

Wyoming Secretary of State

Chuck Gray



September 7, 2023

Via U.S. Mail and Email

David M. Scanlan
New Hampshire Secretary of State
State House, Room 204
107 North Main Street
Concord, NH 03301
administration@sos.nh.gov; elections@sos.nh.gov

Dear Secretary Scanlan:

It has recently come to my attention that chief election officials in other states, including New Hampshire, are seriously considering the use of their power to remove Donald Trump from the ballot in 2024, citing Section 3 of the Fourteenth Amendment. Because of the outrageous legal analysis undergirding the theories behind removal of Donald Trump, the wide-ranging consequences that removal would have on the election process in other states, including Wyoming, and because these unprecedented theories take away the will of the American People and undermine our right to vote, I feel I **must** use my position to take a stand and speak out against this disgusting strategy of election interference.

First, I take issue with the extremely broad and overreaching interpretation of the Fourteenth Amendment to unilaterally remove a candidate from the ballot before an election. Section 3 of the Fourteenth Amendment, what has become known as the “insurrection clause,” bars any person who has engaged in an insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof, from holding state or federal office. While many scholars have observed that the drafters’ use of “insurrection” and “rebellion,” paired with the historic backdrop of the Fourteenth Amendment, was meant to bar Confederate soldiers from holding office after the Civil War, it does not take a scholar to state the obvious: Donald Trump did not engage in an insurrection or rebellion. He questioned the results of an election. Lest we are living through some Orwellian dystopia, the weaponization of the Fourteenth Amendment to remove political opponents from the ballot undermines the sanctity of the Constitution and our entire election process.

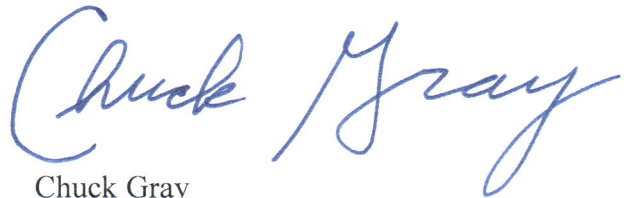
Second, I will briefly note that the unilateral removal of a candidate from the ballot in one state not only affects that state’s election, but also has far-reaching ramifications in other states with later primaries and caucuses, like Wyoming. It goes without saying that picking and choosing who gets to be on a primary ballot has a huge effect on an election. Not only does it affect that race, it artificially alters momentum, and therefore subsequent primaries and caucuses. In this

way, arbitrarily excluding candidates from some states' elections will impact other states as well. This is deeply troubling.

Finally, and perhaps most importantly, I will remind you that in America, the right to vote is sacred, and any restrictions on that right strike at the heart of representative government. We cannot allow authoritarian election officials to use outrageous legal theories to remove their political opponents from the ballot. To do so is not only unAmerican, it is also shocking to the conscience and utterly sickening. In Wyoming, we will let the people choose for themselves, and I pledge not to use my position of power to place a thumb on the scales of any election by using broad terms in the Constitution to remove qualified candidates from the ballot.

With the public's trust in our institutions at an all-time low, we are at a pivotal point in which we must put the rule of law above partisan political grievances. I urge you, for the sake of our Republic and the Constitution we all swore an oath to uphold and defend, do not abuse your position of power to remove Donald Trump from the ballot and take away or alter the will of the American People.

Sincerely,

A handwritten signature in blue ink that reads "Chuck Gray". The signature is written in a cursive style with a large, prominent "C" at the beginning.

Chuck Gray
Wyoming Secretary of State