

Attempts by Giuliani and others to overturn the 2020 election with fake electors

CNN January 12, 2021 by Zachary Cohen and Marshall Cohen

In the weeks after the 2020 election, then-President Donald Trump's allies sent fake certificates to the National Archives declaring that Trump won seven states that he actually lost. The documents had no impact on the outcome of the election, but they are yet another example of how Team Trump tried to subvert the Electoral College -- a key line of inquiry for the January 6 committee.

The fake certificates were created by Trump allies in Georgia, Arizona, Michigan, Pennsylvania, Wisconsin, Nevada and New Mexico, who sought to replace valid presidential electors from their states with a pro-Trump slate, according to documents obtained by American Oversight.

The documents contain the signatures of Trump supporters who claimed to be the rightful electors from seven states that President Joe Biden won. But these rogue slates of electors didn't have the backing of any elected officials in the seven states -- like a governor or secretary of state, who are involved in certifying election results -- and they served no legitimate purpose.

The documents were first posted online in March by the government watchdog group. But they received renewed attention this week, as the January 6 committee ramps up its investigation into Trump's attempted coup, including how his allies tried to stop states from certifying Biden's victory, in part, by installing friendly slates of electors who would overturn the will of the voters.

As part of the Electoral College process, governors are required to sign a formal "certificate of ascertainment," verifying that the statewide winner's slate of electors are the legitimate electors. These electors then sign a second certificate, formally affirming their votes for president.

These documents are sent to the National Archives in Washington, DC, which processes them before they are sent onto Congress, which formally counts the electoral votes on January 6.

The real certificates, which have been posted to the National Archives website, correctly stated that Biden won the seven battleground states. They also list the legitimate group of electors from each state, rather than the rogue pro-Trump slate included on the unofficial documents.

Some of the fake certificates with pro-Trump electors were sent to the National Archives by top officials representing the Republican Party in each state, according to the documents.

They sent these fake certificates after Trump himself failed to block governors from signing the real certificates. Specifically, Trump encouraged Republican governors in states like Georgia and Arizona not to certify the election results, and falsely claimed the elections were fraudulent. But these GOP officials ignored Trump, followed the law, and awarded the electors to Biden.

Installing slates of "alternate electors" was an integral part of the ill-fated plan conceived by Trump allies to usurp power on January 6 by pressuring Vice President Mike Pence to throw out the pro-Biden electors that had been chosen by voters. The idea was promoted by Trump advisers inside and outside the White House, including controversial right-wing lawyer John Eastman.

Eastman, who has been subpoenaed by the January 6 committee, authored a memo outlining a six-step plan for Pence to overturn the election and award Trump a second term. The plan included throwing out results from seven states because they allegedly had competing electors.

In truth, no state actually had two slates of competing electors. The pro-Trump electors were merely claiming without any authority to be electors, as documented in the fake certificates sent to the National Archives. The certificates were essentially an elaborate public relations stunt.

The new documents weren't the only fake certificates sent to the National Archives. Arizona Secretary of State Katie Hobbs, a Democrat, told CNN's Don Lemon that a second group called the "Sovereign Citizens of the State of Arizona" sent a rogue document to the National Archives in 2020, and she said they improperly used the Arizona state seal on their fake certificate.

"They used this fake seal to make it look official, which is not a legal activity," Hobbs said.

The fake certificates and accompanying emails that were also obtained by American Oversight were sent in mid-December 2020, while Team Trump was aggressively pushing false claims about widespread voter fraud in an effort to overturn the election. Weeks later, pro-Trump rioters stormed the US Capitol in a violent bid to stop Congress from certifying Biden's victory.

Their pressure campaign against election officials in many of these battleground states is now a key area of focus for the House select committee that is investigating the January 6 attack.

Evan Perez and Tierney Sneed, CNN Exclusive: Federal prosecutors looking at 2020 fake elector certifications

Federal prosecutors are reviewing fake Electoral College certifications that declared former President Donald Trump the winner of states that he lost, Deputy Attorney General Lisa Monaco told CNN on Tuesday.

"We've received those referrals. Our prosecutors are looking at those and I can't say anything more on ongoing investigations," Monaco said in an exclusive interview.

The fake certificates falsely declaring Trump's victory were sent to the National Archives by Trump's allies in mid-December 2020. They have attracted public scrutiny amid the House's January 6 investigation into the pressure campaign that sought to reverse Trump's electoral defeat.

Monaco did not go into detail about what else prosecutors are looking at from the partisan attempt to subvert the 2020 vote count. She said that, more broadly, the Justice Department was "going to follow the facts and the law, wherever they lead, to address conduct of any kind and at any level that is part of an assault on our democracy."

The certificates contain the signatures of Trump supporters who falsely claimed to be the rightful electors in Georgia, Arizona, Michigan, Pennsylvania, Wisconsin, Nevada and New Mexico -- all states that President Joe Biden had won. Some of the certificates were sent by top officials representing the Republican Party in each state, according to the documents, which were obtained and made public by the watchdog group American Oversight.

In response to Monaco's new comments, Wisconsin Attorney General Josh Kaul told CNN in a statement that it was "critical that the federal government fully investigates and prosecutes any unlawful actions in furtherance of any seditious conspiracy."

New Mexico Attorney General Hector Balderas, a Democrat, told CNN in a statement on Tuesday that he is "pleased the DOJ is looking into this matter, as these disturbing allegations require that federal authorities partner with state law enforcement agencies across the country to ensure integrity in the election process."

The New Mexico Attorney General's office previously said it is reviewing the matter under state law, and like other states, has referred it to the Justice Department via their US attorney's office.

"We have received information from the New Mexico Attorney General's office, but we can't comment on it at this time," Scott Howell, a spokesman for the US attorney for New Mexico, told CNN on Monday.

In her interview with CNN, Monaco also touted the efforts the Justice Department has made to address the threats and harassment that election officials have faced.

"I'm concerned about the really disturbing nature of the threats that we've seen. They've been disturbingly aggressive, and violent and personal," Monaco said. She pointed to an indictment unveiled by the Justice Department last week alleging that a Texas man had threatened to kill Georgia election officials. The indictment was the first to be brought after the formation of a department task force focused on the issue.

"Those charges were the first coming out of that task force but they will not be the last," Monaco said.