

**ANALYSIS: THE MUELLER REPORT EXPOSED WEAKNESSES IN U.S. DEMOCRATIC INSTITUTIONS THAT H.R.1 WOULD ADDRESS**

“There were multiple, systematic efforts to interfere in our election . . . That allegation deserves the attention of every American.”

This was Special Counsel Robert Mueller’s [conclusion](#) after conducting a two-year investigation into Russian meddling in the 2016 U.S. election. His report highlighted serious gaps in U.S. law that have left our elections vulnerable to foreign interference, which Russia and other foreign powers will almost certainly seek to [exploit again](#) in 2020. It also documented numerous potential violations of campaign finance and ethics rules and, in Volume II, a sustained effort by the president to interfere in the special counsel’s investigation.

Despite these grave conclusions, there is good news. Many of the worst problems documented in the Mueller Report would be addressed by [H.R. 1](#), the For the People Act of 2019, a sweeping democracy reform package passed by the House of Representatives earlier this year. The transformative changes in H.R. 1 would make our electoral system more fair, democratic, and responsive to the priorities of all Americans. They include [automatic voter registration](#), which could add 50 million new voters to the rolls; [small donor public financing](#), which would reshape the way campaigns are funded and amplify the voices of ordinary Americans; and [redistricting reform](#) to curtail antidemocratic partisan gerrymandering. The package also encompasses a number of provisions that would directly respond to the vulnerabilities highlighted in the Mueller Report, and blunt future efforts by Russia and others to exploit them.

Here is an overview of the vulnerabilities documented by the special counsel that H.R.1 would address:

Disinformation and Propaganda: Among the special counsel’s most well-known findings was his conclusion that Russia engaged in a concerted disinformation and propaganda campaign over the Internet to stoke discord among the U.S. electorate, suppress voter turnout, and, eventually, promote the candidacy of Donald Trump. Russia’s tactics undermined the basic premise that our campaigns involve real debates among Americans about issues and candidates. Its strategy was successful in part because of [gaps](#) in U.S. campaign finance law that leave most paid political ads over the Internet unregulated, as well as the failure of our [evenly-divided and gridlocked](#) national campaign finance regulator, the Federal Election Commission (FEC), to enforce existing rules. All signs point to Russia and other hostile state actors like [Iran](#) employing these tactics again ahead of the 2020 vote. To blunt this threat, H.R. 1 would:

- Close major campaign finance loopholes related to disclosure and the prohibition on campaign spending by foreign nationals.
- Require major online platforms to create publicly accessible online databases of requests to purchase Internet political ads.

- Overhaul the FEC to curtail gridlock and streamline enforcement of campaign finance rules.

Weak Election Security and Infrastructure: The Mueller Report also found that Russian intelligence agents targeted vulnerable election infrastructure and private companies that provide states with election technology, allowing them to hack into a voter registration database, the network of at least one Florida county, and a private elections vendor. These attacks were almost certainly a [dry run](#) for future operations that could disrupt U.S. elections and call into question their results. To address this grave danger, H.R. 1 would:

- Replace paperless voting systems with machines that provide a paper record of each vote.
- Provide funding to cash-strapped election jurisdictions to replace antiquated voting systems.
- Fund [risk-limiting audits](#) to ensure the accuracy of electronic vote tallying.
- Impose federal regulatory safeguards on private election systems and software vendors.
- Expand early voting to decrease the pressure on Election Day poll workers and allow early detection of potential threats.

Voter Suppression: The special counsel found evidence of Russian-controlled social media accounts specifically targeting African-Americans and other minority communities. These accounts spread messages to discourage target communities from voting, including messages that contained false information about when, where, and how to vote. Such tactics are a pernicious form of voter suppression, one that is likely to play an even bigger role in future election interference operations. To address this problem, H.R. 1 would:

- Boost transparency and other safeguards for online political ads.
- Ban the use of deceptive practices for voter suppression.
- Require election officials to take concrete steps to counteract the dissemination of misleading information about the voting process.

Direct Foreign Assistance to Campaigns: The Mueller Report also documented Russian attempts to directly assist the Trump campaign in violation of U.S. law. Campaign officials were at times receptive to these overtures (such as in the infamous Trump Tower meeting between senior campaign staff and Russian nationals claiming to have “incriminating” information about Hillary Clinton). The report also discussed at length the activities of campaign officials who were unregistered agents of foreign governments. In both cases, [weak enforcement](#) of existing rules meant there was no incentive to comply with critical laws designed to curb foreign influence over America’s political system. To remedy this problem, H.R. 1 would:

- Overhaul the FEC to boost enforcement of campaign finance rules, including the prohibition on foreign assistance to campaigns.
- Shore up enforcement of the Foreign Agents Registration Act (FARA).

Conflicts of Interest: The Mueller Report also described various Russia-connected business dealings of the president and other campaign officials, including negotiations over the possible construction of a new Trump Tower in Moscow. Now that President Trump is in office (and has [refused](#) to divest from his

businesses), such ties create an ongoing risk of government policy—including sensitive relations with foreign governments—being driven by personal financial considerations rather than the public interest. Even the appearance that this is happening can further erode public trust in government institutions. To address risks posed by the business dealings described in the Mueller Report, H.R. 1 would, among other things:

- Require the president and vice president to divest from all financial interests that pose conflicts of interest.
- Require the president, vice president, and candidates for those offices to disclose their tax returns.
- Impose basic ethics standards for presidential transitions.
- Strengthen the agency that oversees ethics regulation in the Executive Branch, the Office of Government Ethics (OGE).

Obstruction of Justice: Finally, Volume II of the Mueller Report documented the president's efforts to stop or otherwise interfere with the special counsel's investigation, including through pressure placed on then-Attorney General Jeff Sessions to un-recuse himself from overseeing the investigation. These findings raise fundamental questions about the role of senior government officials when confronted with a president determined to thwart an ongoing investigation into his own conduct. To begin to address this problem, H.R. 1 would:

- Require presidential appointees to refrain from any involvement in specific matters concerning the president or their spouse.
- Give OGE final authority over waivers of ethics rules, including rules that require recusal.

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Russia's interference in the 2016 election and the other abuses documented in the Mueller Report have exposed serious vulnerabilities in America's democratic institutions. H.R. 1 would address many of these problems, as documented further below. Enacting this legislation would help blunt future attempts by Russia and others to undermine American sovereignty and the integrity of our government.

## **In-Depth Analysis**

### *I. Disinformation and Propaganda*

What Mueller Found: The Mueller Report documented Russia's now well-known campaign to meddle in our elections through disinformation and propaganda over the Internet. Russia's efforts focused on stoking and amplifying social discord in the U.S. electorate, lowering turnout (especially in minority communities), and, once Donald Trump became the Republican nominee, helping him defeat Hillary Clinton. [Paid posts](#) on major social media platforms like Facebook and Twitter were a primary tool for Russian operatives seeking to spread their messages, often making use of these platforms' sophisticated targeting capabilities to reach key audiences in swing states while remaining invisible to the wider public. The Mueller Report documented how operatives working for the Internet Research Agency (IRA), a Russian company tied to the Kremlin, purchased over 3,500 advertisements on Facebook alone, likely reaching tens of millions of users. Some of these ads mentioned specific candidates with hashtags like #nohillary2016 and #KIDS4TRUMP. Many others aimed to stir up tensions on divisive issues like immigration, race relations, and gun control.

Why It Matters: Russia’s tactics, [which it has deployed](#) in other countries as well, undermine the basic premise that our election campaigns involve real debates among Americans about issues and candidates. All signs point to Russia using these tactics again in 2020, as will other hostile foreign powers like [Iran](#), which worked to spread disinformation during the 2018 midterms.

Current law does not provide adequate safeguards. While federal law prohibits campaign spending by non-U.S. citizens or green card-holders, and requires disclosure for some campaign ads, Internet campaign activity is largely exempt from these requirements. And even those rules that do apply are rarely enforced by the [evenly divided and perpetually gridlocked](#) FEC. FEC dysfunction has also helped fuel the prevalence of “dark money” from political nonprofits that are not required to disclose their donors. While not addressed in the Mueller Report, dark money creates another vulnerability for Russia and other powers to exploit. In 2016, Russian agents [allegedly](#) funneled money to a dark money group connected to the National Rifle Association, which spent over \$30 million on pro-Trump campaign ads. Overall, [more than \\$1 billion](#) in secret spending from dark money groups has flooded into U.S. elections since 2010. Since the origins of this spending are undisclosed, we cannot tell for certain how much of it may have come from foreign sources.

What H.R. 1 Would Do: H.R. 1 would address the threat of disinformation and propaganda by shoring up campaign finance rules. First, it would close gaps in U.S. law that have essentially exempted digital advertisements on the Internet, including social media, from the rules that apply to all other ads. Most notably, it includes the bipartisan Honest Ads Act, which would expand existing campaign disclosure requirements to cover paid Internet and digital communications. The Honest Ads Act would also require large social media platforms like Facebook, Instagram, and Twitter to keep a public record of requests to purchase political ads mentioning candidates or prominent national issues—a critical tool for the media, law enforcement, and members of the public looking to understand who is trying to influence American voters. Other provisions of H.R. 1 would prohibit foreign governments and those acting on their behalf from purchasing a broader array of candidate-focused ads and issue ads.

H.R. 1 also includes the DISCLOSE Act, which would eliminate dark money by requiring organizations that spend significant sums on campaigns in an election cycle to disclose all of the donors who paid for that spending. It would also prohibit foreign-owned or controlled companies from election spending, eliminating a loophole that could permit even a state-controlled foreign entity like the IRA to spend money directly on U.S. campaigns through a domestic subsidiary.

Finally, H.R. 1 would strengthen the FEC, which is charged with enforcing campaign finance laws, by restructuring it to curb partisan gridlock and streamline enforcement. H.R. 1 would reduce the number of commissioners from six to five, including a tie-breaking independent commissioner, and reduce the hurdles to staff investigations of alleged violations.

## *II. Weak Election Security and Infrastructure*

What Mueller Found: The Mueller Report also highlights Russia’s repeated efforts to target U.S. election infrastructure. The special counsel found that a Russian intelligence agency, known as the GRU, “sought access to state and local computer

networks by exploiting known software vulnerabilities on websites of state and local governmental agencies.” Using these tactics, the GRU hacked into the Illinois State Board of Elections network and accessed its voter registration database, which contains registration information for millions of Illinois voters. Operatives also sent “spearphishing” emails to election officials and persons working at private voting technology companies in an effort to place malware on their systems. At least one Florida county’s network was successfully breached. So was that of [VR Systems](#), a company that supplies voter registration technology in eight states.

**Why It Matters:** Attacks on election infrastructure pose a grave threat. Although there is no indication that Russian operatives made changes to voter rolls or changed votes, their exploratory attacks revealed vulnerabilities that could enable adversaries to disrupt future elections as they are happening or attempt to undermine public confidence in their results. As leading national security experts have warned, Russia’s attacks in 2016 were almost certainly a [dry run](#) for more advanced operations that will be carried out in 2020 and beyond. Shoring up the security of our election infrastructure must therefore be a top priority. Today, counties and towns in 11 states—including battleground states like Georgia and Pennsylvania—continue to use antiquated, paperless voting machines, which [experts agree](#) are dangerously insecure. If these machines are tampered with, there is no independent paper record that can be used to check the software results and recover from the tampering. And even where states have paper backups for every vote, they frequently do not review them to ensure that electronic tallies are accurate. While Congress appropriated \$380 million in 2018 to help the states with election security, that amount was not nearly enough to address all the vulnerabilities spread out over America’s vast and de-centralized election infrastructure, which includes over 8,000 distinct local election jurisdictions. For example, local election officials in 31 states recently reported needing to replace their voting equipment before the 2020 election, but nearly [two-thirds](#) said they did not have adequate funds to do so, even after the distribution of \$380 million from Congress last year.

**What H.R. 1 Would Do:** H.R. 1 would address the threats to our election infrastructure through a title called the Election Security Act (ESA). The ESA would require states to replace paperless voting systems with machines that provide a paper record of each vote. It would also provide states with funds to run [risk-limiting audits](#) of their elections, which involve hand counting a statistically meaningful sample of ballots to ensure that the electronic tally is correct. The ESA would also impose new legal safeguards on private vendors of elections systems and software, who have historically gone unregulated. And it would ensure consistent federal funding for future election security improvements.

H.R. 1 would also establish a minimum two-week early voting period for federal elections across the country. Early voting prevents would-be miscreants from marring elections, both by enabling election officials to discover and fix problems before Election Day and reducing the pressure on Election Day poll workers, since fewer people actually go to the polls on that day. Last year, for instance, Texas election officials were alerted to [poorly designed voting machines](#) changing votes during the early voting period and were able to [warn voters and instruct them](#) on how to use the machines to minimize errors. While the Texas incident does not appear to have involved deliberate tampering, early voting would provide the same benefits in the event of problems resulting from an attack.

### *III. Voter Suppression*

What Mueller Found: The Mueller Report explains how Russian operatives specifically targeted African-American voters, including through Facebook groups with names like “Black Matters,” “Blacktivist,” “Don’t Shoot Us,” and “Black Fist.” An [indictment](#) filed by the special counsel and [other research](#) document how such accounts, and accounts targeting other communities like American Muslims, were used for voter suppression and demobilization. Messages posted from these accounts called on the target communities to vote for third party candidates or to boycott the election entirely. Some accounts also posted false information about when, where, and how to vote or spread inflammatory messages about supposed voter fraud. For example, one Twitter account falsely said that people who voted for Bernie Sanders in the primary would not be able to vote for Hillary Clinton in the general election. Another falsely urged voters to vote online instead of waiting in line at the polls.

Why It Matters: Deceptive practices and misinformation can mar elections by driving down turnout in communities of color and other targeted communities. Russia started weaponizing these tactics in 2016, and [leading experts](#) expect that the use of online disinformation to “discourage and confuse voters from participating in elections” will play an even bigger role in future election interference operations. What is more, the use of these disinformation and vote suppression tactics is not limited to Russian operatives; they have long been [deployed](#) by unscrupulous domestic political actors, albeit on a smaller scale. These activities are currently governed by an [uneven](#) patchwork of state laws that do not adequately protect voters and would not address many of the tactics used by Russia in the 2016 election.

What H.R. 1 Would Do: H.R. 1 would address this problem in two ways. The increased safeguards for online campaign ads described above would make it difficult for foreign adversaries to use paid digital content for any electoral communications, including misinformation campaigns. In addition, H.R. 1 includes the Deceptive Practices and Voter Intimidation Prevention Act, which would prohibit false or misleading statements and intimidation tactics aimed at depressing voter turnout and participation. It would also require election officials to take active steps to counteract such tactics, including by disseminating accurate information to voters.

#### *IV. Other Foreign Assistance to Campaigns*

What Mueller Found: Despite the strict ban on donated foreign assistance to U.S. election campaigns, the Mueller Report documented many attempts to directly assist the Trump campaign that were directed or encouraged by the Russian government. At times, Trump campaign officials appear to have solicited—or at least been open to receiving—help from abroad. For example, the report describes a Trump Tower meeting between leading campaign staff, including Donald Trump Jr., Jared Kushner, and Paul Manafort, and Russian nationals who claimed to have information “incriminating to Hillary and her dealings with Russia.” Although the special counsel recognized that soliciting such information might have been illegal, he declined to prosecute any of the meeting’s participants, in part because he concluded they were ignorant of the law. The Mueller Report also devotes significant attention to the activities of campaign officials—Manafort, Rick Gates, and Michael Flynn—who worked as foreign agents (though not agents of Russia). None of them were in compliance with FARA, which requires U.S. persons advocating on behalf of a foreign government, corporation, or other principal to

register with the attorney general and disclose their political and lobbying activities.

Why It Matters: Laws curbing foreign campaign donations and requiring transparency from foreign agents operating in the United States are essential to blunting outside manipulation of the American political process. But these safeguards mean little without robust enforcement, which has [not happened](#). Thus, Trump campaign officials appear to have had no incentive to familiarize themselves with [clear rules](#) barring them from accepting “incriminating” research on Hillary Clinton from Russian sources (rules that even the special counsel’s team [did not fully understand](#)). Nor did Manafort, Flynn, and Gates apparently have much incentive to comply with foreign agent transparency rules.

What H.R. 1 Would Do: H.R. 1 would shore up enforcement of both the ban on foreign campaign donations and FARA. As noted, it would overhaul the FEC to curtail partisan gridlock and allow professional staff to investigate potential violations. Other provisions of H.R. 1 boost FARA enforcement by, among other things, establishing a dedicated enforcement unit within the Department of Justice, authorizing civil as well as criminal penalties for violators, and requiring all FARA registration statements to be made available online.

## *V. Conflicts of Interest*

What Mueller Found: The Mueller Report also documented various Russia-connected business dealings of President Trump and others on his campaign. During the election, candidate Trump denied that he had any business ties to Russia, but the special counsel’s investigation established that this statement was untrue. In fact, well into the 2016 campaign, Trump Organization lawyer Michael Cohen was conducting negotiations over the construction of a new Trump Tower in Moscow. “Given the size of the Trump Moscow project,” the report notes, Cohen and Felix Sater (another Trump associate) “believed the project required approval (whether express or implicit) from the Russian national government, including from the Presidential Administration of Russia.” Apart from the president, the report also describes a meeting his son-in-law and senior advisor, Jared Kushner, had during the transition period with Russian banker Sergey Gorkov. When questioned about the meeting, Kushner insisted that it was “diplomatic,” but Gorkov stated they discussed business. Kushner [failed to disclose](#) this meeting on his security clearance forms.

Why It Matters: Foreign business dealings by the president or other senior officials create a risk of sensitive government decisions being driven by officials’ personal financial interests rather than the public interest. To avoid even the appearance of such self-dealing, every president going back five decades until President Trump chose [to voluntarily divest](#) from personal business holdings and other potentially conflicting assets, despite being exempt from conflict of interest rules. President Trump’s failure to do so raises the prospect of more deals like the one over Trump Tower Moscow being used as leverage to influence U.S. policy. And while other senior officials like Kushner are theoretically bound by conflict of interest and other ethics rules, they have [suffered few consequences](#) for high-profile ethical lapses.

What H.R. 1 Would Do: H.R. 1 would require the president and vice president to divest from all financial interests that pose conflicts of interest. It would also require the president, vice president, and candidates for those offices to disclose

their personal and business income tax returns, which would, among other things, show how much they are paying in foreign taxes. H.R. 1 also incorporates the Transition Team Ethics Improvement Act, which would impose basic ethical standards for presidential transitions, including requiring them to deal with conflicts of interest on the part of transition team members. And H.R. 1 would strengthen OGE so that it can better investigate ethical breaches and hold high-ranking officials accountable.

## *VI. Obstruction of Justice*

What Mueller Found: Finally, Volume II of the Mueller Report, dealing with obstruction of justice, detailed numerous attempts by the president to stop or otherwise interfere with the special counsel’s investigation. President Trump repeatedly placed pressure on then-Attorney General Jeff Sessions to un-recuse himself from overseeing the investigation, despite recommendations to the contrary from DOJ ethics experts. For instance, when then-FBI Director James Comey testified before Congress, the president told the attorney general, “This is terrible Jeff. It’s all because you recused. . . . You left me on an island. I can’t do anything.” The president also pressured White House staff to stop or otherwise interfere with the investigation. He is reported to have said, “maybe I’ll get rid of” then-White House Counsel Don McGahn after McGahn did not carry out his order to fire the special counsel. And the president attempted to have Deputy National Security Advisor K. T. McFarland create a witness statement denying that the president had directed Michael Flynn’s transition-period discussions of U.S. sanctions with Russian Ambassador Sergey Kislyak, a request that was “sufficiently irregular” that McFarland “felt the need to document” it. McFarland was subsequently offered the position of ambassador to Singapore, which a lawyer in the White House Counsel’s Office opined could look like “a quid pro quo.”

Why It Matters: The conclusions in Volume II of the Mueller Report raise fundamental questions about the role of senior government officials when faced with a president determined to thwart an ongoing investigation. The conduct of Attorney General William Barr, who has been [accused](#) of misrepresenting the Special Counsel’s findings and seeking to undercut the his credibility, has only deepened these concerns.

What H.R. 1 Would Do: H.R. 1 would take important steps in this area. First, it would prevent government officials whom the president has appointed—who may be most vulnerable to pressure from the president—from overseeing investigations or other proceedings involving the president or their spouse. That would have buttressed Sessions’ recusal and also required Barr to recuse himself from matters related to the Mueller investigation. H.R. 1 would also give OGE final authority over all waivers of Executive Branch ethics rules that might require recusal, which would prevent the White House from attempting an end-run around these requirements. More safeguards are needed, but these provisions would provide at least some protection from White House interference in high profile investigations like the special counsel’s.

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The House passed H.R. 1 in March of this year, and the [Senate companion](#) was introduced that same month. However, no Senate vote has been scheduled. The Senate should immediately take up and pass this historic package of reforms to safeguard America's democratic institutions.



The following Brennan Center experts are available for additional consultation:

[Wendy R. Weiser](#), Vice President for Democracy

[Daniel I. Weiner](#), Senior Counsel, Democracy Program

[Spencer P. Boyer](#), Director, Washington Office

For media inquiries, contact: Alexandra Ringe; [alexandra.ringe@nyu.edu](mailto:alexandra.ringe@nyu.edu); 646-925-8744