

## Section 1: What it means to have “a free and fair election”

**Key Resource:** [NTEC free and fair election checklist](#)

### Information:

It is crucial for members of the Jewish community to understand what makes an election free and fair so we can educate and empower each other to participate in full.

The [National Taskforce on Election Crises](#), a cross-partisan consortium of experts in election law, security, and crisis response, has outlined the six key elements of a successful election we should all familiarize ourselves with:

1. A free and fair election is not a partisan issue.
2. All eligible voters should be able to vote and have their votes counted.
3. The election should be consistent with the law of the land.
4. Americans deserve timely, accurate facts about the election.
5. Officials are given time to count all votes cast, especially due to increased precautions related to COVID-19.
6. Everyone should avoid making bad faith, unsubstantiated claims about “rigging” or “stealing” the election.

This checklist is crucial for us as disinformation about the election is already spreading. We all must share timely and accurate information to counter these efforts.

**Action:** Share the checklist with your followers on social media, email, in briefings, or in other communications. There is no greater tool than accurate, concise information.

- Suggested language for email, Facebook, or Instagram captions:
  - Free and fair elections are central to democracy, but what exactly does the phrase mean? In this highly contentious election year, we want to make sure every [Jewish] American knows the six key elements of a successful election:
    - A free and fair election is not a partisan issue.
    - All eligible voters should be able to vote and have their votes counted.
    - The election should be consistent with the law of the land, including provisions guaranteeing equal protection.
    - Americans deserve timely, accurate facts about the election.
    - Officials are given time to count all votes cast, especially due to increased precautions related to COVID-19.
    - All Americans should avoid making bad faith, unsubstantiated claims about “rigging” or “stealing” the election.
- Suggested language for Twitter:
  - Free and fair elections are central to democracy, but what exactly does the phrase mean? In this highly contentious election year, we want to make sure every American knows the six key elements of a successful election [finger pointing down emoji]
    - [Quote Tweet](#)

**Action:** Close your office on Election Day. The fewer barriers citizens face to voting, and the more we all volunteer to support the election process, the healthier our democracy will be. Given the likelihood of long lines at voting locations observing social-distancing regulations, more time to vote and volunteer may actually mean more people voting. The Jewish nonprofit community has an opportunity to lead this sea change.

- Read more from us on the topic: [Should You Get Election Day Off? This Jewish Org Says Yes](#)
- Read more from JWI's CEO Meredith Jacobs on the topic: [Close Your Office On November 3](#)

## Section 2: The process for determining the next President if election results are contested

Key Resource: [Roadmap to a Free and Fair 2020 General Election](#) (short)

Key Resource: [The ECA and the Process of Electing a New President](#) (in depth)

### Information:

In 1887, Congress passed the Electoral Count Act (ECA), laying out the framework and timeline for selecting the president, handling disputes, and transitioning power. The ECA, like many other aspects of our election system is complicated and therefore may be used as a basis for disinformation efforts.

One of the most important things we can do in our communities is clearly explain the provisions of the ECA to calm communal anxieties about the possible outcomes. The National Taskforce on Election Crises recently shared their [Roadmap to a Free and Fair 2020 General Election](#), outlining some of the components of the Act, as well as suggestions for upholding them:

1. There is a specific timeline for State governors, electors, and Congress to deliver and count electoral votes for a presidential election.
2. The president lacks the authority to cancel or postpone the general election, even during a national emergency. If the election hasn't been resolved by 12pm on January 20, 2021, an "acting president" from the line of succession — with the Speaker of the House first in line, followed by the president pro tempore of the Senate — will be named and sworn into office.
3. Considering the rise in mail-in ballots this year, it is highly likely that the results on Election Night will be different from the final results, which could take days or weeks to tabulate.
4. A state legislature cannot substitute its preferred slate of electors over the results of the popular vote.

There are many more specific details to the ECA, which the Taskforce has laid out in [an in-depth analysis of the ECA](#).

**Action:** Send a dedicated email (with corresponding social media) reassuring your community that there is a well-defined process in place for contested elections and that you are monitoring the election carefully. Include an abridged replica of the Roadmap flowchart (in the Appendix of the [Roadmap](#) linked above) to educate and ease anxiety.

- Suggested language: As we head into a contentious election, we thought it might be helpful to break down what happens if a result is contested. It's vitally important that we convey two things: (1) With an increase in mail-in voting this year, we may not have a result on November 3. This in itself is not a case for alarm. (2) There is a well-defined process in place for contested

elections. Even if, for some reason, a decision is not made by January 20, by law the Speaker of the House will assume the role of President.

**Action:** Encourage early voting for those in states with that option. Members of your community can register or check their status at [iamavoter.com](https://iamavoter.com). Voters need to understand how their actions affect the broader processes at play — the sooner all of our ballots are submitted and counted, the better.

- Suggested language for social media: In 2018, only 34% of voters cast their ballot early. In 2020, with COVID-19 restrictions to keep in mind, early and mail-in voting are excellent ways to participate in a safe and secure manner. Visit [iamavoter.com](https://iamavoter.com) to request your ballot now.

## RESOURCES FOR FAITH LEADERS

### Key links:

1. [Faith in Public Life and Over Zero training on preventing violence](#)
2. [Democracy Fund Voice call on partnership opportunities for religious leaders](#)
3. [Bolder Advocacy's Do's and Don'ts for weighing in on Supreme Court nominations](#)

[Bolder Advocacy](#) has put together a cheat-sheet for 501(c)(3)s who want to address the current Supreme Court vacancy and subsequent confirmation process for a new justice.

Per BA, “501(c)(3) public charities are legally allowed to influence the Senate confirmation of a Supreme Court justice. The Internal Revenue Service (“IRS”) has recognized that influencing the confirmation of federal judges is exactly like influencing any other legislative vote through lobbying.

“Because the Senate’s action of advice and consent on a judicial nomination is an action with respect to a resolution or similar item, the Senate’s confirmation vote constitutes a vote on legislation.” (Notice 88-76, 1988-2 C.B. 392.).”

**Action:** [Read more on what to do and what to avoid here](#)

\*\*\*Necessary disclaimer: This project, sponsored by the Lippman Kanfer Foundation for Living Torah, intends to support Jewish organizations across a wide political, ideological, and observance spectrum. We have taken every pain to maintain a non-partisan effort that allows every institution to meaningfully engage in ensuring a free and fair election. We do not claim responsibility for the content put out by friends, partners, or participating institutions.