

## *Trump's Fraud Claims Died in Court, but the Myth of Stolen Elections Lives On*

For years, Republicans have used the specter of cheating as a reason to impose barriers to ballot access. A definitive debunking of claims of wrongdoing in 2020 has not changed that message.

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President Trump's baseless and desperate claims of a stolen election over the last seven weeks — the most aggressive promotion of “voter fraud” in American history — failed to get any traction in courts across seven states, or come anywhere close to reversing the loss he suffered to Joseph R. Biden Jr.

But the effort has led to at least one unexpected and profoundly different result: A thorough debunking of the sorts of voter fraud claims that Republicans have used to roll back voting rights for the better part of the young century.

In making their case in real courts and the court of public opinion, Mr. Trump and his allies have trotted out a series of tropes and canards similar to those Republicans have pushed to justify laws that in many cases made voting disproportionately harder for Blacks and Hispanics, who largely support Democrats.

Their allegations that thousands of people “double voted” by assuming other identities at polling booths echoed those that have previously been cited as a reason to impose strict new voter identification laws.

Their assertion that large numbers of noncitizens cast illegal votes for Mr. Biden matched claims Republicans have made to argue for harsh new “proof of citizenship” requirements for voter registration.

And their tales about large numbers of cheaters casting ballots in the name of “dead voters” were akin to those several states have used to conduct aggressive “purges” of voting lists that wrongfully slated tens of thousands of registrations for termination.

After bringing some 60 lawsuits, and even offering financial incentive for information about fraud, Mr. Trump and his allies have failed to prove definitively any case of illegal voting on behalf of their opponent in court — not a single case of an undocumented immigrant casting a ballot, a citizen double voting, nor any credible evidence that legions of the voting dead gave Mr. Biden a victory that wasn't his.



Kristen Clarke during a confirmation hearing in the Senate Office Building in Washington. Anna Moneymaker for The New York Times

“It really should put a death knell in this narrative that has been peddled around claims of vote fraud that just have never been substantiated,” said Kristen Clarke, the president of the National Lawyers’ Committee for Civil Rights Under Law, a nonprofit legal group, and a former Justice Department attorney whose work included voting cases. “They put themselves on trial, and they failed.”

Yet there are no signs that those defeats in the courts will change the trajectory of the ongoing efforts to restrict voting that have been core to conservative politics since the disputed 2000 election, which coincided with heightened party concerns that demographic shifts would favor Democrats in the popular vote.

The false notions have lived on in Mr. Trump’s Twitter and Facebook feeds; on the television programming of Fox News, Newsmax and One America News Network; and in statehouse hearings where Republican leaders have contemplated more restrictive voting laws based on the rejected allegations.

In Georgia, Republican legislators have already discussed toughening the state’s rules on voting by mail and on voter identification. In Pennsylvania, Republican lawmakers are considering reversing moves that had made it easier to vote absentee, and their counterparts in Wisconsin are similarly considering tighter restrictions for mail voting, as well as for early voting.

If anything, President Trump has given the movement to limit ballot access new momentum while becoming the singular, charismatic leader it never had.

After declaring outright that high levels of voting are bad for Republicans, he persuaded his base that the election system is rotten with fraud, and to view that fiction as a bedrock party principle. Several recent polls have shown that majorities of Republicans think the election was fraudulent, even as election officials across the country report that it went surprisingly smoothly even in a pandemic, with exceptionally high turnout and no evidence of fraud aside from the usual smattering of lone wolf bad actors or mistakes by well-intentioned voters.

### **A losing streak of 59 out of 60 cases**

In the past month and a half of court rulings, voter-fraud allegations have been rejected again and again as lacking proof or credibility, often by Republican-appointed judges.

Mr. Trump and his allies have argued that the 59 losses they faced in 60 lawsuits filed since Election Day were based on procedural rulings, complaining that judges refused to look at the particulars of allegations they have sought to use to overturn an election Mr. Biden won by 7 million votes (and by 74 in the Electoral College).

But according to a New York Times analysis, they did not even formally allege fraud in more than two-thirds of their cases, arguing instead that local officials deviated from election codes, failed to administer elections properly or that the rules in place on Election Day were themselves illegal.

In the single case Mr. Trump won, his campaign challenged a state-ordered deadline extension in Pennsylvania for the submission of personal identification for mailed ballots, affecting a small number of votes.

In nearly a dozen cases their fraud accusations did indeed have their days in court, and consistently collapsed under scrutiny.

Despite the definitive nature of those rulings, the Republican response has been to hold fast to the president's fraud fictions.

Republicans in Congress have promoted them, too, as Mr. Trump pushes senators and House members to reject the Electoral College results at what is supposed to be a procedural vote to affirm Mr. Biden's clear victory over the president on January 6.

In a Senate hearing on Dec. 16, for instance, Senator James Lankford of Oklahoma reprised a series of Trump campaign lawsuit claims about illegal voting in Nevada.



Senator James Lankford, right, walks to a vote in the Capitol earlier this month. Anna Money maker for The New York Times

“Forty-two thousand people in Nevada voted more than once, according to your work,” Mr. Lankford said during questioning of a Trump campaign attorney, Jesse Binnall. Mr. Lankford went on to repeat the Trump campaign's claims that dead people, out-of-state residents and noncitizens had cast illegal ballots in Nevada in substantial numbers. The campaign had based those charges on analyses that matched voting lists with records from commercial and governmental sources.

But the trial judge in the Nevada case had dismissed the suit nearly two weeks earlier, rejecting those analyses as unsound and unconvincing, declaring that the campaign “did not prove under any standard of proof that illegal votes were cast and counted.”

Such so-called “list matching,” of the sort states rely on to pare their rolls of invalid voters, takes careful work by longtime experts. It is easy to do poorly. It was ill-conceived or badly executed data analyses that led Georgia and Texas to move recently to wrongfully eliminate tens of thousands of valid registrations, reversing course only after voting rights groups and others called attention to the mistakes.

Conservatives have also used such data analysis to make wild claims about voter fraud over the years, often hitting stumbling blocks in court as they were shown to be badly flawed or incorrect.

That pattern held in this year’s torrent of pro-Trump lawsuits, as well.

For instance, in pressing their cases across the country, Republicans have referenced data analyses by a cybersecurity executive and one-time Texas congressional candidate named Russell J. Ramsland Jr. One of his reports alleged that various Michigan counties had vote tallies that exceeded their populations, implying their totals were padded with illegal ballots; the counties in question, it turned out, were in Minnesota, not Michigan.

Likewise, several specific accusations that people illegally cast ballots in the names of dead people have been born of amateurish data analysis that later proved faulty.

In a federal case the Trump campaign brought seeking to delay certification of the results in Michigan, the specific mention of a ballot cast by a dead voter was incorrect: No vote was cast through the dead man’s registration. Rather, a man with his same exact name voted legally. (Mr. Trump’s team pulled that case from the docket as Michigan moved forward toward certification.)



Workers with the Detroit Department of Elections count remaining absentee ballots the day after the election. Brittany Greeson for The New York Times

That is a common issue in claims about “dead voters,” “double voters” and “out of state” voters — blind comparisons of official data often lead to “false positives” treating two people with the same names as the same person.

In Georgia, lawyers for the secretary of state are seeking to have the court reject an “expert” analysis declaring that Mr. Biden’s winning result included more than 10,000 ballots from dead citizens. The state’s own expert analyst in the case, the M.I.T. political scientist Charles Stewart III, concluded that the Trump campaign only appeared to “identify the unremarkable fact that some Georgians who voted share

the name and birth year of a different person who died,” as state lawyers put it. In several other instances, the “dead voters” in whose names the Trump campaign said ballots were cast proved very much alive.

This past week in Pennsylvania, authorities did make one arrest based on an accusation the Trump campaign first leveled in November. Delaware County prosecutors said a man named Bruce Bartman cast an absentee ballot in his deceased mother’s name — for Mr. Trump. Mr. Bartman’s lawyer said Mr. Bartman had done so as a misguided “form of protest,” and the local prosecutor said it was nothing more than “evidence that one person committed voter fraud.”

## **A complaint ‘void of plausible allegations’**

Mr. Trump and his allies have also attacked election officials themselves. In a new twist on voter fraud mythology, they have claimed the officials were either complicit in fantastical fraud schemes or willing participants. In multiple states such accusations were summarily thrown out by judges.

In Arizona, Republicans filed a federal lawsuit claiming that both election workers and Democratic officials overseeing the election “could” have perpetuated any number of fraudulent activities. Judge Diane J. Humetewa, an appointee of former President Barack Obama, dismissed the suit, saying “these innuendoes fail to meet” standards for fraud allegations.

In Michigan, Judge Timothy M. Kenny, a state judge, was asked to consider the claim that election officials “coached” people to vote — a claim that was made, the judge noted in dismissing it, without a location or date or other relevant details.

Few Trump-era claims of fraud, however, have quite caught on in conservative media like those involving computerized voting systems allegedly “switching” Trump votes to Biden votes.

One of the wildest of those claims was an accusation that officials in at least four states used ballot tabulators built by Dominion Voting Systems to flip hundreds of thousands, if not millions, of votes from Mr. Trump to Mr. Biden.

This improbable plot received its fullest airing in four lawsuits filed by Sidney Powell, a onetime lawyer for the Trump campaign.

Her personal record is much like that of all of the other failed Republican voter fraud suits. Despite refutation from judges and election officials around the country, her narrative has been continually repeated in right-wing media, ensuring that the notion of extensive fraud gained traction unimpeded.

A judge in Phoenix called Ms. Powell’s complaint “void of plausible allegations.” A judge in Michigan wrote that Ms. Powell’s belief that voting machines changed the election outcome was “an amalgamation of theories, conjecture, and speculation.”

The most thorough debunking of Ms. Powell’s conspiracies came last week in a blistering letter from Dominion that affirmed the integrity of its machines, which has been verified in independent audits. The company demanded she retract her statements and accused her of engaging in “a reckless disinformation campaign.”

Dominion indicated that it was also mulling legal action against Rudolph W. Giuliani, who has led Mr. Trump’s postelection legal effort, and several prominent conservative media figures.

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Ballot tabulation at the Maricopa County Recorder's office in downtown Phoenix. Adriana Zehbrauskas for The New York Times

As she continues to press her fraud myth nationally Ms. Powell has taken her arguments to the Supreme Court, all the while keeping close contact with Mr. Trump, meeting in-person at the White House.

The city of Detroit is seeking sanctions against Ms. Powell, and the Michigan Attorney General Dana Nessel says she is considering doing the same because of “intentional misrepresentations” in Ms. Powell’s legal filings.

Yet for all of that, the story line lives on, even on Christmas Eve, when Mr. Trump took the time to write on Twitter, “VOTER FRAUD IS NOT A CONSPIRACY THEORY.”

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