**The original documents are located in Box 15, folder "Election Result Challenges - Draft" of the Michael Raoul-Duval Papers at the Gerald R. Ford Presidential Library.**

~~Key People~~

One page

# ELECTION CHALLENGE — Key People



1. **~~Tuesday night~~:**

| Function | Individual | Location |
|---|---|---|
| Overall Coordination | Dick Cheney (Mike Duval and Foster Chanock) | White House |
| Fact Gathering | Stu Spencer | PFC |
| | Bob Teeter | White House |
| Legal Analysis & Liason with Justice Dept. | Ed Schmults | White House |
| Telephone Calls | Dick Cheney<br>Jim Baker | Hotel |
| | Jack Marsh | White House |
| | Bob Dole | Hotel |
| | ~~Henry Kissinger~~ | |
| | Nelson Rockefeller | |
| | ~~Tom Connally~~ (Tony Jones - Coordinate) | |
| Press Plan & Statements | Doug Bailey & Mike Duval | White House |

B) Document case for Special Panel and courts.

- Send investigative teams (our people) to each ~~potential~~ state involved.
- Develope fact statements and legal briefs.
- Prepare legal papers for formal challenge.



c) Prepare for President's Announcement

- Write remarks to be used as Oval Office statement or to open press Conference.
- Prepare "fact sheet" and background briefings.
- Set up meeting with the President and Special Panel members.
- Develope announcement plan.

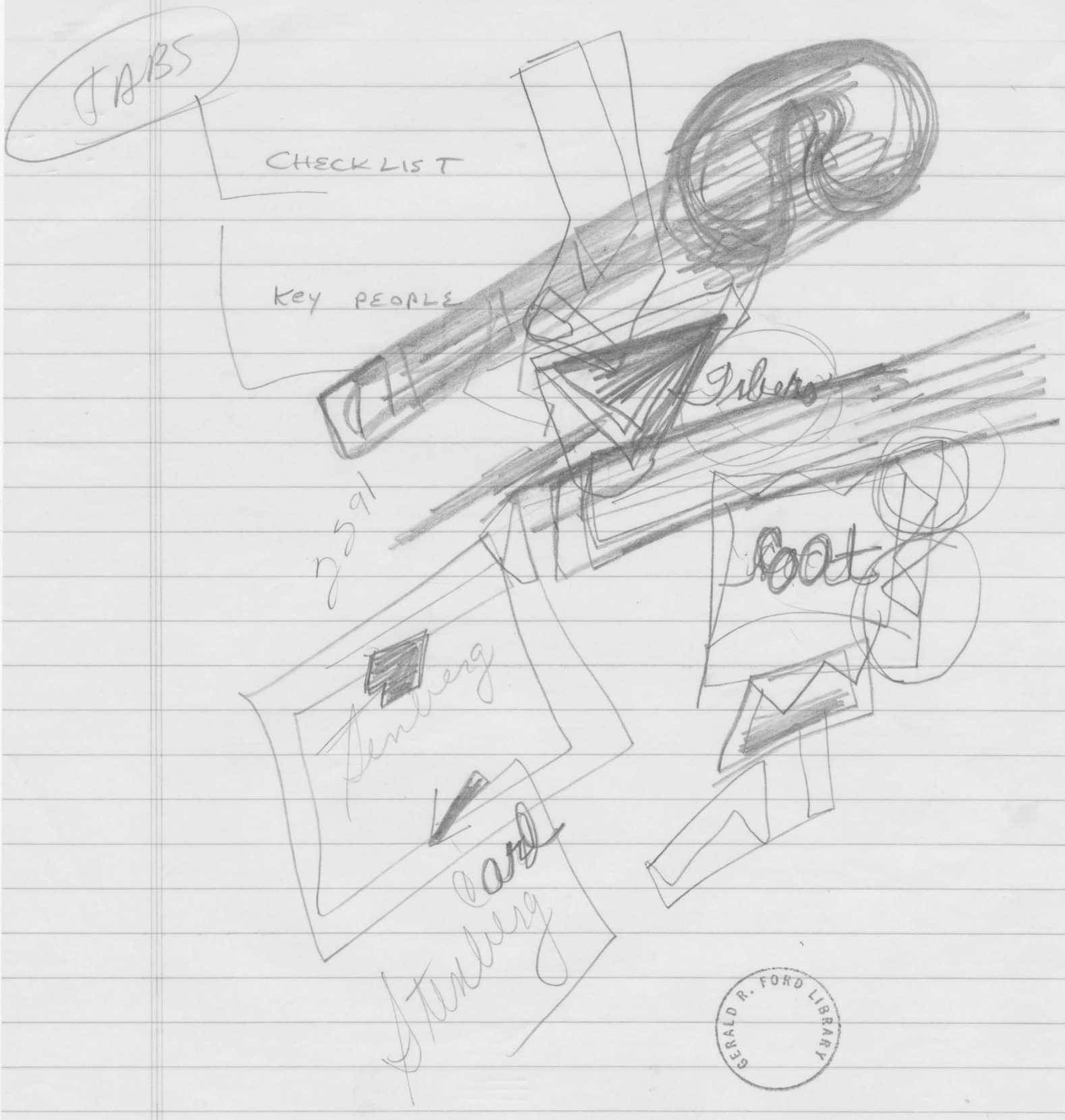
2. Special Panel

The following are possibilities for memberships on the Special Panel:

| Name | Reason |
| --- | --- |
| William Rogers | former Attorney General during the 1960 election |
| ~~Lawyer, former~~ | ~~former~~ |
| Tom Clark | former member of the Supreme Court |
| ~~Tom Thompson~~ | ~~former prosecutor~~ |

3) Final Action Plan (Steps to be implemented during the 24 hour period while the special panel develops its recommendation.)

| ~~A~~ OBJECTIVE | ACTION |
| --- | --- |
| A) Build Public Support for challenge | • Have Bailey, Deardourff, Teeter, ~~Spencer~~ and Geragos prepare a plan, (E.g. 7 state-by-state press conferences, ~~Schedule to coordinate~~ on Talk shows, etc) |
| | • Have BAKER set up Ad Hoc organization (within ~~RNC~~ RNC) to coordinate — work out relationships. |
| | • Notify all state chairmen etc (RNC to do) |



TAB A
Draft (MD)
11/1/76

# ELECTION CHALLENGE – CHECK LIST

1. Key Indicators (the occurrance of which should trigger the the remaining items on this check list.)

~~Ballots Reported~~ =

- Reports of election fraud in key states

=

- Reports that ballots are being withheld in key states; and/or

=

- Extremely close electorial results nationally with less than 1% margin in one or more states.



2. Immediate Action Plan (Steps to be implemented while ballots are still being counted – i.e., Tuesday night)

=

**Objective**

A) Make a preliminary factual finding.

**Actions**

Single
- Assign someone at the White House to the particular incident

=

- Feed reports to this individual from: PFC, RNC, Justice, etc.

b) Make Preliminary decision whether there is substantial evidence to support a significant challenge.

- ~~Draft factual summary~~ Get legal opinion based on particular facts.
- Get political judgment on overall significance
- Cheney / Baker make decision.

c) If Preliminary Decision is affirmative, implement Initial Action Plan — but hold open option on ultimate challenge.

- Have credible spokesman from the State involved issue a statement to the Press which:
  - states facts.
  - gives assessment of seriousness.
  - asks RNC / Justice to investigate.
- Governor issues a statement in support of State Release.

- Nessen says White House aware & looking into matter.

≡

D] Catalogue all ~~possible~~ potential serious challenges and follow the Initial Action Plan in each case.

- Assign an over-all coordinator at the White House and provide staff support.

≡

E] Take ~~Make~~ steps to get Preliminary Presidential decision whether to challenge election

- ~~Present~~ Prepare preliminary ~~factual~~ analysis of facts + legal issues.

- Make determination which challenges are most credible.



- Determine that the resolution of these challenges will determine the election outcome.

- Make selected calls for advice (separate list being prepared).

=

F) If the President makes a preliminary decision TO challenge, take steps ~~to~~ designed to suspend the Nation's judgement on ~~the~~ election results for at least 24 hrs.

- Major press conferences in states where we want to consider a formal challenge. Use our best people.
- Mary Louise Smith Press Conference in which she asks the President in ~~behalf~~ behalf of the RNC to challenge the election.
- Baker press conference supporting Mrs. Smith's recommendation; key National leaders with Baker.
- ~~White House press~~ Presidential statement to the White House Press which makes three points:
  1) there is a serious

and substantial reason to believe that the election results should be reversed; ~~because~~ ~~of~~ fore

2) the President has appointed a special panel to study the facts and make a recommendation ~~in 24 hours~~ on whether he should challenge the election; and

3) the American people should suspend their judgment on the election results ~~until~~ for 24 hours.

DRAFT (MD)
November 1, 1976

# ELECTION CHALLENGES

PRELIMINARY NOTE: CHALLENGING THE ELECTION ON THE BASIS OF MIS-COUNT OR VOTER IRREGULARITIES IS A MAJOR DECISON WHICH COULD WELL BE INTERPRETED BY THE PRESS AS PRECIPITATING A CONSTITUTIONAL CRISIS. IT IS ESSENTIAL THAT SUCH A DECISION BE MADE IN AS DISCIPLINED MANNER AS POSSIBLE WITH THE PRESIDENT HAVING THE BEST INFORMATION AVAILABLE, BOTH IN TERMS OF FACTS (SUCH AS LEGAL CONSIDERATIONS AND ADVICE OF POLITICAL LEADERS THROUGHOUT THE COUNTRY) AND THE BEST POSSIBLE ASSESSMENT OF THE REACTION OF THE COUNTRY TO SUCH A DECISION. ACCORDINGLY, THIS PAPER IS INTENDED TO PROVIDE A BRIEF "CHECKLIST" WHICH SHOULD BE FOLLOWED IN THE EVENT THAT SUCH DECISION SHOULD BE MADE.

1. Timing of Decision. At the outset it must be kept clearly in mind that a decision to challenge the election results in one or more states must be made before there is a general public perception that one man or the other has won. This point is crucial. Once the press plays up the fact that there is a winner, it severely limits the options of the loser.



A decision to challenge the election results must not have wide-spread public opposition. At a bare minimum there must be press and public acquiescence that the challenge is well founded and serious. Hopefully, such a challenge would have at least majority public support in the interest of fairness.

Accordingly, it is important that steps be taken very quickly to keep open the option of issuing the challenge. This would require us to take specific steps publicly which will have the effect of convincing the press (and through them the public) to withhold judgment on who has won the election pending the outcome of the challenge.

Accordingly, we should establish some key indicators which will trigger an immediate and disciplined assessment of whether or not we should consider an election challenge. If our key indicators tell us early during the process of county election results that a challenge is likely, then there should be a specific checklist of actions which follows automatically. The key indicators and checklist are attached at TAB A.



2. Critical Elements of a Decision to Challenge. The following are the critical elements which should be considered when deciding whether or not to issue an election challenge:

. Substance of challenge: There must be a substantial reason to believe that the announced election results by a given election entity are wrong. This will be based either on election irregularities or incorrect counting. The particular facts must be quickly

documented in accordance with procedures already worked out by Ed Schmults and the PFC/RNC.

- Relevance of proposed challenge: Obviously, we should not challenge a given election unit result unless it will make a difference in terms of who the next President will be. Thus, as election results come in there must be a process for identifying potential challenges, gathering requisite information, but withholding final judgment until a determination can be made whether or not a favorable resolution of the challenge(s) would make a difference in the ultimate outcome of the election. For example, a challenge that would have the effect of making the President a winner in terms of popular vote should not be made if there is no way to win the electoral college.

- Public reaction: Before a decision is made to issue a challenge, no matter how substantively valid, there must be some assessment of the impact in the nation - first by virture of the challenge being made regardless of outcome, and second, assuming we win the challenge. If, for example, Carter

is the clear winner in terms of the popular vote and has a narrow electoral vote majority, but a challenge could turn the electoral vote around (but not the popular vote) a strong argument could be made that such a challenge made on purely technical grounds would not be accepted by the public even if valid.

3. Announcement and Building Public Support. There must be a clear plan for implementing a decision to challenge the election. This will require appropriate pre-notification to political/elected leaders and the press along with a very aggressive press plan to mobilize public support. This must be all undertaken simultaneously with the required mechanical legal steps to pursue the challenge.

TAB A
DRAFT (MD)
November 2, 1976

# ELECTION CHALLENGE - CHECK LIST

1. Key Indicators — (The occurrence of which should trigger the remaining items on this check list.)

- Reports of election fraud in key states;
- Reports that ballots are being withheld in key states; and/or
- Extremely close electoral results nationally with less than 1% margin in one or more states.

2. Immediate Action Plan

(Steps to be implemented while ballots are still being counted, i.e., Tuesday night.)

| OBJECTIVE | ACTION |
|---|---|
| A. Make a preliminary factual finding. | • Assign someone at the White House to the particular incident.<br>• Feed reports to this individual from: PFC, RNC, Justice, etc. |
| B. Make preliminary decision whether there is substantial evidence to support a significant challenge. | • Get a legal opinion based on particular facts.<br>• Get political judgment on overall significance.<br>• Cheney/Baker make decision. |
| C. If preliminary decision is affirmative, implement Initial Action Plan - but hold open option on ultimate challenge. | • Have credible spokesman from the State involved issue a statement to the press which:<br>-- states facts.<br>-- gives assessment of seriousness.<br>-- asks RNC/Justice to investigate.<br>• Greener issues a statement of support of state release.<br>• Nessen says White House aware and looking into matter. |

| OBJECTIVE | ACTION |
|---|---|
| D. Catalogue all serious potential challenges and follow the Initial Action Plan in each case. | • Assign an overall coordinator at the White House and provide staff support. |
| E. Take steps to get preliminary Presidential decision whether to challenge election. | • Prepare preliminary analysis of facts and legal issues.<br>• Make determination which challenges are most credible.<br>• Determine that the resolution of these challenges will determine the election outcome.<br>• Make selected calls for advice (separate list being prepared). |
| F. If the President makes a preliminary decision to challenge, take steps designed to suspend the Nation's judgment on the election results for at least 24 hours. | • Major press conferences in states where we want to consider a formal challenge. Use our best people.<br>• Mary Louise Smith press conference in which she asks the President in behalf of the RNC to challenge the election.<br>• Baker press conference supporting Mrs. Smith's recommendation; key national leaders with Baker. |

OBJECTIVE

ACTION

- Presidential statement to the White House Press which makes three points:

  1. There is a serious and substantial reason to believe that the election results should be reversed;

  2. The President has appointed a Special Panel* to study the facts and make a recommendation in 24 hours on whether he should challenge the election; and,

  3. The American people should suspend their judgment on the election results for 24 hours.



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* NOTE: See next TAB for possible Special Panel members.

3. Final Action Plan (Steps to be implemented during the 24 hour period while the Special Panel develops its recommendation.)

| OBJECTIVE | ACTION |
|---|---|
| A. Build public support for challenge. | • Have Bailey, Deardourff, Teeter, Spencer and Gergen prepare a plan (e.g., state-by-state press conferences, our people on talk shows, etc.)<br>• Have Baker set up ad hoc organization (within RNC) to coordinate -- work out relationships.<br>• Notify all state chairmen, etc. (RNC to do.) |
| B. Document case for Special Panel and courts. | • Send investigative teams (our people) to each state involved.<br>• Develop fact statements and legal briefs.<br>• Prepare legal papers for formal challenge. |
| C. Prepare for President's announcement. | • Develop announcement plan.<br>• Write remarks to be used as Oval Office statement or to open Press Conference.<br>• Prepare "fact sheet" and background briefings.<br>• Set up meeting with the President and Special Panel members. |

# ELECTION CHALLENGE - KEY PEOPLE

1. Tuesday Night:

| FUNCTION | INDIVIDUAL | LOCATION |
|---|---|---|
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| Press Plan and Statements | Doug Bailey<br>Mike Duval | White House |

2. Special Panel:

The following are possibilities for membership on the Special Panel:

| NAME | REASON |
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