial showing of fraudulent intent.

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Wilenchik: Jack Wilenchik’s own words provide strong evidence that he knew the fake certificates were indeed fake. The best evidence in the public record is an email in which he expressly acknowledged that the votes were “fake” and that the votes would not be legal under federal law. Specifically, on December 8, 2020, in an email to Trump attorney Boris Epshteyn and others, Wilenchik wrote, “PS-I just talked to the gentleman who did that memo, Ken Chesebro. His idea is basically that all of us (GA, WI, AZ, PA, etc.) have our electors send in their votes (*even though the votes aren’t legal under federal law* — because they’re not signed by the Governor); so that members of Congress can fight about whether they should be counted on January 6th.... *We would just be sending in ‘fake’ electoral votes* to Pence so that ‘someone’ in Congress can make an objection when they start counting votes, and start arguing that the ‘fake’ votes should be counted.”¹²⁵ Moreover, in an email to Chesebro, Wilenchik agreed to file a petition for certiorari to the U.S. Supreme Court of *Ward v. Jackson* to give (in Wilenchik’s words) legal “cover” to the false electors.¹²⁶ That Wilenchik filed the petition for the improper purpose of giving the false electors legal “cover” underscores the frivolity of the appeal, which in turn diminishes the argument that there was any pending litigation with any likelihood of success that (at least arguably) might warrant Republican electors signing the certificates as a contingency plan. Wilenchik may argue, however, that the email shows that he believed that, so long as there was some pending litigation, the scheme was lawful.

Chesebro: As for Chesebro, the evolution of his legal memos offers some of the strongest evidence of his fraudulent intent. Chesebro could point to portions of his early legal memos that arguably support the notion that he believed (however wrongly) that an alternate slate of electors was not only legal, but prudent. In his November 18, 2020, memo, for example, he argued that because of precedent allegedly set during the 1960 Presidential election and a dispute about Hawaii’s electoral votes, the real deadline for choosing a slate of electors is January 6, 2021.¹²⁷ In this same memo, he admitted that it was “odd” for the Republican electors to cast their votes for Trump when he was behind in the vote and no certificate had been issued in his favor, but then wrote that a “fair reading of the federal statutes suggests that this is a reasonable course of action.”¹²⁸ He argued that doing so meant “a court decision (or, perhaps, a state legislative determination) rendered after December 14, 2020 in favor of the Trump-Pence slate of electors should be timely.”¹²⁹

However, in a subsequent memo, Chesebro’s justification for the fake certificates evolved from merely a contingency plan (in the event of a favorable judicial decision) to

¹²⁵ Haberman & Broadwater, *Fake Electors Plan*, *supra* note 2 (emphasis added).

¹²⁶ *Id.*

¹²⁷ Chesebro Nov. 18 Memo, at 2.

¹²⁸ *Id.*

¹²⁹ *Id.* at 1.

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an effort to get Congress to accept the fake certificates (seemingly regardless of a judicial decision). In that memo, dated December 9, 2020, Chesebro wrote that the Republican electors should cast and transmit their votes “so that the votes might be eligible to be counted if later recognized (by a court, the state legislature, or Congress) as the valid ones that actually count in the presidential election.”¹³⁰ Moreover, in various emails Chesebro sent (including to Giuliani) in the days leading up to the casting of fake electoral votes on December 14, Chesebro made clear that the purpose of the scheme was to convince either Congress or Mike Pence that the fake certificates ought to be counted.¹³¹ Similarly, in Wilenchik’s December 8, 2020 email, Wilenchik wrote that he talked to Chesebro, who wanted Republicans in Arizona and other states to have their “electors send in their votes (even though the votes aren’t legal under federal law—because they’re not signed by the Governor); so that *members of Congress can fight about whether they should be counted* on January 6th.”¹³² In short, there is a strong case that, by the time that Chesebro provided Safsten and Wilenchik a draft certificate on December 10, 2020, Chesebro was furthering a plan that entailed an intent to defraud: a plan to convince Congress or Pence that the fake votes ought to be counted regardless of whether a court order gave them legal force.

Ward: As for Kelli Ward, at least according to what appears to be a third-hand account of a conversation she had with Giuliani, she acknowledged that casting the fake electoral votes could appear “treasonous,” suggesting she knew that they were not lawful, but also suggesting that she thought that pending litigation might insulate her from legal liability.¹³³ In a December 11, 2020, email to Wilenchik, Chesebro wrote that Ward had “spoken to the Mayor” and was “concerned it could appear treasonous for the AZ electors to vote on Monday if there is no pending court proceeding that might, eventually, lead to the electors being ratified as the legitimate ones.”¹³⁴

As with Wilenchik, Ward’s desire for a court case to be pending before signing the fake certificates could arguably cut either way on intent. But the better argument is that filing an appeal for the purpose of giving the scheme the appearance of being a contingency plan, which is what appears to have motivated the appeal, evinces consciousness of the illegality of the plan. Put another way, Ward needed the litigation so she could commit fraud. Ward also sought to keep the false electors process under wraps as a “surprise” to relevant officials and the media, evincing a desire for secrecy that could further evidence consciousness of illegality.¹³⁵ But Ward also made contemporaneous statements on the YouTube channel for the Arizona Republican Party and in media interviews that could be used to argue that she genuinely believed, albeit erroneously, that their actions were part of a legitimate contingency plan. For example, in a video on December 15, 2020—the day after the false electors signed the fake certificates—Kelli Ward incorrectly stated

¹³⁰ Chesebro Dec. 14 Memo, at 5 (emphasis added).

¹³¹ See Jan. 6th Comm. Report, at 343-45; Email from Chesebro to Giuliani, Dec. 13, 2020.

¹³² Haberman & Broadwater, *Fake Electors Plan*, *supra* note 2 (emphasis added).

¹³³ Haberman & Broadwater, *Treasonous*, *supra* note 81.

¹³⁴ *Id.*

¹³⁵ Haberman & Broadwater, *Fake Electors Plan*, *supra* note 2.

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that the false electors were the true electors and that there was precedent for their actions because there was pending litigation.¹³⁶

Like Chesebro, she essentially argued that the rightful winner was still in dispute, citing the 1960 presidential election and a dispute about electors in Hawaii.¹³⁷ Similarly, on a radio show on December 17, 2020, Ward stated that the Republican electors “represent the legally cast votes in our state” and that their goal was to have Trump “reinstated” as President on January 6, 2021, and then discussed her case pending before the Supreme Court and the example of the 1960 presidential election.¹³⁸ Further investigation, such as access to her text messages that she was ordered to submit to the January 6th Committee, could provide more direct evidence of Kelli Ward’s knowledge and intent.

Pellegrino and Lamon: In potential contrast, according to a news report, false elector Loraine Pellegrino stated that she signed the fake certificates, “in case there was a change in the decision here in the state,” adding “[t]hings were up in the air for a while.”¹³⁹ In a different news interview, false elector Jim Lamon stated that, “[t]he Republican electors put forth a valid document that said, in the event that the election certification was overturned, there would be no excuse not to recognize those electors.”¹⁴⁰ More investigation into communications among the false electors and the organizers will help reveal the extent of each person’s knowledge at the time of signing.

Others: As established in Section II of this memo, Trump campaign staff and advisers drove the scheme and propelled it forward in the key states, including Arizona. Trump himself sought and obtained Ronna McDaniel’s help in furtherance of the scheme. Accordingly, further investigation into the actions, intent, and knowledge of Trump, Giuliani, Eastman, Meadows, McDaniels, and others like Cleta Mitchell is warranted.¹⁴¹

¹³⁶ Arizona Republican Party, *AZGOP State of the Race Update (12/15/20)*, YOUTUBE (Dec. 15, 2020), <https://youtu.be/TIpJA5X2Bcc> 20.

¹³⁷ *Id.*

¹³⁸ Arizona Republican Party, *AZGOP Chairwoman Ward: Arizona Republican Electors “Represent the Legally Cast Votes in our State,”* YOUTUBE (Dec. 17, 2020), at 00:01:03, <https://www.youtube.com/watch?v=YnvVTATqkU8>.

¹³⁹ Richard Ruelas, *Arizona’s Trump supporters refuse to detail creation of an alternate slate of electors*, ARIZONA REPUBLIC (last updated Jan. 20, 2022, 6:06 PM), <https://www.azcentral.com/story/news/politics/elections/2022/01/13/arizona-trump-electors-slate-jake-hoffman-anthony-kern-kelli-ward/6519418001/>.

¹⁴⁰ Richard Ruelas, *US Senate candidate Jim Lamon explains why he falsely claimed to be an Arizona elector*, ARIZONA REPUBLIC (last updated Jan. 30, 2022, 7:54 PM), <https://www.azcentral.com/story/news/politics/arizona/2022/01/30/us-senate-candidate-jim-lamon-explains-false-trump-elector-claim/9280572002/>.

¹⁴¹ We discuss Trump and McDaniel elsewhere in this memo. Cleta Mitchell was significantly involved in the national scheme to overturn the results of the 2020 election, including by introducing John Eastman to Trump and participating in Trump’s call to the Georgia Secretary of State, Brad Raffensperger. We have not found public information directly linking Cleta Mitchell to Arizona and for that reason we include her in category 3. However, given her central role in the national scheme, more investigation is warranted. See Rosalind Helderman, *Trump campaign documents shows advisers knew fake-elector plan was baseless*,

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As to other false electors and participants in the scheme, the strength of a case against them may depend on additional evidence not currently in the public record. *See State v. Maxwell*, 95 Ariz. 396, 399 (1964) (holding that intent to defraud cannot be proved merely by the fact that the defendant signed a forged document). Ideally, such evidence would consist of private messages concerning the scheme obtained by investigators, public statements of the conspirators, or statements made to investigators during voluntary interviews about either their own knowledge or knowledge of other conspirators. Knowledge can be proved by circumstantial evidence, *see State v. Thompson*, 194 Ariz. 295, 298 (App. 1999), or by proof of deliberate ignorance, *see State v. Haas*, 138 Ariz. 413, 420 (1983); *State v. Fierro*, 220 Ariz. 337, 339 (App. 2008). As discussed, some circumstantial evidence of intent exists as to all participants in the scheme. Individualized evaluation of the knowledge of each false elector is critical, since their access to information and roles within the group apparently varied.¹⁴² Determinations about the strength of evidence of intent, circumstantial and direct, as to each participant in the scheme would best be made after more investigation.

Criminal Provisions in the Election Code

The Arizona election code contains numerous penal provisions for election-related crimes. These provisions apply equally to “any general, primary or special election” and as such, would include presidential elections. A.R.S. § 16-1001. However, due to constraints contained in the definitions of key terms or due to undefined terms, it appears that many of these provisions in the election code do not squarely apply to the circumstances herein. Moreover, because the conduct of the false electors and others involved in the scheme was unprecedented, the dearth of case law applying these provisions in similar circumstances is understandable. Further analysis of the potentially relevant election code crimes is available upon request.

IV. POTENTIAL DEFENSES

THE WASHINGTON POST (June 20, 2022), <https://www.washingtonpost.com/politics/2022/06/20/trump-documents-fake-elector-plan/>; *see also* Final Report of the Select Committee to Investigate the January 6th Attack on the U.S. Capitol, *Deposition of: Cleta Mitchell* (May 18, 2022), at 107, *available at* <https://www.govinfo.gov/content/pkg/GPO-J6-TRANSCRIPT-CTRL0000083769/pdf/GPO-J6-TRANSCRIPT-CTRL0000083769.pdf>; *see also* Jan. 6th Comm. Report, at 358-59.

¹⁴² As noted above, all 11 false electors participated in litigation challenging the election results. In addition, at the time, false elector Greg Safsten served as Executive Director for the Arizona Republican Party. False elector Jake Hoffman was an Arizona State Representative, and false elector Anthony Kern had served as a State Senator. Hoffman and Kern have refused to directly answer questions about their involvement in the false elector scheme. *See* Richard Ruelas, *Arizona's Trump supporters refuse to detail creation of an alternate slate of electors*, ARIZONA REPUBLIC (last updated Jan. 20, 2022, 6:06 PM), <https://www.azcentral.com/story/news/politics/elections/2022/01/13/arizona-trump-electors-slate-jake-hoffman-anthony-kern-kelli-ward/6519418001/>; *see also* Dennis Welch, *Arizona's 'fake electors' for Trump catch DOJ's attention*, AZ FAMILY (July 18, 2023, 10:02 PM), <https://www.azfamily.com/2023/07/19/arizonas-fake-electors-trump-catch-doj-attention/>.

A. Advice of Counsel

An advice-of-counsel defense seeks to disprove the mens rea element of an offense, showing that the defendant lacked the necessary “unlawful intent.” *United States v. Smith*, 7 F. App’x 772 (9th Cir. 2001). It is not likely to help the false electors. To start, it is “unclear” that any such defense even exists under Arizona law. *Arizona v. Workum*, No. 1 CA-CR 17-0306, 2020 WL 207058, at *5 n.7 (Ariz. Ct. App. 2020) (noting the court had “identified no Arizona case law on the subject, and, on its face, the theory appears contrary to our legislature’s decree that ignorance or mistake as to a matter of law does not relieve a person of criminal responsibility”) (cleaned up).

Even if such a defense exists, prevailing on it is difficult. The false electors would have to introduce evidence of communications between themselves and any attorneys they consulted on the matter, which would require them to waive their attorney-client privilege. That could expose potentially inculpatory communications to the public and the prosecution, which might deter defendants from even invoking the defense. Moreover, to prevail on an advice-of-counsel defense, a defendant must introduce evidence that: “1) he placed all the relevant facts known to him before his counsel 2) counsel rendered an opinion on the propriety of a particular course of action 3) he believed that the opinion was rendered in good faith, and 4) in reasonable reliance upon that opinion he engaged in a course of action which corresponded with his counsel’s opinion.” *State v. Fendler*, 127 Ariz. 464, 477–78 (App. 1980) (noting that, while there exists no Arizona law on the subject, this standard is the “general rule” for the defense); *see also Workum*, 2020 WL 207058, at *5 n.7 (noting that, if the defense is available in Arizona, this is what it would require).

Nevertheless, based on what we know, some false electors may be able to present enough evidence to obtain a jury instruction on this defense (if the defense is recognized by the court). For example, we know that attorney Kenneth Chesebro emailed false elector Greg Safsten legal memos in which Chesebro cites the 1960 Kennedy-Nixon election as “historical precedent” for the scheme and concludes, while creating alternate slates of electors was “problematic” under the laws of certain states, that “voting by an alternate slate of electors is unproblematic in Arizona and Wisconsin.”¹⁴³ Conversely, the fact that even counsel for the Arizona Republican Party acknowledged the falsity and lack of lawfulness of the electors, in emails that have become public, casts doubt on the notion that the electors sought and secured legal advice assuring them of the legality of the scheme. Whether any such communications occurred between other false electors and attorneys, and thus whether this defense might succeed, might only be known if false electors were prosecuted and opted to raise this defense.

¹⁴³ See Email from Chesebro to Safsten, Dec. 11, 2020; Chesebro Dec. 14 Memo.

B. Good Faith Mistake of Fact or Law

Generally, neither ignorance nor mistake of a matter of fact relieves someone of criminal liability. A.R.S. § 13-204(A). But an exception exists when that mistake or ignorance of a fact “negates the culpable mental state required for commission of the offense.” *Id.* § 13-204(A)(1). In other words, while not an affirmative defense, a mistake of fact can be relevant to mens rea depending on the statute. *Compare, State v. Tarzian*, 136 Ariz. 238, 242 (App. 1983) (holding that an “honest belief in the truth of the statement” was a defense to a securities fraud statute), *with State v. Superior Ct. of Pima Cnty.*, 104 Ariz. 440, 443 (1969) (holding that a “good faith belief” that the victim was an adult is not a defense to statutory rape). With forgery, for example, a mistaken factual belief (such a belief that a check was not forged) can show that a defendant did not act with intent to defraud. *See, e.g., State v. Valdivia*, No. 1 CA-CR 16-0867, 2021 WL 1578157, at *4 (Ariz. Ct. App. Apr. 22, 2021) (holding that it was relevant whether the defendant “intended to defraud the bank when she gave them a forged check, or whether she unknowingly handed over the check after being duped by [a third party]”).

A mistake of law is less likely to (and generally will not) aid a defendant. The statute addressing this issue provides, without exception: “Ignorance or mistake as to a matter of law does not relieve a person of criminal responsibility.” A.R.S. § 13-204(B); *accord State v. Morse*, 127 Ariz. 25, 31 (1980) (holding that “ignorance . . . of the law which forbids the conduct with which one is charged is no defense”). There is nonetheless some nuance here. First, some statutes, even if they don’t require any knowledge of the specifics of the law, may still require some general belief or knowledge of illegality. As discussed, for example, conspiracy requires that the agreement was “consciously criminal.” *State v. Gunnison*, 127 Ariz. 110, 113 (1980).

Second, it is not always obvious whether a defendant’s mistake is one of fact or one of law. For instance, Arizona courts have held that, for Arizona’s law prohibiting felons from possessing firearms, a defendant’s belief that he was not a convicted felon was not a defense. *See, e.g., State v. Holmes*, 250 Ariz. 311, 316 (App. 2020). In those cases, the courts reasoned that this was a “mistake of law.” *Id.* In contrast, in a case interpreting the comparable federal statute, the U.S. Supreme Court held that the government did have to prove that the defendant “knew he belonged to the relevant category of persons barred from possessing a firearm.” *Rehaif v. United States*, 139 S. Ct. 2191, 2200 (2019). The Court reasoned that while it is not a defense to be “unaware of the existence of a statute proscribing [the defendant’s] conduct,” it is a different matter when the defendant “has a mistaken impression concerning the legal effect of some collateral matter and that mistake results in his misunderstanding the full significance of his conduct, thereby negating an element of the offense.” *Id.* at 2198 (cleaned up); *see also State v. Agee*, 181 Ariz. 58, 62 (App. 1994) (holding that, in prosecution for driving on a suspended license, the state had to prove that the defendant knew that his license was suspended). It appears that Arizona courts generally interpret what qualifies as a mistake of law (and is thus not a defense) more expansively than the Court in *Rehaif*. *See, e.g., State v. Woolbright*, No. 1 CA-CR 12-0680, 2014 WL 465655, at *3 (Ariz. Ct.

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App. Feb. 4, 2014) (defining a “mistake of law” as “an erroneous conclusion as the legal effect of known fact”). Regardless, the larger takeaway is that the more that a defendant’s claimed error can be characterized as one of law than one of fact, the less likely the defendant will be able to argue it as a defense.

In sum, neither a mistake of fact nor a mistake of law gives someone a free pass to commit crimes. Nor are these doctrines the bases of affirmative defenses. But they may be the bases of defenses that, depending on the statute, are relevant to the state’s burden in proving intent. Put differently, so long as the state meets its burden on intent for a particular statute, neither of these doctrines will prevent a successful prosecution.

C. Reliance on historical precedent from the 1960 election in Hawaii

The false electors are likely to assert “ongoing litigation” as a reason that their conduct did not violate the law. They will almost certainly point to the 1960 Presidential Election results in Hawaii as that instance is specifically cited by one of the architects of the false electors scheme, Kenneth Chesebro, in his December 9, 2020 memo.

On Election Day 1960, the presidential contest in Hawaii was extremely close—a 140 vote margin in favor of then-Vice President and Republican candidate Richard Nixon. When the Electoral College meeting date, December 19, arrived, the state was amid a court-ordered recount. Although the acting governor of Hawaii had previously issued a Certificate of Ascertainment for the Nixon electors, Hawaii’s Democratic presidential electors met on December 19, minutes after the Republican presidential electors met to cast their votes in favor of John F. Kennedy, the Democratic candidate. This resulted in competing slates of electors. On January 4, 1961, after the recount was complete and victory was re-certified in Kennedy’s favor, the results, including a new Certificate of Ascertainment issued by the governor, were sent to Congress and Hawaii’s electors were awarded to Kennedy. Although Chesebro’s memo focuses on the Hawaii “precedent,” the situations in 1960 and 2020 were different in important ways.

1. Hawaii 1960

In Hawaii, Democrats sought a recount in the extremely close presidential race after questions were raised about the tallies. On December 13, the “safe harbor” deadline (but before the statutory deadline for the electors to vote), a Hawaii state court ordered a recount.¹⁴⁴ On December 18, the day when the Electoral College was set to meet in their

¹⁴⁴ *Hawaii is Recounting*, THE NEW YORK TIMES (Dec. 14, 1960), (including in appendix to this memorandum); see also Michael L. Rosin & Jason Harrow, *How To Decide A Very Close Election For Presidential Electors: Part 2*, TAKE CARE BLOG (Oct. 23, 2020), <https://takecareblog.com/blog/how-to-decide-a-very-close-election-for-presidential-electors-part-2>.

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respective states, the recount was about one fourth complete and showed Kennedy with a narrow advantage.¹⁴⁵

That day, both the Democratic and Republican slates of electors cast electoral votes for their respective candidates, thus creating one official and one contingent certificate of electoral votes.¹⁴⁶ The Democrats went through this process to ensure that a potential eventual victory (pursuant to the ongoing recount) would be countable, given the deadlines outlined in the ECA. Indeed, when the Kennedy electors met, they explicitly stated they were doing so because there was an active recount and they stated that their votes were entirely conditional: They were voting as “a safeguard,” their attorney said.¹⁴⁷ After they voted, their attorney went to the Lt. Gov’s office and presented him with a copy of their certificates and explained what they were.¹⁴⁸

By December 28, the recount was complete and showed Kennedy ahead.¹⁴⁹ On January 4, 1961, the governor signed a revised Certificate of Ascertainment in favor of Kennedy, which was immediately mailed to Congress.¹⁵⁰

On January 6, 1961, the President of the Senate (and then-Vice President) Nixon presided over the opening of electoral votes before a joint session of Congress.¹⁵¹ Notably, by this time, it was clear that Kennedy won the election, with or without Hawaii’s electoral votes.¹⁵² When it came time to open and count Hawaii’s votes, Nixon said “In order not to delay the further count of the electoral vote here, the Chair, *without the intent of establishing a precedent*, suggests that the electors named in the certificate of the Governor of Hawaii dated January 4, 1961, be considered as the lawful electors from the State of Hawaii. If there be no objection in this joint convention, the Chair will instruct the tellers-and he now does-to count the votes of those electors named in the certificate of the Governor of Hawaii dated January 4, 1961-those votes having been cast for John F. Kennedy, of Massachusetts, for President and LYNDON B. JOHNSON, of

¹⁴⁵ Associated Press, *Kennedy Widens Lead: Margin in Recount in Hawaii is Increased to 55*, THE NEW YORK TIMES, (Dec. 18, 1960), https://timesmachine.nytimes.com/timesmachine/1960/12/19/99830831.pdf?pdf_redirect=true&ip=0; see also Rosin & Harrow, *How to Decide*, *supra* note 146.

¹⁴⁶ Burl Burlingame, *Hawaii was the ‘Florida’ of the 1960 election*, HONOLULU STAR BULLETIN (Nov. 18, 2000), <https://archives.starbulletin.com/2000/11/18/editorial/special.html>.

¹⁴⁷ Forrest Black, *Elder Statesmen Cast Two Sets of Electoral Votes for Isles*, HONOLULU STAR BULLETIN (Dec. 19, 1960), (included in appendix to this memorandum).

¹⁴⁸ *Id.*

¹⁴⁹ *Kennedy Wins Hawaii, Recount gives him 115-Vote Victory, Court Rules*, THE NEW YORK TIMES (Dec. 28, 1960), https://timesmachine.nytimes.com/timesmachine/1960/12/29/99906321.pdf?pdf_redirect=true&ip=0; see also *Hawaii is Recounting*, THE NEW YORK TIMES (Dec. 14, 1960), (included in appendix to this memorandum); see also Rosin & Harrow, *How to Decide*, *supra* note 146.

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

¹⁵² Burlingame, *Hawaii was the ‘Florida’*, *supra*, note 148.

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Texas, for Vice President” (emphasis added).¹⁵³ There was no objection, and the Hawaii electoral votes were counted in Kennedy’s favor.¹⁵⁴

2. Arizona 2020

The situation on December 14, 2020, when the false electors met in Arizona, was markedly different from Hawaii in 1960. First, when the false electors met, Biden had already been declared the winner, the election had been certified by the Secretary of State in his favor (on November 30), and he was in the lead by 10,457 votes. The margin of victory here was in stark contrast to the 171 razor-thin margin that separated the presidential race in Hawaii in 1960. Second, there was no pending court-ordered recount in 2020. There was no uncertainty about the election results. In fact, statutorily required limited hand counts in multiple counties, including Maricopa, had been completed, and they revealed no fraud or other material issue that might give rise to uncertainty.¹⁵⁵ Third, the pending petition for a writ of certiorari to the U.S. Supreme Court in *Ward v. Jackson*,¹⁵⁶ which was filed explicitly to give cover to the false electors, did not alter the fact that Arizona’s electors were arguably within the safe harbor.¹⁵⁷ Finally, Governor Ducey did not sign a revised certificate of ascertainment in favor of the false electors.¹⁵⁸ Quite the contrary. On January 4, 2021, he sent a Certificate of Final Determination to the Archivist noting that the Arizona Supreme Court had made a final determination as to all cases or controversies regarding the electors.¹⁵⁹

¹⁵³ Rosin & Harrow, *How to Decide*, *supra*, note 146.

¹⁵⁴ *Id.*

¹⁵⁵ Arizona Secretary of State, *2020 General Election Hand Count Results*, <https://azsos.gov/2020-general-election-hand-count-results> (last visited July 18, 2020); *see also* Jen Fifield, *Maricopa County Board of Supervisors votes unanimously to certify election results*, ARIZONA REPUBLIC (Nov. 20, 2020), <https://www.azcentral.com/story/news/politics/elections/2020/11/20/maricopa-county-supervisors-meet-consider-certifying-election-results/6362991002/>.

¹⁵⁶ *See* Supreme Court of the United States, Docket No. 20-809, https://www.supremecourt.gov/DocketPDF/20/20-809/163521/20201211121556721_12-11-20%20Pet%20for%20Writ%20Ward%20v%20Jackson.pdf; *see also* Haberman & Broadwater, *Treasonous*, *supra* note 81.

¹⁵⁷ The safe harbor provision stated that electoral slates are “conclusive” if: one, a state has provided by law for a “final determination of any controversy or contest concerning the appointment of all or any of the electors of such State, by judicial or other methods or procedures;” and, two, if that final determination is made six days before the electors are set to meet. 3 U.S.C. § 5 (2020). In Arizona, the state Supreme Court ended the contest on December 8—the “safe harbor” date. The fact that the case was later appealed to the U.S. Supreme Court does not alter the fact that under the terms of the ECA and state law, the contest had been finally determined. There were to be sure other cases still pending after December 8, but we believe they did not represent ongoing controversies or contests within the meaning of 3 U.S.C. § 5.

¹⁵⁸ *Arizona Certificate of Ascertainment 2020* (Nov. 3, 2020), <https://www.archives.gov/files/ascertainment-arizona.pdf>.

¹⁵⁹ *Id.*

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The facts on the ground and legal posture in Arizona in December and January of 2020-2021 are not analogous to those in 1960.¹⁶⁰ Any plausible argument that there was a true question about the winner is undermined by the sheer number of votes that separated Biden and Trump. Recounts very rarely change the outcome of an election, and when they do¹⁶¹ the original margin of votes is exceedingly small—in the tens or low hundreds, not tens of thousands.¹⁶²

Thus, while the false electors may cite “ongoing litigation” as a potential defense, it should not form a reasonable basis for a defense to prosecution for those false electors who otherwise satisfy all the elements of the crime.

V. STATUTES OF LIMITATIONS AND OTHER TIMING CONSIDERATIONS

Statutes of limitations will not provide a barrier to prosecution, so long as the prosecution is brought within the next four years. Generally, for crimes classified as class 2 through class 6 felonies, the statute of limitations is seven years. A.R.S. § 13-107(B)(1). The criminal code statutes discussed in this memorandum are class 2 through class 6 felonies. *See* A.R.S. § 13-2002(C) (forgery generally a class 4 felony); A.R.S. § 13-2407(C) (tampering with a public record a class 6 felony); A.R.S. § 13-2006 (criminal impersonation a class 6 felony); A.R.S. § 39-161 (presentment of false instrument for filing a class 6 felony); A.R.S. § 13-2310(A) (fraudulent schemes and artifices a class 2 felony); A.R.S. § 13-1003(D) (conspiracy the same class as the most serious offense that is object of conspiracy). Thus, the statute of limitations for these offenses, with one probable exception, is seven years. The probable exception is tampering with a public record, which likely has no limitations period at all. *See* A.R.S. § 13-107(A) (providing that the prosecution of certain offenses, including “a felony involving falsification of public records,” may be commenced at any time).¹⁶³ In any event, the relevant statutes of limitations will not bar a timely prosecution.¹⁶⁴

¹⁶⁰ *See, e.g.*, Ed Kilgore, *The Flimsy Nixon Precedent Trump is Seizing On to Contest Biden’s Win*, NEW YORK MAGAZINE INTELLIGENCER (Dec. 29, 2020), <https://nymag.com/intelligencer/2020/12/the-nixon-precedent-trump-will-cite-to-contest-bidens-win.html>; Rosin & Harrow, *How To Decide*, *supra* note 146.

¹⁶¹ Hope Ford, *The times a recount actually changed the election results*, 11 ALIVE (Nov. 12, 2018), <https://www.11alive.com/article/news/the-times-a-recount-actually-changed-the-election-results/85-76a6031e-aa95-4e1d-9d55-b7dc66596a49>.

¹⁶² *See* Fair Vote, *Election Recounts Rarely Change the Outcome* (Nov. 4, 2020), https://fairvote.org/election_recounts_rarely_change_the_outcome/.

¹⁶³ The only case we are aware of interpreting this public-records exception to the statute of limitations held that, because statutes of limitations must be construed in favor the accused, that the public-records exception applied to a statute prohibiting falsification of public records but did not apply to a statute prohibiting offering a forged document for filing in a public office. *State v. Fogel*, 16 Ariz. App. 246, at 248–49 (1972). Accordingly, it is unlikely that the other offenses we discuss beyond tampering with a public record qualify for this exception.

¹⁶⁴ There is one narrow exception to this statement: the crime of solicitation, which this memorandum briefly addresses, could have a shorter statute of limitations depending on the underlying offense.

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Nor should concerns about timing—given that several years have elapsed since the scheme—preclude prosecution now. Thorough investigations of complex cases take time. Other state and federal authorities are continuing to investigate the fake elector schemes and, only Michigan has brought charges thus far, and that was very recently in July 2023. Moreover, in the time since the culmination of the scheme on January 6, new information has continued to come to light, including in the January 6th Committee’s Report, released to the public in December 2022. In addition, the voters of the State of Arizona elected a new Attorney General who took office in January 2023. Under these facts, the investigation has been diligent, without undue delay. In short, neither legal nor prudential considerations would make a prosecution improper.

VI. CONCLUSION

On January 6, 2021, our democratic institutions hung in the balance as the Capitol and democracy itself were under attack. The individuals who conspired to execute the false elector scheme acted in furtherance of and perpetuated a dangerous attack on our democratic process that could have upended the will of millions of voters. Even though they were unsuccessful in overturning the election results, their actions caused grave harm. Indeed, for the first time in American history, the peaceful transfer of power was disrupted. Investigation and, if factually and legally supported, prosecution are critical steps to ensuring that those who violated the criminal laws are held accountable and that others are deterred from carrying out similar violations in the future.

Solicitation is generally a lesser offense than the underlying offense. *See* A.R.S. § 13-1002(B). Solicitation of class 6 felonies (such as criminal impersonation and presentment of a false instrument for filing) is a misdemeanor, *id.*, and misdemeanors carry of statute of limitations of one year, A.R.S. 13-107(B)(2).

APPENDIX

Published daily except on Sundays, holidays and election days. Price 10 cents. Subscription price \$3.00 per year in advance. Single copies 10 cents. Entered as second class matter, July 16, 1927. Post Office at Honolulu, T. H., and at additional mailing offices. Postmaster: Please send address changes to Honolulu Star-Bulletin, P. O. Box 154, Honolulu, T. H.

Honolulu Star-Bulletin

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Honolulu, T. H., Friday, December 10, 1964. Vol. 104, No. 245. Telephone: (531-1111) (531-1112) (531-1113) (531-1114) (531-1115) (531-1116) (531-1117) (531-1118) (531-1119) (531-1120) (531-1121) (531-1122) (531-1123) (531-1124) (531-1125) (531-1126) (531-1127) (531-1128) (531-1129) (531-1130) (531-1131) (531-1132) (531-1133) (531-1134) (531-1135) (531-1136) (531-1137) (531-1138) (531-1139) (531-1140) (531-1141) (531-1142) (531-1143) (531-1144) (531-1145) (531-1146) (531-1147) (531-1148) (531-1149) (531-1150) (531-1151) (531-1152) (531-1153) (531-1154) (531-1155) (531-1156) (531-1157) (531-1158) (531-1159) (531-1160) (531-1161) (531-1162) (531-1163) (531-1164) (531-1165) (531-1166) (531-1167) (531-1168) (531-1169) (531-1170) (531-1171) (531-1172) (531-1173) (531-1174) (531-1175) (531-1176) (531-1177) (531-1178) (531-1179) (531-1180) (531-1181) (531-1182) (531-1183) (531-1184) (531-1185) (531-1186) (531-1187) (531-1188) (531-1189) (531-1190) (531-1191) (531-1192) (531-1193) (531-1194) (531-1195) (531-1196) (531-1197) (531-1198) (531-1199) (531-1200)

High Waves Pound North Shore of Isles



Several children and their parents, including the children of the late Mrs. J. Edgar Hoover, are seen on the beach at Waikiki, Honolulu, today.

UN Congo Policy Indorsement Fails

UNITED NATIONS has today rejected a resolution which would have indorsed the Congo's policy of non-alignment. The vote was 13-11, with 12 abstentions.

Several Flee Oahu Homes; No One Hurt

Several people were reported to have fled their homes on Oahu today because of high waves and flooding.

City Sent \$1,261 Bill For Tarbell's Legal Aid

HONOLULU CITY has today sent a bill for \$1,261 to the University of Hawaii for legal aid provided to the city by a former professor.

Elder Statesmen Cast Two Sets Of Electoral Votes For Isles

TWO sets of electoral votes were cast today by the two elder statesmen of the Hawaiian Islands.

Advertisement for a cartoon character named 'The Honorable' who is a 'Honorable' character. The ad includes a drawing of the character and text describing his services.

Advertisement for 'Honorable' character, featuring a drawing of the character and text. The ad promotes the character's unique qualities and services.

Kennedy Wins - Officially

JOHN F. KENNEDY has today been officially declared the winner of the presidential election.



Passenger's Transistor Radio Hinted Cause of Mid-Air Crash

A passenger's transistor radio was today hinted as a possible cause of a mid-air crash.

Discoverer Goes After Ray Data

A discoverer is today going after data related to the case of the missing plane.

Dog Race Push In Isles Forecast

A dog race push is today forecast for the Hawaiian Islands.

Transistor Radio 'Could Cause' Malfunction of Navigation Gear

A transistor radio is today reported as a possible cause of a malfunction in navigation gear.

Navy Investigates Carrier Fire; Toll Put at 47 Dead, 150 Injured

The Navy is today investigating a fire on a carrier, with a toll of 47 dead and 150 injured.

Yule Fund Tops Goal, But Larder Not Filled

The Yule Fund has today topped its goal, but the larder is still not filled.

Yule Fund Tops Goal, But Larder Not Filled

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Isle Electors

Continued from Page 1
wide recount—only one-third of the electors—had put Kennedy ahead by 83 votes.

Democratic attorney Robert G. Dodge said the Democratic electors were voting for Kennedy as a last resort in case Kennedy should emerge the winner when the recount is finally completed.

He said if the result of the recount confirms Kennedy will win on the recount. A bill finally decide who won Hawaii's three electoral votes in the 50th State's first presidential election.

POSSIBILITIES
If Nixon is ahead at the end of the recount, he will get the three electoral votes, everybody agrees.

If Kennedy should come out ahead, it appears Congress would ignore the officially certified vote for Nixon and declare the President elect the winner on the basis of the court-ordered recount.

There are two ways the recount could be placed before Congress, according to Dodge and assistant State Attorney General Judge-DeWitt.

Governor William F. Quinn could forward the recount results and perhaps additional certificates to the Democratic electors on the basis of a court judgment showing Kennedy won.

Quinn said he hadn't researched the law, but he would take whatever steps are necessary in being the changed results before the appropriate people.

STUDIES LAW
DeWitt said the Attorney General's office is studying the law to determine what legal steps the Governor should take.

Even if the Governor took no action, however, Dodge and DeWitt agree that a recount judgment favoring Kennedy could be sent to Hawaii's representatives in Congress for consideration January 18, but he will be home for Christmas.

"I feel quite clear," said the third Democratic elector, William Howe, 77 years old, he has been a member of the party for 58 years, 21 years a State Senator.

CRUDEN
As Judge CRUDEN and Aunt Jennie sat in wheel chairs watching the Republican electors went through the official document stating the declaring "Nixon as our Vice-Presidential candidate."

Supervised by A. P. Jenkins, assistant to Lieutenant Governor James K. Keolu, the Republicans entered the voting booths and marked separate ballots for Nixon and Lodge.



Tourist ignores the Electoral College balloting in the Throne Room of Iolani Palace and snags a shot of the interior.—Sun-Bulletin Photo.

It was a member of the party before I was old enough to vote," declared Cruden, who has been active participant in the court-recount and unsuccessfully attempted to stop it.

Warren is a former State Representative, and Bush a former Republican County Chairman on the Big Island.

IN WHEEL CHAIRS
Two of the Democratic electors, Aunt Jennie Wilson, who is 98, and former Judge Metzger, 82 years old, occupied the Throne Room in wheel chairs.

Aunt Jennie, widow of the late Mayor John H. Wilson, now lives at Hahaione House. She said she has been a member of the party since it first started in 1893.

Judge Metzger has been in Tripler Army Hospital with a legged leg since November 18, but he will be home for Christmas.

"I feel quite clear," said the third Democratic elector, William Howe, 77 years old, he has been a member of the party for 58 years, 21 years a State Senator.

CRUDEN
As Judge CRUDEN and Aunt Jennie sat in wheel chairs watching the Republican electors went through the official document stating the declaring "Nixon as our Vice-Presidential candidate."

Supervised by A. P. Jenkins, assistant to Lieutenant Governor James K. Keolu, the Republicans entered the voting booths and marked separate ballots for Nixon and Lodge.

After the Republicans signed the certificates and attached their credentials showing the number of popular votes they received, Metzger showed them in small manila envelopes.

The electors then signed statements certifying the contents of the small manila envelopes, and Metzger placed the statements and certified envelopes into separate envelopes.

Two of the manila envelopes will be mailed today to the General Service Administration in Washington, D.C. One set was mailed yesterday to the President of the U.S. Senate for opening on January 6.

Two envelopes were hand-carried in the Lieutenant Governor and one envelope to Federal Judge Carl T. Wertz yesterday.

Alleged Republican electors Mrs. James Hesse, Arthur Kaka and David Kibben left yesterday.

add to Aunt Jennie, Metzger and Howe.
The ballots the Democrats used on will be put in the safe deposit box in Dodge's office.

Republican ballots will go to the Archives, according to the Lieutenant Governor.
After the ceremony, Dodge went to the Lieutenant Governor's in delivering a copy of the certificates there, but as the Republicans electors and Dodge handed over one certificate containing the Democrat certificate to Lieutenant Governor James K. Keolu.

Keolu accepted it, and "I'm receiving it, not knowledge what's in it," he said.
Dodge said he would also mail another copy of the certificate to Honolulu by registered mail, with a return receipt in January.

That, one chapter of the public and certifying Democratic electors' certificates. Certificates of Republican electors were sent by special delivery.
Dodge explained the envelope contained a certificate for Kennedy and Johnson, and congratulated Keolu on the cooperation the Democrats received from Keolu's office.
Dodge said he would also mail another copy of the certificate to Honolulu by registered mail, with a return receipt in January.

Another chapter is due to be written in Honolulu before the Christmas week is over, when the recount is completed.
The final chapter is debited to be written in Honolulu before the Christmas week is over, when the recount is completed.

FLY TO JAPAN FOR Cherry Blossom Time

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Hawaii Is Recounting

Special to The New York Times.

HONOLULU, Dec. 14—Circuit Judge Ronald B. Jamieson refused today to postpone a recount of election returns from thirty-four Hawaii precincts despite Republican protests that it would serve no useful purpose.

Judge Jamieson ordered the recount started Tuesday night. Twelve of the thirty-four contested precincts were retallied and Mr. Kennedy gained only one more vote. Mr. Nixon officially was declared the winner of Hawaii's three electoral votes on the basis of a 141-vote margin.

The State Attorney General tried to end the recount today on the ground that a Federal statute required a decision on disputed election results at least six days before the Presidential electors were to meet. They meet Monday.

The New York Times

Published: December 15, 1960

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Democratic electors William Heen and Aunt Jennie Wilson and Delbert Metzger (both in wheel chairs) wait their turn to cast votes for Kennedy as Republicans vote for Nixon across the room.—Star-Bulletin

Elder Statesmen Cast Two Sets Of Electoral Votes for Isles

By FOREST BLACK

The elder statesmen of the Republican and Democratic Parties of Hawaii met in historic Iolani Palace yesterday and cast Hawaii's three electoral votes for President Kennedy.

Three Democratic electors—Aunt Jennie Wilson, Delbert A. Metzger and William H. Heen—voted unofficially for President-Elect John F. Kennedy.

Under an oil painting of Queen Kalama in the royal Throne Room, the Republicans voted for Nixon in red, white and blue voting bowls and then certified their votes.

The G.O.P. ceremony lasted from 2 p.m. to 2:45 p.m.

Then, the Democratic electors voted in the same bowls for Kennedy and certified their votes on the same table on the Waikiki side of the Throne Room.

The ceremony lasted from 2:45 p.m. to 3:15 p.m.

The Democratic ballots and certificates were not official, and the Republican votes were.

Prior to the ceremony

starting at 2 p.m., Governor William F. Quinn presented the Republicans with documents certifying that Nixon had won Hawaii by 141 votes, 92,505 to Kennedy's 92,364, and that they were legally elected the State's electors.

The Democrats had no official credentials showing Kennedy won in Hawaii.

When the Democrats voted, a court-ordered State-Turn to Page 1B, Column 1.

EXHIBIT C

EXHIBIT

E

BROOKINGS

EXPERT

Norman Eisen

Senior Fellow – Governance Studies, Center for Effective Public Management (CEPM)

Ambassador Norman Eisen (ret.) is a senior fellow in [Governance Studies](https://www.brookings.edu/programs/governance-studies/) (<https://www.brookings.edu/programs/governance-studies/>) at Brookings and an expert on law, ethics, and anti-corruption. Eisen has been recognized as [“at the very pinnacle”](#) [↗](#) of the lawyers who provide public analysis on the trials of former president Donald Trump. That includes his definitive reports on all four prosecutions of Trump—the federal [January 6](#) [↗](#) and [Mar-a-Lago](#) [↗](#) cases, the [Georgia](#) [↗](#) and [New York state](#) [↗](#) ones—as well as the [New York civil fraud trial](#) [↗](#).

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- Brown University, 9/1981-6/1985, A.B, magna cum laude

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EXHIBIT

F

Form 990

Return of Organization Exempt From Income Tax

OMB No. 1545-0047

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except private foundations)

Do not enter social security numbers on this form as it may be made public.

Go to www.irs.gov/Form990 for instructions and the latest information.

2023

Open to Public Inspection

Department of the Treasury Internal Revenue Service

A For the 2023 calendar year, or tax year beginning 01-01-2023, and ending 12-31-2023

- B Check if applicable: Address change, Name change, Initial return, Final return/terminated, Amended return, Application pending

C Name of organization: STATES UNITED DEMOCRACY CENTER INC. Doing business as: Number and street (or P.O. box if mail is not delivered to street address): 1101 17TH STREET 250. Room/suite: City or town, state or province, country, and ZIP or foreign postal code: WASHINGTON, DC 20036

D Employer identification number: 86-1704152. E Telephone number: (202) 999-9305. G Gross receipts \$ 17,576,136

F Name and address of principal officer: JOANNA LYDGATE, 1101 17TH STREET 250, WASHINGTON, DC 20036

H(a) Is this a group return for subordinates? Yes No. H(b) Are all subordinates included? Yes No. H(c) Group exemption number

I Tax-exempt status: 501(c)(3), 501(c) () (insert no.), 4947(a)(1) or 527

J Website: WWW.STATESUNITEDDEMOCRACY.ORG

K Form of organization: Corporation, Trust, Association, Other

L Year of formation: 2021. M State of legal domicile: DE

Part I Summary

Table with 4 main sections: Activities & Governance, Revenue, Expenses, and Net Assets or Fund Balances. Each section contains rows for various financial and operational metrics with columns for Prior Year and Current Year.

Part II Signature Block

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Sign Here	Signature of officer JOANNA LYDGATE PRESIDENT			Date 2024-11-12	
	Type or print name and title				
Paid Preparer Use Only	Print/Type preparer's name	Preparer's signature	Date	Check <input type="checkbox"/> if self-employed	PTIN P00288314
	Firm's name GELMAN ROSENBERG & FREEDMAN			Firm's EIN 52-1392008	
	Firm's address 4550 MONTGOMERY AVE SUITE 800N BETHESDA, MD 208142930			Phone no. (301) 951-9090	

May the IRS discuss this return with the preparer shown above? See Instructions. Yes No
For Paperwork Reduction Act Notice, see the separate instructions. Cat. No. 11282Y Form **990** (2023)

Part III **Statement of Program Service Accomplishments**

Check if Schedule O contains a response or note to any line in this Part III

1 Briefly describe the organization's mission:

STATES UNITED DEMOCRACY CENTER IS A NONPARTISAN ORGANIZATION ADVANCING FREE, FAIR, AND SECURE ELECTIONS. WE CONNECT STATE AND LOCAL OFFICIALS, LAW ENFORCEMENT LEADERS, AND PRO-DEMOCRACY PARTNERS ACROSS AMERICA WITH THE TOOLS AND EXPERTISE THEY NEED TO SAFEGUARD DEMOCRACY.

2 Did the organization undertake any significant program services during the year which were not listed on the prior Form 990 or 990-EZ? Yes No

If "Yes," describe these new services on Schedule O.

3 Did the organization cease conducting, or make significant changes in how it conducts, any program services? Yes No

If "Yes," describe these changes on Schedule O.

4 Describe the organization's program service accomplishments for each of its three largest program services, as measured by expenses. Section 501(c)(3) and 501(c)(4) organizations are required to report the amount of grants and allocations to others, the total expenses, and revenue, if any, for each program service reported.

4a (Code:) (Expenses \$ **9,302,564** including grants of \$ **1,251,256**) (Revenue \$)
 LEGAL AND RESEARCH: STATES UNITED PROTECTS ELECTIONS BY SUPPORTING PRO-DEMOCRACY LEADERS WHO OVERSEE ELECTIONS THROUGH LITIGATION, LEGAL ANALYSIS, RESEARCH AND LEGAL SUPPORT. WE HAVE ENGAGED IN WORK AROUND ELECTION PROTECTION, ACCOUNTABILITY FOR DEMOCRACY VIOLATORS, PUBLIC SAFETY AND ELECTIONS, AND COUNTERING ELECTION-RELATED DISINFORMATION. STATES UNITED ALSO PUBLISHED NONPARTISAN RESEARCH AND RESOURCES ON EFFORTS TO UNDERMINE FREE AND FAIR ELECTION RESULTS, GUIDES TO ELECTION POWERS IN THE STATES, RESEARCH ON POLL OBSERVERS, AND GUIDANCE FOR LAW ENFORCEMENT ON PUBLIC SAFETY AND ELECTIONS.

4b (Code:) (Expenses \$ including grants of \$) (Revenue \$)

4c (Code:) (Expenses \$ including grants of \$) (Revenue \$)

4d Other program services (Describe in Schedule O.)
 (Expenses \$ including grants of \$) (Revenue \$)

Part IV Checklist of Required Schedules

Table with 3 columns: Question ID, Question Text, Yes, No. Contains 20 main questions and sub-questions (a-f) regarding organizational requirements and reporting.

21 Did the organization report more than \$5,000 of grants or other assistance to any domestic organization or domestic government on Part IX, column (A), line 1? If "Yes," complete Schedule I, Parts I and II

21	Yes	
----	-----	--

Part IV Checklist of Required Schedules (continued)

	Yes	No	
22 Did the organization report more than \$5,000 of grants or other assistance to or for domestic individuals on Part IX, column (A), line 2? If "Yes," complete Schedule I, Parts I and III	22		No
23 Did the organization answer "Yes" to Part VII, Section A, line 3, 4, or 5, about compensation of the organization's current and former officers, directors, trustees, key employees, and highest compensated employees? If "Yes," complete Schedule J	23	Yes	
24a Did the organization have a tax-exempt bond issue with an outstanding principal amount of more than \$100,000 as of the last day of the year, that was issued after December 31, 2002? If "Yes," answer lines 24b through 24d and complete Schedule K. If "No," go to line 25a	24a		No
b Did the organization invest any proceeds of tax-exempt bonds beyond a temporary period exception?	24b		
c Did the organization maintain an escrow account other than a refunding escrow at any time during the year to defease any tax-exempt bonds?	24c		
d Did the organization act as an "on behalf of" issuer for bonds outstanding at any time during the year?	24d		
25a Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations. Did the organization engage in an excess benefit transaction with a disqualified person during the year? If "Yes," complete Schedule L, Part I	25a		No
b Is the organization aware that it engaged in an excess benefit transaction with a disqualified person in a prior year, and that the transaction has not been reported on any of the organization's prior Forms 990 or 990-EZ? If "Yes," complete Schedule L, Part I	25b		No
26 Did the organization report any amount on Part X, line 5 or 22 for receivables from or payables to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons? If "Yes," complete Schedule L, Part II	26		No
27 Did the organization provide a grant or other assistance to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or employee thereof, a grant selection committee member, or to a 35% controlled entity (including an employee thereof) or family member of any of these persons? If "Yes," complete Schedule L, Part III	27		No
28 Was the organization a party to a business transaction with one of the following parties (see the Schedule L, Part IV instructions for applicable filing thresholds, conditions, and exceptions):			
a A current or former officer, director, trustee, key employee, creator or founder, or substantial contributor? If "Yes," complete Schedule L, Part IV	28a		No
b A family member of any individual described in line 28a? If "Yes," complete Schedule L, Part IV	28b		No
c A 35% controlled entity of one or more individuals and/or organizations described in line 28a or 28b? If "Yes," complete Schedule L, Part IV	28c		No
29 Did the organization receive more than \$25,000 in non-cash contributions? If "Yes," complete Schedule M	29		No
30 Did the organization receive contributions of art, historical treasures, or other similar assets, or qualified conservation contributions? If "Yes," complete Schedule M	30		No
31 Did the organization liquidate, terminate, or dissolve and cease operations? If "Yes," complete Schedule N, Part I	31		No
32 Did the organization sell, exchange, dispose of, or transfer more than 25% of its net assets? If "Yes," complete Schedule N, Part II	32		No
33 Did the organization own 100% of an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? If "Yes," complete Schedule R, Part I	33	Yes	
34 Was the organization related to any tax-exempt or taxable entity? If "Yes," complete Schedule R, Part II, III, or IV, and Part V, line 1	34	Yes	
35a Did the organization have a controlled entity within the meaning of section 512(b)(13)?	35a		No
b If 'Yes' to line 35a, did the organization receive any payment from or engage in any transaction with a controlled entity within the meaning of section 512(b)(13)? If "Yes," complete Schedule R, Part V, line 2	35b		
36 Section 501(c)(3) organizations. Did the organization make any transfers to an exempt non-charitable related organization? If "Yes," complete Schedule R, Part V, line 2	36		No
37 Did the organization conduct more than 5% of its activities through an entity that is not a related organization and that is treated as a partnership for federal income tax purposes? If "Yes," complete Schedule R, Part VI	37		No
38 Did the organization complete Schedule O and provide explanations on Schedule O for Part VI, lines 11b and 19? Note. All Form 990 filers are required to complete Schedule O.	38	Yes	

Part V Statements Regarding Other IRS Filings and Tax Compliance

Check if Schedule O contains a response or note to any line in this Part V

1a Enter the number reported in box 3 of Form 1096. Enter -0- if not applicable | 1a |

	Yes	No
--	-----	----

b Enter the number of Forms W-2G included on line 1a. Enter -0- if not applicable	1b	0		
c Did the organization comply with backup withholding rules for reportable payments to vendors and reportable gaming (gambling) winnings to prize winners?	1c	Yes		

Part V **Statements Regarding Other IRS Filings and Tax Compliance** (continued)

2a Enter the number of employees reported on Form W-3, Transmittal of Wage and Tax Statements, filed for the calendar year ending with or within the year covered by this return	2a	0		
b If at least one is reported on line 2a, did the organization file all required federal employment tax returns?	2b			
3a Did the organization have unrelated business gross income of \$1,000 or more during the year?	3a		No	
b If "Yes," has it filed a Form 990-T for this year? If "No" to line 3b, provide an explanation in Schedule O	3b			
4a At any time during the calendar year, did the organization have an interest in, or a signature or other authority over, a financial account in a foreign country (such as a bank account, securities account, or other financial account)?	4a		No	
b If "Yes," enter the name of the foreign country: _____ See instructions for filing requirements for FinCEN Form 114, Report of Foreign Bank and Financial Accounts (FBAR).				
5a Was the organization a party to a prohibited tax shelter transaction at any time during the tax year?	5a		No	
b Did any taxable party notify the organization that it was or is a party to a prohibited tax shelter transaction?	5b		No	
c If "Yes," to line 5a or 5b, did the organization file Form 8886-T?	5c			
6a Does the organization have annual gross receipts that are normally greater than \$100,000, and did the organization solicit any contributions that were not tax deductible as charitable contributions?	6a		No	
b If "Yes," did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible?	6b			
7 Organizations that may receive deductible contributions under section 170(c).				
a Did the organization receive a payment in excess of \$75 made partly as a contribution and partly for goods and services provided to the payor?	7a		No	
b If "Yes," did the organization notify the donor of the value of the goods or services provided?	7b			
c Did the organization sell, exchange, or otherwise dispose of tangible personal property for which it was required to file Form 8282?	7c		No	
d If "Yes," indicate the number of Forms 8282 filed during the year	7d			
e Did the organization receive any funds, directly or indirectly, to pay premiums on a personal benefit contract?	7e		No	
f Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract?	7f		No	
g If the organization received a contribution of qualified intellectual property, did the organization file Form 8899 as required?	7g			
h If the organization received a contribution of cars, boats, airplanes, or other vehicles, did the organization file a Form 1098-C?	7h			
8 Sponsoring organizations maintaining donor advised funds. Did a donor advised fund maintained by the sponsoring organization have excess business holdings at any time during the year?	8			
9 Sponsoring organizations maintaining donor advised funds.				
a Did the sponsoring organization make any taxable distributions under section 4966?	9a			
b Did the sponsoring organization make a distribution to a donor, donor advisor, or related person?	9b			
10 Section 501(c)(7) organizations. Enter:				
a Initiation fees and capital contributions included on Part VIII, line 12	10a			
b Gross receipts, included on Form 990, Part VIII, line 12, for public use of club facilities	10b			
11 Section 501(c)(12) organizations. Enter:				
a Gross income from members or shareholders	11a			
b Gross income from other sources. (Do not net amounts due or paid to other sources against amounts due or received from them.)	11b			
12a Section 4947(a)(1) non-exempt charitable trusts. Is the organization filing Form 990 in lieu of Form 1041?	12a			
b If "Yes," enter the amount of tax-exempt interest received or accrued during the year.	12b			
13 Section 501(c)(29) qualified nonprofit health insurance issuers.				
a Is the organization licensed to issue qualified health plans in more than one state? Note. See the instructions for additional information the organization must report on Schedule O.	13a			
b Enter the amount of reserves the organization is required to maintain by the states in which the organization is licensed to issue qualified health plans	13b			

c Enter the amount of reserves on hand	13c		
14a Did the organization receive any payments for indoor tanning services during the tax year?	14a		No
b If "Yes," has it filed a Form 720 to report these payments? <i>If "No," provide an explanation in Schedule O</i>	14b		
15 Is the organization subject to the section 4960 tax on payment(s) of more than \$1,000,000 in remuneration or excess parachute payment(s) during the year? If "Yes," see the instructions and file Form 4720, Schedule N.	15		No
16 Is the organization an educational institution subject to the section 4968 excise tax on net investment income? If "Yes," complete Form 4720, Schedule O.	16		No
17 Section 501(c)(21) organizations. Did the trust, or any disqualified or other person engage in any activities that would result in the imposition of an excise tax under section 4951, 4952, or 4953? If "Yes," complete Form 6069.	17		

Form 990 (2023)

Form 990 (2023)

Page 6

Part VI **Governance, Management, and Disclosure.** For each "Yes" response to lines 2 through 7b below, and for a "No" response to lines 8a, 8b, or 10b below, describe the circumstances, processes, or changes in Schedule O. See instructions.
Check if Schedule O contains a response or note to any line in this Part VI

Section A. Governing Body and Management

		Yes	No
1a Enter the number of voting members of the governing body at the end of the tax year If there are material differences in voting rights among members of the governing body, or if the governing body delegated broad authority to an executive committee or similar committee, explain in Schedule O.	1a 7		
b Enter the number of voting members included in line 1a, above, who are independent	1b 6		
2 Did any officer, director, trustee, or key employee have a family relationship or a business relationship with any other officer, director, trustee, or key employee?	2		No
3 Did the organization delegate control over management duties customarily performed by or under the direct supervision of officers, directors or trustees, or key employees to a management company or other person?	3		No
4 Did the organization make any significant changes to its governing documents since the prior Form 990 was filed?	4		No
5 Did the organization become aware during the year of a significant diversion of the organization's assets?	5		No
6 Did the organization have members or stockholders?	6		No
7a Did the organization have members, stockholders, or other persons who had the power to elect or appoint one or more members of the governing body?	7a		No
b Are any governance decisions of the organization reserved to (or subject to approval by) members, stockholders, or persons other than the governing body?	7b		No
8 Did the organization contemporaneously document the meetings held or written actions undertaken during the year by the following:			
a The governing body?	8a	Yes	
b Each committee with authority to act on behalf of the governing body?	8b	Yes	
9 Is there any officer, director, trustee, or key employee listed in Part VII, Section A, who cannot be reached at the organization's mailing address? <i>If "Yes," provide the names and addresses in Schedule O</i>	9		No

Section B. Policies (This Section B requests information about policies not required by the Internal Revenue Code.)

		Yes	No
10a Did the organization have local chapters, branches, or affiliates?	10a		No
b If "Yes," did the organization have written policies and procedures governing the activities of such chapters, affiliates, and branches to ensure their operations are consistent with the organization's exempt purposes?	10b		
11a Has the organization provided a complete copy of this Form 990 to all members of its governing body before filing the form?	11a	Yes	
b Describe on Schedule O the process, if any, used by the organization to review this Form 990.			
12a Did the organization have a written conflict of interest policy? <i>If "No," go to line 13</i>	12a	Yes	
b Were officers, directors, or trustees, and key employees required to disclose annually interests that could give rise to conflicts?	12b	Yes	
c Did the organization regularly and consistently monitor and enforce compliance with the policy? <i>If "Yes," describe on Schedule O how this was done</i>	12c	Yes	
13 Did the organization have a written whistleblower policy?	13	Yes	
14 Did the organization have a written document retention and destruction policy?	14	Yes	
15 Did the process for determining compensation of the following persons include a review and approval by independent persons, comparability data, and contemporaneous substantiation of the deliberation and decision?			
a The organization's CEO, Executive Director, or top management official	15a	Yes	
b Other officers or key employees of the organization	15b	Yes	
If "Yes" to line 15a or 15b, describe the process on Schedule O. See instructions.			
16a Did the organization invest in, contribute assets to, or participate in a joint venture or similar arrangement with a taxable entity during the year?	16a		No

b If "Yes," did the organization follow a written policy or procedure requiring the organization to evaluate its participation in joint venture arrangements under applicable federal tax law, and take steps to safeguard the organization's exempt status with respect to such arrangements?

16b		

Section C. Disclosure

- 17** List the states with which a copy of this Form 990 is required to be filed
 AL, AR, CA, FL, GA, HI, IL, KS, KY, MD, MA, MI, MN, MS, NH, NJ, NM, NY, NC, OR, PA, RI, SC, TN, UT, VA, WV, WI
- 18** Section 6104 requires an organization to make its Form 1023 (1024 or 1024-A, if applicable), 990, and 990-T (section 501(c)(3)s only) available for public inspection. Indicate how you made these available. Check all that apply.
 Own website Another's website Upon request Other (explain in Schedule O)
- 19** Describe in Schedule O whether (and if so, how) the organization made its governing documents, conflict of interest policy, and financial statements available to the public during the tax year.
- 20** State the name, address, and telephone number of the person who possesses the organization's books and records:
 JOANNA LYDGATE 1101 17TH STREET 250 WASHINGTON, DC 20036 (202) 999-9305

Form **990** (2023)

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Part VII **Compensation of Officers, Directors, Trustees, Key Employees, Highest Compensated Employees, and Independent Contractors**

Check if Schedule O contains a response or note to any line in this Part VII

Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees

1a Complete this table for all persons required to be listed. Report compensation for the calendar year ending with or within the organization's tax year.

- List all of the organization's **current** officers, directors, trustees (whether individuals or organizations), regardless of amount of compensation. Enter -0- in columns (D), (E), and (F) if no compensation was paid.
 - List all of the organization's **current** key employees, if any. See the instructions for definition of "key employee."
 - List the organization's five **current** highest compensated employees (other than an officer, director, trustee or key employee) who received reportable compensation (box 5 of Form W-2, box 6 of Form 1099-MISC, and/or box 1 of Form 1099-NEC) of more than \$100,000 from the organization and any related organizations.
 - List all of the organization's **former** officers, key employees, or highest compensated employees who received more than \$100,000 of reportable compensation from the organization and any related organizations.
 - List all of the organization's **former directors or trustees** that received, in the capacity as a former director or trustee of the organization, more than \$10,000 of reportable compensation from the organization and any related organizations.
- See the instructions for the order in which to list the persons above.

Check this box if neither the organization nor any related organization compensated any current officer, director, or trustee.

(A) Name and title	(B) Average hours per week (list any hours for related organizations below dotted line)	(C) Position (do not check more than one box, unless person is both an officer and a director/trustee)						(D) Reportable compensation from the organization (W-2/1099-MISC/1099-NEC)	(E) Reportable compensation from related organizations (W-2/1099-MISC/1099-NEC)	(F) Estimated amount of other compensation from the organization and related organizations
		Individual trustee or director	Institutional Trustee	Officer	Key employee	Highest compensated employee	Former			
(1) JOANNA LYDGATE DIRECTOR & PRESIDENT	25.00 15.00	X		X				0	382,382	47,116
(2) CHRISTINE TODD WHITMAN DIRECTOR & CO-CHAIR	1.00 1.00	X		X				0	0	0
(3) NORM EISEN DIRECTOR & CO-CHAIR	15.00 5.00	X		X				0	0	0
(4) RACHEL KLEINFELD BOARD MEMBER	1.00 0.00	X						0	0	0
(5) OLIVIA TROYE BOARD MEMBER	1.00 0.00	X						0	0	0
(6) TANIA MAESTAS BOARD MEMBER	1.00 0.00	X						0	0	0
(7) KENNETH MACK	1.00									

d Total (add lines 1b and 1c)	0	1,776,209	229,314
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2 Total number of individuals (including but not limited to those listed above) who received more than \$100,000 of reportable compensation from the organization **0**

	Yes	No
3 Did the organization list any former officer, director or trustee, key employee, or highest compensated employee on line 1a? <i>If "Yes," complete Schedule J for such individual</i>		No
4 For any individual listed on line 1a, is the sum of reportable compensation and other compensation from the organization and related organizations greater than \$150,000? <i>If "Yes," complete Schedule J for such individual</i>	Yes	
5 Did any person listed on line 1a receive or accrue compensation from any unrelated organization or individual for services rendered to the organization? <i>If "Yes," complete Schedule J for such person</i>		No

Section B. Independent Contractors

1 Complete this table for your five highest compensated independent contractors that received more than \$100,000 of compensation from the organization. Report compensation for the calendar year ending with or within the organization's tax year.

(A) Name and business address	(B) Description of services	(C) Compensation
NATIONAL POLICING INSTITUTE 2550 S CLARK ST SUITE 1130 ARLINGTON, VA 22202	CONSULTING ON POLICY AND PROGRAMS	271,353
21 CP SOLUTIONS LLC 332 S MICHIGAN AVENUE CHICAGO, IL 60604	CONSULTING SERVICES	211,714
FENTON COMMUNICATIONS 630 9TH AVE 910 NEW YORK, NY 10036	MEDIA SERVICES	144,750
GMMB INC 3050 WATER ST WASHINGTON, DC 20007	CONSULTING SERVICES	115,409
ELIAS LAW GROUP LLP 250 MASSACHUSETTS AVE NW STE 400 WASHINGTON, DC 20001	LEGAL SERVICES	106,362

2 Total number of independent contractors (including but not limited to those listed above) who received more than \$100,000 of compensation from the organization **6**

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Part VIII **Statement of Revenue**

Check if Schedule O contains a response or note to any line in this Part VIII

	(A) Total revenue	(B) Related or exempt function revenue	(C) Unrelated business revenue	(D) Revenue excluded from tax under sections 512 - 514
1a Federated campaigns				
1b Contributions, Gifts, Grants, and Membership dues and Other Amt				
1c Similar Fundraising events				
1d Related organizations				
1e Government grants (contributions)				
1f All other contributions, gifts, grants, and similar amounts not included above	17,447,190			
1g Noncash contributions included in lines 1a - 1f:\$				
h Total. Add lines 1a-1f	17,447,190			

		Business Code				
Program Service Revenue	2a					
f All other program service revenue.						
9 Total. Add lines 2a-2f.						
3 Investment income (including dividends, interest, and other similar amounts)			128,946		128,946	
4 Income from investment of tax-exempt bond proceeds						
5 Royalties						
Other Revenue	6a Gross rents	(i) Real				
		(ii) Personal				
	b Less: rental expenses	6b				
	c Rental income or (loss)	6c				
	d Net rental income or (loss)					
	7a Gross amount from sales of assets other than inventory	(i) Securities				
		(ii) Other				
		b Less: cost or other basis and sales expenses	7b			
	c Gain or (loss)	7c				
	d Net gain or (loss)					
	8a Gross income from fundraising events (not including \$ _____ of contributions reported on line 1c). See Part IV, line 18					
		b Less: direct expenses	8b			
c Net income or (loss) from fundraising events						
9a Gross income from gaming activities. See Part IV, line 19						
	b Less: direct expenses	9b				
	c Net income or (loss) from gaming activities					
10a Gross sales of inventory, less returns and allowances						
	b Less: cost of goods sold	10b				
	c Net income or (loss) from sales of inventory					
11a	Business Code					
	b					
	d All other revenue					
	e Total. Add lines 11a-11d					
12 Total revenue. See instructions			17,576,136	0	128,946	

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Part IX Statement of Functional Expenses

Section 501(c)(3) and 501(c)(4) organizations must complete all columns. All other organizations must complete column (A).

Check if Schedule O contains a response or note to any line in this Part IX [checked]

Table with 5 columns: (A) Total expenses, (B) Program service expenses, (C) Management and general expenses, (D) Fundraising expenses. Rows include categories like Grants, Compensation, Salaries, Payroll taxes, Advertising, Office expenses, etc.

25 Total functional expenses. Add lines 1 through 24e	11,138,378	9,302,564	1,601,168	234,646
26 Joint costs. Complete this line only if the organization reported in column (B) joint costs from a combined educational campaign and fundraising solicitation. Check here <input type="checkbox"/> if following SOP 98-2 (ASC 958-720).				

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Part X Balance Sheet

Check if Schedule O contains a response or note to any line in this Part IX

		(A) Beginning of year		(B) End of year
Assets	1 Cash-non-interest-bearing	8,008,349	1	715,389
	2 Savings and temporary cash investments		2	8,794,562
	3 Pledges and grants receivable, net		3	
	4 Accounts receivable, net	530,000	4	4,065,000
	5 Loans and other receivables from any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons		5	
	6 Loans and other receivables from other disqualified persons (as defined under section 4958(f)(1)), and persons described in section 4958(c)(3)(B)		6	
	7 Notes and loans receivable, net		7	
	8 Inventories for sale or use		8	
	9 Prepaid expenses and deferred charges	71,250	9	301,502
	10a Land, buildings, and equipment: cost or other basis. Complete Part VI of Schedule D	10a 16,750		
	b Less: accumulated depreciation	10b 6,900	13,200	10c 9,850
	11 Investments—publicly traded securities		11	
	12 Investments—other securities. See Part IV, line 11		12	
	13 Investments—program-related. See Part IV, line 11		13	
	14 Intangible assets		14	
	15 Other assets. See Part IV, line 11	135,101	15	0
16 Total assets. Add lines 1 through 15 (must equal line 33)	8,757,900	16	13,886,303	
Liabilities	17 Accounts payable and accrued expenses	461,449	17	276,271
	18 Grants payable		18	
	19 Deferred revenue		19	
	20 Tax-exempt bond liabilities		20	
	21 Escrow or custodial account liability. Complete Part IV of Schedule D		21	
	22 Loans and other payables to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons		22	
	23 Secured mortgages and notes payable to unrelated third parties		23	
	24 Unsecured notes and loans payable to unrelated third parties		24	
	25 Other liabilities (including federal income tax, payables to related third parties, and other liabilities not included on lines 17 - 24). Complete Part X of Schedule D	1,926,265	25	802,088
	26 Total liabilities. Add lines 17 through 25	2,387,714	26	1,078,359
Net Assets or Fund Balances	Organizations that follow FASB ASC 958, check here <input checked="" type="checkbox"/> and complete lines 27, 28, 32, and 33.			
	27 Net assets without donor restrictions	6,370,186	27	8,655,444
	28 Net assets with donor restrictions		28	4,152,500
	Organizations that do not follow FASB ASC 958, check here <input type="checkbox"/> and complete lines 29 through 33.			
	29 Capital stock or trust principal, or current funds		29	
	30 Paid-in or capital surplus, or land, building or equipment fund		30	
	31 Retained earnings, endowment, accumulated income, or other funds		31	
	32 Total net assets or fund balances	6,370,186	32	12,807,944
33 Total liabilities and net assets/fund balances	8,757,900	33	13,886,303	

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Part XI Reconciliation of Net Assets

Check if Schedule O contains a response or note to any line in this Part XI

1	Total revenue (must equal Part VIII, column (A), line 12)	1	17,576,136
2	Total expenses (must equal Part IX, column (A), line 25)	2	11,138,378
3	Revenue less expenses. Subtract line 2 from line 1	3	6,437,758
4	Net assets or fund balances at beginning of year (must equal Part X, line 32, column (A))	4	6,370,186
5	Net unrealized gains (losses) on investments	5	
6	Donated services and use of facilities	6	
7	Investment expenses	7	
8	Prior period adjustments	8	
9	Other changes in net assets or fund balances (explain in Schedule O)	9	0
10	Net assets or fund balances at end of year. Combine lines 3 through 9 (must equal Part X, line 32, column (B))	10	12,807,944

Part XII Financial Statements and Reporting

Check if Schedule O contains a response or note to any line in this Part XII

		Yes	No
1	Accounting method used to prepare the Form 990: <input type="checkbox"/> Cash <input checked="" type="checkbox"/> Accrual <input type="checkbox"/> Other _____ If the organization changed its method of accounting from a prior year or checked "Other," explain on Schedule O.		
2a	Were the organization's financial statements compiled or reviewed by an independent accountant? If "Yes," check a box below to indicate whether the financial statements for the year were compiled or reviewed on a separate basis, consolidated basis, or both: <input type="checkbox"/> Separate basis <input type="checkbox"/> Consolidated basis <input type="checkbox"/> Both consolidated and separate basis		No
2b	Were the organization's financial statements audited by an independent accountant? If "Yes," check a box below to indicate whether the financial statements for the year were audited on a separate basis, consolidated basis, or both: <input checked="" type="checkbox"/> Separate basis <input type="checkbox"/> Consolidated basis <input type="checkbox"/> Both consolidated and separate basis	Yes	
2c	If "Yes," to line 2a or 2b, does the organization have a committee that assumes responsibility for oversight of the audit, review, or compilation of its financial statements and selection of an independent accountant? If the organization changed either its oversight process or selection process during the tax year, explain in Schedule O.	Yes	
3a	As a result of a federal award, was the organization required to undergo an audit or audits as set forth in the Uniform Guidance, 2 C.F.R. Part 200, Subpart F?		No
3b	If "Yes," did the organization undergo the required audit or audits? If the organization did not undergo the required audit or audits, explain why in Schedule O and describe any steps taken to undergo such audits.		

Form 990 (2023)

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Additional Data

Return to Form

Software ID:

Software Version:

Form 990, Special Condition Description:

SCHEDULE A (Form 990)

Department of the Treasury Internal Revenue Service

Public Charity Status and Public Support Complete if the organization is a section 501(c)(3) organization or a section 4947(a)(1) nonexempt charitable trust. Attach to Form 990 or Form 990-EZ. Go to www.irs.gov/Form990 for instructions and the latest information.

OMB No. 1545-0047

2023

Open to Public Inspection

Table with 2 columns: Name of the organization (STATES UNITED DEMOCRACY CENTER INC) and Employer identification number (86-1704152)

Part I Reason for Public Charity Status (All organizations must complete this part.) See instructions.

The organization is not a private foundation because it is: (For lines 1 through 12, check only one box.)

- 1 A church, convention of churches, or association of churches described in section 170(b)(1)(A)(i).
2 A school described in section 170(b)(1)(A)(ii).
3 A hospital or a cooperative hospital service organization described in section 170(b)(1)(A)(iii).
4 A medical research organization operated in conjunction with a hospital described in section 170(b)(1)(A)(iii).
5 An organization operated for the benefit of a college or university owned or operated by a governmental unit described in section 170(b)(1)(A)(iv).
6 A federal, state, or local government or governmental unit described in section 170(b)(1)(A)(v).
7 An organization that normally receives a substantial part of its support from a governmental unit or from the general public described in section 170(b)(1)(A)(vi).
8 A community trust described in section 170(b)(1)(A)(vi).
9 An agricultural research organization described in 170(b)(1)(A)(ix) operated in conjunction with a land-grant college or university or a non-land grant college of agriculture.
10 An organization that normally receives: (1) more than 33 1/3% of its support from contributions, membership fees, and gross receipts from activities related to its exempt functions...
11 An organization organized and operated exclusively to test for public safety.
12 An organization organized and operated exclusively for the benefit of, to perform the functions of, or to carry out the purposes of one or more publicly supported organizations...
a Type I. A supporting organization operated, supervised, or controlled by its supported organization(s)...
b Type II. A supporting organization supervised or controlled in connection with its supported organization(s)...
c Type III functionally integrated. A supporting organization operated in connection with, and functionally integrated with, its supported organization(s)...
d Type III non-functionally integrated. A supporting organization operated in connection with its supported organization(s) that is not functionally integrated...
e Check this box if the organization received a written determination from the IRS that it is a Type I, Type II, Type III functionally integrated, or Type III non-functionally integrated supporting organization.
f Enter the number of supported organizations
g Provide the following information about the supported organization(s).

Table with 6 columns: (i) Name of supported organization, (ii) EIN, (iii) Type of organization, (iv) Is the organization listed in your governing document?, (v) Amount of monetary support, (vi) Amount of other support. Includes a Total row.

Part II Support Schedule for Organizations Described in Sections 170(b)(1)(A)(iv) and 170(b)(1)(A)(vi) (Complete only if you checked the box on line 5, 7, or 8 of Part I or if the organization failed to qualify under Part III. If the organization failed to qualify under the tests listed below, please complete Part III.)

Section A. Public Support

Calendar year

Calendar year (or fiscal year beginning in) ▶	(a) 2019	(b) 2020	(c) 2021	(d) 2022	(e) 2023	(f) Total
1 Gifts, grants, contributions, and membership fees received. (Do not include any "unusual grant.")			5,028,276	14,524,982	17,447,190	37,000,448
2 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf						
3 The value of services or facilities furnished by a governmental unit to the organization without charge..						
4 Total. Add lines 1 through 3			5,028,276	14,524,982	17,447,190	37,000,448
5 The portion of total contributions by each person (other than a governmental unit or publicly supported organization) included on line 1 that exceeds 2% of the amount shown on line 11, column (f)						5,449,896
6 Public support. Subtract line 5 from line 4.						31,550,552

Section B. Total Support

Calendar year (or fiscal year beginning in) ▶	(a) 2019	(b) 2020	(c) 2021	(d) 2022	(e) 2023	(f) Total
7 Amounts from line 4.			5,028,276	14,524,982	17,447,190	37,000,448
8 Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources.					128,946	128,946
9 Net income from unrelated business activities, whether or not the business is regularly carried on.						
10 Other income. Do not include gain or loss from the sale of capital assets (Explain in Part VI.).						
11 Total support. Add lines 7 through 10						37,129,394
12 Gross receipts from related activities, etc. (see instructions)					12	
13 First 5 years. If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and stop here						<input checked="" type="checkbox"/>

Section C. Computation of Public Support Percentage

14 Public support percentage for 2023 (line 6, column (f) divided by line 11, column (f))	14	
15 Public support percentage for 2022 Schedule A, Part II, line 14	15	
16a 33 1/3% support test—2023. If the organization did not check the box on line 13, and line 14 is 33 1/3% or more, check this box and stop here. The organization qualifies as a publicly supported organization		<input type="checkbox"/>
b 33 1/3% support test—2022. If the organization did not check a box on line 13 or 16a, and line 15 is 33 1/3% or more, check this box and stop here. The organization qualifies as a publicly supported organization		<input type="checkbox"/>
17a 10%-facts-and-circumstances test—2023. If the organization did not check a box on line 13, 16a, or 16b, and line 14 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and stop here. Explain in Part VI how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization		<input type="checkbox"/>
b 10%-facts-and-circumstances test—2022. If the organization did not check a box on line 13, 16a, 16b, or 17a, and line 15 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and stop here. Explain in Part VI how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization		<input type="checkbox"/>
18 Private foundation. If the organization did not check a box on line 13, 16a, 16b, 17a, or 17b, check this box and see instructions		<input type="checkbox"/>

Schedule A (Form 990) 2023

Part III Support Schedule for Organizations Described in Section 509(a)(2)

(Complete only if you checked the box on line 10 of Part I or if the organization failed to qualify under Part II. If the organization fails to qualify under the tests listed below, please complete Part II.)

Section A. Public Support

Calendar year (or fiscal year beginning in) ▶	(a) 2019	(b) 2020	(c) 2021	(d) 2022	(e) 2023	(f) Total
1 Gifts, grants, contributions, and membership fees received. (Do not include any "unusual grants.")						
2 Gross receipts from admissions, merchandise sold or services performed, or facilities furnished in any activity that is related to the organization's tax-exempt purpose						
3 Gross receipts from activities that are not an unrelated trade or business under section 513						

4	tax revenues received for the organization's benefit and either paid to or expended on its behalf. . .					
5	The value of services or facilities furnished by a governmental unit to the organization without charge					
6	Total. Add lines 1 through 5					
7a	Amounts included on lines 1, 2, and 3 received from disqualified persons					
b	Amounts included on lines 2 and 3 received from other than disqualified persons that exceed the greater of \$5,000 or 1% of the amount on line 13 for the year.					
c	Add lines 7a and 7b. . .					
8	Public support. (Subtract line 7c from line 6.)					

Section B. Total Support

Calendar year (or fiscal year beginning in) ▶	(a) 2019	(b) 2020	(c) 2021	(d) 2022	(e) 2023	(f) Total
9 Amounts from line 6. . .						
10a Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources. . .						
b Unrelated business taxable income (less section 511 taxes) from businesses acquired after June 30, 1975.						
c Add lines 10a and 10b.						
11 Net income from unrelated business activities not included on line 10b, whether or not the business is regularly carried on.						
12 Other income. Do not include gain or loss from the sale of capital assets (Explain in Part VI.) . . .						
13 Total support. (Add lines 9, 10c, 11, and 12.) . . .						
14 First 5 years. If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and stop here. ▶ <input type="checkbox"/>						

Section C. Computation of Public Support Percentage

15 Public support percentage for 2023 (line 8, column (f) divided by line 13, column (f))	15	
16 Public support percentage from 2022 Schedule A, Part III, line 15	16	

Section D. Computation of Investment Income Percentage

17 Investment income percentage for 2023 (line 10c, column (f) divided by line 13, column (f))	17	
18 Investment income percentage from 2022 Schedule A, Part III, line 17	18	

- 19a** **33 1/3% support tests-2023.** If the organization did not check the box on line 14, and line 15 is more than 33 1/3%, and line 17 is not more than 33 1/3%, check this box and **stop here.** The organization qualifies as a publicly supported organization ▶
- b** **33 1/3% support tests-2022.** If the organization did not check a box on line 14 or line 19a, and line 16 is more than 33 1/3% and line 18 is not more than 33 1/3%, check this box and **stop here.** The organization qualifies as a publicly supported organization ▶
- 20** **Private foundation.** If the organization did not check a box on line 14, 19a, or 19b, check this box and see instructions ▶

Schedule A (Form 990) 2023

Part IV Supporting Organizations

(Complete only if you checked a box on line 12 of Part I. If you checked box 12a, of Part I, complete Sections A and B. If you checked box 12b, of Part I, complete Sections A and C. If you checked box 12c, of Part I, complete Sections A, D, and E. If you checked box 12d, of Part I, complete Sections A and D, and complete Part V.)

Section A. All Supporting Organizations

	Yes	No
1 Are all of the organization's supported organizations listed by name in the organization's governing documents? <i>If "No," describe in Part VI how the supported organizations are designated. If designated by class or purpose, describe the designation. If historic and continuing relationship, explain.</i>		
2 Did the organization have any supported organization that does not have an IRS determination of status under section 509(a)(1) or (2)? <i>If "Yes," explain in Part VI how the organization determined that the supported organization was described in section 509(a)(1) or (2).</i>		
3a Did the organization have a supported organization described in section 501(c)(4), (5), or (6)? <i>If "Yes," answer lines 3b and 3c below.</i>		
b Did the organization confirm that each supported organization qualified under section 501(c)(4), (5), or (6) and satisfied the public support tests under section 509(a)(2)? <i>If "Yes," describe in Part VI when and how the organization made the determination.</i>		

- c** Did the organization ensure that all support to such organizations was used exclusively for section 170(c)(2)(B) purposes? *If "Yes," explain in **Part VI** what controls the organization put in place to ensure such use.*
- 4a** Was any supported organization not organized in the United States ("foreign supported organization")? *If "Yes" and if you checked box 12a or 12b in Part I, answer lines 4b and 4c below.*
 - b** Did the organization have ultimate control and discretion in deciding whether to make grants to the foreign supported organization? *If "Yes," describe in **Part VI** how the organization had such control and discretion despite being controlled or supervised by or in connection with its supported organizations.*
 - c** Did the organization support any foreign supported organization that does not have an IRS determination under sections 501(c)(3) and 509(a)(1) or (2)? *If "Yes," explain in **Part VI** what controls the organization used to ensure that all support to the foreign supported organization was used exclusively for section 170(c)(2)(B) purposes.*
- 5a** Did the organization add, substitute, or remove any supported organizations during the tax year? *If "Yes," answer lines 5b and 5c below (if applicable). Also, provide detail in **Part VI**, including (i) the names and EIN numbers of the supported organizations added, substituted, or removed; (ii) the reasons for each such action; (iii) the authority under the organization's organizing document authorizing such action; and (iv) how the action was accomplished (such as by amendment to the organizing document).*
 - b Type I or Type II only.** Was any added or substituted supported organization part of a class already designated in the organization's organizing document?
 - c Substitutions only.** Was the substitution the result of an event beyond the organization's control?
- 6** Did the organization provide support (whether in the form of grants or the provision of services or facilities) to anyone other than (i) its supported organizations, (ii) individuals that are part of the charitable class benefited by one or more of its supported organizations, or (iii) other supporting organizations that also support or benefit one or more of the filing organization's supported organizations? *If "Yes," provide detail in **Part VI**.*
- 7** Did the organization provide a grant, loan, compensation, or other similar payment to a substantial contributor (defined in section 4958(c)(3)(C)), a family member of a substantial contributor, or a 35% controlled entity with regard to a substantial contributor? *If "Yes," complete Part I of Schedule L (Form 990) .*
- 8** Did the organization make a loan to a disqualified person (as defined in section 4958) not described on line 7? *If "Yes," complete Part I of Schedule L (Form 990).*
- 9a** Was the organization controlled directly or indirectly at any time during the tax year by one or more disqualified persons, as defined in section 4946 (other than foundation managers and organizations described in section 509(a)(1) or (2))? *If "Yes," provide detail in **Part VI**.*
 - b** Did one or more disqualified persons (as defined on line 9a) hold a controlling interest in any entity in which the supporting organization had an interest? *If "Yes," provide detail in **Part VI**.*
 - c** Did a disqualified person (as defined on line 9a) have an ownership interest in, or derive any personal benefit from, assets in which the supporting organization also had an interest? *If "Yes," provide detail in **Part VI**.*
- 10a** Was the organization subject to the excess business holdings rules of section 4943 because of section 4943(f) (regarding certain Type II supporting organizations, and all Type III non-functionally integrated supporting organizations)? *If "Yes," answer line 10b below.*
 - b** Did the organization have any excess business holdings in the tax year? *(Use Schedule C, Form 4720, to determine whether the organization had excess business holdings).*

3c		
4a		
4b		
4c		
5a		
5b		
5c		
6		
7		
8		
9a		
9b		
9c		
10a		
10b		

Schedule A (Form 990) 2023

Part IV Supporting Organizations (continued)

	Yes	No
11 Has the organization accepted a gift or contribution from any of the following persons?		
a A person who directly or indirectly controls, either alone or together with persons described on lines 11b and 11c below, the governing body of a supported organization?		
b A family member of a person described on 11a above?		
c A 35% controlled entity of a person described on line 11a or 11b above? <i>If "Yes" to 11a, 11b, or 11c, provide detail in Part VI.</i>		

Section B. Type I Supporting Organizations

	Yes	No
1 Did the officers, directors, trustees, or membership of one or more supported organizations have the power to regularly appoint or elect at least a majority of the organization's directors or trustees at all times during the tax year? <i>If "No," describe in Part VI how the supported organization(s) effectively operated, supervised, or controlled the organization's activities. If the organization had more than one supported organization, describe how the powers to appoint and/or remove directors or trustees were allocated among the supported organizations and what conditions or restrictions, if any, applied to such powers during the tax year.</i>		
2 Did the organization operate for the benefit of any supported organization other than the supported organization(s) that operated, supervised, or controlled the supporting organization? <i>If "Yes," explain in Part VI how providing such benefit carried out the purposes of the supported organization(s) that operated, supervised or controlled the supporting organization.</i>		

Section C. Type II Supporting Organizations

	Yes	No

1 Were a majority of the organization's directors or trustees during the tax year also a majority of the directors or trustees of each of the organization's supported organization(s)? If "No," describe in Part VI how control or management of the supporting organization was vested in the same persons that controlled or managed the supported organization(s).

1		
---	--	--

Section D. All Type III Supporting Organizations

1 Did the organization provide to each of its supported organizations, by the last day of the fifth month of the organization's tax year, (i) a written notice describing the type and amount of support provided during the prior tax year, (ii) a copy of the Form 990 that was most recently filed as of the date of notification, and (iii) copies of the organization's governing documents in effect on the date of notification, to the extent not previously provided?
2 Were any of the organization's officers, directors, or trustees either (i) appointed or elected by the supported organization(s) or (ii) serving on the governing body of a supported organization? If "No," explain in Part VI how the organization maintained a close and continuous working relationship with the supported organization(s).
3 By reason of the relationship described in line 2 above, did the organization's supported organizations have a significant voice in the organization's investment policies and in directing the use of the organization's income or assets at all times during the tax year? If "Yes," describe in Part VI the role the organization's supported organizations played in this regard.

	Yes	No
1		
2		
3		

Section E. Type III Functionally-Integrated Supporting Organizations

1 Check the box next to the method that the organization used to satisfy the Integral Part Test during the year (see instructions):

- a [] The organization satisfied the Activities Test. Complete line 2 below.
b [] The organization is the parent of each of its supported organizations. Complete line 3 below.
c [] The organization supported a governmental entity. Describe in Part VI how you supported a government entity (see instructions)

2 Activities Test. Answer lines 2a and 2b below.

a Did substantially all of the organization's activities during the tax year directly further the exempt purposes of the supported organization(s) to which the organization was responsive? If "Yes," then in Part VI identify those supported organizations and explain how these activities directly furthered their exempt purposes, how the organization was responsive to those supported organizations, and how the organization determined that these activities constituted substantially all of its activities.
b Did the activities described on line 2a, above constitute activities that, but for the organization's involvement, one or more of the organization's supported organization(s) would have been engaged in? If "Yes," explain in Part VI the reasons for the organization's position that its supported organization(s) would have engaged in these activities but for the organization's involvement.

	Yes	No
2a		
2b		
3a		
3b		

3 Parent of Supported Organizations. Answer lines 3a and 3b below.

a Did the organization have the power to regularly appoint or elect a majority of the officers, directors, or trustees of each of the supported organizations? If "Yes" or "No," provide details in Part VI.
b Did the organization exercise a substantial degree of direction over the policies, programs and activities of each of its supported organizations? If "Yes," describe in Part VI the role played by the organization in this regard.

Part V Type III Non-Functionally Integrated 509(a)(3) Supporting Organizations

1 [] Check here if the organization satisfied the Integral Part Test as a qualifying trust on Nov. 20, 1970 (explain in Part VI). See instructions. All other Type III non-functionally integrated supporting organizations must complete Sections A through E.

Section A - Adjusted Net Income		(A) Prior Year	(B) Current Year (optional)
1	Net short-term capital gain	1	
2	Recoveries of prior-year distributions	2	
3	Other gross income (see instructions)	3	
4	Add lines 1 through 3	4	
5	Depreciation and depletion	5	
6	Portion of operating expenses paid or incurred for production or collection of gross income or for management, conservation, or maintenance of property held for production of income (see instructions)	6	
7	Other expenses (see instructions)	7	
8	Adjusted Net Income (subtract lines 5, 6 and 7 from line 4)	8	
Section B - Minimum Asset Amount		(A) Prior Year	(B) Current Year (optional)
1	Aggregate fair market value of all non-exempt-use assets (see instructions for short tax year or assets held for part of year):	1	
a	Average monthly value of securities	1a	
b	Average monthly cash balances	1b	
c	Fair market value of other non-exempt-use assets	1c	
d	Total (add lines 1a, 1b, and 1c)	1d	

e Discount claimed for blockage or other factors (explain in detail in Part VI):			
2 Acquisition indebtedness applicable to non-exempt use assets	2		
3 Subtract line 2 from line 1d	3		
4 Cash deemed held for exempt use. Enter 0.015 of line 3 (for greater amount, see instructions).	4		
5 Net value of non-exempt-use assets (subtract line 4 from line 3)	5		
6 Multiply line 5 by 0.035	6		
7 Recoveries of prior-year distributions	7		
8 Minimum Asset Amount (add line 7 to line 6)	8		
Section C - Distributable Amount			Current Year
1 Adjusted net income for prior year (from Section A, line 8, Column A)	1		
2 Enter 85% of line 1	2		
3 Minimum asset amount for prior year (from Section B, line 8, Column A)	3		
4 Enter greater of line 2 or line 3	4		
5 Income tax imposed in prior year	5		
6 Distributable Amount. Subtract line 5 from line 4, unless subject to emergency temporary reduction (see instructions)	6		
7 <input type="checkbox"/> Check here if the current year is the organization's first as a non-functionally-integrated Type III supporting organization (see instructions)			

Schedule A (Form 990) 2023

Part V Type III Non-Functionally Integrated 509(a)(3) Supporting Organizations (continued)

Section D - Distributions		Current Year
1 Amounts paid to supported organizations to accomplish exempt purposes	1	
2 Amounts paid to perform activity that directly furthers exempt purposes of supported organizations, in excess of income from activity	2	
3 Administrative expenses paid to accomplish exempt purposes of supported organizations	3	
4 Amounts paid to acquire exempt-use assets	4	
5 Qualified set-aside amounts (prior IRS approval required - provide details in Part VI)	5	
6 Other distributions (describe in Part VI). See instructions	6	
7 Total annual distributions. Add lines 1 through 6.	7	
8 Distributions to attentive supported organizations to which the organization is responsive (provide details in Part VI). See instructions	8	
9 Distributable amount for 2023 from Section C, line 6	9	
10 Line 8 amount divided by Line 9 amount	10	

Section E - Distribution Allocations (see instructions)	(i) Excess Distributions	(ii) Underdistributions Pre-2023	(iii) Distributable Amount for 2023
1 Distributable amount for 2023 from Section C, line 6			
2 Underdistributions, if any, for years prior to 2023 (reasonable cause required-- explain in Part VI). See instructions.			
3 Excess distributions carryover, if any, to 2023:			
a From 2018.			
b From 2019.			
c From 2020.			
d From 2021.			
e From 2022.			
f Total of lines 3a through e			
g Applied to underdistributions of prior years			
h Applied to 2023 distributable amount			
i Carryover from 2018 not applied (see instructions)			
j Remainder. Subtract lines 3g, 3h, and 3i from line 3f.			
4 Distributions for 2023 from Section D, line 7: \$			
a Applied to underdistributions of prior years			

b Applied to 2023 distributable amount			
c Remainder. Subtract lines 4a and 4b from line 4.			
5 Remaining underdistributions for years prior to 2023, if any. Subtract lines 3g and 4a from line 2. If the amount is greater than zero, <i>explain in Part VI</i> . See instructions.			
6 Remaining underdistributions for 2023. Subtract lines 3h and 4b from line 1. If the amount is greater than zero, <i>explain in Part VI</i> . See instructions.			
7 Excess distributions carryover to 2024. Add lines 3j and 4c.			
8 Breakdown of line 7:			
a Excess from 2019.			
b Excess from 2020.			
c Excess from 2021.			
d Excess from 2022.			
e Excess from 2023.			

Schedule A (Form 990) (2023)

Part VI Supplemental Information. Provide the explanations required by Part II, line 10; Part II, line 17a or 17b; Part III, line 12; Part IV, Section A, lines 1, 2, 3b, 3c, 4b, 4c, 5a, 6, 9a, 9b, 9c, 11a, 11b, and 11c; Part IV, Section B, lines 1 and 2; Part IV, Section C, line 1; Part IV, Section D, lines 2 and 3; Part IV, Section E, lines 1c, 2a, 2b, 3a and 3b; Part V, line 1; Part V, Section B, line 1e; Part V Section D, lines 5, 6, and 8; and Part V, Section E, lines 2, 5, and 6. Also complete this part for any additional information. (See instructions).

Facts And Circumstances Test

Return Reference	Explanation
SCHEDULE A, PART II	THE ORGANIZATION BEGAN OPERATIONS JANUARY 14, 2021. THEREFORE, THE 2021 COLUMN REFLECTS SHORT-YEAR ACTIVITY.

Schedule A (Form 990) 2023

Additional Data

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Software ID:
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Schedule B

Schedule of Contributors

OMB No. 1545-0047

(Form 990) Department of the Treasury Internal Revenue Service

Attach to Form 990, 990-EZ, or 990-PF. Go to www.irs.gov/Form990 for the latest information.

2023

Name of the organization STATES UNITED DEMOCRACY CENTER INC

Employer identification number 86-1704152

Organization type (check one):

Filers of:

Section:

Form 990 or 990-EZ

- 501(c)() (enter number) organization
4947(a)(1) nonexempt charitable trust not treated as a private foundation
527 political organization

Form 990-PF

- 501(c)(3) exempt private foundation
4947(a)(1) nonexempt charitable trust treated as a private foundation
501(c)(3) taxable private foundation

Check if your organization is covered by the General Rule or a Special Rule.

Note: Only a section 501(c)(7), (8), or (10) organization can check boxes for both the General Rule and a Special Rule. See instructions.

General Rule

- For an organization filing Form 990, 990-EZ, or 990-PF that received, during the year, contributions totaling \$5,000 or more (in money or other property) from any one contributor. Complete Parts I and II. See instructions for determining a contributor's total contributions.

Special Rules

- For an organization described in section 501(c)(3) filing Form 990 or 990-EZ that met the 33 1/3% support test of the regulations under sections 509(a)(1) and 170(b)(1)(A)(vi), that checked Schedule A (Form 990 or 990-EZ), Part II, line 13, 16a, or 16b, and that received from any one contributor, during the year, total contributions of the greater of (1) \$5,000 or (2) 2% of the amount on (i) Form 990, Part VIII, line 1h, or (ii) Form 990-EZ, line 1. Complete Parts I and II.
For an organization described in section 501(c)(7), (8), or (10) filing Form 990 or 990-EZ that received from any one contributor, during the year, total contributions of more than \$1,000 exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals. Complete Parts I, II, and III.
For an organization described in section 501(c)(7), (8), or (10) filing Form 990 or 990-EZ that received from any one contributor, during the year, contributions exclusively for religious, charitable, etc., purposes, but no such contributions totaled more than \$1,000. If this box is checked, enter here the total contributions that were received during the year for an exclusively religious, charitable, etc., purpose. Don't complete any of the parts unless the General Rule applies to this organization because it received nonexclusively religious, charitable, etc., contributions totaling \$5,000 or more during the year \$

Caution: An organization that isn't covered by the General Rule and/or the Special Rules doesn't file Schedule B (Form 990, 990-EZ, or 990-PF), but it must answer "No" on Part IV, line 2, of its Form 990; or check the box on line H of its Form 990-EZ or on its Form 990PF, Part I, line 2, to certify that it doesn't meet the filing requirements of Schedule B (Form 990, 990-EZ, or 990-PF).

For Paperwork Reduction Act Notice, see the Instructions for Form 990, 990-EZ, or 990-PF.

Cat. No. 30613X

Schedule B (Form 990) (2023)

Part I

Contributors

Contributors (see instructions). Use duplicate copies of Part I if additional space is needed.

(a) No.	(b) Name, address, and ZIP + 4	(c) Total contributions	(d) Type of contribution
RESTRICTED		\$ RESTRICTED	<input type="checkbox"/> Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash (Complete Part II for noncash contributions.)
-		\$	<input type="checkbox"/> Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash (Complete Part II for noncash contributions.)
-		\$	<input type="checkbox"/> Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash (Complete Part II for noncash contributions.)
-		\$	<input type="checkbox"/> Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash (Complete Part II for noncash contributions.)
-		\$	<input type="checkbox"/> Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash (Complete Part II for noncash contributions.)
-		\$	<input type="checkbox"/> Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash (Complete Part II for noncash contributions.)
-		\$	<input type="checkbox"/> Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash (Complete Part II for noncash contributions.)

Schedule B (Form 990) (2023)

Schedule B (Form 990) (2023)

Page 3

Name of organization STATES UNITED DEMOCRACY CENTER INC	Employer identification number 86-1704152
--	--

Part II Noncash Property (see instructions). Use duplicate copies of Part II if additional space is needed.

(a) No. from Part I	(b) Description of noncash property given	(c) FMV (or estimate) (See instructions)	(d) Date received
------------------------	--	--	----------------------

-	_____	_____ \$	_____
(a) No. from Part I	(b) Description of noncash property given	(c) FMV (or estimate) (See instructions)	(d) Date received
-	_____	_____ \$	_____
(a) No. from Part I	(b) Description of noncash property given	(c) FMV (or estimate) (See instructions)	(d) Date received
-	_____	_____ \$	_____
(a) No. from Part I	(b) Description of noncash property given	(c) FMV (or estimate) (See instructions)	(d) Date received
-	_____	_____ \$	_____
(a) No. from Part I	(b) Description of noncash property given	(c) FMV (or estimate) (See instructions)	(d) Date received
-	_____	_____ \$	_____
(a) No. from Part I	(b) Description of noncash property given	(c) FMV (or estimate) (See instructions)	(d) Date received
-	_____	_____ \$	_____

Schedule B (Form 990) (2023)

Schedule B (Form 990) (2023)

Page 4

Name of organization STATES UNITED DEMOCRACY CENTER INC	Employer identification number 86-1704152
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Part III Exclusively religious, charitable, etc., contributions to organizations described in section 501(c)(7), (8), or (10) that total more than \$1,000 for the year from any one contributor. Complete columns (a) through (e) and the following line entry. For organizations completing Part III, enter the total of exclusively religious, charitable, etc., contributions of \$1,000 or less for the year. (Enter this information once. See instructions.) ▶ \$ _____
 Use duplicate copies of Part III if additional space is needed.

(a) No. from Part I	(b) Purpose of gift	(c) Use of gift	(d) Description of how gift is held
-	_____	_____	_____
(e) Transfer of gift			
Transferee's name, address, and ZIP 4		Relationship of transferor to transferee	
_____		_____	
(a) No. from Part I	(b) Purpose of gift	(c) Use of gift	(d) Description of how gift is held
-	_____	_____	_____
(e) Transfer of gift			
Transferee's name, address, and ZIP 4		Relationship of transferor to transferee	
_____		_____	

(a) No. from Part I	(b) Purpose of gift	(c) Use of gift	(d) Description of how gift is held
------------------------	---------------------	-----------------	-------------------------------------

(a) No. from Part I	(b) Purpose of gift	(c) Use of gift	(d) Description of how gift is held
-	_____	_____	_____
(e) Transfer of gift			
Transferee's name, address, and ZIP 4		Relationship of transferor to transferee	
_____		_____	
_____		_____	
(a) No. from Part I	(b) Purpose of gift	(c) Use of gift	(d) Description of how gift is held
-	_____	_____	_____
(e) Transfer of gift			
Transferee's name, address, and ZIP 4		Relationship of transferor to transferee	
_____		_____	
_____		_____	

Schedule B (Form 990) (2023)

Additional Data

[Return to Form](#)

Software ID:
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SCHEDULE D (Form 990)

Supplemental Financial Statements

OMB No. 1545-0047

2022

Open to Public Inspection

Department of the Treasury Internal Revenue Service

Complete if the organization answered "Yes," on Form 990, Part IV, line 6, 7, 8, 9, 10, 11a, 11b, 11c, 11d, 11e, 11f, 12a, or 12b. Attach to Form 990. Go to www.irs.gov/Form990 for instructions and the latest information.

Table with 2 columns: Name of the organization (STATES UNITED DEMOCRACY CENTER INC) and Employer identification number (86-1704152)

Part I Organizations Maintaining Donor Advised Funds or Other Similar Funds or Accounts. Complete if the organization answered "Yes" on Form 990, Part IV, line 6.

Table with 3 columns: Question number, (a) Donor advised funds, (b) Funds and other accounts. Includes questions 1-6 regarding donor advised funds and organization policies.

Part II Conservation Easements. Complete if the organization answered "Yes" on Form 990, Part IV, line 7.

Table with 3 columns: Question number, description, and Yes/No response. Includes questions 1-9 regarding conservation easements, including a sub-table for 'Held at the End of the Year' with rows 2a-2d.

Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets. Complete if the organization answered "Yes" on Form 990, Part IV, line 8.

Table with 3 columns: Question number, description, and Yes/No response. Includes questions 1a-1b and 2a-2b regarding collections of art and historical treasures.

Schedule D (Form 990) 2022

Page 2

Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets (continued)

- 3 Using the organization's acquisition, accession, and other records, check any of the following that are a significant use of its collection items (check all that apply):
a Public exhibition
b Scholarly research
c Preservation for future generations
d Loan or exchange programs
e Other
4 Provide a description of the organization's collections and explain how they further the organization's exempt purpose in Part XIII.
5 During the year, did the organization solicit or receive donations of art, historical treasures or other similar assets to be sold to raise funds rather than to be maintained as part of the organization's collection? Yes No

Part IV Escrow and Custodial Arrangements.

Complete if the organization answered "Yes" on Form 990, Part IV, line 9, or reported an amount on Form 990, Part X, line 21.

- 1a Is the organization an agent, trustee, custodian or other intermediary for contributions or other assets not included on Form 990, Part X? Yes No
b If "Yes," explain the arrangement in Part XIII and complete the following table:
Table with columns: Amount, 1c Beginning balance, 1d Additions during the year, 1e Distributions during the year, 1f Ending balance
2a Did the organization include an amount on Form 990, Part X, line 21, for escrow or custodial account liability? Yes No
b If "Yes," explain the arrangement in Part XIII. Check here if the explanation has been provided in Part XIII

Part V Endowment Funds.

Complete if the organization answered "Yes" on Form 990, Part IV, line 10.

Table with 6 columns: (a) Current year, (b) Prior year, (c) Two years back, (d) Three years back, (e) Four years back. Rows include: 1a Beginning of year balance, b Contributions, c Net investment earnings, gains, and losses, d Grants or scholarships, e Other expenditures for facilities and programs, f Administrative expenses, g End of year balance.

2 Provide the estimated percentage of the current year end balance (line 1g, column (a)) held as:

- a Board designated or quasi-endowment
b Permanent endowment
c Term endowment

The percentages on lines 2a, 2b, and 2c should equal 100%.

3a Are there endowment funds not in the possession of the organization that are held and administered for the organization by:

- (i) Unrelated organizations
(ii) Related organizations

Table with 2 columns: Yes, No. Rows: 3a(i), 3a(ii), 3b

b If "Yes" on 3a(ii), are the related organizations listed as required on Schedule R?

4 Describe in Part XIII the intended uses of the organization's endowment funds.

Part VI Land, Buildings, and Equipment.

Complete if the organization answered "Yes" on Form 990, Part IV, line 11a. See Form 990, Part X, line 10.

Table with 4 columns: (a) Cost or other basis (investment), (b) Cost or other basis (other), (c) Accumulated depreciation, (d) Book value. Rows include: 1a Land, b Buildings, c Leasehold improvements, d Equipment (values: 16,750, 6,900, 9,850), e Other. Total: Add lines 1a through 1e. (Column (d) must equal Form 990, Part X, column (B), line 10(c).) 9,850

Schedule D (Form 990) 2022

Part VII Investments - Other Securities.

Complete if the organization answered "Yes" on Form 990, Part IV, line 11b. See Form 990, Part X, line 12.

Table with 3 columns: (a) Description of security or category, (b) Book value, (c) Method of valuation: Cost or end-of-year market value. Rows include (1) Financial derivatives, (2) Closely-held equity interests, (3) Other, and rows (A) through (H).

Part VIII Investments - Program Related.

Complete if the organization answered 'Yes' on Form 990, Part IV, line 11c. See Form 990, Part X, line 13.

Table with 3 columns: (a) Description of investment, (b) Book value, (c) Method of valuation: Cost or end-of-year market value. Rows numbered (1) through (9).

Part IX Other Assets.

Complete if the organization answered 'Yes' on Form 990, Part IV, line 11d. See Form 990, Part X, line 15.

Table with 2 columns: (a) Description, (b) Book value. Rows numbered (1) through (9).

Part X Other Liabilities.

Complete if the organization answered 'Yes' on Form 990, Part IV, line 11e or 11f. See Form 990, Part X, line 25.

Table with 2 columns: (a) Description of liability, (b) Book value. Row 1.

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Note: To capture the full content of this document, please select landscape mode (11" x 8.5") when printing.

Schedule I (Form 990)

Grants and Other Assistance to Organizations, Governments and Individuals in the United States

OMB No. 1545-0047

2023

Open to Public Inspection

Department of the Treasury Internal Revenue Service

Complete if the organization answered "Yes," on Form 990, Part IV, line 21 or 22. Attach to Form 990. Go to www.irs.gov/Form990 for the latest information.

Name of the organization STATES UNITED DEMOCRACY CENTER INC

Employer identification number

86-1704152

Part I General Information on Grants and Assistance

- 1 Does the organization maintain records to substantiate the amount of the grants or assistance, the grantees' eligibility for the grants or assistance, and the selection criteria used to award the grants or assistance?
2 Describe in Part IV the organization's procedures for monitoring the use of grant funds in the United States.

Part II Grants and Other Assistance to Domestic Organizations and Domestic Governments. Complete if the organization answered "Yes" on Form 990, Part IV, line 21, for any recipient that received more than \$5,000. Part II can be duplicated if additional space is needed.

Table with 8 columns: (a) Name and address of organization or government, (b) EIN, (c) IRC section (if applicable), (d) Amount of cash grant, (e) Amount of non-cash assistance, (f) Method of valuation (book, FMV, appraisal, other), (g) Description of noncash assistance, (h) Purpose of grant or assistance. Includes rows for INSTITUTE FOR STRATEGIC DIALOGUE-US, PUBLIC DEMOCRACY INC, and PUBLIC DEMOCRACY AMERICA.

- 2 Enter total number of section 501(c)(3) and government organizations listed in the line 1 table.
3 Enter total number of other organizations listed in the line 1 table.

For Paperwork Reduction Act Notice, see the Instructions for Form 990. Cat. No. 50055P Schedule I (Form 990) 2023

Schedule I (Form 990) 2023

Part III Grants and Other Assistance to Domestic Individuals. Complete if the organization answered "Yes" on Form 990, Part IV, line 22. Part III can be duplicated if additional space is needed.

Table with 6 columns: (a) Type of grant or assistance, (b) Number of recipients, (c) Amount of cash grant, (d) Amount of noncash assistance, (e) Method of valuation (book, FMV, appraisal, other), (f) Description of noncash assistance. Rows 1-7 are empty.

Part IV Supplemental Information. Provide the information required in Part I, line 2; Part III, column (b); and any other additional information.

Table with 2 columns: Return Reference, Explanation. Row 1: PART I, LINE 2: THE ORGANIZATION WORKS CLOSELY WITH GRANTEES, SEES THE WORK PRODUCT AND OBTAINS METRICS AND WORKS WITH EACH GRANTEE TO ENSURE THE WORK IS BEING DONE. THE ORGANIZATION CAN REQUEST GRANT REPORTS.

Schedule I (Form 990) 2023

Software ID:
Software Version:

Schedule J (Form 990)

Compensation Information

OMB No. 1545-0047

For certain Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees. Complete if the organization answered "Yes" on Form 990, Part IV, line 23. Attach to Form 990. Go to www.irs.gov/Form990 for instructions and the latest information.

2023

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Table with 2 columns: Name of the organization (STATES UNITED DEMOCRACY CENTER INC) and Employer identification number (86-1704152)

Part I Questions Regarding Compensation

Table with 3 columns: Question (1a-9), Yes, No. Contains various questions about compensation reporting and policies.

For Paperwork Reduction Act Notice, see the Instructions for Form 990. Cat. No. 50053T Schedule J (Form 990) 2023

Schedule J (Form 990) 2023

Part II Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees. Use duplicate copies if additional space is needed.

For each individual whose compensation must be reported on Schedule J, report compensation from the organization on row (i) and from related organizations, described in the instructions, on row (ii). Do not list any individuals that are not listed on Form 990, Part VII. Note. The sum of columns (B)(i)-(iii) for each listed individual must equal the total amount of Form 990, Part VII, Section A, line 1a, applicable column (D) and (E) amounts for that individual.

Table with 6 main columns: (A) Name and Title, (B) Breakdown of W-2, 1099-MISC compensation, and/or 1099-NEC, (C) Retirement and other deferred compensation, (D) Nontaxable benefits, (E) Total of columns (B)(i)-(D), (F) Compensation in column (B) reported as deferred on prior Form 990. Lists individuals like JOANNA LYDGATE, JENN FOGEL-BUBLICK, etc.

5 GILLIAN FEINER
SENIOR COUNSEL

(i)	0	0	0	0	0	0	0
(ii)	211,443	0	0	5,870	32,106	-	0
						249,419	

6 ELIZABETH ULMER
SVP, COMMUNICATIONS

(i)	0	0	0	0	0	0	0
(ii)	224,448	0	0	9,108	15,219	-	0
						248,775	

7 DAX GOLDSTEIN
SENIOR COUNSEL

(i)	0	0	0	0	0	0	0
(ii)	213,245	0	0	8,230	20,997	-	0
						242,472	

Schedule J (Form 990) 2023

Schedule J (Form 990) 2023

Part III Supplemental Information

Provide the information, explanation, or descriptions required for Part I, lines 1a, 1b, 3, 4a, 4b, 4c, 5a, 5b, 6a, 6b, 7, and 8, and for Part II. Also complete this part for any additional information.

Return Reference	Explanation
PART I, LINE 3	THE ORGANIZATION RELIES ON A RELATED ORGANIZATION, STATES UNITED ACTION, WHICH USED THE FOLLOWING METHODS TO ESTABLISH THE COMPENSATION OF THE TOP MANAGEMENT OFFICIAL: - APPROVAL BY THE BOARD

Schedule J (Form 990) 2023

Additional Data

Return to Form

Software ID:
Software Version:

efile Public Visual Render	ObjectID: 202433179349301953 - Submission: 2024-11-12	TIN: 86-1704152
SCHEDULE O (Form 990) Department of the Treasury Internal Revenue Service	Supplemental Information to Form 990 or 990-EZ Complete to provide information for responses to specific questions on Form 990 or 990-EZ or to provide any additional information. Attach to Form 990 or 990-EZ. Go to www.irs.gov/Form990 for the latest information.	OMB No. 1545-0047 <div style="font-size: 2em; font-weight: bold; color: green;">2023</div> Open to Public Inspection

Name of the organization STATES UNITED DEMOCRACY CENTER INC	Employer identification number 86-1704152
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Return Reference	Explanation
FORM 990, PART VI, SECTION B, LINE 11B	THE FORM 990 WAS PREPARED BY THE OUTSIDE ACCOUNTANTS. IT WAS THEN REVIEWED BY THE PRESIDENT AND TREASURER AND DISTRIBUTED TO THE ENTIRE BOARD BEFORE FILING WITH THE IRS.
FORM 990, PART VI, SECTION B, LINE 12C	IT IS STATES UNITED DEMOCRACY CENTER'S POLICY THAT ALL EMPLOYEES AVOID ANY CONFLICT BETWEEN THEIR PERSONAL INTERESTS AND THOSE OF STATES UNITED. THE FUNDAMENTAL PRINCIPLE GUIDING THIS POLICY IS THAT NO EMPLOYEE SHOULD HAVE, OR APPEAR TO HAVE, PERSONAL INTERESTS OR RELATIONSHIPS THAT ACTUALLY OR POTENTIALLY CONFLICT WITH THE BEST INTERESTS OF STATES UNITED. AS A CONDITION OF EMPLOYMENT, ALL EMPLOYEES ARE REQUIRED TO REVIEW, SIGN, AND ABIDE BY THE ORGANIZATION'S CONFLICT OF INTEREST POLICY. BOARD MEMBERS MUST DISCLOSE CONFLICTS OF INTEREST ON AN ANNUAL BASIS.
FORM 990, PART VI, SECTION B, LINE 15	THE ORGANIZATION USES A RELATED ORGANIZATION, STATES UNITED ACTION, TO PROCESS PAYROLL. THE BOARD OF DIRECTORS APPROVES THE PRESIDENT'S SALARY USING COMPARABLE DATA OF SIMILAR ORGANIZATIONS AND MARKET CONDITIONS. BOARD DECISIONS ARE DOCUMENTED THROUGH MINUTES AND CORRESPONDENCE. THE LAST COMPENSATION REVIEW DATE TOOK PLACE IN THE APRIL 2023. THE COMPENSATION OF OTHER OFFICERS AND/OR KEY EMPLOYEES OF THE ORGANIZATION IS SUBJECT TO A REVIEW AND APPROVAL BY THE BOARD. THE ORGANIZATION SHARES PAYROLL EXPENSE, INCLUDING OFFICER PAYROLL, UNDER A COST-SHARING AGREEMENT WITH A RELATED ORGANIZATION, STATES UNITED ACTION. AMOUNTS REPORTED UNDER PART IX REFLECT THE SALARY ALLOCATED TO STATES UNITED DEMOCRACY CENTER, INC. FOR THE YEAR.
FORM 990, PART VI, SECTION C, LINE 19	THE ORGANIZATION MAKES ITS GOVERNING DOCUMENTS, CONFLICT OF INTEREST POLICY, AND FINANCIAL STATEMENTS AVAILABLE TO THE PUBLIC UPON REQUEST.
FORM 990, PART IX, LINE 11G	COMMUNICATIONS: PROGRAM SERVICE EXPENSES 538,334. MANAGEMENT AND GENERAL EXPENSES 0. FUNDRAISING EXPENSES 0. TOTAL EXPENSES 538,334. POLICY & PROGRAM: PROGRAM SERVICE EXPENSES 449,643. MANAGEMENT AND GENERAL EXPENSES 0. FUNDRAISING EXPENSES 0. TOTAL EXPENSES 449,643. CONSULTANTS: PROGRAM SERVICE EXPENSES 155,399. MANAGEMENT AND GENERAL EXPENSES 11,558. FUNDRAISING EXPENSES 21,800. TOTAL EXPENSES 188,757. HR: PROGRAM SERVICE EXPENSES 55,321. MANAGEMENT AND GENERAL EXPENSES 3,840. FUNDRAISING EXPENSES 578. TOTAL EXPENSES 59,739.

For Paperwork Reduction Act Notice, see the Instructions for Form 990 or 990-EZ. Cat. No. 51056K Schedule O (Form 990) 2023

Additional Data

[Return to Form](#)

Software ID:
Software Version:

SCHEDULE R (Form 990)

Related Organizations and Unrelated Partnerships

OMB No. 1545-0047

2023

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Complete if the organization answered "Yes" on Form 990, Part IV, line 33, 34, 35b, 36, or 37. Attach to Form 990. Go to www.irs.gov/Form990 for instructions and the latest information.

Department of the Treasury Internal Revenue Service

Name of the organization STATES UNITED DEMOCRACY CENTER INC

Employer identification number

86-1704152

Part I Identification of Disregarded Entities. Complete if the organization answered "Yes" on Form 990, Part IV, line 33.

Table with 6 columns: (a) Name, address, and EIN of disregarded entity; (b) Primary activity; (c) Legal domicile; (d) Total income; (e) End-of-year assets; (f) Direct controlling entity. Row 1: (1) ELECTION INTEGRITY UNITED LLC, PROTECT OUR ELECTIONS AND OUR DEMOCRACY, DC, 0, 143,476, STATES UNITED DEMOCRACY CENTER INC.

Part II Identification of Related Tax-Exempt Organizations. Complete if the organization answered "Yes" on Form 990, Part IV, line 34 because it had one or more related tax-exempt organizations during the tax year.

Table with 7 columns: (a) Name, address, and EIN of related organization; (b) Primary activity; (c) Legal domicile; (d) Exempt Code section; (e) Public charity status; (f) Direct controlling entity; (g) Section 512(b)(13) controlled entity? (Yes/No). Row 1: (1) STATES UNITED ACTION, PROTECT OUR ELECTIONS AND OUR DEMOCRACY, DC, 501(C)(4), N/A, N/A, No.

For Paperwork Reduction Act Notice, see the Instructions for Form 990.

Cat. No. 50135Y

Schedule R (Form 990) 2023

Part III Identification of Related Organizations Taxable as a Partnership. Complete if the organization answered "Yes" on Form 990, Part IV, line 34, because it had one or more related organizations treated as a partnership during the tax year.

Table with 11 columns: (a) Name, address, and EIN of related organization; (b) Primary activity; (c) Legal domicile; (d) Direct controlling entity; (e) Predominant income; (f) Share of total income; (g) Share of end-of-year assets; (h) Disproportionate allocations? (Yes/No); (i) Code V-UBI amount; (j) General or managing partner? (Yes/No); (k) Percentage ownership.

Part IV Identification of Related Organizations Taxable as a Corporation or Trust. Complete if the organization answered "Yes" on Form 990, Part IV, line 34 because it had one or more related organizations treated as a corporation or trust during the tax year.

Table with 10 columns: (a) Name, address, and EIN of related organization; (b) Primary activity; (c) Legal domicile; (d) Direct controlling entity; (e) Type of entity; (f) Share of total income; (g) Share of end-of-year assets; (h) Percentage ownership; (i) Section 512(b)(13) controlled entity? (Yes/No).

Table with 10 columns and 10 rows, mostly empty.

Part V Transactions With Related Organizations. Complete if the organization answered "Yes" on Form 990, Part IV, line 34, 35b, or 36.

Note. Complete line 1 if any entity is listed in Parts II, III, or IV of this schedule.

1 During the tax year, did the organization engage in any of the following transactions with one or more related organizations listed in Parts II-IV?

Table with 3 columns: Question (1a-1s), Yes, No. Rows include interest, gifts, loans, dividends, etc.

2 If the answer to any of the above is "Yes," see the instructions for information on who must complete this line, including covered relationships and transaction thresholds.

Table with 4 columns: (a) Name of related organization, (b) Transaction type, (c) Amount involved, (d) Method of determining amount involved. Includes entries for STATES UNITED ACTION.

Part VI Unrelated Organizations Taxable as a Partnership. Complete if the organization answered "Yes" on Form 990, Part IV, line 37.

Provide the following information for each entity taxed as a partnership through which the organization conducted more than five percent of its activities (measured by total assets or gross revenue) that was not a related organization. See instructions regarding exclusion for certain investment partnerships.

Table with 11 columns: (a) Name, address, and EIN of entity, (b) Primary activity, (c) Legal domicile, (d) Predominant income, (e) Are all partners section 501(c)(3) organizations?, (f) Share of total income, (g) Share of end-of-year assets, (h) Disproportionate allocations?, (i) Code V-UBI amount, (j) General or managing partner?, (k) Percentage ownership.

EXHIBIT G



A MISSION-DRIVEN FIRM

Learn more about Elias Law Group

Founded by Marc Elias in 2021, Elias Law Group is the nation's largest law firm focused on representing the Democratic Party, Democratic campaigns, nonprofit organizations, and individuals committed to securing a progressive future.



[About \(/about\)](#)

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The Best, Brightest, and Most Diverse Bench of Political Law Talent in the Country

Elias Law Group political law attorneys have provided strategic advice and counsel to hundreds of Democratic elected officials, campaigns, parties, organizations, and PACs—and over a dozen presidential campaigns. Our experienced team of litigators, the nation's largest litigation practice dedicated to defending democracy and advocating for progressive causes, specialize in voting rights, redistricting, and constitutional law.

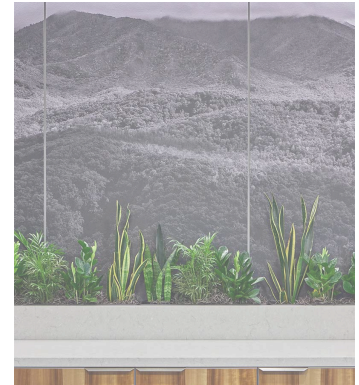


[Our Team \(/team\)](#)

OUR WORK

Helping Democrats Win, Citizens Vote, and Progressives Make Change

As voting rights and democratic institutions have come under attack, Elias Law Group has become the nation's go-to law firm to fight back against voter suppression and election subversion. By protecting voting rights in state and federal court, our attorneys have helped millions of Americans register to vote, cast their ballot, and ensure that ballot is counted.



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EXHIBIT

D



POLITICS 2020 ELECTION

The Secret History of the Shadow Campaign That Saved the 2020 Election

35 MINUTE READ



Illustration by Ryan Olbrysh for TIME

BY MOLLY BALL X

FEBRUARY 4, 2021 5:40 AM EST

A weird thing happened right after the Nov. 3 election: nothing.

The nation was braced for chaos. Liberal groups had vowed to take to the streets, planning hundreds of protests across the country. Right-wing militias were girding for battle. In a poll before Election Day, 75% of Americans voiced concern about violence.

Instead, an eerie quiet descended. As President Trump refused to concede, the response was not mass action but crickets. When media organizations called the race for Joe Biden on Nov. 7, jubilation broke out instead, as people

thronged cities across the U.S. to celebrate the democratic process that resulted in Trump's ouster.

A second odd thing happened amid Trump's attempts to reverse the result: corporate America turned on him. Hundreds of major business leaders, many of whom had backed Trump's candidacy and supported his policies, called on him to concede. To the President, something felt amiss. "It was all very, very strange," Trump said on Dec. 2. "Within days after the election, we witnessed an orchestrated effort to anoint the winner, even while many key states were still being counted."

In a way, Trump was right.



There was a conspiracy unfolding behind the scenes, one that both curtailed the protests and coordinated the resistance from CEOs. Both surprises were the result of an informal alliance between left-wing activists and business titans. The pact was formalized in a terse, little-noticed joint statement of the U.S. Chamber of Commerce and AFL-CIO published on Election Day. Both sides would come to see it as a sort of implicit bargain—inspired by the summer's massive, sometimes destructive racial-justice protests—in which the forces of

labor came together with the forces of capital to keep the peace and oppose Trump's assault on democracy.

The handshake between business and labor was just one component of a vast, cross-partisan campaign to protect the election—an extraordinary shadow effort dedicated not to winning the vote but to ensuring it would be free and fair, credible and uncorrupted. For more than a year, a loosely organized coalition of operatives scrambled to shore up America's institutions as they came under simultaneous attack from a remorseless pandemic and an autocratically inclined President. Though much of this activity took place on the left, it was separate from the Biden campaign and crossed ideological lines, with crucial contributions by nonpartisan and conservative actors. The scenario the shadow campaigners were desperate to stop was not a Trump victory. It was an election so calamitous that no result could be discerned at all, a failure of the central act of democratic self-governance that has been a hallmark of America since its founding.

Their work touched every aspect of the election. They got states to change voting systems and laws and helped secure hundreds of millions in public and private funding. They fended off voter-suppression lawsuits, recruited armies of poll workers and got millions of people to vote by mail for the first time. They successfully pressured social media companies to take a harder line against disinformation and used data-driven strategies to fight viral smears. They executed national public-awareness campaigns that helped Americans understand how the vote count would unfold over days or weeks, preventing Trump's conspiracy theories and false claims of victory from getting more traction. After Election Day, they monitored every pressure point to ensure that Trump could not overturn the result. "The untold story of the election is the thousands of people of both parties who accomplished the triumph of American democracy at its very foundation," says Norm Eisen, a prominent lawyer and former Obama Administration official who recruited Republicans and Democrats to the board of the Voter Protection Program.

For Trump and his allies were running their own campaign to spoil the election. The President spent months insisting that mail ballots were a Democratic plot and the election would be "rigged." His henchmen at the state level sought to

block their use, while his lawyers brought dozens of spurious suits to make it more difficult to vote—an intensification of the GOP’s legacy of suppressive tactics. Before the election, Trump plotted to block a legitimate vote count. And he spent the months following Nov. 3 trying to steal the election he’d lost—with lawsuits and conspiracy theories, pressure on state and local officials, and finally summoning his army of supporters to the Jan. 6 rally that ended in deadly violence at the Capitol.

The democracy campaigners watched with alarm. “Every week, we felt like we were in a struggle to try to pull off this election without the country going through a real dangerous moment of unraveling,” says former GOP Representative Zach Wamp, a Trump supporter who helped coordinate a bipartisan election-protection council. “We can look back and say this thing went pretty well, but it was not at all clear in September and October that that was going to be the case.”



Biden fans in Philadelphia after the race was called on Nov. 7 Michelle Gustafson for TIME

This is the inside story of the conspiracy to save the 2020 election, based on access to the group’s inner workings, never-before-seen documents and interviews with dozens of those involved from across the political spectrum. It

is the story of an unprecedented, creative and determined campaign whose success also reveals how close the nation came to disaster. “Every attempt to interfere with the proper outcome of the election was defeated,” says Ian Bassin, co-founder of Protect Democracy, a nonpartisan rule-of-law advocacy group. “But it’s massively important for the country to understand that it didn’t happen accidentally. The system didn’t work magically. Democracy is not self-executing.”

That’s why the participants want the secret history of the 2020 election told, even though it sounds like a paranoid fever dream—a well-funded cabal of powerful people, ranging across industries and ideologies, working together behind the scenes to influence perceptions, change rules and laws, steer media coverage and control the flow of information. They were not rigging the election; they were fortifying it. And they believe the public needs to understand the system’s fragility in order to ensure that democracy in America endures.

THE ARCHITECT

Sometime in the fall of 2019, Mike Podhorzer became convinced the election was headed for disaster—and determined to protect it.

This was not his usual purview. For nearly a quarter-century, Podhorzer, senior adviser to the president of the AFL-CIO, the nation’s largest union federation, has marshaled the latest tactics and data to help its favored candidates win elections. Unassuming and professorial, he isn’t the sort of hair-gelled “political strategist” who shows up on cable news. Among Democratic insiders, he’s known as the wizard behind some of the biggest advances in political technology in recent decades. A group of liberal strategists he brought together in the early 2000s led to the creation of the Analyst Institute, a secretive firm that applies scientific methods to political campaigns. He was also involved in the founding of Catalist, the flagship progressive data company.

The endless chatter in Washington about “political strategy,” Podhorzer believes, has little to do with how change really gets made. “My basic take on politics is that it’s all pretty obvious if you don’t overthink it or swallow the

prevailing frameworks whole,” he once wrote. “After that, just relentlessly identify your assumptions and challenge them.” Podhorzer applies that approach to everything: when he coached his now adult son’s Little League team in the D.C. suburbs, he trained the boys not to swing at most pitches—a tactic that infuriated both their and their opponents’ parents, but won the team a series of championships.

Trump’s election in 2016—credited in part to his unusual strength among the sort of blue collar white voters who once dominated the AFL-CIO—prompted Podhorzer to question his assumptions about voter behavior. He began circulating weekly number-crunching memos to a small circle of allies and hosting strategy sessions in D.C. But when he began to worry about the election itself, he didn’t want to seem paranoid. It was only after months of research that he introduced his concerns in his newsletter in October 2019. The usual tools of data, analytics and polling would not be sufficient in a situation where the President himself was trying to disrupt the election, he wrote. “Most of our planning takes us through Election Day,” he noted. “But, we are not prepared for the two most likely outcomes”—Trump losing and refusing to concede, and Trump winning the Electoral College (despite losing the popular vote) by corrupting the voting process in key states. “We desperately need to systematically ‘red-team’ this election so that we can anticipate and plan for the worst we know will be coming our way.”

It turned out Podhorzer wasn’t the only one thinking in these terms. He began to hear from others eager to join forces. The Fight Back Table, a coalition of “resistance” organizations, had begun scenario-planning around the potential for a contested election, gathering liberal activists at the local and national level into what they called the Democracy Defense Coalition. Voting-rights and

TIME

SUBSCRIBE

Officials was researching emergency powers they feared Trump might exploit. Protect Democracy was assembling a bipartisan election-crisis task force. “It turned out that once you said it out loud, people agreed,” Podhorzer says, “and it started building momentum.”

He spent months pondering scenarios and talking to experts. It wasn’t hard to find liberals who saw Trump as a dangerous dictator, but Podhorzer was careful

to steer clear of hysteria. What he wanted to know was not how American democracy was dying but how it might be kept alive. The chief difference between the U.S. and countries that lost their grip on democracy, he concluded, was that America's decentralized election system couldn't be rigged in one fell swoop. That presented an opportunity to shore it up.

THE ALLIANCE

On March 3, Podhorzer drafted a three-page confidential memo titled "Threats to the 2020 Election." "Trump has made it clear that this will not be a fair election, and that he will reject anything but his own re-election as 'fake' and rigged," he wrote. "On Nov. 3, should the media report otherwise, he will use the right-wing information system to establish his narrative and incite his supporters to protest." The memo laid out four categories of challenges: attacks on voters, attacks on election administration, attacks on Trump's political opponents and "efforts to reverse the results of the election."

Then COVID-19 erupted at the height of the primary-election season. Normal methods of voting were no longer safe for voters or the mostly elderly volunteers who normally staff polling places. But political disagreements, intensified by Trump's crusade against mail voting, prevented some states from making it easier to vote absentee and for jurisdictions to count those votes in a timely manner. Chaos ensued. Ohio shut down in-person voting for its primary, leading to minuscule turnout. A poll-worker shortage in Milwaukee—where Wisconsin's heavily Democratic Black population is concentrated—left just five open polling places, down from 182. In New York, vote counting took more than a month.

Suddenly, the potential for a November meltdown was obvious. In his apartment in the D.C. suburbs, Podhorzer began working from his laptop at his kitchen table, holding back-to-back Zoom meetings for hours a day with his network of contacts across the progressive universe: the labor movement; the institutional left, like Planned Parenthood and Greenpeace; resistance groups like Indivisible and MoveOn; progressive data geeks and strategists, representatives of donors and foundations, state-level grassroots organizers, racial-justice activists and others.

In April, Podhorzer began hosting a weekly 2½-hour Zoom. It was structured around a series of rapid-fire five-minute presentations on everything from which ads were working to messaging to legal strategy. The invitation-only gatherings soon attracted hundreds, creating a rare shared base of knowledge for the fractious progressive movement. “At the risk of talking trash about the left, there’s not a lot of good information sharing,” says Anat Shenker-Osorio, a close Podhorzer friend whose poll-tested messaging guidance shaped the group’s approach. “There’s a lot of not-invented-here syndrome, where people won’t consider a good idea if they didn’t come up with it.”

The meetings became the galactic center for a constellation of operatives across the left who shared overlapping goals but didn’t usually work in concert. The group had no name, no leaders and no hierarchy, but it kept the disparate actors in sync. “Pod played a critical behind-the-scenes role in keeping different pieces of the movement infrastructure in communication and aligned,” says Maurice Mitchell, national director of the Working Families Party. “You have the litigation space, the organizing space, the political people just focused on the W, and their strategies aren’t always aligned. He allowed this ecosystem to work together.”

Protecting the election would require an effort of unprecedented scale. As 2020 progressed, it stretched to Congress, Silicon Valley and the nation’s statehouses. It drew energy from the summer’s racial-justice protests, many of whose leaders were a key part of the liberal alliance. And eventually it reached across the aisle, into the world of Trump-skeptical Republicans appalled by his attacks on democracy.

SECURING THE VOTE

The first task was overhauling America’s balky election infrastructure—in the middle of a pandemic. For the thousands of local, mostly nonpartisan officials who administer elections, the most urgent need was money. They needed protective equipment like masks, gloves and hand sanitizer. They needed to pay for postcards letting people know they could vote absentee—or, in some states,

to mail ballots to every voter. They needed additional staff and scanners to process ballots.

In March, activists appealed to Congress to steer COVID relief money to election administration. Led by the Leadership Conference on Civil and Human Rights, more than 150 organizations signed a letter to every member of Congress seeking \$2 billion in election funding. It was somewhat successful: the CARES Act, passed later that month, contained \$400 million in grants to state election administrators. But the next tranche of relief funding didn't add to that number. It wasn't going to be enough.

Private philanthropy stepped into the breach. An assortment of foundations contributed tens of millions in election-administration funding. The Chan Zuckerberg Initiative chipped in \$300 million. "It was a failure at the federal level that 2,500 local election officials were forced to apply for philanthropic grants to fill their needs," says Amber McReynolds, a former Denver election official who heads the nonpartisan National Vote at Home Institute.

McReynolds' two-year-old organization became a clearinghouse for a nation struggling to adapt. The institute gave secretaries of state from both parties technical advice on everything from which vendors to use to how to locate drop boxes. Local officials are the most trusted sources of election information, but few can afford a press secretary, so the institute distributed communications tool kits. In a presentation to Podhorzer's group, McReynolds detailed the importance of absentee ballots for shortening lines at polling places and preventing an election crisis.

The institute's work helped 37 states and D.C. bolster mail voting. But it wouldn't be worth much if people didn't take advantage. Part of the challenge was logistical: each state has different rules for when and how ballots should be requested and returned. The Voter Participation Center, which in a normal year would have supported local groups deploying canvassers door-to-door to get out the vote, instead conducted focus groups in April and May to find out what would get people to vote by mail. In August and September, it sent ballot applications to 15 million people in key states, 4.6 million of whom returned them. In mailings and digital ads, the group urged people not to wait for

Election Day. “All the work we have done for 17 years was built for this moment of bringing democracy to people’s doorsteps,” says Tom Lopach, the center’s CEO.

The effort had to overcome heightened skepticism in some communities. Many Black voters preferred to exercise their franchise in person or didn’t trust the mail. National civil rights groups worked with local organizations to get the word out that this was the best way to ensure one’s vote was counted. In Philadelphia, for example, advocates distributed “voting safety kits” containing masks, hand sanitizer and informational brochures. “We had to get the message out that this is safe, reliable, and you can trust it,” says Hannah Fried of All Voting Is Local.

At the same time, Democratic lawyers battled a historic tide of pre-election litigation. The pandemic intensified the parties’ usual tangling in the courts. But the lawyers noticed something else as well. “The litigation brought by the Trump campaign, of a piece with the broader campaign to sow doubt about mail voting, was making novel claims and using theories no court has ever accepted,” says Wendy Weiser, a voting-rights expert at the Brennan Center for Justice at NYU. “They read more like lawsuits designed to send a message rather than achieve a legal outcome.”

In the end, nearly half the electorate cast ballots by mail in 2020, practically a revolution in how people vote. About a quarter voted early in person. Only a quarter of voters cast their ballots the traditional way: in person on Election Day.

THE DISINFORMATION DEFENSE

Bad actors spreading false information is nothing new. For decades, campaigns have grappled with everything from anonymous calls claiming the election has been rescheduled to fliers spreading nasty smears about candidates’ families. But Trump’s lies and conspiracy theories, the viral force of social media and the involvement of foreign meddlers made disinformation a broader, deeper threat to the 2020 vote.

Laura Quinn, a veteran progressive operative who co-founded Catalist, began studying this problem a few years ago. She piloted a nameless, secret project, which she has never before publicly discussed, that tracked disinformation online and tried to figure out how to combat it. One component was tracking dangerous lies that might otherwise spread unnoticed. Researchers then provided information to campaigners or the media to track down the sources and expose them.

The most important takeaway from Quinn's research, however, was that engaging with toxic content only made it worse. "When you get attacked, the instinct is to push back, call it out, say, 'This isn't true,'" Quinn says. "But the more engagement something gets, the more the platforms boost it. The algorithm reads that as, 'Oh, this is popular; people want more of it.'"

The solution, she concluded, was to pressure platforms to enforce their rules, both by removing content or accounts that spread disinformation and by more aggressively policing it in the first place. "The platforms have policies against certain types of malign behavior, but they haven't been enforcing them," she says.

Quinn's research gave ammunition to advocates pushing social media platforms to take a harder line. In November 2019, Mark Zuckerberg invited nine civil rights leaders to dinner at his home, where they warned him about the danger of the election-related falsehoods that were already spreading unchecked. "It took pushing, urging, conversations, brainstorming, all of that to get to a place where we ended up with more rigorous rules and enforcement," says Vanita Gupta, president and CEO of the Leadership Conference on Civil and Human Rights, who attended the dinner and also met with Twitter CEO Jack Dorsey and others. (Gupta has been nominated for Associate Attorney General by President Biden.) "It was a struggle, but we got to the point where they understood the problem. Was it enough? Probably not. Was it later than we wanted? Yes. But it was really important, given the level of official disinformation, that they had those rules in place and were tagging things and taking them down."

SPREADING THE WORD

Beyond battling bad information, there was a need to explain a rapidly changing election process. It was crucial for voters to understand that despite what Trump was saying, mail-in votes weren't susceptible to fraud and that it would be normal if some states weren't finished counting votes on election night.

Dick Gephardt, the Democratic former House leader turned high-powered lobbyist, spearheaded one coalition. "We wanted to get a really bipartisan group of former elected officials, Cabinet secretaries, military leaders and so on, aimed mainly at messaging to the public but also speaking to local officials—the secretaries of state, attorneys general, governors who would be in the eye of the storm—to let them know we wanted to help," says Gephardt, who worked his contacts in the private sector to put \$20 million behind the effort.

Wamp, the former GOP Congressman, worked through the nonpartisan reform group Issue One to rally Republicans to the effort. "We thought we should bring some bipartisan element of unity around what constitutes a free and fair election," Wamp says. The 22 Democrats and 22 Republicans on the National Council on Election Integrity met on Zoom at least once a week. They ran ads in six states, made statements, wrote articles and alerted local officials to potential problems. "We had rabid Trump supporters who agreed to serve on the council based on the idea that this is honest," Wamp says. This is going to be just as important, he told them, to convince the liberals when Trump wins. "Whichever way it cuts, we're going to stick together."

The Voting Rights Lab and IntoAction created state-specific memes and graphics, spread by email, text, Twitter, Facebook, Instagram and TikTok, urging that every vote be counted. Together, they were viewed more than 1 billion times. Protect Democracy's election task force issued reports and held media briefings with high-profile experts across the political spectrum, resulting in widespread coverage of potential election issues and fact-checking of Trump's false claims. The organization's tracking polls found the message was being heard: the percentage of the public that didn't expect to know the winner on election night gradually rose until by late October, it was over 70%. A majority also believed that a prolonged count wasn't a sign of problems. "We

knew exactly what Trump was going to do: he was going to try to use the fact that Democrats voted by mail and Republicans voted in person to make it look like he was ahead, claim victory, say the mail-in votes were fraudulent and try to get them thrown out,” says Protect Democracy’s Bassin. Setting public expectations ahead of time helped undercut those lies.



Amber McReynolds, Zach Wamp and Maurice Mitchell Rachel Woolf for TIME; Erik Schelzig—AP/Shutterstock; Holly Pickett—The New York Times/Redux

The alliance took a common set of themes from the research Shenker-Osorio presented at Podhorzer’s Zooms. Studies have shown that when people don’t think their vote will count or fear casting it will be a hassle, they’re far less likely to participate. Throughout election season, members of Podhorzer’s group minimized incidents of voter intimidation and tamped down rising liberal hysteria about Trump’s expected refusal to concede. They didn’t want to amplify false claims by engaging them, or put people off voting by suggesting a rigged game. “When you say, ‘These claims of fraud are spurious,’ what people hear is ‘fraud,’” Shenker-Osorio says. “What we saw in our pre-election research was that anything that reaffirmed Trump’s power or cast him as an authoritarian diminished people’s desire to vote.”

Podhorzer, meanwhile, was warning everyone he knew that polls were underestimating Trump’s support. The data he shared with media organizations

who would be calling the election was “tremendously useful” to understand what was happening as the votes rolled in, according to a member of a major network’s political unit who spoke with Podhorzer before Election Day. Most analysts had recognized there would be a “blue shift” in key battlegrounds— the surge of votes breaking toward Democrats, driven by tallies of mail-in ballots— but they hadn’t comprehended how much better Trump was likely to do on Election Day. “Being able to document how big the absentee wave would be and the variance by state was essential,” the analyst says.

PEOPLE POWER

The racial-justice uprising sparked by George Floyd’s killing in May was not primarily a political movement. The organizers who helped lead it wanted to harness its momentum for the election without allowing it to be co-opted by politicians. Many of those organizers were part of Podhorzer’s network, from the activists in battleground states who partnered with the Democracy Defense Coalition to organizations with leading roles in the Movement for Black Lives.

The best way to ensure people’s voices were heard, they decided, was to protect their ability to vote. “We started thinking about a program that would complement the traditional election-protection area but also didn’t rely on calling the police,” says Nelini Stamp, the Working Families Party’s national organizing director. They created a force of “election defenders” who, unlike traditional poll watchers, were trained in de-escalation techniques. During early voting and on Election Day, they surrounded lines of voters in urban areas with a “joy to the polls” effort that turned the act of casting a ballot into a street party. Black organizers also recruited thousands of poll workers to ensure polling places would stay open in their communities.

The summer uprising had shown that people power could have a massive impact. Activists began preparing to reprise the demonstrations if Trump tried to steal the election. “Americans plan widespread protests if Trump interferes with election,” Reuters reported in October, one of many such stories. More than 150 liberal groups, from the Women’s March to the Sierra Club to Color of Change, from Democrats.com to the Democratic Socialists of America, joined the “Protect the Results” coalition. The group’s now defunct website had a map

listing 400 planned postelection demonstrations, to be activated via text message as soon as Nov. 4. To stop the coup they feared, the left was ready to flood the streets.

STRANGE BEDFELLOWS

About a week before Election Day, Podhorzer received an unexpected message: the U.S. Chamber of Commerce wanted to talk.

The AFL-CIO and the Chamber have a long history of antagonism. Though neither organization is explicitly partisan, the influential business lobby has poured hundreds of millions of dollars into Republican campaigns, just as the nation's unions funnel hundreds of millions to Democrats. On one side is labor, on the other management, locked in an eternal struggle for power and resources.

But behind the scenes, the business community was engaged in its own anxious discussions about how the election and its aftermath might unfold. The summer's racial-justice protests had sent a signal to business owners too: the potential for economy-disrupting civil disorder. "With tensions running high, there was a lot of concern about unrest around the election, or a breakdown in our normal way we handle contentious elections," says Neil Bradley, the Chamber's executive vice president and chief policy officer. These worries had led the Chamber to release a pre-election statement with the Business Roundtable, a Washington-based CEOs' group, as well as associations of manufacturers, wholesalers and retailers, calling for patience and confidence as votes were counted.

But Bradley wanted to send a broader, more bipartisan message. He reached out to Podhorzer, through an intermediary both men declined to name. Agreeing that their unlikely alliance would be powerful, they began to discuss a joint statement pledging their organizations' shared commitment to a fair and peaceful election. They chose their words carefully and scheduled the statement's release for maximum impact. As it was being finalized, Christian leaders signaled their interest in joining, further broadening its reach.

The statement was released on Election Day, under the names of Chamber CEO Thomas Donohue, AFL-CIO president Richard Trumka, and the heads of the National Association of Evangelicals and the National African American Clergy Network. “It is imperative that election officials be given the space and time to count every vote in accordance with applicable laws,” it stated. “We call on the media, the candidates and the American people to exercise patience with the process and trust in our system, even if it requires more time than usual.” The groups added, “Although we may not always agree on desired outcomes up and down the ballot, we are united in our call for the American democratic process to proceed without violence, intimidation or any other tactic that makes us weaker as a nation.”

SHOWING UP, STANDING DOWN

Election night began with many Democrats despairing. Trump was running ahead of pre-election polling, winning Florida, Ohio and Texas easily and keeping Michigan, Wisconsin and Pennsylvania too close to call. But Podhorzer was unperturbed when I spoke to him that night: the returns were exactly in line with his modeling. He had been warning for weeks that Trump voters’ turnout was surging. As the numbers dribbled out, he could tell that as long as all the votes were counted, Trump would lose.

The liberal alliance gathered for an 11 p.m. Zoom call. Hundreds joined; many were freaking out. “It was really important for me and the team in that moment to help ground people in what we had already known was true,” says Angela Peoples, director for the Democracy Defense Coalition. Podhorzer presented data to show the group that victory was in hand.

While he was talking, Fox News surprised everyone by calling Arizona for Biden. The public-awareness campaign had worked: TV anchors were bending over backward to counsel caution and frame the vote count accurately. The question then became what to do next.

The conversation that followed was a difficult one, led by the activists charged with the protest strategy. “We wanted to be mindful of when was the right time to call for moving masses of people into the street,” Peoples says. As much as

they were eager to mount a show of strength, mobilizing immediately could backfire and put people at risk. Protests that devolved into violent clashes would give Trump a pretext to send in federal agents or troops as he had over the summer. And rather than elevate Trump's complaints by continuing to fight him, the alliance wanted to send the message that the people had spoken.

So the word went out: stand down. Protect the Results announced that it would "not be activating the entire national mobilization network today, but remains ready to activate if necessary." On Twitter, outraged progressives wondered what was going on. Why wasn't anyone trying to stop Trump's coup? Where were all the protests?

Podhorzer credits the activists for their restraint. "They had spent so much time getting ready to hit the streets on Wednesday. But they did it," he says. "Wednesday through Friday, there was not a single Antifa vs. Proud Boys incident like everyone was expecting. And when that didn't materialize, I don't think the Trump campaign had a backup plan."

Activists reoriented the Protect the Results protests toward a weekend of celebration. "Counter their disinfo with our confidence & get ready to celebrate," read the messaging guidance Shenker-Osorio presented to the liberal alliance on Friday, Nov. 6. "Declare and fortify our win. Vibe: confident, forward-looking, unified—NOT passive, anxious." The voters, not the candidates, would be the protagonists of the story.

The planned day of celebration happened to coincide with the election being called on Nov. 7. Activists dancing in the streets of Philadelphia blasted Beyoncé over an attempted Trump campaign press conference; the Trumpers' next confab was scheduled for Four Seasons Total Landscaping outside the city center, which activists believe was not a coincidence. "The people of Philadelphia owned the streets of Philadelphia," crows the Working Families Party's Mitchell. "We made them look ridiculous by contrasting our joyous celebration of democracy with their clown show."

The votes had been counted. Trump had lost. But the battle wasn't over.

THE FIVE STEPS TO VICTORY

In Podhorzer’s presentations, winning the vote was only the first step to winning the election. After that came winning the count, winning the certification, winning the Electoral College and winning the transition—steps that are normally formalities but that he knew Trump would see as opportunities for disruption. Nowhere would that be more evident than in Michigan, where Trump’s pressure on local Republicans came perilously close to working—and where liberal and conservative pro-democracy forces joined to counter it.

It was around 10 p.m. on election night in Detroit when a flurry of texts lit up the phone of Art Reyes III. A busload of Republican election observers had arrived at the TCF Center, where votes were being tallied. They were crowding the vote-counting tables, refusing to wear masks, heckling the mostly Black workers. Reyes, a Flint native who leads We the People Michigan, was expecting this. For months, conservative groups had been sowing suspicion about urban vote fraud. “The language was, ‘They’re going to steal the election; there will be fraud in Detroit,’ long before any vote was cast,” Reyes says.



Trump supporters seek to disrupt the vote count at Detroit’s TCF Center on Nov. 4 Elaine Cromie—Getty Images

He made his way to the arena and sent word to his network. Within 45 minutes, dozens of reinforcements had arrived. As they entered the arena to provide a counterweight to the GOP observers inside, Reyes took down their cell-phone numbers and added them to a massive text chain. Racial-justice activists from Detroit Will Breathe worked alongside suburban women from Fems for Dems and local elected officials. Reyes left at 3 a.m., handing the text chain over to a disability activist.

As they mapped out the steps in the election-certification process, activists settled on a strategy of foregrounding the people's right to decide, demanding their voices be heard and calling attention to the racial implications of disenfranchising Black Detroiters. They flooded the Wayne County canvassing board's Nov. 17 certification meeting with on-message testimony; despite a Trump tweet, the Republican board members certified Detroit's votes.

Election boards were one pressure point; another was GOP-controlled legislatures, who Trump believed could declare the election void and appoint their own electors. And so the President invited the GOP leaders of the Michigan legislature, House Speaker Lee Chatfield and Senate majority leader Mike Shirkey, to Washington on Nov. 20.

It was a perilous moment. If Chatfield and Shirkey agreed to do Trump's bidding, Republicans in other states might be similarly bullied. "I was concerned things were going to get weird," says Jeff Timmer, a former Michigan GOP executive director turned anti-Trump activist. Norm Eisen describes it as "the scariest moment" of the entire election.

The democracy defenders launched a full-court press. Protect Democracy's local contacts researched the lawmakers' personal and political motives. Issue One ran television ads in Lansing. The Chamber's Bradley kept close tabs on the process. Wamp, the former Republican Congressman, called his former colleague Mike Rogers, who wrote an op-ed for the Detroit newspapers urging officials to honor the will of the voters. Three former Michigan governors—Republicans John Engler and Rick Snyder and Democrat Jennifer Granholm—jointly called for Michigan's electoral votes to be cast free of pressure from the

White House. Engler, a former head of the Business Roundtable, made phone calls to influential donors and fellow GOP elder statesmen who could press the lawmakers privately.

The pro-democracy forces were up against a Trumpified Michigan GOP controlled by allies of Ronna McDaniel, the Republican National Committee chair, and Betsy DeVos, the former Education Secretary and a member of a billionaire family of GOP donors. On a call with his team on Nov. 18, Bassin vented that his side's pressure was no match for what Trump could offer. "Of course he's going to try to offer them something," Bassin recalls thinking. "Head of the Space Force! Ambassador to wherever! We can't compete with that by offering carrots. We need a stick."

If Trump were to offer something in exchange for a personal favor, that would likely constitute bribery, Bassin reasoned. He phoned Richard Primus, a law professor at the University of Michigan, to see if Primus agreed and would make the argument publicly. Primus said he thought the meeting itself was inappropriate, and got to work on an op-ed for Politico warning that the state attorney general—a Democrat—would have no choice but to investigate. When the piece posted on Nov. 19, the attorney general's communications director tweeted it. Protect Democracy soon got word that the lawmakers planned to bring lawyers to the meeting with Trump the next day.

Reyes' activists scanned flight schedules and flocked to the airports on both ends of Shirkey's journey to D.C., to underscore that the lawmakers were being scrutinized. After the meeting, the pair announced they'd pressed the President to deliver COVID relief for their constituents and informed him they saw no role in the election process. Then they went for a drink at the Trump hotel on Pennsylvania Avenue. A street artist projected their images onto the outside of the building along with the words THE WORLD IS WATCHING.

That left one last step: the state canvassing board, made up of two Democrats and two Republicans. One Republican, a Trumper employed by the DeVos family's political nonprofit, was not expected to vote for certification. The other Republican on the board was a little-known lawyer named Aaron Van

Langevelde. He sent no signals about what he planned to do, leaving everyone on edge.

When the meeting began, Reyes's activists flooded the livestream and filled Twitter with their hashtag, #alleyesonmi. A board accustomed to attendance in the single digits suddenly faced an audience of thousands. In hours of testimony, the activists emphasized their message of respecting voters' wishes and affirming democracy rather than scolding the officials. Van Langevelde quickly signaled he would follow precedent. The vote was 3-0 to certify; the other Republican abstained.

After that, the dominoes fell. Pennsylvania, Wisconsin and the rest of the states certified their electors. Republican officials in Arizona and Georgia stood up to Trump's bullying. And the Electoral College voted on schedule on Dec. 14.

HOW CLOSE WE CAME

There was one last milestone on Podhorzer's mind: Jan. 6. On the day Congress would meet to tally the electoral count, Trump summoned his supporters to D.C. for a rally.

Much to their surprise, the thousands who answered his call were met by virtually no counterdemonstrators. To preserve safety and ensure they couldn't be blamed for any mayhem, the activist left was "strenuously discouraging counter activity," Podhorzer texted me the morning of Jan. 6, with a crossed-fingers emoji.

Incited by the President, Trump Supporters Violen...



Trump addressed the crowd that afternoon, peddling the lie that lawmakers or Vice President Mike Pence could reject states' electoral votes. He told them to go to the Capitol and "fight like hell." Then he returned to the White House as they sacked the building. As lawmakers fled for their lives and his own supporters were shot and trampled, Trump praised the rioters as "very special."

It was his final attack on democracy, and once again, it failed. By standing down, the democracy campaigners outfoxed their foes. "We won by the skin of our teeth, honestly, and that's an important point for folks to sit with," says the Democracy Defense Coalition's Peoples. "There's an impulse for some to say voters decided and democracy won. But it's a mistake to think that this election cycle was a show of strength for democracy. It shows how vulnerable democracy is."

The members of the alliance to protect the election have gone their separate ways. The Democracy Defense Coalition has been disbanded, though the Fight Back Table lives on. Protect Democracy and the good-government advocates have turned their attention to pressing reforms in Congress. Left-wing activists are pressuring the newly empowered Democrats to remember the voters who put them there, while civil rights groups are on guard against further attacks on voting. Business leaders denounced the Jan. 6 attack, and some say they will no longer donate to lawmakers who refused to certify Biden's victory.

Podhorzer and his allies are still holding their Zoom strategy sessions, gauging voters' views and developing new messages. And Trump is in Florida, facing his second impeachment, deprived of the Twitter and Facebook accounts he used to push the nation to its breaking point.

As I was reporting this article in November and December, I heard different claims about who should get the credit for thwarting Trump's plot. Liberals argued the role of bottom-up people power shouldn't be overlooked, particularly the contributions of people of color and local grassroots activists. Others stressed the heroism of GOP officials like Van Langevelde and Georgia secretary of state Brad Raffensperger, who stood up to Trump at considerable cost. The truth is that neither likely could have succeeded without the other. "It's astounding how close we came, how fragile all this really is," says Timmer, the former Michigan GOP executive director. "It's like when Wile E. Coyote runs off the cliff—if you don't look down, you don't fall. Our democracy only survives if we all believe and don't look down."

Democracy won in the end. The will of the people prevailed. But it's crazy, in retrospect, that this is what it took to put on an election in the United States of America.

—With reporting by LESLIE DICKSTEIN, MARIAH ESPADA and SIMMONE SHAH

Correction appended, Feb. 5: The original version of this story misstated the name of Norm Eisen's organization. It is the Voter Protection Program, not the Voter Protection Project. The original version of this story also misstated Jeff Timmer's former position with the Michigan Republican Party. He was the executive director, not the chairman.

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EXHIBIT

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Press Release January 4, 2021

Guide to January 6th Joint Session of Congress Released by Voter Protection Program

Published: 1.4.21

**Guide to January 6th Joint Session of Congress Released by Voter
Protection Program**

*New Report Details Why Any Attempts to Undermine Election Results Will Fail
(Again)*

VPP to Host Press Briefing Today, January 4, 11:00AM ET, RSVP required

Washington, D.C.— In advance of the Senate and House meeting this week for a joint session to officially count the Electoral College votes, the nonpartisan Voter Protection Program released the “Guide to Counting Electoral College Votes and the January 6, 2021 Meeting of Congress.” The 28-page guide details the operation and history of the Electoral Count Act (ECA) and explains why members of Congress have no legal or legitimate way to throw out the votes of the American people and the electors they chose.

Joanna Lydgate, National Director of the Voter Protection Program said, “The American people voted in record numbers, and Joe Biden won the Electoral College 306-232. As this guide makes clear, any attempts by members of Congress to overturn the Electoral College will fail—because they have no merit. End of story.”

Ambassador Norm Eisen, Outside Counsel to the Voter Protection Program added, “It’s really this simple: Congress will not change a single state’s Electoral College slate. The Constitution is clear. When the electoral votes are counted in the ‘presence of the Senate and House of Representatives...the person having the greatest number of votes shall be the President’—and that person is Joe Biden.”

In the guide co-authored by Eisen and Joshua Matz and Harmann Singh of Kaplan, Hecker & Fink LLP, the VPP describes the history and operation of the rules set forth in Title 3 of the ECA and applies them to the specific circumstances of the 2020 presidential election and what that means for January 6. The VPP outlines the different avenues that all ultimately result in confirming the choice of the voters. The report addresses how electoral votes are counted and what happens if there is a dispute, the significance of the “safe harbor” provision, and the role of the state executive in certifying electors.

Additionally, the VPP Guide outlines the short list of modern applications of the ECA in which the presidential election did not proceed as expected—though, like here, none were outcome determinative. Like what will happen this year, past examples did not change the outcome of the election. They provide context for why actions by President Trump and his supporters are unprecedented attempts to undermine the will of American voters.

Grant Woods, former Attorney General of Arizona and member of the VPP Bipartisan Advisory Board added, “Despite the many complexities surrounding the joint session, the voters have clearly chosen Joe Biden and

Kamala Harris to be the next President and Vice President. Any attempt by members of Congress or Vice President Pence to undo the will of the American voters will fail. This charade only further delays our leaders focusing on fixing our economy and confronting the surging covid crisis. It's past time to move on."

On Monday, January 4th at 11 a.m. ET, the VPP is holding a press briefing to discuss what to expect Wednesday during the Joint Session of Congress and why members of Congress have no way to subvert the will of the American people. Please RSVP to Mona Bruno, mona.bruno@berlinrosen.com to receive the dial-in.

###

About the Voter Protection Program

The Voter Protection Program is a nonpartisan initiative of the Progressive State Leaders Committee, a 501(c)(4) organization. Visit <https://statesunited.org/> for more information.



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EXHIBIT

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Press Release November 10, 2020

Members of VPP's Bipartisan Advisory Board Issue Statement on Federal Election Interference

Published: 11.10.20

On November 10, the Voter Protection Program (VPP) released the following statement from members of the VPP's Bipartisan Advisory Board, which includes former Department of Justice officials who served under both Democratic and Republican administrations and who are committed to election integrity and the rule of law:

“The voters decide the winner in an election, not the President, and not the Attorney General. Thanks to a bipartisan group of experienced officials and poll workers across this country, the states, once again, ran fair and secure elections. We have seen absolutely no evidence of anything that should get in the way of certification of the results, which is something the states handle, not the federal government. The American people spoke clearly, and now the country needs to move forward toward a peaceful transfer of power.”

Members of the Voter Protection Program Bipartisan Advisory Board:

Donald Ayer, former Deputy Attorney General under President George H.W. Bush and Principal Deputy Solicitor General under Solicitor General Charles Fried. Prior to these roles, he served as U.S. Attorney in Sacramento and Assistant U.S. Attorney in San Francisco.

Greg Brower, former Assistant Director and Deputy General Counsel of the Federal Bureau of Investigation (FBI). He has also served as the U.S. Attorney for the District of Nevada under Presidents George W. Bush and Barack Obama.

Sarah Saldaña, former Director of Immigration & Customs Enforcement under President Barack Obama. Prior to her role at ICE, Director

Saldaña served as the U.S. Attorney for the Northern District of Texas.

Joyce Vance, former United States Attorney for the Northern District of Alabama and the first female U.S. Attorney nominated by President Barack Obama.

Ken Wainstein, former Homeland Security Advisor to President George W. Bush. Prior to his White House service, Wainstein was nominated and confirmed the first Assistant Attorney General for National Security. He has also served as the U.S. Attorney in Washington, DC, General Counsel to the FBI, and Chief of Staff to Director Robert Mueller.

Bill Weld, former two-term Governor of Massachusetts. Before serving as Governor, he was appointed U.S. Attorney for the District of Massachusetts under President Ronald Reagan.



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EXHIBIT

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December 1, 2022

The Honorable Bennie G. Thompson, Chairman
The Honorable Liz Cheney, Vice Chair
The Select Committee to Investigate the January 6th Attack on the U.S. Capitol
Longworth House Office Building
Washington, D.C. 20515
VIA EMAIL

Re: Referrals of Attorney Misconduct to State Bar Disciplinary Authorities

Dear Chairman Thompson and Vice Chair Cheney:

The States United Democracy Center is a nonpartisan organization advancing free, fair, and secure elections. We focus on connecting state and local officials, public-safety leaders, and pro-democracy partners across America with the tools and expertise they need to safeguard our democracy. Our work centers on making sure every election is safe, every vote is counted, and every voice is heard. Critical to our mission is helping to ensure that democracy violators are held accountable, including those in the legal profession who betray their professional responsibilities to uphold the rule of law.

We write to provide information concerning the role that the Select Committee can play in referring to state bar disciplinary authorities information concerning attorneys whose conduct may have run afoul of the rules of professional conduct governing attorneys. The Select Committee has made clear—in its public hearings, in litigation, and in certain investigatory measures that have been made public—that its investigation has focused in part on the role that a number of attorneys played in efforts to disrupt the peaceful transfer of power following the 2020 presidential election. Most recently, for example, in the Select Committee’s subpoena to former President Trump, the Select Committee sought communications involving a number of people including nine attorneys: Jeffrey Clark, John Eastman, Rudolph Giuliani, Jenna Ellis, Sidney Powell, Kenneth Chesebro, Boris Epshteyn, Christina Bobb, and Cleta Mitchell.¹ As detailed below, almost all of these nine attorneys have been the subject of publicly known disciplinary complaints. Because the Select Committee has obtained substantial non-public information concerning attorneys who may have engaged in professional misconduct while

¹ Subpoena Request from the H. Select Comm. to Investigate the January 6th Attack on the U.S. Capitol to President Donald J. Trump (Oct. 21, 2022), <https://january6th.house.gov/sites/democrats.january6th.house.gov/files/20221021%20J6%20Cmte%20Subpeona%20to%20Donald%20Trump.pdf>.

undermining democracy, the Select Committee is uniquely positioned to assist disciplinary authorities in their investigations of potential attorney misconduct.

Accordingly, this letter addresses (1) how the Select Committee is especially well suited to refer information relevant to attorney misconduct to state bars, (2) some background on existing disciplinary actions or investigations of the nine attorneys listed in the Select Committee's subpoena to former President Trump, (3) the authority of the Select Committee to make bar referrals, and (4) some options that the Committee may consider in making referrals should it choose to do so.

We understand from public reporting that among the possible referrals the Committee is considering are referrals for criminal misconduct. Some of the attorneys discussed below have also been the focus of criminal investigations, and our discussion of bar referrals should not detract but instead should be parallel to any criminal referrals of attorneys the Committee makes. Additionally, should the Committee be considering any other form of referral, such as for civil investigation by state authorities, that should be supplemented, and not replaced, by the bar disciplinary referrals we discuss here.

I. The Select Committee is Uniquely Positioned to Make Bar Referrals

The Select Committee is uniquely positioned to refer information concerning attorney misconduct to disciplinary authorities for several reasons. *First*, by virtue of the Select Committee's thorough investigation, it has amassed non-public evidence, much of which may document attorney misconduct, that would assist disciplinary authorities in ongoing proceedings or enable them to open new investigations into misconduct. *Second*, because some disciplinary authorities maintain that they are only obligated to act on complaints based on non-public information, the Select Committee could surmount this hurdle by virtue of the as-of-yet non-public evidence in its possession.

The Select Committee, as you of course are aware, has conducted a wide-ranging inquiry that has resulted in the accumulation of vast quantities of non-public information. As the Select Committee began hearings, members repeatedly acknowledged the tremendous amount of information they received, noting that the Select Committee "continue[s] to receive new information every day" and "continue[s] to hear from witnesses."² Even as of the summer of 2022, the Select Committee had issued over 100 subpoenas, interviewed more than 1,000 people, and obtained tens of thousands of pages of records.³ Some of that evidence concerns attorneys

² Press Release, Select Comm. to Investigate the January 6th Attack on the U.S. Capitol, *Thompson, Cheney, Luria, & Kinzinger Opening Statements at Select Committee Hearing* (Jul. 21, 2022), <https://january6th.house.gov/news/press-releases/thompson-cheney-luria-kinzinger-opening-statements-select-committee-hearing>.

³ See Jacqueline Alemany & Tom Hamburger, *The Jan. 6 Committee: What it has Done and Where it is Headed*, Wash. Post (Jan. 4, 2022), <https://www.washingtonpost.com/politics/2022/01/04/january-6-committee-explainer/> (noting that, up to that point, the Select Committee obtained more than 35,000 pages of records); Mary C. Jalonick, *Jan. 6 Panel's 1,000 Witnesses: From Trump Aides to Rioters*, Associated Press (June 9, 2022), <https://apnews.com/article/jan-6-hearing-targets-interviews-029d6a76146b4735b9e05bb70f41916f> (more than 1,000 witness interviews); Zach Schonfeld, *Here's a List of the People Who have been Subpoenaed by the Jan. 6*

who may have committed professional misconduct in the course of efforts to undermine the results of the 2020 presidential election. As just one example, as a result of its litigation in the Central District of California, the Select Committee has obtained hundreds of emails from attorney John Eastman.⁴ Indeed, the Select Committee has separately subpoenaed all nine of the attorneys listed in the subpoena to former President Trump.⁵ In sum, the Select Committee has access to a significant volume of evidence that could be of use to the disciplinary authorities where these attorneys are licensed.

Furthermore, some disciplinary authorities have either closed or refused to docket complaints against such attorneys on the basis that the complaints were based solely on public information. We disagree that the rules of these jurisdictions require that a complaint contain non-public information to be valid.⁶ Regardless, a referral from the Select Committee would overcome this asserted hurdle by sharing non-public information about these nine attorneys.

Notably, the District of Columbia, where a number of these attorneys are licensed to practice law, refuses to docket complaints based solely on publicly available information. For example, the D.C. Office of Disciplinary Counsel (“ODC”) declined to docket a complaint filed against Jeffrey Clark, stating that “[o]ur Office does not docket complaints that are based only on public information, such as news reports or court proceedings, where the complainant has no personal knowledge of the matter.”⁷ The ODC eventually filed disciplinary charges against Clark, however, after receiving a majority staff report of the Senate Judiciary Committee that included “a detailed report and actual evidence” including “lengthy witness interviews.”⁸ Similarly, the ODC refused to docket a complaint filed against John Eastman,⁹ responding with a letter providing essentially the same reasons as in the letter sent to private complainants in the Clark matter, namely the lack of non-public information.¹⁰

Committee, The Hill (June 7, 2022), <https://thehill.com/homenews/house/3514712-heres-a-list-of-the-people-who-have-been-subpoenaed-by-the-jan-6-committee/> (more than 100 subpoenas).

⁴ See, e.g., *Eastman v. Thompson*, 2022 WL 894256, at *27 (C.D. Cal. Mar. 28, 2022); *Eastman v. Thompson*, 8:22-cv-99, Doc. No. 356, at 26 (C.D. Cal. June 7, 2022); *Eastman v. Thompson*, 2022 WL 11030550, at *11 (C.D. Cal. Oct. 19, 2022).

⁵ See Zach Schonfeld, *Here’s a List of the People who have been Subpoenaed by the Jan. 6 Committee*, The Hill (June 7, 2022), <https://thehill.com/homenews/house/3514712-heres-a-list-of-the-people-who-have-been-subpoenaed-by-the-jan-6-committee/>.

⁶ For example, after the State Bar of California closed our complaint against John Eastman on this purported procedural basis, we appealed and argued that the closure violated the State Bar Act. See Stephen Bundy & States United Democracy Center, *Appeal of Closing of Complaint re: John Eastman, Case Number 21-O-12451* (Feb. 16, 2022), https://statesuniteddemocracy.org/wp-content/uploads/2022/02/2.16.22_Case-Number-21-O-12451_Appeal_Final2.pdf.

⁷ Office of Disciplinary Counsel, *Letter re: Clark/Edelman, Undocketed No. 2021-U791* (Oct. 18, 2021), <https://drive.google.com/file/d/1MmMpQo853R6jRRNNqBE-48HtiRoSFilM/view>.

⁸ See *Clark v. D.C. Board*, 1:22-mc-96, Doc. 5, at 9 (D.D.C. Oct. 21, 2022).

⁹ See States United Democracy Center and Lawyers Defending American Democracy, *Re: Request for Investigation of John Charles Eastman* (Aug. 11, 2022), https://statesuniteddemocracy.org/wp-content/uploads/2022/08/08.11.22_States-United-LDAD_Complaint-to-DC-ODC-re-John-Eastman_Final.pdf.

¹⁰ The State Bar of California also appears to favor complaints based on non-public information. As discussed elsewhere, the State Bar closed States United’s complaint against Eastman, noting in its closing letter that the complaint appeared to be based “entirely on information compiled from publicly available media reports.” State Bar of California, *Letter re: Case No. 21-O-12451, John Eastman* (Nov. 22, 2021) (on file with author).

In sum, the non-public information that the Select Committee possesses could be of great value to disciplinary authorities. And because much of its evidence is non-public, the Select Committee is in a unique position to spur disciplinary authorities to action by sharing that information.

II. The Select Committee Has Investigated Attorney Conduct that May Warrant Referral

The Select Committee’s work has highlighted the role of attorneys in the efforts to subvert the results of the 2020 election. For example, in the Select Committee’s October 13, 2022, hearing, Vice Chair Cheney detailed John Eastman’s conduct, stating that Eastman “fraudulently instruct[ed] tens of thousands of angry protesters that the Vice President could change the election outcome on January 6th.”¹¹ Rep. Adam Kinzinger noted that the Trump campaign, together with its attorneys, filed over 60 election lawsuits unsupported by sufficient evidence of fraud or irregularities, resulting in court-imposed sanctions against some attorneys.¹² More recently, and as previously noted, in the Select Committee’s subpoena to former President Trump, the Select Committee requested information concerning a list of people including nine attorneys.¹³

We do not know the full extent of misconduct allegations against these nine attorneys, because bar complaints are not always made public. But we do know that pro-democracy organizations (including States United) and various individuals have filed bar complaints against a number of attorneys on account of their conduct during and after the 2020 election. Indeed, bar complaints or disciplinary charges have been filed against at least eight of the nine attorneys listed in the subpoena to former President Trump. These complaints and charges have concerned potential violations of an array of rules of professional conduct, including rules covering competence, frivolous claims, candor to the tribunal, other dishonest conduct, counseling or assisting a client’s unlawful conduct, and engaging in criminal conduct. Most of the rules alleged to have been violated do not require that the misconduct have been criminal. Accordingly, the Select Committee’s decision about bar referrals need not be dependent on any decision whether to make criminal referrals to law enforcement agencies.

What follows is an overview of publicly known disciplinary complaints, investigations, or charges against the nine attorneys listed in the Trump subpoena. This letter does not adopt these allegations but rather summarizes the basis of existing publicly known disciplinary complaints and charges. The attorneys are discussed in the order listed in the subpoena.

¹¹ *Here's Every Word From the 9th Jan. 6 Committee Hearing on its Investigation*, NPR (Oct. 13, 2022), <https://www.npr.org/2022/10/13/1125331584/jan-6-committee-hearing-transcript>.

¹² *Id.*

¹³ Subpoena Request from the H. Select Comm. to Investigate the January 6th Attack on the U.S. Capitol to President Donald J. Trump (Oct. 21, 2022), <https://january6th.house.gov/sites/democrats.january6th.house.gov/files/20221021%20J6%20Cmte%20Subpeona%20to%20Donald%20Trump.pdf>.

Jeffrey Clark

There are pending legal ethics charges against Jeffrey Clark, a former Justice Department lawyer under President Trump.¹⁴ The D.C. Office of Disciplinary Counsel has alleged that Clark engaged in dishonest conduct and attempted to seriously interfere with the administration of justice in violation of D.C. Rules of Professional Conduct 8.4(a), (c), and (d) through his actions surrounding the 2020 election.¹⁵ The charges allege that despite being aware that there was no evidence of widespread election fraud or foreign interference, Clark drafted and advocated for the Justice Department to send a “Proof of Concept” letter to Georgia state election officials. The letter stated, among other misleading statements and falsehoods, that the Department of Justice had concluded that the Governor ought to convene a special session of the Georgia Legislature to consider purported alternate slates of electors. The charges also describe efforts to appoint Clark as Acting Attorney General for the purpose of sending the “Proof of Concept” letter—efforts in which Clark participated but which ultimately failed.

John Eastman

Several individuals and organizations, including States United, have submitted legal ethics complaints with the State Bar of California against John Eastman for his efforts to discredit and overturn the 2020 presidential election results.¹⁶ Through those actions, Eastman is alleged to have violated several rules of professional conduct, including California Rules of Professional Conduct concerning dishonesty and deception (Rules 3.3, 4.1, and 8.4(c)); knowingly counseling or assisting a client’s criminal, fraudulent, or unlawful conduct (Rule 1.2.1); frivolous claims and contentions (Rule 3.1); competence (Rule 1.1); professional independence (Rule 2.1); and criminal conduct (Rule 8.4(b)). As outlined in the complaint and filings by States United and others, Eastman assisted President Trump’s efforts to pressure Vice President Pence to violate his statutory and constitutional duties by either refusing to count or delaying the count of electoral votes from certain states. Eastman also made false and misleading claims about the election on other occasions, including in his speech at the “Stop the Steal” rally on the National Mall on January 6th, and advanced false and frivolous claims in a lawsuit asking the U.S. Supreme Court to nullify slates of electors in four states. Although the State Bar has closed States United’s complaint on the ground that it was based solely on publicly available

¹⁴ Norman Eisen, co-founder and executive chair of States United, was a co-signer on the complaint filed by Lawyers Defending American Democracy against Jeffrey Clark. See Lawyers Defending American Democracy, *Ethics Complaint Against Jeffrey B. Clark* (Oct. 5, 2021), <https://ldad.org/wp-content/uploads/2021/10/DC-Ethics-Complaint-Against-Jeffrey-Clark.pdf>.

¹⁵ *In the Matter of Jeffrey B. Clark*, No. 2021-D193 (D.C. July 19, 2022), <https://www.judiciary.senate.gov/imo/media/doc/Spec.%20Jeffrey%20B.%20Clark.pdf>.

¹⁶ See, e.g., See States United Democracy Center, *Re: Request for Investigation of John C. Eastman, California State Bar No. 193726* (Oct. 4, 2021), <https://statesuniteddemocracy.org/wp-content/uploads/2021/10/10.4.21-FINAL-Eastman-Cover-Letter-Memorandum.pdf>; Lawyers Defending American Democracy, *Re: Request for Investigation of John C. Eastman, California Bar Number 193726*, December 16, 2021, <https://ldad.org/wp-content/uploads/2021/12/Eastman-Complaint-121621.pdf>.

information, the Bar subsequently opened its own investigation into Eastman’s conduct relating to the November 2020 presidential election—an investigation we believe is still pending.¹⁷

States United, jointly with Lawyers Defending American Democracy, has also filed an ethics complaint against Eastman with the District of Columbia’s Office of Disciplinary Counsel.¹⁸ The ODC responded that it would not docket the complaint because it “does not docket complaints that are based only on public information.”¹⁹

Rudy Giuliani

In June 2021, the New York court with jurisdiction over attorney discipline suspended Rudy Giuliani’s New York law license after concluding that there was “uncontroverted evidence that [Giuliani] communicated demonstrably false and misleading statements to courts, lawmakers and the public at large in his capacity as lawyer for former President Trump and the Trump campaign in connection with Trump’s failed effort at reelection in 2020.”²⁰ In addition, the New York court found that Giuliani’s misconduct presented an “immediate threat to the public, justifying [his] interim suspension.”²¹ The court explained that there was “evidence of continuing misconduct, the underlying offense is incredibly serious, and the uncontroverted misconduct in itself will likely result in substantial permanent sanctions at the conclusion of these disciplinary proceedings.”²² The court’s order was based on findings that Giuliani had violated New York Rules of Professional Conduct concerning false statements to a tribunal (Rule 3.3(a)), other dishonest conduct (Rules 4.1 and 8.4(c)), and conduct adversely reflecting on fitness as a lawyer (8.4(h)). Pursuant to the order, the suspension remains in place pending further disciplinary proceedings before the state’s Attorney Grievance Committee.

Following the suspension of Giuliani’s New York license, a D.C. court suspended Giuliani’s D.C. law license pending further proceedings.²³ D.C.’s Office of Disciplinary Counsel subsequently filed charges against Giuliani, and those proceedings are ongoing.²⁴

¹⁷ See Press Release, State Bar of California, State Bar Announces John Eastman Ethics Investigation (Mar. 1, 2022), <https://www.calbar.ca.gov/About-Us/News/News-Releases/state-bar-announces-john-eastman-ethics-investigation>; see also Stephen Bundy & States United Democracy Center, *Appeal of Closing of Complaint re: John Eastman*, Case Number 21-O-12451, States United Democracy Center (Feb. 16, 2022), https://statesuniteddemocracy.org/wp-content/uploads/2022/02/2.16.22_Case-Number-21-O-12451_Appeal_Final2.pdf.

¹⁸ States United Democracy Center and Lawyers Defending American Democracy, *Re: Request for Investigation of John Charles Eastman*, August 11, 2022, https://statesuniteddemocracy.org/wp-content/uploads/2022/08/08.11.22_States-United-LDAD_Complaint-to-DC-ODC-re-John-Eastman_Final.pdf.

¹⁹ Office of Disciplinary Counsel, *Letter re: Eastman/Eisen, Scherzer, Undocketed No. 2022-U482* (Aug. 26, 2022) (on file with author).

²⁰ *In re Giuliani*, 197 A.D.3d 1, 4 (N.Y. App. Div., 1st Dep’t 2021).

²¹ *Id.* at 22.

²² *Id.*

²³ *In re Giuliani*, No. 21-BG-423 (D.C. Ct. App. Jul. 7, 2021), <https://www.democracymocket.com/wp-content/uploads/2021/07/Order-Sua-Sponte-Staying-Appeal-1.pdf>.

²⁴ See Zoe Tillman, *Discipline Cases Against Rudy Giuliani, Jeff Clark Advance*, Bloomberg (Sept. 14, 2022), <https://www.bloomberg.com/news/articles/2022-09-14/legal-discipline-cases-against-rudy-giuliani-jeff-clark-advance>; Office of Disciplinary Counsel, Cases of Public Interest, *In re Rudolph W. Giuliani*, Board Docket No. 22-

Jenna Ellis

At least two entities have filed ethics complaints against Jenna Ellis with Colorado's Office of Attorney Regulation Counsel.²⁵ In May 2022, States United filed a complaint alleging that Ellis, as "senior legal adviser" to President Trump, assisted in President Trump's scheme to undermine and overturn the 2020 presidential election. The complaint detailed how Ellis joined Rudy Giuliani to urge state legislatures to intervene in the election by certifying alternate slates of electors for President Trump based on false factual and legal assertions; how Ellis authored memoranda based on false legal and factual premises purporting to provide a legal rationale for Vice President Pence to upend the electoral count on January 6th; and how Ellis otherwise made public misrepresentations concerning fraud in the election. States United urged an investigation into whether Ellis's conduct violated Colorado Rules of Professional Conduct relating to competence (Rule 1.1), assisting a crime or fraud (Rule 1.2(d)), professional judgment (Rule 2.1), dishonest conduct (Rules 4.1 and 8.4(c)), responsibilities of a supervisory lawyer (Rule 5.1), assisting another lawyer to violate Rules of Professional Conduct (Rule 8.4(a)), and conduct adversely reflecting on fitness to practice law (Rule 8.4(h)).²⁶

We believe that an investigation is ongoing.

Sidney Powell

In March 2022, the Commission for Lawyer Discipline of the State Bar of Texas filed disciplinary charges against Sidney Powell alleging professional misconduct concerning the 2020 presidential election. The petition alleges that Powell filed multiple frivolous lawsuits asserting that election fraud had occurred in the election, took positions that resulted in unreasonable delays and increased the burdens of the cases, and filed an altered item of evidence in court and then made a false statement to the court about that evidence. The complaint alleges that Powell violated Texas Disciplinary Rules of Professional Conduct involving frivolous claims (Rule 3.01), unreasonable delay or increase of burdens (Rule 3.02), candor to a tribunal (Rule 3.03(a)(1)), use of false evidence (Rule 3.03(a)(5)) and dishonest conduct (Rule 8.04(a)(3)).²⁷

BD-027,

<https://districtofcolumbiabar.sharepoint.com/sites/BPRCaseManager/Shared%20Documents/Forms/AllItems.aspx?ga=1&id=%2Fsites%2FBPRCaseManager%2FShared%20Documents%2FCases%20of%20Public%20Interest%2FIn%20re%20Rudolph%20W%2E%20Giuliani%2C%20Board%20Docket%20No%2E%2022%20DBD%20D027&viewid=5ee3a11b%2Dd3d1%2D4c4d%2D86cf%2D695ef1f9747b>.

²⁵ States United Democracy Center, *Re: Request for Investigation of Jenna L. Ellis (also known as Jenna Lynn Rives)*, Colorado Registration Number 44026 (May 4, 2022), <https://statesuniteddemocracy.org/wp-content/uploads/2022/05/2022.05.04-Jenna-Ellis-complaint-cover-letter.pdf>; The 65 Project, *Ethics Complaint Against Jenna Ellis* (July 7, 2022), <https://the65project.com/ethics-complaint-against-trump-attorney-jenna-ellis/>.

²⁶ States United Democracy Center, *Re: Request for Investigation of Jenna L. Ellis (also known as Jenna Lynn Rives)*, Colorado Registration Number 44026, (May 4, 2022), <https://statesuniteddemocracy.org/wp-content/uploads/2022/05/2022.05.04-Jenna-Ellis-complaint-cover-letter.pdf>.

²⁷ Original Disciplinary Petition, *Comm'n for Law. Discipline v. Sidney Powell*, No. DC-22-20562 (116th Judicial District, Mar. 1, 2022), https://courtsportal.dallascounty.org/DALLASPROD/DocumentViewer/Embedded/ye0-5n-ZNL7oyR1i6dndFnGQjA9qBJlrva-IvUlu1xeuIp-m_RTyMkwd1O6ghQITaElOonF8oaAAp0Sfe3OCw2?p=0.

Powell had previously been sanctioned in federal district court in Michigan under Federal Rule of Civil Procedure 11 because Powell and other attorneys filed a lawsuit alleging voter fraud claims not backed by law or evidence, a lawsuit that the court described as a “historic and profound abuse of the judicial process.”²⁸ In addition to imposing sanctions, the court referred Powell to disciplinary authorities in Texas “for investigation and possible suspension or disbarment.”²⁹

The disciplinary proceedings against Powell in Texas are ongoing.³⁰

Kenneth Chesebro

At least two complaints against Kenneth Chesebro were filed with New York’s Attorney Grievance Committee.³¹ One complaint, for example, alleges that Chesebro wrote the earliest known memorandum proposing to submit false slates of Trump-Pence electors.³² According to Chesebro and his collaborator at the time, John Eastman, this would allow the Vice President, in violation of the Electoral Count Act, to reject the legitimate electors and declare Trump to have been reelected. Chesebro’s conduct, the complaint alleges, violated New York Rules of Professional Conduct relating to dishonest conduct (Rule 8.4(c)) and conduct adversely reflecting on fitness to practice law (Rule 8.4(h)).

Boris Epshteyn

In May 2022, a bar complaint was filed against Boris Epshteyn with New York’s Attorney Grievance Committee, alleging that Epshteyn, as a part of President Trump’s legal team, made false claims regarding “evidence” of voter fraud and “lost” votes.³³ The complaint further alleges that, with Rudy Giuliani, Epshteyn called potential false electors in critical states and sought to persuade them to participate in the scheme to submit slates of false electors to Vice President Pence in his role as President of the Senate. Such conduct, the complaint alleges, violates New York Rules of Professional Conduct relating to candor to a tribunal (Rule 3.3(a)), other dishonest conduct (Rules 4.1 and 8.4(b) and (c)), assisting another attorney to violate the Rules of Professional Conduct (Rule 8.4(a)), and conduct adversely reflecting on fitness to practice law (Rule 8.4(h)).

²⁸ *King v. Whitmer*, 556 F. Supp. 3d 680, 688-89 (E.D. Mich. 2021).

²⁹ *Id.* at 735.

³⁰ See *Comm. for Lawyer Discipline v. Powell*, DC-22-02562 (District Court of Texas, 116th Judicial District, Dallas County, Oct. 11, 2022), https://courtsportal.dallascounty.org/DALLASPROD/DocumentViewer/Embedded/7ZMji4fUwTkpOeKRGGyh86sf84BA9bECNlpI9UPXzIIOXtvJOQqkag04WtNe1dQhUtqQpLuToG3GjXZwe_PMQ2?p=0.

³¹ See Lawyers Defending American Democracy, *Re: Professional Responsibility Investigation of Kenneth John Chesebro* (Oct. 12, 2022), <https://ldad.org/wp-content/uploads/2022/10/Ethics-Complaint-against-Kenneth-Chesebro.pdf> (alleging Chesebro’s conduct violated Rules 8.4(c) and (h)); see also The 65 Project, *Ethics Complaint Against Kenneth Chesebro* (July 20, 2022), [https://the65project.com/ethics-complaint-against-kenneth-chesebro/\(alleging-Chesebro’s-conduct-additionally-violated-Rules-3.1,1.2,-and-8.4\(a\)-and-\(b\)\)](https://the65project.com/ethics-complaint-against-kenneth-chesebro/(alleging-Chesebro’s-conduct-additionally-violated-Rules-3.1,1.2,-and-8.4(a)-and-(b))).

³² Lawyers Defending American Democracy, *Re: Professional Responsibility Investigation of Kenneth John Chesebro* (Oct. 12, 2022), <https://ldad.org/wp-content/uploads/2022/10/Ethics-Complaint-against-Kenneth-Chesebro.pdf>.

³³ The 65 Project, *Ethics Complaint Against Boris Epshteyn* (Mar. 7, 2022), <https://the65project.com/ethics-complaint-against-trump-attorney-boris-epshteyn/>.

Christina Bobb

As the Select Committee has already identified in its subpoena to Christina Bobb, there is credible evidence that Bobb promoted false claims that the November 2020 election was stolen and that she participated in attempts to deny or delay the certification of the results on January 6th.³⁴ She reportedly also helped in the efforts to draft an executive order for President Trump directing federal agencies to seize voting machines in several states.³⁵ We are not aware of any bar complaint against Bobb, though one or more may exist which have not been made public. Such conduct, if confirmed, may have violated multiple California Rules of Professional Conduct, such as rules concerning dishonest conduct (Rules 4.1 and 8.4(c)), assisting a client in unlawful conduct (Rule 1.2.1(a)), and competence (Rule 1.1). Bobb is licensed as an attorney in California.³⁶

Cleta Mitchell

At least one bar complaint has been filed against Cleta Mitchell with the District of Columbia's Office of Disciplinary Counsel.³⁷ The complaint alleges that Mitchell participated in President Trump's phone call with Georgia's Secretary of State, in which she and President Trump made false statements in an attempt to convince Secretary Raffensperger to "find" enough votes for Trump to win the state. This conduct, the complaint alleges, violated D.C. Rules of Professional Conduct concerning engaging in or assisting a client with criminal conduct (Rules 3.3(a) and 8.4(b)), dishonest conduct (Rules 4.1 and 8.4(c)), assisting another attorney to violate the Rules of Professional Conduct (Rule 8.4(a)), and threatening criminal charges to gain an advantage in a civil matter (Rule 8.4(g)).

In sum, the non-public information about the conduct of these attorneys that the Select Committee has gathered is likely to be relevant to ongoing and potential investigations by state bar disciplinary committees.

III. The Select Committee Has Inherent Authority to Refer Information to Disciplinary Authorities

The Select Committee has authority to refer attorney misconduct to the appropriate state bar authorities as an inherent element of its investigatory powers. There is substantial precedent of congressional committees, as part of their investigatory and oversight responsibilities, referring relevant findings and evidence to law enforcement or other disciplinary authorities. Recent examples include:

³⁴ Subpoena Request from the H. Select Comm. to Investigate the January 6th Attack on the U.S. Capitol to Christina Bobb (Mar. 1, 2022), https://january6th.house.gov/sites/democrats.january6th.house.gov/files/2022-3-1.BGT%20Letter%20to%20Bobb%20-%20Cover%20Letter%20and%20Schedule_Redacted.pdf.

³⁵ *Id.*

³⁶ State Bar of California, *Christina Gabrielle Bobb Attorney Profile*, <https://apps.calbar.ca.gov/attorney/Licensee/Detail/259430>.

³⁷ The 65 Project, *Ethics Complaint Against Cleta Mitchell* (Mar. 7, 2022), <https://the65project.com/ethics-complaint-against-trump-attorney-cleta-mitchell/>.

- Following an October 2021 majority staff report, Senate Judiciary Committee Chairman Richard Durbin (D-IL) submitted a formal complaint against attorney Jeffrey Clark to the District of Columbia Bar’s Office of Disciplinary Counsel based on the Judiciary Committee’s investigation into Clark’s role in President Trump’s alleged efforts to enlist the Department of Justice in an election subversion scheme.³⁸
- The House Ways and Means Committee referred an IRS employee to Attorney General Eric Holder in April 2014 to investigate possible criminal violations.³⁹
- The House Committee on Oversight and Reform referred alleged financial misconduct of a football team and its executives to the Federal Trade Commission in April 2022 to investigate potential legal violations.⁴⁰

In addition to committee referrals, members of Congress, in their individual capacities, have similarly urged both criminal and disciplinary investigations.⁴¹

As seen in these examples, congressional committees and their leaders have made criminal and disciplinary referrals when the underlying facts indicated potential violations of law or professional ethics rules. While certain committees, such as the Senate Permanent

³⁸ See Senate Judiciary Committee (@JudiciaryDems), Twitter (Oct. 7, 2021, 10:21 AM), <https://twitter.com/JudiciaryDems/status/1446118538763116545>; see also Majority Staff of S. Comm. on the Judiciary, 117th Cong., *Subverting Justice: How the Former President and His Allies Pressured DOJ to Overturn the 2020 Election* 47 (Comm. Print 2021).

<https://www.judiciary.senate.gov/imo/media/doc/Interim%20Staff%20Report%20FINAL.pdf>. Although the majority staff report stated that “the Committee is concurrently submitting a formal complaint to the District of Columbia Bar based on the findings of our report,” this committee referral was made by the majority members. *Id.*

³⁹ Press Release, House Comm. on Ways and Means, *Ways and Means Committee Refers Lois Lerner to Department of Justice for Criminal Prosecution* (Apr. 9, 2014), <https://gop-waysandmeans.house.gov/ways-and-means-committee-refers-lois-lerner-to-department-of-justice-for-criminal-prosecution/>.

⁴⁰ Letter from House Oversight Comm., 117th Congress, to Fed. Trade Comm’n (Apr. 12, 2022), <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2022-04-12.CBM%20RK%20to%20Khan-FTC%20re%20Washington%20Commanders.pdf>.

⁴¹ See, e.g., Press Release, Ted Lieu, Congressman, House of Representatives, *Reps Lieu and Jones Call for Giuliani to be Disbarred* (Jan. 9, 2021), <https://lieu.house.gov/media-center/press-releases/rep-lieu-and-jones-call-giuliani-be-disbarred> (calling for the New York State Bar Association to investigate an attorney for his role in January 6th); Press Release, Mazie Hirono, Senator, *United States Senate, Hirono, 11 Senators Call for DOJ Inspector General and Office of Professional Responsibility to Investigate Attorney General Barr’s Handling of the Mueller Report* (Apr. 30, 2019), <https://www.hirono.senate.gov/news/press-releases/hirono-11-senators-call-for-doj-inspector-general-and-office-of-professional-responsibility-to-investigate-attorney-general-barrs-handling-of-the-mueller-report> (calling for the Department of Justice’s Inspector General and Office of Professional Responsibility to investigate the Attorney General’s handling of the Mueller report); Rep. Ron DeSantis et al., *Letter to Attorney General Jeff Sessions* (Apr. 18, 2018), available at https://web.archive.org/web/20180418153843/https://desantis.house.gov/cache/files/8/0/8002ca75-52fc-4995-b87e-43584da268db/472EBC7D8F55C0F9E830D37CF96376A2_final-criminal-referral.pdf (calling for the Justice Department to investigate several current and former federal officials and employees).

Subcommittee on Investigations⁴² and the House and Senate ethics committees,⁴³ make referrals and conduct oversight under a comprehensive set of rules, other committees exercise that authority through means established by general committee practice and precedent. The Select Committee has been exercising its inherent authority to refer relevant information to investigative authorities by sharing evidence with the Department of Justice⁴⁴ and by determining whether to make criminal or civil referrals.⁴⁵

Furthermore, exercising that authority to refer information potentially evidencing attorney misconduct to state bars aligns with the Select Committee's mission. One of the purposes of the Select Committee, as described in the resolution creating it, is to "investigate and report upon the facts, circumstances, and causes" relating both to the January 6th attack on the Capitol and to "the interference with the peaceful transfer of power."⁴⁶ The Select Committee's reporting in its public hearings on the role attorneys played in subverting the peaceful transfer of power have been consistent with that mission.⁴⁷ So too would referring information to state disciplinary authorities.

Indeed, some of the most high-profile instances of state bars holding attorneys accountable resulted from federal investigations. President Clinton's Arkansas law license was suspended for five years as a part of an agreement with Robert Ray, the Whitewater independent counsel, in exchange for Ray's promise not to prosecute President Clinton when he left office.⁴⁸ A New York court disbarred President Nixon following the Watergate scandal, with the charges brought by the Association of the Bar of the City of New York resembling the language of the Articles of Impeachment drafted by the House Judiciary Committee two years prior to President

⁴² S. PRT. NO. 117-8, at 18-19 (2021) (authorizing the chair and ranking member to report by letter a suspected violation of law to proper state, local and/or federal authorities).

⁴³ See House Rule XI(3)(a)(3) ("The committee may report to the appropriate Federal or State authorities, either with the approval of the House or by an affirmative vote of two-thirds of the members of the committee, any substantial evidence of a violation by a Member, Delegate, Resident Commissioner, officer, or employee of the House, of a law applicable to the performance of the duties or the discharge of the responsibilities of such individual that may have been disclosed in a committee investigation."); see also S. Res. 338, 88th Cong. Subpart A, § 2(a)(6) (1964) ("It shall be the duty of the Select Committee to...by a majority vote of the full committee, report violations of any law, including the provision of false information to the Select Committee, to the proper Federal and State authorities."). The comprehensive nature of the ethics committees' respective due process schemes likely reflects the committees' interest in regulating the misconduct of its own congressional members.

⁴⁴ Kyle Cheney & Nicholas Wu, *Jan. 6 Panel Weighs New DOJ Cooperation after Trump World Subpoenas*, POLITICO (Sept. 13, 2022), <https://www.politico.com/news/2022/09/13/jan-6-panel-testimony-transcripts-justice-department-00056459>.

⁴⁵ Hugo Lowell, *January 6 Subcommittee to Examine Criminal Referrals it Might Make to DoJ*, THE GUARDIAN (Nov. 17, 2022), <https://www.theguardian.com/us-news/2022/nov/17/january-6-subcommittee-capitol-attack-criminal-referrals>.

⁴⁶ See H.R. Res. 503, 117th Cong. § 3(1).

⁴⁷ See, e.g., *Here's Every Word of the Third Jan. 6 Committee Hearing on its Investigation*, NPR (June 16, 2022), <https://www.npr.org/2022/06/16/1105683634/transcript-jan-6-committee> (concerning, among other things, John Eastman's assistance to President Trump in efforts to pressure Vice President Pence to violate his statutory and constitutional duties by not counting electoral votes on January 6).

⁴⁸ John F. Harris & Bill Miller, *In a Deal, Clinton Avoids Indictment*, Wash. Post (Jan. 20, 2021), <https://www.washingtonpost.com/archive/politics/2001/01/20/in-a-deal-clinton-avoids-indictment/bb80cc4c-e72c-40c1-bb72-55b2b81c3065/>.

Nixon's disbarment.⁴⁹ As the Select Committee pursues its mission of reporting on facts relating to interference with the peaceful transfer of power, bar referrals—as with criminal and civil referrals—can play a valuable role in holding attorneys accountable if they violated professional ethics rules.

IV. The Select Committee Has Several Available Options for Transmitting Bar Referrals or Information

Should it decide to do so, the Select Committee has several options for transmitting referrals or information to state bar disciplinary authorities. What follows is some discussion of relevant considerations, including whether to include information concerning potential attorney misconduct in the Select Committee's final report or transmit it directly to state bars, how much analysis the Select Committee provides in addition to the underlying evidence, and whether the Select Committee formally requests that particular disciplinary authorities open investigations.

Certainly, the Select Committee could, as it may already be planning to do, include evidence and analysis of potential attorney misconduct in its final report.⁵⁰ In addition, the Select Committee could transmit its evidence and analysis directly to the disciplinary authorities where the relevant attorneys are licensed. This could take the form of a complaint against the attorney, or the Select Committee could share evidence for the disciplinary authority to consider in an ongoing investigation or to prompt a new investigation. Transmitting information directly to disciplinary authorities may be more likely to prompt disciplinary authorities to avail themselves of the relevant evidence and take action.

As the Select Committee is well aware, regardless of whether evidence concerning attorney misconduct is included in a final report or sent directly to disciplinary authorities, the Select Committee has options as to the extent of the analysis accompanying the evidence. On one end of the spectrum, the Select Committee could simply make its evidence concerning attorney misconduct available to relevant disciplinary authorities, which would be valuable. But given the voluminous evidence collected by the Select Committee, and the limited bandwidth of some state disciplinary authorities, those disciplinary authorities might also benefit from analysis that flags and puts into context the most important evidence concerning each attorney. If the Committee is considering that route, that analysis could be modeled after the Watergate Road Map, which detailed nearly every instance of wrongdoing, along with the supporting evidence, that the Watergate investigation uncovered.⁵¹

Lastly, the Select Committee can augment any of these options by specifically recommending, based on its analysis, that a disciplinary authority investigate the potential

⁴⁹ Tom Goldstein, *New York Court Disbars Nixon for Watergate Acts*, N.Y. Times (July 9, 1976), <https://www.nytimes.com/1976/07/09/archives/new-york-court-disbars-nixon-for-watergate-acts-nixon-disbarred-by.html>.

⁵⁰ See H.R. Res. 503 § 4(a)(3) (authorizing the Committee to issue a final report to the House containing the findings and recommendations of the Committee's investigation).

⁵¹ See Watergate Road Map, National Archives, <https://www.archives.gov/research/investigations/watergate/roadmap>; see also Norman Eisen et al., *The Jan. 6 Hearings Are Over. These 3 Things Must Happen Now.*, N.Y. Times (Oct. 14, 2022), <https://www.nytimes.com/2022/10/14/opinion/january-6-committee-trump.html>.

misconduct at issue. Given the stature of the Select Committee and its familiarity with the relevant evidence, such recommendations may carry great weight with the state bars.

V. Conclusion

It is clear from the work of the Select Committee and others that attorneys, using their law licenses, played a central role in efforts to discredit and overturn the 2020 presidential election. Evidence from the Select Committee’s investigation has shed light on how Eastman and other attorneys attempted, in violation of their ethical duties, to use our legal system to subvert our elections and the rule of law. As Vice Chair Cheney stated in the Select Committee’s first hearing, if “Dr. Eastman and President Trump’s plan had worked, it would have permanently ended the peaceful transition of power, undermining American democracy and the Constitution.”⁵²

In addition to any appropriate criminal referrals, the Select Committee should consider making available to state bar disciplinary authorities the evidence it has gathered about the actions of attorneys discussed in this letter: Jeffrey Clark, John Eastman, Rudolph Giuliani, Jenna Ellis, Sidney Powell, Kenneth Chesebro, Boris Epshteyn, Christina Bobb, and Cleta Mitchell. Lawyers, particularly those who represent elected and appointed officials, have a solemn duty to the public to advise their clients within the four corners of the law, and to ensure that they do not allow themselves to become the tools by which those officials seek to undermine democratic governance. We have no doubt that the information that the Select Committee has will greatly assist state bar disciplinary authorities in protecting the rule of law by holding accountable those who are sworn to defend it.

Very truly yours,

STATES UNITED DEMOCRACY CENTER

Colin McDonell, Counsel
Aaron Scherzer, Senior Counsel
Christine P. Sun, SVP, Legal

⁵² *Here's Every Word of the First Jan. 6 Committee Hearing on its Investigation*, NPR (June 10, 2022), <https://www.npr.org/2022/06/10/1104156949/jan-6-committee-hearing-transcript>.

EXHIBIT

M

Form 990

Return of Organization Exempt From Income Tax

OMB No. 1545-0047

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except private foundations)

Do not enter social security numbers on this form as it may be made public.

Go to www.irs.gov/Form990 for instructions and the latest information.

2023

Open to Public Inspection

Department of the Treasury Internal Revenue Service

A For the 2023 calendar year, or tax year beginning 01-01-2023, and ending 12-31-2023

- B Check if applicable: Address change, Name change, Initial return, Final return/terminated, Amended return, Application pending

C Name of organization: PROGRESSIVE STATE LEADERS COMMITTEE INC. Doing business as: Number and street (or P.O. box if mail is not delivered to street address): 1350 I STREET NW 300. Room/suite: City or town, state or province, country, and ZIP or foreign postal code: WASHINGTON, DC 20005

D Employer identification number: 05-0623909. E Telephone number: (202) 470-3162. G Gross receipts \$ 1,150,187

F Name and address of principal officer: SEAN RANKIN, 1350 I STREET NW 300, WASHINGTON, DC 20005

H(a) Is this a group return for subordinates? Yes No. H(b) Are all subordinates included? Yes No. H(c) Group exemption number

I Tax-exempt status: 501(c)(3), 501(c)(4) (insert no.), 4947(a)(1) or 527

J Website: N/A

K Form of organization: Corporation, Trust, Association, Other

L Year of formation: 2005

M State of legal domicile: DC

Part I Summary

Table with 3 main sections: Activities & Governance, Revenue, and Expenses. Includes rows for mission, voting members, revenue, and expenses with columns for Prior Year and Current Year.

Part II Signature Block

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Sign Here	Signature of officer JONATHAN SCLARSIC COO/GENERAL COUNSEL			Date 2024-11-15	
	Type or print name and title				
Paid Preparer Use Only	Print/Type preparer's name	Preparer's signature	Date	Check <input type="checkbox"/> if self-employed	PTIN P00397829
	Firm's name GELMAN ROSENBERG & FREEDMAN			Firm's EIN 52-1392008	
	Firm's address 4550 MONTGOMERY AVE SUITE 800N BETHESDA, MD 208142930			Phone no. (301) 951-9090	

May the IRS discuss this return with the preparer shown above? See Instructions. Yes No

For Paperwork Reduction Act Notice, see the separate instructions. Cat. No. 11282Y Form **990** (2023)

Part III **Statement of Program Service Accomplishments**

Check if Schedule O contains a response or note to any line in this Part III

1 Briefly describe the organization's mission:

THE CORPORATION IS ORGANIZED TO DEVELOP, ADVOCATE FOR, OR ASSIST WITH THE IMPLEMENTATION OF INNOVATIVE AND PROGRESSIVE PUBLIC POLICIES IN AREAS RELATED TO THE INFLUENCE, WORK, OR VARIED POWERS OF STATE ATTORNEYS GENERAL.

2 Did the organization undertake any significant program services during the year which were not listed on the prior Form 990 or 990-EZ? Yes No

If "Yes," describe these new services on Schedule O.

3 Did the organization cease conducting, or make significant changes in how it conducts, any program services? Yes No

If "Yes," describe these changes on Schedule O.

4 Describe the organization's program service accomplishments for each of its three largest program services, as measured by expenses. Section 501(c)(3) and 501(c)(4) organizations are required to report the amount of grants and allocations to others, the total expenses, and revenue, if any, for each program service reported.

4a (Code:) (Expenses \$ **1,295,470** including grants of \$) (Revenue \$)
 OTHER POLICY INITIATIVES: PROGRESSIVE STATE LEADERS COMMITTEE CONDUCTED 4 POLICY CONFERENCES THAT COVERED TOPICS INCLUDING HEALTHCARE ACCESSIBILITY, HOUSING CRISIS, ARTIFICIAL INTELLIGENCE, AND PUBLIC SAFETY. PSLC SPONSORED AN OUTREACH PROGRAM WITH THE PENNSYLVANIA ATTORNEY GENERAL'S OFFICE TO EXPLAIN SERVICES TO CONSTITUENTS. PSLC ALSO MAINTAINED AND ESTABLISHED NEW POLICY WORKING GROUPS.

4b (Code:) (Expenses \$ **34,905** including grants of \$) (Revenue \$)
 PSLC CONDUCTED AN ELECTION PROTECTION SIMULATION WITH STRATEGIC PARTNERS AND INTERESTED PARTIES.

4c (Code:) (Expenses \$ including grants of \$) (Revenue \$)

4d Other program services (Describe in Schedule O.)
 (Expenses \$ including grants of \$) (Revenue \$)

4e Total program service expenses **1,330,375**

Part IV **Checklist of Required Schedules**

	Yes	No
1 Is the organization described in section 501(c)(3) or 4947(a)(1) (other than a private foundation)? <i>If "Yes," complete Schedule A</i>		No
2 Is the organization required to complete Schedule B, Schedule of Contributors? See instructions	Yes	

Is the organization required to complete Schedule D, Schedule of Contributors? See instructions.		
3	Did the organization engage in direct or indirect political campaign activities on behalf of or in opposition to candidates for public office? If "Yes," complete Schedule C, Part I	Yes
4	Section 501(c)(3) organizations. Did the organization engage in lobbying activities, or have a section 501(h) election in effect during the tax year? If "Yes," complete Schedule C, Part II	
5	Is the organization a section 501(c)(4), 501(c)(5), or 501(c)(6) organization that receives membership dues, assessments, or similar amounts as defined in Rev. Proc. 98-19? If "Yes," complete Schedule C, Part III	No
6	Did the organization maintain any donor advised funds or any similar funds or accounts for which donors have the right to provide advice on the distribution or investment of amounts in such funds or accounts? If "Yes," complete Schedule D, Part I	No
7	Did the organization receive or hold a conservation easement, including easements to preserve open space, the environment, historic land areas, or historic structures? If "Yes," complete Schedule D, Part II	No
8	Did the organization maintain collections of works of art, historical treasures, or other similar assets? If "Yes," complete Schedule D, Part III	No
9	Did the organization report an amount in Part X, line 21 for escrow or custodial account liability; serve as a custodian for amounts not listed in Part X; or provide credit counseling, debt management, credit repair, or debt negotiation services? If "Yes," complete Schedule D, Part IV	No
10	Did the organization, directly or through a related organization, hold assets in temporarily restricted endowments, permanent endowments, or quasi endowments? If "Yes," complete Schedule D, Part V	No
11	If the organization's answer to any of the following questions is "Yes," then complete Schedule D, Parts VI, VII, VIII, IX, or X, as applicable.	
11a	Did the organization report an amount for land, buildings, and equipment in Part X, line 10? If "Yes," complete Schedule D, Part VI	No
11b	Did the organization report an amount for investments—other securities in Part X, line 12 that is 5% or more of its total assets reported in Part X, line 16? If "Yes," complete Schedule D, Part VII	No
11c	Did the organization report an amount for investments—program related in Part X, line 13 that is 5% or more of its total assets reported in Part X, line 16? If "Yes," complete Schedule D, Part VIII	No
11d	Did the organization report an amount for other assets in Part X, line 15 that is 5% or more of its total assets reported in Part X, line 16? If "Yes," complete Schedule D, Part IX	No
11e	Did the organization report an amount for other liabilities in Part X, line 25? If "Yes," complete Schedule D, Part X	No
11f	Did the organization's separate or consolidated financial statements for the tax year include a footnote that addresses the organization's liability for uncertain tax positions under FIN 48 (ASC 740)? If "Yes," complete Schedule D, Part X	No
12a	Did the organization obtain separate, independent audited financial statements for the tax year? If "Yes," complete Schedule D, Parts XI and XII	Yes
12b	Was the organization included in consolidated, independent audited financial statements for the tax year? If "Yes," and if the organization answered "No" to line 12a, then completing Schedule D, Parts XI and XII is optional	No
13	Is the organization a school described in section 170(b)(1)(A)(ii)? If "Yes," complete Schedule E	No
14a	Did the organization maintain an office, employees, or agents outside of the United States?	No
14b	Did the organization have aggregate revenues or expenses of more than \$10,000 from grantmaking, fundraising, business, investment, and program service activities outside the United States, or aggregate foreign investments valued at \$100,000 or more? If "Yes," complete Schedule F, Parts I and IV	No
15	Did the organization report on Part IX, column (A), line 3, more than \$5,000 of grants or other assistance to or for any foreign organization? If "Yes," complete Schedule F, Parts II and IV	No
16	Did the organization report on Part IX, column (A), line 3, more than \$5,000 of aggregate grants or other assistance to or for foreign individuals? If "Yes," complete Schedule F, Parts III and IV	No
17	Did the organization report a total of more than \$15,000 of expenses for professional fundraising services on Part IX, column (A), lines 6 and 11e? If "Yes," complete Schedule G, Part I. See instructions.	No
18	Did the organization report more than \$15,000 total of fundraising event gross income and contributions on Part VIII, lines 1c and 8a? If "Yes," complete Schedule G, Part II	No
19	Did the organization report more than \$15,000 of gross income from gaming activities on Part VIII, line 9a? If "Yes," complete Schedule G, Part III	No
20a	Did the organization operate one or more hospital facilities? If "Yes," complete Schedule H	No
20b	If "Yes" to line 20a, did the organization attach a copy of its audited financial statements to this return?	
21	Did the organization report more than \$5,000 of grants or other assistance to any domestic organization or domestic government on Part IX, column (A), line 1? If "Yes," complete Schedule I, Parts I and II	No

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Part IV Checklist of Required Schedules (continued)

	Yes	No
22 Did the organization report more than \$5,000 of grants or other assistance to or for domestic individuals on Part IX, column (A), line 2? If "Yes," complete Schedule I, Parts I and III		No

<p>23 Did the organization answer "Yes" to Part VII, Section A, line 3, 4, or 5, about compensation of the organization's current and former officers, directors, trustees, key employees, and highest compensated employees? <i>If "Yes," complete Schedule J</i></p>		23	No
<p>24a Did the organization have a tax-exempt bond issue with an outstanding principal amount of more than \$100,000 as of the last day of the year, that was issued after December 31, 2002? <i>If "Yes," answer lines 24b through 24d and complete Schedule K. If "No," go to line 25a</i></p>		24a	No
<p>b Did the organization invest any proceeds of tax-exempt bonds beyond a temporary period exception?</p>		24b	
<p>c Did the organization maintain an escrow account other than a refunding escrow at any time during the year to defease any tax-exempt bonds?</p>		24c	
<p>d Did the organization act as an "on behalf of" issuer for bonds outstanding at any time during the year?</p>		24d	
<p>25a Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations. Did the organization engage in an excess benefit transaction with a disqualified person during the year? <i>If "Yes," complete Schedule L, Part I</i></p>		25a	No
<p>b Is the organization aware that it engaged in an excess benefit transaction with a disqualified person in a prior year, and that the transaction has not been reported on any of the organization's prior Forms 990 or 990-EZ? <i>If "Yes," complete Schedule L, Part I</i></p>		25b	No
<p>26 Did the organization report any amount on Part X, line 5 or 22 for receivables from or payables to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons? <i>If "Yes," complete Schedule L, Part II</i></p>		26	No
<p>27 Did the organization provide a grant or other assistance to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or employee thereof, a grant selection committee member, or to a 35% controlled entity (including an employee thereof) or family member of any of these persons? <i>If "Yes," complete Schedule L, Part III</i></p>		27	No
<p>28 Was the organization a party to a business transaction with one of the following parties (see the Schedule L, Part IV instructions for applicable filing thresholds, conditions, and exceptions):</p>			
<p>a A current or former officer, director, trustee, key employee, creator or founder, or substantial contributor? <i>If "Yes," complete Schedule L, Part IV</i></p>		28a	No
<p>b A family member of any individual described in line 28a? <i>If "Yes," complete Schedule L, Part IV</i></p>		28b	No
<p>c A 35% controlled entity of one or more individuals and/or organizations described in line 28a or 28b? <i>If "Yes," complete Schedule L, Part IV</i></p>		28c	No
<p>29 Did the organization receive more than \$25,000 in non-cash contributions? <i>If "Yes," complete Schedule M</i></p>		29	No
<p>30 Did the organization receive contributions of art, historical treasures, or other similar assets, or qualified conservation contributions? <i>If "Yes," complete Schedule M</i></p>		30	No
<p>31 Did the organization liquidate, terminate, or dissolve and cease operations? <i>If "Yes," complete Schedule N, Part I</i></p>		31	No
<p>32 Did the organization sell, exchange, dispose of, or transfer more than 25% of its net assets? <i>If "Yes," complete Schedule N, Part II</i></p>		32	No
<p>33 Did the organization own 100% of an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? <i>If "Yes," complete Schedule R, Part I</i></p>		33	No
<p>34 Was the organization related to any tax-exempt or taxable entity? <i>If "Yes," complete Schedule R, Part II, III, or IV, and Part V, line 1</i></p>		34	No
<p>35a Did the organization have a controlled entity within the meaning of section 512(b)(13)?</p>		35a	No
<p>b If 'Yes' to line 35a, did the organization receive any payment from or engage in any transaction with a controlled entity within the meaning of section 512(b)(13)? <i>If "Yes," complete Schedule R, Part V, line 2</i></p>		35b	
<p>36 Section 501(c)(3) organizations. Did the organization make any transfers to an exempt non-charitable related organization? <i>If "Yes," complete Schedule R, Part V, line 2</i></p>		36	
<p>37 Did the organization conduct more than 5% of its activities through an entity that is not a related organization and that is treated as a partnership for federal income tax purposes? <i>If "Yes," complete Schedule R, Part VI</i></p>		37	No
<p>38 Did the organization complete Schedule O and provide explanations on Schedule O for Part VI, lines 11b and 19? Note. All Form 990 filers are required to complete Schedule O.</p>		38	Yes

Part V **Statements Regarding Other IRS Filings and Tax Compliance**

Check if Schedule O contains a response or note to any line in this Part V

		Yes	No
1a	Enter the number reported in box 3 of Form 1096. Enter -0- if not applicable		
1b	Enter the number of Forms W-2G included on line 1a. Enter -0- if not applicable		
1c	Did the organization comply with backup withholding rules for reportable payments to vendors and reportable gaming (gambling) winnings to prize winners?	Yes	

Form 990 (2023)

Part V **Statements Regarding Other IRS Filings and Tax Compliance (continued)**

2a Enter the number of employees reported on Form W-2, Transmittal of Wage and Tax Statements, filed for the calendar year ending with or within the year covered by this return	2a <input type="text" value="0"/>		
b If at least one is reported on line 2a, did the organization file all required federal employment tax returns?			2b
3a Did the organization have unrelated business gross income of \$1,000 or more during the year?			3a No
b If "Yes," has it filed a Form 990-T for this year? If "No" to line 3b, provide an explanation in Schedule O			3b
4a At any time during the calendar year, did the organization have an interest in, or a signature or other authority over, a financial account in a foreign country (such as a bank account, securities account, or other financial account)?			4a No
b If "Yes," enter the name of the foreign country: _____ See instructions for filing requirements for FinCEN Form 114, Report of Foreign Bank and Financial Accounts (FBAR).			
5a Was the organization a party to a prohibited tax shelter transaction at any time during the tax year?			5a No
b Did any taxable party notify the organization that it was or is a party to a prohibited tax shelter transaction?			5b No
c If "Yes," to line 5a or 5b, did the organization file Form 8886-T?			5c
6a Does the organization have annual gross receipts that are normally greater than \$100,000, and did the organization solicit any contributions that were not tax deductible as charitable contributions?			6a Yes
b If "Yes," did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible?			6b Yes
7 Organizations that may receive deductible contributions under section 170(c).			
a Did the organization receive a payment in excess of \$75 made partly as a contribution and partly for goods and services provided to the payor?			7a
b If "Yes," did the organization notify the donor of the value of the goods or services provided?			7b
c Did the organization sell, exchange, or otherwise dispose of tangible personal property for which it was required to file Form 8282?			7c
d If "Yes," indicate the number of Forms 8282 filed during the year	7d <input type="text"/>		
e Did the organization receive any funds, directly or indirectly, to pay premiums on a personal benefit contract?			7e
f Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract?			7f
g If the organization received a contribution of qualified intellectual property, did the organization file Form 8899 as required?			7g
h If the organization received a contribution of cars, boats, airplanes, or other vehicles, did the organization file a Form 1098-C?			7h
8 Sponsoring organizations maintaining donor advised funds. Did a donor advised fund maintained by the sponsoring organization have excess business holdings at any time during the year?			8
9 Sponsoring organizations maintaining donor advised funds.			
a Did the sponsoring organization make any taxable distributions under section 4966?			9a
b Did the sponsoring organization make a distribution to a donor, donor advisor, or related person?			9b
10 Section 501(c)(7) organizations. Enter:			
a Initiation fees and capital contributions included on Part VIII, line 12	10a		
b Gross receipts, included on Form 990, Part VIII, line 12, for public use of club facilities	10b		
11 Section 501(c)(12) organizations. Enter:			
a Gross income from members or shareholders	11a		
b Gross income from other sources. (Do not net amounts due or paid to other sources against amounts due or received from them.)	11b		
12a Section 4947(a)(1) non-exempt charitable trusts. Is the organization filing Form 990 in lieu of Form 1041?			
b If "Yes," enter the amount of tax-exempt interest received or accrued during the year.	12b		
13 Section 501(c)(29) qualified nonprofit health insurance issuers.			
a Is the organization licensed to issue qualified health plans in more than one state? Note. See the instructions for additional information the organization must report on Schedule O.			13a
b Enter the amount of reserves the organization is required to maintain by the states in which the organization is licensed to issue qualified health plans	13b		
c Enter the amount of reserves on hand	13c		
14a Did the organization receive any payments for indoor tanning services during the tax year?			14a No
b If "Yes," has it filed a Form 720 to report these payments? If "No," provide an explanation in Schedule O			14b
15 Is the organization subject to the section 4960 tax on payment(s) of more than \$1,000,000 in remuneration or excess parachute payment(s) during the year? If "Yes," see the instructions and file Form 4720, Schedule N.			15 No
16 Is the organization an educational institution subject to the section 4968 excise tax on net investment income? If "Yes," complete Form 4720, Schedule O.			16 No
17 Section 501(c)(21) organizations. Did the trust, or any disqualified or other person engage in any activities that would result in the imposition of an excise tax under section 4951, 4952, or 4953? If "Yes," complete Form 6069.			17

Part VI Governance, Management, and Disclosure. For each "Yes" response to lines 2 through 7b below, and for a "No" response to lines 8a, 8b, or 10b below, describe the circumstances, processes, or changes in Schedule O. See instructions. Check if Schedule O contains a response or note to any line in this Part VI



Section A. Governing Body and Management

Table with 5 columns: Question ID, Question Text, Answer, Yes, No. Rows include 1a, 1b, 2, 3, 4, 5, 6, 7a, 7b, 8a, 8b, 9.

Section B. Policies (This Section B requests information about policies not required by the Internal Revenue Code.)

Table with 5 columns: Question ID, Question Text, Answer, Yes, No. Rows include 10a, 10b, 11a, 11b, 12a, 12b, 12c, 13, 14, 15a, 15b, 16a, 16b.

Section C. Disclosure

- 17 List the states with which a copy of this Form 990 is required to be filed. CA, CT, FL, IL, MD, ME, MN, NC, NJ, NY, OR, PA, RI, SC, VA, WA, WI
18 Section 6104 requires an organization to make its Form 1023 (1024 or 1024-A, if applicable), 990, and 990-T (section 501(c)(3)s only) available for public inspection. Indicate how you made these available. Check all that apply.
19 Describe in Schedule O whether (and if so, how) the organization made its governing documents conflict of interest

Describe in Schedule O whether (and if so, how) the organization made its governing documents, conflict of interest policy, and financial statements available to the public during the tax year.

20 State the name, address, and telephone number of the person who possesses the organization's books and records:
 HUBERT PITROIPA 1350 I ST NW SUITE 300 WASHINGTON, DC 20005 (202) 470-3162

Part VII **Compensation of Officers, Directors, Trustees, Key Employees, Highest Compensated Employees, and Independent Contractors**

Check if Schedule O contains a response or note to any line in this Part VII

Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees

1a Complete this table for all persons required to be listed. Report compensation for the calendar year ending with or within the organization's tax year.

- List all of the organization's **current** officers, directors, trustees (whether individuals or organizations), regardless of amount of compensation. Enter -0- in columns (D), (E), and (F) if no compensation was paid.
- List all of the organization's **current** key employees, if any. See the instructions for definition of "key employee."
- List the organization's five **current** highest compensated employees (other than an officer, director, trustee or key employee) who received reportable compensation (box 5 of Form W-2, box 6 of Form 1099-MISC, and/or box 1 of Form 1099-NEC) of more than \$100,000 from the organization and any related organizations.
- List all of the organization's **former** officers, key employees, or highest compensated employees who received more than \$100,000 of reportable compensation from the organization and any related organizations.
- List all of the organization's **former directors or trustees** that received, in the capacity as a former director or trustee of the organization, more than \$10,000 of reportable compensation from the organization and any related organizations.

See the instructions for the order in which to list the persons above.

Check this box if neither the organization nor any related organization compensated any current officer, director, or trustee.

(A) Name and title	(B) Average hours per week (list any hours for related organizations below dotted line)	(C) Position (do not check more than one box, unless person is both an officer and a director/trustee)						(D) Reportable compensation from the organization (W-2/1099-MISC/1099-NEC)	(E) Reportable compensation from related organizations (W-2/1099-MISC/1099-NEC)	(F) Estimated amount of other compensation from the organization and related organizations
		Individual trustee or director	Institutional Trustee	Officer	Key employee	Highest compensated employee	Former			
(1) SEAN RANKIN PRESIDENT (SEE SCHEDULE O)	5.00	X		X				0	0	0
(2) RACHEL SUSSMAN DIRECTOR	1.00	X						0	0	0
(3) A'SHANTI GHOLAR DIRECTOR	1.00	X						0	0	0
(4) HUBERT PITROIPA TREASURER	1.00			X				0	0	0
(5) JONATHAN SCLARSIC COO / GENERAL COUNSEL (SEE SCH. O)	2.00			X				0	0	0
(6) MICHELLE ORTIZ EXECUTIVE DIRECTOR (SEE SCHEDULE O)	2.00			X				0	0	0

Part VII Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees (continued)

Table with 6 main columns: (A) Name and title, (B) Average hours per week, (C) Position (Individual trustee or director, Institutional Trustee, Officer, Key employee, Highest compensated employee, Former), (D) Reportable compensation from the organization, (E) Reportable compensation from related organizations, (F) Estimated amount of other compensation.

2 Total number of individuals (including but not limited to those listed above) who received more than \$100,000 of reportable compensation from the organization 0

Table with 3 columns: Question number, Question text, Yes/No columns. Contains questions 3, 4, and 5 regarding compensation reporting.

Section B. Independent Contractors

1 Complete this table for your five highest compensated independent contractors that received more than \$100,000 of compensation from the organization. Report compensation for the calendar year ending with or within the organization's tax year.

Table with 3 columns: (A) Name and business address, (B) Description of services, (C) Compensation. Row 1: CIVITECH PBC, TEXTING PROGRAM, 262,924.

SAN ANTONIO, TX 78258

FAIRMONT SAN FRANCISCO

950 MASON STREET
SAN FRANCISCO, CA 94108

CATERING POLICY CONFERENCE

112,084

2 Total number of independent contractors (including but not limited to those listed above) who received more than \$100,000 of compensation from the organization 2

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Part VIII Statement of Revenue

Check if Schedule O contains a response or note to any line in this Part VIII

	(A) Total revenue	(B) Related or exempt function revenue	(C) Unrelated business revenue	(D) Revenue excluded from tax under sections 512 - 514
1a Federated campaigns				
1b Contributions, gifts, grants, and membership dues				
1c Other amounts from fundraising events				
1d Related organizations				
1e Government grants (contributions)				
1f All other contributions, gifts, grants, and similar amounts not included above	1,148,034			
1g Noncash contributions included in lines 1a - 1f:				
h Total. Add lines 1a-1f	1,148,034			

2a	Business Code			
f All other program service revenue.				
g Total. Add lines 2a-2f.				

3 Investment income (including dividends, interest, and other similar amounts)		898		898
4 Income from investment of tax-exempt bond proceeds				
5 Royalties				
6a Gross rents	(i) Real	(ii) Personal		
b Less: rental expenses				
c Rental income or (loss)				
d Net rental income or (loss)				

Other Revenue						
		(i) Securities	(ii) Other			
	7a Gross amount from sales of assets other than inventory	7a				
b Less: cost or other basis and sales expenses	7b					
c Gain or (loss)	7c					
d Net gain or (loss)						
a Gross income from fundraising events (not including \$ _____ of contributions reported on line 1c). See Part IV, line 18	8a					
b Less: direct expenses	8b					
c Net income or (loss) from fundraising events						
9a Gross income from gaming activities. See Part IV, line 19	9a					
b Less: direct expenses	9b					
c Net income or (loss) from gaming activities						
10a Gross sales of inventory, less returns and allowances	10a					
b Less: cost of goods sold	10b					
c Net income or (loss) from sales of inventory						
11a OTHER REVENUE	Business Code	900099	1,255			1,255
b						
c						
d All other revenue						
e Total. Add lines 11a-11d			1,255			
12 Total revenue. See instructions			1,150,187	0	0	2,153

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Part IX Statement of Functional Expenses				
Section 501(c)(3) and 501(c)(4) organizations must complete all columns. All other organizations must complete column (A).				
Check if Schedule O contains a response or note to any line in this Part IX <input type="checkbox"/>				
Do not include amounts reported on lines 6b, 7b, 8b, 9b, and 10b of Part VIII.	(A) Total expenses	(B) Program service expenses	(C) Management and general expenses	(D) Fundraising expenses
1 Grants and other assistance to domestic organizations and domestic governments. See Part IV, line 21				
2 Grants and other assistance to domestic individuals. See Part IV, line 22				
3 Grants and other assistance to foreign organizations, foreign governments, and foreign individuals. See Part IV, lines 15 and 16.				
4 Benefits paid to or for members				
5 Compensation of current officers, directors, trustees, and key employees	85,065	42,264	16,128	26,673
6 Compensation not included above, to disqualified persons (as defined under section 4958(f)(1)) and persons described in section 4958(c)(3)(B)				
7 Other salaries and wages	382,020	271,031	65,928	45,061
8 Pension plan accruals and contributions (include section				

401(k) and 403(b) employer contributions				
9 Other employee benefits	54,468	39,740	9,312	5,416
10 Payroll taxes	33,406	22,612	5,852	4,942
11 Fees for services (non-employees):				
a Management				
b Legal	42,925		42,925	
c Accounting	25,059		25,059	
d Lobbying				
e Professional fundraising services. See Part IV, line 17				
f Investment management fees				
g Other (If line 11g amount exceeds 10% of line 25, column (A) amount, list line 11g expenses on Schedule O)	123,297	77,923	374	45,000
12 Advertising and promotion				
13 Office expenses	46,084	26,986	14,095	5,003
14 Information technology	17,036	4,348	12,688	
15 Royalties				
16 Occupancy	90,648	61,306	15,908	13,434
17 Travel	95,193	94,769	176	248
18 Payments of travel or entertainment expenses for any federal, state, or local public officials				
19 Conferences, conventions, and meetings	686,281	686,281		
20 Interest				
21 Payments to affiliates				
22 Depreciation, depletion, and amortization				
23 Insurance	26,615	3,115	23,500	
24 Other expenses. Itemize expenses not covered above (List miscellaneous expenses in line 24e. If line 24e amount exceeds 10% of line 25, column (A) amount, list line 24e expenses on Schedule O.)				
a MERCHANT FEES	395		395	
b				
c				
d				
e All other expenses				
25 Total functional expenses. Add lines 1 through 24e	1,708,492	1,330,375	232,340	145,777
26 Joint costs. Complete this line only if the organization reported in column (B) joint costs from a combined educational campaign and fundraising solicitation. Check here <input type="checkbox"/> if following SOP 98-2 (ASC 958-720).				

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Part X **Balance Sheet**

Check if Schedule O contains a response or note to any line in this Part IX

	(A)		(B)	
	Beginning of year		End of year	
1 Cash—non-interest-bearing	609,398	1	150,064	
2 Savings and temporary cash investments		2		
3 Pledges and grants receivable, net		3		
4 Accounts receivable, net	137,196	4	64,559	
5 Loans and other receivables from any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons		5		
6 Loans and other receivables from other disqualified persons (as defined under section 4958(f)(1)), and persons described in section 4958(c)(3)(B)		6		
7 Notes and loans receivable, net		7		
8 Inventories for sale or use		8		
9 Prepaid expenses and deferred charges	111,696	9	68,785	

Assets

	10a Land, buildings, and equipment: cost or other basis. Complete Part VI of Schedule D	10a		
	b Less: accumulated depreciation	10b		10c
	11 Investments—publicly traded securities			11
	12 Investments—other securities. See Part IV, line 11			12
	13 Investments—program-related. See Part IV, line 11			13
	14 Intangible assets			14
	15 Other assets. See Part IV, line 11			15
	16 Total assets. Add lines 1 through 15 (must equal line 33)		858,290	16 283,408
Liabilities	17 Accounts payable and accrued expenses		407,588	17 391,011
	18 Grants payable			18
	19 Deferred revenue			19
	20 Tax-exempt bond liabilities			20
	21 Escrow or custodial account liability. Complete Part IV of Schedule D			21
	22 Loans and other payables to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons			22
	23 Secured mortgages and notes payable to unrelated third parties			23
	24 Unsecured notes and loans payable to unrelated third parties			24
	25 Other liabilities (including federal income tax, payables to related third parties, and other liabilities not included on lines 17 - 24). Complete Part X of Schedule D			25
	26 Total liabilities. Add lines 17 through 25		407,588	26 391,011
Net Assets or Fund Balances	Organizations that follow FASB ASC 958, check here <input checked="" type="checkbox"/> and complete lines 27, 28, 32, and 33.			
	27 Net assets without donor restrictions		350,702	27 -107,603
	28 Net assets with donor restrictions		100,000	28 0
	Organizations that do not follow FASB ASC 958, check here <input type="checkbox"/> and complete lines 29 through 33.			
	29 Capital stock or trust principal, or current funds			29
	30 Paid-in or capital surplus, or land, building or equipment fund			30
	31 Retained earnings, endowment, accumulated income, or other funds			31
	32 Total net assets or fund balances		450,702	32 -107,603
33 Total liabilities and net assets/fund balances		858,290	33 283,408	

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Part XI Reconciliation of Net Assets

Check if Schedule O contains a response or note to any line in this Part XI

1	Total revenue (must equal Part VIII, column (A), line 12)	1	1,150,187
2	Total expenses (must equal Part IX, column (A), line 25)	2	1,708,492
3	Revenue less expenses. Subtract line 2 from line 1	3	-558,305
4	Net assets or fund balances at beginning of year (must equal Part X, line 32, column (A))	4	450,702
5	Net unrealized gains (losses) on investments	5	
6	Donated services and use of facilities	6	
7	Investment expenses	7	
8	Prior period adjustments	8	
9	Other changes in net assets or fund balances (explain in Schedule O)	9	0
10	Net assets or fund balances at end of year. Combine lines 3 through 9 (must equal Part X, line 32, column (B))	10	-107,603

Part XII Financial Statements and Reporting

Check if Schedule O contains a response or note to any line in this Part XII

- 1** Accounting method used to prepare the Form 990: Cash Accrual Other _____
 If the organization changed its method of accounting from a prior year or checked "Other," explain on Schedule O.
- 2a** Were the organization's financial statements compiled or reviewed by an independent accountant?
 If 'Yes,' check a box below to indicate whether the financial statements for the year were compiled or reviewed on a

	Yes	No
2a		No

separate basis, consolidated basis, or both:

- Separate basis
- Consolidated basis
- Both consolidated and separate basis

b Were the organization's financial statements audited by an independent accountant?

If 'Yes,' check a box below to indicate whether the financial statements for the year were audited on a separate basis, consolidated basis, or both:

- Separate basis
- Consolidated basis
- Both consolidated and separate basis

c If "Yes," to line 2a or 2b, does the organization have a committee that assumes responsibility for oversight of the audit, review, or compilation of its financial statements and selection of an independent accountant?

If the organization changed either its oversight process or selection process during the tax year, explain in Schedule O.

3a As a result of a federal award, was the organization required to undergo an audit or audits as set forth in the Uniform Guidance, 2 C.F.R. Part 200, Subpart F?

b If "Yes," did the organization undergo the required audit or audits? If the organization did not undergo the required audit or audits, explain why in Schedule O and describe any steps taken to undergo such audits.

2b	Yes	
2c	Yes	
3a		No
3b		

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Additional Data

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Form 990, Special Condition Description:

Special Condition Description

efile Public Visual Render	ObjectID: 202443209349313279 - Submission: 2024-11-15	TIN: 05-0623909
Schedule B (Form 990) Department of the Treasury Internal Revenue Service	Schedule of Contributors Attach to Form 990, 990-EZ, or 990-PF. Go to www.irs.gov/Form990 for the latest information.	OMB No. 1545-0047 2023

Name of the organization PROGRESSIVE STATE LEADERS COMMITTEE INC	Employer identification number 05-0623909
---	--

Organization type (check one):

Filers of:

Section:

Form 990 or 990-EZ

- 501(c)() (enter number) organization
- 4947(a)(1) nonexempt charitable trust **not** treated as a private foundation
- 527 political organization

Form 990-PF

- 501(c)(3) exempt private foundation
- 4947(a)(1) nonexempt charitable trust treated as a private foundation
- 501(c)(3) taxable private foundation

Check if your organization is covered by the **General Rule** or a **Special Rule**.

Note: Only a section 501(c)(7), (8), or (10) organization can check boxes for both the General Rule and a Special Rule. See instructions.

General Rule

- For an organization filing Form 990, 990-EZ, or 990-PF that received, during the year, contributions totaling \$5,000 or more (in money or other property) from any one contributor. Complete Parts I and II. See instructions for determining a contributor's total contributions.

Special Rules

- For an organization described in section 501(c)(3) filing Form 990 or 990-EZ that met the 33¹/₃% support test of the regulations under sections 509(a)(1) and 170(b)(1)(A)(vi), that checked Schedule A (Form 990 or 990-EZ), Part II, line 13, 16a, or 16b, and that received from any one contributor, during the year, total contributions of the greater of (1) \$5,000 or (2) 2% of the amount on (i) Form 990, Part VIII, line 1h, or (ii) Form 990-EZ, line 1. Complete Parts I and II.
- For an organization described in section 501(c)(7), (8), or (10) filing Form 990 or 990-EZ that received from any one contributor, during the year, total contributions of more than \$1,000 *exclusively* for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals. Complete Parts I, II, and III.
- For an organization described in section 501(c)(7), (8), or (10) filing Form 990 or 990-EZ that received from any one contributor, during the year, contributions *exclusively* for religious, charitable, etc., purposes, but no such contributions totaled more than \$1,000. If this box is checked, enter here the total contributions that were received during the year for an *exclusively* religious, charitable, etc., purpose. Don't complete any of the parts unless the **General Rule** applies to this organization because it received *nonexclusively* religious, charitable, etc., contributions totaling \$5,000 or more during the year ▶ \$ _____

Caution: An organization that isn't covered by the General Rule and/or the Special Rules doesn't file Schedule B (Form 990, 990-EZ, or 990-PF), but it **must** answer "No" on Part IV, line 2, of its Form 990; or check the box on line H of its Form 990-EZ or on its Form 990PF, Part I, line 2, to certify that it doesn't meet the filing requirements of Schedule B (Form 990, 990-EZ, or 990-PF).

Part I

Contributors (see instructions). Use duplicate copies of Part I if additional space is needed.

(a) No.	(b) Name, address, and ZIP + 4	(c) Total contributions	(d) Type of contribution
RESTRICTED		\$ RESTRICTED	<input type="checkbox"/> Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash (Complete Part II for noncash contributions.)
-		\$	<input type="checkbox"/> Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash (Complete Part II for noncash contributions.)
-		\$	<input type="checkbox"/> Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash (Complete Part II for noncash contributions.)
-		\$	<input type="checkbox"/> Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash (Complete Part II for noncash contributions.)
-		\$	<input type="checkbox"/> Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash (Complete Part II for noncash contributions.)
-		\$	<input type="checkbox"/> Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash (Complete Part II for noncash contributions.)
-		\$	<input type="checkbox"/> Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash (Complete Part II for noncash contributions.)

Schedule B (Form 990) (2023)

Name of organization PROGRESSIVE STATE LEADERS COMMITTEE INC	Employer identification number 05-0623909
--	--

Part II **Noncash Property** (see instructions). Use duplicate copies of Part II if additional space is needed.

(a) No. from Part I	(b) Description of noncash property given	(c) FMV (or estimate) (See instructions)	(d) Date received
---------------------------	--	--	----------------------

-	_____	_____ \$	_____
(a) No. from Part I	(b) Description of noncash property given	(c) FMV (or estimate) (See instructions)	(d) Date received
-	_____	_____ \$	_____
(a) No. from Part I	(b) Description of noncash property given	(c) FMV (or estimate) (See instructions)	(d) Date received
-	_____	_____ \$	_____
(a) No. from Part I	(b) Description of noncash property given	(c) FMV (or estimate) (See instructions)	(d) Date received
-	_____	_____ \$	_____
(a) No. from Part I	(b) Description of noncash property given	(c) FMV (or estimate) (See instructions)	(d) Date received
-	_____	_____ \$	_____
(a) No. from Part I	(b) Description of noncash property given	(c) FMV (or estimate) (See instructions)	(d) Date received
-	_____	_____ \$	_____

Schedule B (Form 990) (2023)

Schedule B (Form 990) (2023)

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Name of organization PROGRESSIVE STATE LEADERS COMMITTEE INC	Employer identification number 05-0623909
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Part III Exclusively religious, charitable, etc., contributions to organizations described in section 501(c)(7), (8), or (10) that total more than \$1,000 for the year from any one contributor. Complete columns (a) through (e) and the following line entry. For organizations completing Part III, enter the total of exclusively religious, charitable, etc., contributions of \$1,000 or less for the year. (Enter this information once. See instructions.) ▶ \$ _____
 Use duplicate copies of Part III if additional space is needed.

(a) No. from Part I	(b) Purpose of gift	(c) Use of gift	(d) Description of how gift is held
-	_____	_____	_____
(e) Transfer of gift			
Transferee's name, address, and ZIP 4		Relationship of transferor to transferee	
_____		_____	
(a) No. from Part I	(b) Purpose of gift	(c) Use of gift	(d) Description of how gift is held
-	_____	_____	_____
(e) Transfer of gift			
Transferee's name, address, and ZIP 4		Relationship of transferor to transferee	
_____		_____	

(a) No. from Part I	(b) Purpose of gift	(c) Use of gift	(d) Description of how gift is held
---------------------------	---------------------	-----------------	-------------------------------------

(a) No. from Part I	(b) Purpose of gift	(c) Use of gift	(d) Description of how gift is held
-			
(e) Transfer of gift			
Transferee's name, address, and ZIP 4		Relationship of transferor to transferee	
(a) No. from Part I	(b) Purpose of gift	(c) Use of gift	(d) Description of how gift is held
-			
(e) Transfer of gift			
Transferee's name, address, and ZIP 4		Relationship of transferor to transferee	

Schedule B (Form 990) (2023)

Additional Data

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efile Public Visual Render	ObjectID: 202443209349313279 - Submission: 2024-11-15	TIN: 05-0623909
SCHEDULE C (Form 990) Department of the Treasury Internal Revenue Service	Political Campaign and Lobbying Activities For Organizations Exempt From Income Tax Under section 501(c) and section 527 ▶Complete if the organization is described below. ▶Attach to Form 990 or Form 990-EZ. ▶Go to www.irs.gov/Form990 for instructions and the latest information.	OMB No. 1545-0047 <div style="font-size: 2em; font-weight: bold; color: green;">2022</div> Open to Public Inspection

If the organization answered "Yes" on Form 990, Part IV, Line 3, or Form 990-EZ, Part V, line 46 (Political Campaign Activities), then

- Section 501(c)(3) organizations: Complete Parts I-A and B. Do not complete Part I-C.
- Section 501(c) (other than section 501(c)(3)) organizations: Complete Parts I-A and C below. Do not complete Part I-B.
- Section 527 organizations: Complete Part I-A only.

If the organization answered "Yes" on Form 990, Part IV, Line 4, or Form 990-EZ, Part VI, line 47 (Lobbying Activities), then

- Section 501(c)(3) organizations that have filed Form 5768 (election under section 501(h)): Complete Part II-A. Do not complete Part II-B.
- Section 501(c)(3) organizations that have NOT filed Form 5768 (election under section 501(h)): Complete Part II-B. Do not complete Part II-A.

If the organization answered "Yes" on Form 990, Part IV, Line 5 (Proxy Tax) (see separate instructions) or Form 990-EZ, Part V, line 35c (Proxy Tax) (see separate instructions), then

- Section 501(c)(4), (5), or (6) organizations: Complete Part III.

Name of the organization PROGRESSIVE STATE LEADERS COMMITTEE INC	Employer identification number 05-0623909
--	--

Part I-A Complete if the organization is exempt under section 501(c) or is a section 527 organization.

1	Provide a description of the organization's direct and indirect political campaign activities in Part IV. See instructions for definition of "political campaign activities."	
2	Political campaign activity expenditures. See instructions	\$ 156,808
3	Volunteer hours for political campaign activities. See instructions	0

Part I-B Complete if the organization is exempt under section 501(c)(3).

1	Enter the amount of any excise tax incurred by the organization under section 4955	\$
2	Enter the amount of any excise tax incurred by organization managers under section 4955	\$
3	If the organization incurred a section 4955 tax, did it file Form 4720 for this year?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4a	Was a correction made?	<input type="checkbox"/> Yes <input type="checkbox"/> No
b	If "Yes," describe in Part IV.	

Part I-C Complete if the organization is exempt under section 501(c), except section 501(c)(3).

1	Enter the amount directly expended by the filing organization for section 527 exempt function activities	\$ 156,808
2	Enter the amount of the filing organization's funds contributed to other organizations for section 527 exempt function activities	\$ 0
3	Total exempt function expenditures. Add lines 1 and 2. Enter here and on Form 1120-POL, line 17b.....	\$ 156,808
4	Did the filing organization file Form 1120-POL for this year?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
5	Enter the names, addresses and employer identification number (EIN) of all section 527 political organizations to which the filing organization made payments. For each organization listed, enter the amount paid from the filing organization's funds. Also enter the amount of political contributions received that were promptly and directly delivered to a separate political organization, such as a separate segregated fund or a political action committee (PAC). If additional space is needed, provide information in Part IV.	

(a) Name	(b) Address	(c) EIN	(d) Amount paid from filing organization's funds. If none, enter -0-.	(e) Amount of political contributions received and promptly and directly delivered to a separate political organization. If none, enter -0-.
1				
2				
3				
4				
5				
6				

Section 501(h)

A Check [] if the filing organization belongs to an affiliated group (and list in Part IV each affiliated group member's name, address, EIN, expenses, and share of excess lobbying expenditures).

B Check [] if the filing organization checked box A and "limited control" provisions apply.

Limits on Lobbying Expenditures (The term "expenditures" means amounts paid or incurred.)

- 1a Total lobbying expenditures to influence public opinion (grass roots lobbying)
1b Total lobbying expenditures to influence a legislative body (direct lobbying)
1c Total lobbying expenditures (add lines 1a and 1b)
1d Other exempt purpose expenditures
1e Total exempt purpose expenditures (add lines 1c and 1d)
1f Lobbying nontaxable amount. Enter the amount from the following table in both columns.

Table with 2 columns: 'If the amount on line 1e, column (a) or (b) is:' and 'The lobbying nontaxable amount is:'. Rows include categories like 'Not over \$500,000' and 'Over \$500,000 but not over \$1,000,000'.

Table with 2 columns: (a) Filing organization's totals and (b) Affiliated group totals. Rows correspond to lines 1a through 1f.

- g Grassroots nontaxable amount (enter 25% of line 1f)
h Subtract line 1g from line 1a. If zero or less, enter -0-.
i Subtract line 1f from line 1c. If zero or less, enter -0-.
j If there is an amount other than zero on either line 1h or line 1i, did the organization file Form 4720 reporting section 4911 tax for this year?

Yes No

4-Year Averaging Period Under Section 501(h) (Some organizations that made a section 501(h) election do not have to complete all of the five columns below. See the separate instructions for lines 2a through 2f.)

Lobbying Expenditures During 4-Year Averaging Period

Table with 6 columns: Calendar year (or fiscal year beginning in), (a) 2019, (b) 2020, (c) 2021, (d) 2022, (e) Total. Rows include 2a Lobbying nontaxable amount, 2b Lobbying ceiling amount, 2c Total lobbying expenditures, 2d Grassroots nontaxable amount, 2e Grassroots ceiling amount, 2f Grassroots lobbying expenditures.

Schedule C (Form 990) 2022

Part II-B Complete if the organization is exempt under section 501(c)(3) and has NOT filed Form 5768 (election under section 501(h)).

For each "Yes" response on lines 1a through 1i below, provide in Part IV a detailed description of the lobbying activity.

Table with 3 columns: (a) Yes, (a) No, (b) Amount. Row 1: During the year, did the filing organization attempt to influence foreign, national, state or local legislation, including any attempt to influence public opinion on a legislative matter or referendum, through the use of: a Volunteers?, b Paid staff or management..., c Media advertisements?, d Mailings to members, legislators, or the public?, e Publications or published or broadcast statements?

c	Publications, or published or broadcast statements?			
f	Grants to other organizations for lobbying purposes?			
g	Direct contact with legislators, their staffs, government officials, or a legislative body?			
h	Rallies, demonstrations, seminars, conventions, speeches, lectures, or any similar means?			
i	Other activities?			
j	Total. Add lines 1c through 1i			
2a	Did the activities in line 1 cause the organization to be not described in section 501(c)(3)?			
b	If "Yes," enter the amount of any tax incurred under section 4912			
c	If "Yes," enter the amount of any tax incurred by organization managers under section 4912			
d	If the filing organization incurred a section 4912 tax, did it file Form 4720 for this year?			

Part III-A Complete if the organization is exempt under section 501(c)(4), section 501(c)(5), or section 501(c)(6).

	Yes	No	
1	Were substantially all (90% or more) dues received nondeductible by members?		
2	Did the organization make only in-house lobbying expenditures of \$2,000 or less?		
3	Did the organization agree to carry over lobbying and political expenditures from the prior year?		

Part III-B Complete if the organization is exempt under section 501(c)(4), section 501(c)(5), or section 501(c)(6) and if either (a) BOTH Part III-A, lines 1 and 2, are answered "No" OR (b) Part III-A, line 3, is answered "Yes."

1	Dues, assessments and similar amounts from members	1	
2	Section 162(e) nondeductible lobbying and political expenditures (do not include amounts of political expenses for which the section 527(f) tax was paid).		
a	Current year	2a	
b	Carryover from last year	2b	
c	Total	2c	
3	Aggregate amount reported in section 6033(e)(1)(A) notices of nondeductible section 162(e) dues .	3	
4	If notices were sent and the amount on line 2c exceeds the amount on line 3, what portion of the excess does the organization agree to carryover to the reasonable estimate of nondeductible lobbying and political expenditure next year?	4	
5	Taxable amount of lobbying and political expenditures. See Instructions	5	

Part IV Supplemental Information

Provide the descriptions required for Part I-A, line 1; Part I-B, line 4; Part I-C, line 5; Part II-A (affiliated group list); Part II-A, lines 1 and 2 (see instructions), and Part II-B, line 1. Also, complete this part for any additional information.

Return Reference	Explanation
PART I-A, LINE 1:	PROGRESSIVE STATE LEADERS COMMITTEE POLITICAL ACTIVITIES CONSIST OF 527 POLITICAL CONTRIBUTIONS AND TEXTING PROGRAMS.THE ORGANIZATION RUN A PERSUASION AND GOTV (GO OUT TO VOTE) TEXTING IN WISCONSIN AND KANSAS AND ALSO A TEXTING PROGRAM IN NEVADA FOCUSED ON SAFETY & EDUCATION.

Schedule C (Form 990) 2022

Additional Data

Return to Form

Software ID:
Software Version:

SCHEDULE D (Form 990)

Supplemental Financial Statements

OMB No. 1545-0047

2022

Open to Public Inspection

Complete if the organization answered "Yes," on Form 990, Part IV, line 6, 7, 8, 9, 10, 11a, 11b, 11c, 11d, 11e, 11f, 12a, or 12b. Attach to Form 990. Go to www.irs.gov/Form990 for instructions and the latest information.

Department of the Treasury Internal Revenue Service

Table with 2 columns: Name of the organization (PROGRESSIVE STATE LEADERS COMMITTEE INC) and Employer identification number (05-0623909)

Part I Organizations Maintaining Donor Advised Funds or Other Similar Funds or Accounts. Complete if the organization answered "Yes" on Form 990, Part IV, line 6.

Table with 3 columns: Question number, (a) Donor advised funds, (b) Funds and other accounts. Includes questions 1-6 regarding donor advised funds and charitable purposes.

Part II Conservation Easements. Complete if the organization answered "Yes" on Form 990, Part IV, line 7.

Table with 3 columns: Question number, Description, and Yes/No checkboxes. Includes questions 1-9 regarding conservation easements, including a sub-table for 'Held at the End of the Year' with rows 2a-2d.

Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets. Complete if the organization answered "Yes" on Form 990, Part IV, line 8.

Table with 3 columns: Question number, Description, and Amount/Yes/No. Includes questions 1a-1b and 2a-2b regarding collections of art and historical treasures.

Schedule D (Form 990) 2022

Page 2

Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets (continued)

- 3 Using the organization's acquisition, accession, and other records, check any of the following that are a significant use of its collection items (check all that apply):
a Public exhibition
b Scholarly research
c Preservation for future generations
d Loan or exchange programs
e Other
4 Provide a description of the organization's collections and explain how they further the organization's exempt purpose in Part XIII.
5 During the year, did the organization solicit or receive donations of art, historical treasures or other similar assets to be sold to raise funds rather than to be maintained as part of the organization's collection? Yes No

Part IV Escrow and Custodial Arrangements.

Complete if the organization answered "Yes" on Form 990, Part IV, line 9, or reported an amount on Form 990, Part X, line 21.

- 1a Is the organization an agent, trustee, custodian or other intermediary for contributions or other assets not included on Form 990, Part X? Yes No
b If "Yes," explain the arrangement in Part XIII and complete the following table:
Table with columns: Amount, 1c Beginning balance, 1d Additions during the year, 1e Distributions during the year, 1f Ending balance
2a Did the organization include an amount on Form 990, Part X, line 21, for escrow or custodial account liability? Yes No
b If "Yes," explain the arrangement in Part XIII. Check here if the explanation has been provided in Part XIII

Part V Endowment Funds.

Complete if the organization answered "Yes" on Form 990, Part IV, line 10.

Table with 6 columns: (a) Current year, (b) Prior year, (c) Two years back, (d) Three years back, (e) Four years back. Rows include: 1a Beginning of year balance, b Contributions, c Net investment earnings, gains, and losses, d Grants or scholarships, e Other expenditures for facilities and programs, f Administrative expenses, g End of year balance.

2 Provide the estimated percentage of the current year end balance (line 1g, column (a)) held as:

- a Board designated or quasi-endowment
b Permanent endowment
c Term endowment

The percentages on lines 2a, 2b, and 2c should equal 100%.

3a Are there endowment funds not in the possession of the organization that are held and administered for the organization by:

- (i) Unrelated organizations
(ii) Related organizations

Table with 2 columns: Yes, No. Rows: 3a(i), 3a(ii), 3b

b If "Yes" on 3a(ii), are the related organizations listed as required on Schedule R?

4 Describe in Part XIII the intended uses of the organization's endowment funds.

Part VI Land, Buildings, and Equipment.

Complete if the organization answered "Yes" on Form 990, Part IV, line 11a. See Form 990, Part X, line 10.

Table with 4 columns: (a) Cost or other basis (investment), (b) Cost or other basis (other), (c) Accumulated depreciation, (d) Book value. Rows include: 1a Land, b Buildings, c Leasehold improvements, d Equipment, e Other, Total. Add lines 1a through 1e. (Column (d) must equal Form 990, Part X, column (B), line 10(c).) 0

Schedule D (Form 990) 2022

Part VII Investments - Other Securities.

Complete if the organization answered "Yes" on Form 990, Part IV, line 11b. See Form 990, Part X, line 12.

Table with 3 columns: (a) Description of security or category, (b) Book value, (c) Method of valuation. Rows include (1) Financial derivatives, (2) Closely-held equity interests, (3) Other, (A) through (H), and Total.

Part VIII Investments - Program Related.

Complete if the organization answered 'Yes' on Form 990, Part IV, line 11c. See Form 990, Part X, line 13.

Table with 3 columns: (a) Description of investment, (b) Book value, (c) Method of valuation. Rows (1) through (9) and Total.

Part IX Other Assets.

Complete if the organization answered 'Yes' on Form 990, Part IV, line 11d. See Form 990, Part X, line 15.

Table with 2 columns: (a) Description, (b) Book value. Rows (1) through (9) and Total.

Part X Other Liabilities.

Complete if the organization answered 'Yes' on Form 990, Part IV, line 11e or 11f. See Form 990, Part X, line 25.

Table with 2 columns: (a) Description of liability, (b) Book value. Row 1.

1 Federal income taxes

Table with multiple empty rows for reporting federal income taxes.

Total. (Column (b) must equal Form 990, Part X, col.(B) line 25.)

2. Liability for uncertain tax positions. In Part XIII, provide the text of the footnote to the organization's financial statements that reports the organization's liability for uncertain tax positions under FIN 48 (ASC 740). Check here if the text of the footnote has been provided in Part XIII

Schedule D (Form 990) 2022

Schedule D (Form 990) 2022

Part XI Reconciliation of Revenue per Audited Financial Statements With Revenue per Return.

Complete if the organization answered 'Yes' on Form 990, Part IV, line 12a.

Table for Part XI reconciliation of revenue. Includes rows for total revenue, adjustments for unrealized gains, donated services, and prior year grants, resulting in a total revenue of 1,150,187.

Part XII Reconciliation of Expenses per Audited Financial Statements With Expenses per Return.

Complete if the organization answered 'Yes' on Form 990, Part IV, line 12a.

Table for Part XII reconciliation of expenses. Includes rows for total expenses, adjustments for donated services, prior year adjustments, and other losses, resulting in a total expense of 1,708,492.

Part XIII Supplemental Information

Provide the descriptions required for Part II, lines 3, 5, and 9; Part III, lines 1a and 4; Part IV, lines 1b and 2b; Part V, line 4; Part X, line 2; Part XI, lines 2d and 4b; and Part XII, lines 2d and 4b. Also complete this part to provide any additional information.

Table with two columns: Return Reference and Explanation.

Schedule D (Form 990) 2022

Software ID:
Software Version:

efile Public Visual Render | **ObjectID: 202443209349313279 - Submission: 2024-11-15** | **TIN: 05-0623909**

SCHEDULE O
(Form 990)

Department of the Treasury
Internal Revenue Service

Supplemental Information to Form 990 or 990-EZ

Complete to provide information for responses to specific questions on Form 990 or 990-EZ or to provide any additional information. Attach to Form 990 or 990-EZ. Go to www.irs.gov/Form990 for the latest information.

OMB No. 1545-0047

2023

Open to Public Inspection

Name of the organization
PROGRESSIVE STATE LEADERS
COMMITTEE INC

Employer identification number

05-0623909

Return Reference	Explanation
FORM 990, PART III, LINE 2	PROGRESSIVE STATE LEADERS COMMITTEE CONDUCTED AN ELECTION PROTECTION SIMULATION WITH STRATEGIC PARTNERS AND INTERESTED PARTIES. PSLC ALSO SPONSORED AN OUTREACH PROGRAM WITH THE PENNSYLVANIA ATTORNEY GENERAL'S OFFICE TO EXPLAIN SERVICES TO CONSTITUENTS.
FORM 990, PART VI, SECTION B, LINE 11B	THE FORM 990 WAS PREPARED BY THE OUTSIDE ACCOUNTANTS AND REVIEWED BY SENIOR MANAGEMENT. A COPY OF THE FORM 990 WAS PROVIDED TO THE FULL BOARD AND REVIEWED BY OUTSIDE COUNSEL PRIOR TO FILING WITH THE IRS.
FORM 990, PART VI, SECTION B, LINE 12C	ANNUALLY, EACH DIRECTOR, PRINCIPAL OFFICER AND MEMBER OF A COMMITTEE WITH GOVERNING BOARD DELEGATED POWERS SIGNS A CONFLICT OF INTEREST ATTESTATION STATEMENT. IN CONNECTION WITH ANY ACTUAL OR POSSIBLE CONFLICT OF INTEREST, AN INTERESTED PERSON MUST DISCLOSE THE EXISTENCE OF THE FINANCIAL INTEREST AND BE GIVEN THE OPPORTUNITY TO DISCLOSE ALL MATERIAL FACTS TO THE DIRECTORS AND MEMBERS OF COMMITTEES WITH GOVERNING BOARD DELEGATED POWERS CONSIDERING THE PROPOSED TRANSACTION OR ARRANGEMENT. AFTER DISCLOSURE OF THE FINANCIAL INTEREST AND ALL MATERIAL FACTS, AND AFTER ANY DISCUSSION WITH THE INTERESTED PERSON, HE/SHE SHALL LEAVE THE GOVERNING BOARD OR COMMITTEE MEETING WHILE THE DETERMINATION OF A CONFLICT OF INTEREST IS DISCUSSED AND VOTED UPON. THE REMAINING BOARD OR COMMITTEE MEMBERS SHALL DECIDE IF A CONFLICT OF INTEREST EXISTS. AFTER EXERCISING DUE DILIGENCE, THE GOVERNING BOARD OR COMMITTEE SHALL DETERMINE WHETHER THE CORPORATION CAN OBTAIN WITH REASONABLE EFFORTS A MORE ADVANTAGEOUS TRANSACTION OR ARRANGEMENT FROM A PERSON OR ENTITY THAT WOULD NOT GIVE RISE TO A CONFLICT OF INTEREST. IF A MORE ADVANTAGEOUS TRANSACTION OR ARRANGEMENT IS NOT REASONABLY POSSIBLE UNDER CIRCUMSTANCES NOT PRODUCING A CONFLICT OF INTEREST, THE GOVERNING BOARD OR COMMITTEE SHALL DETERMINE BY A MAJORITY VOTE OF THE DISINTERESTED DIRECTORS WHETHER THE TRANSACTION OR ARRANGEMENT IS IN THE CORPORATION'S BEST INTEREST, FOR ITS OWN BENEFIT, AND WHETHER IT IS FAIR AND REASONABLE. IN CONFORMITY WITH THE ABOVE DETERMINATION, IT SHALL MAKE ITS DECISION AS TO WHETHER TO ENTER INTO THE TRANSACTION OR ARRANGEMENT.
FORM 990, PART VI, SECTION C, LINE 19	THE ORGANIZATION MAKES ITS GOVERNING DOCUMENTS, CONFLICT OF INTEREST POLICY, AND FINANCIAL STATEMENTS AVAILABLE TO THE PUBLIC UPON REQUEST.
FORM 990, PART VII, SECTION A:	COMPENSATION FOR OFFICERS OF PSLC IS ISSUED BY DEMOCRATIC ATTORNEY GENERALS ASSOCIATION (DAGA), AN UNRELATED ORGANIZATION FOR TAX PURPOSES. THE AMOUNT OF COMPENSATION THAT PSLC REIMBURSED TO DAGA FOR FOR TIME SPENT ON PSLC BUSINESS IS REPORTED ON PART IX, LINE 5. INCLUDED IN PART IX, LINE 5 ARE THE FOLLOWING REIMBURSEMENTS: SEAN RANKIN SALARY \$39,905 AND BENEFITS \$9,205 MICHELLE ORTIZ SALARY \$12,389 AND BENEFITS \$2,858 JONATHAN SCLARSIC SALARY \$16,828 AND BENEFITS \$3,882

For Paperwork Reduction Act Notice, see the Instructions for Form 990 or 990-EZ.

Cat. No. 51056K

Schedule O (Form 990) 2023

Software ID:
Software Version:

EXHIBIT

N

[527 Explorer](#) > District of Columbia

Organizations	<input type="text" value="Search for an organization, person or term"/>
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Data is self-reported. Only electronically filed contributions and expenditures are included in totals.

Organization Details

Purpose

The Democratic Attorneys General Association, Inc. (DAGA) is a political organization formed to support the election of Democrats to the office of Attorney General in all the states and territories of the US. DAGA will make contributions to and expenditures on behalf of Democratic candidates for Attorney General and contributions to state and local Democratic Party committees as appropriate.

Email

compliance@democraticags.org

Related Organizations

DAGA People's Lawyer Project

Leadership

Last updated 2025

Honorable Aaron Ford, Attorney General	Executive Committee Member
Honorable Andrea Campbell, Attorney General	Executive Committee Member
Honorable Charity Clark, Attorney General	Executive Committee Member
Honorable Kathy Jennings, Attorney General	Executive Committee Co-Chair
Honorable Keith Ellison, Attorney General	Executive Committee Vice-Chair
Honorable Kwame Raoul, Attorney General	Executive Committee Co-Chair
Honorable Rob Bonta, Attorney General	Executive Committee Member
Hubert Pitroipa	Director of Accounting and Finance
Jonathan Sclarsic	Chief Operating Officer / General Counsel
Joseph Boyle	Development Director
Michelle Ortiz	Executive Director
Sean Rankin	President

[Show less](#)

Financial Overview

All-Time Contributions

\$159M

All-Time Expenditures

\$156.6M

Top Contributors

Aggregation is done by name and will not account for significant variations in reported names.

Progressive State Leaders Committee	\$8.93M
Amalgamated Bank	\$7M
Communications Workers of America	\$1.52M

Largest Recipients

Aggregation is done by name and will not account for significant variations in reported names.

DAGA People's Lawyer Project	\$13.8M
Amalgamated Bank	\$5.66M
Adp, LLC	\$5.04M

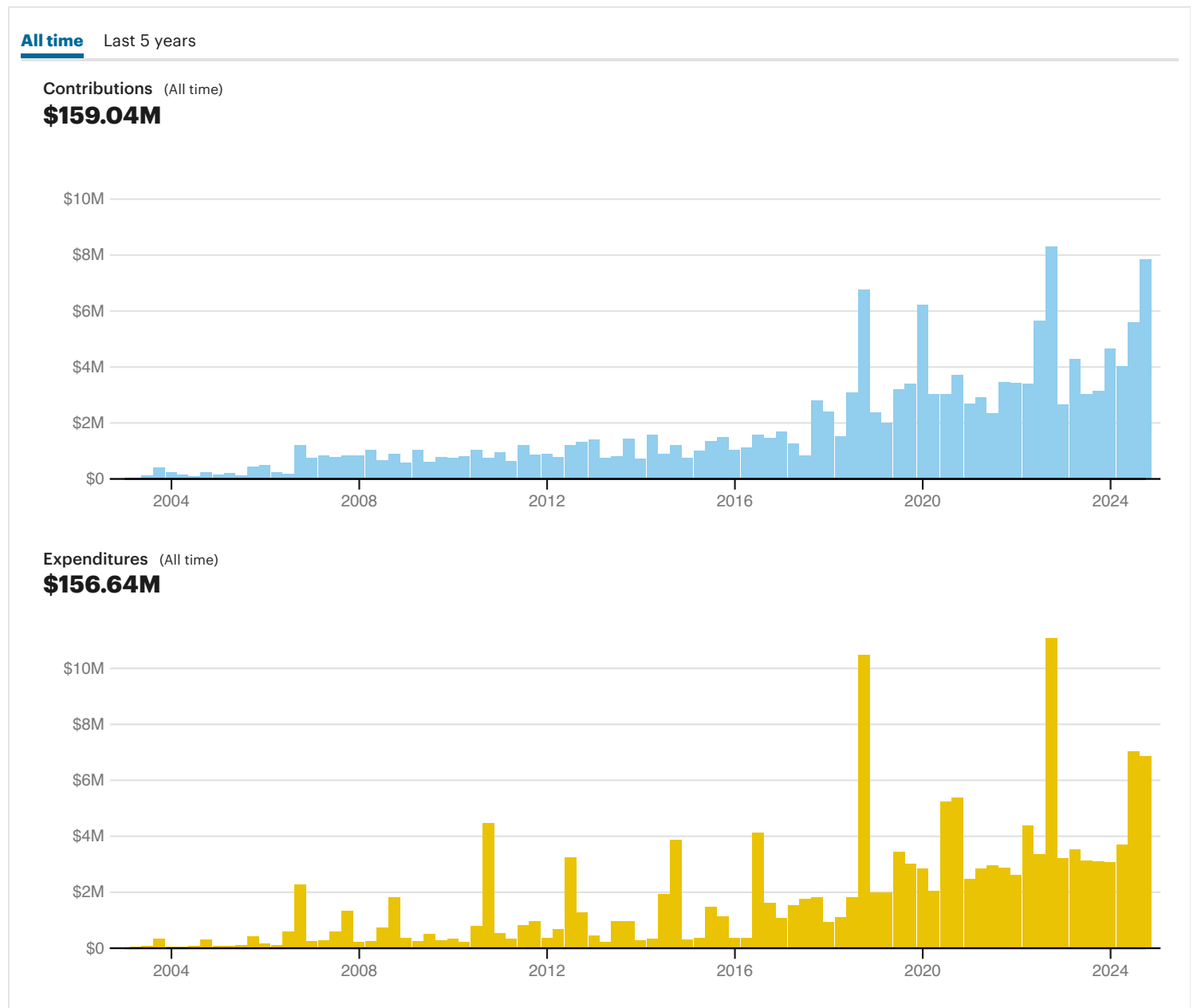
Insights

🌐 This organization gets a majority of its contributions from out of state.

Jump to: [Contributions & Expenditures](#) • [IRS disclosures](#) • [Similar Organizations](#)


Contributions & Expenditures

Explore all contributions to and expenditures by Democratic Attorneys General Association, Inc. since 2003.




[All Contributions](#) [All Expenditures](#)

Search all contributors, including those who made in-kind contributions of goods and services. Those who gave less than \$200 per year may be reported in aggregate. Read more about the [information required in these filings](#).

Filter to 2,500 results to download 

Apply filters

Contributor Name	Contributor Location	Amount	Date 
Xcaliber International LTD LLC	Pryor, OK	\$125K	December 31, 2024
King and Spalding LLP	Washington, DC	\$5,000	December 31, 2024
Aggregate Below Threshold	Washington, DC	\$2,510	December 31, 2024
Charles Kuhstoss Not Employed	Douglasville, GA	\$25	December 31, 2024
George Hangs Manager at Harmon FND	Tulsa, OK	\$50	December 31, 2024
Dana Greenwood Not Employed	Chapel Hill, NC	\$25	December 31, 2024
Daniel Heller Physician at Life Extension	Ellenville, NY	\$5	December 31, 2024
Ellis Burrows Not Employed	Brooklyn, NY	\$6	December 30, 2024
Louise Elliott Not Employed	Middletown, CT	\$50	December 30, 2024
Aarons, Inc.	Kennesaw, GA	\$15K	December 30, 2024

< 1 2 3 4 5 ... 809 >

Search Within Contributions

Contributor States (52) 

Years (22) 

Amount Ranges

- Under \$100 (1,177) \$10k to \$100k
- \$100 to \$1k (1,236) \$100k to \$1M (
- \$1k to \$10k (1,232) \$1M and above

IRS disclosures

[Form 8872 \(81\)](#) [Form 990 \(1\)](#)

All electronic form 8872s that Democratic Attorneys General Association, Inc. has filed with the IRS. Organizations may [file monthly or quarterly](#) during general-election (even-numbered) years, and monthly or semiannually during nonelection (odd-numbered) years.








Data only includes electronic filings. To look for paper reports, try the [IRS' search function](#).

2024

\$22.1M in contributions • \$20.6M in expenditures 

End-of-year report

November 26, 2024 to December 31, 2024

Total contributions \$2.27M	Total expenditures \$1.31M	
Post-election report (DC) October 17, 2024 to November 25, 2024		
Total contributions \$3.2M	Total expenditures \$3.7M	
Pre-election report (DC) October 1, 2024 to October 16, 2024 (General election: November 5, 2024)		
Total contributions \$2.38M	Total expenditures \$1.85M	
Quarter 3 report July 1, 2024 to September 30, 2024		
Total contributions \$5.6M	Total expenditures \$7.02M	
Quarter 2 report April 1, 2024 to June 30, 2024		
Total contributions \$4.03M	Total expenditures \$3.7M	Previous reports available This is the last report submitted for this period (processed October 15, 2024 at 12:31PM). Expand to see 1 other report that overlaps in this date range. 
Quarter 1 report January 1, 2024 to March 31, 2024		
Total contributions \$4.66M	Total expenditures \$3.05M	
2023 \$13.1M in contributions • \$13M in expenditures 		
2022 \$20.8M in contributions • \$21.4M in expenditures 		
2021 \$11.4M in contributions • \$11.1M in expenditures 		
2020 \$16M in contributions • \$15.5M in expenditures 		
2019 \$11M in contributions • \$10.4M in expenditures 		
2018 \$13.8M in contributions • \$14.3M in expenditures 		
2017		

\$6.6M in contributions• \$6.2M in expenditures	▼
2016	
\$5.2M in contributions• \$6.4M in expenditures	▼
2015	
\$4.6M in contributions• \$3.3M in expenditures	▼
2014	
\$4.4M in contributions• \$6.4M in expenditures	▼
2013	
\$4.4M in contributions• \$2.6M in expenditures	▼
2012	
\$4.2M in contributions• \$5.5M in expenditures	▼
2011	
\$3.7M in contributions• \$2.6M in expenditures	▼
2010	
\$3.3M in contributions• \$5.8M in expenditures	▼
2009	
\$3M in contributions• \$1.4M in expenditures	▼
2008	
\$3.5M in contributions• \$3M in expenditures	▼
2007	
\$3.2M in contributions• \$2.4M in expenditures	▼
2006	
\$2.1M in contributions• \$3.1M in expenditures	▼
2005	
\$965,669 in contributions• \$651,657 in expenditures	▼
2004	
\$732,372 in contributions• \$450,070 in expenditures	▼
2003	
\$610,323 in contributions• \$442,007 in expenditures	▼

Similar Organizations to Democratic Attorneys General Association, Inc.

Explore organizations whose major contributors or recipients overlap with Democratic Attorneys General Association, Inc.. These organizations may be related in their function, politics or scope.

Democratic Governors Association	Republican Governors Association	Republican State Leadership Committee - RSLC
13 overlapping contributors	8 overlapping contributors	5 overlapping contributors
2 overlapping recipients		2 overlapping recipients

About This Data

What is a 527?

A 527 is a nonprofit formed under Section 527 of the Internal Revenue Code, which grants tax-exempt status to organizations whose primary purpose is [attempting to influence the election](#) of one or more people to public office at the national, state or local level. But contributions to these organizations are not considered tax-deductible, unlike gifts to charities.

What organizations are in the 527 Explorer?

This database covers tax-exempt political organizations organized under Section 527, excluding organizations that are regulated by the Federal Election Commission (like federal PACs are); that expect to receive less than \$25,000 in annual contributions; that are nonpolitical nonprofits, like charities; or that are political committees for a state or local candidate or a political party. An organization's state is taken from the address reported on its most recent form 8871.

What organizations report itemized contributions and expenditures?

Tax-exempt political organizations, other than qualified state or local political organizations, that have filed for tax-exempt status with the IRS under Section 527 [must file Form 8872](#) to disclose any expenditures made or contributions received. A [qualified state or local political organization](#) is one whose political activities relate solely to state or local public office and that routinely files publicly available reports with one or more states. For state-by-state information on tax-exempt political organizations and their filings, [see the IRS' listings](#).

Note: Only electronic filings are included in this data. While many organizations filed electronically before 2020, electronic filing for all organizations was only required beginning in January 2020. Therefore, some contributions and expenditures made prior to 2020 may not be reflected in this data.

Note: We make a best-effort attempt to not display street-level addresses for payments labeled as "salary."

How are the totals calculated?

An organization's total contributions and expenditures are calculated by summing up the most recent report filed for each reporting period. However, organizations sometimes file reports for overlapping dates or reports that duplicate data. For any date range, the most recently filed report is marked. Duplicate contributions or expenditures (ones that have the exact same name, amount and date but show up in multiple reports) have been removed from the calculated totals.

EXHIBIT

0

Our Party

Since 1848, the Democratic National Committee (DNC) has been the heart of the Democratic Party, the oldest continuing political party in the United States.

Today, we are millions of supporters strong, leading with our values, fighting for progress, and helping elect Democrats in every state, city, and ZIP code—from local offices to the Oval Office. Our party's strength lies in advancing our **Democratic platform** (https://democrats.org/wp-content/uploads/2024/09/2024_Democratic_Party_Platform_8a2cf8.pdf) and forging positive solutions that include everyone. As Democrats, we believe every person in this nation deserves to be treated with dignity and respect. We believe that health care is a right for all and that the hard work of middle-class families should be rewarded. We believe our schools and streets should be free from gun violence and that a woman's decisions about her own body are hers to make. At the DNC, we are working together to build a bright future for everyone. We are fighting for the soul of our country, the heart of our democracy, and America's place as the land of opportunity for all.

About the Committees



Democratic National Committee ↗ (<https://democrats.org/>)

The Democratic National Committee, or DNC, was created during the Democratic National Convention of 1848, and is governed by its **Charter and Bylaws** (<https://democrats.org/wp-content/uploads/2024/12/DNC-Charter-Bylaws-09.10.1022.pdf>). For 171 years, it's been responsible for governing the Democratic Party and is the oldest continuing party committee in the United States. Under the leadership of Chair Ken Martin, the DNC is composed of the chairs and vice-chairs of each state Democratic Party Committee and over 200 members elected by Democrats in all 57 states and the territories.

Democratic Association of Secretaries of State

[Democratic Association of Secretaries of State](https://demsofstate.org/) ↗ [\(https://demsofstate.org/\)](https://demsofstate.org/)

The Democratic Association of Secretaries of State is the only organization dedicated to electing Democratic candidates to the office of secretary of state. The mission of DASS is to assist Democratic secretary of state candidates through political support that includes campaign contributions, fundraising, and independent expenditure campaigns where appropriate, along with policy training and coordination for candidates and sitting secretaries of state. The Democratic Association of Secretaries of State is the only organization dedicated to electing Democratic candidates to the office of secretary of state. The mission of DASS is to assist Democratic secretary of state candidates through political support that includes campaign contributions, fundraising, and independent expenditure campaigns where appropriate, along with policy training and coordination for candidates and sitting secretaries of state.

WHO WE ARE
[\(HTTPS://DEMOCRATS.ORG/WHO-WE-ARE/\)](https://democrats.org/who-we-are/)

WHERE WE STAND
[\(HTTPS://DEMOCRATS.ORG/WHERE-WE-STAND/\)](https://democrats.org/where-we-stand/)

TAKE ACTION
[\(HTTPS://DEMOCRATS.ORG/TAKE-ACTION/\)](https://democrats.org/take-action/)

VOTE
[\(HTTPS://DEMOCRATS.ORG/VOTE-2024/\)](https://democrats.org/vote-2024/)

SHOP
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[Democratic Attorneys General Association ↗](https://www.linkedin.com/company/democraticags/)
[\(https://www.linkedin.com/company/democraticags/\)](https://www.linkedin.com/company/democraticags/)

The Democratic Attorneys General Association is the only party committee solely dedicated to electing and supporting Democratic state attorneys general. Democrats currently hold 25 state attorneys general seats and represent the majority of Americans. This is the most diverse coalition of Democratic attorneys general in history. The Democratic Attorneys General Association is the only party committee solely dedicated to electing and supporting Democratic state attorneys general. Democrats currently hold 25 state attorneys general seats and represent the majority of Americans. This is the most diverse coalition of Democratic attorneys general in history.



Democratic Congressional Campaign Committee ↗ [\(https://dccc.org/\)](https://dccc.org/)

The Democratic Congressional Campaign Committee, or DCCC, serves as the official national Democratic campaign committee charged with recruiting, assisting, funding, and electing Democrats to the U.S. House of Representatives. They provide services that include designing and helping execute field operations, polling, creating radio and television commercials, fundraising, communications, and management consulting.

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[Democratic Governors Association ↗ \(https://democraticgovernors.org/\)](https://democraticgovernors.org/)

The Democratic Governors Association is an independent voluntary political organization that supports Democratic governors and candidates nationwide. As the only party organization dedicated solely to electing Democratic governors, the DGA participates at all levels of campaigns, from providing resources to fund operations to helping articulate and deliver their messages. The Democratic Governors Association is an independent voluntary political organization that supports Democratic governors and candidates nationwide. As the only party organization dedicated solely to electing Democratic governors, the DGA participates at all levels of campaigns, from providing resources to fund operations to helping articulate and deliver their messages.

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Democratic Legislative Campaign Committee ↗ [\(http://dlcc.org/\)](http://dlcc.org/)

The Democratic Legislative Campaign Committee, or DLCC, works to win state legislative seats and chambers for Democrats. The DLCC's mission is to build and maintain winning, state-of-the-art campaign committees through a continuing partnership with legislative leaders, professional staff, and supporters. The Democratic Legislative Campaign Committee, or DLCC, works to win state legislative seats and chambers for Democrats. The DLCC's mission is to build and maintain winning, state-of-the-art campaign committees through a continuing partnership with legislative leaders, professional staff, and supporters.

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VOTE
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Democratic Lieutenant Governors Association ↗ [\(https://demlgs.org/\)](https://demlgs.org/)

The Democratic Lieutenant Governors Association (DLGA) is the only organization solely focused on electing Democratic lieutenant governors and candidates each year. The Democratic Lieutenant Governors Association (DLGA) is the only organization solely focused on electing Democratic lieutenant governors and candidates each year.



[Democratic Mayors Association ↗ \(https://www.democraticmayors.org/\)](https://www.democraticmayors.org/)

[WHO WE ARE](https://www.democraticmayors.org/who-we-are/)
[\(HTTPS://WWW.DEMOCRATICMAYORS.ORG/WHO-WE-ARE/\)](https://www.democraticmayors.org/who-we-are/)

[WHERE WE STAND](https://www.democraticmayors.org/where-we-stand/)
[\(HTTPS://WWW.DEMOCRATICMAYORS.ORG/WHERE-WE-STAND/\)](https://www.democraticmayors.org/where-we-stand/)

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[SHOP](https://www.democraticmayors.org/shop/)
[\(HTTPS://WWW.DEMOCRATICMAYORS.ORG/SHOP/\)](https://www.democraticmayors.org/shop/)

done. As a 527 organization, DMA mobilizes mayors on behalf of progressive issues and unite them with a common voice to take on the most critical challenges communities face. DMA convenes local leaders with private sector and labor partners to develop creative solutions.



[Democratic Municipal Officials ↗ \(https://nationaldmo.org/\)](https://nationaldmo.org/)

Democratic Municipal Officials (DMO) is a national association of elected Mayors, City Council Members, School Board Members, and other municipal leaders who identify with the values of the Democratic Party. As a constituency organization of the Democratic National Committee (DNC), Democratic Municipal Officials is the Democratic voice in local politics and the local voice in Democratic politics. DMO accomplishes its mission to connect, elect, and empower municipal elected officials by leveraging its national network of members, alumni, and strategic partners.

DMO is the fastest-growing organization within the Democratic Party and the largest coalition of Democratic officials in the United States. Representing municipal officials from cities, towns, villages, townships, and boroughs across the country, DMO gives a voice to those officials who engage with their communities the most, and who have a uniquely tangible impact on the direction of the cities they represent.

WHO WE ARE
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WHERE WE STAND
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VOTE
[\(HTTPS://DEMOCRATS.ORG/VOTE-2024/\)](https://democrats.org/vote-2024/)

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[STOP](https://stop)



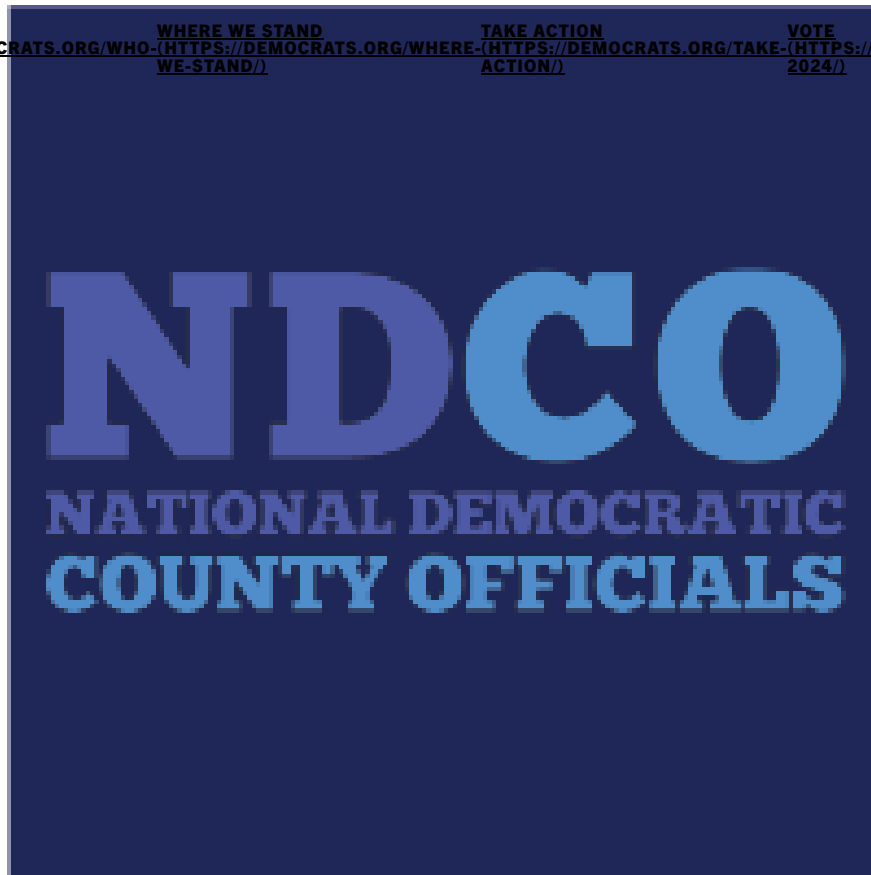
Democratic Senatorial Campaign Committee ↗ (<https://www.dsc.org/>)

The Democratic Senatorial Campaign Committee, or DSCC, serves as the official national Democratic campaign dedicated solely to electing Democrats to the United States Senate. From grassroots organizing, to candidate recruitment, to providing campaign funds for tight races, the DSCC works hard all year, every year to elect Democrats to the U.S. Senate. The Democratic Senatorial Campaign Committee, or DSCC, serves as the official national Democratic campaign dedicated solely to electing Democrats to the United States Senate. From grassroots organizing, to candidate recruitment, to providing campaign funds for tight races, the DSCC works hard all year, every year to elect Democrats to the U.S. Senate.



Democratic Treasurers Association [↗ \(https://www.democratictreasurers.org/\)](https://www.democratictreasurers.org/)

The Democratic Treasurers Association is dedicated to electing and supporting Democratic state treasurers. The elected Democratic state treasurers oversee more than a trillion dollars of investments held in state operating funds and pension funds. Individually and as a group they are powerful advocates with a unique ability to exert influence that defies the constraints of the electoral map. The Democratic Treasurers Association is dedicated to electing and supporting Democratic state treasurers. The elected Democratic state treasurers oversee more than a trillion dollars of investments held in state operating funds and pension funds. Individually and as a group they are powerful advocates with a unique ability to exert influence that defies the constraints of the electoral map.



National Democratic County Officials ↗ [\(https://demcountyofficials.org/\)](https://demcountyofficials.org/)

The National Democratic County Officials (NDCO) is the official campaign arm of the Democratic Party dedicated to electing Democrats at the county level. NDCO represents and supports a broad diversity of elected officials from all corners of this nation: rural, urban and suburban.

NDCO provides training and campaign support to elect first-time office holders and reelect incumbent Democrats. With the help of NDCO, Democrats are able to run successful campaigns for county office in states all over the country. The National Democratic County Officials (NDCO) is the official campaign arm of the Democratic Party dedicated to electing Democrats at the county level. NDCO represents and supports a broad diversity of elected officials from all corners of this nation: rural, urban and suburban. NDCO provides training and campaign support to elect first-time office holders and reelect incumbent Democrats. With the help of NDCO, Democrats are able to run successful campaigns for county office in states all over the country.

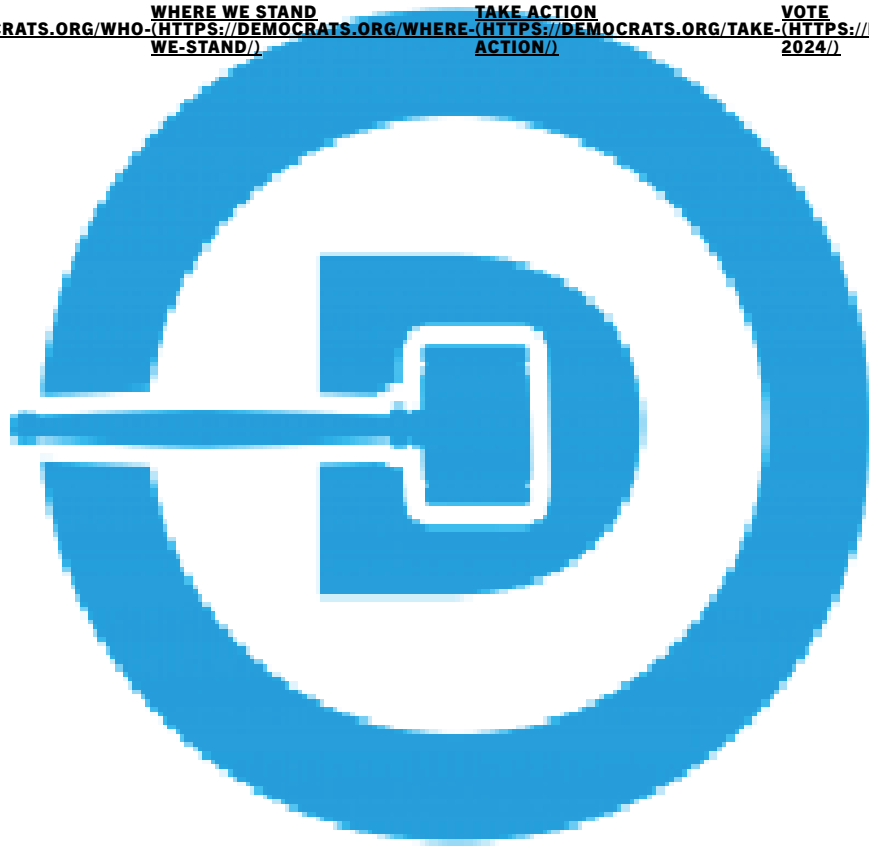
WHO WE ARE
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The ASDC [↗ \(https://democrats.org/who-we-are/state-parties/\)](https://democrats.org/who-we-are/state-parties/)

The ASDC's mission is to help build robust state parties in order to elect Democrats from local office to the Oval Office. To accomplish this goal, the ASDC focuses exclusively on the current and future needs of state Democratic parties. It acts as a service organization responsible for supporting and educating its members and state party executive directors and staff.



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Who we serve
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About the Democratic Party
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[State Parties](#)

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EXHIBIT

P

Democratic Attorneys General Association, Inc.

Washington, DC · First report: 2003 · Most recent report: 2024 · EIN: 13-4220019

Data is self-reported. Only electronically filed contributions and expenditures are included in totals.

Organization Details

Purpose

The Democratic Attorneys General Association, Inc. (DAGA) is a political organization formed to support the election of Democrats to the office of Attorney General in all the states and territories of the US. DAGA will make contributions to and expenditures on behalf of Democratic candidates for Attorney General and contributions to state and local Democratic Party committees as appropriate.

Email

compliance@democraticags.org

Related Organizations

DAGA People's Lawyer Project

Leadership

Last updated 2025

Honorable Aaron Ford, Attorney General
 Honorable Andrea Campbell, Attorney General
 Honorable Charity Clark, Attorney General
 Honorable Kathy Jennings, Attorney General
 Honorable Keith Ellison, Attorney General

Executive Committee Member
 Executive Committee Member
 Executive Committee Member
 Executive Committee Co-Chair
 Executive Committee Vice-Chair

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Financial Overview

All-Time Contributions

\$159M

All-Time Expenditures

\$156.6M

Top Contributors

Aggregation is done by name and will not account for significant variations in reported names.

Progressive State Leaders Committee	\$8.93M
Amalgamated Bank	\$7M
Communications Workers of America	\$1.52M

Largest Recipients

Aggregation is done by name and will not account for significant variations in reported names.

DAGA People s Lawyer Project	\$13.8M
Amalgamated Bank	\$5.66M
Adp, LLC	\$5.04M

Insights

🌐 This organization gets a majority of its contributions from out of state.

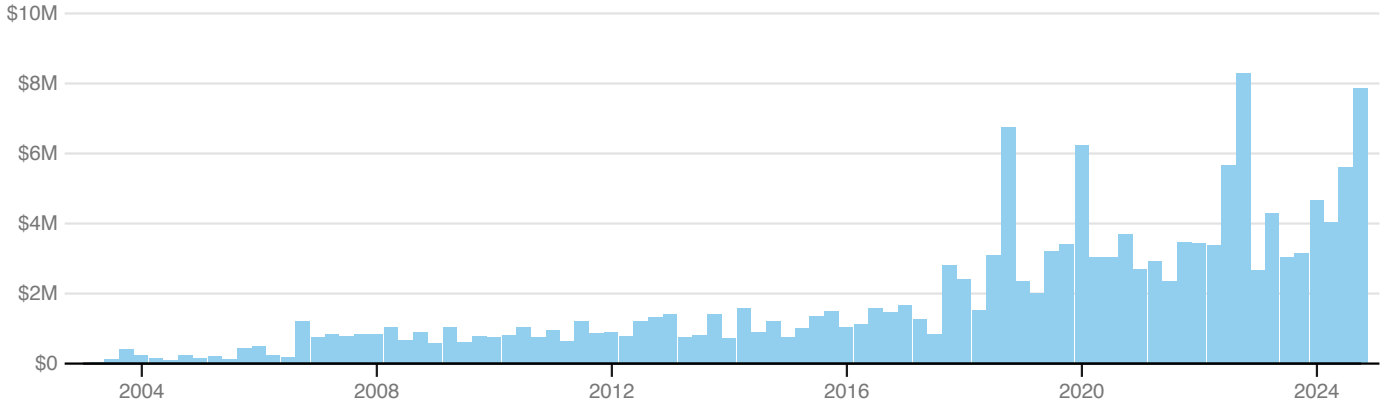
Contributions & Expenditures

Explore all contributions to and expenditures by Democratic Attorneys General Association, Inc. since 2003.

All time Last 5 years

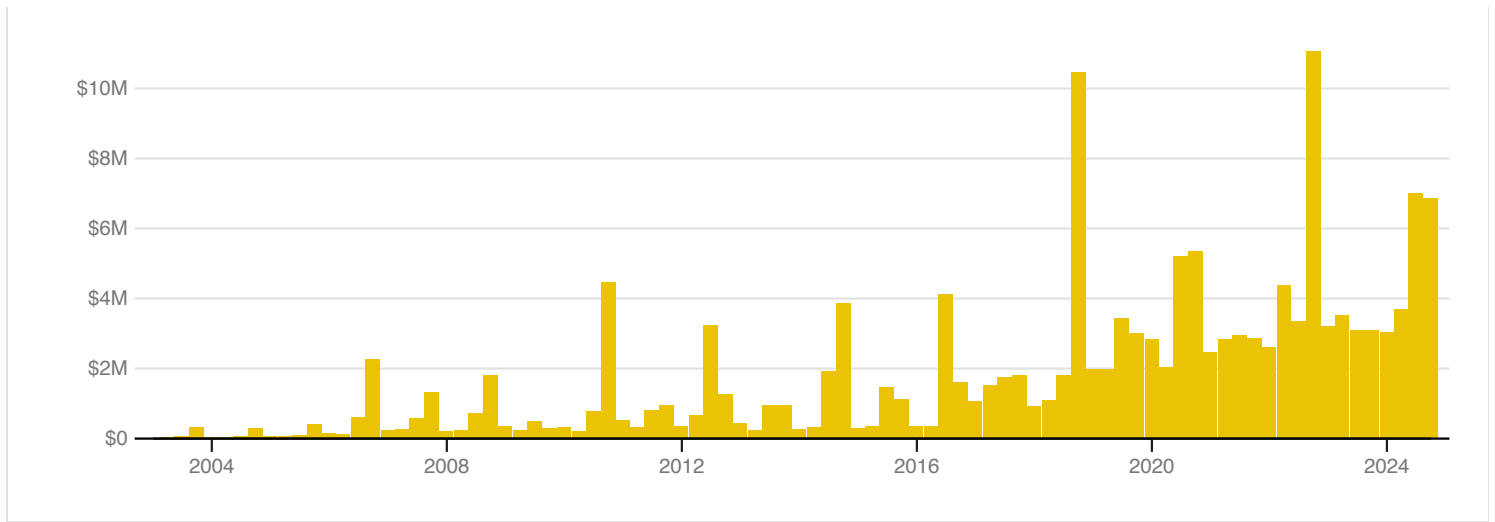
Contributions (All time)

\$159.04M



Expenditures (All time)

\$156.64M



[All Contributions](#) **[All Expenditures](#)**

Search all expenditures. Expenditures under \$500 may be reported in aggregate. Read more about the [information required in these filings](#).

[Download 2 expenditures](#)

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Recipient Name	Recipient Location	Amount	Date
Kris Mayes for Arizona - Legal Fund Contribution	Phoenix, AZ	\$150K	July 3, 2024
Kris Mayes for Arizona - Legal Fund	Phoenix, AZ	\$50K	September 5, 2023

Search Within Expenditures

Recipient States (1)

Years (2)

- 2024 (1)
- 2023 (1)

Amount Ranges

- \$10k to \$100k (1)
- \$100k to \$1M (1)

[Jump to: Contributions & Expenditures](#) · [IRS disclosures](#) · [Similar Organizations](#)

IRS disclosures

[Form 8872 \(81\)](#) [Form 990 \(1\)](#)

All electronic form 8872s that Democratic Attorneys General Association, Inc. has filed with the IRS. Organizations may [file monthly or quarterly](#) during general-election (even-numbered) years, and monthly or semiannually during nonelection (odd-numbered) years.

Data only includes electronic filings. To look for paper reports, try the [IRS' search function](#).

2024

\$22.1M in contributions • \$20.6M in expenditures



End-of-year report

November 26, 2024 to December 31, 2024

527 Explorer > District of Columbia

Organizations	<input type="text" value="Search for an organization, person or term"/>
---------------	---

Pre-election report (DC)

October 17, 2024 to November 25, 2024

Total contributions	Total expenditures
\$3.2M	\$3.7M

Pre-election report (DC)

October 1, 2024 to October 16, 2024
(General election: November 5, 2024)

Total contributions	Total expenditures
\$2.38M	\$1.85M

Quarter 3 report

July 1, 2024 to September 30, 2024

Total contributions	Total expenditures
\$5.6M	\$7.02M

Quarter 2 report

April 1, 2024 to June 30, 2024

Total contributions	Total expenditures	Previous reports available
\$4.03M	\$3.7M	This is the last report submitted for this period (processed October 15, 2024 at 12:31PM). Expand to see 1 other report that overlaps in this date range.



Quarter 1 report

January 1, 2024 to March 31, 2024

Total contributions	Total expenditures
\$4.66M	\$3.05M

2023

\$13.1M in contributions • \$13M in expenditures



2022

\$20.8M in contributions • \$21.4M in expenditures



2021 \$11.4M in contributions• \$11.1M in expenditures	▼
2020 \$16M in contributions• \$15.5M in expenditures	▼
2019 \$11M in contributions• \$10.4M in expenditures	▼
2018 \$13.8M in contributions• \$14.3M in expenditures	▼
2017 \$6.6M in contributions• \$6.2M in expenditures	▼
2016 \$5.2M in contributions• \$6.4M in expenditures	▼
2015 \$4.6M in contributions• \$3.3M in expenditures	▼
2014 \$4.4M in contributions• \$6.4M in expenditures	▼
2013 \$4.4M in contributions• \$2.6M in expenditures	▼
2012 \$4.2M in contributions• \$5.5M in expenditures	▼
2011 \$3.7M in contributions• \$2.6M in expenditures	▼
2010 \$3.3M in contributions• \$5.8M in expenditures	▼
2009 \$3M in contributions• \$1.4M in expenditures	▼
2008 \$3.5M in contributions• \$3M in expenditures	▼
2007 \$3.2M in contributions• \$2.4M in expenditures	▼

2006 \$2.1M in contributions• \$3.1M in expenditures	▼
2005 \$965,669 in contributions• \$651,657 in expenditures	▼
2004 \$732,372 in contributions• \$450,070 in expenditures	▼
2003 \$610,323 in contributions• \$442,007 in expenditures	▼

Similar Organizations to Democratic Attorneys General Association, Inc.

Explore organizations whose major contributors or recipients overlap with Democratic Attorneys General Association, Inc.. These organizations may be related in their function, politics or scope.

Democratic Governors Association <u>13 overlapping contributors</u> ▼ <u>2 overlapping recipients</u> ▼	Republican Governors Association <u>8 overlapping contributors</u> ▼	Republican State Leadership Committee - RSLC <u>5 overlapping contributors</u> ▼ <u>2 overlapping recipients</u> ▼
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About This Data

What is a 527?

A 527 is a nonprofit formed under Section 527 of the Internal Revenue Code, which grants tax-exempt status to organizations whose primary purpose is [attempting to influence the election](#) of one or more people to public office at the national, state or local level. But contributions to these organizations are not considered tax-deductible, unlike gifts to charities.

What organizations are in the 527 Explorer?

This database covers tax-exempt political organizations organized under Section 527, excluding organizations that are regulated by the Federal Election Commission (like federal PACs are); that expect to receive less than \$25,000 in annual contributions; that are nonpolitical nonprofits, like charities; or that are political committees for a state or local candidate or a political party. An organization's state is taken from the address reported on its most recent form 8871.

What organizations report itemized contributions and expenditures?

Tax-exempt political organizations, other than qualified state or local political organizations, that have filed for tax-exempt status with the IRS under Section 527 [must file Form 8872](#) to disclose any expenditures made or contributions received. A [qualified state or local political organization](#) is one whose political activities relate solely to state or local public office and that routinely files publicly available reports with one or more states. For state-by-state information on tax-exempt political organizations and their filings, [see the IRS' listings](#).

Note: Only electronic filings are included in this data. While many organizations filed electronically before 2020, electronic filing for all organizations was only required beginning in January 2020. Therefore, some contributions and expenditures made prior to 2020 may not be reflected in this data.

Note: We make a best-effort attempt to not display street-level addresses for payments labeled as "salary."

How are the totals calculated?

An organization's total contributions and expenditures are calculated by summing up the most recent report filed for each reporting period. However, organizations sometimes file reports for overlapping dates or reports that duplicate data. For any date range, the most recently filed report is marked. Duplicate contributions or expenditures (ones that have the exact same name, amount and date but show up in multiple reports) have been removed from the calculated totals.

EXHIBIT

Q

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Washington, DC · First report: 2003 · Most recent report: 2024 · EIN: 13-4220019

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Last updated 2025

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 Honorable Kathy Jennings, Attorney General
 Honorable Keith Ellison, Attorney General

Executive Committee Member
 Executive Committee Member
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Jump to: [Contributions & Expenditures](#) • [IRS disclosures](#) • [Similar Organizations](#)

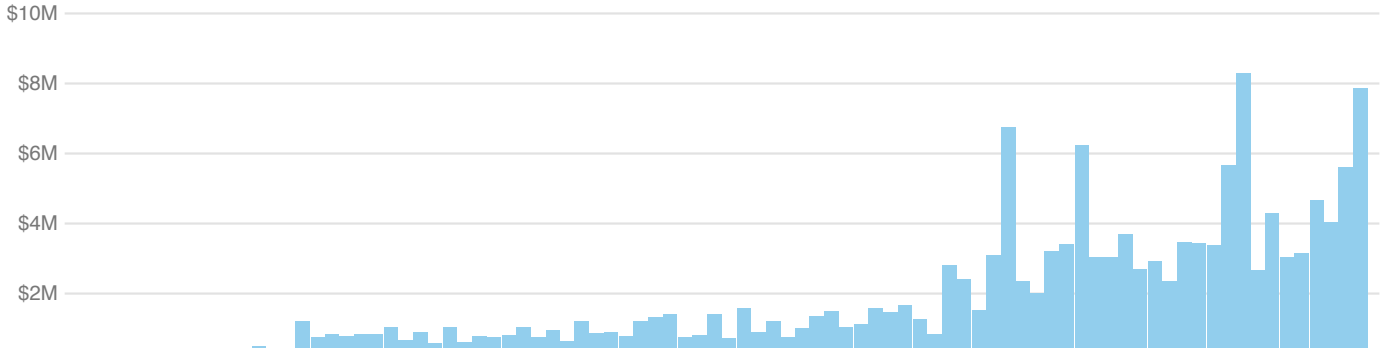
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All time Last 5 years

Contributions (All time)

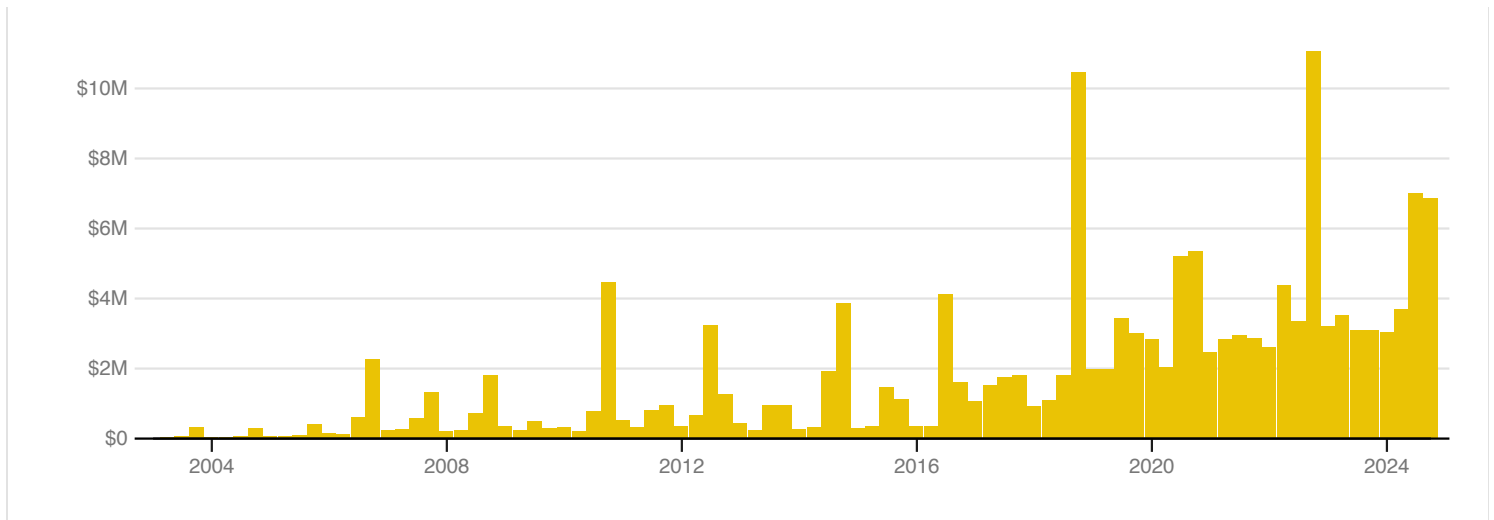
\$159.04M



527 Explorer > District of Columbia

Organizations	<input type="text" value="Search for an organization, person or term"/>
---------------	---

\$159.04M



[All Contributions](#) **[All Expenditures](#)**

Search all expenditures. Expenditures under \$500 may be reported in aggregate. Read more about the [information required in these filings](#).

[Download 2 expenditures](#)

[Apply filters](#)

Recipient Name	Recipient Location	Amount	Date
Arizona Democratic Party Contribution	Phoenix, AZ	\$25K	December 20, 2022
Arizona Democratic Party Contribution	Phoenix, AZ	\$25K	October 3, 2006

Search Within Expenditures

Recipient States (1)

Arizona (2)

Years (2)

2022 (1)

2006 (1)

Amount Ranges

\$10k to \$100k (2)

IRS disclosures

[Form 8872 \(81\)](#) [Form 990 \(1\)](#)

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2021

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2016	
\$5.2M in contributions• \$6.4M in expenditures	▼
2015	
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2014	
\$4.4M in contributions• \$6.4M in expenditures	▼
2013	
\$4.4M in contributions• \$2.6M in expenditures	▼
2012	
\$4.2M in contributions• \$5.5M in expenditures	▼
2011	
\$3.7M in contributions• \$2.6M in expenditures	▼
2010	
\$3.3M in contributions• \$5.8M in expenditures	▼
2009	
\$3M in contributions• \$1.4M in expenditures	▼
2008	
\$3.5M in contributions• \$3M in expenditures	▼
2007	
\$3.2M in contributions• \$2.4M in expenditures	▼
2006	

\$2.1M in contributions • \$3.1M in expenditures



2005

\$965,669 in contributions • \$651,657 in expenditures



2004

\$732,372 in contributions • \$450,070 in expenditures



2003

\$610,323 in contributions • \$442,007 in expenditures



Similar Organizations to Democratic Attorneys General Association, Inc.

Explore organizations whose major contributors or recipients overlap with Democratic Attorneys General Association, Inc.. These organizations may be related in their function, politics or scope.

Democratic Governors Association

13 overlapping contributors



2 overlapping recipients



Republican Governors Association

8 overlapping contributors



Republican State Leadership Committee - RSLC

5 overlapping contributors



2 overlapping recipients



About This Data

What is a 527?

A 527 is a nonprofit formed under Section 527 of the Internal Revenue Code, which grants tax-exempt status to organizations whose primary purpose is [attempting to influence the election](#) of one or more people to public office at the national, state or local level. But contributions to these organizations are not considered tax-deductible, unlike gifts to charities.

What organizations are in the 527 Explorer?

This database covers tax-exempt political organizations organized under Section 527, excluding organizations that are regulated by the Federal Election Commission (like federal PACs are); that expect to receive less than \$25,000 in annual contributions; that are nonpolitical nonprofits, like charities; or that are political committees for a state or local candidate or a political party. An organization's state is taken from the address reported on its most recent form 8871.

What organizations report itemized contributions and expenditures?

Tax-exempt political organizations, other than qualified state or local political organizations, that have filed for tax-exempt status with the IRS under Section 527 [must file Form 8872](#) to disclose any expenditures made or contributions received. A [qualified state or local political organization](#) is one whose political activities relate solely to state or local public office and that routinely files publicly available reports with one or more states. For state-by-state information on tax-exempt political organizations and their filings, [see the IRS' listings](#).

Note: Only electronic filings are included in this data. While many organizations filed electronically before 2020, electronic filing for all organizations was only required beginning in January 2020. Therefore, some contributions and expenditures made prior to 2020 may not be reflected in this data.

Note: We make a best-effort attempt to not display street-level addresses for payments labeled as "salary."

How are the totals calculated?

An organization's total contributions and expenditures are calculated by summing up the most recent report filed for each reporting period. However, organizations sometimes file reports for overlapping dates or reports that duplicate data. For any date range, the most recently filed report is marked. Duplicate contributions or expenditures (ones that have the exact same name, amount and date but show up in multiple reports) have been removed from the calculated totals.