Trump executive order seeks to suppress voting by millions of US citizens

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President Donald Trump signed an executive order Tuesday that makes a wide-ranging attack on democratic rights, combining voter suppression and attacks on immigrants. The order bears the title, "Preserving and Protecting the Integrity of American Elections," but it would be better named, "Promoting the Myth of the 'Stolen Election' and Undermining Birthright Citizenship."

Of the dozens and dozens of executive orders signed by Trump since he took office January 20, the election order might be the most brazenly illegal and unconstitutional. The US Constitution gives the president zero role in the administration and oversight of elections, assigning that power to the states, but subordinating their actions to legislation passed by Congress, as with the Voting Rights Act of 1965.

The executive order seeks to evade this obvious Constitutional difficulty by using the Election Assistance Commission (EAC), an independent federal agency set up in the aftermath of the 2000 presidential election to provide federal support to the administration of elections by the states, including assistance in ballot design (after the infamous "butterfly ballot" helped the Republicans steal the presidential election in Florida) and limited financial support for equipment modernization.

The EAC is instructed to change its ballot specifications to require photo IDs such as passports, drivers' licenses and state-issued Real IDs, but not including birth certificates, which would not be accepted as proof of citizenship and the right to vote. This exclusion is tailored to conform to Trump's goal of abolishing birthright citizenship—in violation of the 14th Amendment to the Constitution.

A 2023 study by the Brennan Center for Justice found that more than 21 million people do not have ready access to proof of citizenship documents and nearly four million do not have access at all, because the documents were lost, destroyed or stolen. Moreover, many millions more would rely on birth certificates, which would be considered invalid as voter ID.

Many state drivers' licenses would not satisfy the Real ID requirements or do not indicate (or require) citizenship. The most prevalent method for proving citizenship is possession of a passport, but only half the population does, in part because of the expense, averaging $160. In effect, the Trump order would impose the equivalent of a poll tax, requiring tens of millions of Americans to pay a substantial sum merely to cast a ballot.

The order also instructs the EAC to withhold financial support from states that do not conform to the myriad requirements laid down in the executive order, some of which relate to the fascist "big lie" campaign about the 2020 presidential election being "stolen" (because Trump lost to Biden).

States would be barred from accepting mail ballots after the close of the polls on Election Day, even if the ballots were clearly postmarked well in advance and the delay was attributable to processing and transport delays in the vastly underfunded US Postal Service. The USPS has been the target of a prolonged wrecking operation under both Democratic and Republican administrations, running down the agency so that it can be privatized and turned into a source of corporate profit.

States would be ordered to hand over their voter rolls for inspection by Elon Musk's Department of Government Efficiency, and to allow their voter databases to be uploaded and trolled through by DOGE, the Department of Homeland Security, and other federal agencies, searching for supposedly ineligible or

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fraudulent voters. This is just one component part of the larger data management project in which the Trump-Musk administration aims to construct a centralized databank on all people living in America, citizen and non-citizen alike, to help direct government repression of political opposition.

The first use of this vast database would be to target non-citizens for arrest. The order reads:

> Within 90 days of the date of this order, the Secretary of Homeland Security shall, consistent with applicable law, provide to the Attorney General complete information on all foreign nationals who have indicated on any immigration form that they have registered or voted in a Federal, State, or local election, and shall also take all appropriate action to submit to relevant State or local election officials such information.

The state officials would be tasked with arresting any non-citizen who has been registered to vote—something that may routinely occur when the non-citizen gets a drivers' license—even though the non-citizen has no intention of voting and has never attempted to do so.

Given the number of states that are out of compliance with the rules laid down in the executive order, if Trump's authority to take this action were upheld by the courts, the result would be the virtual elimination of mass participation in elections. Eighteen states currently allow the counting of mail-in ballots as long as they are properly postmarked by Election Day. Nearly two dozen states do not comply with the voter ID requirements laid down in the order. As for data sharing, the last time Trump attempted to hijack state databases, during his first term, 44 out of the 50 states refused, including the majority of Republican-controlled states.

One of the most peculiar specifications in the executive order is to ban the use of bar codes or QR codes on ballots. Many states use vote tabulation equipment that makes use of such codes but the practice has been targeted by many of the right-wing conspiracy theories claiming that the codes were being used to alter votes, either by the manufacturers of the equipment, their software suppliers, or—in one of the "theories" backed by Trump aides in December 2020—by spy satellites orbiting the earth.

Perhaps the most ominous part of the order is Section 5, on "Prosecuting Election Crimes." It requires Attorney General Pam Bondi to enter into information-sharing agreements with the states "to provide the Department of Justice with detailed information on all suspected violations of State and Federal election laws discovered by State officials…"

For those states that fail to cooperate with Trump's voter-suppression initiative, Bondi is instructed to:

> (i) prioritize enforcement of Federal election integrity laws in such States to ensure election integrity given the State's demonstrated unwillingness to enter into an information-sharing agreement or to cooperate in investigations and prosecutions; and
>
> (ii) review for potential withholding of grants and other funds that the Department awards and distributes, in the Department's discretion, to State and local governments for law enforcement and other purposes, as consistent with applicable law.

In other words, states that did not comply with Trump's order—should it survive legal challenge—would find themselves targeted for raids by federal agents searching for people voting without Trump-approved ID and cut off from a wide range of federal funding.

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