



Trump's Jan. 6th Speech Incited an Insurrection *and* a Fanatical Rewriting of State Laws to Subvert Our Freedom to Vote

Trump's Speech Is the Blueprint for the GOP's Ongoing Legislative Campaign to Undermine Free and Fair Elections

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Introduction. Today marks the first anniversary of the violent riot incited by Donald Trump to try to stop the democratic process and prolong his presidency. Congress is pursuing an intensive investigation to help hold Trump and his confederates responsible for the attack on America that day, and the Justice Department has indicted more than 750 people for their actions on January 6th — but so far none are from Trump's inner circle.

The House of Representatives impeached Trump for the words on January 6th that unleashed an unprecedented wave of violence by his followers. His devotees invaded the Capitol and threatened members of Congress and the Vice President for doing their constitutional duties of counting the votes certified by every state in the country. Last year, a majority of U.S. Senators voted that Trump should be convicted but that number fell short of the super-majority needed under the Constitution to do so.

But Trump's speech did not only incite the most violent domestic insurrection in the U.S. since the Civil War: it also set forth a blueprint for his party's ongoing campaign to change state laws in ways that undermine free and fair elections and create levers for Trump loyalists to use the law to subvert U.S. democracy.

This report by True North Research examines the playbook to sabotage our elections that Trump set out that day, predicated on his lies about voter fraud and more. It also shows how his loyalists have delivered, introducing more than 440 bills to restrict the freedom to vote and passing dozens of major changes that alter how future elections will be conducted.

Setting the Stage. On January 6th, 2021, Donald Trump spoke at the "Save America Rally" organized by Women for America First at the Ellipse where he repeatedly pushed his Big Lie: that there was widespread voter fraud and that he won the 2020 election. As Congress prepared to certify the results of the 2020 election, Trump urged his supporters to march on the U.S. Capitol while repeatedly calling on Mike Pence to "do the right thing" and reject the 2020 election results.

In the year since Trump's attempted coup, we have learned that this was not a one-off event, and that the Trump-aligned GOP is intent on creating the infrastructure they lacked in 2020 to effectively win in coming elections if they lose the vote and cannot persuade enough Americans to actually choose their preferred candidates. As the *New York Times* editorial board put it: "Every Day Is Jan. 6 Now."

Most coverage has focused on how Trump's January 6th speech incited the breach of the Capitol and the violent insurrection by his most ardent cultists, which was part of his failed coup.

Less examined is how Trump's speech that day also set forth a blueprint for state elected officials aligned with him to <u>subvert</u> free and fair elections through legislation and by placing Trump loyalists into offices charged with overseeing our elections and counting ballots.

Thirty minutes into his rambling speech with the White House as his backdrop, Trump asked:



Today, for the sake of our democracy, for the sake of our Constitution, and for the sake of our children, we lay out the case for the entire world to hear. You want to hear it?"

Under the guise of supposedly widespread fraud, Trump claimed that all rules are out the window, and that the states can change the outcome of elections:



The Constitution doesn't allow me to send them back to the States. Well, I say, yes it does, because the Constitution says you have to protect our country and you have to protect our Constitution, and you can't vote on fraud. And fraud breaks up everything, doesn't it? When you catch somebody in a fraud, you're allowed to go by very different rules."

Trump then mapped out a playbook that has been carried out by Trump party apparatchiks over the past twelve months.

As this report details, GOP-controlled state legislatures — captured by right-wing extremists through a mix of hyper-partisan gerrymandering, extensive voter suppression, and a flood of special interest spending and unaccountable dark money in our elections since 2010 — have sought unprecedented changes to who runs elections and who can certify the results. Some of these changes would steal the traditional power of other local or state officials over elections and vest it in GOP-dominated state legislatures to decide elections themselves, including the power to override the will of American voters.

Come 2024, Trump or whomever may be running in his place will have a more potent infrastructure to back election subversion due to changes in the law imposed by a Republican Party that has fully bought into the Big Lie — a charade which has been so lucrative for the party and the groups surrounding Trump.

In the meantime, the 2022 legislative sessions will continue to push <u>Trump's blueprint</u> for undermining our elections and deploy whatever tactics it takes to make sure there is no one left in positions of power over elections willing to put country over party to stop a coup in favor of Trump's confederates.

Trump Mapped Out Changes to the Law to Attack the Freedom to Vote

Since at least 2004, the GOP has peddled claims of voter fraud to justify making it harder to vote, even though there is no actual evidence of any widespread voter fraud in the U.S. But, in 2021, after Trump turned his Big Lie into incitement for his attempted coup, Trump loyalists introduced more bills than ever

before that make it harder for Americans to vote under the guise of making it "harder to cheat" — even though the 2020 election was certified as secure by every state.

In his January 6th speech, Trump laid out voter suppression measures he wanted to see implemented or expanded, including Voter ID restrictions, limiting absentee voting, and a raft of measures that undermine or eliminate vote-by-mail. According to the Brennan Center, 19 states have passed 34 laws this year making it harder for Americans to vote and, in all, more than 440 bills to restrict voting were proposed in 2021. Some of these bills will carry over in the 2022 state legislative sessions.

Limiting Absentee Voting/Mail-in Ballots

In his January 6th speech, Trump targeted a Democratic state official who had dared to try to ensure that Michigan residents could vote by mail during the deadly infectious Covid-19 pandemic. This was before there was a viable vaccine to help limit the risk of death of a highly transmissible disease that has killed more than 825,000 Americans as of January 2022. Trump told the crowd on January 6th:



In Michigan, the secretary of state, a real great one, flooded the state with unsolicited mail-in ballot applications sent to every person on the rolls in direct violation of state law...We will stop the practice of universal unsolicited mail-in balloting."

Targeting voting by mail allowed Trump to exploit — and twist — a truth about the way the 2020 election differed from previous ones: that mail-in and absentee voting was expanded as a necessary measure to limit contact among voters during the COVID-19 pandemic. (Trump himself was hospitalized with coronavirus one month before the election.)

His strategy was to falsely link mail-in voting to fraud, a message he began peddling on Twitter months before the election as he tried to help his own claims materialize by opposing funds to the U.S. Postal Service (USPS) to facilitate the processing of ballots.

In a now-infamous <u>interview</u> in August 2020 with Maria Bartiromo, Trump admitted he opposed Democrat-proposed USPS funding specifically in order to impede states and local governments from automatically sending mail-in ballot applications to registered voters, a practice he called "universal unsolicited" mail-in balloting. "Now they need that money in order to have the post office work, so it can take all of these millions and millions of ballots," Trump told her. "But if they don't get those two items, that means you can't have universal mail-in voting, because they're not equipped to have it."

In the lead-up to the 2020 election, U.S. Postmaster General Louis DeJoy, a Trump appointee and Republican mega-donor, presided over changes that dramatically slowed the delivery of mail, resulting in numerous complaints that vital medicines, checks, and other goods were suddenly not arriving in a timely way. Multiple suits were filed to protect the ability to get ballots to voters and get them returned in time to be counted and at least three courts blocked changes to the mail service.

In September 2020, <u>14 states won an injunction</u>. Federal Judge Stanley Bastian wrote Trump and DeJoy were "involved in a politically motivated attack on the efficiency of the Postal Service." Other courts were similarly critical of the impact of DeJoy's changes, including its potential disproportionate impact on city voters, who tend to vote Democratic.

Trump allies went to court to block states from counting mailed in ballots at the start of election day. despite the huge number of ballots that Americans were mailing in to avoid getting exposed to Covid-19. That meant that exit polls from in-person voting would show a strong turnout for Trump, since many Trump followers had bought into his downplaying of the severity of the virus. Trump notoriously claimed he felt even stronger after getting Covid-19-disregarding that he had received special treatment not then available to most Americans.

Forcing election officials to wait to count absentee ballots until after the election would mean that it would take longer for the election results, and it would also mean that the initial counts from in-person voting might favor Trump in some precincts and then be overtaken by mailed in ballots from Democratic voters, who were more likely to take the pandemic seriously and stay home.

When results rolled in with a clear win for Biden and the expected uptick in mail-in voting (43% of 2020) voters cast their ballot by mail, up from 21% in 2016), Trump seized on voting by mail, declaring his own prophecy fulfilled.

He used his January 6th speech to call for the end of automatically sent mail-in ballots and ballot applications, and four GOP-controlled states followed his command. In 2021, Georgia, Iowa, Kansas, and **Texas** passed laws to eliminate or limit sending applications to voters who do not specifically request them

At the speech, Trump also proclaimed:



We will restore the vital civic tradition of in-person voting on Election Day so that voters can be fully informed when they make their choice."

In his sweeping declaration that day, Trump broadly threatened absentee, mail-in, and early voting: arrangements essential to disabled voters as well as Americans living or working abroad, in addition to Americans fearful of catching Covid-19. States with Republican-led legislatures responded with a flurry of activity to cement those threats into law.

In 2021, **Arizona** and **Florida** passed legislation to make it harder to remain on absentee voting lists, meaning that the states will no longer send ballots to voters it knows are residing abroad.

Georgia, Iowa, and Texas have passed laws limiting the days or hours during which early voting may take place. Georgia's so-called Election Integrity Act of 2021 even eliminated the mobile bus introduced in 2019 in the populous and Democrat-leaning Fulton County to facilitate early voting and alleviate pressure, meaning long lines, at other voting sites.

Arkansas and Iowa shortened the deadline to deliver a mail-in ballot; while Alaska, Arkansas, Georgia, Iowa, Kentucky, New York, and Oklahoma shortened the window to apply for a ballot.

Arizona, Idaho, Kansas, and Texas also imposed stricter signature requirements for mail ballots. The GOP has often tried to use signature matching to disqualify ballots, without any proof that the American who voted was not the same person who was registered-even though many Americans' signatures vary a great deal as with signatures on checks or at grocery stores etc.

Georgia previously verified mail ballots by matching a voter's signature on the application with the signature in state records. Going forward, absentee voters in the state will also need to provide their name, date of birth, address, and identification numbers on an outer envelope of their ballot, and they will be required to sign an oath swearing that everything is correct. The envelope also now requires mention of potential felony for voter fraud before the signature.

Trump's promise to "restore" in-person voting did not inspire Republican legislatures to make it easier, more accessible, or more pleasant to cast a ballot on Election Day. Iowa, Montana, and Texas passed laws in 2021 to reduce polling place locations or hours; Florida and Georgia banned anyone from handing out water or snacks to voters waiting in line near the polling place.

Limiting Helping Americans Vote/Voter Assistance

Trump also proclaimed on January 6th:



We will ban ballot harvesting and prohibit the use of unsecured drop boxes to commit rampant fraud. These drop boxes are fraudulent. Therefore, they get disapp- they disappear, and then all of a sudden they show up. It's fraudulent."

As with Trump's other claims in support of his Big Lie, there is no credible evidence of ballot boxes disappearing and reappearing. The ballot "harvesting" claims target people like older Americans in nursing homes and Americans with disabilities who rely on third parties to collect ballots because of limited mobility to get to polling places, which are located in a variety of buildings that may not be easily accessible for people who do not drive or have other physical challenges to wait in long lines.

However, in 2020, the Honest Elections Project (HEP) — a new well-funded, right-wing dark money group tied to Leonard Leo and aligned with the Koch-backed Heritage Foundation — drummed up fears of so-called "ballot harvesting," a nefarious term the right-wing has coined for ballot collection. This routine practice of the gathering and submission of absentee ballots is allowed in many states because it has widely increased access to the ballot box for voters who have difficulties getting to the polls. Indeed, Trump and his wife themselves used a ballot collector to <u>vote</u> in the August 2020 Florida state primary.

Trump called for the end of ballot collecting and widespread drop boxes, and in the months after January 6th many GOP-controlled states followed Trump's demand. Florida, Georgia, Iowa, and Indiana passed legislation to limit the number, location, or availability of mail ballot drop boxes. Seven states (Arkansas, Florida, Iowa, Kansas, Kentucky, Montana, and Texas) curtailed ballot collection and other types of assistance to help voters return mail-in or absentee ballots.

In Iowa and Kansas, criminal charges can now be filed against people who return ballots on behalf of voters with disabilities or other difficulties accessing the polls. Three separate bills have been proposed to do the same in Pennsylvania and will be voted on in 2022.

Stripping Registered Voters from Voting Rolls

On January 6th, Trump also pushed for states to purge voters by touting the "cleaning" up the rolls of Americans who had registered to vote. He stated:



We will clean up the voter rolls that ensure that every single person who casts a vote is a citizen of our country, a resident of the state in which they vote and their vote is cast in a lawful and honest manner."

Seven states (Arizona, Iowa, Kentucky, Louisiana, New Hampshire, Texas, and Utah) made it easier for Americans who had registered to vote to be purged from the state or local voter rolls. Election officials are bound by statute to perform routine maintenance of voter rolls, but right-wing groups have tried to turn this into a basis for trying to remove large swaths of voters ahead of election day, often in areas that tend to vote Democratic. In Wisconsin, for example, the right-wing legal center Wisconsin Institute for Law and Liberty (WILL) has sued the state to have thousands of voters removed from the rolls.

This is another tactic aligned with Trump ally Kris Kobach's demand that states remove Americans who registered to vote if someone in a neighboring state has the same name, based on the erroneous – and ridiculous – assumption that two people cannot have the same name. Since the advent of the internet, most Americans know that their names are not unique and have learned that many people have the same first and last name as they do. Kobach was part of Trump's discredited voter fraud commission. Another version of this tactic deployed by the right-wing is to try to use change of address filings as a basis for removing registered voters' names.

When Americans who previously registered or voted show up on election day and learn that they are no longer registered, some are turned away. Others are allowed to cast a vote but only with a "provisional ballot" that is not counted unless the voter can come back within a short period and somehow cure whatever the basis was to remove their name

Making It Harder to Vote through ID Restrictions for Registered Voters

Over the years, as the American population has become more racially diverse and especially after Barack Obama was elected, the Republican Party has seemingly been keen to follow Heritage Foundation founder Paul Weyrich's exhortation to white evangelical Christians "I don't want everybody to vote... As a matter of fact, our leverage in the elections quite candidly goes up as the voting populace goes down."

On January 6th, Trump mapped a plan for more voter ID restrictions:



With your help, we will finally pass powerful requirements for voter ID. You need an ID to cash a check. You need an ID to go to a bank, to buy alcohol, to drive a car. Every person should need to show an ID in order to cast your most important thing, a vote."

Modern voter ID restrictions got their start after Karl Rove made pushing claims of voter fraud a GOP political tactic in 2004, but very few states took them up until after Barack Obama was elected America's first Black president. The "Tea Party" arose in 2009, less than three months after Obama's inauguration, to blame him on Tax Day for the financial crisis that arose under George W. Bush. The Tea Party was a thinly-veiled rebrand of the Republican Party and its infrastructure. As Jane Mayer showed, it was

<u>instrumentally aided</u> by groups spawned by right-wing industrialist <u>Charles Koch</u>, who opposed <u>taxes</u>, <u>pollution restrictions</u> on corporations, and <u>clean election laws</u> that limited his influence.

Then, during Obama's first mid-term, in 2010, two particularly consequential things happened. First, Supreme Court Chief Justice John Roberts orchestrated a highly political judicial edict in a case called *Citizens United*. It barred Congress from limiting the ability of "dark money"— anonymous spending by rich people and corporations — to <u>flood elections</u> and influence results. In five of the national elections that followed, the GOP had the dark money advantage, based on the data that can be gleaned.

Second, Koch — who inherited his father's oil refining company, Koch Industries, and who aided his dad's <u>hostility</u> toward the civil rights movement — used that partisan judicial fiat as license to move <u>tens</u> of <u>millions</u> from secret sources to an array of front groups to flip legislative seats in the 2010 midterms. GOP operatives also executed a stratagem called <u>"REDMAP"</u> to flip Democratic-majority legislatures in North Carolina, Wisconsin, and more from "blue" to "red."

Republicans were swept into power. This gave the GOP the levers to try to restrict voting by the racially diverse bloc that helped elect Obama, if only the Supreme Court would upend the protections in the Voting Rights Act.

After Obama was sworn in, the Koch-funded American Legislative Exchange Council (ALEC) had already begun that fight, taking up <u>voter ID restrictions</u> as a national priority. In 2009, at a <u>meeting</u> co-chaired by the National Rifle Association, state legislators voted as equals with corporate lobbyists to adopt a "model" bill to make it harder to vote. Suddenly, voting ID restrictions were being pushed <u>with</u> "<u>glee" in Wisconsin</u> and elsewhere. A handful of newly Republican-controlled states passed ALEC-based voter ID restrictions in 2011, but they could not become law in North Carolina and other Southern states without pre-approval (called "pre-clearance") by the Justice Department. The DOJ was then led by Eric Holder, the first Black man to serve as Attorney General of the United States.

Right on cue, in 2012, the Roberts Court took up the cause of Alabama and took out the ability of the DOJ to enforce a key component of the VRA. Right after his decision in *Shelby County v. Alabama* in 2013, three Southern states imposed voter ID restrictions that had been blocked by the DOJ.

After Trump's January 6th speech, however, legislative action on voter ID in 2021 "came roaring back."

In 2021, <u>five states</u> (**Arkansas**, **Indiana**, **Montana**, **North Dakota**, and **Wyoming**) passed laws to impose harsher voter ID requirements. According to the <u>Brennan Center</u>, **Florida**, **Georgia**, **New Hampshire**, and **Texas** also filed bills with stricter ID requirements.

Voter ID legislation makes it harder for registered voters to vote on election day by blocking Americans from using, for example, government-issued IDs, like Medicaid cards, Veteran Identification Cards, and student IDs that do not necessarily have addresses or expiration dates from being used as IDs. There is no evidence of any significant voter fraud where people pretend to be someone who has registered to vote and vote in their name at polling places. So, the claim of voter fraud is a pretext for the real objective of these measures. In fact, courts have found that these measures are designed to disenfranchise voting blocs that historically have less access to drivers' licenses and that tend to vote Democratic. In North Carolina,

two courts found that state Voter ID restrictions were demonstrably based on an effort by Republicans to disenfranchise Black voters and entrench GOP power.

Election Power Grabs and Preemption of Local Authority

In his January 6th speech, Trump also insisted that only state legislatures may properly exercise decision-making power over elections. He attacked state officials for emergency measures to help ensure that Americans could vote during the deadly pandemic. He claimed:



LL In every single swing state, local officials, state officials, almost all Democrats, made illegal and unconstitutional changes to election procedures without the mandated approvals by the state legislatures...You can't make a change [on] voting for a federal election unless the state legislature approves it. No judge can do it. Nobody can do it. Only a legislature."

That claim was not accurate, and in fact had been rejected by every court to which his legal team argued it. Trump used the January 6th speech to repeat his attacks on the legitimacy of state election officials' decisions and judicial decisions that he disagreed with but that had ruled against his claims.

Trump leveraged this false claim to demand that state legislatures change election laws to transfer authority over election administration from nonpartisan officials to state legislatures. Such maneuvers put election administration in the hands of party politicians with clear motives to deal an advantage to their own candidates.

Eight states so far have complied with Trump's blueprint over the course of 2021: Arizona, Arkansas, Florida, Georgia, Kansas, Kentucky, Montana, and Texas all passed laws to shift control from courts, clerks, Secretaries of State, and nonpartisan election officials to partisan bodies like Republican-majority state legislatures, according to Voting Rights Lab.

The new **Kansas** law bars the state executive and judicial branches from modifying election law at all. The Republican-controlled legislature in **Montana** terminated the governor's power to change election procedures without approval from the state legislature. Montana's new law is an overt reaction to former Gov. Steve Bullock, a Democrat, exercising his emergency powers in 2020 to allow counties to optionally conduct all-mail elections for the June primary and November election due to the COVID-19 pandemic.

Georgia's legislators, egged on by Trump's litany of false allegations about voter fraud in the state, passed sweeping changes in March 2021, which strips the secretary of state of numerous powers and allows the replacement of the chair of the state elections board with an appointee of the state assembly.

The Georgia law also included a provision allowing state legislators to request a "performance review" of local election boards if they claim there is an irregularity. If that "review" by a lopsided panel dominated by Republicans says there is evidence of malpractice, then the state legislature can replace the entire local election board with a single appointee who would take full authority over certifying elections, as well as hiring and firing other election officials.

Republican state legislators have already used the law as a way to attack Fulton County, a historically Democratic county with a large number of Black voters. It has also been the focal point of conspiracy theorists, including Trump himself. In his January 6th speech, Trump asserted:



In Fulton County, Republican poll watchers were ejected, in some cases, physically from the room under the false pretense of a pipe burst. Water main burst, everybody leave. Which we now know was a total lie.

Then election officials pull boxes, Democrats, and suitcases of ballots out from under a table. You all saw it on television, totally fraudulent. And illegally scanned them for nearly two hours, totally unsupervised. Tens of thousands of votes."

Those claims by Trump are baseless and false, as with his many claims on January 6th. Notably, the partisan probes authorized by Trump aligned legislators can be invoked based on *suspicion* of wrongdoing, which could be interpreted to include even outlandish claims like Trump's.

Giving Legislatures Power to Overturn and Supplant Election Results

In the days following the 2020 election, the Trump campaign zeroed in on a far-off, historically unprecedented and undemocratic strategy: to push for state legislatures to "recertify" the election by choosing new electors committed to voting against the winner of the popular vote.

(CNN reported that the House select committee investigating January 6th believes former Energy Secretary Rick Perry is the originator of this idea, according to documents submitted by White House chief of staff Mark Meadows.)

No such thing occurred before the mandatory December 8th deadline by which states had to choose electors, and all states followed their own constitutionally-enshrined procedure to send electors faithful to the popular vote. But on January 6th, as those very electoral votes were being counted in the Capitol, Trump insisted that state legislatures — with the help of VP Pence — could still save his failed campaign.

On January 6th, Trump claimed, without real evidence again, that:



LL States want to revote. The states got defrauded, They were given false information. They voted on it. Now they want to recertify. They want it back. All Vice President Pence has to do is send it back to the states to recertify and we become president and you are the happiest people."

In fact, every single state certified the election results in the presidential election (and all the down ballot races). None of the states petitioned Congress for a revote. There is no evidence states got defrauded. There is no evidence any state got false information or passed any bill to withdraw the certified election results. Pence, too, followed constitutional procedures and refused to reject states' electoral voters.

However, since the January 6th insurrection, some state politicians loyal to Trump attempted to lay the groundwork for the subversion of future elections.

According to a November report by the Brennan Center, Trump-aligned legislators in seven states (Arizona, Nevada, Missouri, Michigan, Texas, Idaho, and Oklahoma) filed bills that would allow state legislators to overturn an election, although none passed this year.

Arizona's proposed law would have required only a simple majority vote in the state legislature to undo the certification of presidential electors up until inauguration. It also would have allowed the legislature to vote to reject or confirm the preliminary results of the election. The bill had seven co-sponsors but it died in committee.

Sham, Partisan Election "Review" Spectacles

In another last-ditch effort, Trump demanded "audits" and "investigations" of election results in battleground states, with the intention of riling up the base and with the foregone conclusion that such escapades would reveal widespread voter fraud and overturn Joe Biden's win.

On January 6th, Trump claimed:



And not a single swing state has conducted a comprehensive audit to remove the illegal ballots. This should absolutely occur in every single contested state before the election is certified.

In the state of Arizona, over 36,000 ballots were illegally cast by non-citizens. Two thousand ballots were returned with no address...One hundred and fifty thousand people registered in Maricopa County after the registration deadline. One hundred and three thousand ballots in the county were sent for electronic adjudication with no Republican observers."

Again, these claims were false. There was and is no evidence of any widespread voting by people who are not citizens or illegal ballots or ballots that should not have been cast. Even though Trump attempts to give his false claims weight through supposed quantification, the numbers are all made-up.

Despite such fictions and pretense, after Trump's January 6th speech and the violent insurrection he incited, his loyalists have pushed for sham statewide reviews in **Arizona**, **Michigan**, **Pennsylvania**, **Wisconsin**, and **Texas**, as well as reviews targeting smaller jurisdictions like Fulton County, Georgia, the diverse and Democrat-leaning jurisdiction which includes Atlanta.

By April 2021, **Arizona** announced it would conduct one of these partisan probes of the vote in Maricopa County, exactly the jurisdiction Trump accused of fraud in his speech. The Republican-controlled state Senate hired an entity that calls itself the "Cyber Ninjas," a private firm with no previous experience in investigating elections to conduct the "review." The firm's CEO, Doug Logan, has peddled pro-Trump election misinformation. In the end, despite misleading language, even that partisan-backed stunt confirmed the county's results as accurate, while costing taxpayers millions.

In July, **Pennsylvania** Republican state Rep. Doug Mastriano sought an election audit, despite numerous reviews that found no evidence of election fraud in the state. In November, the state Senate hired an outside firm with no experience to handle his demand and that firm will report the results to state senate Republicans alone.

In **Michigan**, despite two post-election audits demonstrating that the state's election was fair and secure, right-wing legislators have called for a supposedly "forensic" review of the election funded by secret private donors, which is obviously a recipe for more partisan machinations in line with Trump's playbook. Earlier this year, a firm that has spread Trump's election lies was given access to a county's voting machines, which undermines the future integrity of that equipment (as also happened in Arizona due to allowing outsiders access to software as part of these partisan spectacles).

In **Wisconsin**, a partial recount added to Biden's vote total, and two election reviews were launched, one by the nonpartisan Legislative Audit Bureau, which confirmed the accuracy of the 2020 results, and another taxpayer-funded partisan review launched by Republican Assembly leader Robin Vos, a long-time ALEC legislator. Vos' machinations are widely seen as a naked effort to energize Trump's base and cast doubt on legitimate election processes.

The partisan effort in Wisconsin is led by a host of apparent Trump fans, including Michael Gableman. He is a <u>right-wing partisan</u> and former state Supreme Court justice known for his poorly analyzed opinions and for attending right-wing gatherings like a Koch-funded event orchestrated by a man who broke Wisconsin election laws (in a Supreme Court race).

Gableman claimed without evidence in 2020 that the election was stolen from Trump. He also recently sought to have the Democratic mayors of Madison and Green Bay jailed for refusing to subject themselves to in-person interrogation by him, which Madison's mayor <u>called</u> "both laughable and horrifying at the same time." His efforts have been another national embarrassment for the state, even drawing criticism from some Republicans like state Sen. Kathleen Bernier, who has called Gableman's review a "charade."

Texas abruptly announced another of these charades in its four largest counties in September 2021 after Trump sent a letter to Gov. Abbott <u>demanding</u> a statewide review of the 2020 election. This partisan effort targets counties with large numbers of Democratic voters, even though Trump won the state in 2020. GOP leaders also approved shifting \$4 million in emergency funds for the Texas secretary of state's office to create an "Election Audit Division."

And nationally on November 23, 2021, 186 state legislators out of 7,383 (or 2.5%) <u>called for</u> a 50-state so-called election review and for states to retroactively decertify where the election was certified "prematurely and inaccurately," (which there is no proof that ever happened). This tiny minority of Trump loyalists also called for the U.S. House of Representatives to decide the election by means of "one vote per state". This tactic would give the Republicans a majority vote even though they are a minority in the House because more states, that represent fewer Americans, have Republican majority delegations compared with states that have Democratic majority congressional delegations.

Some Trump allies in the **Florida** and **Tennessee** legislatures have also <u>pre-filed bills for 2022</u> that would launch more of these partisan 2020 election gambits.

As Trump made clear on January 6th, he wanted his playbook implemented so that one of his legacies would be rewriting the rulebook for American elections:



I think one of our great achievements will be election security. Because nobody until I came along had any idea how corrupt our elections were..."

As with his other false claims that day, there is no evidence that the 2020 election was corrupted by voters or election officials. On the contrary, the election was certified as valid and secure by a bipartisan slate of election officials and nonpartisan cyber experts within the government. But the Trump-led RNC has made Trump's blueprint into a whole plan to rebrand voter suppression as "election integrity," reinforcing Trump's false narrative that the election he lost was due to corruption rather than a majority of citizens rejecting his documented corruption and deceit.

Intimidating or Removing Officials Who Stand in Trump's Way

On January 6th, Trump told the crowd:



Because if Mike Pence does the right thing, we win the election...Mike Pence, I hope you're going to stand up for the good of our Constitution and for the good of our country. And if you're not, I'm going to be very disappointed in you. I will tell you right now. I'm not hearing good stories."

Since then, evidence has revealed that Trump planned a coup with his closest confederates. In the days leading up to January 6th, Trump met with right-wing attorney John Eastman who proposed a six-point plan asserting that the Vice President had the power to declare Trump as re-elected president and allow the House of Representatives vote to approve Trump staying in power through a one state, one vote process. In the end, Pence did not go along with Trump's plan, and rioters devoted to Trump called for him to be hanged while Eastman blamed Pence too. Trump later defended those calling for the assassination of Pence.

Notably, new evidence has emerged of a PowerPoint plan to reverse the 2020 election that was received by Mark Meadows on January 5, echoing many of Trump's lies. Among its recommendations were for Trump to declare a National Security Emergency and declare electronic votes in states invalid. As for January 6th, the PowerPoint set forth three options for Pence to reject electors, as Trump repeatedly demanded.

Trump also called for the removal of other officials who did not go along with his scheme, singling out Georgia Governor Brian Kemp and Secretary of State Brad Raffensperger:



...Brian Kemp. Vote him the hell out of office, please. Well, his rates are so low. You know, his approval rating now, I think it just reached a record low.

...In Georgia, your secretary of state who, I can't believe this guy's a Republican. He loves recording telephone conversations....These people are crooked. They're 100%, in my opinion, one of the most corrupt, between your governor and your secretary of state."

Following the 2020 election, Trump repeatedly (and recklessly) accused election officials in the state of committing crimes, like Fulton County elections director Richard Barron, who eventually had police stationed outside of his house before the Senate runoff because of threats to his life. Barron has since submitted his resignation. Election officials have faced a barrage of harassment and vitriol, including slurs and threats of violence against their families, fueled by Trump's dangerous rhetoric and continued lies about the election.

An April 2021 <u>survey</u> found that one in three election officials felt unsafe doing their job and one in six had experienced harassment. According to Reuters:

"The Raffenspergers – Tricia, 65, and Brad, 66 – began receiving death threats almost immediately after Trump's surprise loss in Georgia... In late November, the family went into hiding for nearly a week after intruders broke into the home of the Raffenspergers' widowed daughter-in-law, an incident the family believed was intended to intimidate them. That evening, people who identified themselves to police as Oath Keepers were found outside the Raffenspergers' home."

Brad Raffensperger also faced a recall campaign that threatened to remove him as Georgia Secretary of State, <u>spearheaded</u> by Women for America First — the same group that organized the January 6th event on the Ellipse where Trump gave his speech.

Michigan's Secretary of State Jocelyn Benson, whom Trump also called out on January 6th, also faced direct threats of violence.

Punishing Election Officials in Future Elections

Following Trump's playbook, some state legislators have also sought to create new laws that would also punish and criminalize mistakes made by election officials (and none to punish people like Trump who baselessly lie about elections). Such measures would generally make it more difficult for them to do their jobs, further driving away experienced workers who are desperately needed.

For example, in **Iowa**, a sweeping bill signed into law in March <u>imposes</u> a \$10,000 fine on election officials for "technical infractions" which may include minor mistakes, or are perceived as applying the law unevenly.

Georgia's election bill includes chilling provisions to punish county election boards that do not allow mass challenges to voter rolls, like the <u>partisan challenge</u> by the right-wing voter suppression group True the Vote ahead of the U.S. Senate runoff that would have removed 364,000 voters based on faulty data. True the Vote has been funded by the Bradley Foundation and instrumentally aided by Cleta Mitchell, the Trump lawyer who was on the call where Trump sought to intimidate Brad Raffensperger, urging the Georgia Secretary of State to "find" more votes for him.

In **Florida**, Governor Ron DeSantis signed an omnibus bill that includes fines up to \$25,000 for election supervisors if they leave a ballot drop box unsupervised or accessible to voters outside of early voting hours. Proposed legislation in **Arizona** would increase penalties to a felony for laws on the books, such as for sending an early ballot to a voter who did not request one.

Increasing the Ability of Observers to Intimidate Voters and Officials

On January 6th, Trump claimed:



In Fulton County, Republican poll watchers were ejected, in some cases, physically from the room under the false pretense of a pipe burst. Water main burst, everybody leave. Which we now know was a total lie."

This is <u>another false claim</u> by Trump.

During the 2020 election, Trump's campaign called for an <u>"army"</u> of poll watchers to monitor counties with substantial populations of people of color on election day.

State legislatures have also now sought to expand the power of partisan poll watchers, like those trained by the Conservative Partnership Institute, (CPI) which held extensive voter training sessions in the recent elections in Virginia. (Cleta Mitchell is a senior fellow at CPI.)

In at least 20 states, Trump allies <u>introduced</u> at least 40 bills expanding the power of election observers, while right-wing groups have <u>expanded their efforts</u> to instruct partisans on how to interject themselves into elections and object to other Americans who are trying to cast their ballots and have them be counted.

For example, **Texas**' voter law allows poll watchers to record videos and submit them to the secretary of state and severely limits election officials from having observers removed for disrupting election workers. **Florida's** new election law also gives partisan poll watchers more latitude to interfere with and intimidate election officials counting votes and allows seemingly unlimited ballot challenges, which can needlessly delay election results.

Recruiting Trump Loyalists as Election Officials and Candidates

A handful of state officials stood up courageously to Trump's false claims of fraud and saved the country from a constitutional crisis in 2020. Trump applauded Jim Jordan and other devotees in the House who sought to reverse the election while blasting others he considered weak and disloyal for doing their jobs and acknowledging the reality of the results:



There's so many weak Republicans. And we have great ones. Jim Jordan and some of these guys, they're out there fighting. The House guys are fighting... Many of the Republicans, I helped them get in, I helped them get elected... And then all of a sudden you have something like this... They're weak Republicans, they're pathetic Republicans... I think I'm going to use the term, the weak Republicans. You've got a lot of them."

It is clear that Trump and his allies scheming to steal the 2024 election will not leave that power in the hands of officials they do not control. Election officials have faced an unprecedented level of harassment and intimidation this year, leading to large-scale resignations with Trump loyalists in line to fill the void.

As the *Washington Post* noted:

"The effort goes far beyond the former president's public broadsides against well-known Republican state officials who certified President Biden's victory, such as Georgia Secretary of State Brad Raffensperger and Arizona Gov. Doug Ducey. Citing the need to make elections more secure, Trump allies are also seeking to replace officials across the nation, including volunteer poll watchers, paid precinct judges, elected county clerks and state attorneys general, according to state and local officials, as well as rally speeches, social media posts and campaign appearances by those seeking the positions."

From local canvassing boards to major statewide races, Trump has pushed to get loyal followers into power. According to the *Post*, Trump has endorsed 10 candidates running for secretary of state and eight candidates for attorney general in 2022.

The defeated former president's endorsements include a host of right-wing operatives, including:

- In **Georgia**, Trump has endorsed state Rep. Jody Hice, who is challenging Republican Brad Raffensperger for Secretary of State. Hice continues to make false claims about the 2020 election and voted against certifying the 2020 election.
- **Texas** Attorney General Ken Paxton, a right-wing extremist who spoke at the January 6th rally, is the <u>only state AG</u> who refused to sign on to one of two letters condemning the insurrection. Paxton has been indicted on three felony charges related to securities fraud, and has been allegedly involved in bribery and retaliation against whistleblowers, which he has denied.

Paxton has pushed Trump's election lies and has wildly exaggerated the extent of the near-nonexistent issue of voter fraud in Texas. His office reportedly logged more than 22,000 hours searching for voter fraud after the 2020 election and found a mere 16 cases out of 17 million voters. In 2021 the unit spent \$2.2M to close just three cases. Following the election, Paxton also sued and sought to invalidate the election results in four states, Georgia, Michigan, Pennsylvania and Wisconsin, the suit falsely and absurdly claimed that "the statistical improbability of Mr. Biden winning the popular vote in these four States collectively is 1 in 1,000,000,000,000,000." The U.S. Supreme Court quickly dismissed the case.

- State rep. Mark Finchem is running for Secretary of State in **Arizona**. Finchem, a member of the far-right Oath Keepers and Koch-funded ALEC, is one of the most extreme politicians in Arizona. He was in D.C. in support of Trump on January 6th, and he has been holding sham events across the state calling for the 2020 election to be decertified.
- Kristina Karamo, a community college professor, is one of three Republicans running for
 Secretary of State in Michigan. Karamo has spread disinformation about the 2020 election and
 wild conspiracy theories, including outlandish lies propagated by QAnon that the Democratic
 Party has been taken over by a "satanic agenda". Karamo was a poll challenger during the 2020
 election in Detroit and made unsubstantiated claims that she witnessed fraud in person, earning
 her appearances on Fox. Karamo has the fundraising edge in the Republican field.

Conclusion. On the anniversary of the January 6th insurrection, it is important that the American people understand this was not a singular event. Trump operatives in nearly every state have sought to implement the plan to sabotage our elections that Trump himself mapped out at the Women for America First event in DC. The blueprint he set forth aims to dramatically alter America's election laws to serve Trump's ambitions and to perpetuate the Big (lucrative) Lie Trump told and re-told over and over.

Trump's playbook erodes free and fair elections in the U.S., dismantles independent oversight of elections in favor of Trump apparatchiks, and paves the way for rigging future election processes and results in favor of Trump and his allies. Despite the rhetoric claiming that these tactics prevent fraud or protect election integrity, the reality is that they are designed to change the rules and stack the deck to favor Trump and his confederates.

Alyssa Bowen, Ansev Demirhan, and Lisa Graves contributed research to this report. True North Research works to help defend American democracy. It also leads the <u>BOLDRethink</u> and <u>KochDocs</u> projects.