

# The Delray Democrat

## Will This Be America's Last Election?<sup>1</sup>

*June Sandra Neal*

What if Biden and Trump both show up for confirmation on January 20, 2021? Trump's maniacal determination to stay in office and his contempt for our democracy have changed responses from "improbable" to flashing red lights. As New York Times columnist Tom Friedman put it, "Trump gave us two choices, 'either I win the election, or I delegitimize the election.' This is certainly the most frightening moment in my life."

Daniel Block, in his Washington Monthly piece, "How Trump Could Lose the Election and Remain President," provides a hypothetical. "There is a sequence of events...that would allow Trump to remain president despite losing the election—breaking American democracy in the process. Ambiguities in the Constitution and logic bombs in the Electoral Count Act make it possible to extend the dispute all the way to Inauguration Day, which would bring the nation to a precipice. The Twentieth Amendment is crystal clear that the president's term in office 'shall end' at noon on January 20, but two men could show up to be sworn in. One of them would arrive with all the tools and power of the presidency already in hand."

How? Block explains how the state Republicans could annul your ballot by taking control of the electoral votes. "The Constitution gives state legislators free rein to decide how to select electors. Currently, most states legally require electors to vote the same way as the people. But in a state with complete Republican control over the government, the legislature and governor could, in theory, pass a bill that strips this power away from citizens between the election and the actual casting of electoral votes. (Indeed, in some instances, the state legislature alone might be able to usurp its constituents.)"

Dan Baer, senior fellow at the Carnegie Endowment for International Peace, argues that the states "could invoke their powers under Article II of the U.S. Constitution to change the manner by which electors are designated."

Thus, if Biden wins in Florida, "The legislature could establish an investigatory commission stacked with partisans and designed to sow doubt about the outcome." And they could pass a bill giving themselves the authority "to appoint the state's electors."

"The worst case, however, is not that Trump rejects the election outcome. The worst case is that he uses his power to prevent a decisive outcome against him," warns Barton Gellman in his Atlantic essay, "The Election That Could Break America." They "are already laying the groundwork for postelection maneuvers that would circumvent the results of the vote count in battleground states."

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<sup>1</sup> *The Delray Democrat*, October 2020, p. 2

Nothing is too low for Trump. In May, when asked for comment about the Center for Disease Control's announcement that America had surpassed 100,000 deaths from Covid-19, Trump said, "That's unpleasant."

The best way to protect our democracy is with an overwhelming vote for Joe Biden. If not, 2020 may be the last free election in America for a very long time.