

States certifying Biden victory despite Trump lawsuits, recount demands

Patrick Martin
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State governments in a half dozen closely contested states won by Democratic presidential candidate Joe Biden are moving ahead with the process of certification of the Nov. 3 election results, despite lawsuits and demands for recounts by President Trump and his Republican supporters.

Vote-counting continues throughout the country, as many states accept late-arriving mail ballots as long as they were postmarked by Nov. 3. As of this writing, Biden's nationwide total was approaching 80 million votes, with a margin of nearly six million votes over Trump. In percentage terms, Biden received 51.0 percent compared to 47.2 percent for Trump, while Libertarian and Green candidates received most of the remaining 1.8 percent.

The main focus of the Trump campaign's litigation and recount efforts has been six states that Biden won by margins ranging from 10,000 votes to 150,000 votes: Arizona, Georgia, Michigan, Nevada, Pennsylvania and Wisconsin.

Despite the hyperbolic claims of fraud and ballot-stuffing from Trump attorney Rudy Giuliani and Trump partisans on Fox News and other media outlets—all embraced and retweeted by Trump himself—no evidence has emerged of any significant level of vote fraud. Giuliani himself, in a court appearance Tuesday in Pennsylvania, admitted that the campaign's lawsuit was making no legal claim of fraud, despite his statements outside the courtroom.

The real purpose of the claims of fraud is to create an appearance of controversy over an electoral outcome which is quite clear-cut, to give Trump time for another type of intervention to overturn the results.

In one scenario, Republican state legislatures in several of these states would intervene to award the electoral votes to Trump, despite the will of the voters. Republican legislative leaders in Michigan, Wisconsin and Pennsylvania have disavowed such a course, but Trump supporters are still raising the possibility.

In another scenario, Trump would provoke a national security crisis—a unilateral military strike on Iran is one possibility—and then seize on the occasion to declare martial

law and halt vote-counting and the certification of electoral votes.

Without such action, the electoral process will reach a final cutoff date of Dec. 8, when states submit lists of electors to the federal government in Washington. Trump has made no inroads, as of yet, into the 306–232 lead established by Biden after media organizations made their final “calls” of Arizona and Georgia for Biden and North Carolina for Trump, last weekend.

The most important Trump legal setback in **Michigan** came Tuesday, when every county in the state certified its final results by the Nov. 17 deadline, despite efforts by Trump supporters to block certification of the results in Wayne County, the state's largest.

The Wayne County board of canvassers, which is split evenly, two Democrats and two Republicans, initially refused to certify the results tabulated by city and township clerks across the county, including Detroit. At one point Tuesday, the Republican chair, Monica Palmer, suggested that the canvassers certify all the Wayne County results except the city of Detroit, which would have slashed Biden's margin by 221,000 votes and given Michigan's 16 electoral votes to Trump.

What followed was a political uproar, as hundreds of Wayne County residents, many from Detroit, joined a Zoom call with the board of canvassers to protest the initial 2–2 vote and the targeting of Detroit voters in particular for disenfranchisement.

The Republican objections were based on entirely specious grounds: slight discrepancies, usually no more than one vote per precinct, between the number of ballots counted and the number of voters recorded in poll books. These can arise when a voter goes to the polls, takes a ballot, then leaves the line unexpectedly without casting it, or simply from clerical errors. The total for the city of Detroit was only 367 votes, not enough to make the slightest difference in the statewide outcome.

While Trump's tweets have repeatedly denounced alleged ballot-stuffing in Detroit, Biden actually won fewer votes in

the city than Hillary Clinton did in 2016. Biden carried Detroit by 233,908 to 12,654, whereas Clinton won the city four years ago by 234,871 to 7,682. The reason Biden won the state by a sizeable margin, in contrast to Clinton's narrow defeat, was that he did far better in the Detroit suburbs, in both working class and middle class areas.

In **Georgia**, a statewide hand recount was on the verge of completion Tuesday evening, with Biden still in the lead by 12,781 votes and only a few counties left to complete. Four counties, three of them Republican controlled, found small quantities of uncounted ballots which allowed Trump to cut Biden's statewide margin by about 1,000 votes, but there Secretary of State Brad Raffensperger, a Republican Trump supporter, said there was no chance that the votes still remaining to be recounted would erase Biden's lead.

Trump has already denounced the hand recount—which his own campaign requested—calling it a “joke” because it will not shift the state back into his column. His son Donald Trump Jr. told a Georgia rally—attended by only 100 supporters—that he had “lost all faith in the process,” but that his father would continue to “fight each and every one of these battles to the death.”

In **Pennsylvania**, Biden's lead over Trump has grown to more than 73,000 votes, with 98 percent of the vote tabulated. Secretary of State Kathy Boockvar has said there will be no recount because Biden's margin is well above the 0.5 percent threshold for such a process. On Tuesday, the Pennsylvania Supreme Court ruled 5–2 against a Trump campaign lawsuit alleging that its representatives had been kept too far away from vote counters in Philadelphia.

At another court proceeding in Pennsylvania, a federal judge sharply questioned the allegations made by Giuliani and another Trump lawyer. “You're alleging that the two individual plaintiffs were denied the right to vote,” the judge said. “But at bottom, you're asking this court to invalidate more than 6.8 million votes, thereby disenfranchising every single voter in the Commonwealth. Can you tell me how this result can possibly be justified?”

In **Wisconsin**, the Trump campaign has also sought to focus attention on claims of vote fraud in a heavily African American urban area. The campaign paid \$3 million to the Wisconsin Election Commission Wednesday to obtain recounts in only two of the state's 72 counties: Milwaukee, which includes the city and its inner suburbs, and Dane, which includes the state capital, Madison.

In selecting these two counties, the traditional bastions of the Democratic Party in the state, the Trump campaign confirms that its aim is not to uncover uncounted votes for Trump, but to suppress tens of thousands of votes for Biden. The Democrat won the state by 20,608 votes, thanks to huge margins in Milwaukee (182,896 votes) and Dane (181,368

votes).

In **Arizona**, where Biden holds a lead of 10,377 votes, the state Republican Party filed a lawsuit Monday seeking to temporarily bar certification of the election results in Maricopa County, which includes the city of Phoenix, and where two-thirds of the state population lives. Biden won Maricopa by 45,000 votes. The Republicans are seeking a precinct-by-precinct audit of the votes, whose purpose is to delay certification while they find a pretext for another lawsuit.

In **Nevada**, where Biden won by 33,596 votes, the Trump campaign filed a challenge to the state's election results, asking a state court in Carson City to declare Trump the winner of Nevada's six presidential electors or to annul the election entirely. The Republican legal challenges have focused on alleged discrepancies in Clark County (Las Vegas), where three quarters of the state's voters live, but these suits have all been rejected by the courts for lack of evidence to back up claims of fraud.

Also Tuesday, Trump fired Chris Krebs, the director of the Cybersecurity and Infrastructure Security Agency, a unit of the Department of Homeland Security, for casting doubt on his claims of massive vote fraud and violations of election security.

The scorched-earth policy of the Republicans and Trump, which includes outright refusal to cooperate in any way with the Biden transition team, is in sharp contrast to the passive and complacent response of the Democrats. Biden has repeatedly dismissed Trump's refusal to accept the election results as a personal failing that is “embarrassing,” rather than a major threat to democratic rights and constitutional norms.

One Democratic representative, Bill Pascrell of New Jersey, issued a statement Tuesday calling for Trump and his top aides to be “tried for their crimes against our nation and the Constitution,” while saying Trump's own refusal to accept the election “continues America down the path of lawlessness and authoritarianism.”

Not a single leading Democrat in Congress or any representative of the Biden campaign gave any support to this declaration.



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