

New York Times

When You Think of It, We Shouldn't Even Have an Election'

By Thomas B. Edsall

May 5, 2026

President Trump hates to lose.

Heading into the 2026 midterm elections, you can't say that the president hasn't warned us, over and over, that he will do all he can to prevent the congressional contests from turning into a humiliating Republican rout.

"It's some deep psychological thing, but when you win the presidency, you don't win the midterms," Trump [told Reuters](#) in an interview at the beginning of the year. He claimed that his presidency had been so successful that "when you think of it, we shouldn't even have an election."

Trump's comment fell right in line with his repeated claims of unlimited, unchecked power.

[March 2020](#): "I have the right to do a lot of things that people don't even know about."

[August 2025](#): "I have the right to do anything I want to do. I'm the president of the United States of America."

[January 2026](#): In an interview with The New York Times, Trump was asked: "Do you see any checks on your power on the world stage? Is there anything that could stop you if you wanted to?" Trump replied: "Yeah, there is one thing. My own morality. My own mind. It's the only thing that can stop me, and that's very good."

In Trump, we have a president whose hatred of losing drove him to provoke the insurrection at the Capitol on Jan. 6, 2021, a president who [expanded the mandate](#) of the federal Joint Terrorism Task Force to include the investigation, arrest and prosecution of individuals engaged in "domestic terrorism" and created a multimillion-dollar domestic terrorism unit to pursue those cases.

He is a president who asserts national control over state-administered elections, a president who has overseen the seizure of ballots and federal attempts to get access to voting machines and voter lists, and a president who has gutted the institutions that are supposed to ensure a fair election process and fired the people who work for them.

This same president now faces the possibility of a mortifying defeat in November. Republicans are expected to lose control of the House as the likelihood of a [Democratic takeover of the Senate](#) reaches 50 percent or better.

Not one to keep a secret, Trump made what he would *like* to do [very clear](#) during a Feb. 3 bill signing ceremony at the White House:

Look at the facts that are coming out. Rigged, crooked elections. Take a look at Detroit. Take a look at Pennsylvania. Take a look at Philadelphia. You go take a look at Atlanta. Look at some of the places that ... horrible corruption on elections, and the federal government should not allow that.

The federal government should get involved.

The states, Trump claimed, “are agents of the federal government to count the votes. If they can’t count the votes legally and honestly, then somebody else should take over.”

There are other factors at work pointing to an attempt by Trump to stave off defeat. At the top of the list: Trump’s [National Security Presidential Memorandum 7](#), issued Sept. 25 last year.

The memorandum effectively grants the Department of Justice, the Treasury, the I.R.S. and other federal agencies a license to label left-wing groups as domestic terrorist organizations and directs the Department of Justice to prosecute them “to the maximum extent permissible by law.”

The memorandum claims that “heinous assassinations and other acts of political violence in the United States have dramatically increased in recent years.” These acts, in Trump’s view, are exclusively linked to the left. He does not mention right-wing extremist violence:

Common threads animating this violent conduct include anti-Americanism, anticapitalism and anti-Christianity; support for the overthrow of the United States government; extremism on migration, race and gender; and hostility toward those who hold traditional American views on family, religion and morality.

The memorandum calls on the Joint Terrorism Task Force “to investigate, prosecute and disrupt entities and individuals engaged in acts of political violence and intimidation designed to suppress lawful political activity or obstruct the rule of law.”

There are other danger signals.

One is the possibility that a majority of the Supreme Court justices would hesitate to block Trump if, just days before the election, he asserted constitutionally questionable powers to disrupt the process under the doctrine of the “unitary executive theory,” which supposedly grants the president unrestricted authority to control the executive branch.

Another is that the Republican majorities in the House and Senate would continue their passive submission to Trump and take no steps to block potentially unconstitutional actions.

The threat posed by Trump has rattled experts at the Brennan Center and [Keep Our Republic](#), along with scholars who study Trump's real and claimed powers.

Two of the foremost students of these powers are Joel McCleary, a founder of Keep Our Republic, and Elizabeth Goitein, senior director of the liberty and national security program at the Brennan Center. Some, but not all, of their attention has been focused on the secretive creation of presidential emergency action documents, which have come to be known as "PEADs."

McCleary described his findings and his concerns in a series of emails, many including reports he has written. In an April 23 report, "Continuity of Government, Presidential Emergency Action Documents and the Evolution of Executive Emergency Powers," McCleary wrote that the president "possesses emergency powers that are virtually unknown to the public, to most members of Congress and to much of the federal judiciary. These powers — codified in classified presidential emergency action documents" — allow

a single individual to suspend fundamental constitutional rights, detain civilians, seize property, impose martial law and censor communications.

They require only a presidential signature. No prior congressional approval is needed. No court reviews them before activation. No statutory mechanism exists for Congress to restrict or terminate these powers once invoked.

While PEADs were first created in the 1950s during the Eisenhower presidency to address the potential of nuclear war to create chaos, there is, McCleary wrote, "no statutory, constitutional or procedural limit on the number of PEADs a president may create, the subjects they may address or the scope of authority they may claim."

The Brennan Center has published [an article](#) describing the history and potential use of PEADs.

I asked Goitein to explain the difference between a declaration of a national emergency and a PEAD. She replied by email:

A declaration of national emergency by the president unlocks statutory authorities contained in 137 different provisions of law. A presidential emergency action document (PEAD) is a draft executive order, directive or communication, prepared in anticipation of a particular type of emergency, that implements an emergency power or powers.

The emergency powers it implements can either be statutory powers or powers that are available to the president — or that the president *claims* are available — under the Constitution. These draft orders/directives/communications are often accompanied by legal analyses to justify the actions they would implement.

Are the constraints on the use of PEADs less than those on the use of declarations of national emergencies?

Goitein:

It depends. Some PEADs will actually involve a declaration of national emergency, in which case the primary constraint would be the same: Congress could vote on a resolution to terminate the national emergency declaration. This is a very weak constraint, as Congress would have to muster a veto-proof supermajority.

In addition to congressional action, Goitein continued:

the courts could also serve as a check. For either a national emergency declaration or an exercise of emergency authority pursuant to a PEAD, any person adversely affected could file a lawsuit to challenge the government's actions if those actions appeared to violate the Constitution or a law passed by Congress.

While courts in both scenarios would likely be reluctant to second-guess the president's determination that an emergency exists, they would be much less reticent in reviewing whether the actions taken in response to the emergency were authorized by law.

While the secretiveness of PEADs prompts suspicion among those wary of the Trump administration, the National Security Presidential Memorandum 7 I mentioned earlier is raising specific fears.

As McCleary put it:

NSPM-7 is something different again. It is a national security presidential memorandum — not an executive order, which would require Federal Register publication. Presidential memoranda have the same legal force as executive orders but less transparency.

NSPM-7 cites no statute and no constitutional provision. It simply directs the attorney general and other federal officials to do things — compile a secret list, investigate organizations, designate domestic terrorist groups — under the president's claimed authority to direct the executive branch. There is no statutory category of "domestic terrorist organization" in federal law. Congress didn't create this designation power; the president simply asserted it. The differences in constraint are where it gets dangerous.

For the NSPM-7 memorandum, McCleary argued,

the constraint picture is arguably the worst of all three, because it operates in plain sight but outside any legal framework. Unlike a national emergency declaration, it doesn't activate defined statutory powers — it asserts authority that no statute grants. Unlike PEADs, it isn't waiting for a catastrophic trigger — it's already operational.

The memorandum, in McCleary's view,

has the operational immediacy that PEADs lack (it's running now, not waiting for a crisis) and the legal unaccountability that national emergencies lack (no statutory framework, no public declaration, no termination mechanism).

The three together form a layered system: NSPM-7 operates day-to-day, building the infrastructure and the target lists. National emergency declarations provide the escalation mechanism — broadening executive power under statutory cover. And PEADs sit at the top of the pyramid, ready for the moment when the constitutional order itself is suspended. Each layer normalizes the next.

In an April 29 [essay](#) in The Washington Spectator, “Emergency Planning: The President Is Preparing to Challenge 2026 Midterms. The Country Can Still Act to Protect Them,” Jonathan Winer, a former U.S. special envoy for Libya and a deputy assistant secretary of state for international law enforcement during the Clinton presidency, described the following hypothetical sequence of events.

“The scenario would likely begin by Trump declaring that the election results were rigged, as he has in the past,” Winer wrote, and then compliant federal authorities would “require investigation of those results before they were finalized.”

The president could “then call on congressional leadership to proceed as if the announced results are invalid, urging the speaker of the House to organize the chamber on the basis of a Republican majority, and encouraging similar action in the Senate, urging them to ignore any jurisdictions in which the federal government was still undertaking its review.”

Protests of Trump's actions would provide him with fresh opportunities to exercise autocratic power. Trump would then

direct the attorney general to treat coordinated demonstrations as organized political violence. He could instruct the F.B.I. and Joint Terrorism Task Force to identify organizers, map funding sources and examine any connections — real or alleged — to foreign actors.

Federal agents would then make arrests. They would arrest individuals at protests, whether or not violence has occurred.

In order to conduct mass arrests, Winer pointed out, “the largest existing detention infrastructure is operated by the Department of Homeland Security, particularly

Immigration and Customs Enforcement, which maintains a large paramilitary force and a nationwide network of facilities.”

At the same time, Winer noted, the president could take over communication systems, including “internet service providers, social media platforms and communications infrastructure”; seize property; and freeze bank accounts.

“These actions could be taken broadly at the outset, before courts rule on their legality, preceding any form of judicial review,” Winer said.

In other words, time would be on Trump’s side, with the likelihood that Congress and the courts would be slow to react, and both might well passively accede to Trump’s effective cancellation of an election.

McCleary elaborated on Winer’s suggestion that the Department of Homeland Security’s detention facilities could be used for jailing protesters: “The FY2025 budget appropriated \$45 billion for immigration enforcement, including \$38.3 billion for ICE facility construction — a 265 percent increase over the previous fiscal year.”

The money, McCleary argued, far exceeds the needs of the department, raising the question of “whether this scale is proportionate to its stated purpose.” McCleary contended that this over-the-top budgeting means either that

the administration plans extrajudicial removal without hearings — which requires emergency authority to bypass due process protections; or

the infrastructure is being built for a purpose or scale beyond what immigration enforcement alone would justify.

McCleary argued that his analysis is more substantial than a conspiracy theory:

We do not allege secret coordination. We observe public convergence. Each instrument was enacted openly. Their combined effect — mass detention capacity plus terrorism designation of political opposition plus criminal prosecution of association — has no precedent in American law outside wartime.

Would the courts intervene?

The Supreme Court’s exceptional deference to Trump is the subject of “[President Trump in the Era of Exclusive Powers](#),” an April 2025 paper by Shalev Gad Roisman, a law professor at the University of Arizona. It says:

The defining doctrinal innovation of the second Trump administration has been to take the Supreme Court at its word. In recent years, the court has embraced an extremely broad

view of the president's "exclusive" powers that cannot be regulated by Congress. The Trump administration is now showing what it might mean to take the court's statements literally.

"The second Trump administration has exercised executive power in ways unparalleled in modern history," Roisman continued, adding,

I do not think the Roberts court ever planned, or even considered, taking its own separation of powers doctrine quite this far. But, while the regime of full executive control that the Trump administration is striving to create might be beyond what the court foresaw, it is not necessarily beyond what it said.

When I first queried Kenneth Mayer, a political scientist at the University of Wisconsin-Madison, he replied by email with a largely technical examination of presidential powers. A few days later he added to his comments, writing:

What I did not accurately convey is how Trump has obliterated the boundaries and guardrails that we had long thought would serve as meaningful constraints on presidential extremism.

He is acting as if his will is law, the government and everything in it belongs to him, and everyone owes their allegiance to him, not to the Constitution, the law or the public good.

What we are seeing now, Mayer concluded, "is not normal, is utterly corrosive to principles of constitutional and democratic governance and is extremely dangerous."

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The Atlantic

**The Race to Save America's Democracy
Trump's administration may seem chaotic,
but Americans should not take the integrity
of next year's elections for granted.**

**By Garry Kasparov
September 28, 2025**

Donald Trump likes to say he doesn't actually lose elections—only the “rigged” ones. Such comments are not mere bluster, like the president's boasts about golf. They are threats to democracy, which is more fragile than many Americans may realize.

At the end of last year, I asked former U.S. Attorney for the Southern District of New York Preet Bharara on his podcast whether we should be worried about Trump trying to pursue a third term. No, he assured me, we have the Constitution; that's ironclad. I was uneasy with this answer then. My fears have only deepened.

About a month into Trump's second term, I began warning that the Putinization of America was well under way. Now, after a summer of National Guard deployments in American cities, crackdowns on protests, massive layoffs of federal workers, purges of anyone deemed disloyal in the FBI, immigration raids on workplaces, and unfettered self-dealing, Trump and his administration seem more erratic, unpredictable, and chaotic than ever. But, beneath the breaking-news barrage, we can trace the thread of advancing authoritarianism.

Although Trump himself may operate on instinct, his more disciplined advisers are masterminding a steady accumulation of power. The very bedrock of American democracy—free and fair elections—is under threat. Already there is talk of redrawing district maps, banning mail-in ballots and electronic-voting machines, and rewriting voting rules. If the administration is allowed to continue on this path, Americans should not take the integrity of next year's midterms for granted.

The Constitution is a piece of paper. It is a remarkable and world-changing piece of paper, but its power has endured only because Americans have historically been willing to fight and die for the principles it codifies. Assumptions about the fortitude of America's democracy ignore the uncomfortable truth that democracy is an active process, one that requires constant commitment to its preservation. It is not enough to fall back on what past generations fought for. I worry that Americans have become too complacent about the country's laws and values and the institutions that support them.

White House Press Secretary Karoline Leavitt lamented in May “a troubling and dangerous trend of unelected judges inserting themselves into the presidential decision-making process,” as if those judges did not represent a co-equal branch of the government and a crucial check on presidential power. The administration has been duly bending, breaking, and dismantling such checks one by one—and expanding the president’s power in ways previously unimagined.

Recommended Reading

Last week, Trump signed an order to send the National Guard into Memphis as part of his administration’s campaign to normalize the militarization of cities and states run by the opposing party. This move is straight from Vladimir Putin’s playbook. But because America’s institutions are stronger and more resilient than those of post-Soviet Russia, the Trump administration has to act quickly if it wants to undermine them. Otherwise, there is a chance it could be stopped.

The looming test of American democracy in the face of these threats will be the midterms. In a special election last month for a seat in Iowa’s state Senate, Republicans lost their supermajority—in a state Trump carried by more than 13 points. His national approval ratings are now below 40 percent, according to polling from The Economist/YouGov. His hold on the electorate is far from secure, so the incentives for meddling are clear. The unwavering fealty to Trump expressed by the appointees in charge of federal law enforcement, including Attorney General Pam Bondi and FBI Director Kash Patel, suggests that electoral subversion in his party’s favor might not be punished.

In his first term, Trump faced pushback from high-level military figures in his administration who objected to the misuse of the armed forces for political gain. This time, Trump’s whims as commander in chief are going largely unchecked. Pete Hegseth, the head of the Department of Defense (it’s not the Department of War until Congress says so, another Trumpian break with reality), has undertaken a purge of the Pentagon to root out anyone who doesn’t prioritize loyalty to Trump.

The harassment and intimidation of voters and officials needn’t be sanctioned by the courts to be effective. On January 6, 2021, Trump had to rely on an amateur rabble to try to overturn an election he lost. Next time he’ll have professionals with plenty of rehearsal time.

Those who want to protect democracy can’t wait until it’s time to vote to combat the threat to the integrity of our elections. We need to start now by challenging the administration’s unlawful assertions of executive power at the expense of the other branches of government. And every time a check on executive power is curbed, it becomes easier to remove the next safeguard, and the next.

In a recent appearance on CNN, Senator John Fetterman chided Americans who call Trump an autocrat, given that he was democratically elected in a safe and secure election. But so were Putin, Recep Tayyip Erdoğan, and Viktor Orbán. There are plenty of examples of elected leaders who have subverted the democratic system that brought them to power in order to rule forever. Trump has already tried to overthrow an election, and he has demonstrated this term that he stops only when the courts or lawmakers make it impossible to go on.

Some pundits, scholars, and activists are waking up to the urgency of the danger: Authoritarianism is on the doorstep. Yet there is still no coherent strategy to defeat it. Trump's opponents must build up forces to withstand the administration on every level, from grassroots protests to legal challenges. Judges, if they are willing to stand up to Trump, may be our last line of defense.

As Trump's inflammatory response to the horrific assassination of the political activist Charlie Kirk has illustrated yet again, his knack for stirring up outrage and his desire for amassing "emergency" powers are limitless. Beyond emergency tariffs and emergency immigration enforcement, we now have what appears to be an emergency crackdown on media companies and the occasional late-night host, with the Kirk assassination and "hate speech" as pretexts.

Every Russian remembers Putin's pernicious curbs on free speech and the media. Threats, lawsuits, and coercion initiated a chilling effect that was as effective as outright censorship. That came, too, in time. But early on, Putin relied on pressuring a few big firms so that the others would fall in line. Which they did.

It's not enough for Trump's critics to call for calm and compromise as the country's democracy collapses. The time to rally Americans to defend the Constitution and the rule of law is now. It cannot simply become another election-cycle talking point.

Aspiring authoritarians never ask for permission; they see what they can get away with. The only way to ensure the integrity of the 2026 midterms is to demonstrate, now, that the ideals of the American Constitution are still worth fighting for. Otherwise, Trump's personal delusion, that America is a country over which he reigns supreme, becomes our reality.

Garry Kasparov is the host of season two of the Autocracy in America podcast.

**Republicans Will Try to Steal 2026.
Here's the Law That Puts Them in Prison.
Christopher Armitage
Oct 07, 2025**

One-third of Congress denied the 2020 election. Nearly all of them still hold office. In 2026, they might need to accept results that cost them power, but history says they likely won't.

One hundred fifty-six election deniers hold congressional seats (States United Action, 2024a). The Republican National Committee has deployed over 100,000 "election integrity" volunteers and attorneys across battleground states (Republican National Committee, 2024). Donald Trump controls the pardon power. Meanwhile, Republicans have gerrymandered the system so thoroughly that Democrats could win the popular vote by five points and still lose the House.

Factually, even if Democrats overcome that rigged system and flip the House anyway, the margins will be razor-thin. Three to five seats. Maybe less. Close enough to contest. Close enough to claim fraud. And this time, unlike 2020, Republicans have the institutional power to act on it.

Eighty-four fake electors signed fraudulent certificates in 2020 claiming Trump won seven states he lost. County officials refused to certify results in seventeen cases that year. By 2022, that number had jumped to twenty-two, a thirty percent increase in just one election cycle. Of 291 Republican candidates who denied or questioned 2020 results, 170 won their races in 2022. By 2024, the consolidation was complete. Thirty-one percent of the House. Twenty percent of the Senate. Twenty-three statewide officials with election oversight authority.

Then Trump won, with the help of voter disenfranchisement and gerrymandering. Republican confidence in election accuracy jumped. Harris conceded immediately. No Democratic denial, no calls for investigation, no claims of fraud. But Trump used his victory to expand control, issuing executive orders threatening to eliminate mail-in ballots and "bring HONESTY to the 2026 Midterm Elections." Federal courts blocked the orders as unconstitutional, so if you have faith in Republicans willingness to abide by court orders, rather than gain power at all costs, then feel free to stop reading and trust that everything will be fine.

For those still reading, you know that Republicans will accept results they win, contest results they lose, and have few checks on their the power to do so.

Federal law carries serious penalties for election subversion. Conspiracy against voting

rights allows up to ten years imprisonment, the statute cited in Trump's federal indictment. Obstructing official proceedings provides twenty years, charged in over 350 January 6 prosecutions. Proud Boys leader Enrique Tarrio received twenty-two years for seditious conspiracy. Oath Keepers founder Stewart Rhodes got eighteen.

Then Trump granted clemency to nearly all January 6 defendants. On his first day in office, he issued full pardons to approximately 1,500 people and commuted sentences for 14 extremist group leaders, including Rhodes and Tarrio, whose seditious conspiracy convictions remain but who walk free (Trump, 2025; U.S. Department of Justice, 2025). The federal deterrent evaporated overnight.

State prosecutions reveal an even deeper problem. Michigan Attorney General Dana Nessel charged all sixteen of the state's fake electors with forgery and election law violations carrying maximum sentences of fourteen years. In September 2025, a judge dismissed everything. The reasoning was precise. "This is a fraud case, and we have to prove intent, and I don't believe there's evidence sufficient to prove intent." One cooperating witness testified that defendants believed they were acting legally by creating an "alternate" slate.

The Michigan dismissal establishes a blueprint for 2026. Claim good-faith belief in election fraud and thereby give activist sedition friendly judges the cover they need to make criminal intent impossible to prove.

Georgia's RICO case against Trump and eighteen others is functionally dead after the DA's permanent disqualification. Only Arizona's prosecution of eleven fake electors plus seven Trump aides is moving toward trial in January 2026, and defendants will deploy the same "we believed it" defense that succeeded in Michigan.

Of eighty-four fake electors across seven states, only one has been convicted as of October 2025. She received probation with no jail time. A conviction rate of 1.2 percent for participating in a scheme to overturn a presidential election.

Criminal statutes exist. Prosecutors can file charges. Judges accept "good faith belief" as an insurmountable defense. Or Trump pardons anyone who gets caught.

But four states have enacted a different category of law since 2020. Statutes so specific in defining prohibited conduct that the good-faith defense fails. These laws don't rely on proving subjective intent. They establish objective violations with mandatory penalties.

Four states have statutes that work. Colorado criminalizes fake electors specifically. Up to twenty years in prison for knowingly signing false electoral certificates, with each certificate a separate offense. Arizona criminalizes certification refusal. One to five years

for willful refusal to perform mandatory duties, plus expedited court orders compelling compliance and daily fines until officials act. Colorado, Minnesota, and New York protect election workers with criminal penalties up to five years for threatening or doxxing officials, privacy protections for personal information, and required security resources.

These laws define exact prohibited conduct. No proving “intent,” no good-faith defense. You did this, and then you go to prison.

The critical swing states remain dangerously exposed. Pennsylvania, with nineteen electoral votes, has no fake elector statute and no specific criminal penalties for certification refusal. House Bill 2473 would fix both problems, aligning state law with Electoral Count Reform Act deadlines and establishing strict timelines for resolving challenges. It passed the House 105-97 with three Republican co-sponsors. It sits stalled in the Republican Senate.

Wisconsin charged only three Trump operatives who facilitated the fake elector scheme with felonies. The ten fake electors themselves faced no criminal charges, only civil liability requiring them to acknowledge Biden’s victory. Wisconsin still doesn’t allow processing mail ballots before Election Day, creating delay vulnerabilities that fuel conspiracy theories.

Georgia prosecutes 2020’s fake electors while simultaneously enacting laws that increase future subversion risk. The legislature gave itself power to control the State Election Board and allow board takeover of local election administration. The State Election Board issued rules in 2024 giving counties authority to refuse certification, directly contradicting the principle that certification is mandatory. North Carolina restructured election boards to give the legislature full appointment power with no tiebreaker for disputes, replacing up to 408 election officials.

The Brennan Center puts it directly. “Several of the states that Trump specifically targeted in 2020 remain vulnerable to election subversion.”

And the math for 2026 creates perfect storm conditions. Trump’s approval rating sits at 45.3 percent, net negative by seven to ten points (RealClearPolling, 2025). Every president with those numbers has lost Congress in the midterms. Every single one.

But Republicans have gerrymandered themselves with a six-to-seven-seat structural advantage. They’ve passed voter suppression laws in twenty-eight states since 2020. Democrats need to flip only three seats. Eighteen seats are rated toss-ups. Eleven House seats in 2024 were decided by under two percent (Ballotpedia, 2025; Ellis, 2025).

Historical patterns say Republicans should lose. Structural advantages say they might

not. If Democrats win anyway, the margins will be close enough to contest.

And there's a final mechanism that makes 2026 uniquely dangerous. The Electoral Count Reform Act closed loopholes Trump exploited for presidential elections. But it doesn't cover congressional races. Speaker Mike Johnson can refuse to seat Democrats in close House races under the Federal Contested Elections Act, and courts ruled in 1986 they have no power to review those decisions (*Morgan v. United States*, 1986). If Johnson refuses to seat three Democrats claiming fraud, Republicans keep control regardless of results.

Prepare for them to try, because being unprepared is an unacceptable outcome when the stakes are this high. Eighty-four fake electors signed false certificates and one received probation. County officials refused certification twenty-two times in 2022 and one pled guilty to a misdemeanor. Trump pardoned every January 6 defendant. The lesson learned was clear. You can get away with it.

But there's a pathway to accountability running through state legislatures meeting right now. Pennsylvania's HB 2473 sits in the Senate. Wisconsin considers certification protection bills. Georgia faces lawsuits over State Election Board rules.

The three laws that work exist in model form. Fake elector criminalization, mandatory certification with criminal penalties, and election worker protection. The Brennan Center and Protect Democracy have drafted precise statutory language in their Election Certification Processes and Guardrails guides (*All Voting is Local et al.*, 2024). Four states have proven the framework functions. Most swing states lack critical elements.

Fight back with three phone calls this week to your state representative, state senator, and attorney general asking about specific pending bills and criminal accountability for election subversion. The Voting Rights Lab maintains a live tracker of every election bill at votingrightslab.org. Find your state's pending legislation. Reference the exact bill number. Ask whether your representative will support criminal penalties for fake electors and certification refusal before 2026.

Another option, become a poll worker. County election offices face desperate shortages forcing consolidation of polling places, creating longer lines that discourage voting. Some counties pay \$100 to \$300 per day plus training. No experience required. When engaged citizens staff polling places instead of partisan appointees, subversion becomes operationally more difficult.

The Brennan Center produces state-specific analysis identifying exactly which protections each state lacks. Protect Democracy provides legal support for election officials facing pressure. States United Democracy Center works directly with state

attorneys general and secretaries of state. The Voting Rights Lab tracks every bill in real time.

State legislatures are considering 2026 election bills right now. The window closes in months, not years. Every constituent call creates political pressure. Every letter to the editor shifts public opinion. Every poll worker makes subversion harder.

If you really want to play hardball then call your elected representatives high dollar donors via publicly accessible data, then ask them why they fund someone who refuses to protect election integrity.

Republicans have built the infrastructure of theft right in front of our eyes. The law that could stop them exists. Four states have these laws and most swing states don't. The difference between 2026 ending in certification or crisis depends on whether citizens force their states to enact protections that carry actual consequences.

What's missing is you making three phone calls.

Reminder of what to ask for when you call your AG, State Senator, and State House Representative.

“Four states have statutes that work. Colorado criminalizes fake electors specifically. Up to twenty years in prison for knowingly signing false electoral certificates, with each certificate a separate offense. Arizona criminalizes certification refusal. One to five years for willful refusal to perform mandatory duties, plus expedited court orders compelling compliance and daily fines until officials act. Colorado, Minnesota, and New York protect election workers with criminal penalties up to five years for threatening or doxxing officials, privacy protections for personal information, and required security resources.”

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