

# Backgrounder: U.S. Department of Justice charges Trump for 2020 presidential election interference, explained

Last updated: August 28, 2023

On August 1, 2023, a grand jury of everyday Americans, convened by the United States Department of Justice (DOJ), returned an indictment criminally charging former President Donald Trump with four crimes related to 2020 presidential election interference. The indictment centers on Trump and his co-conspirators' attempt to prevent the lawful certification of the 2020 presidential election, and to interfere with millions of Americans' right to vote and have that vote counted. This criminal investigation is being led by DOJ Special Counsel Jack Smith. The investigation is ongoing. Trump's trial date on these charges has been set for March 4, 2024.

## KEY TAKEAWAYS:

- The indictment tells a clear story: **Donald Trump and six co-conspirators undermined the will of the American people** in an effort to overturn the 2020 presidential election result.
- **Long after recounts and litigation confirmed his clear loss, Trump and his allies knowingly spread lies about election fraud and pressured officials and lawmakers** from seven states, federal agencies, and the vice president to keep Trump in power.
- **This was an assault on our democracy**—a conspiracy “against the right to vote and to have one’s vote counted.” It led to the January 6 attack, and Trump and his co-conspirators exploited that violence in a final attempt to delay the electoral count.
- **This is accountability in action.** We must have zero tolerance for attacks on our democracy, to ensure the rule of law and the will of the people always prevail. Efforts to pursue accountability by both federal and state officials are critical steps toward accountability for attempts to overturn the 2020 election.

## Background on US DOJ's investigation

**Timing:** In parallel with the bipartisan congressional investigation into the January 6 attack, which began in 2021, the DOJ began [investigating Trump and his allies' actions](#) to overturn the 2020 presidential election results in 2022. In November 2022, Attorney General Merrick Garland [named](#) Jack Smith, a veteran DOJ prosecutor, as special counsel to oversee the DOJ's criminal investigations into former President Trump.

Smith is also investigating Trump's handling of classified documents containing sensitive national security information after he left office. Trump [was indicted in June 2023](#) in that federal investigation. After an updated indictment [filed in July 2023](#), he faces 40 total criminal counts in that case.

**Backgrounder: U.S. Department of Justice charges Trump for 2020 presidential election interference, explained.**

**Scope of the election interference federal investigation:** The special counsel was assigned to examine “whether any person or entity violated the law in connection with efforts to interfere with the lawful transfer of power following the 2020 presidential election or the certification of the Electoral College vote held on or about January 6, 2021.”

While grand jury proceedings are secret, some details about the proceedings have been publicly reported by media outlets and from witnesses who testified before the grand jury. The DOJ focused its investigation on: (1) the [false presidential elector schemes](#) in seven states (Arizona, Georgia, Michigan, Nevada, New Mexico, Pennsylvania, and Wisconsin); (2) the attempted legal and congressional [maneuvers](#) to overturn the results of the 2020 presidential election; (3) the pressure campaign on [state officials](#) and [state legislators](#) to change 2020 election results; and (4) the [events leading](#) up to the January 6 attack.

The grand jury heard from dozens of witnesses, according to an [NBC News analysis](#). Former Vice President Mike Pence testified [in late April](#). Other witnesses believed to have been subpoenaed or testified include:

- [Aides to Vice President Pence](#), including Greg Jacob and Marc Short
- State and local officials in [all seven states](#) where Trump allies attempted to overturn his 2020 election loss
- [Secret Service agents](#)
- People connected to the [false](#) electors scheme, including individuals recruited to be false electors in [Georgia](#), [Michigan](#), and [Nevada](#)
- Trump 2020 campaign lawyers, aides, and advisors, including [Rudy Giuliani](#), [Boris Epshteyn](#), and [Mike Roman](#)
- Trump administration officials, including former national security advisor [Robert O’Brien](#), former national intelligence director [John Ratcliffe](#), and former Homeland Security official [Ken Cuccinelli](#)
- Trump White House lawyers, including [Pat Cipollone](#)
- DOJ officials during the Trump administration, including [Richard Donoghue](#)
- Other federal agency officials from the Trump administration, including former Director of the Cybersecurity and Infrastructure Security Agency [Chris Krebs](#)

## **Summary of DOJ’s criminal charges and allegations against Trump**

Trump was charged with four federal crimes, including:

1. **Conspiracy to defraud the United States** by using dishonesty, fraud, and deceit to impair, obstruct, and defeat the lawful federal function by which the results of the presidential election are collected, counted, and certified by the federal government in violation of 18 U.S.C. § [371](#).
2. **Conspiracy to corrupt and impede the January 6th congressional proceeding** in violation of 18 U.S.C. § [1512\(k\)](#).
3. **Obstruction of and attempt to obstruct January 6th congressional proceeding** in violation of 18 U.S.C. §§ [1512\(c\)\(2\)](#), [2](#).
4. **Conspiracy to obstruct the right to vote and have one’s vote counted** in violation of 18 U.S.C. § [241](#).

**Backgrounder: U.S. Department of Justice charges Trump for 2020 presidential election interference, explained.**

**The indictment lays out the facts of the step-by-step effort to disrupt the peaceful transfer of power, and alleges that Trump and/or his co-conspirators:**

- Organized false presidential elector slates in seven states (Arizona, Georgia, Michigan, New Mexico, Nevada, Pennsylvania, and Wisconsin) and caused the transmission of these false electoral certificates to Congress, undermining millions of Americans' votes in a free, fair, and secure election;
- Attempted to use the authority of the DOJ to conduct sham election investigations and influence state officials, including through an attempt to send a letter to targeted states falsely stating that the DOJ had identified serious concerns regarding the election;
- Tried to enlist Vice President Pence to use his ceremonial role during the January 6th joint proceeding of Congress to fraudulently alter the election results;
- Exploited the disruption of the January 6 attack to delay certification of the election results;
- Knew their claims of outcome-determinative election fraud were false and were repeatedly told of their falsity by a variety of high-level attorneys, officials, and counselors to the president; and
- Pressured state officials to take actions to overturn the election results in Arizona, Georgia, Michigan, Pennsylvania, and Wisconsin.

**What's next in the DOJ's election interference case**

- Trump [pled not guilty](#) to all four charges on August 3. U.S. District Judge Tanya S. Chutkan [scheduled](#) Trump's federal trial in Washington, D.C. on charges of attempting to overturn the 2020 presidential election for March 4, 2024.

**Other investigations, charges, and lawsuits regarding 2020 election interference**

*The list below includes some of the other investigations, charges, and lawsuits related to 2020 election interference.*

- [Congressional committee investigation](#): The bipartisan United States House Select Committee to Investigate the January 6 attack on the United States Capitol held public hearings and issued a final [report](#) in 2022 after an investigation that took more than a year.
- The January 6 Select Committee [spoke with more than 1,000 people](#), ultimately concluding that Trump took certain steps "in support of a multi-part conspiracy to overturn the lawful results of the 2020 Presidential election."
- In December 2022, the January 6 Select Committee [voted to refer Trump and John Eastman](#) to the DOJ for possible prosecution, and [shared](#) its evidence and witness transcripts with the DOJ.
- [Prosecutions for January 6 attack](#): The DOJ has [charged](#) over 1,000 individuals in its investigation of the January 6 attack. About 600 have pleaded guilty, and about 100 more have been convicted at trial including [Oath Keepers leader Stewart Rhodes](#), who was convicted of seditious conspiracy.
- [Fulton County, Georgia, election interference investigation](#): In May 2022, Fulton County District Attorney Fani Willis convened a special grand jury to investigate interference in Georgia's 2020 presidential election. The special grand jury heard from a wide range of [witnesses](#) and issued a [final report](#). A Fulton County grand jury has [indicted](#) 19 individuals, including Trump, for violations of 16 Georgia statutes, including the state's racketeering law. For more information on those proceedings, visit our [backgrounder](#).
- [Arizona false electors investigation](#): Arizona Attorney General Kris Mayes is investigating the transmission of a false elector slate for Trump from Arizonans.

## Backgrounder: U.S. Department of Justice charges Trump for 2020 presidential election interference, explained.

- [Michigan false electors charges](#): Michigan Attorney General Dana Nessel [charged](#) each of the 16 individuals who served as false 2020 Michigan presidential electors for Trump with eight felony counts, including conspiracy and forgery. Those cases are now [proceeding](#) through the courts. For more information on those cases, visit our [backgrounder](#).
- [Michigan voting machine charges](#): Former Michigan attorney general candidate Matt DePerno, former Michigan state Rep. Daire Rendon, and attorney Stefanie Lambert Junttila have been [indicted](#) by a special prosecutor for their alleged roles in an effort to gain access to Oakland County, Michigan voting machines after the 2020 presidential election.
- [Eastman California State Bar Trial](#): John Eastman, a lawyer licensed in California and Washington, D.C., represented former President Trump in late 2020 and early 2021. The State Bar of California filed disciplinary charges against Eastman, alleging he violated his ethical obligations by planning, promoting, and assisting Trump in executing a strategy, unsupported by facts or law, to overturn the legitimate 2020 results. Eastman's State Bar [trial began](#) in June 2023 and continues in August 2023.

## Resources

- [Indictment](#): United States of America v. Donald J. Trump
- DOJ Special Counsel's [Statement](#)
- States United Democracy Center: [The January 6 Hearing State Spotlights](#)
- States United Democracy Center: [Countering Lies About the 2020 Presidential Election](#)
- States United Democracy Center: [Guide to Counting Electoral College Votes and The January 6, 2021 Meeting of Congress](#)
- American Oversight: [Copies of the Seven False Electoral College Slates](#)

## National News Coverage

- The New York Times:
  - [Trump Jan. 6 Indictment Relies Heavily on House Panel's Work](#)
  - [Trump's Case Has Broad Implications for American Democracy](#)
  - [Jan. 6 Riot Was 'Fueled by Lies' From Trump, Special Counsel Says](#)
- The Washington Post:
  - [Trump charged in probe of Jan. 6, efforts to overturn 2020 election](#)
  - [Here are the Trump co-conspirators described in the DOJ indictment](#)
- CNN: [Trump indicted in special counsel's 2020 election interference probe](#)

## Key State News Coverage

- Bridge Michigan: [Trump indictment: How Michigan, Detroit factor into charges over 2020 election](#)
- The Atlanta Journal-Constitution: [Trump's call to Carr gets new attention in federal indictment](#)
- WABE: [Georgia features prominently in federal Trump indictment as charges near in Fulton](#)
- Milwaukee Journal Sentinel: [Wisconsin fake elector scheme is at the center of Donald Trump indictment](#)
- NBC 12 News: [Arizona featured prominently in latest Trump indictment](#)
- Philadelphia Inquirer: [Trump indictment: Charges feature former president's effort to subvert Pennsylvania election results](#)
- NM Political Report: [Trump indictment includes efforts to overturn NM election results](#)