

- **Trump's war on voting**

- According to the New York Times, A Republican strategy for November's election, envisions recruiting up to 50,000 volunteers in 15 key states to monitor polling places and challenge ballots and voters deemed suspicious.<sup>1</sup>
  - This would be a part of a \$20 million plan that would also allot millions to challenge lawsuits by Democrats and voting-rights advocates seeking to loosen state restrictions on balloting.
  - One group seeking to counter the Republican effort, Fair Fight, plans to have its own representatives in the same swing states Republicans have targeted.
    - Fair Fight, a voting rights group founded by Stacey Abrams, claims that the groups' combined spending on lawsuits, election monitoring and spreading allegations of cheating will far exceed the \$20 million announced to date.
- Besides the national party and Trump's campaign strategists, conservative advocacy groups are joining lawsuits, recruiting poll monitors and mounting media campaigns of their own.
  - Republicans will have an Election Day operations program "that probably no other presidential campaign has had before. It's going to be all hands on deck." Josh Helton, a Republican consultant said at a meeting of the CPAC in March.
- Republicans say Democratic efforts to relax voting restrictions are partisan moves that demand a firm response, and that Republican countermeasures reflect standard political mobilizing.
- After nearly 40 years, the Republican National Committee can continue a "ballot security" campaign without court approval because of a 2018 federal court ruling.<sup>2</sup>
  - 35 years after it was first imposed, a judge lifted a consent decree barring the RNC from pursuing "ballot security" measures.
  - The court ban on Republican Party voter-fraud operations was imposed in 1982, and then modified in 1986 and again in 1990, each time after courts found instances of Republicans intimidating or working to exclude minority voters in the name of preventing fraud.

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<sup>1</sup> Freed by Court Ruling, Republicans Step Up Effort to Patrol Voting - The New York Times  
<https://www.nytimes.com/2020/05/18/us/Voting-republicans-trump.html>

<sup>2</sup> The Republican Party Emerges From Decades of Court Supervision - The Atlantic  
<https://www.theatlantic.com/politics/archive/2018/01/the-gop-just-received-another-tool-for-suppressing-votes/550052/>

- In their 1981 lawsuit to stop the RNC from engaging in certain practices at the polls, the DNC attested that in a New Jersey gubernatorial election, the RNC had sent sample ballots to communities of color, and then had the names for each ballot returned as undeliverable removed from voter rolls.
  - Democrats also alleged that the RNC hired off-duty cops to patrol majority-minority precincts, wearing “National Ballot Security Task Force” armbands.
  - These details were enough to secure a consent decree between the two party organizations and the court in 1982, stopping the GOP from engaging in such practices.
- The consent decree was updated in 1987 after Republicans created a voter-challenge list of black voters from whom letters has been returned as undeliverable, with an RNC official saying that the list could “keep the black vote down considerably.”
  - The decree was modified again in 1990 after a court ruled the RNC had violated it by not telling state parties about its provisions, which had led to the North Carolina GOP sending 150,000 postcards to potential voters listing voting regulations, in an apparent attempt at intimidation.
  - The GOP violated the court order again in 2004 after another voter-challenge list targeted black voters.
- Federal courts moved to allow the decree to expire in December 2017 which was later finalized, allowing the RNC to pursue ballot-security measures without court preclearance.
- “The 2018 ruling “allows the RNC to play by the same rules as Democrats. Now the RNC can work more closely with state parties and campaigns to do what we do best - ensure that more people vote through our unmatched field program,” a spokeswoman for the RNC, Mandi Merritt, said in a statement.
- Lawsuits around voting laws in Pennsylvania, Wisconsin, and a half-dozen other key states have been filed to limit ballot access with numerous countersuits also involved.<sup>345</sup>

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<sup>3</sup> Trump’s war on mail-in voting suffers setback in Pennsylvania - PBS News Hour  
<https://www.pbs.org/newshour/politics/trumps-war-on-mail-in-voting-suffers-setback-in-pennsylvania>

<sup>4</sup> The Trump campaign is waging an all-out legal war to stop the expansion of vote-by-mail in 7 different states - Business Insider  
<https://www.businessinsider.com/trump-is-involved-in-litigation-about-voting-2020-9>

<sup>5</sup> Voting lawsuits pile up across US as election approaches - AP News  
<https://apnews.com/article/election-2020-virus-outbreak-donald-trump-voting-lawsuits-124eca1b346c2fa64f6add1710031ec4>

- They've been fighting in Wisconsin and Pennsylvania over the cutoff date for counting mailed ballots, and in North Carolina over witness requirements. Ohio is grappling with drop boxes for ballots as Texas faces a court challenge over extra days of early voting.
- The race is already regarded as the most litigated in American history, due in large part to the massive expansion of mail and absentee voting.
  - Loyola Law School professor Justin Levitt, a former Justice Department elections official, has tallied some 260 lawsuits arising from the coronavirus.
  - The RNC says it's involved in more than 40 lawsuits, and a website operated by a chief Democrat lawyer lists active cases worth watching in about 15 states.
- A legal challenge in Pennsylvania offers a good example of the Trump campaign's attempt to reduce voting by mail - a tactic Democrats claim is aimed at suppressing turnout to help Trump win in a critical battleground state.
  - In a complaint filed June 29 in the Western District of Pennsylvania, the Trump campaign and the RNC asked a federal judge to ban the use of ballot drop boxes in Pennsylvania for the general election.
  - The containers, which typically look like mail boxes, are used by voters who prefer to drop their mail-in ballots off in person, rather than send them through the mail.
    - Several states have used them for years, and Pennsylvania deployed drop boxes across the state for the first time in its June primary to help reduce the spread of COVID-19 through in-person voting.
  - Attorneys for the Trump campaign argued that the drop boxes would allow "fraudsters" in the general election to vote more than once, destroy ballots, and engage in other forms of ballot tampering that violate the Pennsylvania and US constitutions.
    - The campaign also requested Pennsylvania be required to throw out ballots that aren't mailed back inside a state-mandated secrecy envelope, and change a provision of a new election law that bars poll watchers from monitoring sites outside the county where they're registered to vote.

- In its court filing, the campaign argued that poll watchers from any county in the state should be allowed to monitor drop boxes if those boxes are ultimately allowed to be used in the general election.
    - Democrats argue the move would pave the way for Trump supporters to intimidate voters in left-leaning areas on Election Day by standing beside the drop boxes to scare voters away.
- In August, US District Judge J. Nicholas Ranjan halted the lawsuit until Oct. 5 to give state courts time to resolve the dispute.
- In a 5-2 ruling last month, the Pennsylvania supreme court approved the use of drop boxes, and upheld the provision barring poll watchers from monitoring sites outside of their home counties.
  - The court also approved a request by state Democrats and plaintiffs in a separate case to extend the deadline for counting ballots by three days.
    - Under the ruling, late ballots can be counted if they are postmarked by the time polls close at 8 pm on Election Day, and received by 5pm on Nov. 6.
- Trump campaign general counsel Matthew Morgan praised a separate ruling last month by Pennsylvania's supreme court, which barred people from submitting other voters' absentee ballots, a practice known as "ballot harvesting."
  - Democrats argue the practice is not widespread, typically consists of spouses delivering their partners' votes, and doesn't lead to double voting or other voter fraud.
- Joe Kantz, the Republican chair of the board of commissioners in Snyder County - a rural, deeply conservative area Trump carried by 46 points four years ago - hired a forensic specialist to examine suspicious-looking mail-in ballots from the primary that he said appeared to have the same handwriting. Overall, the county received 3,100 mail-in ballots. The forensic report concluded there was no evidence of voter fraud, Kantz said.

- “Other than two instances where it appears a spouse filled out their [partner’s ballot], it appears none of the other ballots were the same handwriting,” Kantz said.
- Republican state lawmakers also asked the US Supreme Court to put a hold on a ruling by the Pennsylvania Supreme Court that extends the deadline for receiving and counting mailed-in ballots.
  - Republicans also object to a portion of the state court’s ruling that orders counties to count ballots that arrive during the three-day extension period even if they lack a postmark or legible postmark.
- Iowa
  - The Trump campaign filed three lawsuits in the state of Iowa over local officials’ plans to send absentee ballots to registered voters with pre-filled information, like a voter’s voter identification number.
    - The Trump campaign argued that the local elections administrators had violated state law by pre-filling portions of the absentee ballots.
  - Two Iowa judges sided with the Trump campaign in the cases in Linn and Woodbury counties. About 50,000 people in Linn County will need to request another absentee ballot and at least 14,000 in Woodbury will also have to.
- Nevada
  - On August 4, the Trump campaign filed a lawsuit in Nevada over its plan to send ballots to every “active registered voter” in the state.
    - At the beginning of August, the Nevada state legislature passed a bill to reform the state’s election process amid the pandemic. The bill passed along party lines and was signed into law.
  - According to the report, in addition to automatically sending ballots to voters, the legislation also extends the deadline for when mail-in ballots can be counted.
  - The bill also relaxed the previous restriction for who is permitted to handle ballots on behalf of another person.
  - A federal judge in Nevada dismissed the campaign’s lawsuit on September 18.
- New Jersey

- On August 18, the Trump campaign filed a lawsuit against New Jersey Gov. Phil Murphy over his executive order to administer the election mostly by mail.
  - The executive order directed active registered voters in the state to send mail-in ballots, which they had the options of returning via the postal service, placing in secure drop boxes, or delivering to poll workers on Election Day.
- Lawyers for the Trump campaign filed a lawsuit in federal court, claiming the governor's order violated both the US Constitution's Electors and Elections Clauses and 14th Amendment.
  - While the campaign lawyers argued only the state legislature had the power to make broad changes to elections and that they could not be made by the governor in an executive order, the New Jersey state legislature voted to codify Murphy's executive order.
- The Trump campaign changed its strategy in the lawsuit by later arguing that the New Jersey election directly violates both the US Constitution and federal statutes relating to Election Day/
- North Carolina
  - On Sep. 26, the Trump campaign and the RNC sued to stop North Carolina election officials from enforcing rule changes that could increase the number of ballots counted.
    - Last month, the state elections board issued new guidance to allow mail-in absentee ballots with deficient information to be fixed without forcing the voter to fill out a new blank ballot.
    - Under the change, voters who neglect to provide complete information on their envelope about a witness will only have to turn in an affidavit confirming they filled out the original ballot.
- Montana
  - The Trump campaign and other GOP groups sued the state on September 2 over Gov. Steve Bullock's plan to grant counties the decision to run their elections entirely by mail.
  - "This template lawsuit appears to be part of a pattern of lawsuits across the country by Republican Party operatives

to limit access to voting during the pandemic,” Bullock said in a statement.

■ Ohio<sup>6</sup>

- A coalition of voting groups and Democrats have sued to force an expansion of ballot drop boxes from more than just one per county.
  - The complaint filed against Secretary of State Frank LaRose outlines what Democrats see as an urgent need to expand the number of secure voter drop boxes in Ohio’s 88 counties.
  - The lawsuit came two weeks after LaRose issues a directive that prohibited election boards from installing drop boxes anywhere but the board location, effectively limiting the number of boxes to one per county.
- Separately last month, a federal judge rejected changes to the state’s signature-matching requirement for ballots and ballot applications, handing a win to the state’s Republican election chief.

■ Arizona<sup>7</sup>

- Attorney General Mark Brnovich asked an appeals court to hold off on enforcing a ruling that gives Arizona voters who forget to sign their early ballots up to five days after the election to fix the problem.
- Democratic Secretary of State Katie Hobbs wanted the extra five days included in the state’s updated election procedures manual. Brnovich refused to sign off on the provision, so Hobbs removed it. The Democratic groups filed a lawsuit.
  - Brnovich’s office argued the ruling brushes aside a state law requiring absentee ballots to be returned with a signature by close of polls on election day.
  - Democratic groups argued it was unfair for election officials not to allow voters to “cure” unsigned ballots.

■ Wisconsin<sup>8,9</sup>

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<sup>6</sup> Ohio Democrats sue chief over dropbox limitations - AP News

<https://apnews.com/article/1209d004bdd608499df39b1abf3054d3>

<sup>7</sup> Brnovich asks for unsigned ballots ruling to be put on hold - AP News

<https://apnews.com/article/arizona-archive-af8d1a12ec380cf945323beb594dcb27>

<sup>8</sup> Wisconsin justices weigh removal of 130K form voter rolls - AP News

<https://apnews.com/article/election-2020-donald-trump-madison-wisconsin-lawsuits-e8f0c1dd1b53a74e300761450d85ed85>

<sup>9</sup> Wisconsin court overturns ruling ordering voter purge - AP News

- Last week the Wisconsin Supreme Court weighed whether to go along with conservatives who argue that 130,000 voters should be removed from the rolls, while the Democratic attorney general defended not purging them.
  - However, the lawsuit is unlikely to be resolved by the state Supreme Court before the November election.
- The voter purge lawsuit argues that the state elections commission broke the law when it did not remove voters from the rolls who did not respond within 30 days to a mailing in October 2019 indicating they may have moved.
  - The commission wanted to wait until after the November election before removing anyone because of inaccuracies found while previously attempting to identify voters who may have moved.
- Because voters who moved were concentrated in more Democratic areas of the state, Democrats argued that the lawsuit was meant to lower turnout on their side. Republicans countered that it was about reducing the likelihood of voter fraud and making sure that people who moved are not able to vote from their previous addresses.
- In a separate case, a federal appeals court upheld a ruling that expanded the time that absentee ballots can be counted in Wisconsin
- What could happen if the election is close?
  - What could it look like if Trump refused to concede? ([Daniel Block - Washington Monthly](#))<sup>10</sup>
    - Could it happen?
      - “Is there really a way he could stay in office? It’s unlikely. For starters, successful autocrats rarely lose elections. ‘They take steps to rig it well in advance,’ said Steven Levitsky, a comparative political scientist at Harvard... They pack electoral authorities, jail opponents, and silence unfriendly media outlets. America’s extremely decentralized electoral system and powerful, well-funded opposition makes this very difficult to pull off.”

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<https://apnews.com/article/5d5db35a01f25c37d4b65edc20585d39>

<sup>10</sup> How Trump Could Lose the Election and Remain President - Washington Monthly

<https://washingtonmonthly.com/magazine/april-may-june-2019/how-trump-could-lose-the-election-and-re-main-president/>



- “The US also lacks the kind of politicized military that lets some discredited autocrats, like Venezuela’s Nicolás Maduro, hang on.
- What could keep Trump in power?
  - The election is close.
    - If Trump lost in a blowout, alleging fraud would accomplish little. Even entrenched autocrats are often forced from office when they are heftily defeated.
    - “I am worried now, given the reaction to 2018, that you could get dispute over a five-digit number,” said Edward Foley, a law professor at Ohio State University.
    - “[2020] will probably be a nail-biter election where the pols are mixed or indeterminate, where it’s really not clear who is going to win,” said Levitsky. “If it’s close, just as Trump kind of did in 2018, Trump could basically claim fraud. And we don’t have mechanisms to deal with that.”
  - Trump claims fraud, and Republicans back him up.

The 2020 Census Is Being ‘Sabotaged,’ Says Leading U.S. Statistician

<https://www.bloomberg.com/news/articles/2020-10-15/top-statistician-u-s-census-is-being-sabotaged>

"The population count is responsible for making decisions about trillions of dollars in federal funding. And Santos did not mince words about how distorted the undercount could be."

"The coronavirus pandemic forced the Census Bureau to extend the window for going door-to-door to count households that had not yet responded. Instead of wrapping up operations in July, the Census Bureau — with the support of the White House — set a deadline of Oct. 31. The agency also asked Congress to move the date for submitting the final count from December to April 2021. Then the ground shifted. In July, the White House decided it wanted the data sooner, announcing that the final count was due in December after all, and that nonresponse follow-ups should wrap up early to give the agency time to finalize the data — five months earlier than the Census Bureau requested.

"I do not believe that a fair and accurate census can occur," he says. "I expect it to be one of the most flawed censuses in history." The court decision alone is not responsible for this looming disaster, Santos says. Any undercount will be the result of a "perfect storm" of factors, starting with a call to add a citizenship question to the census that was rejected by the Supreme Court in 2019. In subsequent months, President Donald Trump asked the Census Bureau to use administrative data to determine the citizenship status of every American adult and issued an executive order to exclude undocumented immigrants from the apportionment of congressional districts. Plus, the White House installed several hand-picked appointees inside the Census Bureau, leading to internal fears of political interference. Critics said that the administration was fulfilling a secret plan by the late Thomas Hofeller, the GOP's so-called "Michelangelo of gerrymandering," to use the citizenship question to give a boost to Republicans and non-Hispanic whites. Then came the pandemic."

"My suspicion is that the congressional allocation is going to be a done deal if the actual whole person counts are used, regardless of the flaws that everyone knows are going to be baked into the census. Population counts are used as the basis for the next 10 years of population projections, and those projections are used for really important studies and to issue federal funding to the tune of \$1.5 trillion per year. It's possible that one could do some independent research — first to identify the areas of problems geographically in terms of undercount or overcount (college students, duplicates and such), and second, to come up with an estimate for what that was — so that a correction could be made to the population projections. Rather than starting with a severely flawed census and then baking those errors in for the next 10 years of population projections, one could start with those and make adjustments for known deficiencies."

"There are potentially two reasons. Both to me are nefarious. The first is that it allows you to do hyper-gerrymandering. Before, block groups were so big that you could have a block group where part of it covered a minority neighborhood and part of it covered a non-minority neighborhood. There was no way of splitting that up. By getting down to the block level, it will allow state legislatures to decide for themselves if they want to use citizenship counts rather than total population counts to create their state legislative boundaries. If they decide to use citizenship, they'll be able to do that down to the block level. Two blocks next to each other — one of them goes to one district, the other goes to the other district.

What's the second potentially nefarious purpose behind the White House's plan?

The first is hyper-gerrymandering. The second is enforcement. The Census Bureau collects information for statistical purposes, not for enforcement purposes. The notion of

these counts ever being used for enforcement — basically targeting high population, low citizenship-count blocks for ICE raids or whatever — that would be really, really problematic. That would almost surely result in lawsuits. The Census Bureau doesn't want that. Most of the public doesn't want that."

Do you believe that the census is being rigged to produce an outcome that is favorable to Republicans?

No. I wouldn't say it's being rigged. It's being sabotaged."

Legitimacy

Can Trump Steal The Election? | Campaign HQ with David Plouffe

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Biden Creates Legal War Room, Preparing for a Big Fight Over Voting - <https://www.nytimes.com/2020/09/14/us/politics/biden-legal-challenges-trump.html>

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An Exercise in Election Risk Assessment  
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A Big Blue Shift: Measuring an Asymmetrically

Increasing Margin of Litigation -

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Deceased G.O.P. Strategist's Hard Drives Reveal New Details on the Census Citizenship Question (Published 2019)  
<https://www.nytimes.com/2019/05/30/us/census-citizenship-question-hofeller.html>

Videos show closed-door sessions of leading conservative activists: 'Be not afraid of the accusations that you're a voter suppressor'

[https://www.washingtonpost.com/investigations/council-national-policy-video/2020/10/14/367f24c2-f793-11ea-a510-f57d8ce76e11\\_story.html](https://www.washingtonpost.com/investigations/council-national-policy-video/2020/10/14/367f24c2-f793-11ea-a510-f57d8ce76e11_story.html)