



## **Election Integrity Update**

*By: Paul Cupp*

Securing elections is top of mind for voters this fall, especially those still feeling the sting of fraud and a myriad of irregularities that plagued the 2020 election. While conservatives are mobilizing to address concerns, challenges still remain. Many states still have weak laws on voter verification and ballot harvesting. Crucial swing states like Wisconsin, Georgia, and Arizona have improved the election laws they have in place, but are often lax in enforcing them. Most concerning of all, the Biden administration has mobilized huge swaths of the federal government to engage in “get-out-the-vote” initiatives that funnel money to far-left NGOs that typically provide a lopsided benefit to democratic candidates. These mounting threats to election security demand a vigorous response.

### **Challenges to Election Integrity**

The 2020 election cycle marked a revolution in the way we vote. For the first time in history, a majority of voters did not vote in person on election day.<sup>1</sup> While the spike in absentee and mail-in voting resulted mostly from COVID-19 lockdowns, these less secure forms of voting appear to be here to stay, at least for the 2024 election.

### The Rise of Non-Traditional Voting

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<sup>1</sup> Christina A. Cassidy, *Report shows big spike in mail ballots during 2020 election*, A.P., Aug. 16, 2021, <https://apnews.com/article/health-elections-coronavirus-pandemic-election-2020-campaign-2016-f6b627a5576014a55a7252e542e46508>

Non-traditional voting methods make identity verification more difficult and invite risky practices like ballot harvesting. Ballot harvesting is legal in 33 states and refers to the practice of voters designating someone besides themselves to turn in their ballot. A few states limit the number of ballots any given person can turn in, and others only allow close relatives to be designated as the ballot harvester.<sup>2</sup> However, even with these limiting laws in place, it is incumbent on election officials to act in good faith while scrutinizing and counting these inherently insecure ballots. Other concerns with mail-in voting involve double voting (someone voting by mail and in person), counting undated ballots received after election day, and difficulties with ballot reconciliation (ballots issued v. ballots received).

### From Zuckbucks to Bidenbucks

The 2020 election witnessed huge donations to state and local electoral organizations coming from Silicon Valley billionaires. Mark Zuckerberg, of Facebook fame, gave \$300 million alone to election-related NGOs during the 2020 cycle, in an effort to “ensure that every voter who intends to cast a ballot is able to, and ultimately, to preserve the integrity of our elections.”<sup>3</sup> This is leftist-speak for ensuring that disengaged voters are registered and perhaps pressured or prompted to check a preferred box on the ballot. The Center for Renewing America filed two IRS complaints against Zuckerberg and the organizations who received his funding; dollars which he later listed as tax-exempt.<sup>4</sup> Some states have adopted legislation outlawing these private donations, but the federal government has not. Worse still, this exact playbook has been replicated by the Biden

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<sup>2</sup> Sarah Williams, J.D., *What Is Ballot Harvesting?*, FindLaw, Apr. 22, 2024, <https://www.findlaw.com/voting/how-u-s--elections-work/ballot-harvesting--what-is-it--how-does-it-work-.html>

<sup>3</sup> *Scott County will accept Mark Zuckerberg's quarter-million dollar election grant*, The North Scott Press, Sep. 29, 2020, <https://www.northscottpress.com/stories/scott-county-will-accept-mark-zuckerbergs-quarter-million-dollar-election-grant,77641>

<sup>4</sup> Hayden Ludwig, *New IRS Complaint Alleges “Zuck Bucks” Groups’ Illegal Partisanship in 2020 Election*, Sept. 26, 2022, <https://capitalresearch.org/article/new-irs-complaint-alleges-zuck-bucks-groups-illegal-partisanship-in-2020-election/>

administration itself, amplified by enlisting the strength of the entire administrative state. The original Zuckbucks scheme has morphed into something much uglier: Bidenbucks.

President Biden issued Executive Order 14019 in March 2021, ordering 14 executive agencies to put their funding at the disposal of voting access initiatives.<sup>5</sup> Biden's EO is predicated on the baseless claim that minorities face "significant obstacles" in exercising their right to vote, and are "disproportionately burdened by voter identification laws and limited opportunities to vote-by-mail."<sup>6</sup> The reality is that any burdens or obstacles to voting that might exist (possessing proper paperwork or ID, getting to a polling location, etc.) have nothing to do with skin color, and the vast majority of Americans have no trouble registering to vote or with voting. However, minority groups do vote overwhelmingly for Democrats, which provides the left with all the motive they need to artificially increase turnout that is beneficial to the left's election hopes, all while hiding behind the ruse of ballot access excuses; therein lies the true motive behind the Bidenbucks assault on election integrity. Agencies that use taxpayer dollars to attain these partisan ends are not only dishonest, but are in flagrant violation of their statutory mandates. Simply put, there is nothing in the Constitution or the laws passed by Congress that allows these agencies to engage in voter access initiatives. Using "voter access" as a pretext to leverage racial dynamics disingenuously is another example of the left's feigned sympathy for "disadvantaged" minorities serving as cover for a clandestine powergrab, and potentially illegal under current federal law.

### **Securing the 2024 Election: Litigation, Legislation, and Weaponization**

The immediate path toward securing elections proceeds along three lines. First, ensuring that good election laws are enforced. Second, passing good laws where they

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<sup>5</sup> Exec. Order No. 14019, *Executive Order on Promoting Access to Voting*, Mar. 7, 2021, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/03/07/executive-order-on-promoting-access-to-voting/>

<sup>6</sup> *Primer: The Biden Administration's Attempt to Subvert Our Elections*, Center for Renewing America, May 3, 2022, <https://americarenewing.com/primer-the-biden-administrations-attempt-to-subvert-our-elections/>

don't exist. Third, combatting the weaponization of government to distort election outcomes. Progress has been made on all three fronts as the country approaches a crucial election cycle this November.

### Litigation

In a petition made directly to the Pennsylvania Supreme Court, the Republican National Convention secured a ruling which mandated that election officials not count undated ballots. The decision ensures that ballot dating laws in Pennsylvania are enforced as written, excluding ballots mailed after election day from sneaking into the vote count due to a missing date.<sup>7</sup> The victory helps clean up mail-in ballot procedures, the sloppy handling of which has until now benefitted Democratic candidates.

America First Legal (AFL), headed by Trump confidante Stephen Miller, has been combatting election mischief in both state and federal courts. In February, AFL filed a lawsuit against Maricopa County, Arizona, for its myriad violations of state election laws. Among the allegations in the complaint are: failure to preserve proper chain of custody of ballots, counting ballots received from unsupervised drop-boxes, canceling hundreds of voter registrations without warning or reason, and refusing to perform mandatory reconciliation procedures between ballots issued and ballots received.<sup>8</sup> AFL has filed lawsuits in other states on similar grounds. While it is crucial to seek these court ordered reforms that can directly impact the upcoming election, and using the courts is a necessary part of enforcing laws and securing elections generally, it is not enough.

### Legislation

In May 2024, Rep. Chip Roy (R-TX) and Sen. Mike Lee (R-UT) introduced the Safeguard American Voter Eligibility (SAVE) Act, into both houses of Congress. The

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<sup>7</sup> Katie Meyer, *Undated Pennsylvania mail-in ballots should not be counted, appeals court rules*, Spotlight PA, Nov. 1, 2022,

<https://www.spotlightpa.org/news/2022/11/pa-election-2022-undated-mail-ballots-supreme-court-decision/>

<sup>8</sup> *America First Legal Files Landmark Lawsuit Against Maricopa County, Arizona Officials for Violating State Election Laws*, America First Legal, Feb. 7, 2024,

<https://aflegal.org/america-first-legal-files-landmark-lawsuit-against-maricopa-county-arizona-officials-for-violating-state-election-laws/>

proposed legislation would require states to obtain proof of citizenship, in person, when registering an individual to vote.<sup>9</sup> It would also require states to remove non-citizens from existing voter rolls.<sup>10</sup> These two reforms are crucial elements of any honest attempt to secure our elections. The reckless laws in some states allowing noncitizens to vote, along with the egregious carelessness of many states in letting their voter rolls go uncleaned, must be remedied by legislation. States themselves should adopt their own version of the SAVE Act since it is a basic safeguard for ensuring only citizens are voting in federal elections.

While the SAVE Act would use federal lawmaking power to cover for state negligence, legislation should also be adopted by states to protect against federal overreach. Citizens for Renewing America has also published model legislation that would prevent state governments and agencies from being deputized by federal schemes like Bidenbucks. This model act, called the “Prohibiting Unauthorized Designations of Voter Registration Agencies Act,” prohibits federal agencies from enlisting state officials to participate in voter registration initiatives.<sup>11</sup> It also requires state election officials to notify the Governor, the state’s Secretary of State, and leaders of the state’s Congress when contacted by the federal government pertaining to voter registration efforts.<sup>12</sup> The Constitution, in Article 1, Section 4, Clause 1 explicitly reserves the power to administer election procedures to the states in the first instance. The several states should further immunize themselves from federal attempts to usurp their power by passing their own laws to shut down Bidenbucks, starting with this model legislation.

### Ending Bidenbucks

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<sup>9</sup> *SAVE Act - One Pager*, Representative Chip Roy (R-TX) Website, May 8, 2024, [https://roy.house.gov/sites/evo-subsites/roy.house.gov/files/evo-media-document/FINAL\\_SAVE%20Act%20One-Pager%20\(2\).pdf](https://roy.house.gov/sites/evo-subsites/roy.house.gov/files/evo-media-document/FINAL_SAVE%20Act%20One-Pager%20(2).pdf)

<sup>10</sup> *Id.*

<sup>11</sup> *Model Language to Prevent Federal Overreach in State Elections*, Citizens for Renewing America, Oct. 5, 2022, <https://citizensrenewingamerica.com/issues/model-language-to-prevent-federal-overreach-in-state-elections/>

<sup>12</sup> *Id.*

CRA has been exposing and challenging President Biden's unlawful executive order establishing Bidenbucks since it was published in 2021. Throughout 2022, CRA noted in detail the threat posed by Biden's powergrab, and urged Congress to exercise oversight to obtain detailed information from agency heads about their implementation of the executive order.<sup>13</sup> CRA also supported Freedom of Information Act (FOIA) lawsuits to obtain this information. Letters were sent by CRA to Shalanda Young at OMB, and the Inspector General at the Department of Labor, reminding them of the constraints imposed on the Bidenbucks system by the Anti-Deficiency Act and the Administrative Procedure Act.

While agency heads have until now maintained secrecy over their exact implementation of Biden's order, a House committee has heeded CRA's warnings to investigate the agencies. The Committee on House Administration (CHA) issued subpoenas to each of the 15 department heads enlisted by the White House to carry out the Bidenbucks scheme.<sup>14</sup> If the agencies comply with the subpoenas and the CHA's investigation reveals wrongdoing, legislation could be introduced to explicitly prohibit this type of scheme. In the case of serious transgressions, Congress could use its impeachment powers to remove agency heads or the President himself. These solutions, however, are time-expensive and a lot of damage has already been done.<sup>15</sup> With the clock ticking toward November, and Congress having waited until now to move a finger, one wonders if these efforts by the CHA are too little, too late.

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<sup>13</sup> *Primer: The Biden Administration's Attempt to Subvert Our Elections*, Center for Renewing America, May 3, 2022,

<https://americarenewing.com/primer-the-biden-administrations-attempt-to-subvert-our-elections/>

<sup>14</sup> *Chairman Steil Subpoenas 15 Cabinet Members for Documents Related to 'Bidenbucks'*, Committee on House Administration Website, June 13, 2024,

<https://cha.house.gov/2024/6/chairman-steil-subpoenas-15-cabinet-members-for-documents-related-to-bidenbucks>

<sup>15</sup> *Primer: The Biden Administration's Attempt to Subvert Our Elections*, Center for Renewing America, May 3, 2022,

<https://americarenewing.com/primer-the-biden-administrations-attempt-to-subvert-our-elections/>

America First Legal has also joined the fight against Bidenbucks, suing the administration for its weaponization of federal agencies. The complaint filed in the District of Columbia is now on appeal as AFL attempts to get past the agency heads' secrecy about the implementation of Biden's order.<sup>16</sup>

### **An Army of Poll Watchers**

Another important battle for secure elections is at the polls themselves. The RNC is assembling a network of 100,000 poll workers, monitors, and lawyers to observe, report, and remedy any irregularities occurring on election day.<sup>17</sup> The number is staggering and some have claimed that recruiting such a large force is impossible. But even half that number deployed across key battleground states would put healthy pressure on election officials to make sure that polling is carried out in good faith and in accordance with the law.

Other organizations are working to make efforts like the RNC's more sustainable over the long haul. One such organization is the Election Integrity Network (EIN), led by lawyer Cleta Mitchell. EIN [trains citizens](#) at the local level in upholding election integrity on the ground. The organization offers a blueprint for starting local coalitions, a legislative resource library, and an online masterclass in election integrity. By partnering with the Virginia Institute for Public Policy, EIN has spread the "Virginia Model" to over 20 states, which has proven itself the national template for local election integrity coalitions.<sup>18</sup> If we are to secure our elections into the future and hand on self-governance to our posterity, it is imperative that local citizens take election integrity

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<sup>16</sup> *Election Integrity: AFL SUES 14 Federal Agencies for Refusing to Disclose the Biden Administration's "Strategic Plans" for Election Meddling*, America First Legal Website, Oct. 6, 2022, <https://aflegal.org/election-integrity-afl-sues-14-federal-agencies-for-refusing-to-disclose-the-biden-administrations-strategic-plans-for-election-meddling/>

<sup>17</sup> *Trump Campaign and RNC Unveil Historic 100,000 Person Strong Election Integrity Program*, Republican National Committee Website, Apr. 19, 2024, <https://gop.com/press-release/trump-campaign-and-rnc-unveil-historic-100000-person-strong-election-integrity-program/>

<sup>18</sup> *Virginia Fair Elections: The Virginia Model*, Election Integrity Network, <https://whoscounting.us/wp-content/uploads/2023/05/VIPP-Virginia-Model-Election-Integrity-2022.pdf>

into their own hands by mobilizing their own communities. EIN offers a good start in that direction.

## **Conclusion**

The upcoming election is of historic importance and a little more than four months away. It is well past time for policymakers to take stock and make an honest assessment of the security of the nation's election system. It is clear the enemies of our representative republic aren't slowing down in their efforts to subvert the security of elections for their own partisan ends. Important efforts have been made from the legislature, to the courtroom, and at the polling station. If eternal vigilance is the price of freedom, patriots need such vigilance now more than ever.