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## **ELECTION 2020: The Top Ten Things You Need to Know and Do<sup>®</sup>**

Please note that much of the detailed information provided here applies to Chicago and Suburban Cook County. If you are located elsewhere, *consult your local election officials.*

**Always, everywhere, follow CDC guidelines. Wash your hands, socially distance, wear a mask.**

### **1. Prepare yourself to vote and know how to vote.**

Plan your vote ahead of time. Vote like your life depends on it. It may. If you know all the people you want to vote for (from the top of the ballot to the bottom), vote early or vote by mail. Or you can vote at your local pollingplace from 6 am to 7 pm on November 3.

The preferred method of voting is in the pollingplace on Election Day. The voter has time to be fully informed on all issues and all needed personnel, instructions and materials are handy to correct errors. In many election systems like Chicago and suburban Cook County, the ballot box machinery warns the voter if he/she makes errors, election judges are available to assist in correcting errors. In addition, the voter does not contribute to the politically fraught phenomenon that the Election Day count favors one candidate, and that lead is later overcome as Vote By Mail (VBM) ballots are counted.

- a. If you are not registered to vote at your current address, be sure to register as soon as possible. Illinois permits online voter registration and you can register to vote with your local election official, at Early Voting sites and every pollingplace.

- b. Early voting starts in Illinois October 14 and ends on November 3. There will be election judges at Early Voting sites to help you cast a valid ballot. If you are not registered, you can register then and there. Take 2 forms of ID if you need to register. If you are properly registered, no extra ID is required, your signature matching the one on your registration records is your identification.
  - i. In suburban Cook County, Early Voting and Vote By Mail (VBM) drop boxes at every Village Hall.
  - ii. In Chicago, Early Voting and VBM drop boxes at a public building in every ward.
- c. You can apply for a Vote By Mail ballot now and, in Illinois, they will be mailed out starting September 24. You must mail it back or deliver it to a VBM drop box no later than 7 pm November 3. Allow at least a week before Election Day for the US Mail to deliver so the VBM ballot will be counted on Election Day. However, in Illinois, any ballot postmarked on or before November 3 will be counted as long as it arrives before November 18.
- d. Vote in your pollingplace. There will be election judges at pollingplaces sites to help you cast a valid ballot. If you are not registered, you can register then and there.
  - i. Vote early in the day.
  - ii. There may be lines. Lines are shorter from 10 am to 4 pm. Like Michelle Obama says, “pack a lunch.” Dress for the weather – to stand outside. Take a folding chair. Socially distance and wear a mask.
  - iii. Pollingplaces must be staffed by several people and service numerous citizens. COVID-19 may scare away the usual volunteers.
  - iv. Locate your pollingplace a week before the election. Shortages of volunteers may require pollingplace consolidation some distance from the usual location (this is sometimes used as a vote suppression tactic).
  - v. If you have difficulty physically getting to your regular pollingplace, you are permitted to vote at any Early Voting station (in Chicago if you are a Chicagoan or in the Cook County suburbs if you are a suburbanite). To be clear, if you are a suburbanite, you can’t vote at a Chicago Early Voting site and vice versa.

## **2. Check Your Voter Registration and Get a Specimen Ballot.**

- a. In Chicago and Cook County you can check online to be sure that you are properly registered and that your voting experience will be trouble-free. In addition, you can print out a specimen ballot showing all candidates who will be appearing on your particular ballot.
  - i. [Chicago](#)
  - ii. [Suburban Cook County](#)
- b. Your favorite political organization likely has a sample ballot or “palm card” listing their favorite candidates. Should you wish, you are entitled to take such literature into the pollingplace.

- c. For judges seeking retention, after September 15, consult the various bar association evaluations at [www.voteforjudges.org](http://www.voteforjudges.org). The Chicago Council of Lawyers' evaluations tend to be the most rigorous.

### 3. Support Voter Registration Efforts.

- a. The poor are far more transient than single family home dwellers and thus need to change their voter registration more frequently. That is no longer a problem in many states, including Illinois, which have *election day voter registration*. One can go to the pollingplace assigned for the voter's address, register, and then vote.
- b. Registering voters in the Old South is an entirely different matter. The heroic voter registration campaigns of the 1960s and 1970s are not a distant memory to our brothers and sisters in, for example, Selma, Alabama who still encounter evasion and resistance to voter registration. Stacey Abrams, who ran and lost for Georgia Governor to Brian Kemp by 55,000 votes when Kemp was Georgia Secretary of State (and thus the chief election officer), has a [voter registration project](#). There are many other similar projects.

### 4. Understand the Limits of Executive Powers.

The President claims to have awesome powers while, in truth, his powers are very limited. The House of Representatives has the power of the purse, so the Executive is generally bound to expend funds for the purposes appropriated and thus has difficulty controlling only small surplus amounts that are not spent for the designated purpose.

*What he does not have is the power and authority over elections.* He has no power to declare an emergency and declare himself re-elected, suspend elections, *etc.*

The above was phrased that the President has no “power,” meaning that he has no established authority either springing from the Constitution, a statute, established tradition. That does not mean that he will not *attempt* to exercise some power. Those who object may be put to the trouble to seek refuge in the courts, as was done when the Administration interpreted the immigration laws to impose religious tests.

The conundrum arises when the courts rule that the Executive has no authority to do something – and the Executive Department is the usual arm of government called upon to enforce the courts' orders.

5. **Be an activist. Decide who you favor – your favorite party, your favorite candidate, your favorite issue - and work to help them win.**
  - a. Your favorite local candidate(s) may be assured of winning. Then pick a candidate in a close race, even in another state, and help him or her. GOTV – get out the vote!
    - i. Contribute money.
    - ii. Go door to door if COVID-19 permits
    - iii. Join a phone bank at a campaign headquarters or from your home.
    - iv. Join a postcard addressing or letter-writing party with friends or at home. [Vote Forward](#) is one organization promoting letter-writing campaigns to swing states.
  - b. Work on referenda or judicial retention.
    - i. The Fair Tax Constitutional Amendment is on the Illinois November ballot. The race is close. Changing the Illinois income tax from a flat tax to a graduated tax is a social justice issue. Many people believe that the wealthy should carry a heavier tax burden than the poor.
    - ii. Sitting judges in Illinois stand for retention elections based on their performance on the bench. Some of these judges are truly horrible and need to be voted off the island. The evaluation of the various bar associations will be out September 15 at [www.voteforjudges.org](http://www.voteforjudges.org).
  - c. Work on local elections that occur in every city and town in Illinois in 2021.
    - i. On the ballot will be candidates for offices on townships, municipalities, School board, park board and library board. These are the offices which impact each of us directly and yet receive very little attention.
    - ii. Some candidates are already circulating petitions and the rest will start September 22.
  - d. Work on issues campaigns and support particular candidates based on issue positions.
6. **Volunteer to be an Election Judge** if you are young, healthy and reasonably safe from COVID-19. The usual volunteers are mostly elderly and, by definition, are not safe for close contact with members of the public in a closed space.
  - a. Solicit others to be election judges. In Cook County, find information about election judge service for [Suburban Cook County](#) and for [Chicago](#).
  - b. All registered voters are qualified and, in Illinois, there are pollingplace jobs for youth as young as age 16.

7. **Learn how the Process Works so that you can Educate Others.**

- a. The voting rules and procedures are run by the states.
- b. The Constitution requires that the states report to the Electoral College by December 8 and that the 538 members of the Electoral College vote on December 14 – 23. The Congress meets January 6, 2021 to count the Electoral College votes and any candidate with 270 or more electoral College votes is declared President. The new President is inaugurated January 20.
  - i. If no single candidate gets 270 votes there is a complicated system to resolve the deadlock that somewhat favors the less-populated small states.
  - ii. In any case, **the term of the incumbent President ends on January 20, 2021.**
- c. The President has **no** constitutional power to cancel or delay the November 3, 2020 election.
- d. There is credible evidence from bi-partisan sources that foreign powers are attempting to manipulate the election result by social media. The recent bi-partisan report from the Republican controlled US Senate Intelligence Committee found that Russia continues to try to put their thumb on the scale in favor of President Trump by attempting to sow discord in ways that amplify and exaggerate the President's "Law and Order" message.
- e. There is credible evidence from scholars and well-respected news sources that election officials are engaged in efforts to suppress the votes of citizens who are likely to vote for a particular political party by:
  - i. Gerrymandering
  - ii. Voter registration purges and erecting barriers to correction
  - iii. Erecting barriers to voter registration
  - iv. Restricting methods of voting more likely to be used by likely Democratic voters
  - v. Starving minority pollingplaces of personnel and materials
  - vi. Moving Election Day pollingplaces to locations inaccessible to public transport
  - vii. By heavy-handed pollwatching in the precinct pollingplaces
  - viii. Provoking disputes in and around pollingplaces and causing unusual police attention
  - ix. Sponsoring a sham candidate, Kanye West, who is likely to draw support from some black voters
    1. West has no platform
    2. He has not begun making campaign appearances
    3. He has no literature, signage, advertising, social media, fundraising
    4. Virtually all of his consultants and other vendors most often work for Republicans, and many specifically for Trump
    5. Virtually all of his lawyers most often work for Republicans and many specifically for Trump

## 8. What Happens with a “Contested” Election?

There are no established procedures to initially contest a Presidential election. The elections are, initially, matters of state law. The only presidential election which was seriously contested in recent memory was *Bush v. Gore* in 2000. There, the Supreme Court of Florida had halted the statutorily required re-counting of the ballots and the US Supreme Court agreed because the Florida recounts were bungled by permitting multiple standards for judging what markings constituted a vote. Gore was advised by amateurs and poisoned his own well by first conceding, then retracting, then insisting on recounting only precincts in which he trailed instead of recounting all ballots. We have that case as an example – and a cautionary tale.

We do not know what posture a case would be in, how close the count might be and what error might be critical to the dispute. What we do expect is that massive numbers of Democrats will vote by mail and we expect a large percentage of Republicans will vote at their local pollingplaces. Thus, if the election is close at all, the initial results in the late hours of November 3 may look like a Trump landslide. This “**Trump Mirage**” may thereafter be steadily eroded hourly and daily by the counting of mail ballots with the final results showing a Biden victory. This is the stuff election contests are made of. It should be stressed, however, that every election has flaws. Election contests are restricted to flaws when they exist on such a large scale as to affect the election’s ultimate outcome.

The way to prevent a “**Trump Mirage**” would be to advise Democrats to vote in precinct pollingplaces potentially even if to do so would endanger their health, the health of their families, and the public health. Which of us would follow that advice? The law would not require that.

## 9. If the System Is as Bad as the Detractors Say, How Do We Fix It?

- a. In the current Congress, the House has passed HB-1, comprehensive federal election reform in response to many of the above problems. This bill addresses voter access, election integrity, election security, political spending, and ethics for the three branches of government. If we could pass it in the Senate, and had a President who would sign it, that would go a long way to improving our current system of elections. An excellent summary of this bill is available at [For the People Act of 2019](#). Read it – then contact your Senators, urging action by the Senate.
- b. Pass a new federal Civil Rights Act with comprehensive hearings and other evidence to lay a proper legal predicate that Jim Crow still reigns in the South and also to address the well-established *de facto* discrimination in the North.
- c. Elect a new Senate with a clear majority of members who act on matters of principle.
- d. Elect a President who respects and honors American traditions and who is sensitive to the welfare of all citizens, particularly minorities, the poor and immigrants.

- e. Restructure the US Supreme Court to expand its membership, provide for appointments from members from the lower courts, chosen by the lower courts, to serve for a term of years and then return to their lower court.

## **10. Resources for Further Study**

- a. Brennan Center for Justice, New York University
  - i. [Voters vs. Disinformation](#)
  - ii. [How to Ensure Americans Can Vote in Person Safely During Covid-19](#)
  - iii. [Ensure Every American Can Vote](#)
  - iv. [Defend Our Elections](#)
  
- b. Subscribe to the following political news outlets:
  - i. [Smart Concise National Campaign News - The Recount](#)
  - ii. [Illinois Political News - Capitol Fax](#)
  - iii. [Illinois Political News - Politico Illinois](#)
  - iv. [Chicago News Aggregator - the Public Square](#)