

Unpacked to go: the MAGA war on free elections

Under marching orders from Trump, MAGA Republicans are trying to claim that state legislatures have unchecked power to run federal elections, with the authority to pass wildly unconstitutional election laws and voting procedures without consequence. They say that no matter how extreme the gerrymander or how illegal and exclusionary the voting system, they have an unlimited right to do it—and that even their own state constitutions or state courts have no power to stop them. This absurd theory is known as the independent state legislature theory, and it flies in the face of the Elections Clause of the US constitution. But the idea has a big booster in Justice Samuel Alito, and this fall the court will hear *Moore v. Harper*, a key election-law case from North Carolina. Trump's cronies on the United States Supreme Court just might enshrine this bogus theory into law.

How we're talking about it:

- **The MAGA Supreme Court is leading the charge in the assault on democracy, and your freedom to vote is on the line.** By even hearing this case, conservatives on SCOTUS are giving credence to an anti-American effort to unravel our elections and steal your vote. MAGA wants free reign; we want free elections.
- Independent state legislature theory is the Pizzagate of legal arguments. Anyone with a brain can see that this is a power grab, but MAGA Republicans push conspiratorial nonsense without shame. Although **legal experts and constitutional scholars overwhelmingly reject it**, right-wing electoral wins over the past decades have brought us to this precipice.
- We need a Congress that will preserve its constitutional responsibilities and hold a rogue Supreme Court in check. That means electing more Democrats in the midterms; **we can't allow Republican wins in 2022 to determine the outcome in 2024.**
- This case is key, but it's just one of many attacks on elections happening right now. Nearly one-third of Republicans running for statewide office in 2022 are election deniers or refuse to acknowledge Joe Biden as the lawful president. Meanwhile, MAGA militias and state officials are preparing to challenge unfavorable results everywhere they can. **Our first priority is to win the election outright, then we must defeat their challenges, then we must defeat this case.**