



79 Days to Inauguration Taskforce Report

A Project of the Claremont Institute and the Texas Public Policy Foundation

Executive Summary

There is no shortage of polls or pundits offering predictions on the outcome of the 2020 Presidential election. But “outcomes” include more than simply election results; who is gaming out how America—and the world—will respond? We are.

While national polls suggest an edge for Vice President Joe Biden, the winner isn’t determined by national polls—it is determined by who wins the Electoral College. Victory is won in the states.

Due to the political stoking of fears of contracting COVID-19, a massive push has been made, mostly by the left, to encourage voting by mail. This significantly alters the calculus on Election Day and completely upends the post-election period.

Most states and local election officials aren’t prepared to process, validate, and count large number of mail-in ballots. In five swing states (totaling 68 Electoral College votes)—Georgia, Iowa, Michigan, Pennsylvania, and Wisconsin—[no mail-in ballots may be counted before Election Day](#) (Nevada’s legislature changed election law to allow early mail-in ballot counting in August). Since reports indicate a far greater interest in voting by mail for Democrats than Republicans, it’s likely that President Trump will be winning these states by large margins on Election Day, only to see that margin shrink in the days and weeks after Election Day.

Further, voting by mail doesn’t result in the same success rate as does voting in person. The [Washington Post](#) reported that some 534,000 ballots were rejected during the 2020 primaries, either because they arrived late, the voter’s signature appeared invalid, or other failures. A separate analysis published in the [Post](#) found that as many as 4.9% of mail-in ballots fail to result in a counted vote. Depending on the state and the share of the vote by mail for each major party, the 1 in 20 ballots that fail to convert into a vote could be determinative.

Adding uncertainty to what is a routine exercise in vote counting (the 2000 contest in Florida being an exception) is this year’s urban unrest. An election night featuring competing claims of victory, confusion, and early calls by the media, only to be reversed on the receipt of newer data, may lead to post-election violence unlike that seen in more than 150 years.

THE WINNER WILL NOT BE KNOWN ON ELECTION NIGHT DUE TO MILLIONS OF UNCOUNTED MAIL-IN BALLOTS IN 5 BATTLEGROUND STATES

- THE POST-ELECTION PERIOD WILL LIKELY SEE A TRUMP LEAD STEADILY ERODED BY MAIL-IN BALLOT COUNTING
- LAWSUITS WILL BE FILED IN MANY STATES, WITH REPUBLICANS SEEKING TO UPHOLD STATE LAW AND DEMOCRATS SEEKING RELIEF FROM STATE LAW
- THE U.S. CONSTITUTION IS REMARKABLY RESILIENT IN CHALLENGING TIMES AND THE AMERICAN PEOPLE SHOULD GIVE IT TIME TO WORK
- SHOULD THE ELECTORAL COLLEGE NOT PRODUCE A WINNER, THERE ARE TWO ISSUES OF CONCERN: THE ABILITY OF THE HOUSE MAJORITY TO DENY THE SEATING OF NEWLY ELECTED MEMBERS AND HOW LONG THE SPEAKER MIGHT SERVE AS TEMPORARY PRESIDENT UNDER THE SUCCESSION ACT
- MAJOR MEDIA AND INTERNET GIANTS WILL ACTIVELY SEEK TO SHAPE THE POST-ELECTION NARRATIVE, SUPPRESSING INFORMATION OF WHICH THEY DON’T APPROVE
- THERE IS AN INCREASED CHANCE OF URBAN UNREST, ESPECIALLY IN JURISDICTIONS WHERE LOCAL AND STATE OFFICIALS ARE RELUCTANT TO MAINTAIN ORDER
- CHINA AND RUSSIA MAY TRY TO INCITE VIOLENCE
- THERE IS A GREATER LIKELIHOOD OF OVERSEAS CONFLICT INITIATED BY POWERS THAT MISUNDERSTAND THAT AMERICA HAS ONE PRESIDENT AT A TIME



Purportedly aiming to make sense of this fraught election year, in early August, the Transition Integrity Project (TIP) released a [report](#) suggesting that President Donald Trump would not likely leave office without an unprecedented struggle. The TIP, a self-proclaimed “bipartisan” group of some 100 people, was entirely composed of those utterly opposed to President Trump. Their purpose wasn’t so much gaming out plausible post-election scenarios as much as it was to generate breathless propaganda suggesting that no matter the outcome, President Trump would refuse to leave the White House on Jan. 20, 2021, Inauguration Day.

TIP’s effort marks a lost opportunity, one that the [Claremont Institute](#) in partnership with the [Texas Public Policy Foundation](#) (TPPF), sought to remedy with their own simulation of election night and what might be a highly charged and competitive aftermath—a contest after the contest.

For the task, Claremont and TPPF assembled a taskforce of 35 people, and over the course of seven days, these Constitutional scholars, along with experts in election law, foreign affairs, law enforcement, and media, made decisions as to how they would react to fast-moving events. The entire operation was coordinated by a retired military officer experienced in running hundreds of wargames.

The Claremont-TPPF effort produced a detailed roadmap of the likely challenges at the state level, how those might be adjudicated in the state and federal court, how domestic unrest and foreign adventurism might intensify, and, in the unlikely event that the Electoral College cannot determine a winner, how a President and Vice President could be constitutionally determined.

The team foresees three basic scenarios, one of which was gamed out in detail:

- A clear victory for President Trump, winning 32 states and 322 Electoral College votes, better than the 304 Trump won in 2016, but, due to the massive use of mail-in ballots, especially in the five states in which counting cannot commence until Election Day, victory likely won’t be formally declared until days or weeks after election day as Trump would only have 248 Electoral votes known for certain.
- A clear victory for Vice President Biden, winning 26 states and D.C. for a total of 342 Electoral College votes. Again, because of the six states that cannot count mail-in ballots until Election Day, even in this scenario, victory won’t be known for certain as Biden may only have 268 Electoral votes late into election night.
- An ambiguous result, with several states’ final election results delayed and subject to intense court fights resulting in a struggle right up to the Jan. 6 joint session of Congress where the Electors’ ballots are unsealed. Uncertainty could extend even beyond this as decisions for both the presidency and vice presidency are battled out in Congress and before the U.S. Supreme Court.

It is this last scenario that the team simulated in detail. The key takeaways from the effort included:

- Regardless of the outcome, the winner isn’t likely to be known on election night.



- The large number of mail-in ballots may prove hard to validate in many states, as systems have not been prepared to process the ballots and count them while tremendous pressure will be brought to bear to bypass safeguards against fraud and produce results.
- When employed, the legal system will be up to the task of adjudicating disputes over election results.
- There is a significant chance for unrest, stoked by a major media in which the American people have lost trust, by domestic opponents to America's Constitutional system, and by foreign powers, mainly the People's Republic of China (PRC) and Russia. Further, major media and the internet giants (Facebook, Twitter, Google) will actively shape and suppress news.
- There is a heightened danger of international adventurism by the PRC and Russia, the leaders of which, misperceiving the nature of American governance, may think that the post-election uncertainty gives them leave and opportunity for military action.
- If the contest doesn't produce a majority (50% +1) of the votes of seated Electors by Jan. 6, there are clearly established Constitutional procedures to determine a victor.
- There are two areas of uncertainty at the late stage of a contested election:
 - Each house determines the final election results of its membership. This means that the Democratic majority in the U.S. House might decide not to seat duly elected Republican Members so as to prevent the Republicans from holding a 26-seat majority in the state delegations in the event that state delegations, each with one vote per state, are used to determine the President in the event that no candidate has the needed absolute majority of seated Electors' votes. Given that the majority's power to determine the membership of the body, House or Senate, is absolute, the sole check on the use of this absolute political power is the potentially dire consequences of its abuse.
 - Should the results be undetermined through Jan. 20, Inauguration Day, the Succession Act would suggest that the Speaker of the House would become President. Should the results be undetermined through Jan. 20, Inauguration Day, the Succession Act would suggest that the Speaker of the House would become acting President until one is determined and, if the House cannot decide, then elevating the Vice President, even if selected out of the Senate.

Comparing the TIP wargame to the Claremont-TPPF simulation

In August, the Transition Integrity Project (TIP) issued a report regarding the "results" of its "wargame" conducted over the summer. The "wargame" was conducted by about 100 Democrats and so-called "Never-Trump" Republicans, allowing it to be characterized as "non-partisan."

TIP's [four scenarios](#) were:

- Ambiguous. The first game investigated a scenario in which the outcome of the election remained unclear from election night and throughout gameplay. The results from three states are in contention and ballots are destroyed in one of the states, making it unclear who should have won that state. Neither campaign is willing to concede.
- Clear Biden Victory. Biden wins both the Electoral College and the popular vote. Trump alleges fraud and takes steps to benefit himself and his family but ultimately hands the White House over to Biden.



- Clear Trump Win. The third scenario started with an Electoral College victory for President Trump (286 to 252), but a popular vote win (52% to 47%) for former Vice President Biden. In this scenario Biden refused to concede, convinced the Democratic governors of two states that Trump won to send separate slates of electors to the Electoral College, encouraged three states to threaten secession and convinced the House of Representatives to refuse to certify the election and declare Biden the victor.
- Narrow Biden Win. The final scenario explored a narrow Biden win where he leads with less than 1% of the popular vote and has a slim lead at 278 electoral votes. The Trump campaign sows chaos but Senate Republicans and the Joint Chiefs of Staff eventually signal that they accept Biden's win. Trump refuses to leave and is removed by the Secret Service.

In response to TIP's 2020 election wargaming, the Claremont Institute and the Texas Public Policy Foundation brought together 35 Constitutional, legal, political, foreign affairs, and law enforcement experts to simulate the post-election period, carrying the contest to the furthest Constitutional endpoint.

The TIP effort appears to have labored under a serious [Mirror-Image Fallacy](#) in that it assumed that Republicans under President Trump would routinely violate the law to win, threaten mass demonstrations in the streets, seize the assets of political opponents, and start a conflict overseas to divert attention from the highly-contested post-election period.

In contrast, the Claremont-TPPF simulation featured vigorous use of the courts by both sides, with the Biden team seeking to negate state election law to maximize the counting of late or flawed mail-in ballots while the Trump team sought to have state election law followed. As with the TIP wargame, our simulation also featured the Biden team calling protesters to the streets. The TIP effort hinted at how this might get out of hand, noting on page 9 of their [report](#),

During TIP's exercises, Team Biden almost always called for and relied on mass protests... participants in the exercise noted that racial justice activists and others will likely act independently of the Biden campaign...

This is TIP's candid admission of the high likelihood of Team Biden encouraging street demonstrations that might spiral out of control. The Claremont-TPPF team simulation also saw this left-wing street violence as a near-certainty. Instructively, the TIP organizers urged Democrats to coordinate with the leadership of "recent demonstrations"—presumably, Black Lives Matter and Antifa—while meeting their demands (Reparations? Defund the Police?), writing,

If anything, the scale of recent demonstrations has increased the stakes for the Democratic Party to build strong ties with grassroots organizations and be responsive to the movement's demands.

Lastly, there are two areas where the TIP team admits they didn't do a lot of work,



Two words of caution about the findings from the exercises. First, TIP intentionally did not game legal strategies in any detail... One question is whether a candidate is able to convince the state legislature to send a package of electoral college votes inconsistent with the certified popular vote. Even if a court disapproved of this action, Congress might nonetheless consider those votes on January 6. Second, the exercises were not able to fully capture the ways in which the media will shape and drive public opinion, or how specific media outlets would cover events differently and drive increasingly partisan responses. Social media in particular will undoubtedly play a heavy role in how the public perceives the outcome of the election. Political operatives, both domestic and foreign, will very likely attempt to use social media to sow discord and even move people to violence. Social media companies' policy and enforcement decisions will be consequential, and this merits further exploration and consideration.

Claremont and TPPF recruited players to simulate state and federal courts, including the U.S. Supreme Court, as well as major media outlets and social media firms. This is a significant portion of our output.

Unlike TIP's effort, which appeared aimed more at generating headlines unfavorable to President Trump, the Claremont-TPPF effort had as its objective conducting a full simulation of an ambiguous election outcome having a three-fold intent:

1. Document the Constitutional, legal, and precedent-shaping history to support what might happen and actions the players on all sides may take.
2. Prepare key officials and supporters for the coming crisis.
3. Prepare the public and key institutions to recognize the post-Election landscape to reduce hype and fear and instill confidence in Constitutional mechanisms.

As such, unlike the TIP effort, the Claremont-TPPF exercise includes footnotes linking to online sources for important Constitutional, legal, or historical matters.

The Claremont-TPPF simulation

For a simulation to be valuable, the other side gets a vote and actions must be based in realism. The Claremont-TPPF simulation used an iterative process running over the course of six days to simulate the days and weeks after Election Day. Chuck DeVore, vice president of National Initiatives for TPPF designed and led the simulation. As a U.S. Army lieutenant colonel intelligence officer, now in the retired reserve, and a Reagan-era special assistant for foreign affairs in the Pentagon, DeVore has created, run, or participated in hundreds of wargames, including those which resulted in military action.

Our effort employed some 35 players representing key people or entities such as: President Trump, Vice President Pence, Vice President Biden, Senate Majority Leader McConnell, Speaker Pelosi, the U.S. Supreme Court, various U.S. Circuit courts, state supreme courts, state governors and legislatures, major media groupings, internet companies, law enforcement, the intelligence community, street protesters, the People's Republic of China, Russia, and others.

The simulation started on Election Night and proceeded with one turn every day. If a player wanted to coordinate an action, they were encouraged to do so, so long as it would be realistic in

real life. Intended actions did not always result in exactly what the players wished as those actions could themselves be acted upon by other players or by friction—understood by Karl von Clausewitz as “the concept that differentiates actual war from war on paper.”

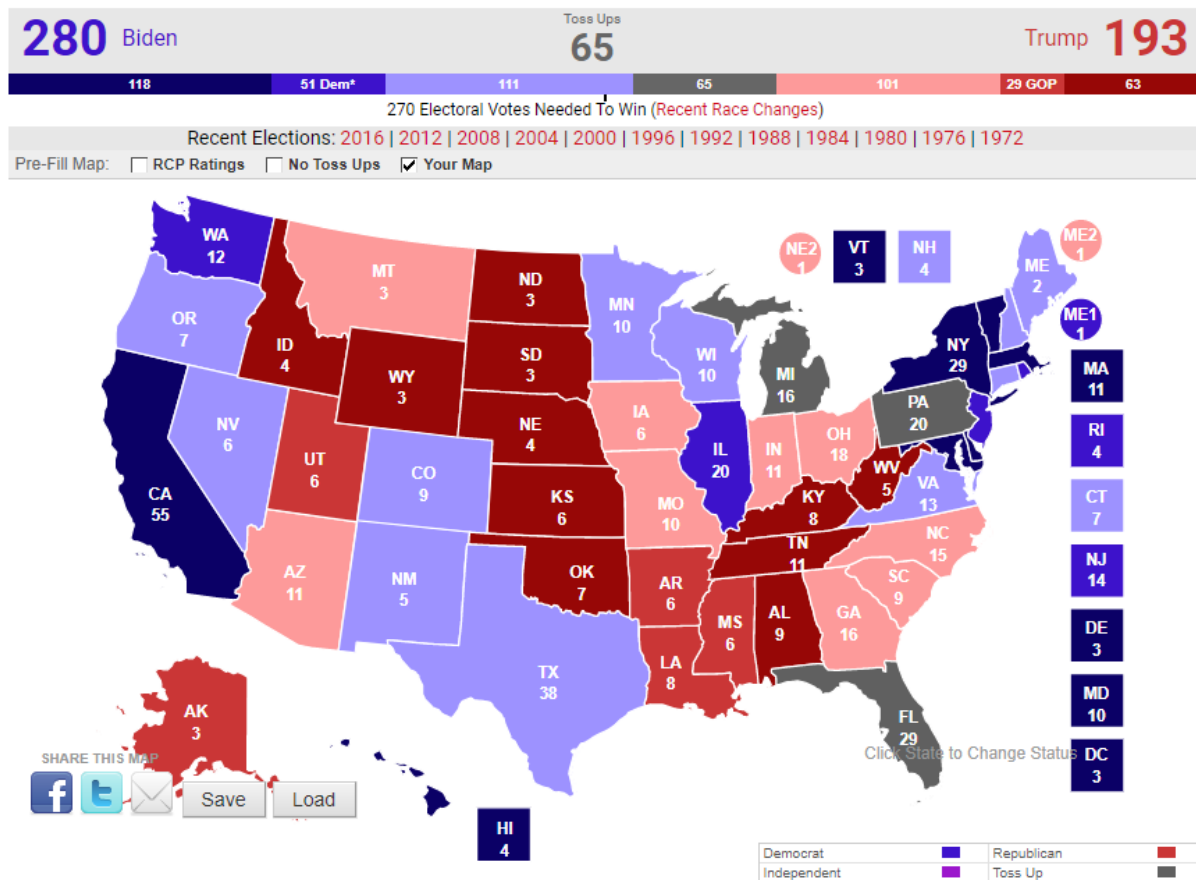
The turns represented the following timeline:

1. Election Night and the following day
2. Nov. 4-5, counting the votes and legal challenges
3. Nov. 6-12, intensifying legal challenges over disputed ballots
4. Nov. 13-Dec. 3, certifying the election results and seating the Electors
5. Dec. 4-Jan. 6, Electors vote and the joint session of Congress
6. Jan. 7-Jan. 20, Inauguration Day

All participants were given the following as the starting scenario.

Election Night, Nov. 3.

Former Vice President Joe Biden is declared the winner by all major networks by 11:05pm Eastern with 280 Electoral College votes as polls close on the West Coast. Biden leads in the popular vote with 49% to President Trump’s 47.5% with minor candidates netting 1.5%. Pressure builds on President Trump to accept the results and concede. (Map by Real Clear Politics.)

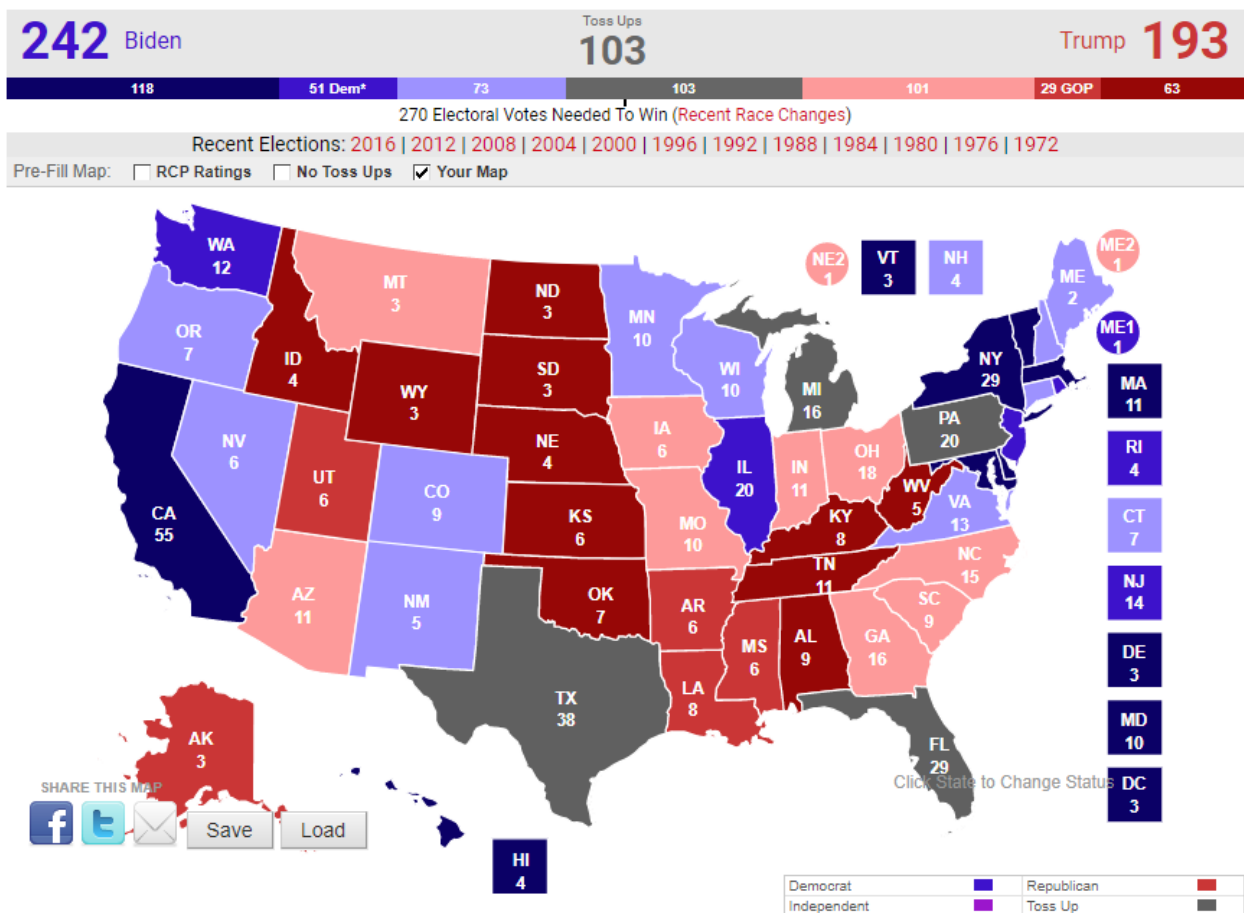


At 11:12pm, reports out of Texas indicate that the internet communication of county results to the Secretary of State's central tabulation was hacked. All county results are correct, though many counties had their election reporting webpages disrupted by denial of service attacks. County election officials, alarmed at the attack, call the Secretary of State and alert the official to the actual results.

By 11:35pm, Texas is moved from a Biden upset to too close to call. No candidate has the needed 270 Electoral College votes to be declared a winner, with the margin of Election Day votes in four states, Florida, Michigan, Pennsylvania, and Texas smaller than the number of outstanding mail-in and provisional ballots, though Trump leads in all four states.

Riots break out in more than a dozen major cities, including Seattle, San Francisco, Sacramento, Los Angeles, Chicago, Detroit, St. Louis, Houston, Louisville, Miami, Philadelphia, New York, and Boston. 14 law enforcement officers are known to have been shot, with one confirmed death. There are unconfirmed reports of a car bombing of a police precinct building in Philadelphia.

Biden must win either Texas or Florida or Michigan and Pennsylvania to win. Trump must win Florida and Texas and either Michigan or Pennsylvania to win using the Electoral College.





Wednesday morning. Foreign actors are now suspected of being behind the confusion out of Texas.

From that beginning on Monday morning, the team worked through Saturday, making decisions on the following major milestones:

- On election night, Texas is called for Biden early as a surprise upset, only to discover minutes later that hacking (from foreign powers as is determined the following morning) caused the results to be improperly reported at the state level (the county counts being accurate). This put the race back into undecided status with Florida, Michigan, Pennsylvania, and Texas too close to call—a condition further compounded by the large number of uncounted mail-in ballots in Michigan and Pennsylvania. (In reality, we may see that in Georgia, Iowa, and Wisconsin as well due to state law preventing the counting of mail-in ballots before Election Day.)
- The early calling of the race for Biden followed by the change back to undecided served as a catalyst for urban unrest. This unrest was stoked by foreign powers, especially China and Russia. It was further complicated by local politicians unwilling to vigorously restore order.
- As the lawsuits and court cases stacked up and were resolved, eventually Texas and Florida were called for Trump, about a week after the election with Pennsylvania following shortly after for Biden, leaving the Electoral College count at 262 Biden, 260 Trump.
- With America fully occupied with the most-contested post-election period since 1876, the PRC took the initiative to amplify their genocide against the Uyghurs while increasing pressure on Taiwan. Russia made a move on Belarus, seized the Suwalki Corridor, and sent unconventional forces into Estonia and Latvia (the “Little Green Men”). These actions were not without consequences as the U.S. retaliated with offensive cyber operations on both nations, causing economic damage.
- The contest came down to Michigan, where Trump was leading by a few hundred votes when a fire of unknown origin destroyed thousands of uncounted mail-in ballots in Detroit. Michigan’s Secretary of State refused to certify the election.
- The Michigan Legislature failed to provide clarity as, though the Republicans controlled the State Senate, the State House was deadlocked 55-55. Michigan’s 16 Electors were not seated.
- At this point, sometime around December 8, Republicans sought legal remedies to force the seating of Michigan’s Electors.
- The Republican efforts fail to seat Michigan’s Electors, leaving the final count 262 to 260. The Constitution doesn’t require 270 (a majority of 538), rather, it requires a majority of the seated Electors, meaning Biden/Harris would win at this point—assuming there were no faithless electors (in 2016, there were seven).
- Republicans hear of the Speaker’s plan to deny the seating of key Republican Members in certain closely-contested races (each house is the judge of their own elections) to shift the state delegation count from a 26 Republican majority, 22 Democrat and two tied, to a majority of 26 for the Democrats, or, failing that, something less than 26 for the Republicans. The Speaker’s intent is to become President herself on January 20. In response, Republicans conduct a major nationwide poll on what the public would think about such a radical power grab and massively publicize it. (The rationale here is that, like impeachment, such acts are political acts, and, as such, incur political consequences.) Public opinion turns massively



against the power grab and the Speaker publicly backs off, likely anticipating a victory anyway on a 262 to 260 vote of the Electors.

- As Congress assembles to unseal the Electors' ballots, there are two faithless electors from states without laws preventing such electors from voting in line with the state's vote. The count is 261 Biden, 260 Trump, 1 Sanders. Per the Constitution, a majority of the seated Electors' votes is needed to win, meaning 50% +1. The vote for President moves to the House for a vote by state delegation, with the top three candidates on the first ballot. The vote for Vice President was 261 to 261, one faithless elector voting for Biden and Pence. The vote for Vice President moves to the Senate.
- In the House, the Speaker considers not calling the House to prevent the vote, but the President calls the House into session.
- Over in the Senate, a 2/3rds quorum is needed to start the process of selecting the Vice President. The Democrats walk out and the Vice President orders the Sergeant-at-Arms to arrest the Members and bring them to the chamber. A quorum is established, but two members of the majority vote for the Democrat, leading to a 50-50 tie. The Vice President breaks the tie by casting the deciding vote for himself.
- As the House is returning to session to vote by state delegation, there is a massive and violent Antifa demonstration in D.C. In the confusion, a Republican member from an at-large delegation is attacked and sent to the hospital with life-threatening wounds. With only 25 state delegations in control, it looks like the Speaker might become temporary President on January 20 per the Succession Act pending the elevation of the Vice President or unless the House comes to agreement. The critically injured Member of Congress, however, understanding what is at stake, demands to be transported to the House for the state delegation vote and arrives in a heavily guarded convoy. With IVs and blood transfusions being administered, the Member from (AK, MT, ND, SD, or WY) casts the deciding vote, giving Trump 26 state delegations and the needed majority.

The team responded as events unfolded, deploying tactics such as press conferences, leaks, calls for demonstrations (with the urban unrest in Appendix B), and lawsuits with the latter generating a significant body of legal scholarship (seen in Appendix A).

Foreign powers took advantage of the mounting confusion in America by stoking violence and increasing military activities on their borders.

The media and internet firms vigorously censored stories unfavorable to the Biden/Harris team, for instance, not reporting allegations of election fraud and shutting down any discussion along those lines. This effort was pervasive and aggressive, forcing the public to find alternative means of collecting and sharing information.

Recommendations

The team foresaw four significant post-election eventualities: widespread urban unrest; state and federal litigation; brazen media and social media narrative shaping (detailed in Appendix C); and foreign interference and adventurism. The first two issues are detailed in the appendices.

State and local public safety authorities should be prepared for destructive urban unrest as well as communications difficulty due to interference with or overload of systems, such as the 9-1-1



system. Potential targets include ballot counting facilities, government buildings, especially state capitols and city halls, as well as television and radio studios. At the same time, prudent steps are likely to be spun as preparations for a military takeover or coup and may result in negative consequences either way.

Legal arguments need to be anticipated and prepared now, during the relative calm of the pre-election environment.

Methods of bypassing the major media while breaking through social media censorship need to be planned. (The simulation was run a week before Facebook and Twitter censored the *New York Post* series on Hunter Biden, predicting the behaviors seen by the internet giants during the week of October 12). For instance, campaigns and parties might encourage their supporters to sign up for email updates or to check in with specific websites (the establishment of backup servers would be prudent as well). Talk radio may also be a good source of news that may be difficult to embargo.

The likelihood of foreign intervention and military adventurism might be diminished by keeping the Secretaries of Defense and State focused on projecting the message that America only has one chief executive at a time and that the U.S. is more than capable of defending its interests during even a contentious and uncertain post-election period.

Conclusions

America already has a well-established “transition integrity” procedure—the Constitution.

It is the participants’ earnest desire that this scholarship will illuminate the path for both state elected officials and local election officials as they struggle through what may likely be the most difficult period of their professional careers.

Furthermore, we hope that our work will reassure the American people that our system of government is resilient—having been crafted by the Founders to withstand crises and to emerge through the turmoil with a government of the people, by the people, for the people, that shall not perish from the earth, but endure to secure the Blessings of Liberty to ourselves and our children.



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APPENDIX A – Lawsuits and Court Decisions

FLORIDA

The Biden campaign and the DNC files

FL state law prohibiting the counting of ballots received after polls closed is an unconstitutional deprivation of the fundamental right to vote under the Voting Rights Act and the 14th Amendment. Florida law, while questionable in normal times, is unconstitutionally restrictive during a pandemic, when many—especially the disabled and minorities—voters are less able to obtain or renew valid ID in a timely manner and are thus less able to fulfill the official requirements for mail-in voting.

Florida Supreme Court Ruling

This Court (the Supreme Court of Florida) has been made aware that a lawsuit was filed earlier today in the 17th Circuit Court (Broward County) by attorneys for the Biden for President campaign, alleging that the requirement in Florida law, Fl. St. § 101.67 that absentee ballots must be received by the supervisor of elections of the county of the voter's residence by 7:00 p.m. on Election Day deprives voters of the fundamental right to vote in violation of the federal Voting Rights Act and the 14th Amendment. Given the time sensitivity of this challenge, and the fact that the complaint raises a matter of pure law, we are directing the Circuit Court to transfer the case to this Court in the exercise of our original jurisdiction, pursuant to Rule 9.030(a)(3) of the Florida Rules of Court. The Secretary of State, as the Chief Elections Office of Florida, is directed to file an answer to the complaint, together with any supporting memorandum of legal points and authorities, by Noon tomorrow (Wednesday, Oct. 6, simulated time). The Clerk of Court is directed to give notice of this Order to the Circuit Court, the attorneys for Plaintiff, and the Secretary of State of Florida forthwith.

Biden for President 2020, Plaintiff, v. Laurel M. Lee, in her official capacity as Secretary of State of Florida, Defendant.

Florida Supreme Court Ruling

The Court (the Supreme Court of Florida) rejects the Biden campaign's challenge to the absentee ballot requirements of Fl. St. Sec. 101.67. Voting is one of the foremost rights protected by the Fl. constitution. The Fl. legislature is duly authorized to establish rules and regulations for the fair and efficient administration of elections, and this for two reasons. First, the very nature of an election is to have a defined point at which the receipt of ballots is complete and a victor is declared. Plaintiffs urge no reason to believe that the 7pm election-day deadline deprives voters of their rights anymore than a statutory deadline of a week before or a week after the election. The legislature has determined that requiring the receipt of ballots by the evening of election day secures an efficient resolution to the election process. The court will not second guess that decision. Second, ballot requirements are designed to prevent fraud and other misconduct that would taint the fairness and integrity of the election and cast doubt upon the validity of the results. *Taylor v. Martin Cnty. Canvassing Brd.*, No. SC00-2448 (Fl. S.C., December 2000). These lofty goals permit the Fl. legislature to proscribe rules protecting the sanctity of the ballot box, and the court will not rewrite those statutory protections from the bench. This state's experience in the primary elections a few months ago demonstrates that only a small percentage of mailed ballots were not counted due to late return. Of those, it is unclear whether the ballots



were even postmarked by the time they should have been received, illustrating one of the many, many problems with extending the deadline for absentee voting. Although "technical statutory requirements must not be exalted over this right" to vote, in the absence of fraud or evidence of intentional malfeasance by the legislature, this Court will not interfere with the election procedures. *Palm Beach Canvassing Board v. Harris*, No. SC00-2346 (Fl. S.C., December 2000). As this Court has previously expressed, "absent an assertion that there has been substantial noncompliance with the law, [We] do not believe that the possibility of affecting the outcome of the election is enough to justify ignoring the statutory deadline." *Id.*

MICHIGAN

The Biden campaign and the DNC files

Michigan state law requiring a valid postmark on mail-in ballots, while normally valid, is unconstitutional in light of the unprecedented lengths to which the Trump administration has gone to under-fund, under-resource, and generally manipulate the Postal Service's ability to process and distribute mail. All mail-in ballots that arrive within two weeks of election day, regardless of postmark, must be counted.

U.S. Court of Appeals for the Sixth Circuit Ruling

This Court (the U.S. Court of Appeals for the Sixth Circuit) has been made aware that a lawsuit was filed earlier today in the U.S. District Court for the Western District of Michigan (Lansing Division) by attorneys for the Biden for President campaign, alleging that the requirement in the Michigan Constitution that absentee ballots must be postmarked on or before election day to be counted is unconstitutional in light of the Trump administration's alleged efforts to "under-fund, under-resource, and generally manipulate the Postal Services ability to process and distribute mail." From the report we have received, it appears that the district court issued a writ of mandamus ordering county clerks to count all mail-in ballots that arrive within two weeks of election day, regardless of postmark. Anticipating an appeal from the Michigan Secretary of State and/or attorneys for the Trump 2020 Re-Election Campaign, and given the extreme time sensitivity involved in this matter, we hereby assert jurisdiction over the pending appeal, and reverse the judgement of the lower court, which is patently contrary to the further requirement in Michigan law, MI. St. § 168.764a, that absentee ballots must be received by the county clerk of the county of the voter's residence before the close of polls on Election Day to be counted, a statute that was just upheld this past summer by the Michigan Court of Appeals against a constitutional challenge. See *League of Women Voters of Michigan v. Sec'y of State*, No. 353654, 2020 WL 3980216 (Mich. Ct. App. July 14, 2020), appeal denied, 946 N.W.2d 307 (Mich. 2020), reconsideration denied, 948 N.W.2d 70 (Mich. 2020). County Clerks are directed to count only those absentee ballots that were received in their office before the close of polls at 8:00 p.m. Eastern time on election day.



U.S. Court of Appeals for the Sixth Circuit Ruling

Case No. 20-1001

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

REPUBLICAN PARTY OF MICHIGAN, *Plaintiff-Appellant*

v.

JOCELYN BENSON, SECRETARY OF STATE OF MICHIGAN, *Defendant-Appellee*

On Appeal from the United States District Court for the Eastern District of Michigan

FILED November 6, 2020

BEFORE: SUTTON, THAPAR, and LARSEN, Circuit Judges

Michigan law, MI. St. § 168.764a, quite clearly requires that, in order to be counted, vote-by-mail ballots must be “received” by the county clerk *before* the close of polls on election day, which this year was 8:00 p.m. on Tuesday, November 3. That law was upheld by the Michigan Court of Appeals as recently as July, in a decision that the Michigan Supreme Court twice declined to review. *League of Women Voters of Michigan v. Sec’y of State*, No. 353654, 2020 WL 3980216 (Mich. Ct. App. July 14, 2020), *appeal denied*, 946 N.W.2d 307 (Mich. 2020), *reconsideration denied*, 948 N.W.2d 70 (Mich. 2020). It was relied on by this Court only two days ago when we reversed a decision by the District Court for the Western District of Michigan ordering, at the request of the Biden for President Campaign Committee, that county clerks accept and count ballots received up to two weeks after election day, regardless of postmark. In that decision, we ordered County Clerks to count only those absentee ballots that were received in their office before the close of polls at 8:00 p.m. Eastern time on election day. Our ruling became final later that same day, when an emergency petition for writ of certiorari was denied by the Supreme Court of the United States.

Nevertheless, based on a decision last month by a state inferior court judge in the Michigan Court of Claims that ordered county clerks to accept and count ballots received up to two weeks after election day—in a case that has all the hallmarks of being a collusive suit, brought by the Michigan Alliance for Retired Americans (a group closely aligned with the Michigan Democrat Party) against the Michigan Secretary of State (also a Democrat), who did not oppose MARA’s request for an injunction, which was granted by the Court of Claims Judge (a recent appointee of Democrat Governor Gretchen Whitmer), and which the Michigan Attorney General (also a Democrat) declined to appeal—county clerks have been counting said ballots, in direct violation of our order. The argument put forward to the Court of Claims and accepted by that Court is that neither our order nor the July ruling by the Michigan Court of Appeals took account of the fact that the U.S. Postal Service was indicated that it could not guarantee the timely delivery of vote-by-mail ballots. The “evidence” in support of that claim appears to have been manufactured to create the plausible



ground for the collusive suit, by a long-time career employee of the Postal Service (also a Democrat) who, in his capacity as General Counsel of the Service, sent a letter to the Democrat leadership of the Senate (and only the Democrat leadership) complaining that changes proposed by the recently-appointed head of the postal service would cause delays in postal delivery. Those claims were disavowed in sworn testimony before the Senate by the head of the agency, but the General Counsel then, on his own initiative, sent letters to several state Secretaries of State repeating the charges he had made in his initial letter. Copies of those letters were then provided to major media organizations, along with a picture of chained mailboxes (which, in fact, was a decade old, taken merely for nostalgic purposes to document that modern communications via the internet were making a lot of the postal system's old post offices obsolete).

In response to this, the Republican Party of Michigan yesterday filed an emergency request for an injunction to prevent the counting of ballots received *after* election day, in violation of Michigan law. It argued that the Court of Claims order compelling the County Clerks to count said ballots violated the Equal Protection Clause of the 14th Amendment as well as the Republican Guaranty Clause of Article IV. The district court denied the injunction, and the Republican Party of Michigan filed an emergency appeal with his Court late last night.

We agree with the district court that the decision of the Court of Claims does not violate the Equal Protection Clause, because the order to count late-received ballots has equal application throughout the State. But we disagree with the district court's holding that the Republican Guaranty Clause is not violated. That Clause, long thought to be non-justiciable, was revived by Justice O'Connor in *New York v. United States*, where she contended that it would be justiciable in the situation where state officials were ignoring the structural requirements of their own state law.

That has occurred here. The federal Constitution makes clear that the "Manner" for choosing electors shall be directed by the Legislature. U.S. Const. Art. II, § 1, cl. 2. The Michigan legislature as determine that vote-by-mail ballots must be *received* by the close of polls on election day. To allow a low-level court of claims judge, rather than the legislature itself, to alter that "manner" of election, with apparent complicity from the executive officials of the state, is to ignore those basic structural requirements.

We therefore grant the requested injunction. The county clerks are again ordered to county *only* ballots received in their office before 8:00 p.m. on election day, November 3. For any ballots received after that time and day that have already been counted, those ballots are to be removed from the final tally (to the extent possible). The decision below is **REVERSED**.



U.S. Court of Appeals for the Sixth Circuit Ruling

Case No. 20-1001

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

REPUBLICAN PARTY OF MICHIGAN, et al., *Plaintiffs-Appellants*

v.

GRETCHEN WHITMER, GOVERNOR OF THE STATE OF MICHIGAN; JOCELYN
BENSON, SECRETARY OF STATE OF MICHIGAN; MICHIGAN BOARD OF STATE
CANCASSERS, *Defendants-Appellees*

On Appeal from the United States District Court for the Western District of Michigan

FILED January 2, 2021

BEFORE: MOORE, STRANCH, and READLER, Circuit Judges

Due to the overwhelming number of vote-by-mail ballots that were submitted for the presidential election last November 3, and disputes over the validity of large number of those ballots, the Michigan Governor had not certified who had been elected as electors for the State prior to December 14, 2020—the date set by federal law for the casting of electoral votes, *see* 3 U.S.C. § 6. Indeed, the Governor has still not certified electors, yet the date set by federal law for the counting of electoral votes in a joint session of Congress, January 6, *see* 3 U.S.C. § 12, is hard upon us. Efforts by the Vice President of the United States, in his role as President of the Senate, to obtain a certification of electors from the Governor pursuant to authority granted to him by 3 U.S.C. § 7, have been unavailing, as the issue is not simply one of the Governor’s failure to transmit the certificate of the electors’ vote, but of the fact that the election of the electors has itself still not been determined.

The Republican Party of Michigan, joined by the Trump for President Re-Election Campaign Committee, the Vice President (in his role as President of the Senate), the President Pro-Tem of the Senate Charles Grassley, Senate Majority Leader Mitch McConnell, and House Minority Leader Kevin McCarthy, filed this action in the court below seeking injunctive relief compelling the Secretary of State to certify the election of electors in Michigan, based on the vote tally as it exists now. The district court denied the request for injunctive relief without opinion, and the plaintiffs have filed an emergency appeal with this Court, as they are entitled to do under 28 U.S.C. § 1292(a)(1).

The standards for injunctive relief are well-known, and given the time urgency of this appeal, we will not repeat them here. Suffice it to say, a key requirement is the likelihood of success on the merits, and for that, there has to be some legal duty with which plaintiffs are attempting to compel Michigan officials to comply. We find no such legal duty in Michigan law. Section 841 of Chapter



168 does provide that “The board of state canvassers *shall* canvass the returns and determine the result of all elections for electors of president and vice president of the United States,” MI ST § 168.841 (emphasis added), but there is no timetable specified in that statute by which that duty must be completed. Section 46 of Chapter 168 provides that the Governor “shall certify” the names of the electors chosen at the election, but only “[a]s soon as practicable after the state board of canvassers has, by the official canvass, ascertained the result of [the] election.” MI ST § 168.46. She can hardly certify which electors have been chosen when the board of canvassers has not yet ascertained the election results. Section 47 of that same chapter mandates that said electors “*shall* convene” on the date specified by Congress, MI ST § 16 8.47 (emphasis added), but until the results of the election have been ascertained by the board of canvassers and the electors “certified” by the Governor, there are no such electors against whom that mandate can run.

Neither do we find any such legal duty in federal statutes or the U.S. Constitution. What we do find is a presumption that electoral votes cast by the First Monday after the Second Wednesday in December following the election (which this year was December 14) are valid unless both houses of Congress agree that the votes of said electors were not “regularly given.” But the failure of Michigan to avail itself of that safe harbor, or indeed to appoint electors at all, is not enjoined by any law or constitutional requirement.

One might contend that by failing to certify electors, Michigan officials have deprived the voters of Michigan of their right to vote for President and Vice-President of the United States. But there is no such right. Rather, as the Constitution makes clear, “Each State shall appoint, in such Manner as the Legislature thereof may direct, [the] Number of Electors” to which it is entitled. U.S. Const. Art. II, § 1, cl. 2. The Legislature of Michigan could remove the choice of electors from the people altogether without giving rise to any constitutional violation. What we have here is a failure to choose electors at all, but that is a function of the manner that the Legislature of Michigan has crafted for its process. Whether that was wise or foolish, it is a matter that the Constitution of the United States leaves entirely in the hands of the Legislature. Not only is there no duty that we could enforce by an injunction, there is no justiciable question for us to consider at all. We therefore cannot even affirm the district court’s denial of an injunction, but must dismiss the appeal for lack of jurisdiction, and remand to the district court to dismiss the action there for lack of jurisdiction as well.

The appeal is **DISMISSED** and the matter is **REMANDED** to the district court to enter an order **DISMISSING** the action there as well, for lack of jurisdiction.

The Biden campaign and the DNC appeals the ruling to the U.S. Supreme Court

MI state law requiring a valid postmark on mail-in ballots, while normally valid, is unconstitutional in light of the unprecedented lengths to which the Trump administration has gone to under-fund, under-resource, and generally manipulate the Postal Service's ability to process and distribute mail. All mail-in ballots that arrive within two weeks of election day, regardless of postmark, must be counted.



The U.S. Supreme Court Ruling

Supreme Court of the United States

JOE BIDEN FOR PRESIDENT CAMPAIGN COMMITTEE, ET AL., *Petitioners*, v.

JOCELYN BENSON, SECRETARY OF STATE OF MICHIGAN, *Respondent*; and

TRUMP FOR PRESIDENT RE-ELECTION COMMITTEE, *Intervenor-Respondent*

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE SIXTH CIRCUIT

No. 20-266 Decided November 5, 2020

The petition for writ of certiorari is denied.

Statement of JUSTICE KAVANAUGH respecting the denial of certiorari.

The Michigan Constitution quite clearly permits voters to request an absentee ballot without giving a reason, and to cast a vote via that absentee “during the forty (40) days before an election.” MI CONST Art. 2, § 4(1)(g). That provision has been in place since 2018, when the voters of Michigan amended their State Constitution to add “without giving a reason” to the right to cast an absentee ballot that had, since the Constitution of 1963, been permitted only for six specifically enumerated reasons. But the requirement that the window for casting an absentee ballot was “during the forty days before an election” has been in place since 1963. The phrase “before an election” conclusively indicates that the ballot must be submitted before the polls close on election day, a conclusion that is bolstered by Michigan statutory law, which requires that “[t]he ballot must reach the clerk or an authorized assistant of the clerk before the close of the polls on election day,” namely, 8:00 p.m. on November 3, 2020 for the current election cycle. MI. St. §§ 168.764a; 168.720. That statutory requirement was just recently upheld by the Michigan Court of Appeals, and review was twice denied by the Michigan Supreme Court. *League of Women Voters of Michigan v. Sec’y of State*, No. 353654, 2020 WL 3980216 (Mich. Ct. App. July 14, 2020), *appeal denied*, 946 N.W.2d 307 (Mich. 2020), *reconsideration denied*, 948 N.W.2d 70 (Mich. 2020). Although that case did not press the federal constitutional questions presented here, the plaintiffs could have, and had they done so, those federal questions could have been considered in a timely fashion *prior* to the election, not afterwards while the counting of ballots is underway.

That is an important fact to keep in mind, because this Court has repeatedly treated late challenges to long-standing election rules as deeply suspect. Just last month, for example, we stayed a preliminary injunction upheld by the Fourth Circuit and entered by the district court in South Carolina. *See Andino v. Middleton*, No. 20A55 (Oct. 5, 2020). The district court had blocked a state requirement of witnesses for absentee ballots. Although the Court provided no rationale when it issued its stay, I provided two in a separate opinion I wrote concurring in the stay. The



first was deference to the legislature during a pandemic. The second was that “for many years, this Court has repeatedly emphasized that federal courts ordinarily should not alter state election rules in the period close to an election.” *Id.* at 2 (citing *Purcell v. Gonzalez*, 549 U.S. 1 (2006) (*per curiam*)). “By enjoining South Carolina’s witness requirement shortly before the election, the District Court [had] defied that principle and this Court’s precedents.” *Id.*

What happened in the district court below is even worse. Its order, reversed by the Court of Appeals, was not a change in the rules *close to* the election; it was a change in the rules *after* the election had ended, while the ballots were still being counted. I cannot think of anything that would undermine our faith in the ballot more than were we to allow changes in the rules after the game had been played, when partisans can target rules of long-standing for a temporary political gain. For this reason in particular, I join in the denial of the petition for certiorari.



PENNSYLVANIA

The Biden campaign and the DNC files

Pennsylvania state law requiring an 8 p.m. Election Day postmark (and a 5 p.m., Nov. 6 arrival) for mail in ballots, while normally valid, is unconstitutional in light of the unprecedented lengths to which the Trump administration has gone to under-fund, under-resource, and generally manipulate the Postal Service's ability to process and distribute mail. All mail-in ballots that arrive within two weeks of election day, regardless of postmark, must be counted.

Addendum to Pennsylvania suit: the requirement that ballots have a security envelope to be valid disproportionately deprives discreet and insular minorities the right to vote under the VRA and the 14th Amendment.

The Supreme Court of Pennsylvania Ruling

The application for injunctive relief presented by LAWRENCE TABAS on behalf of the Pennsylvania Republican party is denied.

The court appreciates Tabas, who has appeared as an election lawyer in this court in other nonpartisan circumstances, and his concern for safeguarding Pennsylvania's democracy from fraudulent manipulation. However, the evidence presented suggesting there's an effort alter election results ex post facto was at the time of filing dubious. The leader of Project Veritas, JAMES O'KEEFE, has been arrested for engaging in illegal activity in his attempts to obtain incriminating information on a Democratic officeholder.

The evidence from Republican election judges around the state suggesting an influx of ballots without postmarks is more compelling, but ultimately not acceptable in the absence of corroboration from nonpartisan sources. We do not think this justifies the risks of potential disenfranchisement at this time. However, the court is well aware of federal electoral fraud charges filed against state Democrats earlier this year and don't discount the possibility. The court is prepared to reexamine should additional evidence emerge.

For now, the court stands by its September 17 decision allowing unpostmarked ballots to be counted up to three days after the election. As in that decision, we would remind citizens of the words of the state Constitution, "Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage."

https://www.supremecourt.gov/opinions/19pdf/19a1070_0811.pdf

https://www.realclearpolitics.com/articles/2020/09/25/warning_signs_in_pennsylvania_of_mail_ballot_chaos_in_november_144299.html

<https://www.pagop.org/member/lawrence-tabas/>

<https://www.inquirer.com/news/voter-fraud-philadelphia-ward-leader-judge-of-elections-domenick-demuro-guilty-plea-20200521.html>



<https://www.justice.gov/opa/pr/former-congressman-charged-ballot-stuffing-bribery-and-obstruction>

SUPREME COURT OF PENNSYLVANIA refuses to hear lawsuit filed by the Democratic National Committee, Joe Biden for President, and Pennsylvania Democratic party demanding to further extend ballot deadlines, and accept so-called "naked ballots" without security envelopes, staying consistent with September 17 ruling.



TEXAS

The Biden campaign and the DNC files

Texas state law barring the counting of ballots received after election day, while normally valid, is unconstitutional in light of the unprecedented lengths to which the Trump administration has gone to under-fund, under-resource, and generally manipulate the Postal Service's ability to process and distribute mail. All mail-in ballots that arrive within two weeks of election day, regardless of postmark, must be counted.

U.S. Court of Appeals for the Fifth Circuit Ruling

Yesterday the Biden for President Campaign filed a petition for a writ of mandamus in the Western District of Texas. The requested writ would have ordered the Secretary of State to accept and count all mail-in ballots received within two weeks after Election Day. Relying on our recent decision in *Texas Democratic Party v. Abbott*, No. No. 20-50407 (Sept. 10, 2020), Judge Biery rejected the request. Acting pursuant to a properly filed emergency appeal pursuant to Rule 8.4 of the Fifth Circuit's Rules of Procedure, we uphold the District Court's decision.

In *Texas Democratic Party*, we held that “that the right to vote under the Twenty-Sixth Amendment is not abridged unless the challenged law creates a barrier to voting that makes it more difficult for the challenger to exercise her right to vote relative to the *status quo*, or unless the *status quo* itself is unconstitutional.” Neither condition applies here. Without any comment on the merits of the District Court's recent decision in *Richardson v. Secretary of State*, No. 5:2019cv00963 (W. D. Texas), currently on appeal, we note that the concerns regarding fundamental fairness expressed in that opinion do not apply here. The election-day deadline for mailing ballots is unambiguous and has been clearly communicated to all mail-in voters. Vague claims that the Postal Service is underfunded, together with speculative claims that under different circumstances ballots might have arrived on or before Election Day, do not raise any claim of fundamental fairness or hinder the right to vote.

The Secretary of State and his designees are directed to count only those mail-in ballots that were actually received by 7:00 p.m. on November 3, or postmarked by that time and date and arrived by 5:00 p.m. on November 4.

The Biden campaign and the DNC appeals

Biden appeals 5th Circuit ruling against petition to count all ballots received within 2 weeks of election day in Texas.

The status quo in Texas is *indeed* unconstitutional under the terms of *Texas Democratic Party v. Abbott*, and voters have been effectively barred from exercising their right to vote due to postal service manipulation by the Trump administration. Under normal circumstances, there would be no constitutional issue. But given the Trump administration's repeated and explicit efforts to undermine the ability of the Postal Service to deliver election mail/mail-in ballots in a timely manner, the requirement that all valid ballots must be received by 7 p.m. on November 3 is patently unconstitutional.

The U.S. Postal Service has admitted that it may be unable to deliver mail-in-ballots ahead of various statutory deadlines for a valid vote, Texas included:



https://www.washingtonpost.com/context/u-s-postal-service-letters-to-states/b50799f2-25ad-40ed-ba1e-9d648b1814ad/?itid=ik_interstitial_manual_6. "The U.S. Postal Service sent detailed letters to 46 states and D.C. warning that it cannot guarantee all ballots cast by mail for the November election will arrive in time to be counted."

It has also been reported that the Trump administration is under-resourcing certain demographic groups/vulnerable communities. This is very far from conspiracy theory. Even the unimpeachable NYTimes is appalled at recent developments. "In recent weeks, at the direction of a Trump campaign megadonor who was [recently named the postmaster general](#), the service has stopped paying mail carriers and clerks the overtime necessary to ensure that deliveries can be completed each day. That and other changes have led to reports of letters and packages being delayed by as many as several days." (<https://www.nytimes.com/2020/07/31/us/politics/trump-usps-mail-delays.html>)

The National Postal Mail Handlers Union, <https://www.npmhu.org/media/news/npmhu-releases-press-release>, has released troubling confirmation that overtime is being denied and insufficient mail-sorting machines are leading to delayed mailings.

Adding fuel to the fire, the President has been tweeting frequently sentiments like, "Republicans should fight very hard when it comes to statewide mail-in voting. Democrats are clamoring for it. Tremendous potential for voter fraud, and for whatever reason, doesn't work out well for Republicans."

With such rhetoric, it is clear that Donald J. Trump's goal is to muddy the waters sufficiently to make the outcome of the presidential race ambiguous no matter what. It is doubly clear that President Trump seeks to, under the pretenses of getting a 'full and fair count' of the vote, undermine any certainty that may emerge on election day regarding a possible win by the Biden campaign.

In light of the high incidence of irregularities surrounding this most fundamental right to vote--a right that guards against all manner of due process rights under the 14th Amendment--as well as the highly irregular manipulation of the normal processing and administration of the mails, the Texas deadline of 7 p.m. on election day for the final counting of ballots violates the Equal Protection Clause of the 14th Amendment and must be extended to 2 weeks past election day. This is especially the case because the actions undertaken by the Trump administration's newly re-organized Postal Service, coupled with rhetoric by the President himself clearly designed to discourage voting by mail in a time of pandemic (which, incidentally, amounts to the discouragement of voting full-stop)--all this amounts to an unconstitutional deprivation of the equal protection of the laws under the 14th Amendment--and more specifically, a deprivation of the fundamental equal right to vote.



The U.S. Supreme Court Ruling

Supreme Court of the United States

JOE BIDEN FOR PRESIDENT CAMPAIGN COMMITTEE, ET AL., *Petitioners, v.*

GREG ABBOTT, GOVERNOR OF TEXAS, *Respondent*

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE FIFTH CIRCUIT

No. 20-267 Decided November 6, 2020

The petition for writ of certiorari is denied.



APPENDIX B – Law Enforcement

The purpose of this law enforcement scenario narrative was to provide context to simulation participants as to what was happening around the nation while they made their decisions. The narrative was not canned, but was shaped by actions during the simulation and, as such, represents a free play representation of what was unfolding during the simulation. The use of actual names, places, and projected events was designed to add realism to the scenario and is not meant to be used for any other purpose.

Election Night November 3—Law Enforcement Scenario

Law enforcement begins riot control functions in all major cities. The shooting of 14 police officers results in the deployment of all available armored personnel carriers in cities that have them, including Department of Defense MRAP's obtained through the 1033 program. The elected officials in several cities (Seattle, Portland, and Minneapolis) object to the militarized show of force and require their police departments to pull back what they describe as "tanks" from the riots. Portland police request Mayor Wheeler lift the ban on chemical agents in dealing with the rioters.

Police in these cities recede to a defensive posture around their precincts, it is unsafe to maneuver police vehicles down the streets and responding to calls for service, even emergency calls, is suspended. Fire departments are unable to approach buildings on fire without police escorts, which are not happening. Police departments request fire trucks be used to block areas from vehicular access, assume control of water cannons to deny access by foot or bicycle. All police departments are notified by the FBI and ATF of the possible car bombing in Philadelphia and begin to deploy concrete barricades and establish perimeters around precincts. The Philadelphia FBI and ATF field offices each release a joint Tweet:

"Agents from the Philadelphia FBI and ATF field offices are responding to unconfirmed reports of a car bomb at a Philadelphia PD precinct house. We will update soon."

Mayor Lightfoot in Chicago restricts access to the downtown area in [a repeat of this summer's looting response](#), prompting rioting to spread out into residential areas. As the rioting intensifies Chief Brown asks Mayor Lightfoot to request the National Guard through the governor's office. Social media monitoring begins looking for calls for protests to move out into the suburbs.

Suburban law enforcement prepares for possible civil unrest but is not experienced in serious riot control situations. NIPAS activates a callout of its [Mobile Field Force](#), a multijurisdictional team tasked with crowd control, but most member agencies are unwilling to release their officers to the task force for fear they will be needed in their home jurisdictions. The model collapses and the callout is withdrawn. State Police units from rural Illinois are re-directed to the Chicago metro area. Suburban police chiefs echo Chief Brown's request for their mayors to request help from the National Guard through Governor Pritzker.

Law enforcement across all major metropolitan areas assume various emergency plans, generally cancelling days off for all personnel and assigning officers to 12-hour



shifts. Emergency service response in the suburban and rural areas continues for now, but it is limited in areas where growing protests and riots are forming.

Federal law enforcement made up of Secret Service, Homeland Security, ICE, Capitol Police, and others mass around the White House in anticipation of an announced BLM protest. They are not wearing identifying patches or insignia and are arriving in armored personnel carriers. A “no-go” zone is established far from the White House gates, and all traffic along streets near the White House is diverted. [Active Denial Systems](#) are placed around the White House behind the barricaded perimeter.

NYPD deploys hundreds of plainclothes officers from the disbanded Anticrime Unit. There is no comment from Commissioner Shea when asked about permission from Mayor De Blasio, but the Commissioner points to multiple riot-related arrests in the past two hours and assures the press that identification of the arrestees is forthcoming.

In the more rural areas of the country, several elected sheriffs have made public warnings about rioters coming into “their counties,” warning that the locals wouldn’t be very welcoming to hostile crowds of outsiders. Local law enforcement begins monitoring social media for indications that militias are becoming active.

November 4—Law Enforcement Scenario

Law enforcement in major cities coordinate with the FBI and other federal agencies to identify leaders and agitators within the groups associated with BLM, Antifa, [Boogaloo](#), and [NFAC](#). Operation Spearfish commences with over one thousand arrest warrants issued using federal and state statutes from RICO to disorderly conduct with coordinated pre-dawn warrant executions nationwide. The decision to obtain arrest warrants even for the barest minimum of probable cause on the lowest of charges is meant to remove the players from the picture, at least temporarily. Social media sources and other intelligence sources were used to find any instances of incitement to violence, threats, or other criminal activity that met federal or local criminal statutes and act on them.

A lack of social media activity and overt action at the rioting by members of the [Proud Boys](#) draws the attention of law enforcement officials suspecting they may be operating covertly on the ground in several major urban rioting areas, but their exact involvement is unknown. Reports of militias moving into suburban areas is being monitored. Several groups affiliated with the [Three Percenters](#) and [Oath Keepers](#) have openly offered to assist law enforcement in putting down the violence via social media, touting [significant current and retired law enforcement](#) and military membership.

Several of the warrant services resulted in officer-involved shootings. Seattle, Chicago, and New York report shootings during at least some of their warrant services, with one officer injured in Seattle and at least three suspects dead in various locations. None of the agencies is releasing information on the circumstances or identities of the officers or suspects involved, citing the ongoing investigation. The majority of the warrants are executed in middle to upper class neighborhoods where the Antifa and BLM activists/leadership tend to reside, prompting concern with the volume of tactical police actions in areas unaccustomed to such activities.



Operation Spearfish continues as new players or current players promise revenge or seek “justice” through social media platforms and agencies prepare for a second round of warrant executions.

The use of water cannons and a drop in overnight temperatures kept downtown Minneapolis relatively quiet overnight, but the rising temperatures of the day and rioters arriving with raingear and heavy-duty umbrellas has cause activity to be a concern for Minneapolis PD. The number of sick callouts is alarming.

The [ADS](#) placed around the White House is used to target several protestors attempting to throw rocks and bottles at officers to great effect with limited, precise application to specific threats. Social media erupts with claims of abuse through military weaponry. Viral videos claiming that shields lined with aluminum foil will thwart the system and instruction on how to make them are seen making the rounds.

Attempts to burn down a Portland Police Precinct occur when six [Black Bloc](#) members attempt to throw simultaneous Molotov Cocktails at the building after an unknown gunman shot the front windows out hours earlier. One of the incendiary devices hit an exterior wall and covered an officer in flames, she suffered third degree burns on her face and neck. A Portland Police SWAT sniper conducting overwatch shot and killed one of the arsonists as he drew his arm back to throw his device (captured on police surveillance video and released immediately: warning graphic). The Molotov Cocktail exploded when he dropped the bottle and covered several rioters in flames, three injured severely and one dead at the scene. The shot from the police sniper and the subsequent fires cleared the area for the time being.

Chicago Police continue to restrict movement into the downtown area, but remain on defensive posture with patrols outside volatile neighborhoods, using MRAP’s to respond only to “officer needs assistance calls.” 911 service remains unavailable, and Chicago PD issues public Tweet:

“911 service is down and the cause is being investigated. Please use the non-emergency number 312-555-5555 to report an emergency. Response is limited and response times may be long.”

The FBI assists major agencies with an investigation of the possible hacking of the 911 systems. Because of a limited ability to respond due to the rioting, the crashed 911 system is not a priority for most of the larger urban agencies. However, rural and suburban agencies recognizing lag times ask for federal assistance in investigating the cause of the disruption.

November 5-12—Law Enforcement Scenario

Riot control efforts continue throughout the country. There are rumors that several sheriffs in conservative counties throughout the country are hinting that they may deputize regular citizens into posses should the lawlessness come to their counties. Social media is ablaze with volunteers from Proud Boys, Three Percenters, and Oath Keepers and other [Posse Comitatus groups](#) to form posses.



A team of Chicago police officers assigned to protect Mayor Lori Lightfoot's residential block went home sick, driving past the protestors waiting behind barricades who cheered and promptly knocked over the barricades to begin marching down the street, camping on her front lawn and blocking the roadway with signs demanding she defund the Chicago PD. The mayor was not home at the time, and Chief Brown explains in a heated phone call with her that he does not have any more officers to deploy to her block, that there has been a record number of injuries and sick callouts in the past two days.

Chicago Fraternal Order of Police President John Catanzara holds a press conference:
Catanzara: "This city is on fire because of the poor leadership displayed by Lori Lightfoot and her cronies. The level of hypocrisy and lack of professionalism she displays on a daily basis is despicable. She claims to believe that black lives matter, but stabs in the back those who have committed their lives to truly ensuring that black lives matter, that ALL lives matter...our police officers. We have officers risking their lives by *not* shooting people that they should be shooting, or [waiting too long](#) because Lightfoot and her Soros-funded prosecutor Kim Foxx seem more interested in arresting cops than criminals."

Reporter: "What happened with the officers protecting her block? Are they really sick?"

Catanzara: "I'm sure they are, probably sick and tired of protecting her house while our city burns. Maybe they got the COVID or something. Who knows."

Reporter: "Is this a political statement on the part of the Chicago Police Union or something else?"

Catanzara: "Everything is a political statement today. Foxx and Lightfoot use this department and its officers as political scapegoats all the time, maybe they will enjoy not having us around. We'll see."

Reporter: "Chief Brown has promised disciplinary action against any abuse of sick time or false reports of injuries, what do you say?"

Catanzara: (chuckles) "Yeah, good luck proving that during the middle of a pandemic. Our union will fight any such actions. Would he prefer our officers spread the China virus instead? Let him clarify that."

Reporter: "There have been numerous reports of excessive use of force against rioters, how do you respond?"

Catanzara: "Really? Take a look out that window there, you tell me, what the hell is excessive right now?" (leaves podium).

In response to Sarah Innanore, the Mayor-elect of Portland's statement, the Department of Justice releases a statement:

"Any state, county, or city official obstructing the police operations within their jurisdiction aimed at protecting the safety and rights of the citizens of their communities, should be prepared



to feel the full weight of the Justice Department’s Civil Rights Division come down upon them. The police are here to enforce laws, protect rights, and preserve the police. Telling them to put down their guns or calling them murderers (denying the officers of due process) directly interferes with their ability to do that by destroying the relationship they have with their communities.”

Police officers in Portland call in sick in record numbers. There are reports that more than ten officers have walked off the job, quitting with no notice. A leaked audio recording claiming to be the voice of Chief Chuck Lovell at a staff meeting is heard saying “I am not going to work one day for that nut, Innanore. I’m out of here as soon as she swears in.” Lovell denies that he said that and states that he looks forward to working with the incoming mayor on improving policing in Portland.

November 13 to December 3—Law Enforcement Scenario

Portland Police Chief Lovell meets with Homeland Security and FBI officials at a remote location to discuss retaking the city hall. During the meeting, he expresses concern that the rights of the people and the business owners are being violated, and that the current mayor and mayor-elect are aiding what amounts to terrorist activity by allowing the city hall to be overtaken and prohibiting the police from enforcing laws in a “no-go zone” that they are complicit in establishing.

Discussions begin on how the federal government will assist the retaking of the building and the downtown area. The federal officers, under no restrictions imposed by the mayor, will assist Portland Police in a massive push into area and deploy chemical munitions where needed. Nearly three hundred federal officers from various agencies arrive in Portland. The decision is made that the mayor and mayor-elect will not be consulted prior to the retaking, and that any overt action or orders inhibiting the enforcement of state or federal laws by the mayor or other politicians will be considered obstruction. The DOJ would be consulted on prosecution only after the arrests were made, all parties agreeing that there would be probable cause for such arrests. The plan is to begin a fast-moving retaking of the building and the downtown area moving from three sides, leaving one route for those complying with the order to disperse a route to do so. Hundreds of arrests are expected. Execution of the plan set 10 pm after two orders to leave the area declaring the assembly unlawful.

Chicago police have a massive sick callout, nearly one third of all officers call in sick for their shift, some districts experiencing up to 75% of their patrol shift calling in sick. Reports from CPD Intelligence Unit indicate that the gangs intend to use the lack of policing to settle scores and gain new area. The Gangster Disciples are rumored to be planning the complete annihilation of two smaller gangs, but it is unclear which gangs these would be or if it would simply be a consolidation of power rather than warfare. Confidential informants are providing conflicting information and CPD is suspicious that the gangs are supplying disinformation through compromised informants. Chief David Brown makes a second, public request that Mayor Lightfoot request the assistance of the National Guard. Mayor Lightfoot does not respond publicly but criticizes the CPD union president and Chief Brown in a social media post showing a broken front window on her house and spray paint on her front door saying “DEFUND.”



Commission Shea in New York reports that there has been a decline in violence in the past day and a half, praising the tireless efforts of his officers in apprehending rioters. He gives special praise to his Intelligence and Anti-Terrorist units for having arrested over one hundred leaders of agitator movements and claims this has been key to lowering the violence. He is silent when asked about communication with Mayor De Blasio's office.

Former Sheriff Clark of Milwaukee appears on Fox News to give an interview. When asked about what he sees happening and what he predicts will happen, his response goes viral:

“The police are here to protect people and preserve the peace. They will do that. Politicians might get in the way for a while like they're doing right now, but at some point, cops will remember their oath and will take back their communities for the good, law abiding people in those communities. You won't want to be on the other side of that once they have had enough of this nonsense.”

December 4 to January 6—Law Enforcement Scenario

The National Fraternal Order of Police issues a statement on former Vice President Joe Biden's comments yesterday:

“While it is the role of this nation's fine men and women of law enforcement to protect the rights of all citizens, including the First Amendment right to peacefully protest, what we have seen since last summer has anything but peaceful. While one party and one candidate has chosen to ignore the violence and flames, our membership has not had the luxury of such ignorance. Members of the media have promoted slanderous lies about our police officers, fanning the flames in our cities that they obediently ignore on behalf of the left.

Our members have been maligned, attacked, accused of being racists, and in some cases murdered for the mere fact that they wear a badge. The irresponsible call to arms that former Vice President Joe Biden made yesterday to ‘let their voices be heard’ is not at all tempered by his suggestion to ‘continue to peacefully protest.’ There hasn't been a protest that was not accompanied by rioting since all of this began last spring, and now he is openly encouraging it. We call on President Trump to assist our men and women in blue in putting an end to the violence and anarchy and to restore law and order.”

The five largest police departments along with Homeland Security officials and FBI officials have entered into meetings with Google, Facebook, and Twitter to discuss tracking phones and electronic communication devices that have been traveling together to various cities belonging to know members of Antifa, BLM, and other known agitator groups on both the left and right. They are also discussing efforts to identify and remove foreign and domestic disinformation and bots from those platforms and methods of mining information not available through open source information.

DC Capitol Police secure the Capitol Building and place concrete barriers around the building in response to the attempted assassination of the Wyoming Congressman and his aide. Additional [ADS systems](#) are place near the Capitol Building in anticipation of chaos after the vote. A truckload of pepper spray canisters and CS gas are brought to the building and distributed to both perimeter and interior agents. Overwatch snipers are placed around the upper



perimeter of the building to control the grounds and monitor the crowds. There is a massive gathering of federal law enforcement, and the arrival of military MRAP vehicles transporting federal agencies across multiple departments.

State Police in Texas and Florida issue warnings via Facebook and Twitter to BLM or any other groups intending to occupy the state capitol buildings in their respective states in response to intelligence that BLM is intending a coordinated effort at occupying Texas, Florida, and Michigan state houses as a result of their electoral situations. Michigan state police begin preparing to respond to any takeover attempt but issue no warning and will not comment on the BLM intelligence data as a result of their governor's public views in support of the movement.

State police in Texas take the rare step of closing the capitol building to the public and placing barriers around the capitol grounds, erecting warning signs that the grounds and building are closed to the public, and that trespassers will be arrested. Troopers from various districts arrive at the capitol with riot gear. A sergeant is heard yelling to the front line of officers, "No one comes through, no one!"

Police along major corridors entering Michigan, Texas, and Florida, are notified to stop and detain any suspicious caravans or large transport vehicles and to identify passengers for verification in the [state fusion centers](#) as members of Antifa and BLM are expected to descend on the capitol buildings in those states. Notice is issued by Homeland Security and their assistance is offered in identifying suspects. Coordination with social media platforms commences and real-time tracking of several agitator groups results in multiple stops and arrests.

The [FBI's Hostage Rescue Team](#) deploys at multiple known Antifa hideouts to execute search warrants for weapons in and around Washington DC in anticipation of impending riots. Multiple locations are hit at the same time, with three reporting shots fired. Seven Antifa members are killed by gunfire, no injuries to the agents are reported.



APPENDIX C – Social Media

The purpose of this social media narrative was to provide context to the taskforce participants as to what was happening online during the simulated post-election period. The narrative was not canned, but was shaped by actions during the simulation and, as such, represents a free play representation of what was unfolding during the simulation. The use of actual names, places, and projected events was designed to add realism to the scenario and is not meant to be used for any other purpose.

Facebook

Wednesday November 4, 2020

Statement from Facebook:

Facebook is wholly committed to the legitimacy of America’s electoral process. In our efforts to bring the world closer together, we believe that the biggest danger to a smooth process reflecting the will of the American people is misinformation that encourages a spiral of conflict. Therefore, limiting such misinformation is critical to our mission.

Facebook takes no political positions and any actions we take in the current environment are strictly nonpartisan. We have decided that for the benefit of all, during these immediate post-election days, we will prevent use of the Facebook platform (including Instagram, WhatsApp, and other members of the Facebook family) to make unproven claims by either side of the Presidential election. This is particularly necessary in light of deepfakes and other new techniques allowing disinformation to spread.

Thus, effective immediately, we are (a) suspending all paid political ads and (b) suspending posting privileges for all national-level political office holders and political parties. Third party organized entities are warned that any posting of misinformation regarding the election, particularly baseless claims of fraud, will result in immediate removal of the information and, in most cases, immediate removal of accounts from the platform. Such account removal will be permanent unless reversed at a later time, for good cause shown, by our Oversight Board, our recently created neutral body, which is wholly autonomous from Facebook management.

Because propagation of misinformation occurs on the individual level, naturally all individual users of Facebook are, effective immediately, subject to similar rules. However, individuals will first be given two-week suspensions; only upon a second offense occurring after reactivation of an account will account removal be permanent.

At the same time, we want to assure our users, and the larger community to which we are responsible, that legitimate, vetted news sources will in no way be limited on our platforms. In fact we will, at no charge, widely promote reliable sources to all our users, not just through Facebook News, but by direct placement of reliable news into our users’ News Feeds. Such sources include those widely recognized as nonpartisan and objective, outlets such as the New York Times, the Washington Post, major television networks that do not promote



misinformation, and nonpartisan long-form publishers such as the Atlantic. A complete list of such news sources will be provided later.

Any news source not on our list will be prevented from any of its reporting about the election appearing on our platform, directly or indirectly, including in links posted by individual users, in order to ensure lack of bias and clear information being delivered to all our users.

These policies supplement, not replace, our existing policies, and we will evaluate and update them if necessary in the coming days. In particular, existing Facebook policies against hate speech will be vigorously enforced. Any posts that encourage violence in any way will be removed and appropriate actions taken against account holders. At the same time, we want to make clear that these policies will never be interpreted in a way that hampers legitimate, peaceful dissent and protest, especially by those historically marginalized and disempowered, most of all our BIPOC and LGBTQ+ communities.

Our stated values and policies will always remain, at their core, an attempt to ensure that we, as a community, will thrive, even during challenging times. We welcome feedback on our positions, as we continue to earn America's trust.

Twitter

Wednesday November 4, 2020

Press Release from Twitter Safety:

Twitter has taken a number of steps this year to ensure the security of our platform during the election. As voters are confronted with misleading and false information in the coming days, we will not allow our platform to be manipulated by actors foreign or domestic. With the [Civic Integrity Policy](#) we updated earlier this fall, Twitter will treat all attempts to spread misleading and false information identically.

Twitter has also taken steps this year to ensure the authenticity of accounts from all major political actors, through the introduction of two-step authentication and higher standards for password security.

In the late evening hours yesterday, the Twitter Safety team reviewed two dozen major political accounts for disputed claims regarding alleged voter fraud, and misleading claims regarding the results of the election. This review led to the application of red-badged "Disputed Claim" tags to a number of candidate and campaign accounts that alleged voter fraud without evidence.

Although Twitter does not wish to determine the truthfulness of tweets, we are committed to making sure that our platform is not abused during a moment of national crisis. Beginning this morning, therefore, Twitter is implementing the following additional steps to secure the integrity of our platform and affirm our commitment to user health and safety.



1. Tweets from candidates and campaigns in the U.S. presidential election will be subject to a **ten-minute embargo**, during which time Twitter Safety will examine the tweets for possible violation of Twitter's terms of service as well as the terms of our Civic Integrity Policy.
2. Tweets from candidates and campaigns in the U.S. presidential election will receive a **green badge for verifiable claims** that are confirmed and verified by independent and neutral third parties, such as official vote-counting bodies. (Example: a claim of victory following official confirmation.)
3. Tweets from candidates and campaigns in the U.S. presidential election will receive a **yellow warning notice for permissible but potentially misleading tweets**, so that the security of the platform will not be impinged. Such tweets will be throttled. (Example: a claim of confidence.)
4. Tweets from candidates and campaigns in the U.S. presidential election that assert, as fact, unverified, unverifiable or **false information will be prevented from display on the service**. (Example: an assertion that fraud has occurred or that the other side is working to steal the election.)
5. After a series of **three attempted claims of false information** in one twenty-four-hour period, **Twitter will suspend**, for a further twenty-four-hour period, any account making such claims.
6. Retweets of green-badged tweets will be permitted, while retweets of yellow-badged tweets will only be permitted as retweets with comment.

Twitter is also taking the following steps to facilitate the predominance of truthful information regarding the election.

1. Twitter's Curation Team will pin verified, accurate information about the election count on Twitter's home page and the Explore page, as well as above all major political accounts.
2. Searches for political terms and election information on the service will lead to Twitter's Elections splash page, with information verified by the Curation Team.
3. Retweets of tweets marked as election-related news will be limited to verified Twitter accounts (noted with a blue check mark).
4. Verified news organizations which spread misinformation will have their accounts temporarily suspended. Multiple suspensions will result in an immediate permanent ban.
5. Attempts to access the accounts of suspended news organizations will redirect the user to @TwitterGov.

Finally, Twitter Safety is cooperating with the United States Intelligence Community in identifying accounts which have amplified the attempt of foreign intelligence agencies to undermine the legitimacy of the American democratic process. An initial dragnet has led to the suspension of four hundred accounts. Due to the sensitivity of the Intelligence Community's concern, Twitter Safety will not be able to discuss why such accounts have been suspended, nor will discussion of suspensions be permitted on the Twitter platform.



Statement by Jack Dorsey:

“Twitter began as my dream for helping the world to communicate better. We have not always been effective at establishing the rules for fair play to make that happen. Thanks to the foresight of the team behind our Civic Integrity Policy, this year is different. No political actor, foreign or domestic, will abuse Twitter’s platform, or threaten the health and safety of our users. Embargoing major political accounts will allow us to make sure unverifiable information is flagged or removed. We are grateful to the U.S. Intelligence Community for helping us identify suspicious accounts. Twitter will have no tolerance for threats to platform health and safety.”

Actions taken:

- All of President Trump’s tweets last night and today have been shaded in yellow.
- Eleven of Vice President Biden’s tweets have been judged verified information and have been marked green (that he has received the most votes). Two of Vice President Biden’s tweets have been marked yellow (that he expects to win).
- Two reporters from the One America News Network had their accounts suspended. Twitter cannot discuss the reasons for the suspension.
- Sean Hannity’s account has been suspended for twenty-four hours for tweeting that “the steal is on.”
- Several MAGA accounts have been temporarily suspended. Twitter cannot discuss the reasons for their suspension.
- Tweets from the United States Intelligence Community are green-flagged and pinned at the top of the Explore page.
- No action has been taken against major news networks.
- Twitter Safety is actively suspending accounts linked to the “Boogaloo Boys.”
- President Trump’s tweets are held for the full ten minutes each time. Vice President Biden’s tweets are approved quickly.

Regarding the Deep Fake of President Obama on Election Night, Twitter issued the following:

Statement from Twitter Safety: "Twitter takes no responsibility for videos that originated on TikTok, but is throttling accounts that spread the apparently falsified Obama statement."

On November 4-5, Twitter’s Action’s Included:

- Twitter removed two Trump tweets
- Twitter temporarily hides all tweets from five countries identified by the Intelligence Community
- Twitter introduces the Civic Integrity Algorithm to anonymously and safely monitor private tweets for attempts to organize violence against peaceful protesters
- Twitter continues its earlier policies ensuring safety of the platform’s users, as well as preventing attempts to use the platform against peaceful protesters

STATEMENT FROM TWITTER SAFETY

As news media reported earlier, Twitter Safety has determined that accounts originating in Russia are responsible for internet buzz about the supposed vote-buying scheme in Michigan. In



cooperation with the Intelligence Community, Twitter in the United States is throttling all accounts originating from countries identified by the Intelligence Community as cooperating to interfere in the U.S. presidential race. Twitter is temporarily suspending all accounts that retweet or share allegations of voter fraud, including Project Veritas.

Beginning today, direct messages and group messages will be anonymously scanned by our Civic Integrity Algorithm. Accounts using direct messages and group messages on the Twitter platform to spread disinformation or to organize violence against peaceful protesters will be suspended. We assure users that their privacy will be protected during this process.

Twitter Safety has removed two tweets from President Trump that included claims marked as "misleading and false" by our Civic Integrity Project. The content of the tweets cannot be discussed. A third such tweet will result in his temporary suspension from our platform. Twitter implements the rules of the Civic Integrity Project fairly across all parties.

Twitter Safety is also locking all unverified accounts that display unusually high activity and engagement in circulation of election-related claims. Accounts will be unblockable with phone verification after twelve hours.

On November 6-12, Twitter’s Action’s Included:

- Twitter continues attempts to enforce prohibition on right-wing incitement of violence, targeting accounts by Proud Boys and other "militia groups"
- Twitter struggles to contain militia coordination as code words develop more rapidly than Twitter's ability to stop them
- Jack Dorsey asserts that Twitter's rules are applied evenly across all accounts, even while users see challenges to Republican-friendly court rulings proliferate on the platform
- As final tabulations begin in the decisive states, Twitter stands ready to suspend any premature claims to victory

Google (Alphabet)

Evening of November 3, 2020

Alphabet CEO Sundar Pichai releases statement, “Google provides products that increase access to information for everyone — no matter where you live, what you believe, or who you voted for. We are committed to partnering with lawmakers, including the members of Congress and state election officials, to protect citizens, affirm America’s electoral integrity, and ensure that every American has access to the information needed in this critical period.”

Google’s operations managers order the following:

1. Trust & Safety teams comb all right-wing websites using Google’s ad network that referenced a left-wing coup or stolen election essays and boot them from Google’s ad network program.



2. Google News Feed will only provide election coverage search results from Major Media for first 3 pages even if links go back to pre-11/4. All clicks to other sites first go to a disinfo warning screen.
3. All Google searches for “fraud”, “ballot harvesting”, “vote cheating” will yield a wall of links to verified Get The Facts pages like Snopes and other fact checking sites.
4. All YouTube videos claiming an electoral victory for either side will be immediately removed (applies also to both campaign channels).
5. YouTube Trust & Safety teams that find violations from right wing channels for racist, sexist, homophobic content from the past will be suspended, pending appeal if user chooses to do so.

November 4, 2020

After last night’s events, Antifa livestreams are being shut down.