



Office of the Attorney General
Washington, D. C. 20530

February 3, 2021

MEMORANDUM FOR UNITED STATES ATTORNEYS

ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION
ASSISTANT ATTORNEY GENERAL, CIVIL RIGHTS DIVISION
ASSISTANT ATTORNEY GENERAL, NATIONAL SECURITY DIVISION
DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

FROM:

THE ACTING ATTORNEY GENERAL

SUBJECT:

RESCISSION OF ATTORNEY GENERAL MEMORANDA ON
POST-VOTING ELECTION IRREGULARITY INQUIRIES AND
SAFE-HARBOR ENFORCEMENT POLICY FOR STATE AND
LOCAL VOTING PROCEDURES

The Department of Justice has longstanding policies and practices concerning the timing and scope of enforcement activities in connection with elections and voting procedures. Two recent directives, entitled *Post-Voting Election Irregularity Inquiries* (November 9, 2020) (the “November 9 Memorandum”) and *Safe-Harbor Enforcement Policy for State and Local Voting Procedures* (December 22, 2020) (the “December 22 Memorandum”), depart from those policies and practices. To return to the traditional principles governing Department of Justice operations in this area, I am rescinding both the November 9 Memorandum and the December 22 Memorandum, effective immediately.

Because current sections 9-85.215 and 8-2.270 of the *Justice Manual* (“Investigations of Federal Election Fraud” and “Voting Section – Overview”) are based in part on the now-rescinded memoranda, the Department will take steps to ensure that these sections accurately reflect the Department’s current policies and practices. In the interim, this memorandum and the Department’s forty-year-old “non-interference with elections” policy, *see Federal Prosecution of Election Offenses*, pp. 84-85 (8th ed. 2017), supersede any conflicting *Justice Manual* provisions.