

COVID-19 ELECTION SECURITY THREATS

COVID-19 related lawsuits highlight efforts to impact 2020 election results under the guise of protecting the public from the pandemic. These efforts overwhelmingly favor Democrats' political interests. As of September 13, 2020, there are 304 COVID-19 related election lawsuits filed in 45 states, D.C., and Puerto Rico.¹

Among other efforts, these lawsuits attempt to:

- Void state laws banning vote harvesting by third parties;
- Require that voters be sent postage-prepaid envelopes for the return of completed absentee ballots; and
- Override state deadlines for absentee ballots to be either returned or postmarked by Election Day.

Mail-In Ballot Fraud

Democrats claim there is no evidence of fraud using mail-in ballots. However, the history of such fraud precedes COVID-19. In 2012, the *New York Times* reported that votes cast by mail were less likely to be counted, and more likely to be compromised and contested than those cast in a voting booth. The rejection rate for absentee ballots doubled the rate for in-person voting, according to the *Times*.²

Additionally, over the last four federal elections, 2.7 million mail-in ballots were misdelivered and 1.3 million were rejected by election officials.³

Evidence of voter fraud during the pandemic has already surfaced. Four residents in Paterson, New Jersey, including a councilman and councilman-elect, were charged with criminal election fraud during a local election exclusively using mail-in ballots. 1 of 5 ballots cast were rejected, leading a judge to invalidate the city council election.⁴

Vote Harvesting

Absentee ballots can be mailed or hand-delivered by a voter or family member to election officials. More than half of states have also legalized vote harvesting, which allows any third party to collect ballots from voters and deliver them. If concerns over COVID-19 transmission drive mass mailing of absentee ballots, allowing strangers to go door-to-door to scores of houses is not the solution. In reality, vote harvesting puts ballots in the hands of individuals who have a stake in the outcome of the election, such as candidates, campaigns, party activists, and consultants.

Postage and Postmarking

If envelopes are already postmarked by election officials, they will not be postmarked again by the U.S. Postal Service. This leaves election officials unable to determine whether the absentee ballot was mailed prior to Election Day or after the election.

Following the June 23rd New York primary, state election officials took six weeks to count the ballots due to an enormous increase in absentee ballots they were not prepared to handle. 1 in 4 ballots were rejected, leading to lawsuits contesting the results.⁵ A federal judge ruled that thousands of voters were disenfranchised and ordered election officials to count the rejected ballots.⁶

New York's experience offers Democrats a blueprint to game the system if the November election yields unfavorable results. Expansive mail-in and absentee ballots nationwide could lead to mass litigation, delaying the election for several weeks or months.

Whether due to ballot counting or litigation, if the outcome of the election is still in doubt by Inauguration Day on January 20, 2021, the 20th Amendment to the Constitution⁷ and current law⁸ provide that the Speaker of the House act as president until results have been determined.

Please contact the Republican Policy Committee at RPC@mail.house.gov or (202) 225-4921 with any questions.

¹ <https://healthyelections-case-tracker.stanford.edu/cases>

² <https://www.nytimes.com/2012/10/07/us/politics/as-more-vote-by-mail-faulty-ballots-could-impact-elections.html>

³ <https://www.heritage.org/election-integrity/commentary/the-risks-mail-voting>

⁴ <https://www.nj.com/passaic-county/2020/08/nj-city-gets-an-election-do-over-after-voter-fraud-issues.html>

⁵ <https://nypost.com/2020/08/05/84000-mail-in-ballots-disqualified-in-nyc-primary-election/>

⁶ *Id.*

⁷ U.S. Const. amend. XX, § 3. “If a President shall not have been chosen before the time fixed for the beginning of his term... the Congress may by law provide... who shall then act as President... and such person shall act accordingly until a President or Vice President shall have qualified.”

⁸ 3 U.S.C. § 19.