



December 29, 2020

## **Response to December 28, 2020, release of misinformation by group of GOP state House members**

**Harrisburg, PA** – On December 28, 2020, a group of Pennsylvania Republican lawmakers released misinformation falsely claiming that certain Department of State data for the November 3 general election were contradicted by data gleaned from county websites. They claimed the discrepancy in the numbers called the election outcome into question, and further claimed that the election should not have been certified.

Their allegations, based on what they call an analysis of data, are false and misleading, and are based on a comparison of very different systems and data points with different timeframes and incomplete information, which anyone with basic understanding of election administration would immediately recognize. Further, their so-called “analysis” apparently was based on incomplete data from the Department’s Statewide Uniform Registry of Electors (SURE) system.

Rather than wait for full and complete data or ask for clarification, the legislators decided to rehash, with the same lack of evidence and the same absence of supporting documentation, repeatedly debunked conspiracy theories regarding the November 3 election. State and federal judges have sifted through hundreds of pages of unsubstantiated and false allegations and found no evidence of fraud or illegal voting.

Now, the legislators have given us another perfect example of the dangers of uninformed, lay analysis combined with a basic lack of election administration knowledge.

For instance, it is quite common to have significant “undervotes” for down-ballot races in a presidential election, particularly when there isn’t a U.S. Senate race on the ballot. In 2008, auditor general candidate Jack Wagner received almost 60,000 more votes than presidential candidate Barack Obama. And yet, 300,000 fewer total votes were cast in the auditor general race than in the presidential race.

Even when there is a U.S. Senate race on the ballot, it is not unusual for there to be undervotes. In 2000, Sen. Santorum received 200,000 more votes than President Bush, but the US Senate race still had more than 100,000 fewer votes than the presidential race.

We are unclear as to exactly what data and what the legislators actually did to offer this so-called “analysis.” But what we do know is some counties have not yet finished entering into the SURE system what are called voter histories. Each history is tied to the record of the individual voter who cast a ballot, including regular or provisional ballots. At the time of the legislators’ release, these counties included Philadelphia, Allegheny, Butler and Cambria, which would account for a significant number of voters, and other provisional voter histories in a number of other counties are also not yet complete. It is however the vote counts certified by the counties, not the uploading of voter histories into the SURE system, that determines the ultimate

certification of an election by the counties to the Department, and then in turn, by the secretary based on the county certifications.

All vote counts are recorded on paper ballots in every county in the Commonwealth, that can be audited or recounted to confirm the accuracy of an election. Additionally, the counties and the Department of State are also in the process of conducting a pilot risk-limiting audit of the November 3 election, as it did after the June primary. Pennsylvania is one of the first states in the nation to pioneer pilots of the risk-limiting audit (RLA), a scientifically designed procedure using statistical methods to confirm whether reported election outcomes are correct and to detect possible interference. RLAs examine a random sample of paper ballots, comparing the votes on paper to the totals reported by the vote-counting machines to ensure that the winner actually won. These types of audits can confirm that voting systems tabulated the paper ballots accurately enough that a full hand count would produce the same outcome.

This obvious misinformation put forth by the Republican legislators is the hallmark of so many of the claims made about this year's presidential election. When exposed to even the simplest examination, courts at every level have found these and similar conspiratorial claims to be wholly without basis.

To put it simply, this so-called analysis was based on incomplete and inaccurate data.

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