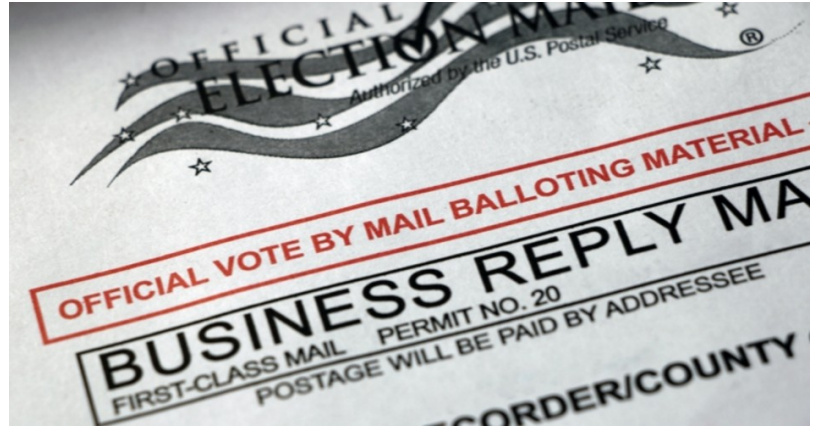




Written by [Raven Clabough](#) on May 26, 2020

Ripe for Fraud: GOP Files Suit Against California's Vote-by-mail Executive Order

The Republican National Committee, National Republican Congressional Committee, and California Republican Party are suing the state of California over Governor Gavin Newsom's executive order that mandated all registered voters in the state receive vote-by-mail ballots. According to the lawsuit, the May 8 executive order is an "illegal power grab" and a "recipe for disaster," as it would allow inactive voters, including those who have left the state or have died, to receive the ballots.



The complaint [reads](#),

In a direct usurpation of the legislature's authority, Governor Newsom issued an executive order purporting to rewrite the entire election code for the November 2020 election. This brazen power grab was not authorized by state law and violates both the Elections Clause and Electors Clause of the U.S. Constitution. The Governor's Order is invalid and must be enjoined.

... The Governor reserved for himself the sole discretion to choose if and where in-person voting will occur. Such unbridled discretion, which leads to arbitrary and disparate treatment of individual voters, violates the Equal Protection Clause of the Fourteenth Amendment.

Under existing law, California permits vote-by-mail, but voters are required to make a request for such a ballot. Under the order, voters will automatically receive the ballot without having to first make a request.

The complaint outlines examples of potential fraud as ballots could be intercepted by the wrong parties or sent to the wrong addresses. Vote-by-mail also creates scenarios in which individuals could be pressured to vote for candidates by others.

Secretary of State Alex Padilla defended the vote-by-mail scheme as non-partisan, asserting, "It's a moral imperative to protect voting rights and public safety. Vote-by-mail has been used safely and effectively in red, blue, and purple states for years."

But critics of mail-in-ballots contend Americans have been successfully engaging in public activities while simultaneously wearing masks and respecting social-distance guidelines during the pandemic and should be able to do so to vote as well.

The April 7 [in-person elections](#) in Wisconsin should serve as evidence that it is possible to conduct in-person voting during a pandemic. There, a study by two doctors Andrew C. Berry, D.O. and Bruce B. Berry, M.D., and a mathematician, Madhuri S. Mulekar, Ph.D., determined that in-person voting did not increase COVID spread.

Likewise, CBS News reports California has already entered Phase 2 of its reopening plan and is expected to transition to Phase 3, which includes the opening of hair salons, churches, and professional



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sports, as early as June. The GOP questions how the executive order is “justified in light of such progress.”

The lawsuit states the order is “less about protecting the health of Californians and more about protecting the electoral prospects of the Governor’s political party.”

Fox News reports that former Representative Darrell Issa (R-Calif.) has also filed his own suit against Newsom’s order. Issa is running for former Rep. Duncan Hunter’s seat following Hunter’s resignation, Courthouse News reports.

“Governor Newsom’s vote-by-mail mandate is unconstitutional and may cause the votes of countless voters to be thrown out or not counted,” said Tom Fitton, president of the conservative group Judicial Watch that filed on behalf of Issa. “California law prohibits blindly mailing out ballots to every registered voter in the state. This scheme raises the risk of Election Day chaos as well as voter fraud.”

Issa’s suit claims Newsom’s order could result in “votes of countless voters to be thrown out or not counted.” The suit adds that the order increases Issa’s campaign costs and compels him to “reevaluate his electoral strategy.”

“Now, he must develop a new strategy to reflect that he is no longer running under an electoral system established under California law.” “As a direct result of [the order], the costs for running for the 50th Congressional District have increased.”

According to CBS News, four states already conduct vote-by-mail for general elections, and Hawaii is set to be the fifth to move entirely to vote-by-mail this year.

President Trump has threatened to deny federal funding to states looking to expand vote-by-mail in tweets railing against Nevada and Michigan last week. “State of Nevada ‘thinks’ that they can send out illegal vote by mail ballots, creating a great Voter Fraud scenario for the State and the U.S. They can’t! If they do, ‘I think’ I can hold up funds to the State. Sorry, but you must not cheat in elections,” Trump tweeted on May 20.

Regarding Michigan’s mail-in applications, Trump’s May 20 tweet read, “Michigan sends absentee ballot applications to 7.7 million people ahead of Primaries and the General Election. This was done illegally and without authorization by a rogue Secretary of State. I will ask to hold up funding to Michigan if they want to go down this Voter Fraud path!”

And while Democrats claim voter fraud is a myth, evidence continues to show the opposite to be true. In an article published earlier this month titled “Database Swells to 1,285 Proven Cases of Voter Fraud in America,” the Heritage Foundation observed, “Without rigid safeguards to prevent fraud, misuse, and voter intimidation, absentee ballot fraud — while it may occur sporadically — already has affected the outcome of elections in states and counties across the country.” And the database, as noted by the Heritage Foundation, is “by no means comprehensive” and fails to capture all instances of voter fraud, but instead sufficiently demonstrates the vulnerabilities in the election process. The article includes [detailed examples and reports](#) of proven voter fraud that has taken place at every stage of the voting process.

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