



December 16, 2025

Hon. Jamieson Grier
Acting Special Counsel
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 218,
Washington, D.C. 20036

Dear Special Counsel Grier:

Democracy Defenders Fund (DDF) respectfully requests that the U.S. Office of Special Counsel (OSC) investigate whether Commissioner Christy McCormick of the U.S. Elections Assistance Commission (EAC) violated the Hatch Act by making partisan statements in response to questions about contested election reforms. Commissioner McCormick made the aforementioned remarks during the October 29, 2025 *Recent Progress in Election Security Roundtable* hosted by the America First Policy Institute's (AFPI) Secure American Elections Center. Her remarks mischaracterized the National Democratic Party and then-candidate Zohran Mamdani as proponents for voter fraud. These remarks appear to constitute impermissible political activity "directed toward the success or failure of a political party [or a] candidate for partisan political office" in violation of the Hatch Act.¹ Given existing and outstanding concerns about whether Commissioner McCormick is complying with her responsibilities to refrain from partisan political activity,² DDF requests that you investigate her as soon as possible.

¹ 5 C.F.R. § 734.101.

² See Letter from Sen. Alex Padilla et al., U.S. Senate, to Comm. Christy McCormick, U.S. Election Assistance Commission, *Letter to EAC Commissioner McCormick re: AFPI Comments* (Nov. 18, 2025), <https://www.padilla.senate.gov/wp-content/uploads/25.11.18-Letter-to-EAC-Comm-McCormick-re-AFPI-comments-FINAL.pdf>; Press Release, Tobias Read, Oregon Secretary of State Tobias Read Calls for Resignation or Removal of U.S. Election Assistance Commissioner Christy McCormick, Oregon Sec'y of State (Oct. 31, 2025), <https://apps.oregon.gov/oregon-newsroom/OR/SOS/Posts/Post/secretary-state-tobias-read-calls-for-resignation-removal-christy-mccormick>. See also Jessica Huseman, *How Voter-Fraud Hysteria and Partisan Bickering Ate American Election Oversight*, ProPublica (July 22, 2020), https://www.propublica.org/article/how-voter-fraud-hysteria-and-partisan-bickering-ate-american-election-oversight?utm_source=Votebeat&utm_campaign=48c50c6ed1-EMAIL_CAMPAIGN_2021_06_18_04_57_COPY_01&utm_medium=email&utm_term=0_d2e6ae1125-48c50c6ed1-1296817914 ("In January 2017, McCormick wrote a post for the EAC's website describing the idea that Russia had interfered in the 2016 election as "deceptive propaganda perpetrated on the American public" by the outgoing Obama administration."); Eli Rosenberg, *The most bizarre thing I've ever been a part of*; *Trump panel found no voter fraud, ex-member says*, Anchorage Daily News (Aug. 4, 2018), <https://www.adn.com/nation-world/2018/08/04/the-most-bizarre-thing-ive-ever-been-a-part-of-trump-panel-found-no-voter-fraud-ex-member-says/> ("In one email, Christy McCormick, a Republican member of the commission, spoke to a staff member about recruiting a career statistician from the Department of Justice to the commission, writing that she was "pretty confident that he is conservative (and Christian, too)."); Tierney Sneed, *Emails: Chicago GOPer, Via DOJ Official, Sought Voter Fraud Probe By Trump Panel*, Talking Points Memo (Mar. 14, 2018), <https://talkingpointsmemo.com/muckraker/john-gore-christy-mccormick-emails-voter-fraud-probe> ("Is Cook County involved in this particular issue? It does not surprise me at all that they are working on behalf of Democrats").

Background

On October 29, 2025, Commissioner McCormick served as a featured panelist at an AFPI discussion on potential election reforms.³ The panel moderator introduced her in her official capacity as “Elections Assistance Commission Commissioner Christy McCormick.”⁴ During that interview, he asked the panelists, including Commissioner McCormick, why the “left” opposed changes to election rules.⁵ She responded:

They [Democrats] need another source of votes. I agree completely with Christian [Adams] it is religion for them...But they need the votes. They’re losing ground. And...everyone is seeing how people are going toward the Right. They [Democrats] are progressively going Left over the cliff to socialism and communism. As we see with the Mamdani – is that his name? – Mamdani in New York.

You know, this is dangerous for this country. And I think a lot of people see that and are moving toward the Right. They [Democrats] need open borders. They need illegal citizens to increase their votes. This is why they’re fighting so adamantly against us. To try and prevent that from happening.”⁶

Other panel statements were similarly partisan. For example, earlier she stated:

We do have two Democrats on our Commission who like to throw logs in our way. Which I’m sure I’ll discuss a little bit more later.⁷

In response to a question about implementing the hotly contested voting Executive Order No. 14248, Preserving and Protecting the Integrity of American Elections (2025), she declared:

We are working with our Technical Guidelines Development Committee which is required to do that under the Help America Vote Act. We have a number of members of that committee who are resisting us going forward. But we’re going forward anyway with or without their recommendations.⁸

Two days later, Judge Kotar-Kotelly of the D.C. District Court permanently enjoined the EAC from implementing some provisions of Executive Order 14248.⁹

³ Panel, *Recent Progress in Election Security Policy Roundtable*, AFPI Secure American Elections Center (Oct. 29, 2025), <https://www.americafirstpolicy.com/events/recent-progress-in-election-security-policy-roundtable>.

⁴ *Id.* at 6:25.

⁵ *Id.* at 45:30.

⁶ *Id.* at 47:04-47:52.

⁷ *Id.* at 27:59.

⁸ *Id.* at 42:32-42:49.

⁹ See Dietrich Knauth, *US judge permanently blocks Trump order requiring voters to prove citizenship*, Reuters (Oct. 31, 2025), <https://www.reuters.com/world/us-judge-permanently-blocks-trump-order-requiring-voters-prove-citizenship-2025-10-31/>.

Notably, the EAC was designed as an independent, bipartisan agency (four commissioners, two from each major party, with no action allowed unless three members agree).¹⁰

Applicable Law

The Hatch Act strictly prohibits federal employees, including employees of the EAC,¹¹ from engaging in political activity in their official capacity.¹² Among other things, federal employees cannot “use [their] official authority or influence for purposes of interfering with or affecting the result of an election.”¹³ The Hatch Act implementing regulations expound on these obligations, providing that an employee is prohibited from “using his or her official title while participating in political activity.”¹⁴ Political activity includes any activity that is directed at the success or failure of a political party, partisan political group, or candidate for partisan political office.¹⁵

Discussion

EAC Commissioner McCormick was undoubtedly speaking in her official capacity when she made the highlighted remarks at the AFPI panel discussion. Commissioner McCormick was introduced by her official title and was asked to provide the views of the U.S. Election Assistance Commission.¹⁶ These are all factors your office has previously found to conclusively show a government employee was speaking in their official, as opposed to personal, capacity.

Among other things, Commissioner McCormick’s remarks appeared aimed at discrediting an existing mayoral candidate in this year’s N.Y. City Mayoral election mere days before it occurred. When the moderator asked Commissioner McCormick specifically about potential election reforms, her reply went beyond the policy issues and sought to impugn Democrats generally and then-N.Y. City Mayoral Candidate Zohran Mamdani specifically. First, she referenced that he and other Democratic candidates lost voter confidence. Second, she implied these politicians, including then-candidate Mamdani, needed voter fraud or non-citizen voting in order to win. Third, Commissioner McCormick did not engage with the merits or demerits of specific policy positions, or attempt to explain general opposition to proposed voting reforms broached at the panel discussion. Instead, she delivered a monologue focused on denigrating the Democratic party, baselessly claiming that Democrats “need open borders. They need illegal citizens to increase their votes.” Finally, Commissioner McCormick contrasted the Democratic party with the AFPI, herself, other featured panelists, and many roundtable attendees (all members of the Republican Party or self-described Conservatives), by concluding “[t]his is why they’re [Democrats are] fighting so adamantly against us.”

¹⁰ Help America Vote Act of 2002 (HAVA), Title II, Part 1, https://www.eac.gov/sites/default/files/eac_assets/1/6/HAVA41.PDF.

¹¹ 5 U.S.C. § 7322(1).

¹² 5 U.S.C. § 7323(a).

¹³ 5 U.S.C. § 7323(a)(1); 5 C.F.R. § 734.201.

¹⁴ 5 C.F.R. § 734.302(b)(1).

¹⁵ 5 C.F.R. § 734.101.

¹⁶ Panel, *supra* note 3.

The purpose of this comparison seems evident: to scare members of the public away from supporting then-candidate Mamdani and the Democratic Party. The fact that Commissioner McCormick did not mention every Democratic candidate up for election on November 4, 2025 is irrelevant. By scaremongering and impugning the entire Democratic party, her comments were clearly aimed at the defeat of all Democratic candidates, including Mamdani, in upcoming elections. As your office recently wrote, “‘political activity’ encompasses activity beyond express advocacy for the electoral success or failure of a candidate.”¹⁷ Rather, “a federal employee acting in her official capacity may not make statements that are *intended* to encourage others to vote for or against a candidate for partisan office or otherwise promote or disparage a candidate’s campaign.”¹⁸

This conclusion is further supported by the timing of Commissioner McCormick’s remarks. Your office has recognized that timing—in particular close proximity to an election—is a critical element in determining whether statements were aimed at affecting voters.¹⁹ At the time of her statements, the multiple pivotal elections - including the N.Y. City Mayoral election, Proposition 50 in California, three state supreme court races in Pennsylvania, and several statewide elections in New Jersey and Virginia, were only days away, on November 4, 2025.²⁰ The close proximity of Commissioner McCormick’s remarks to these elections supports the view that her caustic statements were intended to persuade voters against voting for Democrats like then-candidate Mamdani. Taken together, the substance of her remarks and their timing leave little doubt that she used the prestige of her federal office to attempt to influence partisan electoral outcomes. This is reinforced by your office’s own guidance recognizing that statements delivered on the eve of an election are especially probative of an intent to sway voters.

Furthermore her remarks threaten the EAC’s bipartisan neutrality. The Help America Vote Act structured the EAC to be an independent, bipartisan agency. The agency can take no action unless three out of four commissioners agree.²¹ Yet, when an EAC official like Commissioner McCormick makes public partisan statements or appears to take sides politically while acting in an official capacity, the transgression undermines confidence in the independence of the EAC.

¹⁷ Letter from Henry J. Kerner, U.S. Off. of Special Couns., to President Biden, Re: OSC File No. HA-20-000091 at 6 (Feb. 12, 2021),

<https://osc.gov/Documents/Hatch%20Act/Reports/Report%20of%20Prohibited%20Political%20Activity.%20Carla%20Sands.%20HA-20-000091.pdf>.

¹⁸ *Id.* at 6-7.

¹⁹ See Off. of Special Couns., Investigation of Political Activities by Senior Trump Administration Officials During the 2020 Presidential Election at 49 (Nov. 9, 2021),

<https://osc.gov/Documents/Hatch%20Act/Reports/Investigation%20of%20Political%20Activities%20by%20Senior%20Trump%20Administration%20Officials%20During%20the%202020%20Presidential%20Election.pdf>; Off. of Special Couns., Hatch Act Advisory Opinion Regarding Official Agency Communications (Sep. 5, 2024), <https://osc.gov/Documents/Hatch%20Act/Advisory%20Opinions/Federal/Hatch%20Act%20Advisory%20Opinion%20Regarding%20Official%20Agency%20Communications.pdf> (finding that employee created postcards that referred to legislators as liars and radicals “just weeks” before an election violated the Hatch Act).

²⁰ Katrina Morgan, *Election Day 2025: Here are the key states with major races*, WCNC, (Nov. 3, 2025), <https://www.wcnc.com/article/news/nation-world/election-day-2025-races/507-da48f03f-ec9d-4523-8f1b-61bb76a3802d>.

²¹ HAVA, Title II, Part 1, Sec. 208, https://www.eac.gov/sites/default/files/eac_assets/1/6/HAVA41.PDF.

Viewed in this context, the timing and content of her statements together strongly suggest that Commissioner McCormick used her “official authority or influence for purposes of interfering with or affecting the result of an election” when responding to questions about proposed election reforms.²²

Conclusion

The Hatch Act’s prohibition on employees’ use of official authority to interfere with elections recognizes the long-standing view by “Congress, the Executive, and the country” that “partisan political activities by federal employees must be limited if . . . elections are to play their proper part in representative government.”²³ For that reason, every federal employee, including an EAC Commissioner, must not use the weight of their office to influence elections. OSC already held that “derogatory statements” made about a political party, in particular statements made in the context of elections, violate the Hatch Act.²⁴ Commissioner McCormick’s statements at the AFPI’s *Recent Progress in Election Security Roundtable* appear to clearly trip that line.

Moreover, by interjecting herself into multiple races, like the N.Y. City Mayoral race, Commissioner McCormick also violated her responsibility to respect state sovereignty. The Constitution secures to each “State in the Union” a right to a “Republican Form of Government.”²⁵ The “distinguishing feature of that form is the right of the people to choose their own officers for governmental administration.”²⁶ The Hatch Act plays an important role in reinforcing that constitutional guarantee by preventing federal officials from imposing their political preferences on state and local government. By utilizing the trappings of her office in apparent violation of the Hatch Act, Commissioner McCormick has impermissibly interjected herself into state and local politics to encroach upon citizens’ right to choose their own leaders.

Because Commissioner McCormick’s actions appear to violate the Hatch Act, DDF respectfully requests that your office begin an investigation into her remarks as soon as possible.

/s/

Ambassador Norman Eisen (ret.)
Executive Chair and Founder
Democracy Defenders Fund

/s/

Virginia Canter
Ethics and Anticorruption Chief Counsel and Director
Democracy Defenders Fund

/s/

Jonathan Barry-Blocker
Senior Policy Counsel
Democracy Defenders Fund

²² 5 U.S.C. § 7323(a)(1); 5 C.F.R. § 734.302(b)(1).

²³ *U. S. Civ. Serv. Comm’n v. Nat’l Ass’n of Letter Carriers, AFL-CIO*, 413 U.S. 548, 564 (1973).

²⁴ Letter from Ana Galindo-Marrone, Chief, Hatch Act Unit to Michael Chamberlain, Director, Protect the Public’s Trust (June 7, 2023),

<https://protectpublicstrust.org/wp-content/uploads/2023/06/23.06.07-Closure-letter-to-Complainant-Chamberlain-H-A-22-000216.pdf>.

²⁵ U.S. Const. Art. IV, § 4, cl. 3.

²⁶ *In re Duncan*, 139 U.S. 449, 461 (1891).