



HOW TO RECOGNIZE ABNORMAL OR ILLEGAL FEDERAL GOVERNMENT BEHAVIOR AROUND THE 2020 ELECTION

State and local governments are primarily responsible for administering elections and enforcing election laws. The federal role has traditionally been limited to two areas: (1) ensuring that every eligible citizen can vote under the Voting Rights Act; and (2) after votes have been counted and the results are certified, investigating and prosecuting federal election crimes.

A few core principles can help us outline what federal government behavior around elections is normal and legal – and, on the other hand, what should set off alarm bells:

NORMAL & LEGAL	ABNORMAL OR ILLEGAL
<p>No public investigations or media statements. The federal government, in keeping with longstanding Department of Justice (DOJ) policy, keeps all election-related investigations secret until every vote is counted and the results are certified.</p>	<p>The DOJ or another federal agency takes any public steps on election-related investigations before results are certified. This includes issuing press releases, announcing investigations, making arrests, unsealing indictments, or holding press conferences.</p>
<p>No interference in election contests to delay or cast doubt on final results. The DOJ traditionally plays no role in legal contests over election results. For instance: even in 2000, the Clinton Justice Department did nothing to interfere in the court battles between the Bush and Gore campaigns.</p>	<p>The DOJ intervenes, files a brief or a statement of interest, or otherwise puts its thumb on the scale in post-election legal fights between the candidates or parties.</p>
<p>No armed agents at the polls. Federal law makes it a crime for a federal official to send armed people to polling places. Unarmed federal election observers are allowed at the polls to vindicate the Voting Rights Act.</p>	<p>Any armed federal agents appear at polling places for any reason.</p>
<p>No ballot seizures. In compliance with federal law, the federal government makes no attempts to seize ballots or otherwise slow or interfere with voting, counting, or the certification of results.</p>	<p>The federal government, perhaps under the guise of a ballot fraud investigation, seizes, subpoenas or does anything else to prevent or slow down the count and delay certification of a winner.</p>