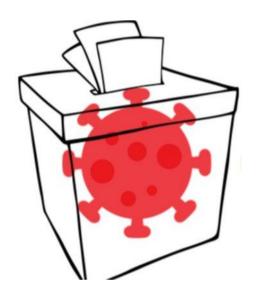
Pandemic Politics: Covid-19 and the 2020 US Electoral Cycle

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Executive Summary

This brief examines the intersection between the Covid-19 pandemic and US electoral processes during the 2020 electoral cycle:

- Reflecting the US election calendar, procedural and political responses to the pandemic were split into three phases.
 - March-July: From March, state officials were tasked with running primary elections in the pandemic's early stages. Often, this led to contested and interrelated logistical challenges, legal disputes, and delayed results.
 - August-October: Next, the Democrats and Republicans adapted their conventions to be mainly online events in August. The conventions were followed by presidential and vice presidential debates in September and October. The debates themselves were interrupted by a positive Covid-19 test for President Donald Trump.
 - November-January: Finally, the November general election saw Democrat Joe Biden win the presidency. Reflecting the primaries, the general election saw contested and delayed results and legal challenges.
- Trump, and those associated and aligned with him, unsuccessfully contested the presidential election result, in large-part by challenging the legitimacy of mail-in voting driven by Covid-19. The continual questioning of Biden's victory culminated in the attack on the US Capitol on January 6 2021.
- Four interrelated policy themes emerge from the consideration of the intersection between the Covid-19 pandemic and US electoral processes in 2020: a need to reflect on election administration, the place of mail-in voting, the continued importance of lawsuits, and access to voting.
 - Election Administration: Running elections in a country as diverse as the US is complex. The 2020 cycle demonstrated how external events, such as a pandemic, can negatively impact election administration. There is a need for policy makers at local, state and territory, and federal levels to reflect on the 2020 cycle and learn lessons from it.
 - Mail-In Voting: It is likely mail-in voting will remain central to US elections moving forward. Examples of how to manage mail-in voting can be found in the running of elections in numerous states.
 - Lawsuits: Consideration is needed across the political spectrum and at state and federal level about the place of courts in US elections.
 - Access to Voting: Voting in meaningful elections is a core human right. Yet, voter suppression is a long-running issue in US politics. Not all instances during the 2020 cycle where people were prevented from voting arose from attempts at suppression, though some clearly did. As such, there is a need to counter both deliberate attempts at suppression and ensure lessons about maintaining access to voting are learnt.

A Note on Method, Aims and Context

This brief is an output of *The Covid-19 and Democracy Project*. Since Spring 2020, this project has explored the intersection between the Covid-19 pandemic and democratic politics and policy. Project outputs thus far include a comparative <u>report</u>, comment <u>pieces</u>, and a <u>podcast</u>.

Rather than provide a comprehensive documentation of events pertaining to the Covid-19 pandemic and the 2020 US electoral cycle, this brief provides selective discussions to draw out key themes. In short, this brief aims to provide a first-cut analysis which acts as a bridge between the reflective writing that develops from the academic peer review process and the more immediate analysis and information found in (the undoubtedly essential) media coverage of the pandemic and the 2020 US electoral cycle. As such, it is hoped it provides important food for thought for those involved in the analysis of, and policy response to, the Covid-19 pandemic, especially those who study, administer, and campaign around elections.

For democracy to thrive, accountability is key. Core to this accountability is an understanding of how democratic states act to protect their citizens against a myriad of threats. Since Spring 2020, perhaps the largest of these threats has been the Covid-19 pandemic. Understanding how to safely hold elections in the face of such threats could pay huge dividends moving forward. It is hoped this brief can play a small part in the long and vital process of developing this understanding.

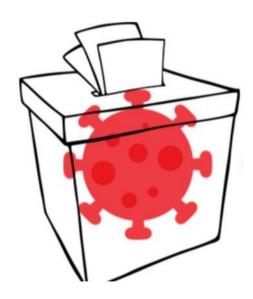


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Foreword

The UK has got used to the idea put forward by George Bernard Shaw, that the US and the UK are 'two countries divided by a common language'. We may both ostensibly use the same terminology, but routinely mean different things, with different emphases. And we often take pride in the separation; for example, British restraint versus US enthusiasm, which is so exploited in film-casting.

We have however perhaps not until very recently fully appreciated the extent of the differences between our political systems. In the UK, we have tended to see the US as one country. In reality, it's a collection of 50 states, each with its own constitution, and with local methods of managing state democracy ranging from slightly to very different to our own. Some of the things we take for granted – easy and swift access to a local voting booth; a specific election day on which the decision will be made – are very different indeed. So it was that in the most recent presidential election cycle, while the world was largely trapped at home and with time to ponder, the intricacies of the US systems became fascinating – and the complexities of inter-neighbourhood, inter-party and intra-party hostilities were exposed for all to see.

The authors of this richly researched and effectively explained paper are to be congratulated. They lay bare the US political election system in both its infinite variety and continuing evolution. They help us understand the extent to which processes can be stretched and contested, to achieve an outcome sought, and their conclusions are both fascinating and troubling. For a world increasingly disrupted by the rigorous pursuit of political advantage and individual self-interest, and united only in a shared threat from infection, it's even more important to understand the practical implications of playing with the democratic process.

Professor Alison Baverstock, Kingston University, May 2021

Key facts:

Event ¹	Statistics, figures, or results
Democratic Primary, Caucus or Convention held as planned	39
Democratic Primary, Caucus or Convention delayed at least once	18
Total number of Democratic primaries, caucuses or conventions between February 3 and August 11 2020	57
Democratic Convention	Milwaukee, Wisconsin, August 17 - 20
Republican Convention	Charlotte, North Carolina, August 24 - 27
Presidential Election held November 3rd: Victory for Joe Biden	Electoral College: Biden 306, Trump 232
Confirmed US Covid-19 cases as of May 20 2021	33,004,662
Confirmed deaths from Covid-19 in the US as of May 20 2021	586,961

Introduction

The US has a population of almost 330 million, the world's largest economy, and a complex political system, with elected officials and power split across various levels (federal, state and territory, local). The US has 50 states, along with Washington D.C. and five overseas territories. Washington D.C. houses the federal government: president, Congress (itself split between the House of Representatives and the Senate), and Supreme Court.² States are diverse, with some, such as Texas, important economic and political actors in and of themselves, and others, such as Maine, small in both geographic and population terms. Moreover, others, like Montana, are large geographically but have small populations. Each state is governed by its own constitution, which is, in turn, subservient to the US constitution.³ A continual point of tension is where power lies between federal, state and territory, and local governments.

US politics is dominated by the Republican and Democratic parties. Though the identities of these big-tent parties can shift significantly across time, at present the former is associated with right-wing conservative thinking and policies, while the latter

¹ For more information related to the first three lines of this table see ft-nt 14

² US Government, *Branches of the U.S. Government* (2020). Available online: https://www.usa.gov/branches-of-government [Accessed 10/07/20].

³ Congressional Research Service, *Federalism, State Sovereignty, and the Constitution: Basis and Limits of Congressional Power* (23 September 2013). Available online: https://www.everycrsreport.com/files/20130923 RL30315 c88ad63abd55d1e4900df514f2c16f709b59 8ff4.pdf [Accessed 24/04/21].

identifies with more left-wing, socially progressive, liberal stances. However, there are differences within and between parties at local, state, and national levels. It is not unheard of for independent politicians to develop significant followings. Though, like independent Vermont Senator Bernie Sanders (who caucuses with the Democratic Party), it is possible for them to do so from within the confines of the two-party system.⁴

Federal power was divided between parties at the outbreak of the Covid-19 pandemic in Spring 2020. The presidency (executive branch) was held by Donald Trump, a Republican who has challenged norms of behaviour (if not necessarily always Republican policies),⁵ Congress (the legislative branch) was split, with the Democrats holding a majority in the House of Representatives, and Republicans holding a Senate majority, though this fell short of the two thirds majority needed to pass legislation in many instances.⁶

Donald Trump's four years as president have proved turbulent, and at times chaotic. The Covid-19 pandemic has further destabilized the US, with over 580,000 deaths having occurred thus far and Trump himself contracting the virus. For context, as per *New York Times* reporting, the 'U.S. death rate in 2020 was the highest above normal ever recorded [...] — even surpassing the calamity of the 1918 flu pandemic.' The Trump administration's response to the pandemic was underwhelming at best, with Trump, among other things, making seemingly unsupported claims about the eventual death toll, attacking political opponents, parts of the federal government, and members of his Coronavirus Task Force and the media. He also offered support to those protesting stay-at-home orders, contradicted the US's most senior epidemiologist, used racist language to characterize Covid-19, and criticized the response of the US Centers for Disease Control and Prevention (CDC), which he oversaw.⁸



Image 1: Then US President Donald Trump, 2017

⁴ D. Montanaro, 'Bernie Sanders Files To Run As A Democrat — And An Independent', *NPR*. 4 March 2019. Available online: https://www.npr.org/2019/03/04/700121429/bernie-sanders-files-to-run-as-a-democrat-and-an-independent?t=1609513131684 [Accessed 01/01/21].

⁵ J. Herbert,; T. McCrisken,; A. Wroe, *The Ordinary Presidency of Donald J. Trump* (London: Palgrave Macmillan, 2019).

⁶ BBC, 'US mid-term election results 2018: Maps, charts and analysis' *BBC*. 28 November 2018. Available online: https://www.bbc.co.uk/news/world-us-canada-46076389 [Accessed 10/07/20].

⁷ D. Lu, 'How Covid Upended a Century of Patterns in U.S. Deaths' *New York Times*. 23 April 2021. Available online: https://www.nytimes.com/interactive/2021/04/23/us/covid-19-death-toll.html [Accessed 23/04/21].

⁸ P. Finn, 'Chapter 8: United States of America', In P. Finn, (ed), *Covid-19 and Democracy, First Cut Policy Analyses: Country Case Studies* (Kingston University, 2020), 78-90. 80-1.

The Covid-19 pandemic affected US election processes at local, state, and national levels in interconnected ways. Reflecting a hyper-partisan environment, primary elections (and later the general election) became sites of legal and political contestation. The 2020 election results were somewhat of a draw, with Joe Biden winning the presidency for the Democrats but Republicans winning some seats from the Democrats in the US House of Representatives. In January 2021, Democrats took control of the Senate via two runoff elections in Georgia that gave them a slim majority in the evenly split chamber arising from the ability of Vice President Kamala Harris to cast a deciding vote. Trump challenged the legitimacy of Biden's victory despite no evidence of foul play, a process which culminated in the attack on the US Capitol on January 6 2021.

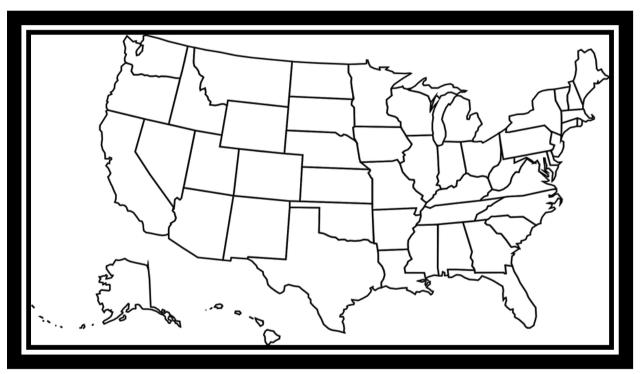


Image 2: Map of the US with state boundaries shown, 2012

Key Dates:

January 20: First confirmed US case of Covid-19

February 3: 2020 US electoral cycle formally begins with Iowa Caucus

February 6: First confirmed US Covid-19 death

March 3: Super Tuesday

March 6: First federal Covid-19 stimulus package passes

March 13: President Donald Trump declares National Emergency

March 15: CDC issues guidance that gatherings of 50 people should not take place for two months

Week of March 15: Large numbers of states and localities issue stay-at-home orders **March 17**: Ohio is first state to postpone primaries (both Democratic and Republican), 100th confirmed US Covid-19 death

March 18: Second federal Covid-19 stimulus package passes

March 27: Third federal Covid-19 stimulus package, the most expensive bill in US history, passes. This bill, known as the CARES Act, includes \$400 million in funding to help states administer elections during the 2020 federal election cycle.

April 8: Bernie Sanders withdraws from Democratic presidential primary

May 15: Operation Warp Speed, focused on developing and distributing treatment and vaccines for Covid-19, launched

May 28: US reaches 100,000 confirmed Covid-19 deaths

August 17 - 20: Democratic Party hosts first-ever virtual Democratic National Convention. Joe Biden formally accepts the Democratic nomination for president, with Kamala Harris formally becoming the vice presidential nominee (Aug 20).

August 24 - 27: Republican Party hosts a mainly virtual Republican National Convention with some in-person speeches and events. Trump formally accepts the Republican nomination for president (Aug 27).

September 22: US reaches 200,000 confirmed Covid-19 deaths

September 29: First presidential debate

October 2: Trump and First Lady Melania Trump test positive for Covid-19

October 3-5: Trump hospitalised at Walter Reed National Military Medical Center

October 7: Vice presidential debate

October 23: Second, and final, presidential debate

November 3: General election

December 14: US reaches 300,000 confirmed Covid-19 deaths

January 6 2021: Democrats win two runoff elections in Georgia. Attack on the US Capitol.

January 19: US reaches 400,000 confirmed Covid-19 deaths

January 20: Biden becomes US president

February 22: US reaches 500,000 confirmed Covid-19 deaths

Political & Institutional Context & Response:

US electoral processes are elaborate, evolve across time and are organised differently at local, state and territory, and national levels. Federal elections are split between presidential elections every four years, House of Representative elections every two years for all seats, and a rolling six-year cycle that sees a third of the Senate up for election every two years. Procedurally, primary elections decide candidates that will represent the Republican and Democratic parties in local, state and territory, and federal levels, with primaries generally (though not always) held for the two parties on the same day within states.

Primary elections are generally bunched in the late winter, spring and summer of even-numbered years prior to presidential and midterm elections (i.e. 2018 midterm elections, 2020 general/presidential election), which are held on the first Tuesday of November. Groups of states also hold primary elections together. The largest example of this is Super Tuesday in early March, which in 2020 saw 14 states (including Texas and California, the two largest by population) and American Samoa voting in the Democratic presidential election simultaneously. The rules governing (i.e. if ID is needed to vote), and the infrastructure used to administer (i.e. voting machines), elections differ significantly between states.



Image 3: US Election Badge, 2016

Logistical problems and legal cases related to elections are not uncommon, both in primaries and elections for office. In February 2020, for instance, the Democratic Iowa Caucus (a complex in-person process for assigning party delegates

that feed into candidate selection used in some states) became controversial as the technology used by local officials to tabulate and record results failed. ⁹ Nationally, the 2000 presidential election was decided by the US Supreme Court after faulty voting machines in Florida led to disputes. In an extreme example, over 9% of votes in Duval County were disqualified. ¹⁰ In 2016, meanwhile, the presidential election was marred by a campaign of interference orchestrated by bodies linked to the Russian state. ¹¹

Another long-running important theme is voter suppression. Given the US electoral system's complexity, this takes different forms at different times and places. However, it would be fair to say it disproportionately affects communities of colour. In recent years, voter suppression has expanded in many localities following a 2013 US Supreme Court case (*Shelby County v. Holder*), which diluted the ability of the federal government to oversee elections at the local level. Explaining the effect of the *Shelby* ruling, in 2019 the Leadership Conference Education Fund surmised:

'Since *Shelby*, a growing number of states and localities across the country have attempted to suppress voter participation among Black and Brown communities in various ways. States have shortened voting hours and days, enacted new barriers to voter registration, purged millions of eligible voters from the rolls, implemented strict voter identification laws, reshaped voting districts, and closed polling places.' ¹³

In short, problems with the administration of elections in the US predated 2020. As we shall see, the pandemic exacerbated these problems in important ways.

Policy Responses:

Reflecting the 2020 US election calendar, policy responses to the pandemic broadly split into three phases. Firstly, from March onwards, state officials were tasked

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⁹ A. Green, 'What went wrong in the Iowa Caucus, and what may happen next', *LSE American Politics and Policy*. 6 February 2020. Available online: https://blogs.lse.ac.uk/usappblog/2020/02/06/primary-primers-what-went-wrong-in-the-iowa-caucus-and-what-may-happen-next/ [Accessed 28/08/20].

¹⁰ J. Mills, 'Reforms in Florida after the 2000 Presidential Election', *University of Florida Journal of Law & Public Policy*, 13 (2001), 69-80: 70-2.

¹¹ R. Mueller, Report On The Investigation Into Russian Interference In The 2016 Presidential Election (2019). Available online: https://www.justice.gov/storage/report.pdf [Accessed 27/11/20].

¹² The means used to achieve voter suppression include: holding elections on Tuesdays, rather than on a weekend or a holiday, complex voter registration process and ID requirements and erroneous purging of registration rolls.

For just some of the large literature on this topic see:

Leadership Conference Education Fund, *Democracy Diverted: Polling Place Closures and the Right to Vote* (September 2019). Available online: http://civilrightsdocs.info/pdf/reports/Democracy-Diverted.pdf [Accessed 27/11/20]; V. Newkirk II, 'Voter Suppression Is Warping Democracy', *The Atlantic.* 17 July 2018. Available online: https://www.theatlantic.com/politics/archive/2018/07/poll-prrivoter-suppression/565355/ [Accessed 04/12/20].; P. Southwell, 'Vote by mail worked in 2020. But this was no way to run an election', LSE American Politics and Policy. 27 November 2020. Available online: https://blogs.lse.ac.uk/usappblog/2020/11/27/vote-by-mail-worked-in-2020-but-this-was-no-way-to-run-an-election/ [Accessed 04/12/20].

¹³ Leadership Conference Education Fund, Democracy Diverted, 6.

with running primary elections in the early stages of the Covid-19 pandemic. As we shall see, in some cases this led to contested and interrelated logistical challenges, date changes, legal disputes, and delayed results, all of which presaged events in the November general election. Secondly, both the Democratic and Republican parties adapted their conventions to be mainly online in August, with presidential and vice presidential debates taking place in September and October. Democrats moved quickly to an online-only convention, making political hav by following scientific guidelines and acknowledging the toll of the pandemic. Republicans, meanwhile, firstly attempted to move their convention to avoid social distancing rules before switching online and holding numerous events that broke norms of behaviour and did not enforce social distancing. Finally, the general election on November 3 saw record turnout, leading to Electoral College and popular vote victories for Biden. Downballot races. meanwhile, saw stronger Republican performances. Trump, and those associated and aligned with him, unsuccessfully contested the presidential election results via the courts, whilst Trump supporters attacked the US Capitol on January 6 2021, when a joint congressional session was attempting to confirm the victory of Biden.

Primaries

Within weeks of the Covid-19 crisis emerging in March, impacts were felt upon US democratic processes, which were building towards a November presidential election. In total, 18 out of 57 primaries were suspended at least once.¹⁴

https://www.270towin.com/2020-election-calendar/ [Accessed 17/12/2020]. The decision to focus on the Democratic Party in this table relates to the fact that it held a competitive selection process for its presidential nominee in 2020, with a primary, caucus or convention held in all states and territories in 2020. Though it should be noted that by mid-April former Vice President Joe

Biden was the presumptive nominee after Senator Bernie Sanders withdrew.

The Republican Party did hold a primary process in 2020, but it was largely uncontested with President Donald Trump the presumptive nominee from the outset.

So uncompetitive was the Republican process that there were no contests held in:

Alaska, Arizona, Hawaii, Kansas, Nevada, South Carolina, or Virginia.

As such, though focusing on the Democratic Party does only provide a partial picture, it provides enough of that picture to reflect the overarching narrative of the 2020 primary process.

The 39 Democratic primaries, caucuses or conventions held as planned were:

Alabama, American Samoa, Arizona, Arkansas, California, Colorado, Democrats Abroad, District of Columbia, Florida, Idaho, Illinois, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Northern Mariana, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virgin Islands, Virginia, Washington, Wisconsin

The 18 Democratic primaries, caucuses or conventions delayed at least once were:

Alaska, Connecticut, Delaware, Georgia, Guam, Hawaii, Indiana, Kentucky, Louisiana, Maryland, New Jersey, New York, Ohio, Pennsylvania, Puerto Rico, Rhode Island, West Virginia, Wyoming

In the vast majority of cases (43 out of 57) both parties held primaries, caucuses or conventions in states on the same day. These are:

Alabama, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New

 ¹⁴ Information below and in the first three lines of the Key Facts Table developed from:
 270toWin, '2020 Presidential Election Calendar' (2020) Available online:

The Democratic presidential primary process was competitive in early March, with former Vice President Joe Biden and Senator Bernie Sanders vying for the nomination after numerous other candidates ended (though often using the euphemism 'suspended')¹⁵ campaigns around Super Tuesday, held March 3. The pandemic, quickly brought in-person campaigning to a halt from mid-March and forced the postponement (sometimes multiple times) of subsequent primaries.¹⁶ In Louisiana, for instance, primary elections were originally suspended from April 4 until June 20,¹⁷ eventually occurring on July 11.¹⁸ Likewise, in Georgia primary elections were initially suspended from March 24 to May 19,¹⁹ finally occurring June 9.²⁰ As we shall see by examining events in Wisconsin, Ohio, and New York, the suspension and administration of primaries became contentious, feeding into both inter-party, and in some cases intra-party, legal disputes.



Image 4: Louisiana State Flag, image dated 2012

Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin.

15 NBC5 Chicago, 'Buttigieg Suspends Campaign, Vows to 'Do Everything in My Power' to Help Democrats Win White House' *NBC5 Chicago*. 1 March 2020. Available online:

https://www.nbcchicago.com/news/local/chicago-politics/buttigieg-suspends-campaign-vows-to-do-everything-in-my-power-to-help-democrats-win-white-house/2229147/ [Accessed 17/05/21].

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fears/OEK43EJ3YFEORIADIGSFQGEQWI/?outputType=amp&usqp=mq331AQFKAGwASA%3D& js v=0.1#aoh=15843435803385&referrer=https%3A%2F%2Fwww.google.com& tf=From%20%251%24s&share=https%3A%2F%2Fwww.wsbtv.com%2Fnews%2Flocal%2Fkemp-postpones-primaries-calls-up-national-guard-over-virus-fears%2FOEK43EJ3YFEORIADIGSFQGEQWI%2FIAccessed 26/08/201

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¹⁶ P. Finn,; R. Ledger, 'Primary Primers: The Covid-19 crisis will disrupt the 2020 presidential election, but it won't be suspended', *LSE American Politics and Policy*. 25 March 2020. Available online: https://blogs.lse.ac.uk/usappblog/2020/03/25/primary-primers-the-covid-19-crisis-will-disrupt-the-2020-presidential-election-but-it-wont-be-suspended/ [Accessed 26/08/20].

¹⁷ M. Deslatte, 'Louisiana governor moves primary because of coronavirus', *Associated Press.* 13 March 2020. Available online: https://apnews.com/8e7c2334a3b6bf49d107973a6718254e [Accessed 26/08/20].

¹⁸ N. Rakich, 'There Have Been 38 Statewide Elections During The Pandemic. Here's How They Went', *FiveThirtyEight*. 3 August 2020. Available online: https://fivethirtyeight.com/features/there-have-been-38-statewide-elections-during-the-pandemic-heres-how-they-went/ [Accessed 26/08/20].
¹⁹ WSB-TV, 'Presidential primary delayed, National Guard deployed in Georgia over virus fears' WSB-TV. 14 March 2020. Available online: https://www-wsbtv-

[[]Accessed 26/08/20]. ²⁰ N. Rakich, 'There Have Been 38 Statewide Elections During The Pandemic'.

In late March, \$400 million in extra election funding was provided by the Coronavirus Aid, Relief, and Economic Security (CARES) Act.²¹ These funds (generally requiring 20% matching funding by states) were distributed across all states, Washington D.C. and US territories by July. Reflecting the diversity in size and population of states, the funds allocated differed significantly between states.²² As of the time of writing it is hard to tell how successfully this extra electoral funding, as well as some extra funding from private sources including Facebook Chief Executive Officer Mark Zuckerberg,²³ was used, with a need for further research.

Summing up logistical problems in primaries in South Carolina, Wisconsin, Pennsylvania, and Arizona, Human Rights Watch identified three strands: '[d]ecisions to relocate, close, and consolidate polling places', a 'failure to take steps to overcome bureaucratic, linguistic and other barriers to absentee voting or voting by mail' and '[f]ailures to inform voters of [...] [such] measures effectively and in a timely fashion'.²⁴ Looking forward, Human Rights Watch provided policy suggestions under six interconnected themes for the general election: '[g]ive priority to expanding both inperson voting and special voting to ensure that all eligible voters' can vote, '[f]acilitate voting for all persons legally allowed to vote', ensure voters are educated 'through a variety of measures and with clear procedures set well in advance', secure support at all levels to 'enhance respect for voting rights', 'ensure the right to vote without discrimination', and ensure both 'the right to vote and the right to health'.²⁵

State Focus: Wisconsin, Ohio, and New York

Events in Wisconsin, Ohio, and New York illustrate a cross-section of the contestations that arose during, and the logistical challenges wrought by, the pandemic's first months. Importantly, rather than being similar, these states reflect the

²² US Election Assistance Commission, Election Assistance Commission – CARES Grant Funding Chart (22 July 2020). Available online:

https://www.eac.gov/sites/default/files/paymentgrants/cares/FundingChart CARES.pdf [Accessed 17/05/2021].

California, reflecting its status as the state with the largest population, for instance, received the highest award (\$36,485,465), that was matched by \$7,297,093 of state funding. Meaning California gained \$43,782,557 in extra election funding. New York, meanwhile, received \$24,680,506 extra funding, Ohio \$15,433,573, and Wisconsin \$8,834,814.

²³ T, Schleifer, 'Mark Zuckerberg's \$300 million donation to protect elections must overcome Facebook's past', *Vox.* 1 September 2020. Available online:

https://www.vox.com/recode/2020/9/1/21417022/mark-zuckerberg-elections-300-million-facebook-center-for-tech-and-civic-life [Accessed 17/04/2021].

²⁴ Human Rights Watch, *What Democracy Looks Like: Protecting Voting Rights in the US during the Covid-19 Pandemic* (22 September 2020). Available online:

https://www.hrw.org/sites/default/files/media 2020/09/us0920 web.pdf [Accessed 25/11/2020]. 3.

²¹ US Election Assistance Commission, 2020 CARES Act Grants (2020). Available online: https://www.eac.gov/payments-and-grants/2020-cares-act-grants [Accessed 01/09/2020].

²⁵ More granularly, suggestions included recruiting more poll workers, increasing funding, ensuring adequate provision for those with disabilities, greater inter-agency cooperation, facilitating the presence of non-partisan election monitors, and ensuring more polling stations were open. Human Rights Watch, *What Democracy Looks Like*, 7-10.

diversity present across US states, with differences in population size and density, geography, demography, and economic output amongst them.²⁶ Yet, despite these differences, similarities in the logistical challenges and contestations related to the administration of 2020 primary processes transpired.

The Wisconsin primary was held on April 7, despite a failed legal challenge to suspend it by Democratic Governor Tony Evers. The primary was notable for four reasons: a week long period, during which Sanders pulled out of the Democratic presidential primary race, ²⁷ between the primary itself and results being released; a legal ruling (itself appealed) that decided the specifics of this delay by allowing for the counting of ballots received up to a week after the election; ²⁸ cuts in the number of polling sites in urban areas that saw them reduced from 180 to 5 in Milwaukee, with a similar picture in Green Bay; ²⁹ and an increase in mail-in voting, jumping from 10% in the 2016 Primary, and 27% in the 2016 general election, to around 80% in the 2020 primary. ³⁰ Reflecting on the primary, Wisconsin politics expert Wendy Scattergood highlighted the stress placed on those running elections. Yet, Scattergood argued that, important issues with administration notwithstanding, Wisconsin had demonstrated mail-in voting could be successfully expanded, despite a sustained campaign of attacks against it by Trump, his associates, and supporters. ³¹

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²⁶ Wisconsin is the 24th most densely populated US state with a population of under 6 million. Ohio is the 10th most densely populated US state with a population around double that of Wisconsin. New York is the 7th most densely populated US state, with a population of just under 20 million.

²⁷ J. Pramuk, 'Bernie Sanders drops out of the presidential race', *CNBC*. 8 April 2020. Available online: https://www.cnbc.com/2020/04/08/bernie-sanders-drops-out-of-2020-democratic-presidential-primary.html [Accessed 03/12/20].; N. Rakich, 'What Went Down In The Wisconsin Primary', *FiveThirtyEight*. 13 April 2020. Available online: https://fivethirtyeight.com/features/what-went-down-in-the-wisconsin-primary/ [Accessed 03/12/20].

²⁸ P. Marley, 'Wisconsin's election is still April 7, but a federal judge has extended the deadline for absentee votes to be counted', *Milwaukee Journal Sentinel*. 2 April 2020. Available online: https://eu.jsonline.com/story/news/politics/elections/2020/04/02/wisconsin-election-judge-extends-absentee-voting-but-keeps-vote-date/5112276002/ [Accessed 03/12/20].

²⁹ W. Scattergood, 'Wisconsin's election shows that a pivot to absentee ballots is possible at short

²⁹ W. Scattergood, 'Wisconsin's election shows that a pivot to absentee ballots is possible at short notice – though not without problems', *LSE American Politics and Policy*. 16 April 2020. Available online: https://blogs.lse.ac.uk/usappblog/2020/04/16/primary-primers-wisconsins-election-shows-that-a-pivot-to-absentee-ballots-is-possible-at-short-notice-though-not-without-problems/ [Accessed 03/12/20].

³⁰ N. Rakich, 'What Went Down In The Wisconsin Primary'.

³¹ W. Scattergood, 'Wisconsin's election shows that a pivot to absentee ballots is possible at short notice'.



Image 5: An Outline map of Wisconsin, 2012

In Ohio, though weeks of early voting had already occurred, a March 17 primary election was suspended with just hours notice by Republican Governor Mike DeWine. Democrats subsequently argued the election should be mail-in only, while Republican Secretary of State Frank LaRose set the primary for June 2. Some Republican state legislators argued the state legislature, and not the secretary of state, had the power to schedule elections. Ultimately, the election was held as a largely mail-in event that, as per the rules emanating from the state legislature, closed on April 28.32 At least in part because the Republican presidential primary was a foregone conclusion in Trump's favour, and because Sanders had pulled out of the Democratic presidential primary, turnout was low: 20%, as opposed to 38% in 2016.33 Reflecting broader concerns about the capacity of state governments and the United States Postal Service (USPS) to cope with large increases in mail-in voting, as well as the unfamiliarity of many voters with it, the Dayton Daily News reportedly found that at least 9,000 voters in the Dayton area were unable to vote because ballot requests were 'mailed too late' or were 'improperly filled out', with 'ballot request forms mailed before the election' continuing to arrive at 'local elections boards for days after the primary election day'.34

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³² S. Gringlas,; B. Neely,; M. Parks, 'Ohio Primary Postponed At Last Minute Due To Coronavirus After Legal Struggle', NPR. 16 March 2020. Available online:

https://www.npr.org/2020/03/16/816610353/ohio-officials-request-postponing-tuesdays-primary-over-coronavirus-concerns [Accessed 27/08/20].; R. Ludlow, 'Ohio Supreme Court moving to rule quickly on primary election dispute', *Columbus Dispatch*. 18 March 2020. Available online: https://eu.cincinnati.com/story/news/2020/03/18/ohio-suipreme-court-primary-election-dispute/2864002001/ [Accessed 27/08/20].

³³ It should be noted that in 2012, when only the Republicans had a competitive primary, turnout was only 23%.

N. Rakich, 'What Went Down In Ohio's Primary', *FiveThirtyEight*. 7 May 2020. Available online: https://fivethirtyeight.com/features/what-went-down-in-ohios-primary/ [Accessed 27/08/20].

³⁴ J. Sweigart, '9K local voters didn't get requested ballots, changes called for in November', *Dayton Daily News*. 3 May 2020. Available online: https://www.daytondailynews.com/news/local/local-voters-didn-get-requested-ballots-changes-called-for-november/tfn0q4MUbxoHEAVNrXY2nL/ [Accessed 27/08/2].

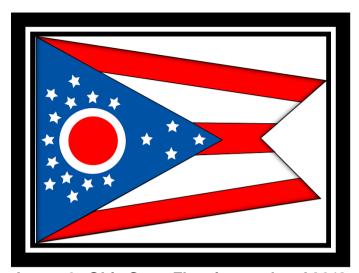


Image 6: Ohio State Flag, image dated 2012

The New York primary, which took place on June 23 after being suspended from April 28, was dogged by controversies.³⁵ Most prominently, final results were not certified and released until August. Reasons for this delay included a ten-fold increase in mail-in voting compared with 2016, that mail-in ballots received up to a week after election day were counted, that counting of ballots did not begin in New York City until July 6, and numerous legal challenges. Reflecting Democratic dominance in the state, these challenges were intra-party as well as inter-party. Indeed, '[m]any [Democratic] candidates [...] preemptively filed suit' against fellow Democrats before any votes had actually been counted, thus establishing 'their right to challenge their opponents' votes.'³⁶ There was a 20% mail-in ballot rejection rate in New York City. Justin Levitt of Loyola Law School argued this rate highlighted 'two things'; flawed 'New York laws' and that New York voters 'aren't used to' mail-in voting.³⁷

³⁵ 270ToWin, '2020 Presidential Election Calendar' *270ToWin*. 2020. Available online: https://www.270towin.com/2020-election-calendar/ [Accessed 03/12/20].

³⁶ C. Aponte, 'Wary Candidates Brace for Brutal Absentee Ballot Challenges in Record-Size Count', *The City.* 7 July 2020. Available online: https://www.thecity.nyc/2020/7/7/21316921/absentee-ballot-challenges-nyc-primary-2020 [Accessed 11/12/20].; A. Raymond, 'Why Are We Still Waiting for New York Primary Results?', *New York Magazine*. 16 July 2020. Available online: https://nymag.com/intelligencer/2020/07/new-york-primary-results-still-waiting.html [Accessed 03/12/20].

³⁷ J. Timm, '1 in 5 mail ballots rejected in botched NYC primary', *NBC*. 7 August 2020. Available online: https://www.nbcnews.com/politics/elections/one-five-mail-ballots-rejected-botched-nyc-primary-n1236143 [Accessed 03/12/20].



Image 7: Outline map of New York State, 2016

Across Wisconsin, Ohio, and New York, inter-party, and sometimes intra-party, disagreements about election administration existed, with related lawsuits pursued. Some lawsuits were filed pre-emptively, with others designed to influence events as they unfolded. As mentioned above, resorting to legal means to solve contestations about the administration of US elections is not new. However, the Covid-19 pandemic provided many openings for the filing of lawsuits. Discussing events in Wisconsin, though certainly relevant to Ohio, New York, and national US elections, Scattergood asked if US citizens 'really want the courts deciding [...] elections?'38 Turning to mailin voting, its growth in Wisconsin and New York illustrated how it can feed into delayed election results, thus presaging general election controversy about cut-off dates, and concurrent legal cases. Meanwhile, events in Ohio reflected broader concerns about the capacity of the USPS to process large numbers of mail-in ballots.

Conventions and Debates

Both Democrats and Republicans altered their conventions to largely virtual events because of the pandemic, with in-person events held for small numbers of people. That said, though both parties ended up with similar convention structures, they took divergent journeys to arrive at the same destination.

Originally planned for Milwaukee, Wisconsin, July 13-16, the Democrat Nominating Convention was suspended until August in April. It was switched to a largely online event in June, with key events taking place in Milwaukee and streamed

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³⁸ W. Scattergood, 'Wisconsin's election shows that a pivot to absentee ballots is possible at short notice'.

online.³⁹ This decision was taken as cases were steadily rising in Wisconsin to above 500 confirmed cases per day.⁴⁰

The Democratic convention itself was relatively uneventful, with large numbers of prominent Democrats, and some Republicans, supporting Biden and Harris. It built on the relatively restrained big-tent campaign posture adopted by the Biden campaign since the Spring, which saw a shift from face-to-face campaigning to a mix of online speeches, meetings, gatherings, the use of social media, and the recording of a podcast that ran for seven episodes between March and May 2020.⁴¹



Image 8: Current Vice President, and then Californian Senator Kamala Harris, 2019

The Republican convention, meanwhile, was originally scheduled for August 24-27 at the Spectrum Center in Charlotte, North Carolina. In June, following disputes about social distancing and event capacity, the bulk of the convention was moved to

³⁹ C. Hess, 'Democratic National Convention Will Be Mostly Virtual', *Wisconsin Public Radio*. 24 June 2020. Available online: https://www.wpr.org/democratic-national-convention-will-be-mostly-virtual [Accessed 18/11/20].; P. Finn, 'The 2020 Democratic convention showed unusual unity, though ideological divisions remain', *LSE American Politics and Policy*. 21 August 2020. Available online: https://blogs.lse.ac.uk/usappblog/2020/08/21/the-2020-democrats-convention-showed-unusual-unity-though-ideological-divisions-remain/ [Accessed 18/11/20].

⁴⁰ It should be noted these numbers bear little relation to the 7-day average of over 5,000 confirmed cases being reported in the state by the General Election in November.

Washington Post 'Daily Counts: US Map' *The Washington Post*. 16 November 2020. Available online: https://www.washingtonpost.com/graphics/2020/national/coronavirus-us-cases-deaths/ [Accessed 18/112020].

⁴¹ Joe Biden Campaign, *Here's The Deal Podcast* (2020). Available online: https://joebiden.com/heres-the-deal/# [Accessed 18/112020].; Joe Biden Campaign, *Joe Biden Campaign Facebook Page* (2020). Available online: https://www.facebook.com/joebiden/ [Accessed 18/112020].; P. Finn, 'The 2020 Democratic convention'.

Jacksonville, Florida.⁴² However, in late July Trump cancelled the in-person convention in Jacksonville, stating 'the timing for this event is not right. It's just not right'.⁴³ This reversal came after the average case numbers in Florida more than doubled from less than 5,000 confirmed cases per day in late June to over 10,000 by late July.⁴⁴

In actuality, some events were held at the Charlotte Convention Center in Charlotte, North Carolina, and streamed online.⁴⁵ The same was true for events held at other locations such as Fort McHenry in Baltimore, Maryland, where Vice President Mike Pence delivered his Trump re-nomination speech, and the White House, where Trump delivered his convention closing address. The use of both Fort McHenry, run by the US National Park Service, and the White House drew criticism for the politicisation of government sites,⁴⁶ while social distancing was not enforced at some events, including Trump's White House speech.⁴⁷

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⁴² J. Morrill, 'The RNC is gone, leaving Charlotte to sort out millions in contract liabilities', *Charlotte Observer*. 16 June 2020. Available online: https://www.charlotteobserver.com/news/politics-government/rnc-2020/article243540772.html [Accessed 18/11/20].

On June 3, Trump Tweeted:

^{&#}x27;Governor Cooper is still in Shelter-in-Place Mode, and not allowing us to occupy the arena as originally anticipated and promised. We are now forced to seek another state to host the 2020 Republican National Convention'.

N. Goodkind, 'The RNC was expected to bring Charlotte \$188 million, but now Trump has changed his mind', *Fortune*. 3 June 2020. Available online: https://fortune.com/2020/06/03/trump-rnc-charlotte-north-carolina-republican-national-convention-2020-economy-coronavirus/ [Accessed 18/11/20].

⁴³ E. Bradner,; Liptak, K, 'Trump cancels Republican convention activities in Jacksonville', *CNN*. 24 July 2020. Available online: https://edition.cnn.com/2020/07/23/politics/rnc-jacksonville/index.html [Accessed 18/11/20].

⁴⁴ BBC 'Trump scraps Republican convention in virus 'flare-up", *BBC*. 24 July 2020. Available online: https://www.bbc.co.uk/news/world-us-canada-53521896 [Accessed 18/11/20].; Washington Post 'Daily Counts: US Map'.

 ⁴⁵ Republican National Convention, *Republican National Convention: Trump 2020 The RNC Homepage* (2020). Available online: https://www.2020gopconvention.com/ [Accessed 18/11/2020].
 ⁴⁶ P. Jenkins, 'Pence's use of Fort McHenry threatens Park Service employees', *The Hill.* 26 August 2020. Available online: https://thehill.com/opinion/campaign/513719-pences-use-of-fort-mchenry-threatens-park-service-employees [Accessed 18/11/20].; A. Naughtie, 'Trump criticised for 'terrifying' use of White House as 'political prop", *The Independent*. 31 August 2020. Available online: https://www.independent.co.uk/news/world/americas/us-election/trump-white-house-convention-political-prop-a9693256.html [Accessed 18/11/20].

⁴⁷ J. Lahut Photos show crowd of around 1,500 packed together and maskless on White House South Lawn for Trump's speech at the RNC', *Business Insider*. 27 August 2020. Available online: https://www.businessinsider.com/photos-crowd-maskless-convention-white-house-trump-speech-social-distancing-2020-8?r=US&IR=T [Accessed 18/11/20].



Image 9: Fort McHenry in Baltimore, Maryland, 2005

In early September, it emerged that on February 7, Trump, despite having consistently played down the risk of Covid-19, told *Washington Post* reporter Bob Woodward that Covid-19 was 'deadly stuff'. AB On September 26, Trump held an event in the White House Rose Garden to nominate Amy Coney Barrett for a vacant US Supreme Court seat. As with Trump's White House convention speech, social distancing and mask wearing were not enforced. Numerous attendees, including Trump, subsequently tested positive for Covid-19. The Director of the US National Institute of Allergy and Infectious Diseases Anthony Fauci, who Trump has often attacked, labelled the event a 'superspreader event'. 50

The first presidential debate between Biden and Trump was held on September 29 in Cleveland, Ohio. It was a disorganised affair that saw Trump deliver a disturbing performance defined by jibes against Biden for mask-wearing and Trump's failure to condemn white supremacists. ⁵¹ On October 2, Trump tested positive for Covid-19. He was hospitalised at Walter Reed National Military Medical Center on October 3 and released October 5. Upon release Trump quickly told people not to 'be afraid of' Covid-19. ⁵² Even while hospitalized Trump appeared to adopt a cavalier approach to Covid-19, engaging in a drive-by of supporters located near Walter Reed in a SUV while protected by officers of the US Secret Service. ⁵³

⁴⁹ L. Bruggeman; K. Faulders; J. Santucci, 'President Trump nominates Amy Coney Barrett for Supreme Court seat', *ABC News*. 26 September 2020. Available online: https://abcnews.go.com/Politics/president-trump-nominates-amy-coney-barrett-supreme-court/story?id=73247654 [Accessed 19/11/20].

https://www.youtube.com/watch?v=w3KxBME7DpM [Accessed 19/11/20].

⁴⁸ B. Woodward, *Rage* (London: Simon & Schuster, 2020), XIX.

 ⁵⁰ BBC 'White House hosted Covid 'superspreader' event, says Dr Fauci' *BBC*. 10 October 2020.
 Available online: https://www.bbc.co.uk/news/election-us-2020-54487154 [Accessed 19/11/20].
 ⁵¹ PBS 'The first 2020 presidential debate' *PBS*. 29 September 2020. Available online:

⁵² P. Finn, 'After months of downplaying COVID-19 before catching it, Trump is still likely facing electoral defeat', *LSE American Politics and Policy*. 7 October 2020. Available online: https://blogs.lse.ac.uk/usappblog/2020/10/07/after-months-of-downplaying-covid-19-before-catching-it-trump-is-still-likely-facing-electoral-defeat/ [Accessed 19/11/20].; K. Liptak, 'Trump taken to Walter Reed medical center and will be hospitalized 'for the next few days', *CNN*. 3 October 2020. Available online: https://edition.cnn.com/2020/10/02/politics/president-donald-trump-walter-reed-coronavirus/index.html [Accessed 19/11/20].

⁵³ B. Sprunt, 'Despite Risks To Others, Trump Leaves Hospital Suite To Greet Supporters' *NPR.* 4 October 2020. Available online: https://www.npr.org/sections/latest-updates-trump-covid-19-

Following Trump's positive test, a second presidential debate scheduled for October 15 was cancelled, lending more importance to an October 7 vice presidential debate in Salt Lake City, Utah. Unsurprisingly, a key topic was Covid-19, with Harris continually highlighting high US death and infection rates, and the fact Trump, despite being aware of Covid-19's seriousness, had consistently downplayed the virus.⁵⁴



Image 10: President Joe Biden and former President Donald Trump, 2020

The final presidential debate between Biden and Trump took place on October 23 in Nashville, Tennessee. The tone of the debate was more civilized, in part due to new rules restricting when Biden and Trump could speak, with mics cut off at certain points. Discussing Covid-19, Trump attempted to paint a positive picture, highlighting that spikes in states such as Arizona and Florida had been reduced, pointing to Operation Warp Speed (which was launched in May 2020 to aid the development and distribution of treatments and vaccines for Covid-19),⁵⁵ and locating the pandemic within the context of spikes in other countries.⁵⁶ Biden, meanwhile, was critical of Trump, beginning his remarks by saying: '220,000 Americans dead. If you hear nothing else I say tonight, hear this. [...] Anyone [who] is responsible for that many deaths should not remain as president of the United States of America.'⁵⁷ With these pitches, Trump and Biden solidified the ground upon which the final weeks of the election were fought.

<u>results/2020/10/04/920181116/in-brief-drive-by-trump-waves-to-supporters-outside-of-walter-reeD</u> [Accessed 19/11/20].

⁵⁴ A. Gabbatt, 'Pence-Harris vice-presidential debate: six key takeaways', *The Guardian*. 8 October 2020. Available online: https://www.theguardian.com/us-news/2020/oct/08/pence-harris-vice-presidential-debate-five-key-takeaways [Accessed 19/11/20].

⁵⁵ D. Huffman, 'How they mean business: Trump, Biden offer clashing views on U.S. economy'

D. Huffman, 'How they mean business: Trump, Biden offer clashing views on U.S. economy' Charlotte Business Journal. 29 October 2020. Available online: https://www.bizjournals.com/charlotte/news/2020/10/29/trump-biden-offer-clashing-views-on-economy.html [Accessed 27/11/20].

⁵⁶ Final Presidential Debate 2020, *Donald Trump & Joe Biden Final Presidential Debate Transcript 2020* (2020). Available online: https://www.rev.com/blog/transcripts/donald-trump-joe-biden-final-presidential-debate-transcript-2020 [Accessed 19/11/20].

⁵⁷ Final Presidential Debate 2020, Donald Trump & Joe Biden Final Presidential Debate

General Election

The 2020 US General Election officially occurred on November 3. However, much of the politicking and debates detailed above transpired while a significant proportion of the US electorate was voting. Early voting in Pennsylvania, for instance, began September 28.⁵⁸ In 2016, 47.2 million (out of a total of almost 139 million overall)⁵⁹ people voted early in the US presidential election, a total surpassed almost two weeks prior to the 2020 election.⁶⁰ By November 2, over 100 million people had voted early in the election: 35,935,583 in-person and 65,487,735 by mail. All told, 73.6% of the total number who voted in 2016 voted early in 2020.⁶¹

In the presidential election, Biden won both the popular vote (81,283,361 to 74,222,960) and the Electoral College (306 to 232).⁶² Downballot, the Republican Party gained seats in the House of Representatives, while the Democrats won two January 2021 run-off elections in Georgia: thus taking control of the Senate with a slim majority arising from the ability of Vice President Kamala Harris to cast a deciding vote in the evenly split chamber.⁶³

Most states extended early voting and/or access to mail-in voting,⁶⁴ although there were significant lines at some polling stations both before and on election day.⁶⁵ According to reporting by *Vice*, in 2020 nationally there was a 20% drop in polling sites compared with 2016.⁶⁶ Reflecting longer trends of voter suppression, these drops

https://blogs.lse.ac.uk/usappblog/2020/11/19/what-happened-introducing-our-new-series-exploring-the-2020-elections/ [Accessed 26/11/2020].; P. Finn, 'What Happened?: The narrow parameters of Biden's Washington are now set, but Trump looms large', *LSE American Politics and Policy*. 14 January 2021. Available online: https://blogs.lse.ac.uk/usappblog/2021/01/14/what-happened-the-narrow-parameters-of-bidens-washington-are-now-set-but-trump-looms-large/ [Accessed 17/04/2021].

⁵⁸ Ballotpedia, *Voting in Pennsylvania* (2020). Available online: https://ballotpedia.org/Voting in Pennsylvania [Accessed 30/12/2020].

⁵⁹ United States Elections Project, *2016 November General Election Turnout Rates* (2018). Available online: http://www.electproject.org/2016g [Accessed 24/11/20].

⁶⁰ J. Lange, 'More than 47 million ballots cast in U.S. election, eclipsing 2016 early turnout', *Reuters*. 22 October 2020. Available online: https://www.reuters.com/article/us-usa-election-early-voting-idUSKBN2772WM [Accessed 19/11/20].

United States Elections Project, 2020 General Election Early Vote Statistics (2020). Available online: https://electproject.github.io/Early-Vote-2020G/index.html [Accessed 19/11/20].

⁶² NBC 'U.S. Presidential Election Results 2020: Biden wins' *NBC*. 8 February 2021. Available online: https://www.nbcnews.com/politics/2020-elections/president-results [Accessed 25/04/21].

⁶³ P. Finn; R. Ledger, "What Happened?' Introducing our new series exploring the 2020 elections', *LSE American Politics and Policy*. 19 November 2020. Available online: https://blogs.lse.ac.uk/usappblog/2020/11/19/what-happened-introducing-our-new-series-exploring

⁶⁴ Ballotpedia, Changes to election dates, procedures, and administration in response to the coronavirus (COVID-19) pandemic, 2020 (2020). Available online:

https://ballotpedia.org/Changes to election dates, procedures, and administration in response to the coronavirus (COVID-19) pandemic, 2020 [Accessed 26/11/2020].

⁶⁵ E. Clark, 'Voters urged to stay in line as in-person polling booths prepare to close on US election day', *ABC News*. 3 November 2020. Available online: https://www.abc.net.au/news/2020-11-04/us-election-2020-vote-ballots-cast-for-trump-or-biden/12839188 [Accessed 20/04/2021].

⁶⁶ C. Joseph, 'The US Eliminated Nearly 21,000 Election Day Polling Locations for 2020', *Vice.* 22 October 2020. Available online: https://www.vice.com/en/article/pkdenn/the-us-eliminated-nearly-21000-election-day-polling-locations-for-2020 [Accessed 26/11/2020].

disproportionately affected minority neighbourhoods.⁶⁷ Though it should be said that in some places the opening of fewer polling sites was, at least in part, offset by easier access to mail-in voting. According to *Vice*, for instance, California:

'Eliminated more than 10,000 voting sites from its 2016 elections. But the state has also taken every effort to make it easier for people to vote. The Golden State has long had a robust mail voting program, and the coronavirus pandemic convinced state officials that they needed to do everything they could to encourage more people to vote by mail. They decided to send every registered voter a ballot in the mail — essentially making it a vote-by-mail state with additional options.'68

Nationally, the figures collated by *Vice* demonstrated that:

'Of the 45 states that weren't using mail voting exclusively before the 2020 election, 40 of them have decreased the number of Election Day voting locations from 2016. Of those 40 states who made cuts, 35 are not sending mail ballots to everyone, and 19 require many voters to take it upon themselves to apply for a mail ballot application. The five states⁶⁹ that refused to allow mail voting for most people all cut voting sites'⁷⁰

Reflecting prior campaign events and the aforementioned Amy Coney Barrett nomination event, the post-election party at the White House lacked social distancing. At least seven attendees, including White House Chief of Staff Mark Meadows and Housing and Urban Development Secretary Ben Carson, tested positive for Covid-19 in the week following the event.⁷¹ According to Carson, he became 'extremely sick' before recovering.⁷² Similarly, in mid-November over 130 US Secret Service officers responsible for presidential security, around 10% of the total, were self-isolating following positive Covid-19 tests or contact with those who had tested positive.

⁶⁷ E. Green, "It's Very Much a Racial Issue": Why Georgia Has Slashed Hundreds of Polling Places in the Last 4 Years", *Vice*. 22 October 2020. Available online: https://www.vice.com/en/article/xgzqn7/its-very-much-a-racial-issue-why-georgia-has-slashed-hundreds-of-polling-places-in-the-last-4-years [Accessed 26/11/2020].

⁶⁸ C. Joseph, 'The US Eliminated Nearly 21,000 Election Day Polling Locations'.

⁶⁹ Though the full list is absent from the *Vice* reporting, four of these appear to be Texas (confirmed), Louisiana, Mississippi, and Georgia.

E. Green, "It's Very Much a Racial Issue'.; C. Joseph, 'The US Eliminated Nearly 21,000 Election Day Polling Locations'.

⁷⁰ C. Joseph, 'The US Eliminated Nearly 21,000 Election Day Polling Locations'.

⁷¹ D. Zoellner, 'Trump White House election party becomes super-spreader event', *The Independent*.

¹¹ November 2020. Available online: https://www.independent.co.uk/news/world/americas/us-election-2020/trump-white-house-election-night-party-covid-super-spreader-b1721492.html [Accessed 24/11/20].

⁷² D. Superville, 'Carson says he's 'out of the woods' after battling COVID-19', *AP*. 21 November 2020. Available online: https://apnews.com/article/donald-trump-health-ben-carson-coronavirus-pandemic-0de7a6146af55ffbb43bd85d3a7039b2 [Accessed 24/11/20].

According to media reporting, this was, at least in part, a result of campaign rallies held by Trump.⁷³



Image 11: Former Housing and Urban Development Secretary Ben Carson, 2016

Following the election, Trump led unfounded attacks on mail-in voting,⁷⁴ despite voting this way himself in the past.⁷⁵ Trump was supported in these attacks by other Republican politicians, who together with Trump led 'a six-month-long disinformation campaign'.⁷⁶ Splitting along party lines, the results of this campaign may have been significant. Polls conducted in August and September 2020, for instance, showed 'about half of Republican voters' believed voter fraud to be a 'major problem' with mail ballots, with more than 50% identifying 'Democrats as the most likely perpetrators of election interference.' Democrats, meanwhile, 'overwhelmingly' believed it 'reasonably secure' and were in favour of using it to 'increase access' to voting in 2020.⁷⁷

Acknowledging valid concerns about 'unintended and unforeseen consequences of electoral reform', Professor Emerita of Political Science at the University of Oregon Priscilla Southwell, reflecting the consensus of academic research on states that had universal mail voting prior to the pandemic, nevertheless stated 'there is no evidence that [...] universal vote by mail states have experienced

⁷³ H. Miao, 'More than 130 Secret Service officers are isolating due to Covid-19 outbreak, report says', *CNBC*. 13 November 2020. Available online: https://www.cnbc.com/2020/11/13/more-than-130-secret-service-officers-are-isolating-due-to-covid-19-outbreak-report-says.html [Accessed 25/11/20].

D. Trump, April 14 2020 *GET RID OF VOTE HARVESTING* Tweet. Available online: https://twitter.com/realDonaldTrump/status/1250067500190089217 [Accessed 21/11/20]. See also:

D. Trump, November 26 2020, *Just saw the vote tabulations. There is NO WAY Biden got 80,000,000 votes!!! This was a 100% RIGGED ELECTION* Tweet. Available online: https://twitter.com/realDonaldTrump/status/1331987171700510720 [Accessed 27/11/20].

⁷⁵ M. Parks, 'Trump, While Attacking Mail Voting, Casts Mail Ballot Again', *NPR*. 19 August 2020. Available online: https://www.npr.org/2020/08/19/903886567/trump-while-attacking-mail-voting-casts-mail-ballot-again [Accessed 21/11/20].

⁷⁶ Y. Benkler, 'How the media has abetted the Republican assault on mail-in voting', *Columbia Journalism Review*. 2 October 2020. Available online: https://www.cjr.org/analysis/trump-twitter-disinformation-voter-fraud-election.php [Accessed 21/11/20].

any significant problems arising from using the system', with 'the benefits [...] quite apparent'. Following the election, Southwell argued that 'mail [voting] worked quite well in the United States during the 2020 General Election', but also noted it was subject to a set of 'mail suppression tactics', seen in high rejection rates and a litany of lawsuits, reflecting longer-term trends of voter suppression. Adding a note of caution for those engaged in suppression, Southwell noted such tactics 'may come back to haunt' those who use them by suppressing their own 'supporters'. For example, and the suppression is suppressed to the support of the suppression of the support of the support of the support of the suppression of the support of the support

Unsuccessful legal cases were lodged by Trump, and those associated with or supporting him, in Pennsylvania, Michigan, Wisconsin, Arizona, Nevada, and Georgia by November 23.80 In one judgement, a Pennsylvanian judge labelled arguments designed to disqualify votes of almost 7 million people a 'Frankenstein's Monster'.81 Another Pennsylvanian ruling noted that 'calling an election unfair does not make it so'.82

Following almost three weeks of failed lawsuits, on November 23 Emily Murphy of the US General Services Administration (GSA) released over \$7 million of funds related to the presidential transition process. This power comes from the Presidential Transition Act of 1963 that provides for the GSA 'to make resources and services available in connection with a presidential transition'.⁸³ In doing, Murphy marked the start of the formal transition from Trump to Biden. Any lingering concerns that these lawsuits would be successful were dispelled on December 11 when the US Supreme Court dismissed a case lodged by the Texas attorney general challenging how elections had been conducted in Georgia, Michigan, Pennsylvania, and Wisconsin.⁸⁴

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⁷⁸ P. Southwell, 'Right now, the safest and easiest way to vote is by mail' *LSE American Politics and Policy.* 19 October 2020. Available online: https://blogs.lse.ac.uk/usappblog/2020/10/19/primary-primers-right-now-the-safest-and-easiest-way-to-vote-is-by-mail/ [Accessed 21/11/20].

⁷⁹ P. Southwell, 'Vote by mail worked in 2020.'

⁸⁰ P. Williams,; N. Via y Rada, 'Trump's election fight includes over 40 lawsuits. It's not going well', *NBC*. 23 November 2020. Available online: https://www.nbcnews.com/politics/2020-election/trump-s-election-fight-includes-over-30-lawsuits-it-s-n1248289 [Accessed 03/12/20].

⁸¹ Judge Matthew Brann of the US District Court in the Middle District of Pennsylvania, *Verdict in Trump v Boockvar* (2020). Available online: https://edition.cnn.com/2020/11/21/politics/pennsylvania-trump-lawsuit-dismissal/index.html [Accessed 24/11/20].
82 R. Barnes, 'Supreme Court dismisses bid led by Texas attorney general to overturn the presidential

⁸² R. Barnes, 'Supreme Court dismisses bid led by Texas attorney general to overturn the presidentia election results, blocking Trump's legal path to a reversal of his loss', *The Washington Post*. 11 December 2020. Available online: https://www.washingtonpost.com/politics/courts_law/supreme-court-texas-election-trump/2020/12/11/bf462f22-3bc6-11eb-bc68-96af0daae728_story.html [Accessed 14/12/2020].

⁸³ E. Murphy, *November 23, 2020 Letter to The Honorable Joseph R. Biden, Jr.* (2020). Available online: http://cdn.cnn.com/cnn/2020/images/11/23/gsa.biden.pdf [Accessed 25/11/20].

⁸⁴ R. Barnes, 'Supreme Court dismisses bid led by Texas attorney general'.; US Supreme Court, *Dismissal of Texas v Pennsylvania, et al* (11 December 2020). Available online: https://www.supremecourt.gov/orders/courtorders/121120zr p860.pdf [Accessed 14/12/2020].

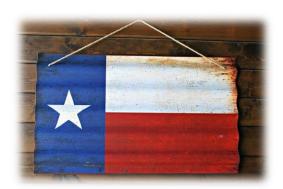


Image 12: Texas State Flag, image dated 2016

The 2020 presidential election result was formally confirmed on December 14, with the convening of the Electoral College. This convening saw electors from all 50 US states and Washington D.C., though not US territories, vote to confirm the election of Biden and Harris.⁸⁵ On January 6 2021 the US Congress held a joint session to count votes from the Electoral College. At the same time Trump simultaneously gave a speech to his supporters in Washington D.C., telling them,

'We won this election, and we won it by a landslide', saying that together they would 'stop the steal', stating that 'We will never give up. We will never concede. It doesn't happen'. Trump also said that 'everyone here will soon be marching over to the Capitol building to peacefully and patriotically make your voices heard. [...] We are going to the Capitol.'86

Trump's supporters then marched to the US Capitol, rioted, broke through police and security barriers, roaming the building and vandalising inside, breaking into offices and legislative chambers. Five people died either during or as a direct result of the riot; two Capitol Police officers who responded to the attack committed suicide in the days that followed.⁸⁷

⁸⁵ P. Finn,; M. Imiola,; R. Ledger, 'Five Steps from the Presidential Election to the Electoral College in 2020' *LSE American Politics and Policy*. 18 December 2020. Available online: https://blogs.lse.ac.uk/usappblog/2020/12/18/what-happened-five-steps-from-the-presidential-election-to-the-electoral-college-in-2020/ [Accessed 18/12/2020].

⁸⁶ BBC 'Capitol riots: Did Trump's words at rally incite violence?' *BBC*. 14 February 2021. Available online: https://www.bbc.co.uk/news/world-us-canada-55640437 [Accessed 17/04/2020].

87 B. Naylor, 'Graphic Video Of Capitol Insurrection Opens Trump's Impeachment Trial', *NPR*. 9
February 2021. Available online: https://www.npr.org/sections/trump-impeachment-trial-live-updates/2021/02/09/965903736/graphic-video-of-capitol-insurrection-opens-trumps-impeachment-trial
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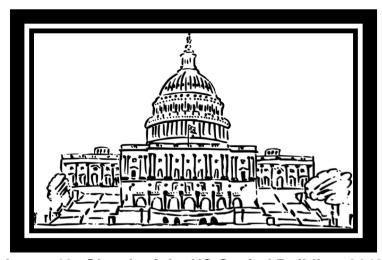


Image 13: Sketch of the US Capitol Building, 2012

These events led to Trump becoming the first president ever to be impeached twice (though not convicted by the Senate). Biden, meanwhile, assumed office on January 20 2021. In late March, Trump said that those involved in the attack on the US Capitol posed 'zero threat', whilst Deborah Birx, who was, in theory, tasked with coordinating the White House response to Covid-19, has claimed that 'most of the virus-related deaths in the United States after the first 100,000 in the spring surge could have been prevented with a more robust response'. As of May 20 2021 there had been at least 586,961 confirmed deaths from Covid-19 and at least 33,004,662 confirmed Covid-19 cases in the US.

Discussion:

Four interrelated policy themes emerge from the above consideration of the intersection between the Covid-19 pandemic and US electoral processes in 2020: a need to reflect on election administration; the place of mail-In voting; the continued importance of lawsuits; and access to voting.

⁸⁸ US House of Representative, *H.Res.24 - Impeaching Donald John Trump, President of the United States, for high crimes and misdemeanors* (13 January 2021). Available online: https://www.congress.gov/bill/117th-congress/house-resolution/24/text [Accessed 17/04/2021].

⁸⁹ J. Biden, *Inaugural Address by President Joseph R. Biden, Jr.* (20 January 2021). Available online: https://www.whitehouse.gov/briefinq-room/speeches-remarks/2021/01/20/inaugural-address-by-president-joseph-r-biden-jr/ [Accessed 17/04/2021].

⁹⁰ The Guardian 'Donald Trump says some of Capitol rioters posed 'zero threat" *The Guardian*. 29

March 2021. Available online: https://www.theguardian.com/us-news/2021/mar/26/donald-trump-says-some-of-capitol-rioters-posed-zero-threat?CMP=Share AndroidApp Other [Accessed 17/04/2021].

91 Deborah Birx, as paraphrased in:

D. Diamond, 'Feuds, fibs and finger-pointing: Trump officials say coronavirus response was worse than known', *The Washington Post*. 29 March 2021. Available online: https://www.washingtonpost.com/health/2021/03/29/trump-officials-tell-all-coronavirus-response/ [Accessed 17/04/2021].

⁹² Washington Post 'Daily Counts: US Map'. [Accessed 20/05/2021].

Election Administration

Running elections in a country as large and diverse as the US is complex and costly. Without continual investment in people, processes, and infrastructure, the ability of those responsible for running elections is negatively impacted, with a concurrent decrease in the ability of voters to engage in the democratic process. Across the US, important adaptations were made at speed to facilitate the 2020 election cycle. Yet, there were clear issues with election administration. These included the closing of dozens of local polling stations in the Wisconsin primary and the thousands of uncounted ballots in the Ohio primary. Thinking about how and why these instances arose and how they could be prevented in the future is likely to pay dividends. Relatedly, increased coordination and communication between state officials and the USPS could prove beneficial.

In short, the 2020 cycle demonstrated how external events, such as a pandemic, can negatively impact election administration. There is a need for policy makers at local, state and territory, and federal level to reflect on the 2020 cycle and learn lessons from it.

Mail-In Voting

A key theme to emerge from the above discussions is the perpetuation of misinformation. Most obviously, this can be observed in Trump's continual questioning of election results and mail-in voting processes. For much of 2020, Trump and those associated with and supporting him, made erroneous claims about voter fraud, often with relation to mail-in voting. Academic research on mail-in voting in states that have used it extensively for decades demonstrates that such claims are unfounded. This is not to dismiss genuine concerns about the administration of mail-in voting, especially in a year when its use grew hugely both in primaries and the general election. Yet, such concerns must be separated from baseless attempts to discredit mail-in voting and question election results in a manner designed to disenfranchise millions. Moreover, the role that such baseless attempts played in narratives that drove the attack on the US Capitol illustrate the important role disinformation can play in driving real world violence.

Moving forward, if, as seems likely, mail-in voting remains central to US elections, there is a need to think about how to manage this. Examples of how to do so, such as processing ballots prior to election day and having clear processes for voters to correct mistakes (known as ballot curing), 93 can be observed in the running

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⁹³ Ballotpedia, *Processing, counting, and challenging absentee/mail-in ballots in Oregon, 2020* (2020). Available online: https://ballotpedia.org/Processing, counting, and challenging absentee/mail-in ballots in Oregon, 2020 [Accessed 30/12/20].; J. Kirkby, 'Oregon already votes by mail. Here's what it can teach us in 2020', *Vox.* 28 September 2020. Available online: https://www.vox.com/21401321/oregon-vote-by-mail-2020-presidential-election [Accessed 30/12/20].

of elections in numerous states.⁹⁴ Moreover, if states continue to prevent the counting of mail-in ballots until after polls have closed, then clear messaging about the time it will take to count mail-in ballots, and the effect it may have on initial, but partial, results, will be important. In short, there is a need to manage expectations about the speed of results.



Image 14: Ballot being placed in an Oregon ballot return box, 2006

Lawsuits

The Covid-19 pandemic led to a raft of legal cases related to the 2020 electoral cycle. However, resorting to legal means to resolve electoral disputes is not new in US politics, nor is it necessarily illegitimate. Indeed, some cases related to the 2020 electoral cycle, most obviously those lodged to resolve disputes about the safest time and manner to hold elections during a pandemic, may well have been the most judicious way to decide between differing viewpoints on pressing matters of administration. However, arguably during some 2020 primaries the filing of lawsuits came to dominate over the process of voting itself. Indeed, in New York some Democratic candidates pre-emptively filed-suit to carve out a legal space to challenge the results of primary elections before any ballots had actually been counted. Likewise, following Biden's victory in the presidential election in November, Trump and those supporting and aligned with him, launched legal cases on scant evidence questioning how elections had been run in numerous states, thus in-turn questioning the overall election result.

Returning to the thoughts of Wendy Scattergood, it is hard not to conclude that reflection is needed across the political spectrum at local, state and territory, and federal level about the place of courts in US elections.

⁹⁴ Ballotpedia, *When states can begin processing and counting absentee/mail-in ballots, 2020* (2020). Available online:

https://ballotpedia.org/When states can begin processing and counting absentee/mailin ballots, 2020 [Accessed 30/12/20].

Access to Voting

Voting in meaningful elections is a core human right. Yet, as with lawsuits, voter suppression is a long-running issue in US politics (indeed, many lawsuits relate to voter suppression and the broader theme of voter access). Moreover, reflecting the place of judicial processes in the 2020 election cycle, voter suppression has played out in distinct ways during the Covid-19 pandemic. As highlighted above, there was a sustained campaign to both discredit mail-in voting and to dissuade people from using it. Disturbingly, this campaign was given voice by prominent members of the Republican Party, including President Donald Trump himself. However, there were also other policies that, whether deliberately or not, likely reduced the ability of some to take part in elections in 2020. These include the closing and consolidation of polling stations, failures to replace polling stations with other means of voting and failures to communicate changes effectively. Real-world effects included long lines and the attendant increase in the time required to vote, both of which could be barriers to those who are time poor, the elderly, or the physically frail.

It should be noted there is a difference between clear attempts at voter suppression and problems with access to voting that have arisen due to the distinct challenges posed by the Covid-19 pandemic. Yet, during 2020 pre-existing disparities related to voting have been exacerbated by these challenges. As such, whilst not every instance when someone was unable to vote resulted from a deliberate attempt to suppress voting, it is clearly vital for policy makers at local, state and territory, and federal levels to reflect on the challenges posed during 2020, and how they can feed into the operation of elections moving forward. Along with contingency planning for elections held in similarly challenging circumstances in future. Pushing back against sustained attempts at voter suppression are also clearly vital.

Concluding Remarks:

The US electoral system is complex and ever evolving. While the federal election schedule is fixed, these elections are managed differently in every state and territory, with differing procedures also in use in the primaries of Democratic and Republican parties. All told, once these differences are accounted for, there are well over 100 sets of laws, rules, and procedures at work across 50 States, Washington D.C, 5 US overseas territories, and elections held for US citizens living abroad. Layered onto the complexity arising from these 100+ sets of laws, rules, and procedures is the fact these rules are constantly evolving, with changes happening from election cycle to election cycle. As shown above, the US electoral system is subject to cyclical controversies and is the site of long-running discrimination reflecting broader societal structures and regular legal battles. All these were exacerbated during the Covid-19 pandemic.

Contributor Biographies

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As always, F&B, you make everything worthwhile. LF, you made me believe I could be an academic, for which I am eternally grateful. P.F. May, 2021

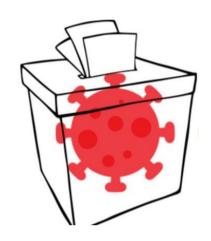
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