

Preventing a Disrupted Presidential Election and Transition

August 3, 2020

Executive Summary

In June 2020 the Transition Integrity Project (TIP) convened a bipartisan group of over 100 current and former senior government and campaign leaders and other experts in a series of 2020 election crisis scenario planning exercises. The results of all four table-top exercises were alarming. We assess with a high degree of likelihood that November's elections will be marked by a chaotic legal and political landscape. We also assess that the President Trump is likely to contest the result by both legal and extra-legal means, in an attempt to hold onto power. Recent events, including the President's own unwillingness to commit to abiding by the results of the election, the Attorney General's embrace of the President's groundless electoral fraud claims, and the unprecedented deployment of federal agents to put down leftwing protests, underscore the extreme lengths to which President Trump may be willing to go in order to stay in office.

In this report, TIP explains the basis for our assessment. Our findings are bolstered by the historical experience of *Bush v. Gore* (2000) and other U.S. electoral dysfunctions. The closest analogy may be the election of 1876, a time of extreme partisanship and rampant disenfranchisement, where multiple states proffered competing slates of electors, and the election was only resolved through a grand political bargain days before Inauguration—one that traded an end to Reconstruction for electoral peace and resulted in a century of Jim Crow, leaving deep wounds that are far from healed today.

Among the findings we highlight in the report:

- **The concept of "election night," is no longer accurate and indeed is dangerous.** We face a period of contestation stretching from the first day a ballot is cast in mid-September until January 20. The winner may not, and we assess likely will not, be known on "election night" as officials count mail-in ballots. This period of uncertainty provides opportunities for an unscrupulous candidate to cast doubt on the legitimacy of the process and to set up an unprecedented assault on the outcome. Campaigns, parties, the press and the public must be educated to adjust expectations starting immediately.
- **A determined campaign has opportunity to contest the election into January 2021.** We anticipate lawsuits, divergent media narratives, attempts to stop the counting of ballots, and protests drawing people from both sides. President Trump, the incumbent, will very likely use the executive branch to aid his campaign strategy, including through the Department of Justice. We assess that there is a chance the president will attempt to convince legislatures and/or governors to take actions – including illegal actions – to defy the popular vote. Federal laws provide little guidance for how Congress should resolve irregularities when they convene in a Joint Session on January 6, 2021. Of particular concern is how the military would respond in the context of uncertain election results. Here recent evidence offers some reassurance, but it is inconclusive.
- **The administrative transition process itself may be highly disrupted.** Participants in our exercises of all backgrounds and ideologies believed that Trump would prioritize personal gain and self-protection over ensuring an orderly administrative handoff to his successor. Trump may use pardons to thwart future criminal prosecution, arrange business deals with foreign governments that benefit him financially, attempt to bribe and silence associates, declassify sensitive documents, and attempt to divert federal funds to his own businesses.

These risks can be mitigated; the worst outcomes of the exercises are far from a certainty. The purpose of this report is not to frighten, but to spur all stakeholders to action. Our legal rules and political norms don't work unless people are prepared to defend them and to speak out when others violate them. It is

face war
scaremongry

← fear

unconstitutional
use of
"popular vote"
over
electoral
college

incumbent upon elected officials, civil society leaders, and the press to challenge authoritarian actions in the courts, in the media, and in the streets through peaceful protest. Specific recommendations include:

- **Plan for a contested election.** If there is a crisis, events will unfold quickly, and sleep-deprived leaders will be asked to make consequential decisions quickly. Thinking through options now will help to ensure better decisions. Approach this as a political battle, not just a legal battle. In the event of electoral contestation, sustained political mobilization will likely be crucial for ensuring transition integrity. Dedicated staff and resources need to be in place at least through the end of January.
- **Focus on readiness in the states, providing political support for a complete and accurate count.** Governors, Secretaries of State, Attorneys General and Legislatures can communicate and reinforce laws and norms and be ready to confront irregularities. Election officials will need political and public support to see the process through to completion. ?
- **Address the two biggest threats head on: lies about "voter fraud" and escalating violence.** Voting fraud is virtually non-existent, but Trump lies about it to create a narrative designed to politically mobilize his base and to create the basis for contesting the results should he lose. The potential for violent conflict is high, particularly since Trump encourages his supporters to take up arms.
- **Anticipate a rocky administrative transition.** Transition teams will likely need to do two things simultaneously: defend against Trump's reckless actions on his way out of office; and find creative solutions to ensure landing teams are able to access the information and resources they need to begin to prepare for governing.

Makes an assumption over the "transition"

false

~ aback on 2A

About the Transition Integrity Project

The Transition Integrity Project (TIP)¹ was launched in late 2019 out of concern that the Trump Administration may seek to manipulate, ignore, undermine or disrupt the 2020 presidential election and transition process. TIP takes no position on how Americans should cast their votes, or on the likely winner of the upcoming election; either major party candidate could prevail at the polls in November without resorting to "dirty tricks." However, the administration of President Donald Trump has steadily undermined core norms of democracy and the rule of law and embraced numerous corrupt and authoritarian practices. This presents a profound challenge for those – from either party – who are committed to ensuring free and fair elections, peaceful transitions of power, and stable administrative continuity in the United States.

But all they speak do.

false, no evidence.

The American people have the right to choose their next president without intimidation or interference in the normal electoral process. Believers in democracy and the rule of law should therefore be prepared to take action to ensure that the results of the 2020 presidential election reflect the will of the American people. Like many authoritarian leaders, President Trump has begun to lay the groundwork for potentially ignoring or disrupting the voting process, by claiming, for instance, that any mail-in ballots will be fraudulent and that his opponents will seek to have non-citizens vote through fraud. Similarly, he has frequently expressed the view that he is entitled to additional time in office and that his opponents are seeking to steal the election. If President Trump's future actions violate long-standing legal and ethical norms relating to presidential elections, there is also a risk that they will push other actors, including, potentially, some in the Democratic Party, to similarly engage in practices that depart from traditional rule of law norms, out of perceived self-defense.

The goal of TIP is to highlight these various electoral and transition-related risks and make recommendations to all actors, individual and institutional, who share a commitment to democracy and the rule of law.² The recommendations shared here reflect input from both Republicans and Democrats committed to these values. However, because the primary threat to the integrity of the election and transition appears to come from the Trump Administration, most of the recommendations in this memo focus on how actors committed to the rule of law can restrain or counter anti-democratic actions the Trump Administration and its supporters may take in connection with the 2020 election.

no proof of this!

That TIP's concerns are widely shared is reflected in the media attention which this project has already begun to garner. (For a list of articles as of late July 2020, see Appendix A.)

About the Scenario Exercises

In June 2020, TIP organized four scenario exercises to identify risks to the rule of law or to the integrity of the democratic process in the period between Election Day (November 3, 2020) and Inauguration Day (January 20, 2021), with an eye toward mitigation and/or prevention of worst-case outcomes.

At this point it seems possible that either candidate may achieve a decisive electoral victory, but the goal of TIP's scenario exercises was to gain a better understanding of the tests our democratic institutions

¹ Rosa Brooks and Nils Gilman launched the Transition Integrity Project in December 2019 to focus on identifying and mitigating threats to democracy and administrative continuity in the period between Election Day and Inauguration. TIP has received advice and input from dozens of experts representing both major political parties. TIP is directed by Zoe Hudson. Inquiries can be sent to info@transitionintegrityproject.org.

² TIP recognizes and shares the view that the Electoral College is profoundly anti-democratic, and that numerous long-standing practices also function to create structural biases in our voting system. For present purposes, however, these constraints are treated as givens.

admission of attempted ruin of US political & CONSTITUTIONAL NORMS

could face in the event that candidates defy the norms that have underpinned American political practice for decades. Specifically, TIP wanted to examine some of the unknowns: How far might candidates go in contesting negative electoral outcomes or disrupting the normal transition process? How well would American institutions hold up if one or both candidates refused to “play by the rules”?

Scenario 8
where
Trump
wins
popular
vote

The four scenarios were developed after a consultative process involving outreach to experts on elections and transitions, political violence and instability, governance, and scenario planning and game design. Each of the four scenarios developed was different. (See Appendix B for a summary of the scenarios and key actions.) In one scenario, the exercise posited that the winner of the election was not known as of the morning after the election and the outcome of the race was too close to predict with certainty; in another, the exercise began with the premise that Democratic party candidate Joe Biden won the popular vote and the Electoral College by a healthy margin; and in a third, the exercise assumed that President Trump won the Electoral College vote but again lost the popular vote by a healthy margin. The fourth exercise began with the premise that Biden won both the popular vote and the Electoral College by a narrow margin.

Sixty-seven people participated as active “players” in one or more of the scenario exercises, while dozens more participated in the exercises as observers and offered feedback during debriefing sessions. Participants included members of both major political parties, former high-ranking government officials (including, for example, two former governors), senior political campaigners, nationally prominent journalists and communications professionals, social movement leaders, and experts on politics, national security, democratic reform, election law, and media.

Each simulation exercise involved seven teams, each composed of 2-3 people. The teams were constructed to allow players considerable flexibility to adopt different identities at different points in the game. Using a “matrix game”³ format, the teams were: (1) The Trump Campaign [“Team Trump”]; (2) The Biden Campaign [“Team Biden”]; (3) Republican Elected Officials; (4) Democratic Elected Officials; (5) Career Federal Government employees (civilian and military) and political appointees; (6) Media (right wing, left wing and mainstream); and (7) the Public (this team consisted of polling experts). Teams were made up of participants with “real life” experience in the types of roles they were asked to play. Under the rules of the matrix game, teams presented with the initial scenario could take any action they wanted. The chances of success of each team action were determined based on robust argumentation among all teams and the adjudication of a White Cell, as well as a randomizing factor based on dice rolls. It is important to note that the exercises were not designed to model or simulate legal strategy, but rather to better understand the potential political mobilization and media dynamics surrounding potential electoral contestation, and how candidates might exercise political power to achieve a win.

Key Insights from the Scenario Exercises

The scenario planning exercises were conducted in June 2020. Developments since then have only confirmed that there is every reason to be concerned that our electoral rules and norms are under threat. In an interview with Chris Wallace, President Trump suggested that he might not abide by the results of the election if he loses. The President deployed agents from Homeland Security to Portland to suppress racial

³ A “matrix game” approach emphasizes and facilitates creativity and dynamic interaction between teams representing major stakeholder groups. Participants make multifaceted, competitive arguments about not only their own intended actions, but also the actions of each of their allies, partners, and competitors. The iterative “contest of ideas” design forces players to interrogate and critique actions in real-time – which provides insight not only into what could happen, but also the reactions those actions may elicit. The gameplay focuses on players’ intentions, which makes this modality useful for analyzing competing strategies.

✓ RIOTERS

justice protestors, a move that outraged many, including the Republican former head of Homeland Security, and indicates President Trump's appetite to deploy federal agents even against the will of local elected officials. He has announced plans to expand this deployment to blue cities in swing states, raising the specter of electoral intimidation. President Trump has speculated about whether the election should be postponed and Attorney General Bill Barr expressed confusion about whether the date of the election could be moved. (As a legal matter, only Congress can move the day of the Presidential election.) Trump also demanded that the election results be called immediately on Election Day, e.g. before all mail-in ballots can be counted. And the director of the National Counterintelligence and Security Center in the Office of the Director of National Intelligence issued a statement warning that foreign countries are again trying to interfere in the US election.

Yes, like normal!

- Chvr, for Biden.

Two words of caution about the findings from the exercises. First, TIP intentionally did not game legal strategies in any detail. Litigation will be an important part of the strategy for both sides, but we did not attempt to pass judgement on whether any particular claims or tactics would prevail. One question is whether a candidate is able to convince the state legislature to send a package of electoral college votes inconsistent with the certified popular vote. Even if a court disapproved of this action, Congress might nonetheless consider those votes on January 6.

Second, the exercises were not able to fully capture the ways in which the media will shape and drive public opinion, or how specific media outlets would cover events differently and drive increasingly partisan responses. Social media in particular will undoubtedly play a heavy role in how the public perceives the outcome of the election. Political operatives, both domestic and foreign, will very likely attempt to use social media to sow discord and even move people to violence. Social media companies' policy and enforcement decisions will be consequential, and this merits further exploration and consideration.

- Facebook agrees w/ of Sept 3

The topline findings are here. While not directly the subject of the scenario planning exercises, in debriefings our participants almost all raised questions about whether "Trumpism" would survive a Trump loss. We include a summary of that discussion in Appendix C.

1. *Campaign decisions about whether to contest the election are likely to be political calculations, rather than calculations based on legal rules alone.*

Election lawyers use the term "margin of litigation" to describe the range of reported vote tallies that would provoke legal action. Thinking about the upcoming Presidential election, the more important concept might be the "margin of contestation."⁴ In other words, what combination of factors might lead a candidate to conclude that contesting the election is (or is not) in his interest? This is a dynamic and unpredictable calculation because the outcome is likely to be fought not only in court or by counting ballots, but possibly also in state legislatures, in Congress, and on the streets.

Mostly left wing in USA

What happens before Election Day will, to a large extent, determine the margin of contestation. Reporters, pollsters, pundits, political parties, and many others will communicate confidence or concern about the legitimacy of the election. Viral social media memes will play a role as well.

During the exercises, winning "the narrative" emerged as a potentially decisive factor. Either side can expand or contract the "margin of contestation" if they succeed in substantially changing how key decision makers and the public view the "facts," the risks of action or inaction, or external events such as civil unrest. An integrated strategy of legal contestation, political leadership, mass mobilization, and messaging is

⁴ This observation comes from Ohio State University law professor Edward B. Foley, author of *Presidential Elections and Majority Rule* (Oxford University Press, 2020) and *Ballot Battles: The History of Disputed Elections in the United States* (Oxford University Press, 2016).

much stronger, and Team Trump often had the advantage because they could rely on Fox News, a significant and committed base, and loyalties from law enforcement agencies. Team Biden often had the majority of the public on its side, and the ability to mobilize resentment about the structural disenfranchisement in the way we conduct presidential elections.

TIP's exercises suggest that President Trump may expand the margin of contestation primarily by contesting the legality of votes cast (e.g., by alleging fraudulent mail-in ballots, voting by ineligible voters, etc.). Meanwhile, former Vice President Biden may expand the margin of contestation by highlighting voter suppression by the GOP (purges of voter rolls, shutting down of polling places, failure to fund election administration, ID and other verification requirements, intimidation of voters, etc.). Biden may also be able to expand the margin of contestation by questioning the overall legitimacy of a system that doesn't require the winner to get a majority of the popular vote or by decrying how President Trump uses the power of the presidency to manipulate the process. Both sides may expand the margin of contestation by questioning the credibility of reported results, if, for example, they believe (or merely assert) that foreign interference or other factors compromised the integrity of the vote count.

The conditions and mood of the country will also inform whether and how candidates assess the window of contestation. We could be facing an alarming second wave of COVID-19, rising unemployment, a cratering stock market, growing evictions, civil unrest, and even political violence. President Trump may be seen as an asset or as a liability to down-ballot Republican candidates. The political commitment (or desperation) of rank and file members of each party will not just reflect the actions of leadership but may drive those actions as well. A close election will by definition be a fluid situation.

2. A close and contested election may be resolved through the exercise of power, not through the courts.

The scenario exercises developed by TIP were designed to encourage both the Biden and Trump teams to pursue plausible but aggressive actions in order to win. The exercises demonstrated that the very first "move" by each campaign was often decisive; it established a narrative and the overall strategy. In all four of the exercises TIP conducted, Team Trump immediately adopted a strategy of casting doubt on the official election results, even in the one scenario where he later accepted a loss. Team Trump also encouraged chaos and violence in the streets and aimed to provoke Team Biden into subverting norms — even as Team Trump itself sabotaged traditional norms — so that Team Biden could be accused of hypocrisy or illegality.

During the exercises, Team Trump and GOP elected officials took the following steps:

- Calling for recounts in all states in which victory was not already apparent.
- Launching coordinated investigations at the state and federal levels into alleged "voting irregularities" in an effort to undermine public confidence in results that did not go Trump's way and/or alter the results.
- Attempting to halt the counting of mail-in ballots by filing cases in state court or leaning on Republican leaders to stop vote counting or to certify a result early, without waiting for the certified results from the Secretary of State.
- Turning out their well-organized and committed base to take to the streets in Trump's favor, in part by disseminating disinformation about the danger posed by pro-Biden demonstrators (e.g., by suggesting likely Antifa violence, etc.).
- Relying on both FOX News and right-wing social media to echo and amplify pro-Trump messages and facilitate the harassment and bullying of election officials, to cause chaos and delay and/or to intimidate officials into taking actions that benefited Team Trump.

- Using federal agencies to justify or support Trump campaign tactics. In one of the more aggressive moves undertaken in one of the TIP exercises, Team Trump had Attorney General Bill Barr order the seizure of mail-in ballots to ensure that vote counting would stop.

In TIP's exercises, when Team Trump was behind in the popular vote, they moved quickly to try to shift the narrative and alter the standards of proof. Their strategy was to force Team Biden to "prove a negative": that there was not election fraud. The exercises suggest that Trump and his supporters are likely to engage in an orchestrated disinformation campaign to shape the public's perception — in fact, misperception — of the "facts" underpinning a dispute over electoral results. In TIP's exercises, once a narrative took hold casting the election results into doubt, Team Trump was able to successfully convince GOP-controlled state legislatures to submit separate slates of electors declaring Trump the winner.⁵

Biden's strategic assets include Democratic governors and Secretaries of State in swing states (notably in North Carolina, Michigan, Pennsylvania, and Wisconsin); a broadly shared sense in the Democratic Party that current voting systems, as well as the electoral college, are structurally anti-democratic; and a widespread and deeply-held desire, on the part of Democrats nationwide, to move on from the chaos of the Trump administration. In all the scenarios examined in TIP's exercises, even as votes were still being counted, Team Biden moved quickly to try to project an ability to govern, by announcing cabinet nominees, an agenda for the first 100 days, and bipartisan support for its administration.

During the exercises, Team Biden and Democratic elected officials took the following steps:

- Organizing 1,000 "influencers" to denounce efforts to steal the election.
- Organizing all living presidents to stand with Biden and denounce Trump administration efforts to subvert the democratic process.
- Recruiting moderate Republican Governors such as Baker (MA) and Hogan (MD) to form an "Election Protection" Coalition.
- Working with local Democratic elected officials to call on the Adjutant General of the National Guard, along with representatives from the technology sector, to monitor vote counting.
- Organizing a bipartisan "National Day for Restoration of Democracy" and a "National Day of Unity," both including faith leaders.
- Attempting a capital strike and a work stoppage as part of an overall effort to push corporate leaders to insist that all ballots to be counted.

During TIP's exercises, these moves had limited ability to stop Team Trump's push to discredit or contest the results. The one exception was in the scenario, described in more detail later, where Biden won the popular vote by a large margin but still lost the electoral college, and the response was aggressive and coordinated. Team Trump was consistently more ruthless than Team Biden — more willing to ignore existing democratic norms, to make use of disinformation, to deploy federal agencies to promote Trump's personal and electoral interests, and to engage in intimidation campaigns. Team Biden generally felt constrained by a commitment to norms and a desire to tamp down violence and reduce instability.

NONSENSE!

At the same time, the scenario exercises also revealed that for many Democrats and key Democratic constituencies, this election represents an existential crisis, the last chance to stop a rapid and potentially irreversible US decline into authoritarianism and unbridled nativism. Some participants in the exercises observed that if former Vice President Biden wins the popular vote but loses the Electoral College, there will be political pressure from the Democratic Party's rank and file and from independent grassroots

⁵ This move and others would certainly be contested in court; we don't mean to imply that every action taken is strictly legal. Teams were given considerable flexibility in the actions taken.

organizations to prevent a second Trump term. In the scenario that most closely mirrored the 2016 election results (e.g., the Democratic candidate wins the popular vote but loses the Electoral College), Team Biden pushed to overturn certified results in states with Democratic Governors and negotiated hard for permanent structural reforms in exchange for recognition of a Trump victory. To take this more robust action, Team Biden had to deliver a united Democratic front, which meant coordinating effectively with state party officials as well as with grassroots and activist organizations. While most participants believed that the Trump campaign has the real-life capacity to mobilize and, to a significant extent, steer and control the actions of Trump supporters, several participants expressed serious doubt about the ability of the Biden campaign to either mobilize or control left-wing activists. (They also expressed doubt about Team Trump's future willingness to honor any agreements made during the election period.)

The period from November 4th to December 14th sets the stage for a potential fight in the Congress on January 6th, 2021. The scenario exercises did not have adequate representation from individual states to adequately understand how the full range of state-based institutions and actors would likely conduct themselves. Teams were often able to convince state legislatures or governors to submit a slate of electors contrary to the popular vote, but it isn't clear how realistic this political possibility is, or if it is being actively considered by either campaign.

3. As an incumbent unbounded by norms, President Trump has a huge advantage.

TIP's scenario exercises underscored a basic truth: an incumbent running for re-election can use the powers of the presidency to great advantage, particularly if traditional norms are viewed as unimportant and the incumbent is willing to take the risk that a court will eventually rule his actions to be unlawful. The exercise identified the following presidential powers as most likely to be misused to manipulate electoral outcomes or disrupt the transition: the President's ability to federalize the national guard or invoke the Insurrection Act to deploy active duty military domestically; his ability to launch investigations into opponents; and his ability to use Department of Justice and/or the intelligence agencies to cast doubt on election results or discredit his opponents. The President and key members of his administration can also reference classified documents without releasing them, manipulate classified information, or selectively release classified documents for political purposes, fueling manufactured rumors. Participants noted that additional presidential powers subject to misuse include the ability to freeze assets of individuals and groups the president determines to be a threat, and his ability to restrict internet communications in the name of national security.

Many participants expressed concern that the Department of Justice has been politicized and would be used to provide legal cover for the President's actions. In one TIP simulation, the teams playing the Department of Justice and the Postmaster General took action to seize ballots going through the mail, allegedly to "safeguard" the ballots pursuant to a fraud investigation. The elections also demonstrated that there is considerable room to use foreign interference, real or invented, as a pretext to cast doubt on the election results or more generally to create uncertainty about the legitimacy of the election.

The scenario exercises revealed very few meaningful checks on Team Trump's executive authorities from GOP members of Congress or from political appointees in federal agencies.⁶ During the TIP exercises, teams playing GOP elected officials and political appointees most often acted in lockstep to support Team Trump. Where the GOP broke ranks, it could be decisive. There was one instance where four GOP

⁶ This did not feature in the scenario planning exercises, but when President Trump has suggested that the date of the election should be moved, GOP leaders, including Majority Leader McConnell have been quick to clarify that the date cannot be moved. See "Trump encounters broad pushback to his suggestion to delay the Nov. 3 election," *Washington Post*, July 30, 2020.

Senators broke with Trump when the Congress considered the slate of electors, handing the victory to Biden. The one area of genuine uncertainty related to whether Team Trump could convince the military to deploy active duty troops domestically. In the scenario, the military refused to support Team Trump, but there was concern that this reflected “recency bias” given that the exercises were run shortly after participants observed the military’s cautiousness in the wake of the June 1, 2020 events in Lafayette Square.

4. *A show of numbers in the streets- and actions in the streets- may be decisive factors in determining what the public perceives as a just and legitimate outcome.*

During TIP’s exercises, Team Biden almost always called for and relied on mass protests to demonstrate the public’s commitment to a “legitimate” outcome, with the objective of hardening the resolve of Democratic elected officials to fight and take action, and to dramatize the stakes. As a practical matter, however, participants in the exercise noted that racial justice activists and others will likely act independently of the Biden campaign – players repeatedly cautioned that these social movements are independent, not beholden to, or a tool of, the Democratic party. Their support or Biden’s ability to mobilize them cannot be taken for granted. (Note: leaders of these grassroots movements were not well represented in the simulation exercises, so the scenario exercises did not robustly test their likely receptivity to a Biden call to take to the streets, or to the Biden campaign’s ability to control these actors once mobilized.) If anything, the scale of recent demonstrations has increased the stakes for the Democratic Party to build strong ties with grassroots organizations and be responsive to the movement’s demands.

In addition, the exercises suggest that there is a significant possibility of simultaneous street mobilizations by both Trump and Biden supporters, in which case the possibility for violence will increase significantly, and the actions of law enforcement will become critical. Of note here: TIP’s scenario exercise suggest that President Trump and his more fervent supporters have every incentive to try to turn peaceful pro-Biden (or anti-Trump) protests violent in order to generate evidence that a Democratic victory is tantamount to “mob rule.” In the recent past, President Trump has on numerous occasions called on “Second Amendment people” to defend their rights and has called on his supporters to “liberate” states with restrictive COVID-19-related rules. Trump can rely on surrogates to embed operatives inside protests to encourage violent action, and he can mobilize a range of law enforcement actors (including National Guard troops, whether federalized or under the control of GOP governors) who might, without proper training or if led by politicized actors, escalate matters. In some scenarios examined by TIP, Team Trump succeeded in invoking the Insurrection Act and sending active duty military troops into US cities to “restore order,” “protect” voting places, or confiscate “fraudulent” ballots.

5. *Trump is likely to prioritize his personal interests in the transition period.*

TIP constructed scenarios intended to illuminate issues in the transition period, but during the exercise, the active teams spent most of their time contesting the election results. As a result, the insights on the formal transition are somewhat limited. Nevertheless, a few themes emerged:

- **Take the money and run.** Participants in the scenario exercises universally believed that self-preservation for President Trump and his family will be Trump’s first and possibly only priority if he is forced to concede electoral defeat. Before he leaves office he might maximize the flow of federal money into Trump businesses (moves played: direct COVID-19 relief package for Trump hotels; relocate to Mar-a-Lago for the final months of his presidency); negotiate business deals with foreign countries; and purge documents that might incriminate foreign governments and business partners (for example, documents related to Jamal Khashoggi’s murder). President Trump could also launch his next business venture from the White House (speculations include “MAGA TV,” possibly headed by Trump’s son-in-law Jared Kushner).

The right has failed to own the norms!

As I have mentioned Biden needs them to be his base.

WTF!?

Outright
fantasy
and
ridiculous.

- **Pardon everyone.** In almost every TIP scenario, Team Trump executed or prepared for the pardons of relatives, campaign associates, and himself. Players took different approaches in each of the scenarios; in one scenario Trump resigned on January 19, 2021, trusting that Pence would sign the pardons. In another scenario, Trump executed his own pardon. In the debrief, participants noted that the pardons could be challenged only after he leaves office and someone files charges. Even with an expansive understanding of pardon powers, Trump can't absolve himself of state crimes. He could, however, impugn the character of state officials, including, for instance, the character of New York State Attorney Leticia James, who has publicly threatened legal action against President Trump when he leaves office. He will certainly try to establish the narrative in advance that any efforts to hold him or his allies accountable for wrong-doing and illegality is politically motivated revenge.
- **Wag the Dog/spark a foreign adventure.** There was quite a bit of speculation that Trump might himself initiate a foreign crisis shortly after the election or during the transition, perhaps to change the media narrative around a contested election, attempt to rally nationalist feelings to himself, or placate foreign leaders to whom he may feel beholden, such as Vladimir Putin. Some participants noted that in the event of political chaos in the United States, certain US adversaries might be emboldened to act opportunistically, especially if electoral contestation was generating uncertainty about who precisely was acting as Commander in Chief. From a national security perspective, participants expressed concern about US vulnerability during a contested election.
- **Destroy evidence.** In an effort to preserve the President's legacy and thwart future criminal investigations, Team Trump ordered numerous documents destroyed in several of the exercises. Team Trump also classified many more documents as top secret and expanded the use of non-disclosure agreements.
- **Disrupt the transition process.** In several of the TIP exercises, Team Trump refused to provide clearances or briefings for proposed members of the incoming Biden administration, offering only what is already in the public domain. Team Trump attempted to discredit the transition team ("We're cooperating, but not with Democrat Antifa agents"). In a debrief, one participant expressed concern that Attorney General Barr could launch a bogus investigation into "terrorist ties" of the Biden transition team in order to justify surveillance, and/or facilitate a false flag operation before the election or when the election is still being contested. Others voiced the concern that if Trump loses badly, he could quit on the spot, making Vice President Pence interim president during the transition period. Few participants found it plausible to envision a defeated Trump gracefully engaging in the customary rite of passing the baton to the next President on Inauguration Day.

During several of the TIP exercises, Team Biden attempted to enter into negotiations with Team Trump about a pardon and graceful transition, but those overtures were consistently rejected. In multiple instances, Team Biden offered to talk about pardons. In one instance, Team Biden's strategy – in anticipation of an ultimate loss – was to strengthen its hand in order to negotiate a package of structural reforms to the democratic system (including making DC and Puerto Rico states, abolishing the Electoral College, and requiring Supreme Court justices to retire at 70).

Attack on
norms/
Constitution.

It is not clear whether the failure to compromise during these scenario exercises should be viewed as predictive of likely future behavior by Trump and his representatives, or whether the game structure of the scenario exercises rewarded partisan actions. What is clear is that, if he is faced with having to negotiate an "exit package" with the incoming Biden team, President Trump has incentives to increase the chaos or damage to the institutions during the transition process, in order to improve his negotiating leverage regarding that exit package.

Recommendations to Avoid a Crisis

The recommendations below are preliminary, and TIP is actively seeking feedback on these recommendations, which will be revised as needed based on input received. Some of these recommendations are already being contemplated and implemented by independent organizations.

TIP has no role in advising campaigns on strategy, and the campaigns will take independent actions. The draft recommendations below are directed at government officials, civil society actors, and other stakeholders concerned with safeguarding the integrity of the 2020 election and transition process.

1. Plan for a contested election.

There will likely not be an "election night" this year; unprecedented numbers of voters are expected to use mail-in ballots, which will almost certainly delay the certified result for days or weeks. A delay provides a window for campaigns, the media, and others to cast doubt on the integrity of the process and for escalating tensions between competing camps. As a legal matter, a candidate unwilling to concede can contest the election into January.

Everyone interested in protecting the legitimacy of the election and transition planning processes needs to make plans now for how to respond in the event of a crisis.

- If there is a crisis, events will unfold quickly, and sleep-deprived leaders will be asked to make consequential decisions quickly. Thinking through options now will help to ensure better decisions.
- Planners need to take seriously the notion that this may well be a street fight, not a legal battle; technocratic solutions, courts, and a reliance on elites observing norms are not the answer here.
- Dedicated staff and resources need to be in place at least through the end of January.
- The news media has a particular responsibility to ready the public for the possibility that results will not be known on Election Night, to communicate election results accurately, and to plan to cover a contested election in a manner that reduces, rather than inflames, tensions.

they want to avoid constitutional remedies.

2. Focus on readiness in the states, providing political support for a complete and accurate count. Get it right here to avoid a crisis.

Our decentralized elections system places great power in the hands of state actors, including Governors, Secretaries of State, Attorneys General and Legislatures. Election officials will need political and public support to see the process through to its conclusion.

- State and local election officials need to communicate with the public ahead of time, clarifying how ballots will be counted, when results might be known, and how disputes will be resolved. State actors should understand and use the legal remedies available under state law to address confusion and questions about the count.
- State actors, particularly those in swing states, should ask: What are specific political incentives for certain actions in the post-electoral period in their state? What is the risk that the state legislature or the governor would certify a result at odds with the popular vote? What are the risks that a complete count would be thwarted? What is the history of hate crimes and other acts of targeted violence? Who are the key influencers in the media and among local activists who can affect political perceptions, and mobilize political action? Can they be approached and briefed on these issues now, to establish pre-commitments to playing a constructive role in the event of a contested election?

- WH. SIEGE!
- Groups, coalitions, and networks should be preparing now to establish the necessary communications and organizing infrastructure to support mass mobilization. If there is a crisis, almost every strategy to protect the democratic process is dependent on mass mobilization, and in particular, on people taking peacefully to the streets in large numbers, potentially for an extended period. Large, base-building groups on the progressive side will need to anchor this strategy, but their success will likely depend on supporting and resourcing new and emerging racial justice leaders, many of whom are not affiliated with formal institutions and coalitions.

3. *Name the elephant in the room: President Trump is not running a normal re-election campaign.*

There is a difference between running for re-election and attempting to stay in power through any means possible. A norm-disregarding incumbent has assets that can influence the outcome. President Trump's actions and statements over the course of his presidency raise serious concerns about whether he will observe the norms of our electoral system. Everyone — particularly the media and non-partisan actors — should avoid “both side-ism,” the instinct to appear neutral by positing false equivalencies between major and minor norm breaches or illegalities.

Of particular concern are the President's ability to federalize the national guard; to deploy the military domestically; to launch investigations into opponents and to freeze their assets; and even to control communication in the name of national security. The politicization of the Department of Justice adds an additional worrying dimension, including whether and how the agency could provide legal cover for the President's actions. In July, the Department of Homeland Security deployed federal agents to Portland, Oregon under questionable legal authority and against the will of local officials. Agents detained people, and used tear gas, rubber bullets and acoustic weapons on protestors. This follows the well-publicized and broadly condemned actions in Lafayette Square in June where National Guard troops and U.S. Park Police used tear gas on protestors in order to allow President Trump to have a photo op in front of a church.

- Congressional leaders should conduct oversight hearings, set clear expectations ahead of time about the conduct of the election, and seek advance assurances from the military and agency heads about their plans and conduct. The Department of Homeland Security should be pushed to more vigorously investigate and publicize evidence of foreign interference.
- Military and law enforcement leaders need to be particularly attuned to the possibility that partisan actors will seek to manipulate or misuse their coercive powers for inappropriate political ends. Concretely, at both the state and federal level, partisan actors (including President Trump himself) may seek to deploy law enforcement, national guard troops and potentially active duty military (under the Insurrection Act) to “restore order” in a manner that primarily benefits one candidate, or to participate in efforts that interrupt the process to count ballots. Military and law enforcement leaders need to plan now for these possibilities to avoid becoming unwitting pawns in a partisan battle.
- Civil servants should be educated about their legal obligations to uphold the constitution. Those who speak out about abuses of power may need political protection and support, and legal assistance, as they may face retaliation.
- Journalists and independent watch dogs can begin to cultivate sources and research stories now so that they are positioned to sound the alarm should actors inside or outside of government attempt to discredit the legitimate results of the election.

4. *Address the two biggest threats head on: lies about “vote fraud” and escalating violence.*

Despite overwhelming evidence that voting fraud is extremely rare, falsely claiming fraud is a common tactic to undermine voter confidence in election results, and Trump is using it already. Another significant concern is that if both Trump and Biden supporters take to the streets, it will increase the risk of violent conflict, particularly since President Trump has repeatedly encouraged his supporters to take up arms.

Foreign intelligence operations are also likely to attempt to stoke domestic discord. Extremists can use social media platforms and communications tools like Facebook Messenger to quickly and broadly disseminate lies and to organize people to take extreme action. (We have seen this already, e.g., through hoaxes aimed at encouraging armed right-wing activists to assemble against non-existent threats.)

- Trusted leaders and the media should publicly challenge President Trump's claims of fraud, including that all mail-in ballots are fraudulent. This should be described as the first step of a strategy to interrupt or disregard the official results. Election officials and others in a position to launch large public information campaigns need to explain the long tradition of absentee voting as well as the safeguards in place to secure mail-in ballots and protect the results.
- Public officials and law enforcement need to plan for large-scale protests, provide support for peaceful demonstrations that are protected by the First Amendment, and think carefully about how to deal quickly with violent elements, some of whom may be *agents provocateurs*.
- Peaceful protestors will need specialized training on de-escalation and non-violent techniques – and on how to document the non-violent nature of their protests, given the likelihood that agitators will attempt to blame any violence on them.
- Media outlets, organizers and campaigns need to develop strategies to both promote accurate reporting with trusted leaders and to interrupt and limit disinformation campaigns.
- Social media platforms should take a leadership role in ensuring, at a minimum, the safety of election workers and others involved in counting ballots by, for example, keeping personal information and accounts secure. Social media platforms should also elevate trustworthy officials and accurate information, remove lies and disinformation, and refuse to give voice to those provoking or organizing violent action.

5. *Anticipate a rocky administrative transition.*

As is required by law, the formal transition process has already started. There are rules that ensure transition teams have access to government resources and are being briefed even if the election is still contested. But these legal protections do not guard against the potential for the reckless, self-serving actions that President Trump might take if he is on his way out of office.

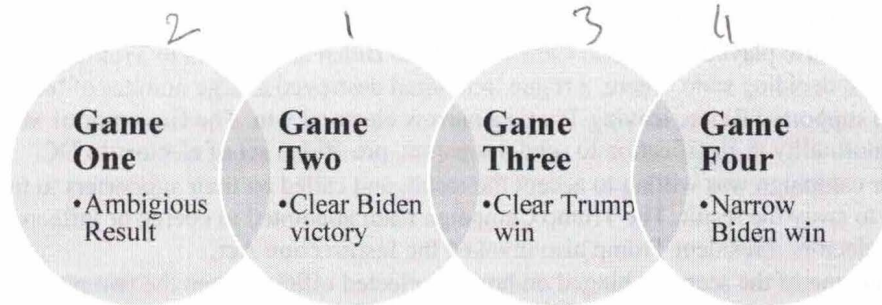
- Transition teams will need to plan to do two things simultaneously: possibly defend against Trump's disruptive actions on his way out of office; and find creative solutions to ensure landing teams are able to access the information and resources they need to begin to prepare for governing.
- Here too civil servants will need independent legal guidance and possibly whistle-blower protections. They need to know what information they can and can't disclose to transition teams, how to preserve government documents, what constitutes an unlawful instruction, and how to sound the alarm.
- Congressional leaders and lawyers need to anticipate that Trump will make strategic use of pardons to thwart future criminal prosecution, arrange business deals with foreign governments that benefit President Trump and his family, attempt to bribe and silence associates, declassify sensitive documents, and attempt to divert federal funds to Trump's businesses.

Stacking
the media
& social
media
deck

Appendix A: Press Coverage of TIP through late July 2020

- David Frum, “Where the System May Break,” *The Atlantic*, January 31, 2020: <https://www.theatlantic.com/ideas/archive/2020/07/how-2020-election-could-go-wrong/614842/>
- Paul Egan, “Granolm issues controversial warning about potential Trump election interference,” *Detroit Free Press*, July 31, 2020: <https://www.freep.com/story/news/politics/elections/2020/07/31/trump-election-granolm-ballot-boxes/5553878002/>
- “Experts Game Out What Might Happen if the Election Goes Off the Rails,” All Things Considered, July 30, 2020: <https://www.npr.org/2020/07/30/897345056/experts-game-out-what-might-happen-if-the-election-goes-off-the-rails>
- “This ‘War Game’ Maps Out What Happens if the President Contests the Election,” WBUR, July 28, 2020: <https://www.wbur.org/onpoint/2020/07/28/election-war-games-trump-scenario>
- Paul Steinhauser, “Group is Quietly Planning for What Happens if Trump-Biden Election is Contested,” *Fox News*, July 27, 2020: <https://www.foxnews.com/politics/group-is-quietly-planning-for-what-happens-if-trump-biden-election-is-contested>
- Jess Bidgood, “A bipartisan group secretly gathered to game out a contested Trump-Biden election. It wasn’t pretty,” *Boston Globe*, July 26, 2020: <https://www.bostonglobe.com/2020/07/25/nation/bipartisan-group-secretly-gathered-game-out-contested-trump-biden-election-it-wasnt-pretty/?event=event12>
- Jason Lemon, Bipartisan Group Predicts Violence If Trump Loses Election and Refused to Leave White House, *Newsweek*, July 26, 2020: <https://www.newsweek.com/bipartisan-group-predicts-violence-if-trump-loses-election-refuses-leave-white-house-1520561>
- “Election Gaming Scenario: Is this what 2020 has been about?” Augusta Free Press, July 26, 2020: <https://augustafreepress.com/election-gaming-scenario-is-this-what-2020-has-been-about/>
- Ben Riley-Smith, “Revealed: Republicans and DC veterans fear Donald Trump won’t accept election defeat,” *The Telegraph*, July 7, 2020: <https://www.telegraph.co.uk/news/2020/07/07/revealed-republicans-dc-veterans-fear-donald-trump-wont-accept/>
- Max Boot, “What if Trump loses but insists he won,” *The Washington Post*, July 6, 2020: <https://www.washingtonpost.com/opinions/2020/07/06/what-if-trump-loses-insists-he-won/>
- Ed Luce, “How America could fail its democracy test,” *The Financial Times*, July 2, 2020: <https://www.ft.com/content/250c79f3-f1e8-4251-a224-ee819c6a1f6b>
- Peter Nicolas, “Trump could still break democracy’s biggest norm,” *The Atlantic*, June 16, 2020: <https://www.theatlantic.com/politics/archive/2020/06/when-does-trump-leave-white-house/613060/>
- Reid Epstein, “Trump Sows Doubt on Voting. It Keeps Some People Up at Night,” *New York Times*, May 24, 2020 <https://www.nytimes.com/2020/05/24/us/politics/trump-2020-election-voting-rights.html>

Appendix C: Game Summaries



TIP hosted four separate games. Key actions and insights from each turn in each game are outlined below. Turns Two and Three are combined in these descriptions as all games reached a logical concluding point either at the end of Turn Two or early in Turn Three. Parts of Turn Three were also used to summarize key game take-aways. These are not comprehensive descriptions, but they note important moves and strategies from each game.

Game One: Ambiguous Result

The first game investigated a scenario in which the outcome of the election remained unclear from election night and throughout gameplay. The election outcome turned on results of three states: North Carolina, Michigan and Florida. Different combinations of outcomes from those states could result in a range of final election results – including a 269-269 Electoral College tie. A ‘blue shift’ occurred during the game whereby what initially looked like a likely Trump win shifted in the second turn to looking like a Biden win.

Turn One (November 3 – November 10)

- The Trump Campaign began the game by calling on Biden to concede based on the election night in-person voting returns, which skewed toward President Trump and the GOP. The Trump Campaign also used the “bully pulpit” of the Presidency and its influence with right wing media to lock in the election night returns, call into question mail-in ballots or the legitimacy of post-election day vote counts, and enlist the support of Republican officials in several states to immediately halt further vote counting.
- The Trump Campaign team asked the Department of Justice (DoJ) to deploy federal agents across the nation to “secure” voting sites and prepare the National Guard for possible deployment to maintain order against potential protests. Attorney General Barr instructed the DoJ to support litigation that would prevent further counting of mail-in ballots.
- On election night, the Biden Campaign declared that victory was imminent and called for every vote to be counted. The team mobilized a network of influential bipartisan elites, elected officials, and retired military officers to speak to the press and denounce any effort to suppress counting the vote. The Biden Campaign also called for peaceful rallies, echoing a call to count every vote.
- GOP Elected Officials publicly supported Trump’s victory and claims of voter fraud but stopped short of supporting the deployment of military forces. Democratic Elected Officials were proactive in the states where they held offices to ensure votes would be counted and to build bipartisan coalitions to oversee and protect the count.

Turn Two and Three

- The Trump Campaign team again attempted to federalize the National Guard to end further vote counting and called on supporters to turn out in large numbers. The Biden Campaign established a bipartisan transition team and mobilized supporters to ensure vote counting was completed thoroughly.
- Officials from both parties sought to block or overturn results in key states, including seeking to use friendly state legislatures and governors to send alternate or additional sets of electors. After dice-rolls, most of these efforts failed.
- As the scenario played out, North Carolina went to Biden and Florida to Trump, leaving Michigan as the deciding state. There, a rogue individual destroyed a large number of ballots believed to have supported Biden, leaving Trump a narrow electoral win. The Governor of Michigan used this abnormality as justification to send a separate, pro-Biden set of electors to DC.
- Neither campaign was willing to accept the result, and called on their supporters to turn out in the streets to sway the result. The Trump Campaign team attempted to coerce or influence the individual electors. President Trump also invoked the Insurrection Act.
- The outcome of the scenario hinged on how the elected officials from the two parties addressed the separate slate of electors from Michigan. GOP officials asserted that as the President of the Senate, Vice President Pence could legally choose to accept or reject electors as he wished. There was no clear resolution of the conflict in the January 6 joint session of Congress; the partisans on both sides were still claiming victory, leading to the problem of two claims to Commander-in-Chief power (including access to the nuclear codes) at noon on January 20.

Game Two: Clear Biden Victory

In this scenario, Biden won outright in the Electoral College and the popular vote. The Trump Campaign initially contested the outcome of the vote. Once it became clear that efforts to overturn that outcome were unlikely to succeed, the Trump Campaign pivoted to a strategy of self-preservation and limiting future legal liability.

Turn One

- The Trump Campaign initially alleged massive fraud and called for joint DNI-DOJ investigations into the election results. These allegations were reinforced by GOP elected officials. Both the Trump Campaign and GOP team called on media to cast doubt on the outcomes. (Unlike in other scenarios, they never attempted to get state legislatures to repudiate the certified popular vote in the states, or to thwart the state-law processes for counting ballots.)
- The Trump Campaign maximized federal funding for Trump businesses by temporarily relocating the President and his staff to Mar-A-Lago and pursuing murky overseas business deals.
- GOP-controlled Senate pushed through outstanding judicial nominations.
- The Trump Campaign sought to shield President Trump and his team from any future criminal jeopardy by preparing pardons for all individuals connected to the administration – regardless of admitted or perceived guilt.
- The Biden Campaign successfully secured the election result and also worked to forge coalitions with elected GOP officials – which the dice rolls granted to a limited extent - while taking public steps to ‘heal the country’ through public rallies and addresses.
- The Democratic Elected Representatives team also pushed for a bipartisan alliance through an Election Protection Coalition as a way to insulate results from the DOJ/DNI investigations. They also sought to enlist ‘faithless electors’, though the game play did not grant this. (Since the game was played, SCOTUS has unanimously ruled against faithlessness.)

Turns Two and Three

- The Biden Campaign team emphasized standing up a credible transition process. The Trump Campaign sought to hinder this, but the Federal Government Team confirmed that a number of civil servants would seek to enable it regardless of directions from the White House.
- The Trump team issued pardons for Trump family members, political allies, and cabinet officials, along with prominent Democrats, including Hunter Biden and Hillary Clinton, for unspecified crimes.
- The Trump Campaign took steps to position either Donald Trump or his son Donald Trump Jr. to run for reelection in 2024. The Trump Campaign announced the new “MAGA TV” station, featuring documentary footage from Trump’s final weeks in office.
- The Trump Campaign team also sought to install close allies in positions of influence in the RNC and to distract public attention from the President’s efforts at self-preservation and continued influence in the party by escalating rhetoric with Iran.
- The Biden Campaign remained focused on the transition and laying the groundwork for governing. The Democratic Elected Representatives team supported the Biden effort, but also began the process of preparing for investigation into Trump, his family, and his associates.
- GOP elected officials re-focused on state responses to COVID-19, while the Federal Government saw a mass exodus of Trump aligned political appointees.

Game Three: Clear Trump Win

The third scenario posited a comfortable Electoral College victory for President Trump — 286-252 — but also a significant popular vote win—52% - 47%--for former Vice President Biden. The game play ended in a constitutional crisis, with threats of secession, and the potential for either a decline into authoritarianism or a radically revamped set of democratic rules that ensure the popular will prevails (abolishment of the Electoral College, making DC and Puerto Rico states, and other changes). Key moves and actions include:

Turn One

- The Trump Campaign had two main objectives at the outset of the scenario. The first priority was to legitimize the Electoral College results by pushing narratives that cast doubt on former Vice President Biden’s popular vote victory and portraying wide-spread protests of President Trump as anti-American, undemocratic, and promoting mob rule. The Trump Campaign planted agent provocateurs into the protests throughout the country to ensure these protests turned violent and helped further the narrative of a violent insurrection against a lawfully elected president.
- The second Trump Campaign priority was to consolidate power to reduce or eliminate the “Deep State” and broader institutional resistance to President Trump’s agenda for his second term. Specific measures included selective promotions of military personnel with “pro-American views”, rushing judicial nominations, increasing financial incentives to big business, and working with states to maximize GOP control through redistricting.
- The GOP Elected Officials team was supportive of Trump’s efforts to crack down on protests. Establishing “law and order” and defeating the “anarchists” was a unifying call. But they pressed President Trump to “slow down” on the campaign’s more aggressive and overt efforts to consolidate power, partly out of concern that they would lose the support of moderate Democrats needed to publicly declare Trump’s victory legitimate.
- The most consequential action of the first turn was the Biden Campaign’s retraction of its election night concession. It capitalized on the public’s outrage that for the third time in 20 years a candidate lost the popular vote but won the Electoral College. They also capitalized on concern about widespread voter suppression before and on Election Day. The Biden Campaign began the game

by encouraging three states with Democratic governors—North Carolina, Wisconsin, and Michigan—to ask for recounts. As the game developed, governors in two of the three (Wisconsin and Michigan) sent separate slates of electors to counter those sent by the state legislature.

- The GOP failed to convince moderate Democrats in the House to break ranks with the Democratic resistance and support Trump's electoral victory, much to the GOP's surprise. Part of the strategy here was to attack the Electoral College *and* to claim that the certified popular votes in these states were questionable because of voter suppression.
- At the end of the first turn, the country was in the midst of a full-blown constitutional crisis characterized by: 1) Political chaos; 2) Widespread threats of violence, and sporadic actual violence in the streets; and 4) A hostile, dangerous, highly-partisan, and frequently unconstrained information and media environment.

Turns Two and Three:

- The Biden Campaign encouraged Western states, particularly California but also Oregon and Washington, and collectively known as “Cascadia,” to secede from the Union unless Congressional Republicans agreed to a set of structural reforms to fix our democratic system to ensure majority rule. With advice from President Obama, the Biden Campaign submitted a proposal to 1) Give statehood to Washington, DC and Puerto Rico; 2) Divide California into five states to more accurately represent its population in the Senate; 3) Require Supreme Court justices to retire at 70; and 4) Eliminate the Electoral College, to ensure that the candidate who wins to the popular vote becomes President.
- As the scenario evolved, the Trump Team focused its efforts on driving a wedge into the disparate and, in the view of many participants, fragile Democratic coalition. For example, during the second turn, Trump gave an interview to *The Intercept* in which he stated that he would have lost the election if Bernie Sanders had been nominated.
- The Trump Team's approach in turns two and three also emphasized creating the conditions to force the Biden Campaign into taking provocative, unprecedented actions—such as supporting California's secession or sending a second slate of electors—that played into a broader narrative of the Democrats attempting to orchestrate an illegal coup. The team also tried to position President Trump as a “unifier”—working with top CEOs, holding a unifying event at the Lincoln Memorial, offering to establish a commission to review electoral rules—and as prioritizing safety and security in the face of radical groups supporting Joe Biden and trying to destroy America.
- One of the most consequential moves was that Team Biden on January 6 provoked a breakdown in the joint session of Congress by getting the House of Representatives to agree to award the presidency to Biden (based on the alternative pro-Biden submissions sent by pro-Biden governors). Pence and the GOP refused to accept this, declaring instead that Trump was reelected under the Constitution because of his Electoral College victory. This partisan division remained unresolved because neither side backed down, and January 20 arrived without a single president-elect entitled to be Commander-in-Chief after noon that day. It was unclear what the military would do in this situation.

Game Four: Narrow Biden Win

The final scenario explored a narrow Biden win where he leads with less than 1% of the popular vote the day after the election, and is predicted to win 278 electoral votes. Fox News is among the major networks that called the election for Biden, though the Trump campaign does not concede, setting up an intense competition that concludes with an uneasy and combative but ultimately successful transition.

Turn One:

- The Trump Campaign began the game by encouraging the state legislatures in Pennsylvania, Wisconsin and Michigan to certify a separate slate of electors in support of President Trump. Despite opposition from the Biden Campaign and Democrats, both Michigan's and Pennsylvania's legislatures agree to send two sets of electors in support of Trump.
- The Trump Campaign engaged in a large and coordinated disinformation campaign primarily focused on the legitimacy of the mail-in ballots. This campaign used the media to amplify "stolen election" and "voter fraud" narratives, and launched noisy DoJ investigation into voter fraud. Attorney General Barr also took action to stop ballot counting. Trump Campaign surrogates released false information that Joe Biden had suffered a heart-attack in an attempt to undermine perceptions of Biden's fitness to hold office. The Biden Campaign quickly dispelled this information, but Facebook kept posts about the heart-attack up.
- Despite all of these moves during the first week after the election, dice rolls confirmed that the Biden Campaign maintained a narrow lead.
- The Trump Campaign understood that its most effective strategy was not just to create more doubt about the validity of votes for Biden, but also to sow more chaos and disruption so that President Trump could position himself as the only one capable of ensuring law and order. The Trump Campaign stoked chaos and mayhem by urging local police forces to break up Black Lives Matter and pro-Biden demonstrations and encouraging Alt Right / Boogaloo supporters to confront liberal protestors.

Turns Two and Three

- The Biden Campaign framed Trump's actions as ugly and divisive; engaging independents and moderate Republicans to speak out against this threat. Mitt Romney tried to convince Republican senators to support the Biden victory. After first failing, Romney prevailed and convinced three other GOP Senators to recognize Biden as the President-elect.
- As it became evident that the Biden victory would be certified, Senator Majority Leader Mitch McConnell privately signaled to several Republicans they could support Romney's cross-the-aisle effort, recognizing that moderate Republicans are more likely to prevail in 2022.
- The Biden Campaign organized massive protests across the country. A dice roll determined that over four million Americans took to the streets across the country in support of Biden, enabling his campaign to gain momentum in the battle for public opinion. Violent skirmishes and vandalism took place during these demonstrations.
- A critical moment in the game play was the Joint Chiefs of Staff leaking that internal discussions had taken place about how to handle the escalating situation, including the consideration of resigning in protest of Trump's continued efforts to sow unrest. The leak indicated that the Joint Chiefs' commitment was to the Constitution rather than to the President or to a particular party. Once the Senate voted in agreement with the House on January 6, the military made it clear that it was ready to support Biden as the newly inaugurated president on January 20.
- Sensing the election slipping away, right-wing media pursued particularly aggressive and provocative strategies. Infowars published a list of addresses, phone numbers, and other personal information of electors pledged to vote for Joe Biden. The announcement included spurious claims linking 88 of these electors to Soros and 14 to child sex trafficking. Rush Limbaugh and others accused the Biden campaign of accepting help from China, a message picked up by the mainstream media. Right-wing meme pages, which have a 340% greater reach than any other piece of content on Facebook, saturated the on-line landscape with appeals to defend the Constitution from enemies both foreign AND DOMESTIC."

- Biden's electoral victory was certified but Trump refused to leave the White House. He began to burn documents and potentially incriminating evidence, and continued to launch attacks against the legitimacy of the election. President Trump released a series of pardons for members of his administration as well as himself before the Secret Service escorted him out of the White House. But the Secret Service demonstrated its "culture of professionalism" (as one member of the Federal Government Team indicated) by indicating that it would be "loyal to the office, not to the person" and therefore it would escort Trump out of the White House on January 20.
- Trump transitions into running TRUMP TV, a new media outlet that immediately upon its founding calls for the impeachment of President Biden.
- By early January 2021, Biden has begun the tasks of uniting the country and trying to pull America out of its lingering COVID-19 related economic and public health crisis. He articulates a series of packages focused on infrastructure and healthcare / COVID-19 and actively seeks to involve Senate Republicans in the process. The Biden Campaign also announces that moderate Republican governors Larry Hogan and Charlie Baker will be nominated to serve in his cabinet. The President-Elect also establishes a joint investigation from the House and Senate Intelligence Committees to examine all forms of foreign interference in the 2020 election.
- The Biden Campaign had originally sought to create a "way out" for Trump to concede the election during early turns. By the end of the game, though, the Democratic Party had begun investigations into the criminal activities of President Trump and his family.

Appendix C: Will “Trumpism” Survive a Trump Loss?

While it was not squarely in the scope of TIP’s investigation, almost all of the debriefings included some discussion about whether “Trumpism” is likely to survive Trump after he leaves office. President Trump has cultivated and mobilized a significant base; many believe it won’t easily be demobilized after Trump leaves office (“Trumpiness is built in now,” said one participant). There are immediate implications for an incoming Administration.

Many observers expect President Trump to try to extend his norm-disrupting influence after he leaves office through an independent media company or partnerships. Participants predict that in the event of a Biden victory, Trump will attack President Biden early and consistently, blaming all problems in the country on a combination of the stolen election and the incompetence of the Biden administration; the message will be clear, consistent, and relentlessly hammered in: “If only the election hadn’t been stolen from me, everything in the country would be great again.” Such a message could fuel political violence. QAnon could play a role in electing far-right candidates to Congress, providing an anchor for ex-President Trump’s proposals.

A minority view was that once Trump is a “big loser,” he’ll lose face with the GOP base and Republicans will move on. If he tries to look like a martyr, these participants suggest, he may come across as merely pathetic. However, if the pandemic and the economy continue to get worse after the 2020 election, it may become more likely that Trump (or a Trump-like figure) will again be a serious contender for the presidency in 2024.

How should anti-authoritarian interests respond? A number of participants urged Democrats to embrace a new playbook. President Obama’s working assumption was that “the fever would break on the back of electoral defeat,” but this proved to be mistaken; throughout the Obama administration, Republicans refused to compromise or engage in customary negotiations over policy, counting instead on blocking every possible Democratic initiative and waiting for their chance to regain the presidency. These participants cautioned that Democrats should not rely on litigation, moral suasion, or merely hoping that Republicans in Congress or state elected office will “come to their senses.” Instead, they should focus on building more authentic relationships with the left’s base, including by publicly supporting the peaceful protest movement that has emerged since late May, rather than continuing to seek conciliation and compromise with the GOP.

There was near universal agreement that in the event of a Trump loss, the GOP’s strategy will be to create trouble for the incoming Biden administration, in order to regain ground in 2022 and retake the White House in 2024. GOP activists (possibly encouraged by Trump himself and by far-right media) may seek to create ongoing street-level chaos and conflict. Meanwhile, GOP party leaders will likely focus on post-census redistricting. Senate Republicans are also likely to try to block one or more Biden cabinet or court nominees as a show of political nerve. If the GOP holds the Senate, even more dramatic blocking actions will be contemplated, tempting the Biden Administration to continue President Trump’s approach of appointing “acting” appointees, thus institutionalizing the nullification of the “advise and consent” role of the Senate in executive branch appointments.

Republicans will likely also push hard on judicial nominations, trying to seat as many nominees as possible before President Trump leaves office. This could potentially include a Supreme Court nomination, which would further undermine the legitimacy of the Court in the eyes of many Democrats and heighten demands from the left for “court packing.” Conversely, it is also possible that if the GOP holds the Senate, Majority Leader McConnell could refuse to hold any votes on any Biden court nominees, allowing the vacancies to pile up until a Republican president is again in place to make the appointments.

Some exercise participants noted, however, that there are conflicting interests for the GOP and, in particular, for Republicans running in 2022 in states where moderates have an advantage, as well as for Republican leaders with Presidential ambitions for 2024. Some GOP presidential hopefuls might define their candidacy as anti-Trump (Rubio, Johnson, Toomey), while some Republican Governors might quickly shift back to state priorities such as COVID-19. An early defining battle between approaches will likely take place over choosing the party chair.

TIP offers these preliminary recommendations based on the input from participants in the scenario planning exercises:

- There was no agreement among participants in the scenario planning exercises about what specific actions should be taken with regard to pursuing investigations and possible charges against President Trump and members of his Administration. A new Administration, in partnership with a broad range of stakeholders, could consider a range of options including those used by other countries, such as truth and reconciliation commissions.
- One question is whether to continue the tradition of offering legal immunity or pardons to Trump and his family. There was a lively debate about whether any short-term gain from this diplomatic effort was worth a longer-term risk that corrupt or criminal practices would continue. This may come up during the transition itself, if Trump decides to negotiate an “exit package” for himself.
- More broadly, there needs to be a robust, intentional, and specific strategy to challenge the white supremacist and extremist networks that enabled Trump’s rise to power and were in turn enabled by Trump’s administration. This base will not automatically demobilize if and when Trump leaves office, and it is inimical to the kind of pluralist democracy the founders intended.
- Finally, it is imperative that Congress take decisive action to limit executive power, as happened with in the wake of President Nixon’s abuses of power in the early 1970s. One of the key findings of these scenario exercises is the extraordinary degree of de facto power that a President unbounded by norms or human decency can wield. No president should be able to use the executive branch to settle political scores, damage perceived adversaries, or pursue personal financial gain. Principles of political decency that had been maintained through norms will have to be codified through law.