

# Is Your State Committing Fraud in Presidential Elections?



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- With all of the controversy over the 2020 presidential election, I believe I've found a serious problem with the ballots in over two-thirds of the states.
- It may sound like a minor thing, but what are the moral and legal consequences of so many states are lying to their citizens on their ballots?
- If this happened in 2020, what do you think might happen in 2024?

I was having a discussion with someone online about how we elect the President and Vice President of the United States. I was doing some research to reinforce my point when I discovered something interesting: A state which had a fraudulent ballot in 2020. Thinking this was probably an individual mistake, I started looking at the sample ballots from each state in the 2020 election. I found mistakes in not just one state, or a handful of states, but in two-thirds of the states' ballots. Which leads me to believe these may not be mistakes at all, but fraud committed on the American people by the states in regards to electing the President and Vice President of the United States.

A lot of people are confused by how we elect the President and Vice President of the United States. It's been my experience that the



confusion comes not from the language of the Constitution, but the cognitive dissonance we have trying to merge what we've been told with what we've seen happen. One of the greatest sources of that cognitive dissonance is the mistaken belief that the people vote for, and thereby elect, the President of the United States. This lie is being perpetrated by many people and groups, and in 2020, over two-thirds of the states.

## **Electing the President**

To see the fraud, we have to understand how the President and Vice President are elected. The process begins with Article II, Section 1, Clause 2 of the Constitution. Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress:

U.S. Constitution, Article II, Section 1, Clause 2

Notice, each state appoints electors for president and vice-president in a manner determined by the legislature of that state. The election process continues in the Twelfth Amendment.

The Electors shall meet in their respective states and vote by

ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;

#### U.S. Constitution, Amendment XII

The electors that are appointed, then meet in their state and vote for President and Vice President. These votes are then tabulated, signed, and certified before being sent to the President of the Senate, the sitting Vice President. The process seems simple enough, but did you notice something missing? There is no vote by the people in the process. That's because your right to participate in the election of the President and Vice President comes not from the Constitution, but from the decision of your state's legislature to advise them on the appointment of electors.

#### **Appointing Electors**

This is not meant to be a dissertation on the various ways a state's legislature has decided to appoint electors, although that might be a topic for future discussion, so I will focus on the laws in one state, Tennessee. I chose this state as my example for two reasons. First, my family and I now live here. Second, it's one of the one-third of states that does not commit fraud on their ballots.

At the regular November election immediately preceding the time fixed by the law of the United States for the choice of president and vice president, as many electors of president and vice president as this state may be entitled to shall be

elected. Each registered voter in this state may vote for the whole number of electors. The persons, up to the number required to be chosen, having the highest number of votes shall be declared to be duly chosen electors. Tenn. Code Ann. § 2-15-101

In the Tennessee Code Annotated, our legislature has determined that, at the November election preceding the time for the choosing of president and vice president, the electors for those offices shall be elected. Each registered voter in the state may vote for the whole number of electors, otherwise referred to as a slate of electors. This can be seen by the a sample of Tennessee's 2020 ballot.

Notice, the people do not vote for President or Vice President, but for electors for those offices. Who are these electors? They are political party apparatchiks (functionaries) that have pledged to vote for their party's nominee. Also, this election happens in November before the time fixed by United States law for the choice of President. When is that?

The electors of President and Vice President of each State shall meet and give their votes on the first Tuesday after the second Wednesday in December next following their appointment at such place in each State in accordance with the laws of the State enacted prior to election day.

3 USC §7

### **Cognitive Dissonance**

The problem most people run into, is they believe that every four years they vote for President. That is not true. In every state in the union, the people vote for electors they want their legislature to appoint. This misunderstanding not only leads to a lot of confusion, but many of the controversies of the presidential elections. For example, the National Popular Vote movement is based on the misconception that there is a

popular vote for president. This should not be a surprise, since every four years the media spends a tremendous amount of time on polls and reporting on this mythical popular vote. How many people still believe that Hillary Clinton should have been president because she won the “national popular vote”, even though she lost the “electoral college”? Even the term “electoral college” is a misnomer, since there is no one place where all of the electors gather to cast their votes.

Another problem that can trace its roots to this cognitive dissonance is the false belief that Congress has any say in the election of the president or vice president, except in the situation where no one receives a majority of votes. Congress has decided for itself to be the overseers of the presidential election. This can be seen in giving themselves the authority to object to a state’s certificate of the vote of their electors.

Upon the reading of each certificate or paper, the President of the Senate shall call for objections, if any.

3 USC §15 (d)(2)(a)

However, a quick look at the Twelfth Amendment shows no such power delegated to the Congress, or any member of the United States.

the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;

U.S. Constitution, Amendment XII

This has led to the oft repeated lie the Congress certifies the vote for president or of the electoral college.

## **Ballot Fraud**

Let’s get back to the ballot fraud. While researching my position for the discussion I mentioned earlier, I went in

search of sample ballots from the 2020 election. I found a collection of them on the website Ballotpeia. I was surprised when I saw the first ballot listed, for the State of Alabama had a mistake in it.

Do you see the difference between this ballot and the one from Tennessee? In Tennessee, the ballot clearly states that the individual is voting for "Electors for...", while the Alabama ballot claims they are voting for the president and vice president. That's not true. The State of Alabama is lying to their citizens, claiming they are voting for an office they are not actually voting for. That makes their actions fraud.

A false representation of a matter of fact—whether by words or by conduct, by false or misleading allegations, or by concealment of what should have been disclosed—that deceives and is intended to deceive another so that the individual will act upon it to her or his legal injury.

### **Fraud: The Free Legal Dictionary**

Some may ask what the legal injury a citizen of Alabama, or any state for that matter, may receive from this deception? They may give up their right to state representation in the election of the president under the false belief they they are voting for the office directly. They may come to believe the office of president represents the people rather than the states due to the false belief that they voted for the person in office rather than their state doing so. I'm sure if I spent more time on this I could find additional legal injury that comes from this fraud.

Once I saw what I thought was a mistake by Alabama, I decided to do more research. I was shocked by what I found. Of the fifty states in the union, I could only confirm 13 (26%), had non-fraudulent ballots. In one of those states, Louisiana, I found that the state did mention that the people were voting for electors, but it was in a note in the heading, and somewhat misleading.

I found 34 states (68%) that had fraudulent ballots, and I could not find the presidential ballots for three states (Connecticut, Delaware, and Oklahoma). That means that at least two-thirds of our states committed fraud in the 2020 presidential election, and probably other elections as well. That is a number I hope you find as shocking as I do.

### **Other Interesting Items**

While doing my research, I found several states that included constitutionally important information. For example, only two states, North and South Dakota, actually listed the names of the electors people were voting for. Two states, Wisconsin and Wyoming, specifically noted that if someone were to write-in a vote for vice president without writing-in one for president, the vote would not be counted. This is one of the several state laws that effectively nullify the Twelfth Amendment's requirement that the presidential electors cast separate ballots for president and vice-president. The other interesting constitutional provision I found on state ballots was that both Vermont and West Virginia listed the state of residence for the candidates for president and vice-president. This allows the people to confirm the requirement from Article II, Section 1, Clause 2, that "one, at least, shall not be an inhabitant of the same state with themselves".

### **Conclusion**

Although the fraud conducted by the majority of the states did not change the outcome of the election, it shows how the general ignorance both the people and the members of their legislatures have when it comes to the Constitution of the United States. I wish more states would adopt laws to include the name of the electors and the state of residence for each of the candidates. The former may expose no internal party shenanigans, while the latter is helpful in making sure we are voting for electors that have pledged to vote for eligible candidates. How can you make an informed vote if your state is lying to you? Do you expect to be able to make a

constitutionally sound decision regarding the presidential election process when most of you don't even know how it works?

Some may say I'm being pedantic (nit-picky) about this. Consider this, over the next 13 months the American people will be bombarded by news, advertising, and polling regarding the election, all in the attempt to get them to vote for a specific presidential candidate. After Election Day there are bound to be more discussions about who won the "popular vote" vs. the "electoral college". After that, we'll have four years of politics and punditry trying to convince us that the president either is, or is not, serving the American people properly. All of this based upon the fraudulent idea that the people voted for the president, therefore his job is to take care of us. In an attempt to fulfill that false idea, the president, no matter who they are or which party they are a part of, will enact unconstitutional policies in an attempt to get the American people to either vote for them or whoever the champion of their party is in 2028. This fraud is not pedantic, nit-picky, or of no importance. It is part of the reason the United States, the Several States, and the governments of both are the criminal enterprises they have become. As Albert Einstein is quoted as saying:

"The definition of insanity is doing the same thing over and over and expecting different results,"

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