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U.S. House of Representatives
Select Committee to Investigate the January 6th Attack on the United States Capitol
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Chair Thompson, Vice Chair Cheney, and distinguished members of the Select Committee, we are pleased to submit this statement in our capacity as members of the Bipartisan Advisory Board of the [States United Democracy Center](#). States United is a nonpartisan organization advancing free, fair, and secure elections. We focus on connecting state officials, law enforcement leaders, and pro-democracy partners across America with the tools and expertise they need to safeguard our democracy. We are more than a think tank—we are an action tank. Together, we are committed to making sure every vote is counted, every voice is heard, and every election is safe. Our founders and Advisory Board are comprised of former administration officials, law enforcement leaders, and former state and local leaders from both the Republican and Democratic political parties who are committed to engaging and empowering pro-democracy leadership.

Thank you for the opportunity to submit this statement to help the Select Committee in its ongoing review of issues connected to the attack on the United States Capitol on January 6, 2021. As we will discuss, the attack that occurred on January 6, 2021, was not an isolated event involving random protestors. Rather, it was the logical next step in a continuing anti-democracy movement, instigated and fomented by various people, including former President Donald Trump, which was put into motion years earlier. But the movement does not begin or end solely with Trump; a host of diverse groups of people are involved, including lawyers such as Rudy

Giuliani, Sidney Powell, and John Eastman; advisors to Trump, like Roger Stone, Steve Bannon, Michael Flynn, and Mike Lindell; and state and local officials from all over the country, including Pennsylvania state Senator and Republican nominee for the governorship of Pennsylvania Doug Mastriano, Arizona Republican Party Chair Kelli Ward, and Texas Attorney General Ken Paxton.

January 6 was also merely a *next* step, not a final one. Events leading up to and following that day reveal a sustained and coordinated effort by the former president and his anti-democracy allies to suppress voting rights, delegitimize free and fair elections, and subvert the will of the voters by overturning election results deemed undesirable to their movement. As we explain in our testimony, many of the tactics used to produce the January 6 attack and many of the people who affirmatively helped make it happen are still hard at work undermining our democracy today.

I. The January 6, 2021, Attack on the Capitol Was Not an Isolated Event

The unprecedented and horrific attack on the United States Capitol on January 6, 2021, was not an isolated event. It was just one in a years-long series of coordinated efforts by former President Trump, his advisors, various lawyers, and like-minded state and local officials to delegitimize and attempt to overturn President Joseph Biden’s victory in the November 2020 presidential election.

a. The Precursors to the Current Anti-Democracy Movement

The anti-democracy movement in America is not new, but Trump’s leading role in it can be traced back to the 2012 presidential election. As early as election night on November 6, 2012, when then-President Obama was reelected after defeating now-Senator Mitt Romney, Trump tweeted that the election was a “total sham” and a “travesty,” and claimed that the United States is not a democracy.¹ Trump also asserted via Twitter that there were “reports of voting machines switching Romney votes to Obama” and warned voters to “[m]ake sure to verify the voting

¹Trump Twitter Archive, Donald J. Trump (@realDonaldTrump) (Nov. 6, 2012, 11:33 PM EST), <https://www.thetrumparchive.com>.

machine does not switch your vote.”² After major news outlets called the race for then-President Obama around 11 p.m. on November 6, Trump tweeted, “We can’t let this happen... We should march on Washington and stop this travesty. Our nation is totally divided!”³ The next day, Trump foreshadowed his 2016 election campaign slogan, tweeting: “We have to make America great again!”⁴

Two years later, during the midterm elections in November 2014, Trump furthered his conspiracy theory, baselessly alleging widespread election fraud, claiming that “[e]lection officials [were] saying that there is nothing stopping illegal immigrants from voting. This is very bad (unfair) for Republicans!”⁵ Trump repeated the same baseless narrative leading up to the 2016 election when polls predicted that former Secretary Hillary Clinton would win the presidency. In October 2016, Trump tweeted that the “election is absolutely being rigged by the dishonest and distorted media pushing Crooked Hillary – but also at many polling places – SAD.”⁶ Even after he won the election, he continued to falsely declare that he had won the popular vote, even though Clinton won the popular vote by almost three million votes.⁷ While complaining about unfairness or mismanagement of elections may be valid where wrongdoing has actually occurred, Trump and his allies’ complaints are striking because they have no factual basis, they are made preemptively (before the elections even take place), and they are baked into

²Trump Twitter Archive, Donald J. Trump (@realDonaldTrump) (Nov. 6, 2012, 2:56–2:57 PM EST), <https://www.thetrumparchive.com>.

³Trump Twitter Archive, Donald J. Trump (@realDonaldTrump) (Nov. 6, 2012, 11:29 PM EST), <https://www.thetrumparchive.com>.

⁴Trump Twitter Archive, Donald J. Trump (@realDonaldTrump) (Nov. 7, 2012, 2:03 PM EST), <https://www.thetrumparchive.com>.

⁵Trump Twitter Archive, Donald J. Trump (@realDonaldTrump) (Oct. 31, 2014, 4:43 PM EST), <https://www.thetrumparchive.com>.

⁶Trump Twitter Archive, Donald J. Trump (@realDonaldTrump) (Oct. 16, 2016, 1:01 PM EST), <https://www.thetrumparchive.com>.

⁷*2016 Presidential Election Results*, N.Y. Times (Aug. 9, 2017), <https://www.nytimes.com/elections/2016/results/president>; *Trump has longstanding history of calling elections ‘rigged’ if he doesn’t like the results*, ABC News (Nov. 11, 2020), <https://abcnews.go.com/Politics/trump-longstanding-history-calling-elections-rigged-doesnt-results/story?id=74126926>; Trump Twitter Archive, Donald J. Trump (@realDonaldTrump) (Nov. 27, 2016, 3:30 PM EST), <https://www.thetrumparchive.com> (“In addition to winning the Electoral College in a landslide, I won the popular vote if you deduct the millions of people who voted illegally.”).

an ideological certainty that their side must win or else the elections are rigged. This view has served as a litmus test to determine whether one is a true ally of the anti-democracy movement.

Trump was far from alone in touting these anti-democracy lies. For example, as Trump was ramping up for the 2016 election, his longtime confidante, Roger Stone, reportedly sent him a 13-page strategy memorandum, suggesting that the campaign should emphasize that the “system is rigged against the citizens.”⁸ Additionally, in an interview on a far-right radio show, Stone explained that he thought Trump’s campaign should address “widespread voter fraud” and “talk[] about it constantly.”⁹ Likewise, Rudy Giuliani, former mayor of New York City who would later become Trump’s lawyer, asserted on CNN that one would have been a “moron” to assume there would be no election fraud in cities like Philadelphia and Chicago.¹⁰

While complaints about the results of an election routinely emanate from leaders on both sides of the aisle following a contest, former President Trump and his allies’ behavior stands out because of its reliance on falsehoods, conspiracies, and blatant lies.¹¹ In short, for the better part of the last decade, Trump and his allies intentionally planted seeds to cast doubt on legitimate election results and to foment suspicions among a substantial portion of the American public that voting is rigged, so much so that the number of votes cast for the other side cannot be trusted and the election results cannot be believed. This narrative feeds on baseless assertions that votes from undocumented immigrants, deceased individuals, or people who have moved are changing election outcomes¹² and on general distrust in democratic institutions, including the government

⁸*Trump and the Truth: The “Rigged” Election*, The New Yorker (Oct. 8, 2016), <https://www.newyorker.com/news/news-desk/trump-and-the-truth-the-rigged-election>.

⁹*Trump labels Clinton ‘the devil’ and suggests election will be rigged*, The Guardian (Aug. 2, 2016), https://www.theguardian.com/us-news/2016/aug/02/donald-trump-calls-hillary-clinton-the-devil-and-suggests-election-will-be-rigged?CMP=fb_gu.

¹⁰*Why Trump’s talk of a rigged vote is so dangerous*, CNN (Oct. 19, 2016), <https://www.cnn.com/2016/10/18/politics/donald-trump-rigged-election/index.html>.

¹¹Steven Levitsky & Daniel Ziblatt, *The Crisis of American Democracy*, American Educator (Fall 2020), <https://files.eric.ed.gov/fulltext/EJ1272137.pdf>; Nicolas Berlinksi et al., *The Effects of Unsubstantiated Claims on Confidence in Elections*, https://cpb-us-e1.wpmucdn.com/sites.dartmouth.edu/dist/5/2293/files/2021/03/voter-fraud.pdf?_sm_au_=iHV4TH4F6TNDzFH7FcVTvKQkcK8MG.

¹²*How a racist myth about immigrants voting continues to fuel unproven claims of voter fraud*, Los Angeles Times (June 25, 2021), <https://www.latimes.com/california/story/2021-06-25/racist-myth-of-immigrants-voting-fuels-claims-of-voter-fraud>.

itself, as well as the press, spurred by Trump’s “fake news” campaign.¹³ Because these false election-related theories have now become so ubiquitous, anti-democracy activists can (and often do) claim that any electoral losses by their preferred candidates must be the result of widespread voter fraud—and for that reason must be overturned. The poisonous seeds planted in the past decade flourished during the 2020 election, leading up to the Capitol attack on January 6, 2021, and have continued to grow in ways that severely threaten the life and health of our democracy.

b. The Anti-Democracy Movement in the Run-Up to the 2020 Election

When former President Trump was up for reelection in 2020, he and his allies (new and old), including lawyers, advisors, and state and local officials, built upon his longstanding efforts to cast doubt on the legitimacy of the voting process. Ultimately, this metastasized into a full-throated attempt to overthrow the legitimate presidential election of November 2020, commonly known as the “Stop the Steal” movement.

This movement stemmed from the baseless theory that expanded mail-in voting, which was being offered or expanded in many states because the COVID-19 pandemic made in-person voting difficult or dangerous, would cause rampant voter fraud. There is no truth to the assertion that widespread mail-in voting leads to widespread voter fraud,¹⁴ nor is there any support for Trump’s assertions that undocumented immigrants cast significant numbers of mail-in ballots in our elections.¹⁵ Instead, former President Trump and his allies created this narrative leading up to the 2020 election because they believed that mail-in ballots could skew heavily toward then-

¹³*Donald Trump’s “Fake News” Tactics*, *The New Yorker* (Dec. 2, 2017), <https://www.newyorker.com/magazine/2017/12/11/donald-trumps-fake-news-tactics>.

¹⁴Natalie Scala, et. al, *Evaluating mail-based security for electoral processes using attack trees*, *Risk Analysis: An International Journal* (Jan. 24, 2022), <https://onlinelibrary.wiley.com/doi/full/10.1111/risa.13876>; *Why a Vote-by-Mail Option is Necessary*, Brennan Center for Justice (Apr. 7, 2020), <https://www.brennancenter.org/our-work/research-reports/why-vote-mail-option-necessary>; *How does vote-by-mail work and does it increase election fraud?*, Brookings (June 22, 2020), <https://www.brookings.edu/policy2020/votervital/how-does-vote-by-mail-work-and-does-it-increase-election-fraud/>.

¹⁵*The Actually True and Provable Facts About Non-Citizen Voting*, *TIME* (Feb. 13, 2017), <https://time.com/4669899/illegal-citizens-voting-trump/>; *Yet again, Trump falsely blames illegal voting for getting walloped in California*, *Wash. Post* (July 23, 2019), <https://www.washingtonpost.com/politics/2019/07/23/yet-again-trump-falsely-blames-illegal-voting-getting-walloped-california/>; *Analysis: Noncitizen Voting is Vanishingly Rare*, Brennan Center for Justice (Jan. 25, 2017), <https://www.brennancenter.org/our-work/research-reports/analysis-noncitizen-voting-vanishingly-rare>; *Noncitizens Don’t Illegally Vote in Detectable Numbers*, Cato Institute (Nov. 25, 2020), <https://www.cato.org/blog/noncitizens-dont-illegally-vote-detectable-numbers>.

candidate Biden—especially during the pandemic when many of Trump’s proponents eschewed social distancing and other safety precautions and called upon Trump’s base to do the same.¹⁶ Because mail-in voting was expanded for the 2020 election, it was well understood that days or weeks would likely be required to count all votes following Election Day.¹⁷ As a consequence, it was widely expected that votes counted on Election Day would skew toward former President Trump, but that as the mail-in ballots cast *on or before* Election Day were counted, the number of votes for Biden would increase.¹⁸ Thus, efforts by the former president and his allies to delay the mail, to discourage mail-in voting, and to stop counting ballots past November 3, 2020, were entirely self-serving.

An effort to impede the functioning of the United States Postal Service (USPS) gained steam in May 2020 when the USPS Board of Governors, all appointed by Trump, selected Trump campaign donor Louis DeJoy to be postmaster general.¹⁹ Shortly after DeJoy assumed office, the USPS adopted a number of operational changes that threatened to delay mail deliveries, including reductions in the availability of overtime, restrictions on extra trips to transport mail, and elimination of some mail processing equipment.²⁰ Reporting complaints from constituents about a slowdown in service, members of Congress from both parties, including a

¹⁶*A step-by-step look at Trump’s falsehoods on mail-in voting: Analysis*, ABC News (Oct. 1, 2020), <https://abcnews.go.com/Politics/step-step-trumps-falsehoods-mail-voting-analysis/story?id=73354979>; Edward B. Foley, *A Big Blue Shift: Measuring an Asymmetrically Increasing Margin of Litigation*, 48 *Journal of Law & Politics* 501 (2013), http://www.lawandpolitics.org/hifi/files/content/vol-xxvii-no-4/Foley_Color_116.pdf; Richard L. Hasen, *Beyond the Margin of Litigation: Reforming U.S. Election Administration to Avoid Electoral Meltdown*, 62 *Wash. & Lee L. Rev.* 937 (2005), <https://law2.wlu.edu/deptimages/Law%20Review/62-3Hasen.pdf>; see also *The ‘Blue Shift’ Will Decide the Election*, *The Atlantic* (Aug. 10, 2020), <https://www.theatlantic.com/ideas/archive/2020/08/brace-blue-shift/615097/>.

¹⁷ *How Long Will Vote Counting Take? Estimates and Deadlines in All 50 States*, *N.Y. Times* (updated Nov. 7, 2020), <https://www.nytimes.com/interactive/2020/upshot/vote-counting-today-polls-election.html>; *How many votes will be counted after election night?*, *MIT News* (Oct. 15, 2020), <https://news.mit.edu/2020/votes-counted-after-election-1015>; *How Trump’s mail voting sabotage could result in an election night nightmare*, *Vox* (Aug. 11, 2020), <https://www.vox.com/2020/8/11/21358960/trump-mail-voting-sabotage-explained>.

¹⁸ *Id.*

¹⁹*Board of Governors Announces Selection of Louis DeJoy to Serve as Nation’s 75th Postmaster General*, U.S. Postal Serv. (May 6, 2020), <https://about.usps.com/newsroom/national-releases/2020/0506-bog-announces-selection-of-louis-dejoy-to-serve-as-nations-75th-postmaster-general.htm>.

²⁰*Following Yesterday’s Meeting, Leader Schumer and Speaker Pelosi Send New Letter to Postmaster DeJoy Calling for Immediate Reversal of Recent Postal Service Changes that Threaten Timely Mail Delivery for Millions*, Senate Democrats (Aug. 6, 2020), <https://www.democrats.senate.gov/newsroom/press-releases/following-yesterdays-meeting-leader-schumer-and-speaker-pelosi-send-new-letter-to-postmaster-dejoy-calling-for-immediate-reversal-of-recent-postal-service-changes-that-threaten-timely-mail-delivery-for-millions>.

number of ardent Trump supporters, pushed back against these changes. Republican U.S. Sen. Steve Daines and Republican U.S. Reps. Brian Fitzpatrick, Greg Gianforte, Peter King, David McKinley, and Daniel Webster sent or signed on to letters with Democratic members of Congress to DeJoy pressing for reversal of the changes in mail handling.²¹

At the same time, Trump disseminated theory after theory about how mail-in voting would contaminate the 2020 election, further laying the foundation for claims of fraud to be made in the event of a Biden win in November. On May 21, 2020, at a press conference in Michigan, he said of mail-in ballots, “who knows who’s signing it?... [T]hey pirate these applications... You have all of the harvesting.... They walk in at the end of a race... and then all of a sudden, out of the blue come thousands of votes at the very end.”²² Trump tweeted on May 24 that “People grab [ballots] from mailboxes, print thousands of forgeries and ‘force’ people to sign. Also, forge names.”²³ On June 22, he tweeted, “RIGGED 2020 ELECTION: MILLIONS OF MAIL-IN BALLOTS WILL BE PRINTED BY FOREIGN COUNTRIES, AND OTHERS. IT WILL BE THE SCANDAL OF OUR TIMES!”²⁴

Trump, who had already been opposing a \$25 billion package of resources requested by the Postal Service, stated openly in August 2020 that withholding the funds would prevent “universal mail-in voting.”²⁵ On the Fox Business Network, the former president told host Maria

²¹ Senator Steve Daines, *Letter to Postmaster General Louis DeJoy* (Aug. 8, 2020), <https://www.daines.senate.gov/imo/media/doc/USPS%20-%20Mail%20Delay.%202020.08.06.pdf>; Carolyn B. Maloney et al., *Letter to Postmaster General Louis DeJoy* (Aug. 6, 2020), <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2020-08-06.CBM%20et%20al.%20to%20DeJoy-%20PMG%20re%20Postal%20Standards%20Changes.pdf>; *Congress urges Postal Service to undo changes slowing mail*, AP (Aug. 6, 2020), <https://apnews.com/article/virus-outbreak-seniors-mt-state-wire-voting-steve-daines-a291ebc31c5638aa5a9adafc2ff2b430>.

²² *Remarks by President Trump in Listening Session with African American Leaders*, The White House (May 21, 2020), <https://trumpwhitehouse.archives.gov/briefings-statements/remarks-president-trump-listening-session-african-american-leaders-ypsilanti-mi/>.

²³ Trump Twitter Archive, Donald J. Trump (@realDonaldTrump) (May 24, 2020, 10:08 AM EST), <https://www.thetrumparchive.com>.

²⁴ *Trump attacks mail-in voting with new series of false claims*, The Guardian (June 22, 2020) <https://www.theguardian.com/us-news/2020/jun/22/trump-mail-in-voting-fraud-claims>.

²⁵ *USPS Requests \$75B in Emergency Funds to Keep Agency Alive*, Gov. Exec. (Apr. 9, 2020), <https://www.govexec.com/management/2020/04/usps-requests-75b-emergency-funds-keep-agency-alive/164506/>; see also *President Trump with Coronavirus Task Force Briefing*, C-SPAN at 36:44 (Apr. 7, 2020), available at <https://www.c-span.org/video/?471020-1/president-trump-criticizes-who-comments-resignation-acting-navy-secretary>.

Bartiromo on August 13 that, “[i]f we don’t make a deal, that means they don’t get the money, [which] means they can’t have universal mail-in voting; they just can’t have it.”²⁶ Shortly after these comments, and after sustained bipartisan pressure, Postmaster General DeJoy announced suspension of some changes at the Postal Service and promised to “deliver the nation’s election mail on time and within our well-established service standards.”²⁷ Ultimately, the inspector general for the Postal Service concluded that the Postal Service prioritized processing election mail during the 2020 election cycle and that, while timeliness fell slightly below target goals, it improved significantly over the delivery speed for election mail during the 2018 midterm election cycle.²⁸

Although Trump and his allies never pointed to any evidence of significant voter fraud, they continued to claim that mail-in voting could lead to such fraud. For instance, Doug Mastriano, a Pennsylvania state senator, originally voted to pass a law in 2019 called Act 77 that expanded access to mail-in ballots to any voter who requested one.²⁹ However, after an unprecedented number of Pennsylvanians applied for mail-in ballots by April 2020, Mastriano was quoted as saying, “I feel a bit dubious about this,” due to purportedly heightened risks of voter fraud.³⁰ In Texas, Attorney General Ken Paxton praised the U.S. Supreme Court’s rejection

²⁶ *Trump admits he’s blocking postal cash to stop mail-in votes*, AP (Aug. 13, 2020), <https://apnews.com/article/virus-outbreak-election-2020-ap-top-news-elections-politics-14a2ceda724623604cc8d8e5ab9890ed>.

²⁷ *Postmaster General Louis DeJoy Statement*, U.S. Postal Serv. (Aug. 18, 2020), <https://about.usps.com/newsroom/national-releases/2020/0818-postmaster-general-louis-dejoy-statement.htm>.

²⁸ Office of the Inspector General, United States Postal Service, *Service Performance of Election and Political Mail During the November 2020 General Election* (Mar. 5, 2021), <https://www.uspsoig.gov/document/service-performance-election-and-political-mail-during-november-2020-general-election>.

²⁹ *Op-Ed: How Pennsylvania Democrats Hijacked Act 77*, Senator Doug Mastriano (Jan. 26, 2022), <https://senatormastriano.com/2022/01/26/op-ed-how-pennsylvania-democrats-hijacked-act-77/> (noting “[e]very single Republican Senator voted for [Act 77]” in October 2019); *With audit, Pa. Sen. Mastriano is obscuring his own role in fomenting election chaos*, Pennsylvania Capital-Star (July 11, 2021), <https://www.penncapital-star.com/commentary/with-audit-pa-sen-mastriano-is-obscuring-his-own-role-in-creating-act-77-fomenting-election-chaos-opinion/>; *Unprecedented volume of mail-in voting looming in primary*, The Daily Item (Apr. 30, 2020) https://www.dailyitem.com/news/local_news/unprecedented-volume-of-mail-in-voting-looming-in-primary/article_e7710206-72c7-522f-ba8f-6bb6f5519d9a.html.

³⁰ *Unprecedented volume of mail-in voting looming in primary*, The Daily Item (Apr. 30, 2020) https://www.dailyitem.com/news/local_news/unprecedented-volume-of-mail-in-voting-looming-in-primary/article_e7710206-72c7-522f-ba8f-6bb6f5519d9a.html.

of a case seeking to extend access to mail-in ballots because he thought the rejection would help guard against “widespread fraud.”³¹

c. The Anti-Democracy Movement from November 3, 2020, to January 6, 2021

Between the election on November 3, 2020, and the Electoral College vote count on January 6, 2021, the “Stop the Steal” movement employed a multifaceted approach to subvert the will of the American people. Their efforts were often chaotic, and when a given tactic failed, they shifted focus to another that might succeed in overturning the election result favoring Biden. During this period, their strategy encompassed five primary anti-democracy efforts: (1) inspired by Trump and his allies’ statements, aggressive and dangerous protests at central count facilities in states with narrow margins while ballots were still being counted; (2) a wave of baseless lawsuits alleging widespread election fraud; (3) a campaign to pressure Republican officials to overturn election results; (4) the creation of a group of sham electors from swing states to sign certificates falsely claiming that former President Trump had won the election in their states; and (5) a broader disinformation campaign intended to persuade portions of the American public that Trump was the rightful winner of the 2020 presidential election.

First, the Trump-inspired protests. On election night, in the early morning hours of Wednesday, November 4, former President Trump appeared on television declaring that he had won the election. After listing several states where he claimed to be in the lead or nearly so, the former president declared, “most importantly, we’re winning Pennsylvania by a tremendous amount.”³² This announcement was met by a standing ovation from his audience of supporters. He continued, “We want all voting to stop. We don’t want them to find any ballots at 4 o’clock in the morning and add them to the list.”³³ At the time, vote counting was ongoing in Pennsylvania, because under state law absentee ballots could not be canvassed until Election Day. On Twitter at 3:04 a.m., Al Schmidt, a Republican commissioner on the Philadelphia

³¹*Voting rules changed quickly for the primaries. But the battle over how Americans will cast ballots in the fall is just heating up.*, Wash. Post (July 3, 2020), https://www.washingtonpost.com/politics/voting-rules-changed-quickly-for-the-primaries-but-the-battle-over-how-americans-will-cast-ballots-in-the-fall-is-just-heating-up/2020/07/03/9b865dfa-ba43-11ea-80b9-40ece9a701dc_story.html.

³²*Trump declares victory prematurely, says will go to Supreme Court to dispute election count*, YouTube (Nov. 4, 2020), <https://www.youtube.com/watch?v=Nsl3jcgilhA>.

³³*Id.*

County Board of Elections responded to the then-President of the United States: “Philadelphia will NOT stop counting ALL legitimate votes cast by eligible voters. And we will report and report and report until the last vote is counted.”³⁴

The following night, Kevin McCarthy, the Minority Lead of the U.S. House of Representatives, spoke on Fox News about fraud supposedly taking place in vote counting facilities around the country. He urged listeners to “not be quiet, do not be silent about this. We cannot allow this to happen before our very eyes.”³⁵ Hundreds of demonstrators then showed up outside central count facilities in numerous cities chanting, “stop the steal” and calling for police to “arrest the poll workers,” and carrying signs that read “Make Elections Fair Again” and “We Love Trump.”³⁶ Many of these demonstrators were also carrying guns—some of them handguns, and others, military-style semiautomatic rifles.³⁷

In the days and weeks immediately following Election Day, central count facilities in large and traditionally Democratic-leaning cities such as Philadelphia, Detroit, Atlanta, Milwaukee, Phoenix, and Las Vegas were confronted by angry protesters demanding to oversee vote counting and questioning the legitimacy of the voting process. There was nothing suspicious about the count process taking longer than in past elections in these cities—they have much larger populations than their rural counterparts and thus had to process a larger number of mail-in ballots—but then-President Trump had expressed outrage that ballots were being counted past Election Day.

Poll workers reported fearing for their safety as they worked to count the remaining votes.³⁸ In Detroit, poll workers were harassed by unruly challengers yelling, taunting, jeering,

³⁴Al Schmidt (@commish_schmidt), Twitter (Nov. 4, 2020), https://twitter.com/commish_schmidt/status/1323898927666659328.

³⁵*77 Days: Trump’s Campaign to Subvert the Election*, N.Y. Times (Jan. 31, 2021), <https://www.nytimes.com/2021/01/31/us/trump-election-lie.html>.

³⁶*Increasingly normal: Guns seen outside vote counting centers*, AP (Nov. 7, 2020), <https://apnews.com/article/protests-vote-count-safety-concerns-653dc8f0787c9258524078548d518992>.

³⁷*Id.*; *Two charged with carrying weapons near Philadelphia vote-counting site*, Wash. Post (Nov. 8, 2020); <https://www.newsnationnow.com/politics/2020-election/trump-supporters-protest-outside-vote-centers-in-arizona-michigan/>.

³⁸*Increasingly normal: Guns seen outside vote counting centers*, AP (Nov. 7, 2020), <https://apnews.com/article/protests-vote-count-safety-concerns-653dc8f0787c9258524078548d518992>.

and pounding their fists on windows while the counting went on.³⁹ In Pennsylvania, Commissioner Schmidt later described his work as “racing against a disinformation campaign that could potentially disenfranchise voters...It’s not about the campaign or about who you want to win. This is never about who wins and who doesn’t. But if a campaign is trying to disenfranchise the voters of Philadelphia, you can’t not respond to it.”⁴⁰ While votes were still being counted, Trump’s supporters began attending “Stop the Steal” rallies in various cities as disparate as Boise, Idaho; Colorado Springs, Colorado; and Delray Beach, Florida to protest Biden’s victory.⁴¹ Pro-Trump state lawmakers attended many of these rallies, which often involved altercations between Trump supporters and counter-protesters.⁴²

Second, the lawsuits. At the news conference at Four Seasons Total Landscaping in Philadelphia on November 7, 2020, Rudy Giuliani announced the Trump campaign’s intention to begin litigation over allegations of voter fraud in Pennsylvania and other states.⁴³ On November 13, Sidney Powell, a lawyer aligned with the Trump campaign, appeared on the Fox Business Network proclaiming to host Lou Dobbs that there had been massive voter fraud “organized and conducted with the help of Silicon Valley people, the big tech companies, the social media companies and even the media companies.”⁴⁴ Powell promised to combat the fraud with

³⁹ ‘Get to TCF’: What really happened inside Detroit’s ballot counting center, Detroit Free Press (Nov. 6, 2020), <https://www.freep.com/story/news/local/michigan/detroit/2020/11/06/tcf-center-detroit-ballot-counting/6173577002/>.

⁴⁰ *He Wanted to Count Every Vote in Philadelphia, His Party Had Other Ideas.*, N.Y. Times, (Dec. 16, 2020), <https://www.nytimes.com/2020/12/16/magazine/trump-election-philadelphia-republican.html>.

⁴¹ *Trump supporters gather for ‘Stop the Steal’ rally in Boise*, Idaho Press (Nov. 7, 2020), https://www.idahopress.com/news/local/trump-supporters-gather-for-stop-the-steal-rally-in-boise/article_2110cb2a-35c6-52ba-a753-336ad7b8bef3.html; *Trump supporters gather for ‘Stop the Steal’ rally in Colorado Springs*, Fox21News (Nov. 7, 2020), <https://www.fox21news.com/top-stories/trump-supporters-gather-for-stop-the-steal-rally-in-colorado-springs/>; *‘Stop the steal’ protestors rally in Delray Beach o show support for Trump*, CBS12 (Nov. 7, 2020), <https://cbs12.com/news/local/stop-the-steal-protestors-rally-in-delray-beach-to-show-support-for-trump>.

⁴² *Id.*

⁴³ *Rudy Giuliani Trump Campaign Philadelphia Press Conference at Four Seasons Total Landscaping*, Rev Transcripts (Nov. 7, 2020), <https://www.rev.com/blog/transcripts/rudy-giuliani-trump-campaign-philadelphia-press-conference-november-7>.

⁴⁴ *‘Release the Kraken,’ a catchphrase for unfounded conspiracy theory, trends on Twitter*, N.Y. Times (Nov. 17, 2020), <https://www.nytimes.com/2020/11/17/technology/release-the-kraken-a-catchphrase-for-unfounded-conspiracy-theory-trends-on-twitter.html>.

overwhelming evidence in blockbuster lawsuits, pledging that she would “release the Kraken.”⁴⁵ Powell proceeded to file lawsuits in Arizona, Georgia, Michigan, and Wisconsin, alleging that manipulated voting machines destroyed ballots and switched votes. Each of these lawsuits was dismissed as baseless by the courts.⁴⁶ The district court in Michigan presciently observed that Powell’s lawsuit there “seems to be less about achieving the relief Plaintiffs seek—as much of that relief is beyond the power of this Court—and more about the impact of their allegations on People’s faith in the democratic process and their trust in our government.”⁴⁷

In reality, the anti-democracy movement never had a *legal* strategy in pursuing this long string of lawsuits. Instead, this was a public relations strategy from the start: their only goal was to generate noise about election fraud, repeated in case after case and headline after headline, with the goal of creating the false public impression that the vote must have been affected by some level of corruption. In total, Trump and his allies filed more than 75 baseless lawsuits in state and federal courts seeking to overturn election results in states where Trump lost.⁴⁸

To be clear, we are not suggesting that post-election litigation is necessarily illegitimate—the ability to challenge election results in court is an important tool to ensure free and fair elections in our country. But *these* lawsuits were illegitimate because they were not based on any evidence or plausible allegations of any kind. Indeed, Trump’s claims of election fraud were debunked by officials in his own administration. On November 23, 2020, then-Attorney General William Barr told Trump that, based on the Justice Department’s investigation, the notion that voting machines were rigged in Biden’s favor was “bullshit.”⁴⁹ Additionally, on December 1, Attorney General Barr told Trump that the theory of voting machine fraud was

⁴⁵“Release the Kraken” is a reference to a line from the 1981 movie “The Clash of the Titans,” featuring the mythical sea monster. *Id.*

⁴⁶*Sidney Powell’s ‘Kraken’ lawsuits failed again, as judges in Michigan, Georgia, Arizona, and Wisconsin have now dismissed her cases*, Business Insider (Dec. 10, 2020), <https://www.businessinsider.com/sidney-powell-lawsuits-dismissed-michigan-georgia-arizona-wisconsin-2020-12>; *Federal judges reject GOP effort to overturn swing state election results*, Politico (Dec. 7, 2020), <https://www.politico.com/news/2020/12/07/judge-rejects-overturn-michigan-election-results-443411>.

⁴⁷*King et al. v. Whitmer et al.*, Case No. 20-cv-13134-LVP-RSW (E.D. Mich.), ECF No. 62, 35-36.

⁴⁸*Post-Election Litigation Analysis and Summaries*, Stanford-MIT Healthy Elections Project (Mar. 10, 2021), https://healthyelections.org/sites/default/files/2021-06/Post-Election_Litigation_Analysis.pdf.

⁴⁹Bob Woodward & Robert Costa, *Peril 166* (2021).

“demonstrably crazy.”⁵⁰ The same day, the former Attorney General announced publicly that the Justice Department had not found any widespread election fraud.⁵¹

Unsurprisingly, Trump’s legal team lost all but one of their post-election lawsuits (the one suit in which they prevailed had nothing to do with fraud, nor could it have changed the outcome of the election).⁵² Many of these cases failed for basic lack of standing. For example, Texas Attorney General Ken Paxton filed a lawsuit (in which Trump sought to intervene) in the U.S. Supreme Court, seeking to invalidate millions of votes cast in Georgia, Michigan, Pennsylvania, and Wisconsin.⁵³ The Supreme Court denied Paxton’s request to initiate the case in a one-page order, holding that Texas had no standing to sue about “the manner in which another State conducts its election.”⁵⁴

Other courts dismissed similar lawsuits because there was no merit to the allegations of voter fraud.⁵⁵ For instance, Kelli Ward, a former Arizona state senator and the chair of the Arizona Republican Party, filed a lawsuit seeking to overturn Biden’s narrow victory in Arizona. After hearing two days of testimony and oral arguments, the trial court found “no misconduct, no fraud and no effect on the outcome of the election.”⁵⁶ The Arizona Supreme Court affirmed the decision, holding that Ward “failed to present evidence of misconduct or illegal votes, ‘let alone

⁵⁰*Id.* at 170.

⁵¹*Disputing Trump, Barr says no widespread election fraud*, AP (Dec. 1, 2020), <https://apnews.com/article/barr-no-widespread-election-fraud-b1f1488796c9a98c4b1a9061a6c7f49d>.

⁵²*Trump did not win two-thirds of election lawsuits ‘where merits considered’*, Politifact (Feb. 9, 2021), <https://www.politifact.com/factchecks/2021/feb/09/blog-posting/trump-did-not-win-two-thirds-election-lawsuits-where/>.

⁵³*Texas v. Pennsylvania, et al.*, 141 S. Ct. 1230 (2020); *Trump asks Supreme Court to invalidate millions of votes in battleground states*, CNN (Dec. 10, 2020), <https://www.cnn.com/2020/12/09/politics/trump-supreme-court/index.html>.

⁵⁴*Texas v. Pennsylvania, et al.*, 141 S. Ct. 1230 (2020).

⁵⁵*By the numbers: President Donald Trump’s failed efforts to overturn the election*, USA Today (Jan. 6, 2021) www.usatoday.com/in-depth/news/politics/elections/2021/01/06/trumps-failed-efforts-overturn-election-numbers/4130307001/; *Trump’s judicial campaign to upend the 2020 election: A failure, but not a wipe-out*, Brookings (Nov. 30, 2021), <https://www.brookings.edu/blog/fixgov/2021/11/30/trumps-judicial-campaign-to-upend-the-2020-election-a-failure-but-not-a-wipe-out/>.

⁵⁶*Ward v. Jackson*, Case No. CV2020-015285 (Ariz. Super. Ct. Dec. 4, 2020); *Judge rejects Arizona Republican Party’s attempt to overturn election results; GOP vows appeal*, AZCentral (Dec. 4, 2020), <https://www.azcentral.com/story/news/politics/elections/2020/12/04/arizona-judge-rejects-republican-effort-overturn-state-election-results/3821578001/>.

establish any degree of fraud or a sufficient error rate that would undermine the certainty of the election results,” and the U.S. Supreme Court declined to hear Ward’s case.⁵⁷ In another example, attorney Erick Kaardal filed suit on December 22, 2020, in federal district court in Washington, D.C. on behalf of a group of voter alliances from several states seeking, among other things, to enjoin Vice President Mike Pence from counting the Electoral College votes for several states.⁵⁸ This last-ditch effort failed, and the judge found the allegations so baseless that she referred Kaardal to a disciplinary committee.⁵⁹ Another federal district court judge in Michigan granted a motion for sanctions against Trump’s lawyers who brought an election fraud lawsuit there, including Sidney Powell. The court’s order, more than 100 pages in length, concluded that the “lawsuit represent[ed] a historic and profound abuse of judicial process.”⁶⁰ A Colorado state court judge—who also granted sanctions against the lawyers who brought a putative class action lawsuit alleging widespread voter fraud in the presidential election—found the plaintiffs’ complaint to be “one enormous conspiracy theory.”⁶¹

Third, the pressure campaign aimed at state officials. Trump and his allies also bombarded state officials in key swing states, pressuring them to alter election results in his favor. For example, in Arizona, in the weeks following the election, Republican chair of the Maricopa County Board of Supervisors, Clint Hickman, received calls from the White House, Rudy Giuliani, and Kelli Ward urging the Board to announce that it had discovered voting irregularities. Hickman refused these requests so that the Board’s work and related litigation

⁵⁷ *Ward v. Jackson*, Case No. CV-20-0343-AP/EL (Ariz. Sup. Ct. Dec. 8, 2020); *Ward v. Jackson, et al.*, No. 20-809 (U.S. Feb. 22, 2021) (denying petition for review), <https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/20-809.html>; *Election lawsuit from Arizona GOP chair Kelli Ward denied hearing by U.S. Supreme Court*, AZCentral (Feb. 22, 2021), <https://www.azcentral.com/story/news/politics/elections/2021/02/22/us-supreme-court-wont-hear-kelli-wards-lawsuit-arizona-election/4544983001/>.

⁵⁸ *Wisc. Voters Alliance v. Pence, et al.*, Case No. 1:20-cv-03791-JEB (D.D.C. Dec. 22, 2020), ECF No. 1.

⁵⁹ *Id.*, ECF No. 23.

⁶⁰ *King et al. v. Whitmer et al.*, Case No. 2:20-cv-1314-LVP-RSW (E.D. Mich. Aug. 25, 2021), ECF No. 172.

⁶¹ *O’Rourke et al. v. Dominion Voting Systems et al.*, Case No. 1:20-cv-03747-NRN (D. Colo. Aug. 3, 2021), ECF No. 136.

could follow their proper course. As Hickman stated, “We were in litigation at all these points... Whatever needed to be said, needed to be said in a courtroom in front of a judge or a jury.”⁶²

Similarly, Aaron Van Langevelde, a Republican member of the Michigan State Board of Canvassers, recounted that “some political leaders urged the Board to withhold certification [of electoral votes for Biden] based on unproven allegations of voter fraud, even though we had no legal authority to do so...We were asked to take power we didn’t have. What would have been the cost if we had done so? Constitutional chaos and the loss of our integrity.”⁶³ Van Langevelde refused, and Michigan certified its electoral votes for Biden.

Trump and his closest advisors also directly pressured state legislators. In mid-November 2020, days before Michigan certified its election results, Trump invited members of the Michigan state legislature to come to the White House, including the House speaker and Senate majority leader.⁶⁴ Around a week later, he invited several Pennsylvania lawmakers, including Doug Mastriano.⁶⁵ Attorneys Rudy Giuliani and Jenna Ellis visited members of several state legislatures on Trump’s behalf, including in Arizona,⁶⁶ Pennsylvania, and Michigan to make allegations of voter fraud and to pressure the lawmakers to take legislative action to overturn the results.⁶⁷ Giuliani told the Pennsylvania contingent: “It’s the state [l]egislature that controls this process. It’s your power. It’s your responsibility. And I think you know, and you have to

⁶²*Maricopa County supervisor on rejecting calls from Trump allies: ‘Whatever needed to be said, needed to be said in a courtroom’*, CNN (July 5, 2021), <https://www.cnn.com/2021/07/05/politics/clint-hickman-trump-giuliani-election-calls-maricopa-county-cnntv/index.html>.

⁶³*Aaron Van Langevelde’s speech about the 2020 election: ‘We were asked to take power we didn’t have’*, Boston Globe (July 5, 2021), <https://www.bostonglobe.com/2021/07/05/nation/aaron-van-langevelde-speech-about-2020-election-we-were-asked-take-power-we-didnt-have/>.

⁶⁴*Michigan lawmakers who met with Trump say they see nothing to change election outcome*, CNN (Nov. 21, 2020), <https://www.cnn.com/2020/11/20/politics/michigan-house-speaker-will-meet-trump/index.html>.

⁶⁵*President Trump invited Pa. lawmakers to the White House. Then everyone went silent.*, PennLive (Nov. 27, 2020), <https://www.pennlive.com/news/2020/11/president-trump-invited-pa-lawmakers-to-the-white-house-then-everyone-went-silent.html>.

⁶⁶*Arizona GOP lawmakers hold meeting on election outcome with Trump lawyer Rudy Giuliani*, AZCentral (Nov. 30, 2020), <https://www.azcentral.com/story/news/politics/elections/2020/11/30/republican-lawmakers-arizona-hold-meeting-rudy-giuliani/6468171002/>.

⁶⁷*Here’s How The Trump Campaign Is Still Trying to Overturn Biden’s Victory*, Forbes (Dec. 1, 2020), <https://www.forbes.com/sites/alisondurkee/2020/12/01/heres-how-the-trump-campaign-is-still-trying-to-overturn-bidens-victory/?sh=132938f13561>.

convince the rest of your members, Republican and Democrat, [that] they owe that to the people of their state, and they owe that to the people of the United States.”⁶⁸

On January 2, 2021, Trump, joined by attorney Cleta Mitchell,⁶⁹ called Brad Raffensperger, the Republican Secretary of State of Georgia, pressuring him to “find” enough votes for a Trump victory. Trump pressed Raffensperger, asserting that “the ballots are corrupt. And you’re going to find that they are—which is totally illegal, it is more illegal for you than it is for [those who corrupted them] because, you know what they did and you’re not reporting it. That’s a criminal—that’s a criminal offense.” Raffensperger did not give in to this pressure, answering instead: “Well, Mr. President, the challenge that you have is the data you have is wrong.”⁷⁰

These instances are only a few examples. Trump and his team were contacting everyone they could in their attempt to overturn the election result. It is thanks to Hickman, Van Langevelde, Raffensperger, and other courageous local election officials around the country that this effort to not count eligible votes or to find additional votes for Trump that did not exist failed.

Fourth, the fake electors. In an effort reportedly overseen by Rudy Giuliani and Trump campaign officials,⁷¹ people who would have been electors from seven swing states had Trump won declared themselves the rightful electors on December 14, 2020. These sham electors “submitted false Electoral College certificates declaring Trump the winner of the presidential election in Arizona, Georgia, Michigan, New Mexico, Nevada, Pennsylvania and Wisconsin.”⁷²

⁶⁸*Giuliani tells Pennsylvania legislators they can override popular vote to appoint pro-Trump electors*, Yahoo! News (Nov. 25, 2020), <https://news.yahoo.com/giuliani-tells-pennsylvania-legislators-they-can-override-popular-vote-to-appoint-pro-trump-electors-010121925.html>.

⁶⁹*How a lawyer who aided Trump’s 2020 subversion efforts was named to a federal election advisory board*, CNN (Nov. 18, 2021), <https://www.cnn.com/2021/11/18/politics/cleta-mitchell-election-assistance-commission-advisor/index.html>.

⁷⁰*Transcript: President Trump’s Phone Call With Georgia Election Officials*, N.Y. Times (Jan. 3, 2021), <https://www.nytimes.com/2021/01/03/us/politics/trump-raffensperger-georgia-call-transcript.html>.

⁷¹*Trump campaign officials, led by Rudy Giuliani, oversaw fake electors plot in 7 states*, CNN (Jan. 20, 2022), <https://www.cnn.com/2022/01/20/politics/trump-campaign-officials-rudy-giuliani-fake-electors/index.html>.

⁷²*EXPLAINER: How fake electors tried to throw result to Trump*, AP (Feb. 21, 2022), <https://apnews.com/article/capitol-siege-joe-biden-presidential-elections-election-2020-electoral-college-311f88768b65f7196f52a4757dc162e4>.

Trump’s allies then used these sham electors to try to overturn the election. In Arizona, 30 Republican lawmakers, including Arizona state Representative Mark Finchem,⁷³ signed a joint resolution asking Congress to accept their state’s “alternate” electoral votes cast for Trump.⁷⁴ On January 6, several of Trump’s allies in the House and Senate used these fake certificates to delay and attempt to block the certification of Biden’s victory during Congress’s joint session.⁷⁵

These fake electors were a necessary component of a scheme that centered on then-Vice President Pence and that was set to culminate on January 6 when he would throw out the legitimate electoral votes from those states and substitute in the fake ones—if he could be persuaded to do so. By law and custom, the vice president plays only a ceremonial role in the electoral process. Under Article II of the Constitution and the Electoral Count Act of 1887, the vice president opens the certificates of votes sent by the states’ presidential electors and, after the votes have been counted, announces the outcome, officially certifying the result of the presidential election.⁷⁶

But Trump advisor and then-professor at Chapman University John Eastman concocted a plan spelled out in memoranda in late December 2020 and early January 2021 in which Pence would ignore his legal obligations at the joint session of Congress on January 6 and would refuse to recognize electoral votes from several states based on a claim that there were “multiple slates of electors” in those states (*i.e.*, the valid electors and sham electors discussed earlier). Pence was either to declare an outright victory for Trump or to pass the presidential election to the House of

⁷³*Donald Trump is now backing a QAnon conspiracy theorist to run Arizona’s elections*, CNN (Sept. 14, 2021), <https://www.cnn.com/2021/09/14/politics/donald-trump-mark-finchem-arizona/index.html>.

⁷⁴*‘This should terrify the nation’: the Trump ally seeking to run Arizona’s elections*, The Guardian (Feb. 21, 2022), <https://www.theguardian.com/us-news/2022/feb/21/mark-finchem-trump-arizona-elections-secretary-of-state>.

⁷⁵*EXPLAINER: How fake electors tried to throw result to Trump*, AP (Feb. 21, 2022), <https://apnews.com/article/capitol-siege-joe-biden-presidential-elections-election-2020-electoral-college-311f88768b65f7196f52a4757dc162e4>.

⁷⁶*Trump Says Pence Can Overturn His Loss in Congress. That’s Not How it Works*, N.Y Times (Apr. 30, 2021), <https://www.nytimes.com/2021/01/05/us/politics/pence-trump-election.html>. The limited role of the vice president in the certification of the electoral results was even reflected in testimony from Mr. Eastman himself following the 2000 presidential election. He stated then that under the Electoral Count Act, Congress “counts” the votes and is “the ultimate judge” of disputes about the count” and, in doing so, “is answerable to no one, not the Supreme Court of the United States, not the Supreme Court of Florida, in that judging, because that power is delegated to it by the Constitution.” 67 Florida Select Joint Committee on the Manner of Appointment of Presidential Electors, 2000, (Fl. 2000) (testimony of Professor John C. Eastman), <https://www.c-span.org/video/?160847-1/manner-appointment-presidential-electors>.

Representatives. Since each state delegation in the House would have one vote, the Republicans' control of 26 state delegations was expected to ensure a majority for Trump.⁷⁷

Eastman argued that these measures, though “BOLD,” were justified by the fact that “this Election was Stolen by a strategic Democrat plan to systematically flout existing election laws for partisan advantage,” and “we’re no longer playing by Queensbury Rules, therefore.”⁷⁸ Trump demanded that Pence take part in this scheme, essentially presenting Pence with a choice between violating the Constitution and being denounced by Trump, likely dashing any chance Pence had of ever becoming president himself with support from Trump’s base.⁷⁹ As this Select Committee well knows, in March of this year, a federal judge weighed in on Eastman’s plot. In a civil case related to the Committee’s pursuit of documents from Eastman, the court found that Eastman and Trump most likely had committed felonies, including by obstructing the work of Congress in counting electoral votes and conspiring to defraud the United States.⁸⁰ The court called the scheme “a coup in search of a legal theory.”⁸¹

Around the same time that John Eastman was working on his January 6 legal strategy from outside the administration, Jeffrey Clark, the acting Assistant Attorney General for the Department of Justice’s Civil Division, was working on a legal strategy from within the government. By late December, Clark told colleagues that he was aware of information implicating Chinese intelligence in using thermometers to change the election results, despite there being no evidence of such foreign interference.⁸² On December 28, 2020, Clark emailed his superiors with a draft letter that urged Georgia officials to convene the state legislature in a

⁷⁷READ: *Trump lawyer’s memo on six-step plan for Pence to overturn the election*, CNN (Sep. 21, 2021), <https://www.cnn.com/2021/09/21/politics/read-eastman-memo/index.html> (two-page memo).

⁷⁸*Id.* (six-page memo).

⁷⁹*Pence Reached His Limit With Trump. It Wasn’t Pretty*, N.Y. Times (Jan. 12, 2021), <https://www.nytimes.com/2021/01/12/us/politics/mike-pence-trump.html>.

⁸⁰*Eastman v. Thompson et al.*, Case No. 8:22-cv-00099-DOC-DFM (C.D. Cal. Mar. 28, 2022), ECF. No. 260.

⁸¹*Id.*

⁸²*How a Trump Environmental Lawyer Tried To Weaponize the Justice Department To Help the President*, CNN (Aug. 6, 2021), <https://www.cnn.com/2021/08/06/politics/doj-clark-trump-election/index.html>.

special session to investigate “irregularities” in the election.⁸³ Fortunately, his superiors refused to send the letter.⁸⁴

Fifth, the disinformation campaign. The disinformation campaign related to the 2020 election started well before election day. The high volume of mail-in ballots was further exploited by anti-democracy forces, who fabricated stories suggesting the ballots were susceptible to fraud. For example, a single tweet in September contending that over 1,000 mail-in ballots had been found in a dumpster was picked up by a far-right news website, which ran an “exclusive” story on a purported scheme by the county to dump uncounted ballots. In fact, the photo shared in the tweet showed old envelopes from the 2018 election that were being recycled—and ballots for the 2020 election cycle had not yet even been mailed. Within a day, the story had been shared by over 25,000 Twitter users, including Donald Trump Jr.⁸⁵

Disinformation came from the top, too. Harvard researchers found that tweets or briefings or Fox News appearances by Trump himself drove most spikes in media coverage, which allowed him to “disseminate and reinforce his disinformation campaign” regarding election fraud.⁸⁶ This trend was exacerbated by the fact that different segments of the population held different beliefs about the election, driven in large part by the news outlets they tuned in to.⁸⁷ Thus, for example, in September 2020, 61% of Republicans who primarily watched Fox News or listened to talk radio for their news said fraud had been a “major problem when mail-in ballots are used,” whereas the percentage dropped to 44% for Republicans who also listened to other outlets, and to 23% for Republicans who did not rely on Fox News or talk radio.⁸⁸

⁸³*Trump Loyalist at DOJ Circulated Draft Georgia Letter with False Election Fraud Claims*, ABC News (Aug. 4, 2021), <https://www.cnn.com/2021/08/04/politics/draft-doj-georgia-letter-election-reversal/index.html>.

⁸⁴*How a Trump Environmental Lawyer Tried To Weaponize the Justice Department To Help the President*, CNN (Aug. 6, 2021), <https://www.cnn.com/2021/08/06/politics/doj-clark-trump-election/index.html>.

⁸⁵*As U.S. election nears, researchers are following the trail of fake news*, Science.org (Oct. 26, 2020), <https://www.science.org/content/article/us-election-nears-researchers-are-following-trail-fake-news>.

⁸⁶*Id.*

⁸⁷*How Americans Navigated the News in 2020: A Tumultuous Year in Review*, Pew Research Center (Feb. 22, 2021), <https://www.pewresearch.org/journalism/2021/02/22/misinformation-and-competing-views-of-reality-abounded-throughout-2020/>.

⁸⁸*Id.*

After the election, lawsuits, recounts, audits, and other actions by Trump and his allies served as fodder for a broader anti-democracy disinformation campaign to convince segments of the American public that Biden stole the election. Indeed, a central goal of this anti-democracy movement—since before 2016—has been to cast doubt on election results and give anti-democracy allies enough of an echo chamber so that if and when Trump lost the election, whether in 2016 or 2020, a substantial number of people would believe it was because of fraud.

This disinformation campaign has been supported by many of Trump’s allies. For example, MyPillow CEO Mike Lindell said that he spent \$25 million pushing voter fraud claims and that he would “spend everything [he has] and sell everything [he has] if that’s what it takes” to overturn Biden’s victory.⁸⁹ Steve Bannon, Trump’s former chief strategist, promoted the theory that Biden stole the election from Trump on his popular podcast, *War Room*.⁹⁰ Former Trump National Security Advisor and Retired Army General Michael Flynn went on a public speaking campaign to further sow doubts about the vote and urge states to conduct independent reviews of their election results.⁹¹

NewsGuard, an independent service that evaluates the credibility of media sources, investigated and found 166 websites in the United States and Europe spreading misinformation about voting, the ballot-counting process, and the results of the 2020 U.S. election.⁹² The top myths spread included the theories that Democrats committed significant voter fraud using manipulated voting machines or mail-in ballots to change votes from Trump to Biden or to add extra votes for Biden; that undocumented immigrants unlawfully cast a significant number of absentee ballots (presumably heavily skewed toward Biden); and that poll workers manipulated ballots at counting centers when demonstrators were not allowed to oversee their counting

⁸⁹*MyPillow CEO Mike Lindell told Insider he’s already spent \$25 million pushing voter-fraud claims and will spend everything he has on the cause*, Business Insider (Dec. 16, 2021), <https://www.businessinsider.com/mypillow-mike-lindell-25-million-pushing-baseless-voter-fraud-claims-2021-12>.

⁹⁰*Heeding Steve Bannon’s Call, Election Deniers Organize to Seize Control of the GOP—and Reshape America’s Elections*, ProPublica (Sept. 2, 2021), <https://www.propublica.org/article/heeding-steve-bannons-call-election-deniers-organize-to-seize-control-of-the-gop-and-reshape-americas-elections>.

⁹¹*The military-intelligence veterans who helped lead Trump’s campaign of disinformation*, Reuters (Dec. 15, 2021), <https://www.reuters.com/investigates/special-report/usa-election-military/>.

⁹²*2020 Election Misinformation Tracking Center, The Top Election Myths Spreading Online and the Red-Rated Websites Promoting Them: 166 and Counting*, NewsGuard (Jan. 20, 2021), <https://www.newsguardtech.com/special-reports/election-misinformation-tracker/>.

process.⁹³ Trump’s supporters also took to social media to spread these lies, which Trump’s team then attempted to use as evidence of widespread voter fraud in their ultimately unsuccessful lawsuits.⁹⁴

d. Preparation for and Participation in January 6

Leading up to the joint session of Congress on January 6, the effort to overturn Biden’s victory included public rallies in Washington, D.C. in support of Trump’s election fraud theories.

In the early morning of December 12, 2020, ahead of the “Million MAGA March” planned for later that day, Roger Stone told a crowd of Trump supporters, “We will fight to the bitter end for an honest count of the 2020 election. Never give up, never quit, never surrender, and fight for America. We have an obligation to see that the rightful winner of the election is seated, and that is the greatest president since Abraham Lincoln, Donald J. Trump.”⁹⁵ Michael Flynn also spoke at the December 12 rally, promising that Trump would remain in office⁹⁶ and likening the assembled protesters to the biblical figures who destroyed the walls of Jericho.⁹⁷ Lesser-known figures spoke too: Amanda Chase, a state senator in Virginia who has been described as “Trump in heels,” echoed Trump’s claim that Biden “cheated to win” and that she and many other Americans would “never accept these results.”⁹⁸ She made drastic claims that

⁹³*Id.*

⁹⁴*Trump’s 5-year campaign of lies led to the Capitol attack. And we just let it happen.*, USA Today (Jan. 13, 2021), <https://www.usatoday.com/story/opinion/2021/01/13/trump-disinformation-campaign-led-to-capitol-coup-attempt-column/6639309002/>.

⁹⁵*‘Nothing is Over’: Roger Stone Addresses Trump Supporters at Protest in Washington*, Yahoo! News (Dec. 12, 2020), <https://www.yahoo.com/now/nothing-over-roger-stone-addresses-142409365.html>.

⁹⁶*Michael Flynn Says Trump Will Remain President in First Public Remarks Since Pardon*, Newsweek (Dec. 12, 2020), <https://www.newsweek.com/michael-flynn-says-trump-will-remain-president-first-public-remarks-since-pardon-1554374>; *see also Flynn delivers first public remarks since Trump pardon at DC rallies*, The Hill (Dec. 12, 2020), <https://thehill.com/homenews/administration/529956-flynn-delivers-first-public-remarks-since-trump-pardon-at-dc-rallies>.

⁹⁷*US election: Pro-Trump rallies see scuffles in US cities*, BBC News (Dec. 13, 2020), <https://www.bbc.co.uk/news/election-us-2020-55292610>; *Trump riots: 65 days that led to chaos at the Capitol*, BBC News (Jan. 10, 2021), <https://www.bbc.co.uk/news/world-us-canada-55592332>.

⁹⁸*Pro-Trump Martial-Law-Pushing Amanda Chase ‘Getting Things in Order’ to Run for Congress*, Newsweek (Nov. 8, 2021), <https://www.newsweek.com/pro-trump-martial-law-pushing-amanda-chase-getting-things-order-run-congress-1647184>.

Trump should declare martial law to conduct an audit of election results in her state.⁹⁹ That same month, incidentally, Sidney Powell, working with Pennsylvania state Senator Doug Mastriano, began funding an audit of the voting machines in rural Fulton County, Pennsylvania, a community of fewer than 15,000 people that had voted overwhelmingly for Trump. This audit served as a test case of the audit trend that would persist well into 2022 throughout several states.¹⁰⁰

Members of the Proud Boys hate group were among the rally-goers on December 12. After it ended, they prowled the streets of Washington, vandalizing a Black Lives Matter sign at a historic Black church, and confronting counter-protesters in altercations that left at least four people with stab wounds.¹⁰¹

Further rallies in D.C. on and immediately before January 6 were coordinated in part by Ali Alexander, who had created a limited liability company called Stop the Steal in 2020.¹⁰² Alexander stated in internet broadcasts in December 2020 that he had organized his January 6 rally with U.S. Reps. Andy Biggs, Paul Gosar, and Mo Brooks,¹⁰³ and on December 7, 2020, Alexander posted a tweet stating that he was “willing to give [his] life for this fight,” which the Arizona Republican Party (chaired by Kelli Ward) then retweeted with the addition, “He is. Are

⁹⁹*Virginia gubernatorial candidate says, ‘Trump should declare martial law’*, Fox News (Dec. 17, 2020), <https://www.foxnews.com/politics/virginia-amanda-chase-trump-martial-law>.

¹⁰⁰*Group led by ‘Kraken’ lawyer Sidney Powell hired the firm recounting AZ’s election to probe election in Fulton Co.*, Pennsylvania Capital-Star (May 24, 2021), <https://www.penncapital-star.com/government-politics/group-led-by-kraken-lawyer-sidney-powell-hired-the-firm-recounting-azs-election-to-probe-a-pa-election/>.

¹⁰¹*Metro. African Methodist Episcopal Church v. Proud Boys Int’l, L.L.C. et al.*, Case No. 2021 CA 000004 B (D.C. Super. Ct.) (Complaint); *Proud Boys leader arrested, accused of destroying D.C. Church’s Black Lives Matter sign*, NBC News (Jan. 4, 2021), <https://www.nbcnews.com/news/us-news/proud-boys-leader-arrested-after-allegedly-destroying-d-c-church-n1252789>; *How a D.C. Bar Became the ‘Haven’ for the Proud Boys*, Politico (Dec. 14, 2020), <https://www.politico.com/news/magazine/2020/12/14/harrys-bar-proud-boys-washington-dc-445015>.

¹⁰²*Business Entity Records – Stop the Steal, LLC*, Alabama Secretary of State, <https://arc-sos.state.al.us/cgi/corpdetail.mbr/detail?corp=821150>; *Trump allies helped plan, promote rally that led to Capitol attack*, ABC News (Jan. 8, 2021), <https://abcnews.go.com/US/trump-allies-helped-plan-promote-rally-led-capitol/story?id=75119209>.

¹⁰³*A ‘Stop the Steal’ organizer, now banned by Twitter, said three GOP lawmakers helped plan his D.C. rally*, Wash. Post (Jan. 13, 2021), <https://www.washingtonpost.com/nation/2021/01/13/ali-alexander-capitol-biggs-gosar/>.

you?”¹⁰⁴ Trump tweeted from his own account on December 19, 2020: “Big protest in D.C. on January 6th. Be there, will be wild!”¹⁰⁵

Many others in Trump’s orbit helped to organize and promote the anti-democracy events that led up to the Capitol attack on January 6—some also spoke at the events. During the week before, Senator Mastriano helped arrange bus rides for Trump supporters from Pennsylvania to D.C.¹⁰⁶ Many of the key figures in the Stop the Steal movement spoke at a rally on January 5 at Freedom Plaza, emceed by Alexander. Flynn spoke at the event, declaring that “the members of Congress, the members of the House of Representatives, the members of the United States Senate, those of you who are feeling weak tonight, those of you that don’t have the moral fiber in your body, get some tonight because tomorrow we the people are going to be here, and we want you to know we will not stand for a lie.”¹⁰⁷ Mike Lindell urged the crowd: “Tomorrow, you need to pray for our Vice President to look up to God and say, ‘I need to make a decision, Lord, and to make the right decision for our country.’”¹⁰⁸ Other speakers included Roger Stone and Mark Finchem.¹⁰⁹ Between speakers, Alexander led the crowd in chants of “stop the steal” and made declarations including, “[t]he rebellion starts now”¹¹⁰ and “[w]e ready for battle!”¹¹¹

Also on January 5, a group of around 100 state legislators sent a letter to Pence regarding the purported “illegalities present in the 2020 election” and asking him to “afford [the] nation

¹⁰⁴ ‘*Stop the Steal*’ Organizer in Hiding After Denying Blame for Riot, *The Daily Beast* (Jan. 11, 2021); *Arizona GOP asks if followers willing to give their lives to ‘stop the steal’*, *The Hill* (Dec. 8, 2020), <https://thehill.com/homenews/news/529195-arizona-gop-asks-if-followers-willing-to-give-their-life-to-stop-the-steal>.

¹⁰⁵ Trump Twitter Archive, Donald J. Trump (@realDonaldTrump) (Dec. 19, 2020, 1:42 AM EST), <https://www.thetrumparchive.com>.

¹⁰⁶ *Mastriano campaign spent thousands on buses ahead of D.C. insurrection*, *WHYY* (Jan. 12, 2021), <https://whyy.org/articles/mastriano-campaign-spent-thousands-on-buses-ahead-of-d-c-insurrection>.

¹⁰⁷ *Flynn, Papadopoulos address pro-Trump rally in DC*, *AP* (Jan. 10, 2021), <https://www.youtube.com/watch?v=Lu5BJY-tG-c>; *Longtime Trump advisers connected to groups behind rally that led to Capitol attack*, *ABC News* (Jan. 15, 2021), <https://abcnews.go.com/US/longtime-trump-advisers-connected-groups-rally-led-capitol/story?id=75261028>.

¹⁰⁸ *#StopTheSteal Coalition Pre-Rally in DC at Freedom Plaza*, *RSBN TV, Periscope* (Jan. 5, 2021), <https://www.pscp.tv/w/1RDxIPOgyorxL>.

¹⁰⁹ *Id.*

¹¹⁰ *Id.* at 43:30.

¹¹¹ *Id.* at 1:06:47.

more time to properly review” the election results by “postponing the January 6th opening and counting of the electoral votes for at least 10 days.”¹¹² Doug Mastriano, Mark Finchem, and Wisconsin state Assemblyman Timothy Ramthun signed the letter.¹¹³ In an email to Vice President Pence’s counsel on January 6, Eastman conceded that this proposed 10-day postponement would constitute a “minor violation” of the law.¹¹⁴

Also on January 5, on his *War Room* podcast, Steve Bannon told his listeners, “All hell is going to break loose tomorrow.” He announced that, “it’s not going to happen like you think it’s going to happen. OK, it’s going to be quite extraordinarily different. And all I can say is, strap in... You have made this happen and tomorrow it’s game day. So, strap in. Let’s get ready.”¹¹⁵

e. The January 6 Assault on the Capitol and Democracy

Then came January 6 itself, which began with Trump tweeting shortly after midnight echoing his and his supporters’ longstanding efforts to delegitimize the election results and to pressure Pence to violate his constitutional obligations. “If Vice President @Mike_Pence comes through for us, we will win the Presidency. Many States want to decertify the mistake they made in certifying incorrect & even fraudulent numbers in a process NOT approved by their State Legislatures (which it must be). Mike can send it back!”¹¹⁶ Later in the morning, Trump tweeted: “All Mike Pence has to do is send them back to the States, AND WE WIN. Do it Mike, this is a time for extreme courage!”¹¹⁷

¹¹²Letter to Vice President Michael R. Pence, Wisconsin Examiner (Jan. 5, 2021), <https://wisconsinexaminer.com/wp-content/uploads/2021/01/Letter-to-Pence-1.pdf>; *These 15 state legislators asked Pence not to certify election results*, Wisconsin Examiner (Jan. 14, 2021), <https://wisconsinexaminer.com/2021/01/14/these-15-state-legislators-asked-pence-not-to-certify-election-results/>

¹¹³Letter to Vice President Michael R. Pence, Wisconsin Examiner (Jan. 5, 2021), <https://wisconsinexaminer.com/wp-content/uploads/2021/01/Letter-to-Pence-1.pdf>.

¹¹⁴*Eastman v. Thompson et al.*, Case No. 8-22-cv-00099-DOC-DFM (C.D. Cal. Mar. 2, 2022), ECF No. 160-16.

¹¹⁵Ep. 631- Pandemic: One Day Away (W/ Maggie Vandenberghe, Jack Posobiec, Sean Parnell and Richard Baris) at 29:30, Steve Bannon’s War Room (Jan. 5, 2021), <https://listen.warroom.org/e/ep-631-pandemic-one-day-away-w-maggie-vandenberghe-jack-posobiec-sean-pannell-and-richard-baris/>; *How Trump allies stoked the flames ahead of Capitol riot*, CNN (Jan. 18, 2021), <https://www.cnn.com/2021/01/18/politics/trump-bannon-stone-giuliani-capitol-riot-invs/index.html>.

¹¹⁶Trump Twitter Archive, Donald J. Trump (@realDonaldTrump) (Jan. 6, 2021, 1:00 AM EST), <https://www.thetrumparchive.com>.

¹¹⁷Trump Twitter Archive, Donald Trump (@realDonaldTrump) (Jan. 6, 2021, 8:17 AM EST), <https://www.thetrumparchive.com>.

Next came speeches to a crowd assembled at the Ellipse next to the White House. This time, the speakers included Texas Attorney General Ken Paxton, who declared that “[o]ne of the great things about the state of Texas is, we did not quit,” referring to his failed lawsuit to force other states to cast their electoral votes for Trump. “If you look at Georgia, they capitulated, they consented. We kept fighting in Texas.” Paxton went on, “What we have in President Trump is a fighter. And I think that’s why we’re all here.” He pledged, “We will not quit fighting. We’re Texans, we’re Americans, and the fight will go on.”¹¹⁸

Giuliani told the crowd that “[i]t is perfectly appropriate given the questionable constitutionality of the Election Counting Act [sic] of 1887 that the Vice President can cast it aside.” He asserted that, in the previous day’s U.S. Senate runoffs in Georgia and in the November presidential election, voting machines had been programmed to fraudulently add votes, claiming that an “expert” had examined the machines and “has absolutely what he believes is conclusive proof that in the last 10%, 15% of the vote counted, the votes were deliberately changed.” Giuliani exhorted the crowd, “Let’s have trial by combat.”¹¹⁹

Eastman spoke on the Ellipse as well, repeating that “we know there was fraud, traditional fraud that occurred. We know that dead people voted.” He went on to describe the supposed voting machine fraud, concluding that “all we are demanding of Vice President Pence is this afternoon at 1:00 he let the legislators of the state look into this.”¹²⁰

Trump then addressed the crowd, asserting that “we won this election, and we won it by a landslide.” He challenged the crowd, “if you don’t fight like hell, you’re not going to have a country anymore.”¹²¹ And he addressed Pence, who was not present: “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

¹¹⁸*Ken Paxton at Trump’s D.C. Rally: ‘We will not quit fighting’*, Houston Chronicle (Jan. 6, 2021), <https://www.houstonchronicle.com/politics/texas/article/Paxton-Trump-DC-rally-election-2020-georgia-15850073.php>.

¹¹⁹*Rudy Giuliani Speech Transcript at Trump’s Washington, D.C. Rally: Wants ‘Trial by Combat’*, Rev Transcripts (Jan. 6, 2021), <https://www.rev.com/blog/transcripts/rudy-giulianispeech-transcript-at-trumps-washington-d-c-rally-wants-trial-by-combat>.

¹²⁰*Id.*

¹²¹*Read Trump’s Jan. 6 Speech, A Key Part Of Impeachment Trial*, NPR (Feb. 10, 2021), <https://www.npr.org/2021/02/10/966396848/read-trumps-jan-6-speech-a-key-part-of-impeachment-trial>.

not, I'm going to be very disappointed in you.”¹²² Pence issued a letter shortly before he was scheduled to preside over the joint session of Congress, stating that he lacked “unilateral authority to determine which electoral votes should be counted and which should not,” and indicating that he would abide by the Electoral Count Act.¹²³

A large portion of the crowd at the Ellipse moved from there to Capitol Hill. Among them was Ron Hanks, who had recently been elected to the Colorado legislature. He said that he had come to D.C. “to get a read of the nation’s Trump supporters... to get a sense of what may happen next to combat this stolen election.”¹²⁴ Altercations with the Capitol Police soon followed—and many of the ringleaders of the anti-democracy movement were there to fan the flames. Finchem tweeted photographs of protestors gathered on the steps of the Capitol building.¹²⁵ Alexander led chants outside the Capitol of “victory or death.”¹²⁶ Mastriano claimed that he did not go beyond police lines and left the area “when it was apparent that this was no longer a peaceful protest,” but video footage shows him and his wife passing through a breached police barricade.¹²⁷ At 2:11 p.m., rioters breached a window at the Capitol building.¹²⁸ As you know all too well, the mob entered the Capitol, and members of Congress and the vice president

¹²²*Id.*

¹²³*Read Pence’s Full Letter Saying he Can’t Claim ‘Unilateral Authority’ to Reject Electoral Votes*, AP (Jan. 6, 2021), <https://www.pbs.org/newshour/politics/read-pences-full-letter-saying-he-cant-claim-unilateral-authority-to-reject-electoral-votes>.

¹²⁴*The Trump Rally* (Jan. 7, 2021), <https://drive.google.com/file/d/1jyoRaj7kIOV4X-0jAB3Z0xaJjOc2uk8e/view> (copy on file with States United); *see also Colorado House Democrat calls for removal of GOP colleague who was at Jan. 6 rally*, Denver Post (Feb. 16, 2021), <https://www.denverpost.com/2021/02/16/ron-hanks-colorado-house-removal-capitol-riot/>.

¹²⁵*Seven Arizonan Republican legislators face calls to ban them from the House and Senate*, KNXV (Jan. 8, 2021), <https://www.abc15.com/news/state/seven-arizonan-republican-legislators-face-calls-to-ban-them-from-the-house-and-senate>.

¹²⁶*Baked Alaska, the QAnon Shaman ... who led the storming of the Capitol?*, The Guardian (Jan. 7, 2021), <https://www.theguardian.com/us-news/2021/jan/07/baked-alaska-the-qanon-shaman-who-led-the-storming-of-the-capitol>.

¹²⁷*Pa. GOP lawmaker Doug Mastriano says he left the Capitol area before the riot. New videos say otherwise*, The Philadelphia Inquirer (May 25, 2021), <https://www.inquirer.com/news/doug-mastriano-capitol-riot-pennsylvania-video-20210525.html>; *Videos Contradict State Lawmaker’s Claim He Left Capitol While It Was ‘Still Peaceful’*, HuffPost (May 25, 2021), https://www.huffpost.com/entry/doug-mastriano-capitol-riot_n_60ac5e99e4b019ef10de09c7.

¹²⁸*How the rioters who stormed the Capitol came dangerously close to Pence*, Wash. Post (Jan. 15, 2021), https://www.washingtonpost.com/politics/pence-rioters-capitol-attack/2021/01/15/ab62e434-567c-11eb-a08b-f1381ef3d207_story.html; *Inside the Capitol Riot: An Exclusive Video Investigation*, N.Y. Times (Sept. 23, 2021), <https://www.nytimes.com/2021/06/30/us/jan-6-capitol-attack-takeaways.html>.

were forced to evacuate. Ward tweeted, “Congress is adjourned. Send the elector choice back to the legislatures.”¹²⁹ Trump tweeted that Pence lacked “the courage to do what should have been done to protect our Country and our Constitution,”¹³⁰ but eventually, through heroic efforts, the Capitol Police and the National Guard restored order at the Capitol, and the vote count resumed.

Soon after, a new disinformation campaign was launched to cast the riot as either a protest that got out of hand or a false-flag operation by leftists to embarrass Trump. Hanks wrote that the crowd at the Capitol was not the same as at Trump’s rally: “[v]ery few people at the Ellipse were wearing masks. Those at the Capitol were wearing bandanas, like the Antifa bandits of the summertime riots.”¹³¹ Congressmembers Matt Gaetz, Paul Gosar, and Mo Brooks all spouted the conspiracy theory that Antifa had attacked the Capitol.¹³² Giuliani appeared on Bannon’s podcast on January 9, asserting that Democrats had stormed the building.¹³³ The same claims were echoed by Finchem,¹³⁴ Ward,¹³⁵ Paxton,¹³⁶ and Lindell.¹³⁷

¹²⁹Kelli Ward (@kelliwardaz), Twitter (Jan. 6, 2021), <https://twitter.com/kelliwardaz/status/1346916956801179649>.

¹³⁰Trump Twitter Archive, Donald Trump (@realDonaldTrump) (Jan. 6, 2021, 2:24 PM EST), <https://www.thetrumparchive.com>.

¹³¹*The Trump Rally* (Jan. 7, 2021), <https://drive.google.com/file/d/1jyoRaj7kI0V4X-0jAB3Z0xaJjOc2uk8e/view> (copy on file with States United).

¹³²*Antifa Didn’t Storm The Capitol. Just Ask The Rioters.*, NPR (Mar. 2, 2021), <https://www.npr.org/2021/03/02/972564176/antifa-didnt-storm-the-capitol-just-ask-the-rioters>.

¹³³*YouTube bans Steve Bannon’s podcast channel hours after Rudy Giuliani appeared on an episode and blamed the Capitol siege on Democrats*, Business Insider (Jan. 9, 2021), <https://www.businessinsider.com/youtube-bans-steve-bannon-war-room-podcast-rudy-giuliani-comments-2021-1>; *Google bans two Steve Bannon YouTube channels after Trump lawyer Giuliani claims stolen election*, The Mercury News (Jan. 8, 2021), <https://www.mercurynews.com/2021/01/08/googles-youtube-hosts-video-of-trump-lawyer-giuliani-claiming-stolen-election-two-days-after-deadly-capitol-insurrection/>.

¹³⁴*Among some in Arizona GOP, siege of the US Capitol was everyone’s fault except Trump*, AZCentral (Jan. 7, 2021), <https://www.azcentral.com/story/news/politics/arizona/2021/01/07/these-arizona-republicans-say-trump-isnt-to-blame-for-capitol-riot/6580354002/>.

¹³⁵*As nation’s Capitol swirled into chaos, Arizona played a central role*, AZCentral (Jan 6, 2021), <https://www.azcentral.com/story/news/politics/arizona/2021/01/06/arizonas-role-us-capitol-riot-paul-gosar-election-certification/6571625002/>.

¹³⁶*Ken Paxton told Trump supporters to ‘keep fighting.’ When they breached the Capitol, he falsely claimed it wasn’t them.*, The Texas Tribune (Jan. 7, 2021), <https://www.texastribune.org/2021/01/07/texas-ken-paxton-trump-supporters/>.

¹³⁷*How Trump’s pied pipers rallied a faithful mob to the Capitol*, Reuters (Jan. 11, 2021), <https://www.reuters.com/article/us-usa-trump-protest-organizers-insight/how-trumps-pied-pipers-rallied-a-faithful-mob-to-the-capitol-idUSKBN29G2UP>.

For those who were involved in the attempted coup on January 6, the fight did not end on that day. Soon after, Amanda Chase gave a floor speech in Virginia defending those who stormed the Capitol, calling them “patriots who love their country and do not want to see our great republic turned into a socialist country.”¹³⁸ On January 10, Alexander appeared in an internet video, promising: “We are going to punish the traitors,” referring to Republican politicians who endorsed Biden’s electoral victory. “The Lord says vengeance is his, and I pray I am the tool to stab these motherf---ers.”¹³⁹ This continuing rhetoric was a cause for concern for House Minority Leader Kevin McCarthy. In newly released audio from a private call from January 10, 2021, McCarthy urged Republican leaders to monitor lawmakers’ public statements and alert him to potentially dangerous messages: “I do not want to look back and think we caused something, or we missed something, and someone got hurt. I don’t want to play politics with any of that.”¹⁴⁰

II. The Anti-Democracy Movement Continues

As we explained, the terrible events of January 6 were not the start of this anti-democracy movement, nor were they the end. The central tenet of the “Stop the Steal” movement—the “Big Lie” that the 2020 presidential election was stolen from Trump—has only spread further. Today, it is a tool for certain anti-democracy activists, whom we at States United call “election deniers,” to take steps to ensure that former President Trump and his advisors, lawyers, and like-minded state and local officials will be able to control the outcomes of future elections across the country regardless of whether they or their preferred candidates actually win those elections.¹⁴¹

That’s where we now find ourselves. Many of the same people who preemptively cast doubt on the 2016 and 2020 elections, and who were involved in efforts to take over the

¹³⁸ *Virginia Senator Who Defended Capitol Rioters Faces Censure Effort*, NBC4 Washington (Jan. 23, 2021), <https://www.nbcwashington.com/news/local/virginia-senator-who-defended-capitol-rioters-faces-censure-effort/2549545/>.

¹³⁹ *Id.*

¹⁴⁰ *McCarthy Feared G.O.P. Lawmakers Put ‘People in Jeopardy’ After Jan. 6*, New York Times (April 26, 2022), <https://www.nytimes.com/2022/04/26/us/politics/mccarthy-republican-lawmakers.html?partner=slack&smid=sl-share>.

¹⁴¹ *The clear and present danger of Trump’s enduring ‘Big Lie’*, NPR (Dec. 23, 2021), <https://www.npr.org/2021/12/23/1065277246/trump-big-lie-jan-6-election>.

government by force to change the result of the 2020 presidential election, have now developed a playbook for future elections: *first*, they change the rules of elections; *then*, they change the referees—the people who will enforce those rules. This process is accompanied by many of the same anti-democracy tactics that were employed prior to January 6, such as pressure aimed at state officials—including challenging them in primary elections—and sustained disinformation campaigns. The objective is to change the results in the future—and some even bizarrely believe that the results of 2020 can still be changed. The purported justification for all of that is the “Big Lie,” that the 2020 election was stolen from Trump through voter fraud.

a. Changing the Rules

We first turn to the efforts to change the *rules* of elections. In the aftermath of the 2020 presidential election, a wave of legislative proposals to revise election laws swept across the country state by state.¹⁴² The Voting Rights Lab identified more than 2,000 bills that seek to alter in one way or another the way elections are administered.¹⁴³

Of course, as we said earlier with respect to litigation, nothing is inherently problematic about introducing bills relating to election laws. But many of these bills involve efforts to alter basic principles about how elections are administered and aspire to put highly partisan state legislators in charge of basic decisions about our elections—with the ostensible goal being to rig election outcomes and give a political party the ability to nullify the votes of the people.

Traditionally, the executive branch and local election officials have run our voting systems, but these recent efforts would give state legislators the power to disrupt election administration and the reporting of results—powers beyond those they had in 2020 or indeed throughout much of the last century. Had such bills been law in 2020, they would have significantly added to the turmoil that surrounded the election, and they would have raised the alarming prospect that the outcome of the presidential election could be decided contrary to the people’s votes. When the losing party overrides the will of the voters, our system of government collapses.

¹⁴²*A Democracy Crisis in the Making*, States United Democracy Center (Apr. 22, 2021), <https://statesuniteddemocracy.org/wp-content/uploads/2021/04/FINAL-Democracy-Crisis-Report-April-21.pdf>.

¹⁴³Legislative Tracker, Voting Rights Lab (last checked Apr. 12, 2022), <https://tracker.votingrightslab.org/>.

Our organization, States United, published a report, *Democracy Crisis in the Making*, on precisely this issue. In April 2021,¹⁴⁴ we identified 148 bills threatening to interfere with election administration across 36 states. In May 2022, States United published an updated report that found the trend of introducing election subversion bills has accelerated. As of April 8, 2022, legislatures in 33 states have introduced 229 bills—175 introduced in this calendar year alone and 54 rolled over from the last calendar year. In total, 50 election subversion bills have been enacted or adopted (32 last year and 18 thus far this year).¹⁴⁵ A few are worth highlighting.

Buried among the more publicized provisions of Georgia’s S.B. 202,¹⁴⁶ enacted in March 2021, are changes to Georgia’s election laws that fundamentally alter the balance of power between the executive and legislative branches. For example, the law changes the appointments power and restricts the State Election Board’s ability to respond to emergencies. In particular, the law replaces the directly elected secretary of state as chair of the State Election Board with a “chairperson elected by the General Assembly”¹⁴⁷ and it empowers the State Election Board—now chaired by a legislative appointee—to investigate and replace local election officials whose competence has been, as the law puts it, “call[ed] into question.”¹⁴⁸

Context is important here. In light of the Secretary of State Brad Raffensperger’s resisting calls from state legislators and others (including Trump) to overturn the election results, this is a clear effort by partisan legislators to wrest control of the state’s elections into their own hands. Before this year, the State Election Board was chaired by the secretary of state and, in addition, was comprised of two legislative appointees and one representative of each political party. Under

¹⁴⁴*Democracy Crisis in the Making: How State Legislatures are Politicizing, Criminalizing, and Interfering with Elections*, States United Democracy Center, <https://statesuniteddemocracy.org/resources/democracy-crisis-in-the-making-how-state-legislatures-are-politicizing-criminalizing-and-interfering-with-elections/>.

¹⁴⁵ *Democracy Crisis in the Making: How State Legislatures are Politicizing, Criminalizing, and Interfering with Elections*, States United Democracy Center, https://statesuniteddemocracy.org/wp-content/uploads/2022/05/DCITM_2022.pdf

¹⁴⁶S.B. 202, Georgia 2021-2022 Regular Session, <https://www.legis.ga.gov/api/legislation/document/20212022/201498>; *A Democracy Crisis in the Making*, States United Democracy Center (Apr. 22, 2021), <https://statesuniteddemocracy.org/wp-content/uploads/2021/04/FINAL-Democracy-Crisis-Report-April-21.pdf>.

¹⁴⁷ S.B. 202, Georgia 2021-2022 Regular Session, <https://www.legis.ga.gov/api/legislation/document/20212022/201498>.

¹⁴⁸ *Id.*

the new law, the chair is selected by a simple majority vote of the Georgia Senate and House. While the chair must be “nonpartisan,” this merely means that they must not have engaged in partisan politics—for example, by participating in a partisan campaign—for the previous two years. Additionally, the chair can be removed and replaced by the legislature at any time by a majority vote, giving the legislature effective control of the board.

Further, those legislative appointees now have the power to replace local election officials with their own hand-picked substitutes. In Georgia, elections are administered by “superintendents”—usually bipartisan or nonpartisan county election boards. Under the new law, the State Election Board can replace superintendents if it finds that there has been “demonstrated nonfeasance, malfeasance, or gross negligence in the administration of...elections” over a two-year period. This vague standard raises the specter of election manipulation by partisan actors. Indeed, in an extreme case, the legislature—acting through the Board—might be able to abuse this power to overturn the results of an election—for example, by replacing a superintendent to prevent the certification of election results.

Kansas’s H.B. 2332,¹⁴⁹ which was passed by overriding the governor’s veto in May 2021,¹⁵⁰ charts a different path for inserting the legislature into crucial election functions and depriving the governor or secretary of state of vital powers. This law strips the governor of any authority to modify election laws or procedures. The secretary of state is now barred from settling any litigation regarding elections without the consent of the legislative coordinating council. And Kansas state courts now lack the authority to modify state election laws except under powers that may be granted to them by the state’s constitution. As a result, in the event of an emergency, such as a flood that renders polling places inaccessible, the governor will be unable to act quickly to modify election procedures. Likewise, the secretary of state will have their hands tied in court, and effectively every lawsuit regarding voting in Kansas—potentially everything from the certification of election results to how voter registration is conducted—will be overseen by a group of partisan political actors.

¹⁴⁹Democracy Crisis Report Update: New Data and Trends Show the Warning Signs Have Intensified in the Last Two Months, States United Democracy Center, Project Democracy, and Law Forward (June 10, 2021), https://statesuniteddemocracy.org/wp-content/uploads/2021/06/Democracy-Crisis-Part-II_June-10_Final_v7.pdf.

¹⁵⁰HB 2332, Kansas 2021-2022 Legislative Sessions (Apr. 12, 2022), http://www.kslegislature.org/li/b2021_22/measures/hb2332/.

Lastly, in Arkansas, the state legislature enacted a new measure in 2021, H.B. 1803,¹⁵¹ which expands the power and investigative scope of the state’s partisan State Board of Election Commissioners to oversee or even undo election results. The seven-member board is chaired by the secretary of state, and the remaining six members of the board are appointed by the state’s governor, legislative leaders, and the heads of its Republican and Democratic parties. Under previous law, the board was empowered to hear and resolve complaints about violations of voter registration laws as well as general election complaints, but it was considered to be “toothless.” Now, the board may hear a broader range of complaints including about how county boards tabulated ballots or certified results, as well as their “election processes” or the conduct of elections in general. If the board finds a complaint valid, it is entitled to impose fines and “institute corrective actions.”¹⁵² Since the remedy is not further specified in the law, critics have worried that the broad language could enable the board to overturn elections.¹⁵³

Since Georgia is a state that has been characterized by some extremely close elections, we know that laws restricting voting rights there can directly affect the outcomes of critical statewide elections that have an impact on the whole nation. Although the latter two laws we discussed were not enacted in states with as narrow election margins, they illustrate a disturbing trend of anti-democracy forces developing and workshopping laws to change the election system to suit their ends, which they can then import into other states with more closely contested elections. In this way, certain solidly Republican states have acted as, as *The New York Times* called them, “laboratories for legislation.”¹⁵⁴

It is also notable that many of the same individuals who were involved in anti-democracy efforts before the 2020 presidential election and in the run-up to and during the January 6 insurrection are now leading these efforts to change the rules of elections. Again, we want to be

¹⁵¹*Id.*

¹⁵²*Are state legislators really seeking power to overrule the voters?*, Politifact (July 14, 2021), <https://www.politifact.com/article/2021/jul/14/are-state-legislators-really-seeking-power-overrul/>.

¹⁵³*Id.*

¹⁵⁴*In Bid for Control of Elections, Trump Loyalists Face Few Obstacles*, N.Y. Times (Dec. 11, 2021), <https://www.nytimes.com/2021/12/11/us/politics/trust-in-elections-trump-democracy.html>.

clear: These efforts to change election rules are premised on baseless accusations and lies, not verifiable evidence or even plausible allegations of fraud.¹⁵⁵

Last November, Doug Mastriano announced legislation to repeal Act 77,¹⁵⁶ the law that had established no-excuse mail voting in Pennsylvania,¹⁵⁷ even though he voted for its passage in 2019.¹⁵⁸ He has also supported challenges to Act 77 in Pennsylvania’s courts. When the Pennsylvania Commonwealth Court struck down Act 77 in January of this year,¹⁵⁹ Mastriano said that he “welcome[s] the end of ‘no-excuse’ mail-in voting in Pennsylvania.”¹⁶⁰ Pennsylvania’s Supreme Court later stayed the lower court’s decision,¹⁶¹ allowing Act 77 to remain in effect while the U.S. Supreme Court weighs the appeal.¹⁶² Mastriano also initiated a so-called “forensic investigation” of the 2020 presidential election,¹⁶³ though he was later

¹⁵⁵ *10 Voter Fraud Lies Debunked*, Brennan Center for Justice (May 27, 2020), <https://www.brennancenter.org/our-work/research-reports/10-voter-fraud-lies-debunked>; *Factbox: Trump’s False claims debunked: the 2020 election and Jan. 6 riot*, Reuters (Jan. 6, 2022), <https://www.reuters.com/world/us/trumps-false-claims-debunked-2020-election-jan-6-riot-2022-01-06/>.

¹⁵⁶ *Op-Ed: Election Reform – Let the People Decide*, Senator Doug Mastriano (May 4, 2021), <https://senatormastriano.com/2021/05/04/op-ed-election-reform-let-the-people-decide/>; *Pennsylvania court strikes down no-excuse mail voting law*, CBS News (Jan. 28, 2022), <https://www.cbsnews.com/news/mail-in-voting-ballots-struck-down-pennsylvania/>.

¹⁵⁷ *Pennsylvania court strikes down no-excuse mail voting law*, CBS News (Jan. 28, 2022), <https://www.cbsnews.com/news/mail-in-voting-ballots-struck-down-pennsylvania/>.

¹⁵⁸ Details for Senate RCS No. 311, Pennsylvania State Senate (Oct. 29, 2019), https://www.legis.state.pa.us/CFDOCS/Legis/RC/Public/rc_view_action2.cfm?sess_yr=2019&sess_ind=0&rc_body=S&rc_nbr=311.

¹⁵⁹ *Pennsylvania court strikes down no-excuse mail voting law*, CBS News (Jan. 28, 2022), <https://www.cbsnews.com/news/mail-in-voting-ballots-struck-down-pennsylvania/>.

¹⁶⁰ *Pennsylvania court strikes down state’s no-excuse absentee/mail-in voting law*, Ballotpedia News (Feb. 2, 2022), <https://news.ballotpedia.org/2022/02/02/pennsylvania-court-strikes-down-states-no-excuse-absentee-mail-in-voting-law/>.

¹⁶¹ *McLinko et al. v. Commonwealth of Pennsylvania et al.*, Case Nos. J-18A-2022, J-18B-2022, J-18C-2022, J-18D-2022, J-18E-2022 (Penn. S. Ct. Mar. 1, 2022).

¹⁶² *Pa. Supreme Court weighs future of state’s popular mail voting law*, The Philadelphia Inquirer (Mar. 8, 2022), <https://www.inquirer.com/politics/pennsylvania/spl/pennsylvania-mail-voting-supreme-court-hearing-20220308.html&outputType=app-web-view>.

¹⁶³ *Op-Ed: Why I am initiating a forensic investigation of the 2020 General Election and 2021 Primary*, Senator Doug Mastriano (July 7, 2021), <https://senatormastriano.com/2021/07/07/op-ed-why-i-am-initiating-a-forensic-investigation-of-the-2020-general-election-and-2021-primary/>.

stymied in those efforts by fellow Republican and Pennsylvania Senate President Pro Tempore Jake Corman.¹⁶⁴

John Eastman, who wrote the now-infamous memoranda about Pence’s purported ability to overturn the 2020 presidential election on January 6, penned a new memorandum regarding the supposed right of Wisconsin’s state legislature to overturn the state’s presidential election results.¹⁶⁵ In a memorandum to Wisconsin state Assemblyman Timothy Ramthun, Eastman argued that “state legislatures. . .do have the authority to de-certify the election of presidential electors in their state upon a definitive showing of illegality and/or fraud in the conduct of the election sufficient to have altered the results of the election.”¹⁶⁶ Eastman concluded that the state legislature could then “appoint electors as it sees fit.”¹⁶⁷

Arizona Republican Chairwoman Kelli Ward has been a vocal supporter of legislative and judicial efforts in Arizona to limit voting rights.¹⁶⁸ She has also publicly shamed Republican legislators who did not support so-called “election integrity” bills, tweeting: “Keep your eyes open AFTER the legislative session to see what rewards Boyer and Ugenti-Rita get from the swamp for killing #ElectionIntegrity bills in the Senate...”¹⁶⁹

¹⁶⁴ *Here’s why state Sen. Doug Mastriano says Pa. election audit ‘stopped for the time being’*, GoErie (Aug. 20, 2021), <https://www.goerie.com/story/news/2021/08/20/pa-election-audit-mastriano-trump/8198996002/>; *see also Frontrunning Pa. governor candidate still focused on unproven election fraud claims*, PennLive (Mar. 19, 2022), <https://www.pennlive.com/news/2022/03/leading-candidate-for-pa-governor-amplifies-false-unproven-stolen-election-narrative.html>.

¹⁶⁵ *Wisconsin Is Ground Zero for the MAGA Effort to Steal the Next Election*, Rolling Stone (Feb. 6, 2022), <https://www.rollingstone.com/politics/politics-features/trump-wisconsin-eastman-election-decertification-1295191/>.

¹⁶⁶ John Eastman Letter to Representative Timothy Ramthun (Dec. 30, 2021), <https://bloximages.chicago2.vip.townnews.com/madison.com/content/tncms/assets/v3/editorial/7/dc/7dca5f5e-6d6d-5527-8c82-cfe4dbf52236/6201a1a5e6d38.pdf.pdf>.

¹⁶⁷ *Id.*

¹⁶⁸ *Arizona Republicans Seek to Stop Early Voting with Supreme Court Lawsuit*, Phoenix New Times (Mar. 2, 2022), <https://www.phoenixnewtimes.com/news/arizona-republican-yvonne-cahill-sues-katie-hobbs-in-lawsuit-that-could-end-early-voting-13135090>; Kelli Ward (@kelliwardaz), Twitter (Feb. 28, 2022), <https://twitter.com/kelliwardaz/status/1498466919908737028>.

¹⁶⁹ Kelli Ward (@kelliwardaz), Twitter (Mar. 14, 2022) <https://twitter.com/kelliwardaz/status/1503509426224869376>; *Arizona state senators block a dozen GOP-sponsored election reform bills*, Courthouse News Service (Mar. 14, 2022), <https://www.courthousenews.com/arizona-state-senators-block-a-dozen-gop-sponsored-election-reform-bills/>.

Arizona state Representative Mark Finchem recently introduced HCR 2033, a concurrent resolution “calling for the elections of Maricopa, Pima and Yuma Counties to be set aside based on clear and convincing evidence that the elections in those counties were irredeemably compromised.”¹⁷⁰ Arizona also recently enacted a new law requiring proof of citizenship to vote in presidential elections,¹⁷¹ which voting rights groups estimate could disenfranchise tens of thousands of people who are entitled to vote but lack the required documentation.¹⁷²

In Texas, Attorney General Paxton, who previously stated that Trump “would’ve lost the election” in Texas had his office not convinced the state Supreme Court to prevent Harris County from sending applications for mail-in ballots to all registered voters,¹⁷³ formed a “2021 Texas Election Integrity Unit” in an effort to “devote agency lawyers, investigators, support staff, and resources to ensuring this local election season . . . is run transparently and securely.”¹⁷⁴ It was “specially tasked with overseeing the 2021 election season.”¹⁷⁵ Paxton also sought to indict a county clerk based on her administration of the 2020 presidential election, though the case was rejected by a grand jury.¹⁷⁶

Colorado HB 1204 was introduced by Representative Ron Hanks to overhaul the state’s election system. The bill did not make it out of committee, but would have eliminated early voting, both in person and by mail, unless the voter had requested an absentee ballot based on a

¹⁷⁰News Release, Representative Finchem Introduces Resolution to Set Aside & Decertify Three 2020 County Elections, Arizona House of Representatives, Representative Mark Finchem (Feb. 7, 2022), <https://www.azleg.gov/press/house/55LEG/2R/220207FINCHEMHCR2033.pdf>.

¹⁷¹H.B. 2492, Arizona Fifty-fifth Legislature – Second Regular Session, <https://apps.azleg.gov/BillStatus/BillOverview/76970>.

¹⁷²*Arizona Passes Proof-of-Citizenship Law for Voting In Presidential Elections*, N.Y. Times (Mar. 31, 2022), <https://www.nytimes.com/2022/03/31/us/politics/arizona-voting-bill-citizenship.html>.

¹⁷³*Texas AG Says Trump Would’ve ‘Lost’ State If It Hadn’t Blocked Mail-In Ballots Applications Being Sent Out*, Newsweek (June 5, 2021), <https://www.newsweek.com/texas-ag-says-trump-wouldve-lost-state-if-it-hadnt-blocked-mail-ballots-applications-being-1597909>.

¹⁷⁴AG Paxton Announces Formation of 2021 Texas Election Integrity Unit, Press Release (Oct. 18, 2021), <https://www.texasattorneygeneral.gov/news/releases/ag-paxton-announces-formation-2021-texas-election-integrity-unit>.

¹⁷⁵*Id.*

¹⁷⁶*Amid Texas GOP’s effort to question electoral integrity, attorney general tried to indict Travis County elections chief*, The Texas Tribune (Dec. 20, 2021), <https://www.texastribune.org/2021/12/20/texas-ken-paxton-travis-county-elections/>.

“valid” excuse.¹⁷⁷ Otherwise, all ballots would need to be cast in person on Election Day, and then counted by hand within 24 hours after the polls have closed.¹⁷⁸ Further, the bill would have withdrawn Colorado from the Electronic Registration Information Center (ERIC), a non-profit organization of states that helps to “improve the accuracy of America’s voter rolls and increase access to voter registration for all eligible citizens.”¹⁷⁹

Virginia state Senator Amanda Chase previously said she was working with Sidney Powell “to expose what I and others believe is extensive fraud here in Virginia,”¹⁸⁰ and has now introduced SB 605, a bill that would require a “forensic audit” of the results of the 2020 election and create a process for future citizen-initiated audits.¹⁸¹

Attorney Erick Kaardal appeared in Wisconsin conducting on-camera interviews of people at nursing homes and questioning the mental capacity of elderly people who voted in 2020.¹⁸² Attorney Cleta Mitchell, who helped Trump pressure Georgia Secretary of State Brad Raffensperger to overturn the election results there, was quietly appointed to the board of advisors for the U.S. Election Assistance Commission, which was created after the controversial 2000 presidential election recount in Florida “to serve as a clearinghouse for election administration information and provide voluntary guidance to states.”¹⁸³ Additionally, Michael

¹⁷⁷HB22-1204 Election Systems, Colorado General Assembly, <https://leg.colorado.gov/bills/hb22-1204>.

¹⁷⁸*Id.*

¹⁷⁹*Ensuring the Efficiency And Integrity of America’s Voter Rolls*, Election Registration Information Center, <https://ericstates.org/>.

¹⁸⁰*GOP gubernatorial candidate in Virginia calls on Trump to declare martial law*, The Hill (Dec. 15, 2020), <https://thehill.com/homenews/campaign/530291-gop-gubernatorial-candidate-in-virginia-calls-on-trump-to-declare-martial>.

¹⁸¹SB 605 Conduct of election, election results, post-election forensic audits, Virginia's Legislative Information System, <https://lis.virginia.gov/cgi-bin/legp604.exe?221+sum+SB605>.

¹⁸²*In conspiracy-laden ‘circus’ Gableman attacks Wisconsin election administration*, Wisconsin Examiner (Mar. 2, 2022), <https://wisconsinexaminer.com/2022/03/02/in-conspiracy-laden-circus-gableman-attacks-wisconsin-election-administration/>.

¹⁸³*How a lawyer who aided Trump’s 2020 subversion efforts was named to a federal election advisory board*, CNN (Nov. 18, 2021), <https://www.cnn.com/2021/11/18/politics/cleta-mitchell-election-assistance-commission-advisor/index.html>.

Flynn and Roger Stone just recently announced an initiative to train election volunteers in eight closely contested states to “expose shenanigans at the ballot box.”¹⁸⁴

b. Replacing the Refs

As we mentioned earlier, the strategy since January 6 has been twofold: first, change the *rules* governing elections, and then, change the *people* who enforce those rules. When elections are run by anti-democracy operatives, then those same people can control the outcomes. Since 2020, election deniers have lined up to oversee voting at all levels of the system, from statewide officials to precinct-level poll workers.

We are tracking the trend of election deniers running for statewide office as part of a research project *Replacing the Refs*.¹⁸⁵ To qualify as an election denier, a candidate must have falsely claimed that Trump won the 2020 election, spread lies about the legitimacy of the 2020 presidential election, called for a “forensic audit” of the 2020 presidential election after the results were certified or otherwise finalized, promoted conspiracies about the 2020 presidential election, and/or taken actions to undermine the integrity of the 2020 presidential election, including, for example, participating in a Stop the Steal event.¹⁸⁶ We have found that, as of April 4, 2022, at least 53 election deniers are running for governor in 25 states, at least 13 election deniers are running for attorney general in 13 states, and at least 23 election deniers are running for secretary of state in 19 states.¹⁸⁷ Put another way, an election denier is running in 2 out of 3 races for governor and secretary of state, and 1 out of 3 races for attorney general. In addition, 9 states have election deniers running in all 3 statewide races.

¹⁸⁴Patrick Byrne, *Gen. Flynn, Roger Stone Announce New Election Integrity Initiative In Orlando*, PJ Media (Feb. 26, 2022), <https://pjmedia.com/news-and-politics/jeff-reynolds/2022/02/26/patrick-byrne-gen-flynn-roger-stone-announce-new-election-integrity-initiative-in-orlando-n1562049>; *General Flynn, Patrick Byrne, Roger Stone, Joe Flynn Will Unveil Bi-Partisan Election Integrity Initiative at CPAC*, PR Newswire (Feb. 23, 2022), <https://www.prnewswire.com/news-releases/general-flynn-patrick-byrne-roger-stone-joe-flynn-will-unveil-bi-partisan-election-integrity-initiative-at-cpac-301488663.html>.

¹⁸⁵*Replacing the Refs*, States United Democracy Center, <https://statesuniteddemocracy.org/resources/replacingtherefs/>.

¹⁸⁶*Id.*

¹⁸⁷*Id.*

It's not just top-line statewide roles that are important to election administration. In fact, local races—such as judges and inspectors of elections—can be just as impactful.¹⁸⁸ People in these types of positions oversee polling locations and safeguard the counting of votes. Although partisan judges or inspectors might only affect a small number of votes per precinct, their cumulative effect could tilt statewide elections.¹⁸⁹

Election deniers are focusing on these positions, too. Last year, in two of Pennsylvania's 67 counties—York and Lancaster—almost a dozen candidates for judge or inspector of elections were election deniers.¹⁹⁰ One election denier—who ran to be judge of elections in his precinct—organized buses traveling to Washington, D.C. for the January 6 “Stop the Steal” rally.¹⁹¹ He was viewed as being so outside the mainstream that a fellow Republican urged the leader of the local Democratic committee to find someone to run against him.¹⁹² He won anyway.¹⁹³

In addition, many of the election deniers who participated in the events of January 6 in some respect are now following up on those efforts by running for positions that would allow them to administer elections. One is Doug Mastriano, the Pennsylvania state senator who quickly jumped on the anti-democracy bandwagon. He is now the Republican nominee in the race for governor of Pennsylvania, at the encouragement of Trump.¹⁹⁴

¹⁸⁸*The Desperate Scramble to Stop an Insider Election Threat*, The Atlantic (Nov. 14, 2021), <https://www.theatlantic.com/politics/archive/2021/11/pennsylvania-election-threat/620684/>.

¹⁸⁹*Id.*

¹⁹⁰*Id.*

¹⁹¹*Id.*; *How January 6 changed what it means to be a Republican in one Pennsylvania county*, CNN (Jan. 5, 2022), <https://www.cnn.com/2022/01/05/politics/jan-6-capitol-riot-lancaster-republicans/index.html>.

¹⁹²*How January 6 changed what it means to be a Republican in one Pennsylvania county*, CNN (Jan. 5, 2022), <https://www.cnn.com/2022/01/05/politics/jan-6-capitol-riot-lancaster-republicans/index.html>.

¹⁹³*In Bid for Control of Elections, Trump Loyalists Face Few Obstacles*, N.Y. Times (Dec. 11, 2021), <https://www.nytimes.com/2021/12/11/us/politics/trump-in-elections-trump-democracy.html>.

¹⁹⁴*Frontrunning Pa. governor candidate still focused on unproven election fraud claims*, Penn Live Patriot-News (Mar. 20, 2022); <https://www.pennlive.com/news/2022/03/leading-candidate-for-pa-governor-amplifies-false-unproven-stolen-election-narrative.html>; *How a Trump ally rode Trump's election fraud lie to political prominence*, Politico (June 16, 2021), <https://www.politico.com/news/2021/06/17/doug-mastriano-trump-pennsylvania-494796>; *Doug Mastriano has won the GOP primary for Pa. governor after a campaign fueled by election lies*, The Philadelphia Inquirer (May 18, 2022), <https://www.inquirer.com/politics/election/doug-mastriano-wins-pa-republican-primary-governor-20220517.html>.

Arizona state Representative Mark Finchem is running to be Arizona’s secretary of state—and he has Trump’s endorsement.¹⁹⁵ It is not surprising, then, that he has made the Big Lie a central tenet of his campaign.¹⁹⁶ So too has Tim Ramthun, who is running for governor of Wisconsin and states on his campaign website that he “will call for an independent full forensic physical cyber audit for the November 2022 election, beginning with my race regardless of the outcome.”¹⁹⁷ He has Mike Lindell’s endorsement.¹⁹⁸ In Texas, Ken Paxton won the Republican runoff in his bid for another term as Attorney General and is now the party’s nominee.¹⁹⁹ Ron Hanks is running to be a United States Senator from Colorado.²⁰⁰

The Big Lie has also been fully incorporated into the dogma of the QAnon movement, which, in turn, has promoted the candidacies of election deniers. *The Guardian* reported earlier this year that QAnon “played a critical role in steering far-right candidates towards the secretary of state races as part of what appears to be a calculated nationwide assault on American democracy.”²⁰¹ Jim Marchant, a candidate for Nevada secretary of state, revealed last year that the idea for him to run was not his own; he was approached by a QAnon figure known as Juan O Savin,²⁰² who is involved in a QAnon “project” to “help[] candidates across the country.”²⁰³ In

¹⁹⁵ *Mark Finchem, election conspiracy promoter, gets Trump’s endorsement for secretary of state*, AZCentral (Sept. 13, 2021), <https://www.azcentral.com/story/news/politics/elections/2021/09/13/trump-endorses-mark-finchem-arizona-secretary-state-election/8322839002/>.

¹⁹⁶ *Trump followers zero in on secretary of state campaigns*, Politico (Jan. 24, 2022), <https://www.politico.com/news/2022/01/24/trump-secretary-of-state-campaigns-00000473>.

¹⁹⁷ *Wisconsin Is Ground Zero for the MAGA Effort to Steal the Next Election*, Rolling Stone (Feb. 6, 2022), <https://www.rollingstone.com/politics/politics-features/trump-wisconsin-eastman-election-decertification-1295191/Ramthun-for-Governor>, <https://www.ramthunforgovernor.com/>.

¹⁹⁸ *Wisconsin Is Ground Zero for the MAGA Effort to Steal the Next Election*, Rolling Stone (Feb. 6, 2022), <https://www.rollingstone.com/politics/politics-features/trump-wisconsin-eastman-election-decertification-1295191/>.

¹⁹⁹ *Texas Attorney General Ken Paxton easily defeats George P. Bush in GOP primary runoff*, The Texas Tribune (May 24, 2022), <https://www.texastribune.org/2022/05/24/texas-attorney-general-runoff-results-ken-paxton-george-p-bush/>.

²⁰⁰ *Controversial Republican state Rep. Ron Hanks files to run for U.S. Senate in 2022*, Colorado Sun (Oct. 1, 2021), <https://coloradosun.com/2021/10/01/ron-hanks-announces-senate-bid/>.

²⁰¹ *‘We have a project’: QAnon followers eye swing state election official races*, The Guardian (Feb. 11, 2022), <https://www.theguardian.com/us-news/2022/feb/11/qanon-donald-trump-big-lie-elections-swing-states>.

²⁰² *Id.*

²⁰³ *Id.*

addition, Ron Watkins, who is widely believed to be “Q” (or one of possibly two “Qs”)²⁰⁴ wrote a baseless affidavit used in 2020 election litigation stating that voting machines used software “designed...to facilitate digital ballot stuffing via simple vote result manipulation.”²⁰⁵ Sidney Powell filed the affidavit in her Georgia lawsuit targeting the state’s use of Dominion Voting Systems’ voting machines.²⁰⁶ Watkins has since announced he is running for Congress in Arizona as his “next step” in getting “really involved in election integrity issues.”²⁰⁷

Our studies have concluded that election deniers are attempting to take steps to be able to control administration of future elections across the United States. Our findings also illustrate a related, and important, point: many of the efforts to replace existing officials with election deniers do not involve replacing a Democrat with a Republican. Rather, we find that it is often non-election-denying Republicans who face challenges from election deniers.²⁰⁸ Especially in light of the many Republicans who have stood up to the Big Lie and supported the rule of law, the attempted takeover of our election system is not a partisan issue; it is a question of one’s commitment to democracy and the rule of law as opposed to embracing the anti-democracy notion that voters should not determine the outcome of elections.

c. Anti-Democracy Pressures Today

Where candidates who publicly embrace the Big Lie have seen their political fortunes soar, others who refuse to accede to this anti-democracy movement have faced substantial

²⁰⁴*Who is Behind QAnon? Linguistic Department Finds Fingerprints*, N.Y. Times (Feb. 19, 2022), <https://www.nytimes.com/2022/02/19/technology/qanon-messages-authors.html>.

²⁰⁵*Former Trump Lawyer Sidney Powell Cites QAnon Promoter in Voter Fraud Lawsuit*, Daily Beast (Dec. 1, 2020), <https://www.thedailybeast.com/former-trump-lawyer-sidney-powell-cites-qanon-backer-ron-watkins-in-voter-fraud-lawsuit-affidavit>; *To boost voter-fraud claims, Trump advocate Sidney Powell turns to unusual source: The longtime operator of QAnon’s Internet home*, Wash. Post (Dec. 1, 2020), <https://www.washingtonpost.com/technology/2020/12/01/powell-cites-qanon-watkins/>.

²⁰⁶*To boost voter-fraud claims, Trump advocate Sidney Powell turns to unusual source: The longtime operator of QAnon’s Internet home*, Wash. Post (Dec. 1, 2020), <https://www.washingtonpost.com/technology/2020/12/01/powell-cites-qanon-watkins/>; *Setting the Record Straight: Facts & Rumors*, Dominion Voting (Apr. 12, 2022), <https://www.dominionvoting.com/strs-georgia/>; *Pearson v. Kemp*, No. 1:20-cv-04809-TCB (N.D. Ga.).

²⁰⁷*QAnon figure says he’s running for Congress to secure elections*, Arizona Capitol Times (Oct. 18, 2021), <https://azcapitoltimes.com/news/2021/10/18/qanon-figure-says-hes-running-for-congress-to-fix-elections/>.

²⁰⁸*Secretary of State Races in 2022*, States United Democracy Center (Mar. 1, 2022), https://statesuniteddemocracy.org/wp-content/uploads/2022/03/sos_deniers-2.html#3_Secretary_of_State_Races_in_2022 (example: Georgia).

backlash, including from members of their own party. As the Associated Press aptly explained, signing onto the Big Lie is a “litmus test,” and former President Trump and his supporters will “shame—and potentially remove—members of their party” who do not pass the test.²⁰⁹ For example, U.S. Senator Mitt Romney was booed by a crowd, even as he reminded them that he was once the Republican Party’s nominee for president. In Texas, the only anti-Trump Republican in a special election for a congressional seat finished in ninth place.²¹⁰

In perhaps the clearest sign of the split within the Republican Party between pro- and anti-democracy factions, Republicans who refuse to embrace the Big Lie have been censured. At the Georgia Republican Party’s 2021 convention, Raffensperger was censured for “dereliction of his constitutional duty,” and the censure called for him to “commit [himself] to securing Georgia’s elections.”²¹¹ In Arizona, the Republican Party censured Cindy McCain, former Senator Jeff Flake, and Governor Doug Ducey, all of whom refused to support the effort to overturn the 2020 presidential election.²¹² As you are well aware, just a couple of months ago, the Republican National Committee censured Reps. Liz Cheney and Adam Kinzinger, the only two House Republicans who agreed to join this Select Committee.²¹³ The censure resolution famously denounced this committee for supposedly persecuting “ordinary citizens engaged in legitimate political discourse.”²¹⁴

Meanwhile, threats of violence against election officials have exploded in number, against both Democrats and Republicans. According to Reuters, “[s]ome of the most severe

²⁰⁹*Whose ‘Big Lie’? Trump’s proclamation a new GOP litmus test*, AP (May 3, 2021), <https://apnews.com/article/politics-campaign-2016-election-2020-government-and-politics-f3428d42d4d3fdfe59c560b6fadbbc70>.

²¹⁰*Id.*

²¹¹*Kemp booed and Raffensperger censured at Georgia GOP convention*, CNN Politics (June 5, 2021), <https://www.cnn.com/2021/06/05/politics/brad-raffensperger-brian-kemp-georgia-republican-convention/index.html>.

²¹²*Arizona Republicans censure Cindy McCain, GOP governor*, AP (Jan. 23, 2021), <https://apnews.com/article/donald-trump-race-and-ethnicity-censures-arizona-lawsuits-a50165b9d5c4468d5d1bb434c5e9c80a>; *Arizona GOP censures Flake, Ducey and McCain, signaling a fractured party in a key swing state*, CNN Politics (Jan. 24, 2021), <https://www.cnn.com/2021/01/23/politics/arizona-gop-censure-mccain-flake-ducey/index.html>.

²¹³*RNC votes to censure Reps. Liz Cheney and Adam Kinzinger over work with Jan. 6 panel*, NPR (Feb. 4, 2022), <https://www.npr.org/2022/02/04/1078316505/rnc-censure-liz-cheney-adam-kinzinger-jan-6-committee-capitol>.

²¹⁴*Id.*

threats” were those directed at Republican officials in Georgia,²¹⁵ including Raffensperger. Threats were also made against Philadelphia’s two Democratic city commissioners, Lisa Deeley and Omar Sabir.²¹⁶ Philadelphia’s third city commissioner, Republican Al Schmidt, who tweeted at Trump on the morning after the 2020 election, also received multiple death threats. They were so serious that police officers were stationed outside his home and his family received a security detail.²¹⁷ He has since resigned.²¹⁸

A survey commissioned by the Brennan Center for Justice found that “one in three election officials feel unsafe because of their job,” and “nearly one in five listed threats to their lives as a job-related concern.”²¹⁹ Reuters conducted a separate investigation and found “hundreds of incidents of intimidation and harassment of election workers and officials nationwide.”²²⁰

The threats have been directed not only at public officials, but also voters. According to a recently filed lawsuit, an organization called “United States Election Integrity Plan” is “deploying its agents, who are sometimes armed, to go door-to-door around Colorado to intimidate voters.”²²¹ The individual defendants, who are founders of USEIP, are employed and paid by Mike Lindell,²²² and USEIP thanks Lindell in its organizing manual.²²³ One of the

²¹⁵*U.S. election workers get little help from law enforcement as terror threats mount*, Reuters (Sept. 8, 2021), <https://www.reuters.com/investigates/special-report/usa-election-threats-law-enforcement/>.

²¹⁶*Id.*

²¹⁷*Id.*

²¹⁸*Al Schmidt resigns as city commissioner to lead Committee of Seventy*, PhillyVoice (Nov. 30, 2021), <https://www.phillyvoice.com/al-schmidt-philadelphia-city-commissioners-committee-of-seventy/>.

²¹⁹ *Election Officials Under Attack*, Brennan Center for Justice (June 16, 2021), <https://www.brennancenter.org/our-work/policy-solutions/election-officials-under-attack>.

²²⁰ *U.S. election workers get little help from law enforcement as terror threats mount*, Reuters (Sept. 8, 2021), <https://www.reuters.com/investigates/special-report/usa-election-threats-law-enforcement/>.

²²¹*Colorado Montana Wyoming State Area Conference of the NAACP, et al. v. United States Election Integrity Plan, et al.*, Case No. 1:22-cv-00581 (D. Colo. Mar. 9, 2022), ECF No. 1; *Colorado election deniers sued by civil rights groups over door-to-door “intimidation,”* The Durango Herald (Mar. 15, 2022), <https://www.durangoherald.com/articles/colorado-election-deniers-sued-by-civil-rights-groups-over-door-to-door-intimidation/>.

²²²*Id.*

²²³*Lawsuit seeks to stop group’s door-to-door voter fraud hunt*, AP (Mar. 9, 2022), <https://apnews.com/article/voting-rights-2022-midterm-elections-biden-steve-bannon-colorado-63beba2f69226f53ed305457c47a83ea>.

defendants appeared on Steve Bannon’s podcast to discuss the organization, which he said would “help coordinate the election integrity efforts of citizens across the country.”²²⁴

According to Ipsos research, 24% of Americans agree that “sometimes it is okay to engage in violence to protect American democracy.”²²⁵ And as we described, the dissemination of the Big Lie by election deniers and the menacing threats directed at government officials and election workers have contributed substantially to this trend toward intimidation, threats, and violence.

Perhaps most alarming, it is not as if dissemination of the Big Lie is relegated to shadowy corners of the internet. To the contrary, in fact, it has infiltrated major news media outlets. For example, Fox Nation, Fox News Channel’s streaming service, presented a three-part “documentary” series about the January 6 insurrection produced by Fox host Tucker Carlson.²²⁶ PolitiFact found that the series “attempted to rewrite the events of the insurrection” by “float[ing] several conspiracies...including that the violence was instigated by left-wing activists, that it may have been an FBI-led false flag, and that the government is using it to strip millions of Trump voters of their constitutional rights.”²²⁷ These theories have been repeatedly and definitively debunked.²²⁸ Chris Wallace, a former Fox News host, recently confirmed that he had complained to Fox News management about the series and that the network’s treatment of the broadcast contributed to his departure.²²⁹ These events demonstrate the critical role that the press and news media must play in combatting false and baseless statements by anti-democracy

²²⁴*Id.*

²²⁵*Seven in ten Americans say the country is in crisis, at risk of failing*, Ipsos (Jan. 3, 2022), <https://www.ipsos.com/en-us/seven-ten-americans-say-country-crisis-risk-failing>.

²²⁶*Tucker Carlson Is Stirring Up Hatred of America*, The Atlantic (Nov. 2, 2021), <https://www.theatlantic.com/ideas/archive/2021/11/patriot-purge-tucker-carlson-documentary/620589/>.

²²⁷*Tucker Carlson’s ‘Patriot Purge’ film on Jan. 6 is full of falsehoods, conspiracy theories*, PolitiFact (Nov. 5, 2021), <https://www.politifact.com/article/2021/nov/05/tucker-carlsons-patriot-purge-film-jan-6-full-fals/>.

²²⁸*No, there is no evidence that the F.B.I. organized the Jan. 6 capitol riot*, N.Y. Times (June 18, 2021), <https://www.nytimes.com/2021/06/18/technology/misinformation-unindicted-co-conspirators-capitol-riot.html>; *How Pro-Trump Forces Pushed a Lie About Antifa at the Capitol Riot*, N.Y. Times (Mar. 1, 2021), <https://www.nytimes.com/2021/03/01/us/politics/antifa-conspiracy-capitol-riot.html>; *Tucker Carlson’s ‘Patriot Purge’ film on Jan. 6 is full of falsehoods, conspiracy theories*, PolitiFact (Nov. 5, 2021), <https://www.politifact.com/article/2021/nov/05/tucker-carlsons-patriot-purge-film-jan-6-full-fals/>.

²²⁹*Chris Wallace Says Life at Fox News Became ‘Unsustainable’*, N.Y. Times (Mar. 27, 2022), <https://www.nytimes.com/2022/03/27/business/media/chris-wallace-cnn-fox-news.html>.

activists—and the concomitant risks when they are co-opted as part of the anti-democracy movement.

Lastly, election deniers’ rampant spreading of anti-democracy disinformation has shaped the opinions of the American public to an almost unimaginable extent. According to Ipsos, around a third of Americans now “believe there was fraudulent voting in the [2020] election,” and a fifth “say they are unsure—meaning under half of respondents unequivocally state[d] there was no, or very little, fraudulent voting in the election.”²³⁰ That is consistent with a CNN poll²³¹ showing that 36% of Americans do not believe President Biden won the election, as well as an NPR/PBS NewsHour/Marist poll²³² finding that 75% of Republicans believe there were “real cases of fraud that changed the results.” Similarly, a November 2021 Monmouth University survey found that “one-third of the public continues to believe voter fraud determined the outcome of the 2020 election, a finding that has been consistent over the past year.”²³³

Because such a substantial number of Americans don’t believe the results of the 2020 presidential election, election deniers can point to those Americans’ lack of confidence as justification for new, restrictive voting laws. As Wisconsin State Assembly Speaker Robin Vos put it, “we have to improve the process when literally hundreds of thousands of people in Wisconsin doubt that the election was held in a way that didn’t have substantial charges of fraud.”²³⁴ Left unsaid was that it was election deniers’ concerted efforts—first to sow doubt in the election before it happened, then to lead efforts to reject the certification of the election on January 6, and finally to continue to spread disinformation about the election after the fact—that caused such “doubts.”

²³⁰*Seven in ten Americans say the country is in crisis, at risk of failing*, Ipsos (Jan. 3, 2022), <https://www.ipsos.com/en-us/seven-ten-americans-say-country-crisis-risk-failing>.

²³¹CNN (Sept. 15, 2021), <http://cdn.cnn.com/cnn/2021/images/09/15/rel5e.-.elections.pdf>.

²³²NPR/PBS NewsHour/Marist National Poll: Trust in Elections, Threat to Democracy, November 2021, MaristPoll (Nov. 1, 2021), <https://maristpoll.marist.edu/polls/npr-pbs-newshour-marist-national-poll-trust-in-elections-threat-to-democracy-biden-approval-november-2021/>.

²³³*National: Doubt in American System Increases*, Monmouth University (Nov. 15, 2021), https://www.monmouth.edu/polling-institute/documents/monmouthpoll_us_111521.pdf/.

²³⁴*‘A Perpetual Motion Machine’: How Disinformation Drives Voting Laws*, N.Y. Times (May 13, 2021), <https://www.nytimes.com/2021/05/13/us/politics/disinformation-voting-laws.html>.

III. Conclusion

We close by thanking you for the opportunity to provide this important context around the January 6 attack on the Capitol. We hope that our statement helps show that the attack was no isolated incident. For years before, former President Trump and his allies had sown doubt about the integrity of American elections. After the American people cast their ballots in 2020, those same people, along with additional allies, pursued a multi-pronged strategy to overturn an electoral result that they did not like. The strategy involved baseless litigation, menacing protests, targeted political pressure, widespread disinformation, and corrupt legislative schemes.

Those efforts failed because certain public servants, devoted to the rule of law, stood up against the attempted coup and defended our republican form of government. Judges dismissed lawsuits that threatened our system of free elections. State and local officials—Republicans and Democrats—spoke truth to power and, despite threats against their lives and families, pushed ahead to count every vote. And a vice president, under tremendous pressure to deliver victory to his own political tribe, refused to seize a power that was not his. As he wrote on January 6, “my oath to support and defend the Constitution constrains me from claiming unilateral authority to determine which electoral votes should be counted and which should not.”²³⁵ Our democracy was saved by the courage of people who made the choice to do right, in positions where those choices made all the difference.

But the anti-democracy movement has adapted and is acting today to ensure that people with courage and devotion to the rule of law are not in positions to safeguard elections in the coming years. The same group that stoked fears of voter fraud in 2020, that sought to undermine the electoral process and overturn the results, that incited the mob that stormed the Capitol—Trump, Giuliani, Powell, Eastman, Stone, Bannon, Lindell, Flynn, Paxton, Ward, Finchem, Mastriano, Ramthun, Alexander, Watkins, Chase, Kaardal, Hanks, and many more in statehouses and on county boards or city councils across the country—are working now to change the game

²³⁵*Read Pence’s Full Letter Saying he Can’t Claim ‘Unilateral Authority’ to Reject Electoral Votes*, AP (Jan. 6, 2021), <https://www.pbs.org/newshour/politics/read-pences-full-letter-saying-he-cant-claim-unilateral-authority-to-reject-electoral-votes>.

and replace the refs. They are working to ensure that 2020 was the last time that they will ever be denied control over government in this country—regardless of what the voters say.

In short, the movement against American democracy did not begin or end on January 6, 2021. It is strong and growing today, and it requires a profound and powerful response. Thank you.