

US Elections 2020: Why the Record Vote Turnout May Not Matter

While Democrats are pushing voter turnout, Trump and Republicans are planning to prevent the counting of the votes that do turnout

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Global Research, October 29, 2020

Region: [USA](#)

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Mainstream media is pounding out an incessant drumbeat: 'Get Out and Vote! Mail in Your Ballot! Do It Now! Vote Early!'

But what may well determine the outcome of the election on November 3 may not be the current record voter turnout now underway. That is, not how many actually vote. But rather how many votes get actually counted.

While Democrats are pushing voter turnout, Trump and Republicans are planning to prevent the counting of the votes that do turnout—at least in the three, or at most four, key swing states of Pennsylvania, Michigan, Wisconsin that will in the end determine the results of the 2020 election in the Electoral College.

If the Electoral College were to cast its votes today Trump and Biden would be virtually tied!

Contrary to the mainstream media and the popular vote trend, Biden does not have a comfortable lead in Electoral College votes. By this writer's estimate, Trump has 248 Electoral College votes, while Biden has 244! Barely 40-50 potential Electoral College are therefore actually 'in play' as they say. These 40-50 are in the true swing states: Pennsylvania, Michigan, and Wisconsin that together account for a total of 46 votes. The three are also the states in which Trump's legion of hundreds of lawyers have been preparing for weeks to demand from pro-Trump recently appointed judges that they halt the counting of mail in ballots.

That 248 to 244 close tie in the Electoral College today all but ensures that Trump moves forward on November 3 to implement his plans to stop the mail in ballot vote count in the key swing states. Further encouraging that plan is the fact that those same three swing states don't start counting mail in ballots until midnight on November 3. Trump could potentially stop the count of virtually all the mail in ballots in those key swing states.

The Electoral College As Bulwark Against Democracy

The Electoral College is an abomination on Democracy. Nevertheless, it will determine the outcome of the 2020 election less than a week from now.

Most election polls, according to mainstream media, show Biden has a commanding lead in the popular vote of 8% to 10%. But the popular vote is irrelevant in America's 21st century

truncated Democracy. All that matters is the total Electoral College vote and which candidate wins a total of 270 Electoral College votes across all the 50 states wins the November 3 election.

Wait. Check that. All that matters is the Electoral College count in the three swing states this time around. Well, let me correct that further: All that matters is the mail-in ballot vote count in those three states.

Trump plans to declare himself the winner late evening November 3, or at latest early morning November 4—i.e. well before the mail in ballots are counted in those 3 states. Before the sun comes up on November 4 he'll launch his hundreds of lawyers already ensconced in those states—and McConnell's handpicked judges there—to stop the mail in ballot counting with preliminary injunctions and other legal legerdemain! That will be done before most folks wake up for breakfast on the 4th. The injunctions and legal motions filed in federal district courts will then be quickly kicked upstairs to the Appeals Courts, both dominated by McConnell's rushed appointees in recent years. The Appeals Courts will pass it on eventually to Trump's now 6-3 majority US Supreme Court to rule!

That's what American electoral Democracy has come down to: the next president will be determined by mail in ballots in just three states; more correctly, whether those mail in ballots in those three states are counted or not.

CNN's Election Myopia

Both the pro-Trump right wing media like Fox news, as well as the more mainstream CNN, like to play the 'who's winning the electoral college' vote game every day. But their guesstimates are no better than yours nor mine.

CNN has its daily color-coded 'Electoral Map' showing which states are firmly for Trump or Biden (red or blue), which states are leaning toward Trump or Biden (light blue or pink), and in which 'battleground' state (yellow color coded) is neither candidate leading.

Amazingly CNN has Biden leading with 290 solid or strongly leaning 'blue' states. To get to 290 CNN assumes that Biden will eventually win the light blue 'leaning' states of Pennsylvania, Michigan, Wisconsin, Arizona, Nevada, Colorado, Minnesota, and even New Hampshire. Apart from these 'leaning blue', Biden has 204 other electoral college votes solid blue and thus wrapped up for Biden.

The eight states 'light blue' and leaning Biden total 86 electoral votes which, when added to the solid 204, result in CNN's assumed 290 for Biden. So it looks like Biden's a strong lead in the Electoral College, per CNN analysis. Of course, CNN also assumes all votes for Biden will be actually counted, including mail in ballots.

But will all the ballots get counted? Or will the SCOTUS suspend and stop the counting of mail in ballots—just as it did ballot recounting in 2000 in Florida?

All Trump has to do is succeed in stopping the mail in ballot vote counting in just Pennsylvania (20), Wisconsin (10) and Michigan (16) and Trump wipes out 46 of Biden's 290 total, leaving Biden with just 244 electoral college votes and well short of the required 270 to win!

CNN assumes further the remaining 5 states' leaning blue' actually go blue: That means Colorado (9), Arizona (11), Minnesota (10), Nevada (6), and New Hampshire (4). It also assumes all (4) votes from Maine go for Biden—i.e. are not 'split' between Biden and Trump which is possible in only that state (and Nebraska which also can split its 5 votes).

This is a list off some big assumptions! That is, Trump won't succeed in stopping the mail ballot count in the 3 states; the 3 states will all go Trump on November 3; and the other 5 'leaning blue' states will all go Biden.

Doing the Electoral College math still further, Trump only needs to stop the mail ballot count in two of the three states of Michigan, Wisconsin, Pennsylvania in order to deprive Biden of 270. And should no halt to mail ballot counting occur in any of the three, Biden still needs to win two of the three fairly nevertheless.

In other words, halting the vote count in just two states is all it will take to give Trump another four years. If you think Trump, McConnell & friends haven't done this calculation, you're mistaken!

CNN's analysis of Trump's solid and 'leaning' red states is no less naïve than its analysis of Biden's.

It has Trump with only 163 solid red state electoral votes, with Texas's 38 votes indicated as only 'leaning red' toward Trump. So Trump only has 201 electoral college votes.

CNN then describes Florida (29), Georgia (16), Ohio (18), and North Carolina (15) as neutral 'battleground' states that are up for grabs. Really? Who believes that? These 5 states are the notorious five (when including Texas) states that have a long history of voter suppression by various means. With no limits put on their vote suppression activities for years, including the last four in particular, these five states will almost certainly go for Trump again. Their legislatures are all solid rabid Republican! And if anything they've intensified their voter suppression activity since 2016.

The notorious five are 'battlegrounds' only in CNN and the Democrat Party's wildest dreams. Hundreds of thousands of eligible, potential Democrat voters have been purged from their voting rolls in recent years and months. Maybe millions. These five are where voters cannot register by mail, nor at the poll on voting day. Where mail in ballots must be received by election day, not merely post marked before. Where drop boxes for ballots are limited one to a county sometimes covering hundreds of square miles. Where witnesses must accompany a voter to get registered. Where a de facto poll tax must be paid in many cases. Where Trump supporters are allowed to 'stand guard' at polling sites with their guns if they want, in order to intimidate voters. Where votes in pro-Democrat precincts are often 'lost'. Where voting machines supposedly break down when voters are kept waiting in line for six and more hours to vote. The list is long and disgusting. No. These five notorious voter suppressor states are not battlegrounds. They're Trump's. They are not 'yellow code' battleground states; they are Trump states kept in his camp by suppression and voter intimidation.

Voter suppression in these five allowed Trump to win in 2016, just as much as Hillary's terrible campaign permitted Trump to grab Michigan, Pennsylvania, and Wisconsin by smaller margins. Eight states turned the election in 2016. The five voter suppressor states will repeat. And instead of Hillary giving away the three upper Midwest swing states, this

time around Trump's plan is to deny them to Biden by stopping the mail in ballot vote count there.

When the notorious 'vote suppressor big five' states' 116 electoral college votes are added to Trump's solid 132 small red states' votes, Trump has 248 potential votes—to Biden's 244!

That means the election in the Electoral College today is a virtual tie at 248 to 244! It's not CNN's 290 to 163!

Both Biden's and Trump's campaign strategists know the election will be close, very close. The virtual tie with less than one week to go explains in large part why both Trump and Biden are paying attention to Maine and Nebraska, both making stops there despite their minimal 4 and 5 electoral votes, given that both states are the only ones allowing a split in their electoral college votes across candidates. Picking up one or more votes from either may play a role in this election before it's over as well. Trump knows it. So does Biden.

In summary, what the election appears coming down to is two things:

First, will Trump prove successful in halting the mail in vote count in at least two of the three key states leaning blue: Michigan, Wisconsin, and Pennsylvania? If so, he wins.

Second, will the notorious five voter suppression states—Florida, Georgia, North Carolina, Ohio, and Texas—pull off enough suppression in order to deliver their states' electors to Trump yet again? If they don't, Biden wins.

In other words, it's not getting more voter turnout that will determine the election. It is voter suppression plus vote count prevention that together will determine the fate of the USA for another four years! That's what Democracy in America has come down to.

Let's Fundamentally Restructure the College & the Supreme Court

None of the above abomination of Democracy would be possible were there no Electoral College; and if the US Supreme Court had not have become in recent decades a handmaiden of the right and business interests.

Trump's strategy to pull off an electoral coup d'etat would not be possible without both institutions working 'hand in glove', as they say, to thwart the will of the majority of the American people.

The two institutions, captured by a president like Trump, now make Trump's planned legal coup a possibility.

So how do we change these two great anti-Democracy enabler institutions—i.e. the Electoral College and the Supreme Court?

Growing popular today is the movement to amend the US Constitution to abolish the Electoral College. But that requires the vote of three fourths of state legislatures and therefore many of the small 'red' states in Trump's camp who enjoy a preferential advantage and influence beyond their population numbers due to the Electoral College. They are not about to vote to eliminate their advantage by voting for a Constitutional amendment to abolish the Electoral College.

But the Electoral College doesn't need to be abolished in order to break the stranglehold of the small red states! There is another way to radically restructure it to re-balance it to reflect the population changes and popular vote.

The Electoral College is composed of 535 members, one each for the number of US House of Representatives plus 2 Senators from each state. That's 435 Representatives and 100 Senators. The 435 representatives is based on the population of the country. The US Constitution calls for adding representatives as the population rises. The last time Congress did that was in 1913. It is long overdue to add representatives and House districts to reflect that increase in representatives. That would result in more representatives in the more populous blue states, and therefore more blue state Electors. That would effectively break the back of the small, red state lock on the Electoral College and in turn end Trump-Republican red state total electors advantage in presidential elections—an advantage that consistently now is out of line with the popular vote for the presidency.

Another, less effective way perhaps is just to add more states, which would add more electors by adding more representatives and Senators alike. Proposals are already floating around to add Washington DC as a state and perhaps even Puerto Rico if its citizens so voted to do so.

Either or both of these alternatives to change the current Electoral College could result in a less lopsided and imbalance favoring smaller, less populous, Trump dominated red states. Just doing what the Constitution calls for, which Congress has avoided since 1913, is the better restructuring solution.

And what about the growing imbalance favoring the radical right in the US Supreme Court? Public discourse is already raising the possibility of adding 2-3 or more SCOTUS judges, from the current 9 to 11 or 12. Congress has the Constitutional authority to do that since it created the Supreme Court, not the US Constitution. But reform should go well beyond just adding numbers. The terms of the judges should be reduced from lifetime to no more than 10 years. And SCOTUS judges should be elected not appointed. 12 or 15 districts could be created across the USA and a judge elected from each. And what gets elected can get recalled. The founders of the country and framers of the US Constitution feared that lifetime appointments of what amounts to nine never elected lawyers could thwart the will and sovereignty of the American people. And that's what's been happening in recent decades and is now happening today.

Without a basic restructuring—if not outright abolition—of the Electoral College, American Democracy will continue to result increasingly to produce abominations like the 2000 election and its likely repeat in the upcoming November 3 election. Instead of one person one vote—i.e. true Democracy—we keep getting presidents elected without the support of the majority of the American people. At some point that will explode.

And the same may be said for the rightward and pro-corporate drift of the US Supreme Court. It has already lost serious legitimacy in the eyes of the majority of the American people. And it's about to exacerbate that loss in the wake of next week's election when it likely comes to the aid of Donald Trump to halt the mail ballot vote counting.

The Court's myths about being a co-equal branch of government created by the US Constitution, with the authority to overturn the laws passed by the Congress, and with the usurped power to interfere with elections and 'select' a president will eventually blow up in

the face of the US elite, as Americans come to understand the Supreme Court's true origins and its truer functions—i.e. origins and functions that have little to do with ensuring Democracy and, increasingly in recent years, far more to do with ensuring its decline.

It is worth concluding one more time: next week's election is not about 'getting everyone out to vote'. It's going to be about preventing the full counting of that record vote turnout!

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