



THIRD WAY

THE PLOT TO STEAL THE PRESIDENCY





What is the Danger?

As the January 6 Committee has described in detail, in 2020, a small cast of characters around Donald Trump engaged in a rushed and haphazard effort to overturn the election.





What is the Danger?

They came perilously close to upending our democracy, but they failed.

The system held, because Democrats and Republicans in state and federal offices largely refused to go along with the Big Lie.





What is the Danger?

But the threat hasn't passed. In fact, it's grown significantly worse.

You might be worried about 2024, but as respected voices on the left and right make clear, chances are *you are not worried enough.*



Jocelyn Benson | *MI Secretary of State*
"This is a five-alarm fire. If leaders and citizens aren't taking this as the most important issue of our time and acting accordingly, then we may not be able to ensure democracy prevails again in 2024."



J. Michael Luttig | *Retired federal judge*
"Our democracy today is on a knife's edge..."More alarming still is that the former president pledges that his reelection will not be "stolen" from him next time around, and his Republican Party allies and supporters obeisantly pledge the same.



What is the Danger?

Because proponents of the Big Lie did not give up—they got organized.

That small cadre of Big Liars from 2020 has metastasized. The new MAGA movement now ranges from national leaders like Trump and Kevin McCarthy to media figures like Tucker Carlson and Steve Bannon to hundreds of state and local politicians to thousands of grassroots activists.

This MAGA movement has a new and singular goal...





What is the Danger?

...an election-proof majority.

They hold conferences in Hungary and praise its authoritarian leader. They encourage conspiracy theories about elections. They tell the Big Lie about last time to seed the ground for next time.

They learned from their mistakes in 2020 and have developed a systematic, sophisticated, and serious plot to guarantee their candidate is certified by Congress as the winner in 2024.





The MAGA Plot to Steal the Presidency

Their plot has five distinct but interlocking parts...

1. Suppressing the Vote
2. Installing MAGA Vote Counters
3. Threatening Election Officials
4. Seizing Legislative Control
5. Sabotaging the Electoral College



1. Suppressing the Vote

It starts with something all too familiar: vote suppression – restrictions on who can vote and how they do it.

There's been a wave of legislation to limit things like early voting, vote by mail, polling places, and drop boxes. By May 2022, 40 states had passed 575 laws imposing restrictions on voting. This is unethical and often racist, but it's well-trod ground.

By contrast, the main part of the GOP plot enters a new and far more dangerous realm: **vote subversion**. Or, more plainly, **vote theft**.

This is where things are new and extraordinarily dangerous...



2. Installing MAGA Vote Counters

Vote theft. It starts at the local level.



Steve Bannon and Charlie Kirk have promoted their “precinct strategy:” install MAGA fanatics in the rooms where votes are cast and counted. Though it started with them, it’s been endorsed by Trump and now is being run by the RNC itself.



Installing MAGA Vote Counters

And it's working frighteningly well.

In September 2021, Pro Publica surveyed key battleground areas.

In just the 65 counties they studied, they found that 8,500 new Republican precinct officers had signed up to work the polls.

That's what's happening at the local level. What about statewide?





Installing MAGA Vote Counters

They're also working to install their people in jobs overseeing statewide voting systems.

After being thwarted by principled officials in 2020, they are seeking to replace them. *The Washington Post* counted Big Lie MAGA adherents running for statewide offices that are involved in elections. They found at least 163.

“The list includes 69 candidates for governor in 30 states, as well as 55 for the U.S. Senate, 13 for state attorney general and 18 for secretary of state in places where that person is the state’s top election official.”

Their bid to purge good state elections officers fell short in Georgia, but elsewhere it's working....



Installing MAGA Vote Counters



WISCONSIN GOV

Tim Michels

He and other leading MAGA candidates for governor have pledged to dissolve the state's Election Commission.



ARIZONA GOV

Kari Lake

Kari Lake is demanding decertification of the 2020 election and has advocated imprisoning her opponent (the current secretary of state) over “election crimes.”



PENNSYLVANIA GOV

Doug Mastriano

January 6 attendee Doug Mastriano would hand-pick the Pennsylvania secretary of state were he to win the race for governor.



Installing MAGA Vote Counters

The MAGA movement winning statewide races could have grave consequences.

Michigan Attorney General Dana Nessel (D):

“There is no question that if I am replaced by Matthew DePerno, democracy falls in Michigan. Not maybe. Not possibly. Certainly. He has made it clear not only that he supports the ‘Big Lie’ — he’s one of the originators of the ‘Big Lie.’”





Installing MAGA Vote Counters

And Donald Trump is loving it.

Trump | January 2022:

“There's a famous saying that sometimes the vote counter is more important than the candidate.”

(That “famous saying” is from Joseph Stalin.)

**They're trying to put MAGA people in position to rig the outcome.
But if they don't get their way, it's on to Part 3...**



9:14 AM · Jan 15, 2022 · Twitter for iPhone



3. Threatening Election Officials

THREATS. Those come in three types: **partisan, legal, and violent.**



Partisan Threats: The MAGA movement is recruiting “an army” (their words) of partisan poll watchers to intimidate voters and pressure poll workers.

This used to be illegal for Republicans, but in 2018 Trump’s Justice Department gave it the green light. During the 2021 Virginia elections, Republican poll watchers “inundated” early voting sites and “harassed and hindered” election officials.

“If you see something you don’t like happening with the machines, unplug it from the wall.”

—Ryan D. Kelley, Candidate for Michigan governor



Threatening Election Officials

Legal Threats: MAGA adherents also have threatened officials with serious criminal penalties for minor mistakes, as a report from Protect Democracy and others found.

For example, this Wisconsin sheriff is *seeking to imprison state election commissioners for technical guidance they gave to clerks in 2020* about pandemic voting procedures. The Republican state Senate majority leader endorsed the sheriff's move.





Threatening Election Officials

Violent Threats: Colorado election officials and county clerks are so frightened that they're wearing bulletproof vests and participating in active shooter trainings.

And then there are specific threats.

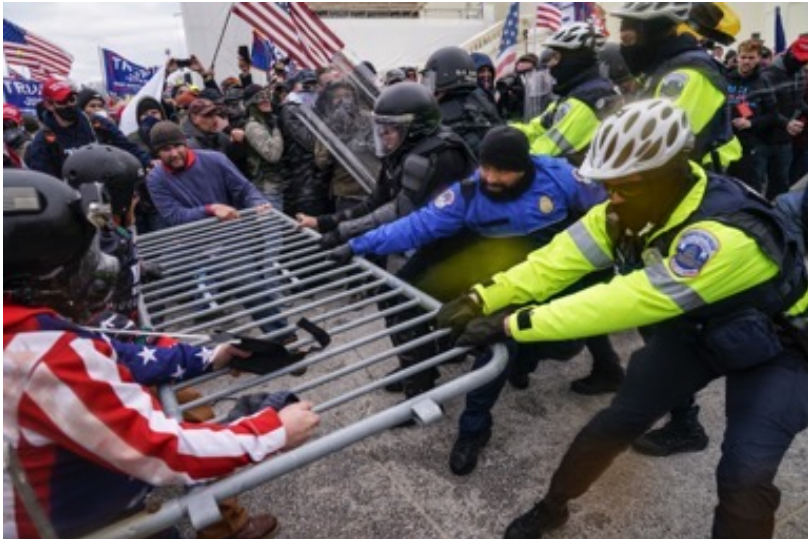


Infamously, militia members in Michigan plotted to kidnap Gov. Whitmer. But some of the local law enforcement response made it even more sinister. MI Sheriff Dar Leaf, after standing on stage at a MAGA rally with the accused, said that the militia might have been trying to “arrest” the governor, suggesting they are innocent of wrongdoing.



Threatening Election Officials

And the threat of violence is coming not just from the lunatic fringe.
It's 31 million people.



PRRI survey (November 2021): 12 percent of Americans – and 30 percent of GOPers – believe both that the election had been stolen from Trump and that “true American patriots may have to resort to violence in order to save our country.” That means *about 31 million American adults might believe that violence is justified* if their candidate is not sworn into office.

Replacing and intimidating election officials may not be enough.
Next, the state legislatures get into the act in part four...



4. Seizing Legislative Control

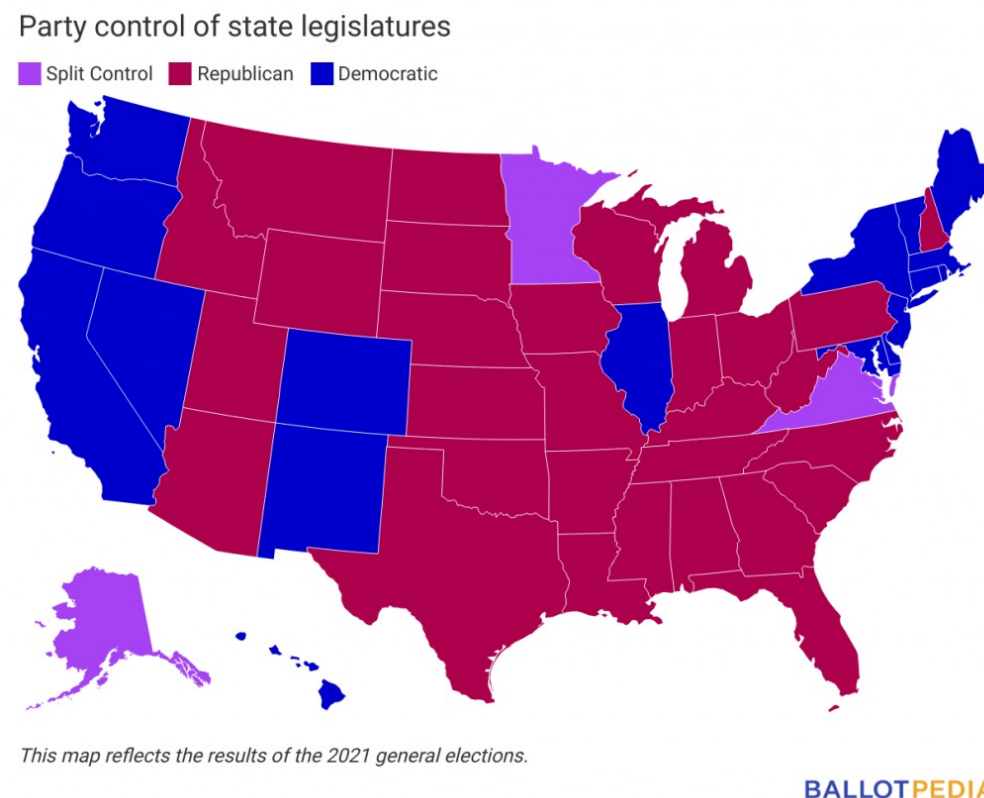
State legislatures are taking over the power to run elections.

In at least 14 states, MAGA legislators already have enacted new laws to take power over elections away from career officials and give it to the legislature or its designees.

And ominously, Republicans control both state legislative chambers in every presidential battleground:

AZ, FL, GA, MI, NC, NH, PA, and WI

Just **one** of these key states might be enough to tip the scales of a close election.



Source: The Washington Post 12/10/21, Ballotpedia Image



Seizing Legislative Control

The MAGA state legislators could toss out the results of the election and replace the voters' choice with their own. That would be corrupt, but it might be successful. The Constitution gives legislatures real power over federal elections.



Article I (Congress): The “Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof.”*

Article II (Presidential Electors): Each state shall appoint presidential electors “in such Manner as the Legislature thereof may direct.”

*Congress has real power here, too, which it should be using. Art. I, Sec. 4 continues: “but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.”



Seizing Legislative Control

And today's Supreme Court might allow the legislatures the legal latitude to discard the will of the voters on election law technicalities.

The so-called “Independent State Legislature” theory would prohibit *any* deviation from the election rules passed by a state legislature. In recent decisions, including one in 2021, Justices Alito, Gorsuch, Kavanaugh, and Thomas “signaled support” for this idea, and Justice Barrett has not yet weighed in.





Seizing Legislative Control

This legal theory is ahistorical and bonkers. Yet it might allow legislators to appoint their own electors.



They could claim their power was usurped: “Even if there was not good reason to believe that...officials meaningfully deviated from the intent of the legislature in running a presidential election, state legislatures could still choose to convene and send an alternative slate of electors based upon this supposed technicality.”

Or they could deem the election to be invalid.

They could throw out a “failed vote”: Under the Presidential Election Day Act of 1845, the legislature can appoint its own electors if the voters of the state “failed to make a choice.” Doing so on Big Lie grounds would be a gross distortion of the intent of this never-invoked provision, but that does not deter such people.



Seizing Legislative Control

Such preposterous claims of legislative power eclipsing the will of the voters is now embraced by right-wing leaders.

Leonard Leo (Federalist Society Chair): “History confirms state legislatures’ plenary authority over federal elections.”

Rep. Steve Scalise (No. 2 House R): “There were a few states that did not follow state laws. That’s really the dispute.”



So, if a legislature doesn't like the outcome of the vote, they could try to appoint their own slate of electors to send to Congress. If they have a MAGA governor, that bogus slate would be the only one. If not, two slates of electors would arrive. Then, all eyes turn to Washington for Part 5 of the plot...



5. Sabotaging the Electoral College

On January 6, 2025, the MAGA movement could try to achieve what the insurrectionist mob and their allies in Congress failed to on January 6, 2021: Deem the losing candidate the victor.

Trouble with the ECA: While the intended outcome is the same, this wouldn't look like Trump's attempts in 2021 to push Mike Pence to use powers the VP doesn't have. (Besides, the VP presiding will be Kamala Harris.)

Rather, the GOP shenanigans would involve the delivery and counting of Electoral Votes under the Electoral Count Act (ECA), a badly written and confusing 19th century law.





Sabotaging the Electoral College



If they have congressional majorities, the MAGA forces will have a variety of options for subverting the EC and stealing the presidency.

They could scrap the electoral votes they don't like.

Under the ECA, Congress can reject EVs that it deems not to have been “lawfully certified,” even if it is the sole slate of electors from that state.

As elections expert Chris Truax notes, under this provision, “Congress is free to reject any state’s electoral votes for any reason at all. All that is required is the votes in Congress and the political will to act.”



Sabotaging the Electoral College



Another option: If multiple slates of electors arrive from a given state, they could choose the slate they like better. If a state with a Democratic governor sends two slates of electors – one reflecting the real outcome of the vote and the other from the GOP legislature – Congress could vote to accept the bogus slate (from the legislature).



Sabotaging the Electoral College

Or they could discard the votes of the states with multiple slates of electors, deny either side 270 EVs, and toss the decision to the House. That vote is by delegation, meaning both California and Wyoming get one vote each.

Even with Democrats currently in the majority, the GOP controls more delegations. That's unlikely to change for the better in 2022 or 2024. So, the Republican candidate would win the delegation vote and become president.

One of these scenarios is the fail-safe in the MAGA plot.





The MAGA Plot to Steal the Presidency

MAGA leaders like Bannon are trumpeting precisely what they're doing, at every level: local, state, and federal.



**“We're taking over
all the elections.”**

That is tantamount to executing a coup.
And the plot is well underway.



The MAGA Plot to Steal the Presidency

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If it succeeds – if anti-democratic MAGA forces install an illegitimate president in January 2025 – our democracy will die.

We cannot give way to despair or fatalism. There is much we can do to stop the coup. But we must have a response that is immediate, aggressive, and to scale.



How Do We Stop the Coup?

We must run a parallel national campaign.

Model: For the first time in US history, a party must mount two parallel presidential campaigns: one to win the election, and the other to prevent its theft.

Scope: Democrats will spend at least \$1B on the campaign to reelect President Biden. They and other pro-democracy actors must also mount a campaign of similar size, scope, and seriousness to stop the coup plotters.

Leadership: The political job of the Biden-Harris team is to win re-election. For the parallel campaign, we need the most influential democratic voices in politics (of both parties) to come together. That includes former Presidents and First Ladies, congressional leadership, party chairs, top state officials, former office-holders, etc.

Team: As with a traditional campaign, it will take tens of thousands of Americans – volunteers, lawyers, business leaders, donors, activists, and strategists – to offer their time and resources to this effort.

The substantive areas for the campaign should include...



The Parallel Campaign



Four core elements:

- **Coup Protection:** Enacting federal vote theft laws.
- **Electoral Firewall:** Beating MAGA adherents.
- **Poll Defenders:** Shoring up non-partisan election administration.
- **Democracy Army:** Supporting grassroots efforts.



Coup Protection: Passing Federal Legislation

**There are bills in Congress aimed at two big things:
Vote theft and election administration.**

Vote Theft: Congress can't address all the threats posed by the plot, but it can shore up some of the weak spots in the law around the Electoral College count. Negotiators in the Senate are working on it, and they must succeed THIS YEAR (before a possible change in control in the House).

Election Administration: Congress must allocate money – at least \$10 billion – to help pay for desperately needed upgrades to state and local election systems and protect election workers.



Electoral Firewall: Beating MAGA Candidates

Next, we must beat their candidates in key state and local elections in 2022.

Governors: There are tough 2022 races in almost every presidential battleground state, including those in which Democrats currently hold the seat: MI, PA, and WI. All Republican nominees are/will be MAGA movement members.

Secretaries of State: In many states in which this is an elected position, MAGA types are likely to win GOP primaries. That makes those states vital for Democrats to keep (MI) or pick up (AZ and NV).

State Legislative Chambers: Breaking the GOP monopoly on swing states by winning back a legislative chamber could provide important democracy protection. Some R-held chambers are closely divided and could flip in 2022: AZ (both chambers), GA (both), MI (House), and PA (both).



Electoral Firewall: Beating MAGA Candidates

Most of the democracy protection candidates are running at the state and local level. But we can't take our eye off federal races.

Congress: Given that House Republicans have almost entirely signed on to the MAGA movement, we **MUST** ensure that Democrats control the House on 1/6/25 to prevent the theft of the presidency in Congress. That means Democrats must either hang on to the majority in 2022 or keep the balance close enough to get it back in 2024. (The new House is sworn in three days before the EC votes are counted.)

The White House: Ultimately, in addition to ensuring they can't ***steal*** the election, we must make sure they don't ***win*** it. We must beat their 2024 ticket by enough votes to erase any serious doubt about the outcome. Many organizations, including ours, will be standing up massive efforts to achieve this goal starting after the midterms.



Poll Defenders: Shoring Up Election Administration

In addition to winning elections in key races, we must find and defend nonpartisan election workers.

- We must match or exceed the MAGA movement in its effort to recruit poll workers.
- We must provide them with physical protection if they are threatened or harassed.
- We must offer legal representation if they are threatened with criminal or civil sanction.





Democracy Army: Deploying to the Front Lines

Finally, we must mobilize people and resources to support those protecting democracy on the front lines. That includes:

Democracy Promotion/Clean Elections: We need organizations with trained advocates on the front lines of the fight to prevent political actors at every level from rigging the administration of elections.

Grassroots Activation: We need protestors, door knockers, and poll watchers at the same or larger scale as that of the Trumpian right.

Applying Pressure: We must activate corporations and civic organizations in this fight to hold elected officials accountable for attempted election sabotage.

Legal/Litigation: We must have lawyers ready to sue to stop the unconstitutional abrogation of voting rights and attempts by partisans to grab power from nonpartisan elections officials.

The organizations doing this work need more money, talent, people, social media presence, and attention. A LOT MORE. Because...



Now is the time to act

The threat to our democracy is enormous:

- The MAGA movement has learned from 2020 and has gotten organized.
- They are intent on stealing the next presidential election.
- They have a plan, and they are executing it.

We can stop it:

- We can build a parallel campaign with the size and scale to fight them in the courts and statehouses, at the polls, and in public opinion.
- ***But we are starting from behind.***
- All sectors of society must be united, organized, and devoted to the fight.
- Join us in sounding the alarm and mobilizing to defend democracy.



THIRD WAY

THE PLOT TO STEAL THE PRESIDENCY

