

# Backgrounder: Fulton County, Georgia, charges against Trump and 18 others for 2020 presidential election interference, explained

Last updated: September 6, 2023

## KEY TAKEAWAYS:

- On August 14, 2023, a grand jury convened by District Attorney Fani Willis in Fulton County, Georgia, [indicted](#) former President Donald Trump and 18 of his allies on violations of 16 Georgia statutes. These charges include violations of Georgia’s Racketeer Influenced and Corrupt Organizations Act, or [RICO](#).
- All [19 defendants](#) have [surrendered](#) at the Fulton County jail and [entered](#) a not guilty plea. The first defendant to receive a trial schedule is Kenneth Chesebro, with a trial date [set](#) for October 23, 2023, in Fulton County Court. Several defendants have filed various pre-trial motions (regarding removal, speedy trials, and severance) that are pending before the courts.
- The 98-page indictment laying out 161 actions in furtherance of the conspiracy tells a clear story: **Donald Trump and his allies attempted to undermine the will of the American people** in an effort to overturn the 2020 presidential election.
- **Long after recounts and litigation confirmed that he lost the election, Trump and his allies pressured Georgia officials** to overturn the election results to keep Trump in power.

## Details on the Fulton County Election Interference Indictments:

The [98-page indictment](#) in Fulton County, Georgia lays out charges against [19 individuals](#), including Trump, for violations of 16 Georgia statutes. These charges include violations of Georgia’s Racketeer Influenced and Corrupt Organizations Act, or [RICO](#) law, which allows prosecutors to jointly charge a group of people acting in concert when their crimes were in support of a common objective. In this instance, that objective was overturning the results of the 2020 presidential election, and the individuals charged are referred to as a “criminal organization” in the indictment.

Other charges included in the indictment are:

- making false statements and writings;
- solicitation of violation of oath of public officer;
- impersonating a public officer and conspiring to impersonate;
- forgery and conspiracy to commit forgery;
- filing false documents;
- criminal attempt to influence witnesses;
- conspiracy to commit election fraud;
- conspiracy to commit computer theft and computer trespass;
- conspiracy to commit computer invasion of privacy;
- conspiracy to defraud the state; and
- perjury.

## Background: Fulton County, Georgia, charges against Trump and 18 others explained

The [indictment](#) spells out 161 separate acts that prosecutors say were taken to further the alleged criminal conspiracy, including:

- Phone calls that Trump and his allies made to Georgia officials, including Governor Brian Kemp, Attorney General Chris Carr, Secretary of State Brad Raffensperger, and House Speaker David Ralston, to pressure them to overturn the election results.
- Recruitment of a slate of false Georgia electors who tried to cast Electoral College votes for Trump on December 14, 2020, after and even though Joe Biden had been certified the winner of Georgia's presidential election.
- Solicitation of Department of Justice attorneys to investigate unfounded claims of fraud in the states' 2020 presidential election contests.
- Solicitation of former Vice President Mike Pence to reject the real slate of electors for Joe Biden during the congressional joint session on January 6, 2021.
- False testimony that Trump allies gave to Georgia legislative committees to convince legislators to support a false slate of presidential electors for Trump.
- False statements that Fulton County election worker Ruby Freeman committed fraud, including switching thousands of votes, statements that led to harassment and threats against Freeman.
- Accessing of sensitive Georgia elections data, including voting systems and personal voter information, in Coffee County in search of fraud evidence to try to overturn the election.
- Similar acts by the co-conspirators that took place outside of Georgia, including to recruit false electors in other states, all as part of the effort to overturn the election results.

The 19 charged individuals are: *(in alphabetical order after Trump, with affiliation during the relevant time period)*

1. Donald Trump (U.S. president)
2. Robert Cheeley (Trump attorney)
3. Kenneth Chesebro (Trump attorney)
4. Jeffrey Clark (assistant U.S. attorney general)
5. Stephen Lee (pastor)
6. John Eastman (Trump attorney)
7. Jenna Ellis (Trump attorney)
8. Harrison Floyd (director of Black Voices for Trump)
9. Rudolph Giuliani (attorney to Trump and former New York Mayor)
10. Scott Hall (Atlanta bail bondsman)
11. Misty Hampton (former Coffee County elections director)
12. Trevian Kutti (publicist)
13. Cathleen Latham (false Trump elector and former Coffee County GOP chair)
14. Mark Meadows (White House chief of staff)
15. Michael Roman (Trump campaign staffer)
16. Sidney Powell (Trump attorney)
17. David Shafer (Trump false elector and former state Republican Party chair)
18. Shawn Still (Trump false elector and now Georgia state senator)
19. Ray Smith III (Trump attorney)

The indictment also describes [30 unnamed](#) and unindicted co-conspirators, underlining the sprawling nature of the alleged conspiracy.

## Pre-trial proceedings and litigation for the Fulton County Indictments:

### Removal:

- Meadows has [filed](#) to remove the case to federal court in the Northern District of Georgia, arguing that the alleged criminal conduct occurred during his tenure as White House chief of staff. Meadows [testified](#) at the hearing on this motion on August 28. The judge asked both sides to submit additional briefing on how the “overt acts” alleged in the indictment impact removal. The judge’s has not yet ruled on that motion.
- False electors [Latham](#), [Still](#) and [Shafer](#), as well as attorney [Clark](#), have also filed motions to remove their case to federal court.

### Dismissal:

- Meadows has also [filed](#) a motion to dismiss the case, arguing he is immune from state prosecution because the charged conduct relates to his work as a federal officer.

### Speedy Trial & Trial Dates:

- Trump has [filed](#) an objection to the speedy trial motion that also gives notice of his intent to file to sever his case from the other defendants.
- Clark has [asked](#) the court to reject DA Willis’ March 4, 2024 proposed trial date.
- The court granted Chesebro and Powell’s respective motions requesting a speedy trial and [set](#) their trial dates for October 23, 2023

### Severance:

- Trump, Powell, Chesebro, and Eastman have filed motions to sever their respective cases from the other defendants.
- Arguments on Chesebro’s and Powell’s severance motions were heard on September 6.
- The judge heard arguments on Chesebro’s and Powell’s severance motions on September 6 and [denied](#) their requests to sever.

### Discovery:

- DA Willis [served](#) the defendants with a notice of initial discovery.
- Chesebro has filed a motion asking for underlying records in the case—including the special grand jury report, grand jury transcripts, and any recordings—[be unsealed and that the identities of the unindicted co-conspirators be disclosed](#).

### What’s Next:

- The 19 defendants have been [arraigned](#) and entered their pleas of not guilty.
- The removal petitions for Meadows, Clark, Shafer, Still, and Latham are pending before Judge Steve C. Jones in the Northern District of Georgia.
- Chesebro and Powell are the first to receive a trial schedule in Fulton County; the trial has been set for October 23, 2023.
- Judge McAfee has [indicated](#) that he intends to issue a scheduling order for all 19 defendants before the end of the week of September 15.
- Governor Kemp has [appointed](#) a three-member commission that will review false elector Shawn Still’s indictment in Fulton County and whether he should be suspended from his role as a sitting Georgia state senator. The commission—consisting of Georgia State Senate Majority Leader Steve Gooch, Georgia House Majority Leader Chuck Efstoration, and Georgia Attorney General Chris Carr—has 14 days to notify the governor of their decision.

## Pathway to the Fulton County, Georgia, Indictments:

- Special Grand Jury (SGJ) convened: In May 2022, DA Willis empaneled a SGJ to investigate interference in Georgia's 2020 presidential election contest. Twenty-three members of the public served on the SGJ, where they heard testimony from an array of witnesses (including but not limited to, Trump's staff, advisors, and attorneys, Georgia state officials and their staff, Georgia legislators, federal legislators, local election workers, members of the press, and a documentary filmmaker).
  - For more in-depth SGJ coverage, visit States United's [backgrounder](#).
- SGJ releases report: The SGJ concluded its work in early 2023, and [sections of its report](#) were released. These excerpts revealed that the SGJ had heard evidence from or about 75 individuals. It also revealed that the SGJ concluded there was no widespread fraud in Georgia's 2020 presidential election, and that certain SGJ witnesses may have perjured themselves. In its report, the SGJ made recommendations on whom to indict and under what charges. Those sections of the report were kept under seal while the case was presented to a regular grand jury, which had the power to indict.
- SGJ litigation: States United filed amicus briefs in litigation surrounding the SGJ's subpoenas to U.S. [Senator Lindsey Graham](#) of South Carolina, former White House [Chief of Staff Mark Meadows](#), and former [National Security Advisor Michael Flynn](#), who were all trying to avoid testifying. States United also filed an [amicus brief](#) opposing Trump's motion to disqualify DA Willis and to quash the SGJ report.
  - For more litigation history, visit States United's SGJ [backgrounder](#).
- Grand jury convened: In August 2023, DA Willis empaneled a [grand jury](#), which heard additional testimony from [witnesses](#). On August 14, 2023, the grand jury returned the indictment [against 19 individuals](#) including Trump.

## Overview of Interference in Georgia's 2020 Presidential Election:

- Pressure campaign on Georgia officials to overturn the election results:
  - Secretary of State: On January 2, 2021, Trump [called](#) Georgia Secretary of State Brad Raffensperger and made false claims about Georgia's election procedures. Most notably, Trump asked Raffensperger to "find 11,780 votes" in his favor, one vote more than the margin of victory for Biden, and even stated that Raffensperger could be subject to criminal liability for his role in administering the elections.
    - U.S. Senator Graham also [placed a call](#) to Raffensperger.
    - Trump also called [Frances Watson](#), the chief investigator for the secretary of state's office, on December 23, 2020, where he pushed false claims of election fraud in Georgia.
  - Governor: Trump placed calls to Georgia Governor [Brian Kemp](#) on December 5, 2020, to pressure him regarding Georgia's election results.
  - Attorney General: Trump placed a call to Georgia Attorney General [Chris Carr](#) on December 8, 2020, to pressure him regarding Georgia's election results.
  - Georgia Legislature:
    - Trump placed a call to Georgia House Speaker [David Ralston](#) on December 7, 2020, asking Ralston to call a special legislative session in an effort to overturn Georgia's 2020 election results.
    - Trump's campaign [called](#) nearly 120 Republican [Georgia legislators](#) to ask whether they would support a slate of presidential electors for Trump.

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- **False electors:** Trump's campaign, attorneys, and allies [organized](#) slates of false electors in seven states that were critical to the outcome of the 2020 presidential contest. In Georgia, [16 individuals](#) signed on to a [false elector slate](#), incorrectly stating Trump had won Georgia, in an attempt to overturn the state's election results, which had been [certified for Biden](#).
- **Breach of voting systems:** Sidney Powell, a lawyer advising Trump, hired a company called SullivanStrickler to [scour voting systems](#) in Georgia and other states for evidence of election fraud or miscounts. A [small delegation](#) traveled to [Coffee County](#), Georgia, where they unlawfully accessed and [scanned](#) the county's presidential election ballots and voting machines.

### Resources:

- States United Democracy Center: [Chart of Georgia Indictments](#)
- States United Democracy Center: [The January 6 Hearings: Georgia Spotlight](#)
- States United Democracy Center: Fulton County investigation amicus briefs
  - U.S. [Senator Lindsey Graham](#) of South Carolina
  - Former White House [Chief of Staff Mark Meadows](#)
  - Former [National Security Advisor Michael Flynn](#)
  - [Opposition to Trump's motion](#) to disqualify DA Willis and quash SGJ report
- States United Democracy Center: [Backgrounder on U.S. DOJ Election Interference Charges](#)
- States United Democracy Center: [Countering Lies About the 2020 Presidential Election](#)
- States United Democracy Center: [Guide to Counting Electoral College Votes and The January 6, 2021 Meeting of Congress](#)
- Just Security: [What to Expect When You're Expecting a Georgia Indictment of Trump](#)
- The Brookings Institution: [Fulton County, Georgia's Trump Investigation](#) (2022)
- The Brookings Institution: [Fulton County, Georgia's Trump Investigation](#) (2021)
- American Oversight: [Copies of the Seven False Electoral College Slates](#)

### Key News Coverage:

- **The Atlanta Journal-Constitution:** [Trump, 18 others indicted for trying to overthrow 2020 Georgia election](#)
- **The Atlanta Journal-Constitution:** [Trump indictment: Breaking down the 'criminal enterprise'](#)
- **The Atlanta Journal-Constitution:** [Meet the 34-year-old judge who will oversee Trump prosecution in Georgia](#)
- **The Atlanta Journal-Constitution:** [Fulton sheriff investigating online threats to grand jurors after Trump indictment](#)
- **The Atlanta Journal-Constitution:** [Emails show Sidney Powell's ties to copying Georgia election data](#)
- **Georgia Public Broadcasting:** [Legal experts present and future break down Trump's Fulton County indictment](#)

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- **Georgia Public Broadcasting:** [Indicted Georgia senator's fate begins with Gov. Brian Kemp](#)
- **The New York Times:** [Trump and Allies in Georgia Face RICO Charges. Here's What That Means](#)
- **The Washington Post:** [Trump charged in Georgia 2020 election probe, his fourth indictment](#)
- **The Washington Post:** [Weary of harassment, Black female election workers in Ga. welcome Trump charges](#)
- **The Washington Post:** [The phone calls from Trump's team at the core of the Georgia indictment](#)
- **WABE:** [Fulton grand jury indicts Trump over 2020 election interference in Georgia](#)
- **The New York Times:** [The Key Players in Trump's Plot to Upend the Election, Mapped](#)
- **The New York Times:** [Two Months in Georgia: How Trump Tried to Overturn the Vote](#)
- **The Washington Post:** [How Donald Trump tried to undo his loss in Georgia in 2020](#)