

# Federal Elections End at Midnight ON Election Day



By: Devvy

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President Elect Donald Trump won the 2020 election. I watched every hearing and watched every credible video following the steal. Massive ballot dumps in the middle of the night – hundreds of thousands between Georgia and Pennsylvania alone. Mail in ballots not only accepted days after a federal election ends, but counted.

Counting of ballots put off until the next day. In Allegheny, PA, counting of ballots stopped at 1:30 am and didn't resume until the next morning at 10:00 am. In Fulton County, GA, counting was stopped on Nov. 3<sup>rd</sup> due to a pipe bursting which was not only fixed, but the polling center was still operational. There are several videos clearly showing a woman putting a stack of ballots in a counting machine five separate times – the same stack of ballots!

All in violation of federal election laws. *Foster v Love*, 522 U.S. 67, 71-72 is a 9-0 decision back in 1997 by the U.S. Supreme Court. They agreed to take up the issue of federal statutes vs state's regarding election for federal offices and state election dates. The case that started it: MURPHY J. FOSTER, Jr., GOVERNOR OF LOUISIANA, et al., PETITIONERS v. G. SCOTT LOVE, PAUL S. BERGERON, KATHLEEN B. BALHOFF, and BENNIE BAKER-BOURGEOIS.

It's rare SCOTUS has a 9-0 decision and this one surprised me considering the late Ruth Bader Ginsberg was on the bench back then. [You can read the transcript of the oral arguments in \*Foster v Love\* here.](#)

Quoting Ginsberg: "It is an election, and it seems to me, being an election it conflicts with the Federal *single* Election Day." It's unfortunate this was not the key argument in Trump's lawsuits although several of us tried to get him this information.

Constitutional attorney, Ren Jander's November 18, 2020 piece, [Elections Undecided by Midnight are Void & Preempted by Federal Law – \*Foster v Love\* \(1997; 9-0 Decision\)](#) is a thorough examination of that case and federal statutes. Jander wrote, "Federal Election Day statutes were designed to curtail fraud, and to infuse a prima facie sense of integrity in our electoral process. But these States – in failing to obey Congressional deadlines – have flagrantly attempted to preempt federal law. This is certainly prohibited, and this is why the late election results are void."

After a comprehensive analysis of the Constitution, federal and state statutes, Jander further writes: "Consider all of the above in light of the results of the 2020 presidential elections; in Pennsylvania today, two weeks after Election Day, 8000 votes suddenly appeared, and the initial count is still not complete; Arizona has tens of thousands of ballots left to count in the initial canvass; Georgia discovered over 2600 missing votes yesterday, and the entire State is conducting a recount; Wisconsin just announced the details and costs of a forthcoming recount; Michigan is buried in litigation supported by many sworn affidavits alleging irregularities. None of these states consummated their elections on November 3rd. The elections have failed, as a matter of law. The results should be voided.

"Reading *Foster v. Love*, together with the 9th Circuit's

analysis in *Voting Integrity Project v. Keisling*, we know that consummating an election before federal Election Day is prohibited, and that early voting is not prohibited, as long as the election is finally consummated *on* Election Day. If that be the case, then statutory construction makes it obvious that elections consummated after Election Day are preempted by the federal Election Day statutes.

“Any other construction would render the statutes inoperable. If “the election” – which is defined in *Foster v. Love* – as the combined acts of voters and officials – begins before Election Day, then continues after Election Day, *there is no real Election Day*. The statute would be utterly inefficient, and the plenary authority of Congress over the time to choose electors would be denied. There is no possible construction of the statute which would allow State elections for presidential electors to continue after Election Day.”

Many thousands of votes were “discovered” days after the November 2020 election. Counting of votes in key swing states extended well beyond Election Day when counting of the ballots had to stop at midnight ON Election Day.

On Nov. 5, 2020, Fox News reported, “The Postal Service failed to deliver 150,000 completed ballots to polling stations before Election Day, the Washington Post reported, including 12,000 in five of the states where the U.S. still eagerly awaits a final count.” Pennsylvania decided they would accept more ballot counting three days after Election Day as if the *Foster v. Love* Supreme Court decision didn’t exist.

We cannot allow that to happen for the upcoming mid-term elections. It’s up to the candidates and their supporters to make their county elections official in charge of elections aware federal elections must be consummated ON Election Day as so decided by the U.S. Supreme Court.

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