

# Deceive, Disrupt, Deny

Election subversion strategies we're already seeing  
in 2024 — and how to defuse them

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**Protect Democracy is a nonpartisan nonprofit organization dedicated to preventing American democracy from declining into a more authoritarian form of government.**

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# About This Analysis

In 2020, conspiracy theories about the “stolen election” prompted wide-ranging efforts to overturn or refuse to certify legitimate election results. This subversion campaign culminated in a mob attacking the United States Capitol, assaulting dozens of law enforcement officers, and testing the limits of our democracy. In 2024, we can anticipate that these tactics will escalate.

Our election experts have found that, for the past four years, bad-faith actors have continued efforts to push disinformation and “police” the election process. Their tactics are designed to deceive the electorate, disrupt the election, and ultimately deny any election results they do not like.

This guide outlines the most pressing election subversion strategies at the state and national levels and explains how to decode and defuse them.

# The 2024 Election Subversion Strategy

**THE ELECTION DENIAL MOVEMENT** is organized around the false idea that elections in the United States are rigged by shadowy, unseen forces. While the movement has ties to past conspiracy theories, the term “election denialism” rose to prominence after the 2020 presidential election, when Donald Trump refused to accept his defeat and instead made unsubstantiated claims that widespread fraud had led to a stolen election.

The politicians and organizations who reinforce election denialism today do so for political and financial gain. These bad-faith actors exploit the trust of their followers, convincing everyday Americans to spread their lies, interfere in election activities, and reject the truth. Whether true believers or political opportunists, their tactics pose a threat to our democracy.

The three main election subversion strategies build to create a snowball effect, gaining momentum to seek to prevent the true election winners from taking office:

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✘ **DECEIVE:** First, bad-faith influencers, mainly in media and politics, spread disinformation to erode voter confidence in the election and seed narratives about vote fraud during and after the election.

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✘ **DISRUPT:** Second, these actors call on their supporters to meddle in the election administration and voting process to establish a pretext for disregarding the election outcome, primarily by raising unfounded false allegations of fraud and introducing chaos and uncertainty into the system.

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✘ **DENY:** Finally, based on the distrust and disruption they have created, these actors will attempt to interfere or halt the certification process to disregard the outcome of the popular vote and declare the true result untrue, unknown, or unknowable.

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These three steps represent a continuation of the election subversion strategies that have persisted since the 2020 election. As the general 2024 election season progresses, the strategy will likely be embraced with greater enthusiasm. Within the following pages is a breakdown of how this could continue to play out between now and January 2025.

# Understanding Election Subversion

Three main subversion strategies build on each other to create a snowball effect, gaining momentum to seek to prevent the true election winners from taking office.



## 1. Deceive

First, bad-faith influencers in media and politics spread disinformation to erode public confidence in the election and seed narratives about voter fraud during and after the election.



## 2. Disrupt

Next, these influencers call on supporters to meddle in election administration and voting processes, primarily by raising unfounded allegations of fraud and introducing chaos and uncertainty into the system.



## 3. Deny

Finally, using the distrust and disruption as a pretext, these influencers will attempt to interfere with the certification process to dismiss the outcome of the popular vote and declare the true result untrue or unknown.

# Step 1: Deceive

The election denialist movement is using several tactics to drive the narrative that elections are “rigged.” In the recent past, the notion that wins are being “stolen” has proven to be a powerful motivator, and in the 2024 election, we can see those narratives again taking various forms: namely, through mass challenges to the status of individual voters, disinformation about noncitizen voters, distortion of clerical or easily resolvable errors in election processes, and demands for the time-consuming hand-counting of ballots.

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## SUBVERSION TACTIC:

### Filing mass challenges to the status of individual voters

To make it appear as though voter rolls are riddled with ineligible voters, organizations like True the Vote and the Election Integrity Network — creators and amplifiers of election denialist claims in 2020 — have orchestrated campaigns to have private citizens challenge thousands of voter registrations. These campaigns are enabled by flawed technology (EagleAI and IV3, to name a few), which use old voter files, unscrupulous methodologies, and other unspecified, untraceable sources to create lists of supposedly ineligible voters and present them as reliable data. These challenges are frivolous, redundant to ongoing work by election officials, and are an attempt to circumvent federal law.

#### What you should know

EagleAI and IV3 have used incomplete, unverifiable data and flawed methodologies to challenge voter registration lists, making them unreliable sources. Challenges based on these flawed datasets put a significant burden on election officials and risks disenfranchising or intimidating lawful voters. In many cases, these faulty systems have flagged voters who are already inactivated or removed.

If a county or state were to remove or inactivate voters based on mass challenges at this point in time, it would be a violation of the [National Voter Registration Act of 1993 \(NVRA\)](#), which requires that all routine maintenance must be completed 90 days before the election — in this case, August 7, 2024. Recent [Department of Justice guidelines](#) clarified that the 90-day “quiet period” would apply to challenges put forth by a third party. The only removals that can occur during the quiet period are at the request of the registrant or due to death, criminal conviction, or mental incapacity.

## Safeguards and remedies

In addition to potential NVRA violations, schemes to file frivolous mass challenges likely violate several other federal laws, including the Voting Rights Act (VRA), the Ku Klux Klan Act, and various state laws. Mass challenges casting undue suspicion on voters and creating administrative barriers to vote could violate both the section 11(b) anti-voter intimidation provisions of the VRA and the Klan Act provision that outlaws conspiracies to intimidate voters. In addition, various states have laws against voter intimidation and fraudulent misrepresentations, which baseless mass challenges may violate. Both individuals and organizations that file challenges, and any boards of election that accept them, could be liable for their conduct.

► **READ MORE:** [Unraveling the Rise of Mass Voter Challenges](#)

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### SUBVERSION TACTIC:

## Spreading disinformation about noncitizen voters

To position themselves to claim that the 2024 results will be skewed by ineligible votes, election conspiracy groups are [promoting the false narrative](#) that noncitizen immigrants are illegally casting ballots in presidential elections. Earlier this year, GOP Speaker of the House Mike Johnson elevated this narrative as a national issue with his [press conference introducing the SAVE Act](#), which purported to make the act of non-citizen voting illegal. (In fact, it is already barred by the National Voter Registration Act.) The bill also would have required voters to produce [burdensome documentary proof of citizenship](#) to register to vote in federal elections, likely to disenfranchise voters. Johnson himself acknowledged there was no firm proof of a problem, yet asserted, “we all know, intuitively, that a lot of illegals are voting in federal elections.”

House Republicans later attached the bill to an emergency funding measure to keep the government open; Trump cheered the move and [called on lawmakers to shut down the government](#) if they could not win support for the noncitizen voting language. Trump posted disinformation about the issue on Truth Social: “THE DEMOCRATS



ARE TRYING TO ‘STUFF’ VOTER REGISTRATIONS WITH ILLEGAL ALIENS. DON’T LET IT HAPPEN – CLOSE IT DOWN!!!”

## What you should know

Voting by noncitizens is virtually nonexistent, and repeating this disinformation — even to rebut it (as we are admittedly doing here) — could lend these lies an air of legitimacy. Past efforts to identify noncitizen voting have identified only statistically insignificant attempts. Even the Heritage Foundation, which is spreading [disinformation on this topic](#), compiled data that found only [24 instances](#) of noncitizens voting in the 20 years between 2003 and 2023. Any claim that “potential noncitizens” were found on voter rolls should be thoroughly scrutinized.

Such claims were recently advanced in Alabama as a pretext for a voter purge; in fact, it turned out that many of the affected voters were recently naturalized citizens who are legally entitled to vote. Still, other governors are [taking a similar path](#). In late August, Texas Governor Greg Abbott and the Ohio Secretary of State Frank LaRose claimed to have found [1,930](#) and [138](#), respectively, potential noncitizens with voting history. (It’s worth calculating: Even if these claims were confirmed, this would represent at most 0.00011% of votes cast in Texas and 0.00002% in Ohio, based on the current numbers of registered voters there.)

The timing of when the [Texas](#) and [Ohio](#) claims went public — both in late August 2024 — is also notable. This is because states do routine list maintenance and should have caught any potential noncitizens before the 90-day “quiet period” under the [NVRA](#), which began on August 5, 2024. If these officials had serious concerns about ineligible voters on their lists, they had the opportunity to investigate and air those claims long before the law prohibited them from taking action.

## Safeguards and remedies

It would be nearly impossible for a noncitizen to cast a vote. Even if they did accidentally end up on the voter rolls (because, for example, they checked the wrong box on a form), states would find and remove them, alongside other ineligible voters during routine voter list maintenance outside the quiet period. The [NVRA](#) requires that states use a common voter registration form on which an applicant must attest that they are a U.S. citizen, under penalty of perjury. Further, it’s [already illegal](#) for noncitizens to vote in a federal or state election, and anyone who casts an unlawful vote risks jail time and (in the case of noncitizens — even documented immigrants) deportation.

These overreaches can also be prosecuted, as unlawful voter purges rob people of their right to vote. In late September, the Department of Justice [filed suit](#) against Alabama after the state started a process to remove what it said were more than 3,200 non-citizen voters from the rolls during the 90-day “quiet period.” The Department of Justice said in its filings, “This list of impacted individuals included both natural-born

and naturalized U.S. citizens who were registered, eligible voters in the State.” At the time of the filing, according to the DOJ, “at least 717 individuals targeted by the Program have so far confirmed that they are in fact U.S. citizens.”

➤ **READ MORE:** [Noncitizen voting lies, explained](#)

➤ **READ MORE:** [An illegal voter purge based on conspiracy theories](#)

➤ **READ MORE:** [Rebutting Allegations of Widespread Voter Fraud by Noncitizens](#)

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#### SUBVERSION TACTIC:

## Distorting good-faith errors or problems with election processes

In the last presidential election, simple clerical and easily resolvable errors were played up by bad actors to promote the false notion of widespread fraud in the election.

For example, in 2022, using the wrong type of ballot paper in [Maricopa County, Arizona](#) resulted in some printed ballots that precinct tabulators could not read. This event was distorted and portrayed by losing candidates (including current Senate candidate Kari Lake) as a malicious effort to tilt the election. In 2023, the election research group Informing Democracy documented how a small programming error in a judicial race in [Northampton County, Pennsylvania](#), “was turned into a widespread conspiracy in a matter of a few hours,” even though the error had been caught and remedied quickly.

### What you should know

Elections are complex processes run by humans. Many election officials in 2024 will face new rules and procedures. Others, because of high turnover, will lack experience — [estimates indicate](#) that at least 23% of election workers in 2024 will be handling their first presidential election. Even the most seasoned election officials might make a mistake despite their best efforts, especially if they are understaffed, under-resourced, or under threat. While some problems and mistakes are inevitable, multiple safeguards exist to catch them. Hiccups are usually resolved quickly, and ultimately, they are unlikely to impact an election’s outcome.

But the 2022 election demonstrated how simple mistakes that are quickly fixed can become conspiracy fodder. In Northampton County, Pennsylvania, the printer glitch was caught within 15 minutes, and county officials correctly tabulated the votes. Still, prominent [election-denying influencers twisted the facts](#) and spread rumors that the machines were rigged. In Maricopa County, Arizona, the use of the wrong ballot paper

was solved when officials sent ballots to a county office where more sophisticated scanners could read and tabulate the votes. Nonetheless, the uproar spilled over into another county, well outside of Maricopa: Commissioners in Cochise County, Arizona, refused to certify their election in protest of what happened in Maricopa.

Going forward, these types of claims should be met with rigorous questions: When did the problem occur? Has it been resolved? How many voters were affected? Were their votes eventually tabulated properly? How long did that take?

## Safeguards and remedies

Poll workers are trained to catch and fix errors quickly, and provisional ballots are an option for voters if the issue cannot be remedied quickly. Further, state laws provide mechanisms throughout the canvass process (and even after certification) to challenge results or correct errors — whether the result of benign accident or malicious interference. These safeguards vary by state but often include ballot curing, reporting unlawful activity to law enforcement, recounts, audits, and election contests. Also, knowingly spreading false information about election workers can result in civil liabilities and defamation lawsuits.

► **READ MORE:** Stephen Richer v. Kari Lake

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### SUBVERSION TACTIC:

## Promoting conspiracies to replace voting machines with unreliable hand counts

As a means to cast doubt on election processes, election-denying groups often question the accuracy of electronic tabulator machines, demanding instead that jurisdictions count ballots by hand. The Georgia State Election Board recently indulged these questions and passed a measure to require precincts to hand-count all ballots (not all votes) before certification. One of these conspiracy-based pushes was successful in Nye County, Nevada, where, in 2022, county commissioners voted to require the hand counting of all paper ballots for the midterm elections. (The ACLU said the move had the makings of a “historic disaster” and resulted in counting at a “snail’s pace.”)

This election year, there’s more happening on this front in Nevada. In July 2024, activists called for a recount of two races in Washoe County, Nevada, and demanded they be done by hand. When the effort failed, they pressured county commissioners to refuse to certify the results because they claimed the machine-counted results were not trustworthy.

## What you should know

Support for hand counts relies on unfounded criticisms of the reliability of tabulation machines, which are routinely subjected to multiple layers of required testing and security controls. Some examples from [Verified Voting](#) show why voting machines are more reliable than hand-counting:

- **[York County, Pennsylvania](#)**: It took staff four hours to audit two races on 1,842 ballots in 2022 — a process that would have taken nearly 17 days of round-the-clock counting to count all races on all of the county’s 184,594 ballots.
- **[Nye County, Nevada](#)**: One day into the 2022 midterm hand count, the county clerk acknowledged a 25% error rate, attributing the discrepancies between hand- and machine-tabulated vote totals to mistakes by volunteer counters.
- **[Shasta County, California](#)**: The county clerk and voters’ registrar estimated that hand-counting the ballots of 112,000 registered voters and meeting the 30-day certification deadline would require 1,200 additional workers and cost at least \$1,651,209.

While hand counting may be appropriate in certain small jurisdictions, in most places, hand counting will be much slower, less accurate, and more expensive than using electronic tabulators. Calls for hand counts should be understood as calls for delay, and attempts to fabricate “evidence” that voting machines, and therefore election results, are not trustworthy enough to accept.

## Safeguards and remedies

Efforts to get courts to force hand counts have generally failed. The U.S. Supreme Court recently [declined to take up a case](#) seeking to ban electronic tabulator machines, and a U.S. District Judge [sanctioned](#) the attorneys for making “false, misleading, and unsupported factual assertions” in their lawsuit. The Georgia hand-count regulation is currently being [challenged in court](#), as it likely violates state law. At least one state, California, has [banned using hand counts](#) in jurisdictions with more than 1,000 registered voters. Arizona [prohibits using hand counts](#) as the main tabulation system, and Nevada [requires counties](#) to submit a comprehensive plan for conducting a hand count to the Secretary of State no less than 90 days before an election.

- **[READ MORE: Hand-Counting Ballots Introduces Unnecessary Risks and Costs to Elections](#)**

# Step 2: Disrupt

Attempts to disrupt the election process can take many forms. Frivolous litigation and other requests can be filed to tie up the system, delay outcomes, and sanitize conspiracy theories. There may also be physical attempts to interfere in election administration and voting processes that are intimidating and chaotic.

In 2020, attempts to manufacture “evidence” of impropriety using these disruptive tactics — through litigation, surveillance, and burdensome information requests — were used by the election-denying movement to create the impression that voters, election officials, and political candidates cheated. Although these tactics may wildly differ in approach and scope, they all have one common objective: to disrupt or otherwise cause chaos in the electoral process.

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## SUBVERSION TACTIC:

### Filing litigation to challenge sound processes

This year, the Republican National Committee and aligned organizations have already filed nearly 100 lawsuits — primarily in battleground states — to challenge established election rules and procedures. The lawsuits have no merit, are often based on false claims or conspiracies, and were, for the most part, filed too late to remedy their purported complaint. They include challenges to voter roll maintenance practices in at least three states — Michigan, Nevada, and North Carolina — alleging that states aren’t doing enough to “clean” their rolls and remove ineligible voters. Others seek to give county officials some discretion over certification (a ministerial duty), challenge mail-in voting practices, and force election officials to conduct hand counts of ballots.

#### What you should know

The majority of these lawsuits make, at best, questionable legal claims and are almost certain to fail. In Nevada, the RNC is arguing that Department of Motor Vehicles data

suggests that 6,000 noncitizens are registered to vote in Nevada — but if [past cases](#) are prologue, the [vast majority](#) of those will turn out to be recently naturalized citizens. However, success in the courtroom is not the primary aim of these suits. [Putting false claims in the form of a lawsuit](#) is a way to sanitize and add legitimacy to them.

Further, if Republicans lose the presidential election, the RNC and others are likely to [point to one of these lawsuits](#) as “evidence” that the results are illegitimate and refuse to accept the outcome. The large number of cases and their pre-election timing are indicative of strategy. For context, in 2020 Trump filed approximately 60 meritless lawsuits to challenge the results after the election; at the time of publication of this report in October 2024, the RNC has already filed more than 100.

## Safeguards and remedies

While some of these cases may not be resolved ahead of the November election, they are unlikely to succeed — mirroring the [more than 60 cases](#) Trump brought after the 2020 election, all of which were dismissed for lack of merit. At the time of publication, courts have already dismissed cases in [Georgia](#), [Nevada](#) and [Maryland](#), and plaintiffs have withdrawn their own case in [Pennsylvania](#).

► **READ MORE:** [The lurking danger of zombie lawsuits](#)

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### SUBVERSION TACTIC:

## Policing drop boxes and harassing voters

Invoking the false narrative that the election process is untrustworthy — and disproven conspiracy theories regarding election fraud through drop boxes — bad-faith actors have encouraged citizens to be “watchdogs” in their states and local communities. Repeatedly, these so-called monitoring efforts have crossed the line into intimidation when the “monitors” have photographed voters, doxxed them, worn military-style tactical gear, or otherwise behaved in a threatening manner.

A chief proponent of these theories is True the Vote, a self-appointed vote monitoring operation that co-produced the debunked election-conspiracy film “[2000 Mules](#),” which falsely alleged extensive “ballot harvesting” at drop boxes; the film has since been [dropped by its distributor](#) in response to litigation alleging the film constitutes defamation and unlawful voter intimidation. (See more accountability for True the Vote in Safeguards and Remedies below.) But the conspiracies have continued. During the 2022 midterms, a group affiliated with True the Vote announced a [campaign to monitor dropboxes](#) where voters deposit their ballots during early voting periods. People who were influenced by that campaign showed up in tactical gear outside drop

boxes in Arizona, an intimidating sight. While that campaign was blocked by a court, we anticipate similar campaigns will arise.

## What you should know

Security measures for ballot drop boxes vary by jurisdiction, but election officials effectively employ three common practices to keep them secure:

- 1. Official monitoring:** Most drop boxes either have cameras recording 24 hours a day or are located inside a facility that is staffed the entire time it is open and accessible to voters.
- 2. Bipartisan collection teams:** Nearly universally, teams of two people from different parties collect the ballots from drop boxes and bring them together to a secure location for counting.
- 3. Chain of custody documentation:** Ballot accounting is a thorough process at each stage of a ballot's journey. Collection teams record the date, location, and arrival and departure times. These teams are trained to verify seal numbers and confirm the ballot has not been tampered with and is locked. Before the ballots move to the next step, teams place new seals on the ballot boxes and re-verify that the box is locked.

## Safeguards and remedies

Private monitoring of drop boxes may violate state and federal voter intimidation laws when participants engage in surveillance, harassment, and doxxing of voters. In 2022, an Arizona court entered a restraining order against a group that organized volunteers to surveil drop boxes, citing their intimidating conduct (e.g., following and harassing voters at drop boxes, taking pictures or videos of them, and disseminating them online with false claims, dressing in body armor and carrying firearms). These are actions that violate federal anti-voter intimidation laws, including section 11(b) of the Voting Rights Act (outlawing intimidation, threats, or coercion of voters) and section 1985(3) of the Ku Klux Klan Act (prohibiting conspiracies to suppress voters by force, intimidation, or threat).

- **READ MORE:** [League of Women Voters of Arizona v. Lions of Liberty LLC, et al.](#)
- **READ MORE:** [Mark Andrews v. Dinesh D'Souza et al.](#)

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SUBVERSION TACTIC:

## Recruiting confrontational poll watchers and observers

Under the false presumption that fraud is rampant and election officials are biased, some individuals are signing up to serve as poll watchers or observers as part of a national strategy to catch and expose preconceived notions of foul play. Since 2021, some states, including Texas, Florida, and North Carolina, have changed their laws to vaguely grant poll watchers “reasonable access” to ballots or entitle them to “effective” observation. Some of these laws also make it harder for election workers to remove disruptive poll observers.

### What you should know

Almost all states allow independent or partisan poll watchers to monitor voting and vote-counting activities in some form. Poll watchers oversee election procedures to ensure fairness for their respective parties, but they are to refrain from interfering in the electoral process except to report any concerns to polling place authorities and party officials. Nevertheless, since 2021, when some states changed their laws and election conspiracies exploded, election workers have reported numerous incidents of intrusive or intimidating behavior by poll watchers. In Wisconsin’s 2024 state primary, various observers had to be removed by police for disruptive and confrontational behavior directed at poll workers.

### Safeguards and remedies

Different state laws spell out clear procedures for who can — and who cannot — monitor elections, limit the actions of poll watchers, and authorize the removal of disruptive individuals serving as poll watchers. Additionally, anti-intimidation laws protect voters and poll workers from any attempts at intimidation by poll watchers.

► **READ MORE:** [CSSE Chair Neal Kelley provides testimony to U.S. House Committee on Homeland Security](#)

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SUBVERSION TACTIC:

## Making unlawful threats to election officials

Baseless allegations of voter fraud and alleged election irregularities have sparked extensive harassment and threats of violence targeting election workers, officials, and their families. More than one-third of local election officials have experienced



threats, harassment, or abuse due to their jobs in recent years. Because women largely make up this workforce, they are largely the target of these threats. A [2024 analysis by Scripps News Service](#) found that 80% of election workers in the U.S. are women.

## What you should know

In many cases, officials targeted by election disinformation face a [wave of threats](#) after being named in those conspiracy theories. This contributes to high turnover in election officials, which raises the risk of mistakes in running complex election processes.

## Safeguards and remedies

Threatening or intimidating election officials is illegal under federal law. Knowingly spreading false information about election workers can result in civil liabilities and [defamation lawsuits](#). Many states have enacted [new laws](#) to provide additional protections for election officials and poll workers, including stiffer penalties for intimidation and safeguards against “doxxing.”

► **READ MORE:** [State and Local Solutions Are Integral to Protect Election Officials and Democracy](#)

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### SUBVERSION TACTIC:

## Abusing public records requests

Since 2021, election offices have faced [surging public records requests](#) from election conspiracists seeking evidence to support their theories — with requests increasing as much as 700% since 2020. Responding to these requests has sometimes required offices to cut back voter outreach activities or repurpose a limited budget to hire new staff to deal with the requests. Further, many of the requests target specific employees and may be tied to harassment campaigns. Generative [AI tools](#) may make it easier to file [even more requests](#) in 2024.

## What you should know

While public records requests can be a powerful tool for greater government transparency, the process is being abused by election deniers to perpetuate falsehoods about the election and unreasonably burden election officials. Responding to public records requests is time-consuming, sometimes [taking weeks](#), and can divert an election office’s already limited resources away from administering the election. Requests like this can also cause harm, as requests for election materials like cast vote records and ballot images may [jeopardize ballot secrecy](#).

## Safeguards and remedies

State laws often require officials to make timely responses to all incoming records requests. Election officials have sometimes been able to streamline this process by issuing guidance to facilitate responses and, where funds allow, hiring temporary staff to handle incoming requests.

► **READ MORE:** [How generative AI could make existing election threats even worse](#)

# Step 3: Deny

The tactics described above to distort and disrupt the 2024 election are steps toward a radical goal: to deny certification of election results. The dishonest narratives and unfounded challenges will be misconstrued as “evidence” that the election was fraudulent and used to deny certification. This can happen in various ways: falsely claiming victory before final results are complete, pressuring officials to deny certification at the county level, filing frivolous legal challenges, and seeking unreliable audits, as well as interfering with the duties of members of the Electoral College or confirmation of presidential results at the joint session of Congress.

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## SUBVERSION TACTIC:

### Making false claims of victory

Trump’s effort to overturn the election results arguably began on Election Night 2020, when he appeared in the White House at 2:30 a.m. to declare himself the winner and to criticize ongoing ballot counting as illegitimate. This was part of a strategy he telegraphed ahead of Election Day — likely because experts were predicting that he would appear to be ahead in the count on Election Night before many mail-in ballots were counted. While this false claim of victory had no legal significance, it was an immediate effort to shape the public narrative around the election results. Experts are again predicting that there may be no clear winner on Election Night — meaning that we are likely to see similar false claims of victory before all the votes have been counted.

### What you should know

Since roughly 2000, we have seen a “blue shift” as presidential election results are tabulated on and after Election Night. The proportion of votes counted for Democratic candidates has generally increased as counting went on, sometimes quite drastically, as votes are counted. This pattern is caused by various factors, but it escalated

dramatically in 2020, when Democrats were much more likely to cast mail ballots, which are often counted later than ballots cast in-person on Election Day.

One reason for the “blue shift” in some states? State laws that don’t allow election officials to start processing absentee ballots until after Election Day. Since 2020, election experts have called on states to take steps to speed up absentee ballot processing — but in two key states, [Pennsylvania](#) and [Wisconsin](#), Republican legislators have refused to support expanded pre-processing. And Republican-controlled legislatures in Arizona, Georgia, and North Carolina have added [other new requirements](#) that will likely slow down results.

## Safeguards and remedies

Media “calls” and declarations of victory have no bearing on the official vote-counting process. The vote-counting process will begin on Election Day and may well continue for several days until all ballots are counted. Even once initial results are public, canvass procedures, recounts, and election contest procedures must be completed before the results for each state are finally certified by December 11.

► **READ MORE:** [The ‘blue shift’ and ‘red mirage’ in election results, explained](#)

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### SUBVERSION TACTIC:

## Refusing to certify at the county level

In 2020, Trump’s effort to overturn the election results included a [pressure campaign](#) directed at local officials in Michigan charged with certifying election results at the county level. Since then, county officials across the country (including in key swing states like Arizona, Pennsylvania, Georgia, and Nevada) have [threatened or refused to certify election results](#), citing conspiracy theories about election fraud. While these efforts have all ultimately failed, refusals to certify are disruptions that can delay the election process, and by doing so, further fuel distrust in the process and outcome.

## What you should know

[Certification](#) is a legal duty that local officials are required by state law to complete. Certification marks the end of the local vote-counting process and allows state officials to begin the next phase of verifying election results, including recounts, audits, and election contests as provided by state law.

## Safeguards and remedies

Because certification is a legal duty, local officials can be [ordered by a court](#) to complete it. Those required to certify elections are like scorekeepers. Their job is to record

the results, and then, if there are any issues that need to be addressed, the states have established laws and procedures (listed above) to resolve them in a timely manner. Local certifiers do not have the power to challenge results, launch investigations, or otherwise stall the process. For these reasons, officials who refuse to certify election results may be subject to criminal charges — for example, two Cochise County, Arizona, officials are being prosecuted on conspiracy charges for refusing to certify the 2022 election results.

► **READ MORE:** [Election Certification Is Not Optional](#)

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**SUBVERSION TACTIC:**

## Devising frivolous challenges and unreliable “audits”

If a losing candidate refuses to accept the results, they can fuel distrust and delay their defeat through drawn-out unreliable “audits” or by challenging the outcome in court. To this end, former president Trump and his allies filed more than 60 cases challenging the results of the 2020 election.

Even after Joe Biden was inaugurated as president, conspiracy theorists continued to question the outcome and demand investigations. In spring 2021, the Republican caucus of the Arizona state senate hired a small Florida-based firm with ties to the election denier movement and no election auditing experience — called the Cyber Ninjas — to conduct an unreliable audit that lasted months, cost nearly \$9 million, and uncovered no evidence of fraud. Copycat “audits” popped up across the country.

In 2022, other candidates who lost their elections followed Trump’s example by refusing to accept defeat. 2022 Arizona gubernatorial candidate Kari Lake and attorney general candidate Abe Hamadeh have continued to pursue challenges for nearly two years after their losses, while campaigning as candidates for the U.S. Senate and House of Representatives, respectively, in 2024. None of these cases or investigations has produced evidence that the election results were wrongly decided.

### What you should know

Post-election court challenges and audits are a normal and important part of the election process, but they must be grounded in fact. State officials oversee and conduct these processes regularly and have a proven model of fairly managing these operations. The National Association of Secretaries of State maintains a list of best practices:

1. State audits should have a defined requirement and timeframe
2. Election officials must adhere to the chain of custody procedures at all times
3. Any third-party involvement should be determined before the election and by the chief election official or a legislative act
4. Processes and methods must be transparent
5. Voting machines should only be audited in accredited test labs
6. States should keep the public updated about the process and progress

## Safeguards and remedies

Courts have imposed sanctions to hold to account the candidates and attorneys who filed baseless challenges and spread conspiracy theories. The Arizona Senate and the (now defunct) Cyber Ninjas were sued for withholding official documents, and the Senate president who led those efforts faced public backlash and is no longer in office.

► **READ MORE:** [Partisan Election Review Efforts in Five States](#)

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### SUBVERSION TACTIC:

## Interfering with the Electoral College process

County certification delays or court intervention based on unfounded claims of fraud could have serious ripple effects for the 2024 election. Under the Electoral Count Reform Act, each state must certify its electoral college slate by December 11, 2024, and electors meet to cast their ballots on December 17, 2024. Delays due to disinformation or disruption could prevent a state from meeting those deadlines, which could lead to uncertainty, disenfranchisement, or unrest.

### Key Election Dates



## What you should know

The Electoral Count Reform Act was passed in 2022 to remove ambiguity from the process of finalizing presidential results and prevent future efforts to undermine and subvert the election. Three components of the ECRA that are now in place would help avoid a crisis at this stage:

- The provision that only a governor (unless otherwise specified) can file the state's certificates of ascertainment indicating the winning slate of electors
- An expedited judicial review of disputes regarding the certificate to allow for a rapid judicial process between December 11 and December 17
- Language clarifying that electors can only be selected on Election Day, with a limited potential exception to extend voting in the event of a catastrophic event, such as a natural disaster or terrorist attack

## Safeguards and remedies

In addition to the safeguards built into the ECRA, as outlined above, state laws provide officials with tools to keep the certification process moving forward. State officials can allocate additional resources to help counties complete their canvass (the process that accounts for every ballot and verifies that every eligible vote appears in the final tally) or ask a court to intervene and compel certification. In some cases, a state executive may have the authority to certify on behalf of a county or to exclude that county's votes from the state's final tally.

► **READ MORE:** [Understanding the Electoral Count Reform Act of 2022](#)

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### SUBVERSION TACTIC:

## Pressuring Congress to object

In the run-up to January 6, 2021, President Trump and his supporters engaged in a behind-the-scenes [pressure campaign](#) to convince Vice President Mike Pence to stop, delay, or rig the certification vote, although Pence rightly insisted he had no authority to do so. As [Pence has emphasized](#), “Frankly, there is no idea more un-American than the notion that any one person could choose the American president.”

But many others acquiesced to these requests. When Congress met on January 6, several Republican lawmakers forced a vote on objections, based on conspiracy theories, to Arizona's and Pennsylvania's slates of electoral votes. The violent insurrection interrupted a debate about the objections, but later that night, when Congress reconvened, [147 members voted to reject one or both slates](#).

## What you should know

Before the passage of the ECRA, the law only required one senator and one representative to lodge an objection to a slate of electoral votes and force a vote on the issue. That has changed. Now, it takes at least one-fifth of each chamber — 20 Senators and 87 members of the House — to lodge an objection, and the ECRA limits the permissible reasons members can invoke for objecting to a state’s slate. And, as was the case before the ECRA passed, Congress can only go on to reject those electoral votes if a majority of both chambers then votes to sustain that objection, although doing so would be highly improper under all but a very unlikely set of circumstances.

The ECRA also clarified the vice president’s role in certification, stating that the vice president’s role at the joint session of Congress is ministerial — to facilitate the counting of votes, not to adjudicate which state’s votes should or should not be counted.

## Safeguards and remedies

Besides the safeguards built into the ECRA, as outlined above, the Department of Homeland Security has elevated the status of the congressional electoral count on January 6, 2025, to a “National Special Security Event.” This unlocks additional resources for security and planning to protect the congressional vote-counting process from violence like we saw on January 6, 2021.

► **READ MORE:** [Understanding the Electoral Count Reform Act of 2022](#)





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