



## **AFPI v. BIDEN**

### **Background**

President Biden signed Executive Order (EO) 14019 on March 7, 2021, instituting an all-of-government approach to register as many as 3.5 million new voters before the 2024 election and to mobilize those voters to participate in the election. The only statutory authority it cites is the National Voter Registration Act (NVRA), which has never been interpreted as authorizing such action.

EO 14019 requires all federal agencies to identify and partner with specified third-party organizations selected by President Biden’s Administration but whose names and roles have been withheld from public disclosure.

To facilitate the EO’s implementation, the White House has held listening sessions with far-left groups including the Southern Poverty Law Center, ACLU, Demos, and Black Lives Matter, which strongly suggests that the EO is intended to provide a partisan advantage to liberal Democrats.

### **The Lawsuit**

In response, AFPI and a number of named plaintiffs filed a lawsuit in federal court challenging the legality of EO 14019. Our primary legal argument is that the EO violates federal law—specifically, the Administrative Procedure Act (APA). The APA empowers courts to “hold unlawful and set aside agency action that is:”

- Not in accordance with law
- Arbitrary and capricious
- Contrary to constitutional rights
- In excess of the agency’s statutory jurisdiction, authority, or limitations
- In the absence of statutory authority
- Not in accordance with procedure

The lawsuit is *America First Policy Institute v. Biden*, and it was filed in the Northern District of Texas. Anticipated next steps are to seek a Preliminary Injunction to put an immediate stop to the Biden Administration’s continued ability to implement and execute its unlawful plan.