

# United States Senate

COMMITTEE ON  
RULES AND ADMINISTRATION  
WASHINGTON, DC 20510-6325TIFFANY GE, STAFF DIRECTOR  
ANDREW G. WALLACE, DEMOCRATIC STAFF DIRECTOR

February 27, 2026

Dear Colleague:

Yesterday saw several reports<sup>1</sup> that President Trump continues to consider issuing a new illegal, unconstitutional Executive Order as part of the ongoing Trump Takeover of our elections, and it may include banning mail-in voting, eliminating major voting registration methods, voter purges, and/or new document barriers for registering to vote and voting. I and the Rules Committee staff are in close contact with state officials and legal experts about these threats, which Donald Trump has made before. We are monitoring these developments very closely and are prepared to act if any new executive action is taken.

While a new Executive Order would continue Trump's disturbing attacks on our elections, the President's previous Executive Order 14248 on elections has largely been enjoined by several federal courts and the few remaining provisions are under judicial supervision as litigation continues. According to reports and an outside draft, the new order would be wildly illegal and unconstitutional, and, as a result, election law experts and litigators expect that it will see the same fate in court.

Even more disturbingly, the President is also reportedly considering whether to declare an emergency under the *National Emergencies Act* (NEA) and the *International Emergency Economic Powers Act* (IEEPA) related to elections, based on conspiracy theories from election deniers, in an attempt to create a legal basis for an election EO. Again, legal experts are clear – there is no basis to declare an election national emergency and neither the NEA nor IEEPA grant the President any election-related powers under any emergency.<sup>2</sup>

Put simply, no President has the power under the Constitution or any law to take over elections, and no declaration or order can create one out of thin air. Any such fake emergency should lack any force of law, and any attempted actions pursuant to such a declaration would face extremely strict scrutiny in the judicial system.

Nevertheless, if the President does escalate his unprecedented assault on our democracy by declaring an election-related emergency, I will swiftly introduce a privileged resolution [draft

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<sup>1</sup> Isaac Arnsdorf. *Trump, seeking executive power over elections, is urged to declare emergency*. Washington Post (Feb. 26, 2026). <https://www.washingtonpost.com/politics/2026/02/26/trump-elections-executive-order-activists/>; Jake Taylor, Vaughn Hillyard. *Trump moves to rewrite election rules unilaterally*. MS NOW (Feb. 26, 2026). <https://www.ms.now/news/trump-moves-to-rewrite-election-rules-unilaterally>

<sup>2</sup> Sean Morales-Doyle. *Federal and State Election Laws Ban Federal Forces from Polling Places*. Brennan Center for Justice (Oct. 22, 2025; updated Feb. 10, 2026). <https://www.brennancenter.org/our-work/research-reports/federal-and-state-election-laws-ban-federal-forces-polling-places> (“No emergency powers allow the president to override laws protecting elections and voters.”)

attached] and force a vote in the Senate to terminate the fake emergency. Instead of trying to evade accountability at the ballot box, the President should focus on the needs of Americans struggling to pay for groceries, health care, housing and other everyday needs and put these illegal and unconstitutional election orders in the trash can where they belong.

Please do not hesitate to reach out to me or the Rules Committee staff with any questions as we work together to protect the future of American democracy from Donald Trump's election interference.

Sincerely,

A handwritten signature in black ink, appearing to read "Alex Padilla". The signature is fluid and cursive, with a prominent initial "A" and "P".

Alex Padilla

Ranking Member

U.S. Senate Committee on Rules and Administration