The Assault on Trust in Our Elections

Brad Raffensperger

For many Americans, the political and constitutional crisis in which our country found itself following the 2020 election felt unprecedented. And in many respects, it was. After nearly two and a quarter centuries of chief executives transferring power peacefully to their successors, a president who lost an election refused to concede, and instead went about challenging the integrity of America’s core democratic institutions. Calling into question state election procedures, he persuaded many of his supporters—with lots of anger and indignation, but without real evidence—that he was the rightful winner. The political system and the courts alike rejected his baseless claims, but many voters—fanned by the president’s reckless rhetoric—were convinced that those institutions were part of the problem, that the new chief executive was illegitimate, and that the election system had failed them.

As Georgia’s secretary of state, I found myself in the middle of some of the disputes that followed. Yet to me, the crisis didn’t quite feel unprecedented; by November 2020, I had been engaged in similar work, under similar pressures, for going on two years. From my perspective, the most striking aspect of the Trump ordeal was not its novelty, but the unshakeable sense of déjà vu that dogged me throughout. One of the most troubling questions in its wake is whether we will see every candidate who loses a major election refuse to accept the results, and instead set out to raise money and build support on unfounded claims of fraud and corruption. To avoid that prospect, we need to come to terms with the scope of the problem, and doing so won’t be comfortable for either party.

Brad Raffensperger is the secretary of state of Georgia.
My experience in Georgia illustrates why such a reckoning is necessary. When President Donald Trump stood before a crowd gathered near the White House on January 6th and proclaimed, “we will never concede….You don’t concede when there’s theft involved,” my mind leapt back to the fall of 2018, when Stacey Abrams, who had just lost the race for governor of Georgia, told a crowd of her supporters, “[t]o be clear, this is not a speech of concession. Concession means to acknowledge an action is right, true or proper. As a woman of conscience and faith, I cannot concede.” The similarities don’t end there, and when considered with some care, they paint a troubling picture of an all-too bipartisan willingness to undermine the integrity of our democracy—and the public’s confidence in it—for the sake of personal and partisan gain.

A president of the United States has a unique responsibility to defend the Constitution, and President Trump’s reckless rallying of his supporters against the election results led to a violent attack against Congress and his own vice president at the Capitol. Abrams was not a sitting U.S. president when she refused to concede her election, but as a major national figure, she had a distinct obligation to avoid slandering our electoral system. While her false charges (thankfully) did not lead to violence, they continue to be widely believed and repeated even now, and even by people who claim to be concerned about the integrity of our democracy. The corrosive effects of such lies are spreading still.

These threats to public confidence from both sides of our politics are at odds with the realities of American elections. The fact is that our elections are both fairer and more secure than they have been at any point in our history. Voter participation rates are high, and evidence of widespread fraud is exceedingly rare. And yet thanks to irresponsible rhetoric from members of both parties, Americans are increasingly skeptical of their country’s ability to hold free and fair elections.

To point to the breadth of the problem, therefore, is not to draw equivalences, or to minimize or exaggerate the misbehavior of one person or party. It is, rather, to clarify the scope of the challenge confronting all those who want to restore faith in our democracy.

A NARRATIVE TAKES HOLD

In the early morning hours of November 7, 2018, with 99% of precincts reporting, Georgia gubernatorial candidate Stacey Abrams was down
by 68,000 votes. It was then that she stood before her supporters and declared she would not concede the election.

Mainstream news outlets were soon echoing sporadic allegations from Abrams and her allies. At first, these focused on conflict-of-interest accusations against Abrams’s opponent, Brian Kemp — my predecessor as Georgia’s secretary of state. But they made no specific charges about what might be wrong. Secretaries of state regularly run for re-election, of course, and previous secretaries of state in Georgia had run for governor without eliciting controversy.

As it became clear that Abrams would not bridge the gap, the stolen-election narrative started to take hold. The NAACP proclaimed that “Kemp’s actions during the election were textbook voter suppression,” while *Rolling Stone* declared that judges were “doing all they [could] to keep Brian Kemp from stealing the Georgia election.” Citing an Emory professor who described these alleged efforts as “Jim Crow 2.0,” the *Atlantic* opined that “the Georgia governor’s race [had] brought voter suppression into full view.”

Among the nation’s major news outlets, only the *Washington Post* expressed any skepticism of the narrative. Aaron Blake, a *Post* political reporter, observed that Democrats were “alleging illegal activity that [hadn’t] been proven — and seem[ed] unlikely to be.” He warned that such an accusation, from either Democrats or Republicans, was “a recipe for widespread mistrust” and couldn’t help but “undermine confidence in American elections.”

Despite the dearth of evidence, the notion that Kemp stole the election from Abrams became an article of faith among the Democratic Party’s leadership. On November 13, 2018, New Jersey senator Cory Booker declared that “Stacey Abrams’s election [was] being stolen from her” and called for “a federal investigation” into the matter. Senator Bernie Sanders soon followed suit, arguing during a Georgia presidential debate that “voter suppression…[had] cost the Democratic Party a governorship” in the state. In June 2019, then-presidential candidate Joe Biden claimed that “voter suppression is the reason Stacey Abrams isn’t governor right now.” Former Democratic presidential nominee Hillary Clinton also chimed in, as did then-senator Kamala Harris, who insisted that “without voter suppression, Stacey Abrams would be the governor of Georgia.”

Abrams and her allies made the fiction that Republican officials had suppressed votes to steal her election a cornerstone of their post-election
strategy. Capping off her November 2018 non-concession speech, she announced the creation of Fair Fight, a hybrid PAC that has since become a juggernaut of fundraising and political organizing. According to the Center for Responsive Politics, Fair Fight raised almost $90 million and spent at least $66 million during the 2019-2020 election cycle. During the two-month lead-up to the U.S. Senate run-off elections in Georgia alone, the PAC raised $22.3 million—which it put toward securing victories for Democratic candidates Jon Ossoff and Raphael Warnock.

Though Abrams wielded the stolen-election falsehood to great effect beginning in 2018, the narrative had older origins. Voter Access Institute (VAI) founder Lauren Groh-Wargo—who would later become Abrams’s campaign manager and chief executive of VAI’s successor organization, Fair Fight Action—admitted to poll-testing voter suppression as a get-out-the-vote strategy as far back as 2014. The institute conducted a poll that year “with unregistered and low-propensity African-Americans and Latinos around why voting matters, using themes of voter suppression.” The timing of this poll suggests that years before alleging the 2018 gubernatorial election had been stolen, Abrams and her team had already decided that claims of voter suppression would make for a powerful political strategy.

In its fall 2014 plans, VAI also suggested tactics that some might consider voter intimidation. Under Groh-Wargo’s and Abrams’s leadership, the group planned to send out “official-looking early vote request applications” and spread “social pressure messaging.” Before the Georgia legislature banned ballot harvesting—a practice that could allow activists and campaign staff to pressure voters into casting ballots for a campaign’s preferred candidates or even fill out voters’ ballots entirely—the institute made the tactic part of its strategy as well.

By 2019, when Groh-Wargo acknowledged poll-testing voter suppression, Abrams had elevated her stolen-election claim to the national stage. Given the intense attention and resources they were able to direct toward the effort, one would think that some concrete evidence of voter suppression would have surfaced. But when asked whether she had “personal knowledge of someone who went to vote early in person or requested an absentee ballot—and was told that they could not because of their race,” Groh-Wargo’s answer was a decisive “no.” She could only point vaguely to “tens of thousands of people” who “had a funny name or spelling of their name or a space in their name or a hyphen or
some apostrophe or all manner of things” that she believed had “intentionally…[made] it harder for African-Americans, naturalized citizens, et cetera, to vote.” But again, she could not identify anyone who was denied that opportunity.

**A Legal Strategy Emerges**

In addition to orchestrating massive political-organization and fundraising efforts, Fair Fight also filed suit in federal court against Georgia for the “mismanagement of [the 2018 gubernatorial] election and to protect future elections from unconstitutional actions.” *Fair Fight Action v. Crittenden* (now *Fair Fight Action v. Raffensperger*) was launched on November 27, 2018, and has since become the centerpiece of Abrams’s efforts to change Georgia’s election law through the courts.

The initial complaint included the voter-suppression allegations that have come to define Abrams’s political persona. It charged that Secretary of State Kemp, along with the State Election Board, “grossly mismanaged an election that deprived Georgia citizens, and particularly citizens of color, of their fundamental right to vote.” It continued by alleging that there were “serious and unconstitutional flaws in Georgia’s elections process.” The filing even pushed the claim that the gubernatorial election was stolen, citing a November 2018 opinion article by CNN’s Van Jones that implored readers not to let “Jim Crow-style election-rigging” cost Abrams the election.

The organization’s legal effort quickly picked up additional partners. In February 2019, Fair Fight filed an amended complaint to add several organizations — including Ebenezer Baptist Church, which is run by now-Senator Raphael Warnock — to the effort. The amended complaint strikes an even more aggressive tone than the initial one, arguing that “state action intended, at least in part, to discriminate on the basis of race in the voting context [in violation of] the Fourteenth Amendment” (emphasis added).

But the election suits failed to support these extraordinarily serious assertions with evidence. One of Fair Fight’s main voter-suppression claims involved the closing of polling places. Abrams, Fair Fight, and their allies alleged that, since the 2013 Supreme Court ruling in *Shelby County v. Holder* (which effectively removed federal pre-clearance requirements for voting changes in Georgia and other jurisdictions), Republican officials have been closing polling locations around the state
to disproportionately harm minority voters. My predecessor and I have often been cast as the villains in this tale.

There has always been one major flaw in this theory: The state government and the secretary of state have no authority over polling places. In fact, under Georgia law, decisions concerning polling places are made at the county level. Abrams and her allies know this. In their complaint, they acknowledge that “Georgia counties have responsibility for some aspects of Georgia elections,” but they gloss over the fact that the local-control structure of election administration applies to polling-place locations. Instead, they vaguely insist that “the Secretary...served as Georgia’s chief architect of [the] voting barriers.”

Allegations of voter “purges” also appear in Fair Fight’s legal filings. These charges mirror those raised in Abrams’s November 2018 non-concession speech, in which she claimed that “more than a million citizens found their names stripped from the rolls by the Secretary of State” while “[t]ens of thousands” more “hung in limbo,” their votes “rejected due to human error and a system of suppression that had already proven its bias.” The filings neglect to mention that both state and federal law require the secretary of state’s office to review voter rolls to ensure that the information is both accurate and up to date, that the courts upheld this practice in 2019, and that states like Nevada, Illinois, Colorado, and Maryland have all experienced similar reductions in the sizes of their voter lists due in part to similar voter-roll maintenance policies.

Practically speaking, if my predecessor and I had improperly removed a million voters from the rolls, there would have been widespread outcry among the voters themselves. But that hasn’t happened. One local reporter knocked on the doors of 30 individuals scheduled for removal from the voter rolls to investigate the voter-purge claim. At those locations, he found deceased voters, abandoned homes, and empty lots.

Remarkably, the alleged polling-place closures and voter purges can be traced not to the actions of Republican officials, but to Democrats themselves. In terms of polling-place closures, polling locations in Georgia are governed by local election boards, and in counties with large African American populations like Fulton and DeKalb, county governments controlled by Democrats hold the deciding vote on those boards. As for the voter purges, a Georgia law requires election officials to remove individuals from the voter rolls if they have not interacted with election officials in five years, do not respond to a postcard sent to
their listed address, and then fail to vote in the two subsequent general elections. As Fair Fight’s own complaint notes, that law was enacted in 1994, when Georgia had a Democratic governor and Democrats controlled both houses of the state’s General Assembly. Likewise, the federal National Voter Registration Act of 1993 — which “requires States to implement procedures to maintain accurate and current voter registration lists” — was passed by a Congress with Democratic majorities and signed into law by President Bill Clinton.

Finally, in a move that those following the news after the November 2020 elections might find familiar, the Fair Fight coalition leveled accusations of voting-machine irregularities. Its first approach argued that the machines could be programmed to switch votes from one candidate to the other. The proof? A total of two allegations — in an election in which nearly 4 million votes were cast — where voters alleged the machines switched their selection from Abrams to Kemp three times before finally remaining on Abrams the fourth time. The second approach alleged that malicious actors might have hacked into polling machines and switched votes. Without citing specifics, Fair Fight claimed that the lack of security surrounding Georgia’s voting system “present[ed] a risk of hacking and tampering, which place[d] voters at risk of having their voter registrations, and votes, removed or changed.” Again, the complaint cited no examples of machines being hacked or votes being altered. Nonetheless, Fair Fight maintained the unfounded allegation that Georgia had “inaccurate voting machines” in federal court and has stated, without evidence, that the machines “lost 100,000 votes.”

The witness claims cited in Fair Fight’s legal filings also fell apart when the witnesses themselves were deposed. One voter submitted a declaration stating that he never received his absentee ballot, then admitted during his deposition that he had received his ballot but wanted to vote in person instead. Another claimant did have trouble obtaining an absentee ballot, but once he received one, he refused to believe the election system’s claim that his ballot had been accepted. A third witness was frustrated that she had to vote provisionally at her assigned polling location, but she left out of her declaration the fact that the election system had ultimately accepted her provisional ballot.

In short, the alleged reams of disenfranchised voters largely amounted to people who were confused about the rules or had misrepresented their situations. In some cases, the witnesses acknowledged
they had submitted a declaration to help Abrams. Some even admitted to not having written their own declarations.

Ultimately, many of the claims contained in Fair Fight v. Raffensperger did not last long enough to be tried on their merits. In an order issued on February 16, 2021, Judge Steve Jones of the Northern District of Georgia (an Obama appointee) stripped several of Fair Fight’s claims from the suit, including those involving the closure and relocation of polling places, voter-list security, the use of vulnerable election technology, and dating and notification issues with absentee ballots. Notably, Jones struck down the polling-place theory “in the absence of any evidence that Defendants control the moving and closing of precincts and polling places.”

Yet by then, the damage had been done. Launched with much fanfare and little corroboration, claims that failed to hold up in court were nonetheless echoed unquestioningly by politicians and many in the media. Those claims formed the public’s understanding of what had happened in Georgia. They would later inform the substance of Donald Trump’s attack on our election system.

A DANGEROUS SCRIPT

Shortly after the 2020 election, Myrna Pérez, the Brennan Center for Justice’s election and voting-rights director, expressed concern that Abrams’s strategy might become a “political script.” Indeed, Abrams had established a powerful model for political figures hoping to challenge election results: Don’t concede. Instead, say you were cheated, allege voting irregularities, file lawsuits, obtain witness testimony, and raise money. Thanks to the unbending support of fellow Democrats and sympathetic media coverage, she demonstrated that doing so could be handsomely rewarded.

Perhaps it shouldn’t come as a surprise, then, that President Trump’s approach after the 2020 election was riddled with the same sleights of hand that were key to Abrams’s strategy just two years earlier. As Abrams had before him, Trump refused to concede. Just as Abrams had repeatedly insisted that her election was “stolen from the voters,” Trump told his supporters that his “election was stolen from you, from me and from the country.” While Abrams had maintained that “[t]housands of voters were denied the right to vote,” Trump declared that “many thousands of illegal votes were cast, counted, and included
in the tabulations.” Though these last two claims differ from each other on their face, they are just opposite sides of the same election-disinformation coin; one claims thousands of votes were not counted that should have been, while the other claims thousands of votes were counted that should not have been.

After Abrams lost her gubernatorial election in 2018, she filed suit against the state of Georgia through Fair Fight, alleging polling-closure and voter-purge theories that ignored Georgia election laws. After Trump lost the 2020 presidential election, he and Georgia Republican Party chairman David Shafer filed their own suit against the state that identified as fraud voting practices that are perfectly legal under Georgia law. In one telling example, Trump and Shafer alleged that 305,701 individuals had requested absentee ballots earlier than the 180-day request start date set by law. Their claim overlooked the fact that in Georgia, voters over age 65 and disabled voters can request absentee ballots once during the year and receive them for every subsequent election that takes place. The two also asserted that 66,247 under-age voters had cast ballots, but the secretary of state’s office — which has a record of every voter’s birth date — uncovered no instances of under-age voting. Their allegations of 17-year-olds voting rested on a misinterpretation of Georgia law, which allows individuals to pre-register to vote at age 17 as long as they turn 18 before Election Day.

Like the claims asserted by Fair Fight, many of the astonishing numbers cited in Trump’s complaint did not stand up to scrutiny. The Trump suit declared that 10,315 dead people had voted in 2020, but the secretary of state’s office found just two cases that could potentially fit that description. The suit also asserted that 2,560 felons had voted illegally, but again, the office found only 74 possible instances of felons voting — and in many of those cases, the individual likely had his voting rights re-instated after serving his sentence. Trump and Shafer further claimed that 395 voters had cast ballots in multiple states. So far, only two instances have been confirmed, while over 200 have been debunked. Finally, their suit contended that 2,423 individuals who were not registered had cast ballots anyway. The secretary of state’s office found zero such cases.

After Abrams’s election loss in 2018, the Fair Fight coalition also leveled accusations of voting-machine irregularities, claiming that the machines had switched people’s votes and were subject to unspecified hacking vulnerabilities. These charges, which were backed by minimal
 evidence, crumbled upon further inquiry. Similarly, the Trump team’s allegations that Dominion Voting System’s scanners had switched people’s votes were belied by a statewide hand recount that affirmed the count as originally tabulated. Hacking the voting apparatus would have been exceedingly difficult and readily detectable, as Georgia’s ballot machines and scanners are not connected to the internet. And any conspiracy to circumvent the recount would have required perfect coordination among thousands of workers across the state within the two-day window between the announcement and the start of the hand recount.

Abrams’s impact on Trump’s stolen-election allegations extends beyond similar accusations and a similar playbook. In its effort to undermine the credibility of Georgia’s presidential-election results, the Trump team’s lawsuits quote Abrams’s associates directly. Trump lawyer Sidney Powell’s filing points to “cybersecurity experts” whom Abrams-allied Democrats had cited in warning that Georgia’s voting machines were “susceptible to hacking and tampering.” It goes on to cite a frequent cybersecurity consultant to the Abrams campaign as saying that the security risks to the system were “extreme” and “destroy the credibility of the tabulations and output of the reports coming from [Georgia].” Powell also cites Fair Fight itself, pulling a quote from an Atlanta Journal-Constitution article in which the PAC alleges that the state had wasted money on “hackable voting machines,” representing “corruption at its worst.”

Trump’s allies even mirrored the same error as the Abrams coalition in faulting the opposing party for his own party’s actions. After the 2020 election, Republicans who backed Trump’s stolen-election claims criticized Georgia’s no-excuse absentee-ballot laws. Yet the 2005 bill implementing no-excuse absentee-ballot voting in Georgia was passed by a Republican legislature and signed into law by a Republican governor. Prime among the legislators who enacted the law was Shafer himself, the Georgia Republican Party chairman who voted for the bill as a state senator but criticized it after Trump’s defeat.

RECOVERING TRUST IN OUR ELECTIONS

The point of laying out these facts is not to diminish the severity of the 2020 election crisis. Stacey Abrams did not cause the attack against the Capitol on January 6th. Only those who deliberately pushed disinformation and spread conspiracy theories—whether they were politicians, pundits, or
members of the media—are responsible for the conditions that led to the crisis following the last election.

The point, rather, is to see that although the public’s loss of trust in our elections may have reached a dangerous high-water mark in the wake of the 2020 election, it did not begin then. And it cannot end with a response directed only against what happened then.

What we are witnessing is the culmination of many years of cynical attacks against the foundations of our democracy—attacks that have dangerously undermined Americans’ faith in their electoral institutions. Responsibility for these attacks is not confined to one side or one individual, nor is the lack of faith that has resulted. After the 2016 election, a YouGov poll found that 52% of Democrats believed that Russian hackers had altered the vote totals to enable Trump to win. A January 2019 poll by the Atlanta Journal-Constitution found that 85% of Democrats felt it likely or very likely that obstacles to voting or problems with voting machines affected the outcome of Georgia’s 2018 gubernatorial election. And earlier this year, a poll published by the R Street Institute found that only a quarter of Republicans believe that we had a free and fair election in 2020.

It is clear that both parties are vulnerable to the temptation to respond to painful election defeats by attacking the legitimacy of our election system. And it ought to be clear, too, that securing the integrity of our elections, as well as the public’s trust in them, must be an effort taken up by both parties and directed toward both of them.

Too many Republicans who should have known better chose to abide or even endorse stolen-election conspiracies regarding the presidential race in 2020, and persist in them still to this day. Likewise, too many Democrats who should have known better have done the same regarding Georgia’s gubernatorial election in 2018, and continue even now to repeat such conspiracies and to herald those who concocted them. In both cases, the public’s capacity to trust our electoral system—the institution that ensures the people’s sovereignty in this country—suffered. The integrity of the vote was damaged. The credibility of our elections officials was unfairly tarnished. And effective and decisive elections were dismissed as illegitimate because one candidate or the other did not approve of the outcome.

Republicans and Democrats both need to see the resulting crisis of confidence as a reason to recommit to our democracy and its
institutions—to work together to restore public trust, to reform our election systems where that’s required, and to abide by the outcomes that our elections produce.

In 1981, Ronald Reagan began his first inaugural address by noting the significance of the peaceful transfer of power in our country:

The orderly transfer of authority as called for in the Constitution routinely takes place as it has for almost two centuries, and few of us stop to think how unique we really are. In the eyes of many in the world, this every-four-year ceremony we accept as normal is nothing less than a miracle.

That ceremony is the capstone of a complex, multilayered, decentralized process of running elections that are safe, accessible, reliable, and fair. Accomplishing it has never been a simple matter, but our country is actually quite good at it. The secrets to its success are fairness, trust, and integrity—the three of which are closely intertwined. We can no longer take that combination for granted, nor can we treat the shortage of public confidence in our elections as the fault of one side or another alone. It is a problem that runs to the core of our civic culture. To address it, we all must acknowledge our role in causing it—and take on the hard work of building mutual trust by becoming more worthy of it.