

Good afternoon Chair Birong and Vice Chair Hango,

I would like to follow up on the question from today's committee hearing regarding whether campaign security spending laws, particularly those regulating firearms purchases, apply only to candidates or also to elected officials. Since most of this legislation is targeting the use of campaign funds, I don't know if an appointed official would logically fall into the scope of these laws unless they were campaigning, which could happen if they were appointed to fill a vacancy in an elected position and then decided they'd like to run for their own reelection. Positions that are always appointed might have other types of state funds dedicated to the administration of the office, which could be governed by different rules.

Of the state laws and bills that mention the use of campaign funds for firearm purchases:

- California law and bills in Georgia, Maryland, New Jersey, and Rhode Island apply to both candidates and officeholders.
- Iowa's bill mentions candidates only. The Iowa bill is also the only legislation looking to explicitly authorize firearms purchases.
- Georgia and Utah have language mentioning "weapons" more generally, in addition to firearms. As there was some discussion of this later in the committee hearing, I thought I would pass this along. Utah's law is on the books, whereas Georgia introduced a bill this year but does not have an active law.

If I may, I can also offer a bit of information regarding some of the questions about redistricting toward the end of today's hearing. There was a question about whether the federal VRA only applies to some states with certain histories of discrimination. I believe this question was referring to Section 5 of the VRA, which set up a system of "preclearance." Under Section 5 preclearance, certain states had to get the federal government's approval before changing any election law or adopting new redistricting maps. Section 5 is no longer in effect after a 2013 Supreme Court case called *Shelby County v. Holder*. In light of that, there are no longer any states subject to special or additional provisions of the VRA. As Mr. Sheehan said, the remaining active provisions of the VRA are general rules that every state has to follow. NCSL's [Redistricting Law 2020](#) publication (we can mail you physical copies of this book if you would like), our [Into the Thicket: A Redistricting Starter Kit for Legislative Staff](#) report, and our [Redistricting and the Supreme Court: The Most Significant Cases](#) pages have more information about legal doctrine pertaining to race, the states, and the VRA. We also have a [State Voting Rights Acts](#) page, which may be of use if you decide to pick the topic up again in future sessions.

Thank you again for inviting NCSL to testify, and please be in touch with any questions you may have at any time.

Sincerely,

Helen L. Brewer, J.D.

National Conference of State Legislatures