

# With his poll numbers falling, Trump denounces November election as “rigged”

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In a series of increasingly frenzied statements, mostly on Twitter, President Donald Trump has denounced efforts to encourage mail-in rather than in-person voting—a response by many state governments to the coronavirus crisis—as a Democratic Party conspiracy to steal the 2020 presidential election.

He tweeted Tuesday, in response to California Governor Gavin Newsom’s decision to send every registered voter in the state a mail-in ballot, “There is NO WAY (ZERO!) that Mail-In Ballots will be anything less than substantially fraudulent. Mail boxes will be robbed, ballots will be forged & even illegally printed out & fraudulently signed.”

Trump’s rant continued: “The Governor of California is sending Ballots to millions of people, anyone living in the state, no matter who they are or how they got there, will get one. That will be followed up with professionals telling all of these people, many of whom have never even thought of voting before, how, and for whom, to vote. This will be a Rigged Election. No way!”

Newsom’s executive order is not a radical shift in the voting method of the most populous US state, where mail-in ballots have become increasingly common over the past decade. Voters will still be able to cast ballots at physical locations on Election Day, but under conditions of the COVID-19 pandemic, most voters in a recent congressional special election in California chose to mail in their ballots.

A dozen states postponed primaries scheduled for late March, April and May, in many cases converting them into mail-in votes, because of concern over the health implications. A half dozen states are set to have largely mail-in votes on June 2, which will come as a major test of their ability to administer the voting and handle the expected flood of several million mail ballots.

Trump has denounced all such efforts, clearly seeing that—with his poll numbers sinking—he needs to limit the

number of voters who turn out, particularly among minorities, the poor and the young, whose participation increases when they have more options like early and mail-in voting. He remarked in March that if measures to expand mail-in voting and early voting were adopted, “you’d never have a Republican elected in this country again.”

On Sunday, Trump tweeted, “The United States cannot have all Mail In Ballots. It will be the greatest Rigged Election in history.”

Earlier in the week, Trump denounced state election officials in Michigan and Nevada, claiming (falsely) that they were sending out ballots for the November election, and that this was for the purpose of vote fraud. He threatened to cut off all federal funds to the state of Michigan, although the president has no such power under the Constitution.

The two states had announced plans to send out applications for mail ballots to all registered voters. The actual ballots would be sent only to those who sent in signed statements that they wished to vote by mail.

There is no evidence to back claims that mail-in voting is particularly susceptible to fraud. These claims are themselves a grotesque fraud, like the broader claims of “voter fraud” that Trump and the Republicans have used to justify restrictions such as voter ID requirements.

As established for many decades by American states, mail ballots must be signed by the voter, and the signature is compared to the signature put on file with the state when the voter registered. In some states, mail ballots must even have the signatures witnessed to ensure their validity.

Until recently, mail-in voting, also called “absentee voting,” was limited to the elderly and those who were prevented by health problems from going to the polls, as well as those, like soldiers deployed overseas, whose occupations made it impossible to be physically present at

the polls on Election Day.

Given those restrictions, absentee ballots tended to be cast disproportionately for Republican candidates, and the Republican Party made special efforts to mobilize its supporters to vote absentee. But more recently, as mail-in voting was popularized, particularly in the western states like Colorado, Oregon, Washington, California and Arizona, and became available to anyone, not just those with a health or occupational issue, the partisan advantage has been reversed. In many 2018 congressional and statewide elections, Republican candidates led in the same-day voting at precincts, but were defeated once mail-in ballots were added to the counts.

In 2020, as a result of the coronavirus crisis, so many states have encouraged mail-in voting as a safer alternative than an estimated 168 million of the 198 million eligible US voters can do so by mail rather than by lining up at crowded precincts on Election Day. This is up sharply from 2016, when 21 percent of those who voted did so by mail ballot.

Trump's intervention against mail-in voting is not based simply on a calculation of the likely partisan advantage to be gained or lost. He is seeking to discredit the entire conduct of the 2020 election, where polls show a shift against the Republicans, and even lay the basis for calling off the vote entirely if it appears he will suffer a decisive defeat.

In that respect, the most significant statement came from Trump's son-in-law Jared Kushner, who remarked on May 11, in response to a direct question from *Time* magazine about whether the administration was committed to holding the November 3 election as scheduled despite the COVID-19 pandemic, "I'm not sure I can commit one way or the other, but right now that's the plan."

Kushner continued, linking the timing of the election and the recovery from the coronavirus epidemic: "Hopefully, by the time we get to September, October, November, we've done enough work with testing and with all the different things we're trying to do to prevent a future outbreak of the magnitude that would make us shut down again."

This highly qualified statement aroused widespread comment, since the executive branch actually has no authority over the date of the federal election, which is set for the "First Tuesday after the First Monday in November" under an 1845 law that has been observed every two years for nearly two centuries, and under a Constitution that makes Congress the sole judge of

elections and the final decision maker in the event the Electoral College is unable to choose a victor.

Kushner's conditional language was remarkable and without historical precedent. US presidential elections were held in 1864, in the fourth year of the American Civil War, and in 1944, the fourth year of US participation in World War II. After further media inquiries, Kushner claimed that he had not been involved in any "discussions" about changing the date of the presidential election.

It is also notable that in calling the election into question, Kushner cited the need for improved coronavirus testing, under conditions where the White House is demanding business as usual and the full reopening of the US economy within a matter of days. Why then raise doubts about an election nearly six months away?

The remark was clearly a trial balloon to test the response to a suggestion that is undoubtedly being considered in the White House and Republican Party circles. It was also pointed out by legal observers that while the date of the election is statutory and not subject to presidential action, the manner of selection of presidential electors is up to each state.

Republican-controlled state governments could, in theory, not hold a presidential election at all, and simply select pro-Trump electors by vote of the state legislature. This is what the Republican-led state legislature of Florida threatened to do during the 2000 election crisis before the Supreme Court intervened with its decision in *Bush v. Gore*, awarding the presidency to George W. Bush.

The Georgia state legislature has already taken an analogous anti-democratic action, calling off a statewide vote set for May 18 to elect a justice of the state Supreme Court whose term expires at the end of this year, and allowing Republican Governor Brian Kemp to appoint a justice to fill the vacancy for at least the next two years.



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