

HEARING ON THE JANUARY 6TH INVESTIGATION

HEARING

BEFORE THE

SELECT COMMITTEE TO
INVESTIGATE THE JANUARY 6TH
ATTACK ON THE
UNITED STATES CAPITOL

HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

JUNE 13, 2022

Serial No. 117-3

Printed for the use of the Select Committee to Investigate the January 6th
Attack on the United States Capitol



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HEARING ON THE JANUARY 6TH INVESTIGATION

Monday, June 13, 2022

U.S. HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE TO INVESTIGATE THE JANUARY 6TH
ATTACK ON THE UNITED STATES CAPITOL,
Washington, DC.

The Committee met, pursuant to notice, at 10:46 a.m., in room 390, Cannon House Office Building, Hon. Bennie G. Thompson [Chairman of the Committee] presiding.

Present: Representatives Thompson, Cheney, Lofgren, Schiff, Aguilar, Murphy, Raskin, Luria, and Kinzinger.

Chairman THOMPSON. The Select Committee to Investigate the January 6th Attack on the United States Capitol will be in order.

Without objection, the Chair is authorized to declare the Committee in recess at any point.

Pursuant to House Deposition Authority Regulation 10, the Chair announces the Committee's approval to release the deposition material presented during today's hearing.

Good morning.

Last week, the Select Committee laid out a preview of our initial findings about the conspiracy overseen and directed by Donald Trump to overturn the results of the 2020 Presidential election and block the transfer of power—a scheme unprecedented in American history.

My colleagues and I don't want to spend time talking about ourselves during these hearings, but as someone who has run for office a few times, I can tell you, at the end of a campaign, it all comes down to the numbers. The numbers tell you the winner and the loser.

For the most part, the numbers don't lie. But if something doesn't add up with the numbers, you go to court to get resolution. That is the end of the line. We accept those results. That is what it means to respect the rule of law. That is what it means to seek elective office in our democracy.

Because those numbers aren't just numbers. They are votes. They are your votes. They are the will and the voice of the people. The very least we should expect from any person seeking a position of public trust is the acceptance of the will of the people—win or lose.

Donald Trump didn't. He didn't have the numbers. He went to court. He still didn't have the numbers. He lost.

But he betrayed the trust of the American people. He ignored the will of the voters. He lied to his supporters and the country. He

tried to remain in office after the people had voted him out and the courts upheld the will of the people.

This morning, we'll tell the story of how Donald Trump lost an election—and knew he lost an election—and as a result of his loss decided to wage an attack on our democracy, an attack on the American people, by trying to rob you of your voice in our democracy, and, in doing so, lit the fuse that led to the horrific violence of January 6th, when a mob of his supporters stormed the Capitol, sent by Donald Trump, to stop the transfer of power.

Today, my colleague from California, Ms. Lofgren, and our witnesses will detail the Select Committee's findings on these matters.

But, first, I will recognize our distinguished Vice Chair, Ms. Cheney of Wyoming, for any opening statement she would care to offer.

Vice Chair CHENEY. Thank you very much, Mr. Chairman.

Last week, as the Chairman noted, our Committee began outlining a 7-part plan—overseen by President Trump—to overturn the 2020 election.

Today, we will begin looking at the initial part of that plan: President Trump's effort to convince millions of Americans that the election was stolen from him by overwhelming fraud.

A Federal court has already reviewed elements of the Committee's evidence on this point, and said this: "In the months following the election, numerous credible sources—from the President's inner circle to agency leadership and statisticians—informed President Trump and Dr. Eastman that there was no evidence of election fraud," sufficient to overturn the 2020 Presidential election.

The court's opinion methodically documents each of the principal reasons for that conclusion, and I would urge all those watching to read it.

Today, we will begin to show the American people some of our evidence. Today, you will hear much more from former Attorney General Bill Barr's recorded testimony, and you will hear in greater detail what others in the Department told President Trump: that his claims of election fraud were nonsense.

You will also hear much more from President Trump's own campaign experts, who had also concluded that his fraud claims could not be supported.

Let me focus briefly on just three points now.

First, you will hear first-hand testimony that the President's campaign advisors urged him to await the counting of votes and not to declare victory on election night. The President understood, even before the election, that many more Biden voters had voted by mail, because President Trump ignored the advice of his campaign experts and told his supporters only to vote in person.

Donald Trump knew before the election that the counting of those mail-in ballots in several States would not begin until late in the day and would not be complete for multiple days. This was expected, reported, and widely known.

You will also hear testimony that President Trump rejected the advice of his campaign experts on election night and, instead, followed the course recommended by an apparently inebriated Rudy Giuliani to just claim he won and insist that the vote counting stop, to falsely claim everything was fraudulent.

He falsely told the American people that the election was not legitimate, in his words, “a major fraud.” Millions of Americans believed him.

Second, pay attention to what Donald Trump and his legal team said repeatedly about Dominion voting machines—far-flung conspiracies with a deceased Venezuelan Communist allegedly pulling the strings. This was, “complete nonsense,” as Bill Barr said.

President Trump’s own campaign advisors, his Department of Justice, and his cybersecurity experts all told him the same thing.

Here, for example, is White House lawyer Eric Herschmann. His view was shared by many of the Trump team whom we interviewed.

Mr. HERSCHMANN. I thought the Dominion stuff was—I never saw any evidence whatsoever to sustain those allegations.

Vice Chair CHENEY. Third, as Mike Pence’s staff started to get a sense for what Donald Trump had planned for January 6th, they called the campaign experts to give them a briefing on election fraud and all of the other election claims.

On January 2nd, the general counsel of the Trump campaign, Matthew Morgan—this is the campaign’s chief lawyer—summarized what the campaign had concluded weeks earlier: That none of the arguments about fraud or anything else could actually change the outcome of the election.

Mr. MORGAN. Generally discussed on that topic was whether the fraud, maladministration, abuse, or irregularities, if aggregated and read most favorably to the campaign, would that be outcome determinative. And I think everyone’s assessment in the room, at least amongst the staff, Marc Short, myself, and Greg Jacob, was that it was not sufficient to be outcome determinative.

Vice Chair CHENEY. As is obvious, this was before the attack on the Capitol. The Trump campaign legal team knew there was no legitimate argument—fraud, irregularities, or anything—to overturn the election. Yet, President Trump went ahead with his plans for January 6th anyways.

Mr. Chairman, hundreds of our countrymen have faced criminal charges—many are serving criminal sentences—because they believed what Donald Trump said about the election and they acted on it. They came to Washington, DC, at his request. They marched on the Capitol at his request. Hundreds of them besieged and invaded the building at the heart of our constitutional Republic.

As one conservative editorial board put it recently, “Mr. Trump betrayed his supporters by conning them on January 6th, and he is still doing it.”

Another conservative editorial board that has long supported President Trump said last week, Donald Trump, “won’t stop insisting that 2020 was stolen, even though he has offered no proof that that is true.”

And this. Donald Trump now, “clings to more fantastical theories, such as Dinesh D’Souza’s debunked ‘2000 Mules,’ even as recounts in Arizona, Georgia, and Wisconsin confirm Trump lost.”

Those are the correct conclusions to draw from the evidence gathered by this Committee. We have much more evidence to show the American people on this point than we can reasonably show in one hearing. But, today, we will begin.

Thank you, Mr. Chairman. I yield back.

Chairman THOMPSON. Without objection, the Chair recognizes the gentlewoman from California, Ms. Lofgren, for an opening statement.

Ms. LOFGREN. Well, thank you, Mr. Chairman.

In our opening hearing, we gave an overview of our investigation into the January 6th attack. The plot to overthrow the election was complex and had many parts, which we'll explore in remaining hearings. But, today, we examine the false narrative that the 2020 election was "stolen."

Former President Trump's plan to overturn the election relied on a sustained effort to deceive millions of Americans with knowingly false claims of election fraud. All elements of the plot relied on convincing his supporters about these false claims.

Today, we'll demonstrate the 2020 election was not stolen. The American people elected President Joe Biden. We'll present evidence that Mr. Trump's claims of election fraud were false, that he and his closest advisors knew those claims were false, but they continued to peddle them anyway, right up until the moments before a mob of Trump supporters attacked the Capitol.

We'll also show that the Trump campaign used these false claims of election fraud to raise hundreds of millions of dollars from supporters who were told their donations were for the legal fight in the courts. But the Trump campaign didn't use the money for that. The Big Lie was also a Big Rip-Off.

The former President laid the groundwork for these false claims well in advance of the election. As early as April 2020, Mr. Trump claimed that the only way he could lose an election would be as a result of fraud.

President TRUMP. You know the things with bundling and all of the things that are happening with votes by mail where thousands of votes are gathered. And I'm not going to say which party does it, but thousands of votes are gathered, and they come in and they're dumped in a location. And then all of a sudden, you lose elections that you think you're going to win.

President TRUMP. The only way we're going to lose this election is if the election is rigged. Remember that. It's the only way we're going to lose this election.

President TRUMP. This is going to be a fraud like you've never seen. Did you see what's going on? Take a look at West Virginia. Mailmen selling the ballots. They're being sold. They're being dumped in rivers. This is a horrible thing for our country.

Then-Candidate BIDEN. There is no——

President TRUMP. This is not——

Then-Candidate BIDEN. There is no evidence of that.

President TRUMP. This is not going to end well.

Ms. LOFGREN. Mr. Trump decided even before the election that, regardless of the facts and the truth, if he lost the election, he would claim it was rigged.

Mr. Trump was right about one thing: It did not end well. On election night, Mr. Trump claimed, even before the votes were counted, that his loss was a result of fraud.

Now, Thursday, we had testimony from Attorney General Barr about the Department of Justice investigation of Mr. Trump's fraud claims. Barr told Trump directly that his claims were "BS." Yet, after hearing the truth and that warning from the AG, Mr. Trump continued to peddle the false claims of fraud.

You will hear detailed testimony from Attorney General Barr describing the various election fraud claims the Department of Justice investigated. He will tell you how he told Mr. Trump repeat-

edly that there was no merit to those claims. Mr. Barr will tell us that Mr. Trump's election night claims of fraud were made without regard to the truth and before it was even possible to look for evidence of fraud.

Attorney General Barr wasn't alone. You will see and hear today other Department of Justice officials and senior advisors to Mr. Trump that they told him the claims he was making were not supported by evidence.

The election fraud claims were false. Mr. Trump's closest advisors knew it. Mr. Trump knew it. That didn't stop him from pushing the false claims and urging his supporters to "fight like hell" to "take back their country."

After he lost the election, various legal challenges were made. You will hear testimony today from a renowned Republican election litigation lawyer who will explain the normal process by which candidates challenge an election.

Rather than accept the results of the election and the decisions of the courts, Mr. Trump pursued a different strategy: He tried to convince the American people the election had been stolen. Many of his supporters believed him, and many still believe him today.

The attack on January 6th was a direct and predictable result of Mr. Trump's decision to use false claims of election fraud to overturn the election and to cling to power.

Mr. Chairman, I yield back.

Chairman THOMPSON. Thank you very much.

I now welcome our first witness.

We are joined today by former Fox News Politics Editor Chris Stirewalt.

Bill Stepien, President Trump's former campaign manager, was subpoenaed to be here and was in Washington this morning prepared to testify.

Kevin Marino, Mr. Stepien's attorney, is here with us today—thank you, Mr. Marino, for coming—and he has advised us that Mr. Stepien's wife went into labor this morning. Mr. Stepien unexpectedly had to travel to be with his wife, and we wish him the best.

Due to the depth and rigor of our investigation, we have several hours of Mr. Stepien's testimony from when we interviewed him in February, and we will be presenting that testimony today.

I'll now swear in our witness.

The witness will please stand and raise his right hand.

[Witness sworn.]

Chairman THOMPSON. Thank you. Please be seated.

Let the record reflect the witness answered in the affirmative.

I now recognize myself for questions.

I want to start by showing a video that tells the story of what was going on in the Trump White House on election night in November 2020.

Mr. HEAPHY. Do you remember where you were on the night of the election November the 3rd?

Ms. TRUMP. I was at the White House.

Mr. HEAPHY. Do you know where, specifically, over the course of that night you spent your time within the White House?

Ms. TRUMP. There was an event that was organized in the residence. So, I moved between the residence, a room sort-of off the residence where some family members were.

Mr. HEAPHY. I take it, the President was upstairs in the residence?

Mr. KUSHNER. He was upstairs. I was—we were kind-of on the first floor, so not upstairs we were with—mostly with Ivanka and her brothers and a couple other people who'd be coming in and out.

Mr. GEORGE. Can you just describe the atmosphere? What were people expecting that night when you got to the White House?

Mr. MILLER. I think that there was—typically, for people who show up there on election night it's going to be a self-select more positive environment. I think people were a little bit nervous not knowing what was going to happen with the red wave or the red mirage as the debate was being carried out.

Fox News Anchor BRET BAIER. The Fox News decision desk is calling Arizona for Joe Biden. That is a big get for the Biden campaign.

Mr. GEORGE. Arizona is called. Do you remember that?

Mr. STEPIEN. I do.

Mr. GEORGE. What do you remember happening where you were when Arizona was called?

Mr. STEPIEN. I—there was surprise at the call.

Mr. GEORGE. Who was surprised?

Mr. STEPIEN. Most—most everyone in the room.

Mr. GEORGE. Were—you being one of them?

Mr. STEPIEN. Yes.

Mr. GEORGE. Did that shift the atmosphere or the attitude in the White House?

Mr. MILLER. Completely.

Mr. GEORGE. How so? Can you describe that?

Mr. MILLER. Because Fox News was the first one to go out and say that.

Mr. GEORGE. And so was it anger kind-of directed toward Fox News for making a call more so than a disappointment that maybe the campaign lost Arizona?

Mr. MILLER. All of the above.

Mr. GEORGE. So both? Anger and disappointment?

Mr. MILLER. Both disappointed with Fox and concerned that maybe our data or our numbers weren't accurate.

Mr. HARRIS. Were you in the White House residence during the sort-of past midnight into the early morning hours of November 4th?

Mr. GIULIANI. Yes, I'm sure it—it went over beyond midnight. Yes.

Mr. GEORGE. Do you remember Rudy Giuliani being at the White House on election night and into the early hours the next morning?

Mr. STEPIEN. I do.

Mr. GEORGE. What do you remember about when he came?

Mr. STEPIEN. He—he was—there were—I had heard that he was upstairs, you know, in that aforementioned reception area. And he was looking to talk to the President. And it was suggested instead that he'd come talk to several of us down off the Map Room.

Mr. GEORGE. You said that Mr.—you had heard that Mr. Giuliani wanted to talk to the President and then he was directed your way. Did you end up talking to Mr. Giuliani when he was directed your way?

Mr. STEPIEN. I did. I did.

Mr. GEORGE. What was that conversation?

Mr. STEPIEN. A lot of conversations were directed my way. A few of us, myself, Jason Miller, Justin Clark, Mark Meadows, gathered in a room off the Map Room to—to listen to whatever Rudy presumably wanted to say to the President.

Mr. HEAPHY. Was there anyone in that conversation who in your observation had had too much to drink?

Mr. MILLER. Like—Mayor Giuliani.

Mr. HEAPHY. Tell me more about that. What was your observation about his potential intoxication during that—that discussion about what the President should say when he addressed the Nation on election night?

Mr. MILLER. And the mayor was definitely intoxicated, but I do not know his level of intoxication when he spoke with the President, for example.

Mr. HARRIS. Were you part of any discussions with the people I mentioned, Mr. Stepien, Mr. Meadows, or anyone else about whether the President should make any sort of speech on election night?

Mr. GIULIANI. I mean, I spoke to the President. They may have been present, but the President—spoke to the President several times that night.

Mr. MILLER. There were suggestions by, I believe it was Mayor Giuliani, to go and declare victory and say that we won it outright.

Mr. STEPIEN. It was far too early to be making any calls like that. Ballots—ballots were still being counted. Ballots were still going to be counted for days. And it was far too early to be making any proclamation like that.

Mr. MILLER. I remember saying that I—to the best of my memory, and I was saying that we should not go and declare victory until we had a better sense of the numbers.

Mr. GEORGE. Okay. Can you be more specific about that conversation? In particular, what Mayor Giuliani said, your response, and then anybody else in the room's response.

Mr. MILLER. I think effectively, Mayor Giuliani was saying we won it. They're stealing it from us. Where'd all the votes come from? We need to go say that we won. And essentially that anyone who didn't agree with that position was being weak.

Mr. HEAPHY. What was your view at the time as to what he should or shouldn't say?

Ms. TRUMP. I don't know that I had a firm view as to what he should say in that circumstance. The results were still being counted. It was becoming clear that the race would not be called on election night.

Mr. STEPIEN. My belief, my recommendation was to say that votes are still being counted. It's too early to—to tell. Too early to call the race. But, you know, we are proud of the race we—we run—we ran and, you know, we think—we think we're in a—in good position. And we'll have more to say about this, you know, the next day or the next day whenever we had something to say.

Mr. GEORGE. And did anybody who is a part of that conversation disagree with your message?

Mr. STEPIEN. Yes.

Mr. GEORGE. Who is that?

Mr. STEPIEN. The President disagreed with that. I don't recall the particular words. He thought I was wrong. He told me so. And, you know, that they were going to, you know, go in it—he was going—to go in a different direction.

President TRUMP. This is a fraud on the American public. This is an embarrassment to our country. We were getting ready to win this election. Frankly, we did win this election. We did win this election. [applause]

Chairman THOMPSON. Mr. Stirewalt, did President Trump have any basis to declare victory on November 4, 2020?

Mr. STIREWALT. No, none at all.

Chairman THOMPSON. Thank you.

Mr. Stepien also testified that President Trump had no basis for declaring victory at that point in time.

Mr. STEPIEN. My belief, my recommendation was to say that votes are still being counted. It's too early to—to tell. Too early to call the race. But, you know, we are proud of the race we—we run—we ran and, you know, we think—we think we're in a—in good position. And we'll have more to say about this, you know, the next day or the next day whenever we had something to say.

Chairman THOMPSON. Thank you.

Mr. Stirewalt, after the votes were counted, who won the Presidential election of 2020?

Mr. STIREWALT. Joseph Robinette Biden, Jr., of the great State of Delaware.

Chairman THOMPSON. Thank you.

That is the bottom line. We have had an election. Mr. Trump lost. But he refused to accept the results of the democratic process.

Pursuant to section 5(c)(8) of House Resolution 503, I now recognize the gentlewoman from California, Ms. Lofgren, for questions.

Ms. LOFGREN. Well, thank you. Thank you, Mr. Chairman.

Mr. Stirewalt, I would like you to explain a term that was thrown around a lot during the election, and that is the so-called “red mirage.” What does that mean?

Mr. STIREWALT. So, in the 40 or 50 years, let's say, that Americans have increasingly chosen to vote by mail or early or absentee, Democrats prefer that method of voting more than Republicans do.

So, basically, in every election Republicans win election day and Democrats win the early vote.

Then you wait and start counting, and it depends on which ones you count first, but usually it is election day votes that get counted first and you see the Republicans shoot ahead. Then the process of baling and binding and unbinding all those mail-in votes. Some States, like Pennsylvania, refused to count the votes first. So, you have to wait for all of that to come in.

So, in every election, and certainly a National election, you expect to see the Republican with a lead, but it's not really a lead.

When you put together a jigsaw puzzle, it doesn't matter which piece you put in first. It ends up with the same image. So, for us, who cares? But that's because no candidate had ever tried to avail themselves of this quirk in the election counting system.

We had gone to pains—and I'm proud of the pains we went to—to make sure that we were informing viewers that this was going to happen, because the Trump campaign and the President had made it clear that they were going to try to exploit this anomaly. We knew it was going to be bigger because the percentage of early votes was higher, right? We went from about 45 percent of the votes being early and absentee to, because of the pandemic, that increased by about 50 percent.

So, we knew it would be longer. We knew it would be more. So, we wanted to keep telling viewers: Hey, look, the number that you see here is sort of irrelevant, because it's only a small percentage of these votes.

Ms. LOFGREN. So, this red mirage, that's really what you expected to happen on election night?

Mr. STIREWALT. Happens every time.

Ms. LOFGREN. Thank you, Mr. Stirewalt.

Now, I'd like to play a clip of Attorney General Bill Barr, who also explains what was expected to happen on election night.

Attorney General BARR. Right out of the box on election night, the President claimed that there was major fraud underway. I mean, this happened as far as I could tell before there was actually any potential of looking at evidence . . .

It seemed to be based on the dynamic that—that at the end of the evening, a lot of Democratic votes came in which changed the vote counts in certain States.

That seemed to be the basis for this broad claim that there was major fraud. And I didn't think much of that because people had been talking for weeks and everyone understood for weeks that that was going to be what happened on election night.

Ms. LOFGREN. Mr. Stepien obviously could not be with us today, and it's proper for him to be with his wife as they welcome their child. But he also had discussions with the President about the red mirage—that is, that it would be a long night and that early votes would favor him, but lots more votes would be counted over the course of the night and the days after.

So, let's play clip 1 from our interview with Mr. Stepien.

Mr. STEPIEN. I—I recounted back to that conversation with him in which I said—just like I said in 2016, it was going to be a long night. I—I told him in 2020 that, you know, there were—it was going to be a—a process again. As, you know, the early returns are going to be, you know, positive. Then we're gonna, you know, be watching the returns of—of ballots as, you know, they rolled in thereafter.

Mr. GEORGE. Is it fair to say you're trying to present a—a—what you thought would be a realistic picture of what might happen over the course of that night, being election night?

Mr. STEPIEN. That night and the days that followed. Yeah. I—I—I always—I always, you know, I always told the President the truth. And, you know I—I, you know, I think he expected that from me. And I told him it was going to be a process. It was going to be, you know—you know, we're gonna have to wait and see how this turned out. So I—I—just like I did in 2016, I did the same thing in 2020.

Ms. LOFGREN. So, let's watch a short clip of President Trump speaking after he received that information from his campaign advisors.

President TRUMP. We want all voting to stop. We don't want them to find any ballots at 4 o'clock in the morning and add them to the list.

Ms. LOFGREN. So, when former President Trump said that, it contradicted what his advisors had warned would happen. We all know that mail-in ballots played an important role in the 2020 election. However, President Trump continuously discouraged mail-in voting.

Mr. Stepien was so concerned about the President's position on mail-in voting that, in the summer of 2020, he met with President Trump, along with House Minority Leader Kevin McCarthy.

Let's play clip 4.

Mr. STEPIEN. Meeting that was had in particular, I invited Kevin McCarthy to join the meeting. He being of like mind on the issue with me in which we made our case for—for why we believed mail-in balloting—mail-in voting not to be a bad thing for his campaign. But, you know, the—the President's mind was made up and you understand, you know, how many times to, you know, go to the well on a particular topic.

Mr. HEAPHY. Yeah, I understand. Tell me a little bit more about the argument that you and Mr. McCarthy made to the President in that meeting as to why it wasn't a bad thing that mail-in voting was available.

Mr. STEPIEN. Largely two pillars to that argument, both of which I've previously mentioned. One, you know, leaving a good deal to chance. Pushing or urging your voters to vote only on election day leaves a lot to chance. That's—that's A. And B, also previously mentioned, the fact that the Trump campaign, the Republican National Committee, the Republican Party had an advantage of—of grassroots workers and volunteers on the ground that would allow, you know, an—an advantage to enhance return rates of—of ballots that were mailed.

Those were the two pillars of the argument.

Mr. HEAPHY. I see. And what, if anything, do you recall Representative McCarthy saying during that meeting?

Mr. STEPIEN. We were—we were echoing the same argument. I mean, his—his words echoed—echoed mine and vice versa on those—on those two topics.

Ms. LOFGREN. Mr. Stirewalt, you were at the decision desk at Fox News on election night, and you called Arizona early for President Biden, which was controversial.

How did you make that call? Where did you think the race stood in the early hours of the next day?

Mr. STIREWALT. Well, it was really controversial to our competitors, who we beat so badly by making the correct call first. Our decision desk was the best in the business, and I was very proud to be a part of it.

Because we had partnered with the Associated Press and the National Opinion Research Center at the University of Chicago, thanks to my colleague and friend Arnon Mishkin, we had built a wonderful device for forecasting the outcomes of election.

So, we had a different set of data than our competitors did. We had more research, and we had a better system, and we had a great team.

So, what you're waiting to see is, do the actual votes match up with the expectations in the poll? The real votes are testing the quality of your poll in targeted precincts and in targeted places.

Let me tell you, our poll in Arizona was beautiful, and it was doing just what we wanted it to do, and it was cooking up just right.

At some point—and I forget exactly who—but, at some point, it became clear that Arizona was getting ready to make a call.

So we, around, you know, my boss, Bill Sammon, said, "We're not making any call until everybody says yes," because that was always our policy, unanimity.

You have to understand, in this room you have, you know, the best—people from academia, Democrats, Republicans, a broad cross-section of people who had worked together for a decade, who were really serious about this stuff.

So, we knew it would be a consequential call, because it was one of five States that really mattered, right? Wisconsin, Michigan, Pennsylvania, Georgia, Arizona were the ones that we were watching. We knew it would be significant to call any one of those five. But we already knew Trump's chances were very small and getting smaller based on what we had seen.

So, we were able to make the call early. We were able to beat the competition. We looked around the room. Everybody says, "yea," and on we go.

By the time we found out how much everybody was freaking out and losing their minds over this call, we were already trying to call the next State. We had already moved on. We were to Georgia. We were to North Carolina. We were looking at these other States.

So, we thought it was—we were pleased, but not surprised.

Ms. LOFGREN. I see. You know, after the election, as of November 7th, in your judgment, what were the chances of President Trump winning the election?

Mr. STIREWALT. After that point?

Ms. LOFGREN. Yes.

Mr. STIREWALT. None. I mean, I guess you could—it's always possible that you could have, you know, a truckload of ballots be found somewhere, I suppose. But, once you get into this space, you know, ahead of today, I thought about what are the largest margins that could ever be overturned by a recount in the normal kind of—the kind of stuff that we heard Mike Pence talking about, sounding like a normal Republican that night, when he said, you know, we'll keep every challenge.

Nothing like that. In a recount, you're talking about hundreds of votes. When we think about calling a race, one of the things that we would think about is, is it outside the margin of a recount?

When we think about that margin, we think about, in modern history, you're talking about 1,000 votes, 1,500 votes at the way, way outside. Normally, you're talking about hundreds of votes, maybe 300 votes that are going to change.

So, the idea that, through any normal process in any of these States—remember, he had to do it thrice, right? He needed three of these States to change. In order to do that, I mean, you're at an infinite—you're better off to play the Powerball than to have that come in.

Ms. LOFGREN. On November 7th, the other major news outlets called the race for President Biden. Now, Mr. Stepien told the Committee that he thought the odds were—and this is a quote—“very, very, very bleak,” and held a meeting with the President that same day.

Let’s show video clip 8.

Mr. STEPIEN. With each day that wore on, I mean the—the trajectory of the race, you know, on election night Trump ahead in—in many States. And as—as that week wore on as the third became the fourth became the fifth and so on and so forth, and the vote-by-mail ballots were tabulated, you know, Trump’s—Trump’s lead, you know, grew more narrow.

And—and in—and in some places Biden surpassed, you know, Trump in—in the vote totals. So as—as the week wore on, as we paid attention to those numbers every single—multiple times a day, you know, internally, you know, I—I was feeling less confident for sure.

Mr. GEORGE. What was your view on the state of the election at that point?

Mr. STEPIEN. You know, very, very, very bleak. You know, I—I—I—we—we told him, you know, the group that went over there outlined, you know, my belief in—in chances for success at this point. And then we pegged that at, you know, 5 maybe—maybe 10 percent based on recounts that were—that—that, you know, either were automatically initiated or—or—or could be—could be initiated based on, you know, realistic legal challenges, not all the legal challenges that eventually were pursued. But, you know, it was, you know, my belief is that it was a very, very—I mean, 5 to 10 percent is not a very good optimistic outlook.

Ms. LOFGREN. Now, as President Trump and others continued to claim that the election was stolen, there were lawyers who were a part of the campaign, campaign lawyers, who were responsible for investigating the fraud claims.

That includes Alex Cannon, who could not validate the claims that were being made, including those being made by the President.

Let’s roll video 13.

Mr. GEORGE. This is an email. It’s two emails actually. The first is from Alex Cannon to you and Faith McPherson, and then you forward that email on to Mark Meadows, Justin Clark, and Jason Miller, the subject being AZ Federal ID voters. If you look at the original email there it says, “Bill, we completed the AZ analysis you requested.” I assume that’s about Arizona.

And because of the un—the substantial uncertainty surrounding the databases, this is a highly unreliable way to identify ineligible voters. Can you explain the task that you gave to Mr. Cannon for this Arizona analysis?

Mr. STEPIEN. Sure. Previously, I described some of my frustration with some of the—the claims that people would throw at President Trump regarding, you know, you know, you need to look at this. You know, this happened in this State or that happened in that State. And it would be, you know—those would flow to us to—to look into.

I—I talked about that before I think.

Mr. GEORGE. Yep.

Mr. STEPIEN. You know, this is an example of that. I recall—I recall in Arizona someone had thrown out, I believe this to be the claim, that there were thousands of illegal citizens, people not eligible to vote, having cast their ballots in Arizona. Someone had thrown out that claim to President Trump. And with, you know, the margins being as close as they were as previously described, you know, that could potentially matter.

So, this—this wild claim is thrown out, which, you know, on its face didn’t seem, you know, realistic or possible to me. I asked Alex to look at the—you know, the—the claim. And I—I haven’t read his full email, but I recall that the response to that, the reality of that was not illegal citizens voting in the election, I think it was like overseas voters voting in the election. I—I—so, obviously, you know, people who were eligible to vote.

Ms. LOFGREN. When these findings were passed up the chain to President Trump, he became frustrated, and he replaced the campaign’s legal team.

Let's play clip 14.

Mr. STEPIEN. You know, I think the President, it was during the second week where things like you displayed were occurring, where he was, you know, growing increasingly unhappy with, you know, his team, you know, me less so because I was less involved at this point, but still me; growing increasingly unhappy with Justin Clark. And that—that kind-of, you know—you know, paved the way for, you know, Justin to be moved out and Mayor Giuliani be moved in as the person in charge of, you know, the legal side of the campaign and, for all intents and purposes, the campaign at that point.

Ms. LOFGREN. Now, when Mr. Stepien became campaign manager, he was the second Trump campaign manager for the 2020 race, and there were only about 115 days until election day.

So, let's play the video.

Mr. STEPIEN. I inherited a campaign that was—the day I was hired was, I believe, President Trump's low point in the 2020 daily average polling against President Biden. It was—it was a campaign at a low point in the polls. It was structurally and fiscally deficient. You know, I—you know, there was a great deal wrong with the campaign in—in—in both of those—in—in both of those areas. So, most of my day was spent fixing what—and I think I took over with 115 days left in the campaign. Most of my time was spent fixing the things that could be fixed with 115 days left in the campaign.

Ms. LOFGREN. Now, Mr. Stepien has been in the campaign field for a long time, and he worked for lots of different candidates and campaigns. He testified to this Committee about his concerns given the claims that Mr. Giuliani and Ms. Powell and their team were making publicly.

Let's play clip 15.

Mr. HEAPHY. Okay. And it was important for you, Mr. Stepien, to sort-of pull back just for your own professional reputation. You didn't want to be associated with some of what you were hearing from the Giuliani team and others that—that sort-of stepped in in the wake of your departure.

Mr. STEPIEN. I didn't mind being categorized. There were two groups of them. We called them kind-of my team and Rudy's team. I—I didn't mind being characterized as being part of Team Normal, as—as reporters, you know, kind-of started to do around that point in time. You know, I said, you know, hours ago, early on, that, you know, I've—I've been doing this for a long time, 25 years, and I've spanned, you know, political ideologies from Trump to McCain to Bush to Christie, you know.

And, you know, I can work under a lot of circumstances for a lot of varied, you know, candidates and politicians. But a situation where—and I think along the way I've built up a pretty good—I hope a good reputation for being honest and—and professional, and I—I didn't think what was happening was necessarily honest or professional at that point in time. So, again, that led to me stepping away.

Ms. LOFGREN. So, the President did get rid of "Team Normal," and I'd like to play a clip showing that the President found the people he needed to perpetuate his claims of fraud.

Mr. GIULIANI. They saw a big truck bringing in 100,000 ballots in garbage cans, in wastepaper baskets, in cardboard boxes, and in shopping baskets. And every single one of them was for Biden . . .

Because they were being notified by Smartmatic in Frankfurt that Biden was way behind, and they better come up with a lot more ballots. And we can prove every single thing I just said . . .

If you gave me the paper ballots, I could probably turn around each one of these States. I'm absolutely convinced if you—if you let me examine each one of those ballots, I'd pull out enough that were fraudulent that it would shake the hell out of the country.

Ms. POWELL. It can set and run an algorithm, that probably ran all over the country, to take a certain percentage of votes from President Trump and flip them to President Biden, which we might never have uncovered had the votes for President Trump not been so overwhelming in so many of these States that it broke the algorithm . . .

I remember that one of the things Mark said at some point was, “You can’t show an actual vote was flipped,” which I found at the time to be a remarkable assertion, because—because you don’t have to have the gun to see the body lying on the floor bleeding out with five bullet holes in it was killed by a gun.

Mr. HERSCHMANN. What they were proposing I thought was nuts. You know, the theory was also completely nuts, right? I mean, it was a combination of Italians and Germans. I mean, different things have been floating around as to who was involved. I remember Hugo Chavez and the Venezuelans. She has an affidavit from somebody who says they wrote a software in—and something with the Philippines, just all over the radar.

Mr. HEAPHY. Did you ever share, Mr. Kushner, your view of Mr. Giuliani? Did you ever share your perspective about him with the President?

Mr. KUSHNER. I guess—yes.

Mr. HEAPHY. Tell me what you said.

Mr. KUSHNER. Well, basically not the approach I would take if I was you.

Mr. HEAPHY. Okay. And—and how did he react? How did President Trump react when you shared that view with him?

Mr. KUSHNER. Oh, he said, you know, I—I have confidence in Rudy.

Mr. MORGAN. I think I had conversations with probably all of our counsel who were signed up to assist on election day as they disengaged with the campaign . . .

The general consensus was that the law firms were not comfortable making the arguments that Rudy Giuliani was making publicly . . .

I seem to recall that I had a similar conversation with most all of them.

Attorney General BARR. I made it clear I did not agree with the idea of saying the election was stolen and putting out this stuff, which I told the President was bullshit. And, you know, I didn’t want to be a part of it. And that’s one of the reasons that went into me deciding to leave when I did.

Ms. LOFGREN. Even Sidney Powell, defending herself in a defamation lawsuit brought by Dominion Voting Systems, argued that, “No reasonable person would conclude that her statements were truly statements of fact.”

Mr. Chairman, I yield back.

Chairman THOMPSON. I thank the witness for joining us today. The first panel is now dismissed.

Without objection, the Chair recognizes the gentlewoman from California, Ms. Lofgren.

Ms. LOFGREN. Thank you, Mr. Chairman.

Last week, we presented the testimony of former Attorney General Bill Barr, who testified before this Committee.

Today, we present additional evidence, including his testimony that former President Trump started making claims of election fraud immediately after the election and that Barr concluded the claims were untrue.

Now, due to the length of Attorney General Barr’s testimony, we’re only going to include relevant portions at the hearing today.

So, let’s play the video.

Attorney General BARR. The Department, in fact, when we received specific and credible allegations of fraud, made an effort to look into these to satisfy ourselves that they were without merit . . .

And—and I was in the posture of trying to figure out—there was an avalanche of all these allegations of fraud that built up over a number of days, and it was like playing Whac-A-Mole because something would come out one day and then the next day it would be another issue . . .

Also, I was influenced by the fact that all the early claims that I understood on—were—were completely bogus and silly and usually based on complete misinformation. And so, I—I didn’t consider the quality of claims right out of the box to give me any, you know, feeling that there was really substance here.

Ms. LOFGREN. For the first time since the election, the Attorney General spoke personally with the President on November 23rd, and this was at the White House.

Let's play the video, please.

Attorney General BARR. So, on November 23rd, I—I hadn't spoken to the President since the election, and, in fact, as I said, since the middle of October roughly. It was a little—getting awkward because obviously he had lost the election, and I hadn't said anything to him. And so, Cipollone said, "You know, I think it's time you come over here."

And so, I came over to meet with the President in the Oval Office. And—and Meadows were—and Cipollone were there. And the President—and—and this is leading up to this conversation with Kushner. The President said there had been major fraud and that, as soon as the facts were out, the results of the election would be reversed.

And he went on—on this for quite a while, as he is prone to do. And then he got to something that I was expecting, which is to say that apparently the Department of Justice doesn't think that it has a role of looking into these fraud claims . . .

And I said, you know, that has to be the campaign that raises that with the State. The Department doesn't take sides in elections, and the Department is not an extension of—of your legal team. And our role is to investigate fraud. And if—and we'll look at something if it's—if it's specific, credible, and could have affected the outcome of the election. And—and we're doing that, and it's just not—they're not—they're just not meritorious. They're not pan—panning out . . .

And as I walked out of the Oval Office, Jared was there with Dan Scavino, who ran his—ran the President's social media and who I thought was a reasonable guy and believe is a reasonable guy. And I said, how long is—how long is he going to carry on with this stolen election stuff? Where is this going to go?

And by that time, Meadows had caught up with me and—leaving the office, and caught up to me and—and said that—he said, "Look, I—I think that he's becoming more realistic and knows that there's a limit to how far he can take this." And then Jared said, "You know, yeah, we're working on this. We're working on it."

Ms. LOFGREN. Even after his Attorney General told him his claims of election fraud were false, President Trump continued to promote these claims.

Attorney General BARR. I felt that things continued to deteriorate between the 23rd and the weekend of the 29th . . .

And then on November 29th, he appeared on Maria Bartiromo's show, "Sunday Futures," I believe it was. And he said that the Department was missing in action . . .

President TRUMP. Well, no, we had glitches where they moved thousands of votes from my account to Biden's account, and these are glitches. So, they're not glitches. They're theft. They're fraud, absolute fraud . . .

This election was over, and then they did dumps. They call them dumps—big, massive dumps in Michigan, in Pennsylvania, and all over . . .

How the FBI and Department of Justice—I don't know, maybe they're involved, but how people are allowed to get away from this stuff—with this stuff is unbelievable.

Ms. LOFGREN. Now, spurred by what he saw, Barr told the Associated Press on December 1st that there was no evidence of election fraud. Immediately after Attorney General Barr's statement went public, Mr. Trump berated and he nearly fired Barr. But Barr persisted in telling the President that there was no evidence to support the fraud claims.

Attorney General BARR. This got under my skin, but I also felt it was time for me to say something. So on—I had—so I set up a lunch with the AP reporter, Mike Balsamo, and I told him at lunch—I made the statement that "to date, we have not seen fraud on a scale that could have effected a different outcome in the election."

I had a later meeting scheduled at the White House at 3 o'clock with Meadows. This was previously scheduled. So, I knew this was gonna to come up. And I went over there, and I told my secretary that I thought I would probably be fired and told not to—to go home [laughter]—I mean, not to go back to my office, so I said you might have to pack up for me.

And so, when I got over there, I met with the chief of staff. He said the President was angry. He didn't really go—get into the issue of the fraud. And then I went up to Pat Cipollone's office, and we were talking with each other. And word came down that he wanted us both to go to the Oval . . .

And the President was as mad as I've ever seen him, and he was trying to control himself . . .

And the President said, "Well, this is, you know, killing me. You didn't have to say this. You must have said this because you hate Trump. You hate Trump." . . .

Then he raised the—the big vote dump, as he called it, in Detroit. And that, you know, he said people saw boxes coming in to the counting station at all hours of the morning and so forth. And I explained to him that I—at that point, I knew the exact number of precincts for Detroit. I think it was 630-something. I said, Mr. President, there are 630 precincts in Detroit. And unlike elsewhere in the State, they centralize the counting process. So, they're not counted in each precinct, they're moved to counting stations.

And so, a normal process would involve boxes coming in at all different hours, so there's nothing—and I said, did anyone point out to you—did all the people complaining about it point out to you, you actually did better in Detroit than you did—you did last time? I mean, there's no indication of fraud in Detroit . . .

And I told him that the stuff that his people were shoveling out to the public were bull—was bullshit. I mean, that the claims of fraud were bullshit. And, you know, he was indignant about that. And I reiterated that they've wasted a whole month on these claims—on the Dominion voting machines, and they were idiotic claims . . .

And I specifically raised the Dominion voting machines, which I found to be among the most disturbing allegations. Disturbing in the sense that I saw absolutely zero basis for the allegations. But they were made in such a sensational way that they obviously were influencing a lot of people—members of the public—that there was this systemic corruption in the system and that their votes didn't count and that these machines controlled by somebody else were actually determining it, which was complete nonsense.

And it was being laid out there. And I told them that it was—it was crazy stuff, and they were wasting their time on that. And it was doing a great, grave disservice to the country.

Ms. LOFGREN. Okay. So, the very next day, the President released a video rehashing some of the very same claims that his chief law enforcement officer had told him were, "nonsense."

President TRUMP. Here's an example. This is Michigan. At 6:31 in the morning, a vote dump of 149,772 votes came in unexpectedly. We were winning by a lot. That batch was received in horror . . .

We have a company that's very suspect. Its name is Dominion. With the turn of a dial or the change of a chip, you can press a button for Trump and the vote goes to Biden. What kind of a system is this?

Ms. LOFGREN. Barr again told the President that there was nothing to these claims on December 14th.

Attorney General BARR. When I walked in, sat down, he went off on a monologue saying that there was now definitive evidence involving fraud through the Dominion machines, and a report had been prepared by a very reputable cybersecurity firm, which he identified as Allied Security Operations Group. And he held up the report and he had—and then he asked that a copy of it be made for me. And while a copy was being made, he said, "You know, this is absolute proof that the Dominion machines were rigged. The report means that I am going to have a second term."

And then he gave me a copy of the report. And as he talked more and more about it, I sat there flipping through the poor report and looking through it. And to be frank, it looked very amateurish to me . . . didn't have the credentials of the people involved . . . but I didn't see any real qualifications. And the statements were made very conclusory like this—these machines were designed to, you know, engage in fraud or something to that effect, but I didn't see any supporting information for it . . .

And I was somewhat demoralized because I thought, boy, if he really believes this stuff he has, you know, lost contact with—with—he's become detached from reality, if he really believes this stuff . . .

On the other hand, you know, when I went into this and would, you know, tell him how crazy some of these allegations were . . .

There was never—there was never an indication of interest in what the actual facts were . . .

In my opinion then, and my opinion now, is that the election was not stolen by fraud, and I haven't seen anything since the election that changes my mind on that, including the "2000 Mules" movie. [laughter]

Ms. LOFGREN. So maybe you can assess that “2000 Mules,” and people are talking about that.

Attorney General BARR. Well, I mean, just in a nutshell, you know, I just think that the GBI was unimpressed with it, and I was similarly unimpressed with it because I think if you—because I was holding my fire on that to see what the photographic evidence was because I thought, well, hell, if they have a lot of photographs of the same person dumping a lot of ballots in different boxes, you know, that’s hard to explain.

So, I wanted to see what the photographic evidence was, but the cell phone data is singularly unimpressive. I mean it basically, if you take 2 million cell phones and—figure out where they are physically in a big city like Atlanta or wherever, just by definition you’re going to find many hundreds of them have passed by and spent time in the vicinity of these boxes.

And the premise that, you know, if you go by about, you know, five boxes or whatever it was, you know, that that’s a mule is just indefensible. If—by definition you’re going to have a lot—hundreds of this. I mean, when I saw one contractor said, “We figured out that our truck alone would account for six cell phone signals.” This was a, you know, some kind of contractor. And you know, “Our route would take us by these things on a regular basis.”

So I—but then when the movie came out, you know, I think the photographic evidence in it was completely lack—I mean it was—there was a little bit of it, but it was lacking. You know it didn’t—it didn’t establish wide-spread illegal harvesting.

The other thing is people don’t understand is that it’s not clear that even if you can show harvesting that that changes the—the results of the election. The courts are not going to throw out votes and then figure out what votes were harvested and throw them out. You’d still—the burden on the challenging party to show that illegal votes were cast, votes were the result of undue influence or bribes or there was really, you know, the person was non compos mentis. But absent that evidence, I just didn’t see courts throwing out votes anyway . . .

I felt that before the election it was possible to talk sense to the President. And while you sometimes had to engage in a big wrestling match with him, then it was possible to keep things on track. But I was—felt that after the election, he didn’t seem to be listening, and I didn’t think it was, you know, that I was inclined not to stay around if he wasn’t listening to advice from me or his other Cabinet Secretaries.

Ms. LOFGREN. So, on December 14th, Barr quit.

Now, the Attorney General wasn’t the only person who told the President that his claims were false. Other officials and close advisors told him the same thing.

Acting Attorney General ROSEN. Rather than try to address a counterfactual or a hypothetical, let me just say, there were instances where the President would say, “People are telling me this,” or “I heard this,” or “I saw on television,” you know, this—this impropriety in Atlanta or Pennsylvania or something. And we were in a position to say, “Our people already looked at that. And we know that you’re getting bad information that—that’s not correct. It’s been demonstrated to be incorrect from our point of view. It had been debunked.”

Mr. LYONS. A month-and-a-half or so after the election day and at that meeting, you know, various allegations of fraud were discussed, and you know, Eric and Pat didn’t, you know—told the group, the President included, that none of those allegations had been substantiated to the point where they could be the basis for any litigation challenge to the election.

Ms. LOFGREN. President Trump’s own Vice President and his top advisors also knew that there wasn’t evidence to support the claims that the President was making.

Mr. HARRIS. Anyone else other than Mr. Meadows who asked you about the status, outside of your legal group, you know, Mr. Morgan and the others you mentioned. Anyone else who asked you the status of what you were finding in your assessment of it?

Mr. CANNON. Yes, sir.

Mr. HARRIS. Who’s that?

Mr. CANNON. Peter Navarro.

Mr. HARRIS. When did you talk to Mr. Navarro?

Mr. CANNON. Mid-November.

Mr. HARRIS. Around the same time as Mr. Meadows?

Mr. CANNON. Yes, sir.

Mr. HARRIS. And tell me about that conversation.

Mr. CANNON. I recall him asking me questions about Dominion. And maybe some other categories of allegations of voter fraud. And I remember telling him that I didn't believe the Dominion allegations because I thought the hand recount in Georgia would resolve any issues with a technology problem and with Dominion or Dominion flipping votes.

And I mentioned at that time that the CISA, Chris Krebs, had recently released a report saying that the election was secure. And I believe Mr. Navarro accused me of being an agent of the deep state working with Chris Krebs against the President. And I never took another phone call from Mr. Navarro . . .

Mr. HARRIS. Anyone else besides Mr. Meadows, Mr. Navarro, Mr. Hershman that you had discussions with inquiring about what you were finding in your review of the allegations that were pouring in?

Mr. CANNON. I believe I had about a 15-second conversation with the Vice President about it as well.

Mr. HARRIS. When was that?

Mr. CANNON. During one of the visits to the White House. I don't know which one. I think it was the first one in November. I was—I had met him briefly at the campaign, and he remembered me and saw me. And he asked what I was doing on the campaign, and I told him that we were looking into some of the issues related to voter fraud.

And he asked me, I don't remember his exact words, but he asked me if we were finding anything. And I said that I didn't believe we were finding—or, I was not personally finding—anything sufficient to alter the results of the election. And he—he thanked me. That was our interaction.

Ms. LOFGREN. At a later hearing, you'll hear live testimony from the former Acting Deputy Attorney General of the Department of Justice, Rich Donoghue, but now I would like to play a portion of his testimony.

Acting Deputy Attorney General DONOGHUE. I tried to again put this in perspective and to try to put it in very clear terms to the President. And I said something to the effect of, "Sir, we've done dozens of investigations, hundreds of interviews. The major allegations are not supported by the evidence developed. We've looked at Georgia, Pennsylvania, Michigan, Nevada. We're doing our job. Much of the info you're getting is false." And then I went into, "For instance, this thing from Michigan—this report about 68 percent error rate. Reality is it was only 0.0063 percent error rate, less than 1-in-15,000." So, the President accepted that. He said, "Okay, fine, but what about the others?"

And again, this gets back to the point that there were so many of these allegations that when you gave him a very direct answer on one of them, he wouldn't fight us on it, but he would move to another allegation. So, then I talked about—a little bit about the Pennsylvania truck driver. This is another allegation that had come up. And this claim was by a truck driver who believed, perhaps honestly, that he had transported an entire tractor trailer truck full of ballots from New York to Pennsylvania.

And this was again out there in the public and discussed, and I essentially said, "Look, we looked at that allegation. We looked at both ends, both the people who load the truck and the people unload the truck. And that allegation was not supported by the evidence." Again, he said, "Okay"—then he said, "Note, I didn't mention that one. What about the others?"

And I said, "Okay, well, with regard to Georgia, we looked at the tape, we interviewed the witnesses, there is no suitcase." The President kept fixating on this suitcase that supposedly had fraudulent ballots, and that the suitcase was rolled out from under the table. And I said, "No, sir, there is no suitcase. You can watch the video over and over. There is no suitcase. There is a wheeled bin where they carry the ballots, and that's just how they move ballots around that facility. There's nothing suspicious about that at all."

I told him that there was no multiple scanning of the ballots—one—one part of that allegation was that they were taking one ballot and scanning it through three or four or five times to rack up votes presumably for Vice President Biden. I told him that the video did not support that.

Then he went off on double voting—the top of the next page. He said, "Dead people are voting. Indians are getting paid to vote." He meant people on Native American reservations. He said, "There's lots of fraud going on here." . . .

Told him flat out that much of the information he's getting is false and/or just not supported by the evidence. We looked at the allegations, but they don't pan out.

Ms. LOFGREN. Mr. Barr and his advisors were not the only ones who determined that the President's allegations regarding Dominion voting machines were false.

So, Mr. Chairman, I ask unanimous consent to include in the record of this hearing reports issued by the Department of Homeland Security's Cybersecurity and Infrastructure Security Agency, otherwise known as CISA, that addressed and rejected the claims of manipulation of voting machines in the 2020 election.¹

Chairman THOMPSON. Without objection, so ordered.

Ms. LOFGREN. Thank you, Mr. Chairman.

I also ask unanimous consent to include in the record a report prepared by the Michigan senate oversight committee that disproved claims of election fraud in Michigan;² as well as a statement by 59 of the country's leading election security scientists noting the absence of any credible evidence that the 2020 election had been altered through technical compromise;³ and 5 other reports from organizations and individuals confirming there was no widespread fraud in the 2020 election or describing the spread of the former President's lies.⁴

Chairman THOMPSON. Without objection, so ordered.

Ms. LOFGREN. Thank you, Mr. Chairman, and I yield back.

Chairman THOMPSON. Pursuant to the order of the Committee of today, the Chair declares the Committee in recess for a period of approximately 10 minutes.

[Accordingly, at 12:02 p.m., the Committee recessed until 12:16 p.m., when it was called to order by the Chairman.]

Chairman THOMPSON. I now welcome our second panel of witnesses.

We are joined today by BJay Pak, Al Schmidt, and Ben Ginsberg.

Mr. Pak is a former U.S. Attorney for the Northern District of Georgia.

Mr. Schmidt is a former city commissioner for the city of Philadelphia, where he served for more than 10 years.

Mr. Ginsberg is one of the leading election law attorneys in the country and has represented Republican Presidential candidates in election litigation dating back to 2000, where he represented George W. Bush in the *Bush v. Gore* litigation.

I will now swear in our witnesses.

Please stand and raise your right hands.

[Witnesses sworn.]

Chairman THOMPSON. Thank you. Please be seated.

Let the record reflect the witnesses answered in the affirmative.

Pursuant to section 5(c)(8) of House Resolution 503, I now recognize the gentlewoman from California, Ms. Lofgren, for questions.

Ms. LOFGREN. Thank you, Mr. Chairman.

Before the break, I think you all heard Mr. Barr and Mr. Donoghue talk about the false claims that Mr. Trump and his sup-

¹The information has been included in the Appendix and may be found on page 32.

²The information has been included in the Appendix and may be found on page 33.

³The information has been included in the Appendix and may be found on page 87.

⁴The information has been included in the Appendix and may be found on page 89.

porters made about suitcases of fake ballots in Georgia. We have a witness here today who thoroughly investigated that issue.

Mr. Pak, I want to thank you for appearing before us today.

You were appointed by President Trump to serve as the U.S. Attorney for the Northern District of Georgia, and you served from 2017 until January 2021. You were the lead Federal prosecutor there and worked for the Department of Justice under then-Attorney General Bill Barr.

Now, were you ever asked by Attorney General Barr to investigate claims of voter fraud in the 2020 election? If so, what were those claims?

Mr. PAK. Thank you, Congresswoman Lofgren. Thank you for the question.⁵

Approximately December 4th, I believe, of 2020, Attorney General Barr and I had a conversation about an unrelated case at issue. At the end of the conversation, Mr. Barr had asked me if I had seen a certain videotape that was being reported in the news where Mr. Giuliani, in a senate subcommittee hearing that was held the day before, December 3rd, showed a videotape of a purportedly—a security tape at the State Farm Arena in Atlanta, which is also in Fulton County, in the city of Atlanta—oh, I am sorry, city of—yes.

At the time, Mr. Barr asked me—he had made a public statement that he had not seen any wide-spread election fraud that would question the outcome of the election, and because of the videotape and the serious allegation that Mr. Giuliani was making with respect to the suitcase full of ballots purported in the video, he asked me to find out what I could about it, because he had envisioned that in some days after our call that he was going to go to the White House for a meeting and then that issue might come up. He asked me to make it a priority to get to the bottom of—to try to substantiate the allegation made by Mr. Giuliani.

Ms. LOFGREN. Thank you.

I understand the Georgia secretary of state's office investigated those State Farm Arena allegations and didn't find any evidence of fraud.

What did you find when your office conducted its own investigation?

Mr. PAK. We found that the suitcase full of ballots, the alleged black suitcase that was being seen pulled from under the table, was actually an official lockbox where ballots were kept safe.

We found out that there was a mistake in terms of a misunderstanding that they were done counting ballots or tallying ballots for the night, and the partisan watchers that were assigned by each of the respective parties were announced to go home.

But once they realized the mistake, someone from the secretary of state's office had indicated, "No, no, no, we're not done for the night. You need to go ahead and continue counting." So, once they packed up the lockbox full of ballots, they brought back the official ballot box again and continued to tally the ballots from that—from the lockbox.

⁵The prepared statement of Mr. Pak has been included in the Appendix and may be found on page 29.

Unfortunately, during the senate hearing, Mr. Giuliani only played a clip that showed them pulling out the official ballot box from under the table and referring to that as a smoking gun of fraud in Fulton County, but, in actuality, in review of the entire video, it showed that that was actually an official ballot box that was kept underneath the tables, and then we saw them pack up because of the announcement that they thought they were done for the night, and then, once the announcement was made that you should continue counting, they brought the ballot box back out and they continued to count.

We interviewed—the FBI interviewed the individuals that are depicted in the videos that purportedly were double-, triple-counting the ballots and determined that nothing irregular happened in the counting and the allegations made by Mr. Giuliani were false.

Ms. LOFGREN. Thank you very much.

I would like to play again testimony from Mr. Donoghue, who appeared before the Committee before today.

Vice Chair CHENEY. Mr. Donoghue you—we talked at some length about whether or not the White House or the President was informed about the Antrim report. On the results of the investigations, the interviews that have gone on on Fulton County, how would those results have been communicated to the White House, to the President?

Acting Deputy Attorney General DONOGHUE. I don't know how they were initially communicated. I do know that they came up in subsequent conversations with the President, and DAG Rosen and I essentially told him, "We looked into that and it's just not true."

Vice Chair CHENEY. Okay. So, he was—he was informed.

Acting Deputy Attorney General DONOGHUE. I told the President myself that several times, in several conversations that these allegations about ballots being smuggled in in a suitcase and run through the machine several times, it was not true—that we looked at it. We looked at the video; we interviewed the witnesses; it was not true.

Ms. LOFGREN. Mr. Pak, after you left the U.S. attorney's office on January 4, 2021, did the next U.S. attorney there, I think Mr. Trump's personal pick, Bobby Christine, did he investigate any remaining claims of fraud? If so, did he find any evidence that supported the President's claims of voter fraud?

Mr. PAK. It is my understanding that Mr. Christine continued any investigations that were pending at the time of my departure, but he was unable to find any evidence of fraud that affected the outcome of the election.

Ms. LOFGREN. So, after investigating the President's and Mr. Giuliani's claims about voter fraud in Georgia, is it your view today that there was no evidence of wide-spread fraud sufficient to undermine confidence in the outcome of the election in Georgia?

Mr. PAK. That is correct.

Ms. LOFGREN. Thank you, Mr. Pak. I want to thank you also for the service that you have given to our country. We appreciate that.

Next, I would like to turn to President Trump's false allegations about election integrity in Philadelphia. The Attorney General discussed these allegations at some length.

Attorney General BARR. You know, the idea the President has repeatedly suggested that there was some kind of outpouring of unexpected votes in inner city areas like Philadelphia as recently as January 13th when he walked off the NPR set. He was asked by the interviewer, you know, what's—you know, what's your evidence of fraud?

And he said more people voted in Philadelphia than there were voters. And that was absolute rubbish. The turnout in Philadelphia was in line with the State's turnout and in fact it was not as—as impressive as many suburban counties. And there was nothing strange about the Philadelphia turnout. It wasn't like there were all these unexpected votes that came out in Philadelphia.

So, you know, I think once you actually look at the votes and then if there's an obvious explanation, he—you know, for example, in Pennsylvania, Trump ran weaker than the Republican ticket generally. He ran weaker than two of the State candidates. He ran weaker than the Congressional delegate—delegation running for Federal Congress, and he ran weaker than the—the Republican—I think, I haven't looked at this recently, but he generally was a weak element on the Republican ticket. So, that does not suggest that the election was stolen by fraud.

Mr. HEAPHY. How about Pennsylvania and Bill McSwain? You were talking with the U.S. attorney in Philadelphia about an alleged discrepancy between the number of absentee ballots issued and the number of ballots cast.

Attorney General BARR. Right. So, I—I—you know, that was a—a—one of the big ones for a period of time. I think—I think that was raised in Gettysburg by Giuliani or something like that, but it kept on being repeated. And I found it annoying because it didn't seem that it was right. So, I called—I called McSwain, and he got back to me. He said, "No, the problem is that Mastriano, threw out a—threw out this number. And what he did was he mixed apples and oranges. He took the number of applications for the Republican primary, and he compared it to the number of absentee votes cast in the general election. But once you actually go and look and compare apples to apples, there's no discrepancy at all."

And, you know, that's one of the—I—I think at some point I covered that with the President.

Ms. LOFGREN. We have another witness here today who has detailed knowledge about the election process in Philadelphia.

Mr. Schmidt, at the time of the 2020 Presidential election, you were serving as the only Republican member of Philadelphia's three-member city commission which is responsible for overseeing elections throughout the city. Is that correct?

Mr. SCHMIDT. That is correct, Congressperson.

Ms. LOFGREN. So, President Trump made numerous claims regarding fraudulent voting practices in Philadelphia, including the claim that dead people were voting. In fact, Mr. Giuliani told Pennsylvania State legislators that 8,000 dead people voted in Pennsylvania.

You investigated those claims of voter fraud. Can you tell us what you found?

Mr. SCHMIDT. Not only was there not evidence of 8,000 dead voters voting in Pennsylvania, there wasn't evidence of 8.

We took seriously every case that was referred to us, no matter how fantastical, no matter how absurd, and took every one of those seriously, including these.

Ms. LOFGREN. As it turns out, even Mr. Trump's campaign lawyers knew that the dead voter claims weren't valid.

Mr. GIULIANI. I guess the crooks in Philadelphia are disappointed in this. They only submitted 8,021 ballots from dead people—mail-in ballots for dead people. Probably easier for dead people to submit mail-in ballots than it is to vote in person.

Mr. HERSCHMANN. Rudy was at this stage of his life and the same ability to manage things at this level or not. And obviously, I think Bernie Kerik publicly said it. They never proved the allegations that they were making, and they were trying to develop.

Ms. LOFGREN. Mr. Schmidt, on November 11, 2020, President Trump tweeted about you, saying—and here is a quote—"A guy named Al Schmidt, a Philadelphia Commissioner and so-called Republican (RINO), is being used big time by the Fake News Media to explain how honest things were with respect to the Election in

Philadelphia. He refuses to look at a mountain of corruption & dishonesty. We win!"

As a result of that tweet and the CNN interview you gave where you stated the dead voter claims in Pennsylvania were false, you and your staff were subjected to disturbing threats. Can you tell us about that?

Mr. SCHMIDT. The threats prior to that tweet—and, on some level, it feels almost silly to talk about a tweet, but we can really see the impact that they have, because, prior to that, the threats were pretty general in nature: "Corrupt election officials in Philadelphia are gonna get what's coming to them"; "You're what the Second Amendment is for"; "You're walking into the lion's den"—all sorts of things like that.

After the President tweeted at me by name, calling me out the way that he did, the threats became much more specific, much more graphic, and included not just me by name but included members of my family by name, their ages, our address, pictures of our home—just every bit of detail that you could imagine. That was what changed with that tweet.

Ms. LOFGREN. Behind me are redacted threats that you received that you have provided to the Committee. Now, we redacted portions of the text to protect your family.

Mr. Schmidt, I think I speak for all of my colleagues when I say we are deeply sorry for what you and your loved ones have been through. I also want to thank you for your service to your country and for standing up for the rule of law.

I want to thank both Mr. Pak and Mr. Schmidt for their service, their testimony, and for standing up for the rule of law.

Now I would like to turn to another subject.

The courts in our country provide a legitimate venue for campaigns to challenge what they view as irregular election practices. Now, courts have the final say on how the law applies to those challenges.

We have a renowned legal expert here to address the Trump campaign's activities in court.

Mr. Ginsberg, you have spent your entire career representing Republicans in election-related litigation. You served as the national counsel on Republican Presidential campaigns in 2000, in 2004, and in 2012. You played a key role in the 2000 Florida recount that led to the Supreme Court's decision in *Bush v. Gore*. You served as the co-chair of the Presidential Commission on Election Administration. I think it is fair to say you are the most prominent Republican lawyer who has litigated in the election field.

Now, you have analyzed the Trump campaign's litigation pretty carefully. What is the, like, normal process for post-election litigation? How was the Trump campaign's different from the kinds of post-election litigation you have been involved in and know about?

Mr. GINSBERG. In the normal course of things, any campaign, on the night of the election and in the days after, will do a couple of different things.

One is that they will analyze precinct results to look for abnormalities in the results, and they will send people to those precincts to ask more questions.

Second, all campaigns will have poll watchers and poll workers and observers in the polling place. So, campaigns will talk to those people if they saw any irregularities that could cause problems in the election.

Now, the Trump campaign talked pre-election about having 50,000 poll workers, so presumably they did have eyes on the ground in all of these places.

So, in the normal course of things, a campaign will analyze the reports that come in. The Trump campaign had a couple of basic problems, however. No. 1, the 2020 election was not close. In 2000, that was 537 and close. In this election, the most narrow margin was 10,000-and-something in Arizona, and you just don't make up those sorts of numbers in recounts.

When the claims of fraud and irregularities were made, you have heard very compelling testimony from Mr. Stepien, from Matt Morgan, from Alex Cannon about those claims and how they didn't believe them. So, that put the Trump campaign on sort-of a process of bringing cases without the actual evidence that you have to have and which the process is designed to bring out.

Ms. LOFGREN. So, are you aware of any instance in which a court found the Trump campaign's fraud claims to be credible?

Mr. GINSBERG. No. There was never that instance in all the cases that were brought. I have looked at the more than 60 that include more than 180 counts. No, the simple fact is that the Trump campaign did not make its case.

Ms. LOFGREN. The Select Committee has identified 62 post-election lawsuits filed by the Trump campaign and his allies between November 4, 2020, and January 6, 2021. Those cases resulted in 61 losses and only a single victory, which actually didn't affect the outcome for either candidate.

Despite those 61 losses, President Trump and his allies claim that the courts refused to hear them out and, as a result, they never had their day in court.

Mr. Ginsberg, what do you say about the claims that Mr. Trump wasn't given an opportunity to provide the evidence they had of voter fraud? In fact, did they have their day in court?

Mr. GINSBERG. They did have their day in court.

About half of those cases that you mentioned were dismissed at the procedural stage for a lack of standing—the proper people didn't bring the case—or there wasn't sufficient evidence and it got dismissed on a motion to dismiss.

But, in the others, there was discussion of the merits that were contained in the complaints, and in no instance did a court find that the charges of fraud were real.

It is also worth noting that, even if the Trump campaign complained that it did not have its day in court, there have been post-election reviews in each of the 6 battleground States that could have made a difference, and those ranged from the somewhat-far-cical Cyber Ninjas case in Arizona to the Michigan senate report that was mentioned earlier, the hand recount in Georgia that Mr. Pak addressed, and in each one of those instances there was no credible evidence of fraud produced by the Trump campaign or his supporters.

Ms. LOFGREN. Thank you.

You know, as Mr. Ginsberg has explained, there are no cases where the Trump campaign was able to convince a court that there was wide-spread fraud or irregularities in the 2020 election.

Over and over, judges, appointed by Democrats and Republicans alike, directly rebutted this false narrative. They called out the Trump campaign's lack of evidence for its claims. The judges did that even in cases where they could have simply thrown out the lawsuit without writing a word.

You can see behind me a few excerpts from the decisions in these 62 cases.

The Trump campaign's lack of evidence was criticized by judges across the political spectrum.

In Pennsylvania, a Trump-appointed judge concluded, "Charges require specific allegations and proof. We have neither here."

Another Trump-appointed judge warned that, if cases like these succeeded, "Any disappointed loser in a Presidential election able to hire a team of clever lawyers could flag claimed deviations from election results and cast doubt on election results."

The list goes on and on.

Allegations are called, "an amalgamation of theories, conjecture, and speculation." In another, "strained legal arguments without merit"; "unsupported by evidence"; "derived from wholly unreliable sources"; "a fundamental and obvious misreading of the Constitution."

The rejection of President Trump's litigation efforts was overwhelming. Twenty-two Federal judges appointed by Republican Presidents, including 10 appointed by President Trump himself, and at least 24 elected or appointed Republican State judges dismissed the President's claims.

At least 11 lawyers have been referred for disciplinary proceedings due to bad faith and baseless efforts to undermine the outcome of the 2020 Presidential election. Rudy Giuliani had his license to practice law suspended in New York, and, just this week, a newly-filed complaint will potentially make his suspension from practicing law in D.C. permanent.

As we have just heard from perhaps the most preeminent Republican election lawyer in recent history, the Trump campaign's unprecedented effort to overturn its election loss in court was a deeply damaging abuse of the judicial process.

As stated by U.S. District Court Judge David Carter, this was "a coup in search of a legal theory."

Thank you, Mr. Chairman, and I yield back.

Chairman THOMPSON. I want to thank our witnesses for joining us today.

The Members of the Select Committee may have additional questions for today's witnesses, and we ask that you respond expeditiously in writing to those questions.

Without objection, Members will be permitted 10 business days to submit statements for the record, including opening remarks and additional questions for the witnesses.

The second panel of witnesses is now dismissed.

Without objection, the Chair recognizes the gentlewoman from California, Ms. Lofgren, for a closing statement.

Ms. LOFGREN. Thank you, Mr. Chairman.

Now that we understand the litigation efforts by President Trump and his allies, I would like to present additional actions taken by the Trump campaign during this time.

President Trump continued to push the “stolen election” narrative even though he and his allies knew that their litigation efforts making the same claim had failed.

Now, it is worth pointing out that litigation generally does not continue past the safe harbor date of December 14th. But the fact that this litigation went on—well, that decision makes more sense when you consider the Trump campaign’s fundraising tactics. Because if the litigation had stopped on December 14th, there would have been no fight to defend the election and no clear path to continue to raise millions of dollars.

Mr. Chairman, at this time, I would ask for unanimous consent to include in the record a video presentation describing how President Trump used the lies he told to raise millions of dollars from the American people. These fundraising schemes were also part of the effort to disseminate the false claims of election fraud.

Chairman THOMPSON. Without objection, so ordered.

Ms. WICK. My name is Amanda Wick, and I’m senior investigative counsel at the House Select Committee to Investigate the January 6th Attack on the United States Capitol.

Between election day and January 6th, the Trump campaign sent millions of fundraising emails to Trump supporters, sometimes as many as 25 a day. The emails claimed the, “. . . Left-wing MOB” was undermining the election; implored supporters to, “step up . . . to protect the integrity” of the election; and encourage them to, “fight back.”

But as the Select Committee has demonstrated, the Trump campaign knew these claims of voter fraud were false. Yet they continued to barrage small-dollar donors with e-mails encouraging them to donate to something called the Official Election Defense Fund. The Select Committee discovered no such fund existed.

Ms. ALLRED. I don’t believe there was actually a fund called the Election Defense Fund.

Mr. AGANGA-WILLIAMS. Is it fair to say that the Election Defense Fund was another—I think we can call that a marketing tactic?

Mr. COBY. Yes.

Mr. AGANGA-WILLIAMS. And tell us about these funds as marketing tactics.

Mr. COBY. Just the topic matter where money could potentially go to be—how money could potentially be used.

Ms. WICK. The claims that the election was stolen were so successful President Trump and his allies raised \$250 million, nearly \$100 million in the first week after the election.

On November 9, 2020, President Trump created a separate entity called the Save America PAC. Most of the money raised went to this newly-created PAC, not to election-related litigation.

The Select Committee discovered that the Save America PAC made millions of dollars of contributions to pro-Trump organizations, including \$1 million to Trump Chief of Staff Mark Meadows’s charitable foundation; \$1 million to the America First Policy Institute, a conservative organization which employs several former Trump administration officials; \$204,857 to the Trump Hotel Collection; and over \$5 million to Event Strategies Inc., the company that ran President Trump’s January 6th rally on the Ellipse.

President TRUMP. All of us here today do not want to see our election victory stolen by emboldened radical left Democrats, which is what they’re doing.

Ms. WICK. The evidence developed by the Select Committee highlights how the Trump campaign aggressively pushed false election claims to fundraise, telling supporters it would be used to fight voter fraud that did not exist. The emails continued through January 6th, even as President Trump spoke on the Ellipse.

CROWD. [unintelligible]

Ms. WICK. Thirty minutes after the last fundraising email was sent, the Capitol was breached.

CROWD. U-S-A! U-S-A! U-S-A! [unintelligible] U-S-A! U-S-A!

Ms. LOFGREN. Every American is entitled and encouraged to participate in our electoral process. Political fundraising is part of that. Small-dollar donors use scarce disposable income to support candidates and causes of their choosing, to make their voices heard, and those donors deserve the truth about what those funds will be used for.

Throughout the Committee's investigation, we found evidence that the Trump campaign and its surrogates misled donors as to where their funds would go and what they would be used for. So, not only was there the Big Lie, there was the Big Rip-Off.

Donors deserve to know where their funds are really going. They deserve better than what President Trump and his team did.

Mr. Chairman, I yield back.

Chairman THOMPSON. Without objection, the Chair recognizes the gentlewoman from Wyoming, Ms. Cheney, for a closing statement.

Vice Chair CHENEY. Thank you very much, Mr. Chairman.

Mr. Chairman, I would like to thank all of our witnesses today.

I would also like to, in particular, wish Mr. Stepien and his family all the best on the arrival of a new baby.

Today's hearing, Mr. Chairman, was very narrowly focused, and in the coming days you will see the Committee move on to President Trump's broader planning for January 6th, including his plan to corrupt the Department of Justice and his detailed planning with lawyer John Eastman to pressure the Vice President, State legislatures, State officials, and others to overturn the election.

Let me leave you today with one clip to preview what you will see in one of our hearings to come. This is the testimony of White House lawyer Eric Herschmann. John Eastman called Mr. Herschmann the day after January 6th, and here is how that conversation went.

Mr. HERSCHMANN. I said to him, "Are you out of your f-ing mind?" I said I could—I only want to hear two words coming out of your mouth from now on, "Orderly transition."

Vice Chair CHENEY. Thank you, Mr. Chairman. I yield back.

Chairman THOMPSON. At the conclusion of last week's hearing, we showed you a video of rioters explaining why they had come to Washington on January 6th. It was because Donald Trump told them to be here.

Today, we heard about some of the lies Donald Trump embraced and amplified when it became clear he didn't have the numbers of votes to win the election.

We heard about how officials at different levels of government explored claims of fraud and found no evidence, yet the former President continued to repeat those false claims over and over again.

Today, we will end things where we did on Thursday, back on January 6th, hearing words of individuals who wanted to stop the transfer of power. We know they were there because of Donald Trump. Now we will hear some of the things they believed.

Without objection, I enter into the record a video presentation.

VOICE. I know exactly what's going on right now: fake election. They think they're going to fucking cheat us out of our vote and put Communist fucking Biden in office. It ain't fucking happening today, buddy.

VOICE. You voted?

VOICE. Yes, sir.

VOICE. How'd it go?

VOICE. Voted early, it went well except for the can't—can't really trust software—Dominion software all over it.

VOICE. We voted, and right in the top, right-hand corner of the Dominion voting machine that we used, there was a wi-fi symbol with five bars, so that most definitely connected to the internet, without a doubt. So, they stole that from us twice. We're not doing it anymore. We're not taking it anymore. So, we're standing up. We're here. Whatever happens, we're not laying down again.

VOICE. I'm from Pennsylvania.

VOICE. It worked.

VOICE. It didn't work. It absolutely——

VOICE. It worked——

VOICE. It didn't work——

VOICE. You voted.

VOICE. No!

VOICE. Trust the system.

VOICE. Two hundred thousand people that weren't even registered voted. Four hundred and thirty thousand votes disappeared from President Trump's tally, and you can't stand there and tell me it worked.

VOICE. I don't want to tell you that what we're doing is right, but if the election's being stolen what is it going to take?

Chairman THOMPSON. The Chair requests those in the hearing room remain seated until the Capitol Police have escorted Members from the room.

Without objection, the Committee stands adjourned.

[Whereupon, at 12:50 p.m., the Committee was adjourned.]

APPENDIX

PREPARED STATEMENT OF BYUNG JIN “BJAY” PAK

JUNE 13, 2022

Chairman Thompson, Vice Chair Cheney, and Members of the Committee, good morning, and thank you for the opportunity to speak with you today. My name is BJay Pak, and I had the great honor to serve as the Senate-confirmed U.S. Attorney for the Northern District of Georgia from October 10, 2017, to January 4, 2021. My resignation early last year capped off nearly a decade of service in the U.S. Department of Justice, as I had previously served as an Assistant U.S. Attorney in the Criminal Division of my former office, from 2002 to 2008. I have also had the honor to serve in the judicial branch of the Federal Government as a law clerk for Judge Richard Mills of the United States District Court for the Central District of Illinois. Moreover, I served as a State Representative in the Georgia General Assembly from 2011 to 2017. Because I am a believer in term limits, I decided not to stand for reelection after three terms. Since 2021, I have been in private practice in Atlanta, Georgia.

As a 10-year-old immigrant boy from South Korea, I never could have imagined that I would one day serve the United States as the chief Federal law enforcement officer for one of the largest Federal districts in the Nation. Unlike the Americans who were granted citizenship through birthright, I, along with millions of immigrants to this Nation, had the privilege to take an oath to become a citizen of this great country. The oath of citizenship is very similar to the oath I took to become a U.S. Attorney for the Northern District of Georgia. Each oath makes clear, in no uncertain terms, that one’s allegiance is to the Constitution, and not to any President, or political party. The oath has served as my guiding principle throughout my public service career.

Like many Americans, I was called to public service after the terrorist attacks on September 11, 2001. Prior to the attacks, I thought our country was invincible. But those attacks showed that we were vulnerable, and our country needed its citizens to help protect it, and to serve within its ranks. I was fortunate to be able to serve nearly a decade in the Department of Justice—the only Department in the country that has a moral virtue in its name.

My testimony today relates to my time as U.S. attorney, and particularly, the last month of my tenure. The events which unfolded on January 6th at the U.S. Capitol brought extreme shock and disappointment to Americans and to the world. I certainly felt those same emotions as I saw images of that event on television. But I hope that what occurred that day and the days leading up to January 6th will never overshadow all the great work done by the career public servants who faithfully serve the Northern District of Georgia and the Department of Justice every single day.

During my tenure as U.S. attorney, from fiscal year 2017 to fiscal year 2020, our prosecutors and law enforcement partners:

- increased overall prosecutions by 30 percent;
- increased drug enforcement by 85 percent to fight the opioid epidemic;
- increased white-collar crime prosecutions by 112 percent;
- help recover hundreds of millions of dollars in restitutions and fines; and,
- instituted an innovative and successful recidivism reduction program for violent offenders who were returning to society after serving their sentences.

Of course, 2020 was a particularly difficult year for our country generally, and for the Northern District of Georgia in particular. We started the year working through the longest Government shutdown in recent history and faced challenges related to the COVID-19 pandemic, demonstrations and unrest following the murders of George Floyd and Ahmaud Arbery, including challenges from those who sought to use the cover of legitimate protest as an opportunity to wreak havoc and mayhem.

At the end of the year, the 2020 Presidential election became one of the most intense in our Nation's recent history. As this Committee is well aware, Georgia was a hotly contested swing State, and our office and our law enforcement partners in the Northern District of Georgia went above and beyond the call of duty to fulfill their mission to enforce the law, despite the many challenges that they faced.

STATE FARM ARENA VIDEO CLIP

Among those challenges were individuals who continuously made false allegations that the elections in Georgia had serious irregularities, or that the result of those elections was fraudulent. One such example was the alleged "suitcase full of fake ballots" incident. On December 3, 2020, Rudy Giuliani appeared before a subcommittee of the Georgia State senate that was looking into election integrity issues. During the hearing, Mr. Giuliani played a video clip purportedly showing the tallying of ballots from Fulton County at the State Farm Arena on election night—November 3, 2020. I learned of his appearance at the committee hearing and the existence of the video clip through media reports. According to the media reports, Mr. Giuliani claimed that the video showed the Fulton County election workers at State Farm Arena taking a black "suitcase" out from under a table, removing purportedly fake ballots from the suitcase, and running the purportedly fake ballots through the tabulating machine after the observers from the respective political parties had been sent home. Mr. Giuliani claimed that this video was a "smoking gun" of evidence of election fraud in Fulton County.

Mr. Giuliani's claims were simply untrue and making such a claim was reckless. At the request of Attorney General William Barr, our office and the FBI conducted a preliminary inquiry to evaluate whether any of the allegations made by Mr. Giuliani with respect to the State Farm Arena video could be substantiated. After reviewing the evidence and interviewing witnesses, my office and the FBI concluded that there was nothing to substantiate Mr. Giuliani's claims, let alone any potential violations of Federal law. The "suitcase" was a legitimate lockbox used to store official ballots, and all lockboxes and ballots were accounted for. I reported our conclusions from the preliminary inquiry to Attorney General Barr, and to Rich Donoghue, who was then the principal associate deputy attorney general to Deputy Attorney General Jeff Rosen.

One unfortunate consequence of Mr. Giuliani making such unsubstantiated claims of election fraud was that the Fulton County Election workers depicted in the State Farm Arena video clips were "doxed"—in other words, their names, addresses, and other information were publicized. I received reports that they were being harassed, and that some had received death threats. As a result, law enforcement resources had to be diverted from other areas and deployed to protect the workers.

JEFFREY CLARK

A few days before January 1, 2021, I spoke again with Mr. Donoghue, who was by this time, the acting deputy attorney general. Mr. Donoghue indicated that he had just left a long meeting at the White House with President Trump. He told me that the President was singularly focused on Georgia, and that he was unable to dissuade the President from the notion that that he won Georgia, and that the election was stolen. I reiterated to Mr. Donoghue that, although every election has some irregularities, I had received no substantial reports of election fraud supported by evidence, enough to even initiate a formal investigation. Mr. Donoghue agreed and expressed frustration that some individuals were feeding the President various unsubstantiated theories of election fraud, and that he and others had to spend a significant amount of time to dispel the theories.

Mr. Donoghue then asked if I knew Jeff Clark. I have never met nor spoken with Mr. Clark. Mr. Donoghue told me that Mr. Clark was the Assistant Attorney General for the Environment & Natural Resources Division, and at the time, was also the Acting Assistant Attorney General of the Civil Division. Mr. Donoghue stated that Mr. Clark had "the President's ear", and that Mr. Clark was suggesting that the DOJ, in an extremely unorthodox fashion, both intervene in support of the Trump campaign in a civil lawsuit filed in Fulton County, Georgia alleging election fraud, and sign a letter urging the Georgia legislature to call a special session to investigate alleged election irregularities. Mr. Donoghue and I both felt strongly that this was highly unusual and not appropriate. Mr. Donoghue also told me that Mr. Clark would call me about election irregularities. I told Mr. Donoghue that I would be happy to tell Mr. Clark that there was no evidence of wide-spread election fraud, and that I would reject any request for the U.S. attorney's office to either intervene in a lawsuit or ask any State authority to pause the certification process. Mr. Donoghue stated that he would not be surprised if the President himself called

me. I told Mr. Donoghue that even if the President called me himself, my answer would not change. Neither Mr. Clark nor President Trump ever contacted me, however.

RESIGNATION

After President Biden's victory in the 2020 election, I had always planned to submit my resignation in January 2021, as is customary for many DOJ political appointees. My plan was to make my resignation effective on Inauguration Day—January 20, 2021, so that my first assistant U.S. attorney would be promoted as acting U.S. attorney, pursuant to the Federal Vacancies Reform Act. I did not announce my intentions to the public at that time. However, during the latter part of December, I notified members of the U.S. attorney's office, the District Court, and some of our law enforcement partners of my plans. I also told Mr. Donoghue.

On January 3, 2021, I learned for the first time, through media reports, of the call between President Trump and Georgia Secretary of State Brad Raffensperger, in which President Trump reportedly attempted to persuade Secretary Raffensperger to "find votes," and continued to claim that the Georgia election was "rigged." On learning about this call, I was deeply concerned and disturbed about what was being asked of the Office of the Secretary of State and considered resigning immediately. I eventually decided against an immediate resignation, given the upcoming run-off election in Georgia where the control of the U.S. Senate hung in the balance; I did not want my sudden resignation to be used or interpreted in any way to influence that run-off election.

Around 10 o'clock pm that evening, I noticed that I had several missed calls from Mr. Donoghue, and a text from him asking me to return his calls. When I called him back, Mr. Donoghue told me that he and Acting Attorney General Rosen had returned from a 3-hour meeting at the White House during which the President had expressed extreme displeasure toward the DOJ for "not doing enough" about the purported fraud that he believed cost him the election. Mr. Donoghue indicated that the President had read a 2016 *New York Times* article—in which I was quoted regarding how then-candidate Trump's campaign rhetoric created difficulties in recruiting minorities to the Republican party—and became convinced that I was a "never-Trumper," which in the President's mind, was the reason there was no election fraud investigations in Atlanta. The President wanted the DOJ leadership to fire me. Mr. Rosen and Mr. Donoghue were opposed to my removal and told the President that, as I am a Senate-confirmed U.S. attorney, they did not have the power to fire me. At that point, someone at the meeting noted that I was already going to submit my resignation in the upcoming week, so the President could simply accept my resignation early, rather than fire me. The President indicated that he wanted the resignation letter as soon as possible.

Mr. Donoghue offered to place me in a Senior Executive Service position within DOJ until Inauguration. I declined because, after the revelations of that day, I no longer wished to serve in that administration. Concerned about the disruption that would be caused by a sudden transition of leadership in the office, I asked Mr. Donoghue if my first assistant U.S. attorney, Kurt Erskine, could serve as acting U.S. attorney after my resignation. Mr. Donoghue said that he and Mr. Rosen had suggested Mr. Erskine to the President, but the President recommended that Bobby Christine, then the U.S. Attorney for the Southern District of Georgia, serve as the acting U.S. Attorney for Northern District, because the President had heard "good things" about Mr. Christine. Mr. Donoghue indicated that the President called Mr. Christine from the White House to offer him the position. Mr. Donoghue stated that Mr. Christine was caught off-guard by the offer and was confused as to whether he could even serve in both roles simultaneously. Mr. Donoghue indicated that I could choose how to announce my resignation, either in a press conference to "blow the whistle" or by issuing a statement. He suggested that a low-key resignation would be best for all involved, especially when he and a few others were "trying to hold the ship together" until Inauguration. I told him I would think about it and let him know.

The next morning on Monday, January 4, 2021, I called Mr. Donoghue on my way to the office to let him know that I had decided to make a quiet exit, as I did not want my resignation to become a distraction to those who still had a job to do at DOJ. I told Mr. Donoghue to "hang in there," because we needed him, and that it was an honor to serve the Nation with him. I then called Mr. Christine to arrange a conference call between our leadership teams to facilitate a smooth transition and offered to set up a briefing on all election-related investigations that were pending.

Once at the office, I spoke to my first assistant U.S. attorney, Mr. Erskine, and the remaining members of my leadership team to inform them that I would be re-

signing, effective immediately. I then sent my resignation to the Acting Attorney General and to the President.

Despite the abrupt end to my tenure as U.S. attorney, I am proud of the great work done by our everyday heroes in the law enforcement community, and by the U.S. attorney's office for the Northern District of Georgia. Serving as U.S. attorney and working with the dedicated public servants has been the greatest honor of my professional life. But the best part of working in the U.S. Department of Justice, and in particular the U.S. attorney's office, is that it is where you do the right thing, the right way, for the right reasons. I have strived to conduct myself in a way that serves and honors those ideals.

Thank you for your time. God bless you, and may God bless these United States.

JOINT STATEMENT OF ELECTIONS INFRASTRUCTURE GOVERNMENT COORDINATING COUNCIL & THE ELECTION INFRASTRUCTURE SECTOR COORDINATING EXECUTIVE COMMITTEES

ORIGINAL RELEASE DATE: NOVEMBER 12, 2020

WASHINGTON.—The members of Election Infrastructure Government Coordinating Council (GCC) Executive Committee—Cybersecurity and Infrastructure Security Agency (CISA) Assistant Director Bob Kolasky, U.S. Election Assistance Commission Chair Benjamin Hovland, National Association of Secretaries of State (NASS) President Maggie Toulouse Oliver, National Association of State Election Directors (NASED) President Lori Augino, and Escambia County (Florida) Supervisor of Elections David Stafford—and the members of the Election Infrastructure Sector Coordinating Council (SCC)—Chair Brian Hancock (Unisyn Voting Solutions), Vice Chair Sam Derheimer (Hart InterCivic), Chris Wlaschin (Election Systems & Software), Ericka Haas (Electronic Registration Information Center), and Maria Bianchi (Democracy Works)—released the following statement:

“The November 3d election was the most secure in American history. Right now, across the country, election officials are reviewing and double checking the entire election process prior to finalizing the result.

“When States have close elections, many will recount ballots. All of the States with close results in the 2020 Presidential race have paper records of each vote, allowing the ability to go back and count each ballot if necessary. This is an added benefit for security and resilience. This process allows for the identification and correction of any mistakes or errors. There is no evidence that any voting system deleted or lost votes, changed votes, or was in any way compromised.

“Other security measures like pre-election testing, State certification of voting equipment, and the U.S. Election Assistance Commission's (EAC) certification of voting equipment help to build additional confidence in the voting systems used in 2020.

“While we know there are many unfounded claims and opportunities for misinformation about the process of our elections, we can assure you we have the utmost confidence in the security and integrity of our elections, and you should too. When you have questions, turn to elections officials as trusted voices as they administer elections.”

Last Published Date: November 12, 2020



REPORT ON
**THE NOVEMBER 2020 ELECTION
IN MICHIGAN**

COMMITTEE MEMBERS

Senator Edward McBroom – Chair
Senator Lana Theis – Majority Vice Chair
Senator Jeff Irwin – Minority Vice Chair
Senator John Bizon

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EXECUTIVE SUMMARY ON THE NOVEMBER 2020 ELECTION IN MICHIGAN

Without question, the increased political polarization of our nation has resulted in increasing public discontentment with the administration, and therefore results, of our elections. This discontent, which has been demonstrated on both sides of the aisle (see: Bush v. Gore 2000 and allegations of Russian interference in the 2016 election) culminated in public outcry of widespread fraud in 2020.

Indeed, a recent Gallup Survey found as much as 59% of voters no longer trust our elections. Voting and the right to vote is absolutely foundational to our democracy. Without faith in our elections process, fewer members of the public will likely choose to exercise that right. Lowered confidence in our election system, and thereby lower turnout, is a threat to our democracy we should not take lightly.

Many election administrators and officials have pointed to the fact that unprecedented turnout in 2020 stress-tested our elections system. Still, around 40% of the eligible population did not cast a vote. For a robust democracy, we must invest in and build a system that can withstand ever greater turnout in future elections.

In order to do this, this Committee undertook the foundational work of investigating the 2020 election — from both the perspective of election administrators, officials and workers and the perspective of the observing public. The Committee embarked upon hours of public testimony, the review of countless documents and presentations on the 2020 election, and careful review of the elections process itself.

This Committee found no evidence of widespread or systematic fraud in Michigan's prosecution of the 2020 election. However, we cannot and should not overlook severe weaknesses in our elections system. Whether it is lack of clarity in the tabulation of ballots, unnecessary barriers to ensuring that every lawfully cast ballot is counted, inconsistent poll worker or challenger training, or simply a system not primarily designed to handle ballots cast absentee or otherwise prior to Election Day, it is the opinion of this Committee that the Legislature has a duty to make statutory improvements to our elections system.

This Committee exhausted every resource available to it to thoroughly and faithfully examine our elections process in Michigan and drill down on claims and testimony specific to the 2020 election. However, this investigation should not be considered exhaustive. Remaining conscientious of the limitations of this Committee, every possible investigative avenue was not undertaken. Nevertheless, this Committee stands steadfastly behind the recommendation that our current elections system requires change in order to meet the future challenges presented by modern voting preferences, behaviors, and threats. There are clear weaknesses in our elections system that require legislative remedy.



REPORT ON **THE NOVEMBER 2020 ELECTION IN MICHIGAN**

LETTER FROM THE CHAIR

SENATOR EDWARD McBROOM

When I agreed to begin investigating the election, rumors and uncertainty were rampant. Allegations of markers bleeding through ballots, voter intimidation, dead voters, mystery ballot dumps, foreign interference, and ballot harvesting were just a few of the issues during the first days following the November 2020 election. Emotions and confusion were running wild across the country. Fears and hopes were had by every person, including myself.

On one hand was the hope some had to overturn the election. That hope was necessarily coupled with a dreadful reality that our elections were unsound. On the other hand was hope the election was accurate, coupled necessarily with those who feared the direction the victor would take the country.

I made it clear at the start that the investigation effort would be taken with a firm commitment to truth and a goal to reassure the citizens of this state that their votes counted. Within a few weeks, the State Board of Canvassers also unanimously requested the Legislature conduct a serious investigation into the election.

I believe the people deserve to know all the truth and to see their representatives seeking answers. People were understandably confused by new laws, practices, orders and determinations from the governor and secretary of state and it is right and proper for them to demand answers. This right and obligation was unfairly and unfortunately discounted by many on my own side of the aisle after the 2016 election when the other party lost and felt sure some illicit or improper actions must have taken place. When they did regain power, they were quick to utilize all of it to spend two years chasing every conspiracy and specious allegation. I pray my own party will not repeat this mistake for the next four years.

Digging into the mechanics of the election was labor intensive, but very revealing. We found both real vulnerabilities and resiliency to the systems. We also discovered the extent to which our elections officials go to facilitate our elections. The report goes into considerable detail on many of these issues and I hope readers will be reassured by the security and protections in place, motivated to support reforms that are needed, and grateful to our fellow citizens that do the hard work.

The greater challenge to this effort has been seeking the truth amid so much distrust and deception. Our present times are full of reasons for citizens to distrust their government, politicians, and leaders. The last year has seen so much amplification of this distrust. Perhaps it has never been more rampant and, certainly, modern communication helps to fan the flames of lies and distrust into an unquenchable conflagration.

"All politicians lie" is the popular axiom. Unfortunately, lies and deceit are not exclusive to politicians. Throughout our investigation, members have been actively following and engaged with various persons and reports. We have collectively spent innumerable hours watching and listening and reading. Some of these people and reports are true. Unfortunately, many of them are not, either because of a misunderstanding or an outright deception. As is often the case, the truth is not as attractive or as immediately desirable as the lies and the lies contain elements of truth.

Regardless of my status as a chairman, senator, politician, Christian, or human, I do not expect or desire my words in this report to be simply accepted. Instead, I ask all to simply put into

(Continued)

REPORT ON **THE NOVEMBER 2020 ELECTION IN MICHIGAN**

LETTER FROM THE CHAIR

SENATOR EDWARD MCBROOM

their determinations the same particular guidance all persons ought to consider when weighing evidence. We must all remember: "extraordinary claims require extraordinary proof" and "claiming to find something extraordinary requires first eliminating the ordinary." Also, sources must lose credibility when it is shown they promote falsehoods, even more when they never take accountability for those falsehoods.

At this point, I feel confident to assert the results of the Michigan election are accurately represented by the certified and audited results. While the Committee was unable to exhaust every possibility, we were able to delve thoroughly into enough to reasonably reach this conclusion. The strongest conclusion comes in regard to Antrim County. All compelling theories that sprang forth from the rumors surrounding Antrim County are diminished so significantly as for it to be a complete waste of time to consider them further.

Most of the rigorous debate over additional audits comes from fears surrounding the technology used and its vulnerabilities as allegedly demonstrated in Antrim County. Without any evidence to validate those fears, another audit, a so-called forensic audit, is not justifiable. Michigan's already completed post-election audit and risk-limiting audit are also far more substantive than Arizona's standard audit. However, I am keeping a close eye on the legislatively-initiated forensic audit in Arizona and will continue to ask questions regarding other election issues I feel are not settled. If genuine issues are shown in Arizona's audit or from continued investigation here, I will not hesitate to ask the Committee to consider recommending an audit or amending this report.

I must acknowledge and thank my staff including Jeff Wiggins and Paul Burns that spent so much of their work and personal time on this report. I also want to thank my current Committee members, along with all of those that participated and served during these hearings last term, including Sens. Lucido, MacDonald, and Santana, as well as Representative Hall and the members of the House Oversight Committee. Staff from those offices, the Senate, and the Committee's clerk all went above and beyond to facilitate these hearings in very difficult situations and deserve sincere thanks. Finally, as the report says in its conclusion, I want to thank the citizens of this state. Whether or not one agrees with the report or even the conducting of the investigation, those opinions were shared with myself and the Committee. An active and passionate public is critical to maintaining our republic and your participation is reassuring that attribute is alive and well.

Sincerely,



Sen. Ed McBroom, Chair

REPORT ON THE NOVEMBER 2020 ELECTION IN MICHIGAN

I. INTRODUCTION

Beginning on Nov. 7, 2020, the Senate Oversight Committee (the “Committee”) commenced an inquiry into claims of election fraud and impropriety. Chair McBroom made clear that the purpose of this inquiry was not to change the outcome of the election for President of the United States. Rather, the goal of the Committee was to provide elected officials and Michigan residents a better understanding of where the administration of elections can be reformed and strengthened, ensuring that Michigan citizens can have confidence in our election processes. This report contains findings and suggestions developed from 28 hours of testimony from almost 90 individuals spanning nine committee hearings, the review of thousands of pages of subpoenaed documents from multiple government entities, hundreds of hours of Senate staff investigation, and countless reviews of claims and concerns from Michigan residents. A detailed examination of all evidence presented to the Committee established an undeniable conclusion; while there are glaring issues that must be addressed in current Michigan election law, election security, and certain procedures, there is no evidence presented at this time to prove either significant acts of fraud or that an organized, wide-scale effort to commit fraudulent activity was perpetrated in order to subvert the will of Michigan voters.

II. ACTIONS AND OBJECTIVES

The Committee’s primary objective was to produce an informative and actionable report by undertaking the following actions: 1) Investigate claims of impropriety, fraud, error, and mismanagement of certain election processes; 2) Determine whether any of the claims brought forward were substantiated by evidence; and 3) Identify areas of Michigan election law where reform or an updating of the statute may be required in order to ensure transparency and confidence in the election process. The Committee made it clear that first-person accounts reporting alleged improprieties were given higher value as evidence to address these claims, in addition to professional and expert testimony regarding the technical operation of state and local election procedures and vote tabulation.

III. ISSUES AND ALLEGATIONS

1. Deceased and Non-Residents Voting
2. Unsolicited Absentee Voter Ballot and Application Mass Mailings
3. 3rd Party/Private Funds Used for Public Election Activities and Equipment
4. Rights and Duties of Poll Challengers/Watchers Improperly and Unlawfully Restricted
5. Antrim County Results
6. Operating Issues with Tabulators and Precinct Computers
7. Signature Verification Process
8. Jurisdictions Reporting More Than 100% Voter Turnout
9. Absentee Ballots Tabulated Multiple Times
10. Thousands of Ballots “Dumped” at the TCF Center on Election Night/The Next Morning
11. Vote Totals Abnormal Compared to Past Presidential Election and Other Vote Count Irregularities
12. Additional Issues
13. Audits

REPORT ON THE NOVEMBER 2020 ELECTION IN MICHIGAN

IV. INVESTIGATION AND FINDINGS

OVERVIEW OF INVESTIGATION

The Committee received many complaints of election fraud throughout the state in the days following the 2020 election. The Committee reviewed these claims through several avenues, including but not limited to the manners outlined below:

- Engaged with local and county election officials to discuss the procedures utilized to administer the election, in addition to confirming certain vote totals where alleged misreporting occurred.
- Researched the claims of deceased individuals having a vote cast in their name by reviewing obituaries, various online databases, social media posts, as well as speaking with individuals who made the claims or were the subject of those claims.
- Called individuals who were said to have received unsolicited absentee ballots through the mail.
- Subpoenaed and reviewed documentation of communications from the secretary of state's office regarding pre-election mailings.
- Subpoenaed and reviewed documents and communications from the Livonia and Detroit city clerks related to election activities and vote tabulation.
- Received testimony from Kent County Clerk Lisa Lyons, Ingham County Clerk Barb Byrum, Lansing City Clerk Chris Swope, and Grand Rapids City Clerk Joel Hondorp, regarding the election processes in their respective municipalities and any reforms they would recommend.
- Received testimony from Antrim County Clerk Sheryl Guy, detailing the events that led to the reporting of incorrect, unofficial vote tallies which cascaded into accusations of vote switching and machine tampering in Antrim County.
- Received many hours of first-hand testimony regarding the events that transpired at the TCF Center on and around Election Day. This testimony was in addition to the more than 200 sworn affidavits submitted by first-hand and second-hand witnesses that were reviewed by the Committee.
- Received testimony from Chris Thomas, the Senior Elections Advisor for the city of Detroit at the time of the November 2020 election and former Michigan state director of elections, who was stationed at the TCF Center.
- Received testimony from Dominion Voting Systems CEO, John Poulos, on the company's role in providing voting equipment to several Michigan municipalities and whether they played a role in the reporting of incorrect results in Antrim County. Testimony was also received from officials representing Dominion competitors, Election Systems & Software (ES&S) and Hart InterCivic regarding those same issues.
- The chair and individual committee members researched additional claims of election fraud or impropriety made by individuals in Michigan and from across the country.

REPORT ON THE NOVEMBER 2020 ELECTION IN MICHIGAN

- Received testimony from Republican and Democratic party officials regarding election training for volunteers and workers, and how that training, or lack of, impacted the events at the TCF Center and other polling places.
- Received testimony from Monica Palmer, Chair of the Wayne County Board of Canvassers, on what she experienced during the canvassing process in the 2020 election and how it could be improved.
- Met with other canvassers from around the state to understand their process and receive their observations.
- The chair and individual committee members met with various clerks around the state to discuss problems, allegations, and solutions.
- The chair and committee members spent countless hours watching and reading documentaries, news stories, and presentations regarding election issues.
- The chair and committee members examined the testimony provided by witnesses in front of the House Oversight Committee.
- The chair followed many allegations to specific sources and involved parties to ascertain the veracity or feasibility of such allegations.

REPORT ON THE NOVEMBER 2020 ELECTION IN MICHIGAN

FINDINGS

1. Deceased and Non-Residents Voting

The Committee researched these claims and concluded that most were false. There were two claims of deceased individuals casting votes that were found to be true; one was a clerical error while the other was a timing issue. The Committee concluded that none of these constituted fraudulent election activities or manipulations. The Committee also received claims of citizens who no longer live in the state of Michigan but had allegedly voted in the state's elections. These claims proved to be false upon researching each incident brought to the Committee's attention. An example of some of the claims are detailed below (the names of the individuals have been omitted to respect their privacy).

A widow from the Grand Blanc/Burton area claimed her husband, who passed away in 2013, had voted in the 2020 election. Senate staff searched the state database with the information provided by the individual and were not able to find her husband in the database. This would indicate that he had been removed from the voter database and his identity could not have been used to vote in the 2020 election.

A husband and wife, formerly of Jackson County and now living in Louisiana, claimed they saw documentation online that they had voted in Michigan during the 2020 general election. After researching the claim, it was discovered that they were mailed an absentee ballot application and are still registered to vote in Michigan. However, the state website shows that the local clerk did not receive returned and completed absentee ballot applications in these voters' names.

The Committee was also provided a list of over 200 individuals in Wayne County who were believed to be deceased yet had cast a ballot. A thorough review of individuals on that list showed only two instances where an individual appeared to have voted but was deceased. The first individual was a 118-year-old man whose son has the same name and lives at the same residence. The Committee found there was no fraud in this instance but was instead a clerical error made due to the identical name. The second individual was a 92-year-old woman who died four days before the November 2020 election. Research showed she had submitted her completed absentee ballot prior to the November 2020 election and prior to her death. Notably, research showed the secretary of state and clerks were able to discover and remove approximately 3,500 absentee ballots submitted by voters while they were alive but died before Election Day, which is a commendable accomplishment.

The Committee recommends county clerks be given the ability to assist in removing deceased voters from the Qualified Voter File (QVF). The Committee also recommends the secretary of state research and pursue methods, including statutory changes, that would prevent and identify those voting in multiple states.

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2. Unsolicited Absentee Voter Ballot and Application Mass Mailings

Citizens across the state were left confused and frustrated by the arrival of applications for long deceased family members, those who have moved to other states, or persons never present at that address. It appears the lists chosen by the secretary of state's Bureau of Elections were often older and previously purged. Local clerks were also frustrated as the applications duplicated some of their work and caused citizens to call on them for answers. Finally, the original mailing appeared to be not set up to return to the secretary of state to at least inform them of undeliverable applications.

The Committee subpoenaed the secretary of state for communications related to pre-election mailings. While a court ruled that the Secretary of State was permitted to send these mass mailings, there were significant communications between the department and Rock the Vote, a group which tends to target young persons and those with more left of center political leanings.

During the review of these communications, the Committee was simultaneously researching claims made in testimony and in court filings related to the absentee ballot process. Many court filings and individuals highlighted a data spreadsheet by an individual who claimed to have worked with "experts" to determine whether individuals had received an unsolicited absentee ballot. The spreadsheet indicated that "289,866 illegal votes" had been cast. This figure came from the Voter Integrity Project. To arrive at this number, the group used a methodology where they called 1,500 voters and asked if they had received a ballot without requesting it, something that would be illegal although not specifically indicative of fraudulent voting. The number of affirmative answers were then extrapolated out to 289,866 voters statewide receiving these ballots which are defined as "illegal ballots." The repeated use of the terminology "illegal ballots" is misleading and causes significant confusion as it implies fraudulent votes or votes received that do not come from legitimate sources or should not be counted. However, while it may not be lawful to send ballots without first receiving an application, voting this ballot is not an illegal action by a lawful voter and it is not indicative of fraudulent or illicit behavior of the voter nor of an illegitimate vote.

The Committee called forty individuals from this list at random. Only two individuals reported having received an absentee ballot without making a proper request. One of the two individuals is labeled as a permanent, absentee voter within the state's QVF file, indicating that they had, at some point, requested to be placed on that list. The other individual voted via an absentee ballot in the August primary election, and it is possible they checked the box to vote absentee in the subsequent election and simply forgot they had chosen this option. Throughout discussions with these individuals, as well as others who claimed they had received an unsolicited ballot, it became clear that many equated receiving an absentee ballot application with receiving an absentee ballot. These are separate steps in the absentee voting process, with receiving an absentee ballot requiring that an application be completed and submitted by the voter. **There was no evidence presented to the Committee indicating that hundreds of thousands of absentee voter ballots were mailed to Michigan voters without previously being requested.**

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Further inquiry conducted by the chair and committee members with county and local clerks confirmed how difficult it would be for a citizen to attempt to fraudulently utilize the ballot of another, if the stolen application addressee voted at their actual, present location in Michigan. While the act of obtaining and submitting the ballot of another individual is not impossible, committing voter fraud in this manner undetected is unlikely, as the Qualified Voter File would immediately have a notation of the vote for the voter and the second attempt to request a ballot or to vote would not be allowed without investigation and explanation. Whether the real voter or the fraudulent

The Committee concludes this demonstrates a clear vulnerability for fraud that may be undetected, if the actual voter does not vote at all. If the actual voter does vote, it will create turmoil and draw attention from state and local officials. However, the lack of any such incidents or turmoil in the November 2020 election creates a clear probability that no such efforts were committed to any significant extent. The chance of encountering the attempted double vote scenario is so statistically unlikely as to make impossible even a small effort to do so.

Additionally, the mailing of unsolicited applications allows for two other related vulnerabilities. Applications sent to the former Michigan addresses of those moved out of state and applications sent to the new addresses of former Michigan citizens now registered to vote in another state constitute a real and virtually undetectable potential for fraudulent activity. The Chair's research into this topic, as well as a review of testimony provided by the secretary of state's director of elections to the Senate Elections Committee in October 2020, make it clear that there is essentially no mechanism in place to prevent counting votes from those who may be also registered and vote in another state, whether done by themselves or the recipient of an application at their former Michigan address. As there are no efficient or established procedures to confirm or detect this, it is not possible for the Committee to report on any occurrences or to have confidence no such actions occurred. However, with mass mailings of absentee ballot applications being mailed across state lines to many who no longer reside or vote in Michigan and to thousands of former addresses in Michigan, the situation must be addressed to ensure that those individuals are voting only once in an election, are doing so only in the state of their residence, and that no one is impersonating them at their old address.

The serious, potential outcomes of these vulnerabilities versus the minor effort to request an application make a strong and compelling necessity to not provide such applications without a request from a voter - as was standard practice until this past year. **Therefore, the Committee recommends the Michigan secretary of state discontinue the practice of mailing out unsolicited applications. The Committee also recommends only the current QVF being utilized by the state or locals when making mailings to registered voters of any nature.**

There were several reports of nursing home bound parents or other family members with dementia having a record of voting. **While the Committee was unable to reach any conclusions regarding the extent of such claims, additional training and clear instructions to caretakers or facility staff ought to be provided in such circumstances to clarify how and when such voting assistance is appropriate. The Committee also recommends pre-filled out applications from any source be disallowed as well.**

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3. 3rd Party/Private Funds Used for Public Election Activities and Equipment

A summary of the work and findings on this issue is not finalized at this time and may be amended to this report at a later date.

4. Rights and Duties of Poll Challengers/Watchers Improperly or Unlawfully Restricted

The Committee received claims that challengers from the Republican party were discriminated against and removed from polling locations without cause. There were also claims that challengers were not allowed to return to counting rooms and were supposed to sign in and out of the room but had not received that instruction. They were frequently required to stand six feet or more away from tables and workers in the normal exercise of their duties, despite a court settlement that ensured their right to monitor election procedures, within six feet when necessary. The Committee also received testimony that contradicted some of these statements and provided a different viewpoint. Volunteers and workers from both the Republican and Democratic parties made claims of hazing, rudeness, bigotry, racism, and other offensive behavior occurring while election activities were still underway. Several of the issues, such as the management of the official record of challengers allowed in or out, may have been simply driven by the situation with COVID-19 and will not be relevant again. Reports were heard of calls to citizens, ostensibly made by Republicans, informing them to come and vote on Wednesday rather than Tuesday. While many accusations will remain just that, one thing is perfectly clear: the rights and duties of poll watchers and challengers must be better understood and reinforced in their respective training and must be protected equally by election officials. This is an area in need of much reform and greater clarification in election law.

Additionally, there is significant evidence that the recruitment of Republican poll workers for Wayne County encountered significant obstacles. Many witnesses testified to volunteering but not hearing back from the county or being told there were already enough workers. Others testified to a particular moment at the TCF Center when workers were surveyed for party affiliation and only a few there raised their hands as Republicans. The Committee understands the logistics of recruiting Republicans for Wayne County and the city of Detroit can be difficult but finds the repeated reports of volunteers not being accepted or not having their emails returned troubling. Obtaining the proper ratios of partisan workers is of critical importance, especially ones from the local area. **The Committee encourages the Wayne County Republican Party and officials in the county and city clerks' offices to work together to obtain the correct number of workers for each election. Further, the Committee asks the Bureau of Elections to investigate and provide to the Committee an evaluation of partisan poll worker recruitment in Wayne County and the city of Detroit.**

These issues were clearly reflected in the activities that occurred at the absentee counting board at the TCF Center. At one point, an audio recording was released of an apparent election training session in the city of Detroit where workers were instructed to maintain six feet between challengers and poll workers, due to COVID-19 precautions. Prior to the election, a court settlement ensured poll challengers could monitor election activities within six feet when necessary. After the settlement, clerk staff, like other election staff across the state, were to be informed of the ruling and how it would affect their activities on Election Day. Testimony was received by the Committee indicating that the settlement, which was reached after many workers completed their training, was not well known among the workers at the TCF Center. It is easy to see how

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this led to significant confusion and conflict, particularly as many workers had genuine fear and concern over their proximity to persons during the pandemic.

Contributing to the confusion and hostility of poll watchers and challengers was the differing opinions regarding the actual rights and duties of those individuals. These conflicts were only amplified by the partisan and ideological nature of the volunteers, despite some not affiliating with a political party. Multiple days of testimony from Republicans and Democrats made it clear that Republican challengers were committed to ensuring that challenges were issued and recorded when information was presented to indicate a voter was not, or may not be, eligible. Representatives of Michigan Democrats, however, indicated in testimony before the Committee that their specific training regarding the duties and obligations of challengers is to not ever challenge any ballots. While it was clear they recognized the legal reasons for challenging, they also called the law “archaic” and affirmed they train their challengers to not issue any challenges. They believe their obligation is to assure no vote is disqualified. One Democrat official even noted their reason for being there was to keep an eye on Republicans, not to challenge ballots. This significant difference of opinion and action contributed to some of the misunderstandings and tensions that occurred at the TCF Center, as each partisan observed the other failing to comprehend their duties or felt their duty was specifically to confront the other side.

The concern of partisan volunteers cloaked as Independent challengers through non-profit or third-party entities only added to the accusations of an unfair or unbalanced election environment. The Committee heard testimony and saw evidence that independent observers and challengers were frequently operating for one of the two major parties making their labels as Independents confusing and unhelpful.

It is apparent that the environment at the TCF Center became intolerable and the reactions to it must be understood in this light. While mistakes were clearly made by officials on all sides, it must be acknowledged that many of them were attempting to simply do their job during a time of increasing confusion and distrust. It is impossible for the Committee, or any legal entity, to sort through all the events or persons at fault. However, it appears obvious and reasonable to conclude that confusion, fear, misunderstanding, and even chaos occurred at the TCF Center to varying degrees on Nov. 3 and 4. The environment and those emotions were compounded by a lack of proper recruitment and/or training of election workers on the part of the clerk, as well as a failure of the Republican party to verify recruitment and training, supply an adequate number of election attorneys, and to properly train and counsel some of their volunteers and challengers.

Republican officials, along with some ostensibly Independent challengers, furthered the crisis by putting out the call to other members and citizens to descend on the location to stop what was described and presented as a stealing of the election. The descent into disorder with so many extremely concerned citizens elicited responses from poll workers that seemed necessary to them at the time, such as covering windows, calling police, denying lawful challenges, and removing challengers. Those actions by both sides were not always lawful or wise, and increased the angst and fears of the untrained challengers and observers, as well as the many in the public who did not understand what was shown to them by the media. **Despite these mistakes and, potentially, illegal**

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actions, the Committee found no evidence fraudulent activities were undertaken or that such actions led to irreparable harm to ballots or vote counting. Numerous safeguards, particularly the partisan make up of the election boards themselves, were not lost, despite these actions.

Therefore, the Committee recommends updating the requirements for challengers including the tasks and duties they are to perform, standards of conduct, and party affiliation. Additionally, clerks and parties need to be held to recruiting adequate workers, providing appropriate and uniform training including any recent law updates, and being able to instruct law enforcement in lawful responses to workers or volunteers creating a disturbance in the process of carrying out their duties. Officials need a clear chain of command in place for making decisions and being accountable, particularly if a crisis arises and if one of the leaders has left the premises. Finally, the Wayne County Republican Party and other, independent organizations, ought to issue a repudiation of the actions of certain individuals that created a panic and had untrained and unnumbered persons descend on the TCF Center. Both clerks and the parties need to take seriously their responsibilities of having properly trained and adequate personnel in place and the training ought to be uniform, regardless of party.¹

5. Antrim County

Antrim County became the focal point of multiple theories and concerns surrounding the Nov. 3 election, as the unofficial results reported at the end of the tabulation for the county were later discovered to be in error. The common claim surrounding this mistake was that the votes for Donald Trump were switched with votes for Joe Biden, providing Biden with a win in heavily-Republican Antrim County. However, this claim is inaccurate and was explained before a joint hearing of the Senate and House Oversight Committees in November 2020 by the Antrim County Clerk, Sheryl Guy.

Due to a series of errors made within the county clerk's office, the unofficial votes received from polling places on election night did not transfer into their respective spreadsheet columns correctly. This shifted the vote totals over a column for several races across the ballot. These mistakes began months earlier when several late items were ordered onto the ballot in certain townships. Unfortunately, new logic and accuracy tests were not performed, as required by law. Programming at the clerk's computer was not updated to reflect these changes; however, tabulators in the precincts were updated and had no problems processing ballots on Election Day. Tally sheets printed at the close of polls never reflected the errors reported in the clerk's unofficial results. On the morning of Nov. 4, once it became clear that the unofficial results were inaccurate and did not match the official votes printed by the tabulators, efforts began to discover the cause of the errors. The clerk and her staff made several attempts to re-tabulate and resolve the problem before understanding the cause. This resulted in additional, incorrect vote counts being reported. Once the cause was isolated, ballots were re-tabulated and the correct results, which matched the original tabulator sheets from Nov. 3, were posted. Multiple checks were easily able to rectify the situation and later, **a complete hand recount validated the original, official results as accurate.**

¹ The Department of Attorney General informed the committee on June 15, 2021 that it has been investigating issues related to the events at the TCF Center, per an official request of former Senator and Oversight committee member, Peter Lucido. It indicated a report on findings is forthcoming.

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A prime example of a misrepresentation of facts that then mislead citizens is found on a chart on page two of Allied Security Operations Group's (ASOG) Antrim County Forensic Report. The chart, shown below, and the accompanying information, led citizens to conclude the election results were suspiciously changing for over a month after the election. It also could lead one to believe election officials and the Dominion tabulators were dishonest in their work by not representing the source of the specific numbers shown, even though the information is readily available to the authors of the report. Further, the authors also chose to present only some of the information, leaving out specific data that would evidence something besides a massive conspiracy or computer hack created the problem.

Date	Registered Voters	Total Votes Cast	Biden	Trump	Third Party	Write-In	TOTAL VOTES for President
Nov 3	22,082	16,047	7,769	4,509	145	14	12,423
Nov 5	22,082	18,059	7,289	9,783	255	20	17,327
Nov 21	22,082	16,044	5,960	9,748	241	23	15,949
Dec 17	22,082		5,959	9,759	244	20	15,962

This second chart fills in relevant and critical information about the data and provides additional data points to provide greater context to the observer. This data was available to ASOG and others utilizing the previous chart, yet they chose not to provide the context nor the additional data.

	Date	Registered Voters	Total Votes Cast	Biden	Trump	Third Party	Write-In	TOTAL VOTES for President	Note
1.	Nov. 4	22,082	16,044	5,960	9,748	239	23	15,970	Tabulator tapes-official results (Not reported on election night).
2.	Nov. 4	22,082	16,047	7,769	4,509	145	14	12,437	Clerk's computer-unofficial results (publicly reported).
3.	Nov. 5	22,082	18,059	7,289	9,783	255	20	17,347	First attempt to rectify discrepancy.
4.	Nov. 6	22,082	16,044	5,960	9,748	241	20	15,969	Completion of re-tabulation.
5.	Nov. 16	22,082	16,044	5,960	9,748	241	20	15,969	Official Vote report.
6.	Nov. 21	22,082	16,044	5,960	9,748	241	20	15,969	Canvass/certification
7.	Dec. 17	22,082	16,044	5,959	9,759	244	20	15,982	Hand Recount

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Row one shows the vote totals shown on the tabulator tapes at the close of the election. These numbers are critical as they demonstrate, when coupled with the hand recount, that no tampering or pre-installed, illicit programming ever took place on the tabulators. It also shows that no fraudulent ballots were added to the ballot boxes to cover up such hardware/software malfunctions. The minor changes from the first tabulation to the final canvas and hand recount are well documented by election staff and result from several spoiled ballots that were not able to be processed in subsequent runs and from ballots that could not be electronically processed but could be hand counted.

Row two contains the vote count reported by the Antrim County clerk's office on election night, which was the unofficial vote count. As is detailed in this report, these results were incorrect because the programming to receive the data had not been properly updated after changes were made to the official ballots in certain townships. The result was what amounts to a spreadsheet having its fields improperly aligned with the incoming data. This would have been caught by logic and accuracy tests. The discrepancies with the tabulator tapes should have been discovered before these results were reported.

Row three shows the struggle faced by the clerk's office to determine what went wrong and how to correct it. These results show a series of urgent but mistaken attempts to address the errors that led to double counting of some precincts and absentee ballots. The contemporary poll books and worksheets are clear proof of what was happening, showing handwritten notes and commentary. The records also show who was there trying to figure out how to solve the issue.

Row four shows the vote count after the errors were properly identified and ballots were re-tabulated. Clearwater Township was still experiencing issues and had to be added in by hand. Again, contemporary documents and worksheets are clear proof of the situation and work being done.

Row five is the official vote report filed with the state before the certification.

Row six contains the certified election results. These were certified Nov. 21 by the county board of canvassers. The results are virtually the same as the tabulator slips produced on election night with the discrepancies identified and explained in the minutes of their meetings.

Row seven is the results of the complete hand recount conducted on Dec. 17. When a hand recount is done, ballots that were previously unable to be tabulated electronically are sometimes able to be added. These changes are, again, well documented by the workers' notes made during this process.

The Committee states that the data this chart summarizes, coming from the actual election artifacts in Antrim County, clearly and concisely shows that ideas and speculation that the Antrim County election workers or outside entities manipulated the vote by hand or electronically are indefensible. Further, the Committee is appalled at what can only be deduced as a willful ignorance or avoidance of this proof perpetuated by some leading such speculation.

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There were many groups and persons from around the country that focused their attention on Antrim County as the most central point in their arguments and speculation. The county was mentioned by officials at the White House, in media, at rallies, and in several, substantial online documentaries. The Committee investigated the claims made by some of the more prominent groups and individuals.

The Allied Security Operations Group (ASOG) obtained access to the Antrim County voting tabulators and purported to perform a forensic audit. (ASOG and its co-founder were purveyors of the “fractional vote” and “more votes than registered voters” theories²). ASOG’s audit described stolen computer files, machines designed to provide incorrect results, manipulated software, and cyber-attacks. Utilizing the difference between the unofficial vote count and the final, official count, ASOG claimed the machines were inaccurate 68% of the time. However, ASOG never provided an explanation for how the official vote was accurately obtained on the tabulator slips in the same physical count as the incorrect unofficial results on which they focus. ASOG did not make any attempt to invalidate the claims of the clerk by demonstration. ASOG also claimed a loss of files regarding auto-adjudication, a method of curing absentee voter ballots that Antrim County does not utilize as further evidence of fraudulent activity. ASOG claimed the machines had “ranked-choice” balloting turned on when this is not possible on Michigan machines. Other entities (CyberNinjas and Halderman) showed this claim was untrue. ASOG ignored that the simple and most effective way to verify the results is to simply count all ballots by hand. Even after a hand recount verified the results in Antrim County, ASOG refused to retract its assertions.

Attorney Matthew DePerno was retained by an Antrim County resident to pursue legal action against the county and the state regarding the results of the election. Mr. DePerno has subsequently released various reports, videos, and statements regarding the election results, presenting the ASOG report, as well as work by Dr. Douglas Frank and Jeff Lenberg, as primary pieces of evidence. The Committee closely followed Mr. DePerno’s efforts and can confidently conclude they are demonstrably false and based on misleading information and illogical conclusions. In one recent video, Mr. Lenberg demonstrated how a hacked machine will incorrectly count ballots (reporting it on the official results printout) and how a hacked computer will show inaccurate results. However, neither of these demonstrations shows the explanation given by the clerk is untrue, nor do they explain how the actual official results sheet *did not* match the inaccurate unofficial results. Most critically, it does not explain how the hand recount verified the official results reported by the tabulators on election night. They simply proved hacked machinery will perform incorrectly. This is not evidence machines were hacked, and it is certainly not evidence that machines that performed correctly were hacked.

Further, the insinuations made depend on the tabulators being hacked *after* the logic and accuracy tests. Mr. DePerno, and others, insisted this was possible because the Dominion machines in Antrim County have modems or wireless chips installed. However, this is indisputably false. Antrim County did not utilize modems or any internet or wireless network to transmit voting results *ever*. This incredibly conclusive fact, along with the hand recount of the ballots, serve as the irrefutable bulwarks against all allegations. The cited proof of modems is from a quote for purchasing received by the county from Dominion, not an actual purchase receipt or physical sighting of any modems.

² The “more votes than voters” theory, repeated by President Trump’s attorney, Rudolph Giuliani, was based on an affidavit from the ASOG co-founder that cites several Michigan counties where there were allegedly more votes than registered voters. However, the affidavit cited several townships in Minnesota, not Michigan. Even if the document referenced the right state, the claims regarding the Minnesota townships still were not accurate, according to data from the Minnesota Secretary of State.

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Mr. DePerno's lawsuit, Exhibit 6, highlighted by former state Sen. Patrick Colbeck in a web post dated April 9, 2021 and entitled "Modem Chips Embedded in Voting System Computer Motherboards," feature a voting machine that is not used by Antrim County. Yet the suit draws the connection that the existence of such a machine, one that is not in Antrim County and not manufactured by Dominion at all, is evidence that the Dominion tabulators in Antrim County have the same technology. Committee members and others have been frequently approached by constituents who have been convinced that this is true of the Antrim County machines and all Dominion machines in general.

On June 11, internet and social media sources proclaimed the newest announcement from Mr. DePerno about Antrim County. However, the information provided appeared to be already available, but simply presented in a different light. The first allegation related to evidence of the clerk's Election Management System (EMS), a software package installed on her computer to manage the election. This is the same program that incorrectly reported the results on election night because it had not been properly updated with the late changes to ballots from certain precincts. **EMS is not connected to the tabulators.** The allegations focused on how the clerk's computer and the program were remotely accessed in the days following the election. This should not surprise anyone as the clerk, secretary of state, and the software company sought to determine what went wrong and how to fix it. At no time would this connection or activity have had an impact on the tabulators. More relevant, it could not have changed the tabulator slips, shown in the second chart, line one.

The June 11 video from Mr. DePerno also included what he concluded was dramatic evidence about specially made ballots, sent to Republican areas, that would more frequently fail in the tabulators. He then said such ballots would be sent to adjudication, where someone could determine them as Biden votes, even if they were not. This pronouncement is simply more blatherskite. Adjudication takes place with both Democrat and Republican workers, observers, and challengers present (Antrim County had no concerning or reported issues related to their challengers). Also, Antrim County did not have a high incidence of adjudicated ballots. Most important is the now repeated point of lines one and seven on the second chart above: the original tabulator slips and the hand recount match with only a few documented and easily explained ballot differences, dispelling any legitimacy to speculation of massive vote stealing by human or computer means.

The Committee finds such actions to be misleading and irresponsible, diminishing the overall credibility of those asserting this conclusion.

Dr. Frank has also worked independently of Mr. DePerno, appearing in various other reports and programming. He claimed his findings of patterns in voting demographics and results, along with disparities between census, registration, and ballot totals in given areas were conclusive evidence of a complex computer hack and conspiracy to manipulate vote counts around the nation. This theory, like Dr. Shiva's, alleged the installed "algorithm" switches or steals votes just enough to succeed while not being enough to raise suspicions. However, Dr. Frank's conclusions are not sound for several reasons. Census data is not recent, and people do not only move away (as he frequently contends) but others do move into an area. Coupled with same day registration,

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the notable red flags he spotted in the data are easily explained, e.g. young people do not vote as readily as older citizens, people's movements create disparities between registrations and the census, etc. The patterns he sees are not unexpected or unusual to elections or human behavior in general. His theories depend on the ability to hack into the tabulators before or during and/or at the end of the election. Many of the counties he and others identified as having been hacked do not even have modems or make any online connection to submit results. Those that do, do not connect the modem, which is physically separate from the Dominion tabulator, until *after* the polls are closed and the tabulators have printed the official results.

Events in Antrim County sparked a significant amount of concern about the technology used to count ballots. This concern led to much speculation, assumptions, misinformation, and in some cases, outright lies meant to create doubt and confusion. The many hours of testimony before the Committee showed these claims are unjustified and unfair to the people of Antrim County and the state of Michigan. It has also been unfair to people across America. The simple answer to all of this remains the most reasonable conclusion: human error and lack of training are the factors that contributed to inaccurate unofficial vote counts. These errors were quickly discovered and rectified by the protective and redundant systems our state has built to verify and protect election integrity, *including re-countable, paper ballots*. Even more significantly, the official vote count was never in doubt and was validated several times, including during a complete, hand recount.

While extremely disappointed and frustrated with the obvious avoidable errors, the Committee commends the efforts of the Antrim County clerk, staff, and many volunteers that corrected these errors and gave their time for the canvass and hand recount. The Committee also recommends legislation strengthening the law regarding the conducting of logic and accuracy tests prior to the election, including penalties for failing to do so. The Committee recommends the attorney general consider investigating those who have been utilizing misleading and false information about Antrim County to raise money or publicity for their own ends. The Committee finds those promoting Antrim County as the prime evidence of a nationwide conspiracy to steal the election place all other statements and actions they make in a position of zero credibility.

6. Operating Issues with Tabulators and Precinct Computers

Speculation and theories of fraud in the election appear most prevalent in the areas concerning voting tabulators, computers, software, hardware, and cybersecurity. In the testimony and information reviewed by the Committee, claims ranged from something as simple as "spikes" in the vote count that exceeded the physical capacity of the tabulators to machines that were simply inaccurate. However, more complex claims also emerged, claiming that tabulators were intentionally designed to manipulate the tally through fractional voting or swapping by hand, through software, or by cyber attacks that based their manipulation on the votes necessary to overcome candidate Joe Biden's early deficit to President Trump.

Dominion Voting Systems, Election Systems & Software (ES&S), Hart InterCivic

Michigan utilizes tabulators and election services provided through three different vendors, with the individual counties determining which vendor to use. All vendors must meet the specifications of the state's election laws which requires vendors to meet guidelines provided by the United

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States Election Assistance Commission (EAC). The EAC has rigorous standards regarding construction, material and code sourcing, reviews, and independent auditing conducted by certified third parties.

The Committee interviewed, under oath, the CEO of Dominion Voting Systems and the vice president of systems security & chief information security officer from ES&S. Hart InterCivic submitted written testimony. Despite many public denunciations of their collective testimony as inaccurate, no individual has provided any evidence to the Committee of such perjury or has filed any action in a court of law asserting such.

Mr. John Polous, Dominion CEO, denied multiple rumors regarding the company and provided references to verify his testimony that the company was not involved in elections in Venezuela and had no connection to Hugo Chavez, Nancy Pelosi, Diane Feinstein, or George Soros. He also denied the existence of Dominion servers in Spain and Germany, emphasizing that ballots remain local, are counted locally, and are not moved over state lines, let alone overseas.

Mr. Polous explained in detail how the operations of the Dominion machines are not compatible with the various theories being promoted, and that any of the accusations regarding counting ballots multiple times or scanning surplus ballots would easily be uncovered due to the poll books being unbalanced. Further, ballots that required auto-adjudication or duplication are accounted for in the poll books and create a computer log that is checked to prevent or detect double counts. Damaged ballots that require duplication are logged and could not be accidentally tabulated due to the damage that required the duplication.

Fractional Voting

The early allegation of fractional voting was supported by a few photographs which appeared to be screen shots from computer screens running the Dominion software. The chair specifically called for this information during public testimony as its existence would have been a profound demonstration of proof. However, despite numerous, repeated requests from the chair and assurances from those making the allegation, no proof, whether by demonstration or verifiable citation, was ever offered to or obtained by the Committee.

Internet Connections

Many observers insisted the vote tabulators at the TCF Center were connected to the internet. Chris Thomas, who served as the senior elections advisor for the city of Detroit, has asserted that this is simply not true. Other individuals who were at the TCF Center, such as former state Sen. Patrick Colbeck, insist that they were. It is true that every tabulator was connected to a local area network (LAN), which would create the same icon on a computer screen indicating a network connection as is shown by an internet accessible network. This may be a source of some of the confusion. Computers at the central control center, which were not connected to each precinct's LAN, were connected to a network that was connected to the internet, which may have also contributed to the confusion. Regardless, no evidence has been offered that the tabulators were connected beyond each LAN, and, in fact, the results from the tabulators at the TCF Center were transmitted to the clerk's office via flash drives, not electronic or cellular connection. Furthermore,

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and more importantly, there has been no evidence provided that such a purported connection led to alterations to machine programming, hardware, or the tabulated results or could have led to such changes. Finally, logic and accuracy tests are conducted on each tabulator prior to the election to confirm that pre-election procedures were followed properly. During the post-election audits, clerks verify that those tests were performed and that the machines and their programming were not tampered with during the election.

Many theories and speculation regarding tabulators not at the TCF Center also include a component that necessitate an internet connection. It is particularly important to note that Dominion voting machines that are not part of an absentee voter counting board do not have built in modems or wireless internet. Reports to the contrary are false, with some falsely labeling non-Dominion machines as Dominion machines to make it appear as if they do have wireless internet capabilities. The secure cellular modems some clerks use to transmit the unofficial results to the county clerk are not even turned on or connected to the tabulators until *after* the official results are printed by the individual machine.

Tabulator/Software Integrity

There is no link in the election process chain more susceptible to unprovable and un-refutable speculation and suspicion than those involving the invisible lines of code and panels of circuits. These vulnerabilities can include tampering with machine code on site, via cyber attack, or by malicious programming by the proprietors of the machines.

There are many theories as to how compromising the integrity of the machines and software could have taken place, making it impossible to delineate each one separately. However, the answers and evidence against nearly all theories is generally the same. Reasonable deduction and logic stand to refute nearly all possible outcomes of a hack or attack, including the following theories: whether files including ballot images were hacked, a malicious algorithm was installed to switch votes, or a hostile, foreign force obtained a connection into a tabulator before, during, or after the election. In all of these situations, a simple recount or re-tabulation by the machine, after a logic and accuracy test, or by hand would demonstrate the theory to be consistent or inconsistent with the facts. This has been undertaken in multiple jurisdictions, both those in question and those not, all providing verification of the original, official results. Not one of these efforts demonstrated a problem with the tabulators or the software. There is no evidence to suggest the original, official results reflected anything but what was marked on the ballots.

Videos and reports of the ease of hacking current Dominion voting machines from outside of Michigan, e.g. Georgia, never demonstrated a vulnerability of the vote counting software or the tabulators. The chair contacted various officials from Georgia to understand the testimony and events in question there. Particularly, the testimony of Jovan Pulitzer, which purported to have on-the-spot access to manipulate voting files and vote counts, has been demonstrated to be untrue and a complete fabrication. He did not, at any time, have access to data or votes, let alone have the ability to manipulate the counts directly or by the introduction of malicious software to the tabulators. Nor could he spot fraudulent ballots from non-fraudulent ones. Notably, Georgia did conduct a complete, statewide, hand recount that validated the tabulators' official results.

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Many of the theories surrounding cyber attacks were consolidated into the visuals and narratives included in the “Absolute Proof” video series first presented in January 2021 and continuing into June 2021 by Mike Lindell (the video relied heavily on the situation in Antrim County and the report from ASOG). In summary, Mr. Lindell claims that attacks by foreign and domestic enemies were successful in obtaining access to the computers containing results at local and county clerks’ offices, as well as the secretary of state. In some cases, the supposed access included the actual tabulators.

However, this narrative is ignorant of multiple levels of the actual election process. Upon completion of the election, tabulators print the final results on paper. Clerks then connect a modem and transmit by secure, cellular connection or transfer by flash drive the unofficial results to the county clerk.³ County clerks then report these unofficial results both locally and to the secretary of state. The secretary of state releases the unofficial results to media and their own page. Clarity, a Spanish based company, also takes in these unofficial results from the county or the state. This company, which is based in Spain and has servers in Europe, makes the unofficial results available to multiple users, especially media subscribers who utilize the unofficial results in their election night prognostications. ScytI and others are companies that provide similar services. All of these activities, especially due to media inquiries, constitute a significant explanation for much of the cyber activity across the country and the globe on election night.

Terminologies about the equipment used in elections leads to much of the confusion, particularly when used carelessly. Various documents, emails, and manuals discuss connectivity and servers. Certain persons have used these as proof that tabulators were connected during the election. However, the capabilities of the machines do not denote all of those options were operating during the election itself. Server connections and vulnerabilities, even errors, at clerk’s offices are not indicative that tabulators themselves were vulnerable or hacked. The presence of IP addresses do not prove votes were altered or programming was hacked. Servers have nothing to do with regular tabulators during the election.

While the clear and constant presence of cyber criminals is real, the exchange of “packets” of information between two computers speaking to each other is not evidence of successful hacking or changing of data. Moreover, it is not possible for anyone to now determine what might have been in those packets of information unless granted specific access to one of the two computers involved in the transaction. All the while, the official results remain on a printed piece of paper at the local clerk’s office and are not alterable to any reverse cyber attack. Most importantly, the paper ballots in the box are available for re-tabulation or recount at any time. Where this was done, no evidence of hacking or attack was ever shown. Nor did any official representative of the losing party call for a hand recount in any precinct so to prove an instance of such. If the losing party had been so confident of any of these cyber attack theories or software-based vote switching, simply asking for several hand recounts or re-tabulations in the various precincts would have demonstrated a genuine hack had happened and that there was necessity for additional recounts and investigations.

³ ES&S and Hart InterCivic tabulators have internal modems, but not Dominion. However, they are not turned on until the polls are closed and tabulation has concluded. It is worth noting that these machines will likely have to be recertified, depending on whether they have 4G or 5G capabilities when the technology changes.

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Further, the graphics and charts in various videos claim very specific access and vote count changes in specific counties across Michigan but do not provide any references or evidence to demonstrate how that information was acquired. As mentioned above, once the data is transmitted, there is no way to know what was sent without access to a computer on either side. No clerk or election official in any of these counties was informed how these numbers were calculated or known (except the numbers shown for Antrim County, which mirror the numbers shown to have occurred by human error). While showing these numbers is compelling, there is no source provided, but the viewer is led to believe Mr. Lindell's experts have received access to each of these counties' or precincts' computers and discovered a connection and hack occurred along with exactly what data was transmitted. No such activities took place at any of these locations with which the Committee had contact.

The chair spoke with clerks in several of the counties listed by Mr. Lindell's experts. These clerks had no explanation for numbers his reports show as being flipped votes, nor had they had any interaction with any persons making these allegations. Moreover, clerks in these counties performed random hand recounts in various precincts or townships and found zero change to the official, canvass results. Other clerks did full county re-tabulations and found zero change. For these actions to not contradict Mr. Lindell's allegations would mean all the clerks surreptitiously or incidentally chose precincts or townships that were not involved with the hack his experts claim occurred or allowed their tabulators to be compromised. The Committee finds this is beyond any statistical or reasonable credulity.

Canvassing and Out of Balance Precincts

The canvassing process that is conducted at the county level in each of Michigan's counties always serves as the check on most irregularities that may occur during the initial tabulation. If paper ballots are significantly unbalanced when compared with the number of votes reported in poll books, this constitutes a clear indication that something went wrong. Often, the imbalance arises when workers do not immediately account for the necessity of copying overseas ballots or damaged absentee voter ballots. It also occurs when a voter decides to leave the polling place without correcting a spoiled ballot or submitting their ballot. Other causes come from empty absentee voter ballot envelopes, or couples including both of their ballots in one envelope.

Some of the highly out-of-balance precincts at consolidated Absentee Voter Counting Boards (AVCB) were likely from mistakes made with the high-speed tabulators, something that several citizens swore to have witnessed in affidavits and other testimony. When these imbalances appear after Election Day, it is the board of canvassers, or in Wayne County, their chosen agent, the clerk, that can make the decision to perform a further review to correct any irregularities that are discovered. Re-tabulation of the paper ballots and a thorough examination of the poll books are critical parts to the canvass process, allowing the books and ballot boxes to reach balance.

Technically, the imbalances that remain after the canvass could exist due to fraudulent activity. Unbalanced precincts are unfortunate and are something that should be addressed in the future. However, the unbalanced precincts in Michigan counties were marginal and, in no way, would have impacted the outcome of the Presidential election. There were fewer precincts with an imbalance

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in this election than in previous ones. **Developing best practices and training election workers on how to maintain balanced precincts is recommended. There is much discussion on allowing some out-of-balance precincts to be eligible for recount but testimony the Committee heard from several clerks indicated they did not support this. Therefore, the Committee makes no recommendations on this issue.**

The Committee did learn during testimony that Wayne County's Board of Canvassers operates differently than most other counties, shifting the actual canvass responsibilities to the county clerk and their staff. Once the canvass is complete, the board receives a report, that is unusually anemic in its details of how imbalances were rectified. This is unfair to those serving on the board, as well as the voters of Wayne County, despite being permitted by law. A transparent canvass, overseen by those not responsible for the actual election process, allows citizens to understand how imbalances occurred and how they were rectified while having confidence that there was not a conflict of interest for those performing the canvass.

Canvassers ought to be intimately involved in the process and the law should be changed to provide consistency and transparency in the canvassing process. Furthermore, it would be wise to allow for larger boards in higher population areas and to provide additional time to complete the canvass to rectify any irregularities.

7. Signature Verification Process

The Committee was made aware of claims that election workers at the TCF Center in downtown Detroit were instructed to not match signatures on envelopes and furthermore were instructed to "pre-date" the received date of absentee ballots. To the contrary, these processing steps — signature matching and verification of the date received — occurred at another location and were completed by other employees prior to the time the ballots were sent to the TCF Center for counting. Workers at the AVCBs are to check for the clerk's signature and time stamp as well as making sure the voter signature is present. However, the validation of the voter signature by the clerk's office is indicated by the clerk's signature and stamp. As for the "pre-dating" allegation, Detroit Senior Election Advisor Chris Thomas explained this date field is necessary for processing the ballot. Without the voter present, there is no way to have that date, which was recorded into the QVF by the official who took the same day registration at another location. Since the poll books at the AVCB are not connected to the QVF during Election Day, there is no way to check what was entered at the site where the voter registered. Therefore, a "placeholder" date is entered, and the poll worker assumes the official accepting the registration did their due diligence.

Kent County Clerk Lisa Lyons, and Ingham County Clerk Barb Byrum, both testified regarding the possible requirement of a "real time" signature when applying for an absentee ballot, indicating it would be highly preferred rather than performing the application process online. In addition to the preferences of election officials, the Michigan Court of Claims struck down Secretary of State Benson's guidance on signature matching, which required workers to presume the validity of signatures, ruling that the required presumption of validity is found nowhere in state law and mandating such was a direct violation of the Administrative Procedures Act.

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After reviewing these facts and receiving the testimony of experts and clerks, it is abundantly clear that the signature verification process is one of significant importance. With new policies in place due to the adoption of Proposal 18-3, current election procedures do not require a new voter to, potentially, ever make face-to-face contact with an election official or staff throughout the process of registration, requesting an absentee ballot application, or completing and submitting their ballot. Therefore, requiring a voter to confirm their identity at some point during the process is imperative. Whether providing a “real time” signature, a government-issued photo identification card, or other unique personally identifying information, like a driver’s license number or a state identification number, requesting that a voter provide one of these easily-accessible identifiers will go a long way to strengthen the integrity of our system, while supporting the new, more efficient way of administering our elections.

Therefore, the Committee recommends that the secretary of state begin the process of establishing actual rules for examining and validating signatures consistent with a ruling of the Michigan Court of Claims. The Committee also recommends that statewide measures be put in place to ensure eligible voters are not unreasonably denied access to vote if there is an issue with their signature. Finally, the Committee recommends that reasonable measures be put in place to ensure voters can easily and properly identify themselves when exercising their right to vote.

8. Jurisdictions Reporting More Than 100% Voter Turnout

The Committee received and heard claims that jurisdictions had more than 100% of registered voters voting. Here are some of the local municipalities that had claims of a higher voter turnout than there were actual registered voters:

<i>Municipality</i>	<i>Claim</i>	<i>Actual</i>
Oneida Township	118%	Approximately 80%
Zeeland Township	460.51%	Precincts ranged from 74.46% – 84.80%
Spring Lake Township	120%	Precincts ranged from 66.74% – 84.15%
Gladwin Township	215.21%	67.23%
Summit Township	Over 100%	71%
Detroit	More Votes than Voters (Trump Claim)	250,138 votes = Under 50% of registered voters in the city and only 37% of the total population.

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9. Absentee Ballots Were Tabulated Multiple Times, Increasing Vote Total

Some individuals claimed that many ballots were counted multiple times when they were re-submitted through the high-speed tabulation machines. The Committee heard from several persons and read many affidavits claiming to have first-hand knowledge that this issue occurred. Investigation does show it is possible to cycle a completed stack through the tabulator multiple times as long as no errors occur. Bundles of ballots go through the tabulator so quickly that a simple jam or other error necessitates the entire bundle being restarted. Workers cannot restart the stack unless they first clear the partial count and start from zero by pressing a button.

If ballots were counted multiple times, this would have created a significant disparity in the official pollbook. This was the testimony of several witnesses, including Chris Thomas and Monica Palmer, Republican chair of the Wayne County Board of Canvassers. Specifically, the pollbook would show that many more votes were cast than the number of people obtaining a ballot. This was the case at several counting boards at the completion of the original tabulation. However, the actual imbalances that remained after the canvass show this problem was rectified. Rectifying precincts where this mistake happened is usually not difficult to do and involves taking the ballots out of the box, counting the total number to see if it matches the poll book, and processing all the ballots through the tabulator again. The balanced poll books and the remaining imbalances do not indicate this problem any more, showing it was corrected. Remaining imbalances are likely connected to some of the other reasons addressed in finding number six, namely, empty envelopes, ruined ballots, etc.

The Committee recommends that tabulator companies develop machines that place tabulated ballots into a box that has no access for poll workers while placing uncounted ballots in another tray to be checked and placed in the tabulator when ready. This would assure such an error cannot occur and that no reset and restarting of a full stack is necessary.

10. Thousands of Ballots Were “Dumped” at the TCF Center on Election Night/The Next Morning

Several individuals testified and claimed that tens of thousands of ballots were “dumped” at the TCF Center on election night, when reported vote tallies showed that President Trump was still in the lead. They allege this occurred between 3 – 5 a.m. and that they were brought onto the floor to be counted. Chris Thomas, the senior elections advisor for the city of Detroit, stated he estimated 16,000 ballots were delivered to the TFC Center around that time. Some other persons and media speculated it was nearly 100,000, but most reported about 30,000-45,000. These ballots were submitted throughout Election Day at different locations, such as drop boxes, in the mail, and at the clerk’s main and satellite offices. After the ballots were compiled and processed at the clerk’s office, after the closing of polls at 8 p.m., they were brought to the TFC Center for counting. These ballots were not brought in a wagon as alleged, but via delivery truck and then placed on carts. A widely circulated picture in media and online reports allegedly showed ballots secretly being delivered late at night but, in reality, it was a photo of a WXYZ-TV photographer hauling his equipment.

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Others claimed that the TCF Center security camera footage around the same time showed some type of "ballot dump." While the video in question confirms that a number of ballots were delivered at the time alleged, it provides no evidence of fraudulent or wrongful conduct. In the video, the van arrived around 3:30 a.m. and unloaded the absentee ballots. Once unloaded, the van left around 3:55 a.m. to go back to the satellite office where the processing was occurring. The van arrived back once again around 4:30 a.m. to unload the final ballots.

This theory, like many of the other theories proposed as evidence of fraud, does not constitute actual evidence on its own. Those drawing such conclusions in their affidavits and testimony were asked to provide proof that something illegal actually occurred but no proof that ballots were fraudulent was provided or found by the Committee in testimony or in subpoenaed records. However, this situation does raise issues with the delayed and cumbersome process of obtaining absentee ballots from drop boxes on election night, when many other activities and processes are also ongoing. **The Committee recommends that drop boxes not be utilized or be closed earlier than 8 p.m. on Election Day so that the time taken to collect such ballots will not, by necessity, extend processing and tabulating of such a large volume so long into the night. At the least, appointed staff should be on-hand to immediately collect ballots from drop boxes at 8 p.m. Additionally, the process of transferring ballots from the clerk's office to other locations must be done with greater security and manifests so that there can be an accounting for each ballot sent and received between the two locations, establishing a chain of custody.**

11. Vote Totals Were Abnormal Compared to Past Presidential Elections and Other Vote Count Irregularities

Several claims were made regarding the voter turnout in the November 2020 election in which the statistical data was cited as a source to show widespread election impropriety. Comparing historical results casts serious doubt over any claims of widespread impropriety in the Michigan 2020 election. In fact, turnout in 2020 increased less in Wayne county (11.4%) than in the rest of the state (15.4%) and President Trump won a greater percentage of votes there than he did in 2016 (30.27% vs 29.3%).

Additionally, the data suggests that there was no anomalous number of votes cast solely for the President, either in Wayne County or statewide:

2020	2016
Statewide	Statewide
President: 5,539,302	President: 4,799,284
Senate: 5,479,720	Congress: 4,670,905
Difference: 59,582 (1.08% difference)	Difference: 128,379 (2.67% difference)
Wayne	Wayne
President: 874,018	President: 782,719
Senate: 863,946	Congress: 754,560
Difference: 10,072 (1.15% difference)	Difference: 28,159 (3.60% difference)

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Other Irregularities

Several published reports, particularly “Case for Michigan Decertification” presented charts of vote sub-totals and totals that were adjusted during the night and sometimes subtract votes from previous totals. The report also shows the increase in absentee votes tabulated was greater than the usual amount able to be processed in the given time frame. These reports require partial or incremental vote counts and totals. Finally, the report included final vote counts that include enormous spikes of final votes with a very high percentage for one candidate. Attempts by the chair to acquire the sources and citations of this data from the author were not able to be fulfilled. The author insisted that he cannot answer the questions about the origins of these data points, which he uses as evidence, without others investigating the issue or granting him access to a wide range of materials.

The reports containing these impossible mathematical counts rely on partial or incremental vote counts which are not available from any county or state official. Detroit does set up its own, unofficial vote reporting site. Incremental vote counts are reported during the process at the TCF Center. This additional level of complexity for reporting and handling, along with corrective actions that may be occurring onsite after an incremental data dump, can lead to multiple inaccuracies and discrepancies. There is additional confusion about counts and potential increases or decreases as the city merges actual precinct votes with AVCB votes. **Allowing Detroit to announce partial or incremental vote counts when no other community does, does not promote a uniform, statewide system. Further, not aligning each AVCB with each precinct creates an additional, complexity leading to an unnecessary vulnerability for errors in the unofficial, election night vote reports.** Finally, media outlets frequently make substantial errors or propagate the errors of others and then must adjust and retract data.

Large spikes in the vote count are not necessarily unexplainable or unusual. They do not alone constitute evidence of fraud and can be reasonably expected. Large precincts, particularly with the highest absentee voter turn out ever, took much longer to complete and then reported all their results at once. Further complicating this issue is that the absentee voter ballots counted at a consolidated counting board had to be merged with the votes submitted on Election Day at the corresponding, in-person voting precincts. This makes the spike larger than just the final count from the AVCB. No evidence has been presented to refute this as the legitimate reason for the dramatic jumps in vote counts seen in Michigan.

Regardless, the Committee can only speculate on this because the author of the referenced report cannot provide sources that the Committee can pursue. Without provision of a source to investigate from the author, and as no confirmation of these numbers was provided nor can be ascertained, the Committee does not believe a wide-ranging, blanket allowance to search materials is justifiable or responsible, particularly in light of the extent of the post-election state audit performed and the lack of red flags from the final results in Detroit or Wayne County.

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12. Additional Issues

Ballot Box Construction

Testimony was heard from Monica Palmer regarding the roll of boards of canvassers in verifying the construction of ballot boxes. Her board made significant efforts to require repairing or replacing poorly constructed boxes. **This effort is commendable and ought to be extended to the construction of drop boxes, as well. Testimony was also shared that boxes disallowed by the Wayne County Board of Canvassers and labeled to not be used were still being used on Election Day. This is not acceptable, and the Committee asks the secretary of state or the attorney general to investigate who is responsible for this serious breach.**

Modem Usage on Tabulators

Testimony was given regarding the wisdom and necessity of modems for vote tabulators. There was no consensus amongst the clerks and the Committee makes no recommendation at this time. However, the external, detachable modem does provide a reassuring and genuine physical barrier to cyber attacks during the voting process.

Ballot Harvesting

Testimony and allegations of ballot harvesting were made, although no evidence of such was presented. Ballot harvesting has been caught at times in the past, but none was in this election. Drop boxes and prepaid postage do present a greater vulnerability to ballot harvesting. Others have made the argument that prepaid postage might also reduce the likelihood of an individual waiting for someone to collect their ballot. It is worth noting that ballot harvesting, while illegal due to its vulnerability to fraud, is not necessarily indicative of fraudulent voting.

Allegations of Illegal Votes

Testimony and reports of illegal votes, out of state votes, non-residents voting, and deceased voters are prolific, and the numbers included are substantial and compelling. However, no source or reliable method for determining these numbers is presented. References to “317 voters also voting in other states” do not come with explanation or source. Other numbers reported as evidence of fraudulent addresses or issues with residency fail to consider the complications and realities of same day registration (a real problem in its own right, but one voters created through adopting Proposal 3 in 2018). These same day registrations, also addressed earlier in this report, necessitate methods to enter voters into the database while also flagging them for additional checks and verifications later. This is particularly true at the AVCBs as they do not have access to the QVF and their electronic poll books are disconnected during the election. New registrants need lines filled in, but also must be flagged to be connected with the actual entry made in the QVF by the clerk's office prior to issuing the ballot. Impossible, and obviously contrived, birthdates serve as a rational and simple method for flagging these voters.

Many of the reports and allegations of illegal votes or fraudulent votes conflate issues of illegal or improper process with fraud or illegal votes. Many of these claims ignore the specific and legally required partisan makeup of the election workers and immediately assume that illegally removing watchers and challengers means fraud is occurring and that all ballots should be disqualified.

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Not only would this disenfranchise thousands of legitimate voters by no fault of their own, but it demonstrates a significant leap of logic and an unjustified mistrust of the bipartisan poll workers themselves. The outcome alleged to have occurred during these improperly supervised moments, namely the addition of tens of thousands of prepared ballots, would require a conspiracy of immense proportions: individuals at multiple levels and locations, massive resources of ballot production and pollbook manipulation, and an outcome that does not contain a final number count outside the realms of believability. All of this under the noses of hundreds of bipartisan workers and watchers (as not all were ever dismissed) and without a whisper from the huge pool of people who would know. And all of this to theoretically run up the Biden total in a precinct where he traditionally should have expected better than 90% of the vote but received 88% amidst a relatively unremarkable turnout. **The Committee finds these postulations strain credulity and are simply preposterous. The Committee also notes this theory would directly conflict with the idea the machines were tampered with to miscount the ballots.**

Suspicious Communications

Communications with Dominion to local clerks have been utilized to cause additional fear and mistrust of the company, its equipment, and the election results. While the Committee has not examined or received every document, a small sampling of the most often cited communications are only troubling if considered with the pretext that Dominion is part of a conspiracy to defraud voters. One email after the August primary regarding not saving images is highlighted as evidence of a cover-up. The context in the email, to make electronically transmitting the results after the election with the attachable modem function better, makes the instruction to turn off transmitting the image a reasonable instruction when coupled with there being no law in Michigan to save the images. Emails and communications with Dominion to Antrim County after Nov. 3 are also reasonable as the clerk and others attempted to determine how the tabulators correctly counted the ballots while the clerk's computer showed them incorrectly. **(The saving of ballot images so the ballots can be publicly examined by digital means may be an issue Michigan should consider. Other states are doing this with success.)**

Chain of Custody and Election Material Security

Frequent demands to decertify all or a portion of the vote are accompanied by high sounding language regarding the "chain of custody." This verbiage evokes images of evidence utilized in trials, such as sealed envelopes and locked evidence rooms with sign-out sheets. However, investigating the claims regarding problems with the chain of custody usually finds highlights about the handling and transmission of the unofficial vote counts and the computer systems used to handle them. While concerns about these systems may be justified, it is incredibly misleading and irresponsible to imply this holds any danger to the official vote counts, the tabulators, or the ballots themselves. Similarly, unfair allegations have been leveled against the secretary of state and county and local clerks regarding the instruction to, and deletion of, e-poll book data. The letter instructing this and the action itself is a standard practice, ordered by the federal government and carried out shortly after every election. The law and the letter sent also provide specific instruction not to do so should there be an ongoing legal action regarding the data. All evidence the Committee found shows the law was followed. **The Committee finds insisting this is evidence of a cover up, "Destruction of election artifacts prior to end of 22-month archival requirement," is incredibly misleading, demeaning, and irresponsible.**

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Confusing Terminology

Many of the allegations simply utilize semantics and the confusing, technical nature of elections to drive up doubt. Claims such as “fake birthdays,” “unsupervised ballot duplication,” “system manuals explicitly refer to internet and ethernet connectivity,” and “unsecured and illegal ballot boxes” are just a sampling of the terminologies used. However, each of these has legitimate explanation. The birthday issue is explained elsewhere in this report and involves same day registrations on Election Day. “Unsupervised ballot duplication” is referring to times challengers were unable to watch or were prevented from watching (which were not legal actions) but is misleading because the bipartisan election inspectors/workers were still watching and verifying each other’s work. “System manuals” refer to connectivity because the machines are specifically designed to be connected to transmit the unofficial results and to be connected for other functions – this is not proof they were connected during tabulation. “Unsecured and illegal ballot boxes” refers to the transporting of absentee ballots to the counting board in postal trays. Sealed ballots have never been considered to need to be in a secured and approved container because the envelopes are still sealed. **The Committee recommends this practice be made more secure with manifests and a record of custody**, but it is wrong to accuse anyone of violating the law that was written to address open ballots, *not* those in sealed envelopes.

Blank Ballots and Military Ballots

The presence of blank ballots also provides significant confusion, despite being necessary for the duplication of military ballots and damaged absentee voter ballots. It is noteworthy that attempting to utilize these ballots for any significant level of fraud would require perfectly matching precincts to voters, manipulating poll books with fake dates for requests and receipts of the ballots, voter’s signatures, and the clerk’s signature and time stamp.

One witness testified that none of the military ballots at her table being duplicated were for President Trump. However, upon questioning, the witness recounted she only witnessed a few dozen ballots. This is a very reasonable outcome given the overall performance of the candidates in these precincts and the amount witnessed, which is not statistically significant.

13. Audits

The demand for audits regarding the election began soon after the November election and has continued until now. Several entities have undertaken to conduct audits, sometimes referring to their efforts as “forensic audits.” One of these is detailed earlier in this report, particularly in Finding 5. Several lawsuits regarding audits have been filed.

Proposal 18-3, which was approved by the voters of Michigan and amended the state constitution, guarantees every Michigan elector the right to request an audit, stating that each “elector qualified to vote in Michigan shall have...(t)he right to have the results of statewide elections audited, in such a manner as prescribed by law, to ensure the accuracy and integrity of elections.” The central clause, “in such a manner as prescribed by law,” has resulted in the dismissal of demands of citizens to execute this provided right because the audit performed by the Michigan secretary of state was determined to satisfy this right. Much has been made by several persons that the hand recount in Antrim County was not truly an audit. This is, and was, admitted by the secretary

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of state's office as true in that it was not a precinct audit, but a risk-limiting audit with a risk limit of zero, because all of the ballots were recounted and not just a sample. Furthermore, this does not diminish the profound value of hand recounting every ballot and race in the county as evidence against fraud or other illicitness. However, the actual, mandated audit detailed below was eventually conducted in Antrim County as it was in all Michigan counties.

The audits performed by the Michigan secretary of state and facilitated by county clerks and local officials has faced significant derision by citizens, lawyers, and activist leaders. The accusation is that the secretary of state has a conflict of interest in the result as it is her role as chief election officer which is being judged. However, such allegations demonstrate a significant lack of understanding regarding the rigor and depth of the audit performed, especially its decentralized nature. Auditing of the results is undertaken and administered by the county clerks, with aid and assistance provided by the local city and township clerks, and is another step removed from the secretary of state. The clerks at each of these levels, excepting municipal, are partisans from both major parties.

The extent of the audit is also critical to understanding its dependability and credibility. There are 66 steps clerks are instructed to undertake in the process. The "Post-Election Audit Manual," available online at www.Michigan.gov/sos/post_election_audit_manual_418482_7.pdf, lays out several critical points as to purpose and goals. Notably, they include pre-Election Day and Election Day procedures' fidelity to law and rules. Precincts and races are selected randomly in each county across the state. The audit examines notices, appointments and training, e-Pollbook security, test deck procedures (logic and accuracy testing), military and overseas applications, poll books, and ballot containers. The audit checklist contains 66 points of examination to meet these goals and includes the hand counting of the randomly selected races in randomly selected precincts. Pictured is a completed audit for East Grand Rapids Precinct 5. Citizens can obtain these audit results across the state from their county clerks.

Post-Election Audit Checklist
 ALL 66 steps must be completed and checked on the reverse side of this checklist.
 Jurisdiction: Grand Rapids Regular Precinct: 5 Ballot Box: 12101000

Pre-Election Requirements		Post-Election Requirements		Ballot Container & Voter Ballot Item Count Audit	
1. Notice of Requirements	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	17. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	30. Contests signed by one inspector of each major political party	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2. Notice of Requirements	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	18. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	31. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
3. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	19. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	32. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
4. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	20. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	33. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
5. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	21. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	34. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
6. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	22. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	35. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
7. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	23. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	36. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
8. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	24. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	37. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
9. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	25. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	38. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
10. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	26. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	39. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
11. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	27. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	40. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
12. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	28. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	41. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
13. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	29. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	42. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
14. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	30. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	43. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
15. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	31. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	44. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
16. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	32. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	45. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
17. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	33. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	46. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
18. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	34. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	47. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
19. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	35. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	48. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
20. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	36. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	49. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
21. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	37. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	50. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
22. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	38. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	51. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
23. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	39. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	52. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
24. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	40. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	53. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
25. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	41. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	54. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
26. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	42. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	55. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
27. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	43. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	56. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
28. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	44. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	57. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
29. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	45. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	58. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
30. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	46. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	59. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
31. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	47. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	60. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
32. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	48. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	61. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
33. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	49. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	62. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
34. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	50. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	63. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
35. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	51. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	64. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
36. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	52. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	65. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
37. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	53. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	66. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
38. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	54. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	67. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
39. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	55. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	68. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
40. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	56. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	69. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
41. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	57. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	70. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
42. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	58. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	71. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
43. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	59. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	72. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
44. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	60. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	73. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
45. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	61. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	74. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
46. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	62. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	75. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
47. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	63. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	76. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
48. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	64. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	77. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
49. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	65. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	78. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
50. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	66. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	79. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
51. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	67. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	80. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
52. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	68. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	81. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
53. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	69. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	82. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
54. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	70. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	83. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
55. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	71. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	84. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
56. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	72. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	85. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
57. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	73. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	86. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
58. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	74. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	87. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
59. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	75. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	88. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
60. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	76. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	89. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
61. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	77. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	90. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
62. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	78. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	91. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
63. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	79. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	92. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
64. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	80. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	93. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
65. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	81. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	94. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
66. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	82. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	95. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
67. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	83. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	96. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
68. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	84. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	97. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
69. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	85. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	98. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
70. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	86. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	99. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
71. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	87. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	100. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
72. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	88. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	101. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
73. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	89. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	102. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
74. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	90. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	103. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
75. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	91. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	104. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
76. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	92. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	105. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
77. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	93. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	106. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
78. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	94. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	107. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
79. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	95. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	108. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
80. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	96. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	109. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
81. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	97. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	110. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
82. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	98. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	111. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
83. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	99. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	112. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
84. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	100. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	113. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
85. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	101. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	114. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
86. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	102. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	115. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
87. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	103. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	116. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
88. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	104. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	117. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
89. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	105. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	118. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
90. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	106. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	119. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
91. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	107. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	120. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
92. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	108. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	121. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
93. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	109. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	122. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
94. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	110. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	123. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
95. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	111. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	124. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
96. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	112. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	125. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
97. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	113. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	126. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
98. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	114. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	127. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
99. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	115. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	128. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
100. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	116. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	129. No Contests	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
101. Public Hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	117. Ballot Container & Voter Ballot Item Count Audit	Yes <input checked="" type="checkbox"/> No		

REPORT ON THE NOVEMBER 2020 ELECTION IN MICHIGAN

The Committee concludes these audits are far from the worthless exercises they have been castigated as being. Many of those criticizing them are misleading concerned citizens to believe the only audit done is the “risk limiting audit.” The risk limiting audit is also performed on top of the major, statewide county audit detailed above. Its purpose is to perform an *additional* spot check on the accuracy and function of the tabulators, but it is not the main audit done.

The Committee recommends providing live video feed and recordings of the audit procedures. The public should have access to view the audit in person when possible and results should be posted online. The Committee also recommends that the Legislature fulfill the commitment of Proposal 2018-3 to guarantee an audit upon request of any elector.

REPORT ON THE NOVEMBER 2020 ELECTION IN MICHIGAN

V. RECOMMENDATIONS AND CONCLUSION

Recommendations

- Place in statute the rights and duties of challengers and poll watchers, requiring they be uniformly trained and held accountable.
- Ensuring combined AVCBs can have more than one challenger per party, with the ability to replace challengers who exit the AVCB location after the sequester is lifted.
- Allow for bipartisan election inspectors for all audits and require the process be open to the public.
- Prohibit the unsolicited mailing of absentee voter ballot applications from the secretary of state to limit the potential for non-Michigan residents voting in elections.
- Establish signature verification requirements via the administrative rules process or statute in order to provide clarity and uniformity to election workers on the proper way to ensure signatures match.
- Require video security on all drop boxes and require all drop boxes be emptied and secured immediately or earlier than 8 p.m. on Election Day to help expedite the processing and tabulation of ballots.
- In order to ensure more accurate voter rolls, allow county clerks greater authority when removing deceased individuals from the Qualified Voter File.
- Allow for the continued pre-processing of absentee ballots the day before Election Day, so long as stringent security measures are kept in place. Pre-processing must occur on the site of tabulation.
- Consider allowing tabulation, which is more secure, to begin in the week preceding Election Day as long as results may not be released until polls are closed on the completion of Election Day.
- Require that best practices for maintaining a balanced precinct on Election Day be part of the necessary training for all precinct workers. Establish a public, published record of all clerks who fail to provide the appropriate training or continuing education to themselves or their employees.
- Reform the canvassing processes by requiring canvassers be present during the canvass activities, expanding certain county boards where population requires it, and provide for additional time for the process to be completed.

REPORT ON THE NOVEMBER 2020 ELECTION IN MICHIGAN**Conclusion**

The Committee can confidently assert that it has been thorough in examination of numerous allegations of unlawful actions, improper procedures, fraud, vote theft, or any other description which would cause citizens to doubt the integrity of Michigan's 2020 election results. Our clear finding is that citizens should be confident the results represent the true results of the ballots cast by the people of Michigan. The Committee strongly recommends citizens use a critical eye and ear toward those who have pushed demonstrably false theories for their own personal gain. We also conclude citizens should demand reasonable updates and reforms to close real vulnerabilities and unlawful activities that caused much of the doubt and questionability to flourish and could, if unchecked, be responsible for serious and disastrous fraud or confusion in the future.

Further, we commend the innumerable clerks, canvassers, staff, workers, and volunteers across Michigan that make the enormous complexity of elections operate so smoothly, so often. The complexity of the work and the dedication we discovered are astounding and worthy of our sincerest appreciation. We also commend the diligent citizens that took time to report problems and concerns they saw because they want and value fair and free elections above party or personal gain. If all citizens remain vigilant and involved, we will emerge stronger after any challenging time.

Total	2,513	6,267	41	11	31	14	6
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President and Vice President of the United States (Vote for 1)

Precinct	Joseph R. Biden / Kamala D. Harris - DEM	Donald J. Trump / Michael R. Pence - REP	Jo Jorgensen / Jeremy Cohen - LIB	Don Blankenship / William Mohr - UST	Howie Hawkins / Angela Walker - GRN	Rocky De La Fuente / Darcy Richardson - NLP	Write-in
Banks Township, Precinct 1	349	756	11	1	2	1	3
Central Lake Township, Precinct 1	549	906	16	1	6	0	3
Chestonia Township, Precinct 1	93	197	3	0	0	0	1
Custer Township, Precinct 1	240	521	11	2	1	0	0
Echo Township, Precinct 1	198	392	8	1	2	0	0
Elk Rapids Township, Precinct 1	886	1,025	17	4	9	0	2
Forest Home Township, Precinct 1	610	753	19	1	0	1	2
Helena Township, Precinct 1	306	431	4	0	1	1	0
Jordan Township, Precinct 1	183	371	13	1	1	0	2
Kearney Township, Precinct 1	471	743	16	0	3	0	4
Mancelona Township, Precinct 1	276	835	20	0	0	1	1
Mancelona Township, Precinct 2	247	646	13	2	1	0	1
Milton Township, Precinct 1	789	1,021	18	2	0	3	3
Star Township, Precinct 1	181	462	10	0	0	0	0
Torch Lake Township, Precinct 1	462	526	7	1	2	1	0
Warner Township, Precinct 1	60	163	3	0	0	0	1
Total	6,890	9,748	189	16	28	8	23

United States Senator for State (Vote for 1)

Precinct	Gary Peters - DEM	John James - REP	Valerie L. Willis - UST	Marcia Squier - GRN	Doug Dern - NLP	Write-in
Banks Township, Precinct 1	341	765	3	6	2	3
Central Lake Township, Precinct 1	520	933	9	9	3	0

Total
Banks Township, Precinct 1

Straight Party Ticket (1)	
Democratic Party (Democrat):	134
Republican Party (Republican):	520
Libertarian Party (Libertarian):	1
U.S. Taxpayers Party (U.S. Taxpayers):	0
Working Class Party (Working Class):	1
Green Party (Green):	0
Natural Law Party (Natural Law):	0
Total Votes:	656

President and Vice President of the United States (1)

Joseph R. Biden / Kamala D. Harris (Democrat):	349
Donald J. Trump / Michael R. Pence (Republican):	756
Jo Jorgensen / Jeremy Cohen (Libertarian):	11
Don Blankenship / William Mohr (U.S. Taxpayers):	1
Howie Hawkins / Ansel Walker (Green):	2
Rocky De La Fuente / Darcy Richardson (Natural Law):	1

White In 3

Member of the State Board of Education (2)

Ellen Cohen Lipton (Democrat):	278
Jason Strashorn (Democrat):	273
Tami Carlone (Republican):	692
Michelle A. Frederick (Republican):	698
Bill Hall (Libertarian):	24
Richard A. Hewer (Libertarian):	20
Karen Adams (U.S. Taxpayers):	5
Douglas Levesque (U.S. Taxpayers):	5
Mary Anne Hering (Working Class):	31
Hali McEschorn (Working Class):	23
Tom Hair (Green):	17
Write-in:	4
Total Votes:	2070

Regent of the University of Michigan (2)

Mark Bernstein (Democrat):	282
Shauna Ryder Diess (Democrat):	269
Sarah Hubbard (Republican):	709
Carl Meyers (Republican):	684
James L. Hudler (Libertarian):	16

Governor of Wayne State University (2)

Eva Garza Dewalsche (Democrat):	277
Shirley Stancato (Democrat):	257
Don Gates (Republican):	702
Terri Lynn Land (Republican):	704
Jon Elgas (Libertarian):	31
Christine C. Schwartz (U.S. Taxpayers):	23
Susan Odgers (Green):	31
Write-in:	5
Total Votes:	2030

County Prosecuting Attorney (1)

James L. Rossiter (Republican):	870
Write-in:	14
Total Votes:	884

County Sheriff (1)

Daniel S. Bean (Republican):	877
Write-in:	20
Total Votes:	897

County Clerk (1)

Sheryl Guy (Republican):	875
Write-in:	8
Total Votes:	883

1120
1123

Total
Central Lake Township, Precinct
1

Straight Party Ticket (1)	
Democratic Party (Democrat):	227
Republican Party (Republican):	536
Libertarian Party (Libertarian):	3
U.S. Taxpayers Party (U.S. Taxpayers):	0
Working Class Party (Working Class):	3
Green Party (Green):	2
Natural Law Party (Natural Law):	0
Total Votes:	771

President and Vice President of the United States (1)	
Joseph R. Biden / Kamala D. Harris (Democrat):	549
Donald J. Trump / Michael R. Pence (Republican):	906
Jo Jorgensen / Jeremy Cohen (Libertarian):	16
Don Blankenship / William Mohr (U.S. Taxpayers):	1
Howie Hawkins / Angela Walker (Green):	6
Rocky De La Fuente / Darcy Richardson (Natural Law):	0
Write-in:	3
Total Votes:	1481

Member of the State
Board of Education
(2)

Ellen Cosen Lipton (Democrat):	457
Jason Strashorn (Democrat):	443
Tami Carlone (Republican):	807
Michelle A. Frederick (Republican):	824
Bill Hall (Libertarian):	28
Richard A. Hower (Libertarian):	32
Karen Adams (U.S. Taxpayers):	16
Douglas Levesque (U.S. Taxpayers):	12
Mary Anne Herings (Working Class):	34
Hali McEachern (Working Class):	27
Tom Hair (Green):	17
Write-in:	0
Total Votes:	2697

Regent of the
University of
Michigan (2)

Mark Bernstein (Democrat):	451
Shauna Ryder Diggs (Democrat):	438
Sarah Hubbard (Republican):	845
Carl Meyers (Republican):	807
James L. Hudler (Libertarian):	22
Eric Larson (Libertarian):	28
Ronald E. Graeser (U.S. Taxpayers):	13
Crystal Van Sickle (U.S. Taxpayers):	

Governor of Wayne
State University (2)

Eva Garza Dewaelsche (Democrat):	414
Shirley Stancato (Democrat):	439
Don Gates (Republican):	825
Terri Lynn Land (Republican):	851
Jon Elsas (Libertarian):	32
Christine C. Schwartz (U.S. Taxpayers):	23
Susan Odgers (Green):	33
Write-in:	1
Total Votes:	2618

County Prosecuting
Attorney (1)

James L. Rossiter (Republican):	1082
Write-in:	16
Total Votes:	1098

County Sheriff (1)

Daniel S. Bean (Republican):	1142
Write-in:	21
Total Votes:	1163

County Clerk (1)

Sheryl Gus (Republican):	1109
Write-in:	11
Total Votes:	1120

County Treasurer (1)

Sheryl Gus (Republican):	
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Township S for Central Lake Township (1)
Stanley A. Bear (Republican):
Write-in:
Total Votes:

Township C Central Lake Township (1)
Judy Kosloski (Republican):
Write-in:
Total Votes:

Township Tr for Central Lake Township (1)
Andrew Smith (Rep)
Write-in:
Total Votes:

Township Tr Central Lake Township (2)
Patrick Hanlon (Republican):
Pat Marshall (Rep)
Write-in:
Total Votes:

Justice of S Court (2)

Total
Chestonia Township, Precinct 1

Straight Party Ticket (1)	
Democratic Party (Democrat):	45
Republican Party (Republican):	134
Libertarian Party (Libertarian):	0
U.S. Taxpayers Party (U.S. Taxpayers):	0
Working Class Party (Working Class):	0
Green Party (Green):	0
Natural Law Party (Natural Law):	0
Total Votes:	179

President and Vice President of the United States (1)	
Joseph R. Biden / Kamala D. Harris (Democrat):	93
Donald J. Trump / Michael R. Pence (Republican):	197
Jo Jorgensen / Jeremy Cohen (Libertarian):	3
Don Blankenship / William Mohr (U.S. Taxpayers):	0
Howie Hawkins / Angela Walker (Green):	0
Rocky De La Fuente / Darcy Richardson (Natural Law):	0
Write-in:	1
Total Votes:	294

Member of the State Board of Education (2)

Ellen Cosen Lipton (Democrat):	84
Jason Strayhorn (Democrat):	73
Tami Carlone (Republican):	171
Michelle A. Frederick (Republican):	170
Bill Hall (Libertarian):	8
Richard A. Hewer (Libertarian):	2
Karen Adams (U.S. Taxpayers):	4
Douglas Levesque (U.S. Taxpayers):	4
Mary Anne Herings (Working Class):	4
Hali McEachern (Working Class):	4
Tom Hair (Green):	8
Write-in:	5
Total Votes:	537

Regent of the University of Michigan (2)

Mark Bernstein (Democrat):	77
Shauna Ryder Dias (Democrat):	81
Sarah Hubbard (Republican):	177
Carl Meyers (Republican):	174
James L. Hudler (Libertarian):	2
Eric Larson (Libertarian):	5
Ronald E. Graesser (U.S. Taxpayers):	5

Governor of Wayne State University (2)

Eva Garza Dewaelische (Democrat):	79
Shirley Stancato (Democrat):	80
Don Gates (Republican):	175
Terri Lynn Land (Republican):	175
Jon Elgas (Libertarian):	6
Christine C. Schwartz (U.S. Taxpayers):	6
Susan Odgers (Green):	8
Write-in:	5
Total Votes:	534

County Prosecuting Attorney (1)

James L. Rossiter (Republican):	216
Write-in:	11
Total Votes:	227

County Sheriff (1)

Daniel S. Bean (Republican):	233
Write-in:	12
Total Votes:	245

County Clerk (1)

Sheryl Guy (Republican):	219
Write-in:	12
Total Votes:	231

County Treasurer (1)

Sherry A. Comben (Republican):	220
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Total

Custer Township, Precinct 1

Straight Party Ticket (1)	
Democratic Party (Democrat):	108
Republican Party (Republican):	354
Libertarian Party (Libertarian):	1
U.S. Taxpayers Party (U.S. Taxpayers):	3
Working Class Party (Working Class):	2
Green Party (Green):	1
Natural Law Party (Natural Law):	0
Total Votes:	469

President and Vice President of the United States (1)	
Joseph R. Biden / Kamala D. Harris (Democrat):	240
Donald J. Trump / Michael R. Pence (Republican):	521
Jo Jorgensen / Jeremy Cohen (Libertarian):	11
Don Blankenship / William Mohr (U.S. Taxpayers):	2
Howie Hawkins / Angela Walker (Green):	1
Rocky De La Fuente / Darcy Richardson (Natural Law):	0
Write-in:	0
Total Votes:	775

105th District (1)

Jonathan Burke (Democrat):	221
Ken Borton (Republican):	534
Write-in:	1
Total Votes:	756

Member of the State Board of Education (2)

Ellen Cosen Lipton (Democrat):	201
Jason Strashorn (Democrat):	185
Tami Carlone (Republican):	481
Michelle A. Frederick (Republican):	475
Bill Hall (Libertarian):	23
Richard A. Hoyer (Libertarian):	13
Karen Adams (U.S. Taxpayers):	13
Douglas Levesque (U.S. Taxpayers):	5
Mary Anne Herings (Working Class):	15
Hali McEachern (Working Class):	8
Tom Hair (Green):	15
Write-in:	3
Total Votes:	1437

(Democrat):	178
Pat O'Keefe (Republican):	491
Tonya Schuitmaker (Republican):	485
Will Tyler White (Libertarian):	22
Janet M. Sander (U.S. Taxpayers):	14
John Paul Sanger (U.S. Taxpayers):	8
Brandon Hu (Green):	10
Robin Lea Laurain (Green):	14
Bridgette Abraham-Guzman (Natural Law):	8
Write-in:	2
Total Votes:	1408

Governor of Wayne State University (2)

Eva Garza Dewaelsche (Democrat):	172
Shirley Stancato (Democrat):	181
Don Gates (Republican):	490
Terri Lynn Land (Republican):	486
Jon Elgas (Libertarian):	25
Christine C. Schwartz (U.S. Taxpayers):	16
Susan Odsers (Green):	20
Write-in:	3
Total Votes:	1393

County Prosecuting Attorney (1)

James L. Rossiter (Republican):	618
Write-in:	12
Total Votes:	630

County Sheriff (1)

Daniel S. Bean (Republican):	652
Write-in:	11
Total Votes:	663

Total Votes:

County S.
Scott Papinea (Republican):
Write-in:
Total Votes:

County Co
5th Distr
Terry VanAlst (Republican):
Write-in:
Total Votes:

County Co
6th Distr
Brenda Rickson (Republican):
Write-in:
Total Votes:

Township
for Custer
(1)
Roxann Flake (
Write-in:
Total Votes:

Township
Custer To
Stacy Simon (
Write-in:
Total Votes:

Township
for Custer
(1)
Renee Elder (
Write-in:
Total Votes:

Total Votes: 195

Justice of Supreme Court (2)	
Susan L. Hubbard:	23
Mary Kelly:	31
Bridget Mary McCormack:	54
Kerry Lee Morgan:	7
Katherine Mary Nepton:	9
Brock Swartzle:	33
Elizabeth M. Welch:	33
Write-in:	0
Total Votes:	190

Judge of Court of Appeals 4th District Incumbent Position (2)	
Michael J. Kelly:	72
Amy Ronayne Krause:	63
Write-in:	0
Total Votes:	135

Judge of Court of Appeals 4th District Non-Incumbent Position (1)	
Michelle Rick:	80
Write-in:	0
Total Votes:	80

Judge of Circuit Court 13th Circuit Incumbent Position (1)	
Kevin A. Eisenheimer:	83

Total

Echo Township, Precinct 1

Straight Party Ticket (1)

Democratic Party (Democrat):	100
Republican Party (Republican):	230
Libertarian Party (Libertarian):	1
U.S. Taxpayers Party (U.S. Taxpayers):	0
Working Class Party (Working Class):	1
Green Party (Green):	0
Natural Law Party (Natural Law):	0
Total Votes:	332

President and Vice President of the United States (1)

Joseph R. Biden / Kamala D. Harris (Democrat):	198
Donald J. Trump / Michael R. Pence (Republican):	392
Jo Jorgensen / Jeremy Cohen (Libertarian):	8
Don Blankenship / William Mohr (U.S. Taxpayers):	1
Howie Hawkins / Angela Walker (Green):	2
Rocky De La Fuente / Darcy Richardson (Natural Law):	0
Write-in:	0
Total Votes:	601

Total Votes: 1118

Member of the State Board of Education (2)

Ellen Cosen Lipton (Democrat):	175
Jason Strashorn (Democrat):	169
Tami Carlone (Republican):	351
Michelle A. Frederick (Republican):	361
Bill Hall (Libertarian):	16
Richard A. Hower (Libertarian):	13
Karen Adams (U.S. Taxpayers):	6
Douglas Levesque (U.S. Taxpayers):	4
Mary Anne Herins (Working Class):	11
Hali McEachern (Working Class):	9
Tom Hair (Green):	3
Write-in:	0
Total Votes:	1118

Regent of the University of Michigan (2)

Mark Bernstein (Democrat):	168
Shauna Ryder Dicks (Democrat):	171
Sarah Hubbard (Republican):	361
Carl Meyers (Republican):	352
James L. Hudler (Libertarian):	11
Eric Larson (Libertarian):	13
Ronald E. Graesser (U.S. Taxpayers):	5

Township Trustee for Elk Rapids Township (2)	
Richard D. Huits (Republican):	444
Raron Isenhardt (Republican):	466
Write-in:	16
Total Votes:	926

Justice of Supreme Court (2)	
Susan L. Hubbard:	68
Michelle Rick:	40
Write-in:	3
Total Votes:	410

Judge of Circuit Court 13th Circuit Incumbent Position (1)	
Kevin A. Elsenheimer:	442
Write-in:	3
Total Votes:	445

Village President for Village of Elk Rapids (1)	
James D. Janisse:	486
Write-in:	15
Total Votes:	501

Village Trustee for Village of Elk Rapids (3)	
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Village Trustee for Village of Elk Rapids, Partial Term Ending 11/06/2022 (1)	
Teresa Fosdick:	513
Write-in:	4
Total Votes:	517

School Board Member for Elk Rapids Schools (3)	
No:	224
Total Votes:	806

Total
Elk Rapids Township, Precinct 1

Straight Party Ticket (1)	
Democratic Party (Democrat):	327
Republican Party (Republican):	414
Libertarian Party (Libertarian):	1
U.S. Taxpayers Party (U.S. Taxpayers):	1
Working Class Party (Working Class):	2
Green Party (Green):	1
Natural Law Party (Natural Law):	0
Total Votes:	746

President of the United States (1)	
Joseph R. Biden / Kamala D. Harris (Democrat):	784
Donald J. Trump / Michael R. Pence (Republican):	611
Jo Jorgensen / Jeremy Cohen (Libertarian):	5
Don Blankenship / William Mohr (U.S. Taxpayers):	2
Howie Hawkins / Angela Walker (Green):	5
Rocky De La Fuente / Darcy Richardson (Natural Law):	0
Write-in:	2
Total Votes:	1409

Representative in State Legislature 105th District (1)	
Jonathan Burke (Democrat):	705
Ken Borton (Republican):	661
Write-in:	1
Total Votes:	1367

Member of the State Board of Education (2)	
Ellen Cosen Lipton (Democrat):	681
Jason Strayhorn (Democrat):	636
Tami Carlone (Republican):	594
Michelle A. Frederick (Republican):	607
Bill Hall (Libertarian):	17
Richard A. Hoyer (Libertarian):	20
Karen Adams (U.S. Taxpayers):	10

Incumbent Position (1)	
Kevin R. Elsenheimer:	224
Write-in:	5
Total Votes:	229

Village President for Village of Elk Rapids (1)	
James D. Janisse:	221
Write-in:	15
Total Votes:	236

Village Trustee for Village of Elk Rapids (3)	
Douglas Bronkema:	148
Patricia Ann Perlman:	141
Charlie Pryde:	197
Laura Shumate:	168
Write-in:	3
Total Votes:	657

Village Trustee for Village of Elk Rapids, Partial Term Ending 11/06/2022 (1)	
Teresa Fosdick:	234
Write-in:	6
Total Votes:	240

School Board Member for Elk Rapids Schools (3)	
Darryl Antcliff:	166

Total
Elk Rapids Township, Precinct 1

Straight Party Ticket (1)	
Democratic Party (Democrat):	81
Republican Party (Republican):	263
Libertarian Party (Libertarian):	5
U.S. Taxpayers Party (U.S. Taxpayers):	1
Working Class Party (Working Class):	0
Green Party (Green):	4
Natural Law Party (Natural Law):	0
Total Votes:	354

President and Vice President of the United States (1)	
Joseph R. Biden / Kamala D. Harris (Democrat):	202
Donald J. Trump / Michael R. Pence (Republican):	414
Jo Jorgensen / Jeremy Cohen (Libertarian):	12
Don Blankenship / William Mohr (U.S. Taxpayers):	2
Howie Hawkins / Angela Walker (Green):	4
Rocky De La Fuente / Darcey Richardson (Natural Law):	0
Write-in:	0
Total Votes:	634

Representative in State Legislature 105th District (1)	
Jonathan Burke (Democrat):	194
Ken Borton (Republican):	410
Write-in:	3
Total Votes:	607

Member of the State Board of Education (2)	
Ellen Cogen Lipton (Democrat):	154
Jason Strayhorn (Democrat):	144
Tami Carlone (Republican):	361
Michelle A. Frederick (Republican):	361
Bill Hall (Libertarian):	29
Richard A. Hower (Libertarian):	20
Karen Adams (U.S. Taxpayers):	9
Douglas Levesque (U.S. Taxpayers):	7
Mary Anne Hering (Working Class):	19
Hali McEachern (Working Class):	8
Tom Mair (Green):	12
Write-in:	0
Total Votes:	1124

United States (1)	
Joseph R. Biden / Kamala D. Harris (Democrat):	610
Donald J. Trump / Michael R. Pence (Republican):	753
Jo Jorgensen / Jeremy Cohen (Libertarian):	19
Don Blankenship / William Mohr (U.S. Taxpayers):	1
Howie Hawkins / Angela Walker (Green):	0
Rocky De La Fuente / Darcus Richardson (Natural Law):	1
Write-in:	2
Total Votes:	1386

United States Senator for State (1)	
Gary Peters (Democrat):	580
John James (Republican):	782
Valerie L. Willis (U.S. Taxpayers):	4
Marcia Squier (Green):	5
Doug Dern (Natural Law):	2
Write-in:	0
Total Votes:	1373

Representative in Congress 1st District (1)	
Dana Ferguson (Democrat):	532
Jack Berzman (Republican):	817

University of Michigan (2)	
Mark Bernstein (Democrat):	487
Shauna Ryder Diggs (Democrat):	482
Sarah Hubbard (Republican):	710
Carl Meyers (Republican):	674
James L. Hudler (Libertarian):	33
Eric Larson (Libertarian):	42
Ronald E. Graesser (U.S. Taxpayers):	8
Crystal Van Sickle (U.S. Taxpayers):	20
Michael Hawilal (Green):	23
Keith Butkovich (Natural Law):	8
Write-in:	3
Total Votes:	2490

Trustee of Michigan State University (2)	
Brian Mosallam (Democrat):	471
Rena Ella Vassar (Democrat):	488
Pat O'Keefe (Republican):	713
Tonya Schuitmaker (Republican):	703
Will Tyler White (Libertarian):	43
Janet M. Sanger (U.S. Taxpayers):	21
John Paul Sanger (U.S. Taxpayers):	8

Sheryl Guy (Republican):	1014
Write-in:	4
Total Votes:	1018

County Treasurer (1)	
Sherry A. Comben (Republican):	1001
Write-in:	4
Total Votes:	1005

County Register of Deeds (1)	
Patty Niepoth (Republican):	983
Write-in:	7
Total Votes:	998

County Drain Commissioner (1)	
Mark Stone (Republican):	981
Write-in:	6
Total Votes:	987

County Surveyor (1)	
Scott Papineau (Republican):	973
Write-in:	4
Total Votes:	977

County Commissioner	
Terry VanHestine (Republican):	222
5th District (1)	

Judge of Court of Appeals 4th District Non-Incumbent Position (1)

Forest Home Township, Precinct 1
Total

[illegible]

1

Representative in Congress 1st District (1)	
Dana Ferguson (Democrat):	279

Non-Incumbent Position (1)	
Michelle Rick:	267
Write-in:	4
Total Votes:	271

Judge of Circuit Court 13th Circuit Incumbent Position (1)	
Kevin A. Elsenheimer:	270
Write-in:	1
Total Votes:	271

Board Member for Charlevoix-Emmet Intermediate School District 6 Year Term (3)	
Thelma A. Chellis:	227
Jean E. Frentz:	199
Mary P. Jason:	221
Write-in:	1
Total Votes:	648

Board Member for Charlevoix-Emmet Intermediate School District Partial Term Ending 12/31/2024 (1)	
Larry Cassidy:	250
Write-in:	7
Total Votes:	257

Total
Jordan Township, Precinct 1

Straight Party Ticket (1)	
Democratic Party (Democrat):	75
Republican Party (Republican):	252
Libertarian Party (Libertarian):	2
U.S. Taxpayers Party (U.S. Taxpayers):	1
Working Class Party (Working Class):	2
Green Party (Green):	1
Natural Law Party (Natural Law):	0
Total Votes:	333

President and Vice President of the United States (1)	
Joseph R. Biden / Kamala D. Harris (Democrat):	183
Donald J. Trump / Michael R. Pence (Republican):	371
Jo Jorgensen / Jeremy Cohen (Libertarian):	13
Don Blankenship / William Mohr (U.S. Taxpayers):	1
Howie Hawkins / Angela Walker (Green):	1
Rocky De La Fuente / Darcy Richardson (Natural Law):	0
Write-in:	2

Member of the State Board of Education (2)	
Ellen Cogen Lipton (Democrat):	165
Jason Strashorn (Democrat):	154
Tami Carlone (Republican):	334
Michelle A. Frederick (Republican):	337
Bill Hall (Libertarian):	15
Richard A. Hewer (Libertarian):	12
Karen Adams (U.S. Taxpayers):	10
Douglas Levesque (U.S. Taxpayers):	5
Mary Anne Hering (Working Class):	15
Hali McEachern (Working Class):	5
Tom Hair (Green):	4
Write-in:	0
Total Votes:	1056

Hearney

Straight Party Ticket (1)

Democratic Party (Democrat):	187
Republican Party (Republican):	490
Libertarian Party (Libertarian):	2
U.S. Taxpayers Party (U.S. Taxpayers):	0
Working Class Party (Working Class):	0
Green Party (Green):	1
Natural Law Party (Natural Law):	0
Total Votes:	680

President and Vice President of the United States (1)

Joseph R. Biden / Kamala D. Harris (Democrat):	471
Donald J. Trump / Michael R. Pence (Republican):	743
Jo Jorgensen / Jeremy Cohen (Libertarian):	16
Don Blankenship / William Mohr (U.S. Taxpayers):	0
Howie Hawkins / Andela Walker (Green):	3
Rocky De La Fuente / Darcus Richardson (Natural Law):	0
Write-in:	4
Total Votes:	1237

Member of the State Board of Education (2)

Ellen Cosen Lipton (Democrat):	396
Jason Strashorn (Democrat):	391
Tami Carlone (Republican):	675
Michelle A. Frederick (Republican):	667
Bill Hall (Libertarian):	31
Richard A. Hower (Libertarian):	21
Karen Adams (U.S. Taxpayers):	7
Douglas Levesque (U.S. Taxpayers):	5
Mary Anne Herins (Working Class):	26
Hali McEachern (Working Class):	22
Tom Mair (Green):	22
Write-in:	0
Total Votes:	2263

Regent of the University of Michigan (2)

Mark Bernstein (Democrat):	401
Shauna Ryder Diggs (Democrat):	379
Sarah Hubbard (Republican):	694
Carl Meyers (Republican):	664
James L. Hudler (Libertarian):	20

Governor of Wayne State University (2)

Eva Garza Dewaelsche (Democrat):	385
Shirley Stancato (Democrat):	390
Don Gates (Republican):	668
Terri Lynn Land (Republican):	685
Jon Elgas (Libertarian):	26
Christine C. Schwartz (U.S. Taxpayers):	17
Susan Odgers (Green):	39
Write-in:	2
Total Votes:	2212

County Prosecuting Attorney (1)

James L. Rossiter (Republican):	893
Write-in:	14
Total Votes:	907

County Sheriff (1)

Daniel S. Bean (Republican):	949
Write-in:	18
Total Votes:	967

County Clerk (1)

Sheryl Guy (Republican):	932
Write-in:	9
Total Votes:	941

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Township Treasurer for Mancelona Township (1)	
Jessie Ayoub (Republican):	449
Write-in:	5
Total Votes:	454

Township Trustee for Mancelona Township (2)	
Yousef M. Jabara (Democrat):	120
Rod Vessey (Republican):	415
Donna Gundie-Kries (Libertarian):	167
Write-in:	9
Total Votes:	711

Township Constable for Mancelona Township (1)	
Linden M. Bielecki (Republican):	448
Write-in:	6
Total Votes:	454

Justice of Supreme Court (2)	
Susan L. Hubbard:	60
Mary Kelly:	109
Bridget Mary McCormack:	208
Kerry Lee Morgan:	79
Katherine Mary Montan:	58

Village Trustee for Village of Mancelona (2)	
Aaron Biehl:	323
Steven Elder:	286
Eugene K. Kerr:	108
Write-in:	8
Total Votes:	725

School Board Member for Mancelona Schools (3)	
Kia Musselman:	330
Tom Ross:	274
Burt Thompson:	264
Write-in:	7
Total Votes:	875

State Proposal 20-1 (1)	
Yes:	419
No:	80
Total Votes:	499

State Proposal 20-2 (1)	
Yes:	446
No:	67
Total Votes:	513

Total
Mancelona Township, Precinct 1

President and Vice President of the United States (1)	
Joseph R. Biden / Kamala D. Harris (Democrat):	276
Donald J. Trump / Michael R. Pence (Republican):	835
Jo Jorgensen / Jeremy Cohen (Libertarian):	20
Don Blankenship / William Mohr (U.S. Taxpayers):	0
Howie Hawkins / Angela Walker (Green):	0
Rocky De La Fuente / Darcey Richardson (Natural Law):	1
Write-in:	1
Total Votes:	1133

United States Senator for State (1)	
Gary Peters (Democrat):	294
John James (Republican):	803
Valerie L. Willis (U.S. Taxpayers):	9
Marcia Squier (Green):	6
Doug Dern (Natural Law):	7
Write-in:	2
Total Votes:	1121

Representative in Congress 1st District (1)	
Dana Ferguson (Democrat):	264
Jack Bergman (Republican):	829

Justice of Supreme Court (2)	
Susan L. Hubbard:	118
Mary Kelly:	215
Bridget Mary McCormack:	304
Kerry Lee Morgan:	65
Katherine Mary Nepton:	99
Brock Swartzle:	226
Elizabeth M. Welch:	165
Write-in:	9
Total Votes:	1199

Judge of Court of Appeals 4th District Incumbent Position (2)	
Michael J. Kelly:	524
Amy Ronayne Krause:	452
Write-in:	13
Total Votes:	989

Judge of Court of Appeals 4th District Non-Incumbent Position (1)	
Michele Rick:	579
Write-in:	9
Total Votes:	588

Judge of Circuit Court 13th Circuit Incumbent Position (1)	
Write-in:	1
Total Votes:	910

Total
Mancelona Township, Precinct 2

Straight Party Ticket (1)	
Democratic Party (Democrat):	107
Republican Party (Republican):	399
Libertarian Party (Libertarian):	4
U.S. Taxpayers Party (U.S. Taxpayers):	2
Working Class Party (Working Class):	5
Green Party (Green):	1
Natural Law Party (Natural Law):	0
Total Votes:	518

President and Vice President of the United States (1)	
Joseph R. Biden / Kamala D. Harris (Democrat):	247
Donald J. Trump / Michael R. Pence (Republican):	646
Jo Jorgensen / Jeremy Cohen (Libertarian):	13
Don Blankenship / William Mohr (U.S. Taxpayers):	2
Howie Hawkins / Angela Walker (Green):	1
Rocky De La Fuente / Darcy Richardson (Natural Law):	0
Write-in:	1
Total Votes:	910

Member of the State Board of Education (2)	
Ellen Cosen Lipton (Democrat):	214
Jason Strauhorn (Democrat):	204
Tami Carlone (Republican):	554
Michelle A. Frederick (Republican):	557
Bill Hall (Libertarian):	22
Richard A. Hower (Libertarian):	21
Karen Adams (U.S. Taxpayers):	18
Douglas Levesque (U.S. Taxpayers):	13
Mary Anne Herins (Working Class):	29
Hali McEachern (Working Class):	18
Tom Hair (Green):	4
Write-in:	3
Total Votes:	1657

Regent of the University of Michigan (2)	
Mark Bernstein (Democrat):	220
Shauna Ryder Diass (Democrat):	203
Sarah Hubbard (Republican):	575
Carl Meyers (Republican):	544
James L. Hudler (Libertarian):	18
Eric Larson (Libertarian):	27
Ronald E. Graesser (U.S. Taxpayers):	13

Antrim County
Antrim November 2020
Tuesday, November 3, 2020

Tabulator Name
Milton Township, Precinct 1
AVCB

Tabulator ID
110

Voting Location
Milton Township

Precinct:

Milton Township, Precinct 1

Poll Opened
Nov 03/2020 06:45:21

Poll Closed
Nov 03/2020 20:22:15

President and Vice
President of the
United States (1)

Joseph R. Biden / Kamala D. Harris (Democrat):	626
Donald J. Trump / Michael R. Pence (Republican):	543
Jo Jorgensen / Jeremy Cohen (Libertarian):	6
Don Blankenship / William Mohr (U.S. Taxpayers):	2
Howie Hawkins / Angela Walker (Green):	0
Rocky De La Fuente / Darcy Richardson (Natural Law):	2
Write-in:	0
Total Votes:	1179

United States
Senator for State
(1)

Gary Peters (Democrat):	584
John James (Republican):	583
Valerie L. Willis (U.S. Taxpayers):	2
Marcia Squier (Green):	2
Doug Dern (Natural Law):	1
Write-in:	1
Total Votes:	1173

Representative in
Congress 1st
District (1)

Dana Ferauson (Democrat):	540
Jack Berzman (Republican):	614
Ben Boren (Libertarian):	9

Regent of the
University of
Michigan (2)

Mark Bernstein (Democrat):	496
Shauna Ryder Diass (Democrat):	493
Sarah Hubbard (Republican):	549
Carl Meyers (Republican):	530
James L. Hudler (Libertarian):	14
Eric Larson (Libertarian):	20
Ronald E. Graeser (U.S. Taxpayers):	3
Crystal Van Sickle (U.S. Taxpayers):	13
Michael Mawilai (Green):	19
Keith Butkovich (Natural Law):	9
Write-in:	2
Total Votes:	2148
Total Votes:	2111

County Prosecuting
Attorney (1)

James L. Rossiter (Republican):	743
Write-in:	11
Total Votes:	754

County Sheriff (1)

Daniel S. Bean (Republican):	782
Write-in:	11
Total Votes:	793

Count

Sheryl

Write-in

Total V

Count

Sheryl

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Write-in

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Write-in

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for Mil
(1)

Liz Atkins

Write-in:

Total Vote:

--- PRINTING INTERRUPTED ---

Antrim County
Antrim November 2020
Tuesday, November 3, 2020

Tabulator Name
Milton Township, Precinct 1
ICP

Tabulator ID
13

Voting Location
Milton Township

Precinct:

Milton Township, Precinct 1

Poll Opened Nov 03/2020 06:01:49
Poll Closed Nov 03/2020 20:14:17
Report Printed Nov 03/2020 20:18:29

Unit Model: PCDS-320C (Rev 1072)
Unit Serial: AFAJHX0066
Protective Counter: 5352
Software Version: 5.5.3-0002

Total Scanned: 640
Total Voters: 640

President and Vice President of the United States (1)

Joseph R. Biden / Kamala D. Harris (Democrat):	143
Donald J. Trump / Michael R. Pence (Republican):	478
Jo Jorgensen / Jeremy Cohen (Libertarian):	12
Don Blankenship / William Mohr (U.S. Taxpayers):	0
Howie Hawkins / Angela Walker (Green):	0
Rocky De La Fuente / Darcy Richardson (Natural Law):	1
Write-in:	3
Total Votes:	637

United States Senator for State (1)

Gary Peters (Democrat):	134
John James (Republican):	489
Valerie L. Willis (U.S. Taxpayers):	2
Marcia Souier (Green):	6
Doug Dern (Natural Law):	1
Write-in:	0
Total Votes:	632

Representative in Congress 1st District (1)

Dana Ferguson (Democrat):	116
Jack Bergman (Republican):	501

Regent of the University of Michigan (2)

Mark Bernstein (Democrat):	112
Shauna Rader Diaz (Democrat):	102
Sarah Hubbard (Republican):	458
Carl Meyers (Republican):	437
James L. Hudler (Libertarian):	14
Eric Larson (Libertarian):	20
Ronald E. Graesser (U.S. Taxpayers):	1
Crystal Van Sickle (U.S. Taxpayers):	8
Michael Mawilai (Green):	7
Keith Butkovich (Natural Law):	7
Write-in:	1
Total Votes:	1167

Trustee of Michigan State University (2)

Brian Mosallam (Democrat):	108
Rena Ella Vassar (Democrat):	108
Pat O'Keefe (Republican):	451
Tonya Schuitmaker (Republican):	444
Will Tyler White (Libertarian):	21
Janet M. Sanger (U.S. Taxpayers):	4
John Paul Sanger (U.S. Taxpayers):	4
Brandon M. (Democrat):	0

County Clerk

Sheryl Guy (Republican)
Write-in:
Total Votes:

County Treas

Sherry A. Comben (Republican):
Write-in:
Total Votes:

County Regis Deeds (1)

Patty Niepoth (Republican):
Write-in:
Total Votes:

County Drain Commissioner

Mark Stone (Republican)
Write-in:
Total Votes:

County Survey

Scott Papineau (Republican):
Write-in:
Total Votes:

Star Township

Precinct:

Star Township, Precinct 1

Precinct:

Star Township, Precinct 1

Straight Party
Ticket (1)

Democratic Party (Democrat):	67
Republican Party (Republican):	299
Libertarian Party (Libertarian):	0
U.S. Taxpayers Party (U.S. Taxpayers):	1
Working Class Party (Working Class):	0
Green Party (Green):	0
Natural Law Party (Natural Law):	0
Total Votes:	367

President and Vice
President of the
United States (1)

Joseph R. Biden / Kamala D. Harris (Democrat):	161
Donald J. Trump / Michael R. Pence (Republican):	462
Jo Jorgensen / Jeremy Cohen (Libertarian):	10
Don Blankenship / William Mohr (U.S. Taxpayers):	0
Howie Hawkins / Angela Walker (Green):	0
Rocky De La Fuente / Darcy Richardson (Natural Law):	0
Write-in:	0
Total Votes:	633

Write-in:	0
Total Votes:	633

Representative in
Congress 1st
District (1)

Ellen Cosen Lipton (Democrat):	147
Jason Strayhorn (Democrat):	125
Tami Carlone (Republican):	390
Michelle R. Frederick (Republican):	395
Bill Hall (Libertarian):	11
Richard R. Hewer (Libertarian):	3
Karen Adams (U.S. Taxpayers):	8
Douglas Levesque (U.S. Taxpayers):	5
Mary Anne Herings (Working Class):	22
Hali McEachern (Working Class):	12
Tom Mair (Green):	8
Write-in:	3
Total Votes:	1129

Eric Larson (Libertarian):	9
Ronald E. Graeser (U.S. Taxpayers):	7
Crystal Van Sickle (U.S. Taxpayers):	7
Michael Hawilai (Green):	5
Keith Butkovich (Natural Law):	4
Robin Lee Lauriat (Green):	4
Bridgette Abraham-Guzman (Natural Law):	0
Write-in:	3
Total Votes:	1101

Governor of Wayne
State University (2)

Eva Garza Dewaelesche (Democrat):	133
Shirley Stancato (Democrat):	136
Don Gates (Republican):	391
Terri Lynn Land (Republican):	401
Jon Elgas (Libertarian):	10
Christine C. Schwartz (U.S. Taxpayers):	11
Susan Odgers (Green):	9
Write-in:	3
Total Votes:	1094

County Prosecuting
Attorney (1)

James L. Rossiter (Republican):	507
Write-in:	5
Total Votes:	512

County Sheriff (1)

Daniel S. Bean (Republican):	525
Write-in:	7
Total Votes:	532

Write-in:	
Total Votes:	

County R
Deeds (1)

Patty Niepot (Democrat):	
9th Dis	
Christian M (Republican):	
Write-in:	
Total Votes:	

Township
for Sta
(1)

Robert Marx	
Write-in:	
Total Votes:	

Township
Star To

Phyllis Ho (Republican):	
Write-in:	
Total Vote	

Township
for Sta
(1)

Tammi Full	
Write-in:	
Total Vote	

es:	4	188
Register of (1)		
epoth can):	188	
Notes:	4	192

Drain Commissioner (1)		
one (Republican):	182	
in:	4	
Votes:	186	

ty Surveyor (1)		
Papineau (Republican):	180	
in:	4	
Votes:	184	

ty Commissioner District (1)		
Bargy (Republican):	180	
in:	6	
Votes:	186	

inship Supervisor Torch Lake Township (1)		
rt Cook (Republican):	177	
e-in:	5	
il Votes:	182	

Susan L. Hubbard:	18
Mary Kelly:	72
Bridget Mary McCormack:	113
Kerry Lee Morgan:	13
Katherine Mary Nepton:	6
Brock Swartzle:	70
Elizabeth M. Welch:	56
Write-in:	2
Total Votes:	350

Judge of Court of Appeals 4th District Incumbent Position (2)		
Michael J. Kelly:	140	
Roy Ronaune Krause:	135	
Write-in:	4	
Total Votes:	279	

Judge of Court of Appeals 4th District Non-Incumbent Position (1)		
Michelle Rick:	145	
Write-in:	2	
Total Votes:	147	

Judge of Circuit Court 13th Circuit Incumbent Position (1)		
Kevin A. Eisenheimer:	144	
Write-in:	3	
Total Votes:	147	

Total
Torch Lake Township, Precinct 1

Straight Party Ticket (1)		
Democratic Party (Democrat):	143	
Republican Party (Republican):	297	
Libertarian Party (Libertarian):	3	
U.S. Taxpayers Party (U.S. Taxpayers):	0	
Working Class Party (Working Class):	2	
Green Party (Green):	0	
Natural Law Party (Natural Law):	0	
Total Votes:	445	

President and Vice President of the United States (1)		
Joseph R. Biden / Kamala D. Harris (Democrat):	462	
Donald J. Trump / Michael R. Pence (Republican):	526	
Jo Jorgensen / Jeremy Cohen (Libertarian):	7	
Don Blankenship / William Mohr (U.S. Taxpayers):	1	
Howie Hawkins / Angela Walker (Green):	2	
Rocky De La Fuente / Daros Richardson (Natural Law):	1	
Write-in:	0	

999

(1)	
Yes:	122
No:	26
Total Votes:	148

Total
Warner Township, Precinct 1

Straight Party Ticket (1)	
Democratic Party (Democrat):	35
Republican Party (Republican):	106
Libertarian Party (Libertarian):	0
U.S. Taxpayers Party (U.S. Taxpayers):	0
Working Class Party (Working Class):	0
Green Party (Green):	0
Natural Law Party (Natural Law):	0
Total Votes:	141

President and Vice President of the United States (1)	
Joseph R. Biden / Kamala D. Harris (Democrat):	60
Donald J. Trump / Michael R. Pence (Republican):	163
Jo Jorgensen / Jeremy Cohen (Libertarian):	3
Don Blankenship / William Mohr (U.S. Taxpayers):	0
Howie Hawkins / Angela Walker (Green):	0
Rocky De La Fuente / Daros Richardson (Natural Law):	0
Write-in:	1
Total Votes:	227

105th District (1)	
Jonathan Burke (Democrat):	56
Ken Borton (Republican):	166
Write-in:	0
Total Votes:	222

Member of the State Board of Education (2)	
Ellen Cogen Lipton (Democrat):	53
Jason Strashorn (Democrat):	49
Tami Carlone (Republican):	141
Michelle R. Frederick (Republican):	145
Bill Hall (Libertarian):	3
Richard A. Hower (Libertarian):	4
Karen Adams (U.S. Taxpayers):	3
Douglas Levesque (U.S. Taxpayers):	3
Mary Anne Hering (Working Class):	3
Hali McEachern (Working Class):	5
Tom Hair (Green):	3
Write-in:	0
Total Votes:	412

Regent of the University of Michigan (2)	
Mark Bernstein (Democrat):	50
Shauna Ryder Diggs (Democrat):	49
Sarah Hubbard (Republican):	146
Carl Meyers (Republican):	142
James L. Hudler (Libertarian):	5
Eric Larson (Libertarian):	3
Ronald E. Graesser (U.S. Taxpayers):	2

Governor of Wayne State University (2)	
Eva Garza Dewaelsche (Democrat):	50
Shirley Stancato (Democrat):	47
Don Gates (Republican):	146
Terri Lynn Land (Republican):	147
Jon Elgas (Libertarian):	5
Christine C. Schwartz (U.S. Taxpayers):	6
Susan Odgers (Green):	3
Write-in:	1
Total Votes:	405

County Prosecuting Attorney (1)	
James L. Rossiter (Republican):	178
Write-in:	2
Total Votes:	180

County Sheriff (1)	
Daniel S. Bean	

Mark S.	
Write:	
Total	

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Scott (Repul	
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Total	

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Write	
Total	

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for (1)	
Marti (Repul	
Write	
Total	

Tow	
War	
Panel (Repul	
Write	
Total	

Tow	
for (1)	
Lori (Repul	
Write	
Total	

JOINT EXPERT REPORT

SCIENTISTS SAY NO CREDIBLE EVIDENCE OF COMPUTER FRAUD IN THE 2020 ELECTION OUTCOME, BUT POLICY MAKERS MUST WORK WITH EXPERTS TO IMPROVE CONFIDENCE

16 November 2020

We are specialists in election security, having studied the security of voting machines, voting systems, and technology used for government elections for decades.

We and other scientists have warned for many years that there are security weaknesses in voting systems and have advocated that election systems be better secured against malicious attack. As the National Academies recently concluded, "There is no realistic mechanism to fully secure vote casting and tabulation computer systems from cyber threats." However, notwithstanding these serious concerns, we have

never claimed that technical vulnerabilities have actually been exploited to alter the outcome of any U.S. election.

Anyone asserting that a U.S. election was “rigged” is making an extraordinary claim, one that must be supported by persuasive and verifiable evidence. Merely citing the existence of technical flaws does not establish that an attack occurred, much less that it altered an election outcome. It is simply speculation.

The presence of security weaknesses in election infrastructure does not by itself tell us that any election has actually been compromised. Technical, physical, and procedural safeguards complicate the task of maliciously exploiting election systems, as does monitoring of likely adversaries by law enforcement and the intelligence community. Altering an election outcome involves more than simply the existence of a technical vulnerability.

We are aware of alarming assertions being made that the 2020 election was “rigged” by exploiting technical vulnerabilities. However, in every case of which we are aware, these claims either have been unsubstantiated or are technically incoherent. To our collective knowledge, no credible evidence has been put forth that supports a conclusion that the 2020 election outcome in any State has been altered through technical compromise.

That said, it is imperative that the U.S. continue working to bolster the security of elections against sophisticated adversaries. At a minimum, all States should employ election security practices and mechanisms recommended by experts to increase assurance in election outcomes, such as post-election risk-limiting audits.

If you are looking for a good place to start learning the facts about election security, we recommend the recent National Academies of Science, Engineering, and Medicine (NASEM) study, “Securing the Vote”, which is available for free download at <https://doi.org/10.17226/25120>.

Signed,

(Affiliations are for identification purposes only; listed alphabetically by surname.)

1. Tony Adams, Independent Security Researcher.
2. Andrew W. Appel, Professor of Computer Science, Princeton University.
3. Arlene Ash, Professor, University of Massachusetts Medical School.
4. Steven M. Bellovin, Percy K. and Vida L.W. Hudson Professor of Computer Science; affiliate faculty, Columbia Law, Columbia University.
5. Matt Blaze, McDevitt Chair of Computer Science and Law, Georgetown University.
6. Duncan Buell, NCR Professor of Computer Science and Engineering, University of South Carolina.
7. Michael D. Byrne, Professor of Psychological Sciences and Computer Science, Rice University.
8. Jack Cable, Independent Security Researcher.
9. Jeremy Clark, NSERC/Raymond Chabot Grant Thornton/Catallaxy Industrial Research Chair in Blockchain Technologies, Concordia Institute for Information Systems Engineering.
10. Sandy Clark, Independent Security Researcher.
11. Stephen Checkoway, Assistant Professor of Computer Science, Oberlin College.
12. Richard DeMillo, Chair, School of Cybersecurity and Privacy and Warren Professor of Computing, Georgia Tech.
13. David L. Dill, Donald E. Knuth Professor, Emeritus, in the School of Engineering, Stanford University.
14. Zakir Durumeric, Assistant Professor of Computer Science, Stanford University.
15. Aleksander Essex, Associate Professor of Software Engineering, Western University, Canada.
16. David Evans, Professor of Computer Science, University of Virginia.
17. Ariel J. Feldman, Software Engineer.
18. Edward W. Felten, Robert E. Kahn Professor of Computer Science and Public Affairs, Princeton University.
19. Bryan Ford, Professor of Computer and Communication Sciences, Swiss Federal Institute of Technology Lausanne (EPFL).
20. Joshua M. Franklin, Independent Security Researcher.
21. Juan E. Gilbert, Banks Family Preeminence Endowed Professor & Chair, University of Florida.
22. J. Alex Halderman, Professor of Computer Science and Engineering, University of Michigan.
23. Joseph Lorenzo Hall, SVP Strong Internet, Internet Society.
24. Harri Hursti, Co-founder, Nordic Innovation Labs and Election Integrity Foundation.
25. Neil Jenkins, Chief Analytic Officer, Cyber Threat Alliance.

26. David Jefferson, Lawrence Livermore National Laboratory (retired).
27. Douglas W. Jones, Associate Professor of Computer Science, University of Iowa.
28. Joseph Kiniry, Principal Scientist, Galois, CEO and Chief Scientist, Free & Fair.
29. Philip Kortum, Associate Professor of Psychological Sciences, Rice University.
30. Carl E. Landwehr, Visiting Professor, University of Michigan.
31. Maggie MacAlpine, Co-founder, Nordic Innovation Labs and Election Integrity Foundation.
32. Bruce McConnell, former Deputy Under Secretary for Cybersecurity, Department of Homeland Security, (currently) president, EastWest Institute.
33. Patrick McDaniel, Weiss Professor of Information and Communications Technology, Penn State University.
34. Walter Mebane, Professor of Political Science and of Statistics, University of Michigan.
35. Eric Mill, Chrome Security PM, Google.
36. David Mussington, Professor of the Practice, School of Public Policy, University of Maryland College Park.
37. Peter G. Neumann, Chief Scientist, SRI International Computer Science Lab.
38. Lyell Read, Researcher at SSH Lab, Oregon State University.
39. Ronald L. Rivest, Institute Professor, Massachusetts Institute of Technology.
40. Aviel D. Rubin, Professor of Computer Science, Johns Hopkins University.
41. Bruce Schneier, Fellow and Lecturer, Harvard Kennedy School.
42. Alexander A. Schwarzmann, Dean of Computer and Cyber Sciences, Augusta University.
43. Hovav Shacham, Professor of Computer Science, The University of Texas at Austin.
44. Micah Sherr, Provost's Distinguished Associate Professor, Georgetown University.
45. Barbara Simons, IBM Research (retired).
46. Kevin Skoglund, Chief Technologist, Citizens for Better Elections.
47. Michael A. Specter, EECS PhD Candidate, MIT.
48. Alex Stamos, Director, Stanford Internet Observatory.
49. Philip B. Stark, Professor of Statistics and Associate Dean of Mathematical and Physical Sciences, University of California, Berkeley.
50. Jacob Stauffer, Director of Operations, Coherent CYBER.
51. Camille Stewart, Cyber Fellow, Harvard Belfer Center.
52. Rachel Tobac, Hacker, CEO of SocialProof Security.
53. Giovanni Vigna, Professor, Computer Science, University of California, Santa Barbara.
54. Poorvi L. Vora, Professor of Computer Science, The George Washington University.
55. Dan S. Wallach, Professor, Departments of Computer Science and Electrical & Computer Engineering, Rice Scholar, Baker Institute of Public Policy, Rice University.
56. Tarah Wheeler, Cyber Fellow, Harvard Belfer Center.
57. Eric Wustrow, Assistant Professor, Department of Electrical, Computer & Energy Engineering, University of Colorado Boulder.
58. Ka-Ping Yee, Review Team Member, California Secretary of State's Top-to-Bottom Review of Voting Systems.
59. Daniel M. Zimmerman, Principal Researcher, Galois and Principled Computer Scientist, Free & Fair.

STATEMENT OF JANAI NELSON, PRESIDENT AND DIRECTOR-COUNSEL, NAACP LEGAL
DEFENSE AND EDUCATIONAL FUND, INC.

MAY 3, 2022

I. INTRODUCTION

Thank you for the opportunity to directly submit this statement to the Select Committee to Investigate the January 6th Attack on the United States Capitol. No other act of mass violence in modern history has threatened the existence of our Republican form of government more than the insurrection that occurred at the United States Capitol a mere 16 months ago. The goal of the insurrectionists was clear: To effectuate a violent coup, deny the will of the majority of voters, and upend the functioning of our increasingly multi-racial, multi-ethnic democracy. Therefore, it is essential to the security and endurance of our democracy that this committee understand the January 6th attack in its full context: As a manifestation of broad white

supremacist backlash against robust democratic participation by people of color. This backlash has been fueled in part by the false narrative that rampant voter fraud occurred in communities of color and also by a deep-seated fear that the changing racial and ethnic demographics in the United States and the increasing racial and ethnic diversity of the electorate threaten the existing power structure premised on white supremacy. Moreover, the insurrection was preceded and followed by a rash of racially discriminatory voter suppression laws aimed at Black and Brown Americans and which continue to threaten the integrity of our electoral process. Faced with the added specter of future mass violence in our electoral process, Congress must not only address the threat to our democracy by investigating the January 6th attack but also by enacting legislation to fully protect the right to vote and ensure against election subversion.

A. Statement of Purpose and Outline

The purpose of this testimony is to make clear the explicit connection between the violence of January 6th and the legal retrenchment that both preceded and followed it, and to insist that Congress cannot address the root cause of the Insurrection without acting to build a more inclusive, multiracial, multi-ethnic democracy by protecting what the late Congressman John Lewis called the “precious, almost sacred” right to vote for Black and Brown Americans.¹

I briefly discuss the history of racial progress and backlash in the United States; show how a false narrative about elections stolen through massive voter fraud has served as a coded appeal to white racial resentment and a central frame that connects the January 6th Insurrection with wide-spread efforts to restrict the franchise; highlight the historic 2020 turnout of voters of color that intensified the current backlash; detail the various ways the backlash has taken shape since 2020; and explain how furthering progress on race and preventing future insurrection both require solutions that promote a truly inclusive, multi-racial democracy, starting at the ballot box and that protect our elections from subversion.

B. LDF and Our Work

LDF is America’s premier legal organization fighting for racial justice. Through litigation, advocacy, and public education, LDF seeks structural changes to expand democracy, eliminate disparities, and achieve racial justice in a society that fulfills the promise of equality for all Americans. LDF also defends the gains and protections won over the past 80 years of civil rights struggle and works to improve the quality and diversity of judicial and executive appointments.

Since its founding in 1940, LDF has been a leader in the fight to secure, protect, and advance the voting rights of Black voters and other communities of color.² LDF’s founder Thurgood Marshall—who litigated LDF’s watershed victory in *Brown v. Board of Education*,³ which set in motion the end of legal segregation in this country and transformed the direction of American democracy in the 20th century—referred to *Smith v. Allwright*,⁴ the 1944 case ending whites-only primary elections, as his most consequential case. He held this view, he explained, because he believed that the right to vote, and the opportunity to access political power, was critical to fulfilling the guarantee of full citizenship promised to Black people in the 14th Amendment to the U.S. Constitution. LDF has prioritized its work protecting the right of Black citizens to vote for more than 80 years—representing Martin Luther King Jr. and the marchers in Selma, Alabama in 1965, litigating seminal cases interpreting the scope of the Voting Rights Act, and working in communities across the South to strengthen and protect the ability of Black citizens to participate in a political process free from discrimination.

In addition to a robust voting rights litigation docket, LDF has monitored elections for more than a decade through our Prepared to Vote initiative (“PTV”) and, more recently, through our Voting Rights Defender (“VRD”) project, which place LDF staff and volunteers on the ground for primary and general elections every year to conduct non-partisan election protection, poll monitoring, and to support Black political participation in targeted jurisdictions—primarily in the South. LDF is also a founding member of the non-partisan civil rights Election Protection Hotline (1-866-OUR-VOTE), presently administered by the Lawyers’ Committee for Civil Rights Under Law.

¹Rep. John Lewis: “Your Vote Is Precious, Almost Sacred,” PBS Newshour (Sep. 6, 2021), <https://www.pbs.org/newshour/show/rep-john-lewis-your-vote-is-precious-almost-sacred>.

²LDF has been an entirely separate organization from the NAACP since 1957.

³347 U.S. 483 (1954).

⁴321 U.S. 649 (1944).

II. RACE IN THE UNITED STATES: A HISTORY OF PROGRESS & BACKLASH

America's history has been a halting and fraught journey concerning racial equality. This journey, however, has never been a straight line. In fact, the story of multi-racial democracy in the United States is a tale of progress, backlash, and retrenchment—at times followed by further progress, yet often long-delayed.⁵ This pattern is clear in the experience of Black Americans across four centuries. The backlash that follows moments of progress can take many forms. Two manifestations, however, are consistent and concrete: Violence and legal changes intended to relegate Black people to the margins of democratic society. We've experienced several of these cycles throughout American history, and our current moment shows all the signs of this same pattern.

A. *Cycles of Progress and Backlash*

The first substantial step toward racial equality in the United States came through the post-Civil War amendments to the Constitution, which ushered in an era known as Reconstruction. During this period, the Federal Government enforced new rules protecting the civil and voting rights of Black people in the South, and as a result Black people began to build political power through elected office and economic stability through institutions such as trade unions.⁶ This moment of progress, however, engendered a severe backlash wherein the influence and dominance of white supremacy was restored through violence and laws, in a period known as Redemption.⁷ Following the Compromise of 1877, the Federal Government withdrew its enforcement of the rules protecting the civil and voting rights of Black people and the Supreme Court ruled that courts would not protect Black people's civil rights against private actors⁸ resulting in nearly a century of racial terror through lynchings, mob violence, and Jim Crow "Black Codes" enforcing strict segregation and second-class citizenship ensued.⁹ It was not until the Civil Rights Movement of the 1960's, and specifically the Voting Rights Act of 1965, that the racial caste system reestablished through Redemption began to give way.

This pattern of progress and retrenchment has repeated throughout American history. In the early 20th Century, Black Americans began to leave the South—often under cloak of darkness—to escape the yoke of Jim Crow and seek fairer treatment and economic opportunity in the cities of the North.¹⁰ This "Great Migration" of approximately 6 million people provided opportunities unfathomable in the Redemption South. Yet those who migrated North were not met with open arms. The backlash from Northern whites and the National power structure manifested in myriad ways, but perhaps the most painful and lasting was redlining—a process through which mortgage lenders enforced strict residential segregation and robbed Black Americans of the single biggest opportunity to build generational wealth.¹¹ Ironically, the same Federal Government that briefly enforced Southern Blacks' rights during Reconstruction now drove their deprivation in Northern cities through its racist housing policy¹² among other racially discriminatory practices.

Similarly, the progress of LDF's landmark *Brown v. Board of Education* case which ended decades of legal segregation in America's public schools, was followed by "massive resistance" and segregation academies.¹³ In addition to defying the law to maintain racial hierarchy throughout the South, communities chose to shutter

⁵ Indeed, 8 of the 17 post-Bill of Rights amendments to the U.S. Constitution expanded the franchise directly or expanded the Constitutional rights and protection to ensure a more inclusive vision of "we the people" over the course of XX years. U.S. CONST. amends. XIII, XIV, XV, XVII, XIX, XXIII, XXIV, XXVI.

⁶ Eric Foner, *The Second Founding: How the Civil War and Reconstruction Remade the Constitution* (2019).

⁷ Id.

⁸ *U.S. v. Cruikshank*, 92 U.S. 542 (1876).

⁹ Foner *supra* note 6.

¹⁰ Isabel Wilkerson, *The Warmth of Other Suns: the Epic Story of America's Great Migration* (2011).

¹¹ Richard Rothstein, *The Color of Law* (2018); Lisa Rice, *Long Before Redlining: Racial Disparities in Homeownership Need Intentional Policies*, Shelterforce (Feb. 15, 2019), <https://shelterforce.org/2019/02/15/long-before-redlining-racial-disparities-in-homeownership-need-intentional-policies/>; Douglas S. Massey & Nancy A. Denton, *American Apartheid: Segregation and the Making of the Underclass* (1998); Ira Katznelson, *When Affirmative Action Was White: An Untold History of Racial Inequality in Twentieth-Century America* (2005); Robert C. Lieberman, *Shifting the Color Line: Race and the American Welfare State* (Cambridge, MA: Harvard University Press, 1998).

¹² See generally *Color of Law*.

¹³ Report: *Segregation in America*, EQUAL JUSTICE INITIATIVE (2018), 20–39, <https://segregationinamerica.eji.org/report.pdf?action=purge>.

public infrastructure rather than share it equally—even draining public pools rather than allowing Black and white children to swim together.¹⁴

Keeping with this insidious pattern, the progress of electing the Nation's first Black president in 2008 was followed by a substantial mobilization of white Americans through the Tea Party movement who pushed back vehemently against policies that once received bipartisan support (such as health insurance mandates) and questioned President Barack Obama's birthplace and thus his legitimacy as President.¹⁵ More recently, robust public demonstrations of anguish and anger over George Floyd's murder and countless other examples of police devaluing Black lives with wanton violence generated an important National conversation about structural racism. However, these multi-racial efforts to confront police violence against communities of color have been met with sharp backlash in the form of white-led State legislatures and school boards passing so-called "anti-critical race theory" measures that mandate that our public school systems teach students an inaccurate, sanitized version of American history and ban an increasing number of books about race, including some classic texts that have long been part of the public school curricula.¹⁶

B. The Response to the 2020 Presidential Election Fits the Pattern of Cyclical Backlash

The 2020 Presidential election and its aftermath fit the long-standing cyclical pattern of progress and backlash that continually thwarts efforts at cementing durable change to perfect our union. In 2020, communities of color drove robust voter turnout leading to electoral results that challenged the political status quo. The violence on January 6th and the attendant effort to override the valid outcome of the 2020 Presidential election were one concrete form of backlash, and the rash of anti-voter laws introduced and enacted in States across the country, building on a wave of voter suppression efforts that preceded the election,¹⁷ was another. Both responses were fueled by a common false narrative rooted in racism and the project of white supremacy. What will happen next remains an open question. Whether we confront this backlash head-on and advance toward further progress or backslide into what some have justly called Jim Crow 2.0 depends in significant part upon Congress' response to the current moment.

III. FRAMING THE 2020 BACKLASH: FALSE RHETORIC OF STOLEN ELECTIONS CONNECTS JANUARY 6TH TO ON-GOING VOTER SUPPRESSION

Coded racial appeals have served as an overarching frame for the backlash against the 2020 election. Those seeking to stoke racial resentment for their political and economic advantage began laying the groundwork for this frame for many years prior to 2020. For decades, those seeking to restrict the franchise have used false concerns about voter fraud to justify barriers to the ballot.¹⁸ This framework began to take center stage during the prior administration. When President Trump won the 2016 election through the Electoral College but fell more than 3 million total votes short of Hillary Clinton, he told his supporters that there was only one reasonable explanation: Millions of people had voted illegally for Clinton, masking his true victory among legitimate voters.¹⁹ With no actual evidence of voter fraud to support his claim, Trump set up the Presidential Commission on Election Integrity allegedly

¹⁴ HEATHER MCGHEE, *THE SUM OF US: WHAT RACISM COSTS EVERYONE AND HOW WE CAN PROSPER TOGETHER* (2021).

¹⁵ Robb Willer, Matthew Feinberg & Rachel Wetts, *Threats to Racial Status Promote Tea Party Support Among White Americans* (May 4, 2016). Available at SSRN: <https://ssrn.com/abstract=2770186> or <http://dx.doi.org/10.2139/ssrn.2770186>.

¹⁶ *In Defense of Truth*, NAACP LDF (accessed Jan. 19, 2022), <https://www.naacpldf.org/truth/>.

¹⁷ Will Wilder, *Voter Suppression in 2020*, Brennan Center for Justice (Aug. 20, 2020), <https://www.brennancenter.org/our-work/research-reports/voter-suppression-2020>.

¹⁸ German Lopez, *The case against voter ID laws, in one chart*, Vox.com (August 6, 2015), <https://www.vox.com/2015/8/6/9107927/voter-id-election-fraud>; See also, Quinn Scanlan, *'We've never found systemic fraud, not enough to overturn the election: Georgia Secretary of State Raffensperger says'*, ABC News (Dec. 6, 2020), <https://abcnews.go.com/Politics/weve-found-systemic-fraud-overturndelection-georgia-secretary/story?id=74560956>; *Debunking the Voter Fraud Myth*, Brennan Center for Justice (Jan. 31, 2017), https://www.brennancenter.org/sites/default/files/analysis/Briefing_Memo_Debunking_Voter_Fraud_Myth.pdf.

¹⁹ Glenn Kessler, *Donald Trump's bogus claim that millions of people voted illegally for Hillary Clinton*, Washington Post (Nov. 27, 2016), <https://www.washingtonpost.com/news/fact-checker/wp/2016/11/27/trumps-bogus-claim-that-millions-of-people-voted-illegally-for-hillary-clinton/>.

to find it.²⁰ The Commission produced no such evidence and shut down amidst credible allegations of secrecy, mismanagement, and discriminatory intent.²¹ Nonetheless, the mere creation of this high-level government commission stoked doubt about the sanctity of our elections and likely helped legitimize the false claim of rampant voter fraud for some.

Heading into the 2020 election, President Trump also told his supporters repeatedly that he could only lose through massive fraud;²² and he refused to say definitively whether he would accept the election results if he lost.²³ When Trump did in fact lose the 2020 Presidential election—both the popular vote and the Electoral College—his supporters echoed his false Statements that rampant fraud explained the outcome, and both the Trump campaign and legions of its most loyal supporters used this frame as a central theme to guide their activities in the aftermath. In response to false claims that the 2020 election was stolen through rampant fraud, extremist factions orchestrated a campaign to disrupt the counting and certification of the Presidential election and ultimately to overturn its results.²⁴

This false narrative of voter fraud is rooted in racism and connects the violence of January 6th to the litany of voter suppression laws taken up by nearly every State. First, the sharp racial divide between those promoting and believing these false claims and those who accept the results of the 2020 election is one indication of how the phantom fraud frame is in fact steeped in racism.²⁵ Second, views about whether the 2020 election was stolen appear to be correlated with views on race. Third, the connection between the embrace of the false fraud narrative and regressive attitudes about race has manifest in legislatures across the country. For example, State legislators who were the authors or lead sponsors of some of the most aggressive 2021 voter suppression laws have also introduced legislation banning so-called “critical race theory” from being taught in schools; barred the removal of Confederate monuments; and responded to racial justice protests about police brutality against Black people by increasing criminal penalties for protest-related activities.²⁶

²⁰ *President Announces Formation of Bipartisan Presidential Commission on Election Integrity*, the White House (May 11, 2017), <https://trumpwhitehouse.archives.gov/briefings-statements/president-announces-formation-bipartisan-presidential-commission-election-integrity/>.

²¹ Jessica Huseman, *A Short History of the Brief and Bumpy Life of the Voting Fraud Commission*, ProPublica (Jan. 4, 2018), <https://www.propublica.org/article/a-short-history-of-the-brief-and-bumpy-life-of-the-voting-fraud-commission>.

²² Zachary Wolf, *The 5 key elements of Trump's Big Lie and how it came to be*, CNN (May 19, 2021), <https://www.cnn.com/2021/05/19/politics/donald-trump-big-lie-explainer/index.html>.

²³ David Leonhardt, *Trump's Refusal to Concede*, New York Times (Nov. 12, 2020), <https://www.nytimes.com/2020/11/12/briefing/ron-klain-jeffrey-toobin-tropical-storm-eta.html>.

²⁴ Simon Romero, Shaila Dewan & Giulia McDonnell Nieto del Rio, *In a Year of Protest Cries, Now It's 'Count Every Vote' and 'Stop the Steal'*, THE N.Y. TIMES (Nov. 5, 2020), <https://www.nytimes.com/2020/11/05/us/electionprotests-vote-count.html>; LDF *Issues Statement Condemning Breach of U.S. Capitol, Attempted Coup by Supporters of President Trump*, NAACP LDF (Jan. 6, 2020), <https://www.naacpldf.org/press-release/ldf-issues-statement-condemning-breach-of-u-s-capitol-attempted-coup-by-supporters-of-president-trump/>.

²⁵ Belief in the Big Lie narrative is sharply divided by partisanship, which is highly correlated with race. See Joel Rose & Liz Baker, *6 in 10 Americans say U.S. democracy is in crisis as 'Big Lie' takes route*, NPR (Jan. 3, 2022), <https://www.npr.org/2022/01/03/1069764164/american-democracy-poll-jan-6>. In addition, “Republicans most likely to believe that racism and discrimination are not a problem are also the most devout believers in the Stop the Steal narrative.” Lee Drutman, *Theft Perception*, VOTER STUDY GROUP (June 2021), <https://www.voterstudygroup.org/publication/theft-perception>.

²⁶ See AR H.B. 1218, 93d Gen. Assemb., Reg. Sess., (Ark. 2021) (banning school curricula that “promotes societal division” on the basis of race, among other factors), available at <https://www.arkleg.state.ar.us/Bills/Detail?id=HB1218&ddBienniumSession=2021%2F2021R>; AR H.B. 1231, 93d Gen. Assemb., Reg. Sess., (Ark. 2021) (banning teaching the 1619 Project), available at <https://www.arkleg.state.ar.us/Bills/Detail?id=HB1231&ddBienniumSession=2021%2F2021R>; AR H.B. 1761, 93d Gen. Assemb., Reg. Sess., (Ark. 2021) (banning educational materials that portray any group of people as inherently racist, that argue that any group of people should feel guilt or shame due to race, and that the United States is systemically racist), available at <https://www.arkleg.state.ar.us/Bills/Detail?id=HB1761&ddBienniumSession=2021%2F2021R>; AR S.B. 12, 93d Gen. Assemb., Reg. Sess., (Ark. 2021) (adding schools to list of institutions that are not allowed to promote “divisive concepts” including that any group of people is inherently racist), available at <https://www.arkleg.state.ar.us/Bills/Detail?id=SB12&ddBienniumSession=2021%2F2021S2>; and TX S.B. 3, 82d Leg., 2d Sess., (Tex. 2021) (banning curricula that promote the idea that anyone is inherently racist by virtue of their race, whether consciously or unconsciously, an individual bears responsibility for actions undertaken in the past by members of the same race, or the advent of slavery in the now-United States constituted the true founding of the United States, among other ideas), available at <https://capitol.texas.gov/BillLookup/History.aspx?LegSess=872&Bill=SB3>. See also TX S.B. 1663, 86th Leg., Reg. Sess., (Tex. 2019) (ban-

Perhaps the clearest sign that the January 6th insurrection and the recent rash of anti-voter laws are not separate phenomena, but rather are two expressions of white racial anxiety about shifting power dynamics in the United States, is that both have strongholds in places where the white population is declining, either absolutely or in relation to people of color.

The Chicago Project on Security & Threats analyzed various characteristics of 716 people who have been charged with crimes related to January 6th.²⁷ After examining several factors, the Project determined that (other than county size) the strongest predictor of insurrection participation was residing in a county with a substantial decline in white population since 2015.²⁸ The authors conclude that their “analysis suggests that local decline of the non-Hispanic white population has a galvanizing effect, and counties that have had higher rates of non-Hispanic white population decline in the last half-decade are likely to produce insurrectionists at a higher rate.”²⁹ They note further that, “[g]iven the overwhelming whiteness of the population of insurrectionists, the finding that counties with higher rates of demographic change are also counties that sent more insurrectionists even when controlling for a host of competing factors is consistent with a political movement that is partially driven by racial cleavages and white discontent with diversifying communities.”³⁰

In sum, the false narrative around stolen elections is not just about a single politician or a single election but rather it effectively fomented and channels a broader wave of status insecurity and racial resentment. It is a common progenitor of both the violence and attempt to erase the results of the 2020 election that occurred on January 6th and the wide-spread effort to restrict access to the ballot.

ning the removal monuments that have existed for at least 40 years, among other restrictions), available at <https://capitol.texas.gov/BillLookup/-History.aspx?LegSess=86R&Bill=SB1663>; AR S.B. 553, 93d Gen. Assemb., Reg. Sess., (Ark. 2021) (banning the removal of monuments that pertain to any war, including the Civil War), available at <https://www.arkleg.state.ar.us/Bills/Detail?id=SB553&ddBienniumSession=2021%2F2021R>; and FL S.B. 288, 2019 Sen., (Fla. 2019) (banning removal, alteration, concealment, etc. of statutes or memorials commemorating veterans or military organizations, including during the Civil War), available at <https://www.flsenate.gov/Session/Bill/2019/288/?Tab=BillText>. See also GA S.B. 403, 2021–2022 Gen. Assemb., Reg. Sess., (Ga. 2022) (providing immunity for law enforcement transporting individuals to mental health facilities), available at <https://www.legis.ga.gov/legislation/61506>; AL H.B. 284, 2021 Leg., Reg. Sess., (Ala. 2021) (providing liability protection for law enforcement officials taking individuals with mental illness to a mental health facility and removing requirement that such officials go through the involuntary commitment process before doing so), available at <https://legiscan.com/AL/text/HB284/id/2271288>; TX H.B. 1788, 87th Leg., Reg. Sess., (Tex. 2021) (creating immunity for schools, school districts, and security personnel for “reasonable actions” taken by school security personnel to preserve safety), available at <https://capitol.texas.gov/BillLookup/-Text.aspx?LegSess=87R&Bill=HB1788>; and FL S.B. 826, 2021 Sen., (Fla. 2021) (extending sovereign immunity to members of Child Protection Teams), available at <https://www.flsenate.gov/Session/Bill/2021/826/?Tab=BillText>. See also AR S.B. 300, 93d Gen. Assemb., Reg. Sess., (Ark. 2021) (prohibiting parole for certain firearm possession cases), available at <https://www.arkleg.state.ar.us/Bills/Detail?id=SB300&ddBienniumSession=2021%2F2021R>; AR H.B. 1866, 92d Gen. Assemb., Reg. Sess., (Ark. 2019) (imposing time limits on when someone can apply for a pardon), available at <https://www.arkleg.state.ar.us/Bills/Detail?id=HB1866&ddBienniumSession=2019%2F2019R>; AR H.B. 1064, 93d Gen. Assemb., Reg. Sess., (Ark. 2021) (increasing the loopback period for certain DWI offenses for the purpose of sentence enhancements), available at <https://www.arkleg.state.ar.us/Bills/Detail?id=HB1062&ddBienniumSession=2021%2F2021R>; KY H.B. 215, 2022 Gen. Assemb., Reg. Sess., (Ky. 2022) (removing pretrial diversion and increasing minimum penalties for certain drug trafficking offenses), available at <https://apps.legislature.ky.gov/record/22rs/hb215.html>; GA S.B. 479, 2021–2022 Gen. Assemb., Reg. Sess., (Ga. 2022) (for firearm possession cases, charges a separate offense for each firearm possessed), available at <https://www.legis.ga.gov/legislation/61936>, and GA S.B. 359, 2021–2022 Gen. Assemb., Reg. Sess., (Ga. 2022) (providing minimum criminal penalties for a series of crimes, including some firearm felonies, and requiring the maximum sentence for certain repeat offender elder or child abuse crimes), available at <https://www.legis.ga.gov/legislation/61213>.

²⁷ Robert Pape et al., *American Face of Insurrection: Analysis of Individuals Charged for Storming the US Capitol on January 6, 2021*, Chicago Project on Security and Threats (Jan. 5, 2022), [https://d3qi0qp55mx5f5.cloudfront.net/cpost/i/docs/Pape_American_Face_of_Insurrection_\(2022-01-05\)_1.pdf?mtime=1641481428](https://d3qi0qp55mx5f5.cloudfront.net/cpost/i/docs/Pape_American_Face_of_Insurrection_(2022-01-05)_1.pdf?mtime=1641481428).

²⁸Id. at 21.

²⁹Id. at 18.

³⁰Id. at 21–22.

IV. VOTERS OF COLOR OVERCAME BARRIERS TO ASSERT CONSEQUENTIAL POLITICAL POWER IN 2020

The 2020 election was not beset with large-scale fraud, as those promoting the January 6th insurrection have claimed.³¹ It also did not, as numerous news reports suggested, “go smoothly.”³² Accounts from LDF’s Voting Rights Defender and Prepared to Vote teams, detailed in the LDF Thurgood Marshall Institute’s latest Democracy Defended report,³³ reveal the depth and breadth of the issues voters faced, especially voters of color. From onerous vote-by-mail restrictions during a pandemic to voter intimidation, poll closures and unreasonably long lines, Black voters in particular faced a litany of barriers to the ballot.

Yet, participating in the 2020 Presidential election was historic. Voters overcame a host of obstacles with determination and resilience. Two-thirds of eligible voters casted ballots in the 2020 Presidential election.³⁴ This is the highest turnout rate recorded since 1900; but it actually represents the highest turnout ever given the significant expansion of both the general population and the population of eligible voters since the turn of the twentieth century.³⁵ Black voter turnout was greater than 65% and nearly matched records set when President Obama was on the ballot.³⁶

The historic turnout continued on January 5, 2021 with Georgia’s runoff election. Turnout in runoff elections, which occur after Election Day, is typically modest, and at times anemic. But, with control of the U.S. Senate at stake, and the opportunity to elect candidates who reflected the growing diversity of the State, a record 60% of Georgians turned out in the January runoff.³⁷ The 4.4 million Georgians who cast ballots on January 5 was more than double the number who voted in the previous record turnout runoff election in 2008.³⁸ Black voters drove this historic participation, with Black turnout dropping just 8% from the general election compared with an 11% decline among white voters.³⁹ The result was the election of the first Black and Jewish senators in Georgia’s history.⁴⁰

This historic turnout was no accident and was not driven by the stakes alone. National civil rights and civil liberties groups and Black-led grassroots organizations in Georgia had spent years challenging attempts to restrict access to the ballot and building substantial voter outreach campaigns to educate voters regarding the stakes of Federal, State, and local elections and assist communities as they navigate the voting process.⁴¹ The Herculean effort it took to help Black and Brown voters overcome barriers to the ballot in the 2020 election is not sustainable, however, nor should it be required given the protections guaranteed by the U.S. Constitution. The backlash to the results of this historic turnout and its consequences was immediate.

V. THE POST-2020 BACKLASH IN ACTION

A new chapter of an old story, the backlash to historic 2020 voter turnout among people of color has been swift and severe. As with past reactions to racial progress the post-2020 backlash has featured both violence and legal regression—in this case

³¹ Melissa Block, *The clear and present danger of Trump’s enduring ‘Big Lie’*, National Public Radio (December 23, 2021), <https://www.npr.org/2021/12/23/1065277246/trump-big-lie-jan-6-election>.

³² Sherrilyn Ifill, *No, This Election Did Not Go ‘Smoothly.’* SLATE (Nov. 9, 2020), <https://slate.com/news-and-politics/2020/11/2020-election-voting-did-not-go-smoothly.html>.

³³ Thurgood Marshall Institute, *Democracy Defended*, NAACP LDF (Sept. 2, 2021), https://www.naacpldf.org/wp-content/uploads/LDF_2020_DemocracyDefended-1-3.pdf.

³⁴ Michael P. McDonald, *National General Election VEP Turnout Rates, 1789–Present*, UNITED STATES ELECTIONS PROJECT, Jan. 14, 2022, <http://www.electproject.org/national-1789-present>.

³⁵ Id.

³⁶ Michael P. McDonald, *Voter Turnout Demographics*, UNITED STATES ELECTIONS PROJECT (accessed Jan. 14, 2022), <http://www.electproject.org/home/voter-turnout/demographics>.

³⁷ Nathaniel Rakich et al., *How Democrats Won the Georgia Runoffs*, FIVETHIRTYEIGHT (Jan. 7, 2021, 2:47 PM), <https://fivethirtyeight.com/features/how-democrats-won-the-georgia-runoffs/>.

³⁸ Id.

³⁹ Mark Niesse & Jennifer Peebles, *Turnout dip among Georgia Republicans flipped U.S. Senate*, THE ATLANTA J.-CONST. (Feb. 2, 2021), <https://www.ajc.com/politics/turnout-dip-among-georgia-republicans-flipped-us-senate/IKWGEGFEEVEZ5DXTP7ZXXOR0IA/>.

⁴⁰ Steve Peoples, Bill Barrow, and Russ Bynum, *Warnock, Ossoff win in Georgia, handing Dems control of Senate*, ASSOCIATED PRESS (Jan. 6, 2021), <https://apnews.com/article/Georgia-election-results-4b82ba7ee3cc74d33e68daadaee2cbf3>.

⁴¹ Anna North, *6 Black women organizers on what happened in Georgia—and what comes next*, Vox (November 11, 2020), <https://www.vox.com/21556742/georgia-votes-election-organizers-stacey-abrams>.

in the form of efforts to restrict the franchise. Based on the false narrative of voter fraud, this violence and votes backlash began with campaign operatives questioning vote totals in Black and Brown communities. It continued through a violent insurrection at the U.S. Capitol focused on invalidating the election results and thus the political power exercised by the Black and Brown communities and accelerated through both successful efforts to erect barriers to the ballot and a regressive redistricting cycle that severely constricts the ability of voters of color to assert their full strength at the polls. It continues to this day with active plans to subvert future elections.

A. Questioning Vote Totals in Black and Brown Communities

The spark to this particular backlash was the turnout among voters of color, especially Black voters, that led to President Biden's victory in the 2020 election. President Trump and his allies reacted immediately by asserting claims of massive fraud and questioning vote totals, specifically targeting Black elections officials and voters in Black population centers such as Detroit (where election officials counting votes were mobbed and harassed),⁴² Philadelphia (where the FBI helped local police arrest two men with weapons suspected of a plot to interfere with ballot counting),⁴³ and the Atlanta metro region (where Trump alleged that hundreds of thousands of ballots mysteriously appeared).⁴⁴ Similarly, President Trump and his allies alleged fraud in places like Arizona where robust turnout among the Latino population was decisive. Again, we saw coordinated attempts to infiltrate ballot counting headquarters and tamper with vote counting.⁴⁵

Wayne County, Michigan emerged as a central focus of attempts to translate the false narrative regarding voter fraud into actual subversion of a free and fair election. On November 20, 2020, LDF filed a lawsuit on behalf of the Michigan Welfare Rights Organization and three individuals alleging that President Trump's attempt to prevent Wayne County, Michigan from certifying its election results was a clear example of intimidating those charged with "aiding a[] person to vote or attempt to vote" in violation of the Voting Rights Act, and that this intimidation was aimed at disenfranchising Black voters.⁴⁶

The Complaint explained how race was a driving factor in the Michigan certification debate: "During [a meeting of the Wayne County canvassing board], one of the Republican Canvassers said she would be open to certifying the rest of Wayne County (which is predominately white) but not Detroit (which is predominately Black), even though those other areas of Wayne County had similar discrepancies [between ballot numbers and poll book records] and in at least one predominantly white city, Livonia, the discrepancies were more significant than those in Detroit."⁴⁷

Subsequently, on December 21, 2020, LDF amended its Complaint, adding the NAACP as a Plaintiff, and alleging that President Trump and his supporters made similar efforts to disenfranchise voters—and especially Black voters—in other States, including Georgia, Pennsylvania, Wisconsin, and Arizona.

The Amended Complaint summarizes the racial discrimination central to the post-election strategy to invalidate the political voice of Black and Brown communities:

Under the specter of preventing "fraud," Defendants engaged in a conspiracy, executed through a coordinated effort, to disenfranchise voters by disrupting vote counting efforts, lodging groundless challenges during recounts, and attempting to block certification of election results through intimidation and coercion of election officials and volunteers. These systematic efforts—violations of the VRA and the Ku Klux Klan Act—have largely been directed at major metropolitan areas with large Black voter populations. These include Detroit, Milwaukee, Atlanta, Philadelphia, and others. Because President Trump lost the popular vote in Michigan and other States that were necessary for a majority of the electoral college, Defendants worked to block certification of the results, on the (legally incorrect) theory that blocking certification would allow State legislatures to override the will of the voters and choose the Trump Campaign's slate of electors On November 19, 2020, President Trump's personal lawyer Rudy Giuliani, and others, held a press conference at the RNC headquarters in Washington, DC, where they repeated false allegations

⁴² Bostock, *supra* note 41.

⁴³ Ewing et al., *supra* n. 41.

⁴⁴ Jeff Amy, Darlene Superville, & Jonathan Lemire, *GA election officials reject Trump call to 'find' more votes*, ASSOCIATED PRESS (Jan. 4, 2021), <https://apnews.com/article/trump-raffensperger-phone-call-georgia-d503c8b4e58f7cd648fbf9a746131ec9>.

⁴⁵ Lahut, *supra* n. 41.

⁴⁶ Complaint, *Mich. Welfare Rights Org. v. Trump*, Civ. Action 20-3388 (EGS) (D.D.C. Apr. 1, 2022). Available at <https://www.naacpldf.org/wp-content/uploads/Trump-Campaign-Complaint.pdf>.

⁴⁷ Complaint at •27 at 7. *Mich. Welfare Rights Org. v. Trump*.

of fraud and openly discussed their strategy of disenfranchising voters in Detroit and Wayne County. At that press conference, Mr. Giuliani asserted without evidence that the Trump campaign had identified 300,000 “illegitimate ballots,” and stated: “These ballots were all cast basically in Detroit that Biden won 80–20,” and “it changes the result of the election in Michigan, if you take out Wayne County.”⁴⁸

In sum, the strategy to block election certifications by alleging fraud and questioning vote totals was not only a political ploy to rescue a failed candidacy. But by focusing the efforts on cities and counties with large populations of voters of color, the strategy was also to advance a narrative that people of color are not legitimate actors in our democracy (as voters or election officials).

B. The January 6th Insurrection

After challenging election results in communities of color, the next step in the violence and votes backlash was the January 6th Insurrection—just 1 day after Black voters asserted their power in Georgia. The violent attack on the Capitol on January 6th was a brazen, virulent, and deadly manifestation of the concerted effort to undermine our democracy, to overthrow the government, and to negate the votes cast by our communities. The information unveiled through the on-going investigations of this committee and the Department of Justice confirms that the violence was foreseeable and part of a larger planned coup attempt abetted by encouragement or deliberate inaction at the highest levels.⁴⁹ The founder of the Oath Keepers and ten others have been charged with “seditious conspiracy”⁵⁰ and according to an early assessment, 13% of those arrested have had associations with militias or right-wing extremist groups.⁵¹ Perhaps most concerning, January 6th marked an embrace of political violence and previously fringe ideologies by mainstream conservatives,⁵² a threat that has been growing for some time,⁵³ has only worsened since the Insurrection and remains of serious concern.⁵⁴

This attempt to thwart the peaceful transfer of power—the very hallmark of a functioning democracy—was the natural conclusion of years of rhetoric inciting and condoning racism and white supremacy,⁵⁵ expanding the proliferation of conspiracy theories,⁵⁶ and flouting the rule of law. More specifically, it was the direct result of false rhetoric regarding stolen elections that tapped into existing racial anxiety. As the political scientist Hakeem Jefferson and the sociologist Victor Ray have written, “Jan. 6 was a racial reckoning. It was a reckoning against the promise of a mul-

⁴⁸ Complaint at 18–21 *Mich. Welfare Rights Org. v. Trump*.

⁴⁹ Paul LeBlanc, *The January 6 committee formed 6 months ago. Here's what it's uncovered*, CNN (January 4, 2022), <https://www.cnn.com/2021/12/29/politics/january-6-committee-investigation-trump-what-matters/index.html>; Department of Justice, *One Year Since the Jan. 6 Attack on the Capitol*, (Updated Dec. 30, 2021), <https://www.justice.gov/usao-dc/one-year-jan-6-attack-capitol>.

⁵⁰ Department of Justice, *Leader of Oath Keepers and 10 Other Individuals Indicted in Federal Court for Seditious Conspiracy and Other Offenses Related to U.S. Capitol Breach: Eight Others Facing Charges in Two Related Cases*, Department of Justice Office of Public Affairs (Jan. 13, 2022), <https://www.justice.gov/opa/pr/leader-oath-keepers-and-10-other-individuals-indicted-federal-court-seditious-conspiracy-and>.

⁵¹ Ayman Ismail, *We Know Exactly Who the Capitol Rioters Were*, Slate (Jan. 4, 2022), <https://slate.com/news-and-politics/2022/01/january-6-capitol-riot-arrests-research-profile.html>.

⁵² (“The normalization of the conspiracies that animate their beliefs is great news for extremists, who don’t have to work nearly as hard to have their views accepted in the mainstream.”) Digital Forensic Research Lab, *Experts react to the year since January 6*, Atlantic Council (Jan. 4, 2022), <https://www.atlanticcouncil.org/in-depth-research-reports/experts-react-to-the-year-since-january-6/#perilous>; (“The Jan. 6 insurrectionists really are best understood as a product of the mainstream.”) Ayman Ismail *supra* note 60.

⁵³ Seth Jones, *The Rise of Far-Right Extremism in the United States*, Center for Strategic and International Studies (Nov. 7, 2018), <https://www.csis.org/analysis/rise-far-right-extremism-united-states>.

⁵⁴ (In a poll, 25% of Republicans believe the Qanon conspiracy and 15% of Americans believed that “American patriots may have to resort to violence”) Giovanni Russonello, *QAnon Now as Popular in U.S. as Some Major Religions, Poll Suggests*, New York Times (updated Aug. 12, 2021), <https://www.nytimes.com/2021/05/27/us/politics/qanon-republicans-trump.html>; (“Extremist movements are stronger, conspiracy networks larger, and elements of the GOP more radical, with some elected officials spreading extremist views. The prosecution of insurrectionists has not shut down groups like the racist Proud Boys and anti-government Oath Keepers, or like-minded allies who thrive on-line and on the streets.”) Digital Forensics Lab *supra* note 61.

⁵⁵ James Rainey & Melissa Gomez, *Asked to condemn white supremacists, Trump tells Proud Boys hate group to ‘stand by’*, THE LA TIMES (Sept. 29, 2020), <https://www.latimes.com/world-nation/story/2020-09-29/asked-to-condemn-white-supremacists-trump-tells-proud-boys-hate-group-to-stand-by>.

⁵⁶ Shirin Ghaffary, *The long-term consequences of Trump’s conspiracy theory campaign*, Vox (Nov. 20, 2020), <https://www.vox.com/recode/21546119/trump-conspiracy-theories-election-2020-coronavirus-voting-vote-by-mail>.

tiracial democracy and the perceived influence of the Black vote.”⁵⁷ We know this in part because “those who participated in the insurrection were more likely to come from areas that experienced more significant declines in the non-Hispanic white population—further evidence that the storming of the Capitol was, in part, a backlash to a perceived loss of status, what social scientists call ‘perceived status threat.’”⁵⁸

Some of the most enduring imagery from the attack on the U.S. Capitol points to race as a central, underlying factor. Many photographs from the January 6th insurrection were disturbing, but one in particular encapsulated the historical significance and the stakes for our Republic: the image of an insurgent inside the U.S. Capitol brandishing a Confederate flag.⁵⁹

C. The Backlash Accelerates: States Pass Anti-Voter Laws and Use Centennial Redistricting to Weaken the Voices of Voters of Color

The next stage of the backlash played out in State legislatures across the country through bills and laws intended to block Black and Brown Americans’ access to the ballot. In 2021 we saw a repeat of history—a steady drip of old poison in new bottles.⁶⁰ Whereas in a bygone era discriminatory intent in voting restrictions was dressed up in the alleged espousal of ideals such as securing a more informed and invested electorate, the new professed justification is fighting voter fraud, an imaginary phantom that serves as a basis to attack the right to vote. State lawmakers introduced and advanced new voting laws targeted to ensure that the robust turnout among voters of color in the 2020 Presidential election could not be repeated. Legislators introduced more than 400 bills in nearly every State aiming to restrict the franchise.⁶¹ Nineteen States enacted a total of 34 laws that roll back voting rights and erect new barriers to the ballot.⁶²

Critically, many of these laws are directly targeted at blocking pathways to the ballot box that Black and Brown voters used successfully in 2020. For example, after Black voters increased their usage of absentee ballots as a result of the pandemic, S.B. 90 in Florida severely curtailed the use of unstaffed ballot return drop boxes and effectively eliminated community ballot collection.⁶³ And in Georgia and Texas, after strong early in-person turnout among Black voters, lawmakers initially moved to outlaw or limit Sunday voting in a direct attack on the “souls to the polls” turnout efforts undertaken by many Black churches to mobilize voters to engage in collective civic participation.⁶⁴ Another law in Georgia hampers vote-by-mail, cuts back on early voting, and more.⁶⁵ The 2021 omnibus voting law in Texas eliminates a number of accessible, common-sense voting methods, including “drive-thru” voting and 24-hour early voting—both methods that proved invaluable for Black and

⁵⁷ Hakeem Jefferson & Victor Ray, *White Backlash is a Type of Racial Reckoning, Too*, FIVETHIRTYEIGHT (Jan. 6, 2022), <https://fivethirtyeight.com/features/white-backlash-is-a-type-of-racial-reckoning-too/>.

⁵⁸ *Id.*

⁵⁹ Indeed, many insurrectionist donned Confederate paraphernalia. Javonte Anderson, *Capitol riot images showing Confederate flag a reminder of country’s darkest past*, USA TODAY (Jan. 13, 2021), <https://www.usatoday.com/story/news/2021/01/07/capitol-riot-images-confederate-flag-terror/6588104002/>.

⁶⁰ Deuel Ross, *Pouring Old Poison into New Bottles: How Discretion and the Discriminatory Administration of Voter ID Laws Recreate Literacy Tests* 45 COLUM. HUM. RTS. L. REV. 362 (2014).

⁶¹ *Resource: Voting Laws Roundup: December 2021*, BRENNAN CENTER FOR JUSTICE (Jan. 12, 2022), <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-december-2021>.

⁶² *Id.*

⁶³ See generally Compl. for Decl. and Inj. Relief, *Fla. State Conferences of Branches v. Lee*, No. 4:21-cv-00187-WS-MAF (N.D. Fla. May 6, 2021), ECF No. 1.

⁶⁴ Letter from Sam Spital et al., NAACP LDF to Texas Senate (May 29, 2021), <https://www.naacpldf.org/wp-content/uploads/LDF-Conference-Committee-Report-Opposition-Senate-20210529-1.pdf>; Letter from John Cusick et al., NAACP LDF et al., to Georgia House of Representatives, Special Committee on Election Integrity (Mar. 14, 2021), <https://www.naacpldf.org/wp-content/uploads/LDF-SPLC-Written-Testimony-on-SB202-3.18.21.pdf>. In both States, after advocacy from LDF and others, lawmakers eventually removed these blatantly discriminatory provisions from the omnibus voting bills under consideration—although in both States, the final forms of the enacted bills remained extremely harmful to voters of color. See *LDF Files Lawsuit Against the State of Florida Over Suppressive Voting Law*, NAACP LDF (May 6, 2021), <https://www.naacpldf.org/press-release/ldf-files-lawsuit-against-the-state-of-florida-over-suppressive-voting-law/>; *Civil Rights Groups Sue Georgia Over New Sweeping Voter Suppression Law*, NAACP LDF (March 30, 2021), <https://www.naacpldf.org/press-release/civil-rights-groups-sue-georgia-over-new-sweeping-voter-suppression-law/>.

⁶⁵ See S.B. 202, <https://www.legis.ga.gov/api/legislation/document/20212022/201498>.

Brown voters in Texas's largest cities in 2020.⁶⁶ In all, these laws severely restrict the ability of voters of color to cast a ballot and specifically target the ways in which these voters participated successfully in the 2020 Presidential election.

The people targeted by these laws are well aware of what is happening and are actively fighting back. Jeffrey Clemmons, a Black resident of Harris County Texas in his early twenties who was a leader in his college NAACP chapter and served as an election judge in 2020, is suing to push back on the Texas 2021 voter suppression law, represented by LDF.⁶⁷ Mr. Clemmons says:

"I absolutely think that the over 400 laws that were pushed through legislatures from Texas to Georgia to curtail our rights to vote were indeed because of the incredible turnout of people of color and young people again who had never turned up to the ballot box before. We felt so motivated and so strongly about this election because we knew [what] was on the line if we didn't vote in so many instances and because we are tired of not being represented properly . . . And so these election laws are an attempt to turn back the clock on our voting rights and make sure that [] never happens again to create, you know, this environment of fear that if you vote, you're going to be punished for it."⁶⁸

Of the more than 400 bills introduced last year, at least 152 in 18 States have carried over into current legislative sessions, and more than a dozen additional bills were pre-filed by December in anticipation of the 2022 session.⁶⁹ As of January 2022, legislatures in more than half of U.S. States had introduced, pre-filed, or carried over more than 250 anti-voter bills.⁷⁰ Like in 2021, many of these bills target the specific ways that Black and Brown voters have made their voices heard in recent elections.⁷¹

In addition to enacting laws that restrict access to the ballot, several States have used the first centennial redistricting process in six decades without the full protection of the Voting Rights Act, to weaken the voices of voters of color. From 1970—just after the “reapportionment revolution” forced line-drawers to adhere to the one-person, one-vote principal⁷²—through the 2010 redistricting cycle, the preclearance protection of Section 5 of the Voting Rights Act was the most powerful tool to protect Black and Brown voters through the districting process. Section 5 certainly did not ensure that Black voters enjoyed fully equal representation throughout the country, but its anti-retrogression principle did mean that at least hostile State legislatures could not set Black voters further back after each Census.⁷³ Section 2 of the Voting Rights Act has been a complementary tool, allowing Black and Brown voters and community organizations to bring lawsuits when district maps disempowered them compared with neighboring white communities.

The Supreme Court, however, substantially weakened these protections in the 2013 *Shelby* case when it undercut the preclearance protections of Section 5 and in 2021 when the Court made Section 2 claims more challenging in *Brnovich v. DNC*.⁷⁴ The result is that Black communities entered the current redistricting cycle with a shredded shield, more exposed to the manipulations of white-dominated State legislatures than at any time since Jim Crow.

Prior to the current round of redistricting, political representation in the United States was already sharply skewed. In 2019, people of color made up 39% of the U.S. population but only 12% of elected officials across the country, according to an analysis of nearly 46,000 Federal, State, and local office holders.⁷⁵ Put another way,

⁶⁶ Compl. for Decl. and Injunctive Relief, *Houston Justice v. Abbott*, No. 5:21-cv-00848 (W.D. Tex. Sept. 7, 2021), ECF No. 1, available at <https://www.naacpldf.org/wp-content/uploads/Houston-Justice-et-al.-v.-Abbott-et-al.-Complaint.pdf>; see also Press Release: *Lawsuit Filed Challenging New Texas Law Targeting Voting Rights*, NAACP LDF (Sept. 7, 2021), <https://www.naacpldf.org/press-release/lawsuit-filed-challenging-new-texas-law-targeting-voting-rights/>.

⁶⁷ Compl. for Decl. and Injunctive Relief, *Houston Justice v. Abbott*, No. 5:21-cv-00848 (W.D. Tex. Sept. 7, 2021), ECF No. 1.

⁶⁸ Interview by Adam Lioz, Senior Policy Counsel for LDF, with Jeffrey Clemmons (Jan. 10, 2022) (on file with author).

⁶⁹ *Resource: Voting Laws Roundup: December 2021*, supra n. 70.

⁷⁰ *Voting Laws Roundup: February 2022*, Brennan Center for Justice (Feb. 9, 2022), https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-february-2022?_ga=2.231456991.1301012527.1649763533-1535293244.1632777334.

⁷¹ *Id.*

⁷² See e.g., *Baker v. Carr*, 369 U.S. 186 (1962); *Reynolds v. Sims*, 377 U.S. 533 (1964).

⁷³ See 52 U.S.C. 10304(b); *Beer v. United States*, 425 U.S. 130 (1976); *Florida v. United States*, 885 F. Supp. 2d 299 (D.D.C. 2012); *Texas v. United States*, 887 F. Supp.2d 133 (D. D.C. 2012).

⁷⁴ 594 U.S. (2021).

⁷⁵ Datasets, *The Electability Myth: The Shifting Demographics of Political Power in America*, REFLECTIVE DEMOCRACY CAMPAIGN, <https://wholeads.us/datasets/>.

white Americans occupied nearly 90% of elected offices in the U.S. despite forming just over 60% of the population.

The current districting process threatens to worsen this already skewed representation. The Nation has grown substantially more diverse since 2010,⁷⁶ but political representation is not on track to reflect this growing diversity—and Black and Brown Americans are likely to see their representation remain static or even lose ground in many places rather than see their power increase with their numbers.

According to the U.S. Census Bureau, more than 42% of Americans are now people of color.⁷⁷ Since the 2010 Census, the Latino population grew by 23%, compared to just 4.3% non-Latino population growth.⁷⁸ The Black population grew by nearly 6%.⁷⁹ This growth was even starker among voters of color. One 2021 report projected that nearly 80% of the growth in voting eligible population would be through people of color, including 17% from Black voters.⁸⁰ These shifts, and the accompanying anxiety around power and social status, have made certain Americans vulnerable to the false fraud frame, especially in States with the most profound changes. A key backlash strategy has been to use the districting process to ensure that the power of voters of color does not grow with their numbers.

In the leadup to the current districting cycle, Brennan Center districting expert Michael Li issued a report citing the loss of Section 5 and narrowing of Section 2 of the Voting Rights Act to warn that in substantial parts of the country “there may be even greater room for unfair processes and results than in 2011, when the Nation saw some of the most gerrymandered and racially discriminatory maps in its history.”⁸¹ So far, unfortunately, his predictions have largely borne out. In late November, Li noted that “[c]ommunities of color are bearing the brunt of aggressive map drawing,” citing Illinois, North Carolina, and Texas as examples.⁸² In Texas, “communities of color accounted for 95% of the State’s population growth last decade. Yet, not only did Texas Republicans create no new electoral opportunities for minority community communities, but their maps also often went backwards.”⁸³ The pattern has continued—so much so that Li noted in mid-January that “[p]eople of color are getting shellacked in redistricting” this cycle.⁸⁴

A December 2021 *New York Times* article detailed how white lawmakers are systematically driving Black elected officials from positions of power by carving up their districts and at times forcing them to run against other incumbents.⁸⁵ The article cites at least two dozen examples, including former Congressional Black Caucus chair G.K. Butterfield of North Carolina, who is retiring as a result and called the situation a “five-alarm fire.”^{86 87}

LDF has brought lawsuits challenging the anti-voter laws and the unfair redistricting maps in several States; and our allies are suing in many others. For example, 6 of the 9 States formerly covered by Section 5 have completed at least some of their post-Census districting maps, and in 5 of these 6 States at least one map

⁷⁶U.S. Census Bureau’s Diversity Index has gone up from 54.9% to 61.1% since 2010. Eric Jensen et al., *The Chance That Two People Chosen at Random Are of Different Race or Ethnicity Groups Has Increased Since 2010*, U.S. CENSUS BUREAU (Aug. 12, 2021), <https://www.census.gov/library/stories/2021/08/2020-united-states-population-more-racially-ethnically-diverse-than-2010.html>.

⁷⁷Id.

⁷⁸Press Release, *2020 Census Statistics Highlight Local Population Changes and Nation’s Racial and Ethnic Diversity*, U.S. CENSUS BUREAU (Aug. 12, 2021), <https://www.census.gov/newsroom/press-releases/2021/population-changes-nations-diversity.html>.

⁷⁹U.S. Census Bureau, *2010 Census Redistricting Data (Public Law 94–171) Summary File*, U.S. CENSUS BUREAU (accessed Jan. 18, 2022); U.S. Census Bureau, *2020 Census Redistricting Data (Public Law 94–171) Summary File*, U.S. CENSUS BUREAU (accessed Jan. 18, 2022). See also U.S. Census Bureau, *Race and Ethnicity in the United States: 2010 Census and 2020 Census* (Aug. 12, 2021), <https://www.census.gov/library/visualizations/interactive/race-and-ethnicity-in-the-united-state-2010-and-2020-census.html>.

⁸⁰Michael C. Li, *The Redistricting Landscape, 2021–2022*, BRENNAN CENTER FOR JUSTICE (Feb. 11, 2021), at 15, fig. 7, <https://www.brennancenter.org/our-work/research-reports/redistricting-landscape-2021-22>.

⁸¹Id. at 3.

⁸²Michael C. Li, *Early Lessons from the Current Redistricting Round*, BRENNAN CENTER FOR JUSTICE (Nov. 30, 2021), <https://www.brennancenter.org/our-work/analysis-opinion/early-lessons-current-redistricting-round>.

⁸³Id.

⁸⁴Michael Li (@mcpli), Twitter (Jan. 13, 2022, 2:33 PM), <https://twitter.com/mcpli/status/148171130020130816>.

⁸⁵Nick Corasaniti & Reid J. Epstein, *Map by Map, G.O.P. Chips Away at Black Democrats’ Power*, THE N.Y. TIMES (Dec. 18, 2021), <https://www.nytimes.com/2021/12/18/us/politics/gop-gerrymandering-black-democrats.html>.

⁸⁶Id.

⁸⁷Id.

(and often more than one) is being challenged in lawsuits alleging racial discrimination.⁸⁸ Had the Supreme Court not gutted the heart of the Voting Rights Act in 2013 by rendering inoperable the requirement that jurisdictions with histories of voting discrimination “preclear” voting changes before they take hold, many of the restrictive voting laws passed in 2021 would not have gone into effect. Five of the 19 States that passed restrictive laws were fully covered by the VRA’s preclearance provisions.⁸⁹ Now affected voters are forced to push back piecemeal, using the Constitution’s protections against intentional vote discrimination and the Voting Rights Act’s remaining protections against discriminatory impact.⁹⁰

LDF is currently litigating cases against 2021 voter suppression laws in Georgia, Florida, and Texas; and discriminatory redistricting plans in Alabama, South Carolina, and Louisiana. This litigation is an important but limited tool to protect Black and Brown Americans’ right to vote. Voting rights litigation can be slow and expensive, often costing parties millions of dollars.⁹¹ The cases also expend significant judicial resources.⁹² Additionally, the average length of Section 2 cases is 2 to 5 years.⁹³ In the years during a case’s pendency, thousands—and, in some cases, millions—of voters are effectively disenfranchised.⁹⁴

The details of these cases (described in chronological order below) show that these laws are targeted at pushing back on strong 2020 turnout among voters of color and are clearly part of the backlash unleashed through false narratives about voter fraud. These cases have survived multiple attempts to block aggrieved voters from having their day in court—such as motions to dismiss or for summary judgment—and two of them have already resulted in victories for Black voters at the trial court level. In January, a three-judge panel ordered Alabama to draw new Congressional maps that give Black voters a fair opportunity to elect their preferred candidates (this ruling was put on hold by the Supreme Court).⁹⁵ A Federal judge in March struck down Florida’s voter suppression law and ruled that it was the product of intentional racial discrimination.⁹⁶

a. Georgia

In addition to being the most visible place Black voters asserted power in 2020, Georgia has seen significant population growth among people of color over the last decade. According to the U.S. Census Bureau, the State’s diversity index jumped several points over the past decade, and Georgia jumped two slots to become the ninth most diverse State in the Nation.⁹⁷ This made the Peach State especially vulnerable to the false fraud frame. In fact, Georgia wasted no time translating the backlash against the rising voices of voters of color into legislative action to restrict the franchise. On January 7, 2021—two days after the run-off election, and the day after the Insurrection—Georgia House Speaker David Ralston announced the creation of a Special Committee on Election Integrity (“EIC”) and by early February, Georgia legislators had filed sweeping legislation to limit early and absentee voting.⁹⁸

⁸⁸ *Redistricting Across States*, ALL ABOUT REDISTRICTING, <https://redistricting.lla.edu/> (accessed Jan. 18, 2022).

⁸⁹ See U.S. DEPT OF JUSTICE, *Jurisdictions Previously Covered by Section 5*, <https://www.justice.gov/crt/jurisdictions-previously-covered-section-5>; *Resource: Voting Laws Roundup: December 2021*, *supra* n. 70.

⁹⁰ 594 U.S. (2021).

⁹¹ *The Cost (in Time, Money, and Burden) of Section 2 of the Voting Rights Act Litigation* NAACP LDF (Feb. 19, 2021), <https://www.naacpldf.org/wp-content/uploads/Section-2-costs-2.19.21.pdf>.

⁹² Federal Judicial Center, *2003–2004 District Court Case-Weighting Study*, Table 1 (2005) (finding that voting cases consume the sixth most judicial resources out of 63 types of cases analyzed).

⁹³ Voting Rights Act: Section 5 of the Act—History, Scope, and Purpose: Hearing Before the Subcomm. on the Constitution of the H. Comm. on the Judiciary, 109th Cong. 92 (2005) (“Two to 5 years is a rough average” for the length of Section 2 lawsuits).

⁹⁴ See e.g., *Veasey v. Abbott*, No. 20–40428 (5th Cir. Sept. 3, 2021), available at <https://www.ca5.uscourts.gov/opinions/pub/20/20-40428-CV0.pdf> (upholding grant of \$6,790,333.31 in attorneys’ fees).

⁹⁵ 21A375 *Merrill v. Milligan* 595 U.S. (2022). Available at https://www.naacpldf.org/wp-content/uploads/order_supreme_court_alabama_case_2_7_2022.pdf.

⁹⁶ *League of Women Voters of Fla. Inc. v. Lee*, 4:21cv186–MW/MAF (N.D. Fla. Mar. 31, 2022).

⁹⁷ *Racial and Ethnic Diversity in the United States: 2010 Census and 2020 Census*, U.S. Census Bureau (Aug. 12, 2021), <https://www.census.gov/library/visualizations/interactive/racial-and-ethnic-diversity-in-the-united-states-2010-and-2020-census.html>.

⁹⁸ Stephen Fowler, *Sweeping Elections Bill To Limit Early And Absentee Voting*, NPR (Feb. 19, 2021), <https://www.npr.org/2021/02/19/969497398/georgia-republicans-file-sweeping-elections-bill-to-limit-early-and-absentee-vot>.

LDF, jointly with the Southern Poverty Law Center (“SPLC”), provided oral and written testimony throughout the legislative session to oppose omnibus bills restricting access to the right to vote, explaining that these bills would disproportionately harm low-income voters and voters of color.⁹⁹ Yet, the Georgia General Assembly refused to conduct any racial-impact study of legislation that would carry forward the State’s troubling history of voting discrimination.¹⁰⁰

On March 17, 2021, with little notice to EIC members, and members of the public, an EIC member introduced a substitute bill to Senate Bill 202 (“S.B. 202”), which expanded the legislation from 3 pages to over 90 pages just hours before a full hearing. With limited opportunity for meaningful engagement and review, the EIC rushed S.B. 202 through additional hearings. On March 25, 2021, the House and Senate passed S.B. 202, and the Governor signed it into law during a closed-door session.¹⁰¹ One of the most restrictive voting laws of recent years, S.B. 202: (1) Severely limits mobile voting; (2) imposes new identification requirements for requesting and casting an absentee ballot; (3) delays and compresses the time period for requesting absentee ballots; (4) imposes new restrictions on secure drop boxes; (5) implements out-of-precinct provisional ballot disqualification; (6) drastically reduces early voting in run-off elections; and (7) criminalizes the provision of food and water to voters waiting in line to cast a ballot.¹⁰²

On March 30, 2021, LDF, along with allies, filed a lawsuit, later amended, in the Northern District of Georgia, which challenges S.B. 202 on behalf of several groups including the Sixth District of the African Methodist Episcopal Church, Delta Sigma Theta Sorority, Inc, Georgia ADAPT, Georgia Advocacy Office, and the Southern Christian Leadership Conference.¹⁰³ The lawsuit raises several claims including racial discrimination in violation of the VRA and the Fourteenth and Fifteenth Amendments; an unconstitutional burden on the right to vote under the First and Fourteenth Amendments; an unconstitutional burden on the right to freedom of speech and expression under the First Amendment; discrimination on the basis of disability under Title II of the American Disabilities Act, and Section 504 of the Rehabilitation Act of 1973, and a violation of the Civil Rights Act of 1964’s prohibition on immaterial requirements to voting.

In the 2022 legislative session, Georgia lawmakers picked up where they left off last year. After promising no further major election changes, the Georgia House nonetheless pushed through a package that sought to give the Georgia Bureau of Investigation (GBI) original jurisdiction to investigate nonexistent election crimes; reduce the number of voting machines required on Election Day; and increase mandates on elections officials without corresponding resources.¹⁰⁴ After strong pushback from elections officials and the voting rights community, the legislature removed most of the anti-voter provisions, but did pass legislation that threatens to intimidate voters by involving the GBI directly in elections.¹⁰⁵

b. Florida

Florida, which also grew more diverse in the last decade,¹⁰⁶ was not far behind Georgia in channeling the false fraud claims and resulting backlash into new voting restrictions. On May 6, 2021, Governor DeSantis signed into law a broad voter suppression bill known as S.B. 90.¹⁰⁷ The same day LDF filed a lawsuit on behalf of

⁹⁹ *LDF and SPLC Action Fund Submit Testimony Opposing Georgia’s S.B. 202*, NAACP LDF (Mar. 18, 2021), <https://www.naacpldf.org/news/ldf-and-splc-action-fund-submit-testimony-opposing-georgias-s-b-202/>.

¹⁰⁰ Since the 2013 *Shelby* decision, the State of Georgia has enacted voting restrictions across five major categories studied by the U.S. Commission on Civil Rights: Voter identification requirements, documentary proof of citizenship requirements, voter purges, cuts to early voting, and polling place closures or relocations. *Democracy Diminished*, NAACP LDF (Oct. 6, 2021), at 25–32, https://www.naacpldf.org/wp-content/uploads/Democracy-Diminished_10.06.2021-Final.pdf.

¹⁰¹ Stephen Fowler, “Georgia Governor Signs Election Overhaul, Includes Changes to Absentee Voting,” NPR (Mar. 25, 2021), <https://www.npr.org/2021/03/25/981357583/georgia-legislature-approves-election-overhaul-including-changes-to-absentee-vot>.

¹⁰² *Civil Rights Groups Sue Georgia Over New Sweeping Voter Suppression Law*, NAACP LDF (Mar. 30, 2021), <https://www.naacpldf.org/press-release/civil-rights-groups-sue-georgia-over-new-sweeping-voter-suppression-law/>.

¹⁰³ *Id.*

¹⁰⁴ GA HB1464. Regular Session 2021–2022, (Mar. 30, 2022).

¹⁰⁵ Cami Mondeaux, *Georgia lawmakers pass bill giving GBI power to investigate voter fraud*, Washington Examiner (Apr. 5, 2022), <https://www.washingtonexaminer.com/politics/georgia-lawmakers-pass-bill-giving-gbi-power-to-investigate-voter-fraud>.

¹⁰⁶ Racial and Ethnic Diversity in the United States *supra* note 106.

¹⁰⁷ *Gov. DeSantis Signs GOP-Backed Elections Bill at Event Closed to Local Media*, ASSOCIATED PRESS (May 6, 2021), <https://www.nbcmiami.com/news/local/gov-desantis-signs-gop-backed-elections-bill/2444871/>.

the Florida State Conference of the NAACP, Disability Rights Florida, and Common Cause against the Florida Secretary of State, challenging multiple provisions of the bill including: (1) Restrictions and new requirements for VBM applications; (2) limitations on where, when, and how drop boxes can be used; and (3) a vague and overbroad prohibition on conduct near polling places, including potentially criminalizing offering free food, water, and other relief to Florida voters waiting in long lines.¹⁰⁸

On October 8, 2021, Chief Judge Mark E. Walker denied the Secretary of State's motion to dismiss with respect to most of our claims, noting that the allegations of intentional discrimination in our complaint drew a "a straight, shameful line from the discriminatory laws of the 1880's to today."¹⁰⁹ Judge Walker then struck down S.B. 90 in March of this year, ruling that the law violates Section 2 of the Voting Rights Act, and the First and Fourteenth Amendments to the U.S. Constitution.¹¹⁰ Because the district court found that the Florida legislature intentionally discriminated against Black voters through its enactment of S.B. 90, the court granted the Plaintiffs' request for bail-in relief, thereby retaining jurisdiction in the matter for 10 years and prohibiting Florida from enacting certain voting changes without pre-approval.¹¹¹

In reaching its finding of intentional discrimination, the Court pointed to decades of troubling history, noting that "[a]t some point, when the Florida Legislature passes law after law disproportionately burdening Black voters, this Court can no longer accept that the effect is incidental."¹¹² It also discussed the specific context of the 2020 election and how S.B. 90 was framed in response. After noting a surge in vote-by-mail participation, high turnout generally, and the fact that by all accounts the election was conducted without major security concerns, the court referenced the National climate and Florida's response, making an explicit connection to the January 6th Insurrection:

"While Florida's election went smoothly, this Court cannot ignore reality. The 2020 election and its aftermath, on a national scale, was chaotic, though scant evidence was presented on this issue. Between the 2020 election and SB 90's introduction, then-President Trump refused to acknowledge that he had lost the election, causing an escalating crisis that culminated in a mob storming the United States Capitol on January 6, 2021. This is not determinative, but this Court cannot evaluate the Legislature's actions without at least acknowledging these events. Indeed, the [election] Supervisors' lobbyist, David Ramba, testified that considering "all of the things that were on the national news and who stole what and everything else, we knew that somebody was going to come up with a piece of legislation."

"As Mr. Ramba expected, in the first legislative session after the 2020 election, the Legislature, through SB 90, made a sweeping set of changes to Florida's election code, with a specific focus on VBM. For context, between 2013 and 2020 the Legislature made no changes to VBM. And the exact justification for SB 90 as a whole, and for its constituent parts, is difficult to pin down, with sponsors and supporters offering conflicting or nonsensical rationales. Indeed, as Senator Farmer testified, the rationale for SB 90 "was perhaps the most [elusive] answer we faced." . . . Nor was there any evidence before the Legislature that fraud is even a marginal issue in Florida elections.¹¹³

Judge Walker's careful 288-page opinion makes clear that Florida legislators used false claims of voter fraud as a pretext to enact legislation they knew would suppress the Black vote, in direct response to robust 2020 turnout.

c. Texas

Texas is another State that experienced substantial population shifts since 2010. On September 7, 2021, Governor Abbott of Texas signed S.B. 1, one of the most restrictive voting laws in the country. As the bill advanced, members and witnesses who raised concerns—and evidence—that the bill would harm voters of color and voters with disabilities were largely ignored or chastised for uttering the word "racism" in the debate. Texas House Democrats staged a walkout and eventually left the State to break quorum and prevent the passage of such a damaging bill. But

¹⁰⁸ *Important Facts About LDF's Lawsuit Challenging Florida's New Voting Law*, NAACP LDF (accessed Jan. 19, 2022), <https://www.naacpldf.org/naacp-publications/ldf-blog/important-facts-about-ldfs-lawsuit-challenging-floridas-new-voting-law/>.

¹⁰⁹ Order on Motion to Dismiss at 52, *Florida State Conference of the NAACP et. al. v. Laurel Lee*, No. 4:21-cv001-87-MW-MAF (N.D. Fla. 10/8/21), ECF No. 249.

¹¹⁰ <https://www.naacpldf.org/wp-content/uploads/FINAL-ORDER-SB90.pdf>.

¹¹¹ *Id.* at 136.

¹¹² *Id.* at 64.

¹¹³ *Id.* at 68–70 (internal citations omitted).

proponents of the omnibus election bill rammed it through the legislative process, which the Governor extended by two special sessions and threatened funding of legislative staff salaries in order to force passage of the bill.¹¹⁴ After submitting testimony and advocating against the bill as it made its way through the Texas legislature, LDF filed a lawsuit challenging S.B. 1 on the same day it was signed into law.¹¹⁵

The passage of S.B. 1 was a direct backlash to the record voter turnout in Texas in the 2020 election cycle and in particular, the power that Black and Brown voters exercised at the polls. Expanded early voting, drive-thru voting, and 24-hour voting facilitated this record-high voter participation, particularly for urban voters of color who were more likely to use these means of access. For example, approximately 1.6 million registered voters in Harris County: 1.3 million voted early in person; over 177,000 voted by mail; and over 200,000 voted on Election Day.¹¹⁶ S.B. 1 targeted the means and methods of voting primarily used by Black and Brown voters that had facilitated a smooth, secure, and accessible election. Among its many restrictions, S.B. 1 eliminates drive-thru voting and 24-hour voting, restricts early voting hours, restricts vote-by-mail opportunities and application distribution, and bans drop boxes—innovations that had given local counties the options and flexibility they needed to help eligible voters of all backgrounds and abilities cast a ballot, and that Black and Brown voters had disproportionately relied on to vote. S.B. 1 also imposes burdens and intrusive documentation requirements on individuals who provide voters assistance or transport voters to the polls, those providing such assistance to the threat of criminal penalties for violations. Finally, by making it harder for election officials to regulate and supervise poll watchers, S.B. 1 empowers partisan poll watchers to interfere with election administration and to intimidate and harass voters at the polls.

S.B. 1 has already caused substantial problems in Texas' March 1 primary election, where counties were forced to reject a huge percentage of vote-by-mail applications.¹¹⁷ One hundred eighty-seven of Texas' 254 counties threw out 22,898 duly cast vote by mail ballots—approximately 13% of all ballots cast during primary vs. 1–2% rejected in previous elections.¹¹⁸ The rejection rate in the most populous counties was roughly 15%, a staggering increase from the 2020 election, where the State-wide rejection rate was roughly 1%.¹¹⁹ The unprecedented vote-by-mail rejections seems to have a disproportionate impact on minority voters across the State. In particular, 6 of the 9 zip codes in Harris County with the most ballot rejections were majority Black.¹²⁰

S.B. 1 has made it more difficult for voters to cast ballots, stifled innovation, undermined trust in our democracy, and chipped away at voluntary participation as election workers by making the job more difficult while adding criminal penalties for the job.

In our lawsuit, LDF, along with our co-counsel from The Arc and Reed Smith, argues that S.B. 1 discriminates against Black and Brown voters and burdens voters with disabilities in violation of the First and Fourteenth Amendments, Sections 2 and 208 of the Voting Rights Act, the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act.¹²¹ We represent Houston Justice, the Houston Area

¹¹⁴Heidi Pérez-Moreno, *2,100 State Workers Caught in the Crosshairs of Gov. Greg Abbott's Veto of Legislature Funding*, THE TEXAS TRIBUNE (July 2, 2021), <https://www.texastribune.org/2021/07/02/greg-abbott-veto-legislature-staffers/>.

¹¹⁵Our lawsuit is 1 of 6 challenging S.B. 1 that have been consolidated under *La Unión del Pueblo Entero v. State of Texas*, No. 5:21-cv-00844 (W.D. Tex.), including a case brought by the U.S. Department of Justice.

¹¹⁶Harris County Elections, Election Results Archive, *Canvass Report: Nov Live 110320 General and Special Elections*, (Nov. 16, 2020), <https://www.harrisvotes.com/HISTORY/20201103/Official%20Canvass.pdf>.

¹¹⁷Alexa Ura, *Hundreds of Mail-in Ballot Applications are Being Rejected Under Texas' New Voting Rules*, THE TEXAS TRIBUNE (Jan. 13, 2022), https://www.texastribune.org/2022/01/13/texas-voting-mail-rejections/?utm_source=Texas+Tribune+Newsletters&utm_medium=email&utm_term=0_d9a68d8efc-22dff95b59-101201265&mc_cid=22dff95b59.

¹¹⁸Ross Ramsey, *Analysis: When 1 in 8 Texas mail ballots gets trashed, that's vote suppression*, Texas Tribune (Mar. 18, 2022), <https://www.texastribune.org/2022/03/18/texas-rejected-election-ballots/>.

¹¹⁹Nick Corasaniti, *Mail Ballot Rejections Surge in Texas, With Signs of a Race Gap*, New York Times (Mar. 18, 2022), <https://www.nytimes.com/2022/03/18/us/politics/texas-primary-ballot-rejections.html>.

¹²⁰Nick Corasaniti *supra* n. 128.

¹²¹*Lawsuit Filed Challenging New Texas Law Targeting Voting Rights*, NAACP LDF (Sept. 7, 2021), <https://www.naacpldf.org/press-release/lawsuit-filed-challenging-new-texas-law-targeting-voting-rights/>.

Urban League, Delta Sigma Theta Sorority, Inc., and The Arc of Texas, organizations that have long worked to ensure Black and Brown voters, incarcerated voters, and voters with disabilities can access the franchise through providing voter education and voter assistance. Largely through volunteer efforts, these groups help vulnerable communities make their voices heard through the ballot box, for example by educating voters about their voting method options and election rules, providing transportation to the polls, distributing, and assisting with the completion of vote-by-mail applications, and helping voters with disabilities navigate the voting process and complete their ballots.

S.B. 1 frustrates the mission of our clients, placing obstacles, bans, and exposure to criminal prosecution in the way of their efforts to help marginalized communities vote. But the greatest loss is for Texas voters themselves who will be disenfranchised or burdened by the web of bans and restrictions erected by the law—Black and Brown voters and voters with disabilities who relied on the methods of voting now made illegal and who counted on engagement and assistance from groups like our clients to safely cast a ballot. In intent and effect, S.B. 1 blocks their right to vote, continuing a shameful history of voter suppression in Texas.

d. Alabama

Alabama has played a special role in the Civil Rights Movement, due in significant part to its shameful history of racial discrimination in voting. In 1992, litigation forced Alabama to create a Congressional district that allowed Black voters a real opportunity to elect candidates of their choice.¹²² As a result, a Black Congressperson was elected from Alabama for the first time since Reconstruction.¹²³ Yet outside of that one district, Black candidates continue to face defeat in Congressional elections, though many strong candidates have run and have attracted the support of the overwhelming majority of Black voters.¹²⁴ Indeed, Alabama is one of only 10 States where no Black person has ever won State-wide elected office.¹²⁵

For some time now, it has been possible to create two majority-Black Congressional districts in Alabama.¹²⁶ This is even more true now given that all of the State's population growth in the last decade was driven by people of color.¹²⁷ As of the 2020 Census, non-Hispanic whites have fallen to 63% of the Alabama's population while Black Alabamians have grown to just over 27% of the population.¹²⁸

Yet Alabama's white power structure has refused to contend with the State's growing diversity, preferring to maintain the status quo in a process that was anything but transparent. In September 2021, the State's Legislative Reapportionment Office held 28 public hearings, all but one of which were held during regular business hours when working Alabamians were unlikely to attend.¹²⁹ Comments by the legislators overseeing the process indicated the outlines of the Congressional plan had already been decided before the public hearings, yet no draft map was released until after the public comment period had closed.¹³⁰ And no changes were made to the plans in response to public input. Moreover, although civil rights advocates and Black State legislators asked for a racial polarization study before the legislature adopted a map that continued packing Black voters into a single Congressional district, no such study was ever done.¹³¹

On November 4, 2021, Alabama enacted a Congressional map under which Black Alabamians have a meaningful chance to see their preferred candidate elected in

¹²² 3Wesch v. *Hunt*, 785 F. Supp. 1491, 1498 (S.D. Ala. 1992), *aff'd sub nom. Camp v. Wesch*, 504 U.S. 902 (1992).

¹²³ Compl., *Milligan v. Merrill*, No. 2:21-cv-01530-AMM (N.D. Ala. Nov. 16, 2021), ECF No. 1 ("Milligan Compl.").

¹²⁴ U.S. House of Representatives, *Black-American Members by State and Territory, 1870–Present*, <https://history.house.gov/Exhibitions-and-Publications/BAIC/Historical-Data/Black-American-Representatives-and-Senators-by-State-and-Territory/> (last visited January 18, 2022).

¹²⁵ Summer Ballentine, *Analysis: 10 States still haven't elected minority State-wide*, ASSOCIATED PRESS (Sept. 3, 2016), <https://apnews.com/article/6d70082a5f854109aee7874e915c6631>.

¹²⁶ Even in 1992, the Black population was large enough and geographically compact enough to create two majority-Black Congressional districts, but Black leaders at that time believed an effective electoral opportunity for Black voters required significantly more than a bare majority. Wesch, 785 F. Supp. at 1498.

¹²⁷ *Alabama Population Grew 5.1% Since 2010, Surpassing 5 Million*, U.S. CENSUS BUREAU (Aug. 5, 2021), <https://www.census.gov/library/stories/state-by-state/alabama-population-change-between-census-decade.html>.

¹²⁸ *Id.*

¹²⁹ Mike Cason, *Alabama lawmakers begin task of drawing new political districts*, *al.com*, (Aug. 31, 2021) <https://www.al.com/news/2021/08/alabama-lawmakers-begin-task-of-drawing-new-political-districts.html>.

¹³⁰ *Id.* (quoting State Senator Jim McClendon stating that "there won't be any surprises" in the new Congressional plan).

¹³¹ *Milligan Compl.*, *supra* n. 122, ¶¶ 50–71.

only one out of the State's 7 Congressional districts.¹³² In other words, Black Alabamians are more than 27% of the population, but are a majority—and have a realistic chance of electing their preferred representatives—in only 14% of the State's Congressional districts. In contrast, white Alabamians are 63% of the population but form a majority in nearly 86% of the Congressional districts. This is akin to one-person, half-a-vote for Black residents, and one-person, one-and-a-third votes for white residents.

In November, after the State adopted a Congressional plan that continued the status quo, LDF sued on behalf of Greater Birmingham Ministries, the Alabama State Conference of the NAACP, and five affected voters, demanding that the State create a second district that gives Black Alabamians an equal chance to see their preferred candidates represent them in Congress.¹³³

The lack of adequate representation in Congress has real consequences for Alabama's Black communities. Shalela Dowdy, a community organizer and captain in the U.S. Army Reserves who is one of the plaintiffs in LDF's Congressional redistricting litigation, explained how elected officials work against the needs of Alabamians in the State's Black Belt, who disproportionately lack access to health care.¹³⁴ The region suffers from high rates of HIV and has been hit hard by COVID-19, regional hospitals have closed, doctors are often far away, and residents often cannot afford health insurance. Despite these serious issues affecting their constituents, many Alabama legislators have refused to support expanding Medicaid under the Affordable Care Act.

The State legislative plan, adopted through the same problematic process as the Congressional plan, similarly distorts Black representation, and LDF has also challenged this plan. In January, a unanimous three-judge district court struck down Alabama's Congressional map and ordered the State legislature to draw a new map that complies with the Voting Rights Act by including two districts where Black voters have the opportunity to elect candidates of their choice.¹³⁵ Unfortunately, the Supreme Court subsequently granted a motion to the stay the trial court's injunction of the maps, which means that the 2022 elections will take place under discriminatory maps and the underlying challenge to the maps will proceed next Term.¹³⁶

e. South Carolina

South Carolina has a long history of racial discrimination in voting and in the redistricting process in particular. During the four decades that the State was covered by the Voting Rights Act's preclearance protections, the Department of Justice objected 120 times to racially discriminatory voting changes, and at least 27 of these objections involved State or local redistricting plans.¹³⁷ And, in every redistricting cycle since Congress enacted the VRA, voters have been forced to go into court to seek redress from discriminatory maps.¹³⁸

In October 2021, LDF first filed suit regarding post-2020 Census redistricting in the State on behalf of the South Carolina State Conference of the NAACP and an individual voter.¹³⁹ Plaintiffs were forced to bring this initial complaint because of the South Carolina legislature's unnecessary delay in drawing new redistricting maps that respect the Constitutional one-person-one-vote principle. The legislature's failure to remedy malapportioned districts threatened to delay the process of drawing updated districts until the legislature was due back on January 11, 2022, which would have undermined the public's and courts' ability to evaluate the legality of new district lines before the March 30, 2022 filing deadline for primary elections.¹⁴⁰

¹³² See Stipulation of Facts, *Milligan v. Merrill*, No. 2:21-cv-01530-AMM (N.D. Ala. 2021), ECF No. 53.

¹³³ *Milligan* Compl., supra n. 135.

¹³⁴ *Milligan* Compl., supra n. 135.

¹³⁵ *Singleton v. Merrill*, No. 2:21-cv-01291 (N. D. Ala.). Available at https://www.naacpldf.org/wp-content/uploads/PRELIMINARY-INJUNCTION-MEMORANDUM-OPINION-AND-ORDER.-Signed-by-Judge-Anna-M-Manasco-on-1_24_2022.-1.pdf.

¹³⁶ https://www.naacpldf.org/wp-content/uploads/order_supreme_court_-_alabama_case_2_7_2022.pdf.

¹³⁷ First Amended Compl. for Inj. and Decl. Relief at 13, *South Carolina State Conference of the NAACP v. McMaster*, No. 3:21-cv-03302-JMC-TJH-RMG (D.S.C. Dec. 23, 2021), ECF No. 84, available at <https://www.naacpldf.org/wp-content/uploads/AMENDED-PLAINT-for-injunctive-and-declaratory-relief-against-JoAnne-Day-Clifford-J-Elder-002.pdf>.

¹³⁸ *Id.* ¶ 43.

¹³⁹ Compl. for Inj. and Decl. Relief, *South Carolina State Conference of the NAACP v. McMaster*, No. 3:21-cv-03302-JMC-TJH-RMG (D.S.C. Oct. 12, 2021), ECF No. 1, available at <https://www.naacpldf.org/wp-content/uploads/2021-10-12-SC-NAACP-v.-McMaster-Malapportionment-Complaint-FINAL-FILE-STAMPED.pdf>.

¹⁴⁰ *Id.*

The legislature did ultimately return to draw new State House and Senate districts before the end of 2021. South Carolina's map-drawing process was largely inaccessible and unresponsive to public input. In August and October 2021, LDF, South Carolina NAACP, ACLU, and other organizations sent letters to the House and Senate¹⁴¹ Committee expressing concern about the lack of transparency and proposing legislative and Congressional maps that would redress population disparities and create opportunities for Black voters to elect candidates of choice.¹⁴² The committees responsible for these maps repeatedly posted proposed plans with limited opportunities for meaningful review. As just one example, the House Committee invited public input on its draft State House map on November 10, which was posted less than 48 hours before the only public hearing it sought public testimony on the plan.¹⁴³ The House Judiciary Committee subsequently amended and adopted this initial State House map with no opportunity for public input.¹⁴⁴ The legislature also repeatedly discounted and ignored the public testimony that it did receive. And there is no indication that the legislature conducted a racially polarized voting analysis or any other analysis key to compliance with the Voting Rights Act despite repeated requests to do so.¹⁴⁵

Ultimately, the legislature evaded their Constitutional obligations for redistricting. They did so by enacting State House and Congressional maps with districts that both "pack" and "crack" Black voters to dilute Black voting strength and opportunities for Black voters to elect candidates of their choice. But this result was not inevitable; the legislature had many alternative maps available to them that would have corrected for malapportionment, complied with Federal and State law considerations, and relevant redistricting criteria that the legislature adopted. Now, these maps are the latest examples of a decades-long pattern by the legislature of adopting discriminatory maps. LDF's current lawsuit provides an opportunity for Black South Carolinians to have a fair chance to elect State House and Congressional candidates who adequately represent their interests.

f. Louisiana

In Louisiana, which has the second-highest Black population of any State in the country, we are seeing the same pattern as in Alabama. In March, the State legislature passed redistricting plans that continue to pack Black Louisianans into a single Congressional district stretching from New Orleans to Baton Rouge and into many fewer State legislative districts than fairness and their numbers in the population demand.¹⁴⁶ As in much of the South, voting in Louisiana remains stubbornly and starkly polarized along racial lines, with large majorities of white voters declining to support Black candidates. The result is that in districts in which white voters make up the majority, candidates supported by Black Louisianans do not succeed at the ballot box.

According to the 2020 census, Louisiana's Black population has grown to more than 33% while the white population has fallen to 57%.¹⁴⁷ The legislature's Congressional plan, however, hands control of over 83% of the seats to white voters. A similar pattern holds in the redistricting plans for the Louisiana House of Representatives and Senate.

The legislature adopted these plans in the face of powerful community input demanding a greater voice for Black voters and despite the introduction of several alternative plans by members of the State's legislative Black caucus that would have created an additional seat in the Congressional plan. At least one of the alternative plans scored as well as or better than the plan the that was ultimately adopted on

¹⁴¹ LDF Sends Letter to the South Carolina House Redistricting Ad Hoc Committee About their Obligations Under Section 2 of the Voting Rights Act and the Constitution, NAACP LDF (Aug. 9, 2021), <https://www.naacpldf.org/news/ldf-sends-letter-to-the-south-carolina-house-redistricting-ad-hoc-committee-about-their-obligations-under-section-2-of-the-voting-rights-act-and-the-constitution/>; LDF Submits Proposed Congressional and Senate Redistricting Maps to the South Carolina Senate Judiciary Redistricting Subcommittee and the House Redistricting Ad Hoc Committee, NAACP LDF (Oct. 8, 2021), <https://www.naacpldf.org/press-release/ldf-submits-proposed-submitting-proposed-congressional-and-senate-maps-to-the-south-carolina-senate-judiciary-redistricting-subcommittee-and-the-house-redistricting-ad-hoc-committee/>.

¹⁴² Id. ¶¶ 70, 71.

¹⁴³ Id. ¶ 75.

¹⁴⁴ Id. ¶¶ 85–95.

¹⁴⁵ Id. ¶ 9.

¹⁴⁶ Letter to Louisiana Senate and House Governmental Affairs Committee, NAACP LDF (Oct. 18, 2021), <https://www.naacpldf.org/wp-content/uploads/2021.10.18-Letter-re-Louisiana-congressional-Redistricting.pdf>.

¹⁴⁷ U.S. Census Bureau, *LOUISIANA: 2020 Census* (Aug. 25, 2021). Available at <https://www.census.gov/library/stories/state-by-state/louisiana-population-change-between-census-decade.html>.

every measure the legislature purported to care about. The explanation from the legislature for their failure to consider these alternatives has been misinformation and, as in Alabama, unsupported claims that the Voting Rights Act requires a gerrymandered majority-Black district based in New Orleans that deprives Black voters of an equal opportunity to have their voices heard anywhere else in the State.

On March 9, 2022, in response to sustained community advocacy, Governor John Bel Edwards vetoed the Congressional plan passed by the legislature because it failed to include a second majority-Black Congressional district. On March 30, 2022, the legislature voted to override the Governor's veto rather than attempt to craft a compromise plan that would provide greater voting opportunities to Black Louisianans. That this was the first time in nearly three decades that Louisiana has seen a successful veto override is a testament to the legislature's commitment to its refusal to share power with the State's rising Black population. Hours after the veto override vote, LDF filed suit under Section 2 of the Voting Rights Act challenging the Congressional plan.

(a) *Judicial Redistricting*

Black representation on Louisiana's Supreme Court is also under threat. Under a consent decree that resulted from a landmark decision in the case of *Chisom v. Roemer*, there is currently one member of the State supreme court who is elected from a majority-Black district.¹⁴⁸ The State recently asked the Federal court to dissolve that decree and end Federal oversight under the pretext of a need to redistrict to correct population imbalances. The State's motion comes at a time when it faces pressure to add an additional majority-minority district and amid an effort to expand the size of the court from 7 to 9 members, which would further dilute the influence of Black voters on judicial elections.¹⁴⁹

(b) *Drawing Local Lines*

Congressional maps and State-wide plans are critical, but far from the only arena where fair districting is under attack. The one-person, one-vote principle requires thousands of jurisdictions across the country to redraw lines every decade—from county commissions and city councils to school boards. In the absence of preclearance, redistricting plans are being drawn that will affect the most intimate aspects of people's lives for a decade with no serious scrutiny or oversight. LDF lawyers, trainers, organizers, and policy staff have spent the past 6 months working to make sure that local communities have the tools they need to engage meaningfully in the process. Non-profit organizations like LDF can fill some of the gap left by the Shelby County decision, but with no mandate that they affirmatively scrutinize and justify their redistricting plans, many localities are giving little heed to the requirements of the Voting Rights Act and the Fourteenth Amendment.

D. Backlash Beyond Election Day: Subverting Election Results

The 2020 election and 2021 runoff taught entrenched interests that even in the face of formidable obstacles and deliberate barriers, Black and Brown voters can at times break through to make their voices heard. Given this lesson, we are now seeing bold and deliberate efforts to interfere with the voting infrastructure in ways that will facilitate the sabotage of elections or the subversion of election results. Two primary approaches are to provide more direct control over elections to partisan actors, and to replace nonpartisan, good-faith election workers with loyalists who strongly believe in the false narrative around stolen elections.

In 2021, 32 laws were enacted in 17 States which allow State legislatures to politicize, criminalize election administration activity, or otherwise interfere with elections.¹⁵⁰ These include measures to shift authority over elections from executive agencies or nonpartisan bodies to the legislature; roll back local authority through centralization and micromanagement; and criminalize good-faith mistakes or decisions by elections officials.¹⁵¹

These new rules allow white-dominated legislatures or State-wide bodies to assert control over majority Black local jurisdictions. In Georgia, for example, another provision of S.B. 202 allowed the State Election Board to assume control of county

¹⁴⁸ *Chisom v. Roemer*, 501 U.S. 380 (1991).

¹⁴⁹ See *Allen v. Louisiana*, 14 F.4th 366 (5th Cir. 2021).

¹⁵⁰ Memorandum from States United Democracy Center, *Protect Democracy, and Law Forward to Interested Parties* (Dec. 23, 2021), at 2, https://s3.documentcloud.org/documents/21169281/democracy-crisis-in-the-making-report-update_12232021-year-end-numbers.pdf.

¹⁵¹ *Id.*

boards.¹⁵² Through this bill and separate legislation to reorganize county election boards, several Black election board members or supervisors have been replaced with individuals closely aligned with a particular partisan ideology.¹⁵³

Furthermore, criminalization provisions of legislation expose good-faith election officials to unreasonable risk for doing their jobs. For example, Texas' S.B.1, contains a provision that exposes election judges who take action to prevent poll watchers from harassing voters to possible criminal sanctions.¹⁵⁴ This despite the fact that the Texas Election Code contains specific provisions designed to protect voters from exactly such interference—and it is the election judge's responsibility to enforce these provisions at a given polling location.¹⁵⁵ The new law thus puts good-faith election judges in a no-win situation where they can incur criminal penalties for fulfilling their duties.

Beyond legal changes, extremists who believe the 2020 election was stolen have subjected elections officials to death threats and other forms of harassment on an on-going basis. A November 2021 Reuters Special Report documented nearly 800 threats to election workers over the previous year, including more than 100 that could warrant prosecution.¹⁵⁶

According to an April 2021 survey, approximately one-third of election officials are concerned about feeling unsafe on the job, being harassed on the job, and/or facing pressure to certify election results.¹⁵⁷ Nearly one-third have already felt unsafe and almost 20% have been threatened on the job.¹⁵⁸ This has led to a wave of retirements, causing the director of the Center for Election Innovation and Research to tell the *New York Times*, "We may lose a generation of professionalism and expertise in election administration. It's hard to measure the impact."¹⁵⁹

This concern is almost certainly more acute for Black election officials and other election officials of color. Texas election judge and LDF client Jeffrey Clemmons, a Black man in his early twenties, says that if he works as an election worker again in the future:

"I am almost certain that I am going to face probably more harassment than I did the last time around because of the heightened political environment that we're in, where people feel again as if their elections are being stolen, that you know, democracy is being undermined left and right, which it is, but of course not in the way that they think that it is. And so you're going to have people who are signing up to be poll watchers for probably partisan campaigns and coming into polling places and attempting to identify election fraud as it were through the Texas election bills . . . I can only imagine things I'm going to face, whether it's someone, you know, yelling belligerently at me or taking video of me when I'm just doing my

¹⁵²James Oliphant & Nathan Layne, *Georgia Republicans purge Black Democrats from county election boards*, REUTERS (Dec. 9, 2021), <https://www.reuters.com/world/us/georgia-republicans-purge-black-democrats-county-election-boards-2021-12-09/>.

¹⁵³For example, H.B. 162 reconstituted the Morgan County Board of Elections, giving control over all appointments to the Board of County Commissioners, and leading directly to the removal of Helen Butler and Avery Jackson, two Black members Board members. Ms. Butler had served on the board for more than a decade without any allegations of wrongdoing and neglect, using her position to advocate for more accessible elections. Protecting the Freedom to Vote—Recent Changes to Georgia Voting Laws and the Need for Basic Federal Standards to Make Sure All Americans Can Vote in the Way that Works Best for Them, Hearing Before the S. Comm. On Rules and Admin, 117th Cong. 11 (2021) (Statement of Helen Butler, Exec. Dir., Ga. Coal. for the People's Agenda), https://www.rules.senate.gov/imo/media/doc/Testimony_Butler.pdf.

¹⁵⁴Compl. for Decl. and Injunctive Relief, *Houston Justice v. Abbott*, No. 5:21-cv-00848 (W.D. Tex. Sept. 7, 2021), ECF No. 1.

¹⁵⁵Tex. Election Code §§ 33.057, 33.058.

¹⁵⁶In June, an Arizona man called Secretary of State Katie Hobbs' office and left a messaging saying she would hang "from a f—tree . . . They're going to hang you for treason, you f—bitch." 156[sic] In August 2021, a Utah man who had been listening to a Mesa County, Colorado election clerk criticize Secretary of State Jena Griswold sent Secretary Griswold a Facebook message: "You raided an office. You broke the law. STOP USING YOUR TACTICS. STOP NOW. Watch your back. I KNOW WHERE YOU SLEEP, I SEE YOU SLEEPING. BE AFRAID, BE VERRY AFRAID. I hope you die." Linda So & Jason Szep, *Special Report: Reuters unmasks Trump supporters who terrified U.S. election workers*, REUTERS (Nov. 9, 2021), <https://www.reuters.com/legal/government/reuters-unmasks-trump-supporters-terrifying-us-election-workers-2021-11-09/>.

¹⁵⁷Brennan Center for Justice, *Local Election Officials Survey 6* (June 16, 2021), <https://www.brennancenter.org/our-work/research-reports/local-election-officials-survey>.

¹⁵⁸Id. at 7.

¹⁵⁹Michael Wines, *After a Nightmare Year, Election Officials Are Quitting*, N.Y. TIMES (July 2, 2021), <https://www.nytimes.com/2021/07/02/us/politics/2020-election-voting-officials.html>.

job or potentially having the cops called on me because of the color of my skin and the fact that I'm working an election."¹⁶⁰

The effort to subvert elections from the inside is picking up steam. With Black and Brown election workers pushed out of the picture, those who embrace the false fraud frame are waiting in the wings to infiltrate the system. According to the *New York Times*, "[i]n races for State and county-level offices with direct oversight of elections, Republican candidates coming out of the Stop the Steal movement are running competitive campaigns, in which they enjoy a first-mover advantage in electoral contests that few partisans from either party thought much about before last November."¹⁶¹

Secretary of state races have also been transformed by this phenomenon. Formerly about election mechanics or perhaps how much to expand voting opportunities these contests are now being driven by inaccurate claims regarding election legitimacy. In about half of this year's 27 secretary of state contests there's at least one candidate who claims the 2020 election was stolen from Donald Trump, or otherwise questions its legitimacy.¹⁶²

With no pushback from Congress, those intent on subverting the next election by continuing to raise doubts about 2020 are becoming more brazen, not less. On January 15, President Trump held his first 2022 rally in Florence, Arizona.¹⁶³ Former Trump chief strategist Stephen Bannon explained that the purpose of the rally was to kick off an attempt to decertify President Biden's 2020 electors in 4 swing States.¹⁶⁴ The explicit strategy was to sow distrust and paint President Biden as an illegitimate President.

The combination of removing non-partisan or bipartisan election officials, exposing good-faith election workers to criminal penalties, and a constant stream of threats and harassment contributes to perhaps the most dangerous aspect of the efforts to subvert election results: Thousands of election officials with experience and integrity are being replaced by false fraud loyalists who are on a mission to achieve a particular election outcome without regard to whether that outcome aligns with the voice and intent of the majority of the electorate.

VI. SOLUTIONS: CONGRESS HAS THE POWER AND RESPONSIBILITY TO PROTECT OUR DEMOCRACY

The U.S. Constitution gives Congress both the authority and the responsibility to act to protect our democracy. This Committee has been charged with the responsibility of diagnosing the root causes of the January 6th Insurrection and prescribing the solutions that can heal our ailing democracy. To do that work, it is critical that Congress view January 6th in its full context, and not as an isolated incident; only then does the full range of necessary solutions come into view. This includes legislation to protect the right to vote, especially for people of color; and to protect democracy from subversion.

A. *Protect the Right to Vote*

The purpose of the raft of 2021 voter suppression laws, the discriminatory redistricting process, and the efforts to sabotage election results is to prevent people of color from ever again asserting their full voice and power. We need Congress to step up to its responsibility to ensure that we can achieve full and fair representation

¹⁶⁰ Interview with Jeffrey Clemmons, *supra* note 77.

¹⁶¹ Charles Homans, *In Bid for Control of Elections, Trump Loyalists Face Few Obstacles*, N.Y. TIMES (Dec. 11, 2022), https://www.nytimes.com/2021/12/11/us/politics/trump-democracy.html?campaign=id=9&emc=edit_nn-20211213&instance_id=47676&nl=the-morning®_id=67300419&segment_id=76841&te=1&user_id=a026c13970046cd04a509ac0738ecf7a.

¹⁶² *The Big Lie' Lives On, And May Lead Some to Oversee The Next Election*, NPR (Jan. 6, 2022), <https://www.npr.org/transcripts/1070864361>. Candidates have claimed that Georgia "certified the wrong result" and that "700,000 people are illegal voters" in the State; that Michigan added dead people to the voter file, while calling for an Arizona-style audit; that there were up to 35,000 "fictitious voters" in Pima County, Arizona; and that there was a group of secretary of state candidates "doing something behind the scenes to try to fix 2020 like President Trump said." Ian Vandewalker & Lawrence Norden, *Financing of Races for Offices that Oversee Elections: January 2022*, BRENNAN CENTER FOR JUSTICE (Jan. 12, 2022), at 15, fig. 7, <https://www.brennancenter.org/our-work/research-reports/financing-races-offices-oversee-elections-january-2022>.

¹⁶³ *Trump rally in Arizona: Former president calls Biden 'a disaster' for the country*, AZCENTRAL (Jan. 14, 2022), <https://www.azcentral.com/story/news/politics/arizona/2022/01/14/trump-rally-arizona-live-updates-florence/6529316001/>.

¹⁶⁴ Ron Filipkowski (@RonFilipkowski), Twitter (Jan. 15, 2022, 11:04 AM), <https://twitter.com/RonFilipkowski/status/1482383205181366278>.

by passing legislation that protects the right to vote for Black and Brown Americans. Such legislation should, at a minimum, contain the following essential provisions:

- Restore the VRA’s preclearance protections through updated coverage parameters. Many of the States manipulating maps or passing restricting voting laws—including the 6 States LDF is suing—were covered by the Voting Rights Act’s preclearance protections prior to *Shelby* and would likely be covered again under a restored Voting Rights Act. Preclearance in the new law would start in 2021, so these laws would need to go through the process and could be blocked from further effect.¹⁶⁵
- Restore and strengthen Section 2 of the Voting Rights Act, giving litigators across the country more powerful tools to push back on discrimination. This includes clarifying the legal standards for bringing Section 2 vote denial claims after the *Brnovich* case, and that partisan motivation does not undercut a claim of racial discrimination and establishing a new Nation-wide prohibition against diminishing the ability of voters of color to access the ballot or elect candidates of choice.¹⁶⁶
- Provide a broad set of minimum standards for ballot accessibility for Federal elections such that the ability to exercise your right to vote is not dependent upon which State you live in. States should be required to offer Same Day Registration, robust early voting and vote-by-mail opportunities, accept a broad range of voter identification, make Election Day a holiday, implement automatic voter registration, restore the vote to people with felony convictions and more.¹⁶⁷
- Create a new Federal statutory claim against undue burdens on the right to vote.* For harsh rules that restrict access across the board, this can provide an alternative to First and Fourteenth Amendment claims under the so-called *Anderson-Burdick* standard which has been weakened by the Supreme Court and other courts in recent years. And in cases where laws place disparate burdens on the rights of voters of color, low-income voters, women, and others, a new claim can supplement Voting Rights Act claims, which require extensive expert analysis and statistical evidence to prove and increase the chances of timely relief.
- Outlaw partisan gerrymandering for Congressional districts.¹⁶⁸ This helps communities of color by undercutting a key excuse lawmakers give for undermining their political voice—it was about partisanship, not race¹⁶⁹—and by reducing the chances that leaders elected by these communities are marginalized within the elected bodies in which they serve.

B. Fight Election Subversion

In addition to protecting the right to vote, Congress must take action to prevent subversion of our free and fair elections. This includes enacting explicit new protections for election workers and election infrastructure, as well as a provision that prevents partisan bodies such as State legislatures from removing State and local election officials without due cause.¹⁷⁰ Congress must also update the Electoral Count Act of 1887 to fix the vague and outdated vote counting and election certification processes that provided an opening for bad-faith actors to attempt to subvert the will of the people by manipulating election results.¹⁷¹

Reform of the Electoral Count Act is far from sufficient to address the multitude of threats to ensuring free and fair democratic elections facing the Nation today but it is a needed component.

VII. CONCLUSION

This Select Committee does its work at a historic moment when it is not hyperbole to say that the fate of American democracy hangs in the balance. Black and Brown Americans face the greatest assault on our voting rights since the Jim Crow Black Codes rolled back the progress made during Reconstruction. Indeed, the

¹⁶⁵Freedom to Vote: John R. Lewis Act, H.R. 5746, 117th Cong. (2021–2022) § 9016(c).

¹⁶⁶Id. at §§ 9001–9002.

¹⁶⁷Id. at §§ 1031, 1202, 1301–1305, 1801.

* Id. at §§ 3401–3403.

¹⁶⁸Id. at §§ 5001–5008.

¹⁶⁹See e.g. Michael Wines, “Republican Gerrymander of North Carolina Maps is Upheld in Court,” THE N.Y. TIMES (Jan. 11, 2022), <https://www.nytimes.com/2022/01/11/us/politics/north-carolina-redistricting.html>.

¹⁷⁰Freedom to Vote: John R. Lewis Act, H.R. 5746, 117th Cong. (2021–2022) §§ 3001–3301.

¹⁷¹Discussion Draft “Electoral Count Modernization Act,” available at <https://www.king.senate.gov/imo/media/doc/mcg22051.pdf.pdf>, is one such proposal.

threat of our democracy breaking apart at the seams and sliding irreversibly into authoritarianism has not been as acute since the Civil War.

The recent Census confirmed that the Country is growing more diverse by the day and the great question before us is whether we will embrace a truly inclusive, multi-racial democracy or entrench a racial hierarchy of white supremacy that has beleaguered our democracy since its inception.

When NPR asked University of Southern California election scholar Franita Tolson to rank her concern about our democracy as a whole and the trend of false fraud narrative adherents taking over election offices in particular on a scale from one-to-ten, her response was a resounding 50.¹⁷² In April, respected election law scholar Richard L. Hasen wrote in the *Harvard Law Review* that “[t]he United States faces a serious risk that the 2024 Presidential election, and other future U.S. elections, will not be conducted fairly and that the candidates taking office will not reflect the free choices made by eligible voters under previously announced election rules.”¹⁷³ I believe the threat to our democracy is even more urgent than this. If people of color are blocked from the ballot or the vote is subverted in 2022, it may be too late to steer our democracy back on course.

Historians will study the period between 2020 and 2025 for decades to come, seeking to explain the next century of American life. They will ask the question: Did we act when we had the chance, or did we squander our last, best hope to protect the freedom to vote and save our democracy? Black Americans have played a special role in our country’s history in calling the Nation to honor its highest ideals. And, we have been raising alarm bells about the descent of our democracy for years.¹⁷⁴

January 6th was not an isolated incident, but rather the unfortunate consequence of powerful interests fomenting a backlash to the 2020 elections. Those interests are determined to block the emergence of an inclusive, multi-racial democracy by erecting barriers to the ballot and by dismantling the non-partisan election infrastructure. Securing and protecting the freedom to vote and the integrity of our elections are essential to maintaining our still nascent democracy. Congress must act swiftly to do so before our democracy is unrecognizable, if it exists at all.

STATEMENT OF TREVOR POTTER, FOUNDER AND PRESIDENT, CAMPAIGN LEGAL CENTER

APRIL 1, 2022

Thank you for the opportunity to submit testimony before the Select Committee to Investigate the January 6th Attack on the United States Capitol. I am the founder and president of Campaign Legal Center (CLC), a nonpartisan 501(c)(3) organization dedicated to advancing American democracy through law. I am also a Republican former commissioner and chair of the Federal Election Commission, and served as general counsel to John McCain’s 2000 and 2008 Presidential campaigns and deputy general counsel to President George H. W. Bush’s 1988 Presidential campaign.

American democracy stands at a perilous crossroads: Will it remain a country based on the rule of law and of truth, or fall to hidden manipulation and deception, and will the peaceful struggle to ensure representative self-government prevail over the fight for raw power? This Select Committee’s urgent work to investigate the sources of what ails our political process and fueled the unprecedented attack on our Capitol is critical to begin reinforcing America’s founding democratic ideals as a Nation of integrity and freedom.

I testify before you to emphasize the threat that persistent lies about an allegedly “stolen election” present to our democratic institutions. The fiction that the voting and counting in the 2020 election was in any form illegitimate has been thoroughly debunked in court proceedings across the country, in experts’ analyses, and by the hardworking officials who oversaw the election. Nonetheless, the stolen election lies have persisted, creating a dangerous ecosystem in which contrived emergencies degrade public trust in elections, which is then used to justify changes in policy and

¹⁷² “The Big Lie”, supra n. 165.

¹⁷³ Richard L. Hansen, *Identifying and Minimizing the Risk of Election Subversion and Stolen Elections in the Contemporary United States* (Sep. 18, 2021). *Harvard Law Review Forum*, Vol. 135, 2022, UC Irvine School of Law Research Paper No. 2021–50, Available at SSRN: <https://ssrn.com/abstract=3926381>. see also Barton Gellman, *Trump’s Next Coup Has Already Begun*, *THE ATLANTIC* (Dec. 6, 2021), <https://www.theatlantic.com/magazine/archive/2022/01/january-6-insurrection-trump-coup-2024-election/620843/>.

¹⁷⁴ Lani Guinier & Gerald Torres, *The Miner’s Canary*, Harvard University Press (2003).

law that impose real harms on our voting processes and the people who administer them.

The emerging threats to our democratic processes that I want to address here manifest in four main categories: The increasing number of proposed State bills and enacted laws that cynically limit eligible voters' access to the ballot; the proliferation of ad hoc, partisan reviews of election results; the widening of cracks in our legal framework that can be exploited by rogue actors to usurp the electoral power from the people; and the alarming increase of threats against election officials and the politicization of their roles. These efforts to cast doubt on our electoral system have led to a startling loss of trust in the American political system that will take concerted efforts to restore.

Although these problems are significant, I am confident they are solvable. The public's faith in the truth and in our democracy can overcome these difficult times. The Federal Government must help the truth prevail by enacting and enforcing laws that shore up our institutions and reduce the dangers imposed by the stolen election lies.

A. STOLEN ELECTION LIES LEAD TO HARMFUL VOTING RESTRICTIONS, IMPROPER GOVERNMENT PRACTICES, AND THREATS TO ELECTION OFFICIALS.

Traditionally, the work of CLC and other voting rights and democracy reform organizations has emphasized combatting restrictions on the freedom to vote and improving voting access—from registration to the casting of ballots to the processing and tabulating stages. This work has taken on renewed importance in the face of the dramatic increase in State legislatures pushing bills that make it more difficult to vote for no good reason. But the nature of our work has also changed significantly since the post-election events that culminated on January 6, 2021. Now, democracy advocates must confront new hazards in the form of election sabotage and the politicization of election administration that, along with pre-election restrictions of the franchise, can damage the integrity of the entire electoral system. Addressing these mounting concerns is critical to advancing democracy and protecting the freedom to vote.

In this section of my testimony, I will briefly overview the stolen election lies that have escalated in recent years, and then will discuss in greater detail how those falsehoods have prompted real harms to voters, our democratic institutions, and the people who make our electoral system work.

The election skeptics cast doubt on time-tested and widely-used programs that enable eligible voters to safely, conveniently, and securely exercise their freedom to vote—such as vote by mail, early voting, and accessible drop boxes—and have encouraged new laws that arbitrarily increase the costs of political participation. The falsehoods have led to partisan reviews of ballots and voting systems and have inspired new legislation that makes it easier for politicians to discard the expressed will of their voters. Distressingly, the lies endanger election officials with threats of violence, often forcing hardworking nonpartisan public servants out of their jobs and rousing highly partisan election conspiracists to try and replace them.

1. *The stolen election lies are groundless and damaging.*

The proximate causes of the new subversive threats to American democracy are the widely dispersed lies that the 2020 Presidential election was “stolen”, and that the winner is somehow illegitimate. Leading up to and since the 2020 election cycle, partisan actors have promoted the false narrative that there is wide-spread voter fraud in American elections and that their preferred candidates lose only because the other side cheated. Propagators of this conspiracy have used their stolen election lies to justify efforts to overturn the results of elections, to make voting harder, and to actually corrupt elections in the future.¹

¹See, e.g., Nick Corasaniti & Reid J. Epstein, *How Republican States Are Expanding Their Power over Elections*, N.Y. Times (June 19, 2021), <https://www.nytimes.com/2021/06/19/us/politics/republican-states.html>; National Task Force on Election Crises, *Undermining Free & Fair Elections: An Update on the Risk of Election Crises Since November 2020 at 3* (July 14, 2021), <https://static1.squarespace.com/static/5e70e52c7c72720-ed714313f/t/60ecbb773b84fb5bce43c7fc/1626127223644/Task+Force+Progress+Report+%28July+2021%29.pdf>; see also States United Democracy Ctr., *Protect Democracy*, and Law Forward, *Democracy Crisis Report Update: New Data and Trends Show the Warning Signs Have Intensified in the Last Two Months* (June 10, 2021), https://statesuniteddemocracy.org/wp-content/uploads/2021/06/Democracy-Crisis-Part-II_June-10_Final_v7.pdf; States United Democracy Ctr., *Protect Democracy*, and Law Forward, *A Democracy Crisis in the Making* (Apr. 22, 2021), <https://s3.documentcloud.org/documents/20688594/democracy-crisis-report-april-21.pdf>.

For example, what started as on-line misinformation that voters in Arizona were being “forced to use felt-tipped Sharpie pens” that they wrongly believed voting machines would not count inspired the false allegation “that thousands of Trump votes would be thrown out in Arizona” and became part of a slew of election lies about the election results there.² This simple lie, quickly demonstrated by nonpartisan election officials to be false, might have been comical if it were not so destructive. But the falsehoods about Sharpies and ballots went on to help generate frivolous lawsuits challenging Arizona’s results,³ and led to armed protesters crowding outside a ballot-counting center calling for vote-counting to stop.⁴ The election conspiracies in Arizona further prompted prominent elected officials to submit a falsified slate of alternative Presidential electors to Congress contrary to the popular vote in that State, undertake a costly and damaging partisan review of the ballots in the State’s largest county, and propose and enact changes to State election law that reduce voter access and needlessly increase election costs and complexity.⁵

Other stolen election lies arose from partisans exploiting some voters’ misperception that all the eligible ballots would be processed and counted by the end of election day, and that they could expect final results that night. The time line for when all votes are processed and counted is in part related to the volume of ballots that election officials must accurately canvass. But perceived delays to the time line are also directly related to whether State law allows election officials to preprocess early returned ballots to be ready to tabulate as soon as polls close.⁶ Nearly every State in the country enables its election officials to preprocess valid ballots that are returned before election day by, for example, simply removing the ballot from its envelope, flattening it, and stacking it with other ballots to be ready for tabulation after polls close.⁷ With millions of ballots to count, this preparation time adds up; preprocessing reduces the already significant strain on election day. States that limit or prohibit preprocessing—including closely contested States like Pennsylvania, Michigan, and Wisconsin—prolonged the counting process, which stolen election lie believers exploited to sow doubt in the election.⁸ During this time, partisans used the delays they created in State law to promote their stolen election lies and pressure their constituents to launch “stop the count” movements that sought to distort election results by not tabulating lawful votes.⁹

The pressure campaign for partisans to subscribe to the stolen election lies has made the issue a National political litmus test for candidates across the country. During the height of the over 60 frivolous litigation contests challenging the 2020 results, former President Trump undertook an unrelenting attack on the election by using his bully pulpit to publicly incite his supporters and to privately seek to coerce

²Official Information Regarding the Use of Sharpies in Maricopa County, Citizens Clean Elections Comm’n, <https://www.azcanelections.gov/election-security/sharpies> (last accessed Mar. 15, 2022); Rachel Leingang & McKenzie Sadeghi, *Fact check: Arizona election departments confirm Sharpies can be used on ballots*, USA Today (Nov. 5, 2022), <https://www.usatoday.com/story/news/factcheck/2020/11/04/fact-check-sharpiagate-controversy-arizona-false-claim/6164820002/>.

³Jim Rutenberg, et al., *77 Days: Trump’s Campaign to Subvert the Election*, N.Y. Times (Jan. 31, 2021), <https://www.nytimes.com/2021/01/31/us/trump-election-lie.html>.

⁴Tony Romm, et al., *Facebook Bans ‘STOP THE STEAL’ Group Trump Allies Were Using to Organize Protests Against Vote Counting*, Wash. Post (Nov. 5, 2020), <https://www.washingtonpost.com/technology/2020/11/05/facebook-trump-protests/>.

⁵See States United Democracy Ctr. April and June Reports, *supra* note 1.

⁶See, e.g., Derek Tisler, et al., *The Roadmap to the Official Count in an Unprecedented Election*, Brennan Ctr. for Justice (Oct. 26, 2020), <https://www.brennancenter.org/our-work/research-reports/roadmap-official-count-unprecedented-election>; Edward B. Foley & Charles Stewart III, *Explaining the Blue Shift in Election Canvassing*, J. of Pol. Institutions and Pol. Economy (Mar. 1, 2020), <http://dx.doi.org/10.2139/ssrn.3547734>.

⁷See Table 16: *When Absentee/Mail Ballot Processing and Counting Can Begin*, Nat’l Conf. of State Legislatures (Mar. 15, 2022), <https://www.ncsl.org/research/elections-and-campaigns/vopp-table-16-when-absentee-mail-ballot-processing-and-counting-can-begin.aspx>; Quinn Scanlan, *How battleground States process mail ballots—and why it may mean delayed results*, ABC News (Oct. 30, 2020), <https://abcnews.go.com/Politics/battleground-states-process-mail-ballots-delayed-results/story?id=73717671>.

⁸See, e.g., Zach Montellaro, *Michigan, Pennsylvania and Wisconsin decided the 2016 election. We’ll have to wait on them in 2020.*, Politico (Sept. 15, 2020), <https://www.politico.com/news/2020/09/15/swing-states-election-vote-count-michigan-pennsylvania-wisconsin-414465>; Miles Parks, *In Swing States, Officials Struggle To Process Ballots Early Due To Strict Local Laws*, NPR (Oct. 14, 2020), <https://www.npr.org/2020/10/14/922202497/in-swing-states-laws-add-pressure-prevent-officials-from-processing-ballots-early>.

⁹See, e.g., Tresa Baldas, et al., *Chaos erupts at TCF Center as Republican vote challengers cry foul in Detroit*, Detroit Free Press (Nov. 4, 2020), <https://www.freep.com/story/news/politics/elections/2020/11/04/tcf-center-challengers-detroit-michigan/6164715002/>; Jim Rutenberg et al., *supra* note 5.

Federal and State officials to throw out the popular election.¹⁰ The lies spread online and on partisan media outlets, which were then promoted by hundreds of elected lawmakers who breached the public trust by magnifying the reach of these falsehoods.¹¹ The rising threat of political violence from these lies prompted the incumbent National security and Federal law enforcement apparatus to reassure the public that the 2020 election was “the most secure in American history” with “no evidence that any voting system deleted or lost votes, changed votes, or was in any way compromised”¹² and no serious evidence of voter fraud.¹³ But the mistrust already sown meant many “true believers” believed these statements too were false. Since then, even some prominent proponents of the stolen election lies have admitted as a defense in court that “[n]o reasonable person would conclude that the statements [challenging the 2020 election] were truly statements of fact.”¹⁴ Nonetheless, the lies have continued, and are still believed by many.

Our democratic institutions bent but ultimately held firm under the strain of the post-2020 election chaos that culminated with the January 6 attack on the Capitol and challenges to the electors. But the damage done, and the weaknesses exploited during that time, have laid the groundwork for future attacks against and within our electoral system. The former President has kept the stolen election lies narrative at the forefront,¹⁵ and made a candidate’s willingness to accept those falsehoods a salient political criterion in party politics.¹⁶ The fabricated stolen election efforts have shifted political dynamics across the country, with one recent analysis finding that “163 Republicans who have embraced Trump’s false claims are running for State-wide positions that would give them authority over the administration of elections.”¹⁷ And numerous losing candidates for public office since the 2020 election have already harnessed the stolen election lies to cast doubt on their losses and the legitimacy of their opponents, no matter the margin of victory.¹⁸

¹⁰ Karen Yourish & Larry Buchanan, *Since Election Day, a Lot of Tweeting and Not Much Else for Trump*, N.Y. Times, Nov. 24, 2020, <https://www.nytimes.com/interactive/2020/11/24/us/politics/trump-twitter-tweets-election-results.html> (“In total, the president attacked the legitimacy of the election more than 400 times since Election Day, though his claims of fraud have been widely debunked”); Anita Kumar & Gabby Orr, *Inside Trump’s Pressure Campaign to Overturn the Election*, Politico (Dec. 21, 2020), www.politico.com/news/2020/12/21/trump-pressure-campaign-overtake-election-449486 (“In total, the President talked to at least 31 Republicans, encompassing mostly local and State officials from four critical battleground States he lost—Michigan, Arizona, Georgia, and Pennsylvania. The contacts included at least 12 personal phone calls to 11 individuals, and at least 4 White House meetings with 20 Republican State lawmakers, party leaders, and attorneys general, all people he hoped to win over to his side. Trump also spoke by phone about his efforts with numerous House Republicans and at least 3 current or incoming Senate Republicans.”).

¹¹ Jacobs Technion-Cornell Institute, VoterFraud2020 Twitter Database, <https://voterfraud2020.io/> (last visited Mar. 21, 2022); Justin Hendrix, *The Big Lie Is a Reality*, Just Security (Feb. 23, 2022), <https://www.justsecurity.org/80324/the-big-lie-is-a-reality/>; Representative Zoe Lofgren, Social Media Review (Jan. 31, 2021), <https://housedocs.house.gov/lofgren/SocialMediaReview8.pdf>.

¹² Cybersecurity and Infrastructure Security Agency, Joint Statement From Elections Infrastructure Government Coordinating Council & The Election Infrastructure Sector Coordinating Executive Committees (Nov. 12, 2020), <https://www.cisa.gov/news/2020/11/12/joint-statement-elections-infrastructure-government-coordinating-council-election>.

¹³ Adam Goldman & Zolan Kanno-Youngs, *F.B.I. Director Sees No Evidence of National Mail Voting Fraud Effort*, N.Y. Times (Sept. 24, 2020), <https://www.nytimes.com/2020/09/24/us/politics/fbi-director-voter-fraud.html> (quoting FBI director Christopher Wray); Michael Balsamo, *Disputing Trump, Barr says no widespread election fraud*, Associated Press (Dec. 1, 2020), <https://apnews.com/article/barr-no-widespread-election-fraud-b1f1488796c9a98c4b1a9061a6c7f49d> (quoting former Attorney General Bill Barr).

¹⁴ Jane C. Timm, *Sidney Powell’s legal defense: ‘Reasonable people’ wouldn’t believe her election fraud claims*, NBC News (Mar. 23, 2021), <https://www.nbcnews.com/politics/donald-trump/sidney-powell-s-legal-defense-reasonable-people-wouldn-t-believe-n1261809> (citing Sidney Powell legal filing in a subsequent defamation case).

¹⁵ See, e.g., Melissa Block, *The clear and present danger of Trump’s enduring ‘Big Lie’*, NPR (Dec. 23, 2021), <https://www.npr.org/2021/12/23/1065277246/trump-big-lie-jan-6-election>; Josh Dawsey, *Trump muses on war with Russia and praises Kim Jong Un*, Wash. Post (Mar. 6, 2022), <https://www.washingtonpost.com/nation/2022/03/06/trump-focuses-foreign-policy-speech-gops-top-donors/>.

¹⁶ Calvin Woodward, *Trump’s ‘Big Lie’ imperils Republicans who don’t embrace it*, Associated Press (May 9, 2021), <https://apnews.com/article/michael-pence-donald-trump-election-2020-government-and-politics-0c079479fd2b9911b3006f0fc128ffd>.

¹⁷ Ashley Parker, et al., *How Republicans became the party of Trump’s election lie after Jan. 6*, Wash. Post (Jan. 5, 2022), https://www.washingtonpost.com/politics/republicans-jan-6-election-lie/2022/01/05/82f4cad4-6cb6-11ec-974b-d1c6de8b26b0_story.html.

¹⁸ Numerous losing candidates have refused to concede because of trumped-up lies about voting fraud. For example, upon losing to Congresswoman Karen Bass of California, challenger

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These stolen election lies cast a dangerous shadow extending well beyond 2020. Proponents of the lies continue to interrogate election officials and demand they prove a negative—that no distortions affected the elections—as a justification to continue repeating falsehoods about the voting system indefinitely.¹⁹ Researchers studying misinformation predict that such manipulations of the truth and the public trust will continue on “for years or even decades.”²⁰

2. The election falsehoods encourage laws that limit voter access.

Even before the post-election chaos of 2020, early proponents of stolen election lies derided States that sought to make access to voting easier—during an unprecedented global pandemic—so their citizens could safely make their voices heard without putting their health in jeopardy.²¹ The focus of the attack became voting by mail, where eligible registered voters receive a mailed ballot to their home and can return their voted ballot before election day, often by return mail or by dropping it off at a designated location.²² This type of voting has been available for years in a range of States, with Colorado, Hawaii, Oregon, Washington, and Utah adopting a comprehensive vote by mail system before 2020 but still providing their citizens with alternative opportunities to vote in-person on election day.²³

Despite the successful practices in these States, numerous studies showing vote by mail is safe and secure, and even many stolen election proponents themselves using that method to cast their own ballot, falsehoods about vote by mail took off in 2020.²⁴ The lies were deliberate and carefully planned, operating to convince a segment of voters that there would be two elections, one legitimate and comprised only of in-person, election-day voting, and a separate, fraudulent election where vote-by-mail ballots were frauds and favored one political party.²⁵ This highly effective and pernicious disinformation campaign against expanded voting access spread across the American political media ecosystem to mislead Americans that vote by mail is somehow unreliable or manipulable.²⁶

In reality, our elections are quite secure, and the actual occurrence of voter fraud is vanishingly rare.²⁷ The many successes in the administration of the 2020 election

Errol Webber echoed President Trump’s rhetoric, tweeting, “I will NOT concede. Every LEGAL vote needs to be counted!” In Maryland, candidate Kimberly Klacik cast doubt on the validity of mail-in votes, writing, “I beat my opponent on day of & in-person early voting, along with absentee. However, 97k mail-in ballots were found in his favor?” See Teo Armus, *Echoing Trump, Congressional Candidates Refuse to Concede, Make Unproven Fraud Claims*, Wash. Post (Nov. 10, 2020), <https://www.washingtonpost.com/nation/2020/11/10/congress-trump-election-fraud-claim/>; see also John L. Dorman, *A Florida Republican who was defeated by 59 percent-age points in a Congressional special election won’t concede*, Business Insider (Jan. 16, 2022), <https://www.businessinsider.com/florida-republican-mariner-wont-concede-cherfilus-mccormick-house-race-landslide-2022-1>.

¹⁹ Jane Mayer, *The Big Money Behind the Big Lie*, The New Yorker (Aug. 2, 2021), <https://www.newyorker.com/magazine/2021/08/09/the-big-money-behind-the-big-lie>.

²⁰ Brian Fung & Rishi Iyengar, *Misinformation Channels Claim Biden Is No Longer President-elect. That’s Not True.*, CNN (Nov. 11, 2020), <https://www.cnn.com/2020/11/10/tech/biden-lost-pennsylvania-fact-check/index.html>.

²¹ See, e.g., Miles Parks, *Ignoring FBI And Fellow Republicans, Trump Continues Assault On Mail-In Voting*, NPR (Aug. 28, 2020), <https://www.npr.org/2020/08/28/906676695/ignoring-fbi-and-fellow-republicans-trump-continues-assault-on-mail-in-voting>.

²² See, e.g., Kimberly Hall, *Vote-By-Mail and Absentee Voting—Secure Alternatives to Cast Your Ballot in 2020*, Campaign Legal Ctr. (Aug. 27, 2020), <https://campaignlegal.org/update/vote-mail-and-absentee-voting-secure-alternatives-cast-your-ballot-2020>.

²³ Since 2020, three other States—California, Nevada, and Vermont—have also moved to a comprehensive vote-by-mail system. See Table 18: *States With All-Mail Elections*, Nat’l Conf. of State Legislatures (Feb. 3, 2022), <https://www.ncsl.org/research/elections-and-campaigns/vopp-table-18-states-with-all-mail-elections.aspx>.

²⁴ Tim Alberta, *A Journey Into the Heart of America’s Voting Paranoia*, Politico Magazine (Oct. 30, 2020), <https://www.politico.com/news/magazine/2020/10/30/voting-mail-election-2020-paranoia-433356>.

²⁵ Jonathan Swan & Zachary Basu, *A premeditated lie lit the fire*, Axios (Jan. 16, 2021), <https://www.axios.com/trump-election-premeditated-lie-ebaf4a1f-46bf-4c37-ba0d-3ed5536ef537.html?deepdive=1>.

²⁶ Yochai Benkler, et al., *Mail-In Voter Fraud: Anatomy of a Disinformation Campaign*, Harvard Berkman Klein Ctr. (Oct. 1, 2020), <https://cyber.harvard.edu/publication/2020/Mail-in-Voter-Fraud-Disinformation-2020>.

²⁷ See, e.g., Elaine Kamarck and Christine Stenglein, *Low Rates of Fraud in Vote-By-Mail States Show the Benefits Outweigh the Risks*, The Brookings Institution (June 2, 2020), <https://brookings.gs/3ct24tJ> (analyzing elections in universal vote-by-mail States—Colorado, Hawaii, Oregon, Utah, and Washington—and discrediting fraud concerns); Wendy R. Weiser, *The False Narrative of Vote-by-Mail Fraud*, Brennan Ctr. for Justice (Apr. 10, 2020), www.brennancenter.org/our-work/analysis-opinion/false-narrative-vote-mail-fraud (studying voter datasets and concluding it is “more likely for an American to be struck by lightning than to commit mail voting fraud”); Richard L. Hasen, *Election Meltdown 128* (2020) (summarizing

and low occurrence of irregularities, even under strained pandemic conditions, only further proves the point.²⁸

But the stolen election lies that attacked the innovations ensuring voting was safe and convenient in 2020—and producing record-breaking high turnout for voters of all political persuasions²⁹—have continued and materialized in harmful changes in State laws. As Benjamin Ginsberg, a prominent Republican election lawyer, summarized, partisans who support the stolen election lies are “conjuring up charges of fraud to erect barriers to voting for people [the Republican party] fears won’t support its candidates.”³⁰ The falsehoods have inspired a well-funded national movement that exploits the stolen election lies and baseless claims of fraud to make voting needlessly harder; it undermines the basic democratic guarantee that all eligible voters must be empowered to vote and have that vote counted.³¹

At the end of the 2021 State legislative sessions, States across the country had enacted a record-shattering number of new voting restrictions that often derived from the stolen election lies. In total, State legislators proposed 581 new bills that experts say would have made voting more difficult.³² Lawmakers in 21 States enacted into law 52 of those proposed bills—many of which were omnibus bills containing dozens of new restrictions—to make voting more difficult.³³ This steep increase in new anti-voter laws far exceeded the previous high-water mark set with the 19 total voting restrictions enacted in 2011.³⁴

Recent laws enacted in Texas and Georgia provide two of the most glaring examples. In those States, lawmakers hastily pushed through two broad election law measures—known as Georgia S.B. 202 and Texas S.B. 1—that dramatically changed the States’ voting processes to make access to the ballot more difficult overall. The legislatures in both States did so by engaging in procedural maneuvering that limited public input, relying on politically-motivated outside organizations to draft numerous provisions, and at times admitting that the changes were to serve a political calculation rather than bolster a fair voting process.³⁵

that “[t]he issue of organized voter fraud has now been put to the test in courts and in social science” and amounts to no more than “a sham perpetuated by people who should know better, advanced for political advantage”).

²⁸Nick Corasaniti, et al., *The Times Called Officials in Every State: No Evidence of Voter Fraud*, N.Y. Times (Nov. 6, 2021), <https://www.nytimes.com/2020/11/10/us/politics/voting-fraud.html>; Christina A. Cassidy, *Far too little vote fraud to tip election to Trump, AP finds*, Associated Press (Dec. 14, 2021), <https://apnews.com/article/voter-fraud-election-2020-joe-biden-donald-trump-7fcb6f134e528fee8237c7601db3328f>; Jane Mayer, *supra* note 19 (stating, for example, that “data on Arizona, the putative center of the storm, is not exactly alarming: of the millions of votes cast in the State from 2016 to 2020, only nine individuals were convicted of fraud. Each instance involved someone casting a duplicate ballot in another State. There were no recorded cases of identity fraud, ballot stuffing, voting by non-citizens, or other nefarious schemes. The numbers confirm that there is some voter fraud, or at least confusion, but not remotely enough to affect election outcomes”).

²⁹Drew DeSilver, *Turnout soared in 2020 as nearly two-thirds of eligible U.S. voters cast ballots for president*, Pew Research Ctr. (Jan. 28, 2021), <https://www.pewresearch.org/fact-tank/2021/01/28/turnout-soared-in-2020-as-nearly-two-thirds-of-eligible-u-s-voters-cast-ballots-for-president/> (collecting turnout sources).

³⁰Jeremy W. Peters, *In Restricting Early Voting, the Right Sees a New ‘Center of Gravity’*, N.Y. Times (Mar. 24, 2021), <https://www.nytimes.com/2021/03/19/us/politics/republicans-trump-voting-rights.html>.

³¹Jane Mayer, *supra* note 19.

³²These totals from the 2021 legislative sessions are derived from trackers at the Brennan Center for Justice, the Voting Rights Lab, and FiveThirtyEight. See, e.g., Voting Rights Lab, Comprehensive Bill Search, <https://tracker.votingrightslab.org/pending/search> (last accessed Mar. 23, 2022); Kaleigh Rogers, *The Big Lie’s Long Shadow*, FiveThirtyEight (Jan. 12, 2022), <https://fivethirtyeight.com/features/the-big-lie-voting-laws/>; Nathaniel Rakich & Elena Mejia, *Texas’s New Law Is The Climax Of A Record-Shattering Year For Voting Restrictions*, FiveThirtyEight (Sept. 8, 2021), <https://fivethirtyeight.com/features/texas-new-law-is-the-climax-of-a-record-shattering-year-for-voting-restrictions/>; Voting Laws Roundup: December 2021, Brennan Ctr. for Justice (Jan. 12, 2022), <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-december-2021>.

³³See sources cited *supra* note 32.

³⁴Wendy R. Weiser & Lawrence Norden, *Voting Law Changes in 2012*, Brennan Ctr. for Justice (Oct. 3, 2011), <https://www.brennancenter.org/our-work/research-reports/voting-law-changes-2012/>.

³⁵See *Exclusive: Documented Obtains Recording of 3 Hour Long Voter Suppression Strategy Session Hosted by ALEC*, Documented (Dec. 6, 2021), <https://documented.net/investigations/exclusive-documented-obtains-recording-of-3-hour-long-voter-suppression-strategy-session-hosted-by-alec/>; Aris Folley, *Georgia’s GOP House Speaker says vote-by-mail system would be ‘devastating to Republicans’*, The Hill (Apr. 4, 2020), <https://thehill.com/homenews/state-watch/490879-georgias-gop-house-speaker-says-vote-by-mail-system-would-be-devastating>; Stephen Fowler and David Armstrong, *16 Years Later, Georgia Lawmakers Flip Views On Absentee Voting*, Georgia

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Among other restrictions, both laws reduce the applicable time periods to request a mail-in ballot, and then add confusing requirements for voters submitting a vote by mail ballot or an application for a ballot to provide additional information that does not correlate with voting eligibility and disrupts voters' settled expectations. So far, the results of the two new laws are that fewer eligible voters, and in particular voters of color, are able to participate in the political process. In Texas this year, provisions of S.B. 1 resulted in election officials disqualifying vote-by-mail ballots at abnormally high rates during the State's 2022 primary.³⁶ Roughly 13% of all submitted vote-by-mail ballots were discarded as a direct result of the new restrictive legal requirements, while experts say that any rejection rate above 2% is cause for concern in a typical election.³⁷ The result was that 22,898 likely eligible voters in Texas did not have their ballots counted during the primary because of new hurdles S.B. 1 put in place.³⁸ In Georgia, S.B. 202's changed requirements also led to election officials rejecting 4% of mail-in ballot request forms—up from fewer than 1% before the new law's restrictions were enacted. In a State like Georgia, where the margin of victory is often narrow, such a high number of voter rejections could make the difference in close elections.

Texas' and Georgia's new restrictions are unfortunately not outliers. Florida in 2021 similarly enacted an omnibus restrictive voting law, S.B. 90, that also increased the costs of voting by mail and risks heightened rejections of eligible voters as in Georgia and Texas.³⁹ Arizona, among several other restrictive laws, enacted H.B. 1485⁴⁰ that made the State's permanent early voting list no longer permanent because declining to vote would trigger eligible voters being kicked off the list.⁴¹ Montana enacted numerous new laws—H.B. 176, H.B. 506, and S.B. 169—that in effect make it harder for students and Native voters to participate in the political process.⁴² And Iowa enacted S.F. 413, which makes voting more burdensome at nearly every stage of the process by significantly shortening available voting hours and opportunities.⁴³ All of these bills and others have drawn costly litigation, requiring taxpayers to expend huge sums to defend laws that make it harder for them to vote, and are based on lies about elections rather than any empirical need to disrupt the valid ballot security measures already in place.⁴⁴

The harmful results of the 2021 legislative session are far from the last word about what the stolen election lies have done to reshape voting in America. This year, in 2022, State legislatures across the country are back to work building on the election falsehoods to continue making voting harder for their citizens. As of March 2022, numerous proposed bills that are even more extreme than those presented in 2021 are making their way through States' legislatures.⁴⁵

For example, Arizona legislators have rushed to introduce over a hundred election bills that would politicize the State's election administration processes and propose substantial cutbacks to voting options that have historically eased the burdens on

Public Broadcasting (Mar. 7, 2021), <https://www.gpb.org/news/2021/03/07/16-years-later-georgia-lawmakers-flip-views-on-absentee-voting>.

³⁶ Paul J. Weber & Acacia Coronado, *Texas mail ballot rejections soar under new restrictions*, Associated Press (Mar. 16, 2022), <https://apnews.com/article/2022-midterm-elections-elections-texas-voting-only-on-ap-45ba51fe9dd951a0f82015bd6bd9ff41>.

³⁷ Id.

³⁸ Id.

³⁹ Lawrence Mower, *Florida Senate passes law calling for new elections security office under DeSantis control*, Miami Herald (Mar. 6, 2022), <https://www.miamiherald.com/news/politics-government/state-politics/article259083293.html>.

⁴⁰ H.B. 1485, 55th Leg., 1st Reg. Sess. (Ariz. 2021).

⁴¹ Ben Giles, *Arizona Republicans Enact Sweeping Changes To State's Early Voting List*, NPR (May 11, 2021), <https://www.npr.org/2021/05/11/995998370/arizona-republicans-enact-sweeping-changes-to-states-early-voting-list>.

⁴² Iris Samuels, *Lawsuit argues new Montana law suppresses student vote*, Associated Press (Oct. 12, 2021), <https://apnews.com/article/congress-university-of-montana-montana-helena-voter-registration-1e8774b19ba6faaa2165a96cf9e4e89e>; Kevin Trevelyan, *Advocates Fear Montana's New Ballot Law Could Harm Voters Who Struggle To Be Heard*, NPR (May 25, 2021), <https://www.npr.org/2021/05/25/999904063/advocates-fear-montanas-new-ballot-law-could-harm-voters-who-struggle-to-be-hear>.

⁴³ Stephen Gruber-Miller, *Gov. Kim Reynolds signs law shortening Iowa's early and Election Day voting*, Des Moines Reg. (Mar. 9, 2021), <https://www.desmoinesregister.com/story/news/politics/2021/03/08/iowa-governor-kim-reynolds-signs-law-shortening-early-voting-closing-polls-earlier-election-day/6869317002/>.

⁴⁴ See, e.g., *Voting Rights Litigation Tracker*, Brennan Ctr. for Justice (Mar. 22, 2022), <https://www.brennancenter.org/our-work/research-reports/voting-rights-litigation-tracker>.

⁴⁵ See e.g., *Voting Laws Roundup: February 2022*, Brennan Ctr. for Justice (Feb. 9, 2022), <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-february-2022>.

Arizona voters.⁴⁶ One of the most egregious proposals that Arizona recently enacted into law, H.B. 2492, adds significant new voter registration and voter eligibility requirements that proponents knowingly enacted to violate Federal law.⁴⁷ Among other extreme provisions, H.B. 2492 feeds off the stolen election lies by demanding that all voters provide costly and at times inaccessible documentary proof of U.S. citizenship and proof of current residence to be eligible to vote; conditioning ability to register on whether a voter submits a State registration form or Federal registration form; targeting naturalized U.S. citizens by mandating registrants disclose their place of birth, even though that is immaterial to eligibility; requiring State officials to check voters against inaccurate and stale databases to initiate purging them from the registration rolls, and then subjecting them to potential criminal prosecution; and prohibiting an entire class of eligible registered voters from using vote-by-mail opportunities and voting in Presidential elections at all.⁴⁸

Additionally, a law that recently passed in Florida, S.B. 254, creates a new election crimes “police force”—a measure local election officials deemed a “recipe for disaster” that seeks to placate stolen election lie proponents and invites the harassment of eligible voters.⁴⁹ Georgia lawmakers have taken similar steps to advance H.B. 1464, which would, along with other disruptive election law changes, also create a broad-mandated election investigation task force that nonpartisan election officials oppose.⁵⁰ And Idaho legislators have pushed two bills, H.B. 692 and H.B. 693, that reduce voting opportunities and that proponents have explicitly tied to their 2020 stolen election lies.⁵¹ These are among many other examples of State lawmakers continuing to make policy decisions based on myths about the 2020 Presidential results, and currying political favor with the proponents of those falsehoods.

Moreover, some key States have continued their unwillingness to make positive changes in State election law that would give voters greater faith in our elections. Most notable are Pennsylvania, Michigan, and Wisconsin, which, as described above, have continued their refusal to implement adequate procedures for election officials to preprocess early received ballots to lessen the overwhelming work on election day, enable quicker results, and reduce the ability of election conspiracists to sow doubt during the post-election day period. Pennsylvania failed to enact legislation that would give election officials more time to process vote-by-mail ballots.⁵² Wisconsin lawmakers have likewise declined to take up a proposal that would allow preprocessing and ease election day burdens.⁵³ Michigan officials changed the law in late 2020 to permit some larger cities to open ballot envelopes 1 day before election day, but this slight change was inadequate to allow for proper preprocessing.⁵⁴ Following the 2020 election, some Michigan lawmakers wanted to go the opposite direction and make ballot counting even more difficult. Instead of allowing election

⁴⁶ Kirk Siegler & Liz Baker, *Arizona Republicans continue pushing voting restrictions, risking backfire*, NPR (Mar. 4, 2022), <https://www.npr.org/2022/03/04/1083501487/arizona-republicans-continue-pushing-voting-restrictions-risking-backfire>.

⁴⁷ H.B. 2492, 56th Leg., 1st Reg. Sess. (Ariz. 2022).

⁴⁸ Ray Stern, *Arizona requires proof of citizenship for voters, under bill signed by Gov. Ducey*, Arizona Republic (Mar. 29, 2022), <https://www.azcentral.com/story/news/politics/elections/2022/03/30/proof-citizenship-bill-arizona-voters-signed-gov-ducey/7221503001/>; Katya Schwenk, ‘Extreme’ Arizona Elections Bills Inching Closer to Law, Phoenix New Times (March 30, 2022), <https://www.phoenixnewtimes.com/news/extreme-arizona-elections-bills-inching-closer-to-law-13323436>; Ray Stern, *Would proof-of-citizenship bill really purge 200K voters? Answers mixed*, Arizona Republic (Mar. 29, 2022), <https://www.azcentral.com/story/news/politics/legislature/2022/03/29/arizona-bill-proof-citizenship-voters-legal-issues/7188177001/>.

⁴⁹ Gary Fineout, *Legislature gives DeSantis new election police to target voter fraud in Florida*, Politico (Mar. 10, 2022), <https://www.politico.com/news/2022/03/10/desantis-gets-florida-election-police-00015926>.

⁵⁰ See, e.g., Jeff Amy, *Georgia Republicans seek further changes to election laws*, Associated Press (Mar. 16, 2022), <https://apnews.com/article/2022-midterm-elections-voting-donald-trump-elections-atlanta-c6484e2653e93bb8885b6273f65c1cab>; Maya King & Nick Corasaniti, *Local Election Officials in Georgia Oppose G.O.P. Election Bill*, N.Y. Times (Mar. 28, 2022), <https://www.nytimes.com/2022/03/28/us/politics/georgia-election-bill.html>.

⁵¹ Clark Corbin, *Idaho legislative committee advances to bills making last-minute voting changes*, Idaho Capital Sun (Mar. 2, 2022), <https://idahocapitalsun.com/2022/03/02/idaho-legislative-committee-advances-to-bills-making-last-minute-voting-changes/>.

⁵² Stephen Caruso, *Little has changed for Pennsylvania election officials, voters heading into 2022*, Pennsylvania Capital-Star (Mar. 18, 2022), <https://www.penncapital-star.com/civil-rights-social-justice/little-has-changed-for-pennsylvania-election-officials-voters-heading-into-2022/>.

⁵³ See Shawn Johnson, *Wisconsin bill to allow for early canvass of absentee ballots likely dead*, Wisc. Public Radio (Mar. 8, 2022), <https://www.wpr.org/wisconsin-bill-allow-early-canvass-absentee-ballots-likely-dead>.

⁵⁴ Jonathan Oosting, *Clerks: Michigan needs practical election reforms, not partisan posturing*, Bridge Michigan (Mar. 1, 2022), <https://www.bridgemi.com/michigan-government/clerks-michigan-needs-practical-election-reforms-not-partisan-posturing>.

officials added time to preprocess ballots, the lawmakers introduced a bill that would have mandated vote-counting stop the day after election day, regardless of whether all ballots were counted.⁵⁵ States failing to make necessary and non-controversial changes to avoid prolonged vote counting risks repeating the same mistakes of the 2020 election that gave room for the stolen election lies to develop.

The choices undertaken by legislators to give credence to stolen election lies by undermining our voting system are deeply misguided. Alternatively, bipartisan groups of lawmakers in some States have rightly taken the lesson of the 2020 election to be that expansions to voter access help all voters and do not benefit one political party over another. Kentucky is an example of productive, bipartisan lawmaking to make voting easier without compromising election security. The State recently enacted legislation to increase voting options and election security (at least as compared to pre-pandemic elections), including an expansion of early voting, an on-line portal for requesting a mail-in ballot, and a gradual transition to voting systems that guarantee a paper ballot trail.⁵⁶ Likewise, Utah's legislature rejected a proposed bill that would have eliminated Utah's comprehensive vote-by-mail system, H.B. 371, because a bipartisan group of lawmakers spurned the baseless claims of fraud and understood that expansions to voting help all citizens.⁵⁷ Indeed, in Virginia, which has in recent years enacted many reliable expansions that improve voting access, saw historic high voter turnout in the election of a Republican Governor, further disproving the notion that letting more people vote redounds to the advantage of one political party.⁵⁸

The last 2 years of States' efforts to make significant cutbacks to the freedom to vote show that groundless stolen election myths are resulting in real-world consequences at voters' expense. Falsely asserting that voting by mail is somehow illegitimate (while often using that mechanism oneself) or that expanding times to vote somehow increases the risk of corruption is not empty rhetoric. Voters carry the burdens of these lies, and in the end they result in bad policy that makes the costs of participating in our democratic process higher for no valid reason.

3. *The election falsehoods encourage partisan ballot reviews and partisan election takeovers that undermine the integrity of the voting system.*

The stolen election lies have also led to problematic new laws and practices that hyper-politicize the administration of elections and reviews of their results. This falls into two main categories: The inception of partisan sham audits that question lawfully certified results, and the attempted partisan usurpation of authority over elections administration that shifts control from designated election officials to political actors. These transformations that arise from the stolen election lies pose a tremendous threat to the proper functioning of, and the people's trust in, our voting system.

i. Post-election partisan sham "audits" diminish trust in elections.

True post-election audits, in which a subset of the ballots cast in each county are hand-counted to verify the accuracy of the initial reported results, are standard practice in many States across the country.⁵⁹ But following the 2020 election, partisan actors in certain States sought to vindicate their falsehoods by undertaking unreliable post-certification reviews of the final results. Unlike standard post-election audits—which include numerous safeguards to ensure reliability and transparency, and which serve a valuable role in our democracy—these ad hoc partisan investigations employ unqualified third parties using unreliable techniques to go on fishing expeditions for political fodder. Such sham investigations that build off the stolen election lies threaten to undermine confidence in our election systems.

The most infamous of these efforts, in Maricopa County, Arizona, illustrates the deficiencies and dangers of post-election partisan reviews that operate outside the typical audit framework. Roughly 10,000 votes separated the winner and loser in Arizona's Presidential election results in 2020.⁶⁰ A standard post-election audit con-

⁵⁵ See S.B. 299, 100th Leg., 1st Reg. Sess. (Mich. 2021).

⁵⁶ Bruce Schreiner, *Kentucky Governor Signs Bipartisan Early Voting Measure*, Associated Press (Apr. 7, 2021), <https://www.usnews.com/news/politics/articles/2021-04-07/kentucky-governor-signs-bipartisan-early-voting-measure>.

⁵⁷ Bryan Schott, *Utah House committee rejects baseless claims of election fraud; soundly defeats bill to end universal vote by mail*, Salt Lake Trib. (Feb. 23, 2022), <https://www.sltrib.com/news/politics/2022/02/23/utah-house-committee/>.

⁵⁸ Reid J. Epstein, *The Democratic Turnout Myth Unravels*, N.Y. Times (Nov. 6, 2021), <https://www.nytimes.com/2021/11/04/us/politics/democrats-turnout-virginia.html>.

⁵⁹ See *Post-Election Audits*, Nat'l Conf. of State Legislatures (Oct. 25, 2019), <https://www.ncsl.org/research/elections-and-campaigns/post-election-audits635926066.aspx>.

⁶⁰ See *Arizona Election Results*, State of Ariz., <https://results.arizona.vote/#/featured/18/0> (last visited Mar. 19, 2022).

ducted by a bipartisan group of election officials under State law found no irregularities.⁶¹ But dissatisfied with this outcome, and under pressure from supporters of the stolen election lies, Arizona's State senate leadership authorized a so-called "forensic audit" of the results only in Maricopa County—Arizona's largest and most diverse county.⁶² The legislature demanded—on threat of criminal prosecution—that Maricopa County officials turn over voter equipment and millions of ballots to a contractor called Cyber Ninjas that had no relevant experience in election work, dubious fundraising sources, unambiguous partisan and financial incentives, and volunteer staff comprised of aggrieved supporters of the losing Presidential candidate.⁶³

The unprofessional and partisan Cyber Ninjas process ultimately confirmed that the announced winner of Arizona's Presidential election did in fact receive the most votes. But it nevertheless raised several baseless claims about the security of Arizona's elections,⁶⁴ which has provided a pretext for Arizona lawmakers to foment skepticism of the results and propose changes in Arizona law that would make voting access harder and election administration more partisan.⁶⁵ Despite Maricopa County publishing an exhaustive report thoroughly debunking the conspiracies promoted in the Cyber Ninjas report, polls show that the damage to Arizonans' faith in the integrity of the State's elections was already done just by having the sham review at all.⁶⁶ Only 36% of those polled believe that the Cyber Ninjas review proved the fair winner in Maricopa County, and a majority of Republicans still rejected that topline finding, choosing to believe instead that the process found significant fraud to further validate the stolen election lies.⁶⁷ The tangible costs go even further, with the Cyber Ninjas process now running up a \$4 million bill to taxpayers to replace compromised election equipment and address numerous legal disputes.⁶⁸

Unfortunately, Arizona's error-prone, costly, and partisan-motivated "investigation" has not been an isolated occurrence.⁶⁹ Undeterred by the roundly rejected and wasteful Cyber Ninjas review, other States have followed Arizona's lead to undertake their own partisan election investigations that further damage faith in our voting systems. After the Governor vetoed the Pennsylvania legislature's proposed wide-ranging measure to rewrite the State's election law, including provisions that would enable partisan officials to sabotage elections, lawmakers turned to other methods to further their stolen election lies. In September 2021, State senators in Pennsylvania began what they called a "forensic investigation" of the election that was decided and certified almost a year prior.⁷⁰ The investigation launched a sweep-

⁶¹ See Jonathan Bydlak, et al., Brennan Ctr. for Justice, *Partisan Election Review Efforts in Five States* 3–4 (July 8, 2021), <https://www.brennancenter.org/sites/default/files/2021-07/Partisan%20Election%20Review%20Efforts%20Across%20the%20United%20States%20in%202021%20%2007.08.21.pdf>.

⁶² See Jonathan Bydlak, et al., supra note 62, at 5–6; Bob Christie, *Arizona Senate Releases More Records of 2020 Election Review*, Associated Press (Sept. 1, 2021), <https://apnews.com/article/elections-senate-elections-election-recounts-87a4805f495f9d4cfd5827429ab105>.

⁶³ See, e.g., Trey Grayson and Barry C. Burden, Report on the Cyber Ninjas Review of the 2020 Presidential and U.S. Senatorial Elections in Maricopa County, Arizona, States United Democracy Ctr. (June 22, 2021); Stephen Richer, *The Madness of the Maricopa County Election Audit*, National Review (May 27, 2021), <https://www.nationalreview.com/2021/05/the-madness-of-the-maricopa-county-election-audit/>; Dan Zak, *The Mess in Maricopa*, Washington Post (May 21, 2021), <https://www.washingtonpost.com/lifestyle/2021/05/21/arizona-election-audit-trump-maricopa/>.

⁶⁴ Ben Giles, *The Discredited GOP Election Review in Arizona's Largest County Also Finds Biden Won*, NPR (Sept. 24, 2021), <https://www.npr.org/2021/09/24/1040327483/the-controversial-election-review-in-arizona-confirms-bidens-win>.

⁶⁵ Miles Parks, *Experts Call It a 'Clown Show' but Arizona 'Audit' Is a Disinformation Blueprint*, NPR (June 3, 2021), <https://www.npr.org/2021/06/03/1000954549/experts-call-it-a-clown-show-but-arizona-audit-is-a-disinformation-blueprint>.

⁶⁶ See Maricopa County Elections Department, *Correcting the Record* (Jan. 2022), <https://recorder.maricopa.gov/justthefacts/pdf/Correcting%20The%20Record%20-%20January%202022%20Report.pdf>.

⁶⁷ Erin Snodgrass, *The much-maligned Arizona election audit reinforced doubt about the 2020 election results, according to a new poll*, Business Insider (Nov. 15, 2021), <https://www.businessinsider.com/arizona-election-audit-reinforced-doubt-about-2020-election-results-2021-11>.

⁶⁸ Mary Jo Pitzl, *How the price tag of the Arizona Senate's review of the 2020 election grew from \$150K to more than \$4M*, Arizona Republic (Feb. 23, 2022), <https://www.azcentral.com/story/news/politics/arizona/2022/02/23/arizona-audit-cost-to-taxpayers-for-2020-election-review-tops-4-million/6829459001/>.

⁶⁹ See *Not an Audit, States United Action, Fair Fight Action* United to Protect Democracy, <https://notanaudit.com/> (last visited Mar. 31, 2022).

⁷⁰ Andrew Seidman & Jonathan Lai, *What to know about Pennsylvania Republicans' investigation of the 2020 election*, The Phila. Inquirer (Sept. 29, 2021), <https://www.inquirer.com/politics/pennsylvania/pennsylvania-election-audit-2021-updates-results-20210922.html>.

ing, ad hoc, secretive, and standardless review of ballots, which, among other things, attempted to subpoena the private information of more than 9 million registered voters for analysis by a firm with no experience in election law or data analytics.⁷¹ When details of the contract with the audit company were eventually released to the public, more questions than answers remained and it is unclear if the results of the “investigation” due in May 2022 will be released for public scrutiny.⁷²

In Texas, just days after the conclusion of the Arizona sham review and hours after a request from the former President, the Texas secretary of state’s office announced a “full forensic audit” of the 2020 general election in four Texas counties: Collin, Dallas, Harris, and Tarrant.⁷³ Unsurprisingly, the first batch of results of the review found nothing out of the ordinary.⁷⁴ But regardless, the efforts undertaken gave election skeptics more reasons to further their lies about the results—even in a State that the former President won.

Finally, in Wisconsin, a top State lawmaker hired former Wisconsin Supreme Court Justice Michael Gableman to oversee a partisan investigation of the 2020 election, announcing the selection at his political party’s annual convention.⁷⁵ Gableman’s alleged vow to act as a neutral arbiter with no preconceived conclusions was inconsistent with his previous public and private efforts to spread the stolen election lies.⁷⁶ When Gableman released his 136-page report to the General Assembly in February 2022, he embraced fringe election conspiracies and advocated for the decertification of the 2020 election results—a proposal both impossible and unlawful.⁷⁷

While these partisan audits have largely gone unaddressed and seem to be further expanding to other States, the U.S. Department of Justice has published warnings about their harms to our democratic process. In July 2021, the Attorney General released guidance to ensure that States comply with Federal law if conducting post-election “audits.”⁷⁸ The Attorney General’s stated primary concerns with these purported audits are two-fold: The risk to compromising election records, as happened in Arizona, and the threats of voter intimidation, such as those associated with stolen election conspiracists going door-to-door to interrogate voters in North Carolina, Colorado, and elsewhere.⁷⁹ Along these lines, the Attorney General sent a letter to the organizers of the Arizona audit, which lead them to drop a planned canvass of voters under the threat of Federal enforcement action.⁸⁰

These partisan-driven, costly, and amateur reviews of elections by lawmakers and inexperienced third parties feed the stolen election narrative. They are at best redundant with the States’ existing legitimate audit procedures that are dependable

⁷¹ States United Democracy Ctr. June Report, *supra* note 1.

⁷² Sam Dunklau, *Pa. Senate election probe contract doesn’t say if the public will see the results, among other things*, WITF (Dec. 9, 2021), <https://www.witf.org/2021/12/07/pa-senate-election-probe-contract-doesnt-say-if-the-public-will-see-the-results-among-other-things/>.

⁷³ Neelam Bohra, *Texas secretary of state’s office auditing four counties’ 2020 elections months after an official called the Statewide process “smooth and secure”*, The Texas Tribune (Sept. 23, 2021), <https://www.texastribune.org/2021/09/23/texas-2020-election-audit/>.

⁷⁴ Alexa Ura & Allyson Waller, *First part of Texas’ 2020 election audit reveals few issues, echoes findings from review processes already in place*, The Texas Tribune (Dec. 31, 2021), <https://www.texastribune.org/2021/12/31/secretary-state-texas-election-audit/>.

⁷⁵ Shawn Johnson, *Following Warning By Trump, Vos Announces Former Justice Will Lead Assembly GOP Election Probe*, Wisc. Public Radio (June 26, 2021), <https://www.wpr.org/following-warning-trump-vos-announces-former-justice-will-lead-assembly-gop-election-probe>.

⁷⁶ Patrick Marley, *Michael Gableman said bureaucrats ‘stole our votes’ before he was put in charge of reviewing 2020 election*, Milwaukee Journal Sentinel (Jan. 6, 2022), <https://www.jsonline.com/story/news/politics/2021/08/09/michael-gableman-said-election-stolen-before-put-charge-wisconsin-review/5518815001/>; Scott Bauer, *Ex-justice’s Wisconsin election probe drags as critics scoff*, Associated Press (Feb. 7, 2022), <https://apnews.com/article/joe-biden-wisconsin-elections-racial-injustice-election-2020-9f9ce4a95e3d21bebb4ef7bd9543146f>.

⁷⁷ GOP investigator suggests Wisconsin Legislature decertify 2020 election results, WISN (Mar. 1, 2022) <https://www.wisn.com/article/wisconsin-republican-report-suggests-decertifying-2020-election-results/39271268>; Zach Montellaro, *Wisconsin GOP’s 2020 report embraces fringe election decertification theory*, Politico (Mar. 1, 2022), www.politico.com/news/2022/03/01/wisconsin-republicans-embrace-election-decertification-00012793.

⁷⁸ U.S. Dep’t of Justice, *Justice Department Issues Guidance on Federal Statutes Regarding Voting Methods and Post-Election “Audits”* (July 28, 2021), <https://www.justice.gov/opa/pr/justice-department-issues-guidance-federal-statutes-regarding-voting-methods-and-post>.

⁷⁹ See, e.g., Nicholas Riccardi, *Lawsuit seeks to stop group’s door-to-door voter fraud hut*, Associated Press (Mar. 9, 2022), <https://apnews.com/article/voting-rights-2022-midterm-elections-biden-steve-bannon-colorado-63beba2f69226f53ed305457c47a83ea>; Press Release, *Statement Regarding Door-to-Door Canvassers Requesting Voter Information*, North Carolina State Board of Elections (Feb. 18, 2022), <https://www.ncsbe.gov/news/press-releases/2022/02/18/statement-regarding-door-door-canvassers-requesting-voter-information>.

⁸⁰ Jeremy Duda, *Justice Department raises concerns with audit*, Arizona Mirror (May 5, 2021), <https://www.azmirror.com/2021/05/05/justice-department-raises-concerns-with-audit/>.

and designed by experts in the field of election administration. More dangerously, the so-called “fraudits” further erode trust in democracy, and the fabricated results can be used as a cover story for partisans’ efforts to exert greater control over elections and enact laws that make voting needlessly more difficult.

ii. Attempts at partisan usurpation of election administration reduce security in elections.

Among the most concerning responses to the stolen election lies are attempts by partisan actors to interfere with traditionally nonpartisan election administration functions. In the 2021 legislative sessions, State legislators “proposed more than two hundred bills in 41 States that have the potential to allow those legislators to interfere with election administration in one way or another, and at least two dozen bills have already been passed into law.”⁸¹ These efforts can be tied directly to the former President’s efforts to “pursu[e] a strategy to have Republican-run legislatures in battleground States override results favoring [his opponent], in an unprecedented bid to alter the outcome of the election,”⁸² as well as to his pressure campaign on election officials to “find” votes and manufacture his victory.⁸³

Most alarming were new State proposals that in some cases would have allowed partisan actors to entirely discard the results of popular elections with which they disagreed.⁸⁴ For example, a proposed bill in Arizona last year, H.B. 2720, would have provided that “by majority vote at any time before the Presidential inauguration [the legislature] may revoke the secretary of state’s issuance or certification of a Presidential elector’s certificate of election.”⁸⁵ A similar proposal in Missouri, H.B. 1301, would have allowed the State legislature to “retain its authority to name Presidential electors in cases of fraud” or if a court or the Executive branch were perceived to have interfered in election administration.⁸⁶ In Texas, S.B. 7, a bill ultimately replaced by S.B. 1 discussed above, would have granted power to overturn elections to the State’s elected judges.⁸⁷ And in Nevada, certain lawmakers sought a State constitutional amendment that would have transferred power to certify the State’s election results from the State supreme court to the State legislature.⁸⁸

These failed efforts are part of a concerning trend of State legislatures responding to the outcome of the 2020 election by trying to consolidate power to themselves at the expense of experienced election officials.⁸⁹ Indeed, several less extreme but still problematic proposals in the same vein have become law since 2020.⁹⁰

For instance, in Arkansas, lawmakers passed a new law, S.B. 643, that authorizes a legislative committee to investigate election complaints and makes it easier to take over county elections without a legitimate justification.⁹¹

Legislators in Georgia followed suit after proponents of the stolen election lies baselessly accused nonpartisan county election workers of manipulating votes. Part of Georgia’s S.B. 202, enacted during Spring 2021 and described above, grants the

⁸¹ See, e.g., sources cited *supra* note 1.

⁸² Deanna Paul, *Trump Campaign Wants States to Override Electoral Votes for Biden. Is That Possible?*, The Wall Street Journal (Nov. 21, 2020), <https://www.wsj.com/articles/trump-campaign-wants-states-to-override-electoral-votes-for-biden-is-that-possible-11605973695>.

⁸³ Former president Trump’s much-publicized call to Secretary Raffensperger asking him to “find” an additional 11,780 votes and declare Trump the winner of Georgia’s Presidential election shows the political willingness to corruptly influence election officials to set aside the principles of impartial election administration to achieve partisan aims. See Amy Gardner, *I Just Want to Find 11,780 Votes: In Extraordinary Hour-Long Call, Trump Pressures Georgia Secretary of State to Recalculate the Vote in His Favor*, Wash. Post (Jan. 3, 2021), https://www.washingtonpost.com/politics/trump-raffensperger-call-georgia-vote/2021/01/03/d45acb92-4dc4-11eb-bda4-615aef0555_story.html.

⁸⁴ See, e.g., Matt Vasilogambros, *Republican Legislators Curb Authority of County, State Election Officials*, Pew Charitable Trusts (July 28, 2021), <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2021/07/28/republican-legislators-curb-authority-of-county-state-election-officials>.

⁸⁵ H.B. 2720, 55th Leg., Reg. Sess. (Ariz. 2021). Arizona had two other proposed bills that would have similarly allowed the state legislature to interfere with election results. See States United Democracy Ctr. June Report, *supra* note 1, at 9–10.

⁸⁶ H.B. 1301, 101st Gen. Assemb., Reg. Sess. (Mo. 2021).

⁸⁷ Brennan Ctr. for Justice, *Voting Laws Roundup: December 2021* (Jan. 12, 2022), <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-december-2021>.

⁸⁸ Assemb. J. Res. 13, 81st Leg., 2021 Reg. Sess. (Nev. 2021).

⁸⁹ See Election Crisis Task Force Report, *supra* note 1, at 3.

⁹⁰ See Nick Corasaniti, *Voting Rights and the Battle Over Elections: What to Know*, N.Y. Times (Dec. 29, 2021), <https://www.nytimes.com/article/voting-rights-tracker.html>.

⁹¹ Sam Levine, *How Trump’s big lie has been weaponized since the Capitol attack*, The Guardian (July 7, 2021), <https://www.theguardian.com/us-news/2021/jul/07/us-capitol-riot-attack-on-democracy>.

State Election Board broad power over county election officials.⁹² Specifically, S.B. 202 allows “the State Election Board [to] suspend elected county or municipal superintendents and appoint an individual to serve as the temporary superintendent” in that jurisdiction.⁹³ Superintendents are considered the “top election officials” of each county, and the Board-appointed superintendent will be able to “exercise all the powers and duties of a superintendent as provided by law,”⁹⁴ which includes disqualifying voters, relocating polling sites, and potentially refusing to certify results.⁹⁵ Because a party with the majority in both houses of the Georgia General Assembly will control the Board, the broad power granted to the State Election Board correspondingly broadens the Assembly’s power to influence members of the Board on partisan grounds.⁹⁶

S.B. 202 also more directly grants the Georgia General Assembly power over local election officials by allowing individual Georgia representatives to request performance reviews of election officials in their jurisdictions.⁹⁷ Upon receiving these requests, the State Election Board is to appoint “an independent performance review board” and then may use the findings of the review board as the basis to remove the official whose performance is in question.⁹⁸

Reviews pursuant to this provision are already under way. The State Election Board appointed a partisan performance review board to investigate the baseless stolen election allegations in Fulton County and potentially take over election administration there, which contains Georgia’s largest concentration of Democratic voters.⁹⁹ Despite recently confirming the accuracy of Fulton County’s election results, the State Election Board nonetheless referred the county election officials to the State attorney general for investigation of the scant incidents of inadvertent and inevitable human errors—moving a step closer to the county officials being replaced by appointed partisans who would administer the next election.¹⁰⁰

Additionally, in other Georgia counties, nonpartisan election boards that have been in place for years to manage and certify Georgia’s elections are being abruptly dissolved under new Georgia law.¹⁰¹ This fundamental restructuring of local elec-

⁹² Nicholas Reimann, *GOP-Controlled Georgia Board Launches Probe in Possible Takeover of Atlanta Elections from Local Officials*, *Forbes* (Aug. 18, 2021), <https://www.forbes.com/sites/nicholasreimann/2021/08/18/gop-controlled-georgia-board-launches-probe-in-possible-takeover-of-atlanta-elections-from-local-officials>.

⁹³ Ga. Code Ann. § 21–2–33.1(f).

⁹⁴ Ga. Code Ann. § 21–2–33.1(f).

⁹⁵ S.B. 202 did not alter the standards for certifying election results. See, e.g., Ga. Code Ann. § 21–2–33.1(f) (giving Board-appointed superintendents “all the powers and duties of a superintendent as provided by law”). However, there is debate over the circumstances under which a superintendent could refuse to certify results and what the consequences of that refusal would be. The relevant statute provides that a superintendent “shall . . . certify[]” the results by the Monday following the election after the returns are “found to be correct or corrected.” Id. § 21–2–493(k). As part of this process, “[i]f any error or fraud is discovered, the superintendent shall compute and certify the votes justly.” Id. § 21–2–493(i). Georgia law also does not explicitly provide for what happens if a superintendent declines to certify results: The relevant provision provides only that she “shall” do so. Ga. Code Ann. § 21–2–493(k). When a county refused to certify the results of a recount in 2020, the Secretary of State’s office responded by providing technical support to facilitate the recount process and launching a still-on-going investigation of the county’s process. *Secretary of State’s Office Opens Investigation into Coffee County’s Handling of Recount*, Ga. Sec’y Of State, https://sos.ga.gov/index.php/elections/secretary_of_states_office_opens_investigation_into_coffee_countys_handling_of_recount (last visited Mar. 30, 2022).

⁹⁶ See, e.g., Ga. Code Ann. § 21–2–33.1(f) (giving Board-appointed superintendents “all the powers and duties of a superintendent as provided by law”); see also States United Democracy Ctr. April Report, *supra* note 1, at 12–14; Nick Corasanti & Reid J. Epstein, *What Does Georgia’s Voting Law Really Do?*, *N.Y. Times* (Aug. 18, 2021), <https://www.nytimes.com/2021/04/02/us/politics/georgia-voting-law-annotated.html>.

⁹⁷ Ga. Code Ann. § 21–2–106(a).

⁹⁸ Id. § 21–2–106(a), (c).

⁹⁹ Mark Niesse, *Prospect of Georgia election takeover fuels concerns about vote integrity*, *The Atlanta Journal-Constitution* (Dec. 23, 2021), <https://www.ajc.com/politics/prospect-of-georgia-election-takeover-fuels-concerns-about-vote-integrity/CFMTLFW6TZFH7O4LLNDZ3BY4NE/>; Kristal Dixon, *Exit interview with Georgia’s most high-profile elections director*, *Axios* (Mar. 23, 2022), <https://www.axios.com/local/atlanta/2022/03/23/exit-interview-georgia-elections-director-richard-barron>; Nick Corasanti, *Potential G.O.P. Takeover of Atlanta-Area Election Board Inches Forward*, *N.Y. Times* (Aug. 18, 2021), <https://www.nytimes.com/2021/08/18/us/politics/georgia-elections-republicans.html>.

¹⁰⁰ Mark Niesse, *Investigation blames human error for issues in Fulton election audit*, *The Atlanta Journal-Constitution* (Mar. 16, 2022), <https://www.ajc.com/politics/investigation-blames-human-error-for-issues-in-fulton-election-audit/QTRKTKJYY5B3BMK2WOHU6AQXVY/>.

¹⁰¹ See, e.g., Stephanie McCrummen, *‘Gutted’: What happened when a Georgia elections office was targeted for takeover by those who claim the 2020 election was a fraud*, *Wash. Post* (Mar. 14, 2022), <https://www.washingtonpost.com/nation/2022/03/14/georgia-elections-fraud-purge/>

tion administration in Georgia has enabled counties to shift power away from long-time impartial election officials and toward inexperienced partisan actors, who in some instances have explicitly endorsed groundless stolen election claims.¹⁰²

Finally, adding to the Georgia General Assembly's intrusion on election administration functions, S.B. 202 removes the Georgia secretary of state as the chairperson of the State Election Board, instead calling for the chairperson to be elected by the Georgia General Assembly, with the secretary of state merely deemed an "ex officio nonvoting member of the board."¹⁰³ While the chairperson "shall be nonpartisan,"¹⁰⁴ this new procedures nonetheless open the door for the election of a chairperson who shares the majority of the General Assembly's views regarding the results or legitimacy of any given election. Given the tensions between Georgia's secretary of state and legislators that arose during the 2020 election—with Republican Secretary of State Brad Raffensperger facing criticism for not supporting the former President and his allies' stolen election lies¹⁰⁵—legislators could seek out a chairperson whom members believe would follow its party line on any given matter, including whether to certify the results of an election if the winner does not belong to the same party that controls the General Assembly.

Additionally, a new law proposed but recently struck down in Arizona would have also shifted power away from the Arizona secretary of state, Katie Hobbs, on blatantly partisan grounds.¹⁰⁶ The law provided that Arizona's attorney general, Mark Brnovich, "has sole authority to direct the defense of State election law or laws being challenged," thereby permitting him to "intervene on behalf of the State" "in any proceeding in which the validity of a State election law is challenged . . . if [he] determines" that "intervention is appropriate."¹⁰⁷ Accordingly, the law would have given the Arizona Attorney General, who is Republican, ultimate authority to dictate legal strategy in election law cases in the event that he disagrees with the State's elected secretary of state, currently a Democrat.¹⁰⁸ Importantly, this designation of control over litigation was designed to last only through the end of Secretary Hobbs' term, as the goal of the legislature was "to ensure that the authority given to . . . Brnovich would not transfer to any Democrat who won the next race for attorney general."¹⁰⁹ Although the Arizona Supreme Court struck down this law on procedural grounds because the legislature improperly passed it in an omnibus budget bill,¹¹⁰ nothing in the court's decision prevents the State from reenacting it, and numerous pending proposals in the Arizona legislature would effectively do so.¹¹¹

In Texas, the recently enacted S.B. 1 presents another instance of the legislative usurpation of election officials' authority. S.B. 1 imposes severe restrictions on how election officials can administer elections and help citizens apply to vote or cast a vote.¹¹² For example, the Texas law prohibits early voting clerks from any "attempt

; James Oliphant & Nathan Layne, *Georgia Republicans purge Black Democrats from county election boards*, Reuters (Dec. 9, 2021), <https://www.reuters.com/world/us/georgia-republicans-purge-black-democrats-county-election-boards-2021-12-09/>; Nick Corasaniti and Reid J. Epstein, *supra* note 1.

¹⁰² James Oliphant & Nathan Layne, *Georgia Republicans purge Black Democrats from county election boards*, Reuters (Dec. 9, 2021 8:53 PM), <https://www.reuters.com/world/us/georgia-republicans-purge-black-democrats-county-election-boards-2021-12-09/>.

¹⁰³ Ga. Code Ann. § 21–2–30(a), (d).

¹⁰⁴ *Id.* § 21–2–30(a.1)(2).

¹⁰⁵ Amy Gardner, *Ga. Secretary of State Says Fellow Republicans Are Pressuring Him to Find Ways to Exclude Ballots*, Wash. Post (Nov. 16, 2020), https://www.washingtonpost.com/politics/brad-raffensperger-georgia-vote/2020/11/16/6b6cb2f4-283e-11eb-8fa2-06e7cbb145c0_story.html.

¹⁰⁶ See Michael Wines, *In Arizona, G.O.P. Lawmakers Strip Power From a Democrat*, N.Y. Times (June 25, 2021), <https://www.nytimes.com/2021/06/25/us/Arizona-Republicans-voting.html>.

¹⁰⁷ S.B. 1819, sec. 33, 55th Leg., 1st Reg. Sess. (Ariz. 2021).

¹⁰⁸ Ben Giles, *Arizona Republicans Strip Some Election Power from Democratic Secretary of State*, NPR (June 30, 2021), <https://www.npr.org/2021/06/30/1011154122/arizona-republicans-strip-some-election-power-from-democratic-secretary-of-state>.

¹⁰⁹ Michael Wines, *In Arizona, G.O.P. Lawmakers Strip Power from a Democrat*, N.Y. Times (June 25, 2021), <https://www.nytimes.com/2021/06/25/us/Arizona-Republicans-voting.html>.

¹¹⁰ See Jeremy Duda, *Court strikes down bans on mask mandates, critical race theory and more*, Arizona Mirror (Sept. 27, 2021), <https://www.azmirror.com/2021/09/27/court-strikes-down-bans-on-mask-mandates-critical-race-theory-and-more/>.

¹¹¹ See, e.g., H.B. 2691, 56th Leg., 1st Reg. Sess. (Ariz. 2022); H.B. 2378, 56th Leg., 1st Reg. Sess. (Ariz. 2022); S.B. 1137, 56th Leg., 1st Reg. Sess. (Ariz. 2022).

¹¹² Chuck Lindell, *Gov. Greg Abbott Signs SB 1, the GOP Voting Bill, into Law*, Austin Am. Statesman (Sept. 7, 2021), <https://www.statesman.com/story/news/2021/09/07/texas-voting-law-gop-greg-abbott-sb-1/5751333001>.

to solicit a person to complete an application for an early voting ballot,”¹¹³ and forbids State or local officials from “distribut[ing] an application form for an early ballot” to someone who did not request the application, or from “us[ing] public funds to facilitate” such distribution by someone else.¹¹⁴ Finally, the bill uses sweeping language to mandate that public officials “not create, alter, modify, waive, or suspend any election standard, practice, or procedure mandated by law or rule in a manner not expressly authorized by this code.”¹¹⁵ In effect, S.B. 1 would eliminate election officials’ ability to administer State law in the manner that they believe would, based on their experience and discretion in specific circumstances, ensure that more citizens are able to vote easily and that elections run efficiently within the processes established by the legislature.

New proposals in 2022 continue the trend of State legislators attempting to enact laws that seize power over elections to partisan lawmakers at the expense of experienced election officials. From new bills filed in Wisconsin and Michigan to renewed efforts in Arizona,¹¹⁶ legislators are pursuing troubling ways to put election administration in the hands of political party patrons rather than trusted election officials.

The changes in State laws that narrow the authority traditionally given to impartial elections experts, or that provide for increased influence over the functions of election administration by the State legislature, risk removing the key guardrails that prevented further democratic crises in 2020. By increasing the partisan influence over traditionally nonpartisan election administration tasks, such as the ministerial responsibility of certifying the final results after the votes have been counted, supporters of the stolen election lies have made usurping the electoral power away from the people easier. Enabling greater partisan manipulation of election administration risks widening cracks in our legal framework and removing the principled election officials who were willing to stand firm for democratic norms rather than submit to raw political objectives during the 2020 election.

4. *The election falsehoods encourage threats against hardworking election officials, the criminalization of their work, and the politicization of their roles.*

Nonpartisan election officials have borne the brunt of some of the worst consequences from the 2020 stolen election lies. These public servants, who work under-appreciated jobs to ensure that our democratic processes properly function and that every vote that should be counted gets counted, have come under tremendous stress throughout the 2020 election cycle and since. Given that the former President recently suggested that because “[t]he vote counter is often more important than the candidate,” and that his supporters “have to get a lot tougher and smarter at the polls,” the forces intimidating election officials are unlikely to subside.¹¹⁷

The immense pressure on election officials most alarmingly includes a steep rise in the harassment and threats of violence targeting them.¹¹⁸ A recent investigation identified hundreds of occurrences of intimidation and harassment against election workers and officials Nation-wide, but only a handful of arrests of the attackers.¹¹⁹ Proponents of the stolen election lies directed over 100 explicit threats of death or violence at more than 40 election officials.¹²⁰ Nearly 8 in 10 local election officials

¹¹³ Tex. Elec. Code § 84.0011 (sec. 4.02)

¹¹⁴ Tex. Elec. Code § 84.0111 (sec. 4.05)

¹¹⁵ Tex. Elec. Code § 276.017 (sec. 6.03)

¹¹⁶ See, e.g., Lalee Ibssa & Meg Cunningham, *GOP-controlled legislatures look to overhaul election laws ahead of 2022 midterms*, ABC News (Feb. 10, 2022), <https://abcnews.go.com/Politics/gop-controlled-legislatures-overhaul-election-laws-ahead-2022/story?id=82730052> (Michigan); Michael McDaniel, *Arizona Senate pushes an election bill to create a permanent audit team that could be fielded by Cyber Ninja auditors*, Courthouse News (Feb. 17, 2022), <https://www.courthousenews.com/arizona-senate-pushes-an-election-bill-to-create-a-permanent-audit-team-that-could-be-fielded-by-cyber-ninja-auditors/> (Arizona); Jake Thomas, *Ex-Oath Keeper, 1/6 Protester Lead Push to Change Michigan’s Election Audit Process*, Newsweek (Jan. 20, 2022), <https://www.newsweek.com/ex-oath-keeper-1-6-protester-lead-push-change-michigans-election-audit-process-1671428>.

¹¹⁷ Josh Dawsey, *Trump muses on war with Russia and praises Kim Jong Un*, Wash. Post (Mar. 6, 2022), <https://www.washingtonpost.com/nation/2022/03/06/trump-focuses-foreign-policy-speech-top-donors/>.

¹¹⁸ See, e.g., Linda So & Jason Szep, *Special Report: Terrorized U.S. Election Workers Get Little Help from Law Enforcement*, Reuters (Sept. 8, 2021), <https://www.reuters.com/legal/government/terrorized-us-election-workers-get-little-help-law-enforcement-2021-09-08/>; The Brennan Ctr. for Justice and the Bipartisan Policy Ctr., *Election Officials Under Attack* (June 16, 2021), https://www.brennancenter.org/sites/default/files/2021-06/BCJ-129%20ElectionOfficials_v7.pdf.

¹¹⁹ Linda So & Jason Szep, *supra* note 118.

¹²⁰ *Id.*

feel the physical danger presented in their work has increased recently, and one-sixth report having received explicit threats of violence.¹²¹

State secretaries of state—who typically serve as their States’ chief election officers—are among those who faced significant threats and intimidation to themselves and their families in the wake of the 2020 election.

In her testimony to the U.S. Senate Committee on Rules and Administration in October 2021, Arizona secretary of state Katie Hobbs described the threats that she and other election officials have faced in the year since the 2020 election.¹²² From the armed groups that amassed outside Secretary Hobbs’ home chanting, “Katie come out and play, we are watching you,” to the orange jumpsuits mailed to intimidate Arizona county supervisors,¹²³ these once behind-the-scenes election officials are now facing growing threats.¹²⁴

Georgia Secretary of State Brad Raffensperger, who resisted the former President’s claims that the election in Georgia was stolen, also “receiv[ed] death threats almost immediately after Trump’s surprise loss in Georgia,” leading him and his family to go into hiding after his daughter-in-law’s home was broken into and individuals identified as members of the Oath Keepers, an extremist group, were discovered outside his own home.¹²⁵

Michigan Secretary of State Jocelyn Benson also faced death threats and harassment following the election.¹²⁶ Armed protesters used megaphones to chant election-related conspiracy theories outside of Benson’s home a few weeks after the election while Benson was home with her 4-year-old son.¹²⁷

Colorado secretary of state Jena Griswold reported to Federal officials receiving 22 death threats in 1 week alone in February 2022.¹²⁸ One prominent proponent of election conspiracy theories in Colorado claimed that Griswold stole the election and threatened that “if you’re involved in election fraud, then you deserve to hang” because, he said, “sometime the old ways are the best ways.”¹²⁹ Long after the 2020 Presidential election, these threats suggest that the dangerous trend extends beyond high-profile Federal elections to even include off-cycle State elections.

Workers in lower- or mid-level positions similarly face threats and intimidation from those angered by the outcome of the election and their misguided stolen election beliefs. For example, some supporters of the election falsehoods seized on a video that spread quickly on-line of a poll worker placing paper in the trash, believing it proved the vote count had been corrupted.¹³⁰ Even though Fulton County

¹²¹ See, e.g., *Poll of Local Election Officials Finds Safety Fears for Colleagues—and Themselves*, Brennan Ctr. for Justice (Mar. 10, 2022), <https://www.brennancenter.org/our-work/analysis-opinion/poll-local-election-officials-finds-safety-fears-colleagues-and>; Zach Montellaro, *Local election officials are exhausted, under threat and thinking about quitting*, Politico (Mar. 10, 2022), <https://www.politico.com/news/2022/03/10/election-officials-exhausted-under-threat-00015850>; Press Release, “One in Three Election Officials Report Feeling Unsafe Because of Their Job,” Brennan Ctr. for Justice & Bipartisan Policy Ctr. (June 16, 2021), <https://www.brennancenter.org/our-work/analysis-opinion/one-three-election-officials-report-feeling-unsafe-because-their-job>.

¹²² U.S. Senate Committee on Rules and Administration, *Emerging Threats to Election Administration* (Oct. 26, 2021), <https://www.rules.senate.gov/hearings/emerging-threats-to-election-administration>.

¹²³ Denelle Confair, *AZ Secretary of State Katie Hobbs Testifies Before U.S. Senate Committee on Emerging Election Threats*, News 4 Tucson (Nov. 1, 2021), https://www.kvoa.com/news/az-secretary-of-state-katie-hobbs-testifies-before-u-s-senate-committee-on-emerging-election/article_0193c76e-3689-11ec-b3c7-1f2864e3a0ae.html.

¹²⁴ Miles Parks, *Death Threats and Conspiracy Theories: Why 2020 Won’t End for Election Officials*, NPR (Aug. 17, 2021), <https://www.npr.org/2021/08/17/1027747378/death-threats-and-conspiracy-theories-why-2020-wont-end-for-election-officials>; Jane Mayer, *supra* note 19.

¹²⁵ Linda So, *Trump-Inspired Death Threats Are Terrorizing Election Workers*, Reuters (June 11, 2021), <https://www.reuters.com/investigates/special-report/usa-trump-georgia-threats/>.

¹²⁶ *Id.*; see also Bill Chappel, *Michigan Secretary of State Says Armed Protesters Descended on Her Home Saturday*, NPR (Dec. 7, 2020), <https://www.npr.org/sections/biden-transition-updates/2020/12/07/943820889/michigan-secretary-of-state-says-armed-protesters-descended-on-her-home-saturday>.

¹²⁷ Bill Chappel, *Michigan Secretary of State Says Armed Protesters Descended on Her Home Saturday*, NPR (Dec. 7, 2020), <https://www.npr.org/sections/biden-transition-updates/2020/12/07/943820889/michigan-secretary-of-state-says-armed-protesters-descended-on-her-home-saturday>.

¹²⁸ Zach Montellaro, *supra* note 121.

¹²⁹ Bente Birkeland, *Facing ongoing threats, Colorado’s Secretary of State says the position needs more security—and other politicians want the same*, Colo. Public Radio (Mar. 2, 2022), www.cpr.org/2022/03/02/colorado-secretary-of-state-jena-griswold-security-harassment/.

¹³⁰ Dan Glaun, *Threats to Election Officials Piled Up as President Trump Refused to Concede*, PBS News Frontline (Nov. 17, 2020), <https://www.pbs.org/wgbh/frontline/article/threats-to-election-officials-piled-up-as-president-trump-refused-to-concede/>.

quickly fact-checked the claims, showing they were false by comparing the size of the paper thrown away with the size of a ballot, “by the time fact checkers weighed in, the poll worker had already quit and gone into hiding, due to the false accusations against him.”¹³¹

These threats are unlikely to subside on their own. Indeed, a recent poll shows that nearly 4-in-10 polled Americans who believe the stolen election lies also say that violence may be necessary to “save our country,” in their view.¹³²

While the Federal Government has attempted to step in, those efforts have so far been unable to abate the serious threats and risks of harm to election officials. The Department of Justice held a recent meeting with a bipartisan group of over 1,400 election officials to “discuss mounting and persistent threats to the safety of election officials and workers across the country,” and launched an Election Threats Task Force to monitor and address such threats.¹³³ And the Department of Homeland Security issued an advisory warning that “[s]ome domestic violent extremists have continued to advocate for violence in response to false or misleading narratives about unsubstantiated election fraud,” and that the “months preceding the upcoming 2022 midterm elections could provide additional opportunities for these extremists and other individuals to call for violence directed at democratic institutions, political candidates, party offices, election events, and election workers.”¹³⁴ But from this announced increased attention to the issue, the Department of Justice has revealed only two prosecutions of stolen election extremists who credibly threatened violence against election officials.¹³⁵

At the same time that election workers are fielding alarming harassment and intimidation from outside actors, recent changes in State laws since the 2020 election have also created new ways for election work to be subject to formal criminal prosecution. Numerous States—including Texas, Iowa, and North Dakota—have enacted new laws that specifically criminalize activities by election officials, in many cases with the threat of felony prosecutions or with hefty punishments for even “technical infractions” of election law.¹³⁶ Some of these new criminal law proposals, such as the recently-enacted Arizona H.B. 2492 described above, put election workers in the precarious position to either abandon their duties to register eligible voters pursuant to Federal law requirements, or follow those Federal duties but face State felony prosecution applying new State criminal laws that target only election officials.¹³⁷

Under these perilous conditions, election workers are leaving their posts at worrying rates, or they are being forced out of their positions for partisan gain. Administering an election during an unprecedented global pandemic is a challenging feat and harrowing experience in itself; many election officials who now face threats of violence after getting through the 2020 election are opting for retirement rather than continue through the 2022 or 2024 election cycles.¹³⁸ In one recent study, 30% of polled election officials reported knowing one or more workers who have already left their job at least in part because of a fear for their safety due to the increased

¹³¹ *Id.*

¹³² Aaron Blake, *Nearly 4 in 10 Who Say Election Was Stolen From Trump Say Violence Might Be Needed to Save America*, Wash. Post (Nov. 1, 2021), <https://www.washingtonpost.com/politics/2021/11/01/4-10-who-say-election-was-stolen-trump-say-violence-might-be-needed-save-america/>.

¹³³ Press Release, *Readout of Justice Department Leadership Meeting on Threats to Election Workers*, U.S. Dep’t of Justice Office of Public Affairs (Aug. 26, 2021), <https://www.justice.gov/opa/pr/readout-justice-department-leadership-meeting-threats-election-workers>; Jane C. Timm, *‘We Have to Protect Them’: DOJ Vows Investigations, Prosecutions of Threats to Election Workers*, Wash. Post (June 25, 2021), https://www.washingtonpost.com/politics/trump-allies-election-oversight/2021/11/28/3933b5ce-4227-11ec-9ea7-3eb2406a2e24_story.html.

¹³⁴ Dep’t of Homeland Security, *Summary of Terrorism Threat to the U.S. Homeland* (Feb. 7, 2022), <https://www.dhs.gov/ntas/advisory/national-terrorism-advisory-system-bulletin-february-07-2022>.

¹³⁵ Press Release, *Man Charged for Threatening Nevada State Election Worker*, U.S. Dep’t of Justice Office of Public Affairs (Jan. 27, 2022), <https://www.justice.gov/opa/pr/man-charged-threatening-nevada-state-election-worker>; Press Release, *Texas Man Arrested for Making Election-Related Threats to Government Officials*, U.S. Dep’t of Justice Office of Public Affairs (Jan. 27, 2022), <https://www.justice.gov/opa/pr/texas-man-arrested-making-election-related-threats-government-officials>.

¹³⁶ See, e.g., States United Democracy Ctr. April and June Reports, *supra* note 1.

¹³⁷ H.B. 2492, 56th Leg., 1st Reg. Sess. (Ariz. 2022); Ray Stern, *supra* note 48.

¹³⁸ Michael Wines, *After a Nightmare Year, Election Officials Are Quitting*, N.Y. Times (July 2, 2021), <https://www.nytimes.com/2021/07/02/us/politics/2020-election-voting-officials.html>.

threats and intimidation.¹³⁹ The same poll shows that 20% of the remaining election officials say they are likely to quit before 2024.¹⁴⁰

Other election officials willing to stick around may not be able to do so because partisan actors are finding new ways to force their removal. In Michigan, after a Republican appointee to the State board of canvassers refused to stop the certification of the State's 2020 election results, partisan lawmakers blocked reappointing him to a subsequent term.¹⁴¹ Virginia's Governor recently replaced the State's top election official, who was widely seen as a nonpartisan consensus choice, with a former top aide to a State senator who while in office praised the January 6 insurrectionists.¹⁴² In Pennsylvania, the State legislature pursued the impeachment of the members of two county election commissions who voted to count timely received vote-by-mail ballots that lacked a date handwritten by the voter, which has been subject to on-going litigation.¹⁴³ And the former State supreme court justice leading the partisan sham review of Wisconsin's elections has pushed to jail city election officials for refusing to participate in the stolen election conspiracy.¹⁴⁴

While election officials are under attack and offices across the country are experiencing a mass exodus of experienced employees, stolen election lies proponents have redoubled their efforts to replace election workers with rogue political actors. There is currently an active, well-funded campaign to recruit partisans to take over election administration roles, making it easier to sabotage future elections.¹⁴⁵ As of January 27, 2022, at least 21 candidates who have subscribed to stolen election lies are running for secretary of states in 18 States; this means that in 2 out of 3 secretary of state contests Nation-wide, one of the leading candidates has publicly supported the conspiracy challenging the 2020 election results.¹⁴⁶ Some the most highly contested secretary of state races with election skeptics as candidates are in swing States—e.g., Arizona, Wisconsin, Georgia, and Nevada—where a rogue State elections chief could cause significant uncertainty and disruption.¹⁴⁷

Lower-profile election worker positions are also at risk of being coopted for political purposes. Appointees to State and county election positions are becoming more extreme and partisan. In Michigan, for example, political actors have worked in recent months to replace county canvassers with partisans who have embraced the stolen election lies.¹⁴⁸ Similar efforts are under way in Ohio, Iowa, and other

¹³⁹ *Poll of Local Election Officials Finds Safety Fears for Colleagues—and Themselves* Brennan Ctr. for Justice (Mar. 10, 2022), <https://www.brennancenter.org/our-work/analysis-opinion/poll-local-election-officials-finds-safety-fears-colleagues-and>.

¹⁴⁰ See id.; see also Miles Parker, *1 in 5 local election officials say they're likely to quit before 2024*, NPR (Mar. 10, 2022), <https://www.npr.org/2022/03/10/1085425464/1-in-5-local-election-officials-say-theyre-likely-to-quit-before-2024>.

¹⁴¹ Sam Levine, *How Trump's big lie has been weaponized since the Capitol attack*, The Guardian (July 7, 2021), <https://www.theguardian.com/us-news/2021/jul/07/us-capitol-riot-attack-on-democracy>.

¹⁴² Patrick Wilson, *Youngkin names local GOP official, former aide to Chase, as new State elections commissioner*, The Richmond Times-Dispatch (Mar. 20, 2022), https://richmond.com/news/state-and-regional/youngkin-names-local-gop-official-former-aide-to-chase-as-new-state-elections-commissioner/article_2d9ee742-742f-5325-9692-562bd65c37fc.html.

¹⁴³ Jonathan Lai, *Pa. Republican Lawmakers Threaten to Impeach Philly Officials for Counting Undated Mail Ballots*, The Phila. Inquirer (May 28, 2021), <https://www.inquirer.com/politics/election/pennsylvania-republican-lawmakers-impeachment-philadelphia-city-commissioners-20210528.html>; States United Democracy Ctr. June Report, *supra* note 1.

¹⁴⁴ Patrick Marley, *Wisconsin Republicans seek to jail more officials as part of their review of the 2020 Presidential election*, Milwaukee Journal Sentinel (Feb. 18, 2022), <https://www.jsonline.com/story/news/politics/2022/02/18/wisconsin-republicans-michael-gableman-seeks-jail-officials-2020-presidential-election-review/6853176001/>.

¹⁴⁵ Amber Phillips, *How Trump-backed secretary of state candidates would change elections in the United States* Wash. Post (Dec. 1, 2021), <https://www.washingtonpost.com/politics/2021/12/01/how-trump-backed-secretary-state-candidates-would-change-elections-america/>; Lawrence Norden & Derek Tisler, *Addressing Insider Threats in Elections*, Brennan Ctr. for Justice (Dec. 8, 2021), <https://www.brennancenter.org/our-work/analysis-opinion/addressing-insider-threats-elections>.

¹⁴⁶ States United Democracy Ctr., *Secretary of State Races in 2022* (Jan 27, 2022), https://statesuniteddemocracy.org/wp-content/uploads/2022/02/sos_deniers.html.

¹⁴⁷ Amber Phillips, *How Trump-backed secretary of state candidates would change elections in the United States* Wash. Post (Dec. 1, 2021), <https://www.washingtonpost.com/politics/2021/12/01/how-trump-backed-secretary-state-candidates-would-change-elections-america/>.

¹⁴⁸ Sam Levine, *Why are Michigan Republicans quietly replacing key election officials?*, The Guardian (Oct. 14, 2021), <https://www.theguardian.com/us-news/2021/oct/14/michigan-republicans-election-officials-fight-to-vote>.

States.¹⁴⁹ In a particularly shocking example, one of the attendees at the so-called Stop the Steal rally leading to the January 6 storming of the U.S. Capitol soon returned home to Pennsylvania, declared his candidacy to be an election judge, and then won that election.¹⁵⁰

In sum, election officials since 2020 have faced intense external forces of threats of violence and harassment, and internal forces of being criminalized, fired, or politicized. In this environment, the country's election infrastructure will struggle to maintain nonpartisan and impartial workers who are in it to promote democracy and fair results rather than seeking partisan gain. Election officials are the lifeblood of a properly functioning voting system. Allowing them to be replaced by partisan actors risks severe consequences if and when the next election crisis arises.

B. THE CONSEQUENCES OF STOLEN ELECTION LIES ARE DEPRESSED PUBLIC TRUST IN GOVERNMENT AND THE ELECTORAL PROCESS.

Since the 2020 Presidential election, poll after poll has shown that the events of January 6th and the fallout of the stolen election lies have shaken Americans' belief in our democratic institutions. Generally, Americans' trust in government is at historic lows.¹⁵¹ People are concerned that the events of January 6th are not just isolated incidents but a sign of increasing political violence, and this has eroded the belief that American democracy is secure.¹⁵² In one January 2022 poll, 64% of Americans believe democracy in the United States is "in crisis and at risk of failing"¹⁵³ and only 20% are very confident in the country's ability to conduct an honest election.¹⁵⁴ Polled voters see that risk growing, with two-thirds of respondents in one poll saying the country is more at risk of democratic decline than it was a year ago.¹⁵⁵

This deterioration of voters' confidence in elections and in Government crosses party lines. General feelings of pride in American democracy are at all-time lows, hovering above 50% and down considerably from a high of 90% in 2001 and 63% in 2017.¹⁵⁶ While only 30% of polled Democratic voters attest they are confident in the U.S. election system,¹⁵⁷ the falsehood that the 2020 election was stolen from the former President has been disastrous for Republicans' faith in our elections, with only 13% of Republicans who are very confident in the election system and 59% that have little faith.¹⁵⁸ Overall, only 37% of polled Republicans said they are confident the next Presidential election will be open and fair.¹⁵⁹ And while 82% of Democrats

¹⁴⁹ See, e.g., Jake Zuckerman, *Governor appoints former lawmaker to elections board who hyped up 2020 voter fraud claims*, Ohio Capital Journal (Mar. 10, 2022), <https://ohiocapitaljournal.com/2022/03/10/governor-appoints-former-lawmaker-to-elections-board-who-hyped-up-2020-voter-fraud-claims/>; Thomas Beaumont & Anthony Izaguirre, *Iowa flap raises fears of politicized local election offices*, Associated Press (May 30, 2021), <https://apnews.com/article/donald-trump-iowa-local-elections-voting-rights-elections-8ae7926dcd07f4dba7-ede49d6fc894d9>.

¹⁵⁰ Charles Homans, *In Bid for Control of Elections, Trump Loyalists Face Few Obstacles*, N.Y. Times (Dec. 15, 2021), <https://www.nytimes.com/2021/12/11/us/politics/trust-in-elections-trump-democracy.html>.

¹⁵¹ Public Trust in Government: 1958–2021, Pew Research Ctr. (May 17, 2021), <https://www.pewresearch.org/politics/2021/05/17/public-trust-in-government-158-2021/> (last accessed Mar. 30, 2022).

¹⁵² Anthony Salvanto, Kabir Khanna, Fred Backus, & Jennifer Depinto, *CBS News poll: A year after Jan. 6, violence still seen threatening U.S. democracy, and some say force can be justified*, CBS News (Jan. 2, 2022, 1:01 PM), <https://www.cbsnews.com/news/january-6-opinion-poll-2022/>.

¹⁵³ Joel Rose, *6 in 10 Americans say U.S. democracy is in crisis as the 'Big Lie' takes root*, NPR (Jan. 3, 2022), <https://www.npr.org/2022/01/03/1069764164/american-democracy-poll-jan-6>.

¹⁵⁴ Brittany Shepherd, *Americans' faith in election integrity drops: POLL*, ABC News (Jan. 6, 2022), <https://abcnews.go.com/Politics/americans-faith-election-integrity-drops-poll/story?id=82069876>; Brittany Shepherd, *Majority of Americans think Jan. 6 attack threatened democracy: POLL*, ABC News (Jan. 2, 2022), <https://abcnews.go.com/Politics/majority-americans-jan-attack-threatened-democracy-poll/story?id=81990555>.

¹⁵⁵ Salvanto, *supra* note 152.

¹⁵⁶ Dan Balz, Scott Clement, & Emily Guskin, *Republicans and Democrats divided over Jan. 6 insurrection and Trump's culpability, Post-UMD poll finds*, Wash. Post (Jan. 1, 2022), <https://www.washingtonpost.com/politics/2022/01/01/post-poll-january-6/>.

¹⁵⁷ Shepherd, *supra* note 154.

¹⁵⁸ *Id.*

¹⁵⁹ David Nather, *Axios-Ipsos Poll: Republicans lose trust in elections*, Axios (Nov. 20, 2021), <https://www.axios.com/axios-ipsos-poll-republicans-lose-trust-elections-52410b23-9513-453b-8a37-d140cae2d455.html#deepdive=1>.

said they would trust the results of the 2024 Presidential election to be accurate if their candidate did not win; only 33% of Republicans reported feeling the same.¹⁶⁰

Troublingly, voters of both parties doubt that State officials of the other party will agree to accept the results of an election if their party loses.¹⁶¹ Democrats have become more skeptical, with 67% concerned about the results in Republican States, compared to 56% of Republicans about results in Democratic States.¹⁶² Independents share in the skepticism but are more concerned about Republican-controlled States.¹⁶³

Polling conducted after the results of the Arizona Cyber Ninjas review also shows those partisan-motivated “investigations” are especially damaging to the public trust. As noted above, only 36% of those polled believe that the Cyber Ninjas review proved the correct winner of Maricopa County’s Presidential votes; a majority of polled Republicans reject the audit’s findings, choosing to believe instead that the process found significant voter fraud when it in fact did not.¹⁶⁴ Additional polling from before and after Arizona’s partisan election investigation found that it did more to reinforce concerns around election fraud than to alleviate them.¹⁶⁵

The perceived and actual risk of repeated political violence because of disputed election results is also on the rise. Asked if violent action against the Government is justified at times, over a third of respondents in one poll agreed, with the strongest support coming from Republicans and independents.¹⁶⁶ This increased acceptance of political violence is significantly higher than past polls over more than two decades.¹⁶⁷ Disturbingly, recent polling shows that Americans now expect violence from supporters of the losing side in an election: While only 2% of respondents say they actively favor violence if their side lost the election, a quarter said it would depend on the circumstances.¹⁶⁸

Researchers studying political violence are also ringing alarm bells about the increased risks in the United States. For example, Rachel Kleinfeld, senior fellow in the Democracy, Conflict, and Governance Program at the Carnegie Endowment for International Peace and a leading expert on political violence, warns that both the amount and nature of political extremism has worsened in the United States.¹⁶⁹ Kleinfeld’s identified factors that elevate the risks of political violence typify our current circumstances: (1) Perceived highly-competitive contests that could shift the balance of power; (2) stark partisan division based on identity; (3) electoral rules that can be manipulated; and (4) weak institutional constraints on violence that lead perpetrators to believe they will not be held accountable.¹⁷⁰ According to Kleinfeld, ideas that were once considered fringe are now covered on mainstream media outlets, creating a growing audience that is willing to undertake, support, or excuse the use of force for perceived political gain.¹⁷¹ The people who could be willing to commit political violence are now not just rogue outliers, but sometimes regular Americans who are integrated in social life but nonetheless captured and manipulated by stolen election conspiracies.¹⁷²

Additionally, the election falsehoods have split the Republican Party into fractions of supporters and representatives who believe the conspiracy and those who accept reality.¹⁷³ The unwillingness of some partisans to accept the results of the 2020

¹⁶⁰ PBS News Hour/NPR/Marist Poll, *Nature of the Sample: NPR/PBS NewsHour/Marist Poll of 1,209 National Adults* (Nov. 5, 2021), https://maristpoll.marist.edu/wp-content/uploads/2021/10/NPR_PBS-NewsHour_Marist-Poll_USA-NOS-and-Tables_B_202110251104.pdf.

¹⁶¹ Balz, *supra* note 156.

¹⁶² *Id.*

¹⁶³ *Id.*

¹⁶⁴ Erin Snodgrass, *The much-maligned Arizona election audit reinforced doubt about the 2020 election results, according to a new poll*, Business Insider (Nov. 15, 2021), <https://www.businessinsider.com/arizona-election-audit-reinforced-doubt-about-2020-election-results-2021-11>.

¹⁶⁵ *Doubt in American System Increases*, Monmouth Univ. Polling Institute (Nov. 15, 2021), https://www.monmouth.edu/polling-institute/reports/monmouthpoll_us_111521/.

¹⁶⁶ Balz, *supra* note 156.

¹⁶⁷ *Id.*

¹⁶⁸ Salvanto, *supra* note 152.

¹⁶⁹ Rachel Kleinfeld, *The Rise of Political Violence in the United States*, Journal of Democracy (Oct. 2021), <https://www.journalofdemocracy.org/articles/the-rise-of-political-violence-in-the-united-states/>.

¹⁷⁰ *Id.*

¹⁷¹ *Id.*

¹⁷² *Id.*

¹⁷³ Reid J. Epstein, *Fringe Scheme to Reverse 2020 Election Splits Wisconsin G.O.P.*, N.Y. Times (Feb. 19, 2022), <https://www.nytimes.com/2022/02/19/us/politics/wisconsin-election-de-certification.html>.

election now over 15 months later creates deep rifts in our political associations. Even some leading Republican officials who initially were willing to question aspects of the election without fully committing to the conspiracy now cannot reel in members of their party who are perpetuating the extreme falsities.¹⁷⁴ As the fringe views are given credence, they become more prominent and take on a life of their own that cannot easily be pulled away from the minds of voters and lawmakers once party leadership realizes the deception has gone too far.

In sum, manufactured concerns over stolen elections make large segments of the electorate distrust legitimate results and question the democratic process. Far from empty rhetoric or just politics as usual, these stolen election lies mislead Americans into challenging the rule of law and contesting the peaceful transition of power when their preferred candidates lose. This reduced confidence in elections leads to partisan lawmakers further damaging the system by enacting laws that politicize the process or make voting needlessly more difficult. And the stolen election lies inspire the type of political violence perpetrated on January 6, 2021, which rips at the ties binding our country by denigrating our democratic institutions and ideals.

C. THE FEDERAL GOVERNMENT MUST TAKE ACTION TO PREVENT FURTHER DAMAGE TO OUR ELECTION SYSTEM.

While the problems stemming from the stolen election lies are significant and pose a serious threat to the proper functioning of our democracy, many of them are solvable through Federal legislative and enforcement action. The priorities must be to address increased efforts to raise the burdens of voting, the manipulation of votes and results after election day, and the alarming threats against election officials. Congress can pass new laws that fix weaknesses in our current legal framework where proponents of stolen election lies have sought to exploit gaps for political gain. Many such fixes already exist in specific provisions contained in proposed laws currently before Congress.

First, Congress must enact new laws that will curb the rise of laws that make voting needlessly more difficult based on stolen election lies. As I have described above, new laws and proposed legislation in the last 2 years have chased the shadow of voter fraud by finding heavy-handed and overbroad news ways to remove eligible voters from the registration rolls and make voter access more difficult.

There are several critical provisions already drafted in legislation before Congress that would make an immediate difference and have had successful bipartisan use in the States. To begin, enacting same-day registration can limit the harmful effects of wrongful registration purges by allowing eligible voters to still show up to register and vote on election day.¹⁷⁵ Standardizing meaningful early voting in the States will also enable citizens with greater voting inflexibilities (such as rural voters, students, and voters with less access to resources) to still be able to cast their ballot even if they cannot do so on election day.¹⁷⁶ Guaranteeing access to vote by mail—a process that States across the country have tested for years and found is safe, secure, and partisan-neutral¹⁷⁷—will make sure that any eligible voter who wants to vote is empowered to do so.¹⁷⁸ And requiring that States give their election officials meaningful additional time before election day to preprocess received ballots and prepare them to be tabulated after the polls close will help ensure timely election results.¹⁷⁹

¹⁷⁴ Id.; see also Calvin Woodward, *supra* note 16.

¹⁷⁵ See, e.g., Freedom to Vote: John R. Lewis Act, Rules Committee Print 117–28 Text of the House Amendment to the Senate Amendment to H.R. 5746, Sec. 1031. Same Day Registration, at 71–75 (Jan. 12, 2022), <https://rules.house.gov/sites/democrats.rules.house.gov/files/BILLS-117HR5746EAS-RCP117-28.pdf#page=71>; see also *See Same Day Voter Registration*, Nat'l Conf. of State Legislatures (Sept. 9, 2021), <https://www.ncsl.org/research/elections-and-campaigns/same-day-registration.aspx>.

¹⁷⁶ See, e.g., Freedom to Vote: John R. Lewis Act, Rules Committee Print 117–28 Text of the House Amendment to the Senate Amendment to H.R. 5746, Sec. 1201. Early Voting, at 119–126 (Jan. 12, 2022), <https://rules.house.gov/sites/democrats.rules.house.gov/files/BILLS-117HR5746EAS-RCP117-28.pdf#page=119>; see also *Early In-Person Voting*, Nat'l Conf. of State Legislatures (Jan. 17, 2022), <https://www.ncsl.org/research/elections-and-campaigns/early-voting-in-state-elections.aspx>.

¹⁷⁷ See, e.g., Daniel M. Thompson, et al., *Universal vote-by-mail has no impact on partisan turnout or vote share*, Proceedings of the National Academy of Sciences (June 9, 2020), <https://www.pnas.org/doi/10.1073/pnas.2007249117>; see also sources cited *supra* notes 28 & 29.

¹⁷⁸ See, e.g., Freedom to Vote: John R. Lewis Act, Rules Committee Print 117–28 Text of the House Amendment to the Senate Amendment to H.R. 5746, Subtitle D—Voting by Mail, at 128–169 (Jan. 12, 2022), <https://rules.house.gov/sites/democrats.rules.house.gov/files/BILLS-117HR5746EAS-RCP117-28.pdf#page=128>.

¹⁷⁹ See, e.g., Freedom to Vote: John R. Lewis Act, Rules Committee Print 117–28 Text of the House Amendment to the Senate Amendment to H.R. 5746, Sec. 1201. Early Voting, at 126–

Enacting these Federal baselines, among others, will reinforce our National ideals that, no matter where someone lives or how many resources they have, all citizens should have a fair chance to participate in the electoral process.

Second, Congress should legislatively reinforce that States have no power to disturb the results of popular elections. Congress can do so by updating the Electoral Count Act (ECA), focusing on two core clarifying revisions that remove ambiguities in the 1887 statute's at-times obscure and outdated language. Critically, the ECA must make clear that once a State holds a legitimate popular election to select its Presidential electors, the State legislature has no power to displace those results. The ECA is key to reinforcing what we know from our Constitution to be true—that any post-hoc usurpation of the Presidential electors power from the people violates voters' fundamental Constitutional rights, and intrudes on the Federal Government's Constitutional prerogative to designate the time for holding Presidential elections and the process for counting the duly provided votes from States' legitimate popular election results.

Along similar lines, Congress must update the ECA to expressly provide that once a State's election results are settled, the State Governor has no authority to refuse to certify that outcome. Again, our Constitution forbids any contrary result. But the ECA can and should be updated to fortify that elections in our modern democracy are dictated by the people, not one potentially rogue official. Congress can likewise enact additional laws that authorize the Department of Justice, as provided in existing legislative proposals, to prevent interference with State and local officials conducting the vote count and election certification to ensure the people's voice is accurately reflected.¹⁸⁰

Third, Congress must urgently pass new laws that provide greater Federal protections for election officials and volunteers. Existing Federal criminal law generally prohibits threats made through interstate communications, which has been the source of the Department of Justice's recent prosecutions of two stolen election extremists who threatened officials in Nevada and Georgia.¹⁸¹ But that leaves enforcement gaps for certain intrastate and in-person threats that Federal law may not reach, and fails to protect the specific security needs of election officials under attack.¹⁸² Existing proposals in legislation before Congress that add new Federal criminal offenses and resources for the prosecutions of violent stolen election conspiracists would aid the Department of Justice to provide needed protections for election workers.¹⁸³

Additionally, the Federal Government, through CISA and other agencies, must engage now to coordinate more trainings and provide additional funding for election offices to protect themselves against threats and take steps to remove identifying information on-line to avoid harassment or doxing.¹⁸⁴ Programs that protect the information of domestic violence and stalking victims in government databases can serve as a model.¹⁸⁵ Additionally, election officials under threat should be provided Federal grants to purchase home intrusion detection systems, and further funding for training and education related to maintaining greater personal security.¹⁸⁶

Fourth, Congress can enact new laws to strengthen protections over the security of State voting equipment, voters' ballots, and the counting process. Provisions in existing proposals before Congress include improving security and chain-of-custody procedures for voting equipment and ballots to prevent their manipulation by State

27 (Jan. 12, 2022), <https://rules.house.gov/sites/democrats.rules.house.gov/files/BILLS-117HR5746EAS-RCP117-28.pdf#page=126>.

¹⁸⁰See, e.g., Freedom to Vote: John R. Lewis Act, Rules Committee Print 117–28 Text of the House Amendment to the Senate Amendment to H.R. 5746, Title III—Preventing Election Subversion, Subtitle A—Restrictions on Removal of Election Administrators, at 251–62 (Jan. 12, 2022), <https://rules.house.gov/sites/democrats.rules.house.gov/files/BILLS-117HR5746EAS-RCP117-28.pdf#page=251>.

¹⁸¹See sources cited supra note 135.

¹⁸²See Linda So & Jason Szep, supra note 118.

¹⁸³See, e.g., Freedom to Vote: John R. Lewis Act, Rules Committee Print 117–28 Text of the House Amendment to the Senate Amendment to H.R. 5746, Subtitle B—Increased Protections for Election Workers at 263–64 (Jan. 12, 2022), <https://rules.house.gov/sites/democrats.rules.house.gov/files/BILLS-117HR5746EAS-RCP117-28.pdf#page=263>; Freedom to Vote: John R. Lewis Act, Rules Committee Print 117–28 Text of the House Amendment to the Senate Amendment to H.R. 5746, Sec. 3205. Private Rights Of Action By Election Officials, Sec. 3206. Making Intimidation Of Tabulation, Canvass, And Certification Efforts A Crime, at 278–80 (Jan. 12, 2022), <https://rules.house.gov/sites/democrats.rules.house.gov/files/BILLS-117HR5746EAS-RCP117-28.pdf#page=278>.

¹⁸⁴See Brennan Ctr. for Justice, *Election Officials Under Attack*, supra note 118, at 8–9.

¹⁸⁵Id. at 7.

¹⁸⁶Id.

actors or private companies during sham partisan reviews of election results.¹⁸⁷ Federal law should also be updated to prohibit Federal actors from improperly seizing State or county voting equipment and materials.¹⁸⁸

Fifth, Congress should enact new laws that seek to address post-election misinformation, as well as fraudulent fundraising and spending on efforts to perpetuate the stolen election lies. Congress can do so by prohibiting misinformation campaigns intended to impede the lawful counting of ballots or certification of results.¹⁸⁹ Congress can address problematic financial incentives for stolen election lies¹⁹⁰ and protect donors by restricting fraudulent post-election fundraising for frivolous election contests.¹⁹¹ It can also increase post-election spending transparency for voters by defining spending by candidates and groups on efforts to influence vote counting as election spending, so it is subject to the same limits and disclosure requirements as other campaign spending.

STATEMENT OF WENDY R. WEISER, VICE PRESIDENT FOR DEMOCRACY, BRENNAN
CENTER FOR JUSTICE AT NYU SCHOOL OF LAW¹

APRIL 8, 2022

Chairman Thompson and Members of the Select Committee: Thank you for the opportunity to submit this testimony to discuss the disinformation about the 2020 Presidential election that fueled the violent January 6, 2021 attack on the U.S. Capitol (the “insurrection”) and how that disinformation continues to threaten voting and elections in America.

On behalf of the Brennan Center for Justice, I thank this Committee for its investigation into one of the most shameful and alarming attacks on American democracy in our Nation’s history. As you know, the insurrection’s motivating theory was that the 2020 Presidential election was “stolen” from former President Donald Trump.² This “Big Lie” relies on disproven³ and racially charged allegations of wide-spread

¹⁸⁷Freedom to Vote: John R. Lewis Act, Rules Committee Print 117–28 Text of the House Amendment to the Senate Amendment to H.R. 5746, Subtitle D—Protection of Election Records & Election Infrastructure, at 280–86 (Jan. 12, 2022), <https://rules.house.gov/sites/democrats.rules.house.gov/files/BILLS-117HR5746EAS-RCP117-28.pdf#page=280>.

¹⁸⁸See, e.g., Matthew S. Schwartz, *Jan. 6 panel is investigating a Trump administration plan to seize voting machines*, NPR (Jan. 23, 2022), <https://www.npr.org/2022/01/23/1075219215/jan-6-panel-is-investigating-a-trump-administration-plan-to-seize-voting-machine>.

¹⁸⁹See, e.g., *Social Media Misinformation and Administration in the 2020 General Election*, Stanford-MIT Healthy Elections Project (Mar. 10, 2021), https://healthyelections.org/sites/default/files/2021-06/Social_Media_Misinformation.pdf.

¹⁹⁰See, e.g., Isaac Stanley-Becker, et al., *Prosecutors demanded records of Sidney Powell’s fundraising groups as part of criminal probe*, Wash. Post (Nov. 30, 2021), <https://www.washingtonpost.com/politics/2021/11/30/sidney-powell-defend-the-republic-criminal-probe/>.

¹⁹¹See, e.g., John L. Dorman, *supra* note 18.

¹The Brennan Center for Justice at New York University School of Law is a nonpartisan public policy and law institute that works to strengthen the systems of democracy and justice so that they work for all Americans. I am the vice president for democracy and director of the Brennan Center’s Democracy Program, which among other issues focuses on voting rights and election administration. I have authored numerous nationally-recognized reports, studies, and articles on voting rights and elections. My work has been featured in academic journals and media outlets across the country. I have served as counsel in many voting rights lawsuits and have testified previously before Congress, and before several State legislatures, on a variety of issues relating to election administration. My testimony does not purport to convey the views, if any, of the New York University School of Law. I thank Lauren Miller, counsel at the Brennan Center, for her substantial assistance in preparing this testimony.

²“Transcript of Trump’s Speech at Rally before US Capitol Riot,” Associated Press, January 13, 2021, <https://apnews.com/article/election-2020-joe-biden-donald-trump-capitol-siege-media-e79eb5164613d6718e9f4502eb471f27>; Brian Naylor, “Read Trump’s Jan. 6 Speech, a Key Part of Impeachment Trial,” National Public Radio, February 10, 2021, <https://www.npr.org/2021/02/10/966396848/read-trumps-jan-6-speech-a-key-part-of-impeachment-trial>; Lauren Leatherby et al., “How a Presidential Rally Turned into a Capitol Rampage,” *New York Times*, January 12, 2021, <https://www.nytimes.com/interactive/2021/01/12/us/capitol-mob-timeline.html>; and Southern Poverty Law Center, *The Road to Jan. 6: A Year of Extremist Mobilization*, <https://www.splcenter.org/news/2021/12/30/road-jan-6-year-extremist-mobilization>.

³Daniel Funke, “Fact Check: How We Know the 2020 Election Results Were Legitimate, Not ‘Rigged’ as Donald Trump Claims,” *USA Today*, January 6, 2022, <https://www.usatoday.com/story/news/factcheck/2022/01/06/fact-check-donald-trump-2020-election-results/9115875002/>; “Joint Statement from Elections Infrastructure Government Coordinating Council & the Election Infrastructure Sector Coordinating Executive Committees,” Cybersecurity and Infrastructure Security Agency, November 12, 2020, accessed April 8, 2022, <https://www.cisa.gov/news/2020/11/12/joint-statement-elections-infrastructure-government-coordinating-council-election>;

voter fraud,⁴ ballot irregularities,⁵ and conspiracies to otherwise “rig” the election.⁶ The 2020 election is over, but the Big Lie continues to wreak havoc on our elections. My testimony will explain how the same disinformation about voter fraud and the 2020 election that drove the January 6 insurrection is fueling on-going efforts to undermine voting rights and sabotage the electoral process across the country, as well as efforts to attack election officials and otherwise undermine impartial election administration.

Part I of my testimony walks through evidence of how the Big Lie is driving two anti-democratic trends in the States: The swift, aggressive push to restrict access to voting rights and the novel push to enable partisan actors to interfere in election administration. In the 12 months following the insurrection, 19 States passed 34 restrictive voting bills, or bills that make it more difficult to vote, according to the Brennan Center’s count.⁷ This was a significant escalation over years past. At the same time, State lawmakers pressed a new species of legislation-election sabotage bills—which enable partisan actors to interfere with or manipulate elections by changing who runs elections, counts the votes, and how. At least 11 election sabotage laws passed in 9 States in 2021.⁸ This anti-democratic push continues today; as of the Brennan Center’s January 14, 2022 count, State lawmakers had introduced, pre-filed, or carried over more than 250 restrictive voting bills⁹ and 41 election sabotage bills.¹⁰ These bills are much more closely connected to the push to overturn the 2020 election than many realize.

My testimony will establish, first, that many of these new restrictive voting and election sabotage bills stem directly from the false allegations made in lawsuits brought by former President Trump’s campaign and his supporters in their bid to change the 2020 election results. Second, it will demonstrate that the State lawmakers leading this legislative charge are among the same individuals who rejected the 2020 election results. Almost all of them made public statements connecting their support for restrictive voting legislation to disinformation about the legitimacy of the 2020 election or wide-spread voter fraud. Already, the voting legislation that they succeeded in passing is creating tangible, negative effects on voters and disproportionately impacting voters of color.

Part II of my testimony will describe two ways in which the Big Lie is driving attacks on impartial election administration. First, false claims about voter fraud and the legitimacy of the 2020 election are triggering attacks on our Nation’s election administrators, leading an unprecedented number to contemplate quitting. A recent Brennan Center survey found that 1 in 6 election officials have experienced threats because of their job, and nearly 1 in 3 know of at least one colleague who has left their position due to safety concerns, increased threats, or intimidation.¹¹ Second, my testimony lays out how the Big Lie is politicizing election administration in other ways. Among other things, 2022 candidates for election administration positions are embracing election denial in their pitch to voters and donors. Races that feature election denial have seen massive increases in contributions, particularly from out-of-State donors. These trends pose a serious risk to impartial election administration in America.

In short, there is ample evidence that the disinformation that fueled the January 6th insurrection continues to undermine our election system. With 2022 primaries in progress, and the 2024 Presidential election around the corner, the dangers to American democracy loom large.

This Committee’s work is critical to repairing the breach in the fabric of our Nation caused by the January 6th insurrection. It is critical to ensuring that the per-

and Brennan Center for Justice, *It’s Official: The Election Was Secure*, 2020, <https://www.brennancenter.org/our-work/research-reports/its-official-election-was-secure>.

⁴ Donald Trump, interview by Maria Bartiromo, *Sunday Morning Futures*, Fox News, November 29, 2020, <https://vimeo.com/485180163>.

⁵ “Tweets of November 16, 2020,” American Presidency Project, UC Santa Barbara, November 16, 2020, accessed April 8, 2022, <https://www.presidency.ucsb.edu/documents/tweets-november-16-2020>.

⁶ American Presidency Project, “Tweets.”

⁷ Brennan Center for Justice, *Voting Laws Roundup: December 2021*, 2021, <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-december-2021>.

⁸ Will Wilder, Derek Tisler, and Wendy R. Weiser, *The Election Sabotage Scheme and How Congress Can Stop It 2021*, Brennan Center for Justice, 3–6, <https://www.brennancenter.org/our-work/research-reports/election-sabotage-scheme-and-how-congress-can-stop-it>.

⁹ Brennan Center for Justice, *Voting Laws Roundup: February 2022*, 2022, <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-february-2022>.

¹⁰ Brennan Center, *Voting Laws Roundup: February 2022*.

¹¹ Brennan Center for Justice, *Local Election Officials Survey (March 2022)* 2022, 6, 19, <https://www.brennancenter.org/our-work/research-reports/local-election-officials-survey-march-2022>.

petrators of the violent insurrection are held accountable, and its victims receive justice. It also is critical to ensuring that this reprehensible history does not repeat itself. And it is critical to ensuring that the Big Lie that fueled the insurrection does not continue to grow and further damage our democracy.

I. THE SAME ELECTION DENIAL CLAIMS AND RHETORIC THAT FUELED THE INSURRECTION ARE DRIVING DAMAGING VOTE SUPPRESSION AND ELECTION SABOTAGE EFFORTS

Since the 2020 election, the country has witnessed two aggressive, anti-democratic developments in State legislatures. First, efforts to suppress voting have soared. In 2021 alone, at least 19 States passed 34 restrictive voting laws, or laws that make it more difficult to vote¹²—the largest number that the Brennan Center has seen in any year since it first began tracking voting legislation in 2011.¹³ Indeed, between 2011 and 2021, at least 33 States passed 97 restrictive voting bills, and more than a third of those laws passed last year alone.¹⁴ This legislative push was Nation-wide; overall, legislators introduced more than 400 restrictive voting bills in 49 States in 2021.¹⁵ This trend continues in 2022. As of the Brennan Center's January 14, 2022 count, State lawmakers had introduced, pre-filed, or carried over more than 250 restrictive voting bills.¹⁶ The provisions in these bills range from curtailing access to mail voting and enacting new or stricter voter ID requirements, to imposing new barriers for voters and limiting or eliminating same-day voter registration.¹⁷ These numbers continue to grow.

Second, States have seen a dramatic spike in legislation that would enable partisan actors to meddle in election administration and vote counting processes—otherwise known as “election sabotage” bills. The Brennan Center identified at least 11 election sabotage laws passed in 9 States in 2021,¹⁸ including laws in 2 States that allow partisan actors to remove election officials from their positions and replace them close to an election,¹⁹ laws in 6 States that create criminal penalties for election officials who take certain steps to make it easier for individuals to vote,²⁰ and laws in 3 States that empower partisan poll watchers to interfere in the vote-counting process.²¹ Our January 14, 2022 count found that legislators in at least 13 States already had pre-filed and introduced an unprecedented 41 such bills that would threaten the people and processes that make elections work.²² These provisions range from allowing any citizen to initiate or conduct biased election audits; to imposing new criminal or civil penalties on election officials for making unintentional errors; to allowing partisan actors to remove election officials from office.²³ These numbers also continue to grow.

The Brennan Center has been chronicling and studying these negative developments. Specifically, two recent analyses demonstrate that the same false allegations of a stolen election that drove the insurrection are driving these on-going efforts to undermine voting rights and sabotage electoral processes. One analysis examined

¹² Brennan Center, *Voting Laws Roundup: December 2021*.

¹³ Brennan Center, *Voting Laws Roundup: December 2021*.

¹⁴ Brennan Center, *Voting Laws Roundup: December 2021*; Brennan Center for Justice, *Voting Laws Roundup 2020*, 2020, <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-2020-0>; Brennan Center for Justice, *Voting Laws Roundup 2019*, 2019, <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-2019>; Brennan Center for Justice, *Voting Laws Roundup 2018*, 2018, <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-2018>; Brennan Center for Justice, *Voting Laws Roundup 2017*, 2017, <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-2017>; Brennan Center for Justice, *Voting Laws Roundup 2016*, 2016, <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-2016>; Brennan Center for Justice, *Voting Laws Roundup 2015*, 2015, <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-2015>; Brennan Center for Justice, *Voting Laws Roundup 2014*, 2014, <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-2014>; Brennan Center for Justice, *Voting Laws Roundup 2013*, 2013, <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-2013>; Brennan Center for Justice, *Election 2012: Voting Laws Roundup*, 2012, <https://www.brennancenter.org/our-work/research-reports/election-2012-voting-laws-roundup>; and Wendy R. Weiser and Nhu-Y Ngo, *Voting Rights in 2011: A Legislative Round-Up*, 2011, <https://www.brennancenter.org/our-work/research-reports/voting-rights-2011-legislative-round>.

¹⁵ Brennan Center, *Voting Laws Roundup: December 2021*.

¹⁶ Brennan Center, *Voting Laws Roundup: February 2022*.

¹⁷ Brennan Center, *Voting Laws Roundup: December 2021*; and Brennan Center, *Voting Laws Roundup: February 2022*.

¹⁸ Wilder, Tisler, and Weiser, *Election Sabotage Scheme*, 3–6.

¹⁹ Wilder, Tisler, and Weiser, *Election Sabotage Scheme*, 3.

²⁰ Wilder, Tisler, and Weiser, *Election Sabotage Scheme*, 5.

²¹ Wilder, Tisler, and Weiser, *Election Sabotage Scheme*, 5.

²² Brennan Center, *Voting Laws Roundup: February 2022*.

²³ Brennan Center, *Voting Laws Roundup: February 2022*.

the text of restrictive voting and election sabotage legislation to show that it closely maps onto the same allegations made in lawsuits brought by former President Trump and his supporters in the wake of the 2020 election—all of which were unsuccessful. The second analysis reviewed the rhetoric of those legislators leading restrictive voting and election sabotage efforts to establish that these bills rest upon the same debunked rhetoric of wide-spread voter fraud that fueled the insurrection.

A. There Is Strong Evidence That the False Claims That Fueled the Insurrection Are Fueling Vote Suppression and Election Sabotage Legislation

For more than a decade, the Brennan Center has tracked and reported on new laws that make it more difficult for individuals to vote.²⁴ From the outset, baseless claims of voter fraud fueled this legislative movement.²⁵ Following the 2020 election, former President Trump and his supporters used this same rhetoric to conjure up claims of a “stolen” election and launch a full-scale effort to overturn the Presidential election results in key States, including through a flurry of unsuccessful lawsuits discussed in section i below. In the wake of that failed effort, election denial proponents began rapidly introducing and passing State bills that restrict access to voting and make it easier for partisan actors to meddle in election administration. Our research demonstrates that this unprecedented legislative push was driven in significant part by claims that the 2020 election was stolen, as reflected by the similarity between the false claims made in lawsuits and the new legislative provisions, as well as by the public statements made by legislative sponsors concerning the legitimacy of the 2020 election and wide-spread voter fraud.

It is well-established that voter fraud, while pernicious, is vanishingly rare in U.S. elections.²⁶ Courts universally rejected lawsuits seeking to overturn the 2020 election result based upon false theories of fraud.²⁷ Election officials and experts of all political persuasions overwhelmingly agree that the 2020 election was one of the most secure in modern history.²⁸ Nevertheless, false claims about wide-spread voter fraud and the legitimacy of the 2020 election continue to drive legislation and policy efforts in the States.

i. Comparison of False Legal Claims about the 2020 Election and State Legislation Introduced and Passed in 2021

In the days before and after the 2020 election, former President Trump’s campaign and his supporters filed a blizzard of unsuccessful lawsuits in an attempt to alter the election’s outcome.²⁹ These lawsuits made a variety of allegations that the election was rife with fraud and irregularities. A recent Brennan Center analysis demonstrates that the false allegations contained in these suits map directly onto many provisions in the wave of new restrictive voting and election sabotage measures passed in 2022.

The analysis focuses on those lawsuits that raised false claims of fraud and attempted to disrupt or overturn the election, which were filed in 17 States.³⁰ Al-

²⁴ Brennan Center, *Voting Laws Roundup: February 2022*.

²⁵ Brennan Center for Justice, *Debunking the Voter Fraud Myth*, 2017, <https://www.brennancenter.org/our-work/research-reports/debunking-voter-fraud-myth>; Brennan Center, *Refuting the Myth of Voter Fraud*; and “The Myth of Voter Fraud,” Brennan Center for Justice, accessed April 8, 2022, <https://www.brennancenter.org/issues/ensure-every-american-can-vote/vote-suppression/myth-voter-fraud>.

²⁶ Brennan Center, *Refuting the Myth of Voter Fraud*.

²⁷ Rosalind S. Helder and Elise Viebeck, “‘The Last Wall’: How Dozens of Judges across the Political Spectrum Rejected Trump’s Efforts to Overturn the Election,” *Washington Post*, December 12, 2020, https://www.washingtonpost.com/politics/judges-trump-election-lawsuits/2020/12/12/e3a57224-3a72-11eb-98c4-25dc9f4987e8story.html?utm_campaign=uptodayshadelines&utm_medium=email&utm_source=newsletter&utm_term=.nlheadlines.

²⁸ Cybersecurity and Infrastructure Security Agency, “Joint Statement”; and Brennan Center, *It’s Official: The Election Was Secure*.

²⁹ “Voting Rights Litigation Tracker 2020,” Brennan Center for Justice, July 28, 2020, accessed April 8, 2022, <https://www.brennancenter.org/our-work/court-cases/voting-rights-litigation-tracker-2020>.

³⁰ Katie Friel and Will Wilder, *Finding the Same Misinformation in Anti-Voter Lawsuits and Anti-Voter Legislation*, Brennan Center for Justice (forthcoming), <https://www.brennancenter.org/our-work/research-reports/finding-same-misinformation-anti-voter-lawsuits-and-anti-voter>. The Brennan Center’s analysis focused exclusively on those 2020 election lawsuits that relied on false claims about voter fraud and sought to disrupt or overturn the election. The analysis included lawsuits filed before the election that relied on false fraud claims and sought to enjoin certain methods of voting or have certain categories of votes cast out. It also included lawsuits filed after the election that used false claims of fraud to seek to invalidate certain categories of votes or overturn the election entirely. The analysis excluded cases filed

though courts rejected these suits,³¹ in 2021 legislators in 16 of the 17 States where suits were filed introduced bills to restrict access to voting.³² The majority of lawsuits filed before or immediately after the 2020 election centered on allegations that the mail voting process was not secure, despite well-settled evidence to the contrary.³³ Not surprisingly, the most common theme of new restrictive voting legislation last year was, in turn, an effort to restrict mail voting.³⁴

In fact, the connections between the 2020 litigation claims and the 2021 restrictive voting bills were much more specific than that. In 15 of the 16 States with both litigation and legislation, at least one provision in a new restrictive voting bill can be directly traced to a specific false claim made in a 2020 election lawsuit in that State.³⁵ The similarities remain just as strong when looking only at the most extreme category of lawsuits: Those filed after Election Day seeking to overturn the results or block certification of an election. These lawsuits, filed in at least 12 States, relied heavily upon spurious claims of fraud that courts ultimately rejected.³⁶ Yet in 11 of these 12 States, a provision contained in a 2021 restrictive voting bill directly mirrors false claims made in those suits.³⁷

In Arizona, for example, one 2020 lawsuit contested the results of the Presidential election based in part upon an unproven claim that out-of-State voters cast ballots in Arizona.³⁸ The case was dismissed, but in 2021 Arizona legislators introduced a bill to expand voter roll purges in an effort to remove hypothetical out-of-State voters from the voter rolls.³⁹ Similarly, multiple cases in Wisconsin challenged election officials' decision to accept absentee ballots without a photo ID during the pandemic based upon the State's exemption to the voter ID requirement for individuals who are "indefinitely confined."⁴⁰ In 2021, legislators introduced two bills to repeal the exemption.⁴¹

In some States, the connections between 2020 litigation claims and 2021 legislative efforts were especially pronounced. In Georgia, for instance, litigation pushed four spurious claims to cast doubt upon the election results: (i) Poll watchers were deliberately blocked from observing ballot processing, creating doubt in the accuracy of the counting process; (ii) the State's use of drop boxes increased the risk of fraud; (iii) absentee ballots generally threaten election integrity and lead to fraud; and (iv) private foundations used grant funding to gain undue influence over election officials.⁴² These claims were unsuccessful, and yet the Georgia legislature reinforced them by signing into law Senate Bill 202, which: (i) Expands legal rights of poll watchers to observe elections without constraints by election administrators; (ii) limits the availability of drop boxes; (iii) significantly restricts access to mail voting by imposing stricter identification requirements for absentee voters and narrows the window to apply for absentee ballots; and (iv) prohibits local election administrators from accepting funding from private sources.⁴³

Pennsylvania illustrates the connection between baseless lawsuits challenging the integrity of the 2020 election and 2021 election sabotage provisions. Many of the legal challenges in Pennsylvania falsely claimed that the State's certification of the 2020 election was somehow invalid.⁴⁴ Although unfounded, these claims did influence Pennsylvania legislators, who introduced at least five resolutions in 2021 directly aimed at invalidating the results of the 2020 election.⁴⁵ Legal challenges in

by pro se litigants that made vague allegations of fraud that were not specific to any State or jurisdiction.

³¹ Helderman and Viebeck, "The Last Wall."

³² Friel and Wilder, *Finding the Same Misinformation*.

³³ Wendy R. Weiser, "The False Narrative of Vote-by-Mail Fraud," Brennan Center for Justice, April 10, 2020, <https://www.brennancenter.org/our-work/analysis-opinion/false-narrative-vote-mail-fraud>.

³⁴ Friel and Wilder, *Finding the Same Misinformation*.

³⁵ Friel and Wilder, *Finding the Same Misinformation*.

³⁶ Friel and Wilder, *Finding the Same Misinformation*.

³⁷ Friel and Wilder, *Finding the Same Misinformation*.

³⁸ Friel and Wilder, *Finding the Same Misinformation*; and Pet. For Elec. Cont., *Stevenson v. Ducey*, No. CV2020-096490 (Ariz. Super. Ct. 2020).

³⁹ Friel and Wilder, *Finding the Same Misinformation*; and H.B. 2358, 55th Leg., Reg. Sess. (Ariz. 2021).

⁴⁰ Friel and Wilder, *Finding the Same Misinformation*; and Pls.' Compl., *Feehan v. Wis. Elections Commission*, 2020 WL 7630410 (E.D. Wis. 2020).

⁴¹ Friel and Wilder, *Finding the Same Misinformation*. S.B. 204, 2021 Leg., Reg. Sess. (Wis. 2021). One of the two bills (Wis. S.B. 204) was passed by the legislature but subsequently vetoed by the Governor.

⁴² Friel and Wilder, *Finding the Same Misinformation*.

⁴³ Friel and Wilder, *Finding the Same Misinformation*; and S.B. 202, 156th Gen. Assemb., Reg. Sess. (Ga. 2021).

⁴⁴ Friel and Wilder, *Finding the Same Misinformation*.

⁴⁵ Friel and Wilder, *Finding the Same Misinformation*.

the State also made allegations of fraud as to the State's "notice and cure" practice, by which election officials notify voters if there is an issue with their mail-in ballot and provide the voter with an opportunity to fix the mistake.⁴⁶ While those claims were rejected, legislators subsequently introduced a bill to prohibit election officials from providing any opportunity for voters to cure their mail ballots.⁴⁷

ii. Analysis of Public Statements by Proponents of Restrictive Voting and Election Sabotage Legislation

A second recent Brennan Center analysis examined public statements made by sponsors and key proponents of restrictive voting and election sabotage legislation in the States and found that those sponsors justified their legislation using the same discredited claims of a wide-spread fraud and a stolen election that fueled the insurrection. The analysis focused on two sets of public rhetoric: (i) Statements made by the chief sponsors and co-sponsors of the 13 most restrictive new laws passed in 2021; and (ii) statements concerning all 25 such bills introduced in Georgia and all 31 introduced in Pennsylvania in 2021, as these two States saw some of the most aggressive restrictive voting and election sabotage bills.⁴⁸ In total, the analysis uncovered relevant statements for 58 bills⁴⁹ made in legislative proceedings, at campaign events, to reporters, and on social media, with striking results.

We found, first, that the vast majority of the 58 bills were sponsored by legislators who publicly questioned the validity of the 2020 election, including the chief sponsors of 10 of the 13 most restrictive new State laws.⁵⁰ For example, Arkansas Representative Mark Lowery, who served as the chief sponsor of legislation enhancing voter ID requirements,⁵¹ notably stated that he "believe[s] Donald Trump was elected President" in 2020 and signed a letter asking for audits of the 2020 election in every State and decertification of any result declared "prematurely and inaccurately."⁵²

Similarly, sponsors of 20 of the 25 restrictive bills introduced in Georgia last year questioned the election's outcome, mostly by suggesting that the surge in absentee ballots in 2020 led to fraud.⁵³ Representative Barry Fleming, chair of the Georgia House Special Committee on Elections formed in the wake of the 2020 election, suggested in an op-ed that unreliable mail ballots changed the outcome of certain races in 2020.⁵⁴ He argued that "Democrats [were] relying on the always-suspect absentee balloting process to inch ahead in Georgia and other close States" and proceeded to compare mail ballots to "the shady part of town down near the docks you do not want to wander into because the chance of being shanghaied is significant."⁵⁵ He added: "Expect the Georgia Legislature to address that in our next session in January [2021]."⁵⁶ Representative Fleming later shepherded Senate Bill 202—an omnibus vote suppression and election sabotage package—through the House and served as the lead sponsor on two other restrictive bills.⁵⁷

And in Pennsylvania, sponsors of 25 of the 31 restrictive bills introduced in 2021 questioned the 2020 election's integrity.⁵⁸ Representative Russ Diamond, for instance, wrote a Facebook post alleging that there were "troubling discrepancies between the numbers of total votes counted and total numbers of voters who voted in the 2020 General Election."⁵⁹ He also believed that officials counted 200,000

⁴⁶ Friel and Wilder, *Finding the Same Misinformation*.

⁴⁷ Friel and Wilder, *Finding the Same Misinformation*.

⁴⁸ Andrew Garber, *Election Denial Rhetoric from Sponsors of State Voter Suppression Legislation*, Brennan Center for Justice (forthcoming), <https://www.brennancenter.org/our-work/research-reports/election-denial-rhetoric-sponsors-state-voter-suppression-legislation>. The analysis excluded legislation with more minor voting restrictions and mixed legislation that included both provisions that restricted voting access and expanded it.

⁴⁹ Garber, *Election Denial Rhetoric*. In total, the analysis reviewed 68 bills (one of which is a Georgia bill that was counted both in the list of the most restrictive new laws and in the list of restrictive voting bills in Georgia). Fifty-eight of these 68 bills contained relevant public statements from their sponsors.

⁵⁰ Garber, *Election Denial Rhetoric*.

⁵¹ H.B. 1112, 93d Gen. Assemb., Reg. Sess. (Ark. 2021).

⁵² Garber, *Election Denial Rhetoric*.

⁵³ Garber, *Election Denial Rhetoric*.

⁵⁴ Garber, *Election Denial Rhetoric*; and Barry Fleming, "Guest Column: Republican Party Wins on Election Day, and Future Is Bright," *Augusta Chronicle*, November 15, 2020, <https://www.augustachronicle.com/story/opinion/columns/guest/2020/11/15/guest-column-republican-party-wins-on-election-day-and-future-is-bright/43155971/>.

⁵⁵ Fleming, "Guest Column: Republican Party Wins."

⁵⁶ Fleming, "Guest Column: Republican Party Wins."

⁵⁷ Garber, *Election Denial Rhetoric*; and S.B. 202, 156th Gen. Assemb., Reg. Sess. (Ga. 2021).

⁵⁸ Garber, *Election Denial Rhetoric*.

⁵⁹ Garber, *Election Denial Rhetoric*.

extra votes and considered certifying Pennsylvania's election results to have been "absolutely premature, unconfirmed, and in error."⁶⁰ Representative Diamond subsequently sponsored five bills to restrict voting access in 2021 and served as the lead sponsor on four.⁶¹

Second, sponsors of many vote suppression and election sabotage bills introduced last year expressly connected those bills to false claims about the 2020 election. Sponsors of 6 of the 13 most restrictive bills made connections between voter fraud and the bill at hand.⁶² For example, when introducing Senate Bill 1111, which would have limited the types of addresses at which voters register to vote and otherwise enhances ID requirements,⁶³ Texas Senator Paul Bettencourt maintained that the "November 2020 election demonstrated the lack of transparency and lack of integrity within the election process."⁶⁴ Along with six other "election integrity" bills that he filed, Senator Bettencourt posited that Senate Bill 1111 would help "to make sure the problems we faced in 2020 will not happen again."⁶⁵ In Pennsylvania, Senator Doug Mastriano—who was present on Capitol grounds on January 6, held hearings in which Rudy Giuliani spread false claims of voter fraud, attempted to lead a partisan audit of the 2020 election, and reportedly claimed that he saw "better elections in Afghanistan"⁶⁶—went on to co-author a memorandum in support of Senate Bill 515, which would repeal no-excuse mail voting.⁶⁷ The memo echoed his earlier rhetoric by claiming that the bill would "once again restore confidence in our democracy and shine a light into the shadow of doubt that has been cast over Americans' most democratic process."⁶⁸ Likewise in Georgia, sponsors of 9 of the State's 25 restrictive bills argued that the provisions in those bills were intended to address purported 2020 election fraud.⁶⁹

Finally, and not surprisingly, our analysis found that sponsors of every piece of introduced and enacted legislation publicly justified their legislation as measures to address voter fraud and election integrity—often in language mirroring that used by proponents of conspiracy theories relating to the 2020 election.⁷⁰ This language included, for example, trying to "restore or confirm confidence in the election process" or creating "an election where legal votes count, and illegal votes do not."⁷¹

In short, the connections uncovered by the Brennan Center's research demonstrate that the same election denial that drove litigation and rhetoric to overturn the 2020 election result played a critical role in driving restrictive voting and election sabotage efforts in 2021.

B. Restrictive Voting Legislation Fueled by Disinformation About the 2020 Election and Voter Fraud Is Harming Voters, and Disproportionately Voters of Color

The spike in restrictive voting legislation in 2021 already is harming voters, with a disproportionate amount of this harm falling on voters of color. First, existing research has found measurable, negative turnout effects for many of the types of provisions passed in 2021.⁷² For example, multiple social science studies have found that measures that create stricter voter ID requirements or limit polling place access markedly depress voter turnout, with larger effects for voters of color.⁷³ Other studies have found that reducing early in-person voting opportunities can reduce turnout,⁷⁴ as do earlier registration deadlines⁷⁵ and policies leading to long lines

⁶⁰ Garber, *Election Denial Rhetoric*.

⁶¹ Garber, *Election Denial Rhetoric*.

⁶² Garber, *Election Denial Rhetoric*.

⁶³ Garber, *Election Denial Rhetoric*; and S.B. 1111, 87th Leg., Reg. Sess. (Tex. 2021).

⁶⁴ Garber, *Election Denial Rhetoric*.

⁶⁵ Garber, *Election Denial Rhetoric*.

⁶⁶ Garber, *Election Denial Rhetoric*.

⁶⁷ Garber, *Election Denial Rhetoric*.

⁶⁸ Garber, *Election Denial Rhetoric*.

⁶⁹ Garber, *Election Denial Rhetoric*.

⁷⁰ Garber, *Election Denial Rhetoric*.

⁷¹ Garber, *Election Denial Rhetoric*.

⁷² See, e.g., Brennan Center for Justice, *The Impact of Voter Suppression on Communities of Color*, 2022, <https://www.brennancenter.org/our-work/research-reports/impact-voter-suppression-communities-color>.

⁷³ Brennan Center, *Impact of Voter Suppression on Communities of Color*.

⁷⁴ Hannah L. Walker, Michael C. Herron, and Daniel A. Smith, "Early Voting Changes and Voter Turnout: North Carolina in the 2016 General Election," *Political Behavior* 41 (2019); and Ethan Kaplan and Haishan Yuan, "Early Voting Laws, Voter Turnout, and Partisan Vote Composition: Evidence from Ohio," *American Economic Journal: Applied Economics* 12(1) (2020).

⁷⁵ Greg Vonnahme, "Registration Deadlines and Turnout in Context," *Political Behavior* 34 (2012).

on Election Day.⁷⁶ Where empirical studies have not found a negative turnout impact, that does not mean harm is not occurring, but rather that it cannot be measured by existing empirical tools—or that large amounts of resources have been invested to overcome these barriers and maintain turnout levels.⁷⁷ Already, the new law led to the rejection of thousands of mail-in ballots in the March 2022 primary election.⁷⁸ In Texas’s largest counties, rejection rates ranged from between 6- and almost 22%—significantly higher than the State’s 1% rejection rate in the 2020 election cycle.⁷⁹ Similarly, after the passage of mail voting restrictions in Georgia Senate Bill 202, voters in the State’s 2021 local elections were 45 times more likely to have their mail ballot applications rejected—and ultimately not vote as a result—than in 2020.⁸⁰ These examples represent just a small slice of the surge in new restrictive voting legislation.

Second, as new laws begin to take effect, there is mounting evidence that they already are disenfranchising voters. In Texas, for example, Senate Bill 1 creates a more stringent voter ID requirement pursuant to which voters must provide their driver’s license number or partial social security number that matches the county’s own files.

Further, these new laws target and fall most harshly on voters of color. There is a growing body of social science research proving that restrictive voting laws disproportionately impact voters of color.⁸¹ There also is mounting evidence that the laws passed this year are especially like to have, and already are having, that effect.

For example, new laws making mail voting more difficult target and already are harming voters of color. Black voters—who make up about a third of the electorate in Georgia—comprised half of all late ballot application rejections in the State during 2021 local elections.⁸² In Florida, an analysis of drop box usage amongst different groups revealed that the State’s new restrictions on this voting method will impose greater burdens on Black voters than on other groups.⁸³ And in Arizona, the State’s shorter window for voters to add missing signatures to mail ballots will especially harm Navajo voters, many of whom would have to travel hundreds of miles to an election office to add their signature.⁸⁴

There also is significant evidence that laws restricting voters from receiving help when voting or registering to vote disproportionately impact voters of color.⁸⁵ Black and Latino voters are more likely to depend upon the help of third-party organizations to register and vote in Florida.⁸⁶ As a result, the State’s new limits on these organizations will create a disproportionate impact on them as compared to white voters.⁸⁷ Similarly, many Native American voters in Montana rely upon paid ballot collectors, as they often have infrequent mail service and limited access to locations at which they can submit their ballot.⁸⁸ A new State law bans the use of paid ballot collectors, creating a more burdensome voting process for many Native Americans, especially those with disabilities or who may lack access to transportation.⁸⁹

Further, new voter identification laws will disproportionately harm voters of color. For example, although Black registered voters account for only 30% of Georgia’s registered voters, they comprise more than half of those registrants without a quali-

⁷⁶ Stephen Pettigrew, “The Downstream Consequences of Long Waits: How Lines at the Precinct Depress Future Turnout,” *Electoral Studies* 71 (2021).

⁷⁷ S.B. 1., 87th Leg., 1st Spec. Sess. (Tex. 2021)

⁷⁸ Kevin Morris, Coryn Grange, and Zoe Merriman, *The Impact of Restrictive Voting Legislation*, Brennan Center for Justice, 2022, <https://www.brennancenter.org/our-work/research-reports/impact-restrictive-voting-legislation>.

⁷⁹ Morris, Grange, and Merriman, *Restrictive Voting Legislation*.

⁸⁰ Ryan Little and Ari Berman, “We Uncovered How Many Georgians Were Disenfranchised by GOP Voting Restrictions. It’s Staggering,” *Mother Jones*, January 28, 2022, <https://www.motherjones.com/politics/2022/01/gop-voting-law-disenfranchised-georgia-voters/>.

⁸¹ Brennan Center, *Impact of Voter Suppression on Communities of Color*.

⁸² Morris, Grange, and Merriman, *Restrictive Voting Legislation*.

⁸³ Morris, Grange, and Merriman, *Restrictive Voting Legislation*; and S.B. 90, 2021 Leg., Reg. Sess. (Fla. 2021).

⁸⁴ Morris, Grange, and Merriman, *Restrictive Voting Legislation*; S.B. 1003, 55th Leg., Reg. Sess. (Ariz. 2021); and Navajo Nation, Office of the President and Vice President, “Navajo Nation Leaders Urge Arizona Governor to Veto Voter Suppression Bill,” news release, April 30, 2021, <https://www.navajo-nsn.gov/News%20Releases/OPVP/2021/Apr/FOR%20IMMEDIATE-%20RELEASE%20%20Navajo%20Nation%20leaders%20urge%20Arizona%20Governor%20to%20veto%20voter%20suppression%20bill.pdf>.

⁸⁵ Morris, Grange, and Merriman, *Restrictive Voting Legislation*.

⁸⁶ Morris, Grange, and Merriman, *Restrictive Voting Legislation*.

⁸⁷ Morris, Grange, and Merriman, *Restrictive Voting Legislation*; and Fla. S.B. 90.

⁸⁸ Morris, Grange, and Merriman, *Restrictive Voting Legislation*.

⁸⁹ Morris, Grange, and Merriman, *Restrictive Voting Legislation*; and H.B. 530, 2021 Leg., Reg. Sess. (Mont. 2021).

fying State ID number or driver's license under Senate Bill 202.⁹⁰ This is consistent with existing research that shows the racial turnout gap grows when States enact strict voter ID laws.⁹¹

These disparate impacts are not coincidental. There is a growing body of evidence that the push to restrict access to voting in the States is inextricable from race. Social science studies over the past decade have linked restrictive voting legislation to increases in political participation or population growth by voters of color.⁹² Forthcoming Brennan Center research provides evidence that the disinformation fueling restrictive voting legislation is perceived as race-based and that racial resentment is one of the most significant factors driving efforts to make voting more difficult.

II. THE SAME ELECTION DENIAL THAT DROVE THE INSURRECTION THREATENS IMPARTIAL ELECTION ADMINISTRATORS

In addition to these on-going threats to voting rights and electoral processes, disinformation about the 2020 election and voter fraud also is driving a wave of attacks on impartial election administrators. This risks triggering an election official retention crisis as experienced and capable officials leave or are forced out of their positions. Election denial also is politicizing—and nationalizing—the races by which these election officials are chosen, raising fears about who will replace the officials from both parties⁹³ who worked tirelessly to hold the line against election sabotage during the 2020 election.

A. Disinformation About the 2020 Election and Voter Fraud Is Driving Attacks on Election Officials and Pushing Them out of Their Positions

Election officials are facing unprecedented levels of threats and harassment. These attacks, which range from vigilante threats and intimidation to overt political interference and threats of prosecution, are forcing impartial, experienced election workers across the country to question their personal safety. Many of these attacks stem from the same election denial that fueled both the insurrection and the surge in restrictive voter and election sabotage legislation discussed above.

i. Vigilante Threats and Harassment

In the wake of the 2020 election, threats and harassment against State and local election officials have skyrocketed.⁹⁴ A recent survey of local election officials conducted by the Brennan Center reveals that 1 in 6 local election officials have experienced threats, ranging from racist and gendered harassment to death threats that named the election official's spouse and children.⁹⁵ More than 3 in 4 local election officials said that threats have increased in recent years, and nearly 1 in 3 know of at least one election worker who has left their job at least in part because of fears for their safety.⁹⁶ These findings reaffirm previous research conducted by the Brennan Center, which detailed patterns of harassment and interference directed at all levels of State and local election administration following the 2020 election.⁹⁷

⁹⁰Morris, Grange, and Merriman, *Restrictive Voting Legislation*.

⁹¹Brennan Center, *Impact of Voter Suppression on Communities of Color*.

⁹²Brennan Center, *Impact of Voter Suppression on Communities of Color*; Daniel R. Biggers and Michael J. Hanmer, "Understanding the Adoption of Voter Identification Laws in the American States," *American Politics Research* 45 (2017); Keith G. Bentele and Erin E. O'Brien, "Jim Crow 2.0? Why States Consider and Adopt Restrictive Voter Access Policies," *Perspectives on Politics* 11 (2013); and Angela Behrens, Christopher Uggen, and Jeff Manza, "Ballot Manipulation and the 'Menace of Negro Domination': Racial Threat and Felon Disenfranchisement in the United States, 1850–2002," *American Journal of Sociology* 109 (2003).

⁹³The 2020 Democracy Fund/Reed College Survey of Local Election Officials found that 44% of local election officials surveyed identified as Republican, compared to 33% who identified as Democrat and 22% who described themselves as Independent (among the 72% of respondents who shared their party identification). Paul Gronke et al., "Pursuing Diversity and Representation Among Local Election Officials," *Democracy Fund*, May 20, 2021, <https://democracyfund.org/idea/pursuing-diversity-and-representation-among-local-election-officials/>.

⁹⁴Brennan Center for Justice and Bipartisan Policy Center, *Election Officials Under Attack*, 2021, <https://www.brennancenter.org/our-work/policy-solutions/election-officials-under-attack>, 3–5.

⁹⁵Brennan Center, *Local Election Officials Survey*, 6; Linda So and Jason Szep, "Exclusive—Two Election Workers Break Silence after Enduring Trump Backers' Threats," Reuters, December 10, 2021, <https://www.reuters.com/article/us-usa-election-threats-georgia-exclusive-idCAKBN2IPOVZ>; and James Verini, "He Wanted to Count Every Vote in Philadelphia. His Party Had Other Ideas," *New York Times Magazine*, December 16, 2021, <https://www.nytimes.com/2020/12/16/magazine/trump-election-philadelphia-republican.html>.

⁹⁶Brennan Center, *Local Election Officials Survey*, 5, 19.

⁹⁷Brennan Center and Bipartisan Policy Center, *Election Officials Under Attack*.

Many of these attacks are traceable to the same stolen election allegations that fueled the insurrection. The violent threats against election workers have often explicitly invoked the baseless narratives of wide-spread election fraud and a stolen election. One email threatening to bomb polling places in Georgia declared that “no one at these places will be spared unless and until Trump is guaranteed to be POTUS again.”⁹⁸ In another case, a 63-year-old city clerk—who now carries a handgun out of fear for her safety—recalls a man who harassed her on the street and yelled “why did you allow Trump to lose? Why did you cheat?”⁹⁹ Election officials themselves have attributed increasing threats against them to disinformation; nearly 2 in 3 respondents in the Brennan Center’s survey of local election officials believe that false information is making their job more dangerous.¹⁰⁰

Threats and harassment driven by election denial have continued at a dangerous pace into 2022. A recent POLITICO review across major social media platforms revealed a “flood” of recent posts promoting 2020 stolen election theories, including posts that used violent imagery and explicitly discussed attacking election officials.¹⁰¹ In February, the Department of Homeland Security issued an advisory warning that election fraud disinformation could motivate violent attacks on democratic institutions, including election workers, in the months preceding the 2022 midterm elections.¹⁰² As 2022 elections approach, these threats continue to directly impact the lives of election officials.

ii. Political Interference and Threats of Prosecution

The aftermath of the 2020 election also sparked a barrage of political attacks against election officials. These attacks included the widely-reported efforts by former President Trump and his supporters to overturn the election outcome in key swing States. Most notably, the former President attempted to pressure Georgia Secretary of State Brad Raffensperger, a Republican, to “find 11,780 votes” and illegitimately declare him the State’s winner.¹⁰³ In Michigan, he publicly pressured local and State officials to revoke their votes to certify the election for President Biden.¹⁰⁴ These initial efforts to pressure election officials and sow distrust in the electoral system stem from the same false allegations of a stolen election that drove the insurrection.¹⁰⁵

Even after the 2020 election result was definitively resolved, political meddling persisted in the form of unsubstantiated audits and recounts. In Maricopa County, Arizona Republican Party leaders organized a sham “audit” of the county’s election results in an effort to discredit them.¹⁰⁶ To this day, Republican leaders in Arizona continue to claim—without evidence—that election administrators mishandled thousands of ballots.¹⁰⁷ The Arizona audit sparked copycat movements across the country, as the Wisconsin and Pennsylvania State legislatures ordered similar reviews

⁹⁸ Linda So, “Trump-Inspired Death Threats Are Terrorizing Election Workers,” Reuters, June 11, 2021, <https://www.reuters.com/investigates/special-report/usa-trump-georgia-threats/>.

⁹⁹ Kyung Lah and Kim Berryman, “This Grandmother Has Overseen Dozens of Elections in Her City. And after 2020, She Carries a Gun,” CNN, January 21, 2022, <https://www.cnn.com/2022/01/21/politics/michigan-wisconsin-election-worker-intimidation/index.html>.

¹⁰⁰ Brennan Center, *Local Election Officials Survey*, 12.

¹⁰¹ Mark Scott and Rebecca Kern, “The Online World Still Can’t Quit the ‘Big Lie,’” *POLITICO*, January 6, 2022, <https://www.politico.com/news/2022/01/06/social-media-donald-trump-jan-6-526562>.

¹⁰² “Summary of Terrorism Threat to the U.S. Homeland,” Department of Homeland Security, last modified February 7, 2022, accessed April 8, 2022, <https://www.dhs.gov/ntas/advisory/national-terrorism-advisory-system-bulletin-february-07-2022>.

¹⁰³ Amy Gardner and Paulina Firozi, “Here’s the Full Transcript and Audio of the Call Between Trump and Raffensperger,” *Washington Post*, January 5, 2021, <https://www.washingtonpost.com/politics/trump-raffensperger-call-transcript-georgia-vote/2021/01/03/2768e0cc-4ddd-11eb-83e3-322644d82356story.html>.

¹⁰⁴ Maggie Haberman et al., “Trump Targets Michigan in His Ploy to Subvert the Election,” *New York Times*, November 19, 2020, <https://www.nytimes.com/2020/11/19/us/politics/trump-michigan-election.html>.

¹⁰⁵ See Brennan Center and Bipartisan Policy Center, *Election Officials Under Attack*, 16–17; and Ann Gerhart, “Election Results Under Attack: Here Are the Facts,” *Washington Post*, March 11, 2021, <https://www.washingtonpost.com/elections/interactive/2020/election-integrity/>.

¹⁰⁶ Elizabeth Howard and Gowri Ramachandran, “Partisan Arizona Election ‘Audit’ Was Flawed From the Start,” Brennan Center for Justice, September 27, 2021, <https://www.brennancenter.org/our-work/analysis-opinion/partisan-arizona-election-audit-was-flawed-start>.

¹⁰⁷ Howard Fischer Capitol Media Services, “Another Senate Subpoena Issued for Arizona 2020 Election Documents,” *Arizona Daily Star*, March 21, 2022, <https://tucson.com/news/state-and-regional/govt-and-politics/another-senate-subpoena-issued-for-arizona-2020-election-documents/articleccc76aaa-a96d-11ec-a17a-b7f87b1c1504.html>.

of the 2020 vote.¹⁰⁸ As recently as September 2021, the Texas secretary of state's office announced a "comprehensive forensic audit" of the 2020 results in four major counties.¹⁰⁹ And in Nevada, the State's Republican Party compelled Republican Secretary of State Barbara Cegavske to review nearly 123,000 ballots based upon unfounded allegations of voter fraud.¹¹⁰ Secretary Cegavske's review, which consumed 125 hours of her staff's time, found no evidence of fraud.¹¹¹

More disturbingly, election officials increasingly face threats in the form of criminal prosecution. Just recently, election officials in Wisconsin were threatened with jail time as part of a months-long, spurious review of the 2020 Presidential election.¹¹² Michael Gableman, a former State Supreme Court justice leading the review for Republican legislators, issued the threat after the chairwoman of the State Elections Commission and several other officials refused to sit for secret, closed-door interviews with him and instead requested to sit for the interviews before a legislative committee.¹¹³ As discussed in Part I above, other States such as Texas and Arizona are passing laws that would impose criminal penalties on election officials for routine activities and unintentional mistakes.¹¹⁴

Like the upsurge in vigilante attacks, the wave of political attacks following the 2020 election finds its roots in the same election denial that drove the insurrection. Unfortunately, political attacks against election officials show no sign of abating.¹¹⁵ State legislators across the county continue to propose bills that allow for criminal penalties against, or the removal of, experienced election officials.¹¹⁶ In fact, when the Brennan Center asked local election officials to compare how worried they were about political interference in the 2020 election with how worried they are about political interference in future elections, nearly three times as many said they are very worried about the future.¹¹⁷ In other words, election officials themselves believe that the political attacks against them will get worse.

iii. Growing Election Official Retention Crisis

These disinformation-driven attacks threaten to create a retention crisis among election officials. According to the Brennan Center's survey, 3 in 5 local election officials are concerned that threats and harassment will make it more difficult to retain or recruit election workers going forward.¹¹⁸ Disinformation also exacerbates the already-heavy strain on election workers, who must spend significant time correcting misleading and false information.¹¹⁹ Due to these challenging circumstances, dozens of local election officials in Michigan, Pennsylvania, and Wisconsin already have left their positions.¹²⁰ In Nevada, by 2024 more than a third of the State's 17 top county

¹⁰⁸Michael Wines, "Arizona's Criticized Election Review Nears End, but Copycats Are Just Getting Started," *New York Times*, September 23, 2021, <https://www.nytimes.com/2021/09/23/us/arizona-election-review.html>; Laurel White, "Wisconsin's GOP-Backed Election Investigation Expanded over the Holidays," Wisconsin Public Radio, January 3, 2022, <https://www.wpr.org/wisconsins-gop-backed-election-investigation-expanded-over-holidays>; and Sam Dunklau, "Pa. Senate Election 'Audit' Contract Doesn't Say If the Public Will See the Results," WITF, December 7, 2021, <https://www.witf.org/2021/12/07/pa-senate-election-probe-contract-doesnt-say-if-the-public-will-see-the-results-among-other-things/>.

¹⁰⁹Reid J. Epstein, "Texas, Under Pressure From Trump, Announces a 'Full Forensic Audit' of the 2020 Election in Four Counties," *New York Times*, September 23, 2021, <https://www.nytimes.com/2021/09/23/us/politics/texas-trump-election-audit.html>.

¹¹⁰Jacob Solis, "2020 Election Fraud Conspiracy Theories Remain Central to Many Republican Campaigns," *Nevada Independent*, October 17, 2021, <https://thenevadaindependent.com/article/2020-election-fraud-conspiracy-theories-remain-central-to-many-republican-campaigns>.

¹¹¹Barbara K. Cegavske, secretary of state, and Mark A. Wlaschin, deputy secretary for elections, "Re: Elections Integrity Violation Reports," (via email, Nevada Office of the Secretary of State: April 21, 2021), <https://www.nvsos.gov/sos/home/showpublisheddocument?id=9428>.

¹¹²Patrick Marley, "Wisconsin Republicans Seek to Jail More Officials as Part of Their Review of the 2020 Presidential Election," *Milwaukee Journal Sentinel*, February 18, 2022, <https://www.jsonline.com/story/news/politics/2022/02/18/wisconsin-republicans-michael-gableman-seeks-jail-officials-2020-presidential-election-review/6853176001/>.

¹¹³Marley, "Wisconsin Republicans Seek to Jail More Officials."

¹¹⁴S.B. 1, 87th Leg., 1st Spec. Sess. (Tex. 2021); and H.B. 2905, 55th Leg., Reg. Sess. (Ariz. 2021).

¹¹⁵Grace Gordon, et al., *The Dangers of Partisan Incentives for Election Officials*, Bipartisan Policy Center and Election Reformers Network, 2022, <https://bipartisanpolicy.org/report/the-dangers-of-partisan-incentives-for-election-officials/>.

¹¹⁶NH H.B. 1567, 2022 Leg., Reg. Sess. (N.H. 2022); and S.F. 413, 89th Gen. Assemb., Reg. Sess. (Iowa 2021).

¹¹⁷Brennan Center, *Local Election Officials Survey*, 9.

¹¹⁸Brennan Center, *Local Election Officials Survey*, 19.

¹¹⁹Brennan Center and Bipartisan Policy Center, *Election Officials Under Attack*, 10.

¹²⁰Sean Golonka, "Election Official Departures Rising Amid Burnout, Angry Voters, New Requirements," *Nevada Independent*, January 23, 2020, <https://thenevadaindependent.com/article/election-official-departures-rising-amid-burnout-angry-voters-new-requirements>.

election officials will be new to the job.¹²¹ And Nation-wide, 1 in 5 elected officials surveyed plan to leave their position before 2024.¹²² These officials overwhelmingly cited stress and the belief that politicians are attacking “a system that they know is fair and honest” as their top reasons for leaving.¹²³

B. Disinformation About the 2020 Election and Voter Fraud Is Distorting State-wide Campaigns to Oversee Elections

The vast majority of the thousands of State and local election officials in America are elected. This year, elections from town clerk and supervisor to State secretary of state and Governor will decide who will administer and certify the elections during the next Presidential cycle in 2024.¹²⁴ Twenty-seven States will hold elections for secretary of state—the official who typically serves as a State’s chief election officer.¹²⁵ These races are being run in the context of a disinformation campaign intended to cast doubt on election results, and a significant number of election official candidates in these races are invoking claims that the 2020 election was invalid.¹²⁶

For example, many candidates embrace disinformation about the 2020 election and voter fraud in their pitch to voters and donors, including—at the highest level—secretaries of state and gubernatorial candidates. The States United Democracy Center found that 21 secretary of state candidates disputed the results of the 2020 election, including at least 1 candidate in 18 of the 27 States holding secretary of state contests this year.¹²⁷ Similarly, 24 of the 36 gubernatorial contests this year have seen campaigns take part in this disinformation.¹²⁸

This disinformation has, in turn, increased the prominence of these races, illustrated by trends in the financing of contests for secretary of state in key battleground States. Compared to recent election cycles, campaigns are raising more money, from more donors, with greater reliance upon out-of-State donations.

Across the States with the closest margins in the 2020 Presidential contest that are holding secretary of state elections this year (Arizona, Georgia, Michigan, Minnesota, Nevada, and Wisconsin), the amount of campaign contributions has climbed more than 3 times higher than at this point in the 2018 cycle and 8 times higher than 2014, according to the Brennan Center’s analysis.¹²⁹

Disinformation about the 2020 election and voter fraud is primarily responsible for this trend. Arizona, for example, has received National attention for claims about election irregularities, as is discussed above. One candidate, a leading fundraiser in the secretary of state race, has claimed that “Trump won” and called for

¹²¹ Golonka, “Election Official Departures.”

¹²² Brennan Center, *Local Election Officials Survey*, 18.

¹²³ Brennan Center, *Local Election Officials Survey*, 18.

¹²⁴ Local officials, like county clerks, are typically responsible for designing ballots, running polling places, employing poll workers, and overseeing ballot counts. Secretaries of state are often a State’s chief election official, overseeing procedures for voter registration and voting, as well as certifying results. Governors can also be involved in election administration through appointments, emergency declaration powers, and sometimes certification of results. Ian Vandewalker and Lawrence Norden, *Financing of Races for Offices that Oversee Elections: January 2022*, Brennan Center for Justice, 2022, <https://www.brennancenter.org/our-work/research-reports/financing-races-offices-oversee-elections-january-2022>.

¹²⁵ Louis Jacobson, *Secretary of State Races: More Important Than Ever in 2022, and More Complicated, Too*, Sabato’s Crystal Ball—UVA Center for Politics, December 1, 2021, <https://centerforpolitics.org/crystalball/articles/secretary-of-state-races-more-important-than-ever-in-2022-and-more-complicated-too/>.

¹²⁶ Lawrence Norden and Derek Tisler, “Addressing Insider Threats in Elections,” Brennan Center for Justice, December 8, 2021, <https://www.brennancenter.org/our-work/analysis-opinion/addressing-insider-threats-elections>.

¹²⁷ “Secretary of State Races in 2022,” States United Democracy Center, last modified January 27, 2022, accessed April 8, 2022, <https://statesuniteddemocracy.org/wp-content/uploads/2022/02/sosdeniers.html>.

¹²⁸ “Governor Races in 2022,” States United Democracy Center, last modified January 27, 2022, accessed April 8, 2022, <https://statesuniteddemocracy.org/wp-content/uploads/2022/02/govdeniers.html>.

¹²⁹ Ian Vandewalker, *Financing of Races for Offices that Oversee Elections: February 2022*, Brennan Center for Justice, 2022, <https://www.brennancenter.org/our-work/research-reports/financing-races-offices-oversee-elections-february-2022>. We include the Wisconsin secretary of state race even though that office does not administer elections because election denial is an issue there. The Wisconsin Elections Commission, like elections administrators in many States, has been attacked over the 2020 elections. There has been a push, including by several declared candidates for secretary of state or Governor, to give the secretary of state greater power over elections. See Laurel White, “GOP Lawmaker Amy Loudenbeck Launches Secretary of State Campaign, Calls for Office to Take Control of Elections,” Wisconsin Public Radio, December 1, 2021, <https://www.wpr.org/gop-lawmaker-amy-loudenbeck-launches-secretary-state-campaign-calls-office-take-control-elections>.

“decertifying” the election.¹³⁰ Amidst this disinformation-driven dialog, contributions to Arizona secretary of state candidates doubled since the last cycle and have reached levels more than 8 times higher than at this point in the 2014 cycle.¹³¹ Further, the number of donors giving in this year’s secretary of state election, 11,566, is higher than that of recent cycles by a factor of 10.¹³² By comparison, only 1,235 people gave to all the Arizona secretary of state candidates combined in 2018.¹³³

In Michigan, one leading candidate has claimed that Dominion voting machines used by the State changed votes and said that “Trump won Michigan.”¹³⁴ Another has said the “Big Lie” is leading to “an effort to try again in 2024 what those democracy deniers attempted to do in 2020 but failed.”¹³⁵ Amid this rhetoric, contributions to Michigan secretary of state candidates are 3 times higher than at this point in the 2018 cycle.¹³⁶ Incumbent Jocelyn Benson (D), who administered the 2020 election in Michigan and opposes claims that the 2020 election was invalid, has raised \$1.5 million, from 4,890 donors.¹³⁷ Educator Kristina Karamo, Benson’s Republican opponent, has raised the second-largest amount: \$233,494 from 2,206 donors.¹³⁸ They each have more donors than those giving to all the secretary of state candidates combined in the last cycle, which was 1,478.¹³⁹

Beyond the sheer amounts of money flowing into secretary of state races, these contests for bureaucratic State positions are taking on a more National profile as candidates attract unprecedented numbers of donors and funding from outside their own State.

In Arizona, the amount that donors from other States have contributed has soared to almost 10 times more than in the 2018 cycle and over 30 times more than in either the 2014 or 2010 cycle.¹⁴⁰ Republican State Representative Mark Finchem has received contributions from 4,983 people who live outside Arizona—two-thirds of his donors.¹⁴¹ Another secretary of state candidate, Democratic State Representative Reginald Bolding, also counts a majority of his donors—54% of his 1,390 contributors—from other States.¹⁴² In the 2018 cycle, by comparison, only 117 out-of-State donors made contributions throughout the entire secretary of state contest.¹⁴³

Similarly, the Michigan secretary of state election also has seen a sudden increase in out-of-State funding. Donors living outside of Michigan have contributed \$474,977—three-and-a-half times higher than the amount from the prior election, which also saw out-of-State funding levels higher than each of the two election cycles before.¹⁴⁴

In light of these numbers, it is important to recognize the dangerous interplay between election denial, threats against election officials, and the nationalization of races for election official positions. As detailed above, disinformation-driven attacks against election officials are pushing experienced officials from both parties out of their positions. At the same time, the individuals who may replace them will in many instances emerge from nationalized, politically-charged races that heavily feature disinformation about the 2020 election and voter fraud. Our research shows that local election officials themselves are worried about this very problem and the impact on their profession: Over half of local election officials surveyed by the Brennan Center worry that their incoming colleagues might believe that “wide-spread voter fraud” contaminated the 2020 elections.¹⁴⁵

Regardless of the outcome of these elections, relentless voter fraud lies and conspiracy theories have damaged voter confidence in election results, which is nec-

¹³⁰ Vandewalker, *Financing of Races for Offices: February 2022*.

¹³¹ Vandewalker, *Financing of Races for Offices: February 2022*.

¹³² Vandewalker, *Financing of Races for Offices: February 2022*.

¹³³ Vandewalker, *Financing of Races for Offices: February 2022*.

¹³⁴ Jeremy Herb and Sara Murray, “Trump-Backed Michigan Secretary of State Candidate Spread False Election Claims and January 6 Conspiracy Theories,” CNN, November 16, 2021, <https://www.cnn.com/2021/11/16/politics/kristina-karamo-michigan-secretary-of-state-candidate/index.html>.

¹³⁵ Vandewalker and Norden, *Financing of Races for Offices: January 2022*.

¹³⁶ Vandewalker, *Financing of Races for Offices: February 2022*.

¹³⁷ Vandewalker, *Financing of Races for Offices: February 2022*.

¹³⁸ Beth LeBlanc, “Benson Leads Karamo in Cash Haul for Michigan Secretary of State’s Race,” *Detroit News*, January 31, 2022, <https://www.detroitnews.com/story/news/politics/2022/01/31/jocelyn-benson-leads-kristina-karamo-cash-haul-michigan-secretary-state-race/9288506002/>; and Vandewalker, *Financing of Races for Offices: February 2022*.

¹³⁹ Vandewalker, *Financing of Races for Offices: February 2022*.

¹⁴⁰ Vandewalker, *Financing of Races for Offices: February 2022*.

¹⁴¹ Vandewalker, *Financing of Races for Offices: February 2022*.

¹⁴² Vandewalker, *Financing of Races for Offices: February 2022*.

¹⁴³ Vandewalker, *Financing of Races for Offices: February 2022*.

¹⁴⁴ Vandewalker, *Financing of Races for Offices: February 2022*.

¹⁴⁵ Brennan Center, *Local Election Officials Survey*, 14.

essary for a functioning democracy. A majority of Americans believe U.S. democracy is “in crisis and at risk of failing.”¹⁴⁶ One candidate put it starkly: “If American democracy is to survive, political figures of both parties need to abandon stolen-election claims.”¹⁴⁷

My testimony has shown that the same allegations that fueled the insurrection are continuing to wreak havoc on our democracy. The attacks on our democracy, in turn, expose the uncomfortable truth that our country does not have sufficient guardrails in place to protect our elections from efforts to restrict voting, sabotage our electoral processes, and undermine impartial election administration. To ensure free and fair elections, we must bolster and strengthen those guardrails. Most critically, we need baseline National standards for voting access and election administration, protections against voting discrimination, protections for impartial election administrators, and other defenses against election sabotage.

Congress has broad authority under the Constitution to enact the necessary legislation, and it came close to doing so earlier this year. The *Freedom to Vote: John R. Lewis Act*, which narrowly failed to overcome a filibuster in March, would address many of these problems. Most importantly, it would establish National standards for the casting and the counting of ballots in Federal elections and protect against harmful rollbacks of voting rights, partisan efforts to discard or otherwise manipulate election results, and attacks on election officials who are simply following well-recognized best practices. It also would directly insulate election officials from politicized efforts to remove them, increase safeguards against vigilante threats and harassment, curb the fraudulent “audits” that have been conducted in Arizona and elsewhere, and give voters a statutory right to sue if their voting rights are infringed, including by a failure to certify lawful election results. It contains direct curbs on disinformation—including a clear prohibition on the dissemination of false information about elections designed to suppress the vote—as well as increased transparency for paid political communications over the internet. Finally, it would revitalize the landmark Voting Rights Act’s protections against racial discrimination in voting that the Supreme Court has hobbled, among many other much-needed provisions.¹⁴⁸

The only way to neutralize the disinformation-driven threats to our democracy and to protect against potentially catastrophic results is through such Federal legislation. We strongly urge Congress to revisit this critical bill and pass it into law.

¹⁴⁶ Mallory Newall, Chris Jackson, and James Diamond, “Seven in Ten Americans Say the Country Is in Crisis, at Risk of Failing,” Ipsos, January 3, 2022, <https://www.ipsos.com/en-us/seven-ten-americans-say-country-crisis-risk-failing>.

¹⁴⁷ Vandewalker and Norden, *Financing of Races for Offices: January 2022*.

¹⁴⁸ See Wilder, Tisler, and Weiser, *The Election Sabotage Scheme*; Brennan Center for Justice, *The Freedom to Vote Act*, 2022, <https://www.brennancenter.org/our-work/research-reports/freedom-vote-act>; *Hearing on Protecting a Precious, Almost Sacred Right: The John R. Lewis Voting Rights Advancement Act*, before the S. Comm. on Judiciary, 117th Cong. (2021) (testimony of Wendy Weiser, vice president for democracy, Brennan Center for Justice), <https://www.brennancenter.org/our-work/research-reports/testimony-protecting-precious-almost-sacred-right-john-r-lewis-voting>; *Hearing on Oversight of the Voting Rights Act: Potential Legislative Reforms*, before the H. Comm. on Judiciary, Subcomm. on the Constitution, Civil Rights, & Civil Liberties, 117th Cong. (2021) (testimony of Wendy Weiser, vice president for democracy, Brennan Center for Justice), <https://docs.house.gov/meetings/JU/JU10/20210816/114010/HHRG-117-JU10-Wstate-WeiserW-20210816.pdf>; *Hearing on the Oversight of the Voting Rights Act: A Continuing Record of Discrimination*, before the H. Comm. on Judiciary, Subcomm. on the Constitution, Civil Rights & Civil Liberties, 117th Cong. (2021) (testimony of Wendy Weiser, vice president for democracy, Brennan Center for Justice), <https://docs.house.gov/meetings/JU/JU10/20210527/112700/HMTG-117-JU10-Wstate-WeiserW-20210527.pdf>; *Hearing on Voting in America: The Potential for Polling Place Quality and Restrictions on Opportunities to Vote to Interfere with Free and Fair Access to the Ballot*, 117th Cong. (2021) (testimony of Kevin Morris, Researcher, Brennan Center for Justice), <https://www.brennancenter.org/sites/default/files/2021-06/Morris%20Written%20Testimony.pdf>; *Hearing on Voting in America: A National Perspective on the Right to Vote, Methods of Election, Jurisdictional Boundaries, and Redistricting*, before the H. Comm. on House Administration, Subcomm. on Elections, 117th Cong. (2021) (testimony of Michael Waldman, president, Brennan Center for Justice), <https://www.brennancenter.org/sites/default/files/2021-06/2021-06-22%20Waldman%20%20Testimony.pdf>; and *Hearing on the Implication of Brnovich v. Democratic National Committee and Potential Legislative Responses*, before the H. Comm. on Judiciary, Subcomm. on the Constitution, Civil Rights, & Civil Liberties, 117th Cong. (2021) (testimony of Sean Morales-Doyle, acting director, voting rights and elections program, Brennan Center for Justice), <https://docs.house.gov/meetings/JU/JU10/20210716/113905/HHRG-117-JU10-Wstate-Morales-DoyleS-20210716.pdf>.

JOINT STATEMENT OF CHRISTINE TODD WHITMAN, FORMER GOVERNOR OF NEW JERSEY; STEVE BULLOCK, FORMER GOVERNOR OF MONTANA; JIM HOOD, FORMER ATTORNEY GENERAL OF MISSISSIPPI; TOM RATH, FORMER ATTORNEY GENERAL OF NEW HAMPSHIRE; TREY GREYSON, FORMER SECRETARY OF STATE OF KENTUCKY; AND FRANKIE SUE DEL PAPA, FORMER SECRETARY OF STATE OF NEVADA, FOR THE STATES UNITED DEMOCRACY CENTER

MAY 27, 2022

Chair Thompson, Vice Chair Cheney, and distinguished Members of the Select Committee, we are pleased to submit this statement in our capacity as members of the Bipartisan Advisory Board of the States United Democracy Center. States United is a nonpartisan organization advancing free, fair, and secure elections. We focus on connecting State officials, law enforcement leaders, and pro-democracy partners across America with the tools and expertise they need to safeguard our democracy. We are more than a think tank—we are an action tank. Together, we are committed to making sure every vote is counted, every voice is heard, and every election is safe. Our founders and Advisory Board are comprised of former administration officials, law enforcement leaders, and former State and local leaders from both the Republican and Democratic political parties who are committed to engaging and empowering pro-democracy leadership.

Thank you for the opportunity to submit this statement to help the Select Committee in its on-going review of issues connected to the attack on the United States Capitol on January 6, 2021. As we will discuss, the attack that occurred on January 6, 2021, was not an isolated event involving random protestors. Rather, it was the logical next step in a continuing anti-democracy movement, instigated and fomented by various people, including former President Donald Trump, which was put into motion years earlier. But the movement does not begin or end solely with Trump; a host of diverse groups of people are involved, including lawyers such as Rudy Giuliani, Sidney Powell, and John Eastman; advisors to Trump, like Roger Stone, Steve Bannon, Michael Flynn, and Mike Lindell; and State and local officials from all over the country, including Pennsylvania State Senator and Republican nominee for the Governorship of Pennsylvania Doug Mastriano, Arizona Republican Party Chair Kelli Ward, and Texas Attorney General Ken Paxton.

January 6 was also merely a next step, not a final one. Events leading up to and following that day reveal a sustained and coordinated effort by the former president and his anti-democracy allies to suppress voting rights, delegitimize free and fair elections, and subvert the will of the voters by overturning election results deemed undesirable to their movement. As we explain in our testimony, many of the tactics used to produce the January 6 attack and many of the people who affirmatively helped make it happen are still hard at work undermining our democracy today.

I. THE JANUARY 6, 2021, ATTACK ON THE CAPITOL WAS NOT AN ISOLATED EVENT

The unprecedented and horrific attack on the United States Capitol on January 6, 2021, was not an isolated event. It was just one in a years-long series of coordinated efforts by former President Trump, his advisors, various lawyers, and like-minded State and local officials to delegitimize and attempt to overturn President Joseph Biden's victory in the November 2020 Presidential election.

a. The Precursors to the Current Anti-Democracy Movement

The anti-democracy movement in America is not new, but Trump's leading role in it can be traced back to the 2012 Presidential election. As early as election night on November 6, 2012, when then-President Obama was reelected after defeating now-Senator Mitt Romney, Trump tweeted that the election was a "total sham" and a "travesty," and claimed that the United States is not a democracy.¹ Trump also asserted via Twitter that there were "reports of voting machines switching Romney votes to Obama" and warned voters to "[m]ake sure to verify the voting machine does not switch your vote."² After major news outlets called the race for then-President Obama around 11 p.m. on November 6, Trump tweeted, "We can't let this happen . . . We should march on Washington and stop this travesty. Our nation

¹Trump Twitter Archive, Donald J. Trump (@realDonaldTrump) (Nov. 6, 2012, 11:33 PM EST), <https://www.thetrumparchive.com>.

²Trump Twitter Archive, Donald J. Trump (@realDonaldTrump) (Nov. 6, 2012, 2:56–2:57 PM EST), <https://www.thetrumparchive.com>.

is totally divided!”³ The next day, Trump foreshadowed his 2016 election campaign slogan, tweeting: “We have to make America great again!”⁴

Two years later, during the midterm elections in November 2014, Trump furthered his conspiracy theory, baselessly alleging wide-spread election fraud, claiming that “[e]lection officials [were] saying that there is nothing stopping illegal immigrants from voting. This is very bad (unfair) for Republicans!”⁵ Trump repeated the same baseless narrative leading up to the 2016 election when polls predicted that former Secretary Hillary Clinton would win the presidency. In October 2016, Trump tweeted that the “election is absolutely being rigged by the dishonest and distorted media pushing Crooked Hillary—but also at many polling places—SAD.”⁶ Even after he won the election, he continued to falsely declare that he had won the popular vote, even though Clinton won the popular vote by almost 3 million votes.⁷ While complaining about unfairness or mismanagement of elections may be valid where wrong-doing has actually occurred, Trump and his allies’ complaints are striking because they have no factual basis, they are made preemptively (before the elections even take place), and they are baked into an ideological certainty that their side must win or else the elections are rigged. This view has served as a litmus test to determine whether one is a true ally of the anti-democracy movement.

Trump was far from alone in touting these anti-democracy lies. For example, as Trump was ramping up for the 2016 election, his long-time confidante, Roger Stone, reportedly sent him a 13-page strategy memorandum, suggesting that the campaign should emphasize that the “system is rigged against the citizens.”⁸ Additionally, in an interview on a far-right radio show, Stone explained that he thought Trump’s campaign should address “wide-spread voter fraud” and “talk[] about it constantly.”⁹ Likewise, Rudy Giuliani, former mayor of New York City who would later become Trump’s lawyer, asserted on CNN that one would have been a “moron” to assume there would be no election fraud in cities like Philadelphia and Chicago.¹⁰

While complaints about the results of an election routinely emanate from leaders on both sides of the aisle following a contest, former President Trump and his allies’ behavior stands out because of its reliance on falsehoods, conspiracies, and blatant lies.¹¹ In short, for the better part of the last decade, Trump and his allies intentionally planted seeds to cast doubt on legitimate election results and to foment suspicions among a substantial portion of the American public that voting is rigged, so much so that the number of votes cast for the other side cannot be trusted and the election results cannot be believed. This narrative feeds on baseless assertions that votes from undocumented immigrants, deceased individuals, or people who have moved are changing election outcomes¹² and on general distrust in democratic institutions, including the Government itself, as well as the press, spurred by

³Trump Twitter Archive, Donald J. Trump (@realDonaldTrump) (Nov. 6, 2012, 11:29 PM EST), <https://www.thetrumparchive.com>.

⁴Trump Twitter Archive, Donald J. Trump (@realDonaldTrump) (Nov. 7, 2012, 2:03 PM EST), <https://www.thetrumparchive.com>.

⁵Trump Twitter Archive, Donald J. Trump (@realDonaldTrump) (Oct. 31, 2014, 4:43 PM EST), <https://www.thetrumparchive.com>.

⁶Trump Twitter Archive, Donald J. Trump (@realDonaldTrump) (Oct. 16, 2016, 1:01 PM EST), <https://www.thetrumparchive.com>.

⁷2016 Presidential Election Results, N.Y. Times (Aug. 9, 2017), <https://www.nytimes.com/elections/2016/results/president>; Trump has longstanding history of calling elections ‘rigged’ if he doesn’t like the results, ABC News (Nov. 11, 2020), <https://abcnews.go.com/Politics/trump-longstanding-history-calling-elections-rigged-doesnt-results/story?id=74126926>; Trump Twitter Archive, Donald J. Trump (@realDonaldTrump) (Nov. 27, 2016, 3:30 PM EST), <https://www.thetrumparchive.com> (“In addition to winning the Electoral College in a landslide, I won the popular vote if you deduct the millions of people who voted illegally.”).

⁸Trump and the Truth: The “Rigged” Election, The New Yorker (Oct. 8, 2016), <https://www.newyorker.com/news/news-desk/trump-and-the-truth-the-rigged-election>.

⁹Trump labels Clinton ‘the devil’ and suggests election will be rigged, The Guardian (Aug. 2, 2016), https://www.theguardian.com/us-news/2016/aug/02/donald-trump-calls-hillary-clinton-the-devil-and-suggests-election-will-be-rigged?CMP=fb_gu.

¹⁰Why Trump’s talk of a rigged vote is so dangerous, CNN (Oct. 19, 2016), <https://www.cnn.com/2016/10/18/politics/donald-trump-rigged-election/index.html>.

¹¹Steven Levitsky & Daniel Ziblatt, *The Crisis of American Democracy*, American Educator (Fall 2020), <https://files.eric.ed.gov/fulltext/EJ1272137.pdf>; Nicolas Berlinksi et al., *The Effects of Unsubstantiated Claims on Confidence in Elections*, https://cpb-us-e1.wpmucdn.com/sites.dartmouth.edu/dist/5/2293/files/2021/03/voter-fraud.pdf?sm_au=iHV4TH4F6TNDzFH7FcVtVtKQkcK8MG.

¹²How a racist myth about immigrants voting continues to fuel unproven claims of voter fraud, Los Angeles Times (June 25, 2021), <https://www.latimes.com/california/story/2021-06-25/racist-myth-of-immigrants-voting-fuels-claims-of-voter-fraud>.

Trump's "fake news" campaign.¹³ Because these false election-related theories have now become so ubiquitous, anti-democracy activists can (and often do) claim that any electoral losses by their preferred candidates must be the result of wide-spread voter fraud—and for that reason must be overturned. The poisonous seeds planted in the past decade flourished during the 2020 election, leading up to the Capitol attack on January 6, 2021, and have continued to grow in ways that severely threaten the life and health of our democracy.

b. The Anti-Democracy Movement in the Run-Up to the 2020 Election

When former President Trump was up for reelection in 2020, he and his allies (new and old), including lawyers, advisors, and State and local officials, built upon his long-standing efforts to cast doubt on the legitimacy of the voting process. Ultimately, this metastasized into a full-throated attempt to overthrow the legitimate Presidential election of November 2020, commonly known as the "Stop the Steal" movement.

This movement stemmed from the baseless theory that expanded mail-in voting, which was being offered or expanded in many States because the COVID-19 pandemic made in-person voting difficult or dangerous, would cause rampant voter fraud. There is no truth to the assertion that wide-spread mail-in voting leads to wide-spread voter fraud,¹⁴ nor is there any support for Trump's assertions that undocumented immigrants cast significant numbers of mail-in ballots in our elections.¹⁵ Instead, former President Trump and his allies created this narrative leading up to the 2020 election because they believed that mail-in ballots could skew heavily toward then-candidate Biden—especially during the pandemic when many of Trump's proponents eschewed social distancing and other safety precautions and called upon Trump's base to do the same.¹⁶ Because mail-in voting was expanded for the 2020 election, it was well understood that days or weeks would likely be required to count all votes following Election Day.¹⁷ As a consequence, it was widely expected that votes counted on Election Day would skew toward former President Trump, but that as the mail-in ballots cast on or before Election Day were counted, the number of votes for Biden would increase.¹⁸ Thus, efforts by the former President and his allies to delay the mail, to discourage mail-in voting, and to stop counting ballots past November 3, 2020, were entirely self-serving.

An effort to impede the functioning of the United States Postal Service (USPS) gained steam in May 2020 when the USPS Board of Governors, all appointed by

¹³ Donald Trump's "Fake News" Tactics, *The New Yorker* (Dec. 2, 2017), <https://www.newyorker.com/magazine/2017/12/11/donald-trumps-fake-news-tactics>.

¹⁴ Natalie Scala, et. al, *Evaluating mail-based security for electoral processes using attack trees*, *Risk Analysis: An International Journal* (Jan. 24, 2022), <https://onlinelibrary.wiley.com/doi/full/10.1111/risa.13876>; Why a Vote-by-Mail Option is Necessary, Brennan Center for Justice (Apr. 7, 2020), <https://www.brennancenter.org/our-work/research-reports/why-vote-mail-option-necessary>; How does vote-by-mail work and does it increase election fraud?, Brookings (June 22, 2020), <https://www.brookings.edu/policy2020/votervital/how-does-vote-by-mail-work-and-does-it-increase-election-fraud/>.

¹⁵ The Actually True and Provable Facts About Non-Citizen Voting *TIME* (Feb. 13, 2017), <https://time.com/4669899/illegal-citizens-voting-trump/>; Yet again, Trump falsely blames illegal voting for getting walloped in California, *Wash. Post* (July 23, 2019), <https://www.washingtonpost.com/politics/2019/07/23/yet-again-trump-falsely-blames-illegal-voting-getting-walloped-california/>; Analysis: Noncitizen Voting is Vanishingly Rare, Brennan Center for Justice (Jan. 25, 2017), <https://www.brennancenter.org/our-work/research-reports/analysis-noncitizen-voting-vanishingly-rare>; Noncitizens Don't Illegally Vote in Detectable Numbers, *Cato Institute* (Nov. 25, 2020), <https://www.cato.org/blog/noncitizens-dont-illegally-vote-detectable-numbers>.

¹⁶ A step-by-step look at Trump's falsehoods on mail-in voting: Analysis, *ABC News* (Oct. 1, 2020), <https://abcnews.go.com/politics/step-step-trumps-falsehoods-mail-voting-analysis/story?id=73354979>; Edward B. Foley, *A Big Blue Shift: Measuring an Asymmetrically Increasing Margin of Litigation*, 48 *Journal of Law & Politics* 501 (2013), http://www.lawandpolitics.org/hifi/files/content/vol-xxvii-no-4/Foley_Color_116.pdf; Richard L. Hasen, *Beyond the Margin of Litigation: Reforming U.S. Election Administration to Avoid Electoral Meltdown*, 62 *Wash. & Lee L. Rev.* 937 (2005), <https://law2.wlu.edu/deptimages/Law%20Review/62-3Hasen.pdf>; see also *The 'Blue Shift' Will Decide the Election* *The Atlantic* (Aug. 10, 2020), <https://www.theatlantic.com/ideas/archive/2020/08/brace-blue-shift/615097/>.

¹⁷ How Long Will Vote Counting Take? Estimates and Deadlines in All 50 States, *N.Y. Times* (updated Nov. 7, 2020), <https://www.nytimes.com/interactive/2020/upshot/vote-counting-today-polls-election.html>; How many votes will be counted after election night?, *MIT News* (Oct. 15, 2020), <https://news.mit.edu/2020/votes-counted-after-election-1015>; How Trump's mail voting sabotage could result in an election night nightmare, *Vox* (Aug. 11, 2020), <https://www.vox.com/2020/8/11/21358960/trump-mail-voting-sabotage-explained>.

¹⁸ *Id.*

Trump, selected Trump campaign donor Louis DeJoy to be postmaster general.¹⁹ Shortly after DeJoy assumed office, the USPS adopted a number of operational changes that threatened to delay mail deliveries, including reductions in the availability of overtime, restrictions on extra trips to transport mail, and elimination of some mail processing equipment.²⁰ Reporting complaints from constituents about a slowdown in service, Members of Congress from both parties, including a number of ardent Trump supporters, pushed back against these changes. Republican U.S. Sen. Steve Daines and Republican U.S. Reps. Brian Fitzpatrick, Greg Gianforte, Peter King, David McKinley, and Daniel Webster sent or signed on to letters with Democratic Members of Congress to DeJoy pressing for reversal of the changes in mail handling.²¹

At the same time, Trump disseminated theory after theory about how mail-in voting would contaminate the 2020 election, further laying the foundation for claims of fraud to be made in the event of a Biden win in November. On May 21, 2020, at a press conference in Michigan, he said of mail-in ballots, “who knows who’s signing it? . . . [T]hey pirate these applications . . . You have all of the harvesting . . . They walk in at the end of a race . . . and then all of a sudden, out of the blue come thousands of votes at the very end.”²² Trump tweeted on May 24 that “People grab [ballots] from mailboxes, print thousands of forgeries and ‘force’ people to sign. Also, forge names.”²³ On June 22, he tweeted, “RIGGED 2020 ELECTION: MILLIONS OF MAIL-IN BALLOTS WILL BE PRINTED BY FOREIGN COUNTRIES, AND OTHERS. IT WILL BE THE SCANDAL OF OUR TIMES!”²⁴

Trump, who had already been opposing a \$25 billion package of resources requested by the Postal Service, stated openly in August 2020 that withholding the funds would prevent “universal mail-in voting.”²⁵ On the Fox Business Network, the former President told host Maria Bartiromo on August 13 that, “[i]f we don’t make a deal, that means they don’t get the money, [which] means they can’t have universal mail-in voting; they just can’t have it.”²⁶ Shortly after these comments, and after sustained bipartisan pressure, Postmaster General DeJoy announced suspension of some changes at the Postal Service and promised to “deliver the nation’s election mail on time and within our well-established service standards.”²⁷ Ultimately, the inspector general for the Postal Service concluded that the Postal Service prioritized processing election mail during the 2020 election cycle and that, while

¹⁹ Board of Governors Announces Selection of Louis DeJoy to Serve as Nation’s 75th Postmaster General, U.S. Postal Serv. (May 6, 2020), <https://about.usps.com/newsroom/national-releases/2020/0506-bog-announces-selection-of-louis-dejoy-to-serve-as-nations-75th-postmaster-general.htm>.

²⁰ Following Yesterday’s Meeting, Leader Schumer and Speaker Pelosi Send New Letter to Postmaster DeJoy Calling for Immediate Reversal of Recent Postal Service Changes that Threaten Timely Mail Delivery for Millions, Senate Democrats (Aug. 6, 2020), <https://www.democrats.senate.gov/newsroom/press-releases/following-yesterdays-meeting-leader-schumer-and-speaker-pelosi-send-new-letter-to-postmaster-dejoy-calling-for-immediate-reversal-of-recent-postal-service-changes-that-threaten-timely-mail-delivery-for-millions>.

²¹ Senator Steve Daines, Letter to Postmaster General Louis DeJoy (Aug. 8, 2020), <https://www.daines.senate.gov/imo/media/doc/USPS%20-%20Mail%20Delay.%202020.08.06.pdf>; Carolyn B. Maloney et al., Letter to Postmaster General Louis DeJoy (Aug. 6, 2020), <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2020-08-06.CBM%20et%20al.%20to%20DeJoy-%20PMG%20re%20Postal%20Standards%20Changes.pdf>; Congress urges Postal Service to undo changes slowing mail, AP (Aug. 6, 2020), <https://apnews.com/article/virus-outbreak-seniors-mt-state-wire-voting-steve-daines-a291ebc31c5638aa5a9adafc2f72b430>.

²² Remarks by President Trump in Listening Session with African American Leaders, The White House (May 21, 2020), <https://trumpwhitehouse.archives.gov/briefings-statements/remarks-president-trump-listening-session-african-american-leaders-ypsilanti-mi/>.

²³ Trump Twitter Archive, Donald J. Trump (@realDonaldTrump) (May 24, 2020, 10:08 AM EST), <https://www.thetrumparchive.com>.

²⁴ Trump attacks mail-in voting with new series of false claims, The Guardian (June 22, 2020) <https://www.theguardian.com/us-news/2020/jun/22/trump-mail-in-voting-fraud-claims>.

²⁵ USPS Requests \$75B in Emergency Funds to Keep Agency Alive, Gov. Exec. (Apr. 9, 2020), <https://www.govexec.com/management/2020/04/usps-requests-75b-emergency-funds-keep-agency-alive/164506/>; see also President Trump with Coronavirus Task Force Briefing, C-SPAN at 36:44 (Apr. 7, 2020), available at <https://www.c-span.org/video/?471020-1/president-trump-criticizes-who-comments-resignation-acting-navy-secretary>.

²⁶ Trump admits he’s blocking postal cash to stop mail-in votes, AP (Aug. 13, 2020), <https://apnews.com/article/virus-outbreak-election-2020-ap-top-news-elections-politics-14a2ceda724623604cc8d8e5ab9890ed>.

²⁷ Postmaster General Louis DeJoy Statement, U.S. Postal Serv. (Aug. 18, 2020), <https://about.usps.com/newsroom/national-releases/2020/0818-postmaster-general-louis-dejoy-statement.htm>.

timeliness fell slightly below target goals, it improved significantly over the delivery speed for election mail during the 2018 midterm election cycle.²⁸

Although Trump and his allies never pointed to any evidence of significant voter fraud, they continued to claim that mail-in voting could lead to such fraud. For instance, Doug Mastriano, a Pennsylvania State senator, originally voted to pass a law in 2019 called Act 77 that expanded access to mail-in ballots to any voter who requested one.²⁹ However, after an unprecedented number of Pennsylvanians applied for mail-in ballots by April 2020, Mastriano was quoted as saying, “I feel a bit dubious about this,” due to purportedly heightened risks of voter fraud.³⁰ In Texas, Attorney General Ken Paxton praised the U.S. Supreme Court’s rejection of a case seeking to extend access to mail-in ballots because he thought the rejection would help guard against “wide-spread fraud.”³¹

c. The Anti-Democracy Movement from November 3, 2020, to January 6, 2021

Between the election on November 3, 2020, and the Electoral College vote count on January 6, 2021, the “Stop the Steal” movement employed a multifaceted approach to subvert the will of the American people. Their efforts were often chaotic, and when a given tactic failed, they shifted focus to another that might succeed in overturning the election result favoring Biden. During this period, their strategy encompassed five primary anti-democracy efforts: (1) Inspired by Trump and his allies’ statements, aggressive and dangerous protests at central count facilities in States with narrow margins while ballots were still being counted; (2) a wave of baseless lawsuits alleging wide-spread election fraud; (3) a campaign to pressure Republican officials to overturn election results; (4) the creation of a group of sham electors from swing States to sign certificates falsely claiming that former President Trump had won the election in their States; and (5) a broader disinformation campaign intended to persuade portions of the American public that Trump was the rightful winner of the 2020 Presidential election.

First, the Trump-inspired protests.—On election night, in the early morning hours of Wednesday, November 4, former President Trump appeared on television declaring that he had won the election. After listing several States where he claimed to be in the lead or nearly so, the former President declared, “most importantly, we’re winning Pennsylvania by a tremendous amount.”³² This announcement was met by a standing ovation from his audience of supporters. He continued, “We want all voting to stop. We don’t want them to find any ballots at 4 o’clock in the morning and add them to the list.”³³ At the time, vote counting was ongoing in Pennsylvania, because under State law absentee ballots could not be canvassed until Election Day. On Twitter at 3:04 a.m., Al Schmidt, a Republican commissioner on the Philadelphia County Board of Elections responded to the then-President of the United States: “Philadelphia will NOT stop counting ALL legitimate votes cast by eligible voters. And we will report and report and report until the last vote is counted.”³⁴

The following night, Kevin McCarthy, the Minority Lead of the U.S. House of Representatives, spoke on Fox News about fraud supposedly taking place in vote counting facilities around the country. He urged listeners to “not be quiet, do not be silent

²⁸ Office of the Inspector General, United States Postal Service, *Service Performance of Election and Political Mail During the November 2020 General Election* (Mar. 5, 2021), <https://www.uspsoig.gov/document/service-performance-election-and-political-mail-during-november-2020-general-election>.

²⁹ *Op-Ed: How Pennsylvania Democrats Hijacked Act 77*, Senator Doug Mastriano (Jan. 26, 2022), <https://senatormastriano.com/2022/01/26/op-ed-how-pennsylvania-democrats-hijacked-act-77/> (noting “[e]very single Republican Senator voted for [Act 77]” in October 2019); *With audit, Pa. Sen. Mastriano is obscuring his own role in fomenting election chaos*, Pennsylvania Capital-Star (July 11, 2021), <https://www.penncapital-star.com/commentary/with-audit-pa-sen-mastriano-is-obscuring-his-own-role-in-creating-act-77-fomenting-election-chaos-opinion/>; *Unprecedented volume of mail-in voting looming in primary*, The Daily Item (Apr. 30, 2020) https://www.dailyitem.com/news/local_news/unprecedented-volume-of-mail-in-voting-looming-in-primary/article_e7710206-72c7-522f-ba8f-6bb6f5519d9a.html.

³⁰ *Unprecedented volume of mail-in voting looming in primary*, The Daily Item (Apr. 30, 2020) https://www.dailyitem.com/news/local_news/unprecedented-volume-of-mail-in-voting-looming-in-primary/article_e7710206-72c7-522f-ba8f-6bb6f5519d9a.html.

³¹ *Voting rules changed quickly for the primaries. But the battle over how Americans will cast ballots in the fall is just heating up.*, Wash. Post (July 3, 2020), https://www.washingtonpost.com/politics/voting-rules-changed-quickly-for-the-primaries-but-the-battle-over-how-americans-will-cast-ballots-in-the-fall-is-just-heating-up/2020/07/03/9b865dfa-ba43-11ea-80b9-40ece9a701dc_story.html.

³² Trump declares victory prematurely, says will go to Supreme Court to dispute election count, YouTube (Nov. 4, 2020), <https://www.youtube.com/watch?v=NsI3jgjlhA>.

³³ *Id.*

³⁴ Al Schmidt (@commish—schmidt), Twitter (Nov. 4, 2020), https://twitter.com/commish_schmidt/status/1323898927666659328.

about this. We cannot allow this to happen before our very eyes.”³⁵ Hundreds of demonstrators then showed up outside central count facilities in numerous cities chanting, “stop the steal” and calling for police to “arrest the poll workers,” and carrying signs that read “Make Elections Fair Again” and “We Love Trump.”³⁶ Many of these demonstrators were also carrying guns—some of them handguns, and others, military-style semiautomatic rifles.³⁷

In the days and weeks immediately following Election Day, central count facilities in large and traditionally Democratic-leaning cities such as Philadelphia, Detroit, Atlanta, Milwaukee, Phoenix, and Las Vegas were confronted by angry protesters demanding to oversee vote counting and questioning the legitimacy of the voting process. There was nothing suspicious about the count process taking longer than in past elections in these cities—they have much larger populations than their rural counterparts and thus had to process a larger number of mail-in ballots—but then-President Trump had expressed outrage that ballots were being counted past Election Day.

Poll workers reported fearing for their safety as they worked to count the remaining votes.³⁸ In Detroit, poll workers were harassed by unruly challengers yelling, taunting, jeering, and pounding their fists on windows while the counting went on.³⁹ In Pennsylvania, Commissioner Schmidt later described his work as “racing against a disinformation campaign that could potentially disenfranchise voters . . . It’s not about the campaign or about who you want to win. This is never about who wins and who doesn’t. But if a campaign is trying to disenfranchise the voters of Philadelphia, you can’t not respond to it.”⁴⁰ While votes were still being counted, Trump’s supporters began attending “Stop the Steal” rallies in various cities as disparate as Boise, Idaho; Colorado Springs, Colorado; and Delray Beach, Florida to protest Biden’s victory.⁴¹ Pro-Trump State lawmakers attended many of these rallies, which often involved altercations between Trump supporters and counter-protesters.⁴²

Second, the lawsuits.—At the news conference at Four Seasons Total Landscaping in Philadelphia on November 7, 2020, Rudy Giuliani announced the Trump campaign’s intention to begin litigation over allegations of voter fraud in Pennsylvania and other States.⁴³ On November 13, Sidney Powell, a lawyer aligned with the Trump campaign, appeared on the Fox Business Network proclaiming to host Lou Dobbs that there had been massive voter fraud “organized and conducted with the help of Silicon Valley people, the big tech companies, the social media companies and even the media companies.”⁴⁴ Powell promised to combat the fraud with overwhelming evidence in blockbuster lawsuits, pledging that she would “release the Kraken.”⁴⁵ Powell proceeded to file lawsuits in Arizona, Georgia, Michigan, and Wisconsin, alleging that manipulated voting machines destroyed ballots and

³⁵ 77 Days: Trump’s Campaign to Subvert the Election, N.Y. Times (Jan. 31, 2021), <https://www.nytimes.com/2021/01/31/us/trump-election-lie.html>.

³⁶ Increasingly normal: Guns seen outside vote counting centers, AP (Nov. 7, 2020), <https://apnews.com/article/protests-vote-count-safety-concerns-653dc8f0787c9258524078548d518992>.

³⁷ *Id.*; Two charged with carrying weapons near Philadelphia vote-counting site, Wash. Post (Nov. 8, 2020), <https://www.newsnationnow.com/politics/2020-election/trump-supporters-protest-outside-vote-centers-in-arizona-michigan/>.

³⁸ Increasingly normal: Guns seen outside vote counting centers, AP (Nov. 7, 2020), <https://apnews.com/article/protests-vote-count-safety-concerns-653dc8f0787c9258524078548d518992>.

³⁹ ‘Get to TCF’: What really happened inside Detroit’s ballot counting center, Detroit Free Press (Nov. 6, 2020), <https://www.freep.com/story/news/local/michigan/detroit/2020/11/06/tcf-center-detroit-ballot-counting/6173577002/>.

⁴⁰ He Wanted to Count Every Vote in Philadelphia, His Party Had Other Ideas., N.Y. Times, (Dec. 16, 2020), <https://www.nytimes.com/2020/12/16/magazine/trump-election-philadelphia-republican.html>.

⁴¹ Trump supporters gather for ‘Stop the Steal’ rally in Boise, Idaho Press (Nov. 7, 2020), https://www.idahopress.com/news/local/trump-supporters-gather-for-stop-the-steal-rally-in-boise/article_2110cb2a-35c6-52ba-a753-336ad7b8bef3.html; Trump supporters gather for ‘Stop the Steal’ rally in Colorado Springs, Fox21News (Nov. 7, 2020), <https://www.fox21news.com/top-stories/trump-supporters-gather-for-stop-the-steal-rally-in-colorado-springs/>; ‘Stop the steal’ protestors rally in Delray Beach to show support for Trump, CBS12 (Nov. 7, 2020), <https://cbs12.com/news/local/stop-the-steal-protestors-rally-in-delray-beach-to-show-support-for-trump>.

⁴² *Id.*

⁴³ Rudy Giuliani Trump Campaign Philadelphia Press Conference at Four Seasons Total Landscaping, Rev Transcripts (Nov. 7, 2020), <https://www.rev.com/blog/transcripts/rudy-giuliani-trump-campaign-philadelphia-press-conference-november-7>.

⁴⁴ ‘Release the Kraken,’ a catchphrase for unfounded conspiracy theory, trends on Twitter, N.Y. Times (Nov. 17, 2020), <https://www.nytimes.com/2020/11/17/technology/release-the-kraken-a-catchphrase-for-unfounded-conspiracy-theory-trends-on-twitter.html>.

⁴⁵ ‘Release the Kraken’ is a reference to a line from the 1981 movie ‘The Clash of the Titans,’ featuring the mythical sea monster. *Id.*

switched votes. Each of these lawsuits was dismissed as baseless by the courts.⁴⁶ The district court in Michigan presciently observed that Powell's lawsuit there "seems to be less about achieving the relief Plaintiffs seek—as much of that relief is beyond the power of this Court—and more about the impact of their allegations on People's faith in the democratic process and their trust in our government."⁴⁷

In reality, the anti-democracy movement never had a legal strategy in pursuing this long string of lawsuits. Instead, this was a public relations strategy from the start: Their only goal was to generate noise about election fraud, repeated in case after case and headline after headline, with the goal of creating the false public impression that the vote must have been affected by some level of corruption. In total, Trump and his allies filed more than 75 baseless lawsuits in State and Federal courts seeking to overturn election results in States where Trump lost.⁴⁸

To be clear, we are not suggesting that post-election litigation is necessarily illegitimate—the ability to challenge election results in court is an important tool to ensure free and fair elections in our country. But these lawsuits were illegitimate because they were not based on any evidence or plausible allegations of any kind. Indeed, Trump's claims of election fraud were debunked by officials in his own administration. On November 23, 2020, then-Attorney General William Barr told Trump that, based on the Justice Department's investigation, the notion that voting machines were rigged in Biden's favor was "bullshit."⁴⁹ Additionally, on December 1, Attorney General Barr told Trump that the theory of voting machine fraud was "demonstrably crazy."⁵⁰ The same day, the former Attorney General announced publicly that the Justice Department had not found any wide-spread election fraud.⁵¹

Unsurprisingly, Trump's legal team lost all but one of their post-election lawsuits (the one suit in which they prevailed had nothing to do with fraud, nor could it have changed the outcome of the election).⁵² Many of these cases failed for basic lack of standing. For example, Texas Attorney General Ken Paxton filed a lawsuit (in which Trump sought to intervene) in the U.S. Supreme Court, seeking to invalidate millions of votes cast in Georgia, Michigan, Pennsylvania, and Wisconsin.⁵³ The Supreme Court denied Paxton's request to initiate the case in a one-page order, holding that Texas had no standing to sue about "the manner in which another State conducts its election."⁵⁴

Other courts dismissed similar lawsuits because there was no merit to the allegations of voter fraud.⁵⁵ For instance, Kelli Ward, a former Arizona State senator and the chair of the Arizona Republican Party, filed a lawsuit seeking to overturn Biden's narrow victory in Arizona. After hearing 2 days of testimony and oral arguments, the trial court found "no misconduct, no fraud and no effect on the outcome of the election."⁵⁶ The Arizona Supreme Court affirmed the decision, holding that

⁴⁶ Sidney Powell's 'Kraken' lawsuits failed again, as judges in Michigan, Georgia, Arizona, and Wisconsin have now dismissed her cases, Business Insider (Dec. 10, 2020), <https://www.businessinsider.com/sidney-powell-lawsuits-dismissed-michigan-georgia-arizona-wisconsin-2020-12>; Federal judges reject GOP effort to overturn swing State election results, Politico (Dec. 7, 2020), <https://www.politico.com/news/2020/12/07/judge-rejects-overturn-michigan-election-results-443411>.

⁴⁷ King et al. v. Whitmer et al., Case No. 20-cv-13134-LVP-RSW (E.D. Mich.), ECF No. 62, 35–36.

⁴⁸ Post-Election Litigation Analysis and Summaries, Stanford-MIT Healthy Elections Project (Mar. 10, 2021), [https://healthyelections.org/sites/default/files/2021-06/Post-Election Litigation Analysis.pdf](https://healthyelections.org/sites/default/files/2021-06/Post-Election%20Litigation%20Analysis.pdf).

⁴⁹ Bob Woodward & Robert Costa, Peril 166 (2021).

⁵⁰ Id. at 170.

⁵¹ Disputing Trump, Barr says no wide-spread election fraud, AP (Dec. 1, 2020), <https://apnews.com/article/barr-no-widespread-election-fraud-b1f1488796c9a98c4b1a9061a6c7f49d>.

⁵² Trump did not win two-thirds of election lawsuits 'where merits considered', Politifact (Feb. 9, 2021), <https://www.politifact.com/factchecks/2021/feb/09/blog-posting/trump-did-not-win-two-thirds-election-lawsuits-whe/>.

⁵³ Texas v. Pennsylvania, et al., 141 S. Ct. 1230 (2020); Trump asks Supreme Court to invalidate millions of votes in battleground states, CNN (Dec. 10, 2020), <https://www.cnn.com/2020/12/09/politics/trump-supreme-court/index.html>.

⁵⁴ Texas v. Pennsylvania, et al., 141 S. Ct. 1230 (2020).

⁵⁵ By the numbers: President Donald Trump's failed efforts to overturn the election, USA Today (Jan. 6, 2021) www.usatoday.com/in-depth/news/politics/elections/2021/01/06/trumps-failed-efforts-overturn-election-numbers/4130307001/; Trump's judicial campaign to upend the 2020 election: A failure, but not a wipe-out, Brookings (Nov. 30, 2021), <https://www.brookings.edu/blog/fixgov/2021/11/30/trumps-judicial-campaign-to-upend-the-2020-election-a-failure-but-not-a-wipe-out/>.

⁵⁶ Ward v. Jackson, Case No. CV2020–015285 (Ariz. Super. Ct. Dec. 4, 2020); Judge rejects Arizona Republican Party's attempt to overturn election results; GOP vows appeal, AZCentral (Dec. 4, 2020), <https://www.azcentral.com/story/news/politics/elections/2020/12/04/arizona-judge-rejects-republican-effort-overturn-State-election-results/3821578001/>.

Ward “failed to present evidence of misconduct or illegal votes, let alone establish any degree of fraud or a sufficient error rate that would undermine the certainty of the election results,” and the U.S. Supreme Court declined to hear Ward’s case.⁵⁷ In another example, attorney Erick Kaardal filed suit on December 22, 2020, in Federal district court in Washington, DC on behalf of a group of voter alliances from several States seeking, among other things, to enjoin Vice President Mike Pence from counting the Electoral College votes for several States.⁵⁸ This last-ditch effort failed, and the judge found the allegations so baseless that she referred Kaardal to a disciplinary committee.⁵⁹ Another Federal district court judge in Michigan granted a motion for sanctions against Trump’s lawyers who brought an election fraud lawsuit there, including Sidney Powell. The court’s order, more than 100 pages in length, concluded that the “lawsuit represent[ed] a historic and profound abuse of judicial process.”⁶⁰ A Colorado State court judge—who also granted sanctions against the lawyers who brought a putative class action lawsuit alleging widespread voter fraud in the Presidential election—found the plaintiffs’ complaint to be “one enormous conspiracy theory.”⁶¹

Third, the pressure campaign aimed at State officials.—Trump and his allies also bombarded State officials in key swing States, pressuring them to alter election results in his favor. For example, in Arizona, in the weeks following the election, Republican chair of the Maricopa County Board of Supervisors, Clint Hickman, received calls from the White House, Rudy Giuliani, and Kelli Ward urging the Board to announce that it had discovered voting irregularities. Hickman refused these requests so that the Board’s work and related litigation could follow their proper course. As Hickman stated, “We were in litigation at all these points . . . Whatever needed to be said, needed to be said in a courtroom in front of a judge or a jury.”⁶²

Similarly, Aaron Van Langevelde, a Republican member of the Michigan State Board of Canvassers, recounted that “some political leaders urged the Board to withhold certification [of electoral votes for Biden] based on unproven allegations of voter fraud, even though we had no legal authority to do so . . . We were asked to take power we didn’t have. What would have been the cost if we had done so? Constitutional chaos and the loss of our integrity.”⁶³ Van Langevelde refused, and Michigan certified its electoral votes for Biden.

Trump and his closest advisors also directly pressured State legislators. In mid-November 2020, days before Michigan certified its election results, Trump invited members of the Michigan State legislature to come to the White House, including the House speaker and Senate majority leader.⁶⁴ Around a week later, he invited several Pennsylvania lawmakers, including Doug Mastriano.⁶⁵ Attorneys Rudy Giuliani and Jenna Ellis visited members of several State legislatures on Trump’s behalf, including in Arizona,⁶⁶ Pennsylvania, and Michigan to make allegations of voter fraud and to pressure the lawmakers to take legislative action to overturn the

⁵⁷ *Ward v. Jackson*, Case No. CV–20–0343–AP/EL (Ariz. Sup. Ct. Dec. 8, 2020); *Ward v. Jackson, et al.*, No. 20–809 (U.S. Feb. 22, 2021) (denying petition for review), <https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/20-809.html>; *Election lawsuit from Arizona GOP chair Kelli Ward denied hearing by U.S. Supreme Court*, AZCentral (Feb. 22, 2021), <https://www.azcentral.com/story/news/politics/elections/2021/02/22/us-supreme-court-wont-hear-kelli-wards-lawsuit-arizona-election/4544983001/>.

⁵⁸ *Wisc. Voters Alliance v. Pence, et al.*, Case No. 1:20–cv–03791–JEB (D.D.C. Dec. 22, 2020), ECF No. 1.

⁵⁹ *Id.*, ECF No. 23.

⁶⁰ *King et al. v. Whitmer et al.*, Case No. 2:20–cv–1314–LVP–RSW (E.D. Mich. Aug. 25, 2021), ECF No. 172.

⁶¹ *O’Rourke et al. v. Dominion Voting Systems et al.*, Case No. 1:20–cv–03747–NRN (D. Colo. Aug. 3, 2021), ECF No. 136.

⁶² *Maricopa County supervisor on rejecting calls from Trump allies: ‘Whatever needed to be said, needed to be said in a courtroom’*, CNN (July 5, 2021), <https://www.cnn.com/2021/07/05/politics/clint-hickman-trump-giuliani-election-calls-maricopa-county-cnn-tv/index.html>.

⁶³ *Aaron Van Langevelde’s speech about the 2020 election: ‘We were asked to take power we didn’t have’*, Boston Globe (July 5, 2021), <https://www.bostonglobe.com/2021/07/05/nation/aaron-van-langevelde-speech-about-2020-election-we-were-asked-take-power-we-didnt-have/>.

⁶⁴ *Michigan lawmakers who met with Trump say they see nothing to change election outcome*, CNN (Nov. 21, 2020), <https://www.cnn.com/2020/11/20/politics/michigan-house-speaker-will-meet-trump/index.html>.

⁶⁵ *President Trump invited Pa. lawmakers to the White House. Then everyone went silent.*, PennLive (Nov. 27, 2020), <https://www.pennlive.com/news/2020/11/president-trump-invited-pa-lawmakers-to-the-white-house-then-everyone-went-silent.html>.

⁶⁶ *Arizona GOP lawmakers hold meeting on election outcome with Trump lawyer Rudy Giuliani*, AZCentral (Nov. 30, 2020), <https://www.azcentral.com/story/news/politics/elections/2020/11/30/republican-lawmakers-arizona-hold-meeting-rudy-giuliani/6468171002/>.

results.⁶⁷ Giuliani told the Pennsylvania contingent: “It’s the State [l]egislature that controls this process. It’s your power. It’s your responsibility. And I think you know, and you have to convince the rest of your members, Republican and Democrat, [that] they owe that to the people of their State, and they owe that to the people of the United States.”⁶⁸

On January 2, 2021, Trump, joined by attorney Cleta Mitchell,⁶⁹ called Brad Raffensperger, the Republican Secretary of State of Georgia, pressuring him to “find” enough votes for a Trump victory. Trump pressed Raffensperger, asserting that “the ballots are corrupt. And you’re going to find that they are—which is totally illegal, it is more illegal for you than it is for [those who corrupted them] because, you know what they did and you’re not reporting it.

That’s a criminal—that’s a criminal offense.” Raffensperger did not give in to this pressure, answering instead: “Well, Mr. President, the challenge that you have is the data you have is wrong.”⁷⁰

These instances are only a few examples. Trump and his team were contacting everyone they could in their attempt to overturn the election result. It is thanks to Hickman, Van Langevelde, Raffensperger, and other courageous local election officials around the country that this effort to not count eligible votes or to find additional votes for Trump that did not exist failed.

Fourth, the fake electors.—In an effort reportedly overseen by Rudy Giuliani and Trump campaign officials,⁷¹ people who would have been electors from seven swing States had Trump won declared themselves the rightful electors on December 14, 2020. These sham electors “submitted false Electoral College certificates declaring Trump the winner of the Presidential election in Arizona, Georgia, Michigan, New Mexico, Nevada, Pennsylvania and Wisconsin.”⁷²

Trump’s allies then used these sham electors to try to overturn the election. In Arizona, 30 Republican lawmakers, including Arizona State Representative Mark Finchem,⁷³ signed a joint resolution asking Congress to accept their State’s “alternate” electoral votes cast for Trump.⁷⁴ On January 6, several of Trump’s allies in the House and Senate used these fake certificates to delay and attempt to block the certification of Biden’s victory during Congress’s joint session.⁷⁵

These fake electors were a necessary component of a scheme that centered on then-Vice President Pence and that was set to culminate on January 6 when he would throw out the legitimate electoral votes from those States and substitute in the fake ones—if he could be persuaded to do so. By law and custom, the Vice President plays only a ceremonial role in the electoral process. Under Article II of the Constitution and the Electoral Count Act of 1887, the Vice President opens the certificates of votes sent by the States’ Presidential electors and, after the votes have been counted, announces the outcome, officially certifying the result of the Presidential election.⁷⁶

⁶⁷ *Here’s How The Trump Campaign Is Still Trying to Overturn Biden’s Victory*, Forbes (Dec. 1, 2020), <https://www.forbes.com/sites/alisondurkee/2020/12/01/heres-how-the-trump-campaign-is-still-trying-to-overturn-bidens-victory/?sh=132938f13561>.

⁶⁸ *Giuliani tells Pennsylvania legislators they can override popular vote to appoint pro-Trump electors*, Yahoo! News (Nov. 25, 2020), <https://news.yahoo.com/giuliani-tells-pennsylvania-legislators-they-can-override-popular-vote-to-appoint-pro-trump-electors-010121925.html>.

⁶⁹ *How a lawyer who aided Trump’s 2020 subversion efforts was named to a Federal election advisory board*, CNN (Nov. 18, 2021), <https://www.cnn.com/2021/11/18/politics/cleta-mitchell-election-assistance-commission-advisor/index.html>.

⁷⁰ *Transcript: President Trump’s Phone Call With Georgia Election Officials*, N.Y. Times (Jan. 3, 2021), <https://www.nytimes.com/2021/01/03/us/politics/trump-raffensperger-georgia-call-transcript.html>.

⁷¹ *Trump campaign officials, led by Rudy Giuliani, oversaw fake electors plot in 7 States*, CNN (Jan. 20, 2022), <https://www.cnn.com/2022/01/20/politics/trump-campaign-officials-rudy-giuliani-fake-electors/index.html>.

⁷² *EXPLAINER: How fake electors tried to throw result to Trump*, AP (Feb. 21, 2022), <https://apnews.com/article/capitol-siege-joe-biden-presidential-elections-election-2020-electoral-college-311f88768b65f7196f52a4757dc162e4>.

⁷³ *Donald Trump is now backing a QAnon conspiracy theorist to run Arizona’s elections*, CNN (Sept. 14, 2021), <https://www.cnn.com/2021/09/14/politics/donald-trump-mark-finchem-arizona/index.html>.

⁷⁴ *This should terrify the nation: the Trump ally seeking to run Arizona’s elections*, The Guardian (Feb. 21, 2022), <https://www.theguardian.com/us-news/2022/feb/21/mark-finchem-trump-arizona-elections-secretary-of-state>.

⁷⁵ *EXPLAINER: How fake electors tried to throw result to Trump*, AP (Feb. 21, 2022), <https://apnews.com/article/capitol-siege-joe-biden-presidential-elections-election-2020-electoral-college-311f88768b65f7196f52a4757dc162e4>.

⁷⁶ *Trump Says Pence Can Overturn His Loss in Congress. That’s Not How it Works*, N.Y. Times (Apr. 30, 2021), <https://www.nytimes.com/2021/01/05/us/politics/pence-trump-election.html>. The limited role of the Vice President in the certification of the electoral results was even re-

But Trump advisor and then-professor at Chapman University John Eastman concocted a plan spelled out in memoranda in late December 2020 and early January 2021 in which Pence would ignore his legal obligations at the joint session of Congress on January 6 and would refuse to recognize electoral votes from several States based on a claim that there were “multiple slates of electors” in those States (i.e., the valid electors and sham electors discussed earlier). Pence was either to declare an outright victory for Trump or to pass the Presidential election to the House of Representatives. Since each State delegation in the House would have one vote, the Republicans’ control of 26 State delegations was expected to ensure a majority for Trump.⁷⁷

Eastman argued that these measures, though “BOLD,” were justified by the fact that “this Election was Stolen by a strategic Democrat plan to systematically flout existing election laws for partisan advantage,” and “we’re no longer playing by Queensbury Rules, therefore.”⁷⁸ Trump demanded that Pence take part in this scheme, essentially presenting Pence with a choice between violating the Constitution and being denounced by Trump, likely dashing any chance Pence had of ever becoming President himself with support from Trump’s base.⁷⁹ As this Select Committee well knows, in March of this year, a Federal judge weighed in on Eastman’s plot. In a civil case related to the Committee’s pursuit of documents from Eastman, the court found that Eastman and Trump most likely had committed felonies, including by obstructing the work of Congress in counting electoral votes and conspiring to defraud the United States.⁸⁰ The court called the scheme “a coup in search of a legal theory.”⁸¹

Around the same time that John Eastman was working on his January 6 legal strategy from outside the administration, Jeffrey Clark, the acting Assistant Attorney General for the Department of Justice’s Civil Division, was working on a legal strategy from within the Government. By late December, Clark told colleagues that he was aware of information implicating Chinese intelligence in using thermometers to change the election results, despite there being no evidence of such foreign interference.⁸² On December 28, 2020, Clark emailed his superiors with a draft letter that urged Georgia officials to convene the State legislature in a special session to investigate “irregularities” in the election.⁸³ Fortunately, his superiors refused to send the letter.⁸⁴

Fifth, the disinformation campaign.—The disinformation campaign related to the 2020 election started well before election day. The high volume of mail-in ballots was further exploited by anti-democracy forces, who fabricated stories suggesting the ballots were susceptible to fraud. For example, a single tweet in September contending that over 1,000 mail-in ballots had been found in a dumpster was picked up by a far-right news website, which ran an “exclusive” story on a purported scheme by the county to dump uncounted ballots. In fact, the photo shared in the tweet showed old envelopes from the 2018 election that were being recycled—and

flected in testimony from Mr. Eastman himself following the 2000 Presidential election. He stated then that under the Electoral Count Act, Congress “counts” the votes and is “the ultimate judge” of disputes about the count and, in doing so, “is answerable to no one, not the Supreme Court of the United States, not the Supreme Court of Florida, in that judging, because that power is delegated to it by the Constitution.” 67 Florida Select Joint Committee on the Manner of Appointment of Presidential Electors, 2000, (Fl. 2000) (testimony of Professor John C. Eastman), <https://www.c-span.org/video/?160847-1/manner-appointment-presidential-electors>.

⁷⁷ READ: Trump lawyer’s memo on six-step plan for Pence to overturn the election, CNN (Sep. 21, 2021), <https://www.cnn.com/2021/09/21/politics/read-eastman-memo/index.html> (two-page memo).

⁷⁸ Id. (six-page memo).

⁷⁹ Pence Reached His Limit With Trump. It Wasn’t Pretty, N.Y. Times (Jan. 12, 2021), <https://www.nytimes.com/2021/01/12/us/politics/mike-pence-trump.html>.

⁸⁰ Eastman v. Thompson et al., Case No. 8:22-cv-00099-D0C-DFM (C.D. Cal. Mar. 28, 2022), ECF. No. 260.

⁸¹ Id.

⁸² How a Trump Environmental Lawyer Tried To Weaponize the Justice Department To Help the President, CNN (Aug. 6, 2021), <https://www.cnn.com/2021/08/06/politics/doj-clark-trump-election/index.html>.

⁸³ Trump Loyalist at DOJ Circulated Draft Georgia Letter with False Election Fraud Claims ABC News (Aug. 4, 2021), <https://www.cnn.com/2021/08/04/politics/draft-doj-georgia-letter-election-reversal/index.html>.

⁸⁴ How a Trump Environmental Lawyer Tried To Weaponize the Justice Department To Help the President, CNN (Aug. 6, 2021), <https://www.cnn.com/2021/08/06/politics/doj-clark-trump-election/index.html>.

ballots for the 2020 election cycle had not yet even been mailed. Within a day, the story had been shared by over 25,000 Twitter users, including Donald Trump Jr.⁸⁵

Disinformation came from the top, too. Harvard researchers found that tweets or briefings or Fox News appearances by Trump himself drove most spikes in media coverage, which allowed him to “disseminate and reinforce his disinformation campaign” regarding election fraud.⁸⁶ This trend was exacerbated by the fact that different segments of the population held different beliefs about the election, driven in large part by the news outlets they tuned in to.⁸⁷ Thus, for example, in September 2020, 61 percent of Republicans who primarily watched Fox News or listened to talk radio for their news said fraud had been a “major problem when mail-in ballots are used,” whereas the percentage dropped to 44 percent for Republicans who also listened to other outlets, and to 23 percent for Republicans who did not rely on Fox News or talk radio.⁸⁸

After the election, lawsuits, recounts, audits, and other actions by Trump and his allies served as fodder for a broader anti-democracy disinformation campaign to convince segments of the American public that Biden stole the election. Indeed, a central goal of this anti-democracy movement—since before 2016—has been to cast doubt on election results and give anti-democracy allies enough of an echo chamber so that if and when Trump lost the election, whether in 2016 or 2020, a substantial number of people would believe it was because of fraud.

This disinformation campaign has been supported by many of Trump’s allies. For example, MyPillow CEO Mike Lindell said that he spent \$25 million pushing voter fraud claims and that he would “spend everything [he has] and sell everything [he has] if that’s what it takes” to overturn Biden’s victory.⁸⁹ Steve Bannon, Trump’s former chief strategist, promoted the theory that Biden stole the election from Trump on his popular podcast, War Room.⁹⁰ Former Trump National Security Advisor and Retired Army General Michael Flynn went on a public speaking campaign to further sow doubts about the vote and urge States to conduct independent reviews of their election results.⁹¹

NewsGuard, an independent service that evaluates the credibility of media sources, investigated and found 166 websites in the United States and Europe spreading misinformation about voting, the ballot-counting process, and the results of the 2020 U.S. election.⁹² The top myths spread included the theories that Democrats committed significant voter fraud using manipulated voting machines or mail-in ballots to change votes from Trump to Biden or to add extra votes for Biden; that undocumented immigrants unlawfully cast a significant number of absentee ballots (presumably heavily skewed toward Biden); and that poll workers manipulated ballots at counting centers when demonstrators were not allowed to oversee their counting process.⁹³ Trump’s supporters also took to social media to spread these lies, which Trump’s team then attempted to use as evidence of wide-spread voter fraud in their ultimately unsuccessful lawsuits.⁹⁴

⁸⁵ As *U.S. election nears, researchers are following the trail of fake news*, Science.org (Oct. 26, 2020), <https://www.science.org/content/article/us-election-nears-researchers-are-following-trail-fake-news>.

⁸⁶ Id.

⁸⁷ *How Americans Navigated the News in 2020: A Tumultuous Year in Review*, Pew Research Center (Feb. 22, 2021), <https://www.pewresearch.org/journalism/2021/02/22/misinformation-and-competing-views-of-reality-abounded-throughout-2020/>.

⁸⁸ Id.

⁸⁹ *MyPillow CEO Mike Lindell told Insider he’s already spent \$25 million pushing voter-fraud claims and will spend everything he has on the cause*, Business Insider (Dec. 16, 2021), <https://www.businessinsider.com/my-pillow-mike-lindell-25-million-pushing-baseless-voter-fraud-claims-2021-12>.

⁹⁰ *Heeding Steve Bannon’s Call, Election Deniers Organize to Seize Control of the GOP—and Reshape America’s Elections*, ProPublica (Sept. 2, 2021), <https://www.propublica.org/article/heeding-steve-bannons-call-election-deniers-organize-to-seize-control-of-the-gop-and-reshape-american-elections>.

⁹¹ *The military-intelligence veterans who helped lead Trump’s campaign of disinformation*, Reuters (Dec. 15, 2021), <https://www.reuters.com/investigates/special-report/usa-election-military/>.

⁹² *2020 Election Misinformation Tracking Center, The Top Election Myths Spreading Online and the Red-Rated Websites Promoting Them: 166 and Counting*, NewsGuard (Jan. 20, 2021), <https://www.newsguardtech.com/special-reports/election-misinformation-tracker/>.

⁹³ Id.

⁹⁴ *Trump’s 5-year campaign of lies led to the Capitol attack. And we just let it happen.1* USA Today (Jan. 13, 2021), <https://www.usatoday.com/story/opinion/2021/01/13/trump-disinformation-campaign-led-to-capitol-coup-attempt-column/6639309002/>.

d. Preparation for and Participation in January 6

Leading up to the joint session of Congress on January 6, the effort to overturn Biden's victory included public rallies in Washington, DC in support of Trump's election fraud theories.

In the early morning of December 12, 2020, ahead of the "Million MAGA March" planned for later that day, Roger Stone told a crowd of Trump supporters, "We will fight to the bitter end for an honest count of the 2020 election. Never give up, never quit, never surrender, and fight for America. We have an obligation to see that the rightful winner of the election is seated, and that is the greatest president since Abraham Lincoln, Donald J. Trump."⁹⁵ Michael Flynn also spoke at the December 12 rally, promising that Trump would remain in office⁹⁶ and likening the assembled protesters to the biblical figures who destroyed the walls of Jericho.⁹⁷ Lesser-known figures spoke too: Amanda Chase, a State senator in Virginia who has been described as "Trump in heels," echoed Trump's claim that Biden "cheated to win" and that she and many other Americans would "never accept these results."⁹⁸ She made drastic claims that Trump should declare martial law to conduct an audit of election results in her State.⁹⁹ That same month, incidentally, Sidney Powell, working with Pennsylvania State Senator Doug Mastriano, began funding an audit of the voting machines in rural Fulton County, Pennsylvania, a community of fewer than 15,000 people that had voted overwhelmingly for Trump. This audit served as a test case of the audit trend that would persist well into 2022 throughout several States.¹⁰⁰

Members of the Proud Boys hate group were among the rally goers on December 12. After it ended, they prowled the streets of Washington, vandalizing a Black Lives Matter sign at a historic Black church, and confronting counter-protesters in altercations that left at least four people with stab wounds.¹⁰¹

Further rallies in D.C. on and immediately before January 6 were coordinated in part by Ali Alexander, who had created a limited liability company called Stop the Steal in 2020.¹⁰² Alexander stated in internet broadcasts in December 2020 that he had organized his January 6 rally with U.S. Reps. Andy Biggs, Paul Gosar, and Mo Brooks,¹⁰³ and on December 7, 2020, Alexander posted a tweet stating that he was "willing to give [his] life for this fight," which the Arizona Republican Party (chaired by Kelli Ward) then retweeted with the addition, "He is. Are you?"¹⁰⁴ Trump

⁹⁵ 'Nothing is Over': Roger Stone Addresses Trump Supporters at Protest in Washington, Yahoo! News (Dec. 12, 2020), <https://www.yahoo.com/now/nothing-over-roger-stone-addresses-142409365.html>.

⁹⁶ Michael Flynn Says Trump Will Remain President in First Public Remarks Since Pardon, Newsweek (Dec. 12, 2020), <https://www.newsweek.com/michael-flynn-says-trump-will-remain-president-first-public-remarks-since-pardon-1554374>; see also Flynn delivers first public remarks since Trump pardon at DC rallies, The Hill (Dec. 12, 2020), <https://thehill.com/homenews/administration/529956-flynn-delivers-first-public-remarks-since-trump-pardon-at-dc-rallies>.

⁹⁷ US election: Pro-Trump rallies see scuffles in US cities, BBC News (Dec. 13, 2020), <https://www.bbc.co.uk/news/election-us-2020-55292610>; Trump riots: 65 days that led to chaos at the Capitol, BBC News (Jan. 10, 2021), <https://www.bbc.co.uk/news/world-us-canada-55592332>.

⁹⁸ Pro-Trump Martial-Law-Pushing Amanda Chase 'Getting Things in Order' to Run for Congress, Newsweek (Nov. 8, 2021), <https://www.newsweek.com/pro-trump-martial-law-pushing-amanda-chase-getting-things-order-run-congress-1647184>.

⁹⁹ Virginia gubernatorial candidate says, 'Trump should declare martial law', Fox News (Dec. 17, 2020), <https://www.foxnews.com/politics/virginia-amanda-chase-trump-martial-law>.

¹⁰⁰ Group led by 'Kraken' lawyer Sidney Powell hired the firm recounting AZ's election to probe election in Fulton Co., Pennsylvania Capital-Star (May 24, 2021), <https://www.penncapitalstar.com/government-politics/group-led-by-kraken-lawyer-sidney-powell-hired-the-firm-recounting-azs-election-to-probe-a-pa-election/>.

¹⁰¹ Metro. African Methodist Episcopal Church v. Proud Boys Int'l, L.L.C. et al., Case No. 2021 CA 000004 B (D.C. Super. Ct.) (Complaint); Proud Boys leader arrested, accused of destroying D.C. Church's Black Lives Matter sign, NBC News (Jan. 4, 2021), <https://www.nbcnews.com/news/us-news/proud-boys-leader-arrested-after-allegedly-destroying-d-c-church-n1252789>; How a D.C. Bar Became the 'Haven' for the Proud Boys, Politico (Dec. 14, 2020), <https://www.politico.com/news/magazine/2020/12/14/harrys-bar-proud-boys-washington-dc-445015>.

¹⁰² Business Entity Records—Stop the Steal, LLC, Alabama Secretary of State, <https://arc-sos.State.al.us/cgi/corpdetail.mbr/detail?corp=821150>; Trump allies helped plan, promote rally that led to Capitol attack, ABC News (Jan. 8, 2021), <https://abcnews.go.com/US/trump-allies-helped-plan-promote-rally-led-capitol/story?id=75119209>.

¹⁰³ 'Stop the Steal' organizer, now banned by Twitter, said three GOP lawmakers helped plan his D.C. rally, Wash. Post (Jan. 13, 2021), <https://www.washingtonpost.com/nation/2021/01/13/ali-alexander-capitol-biggs-gosar/>.

¹⁰⁴ 'Stop the Steal' Organizer in Hiding After Denying Blame for Riot, The Daily Beast (Jan. 11, 2021); Arizona GOP asks if followers willing to give their lives to 'stop the steal', The Hill (Dec. 8, 2020), <https://thehill.com/homenews/news/529195-arizona-gop-asks-if-followers-willing-to-give-their-life-to-stop-the-steam>.

tweeted from his own account on December 19, 2020: “Big protest in D.C. on January 6th. Be there, will be wild!”¹⁰⁵

Many others in Trump’s orbit helped to organize and promote the anti-democracy events that led up to the Capitol attack on January 6—some also spoke at the events. During the week before, Senator Mastriano helped arrange bus rides for Trump supporters from Pennsylvania to DC.¹⁰⁶ Many of the key figures in the Stop the Steal movement spoke at a rally on January 5 at Freedom Plaza, emceed by Alexander. Flynn spoke at the event, declaring that “the Members of Congress, the members of the House of Representatives, the members of the U.S. Senate, those of you who are feeling weak tonight, those of you that don’t have the moral fiber in your body, get some tonight because tomorrow we the people are going to be here, and we want you to know we will not stand for a lie.”¹⁰⁷ Mike Lindell urged the crowd: “Tomorrow, you need to pray for our Vice President to look up to God and say, ‘I need to make a decision, Lord, and to make the right decision for our country.’”¹⁰⁸ Other speakers included Roger Stone and Mark Finchem.¹⁰⁹ Between speakers, Alexander led the crowd in chants of “stop the steal” and made declarations including, “[t]he rebellion starts now”¹¹⁰ and “[w]e ready for battle!”¹¹¹

Also on January 5, a group of around 100 State legislators sent a letter to Pence regarding the purported “illegalities present in the 2020 election” and asking him to “afford [the] nation more time to properly review” the election results by “postponing the January 6th opening and counting of the electoral votes for at least 10 days.”¹¹² Doug Mastriano, Mark Finchem, and Wisconsin State Assemblyman Timothy Ramthun signed the letter.¹¹³ In an email to Vice President Pence’s counsel on January 6, Eastman conceded that this proposed 10-day postponement would constitute a “minor violation” of the law.¹¹⁴

Also on January 5, on his War Room podcast, Steve Bannon told his listeners, “All hell is going to break loose tomorrow.” He announced that, “it’s not going to happen like you think it’s going to happen. Okay, it’s going to be quite extraordinarily different. And all I can say is, strap in . . . You have made this happen and tomorrow it’s game day. So, strap in. Let’s get ready.”¹¹⁵

e. The January 6 Assault on the Capitol and Democracy

Then came January 6 itself, which began with Trump tweeting shortly after midnight echoing his and his supporters’ long-standing efforts to delegitimize the election results and to pressure Pence to violate his Constitutional obligations. “If Vice President @Mike—Pence comes through for us, we will win the Presidency. Many States want to decertify the mistake they made in certifying incorrect & even fraudulent numbers in a process NOT approved by their State Legislatures (which it must be). Mike can send it back!”¹¹⁶ Later in the morning, Trump tweeted: “All

¹⁰⁵ Trump Twitter Archive, Donald J. Trump (@realDonaldTrump) (Dec. 19, 2020, 1:42 AM EST), <https://www.thetrumparchive.com>.

¹⁰⁶ Mastriano campaign spent thousands on buses ahead of D.C. insurrection, WHYY (Jan. 12, 2021), <https://www.whyy.org/articles/mastriano-campaign-spent-thousands-on-buses-ahead-of-d-c-insurrection>.

¹⁰⁷ Flynn, Papadopoulos address pro-Trump rally in DC, AP (Jan. 10, 2021), <https://www.youtube.com/watch?v=Lu5BJY-tG-c>; Longtime Trump advisers connected to groups behind rally that led to Capitol attack, ABC News (Jan. 15, 2021), <https://abcnews.go.com/US/longtime-trump-advisers-connected-groups-rally-led-capitol/story?id=75261028>.

¹⁰⁸ #StopTheSteal Coalition Pre-Rally in DC at Freedom Plaza, RSB TV, Periscope (Jan. 5, 2021), <https://www.pscp.tv/w/1RDx1POgyorxL>.

¹⁰⁹ Id.

¹¹⁰ Id. at 43:30.

¹¹¹ Id. at 1:06:47.

¹¹² Letter to Vice President Michael R. Pence, Wisconsin Examiner (Jan. 5, 2021), <https://wisconsinexaminer.com/wp-content/uploads/2021/01/Letter-to-Pence-1.pdf>; These 15 State legislators asked Pence not to certify election results, Wisconsin Examiner (Jan. 14, 2021), <https://wisconsinexaminer.com/2021/01/14/these-15-State-legislators-asked-pence-not-to-certify-election-results/>.

¹¹³ Letter to Vice President Michael R. Pence, Wisconsin Examiner (Jan. 5, 2021), <https://wisconsinexaminer.com/wp-content/uploads/2021/01/Letter-to-Pence-1.pdf>.

¹¹⁴ Eastman v. Thompson et al., Case No. 8-22-cv-00099-DOC-DFM (C.D. Cal. Mar. 2, 2022), ECF No. 160–16.

¹¹⁵ Ep. 631-Pandemic: One Day Away (W/ Maggie Vandenbergh, Jack Posobiec, Sean Parnell and Richard Baris) at 29:30, Steve Bannon’s War Room (Jan. 5, 2021), <https://listen.uaroom.org/e/ep-631-pandemic-one-day-away-w-maggie-vandenbergh-jack-posobiec-sean-parnell-and-richard-baris/>; How Trump allies stoked the flames ahead of Capitol riot, CNN (Jan. 18, 2021), <https://www.cnn.com/2021/01/18/politics/trump-bannon-stone-giuliani-capitol-riot-invs/index.html>.

¹¹⁶ Trump Twitter Archive, Donald J. Trump (@realDonaldTrump) (Jan. 6, 2021, 1 o’clock AM EST), <https://www.thetrumparchive.com>.

Mike Pence has to do is send them back to the States, AND WE WIN. Do it Mike, this is a time for extreme courage!”¹¹⁷

Next came speeches to a crowd assembled at the Ellipse next to the White House. This time, the speakers included Texas Attorney General Ken Paxton, who declared that “[o]ne of the great things about the State of Texas is, we did not quit,” referring to his failed lawsuit to force other States to cast their electoral votes for Trump. “If you look at Georgia, they capitulated, they consented. We kept fighting in Texas.” Paxton went on, “What we have in President Trump is a fighter. And I think that’s why we’re all here.” He pledged, “We will not quit fighting. We’re Texans, we’re Americans, and the fight will go on.”¹¹⁸

Giuliani told the crowd that “[i]t is perfectly appropriate given the questionable constitutionality of the Election Counting Act [sic] of 1887 that the Vice President can cast it aside.” He asserted that, in the previous day’s U.S. Senate runoffs in Georgia and in the November Presidential election, voting machines had been programmed to fraudulently add votes, claiming that an “expert” had examined the machines and “has absolutely what he believes is conclusive proof that in the last 10 percent, 15 percent of the vote counted, the votes were deliberately changed.” Giuliani exhorted the crowd, “Let’s have trial by combat.”¹¹⁹

Eastman spoke on the Ellipse as well, repeating that “we know there was fraud, traditional fraud that occurred. We know that dead people voted.” He went on to describe the supposed voting machine fraud, concluding that “all we are demanding of Vice President Pence is this afternoon at 1 o’clock he let the legislators of the State look into this.”¹²⁰

Trump then addressed the crowd, asserting that “we won this election, and we won it by a landslide.” He challenged the crowd, “if you don’t fight like hell, you’re not going to have a country anymore.”¹²¹ And he addressed Pence, who was not present: “Mike Pence, I hope you’re going to stand up for the good of our Constitution and for the good of our country. And if you’re not, I’m going to be very disappointed in you.”¹²² Pence issued a letter shortly before he was scheduled to preside over the joint session of Congress, stating that he lacked “unilateral authority to determine which electoral votes should be counted and which should not,” and indicating that he would abide by the Electoral Count Act.¹²³

A large portion of the crowd at the Ellipse moved from there to Capitol Hill. Among them was Ron Hanks, who had recently been elected to the Colorado legislature. He said that he had come to DC “to get a read of the Nation’s Trump supporters . . . to get a sense of what may happen next to combat this stolen election.”¹²⁴ Altercations with the Capitol Police soon followed—and many of the ring-leaders of the anti-democracy movement were there to fan the flames. Finchem tweeted photographs of protestors gathered on the steps of the Capitol building.¹²⁵ Alexander led chants outside the Capitol of “victory or death.”¹²⁶ Mastriano claimed that he did not go beyond police lines and left the area “when it was apparent that this was no longer a peaceful protest,” but video footage shows him and his wife

¹¹⁷ Trump Twitter Archive, Donald Trump (@realDonaldTrump) (Jan. 6, 2021, 8:17 AM EST), <https://www.thetrumparchive.com>.

¹¹⁸ Ken Paxton at Trump’s D.C. Rally: ‘We will not quit fighting’, Houston Chronicle (Jan. 6, 2021), <https://www.houstonchronicle.com/politics/texas/article/Paxton-Trump-DC-rally-election-2020-georgia-15850073.php>.

¹¹⁹ Rudy Giuliani Speech Transcript at Trump’s Washington, DC, Rally: Wants ‘Trial by Combat’, Rev Transcripts (Jan. 6, 2021), <https://www.rev.com/blog/transcripts/rudy-giuliani-speech-transcript-at-trumps-washington-d-c-rally-wants-trial-by-combat>.

¹²⁰ Id.

¹²¹ Read Trump’s Jan. 6 Speech, A Key Part Of Impeachment Trial, NPR (Feb. 10, 2021), <https://www.npr.org/2021/02/10/966396848/read-trumps-jan-6-speech-a-key-part-of-impeachment-trial>.

¹²² Id.

¹²³ Read Pence’s Full Letter Saying he Can’t Claim ‘Unilateral Authority’ to Reject Electoral Votes, AP (Jan. 6, 2021), <https://www.pbs.org/newshour/politics/read-pences-full-letter-saying-he-cant-claim-unilateral-authority-to-reject-electoral-votes>.

¹²⁴ The Trump Rally (Jan. 7, 2021), <https://drive.google.com/file/d/1jyoRaj7kI0V4X-0jAB3Z0xaJjOc2uk8e/view> (copy on file with States United); see also Colorado House Democrat calls for removal of GOP colleague who was at Jan. 6 rally, Denver Post (Feb. 16, 2021), <https://www.denverpost.com/2021/02/16/ron-hanks-colorado-house-removal-capitol-riot/>.

¹²⁵ Seven Arizonan Republican legislators face calls to ban them from the House and Senate, KNXV (Jan. 8, 2021), <https://www.abc15.com/news/state/seven-arizonan-republican-legislators-face-calls-to-ban-them-from-the-house-and-senate>.

¹²⁶ Baked Alaska, the QAnon Shaman . . . who led the storming of the Capitol?, The Guardian (Jan. 7, 2021), <https://www.theguardian.com/us-news/2021/jan/07/baked-alaska-the-qanon-shaman-who-led-the-storming-of-the-capitol>.

passing through a breached police barricade.¹²⁷ At 2:11 p.m., rioters breached a window at the Capitol building.¹²⁸ As you know all too well, the mob entered the Capitol, and Members of Congress and the Vice President were forced to evacuate. Ward tweeted, “Congress is adjourned. Send the elector choice back to the legislatures.”¹²⁹ Trump tweeted that Pence lacked “the courage to do what should have been done to protect our Country and our Constitution,”¹³⁰ but eventually, through heroic efforts, the Capitol Police and the National Guard restored order at the Capitol, and the vote count resumed.

Soon after, a new disinformation campaign was launched to cast the riot as either a protest that got out of hand or a false-flag operation by leftists to embarrass Trump. Hanks wrote that the crowd at the Capitol was not the same as at Trump’s rally: “[v]ery few people at the Ellipse were wearing masks. Those at the Capitol were wearing bandanas, like the Antifa bandits of the summertime riots.”¹³¹ Congressmembers Matt Gaetz, Paul Gosar, and Mo Brooks all spouted the conspiracy theory that Antifa had attacked the Capitol.¹³² Giuliani appeared on Bannon’s podcast on January 9, asserting that Democrats had stormed the building.¹³³ The same claims were echoed by Finchem,¹³⁴ Ward,¹³⁵ Paxton,¹³⁶ and Lindell.¹³⁷

For those who were involved in the attempted coup on January 6, the fight did not end on that day. Soon after, Amanda Chase gave a floor speech in Virginia defending those who stormed the Capitol, calling them “patriots who love their country and do not want to see our great republic turned into a socialist country.”¹³⁸ On January 10, Alexander appeared in an internet video, promising: “We are going to punish the traitors,” referring to Republican politicians who endorsed Biden’s electoral victory. “The Lord says vengeance is his, and I pray I am the tool to stab these motherf—ers.”¹³⁹ This continuing rhetoric was a cause for concern for House Minority Leader Kevin McCarthy. In newly released audio from a private call from January 10, 2021, McCarthy urged Republican leaders to monitor lawmakers’ public statements and alert him to potentially dangerous messages: “I do not want to look

¹²⁷ Pa. GOP lawmaker Doug Mastriano says he left the Capitol area before the riot. *New videos say otherwise*, The Philadelphia Inquirer (May 25, 2021), <https://www.inquirer.com/news/doug-mastriano-capitol-riot-pennsylvania-video-20210525.html>; *Videos Contradict State Lawmaker’s Claim He Left Capitol While It Was ‘Still Peaceful’*, HuffPost (May 25, 2021), https://www.huffpost.com/entry/doug-mastriano-capitol-riot_n_60ac5e99e4b019ef10de09c7.

¹²⁸ How the rioters who stormed the Capitol came dangerously close to Pence, Wash. Post (Jan. 15, 2021), https://www.washingtonpost.com/politics/pence-rioters-capitol-attack/2021/01/15/ab62e434-567c-11eb-a08b-f1381ef3d207_story.html; *Inside the Capitol Riot: An Exclusive Video Investigation*, N.Y. Times (Sept. 23, 2021), <https://www.nytimes.com/2021/06/30/us/jan-6-capitol-attack-takeaways.html>.

¹²⁹ Kelli Ward (@kelliwardaz), Twitter (Jan. 6, 2021), <https://twitter.com/kelliwardaz/status/1346916956801179649>.

¹³⁰ Trump Twitter Archive, Donald Trump (@realDonaldTrump) (Jan. 6, 2021, 2:24 PM EST), <https://www.thetrumparchive.com>.

¹³¹ *The Trump Rally* (Jan. 7, 2021), <https://drive.google.com/file/d/1jyoRaj7kI0V4X-QjAB3Z0xaJjOc2uk8e/view> (copy on file with States United).

¹³² *Antifa Didn’t Storm The Capitol. Just Ask The Rioters.*, NPR (Mar. 2, 2021), <https://www.npr.org/2021/03/02/972564176/antifa-didnt-storm-the-capitol-just-ask-the-rioters>.

¹³³ YouTube bans Steve Bannon’s podcast channel hours after Rudy Giuliani appeared on an episode and blamed the Capitol siege on Democrats Business Insider (Jan. 9, 2021), <https://www.businessinsider.com/youtube-bans-steve-bannon-war-room-podcast-rudy-giuliani-comments-2021-1>; Google bans two Steve Bannon YouTube channels after Trump lawyer Giuliani claims stolen election, The Mercury News (Jan. 8, 2021), <https://www.mercurynews.com/2021/01/08/googles-youtube-hosts-video-of-trump-lawyer-giuliani-claiming-stolen-election-two-days-after-deadly-capitol-insurrection/>.

¹³⁴ Among some in Arizona GOP, siege of the US Capitol was everyone’s fault except Trump, AZCentral (Jan. 7, 2021), <https://www.azcentral.com/story/news/politics/arizona/2021/01/07/these-arizona-republicans-say-trump-isnt-to-blame-for-capitol-riot/6580354002/>.

¹³⁵ As Nation’s Capitol swirled into chaos, Arizona played a central role, AZCentral (Jan. 6, 2021), <https://www.azcentral.com/story/news/politics/arizona/2021/01/06/arizonas-role-us-capitol-riot-paul-gosar-election-certification/6571625002/>.

¹³⁶ Ken Paxton told Trump supporters to ‘keep fighting.’ When they breached the Capitol, he falsely claimed it wasn’t them., The Texas Tribune (Jan. 7, 2021), <https://www.texastribune.org/2021/01/07/texas-ken-paxton-trump-supporters/>.

¹³⁷ How Trump’s pied pipers rallied a faithful mob to the Capitol, Reuters (Jan. 11, 2021), <https://www.reuters.com/article/us-usa-trump-protest-organizers-insight/how-trumps-pied-pipers-rallied-a-faithful-mob-to-the-capitol-idUSKBN29G2UP>.

¹³⁸ Virginia Senator Who Defended Capitol Rioters Faces Censure Effort NBC4 Washington (Jan. 23, 2021), <https://www.nbcwashington.com/news/local/virginia-senator-who-defended-capitol-rioters-faces-censure-effort/2549545/>.

¹³⁹ Id.

back and think we caused something, or we missed something, and someone got hurt. I don't want to play politics with any of that."¹⁴⁰

II. THE ANTI-DEMOCRACY MOVEMENT CONTINUES

As we explained, the terrible events of January 6 were not the start of this anti-democracy movement, nor were they the end. The central tenet of the “Stop the Steal” movement—the “Big Lie” that the 2020 Presidential election was stolen from Trump—has only spread further. Today, it is a tool for certain anti-democracy activists, whom we at States United call “election deniers,” to take steps to ensure that former President Trump and his advisors, lawyers, and like-minded State and local officials will be able to control the outcomes of future elections across the country regardless of whether they or their preferred candidates actually win those elections.¹⁴¹

That's where we now find ourselves. Many of the same people who preemptively cast doubt on the 2016 and 2020 elections, and who were involved in efforts to take over the Government by force to change the result of the 2020 Presidential election, have now developed a playbook for future elections: First, they change the rules of elections; then, they change the referees—the people who will enforce those rules. This process is accompanied by many of the same anti-democracy tactics that were employed prior to January 6, such as pressure aimed at State officials—including challenging them in primary elections—and sustained disinformation campaigns. The objective is to change the results in the future—and some even bizarrely believe that the results of 2020 can still be changed. The purported justification for all of that is the “Big Lie,” that the 2020 election was stolen from Trump through voter fraud.

a. Changing the Rules

We first turn to the efforts to change the rules of elections. In the aftermath of the 2020 Presidential election, a wave of legislative proposals to revise election laws swept across the country State by State.¹⁴² The Voting Rights Lab identified more than 2,000 bills that seek to alter in one way or another the way elections are administered.¹⁴³

Of course, as we said earlier with respect to litigation, nothing is inherently problematic about introducing bills relating to election laws. But many of these bills involve efforts to alter basic principles about how elections are administered and aspire to put highly partisan State legislators in charge of basic decisions about our elections—with the ostensible goal being to rig election outcomes and give a political party the ability to nullify the votes of the people.

Traditionally, the executive branch and local election officials have run our voting systems, but these recent efforts would give State legislators the power to disrupt election administration and the reporting of results—powers beyond those they had in 2020 or indeed throughout much of the last century. Had such bills been law in 2020, they would have significantly added to the turmoil that surrounded the election, and they would have raised the alarming prospect that the outcome of the Presidential election could be decided contrary to the people's votes. When the losing party overrides the will of the voters, our system of Government collapses.

Our organization, States United, published a report, *Democracy Crisis in the Making*, on precisely this issue. In April 2021,¹⁴⁴ we identified 148 bills threatening to interfere with election administration across 36 States. In May 2022, States United published an updated report that found the trend of introducing election subversion bills has accelerated. As of April 8, 2022, legislatures in 33 States have introduced 229 bills—175 introduced in this calendar year alone and 54 rolled over from the

¹⁴⁰ McCarthy Feared G.O.P. Lawmakers Put ‘People in Jeopardy’ After Jan. 6 New York Times (April 26, 2022), <https://www.nytimes.com/2022/04/26/us/politics/mccarthy-republican-lawmakers.html?partner=slack&smid=sl-share>.

¹⁴¹ The clear and present danger of Trump's enduring ‘Big Lie’, NPR (Dec. 23, 2021), <https://www.npr.org/2021/12/23/1065277246/trump-big-lie-jan-6-election>.

¹⁴² A Democracy Crisis in the Making, States United Democracy Center (Apr. 22, 2021), <https://statesuniteddemocracy.org/wp-content/uploads/2021/04/FINAL-Democracy-Crisis-Report-April-21.pdf>.

¹⁴³ Legislative Tracker, Voting Rights Lab (last checked Apr. 12, 2022), <https://tracking.votingrightslab.org/>.

¹⁴⁴ Democracy Crisis in the Making: How State Legislatures are Politicizing, Criminalizing, and Interfering with Elections, States United Democracy Center, <https://statesuniteddemocracy.org/resources/democracy-crisis-in-the-making-how-state-legislatures-are-politicizing-criminalizing-and-interfering-with-elections/>.

last calendar year. In total, 50 election subversion bills have been enacted or adopted (32 last year and 18 thus far this year).¹⁴⁵ A few are worth highlighting.

Buried among the more publicized provisions of Georgia's S.B. 202,¹⁴⁶ enacted in March 2021, are changes to Georgia's election laws that fundamentally alter the balance of power between the executive and legislative branches. For example, the law changes the appointments power and restricts the State Election Board's ability to respond to emergencies. In particular, the law replaces the directly-elected secretary of state as chair of the State Election Board with a "chairperson elected by the General Assembly"¹⁴⁷ and it empowers the State Election Board—now chaired by a legislative appointee—to investigate and replace local election officials whose competence has been, as the law puts it, "call[ed] into question."¹⁴⁸

Context is important here. In light of the Secretary of State Brad Raffensperger's resisting calls from State legislators and others (including Trump) to overturn the election results, this is a clear effort by partisan legislators to wrest control of the State's elections into their own hands.

Before this year, the State Election Board was chaired by the secretary of state and, in addition, was comprised of two legislative appointees and one representative of each political party. Under the new law, the chair is selected by a simple majority vote of the Georgia Senate and House. While the chair must be "nonpartisan," this merely means that they must not have engaged in partisan politics—for example, by participating in a partisan campaign—for the previous 2 years. Additionally, the chair can be removed and replaced by the legislature at any time by a majority vote, giving the legislature effective control of the board.

Further, those legislative appointees now have the power to replace local election officials with their own hand-picked substitutes. In Georgia, elections are administered by "superintendents"—usually bipartisan or nonpartisan county election boards. Under the new law, the State Election Board can replace superintendents if it finds that there has been "demonstrated nonfeasance, malfeasance, or gross negligence in the administration of . . . elections" over a 2-year period. This vague standard raises the specter of election manipulation by partisan actors.

Indeed, in an extreme case, the legislature—acting through the Board—might be able to abuse this power to overturn the results of an election—for example, by replacing a superintendent to prevent the certification of election results.

Kansas's H.B. 2332,¹⁴⁹ which was passed by overriding the Governor's veto in May 2021,¹⁵⁰ charts a different path for inserting the legislature into crucial election functions and depriving the Governor or secretary of state of vital powers. This law strips the Governor of any authority to modify election laws or procedures. The secretary of state is now barred from settling any litigation regarding elections without the consent of the legislative coordinating council. And Kansas State courts now lack the authority to modify State election laws except under powers that may be granted to them by the State's constitution. As a result, in the event of an emergency, such as a flood that renders polling places inaccessible, the Governor will be unable to act quickly to modify election procedures. Likewise, the secretary of state will have their hands tied in court, and effectively every lawsuit regarding voting in Kansas—potentially everything from the certification of election results to how voter registration is conducted—will be overseen by a group of partisan political actors.

Last, in Arkansas, the State legislature enacted a new measure in 2021, H.B. 1803,¹⁵¹ which expands the power and investigative scope of the State's partisan State Board of Election Commissioners to oversee or even undo election results. The seven-member board is chaired by the secretary of state, and the remaining six members of the board are appointed by the State's Governor, legislative leaders, and

¹⁴⁵ *Democracy Crisis in the Making: How State Legislatures are Politicizing, Criminalizing, and Interfering with Elections*, States United Democracy Center, https://statesuniteddemocracy.org/wp-content/uploads/2022/05/DCITM_2022.pdf.

¹⁴⁶ S.B. 202, Georgia 2021–2022 Regular Session, <https://www.legis.ga.gov/api/legislation/document/20212022/201498>; *A Democracy Crisis in the Making*, States United Democracy Center (Apr. 22, 2021), <https://statesuniteddemocracy.org/wp-content/uploads/2021/04/FINAL-Democracy-Crisis-Report-April-21.pdf>.

¹⁴⁷ S.B. 202, Georgia 2021–2022 Regular Session, <https://www.legis.ga.gov/api/legislation/document/20212022/201498>.

¹⁴⁸ *Id.*

¹⁴⁹ *Democracy Crisis Report Update: New Data and Trends Show the Warning Signs Have Intensified in the Last Two Months*, States United Democracy Center, Project Democracy, and Law Forward (June 10, 2021), https://statesuniteddemocracy.org/wp-content/uploads/2021/06/Democracy-Crisis-Part-II_June-10_Final_v7.pdf.

¹⁵⁰ HB 2332, Kansas 2021–2022 Legislative Sessions (Apr. 12, 2022), <http://www.kslegislature.org/li/b2021–22/measures/hb2332/>.

¹⁵¹ *Id.*

the heads of its Republican and Democratic parties. Under previous law, the board was empowered to hear and resolve complaints about violations of voter registration laws as well as general election complaints, but it was considered to be “toothless.” Now, the board may hear a broader range of complaints including about how county boards tabulated ballots or certified results, as well as their “election processes” or the conduct of elections in general. If the board finds a complaint valid, it is entitled to impose fines and “institute corrective actions.”¹⁵² Since the remedy is not further specified in the law, critics have worried that the broad language could enable the board to overturn elections.¹⁵³

Since Georgia is a State that has been characterized by some extremely close elections, we know that laws restricting voting rights there can directly affect the outcomes of critical State-wide elections that have an impact on the whole Nation. Although the latter two laws we discussed were not enacted in States with as narrow election margins, they illustrate a disturbing trend of anti-democracy forces developing and workshopping laws to change the election system to suit their ends, which they can then import into other States with more closely contested elections. In this way, certain solidly Republican States have acted as, as *The New York Times* called them, “laboratories for legislation.”¹⁵⁴

It is also notable that many of the same individuals who were involved in anti-democracy efforts before the 2020 Presidential election and in the run-up to and during the January 6 insurrection are now leading these efforts to change the rules of elections. Again, we want to be clear: These efforts to change election rules are premised on baseless accusations and lies, not verifiable evidence or even plausible allegations of fraud.¹⁵⁵

Last November, Doug Mastriano announced legislation to repeal Act 77,¹⁵⁶ the law that had established no-excuse mail voting in Pennsylvania,¹⁵⁷ even though he voted for its passage in 2019.¹⁵⁸ He has also supported challenges to Act 77 in Pennsylvania’s courts. When the Pennsylvania Commonwealth Court struck down Act 77 in January of this year,¹⁵⁹ Mastriano said that he “welcome[s] the end of ‘no-excuse’ mail-in voting in Pennsylvania.”¹⁶⁰ Pennsylvania’s Supreme Court later stayed the lower court’s decision,¹⁶¹ allowing Act 77 to remain in effect while the U.S. Supreme Court weighs the appeal.¹⁶² Mastriano also initiated a so-called “forensic investigation” of the 2020 Presidential election,¹⁶³ though he was later stymied in those ef-

¹⁵²Are State legislators really seeking power to overrule the voters?, Politifact (July 14, 2021), <https://www.politifact.com/article/2021/jul/14/are-state-legislators-really-seeking-power-overrul/>.

¹⁵³Id.

¹⁵⁴In Bid for Control of Elections, Trump Loyalists Face Few Obstacles, N.Y. Times (Dec. 11, 2021), <https://www.nytimes.com/2021/12/11/us/politics/trump-in-elections-trump-democracy.html>.

¹⁵⁵10 Voter Fraud Lies Debunked, Brennan Center for Justice (May 27, 2020), <https://www.brennancenter.org/our-work/research-reports/10-voter-fraud-lies-debunked>; Factbox: Trump’s False claims debunked: the 2020 election and Jan. 6 riot, Reuters (Jan. 6, 2022), <https://www.reuters.com/world/us/trumps-false-claims-debunked-2020-election-jan-6-riot-2022-01-06/>.

¹⁵⁶Op-Ed: Election Reform—Let the People Decide, Senator Doug Mastriano (May 4, 2021), <https://senatormastriano.com/2021/05/04/op-ed-election-reform-let-the-people-decide/>; Pennsylvania court strikes down no-excuse mail voting law CBS News (Jan. 28, 2022), <https://www.cbsnews.com/news/mail-in-voting-ballots-struck-down-pennsylvania/>.

¹⁵⁷Pennsylvania court strikes down no-excuse mail voting law, CBS News (Jan. 28, 2022), <https://www.cbsnews.com/news/mail-in-voting-ballots-struck-down-pennsylvania/>.

¹⁵⁸Details for Senate RCS No. 311, Pennsylvania State Senate (Oct. 29, 2019), https://www.legis.state.pa.us/CFDOS/Legis/RC/Public/-rc_view_action2.cfm?sess_yr=2019&sess_ind=0&rc_body=S&rc_nbr=311.

¹⁵⁹Pennsylvania court strikes down no-excuse mail voting law CBS News (Jan. 28, 2022), <https://www.cbsnews.com/news/mail-in-voting-ballots-struck-down-pennsylvania/>.

¹⁶⁰Pennsylvania court strikes down State’s no-excuse absentee/mail-in voting law, Ballotpedia News (Feb. 2, 2022), <https://news.ballotpedia.org/2022/02/02/pennsylvania-court-strikes-down-states-no-excuse-absentee-mail-in-voting-law/>.

¹⁶¹McLinko et al. v. Commonwealth of Pennsylvania et al., Case Nos. J–18A–2022, J–18B–2022, J–18C–2022, J–18D–2022, J–18E–2022 (Penn. S. Ct. Mar. 1, 2022).

¹⁶²Pa. Supreme Court weighs future of State’s popular mail voting law, The Philadelphia Inquirer (Mar. 8, 2022), <https://www.inquirer.com/politics/pennsylvania/spl/pennsylvania-mail-voting-supreme-court-hearing-20220308.html&outputType=app-web-view>.

¹⁶³Op-Ed: Why I am initiating a forensic investigation of the 2020 General Election and 2021 Primary, Senator Doug Mastriano (July 7, 2021), <https://senatormastriano.com/2021/07/07/op-ed-why-i-am-initiating-a-forensic-investigation-of-the-2020-general-election-and-2021-primary/>.

forts by fellow Republican and Pennsylvania Senate President Pro Tempore Jake Corman.¹⁶⁴

John Eastman, who wrote the now-infamous memoranda about Pence's purported ability to overturn the 2020 Presidential election on January 6, penned a new memorandum regarding the supposed right of Wisconsin's State legislature to overturn the State's Presidential election results.¹⁶⁵ In a memorandum to Wisconsin State Assemblyman Timothy Ramthun, Eastman argued that "State legislatures . . . do have the authority to de-certify the election of Presidential electors in their State upon a definitive showing of illegality and/or fraud in the conduct of the election sufficient to have altered the results of the election."¹⁶⁶ Eastman concluded that the State legislature could then "appoint electors as it sees fit."¹⁶⁷

Arizona Republican Chairwoman Kelli Ward has been a vocal supporter of legislative and judicial efforts in Arizona to limit voting rights.¹⁶⁸ She has also publicly shamed Republican legislators who did not support so-called "election integrity" bills, tweeting: "Keep your eyes open AFTER the legislative session to see what rewards Boyer and Ugenti-Rita get from the swamp for killing #ElectionIntegrity bills in the Senate . . .".¹⁶⁹

Arizona State Representative Mark Finchem recently introduced HCR 2033, a concurrent resolution "calling for the elections of Maricopa, Pima, and Yuma counties to be set aside based on clear and convincing evidence that the elections in those counties were irredeemably compromised."¹⁷⁰ Arizona also recently enacted a new law requiring proof of citizenship to vote in Presidential elections,¹⁷¹ which voting rights groups estimate could disenfranchise tens of thousands of people who are entitled to vote but lack the required documentation.¹⁷²

In Texas, Attorney General Paxton, who previously stated that Trump "would've lost the election" in Texas had his office not convinced the State Supreme Court to prevent Harris County from sending applications for mail-in ballots to all registered voters,¹⁷³ formed a "2021 Texas Election Integrity Unit" in an effort to "devote agency lawyers, investigators, support staff, and resources to ensuring this local election season . . . is run transparently and securely."¹⁷⁴ It was "specially tasked with overseeing the 2021 election season."¹⁷⁵ Paxton also sought to indict a county clerk

¹⁶⁴ *Here's why State Sen. Doug Mastriano says Pa. election audit 'stopped for the time being'* GoErie (Aug. 20, 2021), <https://www.goerie.com/story/news/2021/08/20/pa-election-audit-mastriano-trump/8198996002/>; see also *Frontrunning Pa. Governor candidate still focused on unproven election fraud claims*, PennLive (Mar. 19, 2022), <https://www.pennlive.com/news/2022/03/leading-candidate-for-pa-governor-amplifies-false-unproven-stolen-election-narrative.html>.

¹⁶⁵ *Wisconsin Is Ground Zero for the MAGA Effort to Steal the Next Election*, Rolling Stone (Feb. 6, 2022), <https://www.rollingstone.com/politics/politics-features/trump-wisconsin-eastman-election-decertification-1295191/>.

¹⁶⁶ John Eastman Letter to Representative Timothy Ramthun (Dec. 30, 2021), <https://bloximages.chicago2.vip.townnews.com/madison.com/content/tncms/assets/v3/editorial/7/dc/7dca5f5e-6d6d-5527-8c82-cfe4dbf52236/6201a1a5e6d38.pdf>.

¹⁶⁷ *Id.*

¹⁶⁸ *Arizona Republicans Seek to Stop Early Voting with Supreme Court Lawsuit*, Phoenix New Times (Mar. 2, 2022), <https://www.phoenixnewtimes.com/news/arizona-republican-yvonne-cahill-sues-katie-hobbs-in-lawsuit-that-could-end-early-voting-13135090>; Kelli Ward (@kelliwardaz), Twitter (Feb. 28, 2022), <https://twitter.com/kelliwardaz/status/1498466919908737028>.

¹⁶⁹ Kelli Ward (@kelliwardaz), Twitter (Mar. 14, 2022) <https://twitter.com/kelliwardaz/status/1503509426224869376>; *Arizona State senators block a dozen GOP-sponsored election reform bills*, Courthouse News Service (Mar. 14, 2022), <https://www.courthousenews.com/arizona-state-senators-block-a-dozen-gop-sponsored-election-reform-bills/>.

¹⁷⁰ News Release, *Representative Finchem Introduces Resolution to Set Aside & Decertify Three 2020 County Elections*, Arizona House of Representatives, Representative Mark Finchem (Feb. 7, 2022) <https://www.azleg.gov/press/house/55LEG/2R/220207FINCHEMHCR2033.pdf>.

¹⁷¹ H.B. 2492, Arizona Fifty-fifth Legislature—Second Regular Session, <https://apps.azleg.gov/BillStatus/BillOverview/76970>.

¹⁷² *Arizona Passes Proof-of-Citizenship Law for Voting In Presidential Elections*, N.Y. Times (Mar. 31, 2022), <https://www.nytimes.com/2022/03/31/us/politics/arizona-voting-bill-citizenship.html>.

¹⁷³ *Texas AG Says Trump Would've 'Lost' State If It Hadn't Blocked Mail-In Ballots Applications Being Sent Out*, Newsweek (June 5, 2021), <https://www.newsweek.com/texas-ag-says-trump-wouldve-lost-state-if-it-hadnt-blocked-mail-ballots-applications-being-1597909>.

¹⁷⁴ *AG Paxton Announces Formation of 2021 Texas Election Integrity Unit*, Press Release (Oct. 18, 2021), <https://www.texasattorneygeneral.gov/news/releases/ag-paxton-announces-formation-2021-texas-election-integrity-unit>.

¹⁷⁵ *Id.*

based on her administration of the 2020 Presidential election, though the case was rejected by a grand jury.¹⁷⁶

Colorado HB 1204 was introduced by Representative Ron Hanks to overhaul the State's election system. The bill did not make it out of committee, but would have eliminated early voting, both in person and by mail, unless the voter had requested an absentee ballot based on a "valid" excuse.¹⁷⁷ Otherwise, all ballots would need to be cast in person on Election Day, and then counted by hand within 24 hours after the polls have closed.¹⁷⁸ Further, the bill would have withdrawn Colorado from the Electronic Registration Information Center (ERIC), a non-profit organization of States that helps to "improve the accuracy of America's voter rolls and increase access to voter registration for all eligible citizens."¹⁷⁹

Virginia State Senator Amanda Chase previously said she was working with Sidney Powell "to expose what I and others believe is extensive fraud here in Virginia,"¹⁸⁰ and has now introduced SB 605, a bill that would require a "forensic audit" of the results of the 2020 election and create a process for future citizen-initiated audits.¹⁸¹

Attorney Erick Kaardal appeared in Wisconsin conducting on-camera interviews of people at nursing homes and questioning the mental capacity of elderly people who voted in 2020.¹⁸² Attorney Cleta Mitchell, who helped Trump pressure Georgia Secretary of State Brad Raffensperger to overturn the election results there, was quietly appointed to the board of advisors for the U.S. Election Assistance Commission, which was created after the controversial 2000 Presidential election recount in Florida "to serve as a clearinghouse for election administration information and provide voluntary guidance to States."¹⁸³ Additionally, Michael Flynn and Roger Stone just recently announced an initiative to train election volunteers in eight closely contested States to "expose shenanigans at the ballot box."¹⁸⁴

b. Replacing the Refs

As we mentioned earlier, the strategy since January 6 has been two-fold: First, change the rules governing elections, and then, change the people who enforce those rules. When elections are run by anti-democracy operatives, then those same people can control the outcomes. Since 2020, election deniers have lined up to oversee voting at all levels of the system, from State-wide officials to precinct-level poll workers.

We are tracking the trend of election deniers running for State-wide office as part of a research project Replacing the Refs.¹⁸⁵ To qualify as an election denier, a candidate must have falsely claimed that Trump won the 2020 election, spread lies about the legitimacy of the 2020 Presidential election, called for a "forensic audit" of the 2020 Presidential election after the results were certified or otherwise finalized, promoted conspiracies about the 2020 Presidential election, and/or taken actions to undermine the integrity of the 2020 Presidential election, including, for ex-

¹⁷⁶ *Amid Texas GOP's effort to question electoral integrity, attorney general tried to indict Travis County elections chief*, The Texas Tribune (Dec. 20, 2021), <https://www.texastribune.org/2021/12/20/texas-ken-paxton-travis-county-elections/>.

¹⁷⁷ HB22-1204 Election Systems, Colorado General Assembly, <https://leg.colorado.gov/bills/hb22-1204>.

¹⁷⁸ *Id.*

¹⁷⁹ *Ensuring the Efficiency And Integrity of America's Voter Rolls, Election Registration Information Center*, <https://ericstates.org/>.

¹⁸⁰ *GOP gubernatorial candidate in Virginia calls on Trump to declare martial law*, The Hill (Dec. 15, 2020), <https://thehill.com/homenews/campaign/530291-gop-gubernatorial-candidate-in-virginia-calls-on-trump-to-declare-martial>.

¹⁸¹ SB 605 Conduct of election, election results, post-election forensic audits, Virginia's Legislative Information System, <https://lis.virginia.gov/cgi-bin/legp604.exe?221+sum+SB605>.

¹⁸² *In conspiracy-laden 'circus' Gableman attacks Wisconsin election administration*, Wisconsin Examiner (Mar. 2, 2022), <https://wisconsinexaminer.com/2022/03/02/in-conspiracy-laden-circus-gableman-attacks-wisconsin-election-administration/>.

¹⁸³ *How a lawyer who aided Trump's 2020 subversion efforts was named to a Federal election advisory board* CNN (Nov. 18, 2021), <https://www.cnn.com/2021/11/18/politics/cleta-mitchell-election-assistance-commission-advisor/index.html>.

¹⁸⁴ *Patrick Byrne, Gen. Flynn, Roger Stone Announce New Election Integrity Initiative In Orlando*, PJ Media (Feb. 26, 2022), <https://pjmedia.com/news-and-politics/jeff-reynolds/2022/02/26/patrick-byrne-gen-flynn-roger-stone-announce-new-election-integrity-initiative-in-orlando-1562049>; *General Flynn, Patrick Byrne, Roger Stone, Joe Flynn Will Unveil Bi-Partisan Election Integrity Initiative at CPAC*, PR Newswire (Feb. 23, 2022), <https://www.prnewswire.com/news-releases/general-flynn-patrick-byrne-roger-stone-joe-flynn-will-unveil-bi-partisan-election-integrity-initiative-at-cpac-301488663.html>.

¹⁸⁵ *Replacing the Refs*, States United Democracy Center, <https://statesuniteddemocracy.org/resources/replacingtherefs/>.

ample, participating in a Stop the Steal event.¹⁸⁶ We have found that, as of April 4, 2022, at least 53 election deniers are running for Governor in 25 States, at least 13 election deniers are running for attorney general in 13 States, and at least 23 election deniers are running for secretary of state in 19 States.¹⁸⁷ Put another way, an election denier is running in 2 out of 3 races for Governor and secretary of state, and 1 out of 3 races for attorney general. In addition, 9 States have election deniers running in all 3 State-wide races.

It's not just top-line State-wide roles that are important to election administration. In fact, local races—such as judges and inspectors of elections—can be just as impactful.¹⁸⁸ People in these types of positions oversee polling locations and safeguard the counting of votes. Although partisan judges or inspectors might only affect a small number of votes per precinct, their cumulative effect could tilt State-wide elections.¹⁸⁹

Election deniers are focusing on these positions, too. Last year, in two of Pennsylvania's 67 counties—York and Lancaster—almost a dozen candidates for judge or inspector of elections were election deniers.¹⁹⁰ One election denier—who ran to be judge of elections in his precinct—organized buses traveling to Washington, DC for the January 6 “Stop the Steal” rally.¹⁹¹ He was viewed as being so outside the mainstream that a fellow Republican urged the leader of the local Democratic committee to find someone to run against him.¹⁹² He won anyway.¹⁹³

In addition, many of the election deniers who participated in the events of January 6 in some respect are now following up on those efforts by running for positions that would allow them to administer elections. One is Doug Mastriano, the Pennsylvania State senator who quickly jumped on the anti-democracy bandwagon. He is now the Republican nominee in the race for Governor of Pennsylvania, at the encouragement of Trump.¹⁹⁴

Arizona State Representative Mark Finchem is running to be Arizona's secretary of state—and he has Trump's endorsement.¹⁹⁵ It is not surprising, then, that he has made the Big Lie a central tenet of his campaign.¹⁹⁶ So too has Tim Ramthun, who is running for Governor of Wisconsin and states on his campaign website that he “will call for an independent full forensic physical cyber audit for the November 2022 election, beginning with my race regardless of the outcome.”¹⁹⁷ He has Mike Lindell's endorsement.¹⁹⁸ In Texas, Ken Paxton won the Republican run-off in his

¹⁸⁶ *Id.*

¹⁸⁷ *Id.*

¹⁸⁸ *The Desperate Scramble to Stop an Insider Election Threat* The Atlantic (Nov. 14, 2021), <https://www.theatlantic.com/politics/archive/2021/11/pennsylvania-election-threat/620684/>.

¹⁸⁹ *Id.*

¹⁹⁰ *Id.*

¹⁹¹ *Id.*; *How January 6 changed what it means to be a Republican in one Pennsylvania county*, CNN (Jan. 5, 2022), <https://www.cnn.com/2022/01/05/politics/jan-6-capitol-riot-lancaster-republicans/index.html>.

¹⁹² *How January 6 changed what it means to be a Republican in one Pennsylvania county*, CNN (Jan. 5, 2022), <https://www.cnn.com/2022/01/05/politics/jan-6-capitol-riot-lancaster-republicans/index.html>.

¹⁹³ *In Bid for Control of Elections, Trump Loyalists Face Few Obstacles*, N.Y. Times (Dec. 11, 2021), <https://www.nytimes.com/2021/12/11/us/politics/trump-in-elections-trump-democracy.html>.

¹⁹⁴ *Frontrunning Pa. Governor candidate still focused on unproven election fraud claims*, Penn Live Patriot-News (Mar. 20, 2022), <https://www.pennlive.com/news/2022/03/leading-candidate-for-pa-governor-amplifies-false-unproven-stolen-election-narrative.html> *How a Trump ally rode Trump's election fraud lie to political prominence*, Politico (June 16, 2021), <https://www.politico.com/news/2021/06/17/doug-mastriano-trump-pennsylvania-494796>; *Doug Mastriano has won the GOP primary for Pa. Governor after a campaign fueled by election lies*, The Philadelphia Inquirer (May 18, 2022), <https://www.inquirer.com/politics/election/doug-mastriano-wins-pa-republican-primary-governor-20220517.html>.

¹⁹⁵ *Mark Finchem, election conspiracy promoter, gets Trump's endorsement for secretary of state*, AZCentral (Sept. 13, 2021), <https://www.azcentral.com/story/news/politics/elections/2021/09/13/trump-endorses-mark-finchem-arizona-secretary-state-election/8322839002/>.

¹⁹⁶ *Trump followers zero in on secretary of state campaigns*, Politico (Jan. 24, 2022), <https://www.politico.com/news/2022/01/24/trump-secretary-of-state-campaigns-00000473>.

¹⁹⁷ *Wisconsin Is Ground Zero for the MAGA Effort to Steal the Next Election*, Rolling Stone (Feb. 6, 2022), <https://www.rollingstone.com/politics/politics-features/trump-wisconsin-east-man-election-decertification-1295191/>; *Ramthun for Governor*, <https://www.ramthunforgovernor.com/>.

¹⁹⁸ *Wisconsin Is Ground Zero for the MAGA Effort to Steal the Next Election*, Rolling Stone (Feb. 6, 2022), <https://www.rollingstone.com/politics/politics-features/trump-wisconsin-east-man-election-decertification-1295191/>.

bid for another term as Attorney General and is now the party's nominee.¹⁹⁹ Ron Hanks is running to be a United States Senator from Colorado.²⁰⁰

The Big Lie has also been fully incorporated into the dogma of the QAnon movement, which, in turn, has promoted the candidacies of election deniers. *The Guardian* reported earlier this year that QAnon “played a critical role in steering far-right candidates toward the secretary of state races as part of what appears to be a calculated Nation-wide assault on American democracy.”²⁰¹ Jim Marchant, a candidate for Nevada secretary of State, revealed last year that the idea for him to run was not his own; he was approached by a QAnon figure known as Juan O Savin,²⁰² who is involved in a QAnon “project” to “help[] candidates across the country.”²⁰³ In addition, Ron Watkins, who is widely believed to be “Q” (or one of possibly two “Qs”)²⁰⁴ wrote a baseless affidavit used in 2020 election litigation stating that voting machines used software “designed . . . to facilitate digital ballot stuffing via simple vote result manipulation.”²⁰⁵ Sidney Powell filed the affidavit in her Georgia lawsuit targeting the State’s use of Dominion Voting Systems’ voting machines.²⁰⁶ Watkins has since announced he is running for Congress in Arizona as his “next step” in getting “really involved in election integrity issues.”²⁰⁷

Our studies have concluded that election deniers are attempting to take steps to be able to control administration of future elections across the United States. Our findings also illustrate a related, and important, point: Many of the efforts to replace existing officials with election deniers do not involve replacing a Democrat with a Republican. Rather, we find that it is often non-election-denying Republicans who face challenges from election deniers.²⁰⁸ Especially in light of the many Republicans who have stood up to the Big Lie and supported the rule of law, the attempted takeover of our election system is not a partisan issue; it is a question of one’s commitment to democracy and the rule of law as opposed to embracing the anti-democracy notion that voters should not determine the outcome of elections.

c. Anti-Democracy Pressures Today

Where candidates who publicly embrace the Big Lie have seen their political fortunes soar, others who refuse to accede to this anti-democracy movement have faced substantial backlash, including from members of their own party. As the Associated Press aptly explained, signing onto the Big Lie is a “litmus test,” and former President Trump and his supporters will “shame—and potentially remove—members of their party” who do not pass the test.²⁰⁹ For example, U.S. Senator Mitt Romney was booed by a crowd, even as he reminded them that he was once the Republican

¹⁹⁹ *Texas Attorney General Ken Paxton easily defeats George P. Bush in GOP primary runoff*, The Texas Tribune (May 24, 2022), <https://www.texastribune.org/2022/05/24/texas-attorney-general-runoff-results-ken-paxton-george-p-bush/>.

²⁰⁰ *Controversial Republican State Rep. Ron Hanks files to run for U.S. Senate in 2022*, Colorado Sun (Oct. 1, 2021), <https://coloradosun.com/2021/10/01/ron-hanks-announces-senate-bid/>.

²⁰¹ *We have a project: QAnon followers eye swing State election official races*, The Guardian (Feb. 11, 2022), <https://www.theguardian.com/us-news/2022/feb/11/qanon-donald-trump-big-lie-elections-swing-states>.

²⁰² *Id.*

²⁰³ *Id.*

²⁰⁴ *Who is Behind QAnon? Linguistic Department Finds Fingerprints*, N.Y. Times (Feb. 19, 2022), <https://www.nytimes.com/2022/02/19/technology/qanon-messages-authors.html>.

²⁰⁵ *Former Trump Lawyer Sidney Powell Cites QAnon Promoter in Voter Fraud Lawsuit*, Daily Beast (Dec. 1, 2020), <https://www.thedailybeast.com/former-trump-lawyer-sidney-powell-cites-qanon-backer-ron-watkins-in-voter-fraud-lawsuit-affidavit>; *To boost voter-fraud claims, Trump advocate Sidney Powell turns to unusual source: The longtime operator of QAnon’s Internet home*, Wash. Post (Dec. 1, 2020), <https://www.washingtonpost.com/technology/2020/12/01/powell-cites-qanon-watkins/>.

²⁰⁶ *To boost voter-fraud claims, Trump advocate Sidney Powell turns to unusual source: The longtime operator of QAnon’s Internet home*, Wash. Post (Dec. 1, 2020), <https://www.washingtonpost.com/technology/2020/12/01/powell-cites-qanon-watkins/>; *Setting the Record Straight: Facts & Rumors, Dominion Voting* (Apr. 12, 2022), <https://www.dominionvoting.com/strs-georgia/>; *Pearson v. Kemp*, No. 1:20-cv-04809-TCB (N.D. Ga.).

²⁰⁷ *QAnon figure says he’s running for Congress to secure elections*, Arizona Capitol Times (Oct. 18, 2021), <https://azcapitoltimes.com/news/2021/10/18/qanon-figure-says-hes-running-for-congress-to-fix-elections/>.

²⁰⁸ *Secretary of State Races in 2022*, States United Democracy Center (Mar. 1, 2022), https://statesuniteddemocracy.org/wp-content/uploads/2022/03/sos-deniers-2.html#3_Secretary_of_State_Races_in_2022 (example: Georgia).

²⁰⁹ *Whose ‘Big Lie’? Trump’s proclamation a new GOP litmus test*, AP (May 3, 2021), <https://apnews.com/article/politics-campaign-2016-election-2020-government-and-politics-f3428d42d4d3fdfe59c560b6fadbbc70>.

Party's nominee for President. In Texas, the only anti-Trump Republican in a special election for a Congressional seat finished in ninth place.²¹⁰

In perhaps the clearest sign of the split within the Republican Party between pro- and anti-democracy factions, Republicans who refuse to embrace the Big Lie have been censured. At the Georgia Republican Party's 2021 convention, Raffensperger was censured for "dereliction of his constitutional duty," and the censure called for him to "commit [himself] to securing Georgia's elections."²¹¹ In Arizona, the Republican Party censured Cindy McCain, former Senator Jeff Flake, and Governor Doug Ducey, all of whom refused to support the effort to overturn the 2020 Presidential election.²¹² As you are well aware, just a couple of months ago, the Republican National Committee censured Reps. Liz Cheney and Adam Kinzinger, the only two House Republicans who agreed to join this Select Committee.²¹³ The censure resolution famously denounced this committee for supposedly persecuting "ordinary citizens engaged in legitimate political discourse."²¹⁴

Meanwhile, threats of violence against election officials have exploded in number, against both Democrats and Republicans. According to Reuters, "[s]ome of the most severe threats" were those directed at Republican officials in Georgia,²¹⁵ including Raffensperger. Threats were also made against Philadelphia's two Democratic city commissioners, Lisa Deeley and Omar Sabir.²¹⁶ Philadelphia's third city commissioner, Republican Al Schmidt, who tweeted at Trump on the morning after the 2020 election, also received multiple death threats. They were so serious that police officers were stationed outside his home and his family received a security detail.²¹⁷ He has since resigned.²¹⁸

A survey commissioned by the Brennan Center for Justice found that "one in three election officials feel unsafe because of their job," and "nearly one in five listed threats to their lives as a job-related concern."²¹⁹ Reuters conducted a separate investigation and found "hundreds of incidents of intimidation and harassment of election workers and officials Nation-wide."²²⁰

The threats have been directed not only at public officials, but also voters. According to a recently filed lawsuit, an organization called "United States Election Integrity Plan" is "deploying its agents, who are sometimes armed, to go door-to-door around Colorado to intimidate voters."²²¹ The individual defendants, who are founders of USEIP, are employed and paid by Mike Lindell,²²² and USEIP thanks Lindell in its organizing manual.²²³ One of the defendants appeared on Steve Bannon's

²¹⁰ *Id.*

²¹¹ *Kemp booed and Raffensperger censured at Georgia GOP convention*, CNN Politics (June 5, 2021), <https://www.cnn.com/2021/06/05/politics/brad-raffensperger-brian-kemp-georgia-republican-convention/index.html>.

²¹² *Arizona Republicans censure Cindy McCain, GOP Governor*, AP (Jan. 23, 2021), <https://apnews.com/article/donald-trump-race-and-ethnicity-censures-arizona-lawsuits-a50165b9d5c4468d5d1bb434c5e9c80a>; *Arizona GOP censures Flake, Ducey and McCain, signaling a fractured party in a key swing state*, CNN Politics (Jan. 24, 2021), <https://www.cnn.com/2021/01/23/politics/arizona-gop-censure-mccain-flake-ducey/index.html>.

²¹³ *RNC votes to censure Reps. Liz Cheney and Adam Kinzinger over work with Jan. 6 panel*, NPR (Feb. 4, 2022), <https://www.npr.org/2022/02/04/1078316505/rnc-censure-liz-cheney-adam-kinzinger-jan-6-committee-capitol>.

²¹⁴ *Id.*

²¹⁵ *U.S. election workers get little help from law enforcement as terror threats mount* Reuters (Sept. 8, 2021), <https://www.reuters.com/investigates/special-report/usa-election-threats-law-enforcement/>.

²¹⁶ *Id.*

²¹⁷ *Id.*

²¹⁸ *Al Schmidt resigns as city commissioner to lead Committee of Seventy PhillyVoice* (Nov. 30, 2021), <https://www.phillyvoice.com/al-schmidt-philadelphia-city-commissioners-committee-of-seventy/>.

²¹⁹ *Election Officials Under Attack*, Brennan Center for Justice (June 16, 2021), <https://www.brennancenter.org/our-work/policy-solutions/election-officials-under-attack>.

²²⁰ *U.S. election workers get little help from law enforcement as terror threats mount*, Reuters (Sept. 8, 2021), <https://www.reuters.com/investigates/special-report/usa-election-threats-law-enforcement/>.

²²¹ *Colorado Montana Wyoming State Area Conference of the NAACP, et al. v. United States Election Integrity Plan, et al.*, Case No. 1:22-cv-00581 (D. Colo. Mar. 9, 2022), ECF No. 1; *Colorado election deniers sued by civil rights groups over door-to-door "intimidation,"* The Durango Herald (Mar. 15, 2022), <https://www.durangoherald.com/articles/colorado-election-deniers-sued-by-civil-rights-groups-over-door-to-door-intimidation/>.

²²² *Id.*

²²³ *Lawsuit seeks to stop group's door-to-door voter fraud hunt*, AP (Mar. 9, 2022), <https://apnews.com/article/voting-rights-2022-midterm-elections-biden-steve-bannon-colorado-63beba2f69226f53ed305457c47a83ea>.

podcast to discuss the organization, which he said would “help coordinate the election integrity efforts of citizens across the country.”²²⁴

According to Ipsos research, 24 percent of Americans agree that “sometimes it is okay to engage in violence to protect American democracy.”²²⁵ And as we described, the dissemination of the Big Lie by election deniers and the menacing threats directed at government officials and election workers have contributed substantially to this trend toward intimidation, threats, and violence.

Perhaps most alarming, it is not as if dissemination of the Big Lie is relegated to shadowy corners of the internet. To the contrary, in fact, it has infiltrated major news media outlets. For example, Fox Nation, Fox News Channel’s streaming service, presented a three-part “documentary” series about the January 6 insurrection produced by Fox host Tucker Carlson.²²⁶ PolitiFact found that the series “attempted to rewrite the events of the insurrection” by “float[ing] several conspiracies . . . including that the violence was instigated by left-wing activists, that it may have been an FBI-led false flag, and that the government is using it to strip millions of Trump voters of their Constitutional rights.”²²⁷ These theories have been repeatedly and definitively debunked.²²⁸ Chris Wallace, a former Fox News host, recently confirmed that he had complained to Fox News management about the series and that the network’s treatment of the broadcast contributed to his departure.²²⁹ These events demonstrate the critical role that the press and news media must play in combatting false and baseless statements by anti-democracy activists—and the concomitant risks when they are co-opted as part of the anti-democracy movement.

Last, election deniers’ rampant spreading of anti-democracy disinformation has shaped the opinions of the American public to an almost unimaginable extent. According to Ipsos, around a third of Americans now “believe there was fraudulent voting in the [2020] election,” and a fifth “say they are unsure—meaning under half of respondents unequivocally state[d] there was no, or very little, fraudulent voting in the election.”²³⁰ That is consistent with a CNN poll²³¹ showing that 36 percent of Americans do not believe President Biden won the election, as well as an NPR/PBS NewsHour/Marist poll²³² finding that 75 percent of Republicans believe there were “real cases of fraud that changed the results.” Similarly, a November 2021 Monmouth University survey found that “one-third of the public continues to believe voter fraud determined the outcome of the 2020 election, a finding that has been consistent over the past year.”²³³

Because such a substantial number of Americans don’t believe the results of the 2020 Presidential election, election deniers can point to those Americans’ lack of confidence as justification for new, restrictive voting laws. As Wisconsin State Assembly Speaker Robin Vos put it, “we have to improve the process when literally hundreds of thousands of people in Wisconsin doubt that the election was held in a way that didn’t have substantial charges of fraud.”²³⁴ Left unsaid was that it was

²²⁴ *Id.*

²²⁵ *Seven in ten Americans say the country is in crisis, at risk of failing* Ipsos (Jan. 3, 2022), <https://www.ipsos.com/en-us/seven-ten-americans-say-country-crisis-risk-failing>.

²²⁶ *Tucker Carlson Is Stirring Up Hatred of America* The Atlantic (Nov. 2, 2021), <https://www.theatlantic.com/ideas/archive/2021/11/patriot-purge-tucker-carlson-documentary/620589/>.

²²⁷ *Tucker Carlson’s ‘Patriot Purge’ film on Jan. 6 is full of falsehoods, conspiracy theories*, PolitiFact (Nov. 5, 2021), <https://www.politifact.com/article/2021/nov/05/tucker-carlsons-patriot-purge-film-jan-6-full-fals/>.

²²⁸ *No, there is no evidence that the F.B.I. organized the Jan. 6 capitol riot*, N.Y. Times (June 18, 2021), <https://www.nytimes.com/2021/06/18/technology/misinformation-unindicted-co-conspirators-capitol-riot.html>; *How Pro-Trump Forces Pushed a Lie About Antifa at the Capitol Riot*, N.Y. Times (Mar. 1, 2021), <https://www.nytimes.com/2021/03/01/us/politics/antifa-conspiracy-capitol-riot.html>; *Tucker Carlson’s ‘Patriot Purge’ film on Jan. 6 is full of falsehoods, conspiracy theories*, PolitiFact (Nov. 5, 2021), <https://www.politifact.com/article/2021/nov/05/tucker-carlsons-patriot-purge-film-jan-6-full-fals/>.

²²⁹ *Chris Wallace Says Life at Fox News Became ‘Unsustainable’*, N.Y. Times (Mar. 27, 2022), <https://www.nytimes.com/2022/03/27/business/media/chris-wallace-cnn-fox-news.html>.

²³⁰ *Seven in ten Americans say the country is in crisis, at risk of failing*, Ipsos (Jan. 3, 2022), <https://www.ipsos.com/en-us/seven-ten-americans-say-country-crisis-risk-failing>.

²³¹ CNN (Sept. 15, 2021), <http://cdn.cnn.com/cnn/2021/images/09/15/rel5e.-elections.pdf>.

²³² *NPR/PBS NewsHour/Marist National Poll: Trust in Elections, Threat to Democracy*, November 2021, MaristPoll (Nov. 1, 2021), <https://maristpoll.marist.edu/polls/npr-pbs-newshour-marist-national-poll-trust-in-elections-threat-to-democracy-biden-approval-november-2021/>.

²³³ *National: Doubt in American System Increases* Monmouth University (Nov. 15, 2021), https://www.monmouth.edu/polling-institute/documents/monmouthpoll_us_111521.pdf.

²³⁴ *‘A Perpetual Motion Machine’: How Disinformation Drives Voting Laws*, N.Y. Times (May 13, 2021), <https://www.nytimes.com/2021/05/13/us/politics/disinformation-voting-laws.html>.

election deniers' concerted efforts—first to sow doubt in the election before it happened, then to lead efforts to reject the certification of the election on January 6, and finally to continue to spread disinformation about the election after the fact—that caused such “doubts.”

III. CONCLUSION

We close by thanking you for the opportunity to provide this important context around the January 6 attack on the Capitol. We hope that our statement helps show that the attack was no isolated incident. For years before, former President Trump and his allies had sown doubt about the integrity of American elections. After the American people cast their ballots in 2020, those same people, along with additional allies, pursued a multi-pronged strategy to overturn an electoral result that they did not like. The strategy involved baseless litigation, menacing protests, targeted political pressure, wide-spread disinformation, and corrupt legislative schemes.

Those efforts failed because certain public servants, devoted to the rule of law, stood up against the attempted coup and defended our republican form of government. Judges dismissed lawsuits that threatened our system of free elections. State and local officials—Republicans and Democrats—spoke truth to power and, despite threats against their lives and families, pushed ahead to count every vote. And a Vice President, under tremendous pressure to deliver victory to his own political tribe, refused to seize a power that was not his. As he wrote on January 6, “my oath to support and defend the Constitution constrains me from claiming unilateral authority to determine which electoral votes should be counted and which should not.”²³⁵ Our democracy was saved by the courage of people who made the choice to do right, in positions where those choices made all the difference.

But the anti-democracy movement has adapted and is acting today to ensure that people with courage and devotion to the rule of law are not in positions to safeguard elections in the coming years. The same group that stoked fears of voter fraud in 2020, that sought to undermine the electoral process and overturn the results, that incited the mob that stormed the Capitol—Trump, Giuliani, Powell, Eastman, Stone, Bannon, Lindell, Flynn, Paxton, Ward, Finchem, Mastriano, Ramthun, Alexander, Watkins, Chase, Kaardal, Hanks, and many more in Statehouses and on county boards or city councils across the country—are working now to change the game and replace the refs. They are working to ensure that 2020 was the last time that they will ever be denied control over Government in this country—regardless of what the voters say.

In short, the movement against American democracy did not begin or end on January 6, 2021. It is strong and growing today, and it requires a profound and powerful response. Thank you.

²³⁵Read Pence's Full Letter Saying he Can't Claim 'Unilateral Authority' to Reject Electoral Votes, AP (Jan. 6, 2021), <https://www.pbs.org/newshour/politics/read-pences-full-letter-saying-he-cant-claim-unilateral-authority-to-reject-electoral-votes>.

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to the

United States House of Representatives
Select Committee to Investigate the January 6th Attack on the United States Capitol

on

“The Role of Social Media, Political Influencers, and Participatory Disinformation in
Motivating and Mobilizing the Events of January 6, 2021”

Submitted on April 21, 2022

We are researchers who study online dynamics of mis- and disinformation. In 2020 our teams at the Stanford Internet Observatory and University of Washington Center for an Informed Public worked jointly as members of the Election Integrity Partnership (EIP), a coalition of research entities that supported real-time information sharing between the research community, election officials, government agencies, civil society organizations, and social media platforms during the U.S. presidential election. Formed out of a shared recognition that the vulnerabilities in the current information environment require urgent collective action, the EIP was established on July 26, 2020 — 100 days before the 2020 presidential election. Our work focused on detecting, assessing, and mitigating viral claims that attempted to interfere with election participation, encouraged voter fraud, or delegitimized election procedures and/or election results.

Our report outlining findings from the Partnership begins with the following:

On January 6, 2021, an armed mob stormed the U.S. Capitol to prevent the certification of what they claimed was a “fraudulent election.” Many Americans were shocked, but they needn’t have been. The January 6 insurrection was the culmination of months of online mis- and disinformation directed toward eroding American faith in the 2020 election.

Throughout EIP’s time of operation, and in broader research conducted by our teams independently over the past five years, we observed not just accidental rumors and misinformation, but an increasing presence of pervasive disinformation — false or misleading content intentionally seeded or spread for a strategic objective, often a political one.

While much of the previous research and media coverage of disinformation in the political arena has focused on state-sponsored interference (such as the multipronged Russian effort in 2016), our key takeaway from observation of the 2020 election is that most of the viral false and misleading claims that sought to delegitimize the election were domestic and participatory, originating from and amplified by Americans, including prominent partisan political influencers.

We offer these top-level summary insights from our work:

- Persistent false and misleading claims undermining trust in the election results were a core driver of the events on January 6, 2021.
- Throughout the election period and for months following, the Trump campaign and other pro-Trump and/or conservative activists spread — and then organized and mobilized on top of — false and misleading claims of voter fraud.
- A vast amount of false, misleading, exaggerated, and/or unsubstantiated claims questioning the integrity of the U.S. election spread online — both leading up to

the November 2020 election and for months following. Through a real-time curation process, our team identified 356 distinct claims that functioned to sow doubt in election procedures or results.

- This disinformation campaign was initiated and cultivated by former President Trump and his political campaign through social media posts and organizing efforts.
- The spread of misleading “voter fraud” narratives was not only top-down — i.e., originating from media and prominent figures such as President Trump — but also bottom-up, with some claims originating from the social media accounts of everyday people and later receiving amplification by influential (large audience) accounts.
- A small number of social media accounts — including hyper-partisan media outlets, right-wing political operatives and political organizations, elected Republican officials, and members of the Trump campaign — repeatedly played an outsized role in helping to shape, amplify, organize, and eventually mobilize on top of these false, misleading, exaggerated, and/or unsubstantiated claims and narratives.
- A small number of online media websites, especially hyper-partisan, conservative and/or right-wing outlets, played an outsized role in providing the content and framing for the online spread of false, misleading, exaggerated, or unsubstantiated claims of voter fraud.
- Social media sites developed policies aimed at accounts that repeatedly spread false and misleading content about the election, but preliminary research suggests that the rules were far more likely to be enforced for “unverified” accounts while verified, highly-followed accounts continued to spread false and misleading content. Additionally, though the platforms took action against some of the most influential accounts, the “repeat offender” *websites* were less impacted by policy enforcements — even when the websites and social media accounts were tied to the same organization or media entity.
- States with laws restricting the processing of mail-in ballots prior to the election — which exacerbated uncertainty regarding state election results — experienced a greater proportion of false, misleading, exaggerated, and unsubstantiated claims questioning the integrity of the vote.¹

Following the EIP monitoring period and subsequent to the events of January 6, our respective teams engaged in additional in-depth analysis of how false and misleading claims about the 2020 election spread online. Below, we discuss several findings in greater detail and provide visibility into some of the data and analyses that support these conclusions. We first provide an overview of the EIP to provide necessary context

¹ Wack, Morgan, Joseph S. Schafer, Ian Kennedy, Andrew Beers, Emma S. Spiro, and Kate Starbird. (Under Review). *Legislating Uncertainty: Election Policies and the Amplification of Misinformation in the 2020 U.S. Election*.

for understanding these findings. Next, we explain how the effort to produce and spread false and misleading claims about the election was “participatory” (both top-down and bottom-up) — and show how a small number of social media accounts played an outsized role in this production and propagation. We include observations about how audiences were mobilized on top of these misleading claims, eventually culminating in real life violence. In the Appendices, we provide considerably more detail into these findings and the methods that produced them.

About the Election Integrity Partnership

U.S. elections are highly decentralized, with almost 10,000 state and local election offices responsible for election operations. Dozens of federal agencies support this effort, including the Cybersecurity and Infrastructure Security Agency (CISA) within the Department of Homeland Security, the Election Assistance Commission, the FBI, the Department of Justice, and the Department of Defense.

However, there is no centralized support to aid state and local administrators in identifying and responding to emerging election-related mis- and disinformation from domestic sources within the United States. This leaves a critical gap for this crucial whole-of-society effort, and non-governmental and academic entities are uniquely well-positioned to fill it. The EIP’s goal was to develop an observation and rapid-response capability using a hub-and-spoke model; we discuss the specifics in more detail in [Appendix A](#).

Our findings from the EIP’s research into the 2020 election conclude that the January 6 insurrection was the culmination of months of online mis- and disinformation functioning to erode American confidence in the 2020 election. We summarize the key findings and recommendations in detail in the Partnership’s final report, *The Long Fuse: Misinformation and the 2020 Election*.² In this statement, we highlight three key observations from EIP — false and misleading narratives spread both from normal users to influential accounts (bottom-up) and from highly followed accounts through media and out to broad audiences (top-down), a small number of influential accounts were responsible for most of the repeated spread, and these narratives were used to mobilize users into real-world action — and supplement them with research findings from our work at Stanford University and the University of Washington.

² Center for an Informed Public, Digital Forensic Research Lab, Graphika, & Stanford Internet Observatory. *The Long Fuse: Misinformation and the 2020 Election*, 2021. Stanford Digital Repository: Election Integrity Partnership. v1.3.0 <https://purl.stanford.edu/tr171zs0069>

Participation was “Bottom-Up” and “Top-Down”

Our findings suggest that the disinformation campaign to undermine trust in the 2020 election was *participatory*. Influencers in politics and media collaborated with online crowds — ordinary people who believed they were seeing evidence of election fraud — to produce and spread hundreds of different false, misleading, exaggerated, and/or unsubstantiated claims that questioned the integrity of the election. These claims were woven together to assert that the Trump campaign would be (and, following the election, that it had been) the victim of systematic voter fraud. Over time, pro-Trump political operatives and activists organized on top of these misleading claims, nurturing a sense of grievance (that the election had been stolen) and mobilizing supporters of the president to attend rallies and protests — eventually culminating in the events of January 6, 2021. Figure 1 illustrates these dynamics.

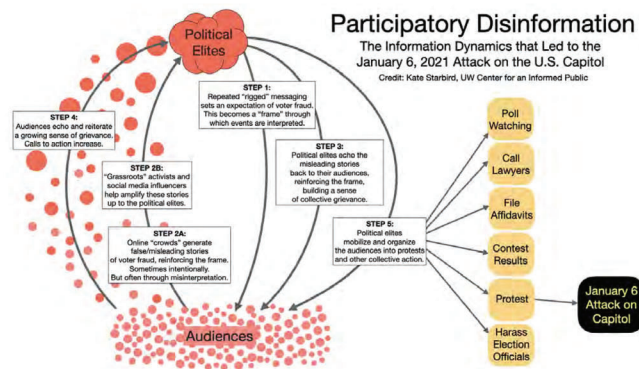


Figure 1. Participatory Disinformation and the 2020 U.S. Election.

The original frame or meta-narrative of a “rigged election” was set at the top — by President Trump, his campaign, and other “elites” in politics and media. With assistance from prominent political operatives and other influencers in social and mass media, this meta-narrative initially spread from the top-down, setting an expectation among many Trump supporters of election fraud.

This expectation, in concert with explicit directives from the Trump campaign for supporters to serve as informal ballot watchers and to “defend your ballot,” inspired

many to participate in the collaborative effort to collect and amplify perceived voter fraud or other issues with voting. This dynamic generated bottom-up narratives, which often began with individuals identifying purported real-world incidents (e.g., perceived issues with pens bleeding through ballots) or online evidence (e.g., perceived statistical anomalies) and posting them to social media. Influencers and hyperpartisan media leveraged this grassroots content, assembling it to fit the frame of a “rigged election” by transforming distinct and often one-off stories, sometimes based on honest voter concerns or genuine misunderstandings, into cohesive narratives of systemic election fraud. Those stories about perceived mail-in voting or election day incidents at polling locations often distorted or misrepresented the impact, intent, cause, date, or location of events.

Through propagation across accounts of increasing visibility and audience size, many of these claims and narratives would eventually reach “mega-influencers” (in marketing parlance, a reference to accounts with over one million followers) such as then President Trump, his family and close supporters, and political pundits who would spread the content down and out to their vast audiences. Mass media often covered these stories after they had reached a critical mass of engagement, often in an effort to debunk or refute them.

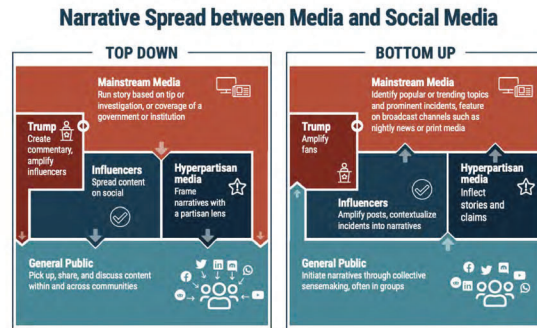


Figure 2. Top-down and bottom-up dynamics in the media ecosystem

In the lead-up to the 2020 election, misleading content about the election centered on mail-in voting: the alleged destruction and discarding of real ballots and the “discovery” of fake ones. Such content typically took the form of misleading photos or

decontextualized video clips of what appeared to be abandoned or crumpled mail. In some cases, the claims were outright false. In other cases, the core claim about discarded or mistreated ballots was true (e.g., there were discarded ballots found, among other mail, in a ditch), but the cause was misattributed or the impact exaggerated to create a false impression of deliberate tampering or election fraud. In the small number of cases that did merit investigation, the provocative narrative alleging fraud often went viral, while the outcome of the investigation went largely ignored weeks to months later when it was reported. We discuss one example of a participatory, bottom-up viral narrative related to ballots below.

Sonoma Ballots Case Study: Motivated Amplification of Misinformation

On September 25, 2020, a tweet claiming that over 1,000 ballots were discovered in a dumpster in Sonoma, California added to a growing narrative that mail-in voting should not be trusted. Elijah Schaffer³ — a conservative influencer, verified Twitter user, and journalist at hyperpartisan media outlet The Blaze — allegedly received photos of the mail-dumping incident. He posted the photos on Twitter, where they were shared by other highly-followed accounts across platforms, rapidly spreading the claim. Several hours later, The Gateway Pundit, another hyperpartisan media outlet, ran an article on its website featuring the same photos, which catalyzed additional spread of the claim. We provide more detail into the mechanics of this process in [Appendix C](#).

In both Schaffer's tweet and The Gateway Pundit's article, the photos were framed as evidence of potential fraud in the 2020 election. Influencers including Donald Trump Jr. amplified the claims, further spreading the false narrative that this was an intentional dumping of ballots with implications on the 2020 election, and reinforcing the broader narrative that mail-in voting was not secure.

However, the images were of empty envelopes (not ballots) from 2018 (not 2020) that had been legally discarded. Sonoma County provided a fact check the same day (though several hours later) on Twitter in English and Spanish, explaining the pictures had been taken out of context to promote a false narrative and properly identifying the photo as containing empty envelopes. This timely identification and correction is a good model for state and local officials. However, it also demonstrates the challenge in debunking information that has already gone viral, as the original misinformation had significantly larger engagement than the subsequent fact-check.

Repeat Spreaders

The Election Integrity Partnership found that a small number of “repeat spreader” accounts played an outsized role in the production and spread of false and misleading narratives about the 2020 election. For example, on Twitter, more than 50% of all

³ Schaffer would later be part of the group that breached and entered the Capitol on January 6, 2021.

content related to the “incidents” the EIP identified (of false/misleading claims sowing doubt in the election) were retweets of approximately 150 “repeat spreader” accounts. Many of the most influential repeat spreaders (listed in [Appendix B](#), below) were verified, highly-followed accounts belonging to partisan media outlets, social media influencers, conservative activists, and political figures.⁴ President Trump and his two older sons figure prominently among social media accounts that had an outsized impact on the dissemination of misleading narratives that sought to undermine trust in the results of the election.

Though false narratives occasionally gained traction on the political left, almost all of the most prominent repeat spreader accounts belonged to conservative and/or pro-Trump individuals and organizations. A similar trend played out among the most prominent web domains (websites), with conservative and pro-Trump media outlets playing an outsized role in originating, promoting, and providing the framing for false and misleading claims of voter fraud. Repeat spreaders often promoted each others’ content, which spread quickly via a network of overlapping audiences and reposting across social media platforms. The misleading narratives they produced and shared persisted throughout and beyond the election cycle, spreading through and across social media platforms and through the broader information ecosystem — including cable news.

This cross-platform spread of false and misleading narratives dampened the effect of any single social media network’s response, making it more difficult to slow down or correct information. Smaller, niche, and hyperpartisan platforms, which were often less moderated or completely unmoderated, hosted and discussed content that had been moderated (i.e., removed or downranked) elsewhere. In particular, Parler saw a remarkable increase in its active user base as users spurned the censorship they perceived on other platforms.⁵

Mobilization

Throughout the election season and the contentious months that followed, the Trump campaign and its proxy organizations and high profile supporters repeatedly mobilized pro-Trump audiences through a range of different calls to action — from signing up as poll observers or filing reports of voting issues, to calling lawyers to attending protests. Content from the observing, report-filing, and protesting, which bridged online and offline organizing, was integrated into the participatory campaign — sometimes as fuel for further misleading claims, and sometimes as content to nurture the sense of grievance of those who believed and amplified the claims.

⁴ Most of our analyses center on Twitter because they provide access to data for external researchers. Unfortunately, other platforms do not offer similar access to data that enables these types of analyses.

⁵ Thiel, David, Renee DiResta, Shelby Grossman, and Elena Cryst. *Contours and Controversies of Parler*. Stanford Internet Observatory, 2021.

Early mobilization efforts encouraged Trump supporters to sign up to join the “Army for Trump” where they would be trained to work as informal “poll watchers” and to collect and report perceived issues with voting on Election Day. As the election approached, they expanded that call to supporters more generally, with an online “DefendYourBallot” form and a directive to submit “anything that does not seem right.” These initiatives motivated and empowered Trump supporters to assist in creating a vast trove of images, videos, and stories of purported voting issues that could be selectively chosen, falsely framed, and fed into voter fraud narratives. One of the narratives that emerged, in part, through these efforts was SharpieGate.

SharpieGate Case Study: Mobilizing on Misinformation

Early morning on Election Day 2020, a conservative Chicago radio broadcaster tweeted that felt-tip “Sharpie” pens were bleeding through ballots. As Election Day progressed, a concern that ballots marked with Sharpie pens would not be counted echoed through conservative communities on social media. Similar claims emerged in a small number of posts that appear to be authentic and independent, echoing similar concerns in relation to other locations, including several in Arizona. Most prominently, a video recording of two women alleging that ballots marked with Sharpies couldn’t be read by voting machines in Arizona’s Maricopa County gained traction on Facebook and was spread across YouTube, Twitter, Rumble, TikTok, Parler, and Reddit. The off-camera interviewer claims “they’re invalidating votes.”

Despite early debunking by local news and officials in Chicago and Maricopa County — which explicitly stated that Sharpie markers could, indeed, be used to mark ballots — posts about Sharpies continued to spread, primarily within pro-Trump communities. Though initial claims and observations appear to have been motivated by genuine concern about the invalidation of votes, eventually they came to take on a suspicious and accusatory tone, alleging that Trump voters had intentionally been given Sharpies to invalidate their ballots. When it became apparent that the results in certain swing states were closer than polls predicted — especially after late evening of November 3 when Fox News called the state of Arizona for candidate Biden — the controversy about Sharpies was offered as an explanation for Trump’s apparent loss in the state, and the hashtag, #SharpieGate, emerged to consolidate and promote the claims.

As #SharpieGate began to go viral the morning of November 4, conservative and pro-Trump influencers participated in motivated amplification — helping to spread the developing conspiracy theory. Charlie Kirk, conservative activist and founder of Turning Point USA, posted a series of tweets, including the following (a quote tweet of a now suspended account):

`@charliekirk11 (2020-11-04 16:55 UTC): What's going on here?`

Quote Tweet: <Suspended Account> I'm seeing an uncomfortable amount of tweets that voters were given Sharpies to fill in their paper ballots yesterday and their vote was likely rejected by machines.

That tweet employed a common, “just asking questions” style that allowed Kirk to spread the conspiracy theory, but with an expression of uncertainty that allowed him to avoid taking responsibility for its veracity. Around the same time as Kirk’s tweet, conservative political activist Matt Schlapp used a similar technique, tweeting:

@mschlapp (2020-11-04 16:51 UTC) AZ update: apparently the use of sharpie pens in gop precincts is causing ballots to be invalidated. Could be huge numbers of mostly Trump supporters. More to come

Schlapp’s tweet helped to catalyze the spread of #SharpieGate,⁶ taking it from smaller accounts of concerned voters and everyday activists to large-following influencers, including media pundits and members of the Trump family who would soon post their own tweets (or retweets of others) about SharpieGate.

Local media and election officials around the country attempted to fact check the growing conspiracy theory, but by early evening the day after the election (November 4), SharpieGate became a rallying cry for Trump supporters and protestors gathered outside the Maricopa County Recorder’s Office building, some carrying guns, some live streaming for national audiences.⁷ Over the next few days, conservative activists and media figures converged on Maricopa County for additional rallies and events.

Several of the “repeat spreaders” of false/misleading voter fraud claims — including individuals who helped #SharpieGate go viral — also played a role in attending, promoting, and/or organizing these events. For example, Arizona Senator Paul Gosar, who posted several tweets promoting the central claims of #SharpieGate, spoke at the rally on November 4. Later that evening, Matt Schlapp, who helped #SharpieGate go viral, tweeted his intention to “be in AZ to count every legal ballot.” And Charlie Kirk promoted and headlined a follow-up event on November 6 in Phoenix, Arizona. Sharpies were a central theme during that “Protect the Vote” rally, where the crowd chanted “count the legal votes,” echoing Schlapp’s language. Conspiracy theorist Alex Jones of Infowars (one of the most cited domains in the subsequent #StopTheSteal discourse) and Kelli Ward, chairwoman of the Arizona Republican Party (and one of the most retweeted accounts in the #StopTheSteal discourse), also attended and participated in the November 6 rally.

⁶ An interactive graph showing how SharpieGate spread among large-following accounts and highlighting the role of Matt Schlapp is available:

<http://faculty.washington.edu/kstarbi/SharpieGate-RiseThruFirstSpike-ColorByMattSchlapp.html>

⁷ Threats to election officials spurred by false online conspiracy are further outlined in *Zero Trust: How to Secure American Elections When the Losers Won't Accept They Lost*:

https://stacks.stanford.edu/file/druid:m969dh7882/SIO_Zero_Trust_2021.pdf

In addition to physical protests, Trump voters in Arizona were also mobilized through calls to legal action — i.e., to contact lawyers and file affidavits about Sharpie-related issues. These efforts led to a number of unsuccessful lawsuits, including one that featured unsubstantiated claims made through the Trump campaign's online form.⁸

SharpieGate shows how a misunderstood incident about ballots was converted into a narrative and used to mobilize voters who believed the election would be — and then came to believe it *was* — stolen. Allegations of fraud and demands for recounts increased as voting results were tallied after Election Day. The SharpieGate conspiracy was eventually integrated into the broader #StopTheSteal narrative and movement, which took shape across platforms, aggregating disparate claims into a false meta-narrative of a “rigged election” and mobilizing action around that meta-narrative. Throughout December, organizers continued to organize protests and rallies around the #StopTheSteal mantra, eventually culminating in the rally — and subsequent insurrection attempt at the Capitol on January 6, 2021.

Ultimately, the EIP found the repeated narrative of a “stolen election” coalesced into the #StopTheSteal movement. The narrative appeared across platforms, inspiring online organizing and offline protests which led to the January 6 rally at the White House and the insurrection at the Capitol.

We provide more detail into the SharpieGate case study and mobilization around it in [Appendix C](#) and [Appendix D](#).

Recommendations

The spread of viral false and misleading claims with the intent to delegitimize democratic elections is a significant problem that requires a multistakeholder approach to mitigate. Doing nothing is not an option. While the Election Integrity Partnership was intended to meet an immediate need, the conditions that necessitated its creation have not abated, and in fact may have worsened. Academia, platforms, civil society, and all levels of government must be committed, in their own ways, to truth in the service of a free and open society. All stakeholders must focus on predicting and pre-bunking false narratives, detecting mis- and disinformation as it occurs, and countering it whenever appropriate.

As this committee envisions a path forward to ensure that January 6 remains an isolated event in American history, we make the following recommendations.

⁸ Klasfeld, Adam. “Trump Campaign Retreats from ‘Sharpiegate’ Lawsuit.” Law & Crime, November 16, 2020. <https://lawandcrime.com/2020-election/bye-bye-sharpiegate-trump-campaign-hastily-retreats-from-conspiracy-laden-lawsuit-after-brutal-hearing/>.

Congress

- Pass legislation mandating meaningful transparency from, and researcher and civil society access to, social media sites and similar platforms to enable public accountability and targeted, evidence-based policy.
- Strengthen digital expertise at federal regulators with election-related jurisdiction, including the Federal Election Commission and Federal Communications Commission, to improve enforcement of existing regulations.

The Executive Branch

- Establish clear authorities and roles for identifying and responding to election-related mis- and disinformation. Build on the federal interagency movement toward recognizing elections as a national security priority and critical infrastructure.
- Support multi-stakeholder collaborations like the Election Integrity Partnership to ensure rapid response capabilities in a whole-of-society approach for mitigating mis- and disinformation.
- Create clear standards for consistent disclosures of mis- and disinformation from foreign and domestic sources as a core function of facilitating free and fair elections, such as CISA's Rumor Control and joint interagency statements.

Technology Platforms

- Develop clear guidelines and consistently enforce rules for accounts that repeatedly violate misinformation policies. Platforms should provide both rationales and case studies to provide a clear understanding of their policies.
- Ensure that verified and high-profile accounts, which are known to be most influential in the spread of harmful misinformation and have the greatest capability to mobilize, are held to as high a standard as others.
- Address current loopholes that allow savvy actors to repeatedly evade moderation with rhetorical strategies (e.g., the use of strategic uncertainty).
- Share platform research on misinformation counter-measures with academics, civil society, and the public, including both what has worked and what has not.
- Enable access for external researchers to removed or labeled content, including exhaustive and rapid search capabilities.
- Provide greater transparency about why something is removed or censored. Sharing the evidence that supports why content was taken down (or why users were suspended) would be helpful for researchers as well as the public.

Acknowledgements

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Appendices

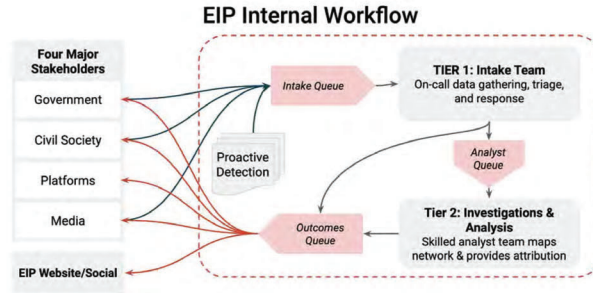
Appendix A: Research Background

The research presented here was initially conducted through the Election Integrity Partnership (EIP), a collaborative effort between teams at Stanford, University of Washington, Graphika, and the Atlantic Council's Digital Forensics Research Lab to identify, analyze, and rapidly respond to emergent mis- and disinformation^[1]. The EIP's work focused on informational threats to election integrity, including misinformation that may have confused voters on when or where to vote, malicious information that functioned to intimidate voters and/or suppress votes, and misleading information that functioned to sow doubt in election procedures or results. The EIP included approximately 120 researchers across the four organizations.

The work included three tiers:

- Tier 1: Monitoring social media platforms and online websites to detect false/misleading claims and filing tickets.
- Tier 2: Conducting in-depth analysis to understand how a specific claim or set of claims were spreading through various platforms — including identifying the websites and accounts that were influential in its spread.
- Tier 3: Communicating with a range of stakeholders, from social media platforms to government officials to journalists to the general public, to help address those false claims.

We were active in this “rapid response” work from early September through early December, 2020. Subsequently, we conducted more in-depth analysis of the “misinformation incidents” we surfaced through this work.



Our analysis focuses, primarily, on 483 distinct “incidents” (or discrete informational events) of misleading claims about the 2020 election. To give you a sense of these incidents (how these false/misleading claims were seeded and spread), we provide two examples here: 1) a false claim about discarded ballots from September 2020; and 2) a misleading narrative about Sharpies invalidating ballots that spread on election day. Looking across the 356 incidents, we reveal some of the most influential accounts and domains (websites) in the online spread of the false “voter fraud” narratives. Pulling from these incidents, as well as the broader social media record, we also provide some insight into how political operatives worked to mobilize audiences on top of these false claims — e.g., to file affidavits and attend protests.

The analyses presented here all rely, primarily, on data from Twitter — tweets from public accounts are available for systematic collection and analysis through “Application Programming Interfaces” (APIs) that Twitter makes available for researchers and others. The vast majority of Twitter accounts are designated by their operators as “public”, which means that anyone can see their posts and that our research team can “collect” them and place them into databases for analysis. Due to limited transparency, it is much more difficult to conduct these kinds of systematic analysis on other sites, like Facebook, YouTube, and TikTok. We can, however, follow URL links in tweets out to other websites and platforms, and report on some of those analyses here as well.

Using the Twitter Streaming API, we collected Twitter data related to the 2020 election in “real-time” from August 15, 2020 through January 6, 2021. We collected on a number of different election-related terms, including vote, voter, voted, votes, voters, ballot,

ballots, as well as combination terms like voterfraud. We also included terms related to potentially contentious locations (such as Maricopa County). And as time went on, we added emergent hashtag terms, like #SharpieGate and #StopTheSteal, to our collectors as well. Altogether, we collected nearly one billion tweets^[2].

Since December 2020, we have been conducting in-depth research on the data that we collected during the active part of our research — both through our Twitter data collections and our “rapid response” activities. Several papers related to this research are currently under review at peer-reviewed academic venues.

Our work relies on a grounded, interpretive, mixed-method approach to the investigation of “digital trace” data from social media platforms^[3]. We blend quantitative analysis (descriptive statistics) and visualization (of temporal and network graphs) to get a sense of large patterns and anomalies with qualitative analysis of specific social media posts and accounts to understand what those patterns and anomalies mean.

^[1] The EIP issued a final report, “The Long Fuse: Misinformation and the 2020 Election,” documenting our structure, activities, and findings. Our team at the University of Washington’s Center for an Informed Public contributed to many parts of that report, but were the primary leads for Chapter 4 (“Cross Platform and Participatory Misinformation: Structure and Dynamics”) and Chapter 5 (“Actors and Networks: Repeat Spreaders of Election Misinformation”).

^[2] More details about our data collection can be found in a forthcoming research paper: Ian Kennedy, Morgan Wack, Isabella Garcia-Camargo, Andrew Beers, Joey Schafer, Emma Spiro, and Kate Starbird. (Under review). Repeat Spreaders and Election Delegitimization: A Comprehensive Dataset of Misinformation Tweets from the 2020 U.S. Election. Submitted to the Journal of Quantitative Description: Digital Media.

^[3] This approach borrows from “grounded theory”: Charmaz, Kathy. Constructing grounded theory. sage, 2014; as well as methods developed by researchers of crisis informatics: Palen, Leysia, and Kenneth M. Anderson. “Crisis informatics—New data for extraordinary times.” Science 353, no. 6296 (2016): 224-225. We have used this methodological approach extensively in previous work on online rumormongering, misinformation, and disinformation: Maddock, Jim, Kate Starbird, Haneen J. Al-Hassani, Daniel E. Sandoval, Mania Orand, and Robert M. Mason. “Characterizing online rumormongering behavior using multi-dimensional signatures.” In Proceedings of the 18th ACM conference on computer supported cooperative work & social computing, pp. 228-241. 2015; Starbird, Kate, Emma Spiro, Isabelle Edwards, Kaitlyn Zhou, Jim Maddock, and Sindhuja Narasimhan. “Could this be true? I think so! Expressed uncertainty in online rumormongering.” In Proceedings of the 2016 CHI Conference on Human

Factors in Computing Systems, pp. 360-371. 2016; Wilson, Tom, and Kate Starbird. "Cross-platform disinformation campaigns: lessons learned and next steps." Harvard Kennedy School Misinformation Review 1, no. 1 (2020).

Appendix B: Repeat Spreaders of False/Misleading Claims on Twitter

Through the work of the EIP, we identified 456 distinct "information incidents" where content that represented an informational threat to election integrity spread online. Through subsequent qualitative analysis, we identified 356 incidents featuring false, misleading, exaggerated, or unsubstantiated claims that functioned to sow doubt in election procedures⁹.

These incidents featured a variety of different claims, including:

- Misleading claims based on evidence that was taken out of context to give a false impression. For example, claims that recycled ballot envelopes (from the 2018 election) were "discarded ballots" from the 2020 election, suggesting that the mail-in ballot process couldn't be trusted.
- Misleading claims based on actual issues with voting that exaggerated their impact. For example, claims that highlighted incidents of discarded ballots or issues with the U.S. Postal Service that created a misleading impression that the issues would affect results.
- Misleading claims based on actual issues with voting that misattributed their cause. For example, claiming that inadvertent issues with the voting process were due to intentional voter fraud.
- False claims based on (politically motivated) misinterpretation. For example, that Sharpie pens were intentionally used to disenfranchise certain voters or that statistical anomalies indicated systematic voter fraud.
- Unsubstantiated speculation. For example, that voting machines were systematically switching votes from one candidate to another.

The majority of these incidents featured misleading, exaggerated, or unsubstantiated claims that systematic voter fraud would or had assisted candidate Biden in winning the 2020 presidential election.

For each of those 356 incidents, we created a dataset of tweets that matched keyword terms and time periods related to the incident. These tweet data constitute a curated

⁹ The process for identifying these incidents and scoping datasets for each is documented in Ian Kennedy, Morgan Wack, Isabella Garcia-Camargo, Andrew Beers, Joseph S. Schafer, Emma Spiro, and Kate Starbird. (Under review). Repeat Spreaders and Election Delegitimization: A Comprehensive Dataset of Misinformation Tweets from the 2020 U.S. Election. Submitted to the *Journal of Quantitative Description: Digital Media*.

dataset that can be systematically analyzed to understand larger trends in the spread of misleading content that undermined trust in the results of the 2020 election. As our examples demonstrate, each incident often included a mixture of tweets with sincere (but misguided) concerns about voting issues, tweets with politically motivated amplification of unsubstantiated claims, and tweets with explicit (and false) claims of systematic voter fraud. Several incidents also included some tweets correcting the false or misleading claims.

Here, we provide two analyses of these data:

1. A list of the Twitter accounts that were influential (highly retweeted) in multiple “incidents” of false, misleading, exaggerated, or unsubstantiated claims that sowed doubt in election procedures and/or results.
2. A list of the domains (or websites) that were prominent in multiple “incidents” of false, misleading, exaggerated, or unsubstantiated claims that sowed doubt in election procedures and/or results.

The findings presented here are an iteration on similar findings presented in the EIP’s final report. Here, through subsequent analysis, we have reduced noise to improve the quality of the analysis.

Repeat Spreader Twitter Accounts

In this first analysis, we present the Twitter accounts that were highly retweeted (>1000 retweets) for tweets related to multiple (6 or more) different informational “incidents” of false, misleading, exaggerated, or unsubstantiated claims that sowed doubt in election procedures or results.

Rank	User Screen Name	Verified User	Current (April 2022) Suspended Status	Incidents With Large Tweet (>1000 RTs)	Number of Retweets in these Incidents	Incidents with Any Tweet or Retweet
1	RealJamesWoods	TRUE	Active	24	363349	29
2	gatewaypundit	TRUE	Suspended	21	408586	38
3	TomFitton	TRUE	Active	19	140259	25
4	JackPosobiec	TRUE	Active	18	165274	35
5	EricTrump	TRUE	Active	17	463353	26
6	realDonaldTrump	TRUE	Suspended	16	2286540	22
7	DonaldJTrumpJr	TRUE	Active	16	357766	45
8	catturd2	FALSE	Active	15	75290	24
9	prayingmedic	FALSE	Suspended	14	118844	28
10	JamesOKeefeIII	FALSE	Suspended	13	452749	15

11	ChuckCallesto	TRUE	Active	13	295710	21
12	MichaelCoudrey	TRUE	Suspended	13	184850	32
13	ANONYMIZED ¹⁰	FALSE	Suspended	12	71300	16
14	robbystarbuck	TRUE	Active	11	78707	44
15	stillgray	TRUE	Active	11	75688	40
16	RichardGrenell	TRUE	Active	10	289835	16
17	RealCandaceO	TRUE	Active	10	248614	10
18	michellemalkin	TRUE	Active	10	87237	18
19	scrowder	TRUE	Active	10	67322	12
20	pnjaban	TRUE	Active	10	46164	28
21	charliekirk11	TRUE	Active	9	394231	12
22	RyanAFournier	TRUE	Suspended	9	107962	32
23	PhillyGOP	FALSE	Active	9	36650	17
24	joshdcaplan	TRUE	Active	9	30696	18
25	johncardillo	TRUE	Active	9	24726	39
26	RudyGiuliani	TRUE	Active	8	264090	8
27	Project_Veritas	TRUE	Suspended	8	119348	12
28	ScottAdamsSays	TRUE	Active	8	110475	15
29	jsolomonReports	FALSE	Active	8	97756	10
30	marklevinshow	TRUE	Active	8	96395	8
31	seanmdav	TRUE	Active	8	67669	42
32	Timcast	TRUE	Active	8	65480	10
33	mschlapp	TRUE	Active	8	56613	21
34	BreitbartNews	TRUE	Active	8	45945	14
35	DiamondandSilk	TRUE	Active	8	44071	14
36	kystenabecker	TRUE	Active	7	475329	31
37	MajorPatriot	FALSE	Suspended	7	195606	21
38	fleccas	TRUE	Active	7	191694	12
39	RaheemKassam	TRUE	Active	7	86452	31
40	TrumpWarRoom	TRUE	Active	7	76957	26
41	seanhannity	TRUE	Active	7	73028	7
42	DC_Draino	FALSE	Suspended	7	72116	12
43	RealMattCouch	FALSE	Suspended	7	57111	38

¹⁰ To protect accounts that may have reasonable expectations of privacy, we anonymize accounts that 1) are not verified; 2) are not public figures, including elected officials and self-described journalists; and 3) had <250,000 followers during the period where we collected their tweets.

44	mikeroman	FALSE	Active	7	56224	14
45	bennyjohnson	TRUE	Active	7	52261	21
46	SaraCarterDC	TRUE	Active	7	44952	12
47	RSBNetwork	TRUE	Active	7	23136	21
48	ANONYMIZED	FALSE	Suspended	7	17036	93
49	SidneyPowell1	FALSE	Suspended	6	396308	42
50	EmeraldRobinson	TRUE	Suspended	6	325224	14
51	dbongino	TRUE	Active	6	80283	9
52	ANONYMIZED	FALSE	Active	6	72412	30
53	TheRightMelissa	FALSE	Suspended	6	60307	25
54	Breaking911	FALSE	Active	6	50509	7
55	ANONYMIZED	FALSE	Missing	6	50133	12
56	Peoples_Pundit	FALSE	Active	6	49160	15
57	atensnut	FALSE	Active	6	46482	24
58	tracybeanz	FALSE	Suspended	6	42629	35
59	newtgingrich	TRUE	Active	6	33930	12
60	SebGorka	TRUE	Active	6	33341	27
61	ArthurSchwartz	TRUE	Active	6	27041	14
62	1776Stonewall	FALSE	Suspended	6	16658	24
63	RubinReport	TRUE	Active	6	15515	8
64	ANONYMIZED	FALSE	Suspended	6	8964	60
65	LLinWood	FALSE	Suspended	5	643438	7
66	kayleighmcenany	TRUE	Active	5	110358	7
67	ANONYMIZED	FALSE	Missing	5	106963	25
68	BrandonStraka	TRUE	Active	5	101308	7
69	ScottPresler	TRUE	Active	5	77710	6
70	HowleyReporter	FALSE	Active	5	75966	34
71	NVGOP	TRUE	Active	5	65339	9
72	BernardKerik	TRUE	Active	5	62993	22
73	TeamTrump	TRUE	Suspended	5	48653	10
74	ANONYMIZED	TRUE	Active	5	41559	30
75	ANONYMIZED	FALSE	Active	5	39662	107
76	ANONYMIZED	FALSE	Suspended	5	38607	8
77	DineshDSouza	TRUE	Active	5	37662	33
78	Millie_Weaver	TRUE	Active	5	30790	18
79	John_F_Kennedy	FALSE	Suspended	5	27352	8

80	ANONYMIZED	FALSE	Active	5	26351	16
81	MZhemingway	TRUE	Active	5	19805	11
82	hodgetwins	TRUE	Active	5	19157	11
83	ANONYMIZED	FALSE	Suspended	5	10064	52
84	ANONYMIZED	FALSE	Suspended	5	9140	15

Table B1. Repeat Spreaders of False, Misleading, Exaggerated, or Unsubstantiated Claims (on Twitter) that Sowed Doubt in the 2020 Election. Column 2 is the account handle. Column 3 is the verified status of the account. Column 4 features the number of incidents within which this account was *influential* (retweeted more than 1000 times). Column 5 lists the total number of retweets that this account received for tweets related to any of the 356 incidents. Column 6 features the total number of incidents that this account *participated in* (by posting a tweet or retweet).

This analysis shows that the most influential Twitter accounts in the spread of many different incidents of false, misleading, exaggerated or unsubstantiated claims about election procedures or results included accounts of:

- **The former president (@realDonaldTrump) and his two adult sons (@EricTrump and @DonaldJTrumpJr).** Each were highly retweeted in 17 distinct informational incidents that questioned the integrity of the 2020 election. They also served as amplifiers for additional incidents. @DonaldJTrumpJr participated (by posting at least one tweet or retweet) in 46 different informational incidents that spread false, misleading, exaggerated, or unsubstantiated claims that questioned the integrity of the 2020 election.
- **Conservative or right-wing hyper-partisan media outlets.** In particular, the account of Gateway Pundit (@gatewaypundit) was highly retweeted in 21 different incidents featuring false, misleading, exaggerated, or unsubstantiated claims that sowed doubt in the 2020 election — and participated in 17 others.
- **Individuals affiliated with other Republican or conservative media, including several hosts at cable news outlet Fox News.**
- **Individuals affiliated with conservative political organizations,** including @TomFitton of Judicial Watch and @charliekirk11 of TPUSA.
- **High-profile lawyers that supported the Trump Campaign's voter fraud claims,** including @RudyGiuliani and @SidneyPowell11
- **Conservative, right-wing, and/or pro-Trump social media influencers and/or celebrities.**
- **Conservative political figures** such as @newtgingrich, @SebGorka, @RichardGrenell, and @mschlapp.

Column 5 suggests that many of the accounts that were highly retweeted in several incidents also helped to spread other incidents, often through amplifications (retweets) of others' content. (The impact of these retweets is hard to measure, but we explore some of those dynamics in the case studies below.)

Network and content analysis indicate that 83 of the top 84 repeat spreaders of false, misleading, exaggerated, or unsubstantiated claims that sowed doubt in the 2020 election were politically aligned with conservative/GOP politics and/or then President Trump, while one repeat spreader was a liberal/Democrat who supported Joe Biden. The sole Biden-supporting account in the list (#52 in the list) primarily spread content that questioned the integrity of voting machines in down-ballot races.

Interestingly, though a few accounts in the “repeat offender” list above have been suspended for violating Twitter’s policies¹¹, enforcement of those policies was FAR more likely to affect less influential and non-verified accounts. Appendix E contains more details on Twitter’s suspensions of accounts that participated in the spread of false/misleading claims of voter fraud.

Repeat Spreader Domains (Cited in Tweets)

In a second analysis, we identified the domains (websites) that were highly cited (via links within more than 500 tweets) in many different “incidents” of false, misleading, exaggerated, or unsubstantiated claims that functioned to sow doubt in election procedures and/or results.

The articles (or videos) cited vary in their relationship to false/misleading claims:

1. Some articles explicitly spread original false, misleading, or unsubstantiated claims of voter fraud. These were primarily cited in tweets to question the integrity of the election.
2. Some articles featured factual evidence — e.g., of voting issues or isolated cases of voter fraud — that was misleadingly framed (in the article) to undermine trust in election procedures or suggest systematic voter fraud. These were primarily cited in tweets to question the integrity of the election.
3. Some articles featured factual evidence — e.g., of voting issues or isolated cases of voter fraud — that was subsequently contextualized in tweets to either suggest that the process couldn’t be trusted or used to allege systematic voter fraud.
4. Some articles repeated other’s claims of voter fraud — by featuring false or misleading statements, for example by Trump lawyers Sidney Powell or Rudy Giuliani, without corrections. These were primarily cited in tweets to question the integrity of the election.
5. Some articles featured “balanced” coverage, including statements from others making false/misleading/unsubstantiated claims and statements from others

¹¹ Only a portion of the “repeat offender” accounts that have been suspended from Twitter were suspended for violating their “Civic Integrity” policy — i.e. for spreading harmful misinformation about the election. The majority appear to have been suspended for violating other policies, including their “Incitement to Violence” and “Platform Manipulation and Spam” policies.

challenging or correcting those false/misleading/unsubstantiated claims. These were primarily cited in tweets to question the integrity of the election.

6. Some articles primarily corrected false or misleading claims related to election procedures or results. These were primarily cited in tweets that corrected false claims of voter fraud.

In the table below, we list the most influential domains in the Twitter discourse around voter fraud claims, including a (qualitative) classification of each domain based on the types of articles (and relationship between tweets and articles) enumerated in the above list.

Rank	Domain	Incidents with >500 tweets	# of Tweets Linking to Domain in Incidents	Predominant Relationship between Articles, Tweets, and Misleading Claims (based on criteria above)
1	www.thegatewaypundit.com	43	1344130	1,2,4
2	www.breitbart.com	26	521249	1,2,3,4
3	www.youtube.com	20	580032	1,2,3,4
4	www.theepochtimes.com	17	409567	1,2,4
5	www.foxnews.com	14	116063	2,3,4,5
6	www.washingtonpost.com	13	65519	3,6
7	justthenews.com	12	269466	1,2,3,4
8	www.cnn.com	11	88502	3,6
9	apnews.com	11	41610	3,6
10	thenationalpulse.com	10	63950	1,2,4
11	dailycaller.com	10	15061	1,2,4
12	nypost.com	10	211315	2,3,4
13	thedcpatriot.com	9	36875	1,2,4
14	www.washingtontimes.com	8	80984	2,3,4,5
15	thehill.com	8	31648	3,5,6
16	townhall.com	8	43503	1,2,4
17	nationalfile.com	8	183613	1,2,4
18	truepundit.com	7	12493	1,2,3,4
19	pimedia.com	7	53725	1,2,3,4
20	gellerreport.com	7	37288	1,2,4
21	www.washingtonexaminer.com	7	97738	3,4,5
22	www.waynedupree.com	7	10205	1,2,4
23	www.inquirer.com	7	145688	3,6

24	www.pscptv.com	7	76779	1,2,4
25	www.theblaze.com	6	34413	1,2,3,4
26	rumble.com	6	119539	1,2,4
27	www.newsmax.com	6	127981	2,4,5
28	www.nytimes.com	6	179895	3,6
29	www.nbcnews.com	6	22906	3,6
30	www.zerohedge.com	6	24855	1,2,4

This analysis leads to the following insights about the most influential domains in the online spread of many different false, misleading, exaggerated, and unsubstantiated claims that sowed doubt in the 2020 election:

- **Among these most influential domains were a number of hyperpartisan (right-wing, conservative, and/or pro-Trump) media outlets** that posted articles that made false or unsubstantiated claims of voter fraud, that framed factual evidence about voting issues in misleading ways, and repeated false or misleading claims of voter fraud from others. This class of highly cited domains in the voter fraud discourse included websites such as the Gateway Pundit, Breitbart, Epoch Times, Just The News, National Pulse, Daily Caller, Town Hall, National File, True Pundit, PJ Media, Geller Report, the Wayne Dupree website, The Blaze, and Zero Hedge.
- A number of **other partisan media outlets, including Fox News**, New York Post, and Washington Examiner, were highly cited for articles that contained factual information about voting issues — but that **factual information was often either misleadingly framed in the articles or misleadingly contextualized in tweets to sow doubt in the election.**
- **Mainstream media outlets**, including Washington Post, CNN, AP News, New York Times, and NBC News were **predominantly cited in this discourse for articles that attempted to debunk these narratives** or for articles that contained factual content about voting issues (for example US Postal Service issues delivering mail-in ballots) that was contextualized in tweets to undermine trust in the election process.
- **Also among the most influential domains of false/misleading claims about the 2020 Election on Twitter were other social media platforms** — YouTube (video), Periscope (livestream video), and Rumble (multimedia) — which hosted content with false or misleading claims of voter fraud that was repeatedly mobilized and widely spread on Twitter. This, again, **highlights the cross-platform nature of online mis- and disinformation** generally, and 2020 election mis/disinformation specifically.

Appendix C: Case Studies of Specific False Claims

Here, we present two detailed case studies of how specific false/misleading claims questioning the integrity of the 2020 election were produced and spread online. These cases demonstrate the top-down and bottom-up dynamics through which false and misleading narratives of voter fraud developed and spread on social media — highlighting the roles of specific influencers. These write-ups are based on analyses conducted by members of the Election Integrity Partnership and are adapted from content submitted as a research paper¹² to the Social Media + Society Journal.

Setting False Expectations of Systematic Voter Fraud

Prior to the 2020 election, the Trump campaign set an expectation of voter fraud among his supporters. The primary conveyer of this message was President Trump, who repeatedly used his social media accounts and public speaking opportunities to spread false, misleading, and unsubstantiated claims of voter fraud.



Figure C1: Tweet posted by President Trump claiming the 2020 election would be rigged.

For example, the tweet above was posted by President Trump's official account (@realDonaldTrump) in June 2020, claiming that the election would be "RIGGED" and that it would be "THE SCANDAL OF OUR TIMES." This was one of many similar messages that were posted by President Trump's account during the lead-up to the 2020 election. Many were highly retweeted by Trump's followers. Our research suggests that these tweets — in combination with a broader effort to amplify those and other similar messages — set a false expectation of election fraud among many of President Trump's supporters.

¹² Kate Starbird, Renee DiResta, Matt DeButts, and Isabella Garcia-Camargo. (Under Review) Influence and Improvisation: Participatory Disinformation during the 2020 U.S. Election. Manuscript under review at *Social Media + Society's Special Issue on "Political Influencers"*.

Though initially focused on mail-in voting, the effort to sow doubt in the election evolved to include other allegations of electoral malfeasance. As Election Day approached, the Trump campaign encouraged its followers to join the “Army for Trump” and collect evidence of fraud:

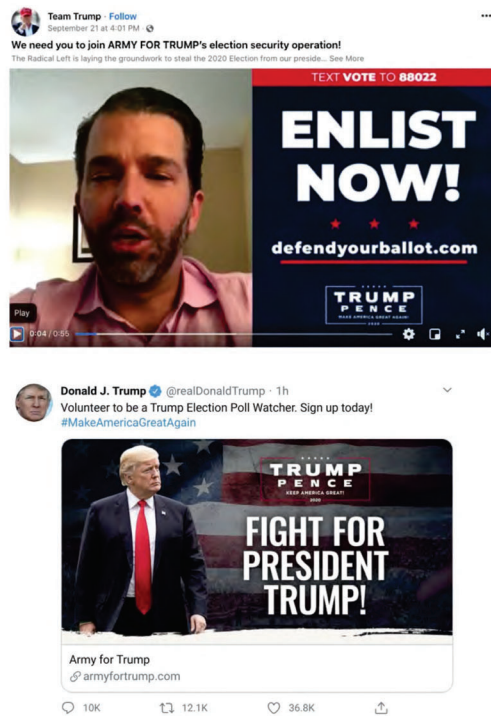


Figure C2: Facebook (Top) and Twitter (Bottom) posts from the Trump Campaign encouraging followers to join the “Army for Trump and serve as poll watchers.

The campaign hosted a website (defendyourballot.com) where they provided instructions for serving as informal poll observers and online forms for supporters to submit evidence of election issues. Our data reveal that, likely mobilized by the “Army for Trump” messaging and the repeated claims of voter fraud from pro-Trump political and media elites, many Trump supporters went to the polls (and went online) actively searching for evidence to support the election fraud narrative. This effort set the stage for motivated misinterpretations of voting experiences and the vote counting procedures that occurred on election night and the days that followed — as well as a concerted effort by influencers and everyday Trump supporters to find and amplify perceived “evidence” of voter fraud, continually reinforcing the false narrative.

Case 1: Sonoma Ballots

In the weeks leading up to the election, several stories of mail-in ballots being dumped, ditched, discarded, or destroyed went viral. Some were based on genuine instances of ballot misplacement or improper disposal, although their potential impact on the election was exaggerated. Others were based on willful misinterpretations or misleading framings of standard election administrative processes. The Sonoma Ballots case belonged to the latter category.

The Sonoma Ballots rumor first emerged in the tweet below:

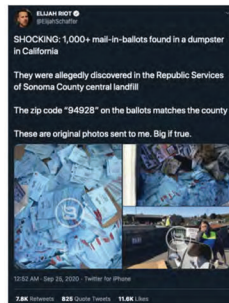


Figure C3: First tweet claiming that ballots had been found in a dumpster in Sonoma CA, posted by @ElijahSchaffer on September 25, 2020 at 12:52 am Pacific (7:52 am UTC).

The tweet featured photos of election materials discovered in a dumpster in Sonoma, California, claiming that these “ballots” demonstrated the vulnerability of mail-in voting in the 2020 election. The tweet’s author, Elijah Schaffer¹³, a self-described journalist for right wing media outlet The Blaze, concluded his exposition with the words, “Big if true.” This speculative language is a technique used by savvy social media users to spread false claims without having to take responsibility for them¹⁴ — and possibly to avoid platform enforcement.

It wasn’t true. The photo depicted ballot envelopes received and processed during the 2018 election, which were being discarded according to guidelines, 22 months after that election concluded. But lack of veracity did not stop the misleading claim from spreading widely — 45,000 tweets in the span of about 36 hours.

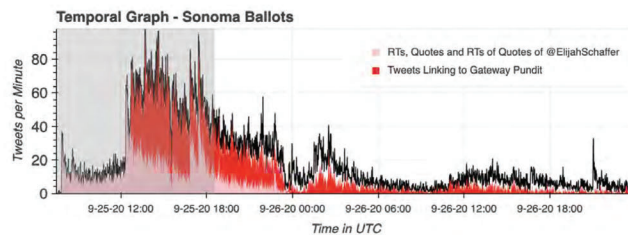


Figure C4: Temporal graph (tweets per minute) of the Sonoma Ballots story (Black). The shaded pink area consists of retweets and quote tweets of @ElijahSchaffer’s original tweet. The shaded red area consists of tweets linking to the Gateway Pundit’s article.

Initially, the story spread almost exclusively through retweets and quote tweets (and retweets of quote tweets) of @ElijahSchaffer’s original tweet. Schaffer’s account was verified by Twitter and had 244K followers at the time of this tweet.

Approximately five hours after Schaffer’s tweet, another right-wing news outlet posted an article and accompanying tweet featuring the same photos and claims:

¹³ Demonstrating a connection between the spread of false/misleading content about election integrity and the events of January 6, Schaffer was reporting from inside the Capitol Building — and at one point claimed to be inside Nancy Pelosi’s office — on January 6, 2021.

¹⁴ Starbird, Kate, Emma Spiro, Isabelle Edwards, Kaitlyn Zhou, Jim Maddock, and Sindhuja Narasimhan. “Could this be true? I think so! Expressed uncertainty in online rumoring.” In *Proceedings of the 2016 CHI Conference on Human Factors in Computing Systems*, pp. 360-371. 2016.

@gatewaypundit (2020-09-25 12:42:15): EXCLUSIVE: California Man Finds THOUSANDS of Unopened Ballots in Garbage Dumpster -- Workers Quickly Try to Cover Them Up -- PHOTOS via @gatewaypundit <https://t.co/bZqb0KY11Q>

The Gateway Pundit is a hyper-partisan, right wing, online media outlet. In advance of and following the 2020 election, the Gateway Pundit repeatedly pushed false and misleading narratives of voter fraud, through both its social media accounts and its website (see Tables B1 and B2 above). Its verified Twitter account had 302K followers at the time — and would grow to more than 460K followers before being suspended on January 10, 2021 (in response to the events of January 6). Gateway Pundit's article and tweet about the Sonoma Ballots contributed to a rapid surge in engagement, which persisted for several hours.

As Figure C4 shows, the vast majority of tweets (75%) about this narrative were either retweets/quote tweets of Elijah Schaffer or contained links to the Gateway Pundit's article. These dynamics are consistent with Benkler et al's characterization of 2020 disinformation as driven from the top-down by media and political elites (2020), but in this case the "elites" were mid-sized influencers from hyper-partisan media outlets using a digital-first approach.

Figure C5, a graph that shows both the cumulative spread of the narrative and the position of specific tweets within that spread, reveals a progression of pro-Trump influencers, including several from our list of "repeat offenders" in Appendix B. Eventually the Sonoma Ballots narrative would reach the account of Donald Trump Jr., who retweeted Schaffer's original tweet at 17:26 UTC, nearly 10 hours after the original tweet. The verified account of @realDonaldTrump, which had over 5.6M followers at the time, was a noted "repeat spreader" of misleading voter fraud claims (see Table B1). Trump Jr's account often acted as an accelerant rather than a catalyst, amplifying and sustaining an already-viral claim.

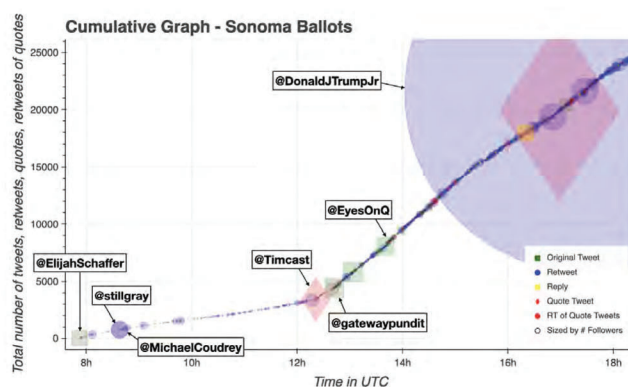


Figure C5. Cumulative graph of Sonoma Ballots tweets. The Y-axis represents the total number of tweets. The X-axis is time. Individual tweets of influencers (>10,000 followers) are plotted, sized by follower count. The view is focused on the first 10 hours of propagation (aligned with the gray box in Figure C4).

The spread of the false “Sonoma Ballots” claims occurred primarily on Twitter. After an official correction by Sonoma County and enforcement action by Twitter, engagement with the rumor faded dramatically. However, the claims persisted on the Gateway Pundit and resurfaced on Facebook a few days later (though at much lower volume), only to fade out completely after that.

Both Schaffer and Gateway Pundit eventually offered corrections or “updates” to their original claims, including noting Sonoma County’s statement that the materials were envelopes from the 2018 election. However, even in their corrections, both included language that furthered (rather than corrected) the original frame — that the mail-in voting process couldn’t be trusted.

Summarizing, this false narrative was seeded by an anonymous “reader” of hyperpartisan, right-wing media, and set in motion by a verified account who identifies as a “journalist” for a hyper-partisan media outlet. A second hyper-partisan media outlet accelerated and sustained its spread through publishing an article and promoting it on social media. As it spread on Twitter, it was amplified by several other influencers (many verified as well) within those journalists’ networks as well as large numbers of

unverified and pseudonymous, nano “influencers” from spammy, follow-back communities.

Case 2: SharpieGate

Our second case study, SharpieGate integrated several related claims (some true, some false) that weaved together to form a false “voter fraud” narrative. The core assertion of SharpieGate was that Sharpie pens given to in-person voters on election day were bleeding through ballots (true) and that this was causing ballots to be rejected (misleading; these ballots were rarely rejected) — essentially disenfranchising those voters (false, ballots rejected automatically were counted using alternative methods). Although Election Day’s first Sharpie claims surfaced in Chicago, the discourse later shifted to Arizona as the narrative evolved to assert that pens were intentionally given to Trump voters as part of a strategy to deliberately disenfranchise Trump-leaning voters.

In reality, Sharpie pens were recommended for in-person voting in Arizona (Citizens Clean Elections Commission), because they dry faster than ink pens, which smear the vote-reading machines when the ballots are fed in too quickly — as happens during high-volume, election day voting. The ballots had been designed so that bleed-through would not affect vote-counting. Unfortunately, many Arizona voters — and others who joined the online chorus of voices about this case — may have genuinely misunderstood this (admittedly somewhat abstruse) electoral process.

SharpieGate unfolded in five distinct stages, described in detail below.

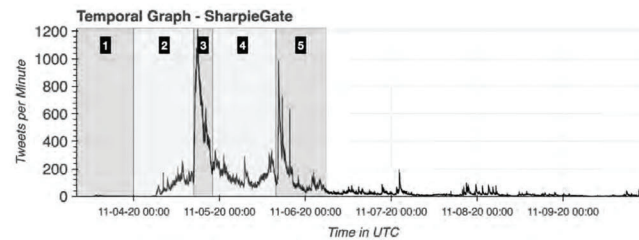


Figure C6. Temporal graph of tweets related to SharpieGate. Shaded areas indicate the five stages: 1) collective sensemaking; 2) development/amplification of the voter fraud narrative; 3) viral spread through macro/mega influencers; 4) correction by mainstream media; 5) resurgence among partisan media with connection to the broader election fraud meta-narrative.

Stage 1: Sensemaking and Motivated Amplification

On Election Day, the earliest wave of voter concerns about Sharpies occurred in Chicago. At 6:31am local time, a Chicago voter and low-follower (77) Twitter account tweeted his concern that his precinct's ballot reader appeared to be struggling with his Sharpie-marked ballot. His tweet received no engagements.

Thirty minutes later, a conservative media personality in the Chicago area, @AmyJacobson, echoed the concern about Sharpies and encouraged voters to bring their own pens. Later in the day, Jacobson's tone would grow more alarmist, quoting her original tweet and adding in all-caps that ballots were being placed in a BOX.

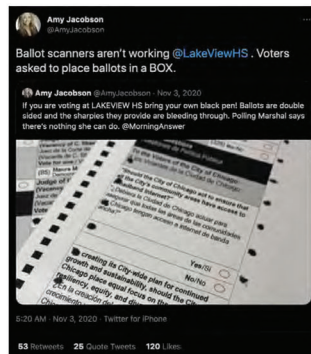


Figure C7. Jacobson's two tweets about Sharpies bleeding through ballots in Chicago.

Jacobson's tweets about Sharpies were highly retweeted and quoted (578 retweets, quote tweets, and retweets of quote tweets), constituting 46% of all Sharpie-related tweets on Election Day. Quote tweets of Jacobson became an escalatory vector. Several users explicitly framed Jacobson's tweet as evidence of voter suppression or voter fraud. Others attempted to trade up — calling attention to large-following, pro-Trump accounts (e.g., @TeamTrump and @RealJamesWoods) by mentioning their handles alongside claims about Sharpies and fraud.

Though most tweets about Sharpies on Election Day were focused around Chicago, another parallel conversation was emerging in Arizona. The first tweet to connect

Arizona and Sharpies was posted at 14:17 UTC (7:17am AZ time, shortly after the polls opened) by an account with ~3K followers:

Electioneering? Our policing location provided sharpies to mark our ballots, which bled through. It didn't affect the back side, BUT there were plenty of stray marks. Several of us complained, the poll workers shrugged their shoulders. <embedded image of a ballot with Sharpie bleed-through from the backside and a clear Trump vote on the frontside>

The tweet was posted as a reply to a highly-retweeted (>8.5K) thread, initiated by a columnist at partisan outlet Newsmax, that had become a site for aggregating right wing claims about Election Day issues. The AZ reply tweet shared a similar narrative to Jacobson's: an accusation of poll worker indifference to Sharpie bleed-through. The leading question of "Electioneering?" implies that Sharpies may have intentionally disenfranchised voters. The embedded image contains a clearly marked Trump vote, signaling for its audience whom the assumed target of this potential conspiracy was.

This first tweet about Sharpies in Arizona saw limited engagement (19 retweets). Less than ten minutes later, another user — this one with conservative and pro-Trump markers in its handle and profile description — tweeted out a warning, seemingly motivated by legitimate concern, to voters to bring their own pens. That tweet got more traction: 140 retweets, quote tweets, and retweets of quote tweets. Overall, however, the numbers remained small — those two tweets constituted most of the Arizona-related spread of Sharpie claims on Twitter on election day. Throughout the day, @MaricopaVote (the official account of the Maricopa County election department) and several local, meso-sized traditional media outlets in both Arizona and Chicago attempted to fact-check the claim on Twitter, but received very little amplification on Twitter.

Facebook appears to have hosted parallel conversations about Sharpies around the same time. At 15:15 UTC (8:15am AZ time), a Republican party official posted an image encouraging voters in Maricopa county to bring their own to the polls. It garnered 39 engagements and 10 shares. At 21:50 UTC (2:50pm AZ time), a Republican candidate for office in Maricopa county incorrectly asserted that voters' ballots were being "canceled" due to Sharpie pen use, including a screenshot of a vote-tracking website as evidence. The post received 70 comments, mostly on election day, though the conversation was localized — primarily people from Arizona sharing their own experiences with a tone of concern and/or anger.

Stage 2: Development and Growth of the Voter Fraud Narrative

As the polls closed in Arizona, conversation around Sharpies simmered. Online warnings to voters to bring their own pens had set the stage for clashes within polling places, as poll workers attempted to force voters to use county-provided Sharpie pens.

At 3:52 UTC on November 4 (8:53pm AZ on November 3), a right-wing political activist¹⁵ in Arizona posted a Facebook video featuring a woman claiming that election officials were forcing people to use Sharpie pens and causing invalidated votes, tying the woman's claims to a larger conspiracy against Trump voters. The video has accumulated over 4M views and 27,000 engagements on Facebook. Though we cannot determine when those views and engagements occurred, the post received over 100 comments in the subsequent 24 hours, including many from people in AZ who voted with Sharpie pen, confirmed the bleed-through, and expressed anxiety about whether their vote had counted. One user posted a link to the Trump campaign's "Defend Your Ballot" website and encouraged people to report their issues with Sharpie pens. Another user asked the original poster to make the video shareable — which he did at 4:01 UTC (9:01pm AZ time).

About an hour after the video was posted, at 5:20 UTC (10:20pm AZ time), Fox News declared Joe Biden the winner of Arizona. The conversation around Sharpies on Twitter, which had gone silent after the polls closed, began to revive about an hour after Fox's Arizona call (Figures 6 & 8). Between 06:00 and 17:00 UTC, the tweet rate increased steadily and the narrative began to converge around explicit accusations of voter fraud.

The first prominent tweet in this surge made an explicit claim connecting Sharpies to Democrat-driven voter fraud in Arizona:

(2020-11-04 06:14) Poll workers in Maricopa County AZ were handing out sharpie markers knowing full damn well that the machines register ONLY ink ballots. FRAUD IN ARIZONA. Dems are so desperate

The tweet received 1932 amplifying engagements — gaining momentum through retweets and quotes from pro-Trump, #MAGA, and QAnon networks — and was still accelerating when Twitter suspended the account at 08:15 UTC (1:15am AZ time). The suspension occurred just minutes after the account was quote-tweeted by conservative activist Charlie Kirk.

The election night Facebook video reached Twitter around the same time as the tweet above, initially within text-based posts echoing some of its claims, then later within (674) tweets linking to the video on Facebook. Eventually users embedded the video directly into tweets. The first came from an unverified, low follower account replying to another tweet claiming fraud in Pennsylvania and was amplified 54 times. A second tweet with the embedded video was posted by an unverified users with 56.6K followers, who has since been suspended from Twitter:

¹⁵ It is not possible to get the friend count for this user on Facebook, but his Twitter account (which he posts the video to later) was a low follower account.

(2020-11-04 06:43) They gave Trump voters sharpies and now their votes are being invalidated! WTF! <embedded video>

That tweet was retweeted 3544 times, quoted 1765, and spread widely through retweets of those quote tweets. One of the quote tweets was from an unverified low follower account of a person in Arizona:

(2020-11-04 06:50) AZ Breaking news. Voters were intentionally given Sharpie pens for their ballots so it would cancel their votes in Gilbert and Queen Creek. @PressSec As I've said 100s of times, AZ has a massive voter fraud problem every single election. SOMEBODY LISTEN PLEASE!!!! <Quote tweet of the above>

This tweet was retweeted 8941 times and quoted 1461 times. Over the next few hours, the tweet's author would trade up on the claim, attempting to reach more influential accounts — including @kelliwardaz (Kelly Ward, chair of the Arizona Republican Party), @PressSec (then Press Secretary Kayleigh McEnany), and a now-suspended high-follower QAnon account — by mentioning or replying to them. The tweet record indicates that the author of this highly viral quote tweet was legitimately concerned about the issue. About 12 hours later, she notes that she deleted her previous tweets after reading a correction from a local news website quoting the Maricopa County elections department.

As the video began to spread, another tweet from an unverified, low follower account re-embedded it, explicitly connecting the use of Sharpies to the fact that Arizona had been called for candidate Biden. That tweet received considerable attention as well, accumulating 17,898 amplifying engagements.

Altogether, retweets and quotes of five tweets constitute half of the growth in the SharpieGate narrative that takes place in Stage 2. Interestingly, three of these tweets originate from unverified, low-follower accounts. All but one have markers in their profile indicating support for conservative politics generally or President Trump specifically, suggesting that they were, at least in part, politically motivated to share this content. Amplification during this time occurs, primarily, through Trump-supporting accounts with larger audiences — including some verified accounts. Of particular note is the role of mega influencer @CharlieKirk11 (verified, 1.8M followers). Kirk is the founder and president of Turning Point USA, a conservative political organization and a “repeat spreader” of false and misleading claims of election fraud in 2020 (CIP et al., 2021). Between midnight and 17:00 UTC on November 4, Kirk posted two SharpieGate related tweets — one a quote and the other a retweet of the example tweets above — that helped the narrative gain momentum.

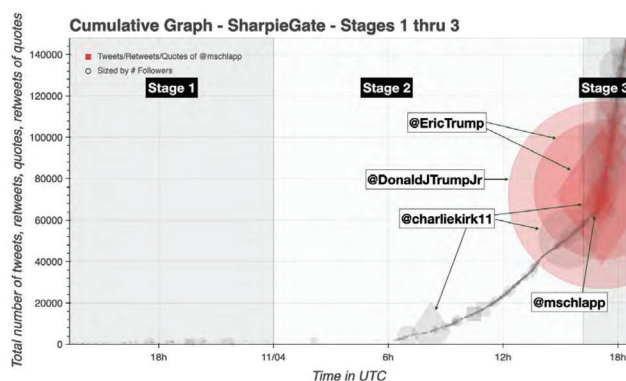


Figure C8. Cumulative graph of Stages 1-3 of SharpieGate. The Y-axis represents the total number of tweets. The X-axis is time. Individual tweets of influencers (>20,000 followers) are plotted, sized by follower count. Tweets are colored red if they are tweets, retweets, or quote tweets of @mschlapp.

Stage 3: Mass Amplification by Conservative/Pro-Trump Influencers

On the day after the election, between 17:00 and 18:30 UTC (10am-11:30am AZ time), the #SharpieGate narrative began to “go viral” on Twitter — moving through a series of accounts with meso-, macro- and mega-sized audiences and garnering more than 80K tweets in an hour and a half. In that single hour, it received more amplification than in the preceding 24 hours combined. Figure C8 reveals that the surge is, in part, catalyzed by the following tweet, from conservative operative Matt Schlapp:

@mschlapp (2020-11-04 16:51) AZ update: apparently the use of sharpie pens in gop precincts is causing ballots to be invalidated. Could be huge numbers of mostly Trump supporters. More to come

Schlapp's account had 228K followers at the time. The tweet — which, unlike many of the earlier viral tweets, couched the claims about Sharpie pens in uncertainty — received 4335 retweets and was quoted 1356 times resulting in 9551 retweets. More interesting than the absolute numbers here is how Schlapp's tweet echoed through the accounts of other large-following accounts of conservative political figures and media, including Fox News contributor @SaraCarterDC, conservative news outlet TownHall's editor @KatiePavlich, and President Trump's sons, @EricTrump and @DonaldJTrumpJr. In this case, Schlapp served as an influencer's influencer, helping to move the developing conspiracy theory from its origins in low follower accounts into the

awareness of massive influencers in hyper-partisan media and within the Trump campaign. Interestingly, Schlapp was involved in contesting a previous election — he was in attendance during the “Brooks Brothers riot” that successfully stalled the recount effort in 2000 (Kamen, 2005).

Other accounts with highly quoted and retweeted tweets at this time include Charlie Kirk, conservative author @DineshDSouza, the founder of “Students for Trump” @RyanAFournier, the founder of the “Walkaway” movement @BrandonStraka, and Arizona GOP congressman @DrPaulGosar.

Stage 4: Corrections by Mass Media Accounts

At the end of State 3 and through the beginning of Stage 4, a series of attempted fact-checks of the SharpieGate narrative emerge — first by large-following accounts such as anti-Trump political pundit @gtconway3d, BlackLivesMatter activist @deray, and left/center-left media outlets @thedailybeast, @BuzzfeedNews, and @ViceNews, and subsequently by mass media outlets with mega-sized audiences such as @ABC, @HuffPost, and @WashingtonPost. These corrective tweets were not highly retweeted (relative to the earlier tweets pushing the misleading claims), but instead accompanied a steady decrease in engagement around the narrative.

However, persistent chatter remained headed into the second day following the election — mostly retweets of viral tweets posted earlier. And a few new threads emerged, aggregating claims of rejected ballots and making calls to action (e.g. recommendations to call lawyers, instructions for AZ voters to go to a website to check the status of their ballots).

Stage 5: Conservative Mega-Influencers Drive a Resurgence

On Twitter, we see another resurgence of the SharpieGate narrative on November 5 at 16:20 UTC, precipitated by this tweet from Fox News host Maria Bartiromo:

```
@MariaBartiromo (2020-11-05 16:20):
-4am dump/Wisconsin 65,000 votes 100% for Biden
-4am dump/Michigan 138,499 votes 100% 4Biden
-AZ poll workers forcing voters to use sharpies thereby invalidated ballots
-Trump leading in GA, NC, PA, WI, MI & they stop counting" before the vote
fairly visits overnight...
```

Maria's tweet pulled together four different claims about voting irregularities into a single post, situating the SharpieGate claims within the broader “election fraud” narrative. Interestingly, her post only hinted towards a conspiracy, without providing a coherent theory. The tweet began to spread widely immediately, but accelerated about ten minutes later when it was quote-tweeted by @EricTrump, who explicitly articulated the “fraud” framing and issued a call to action to the FBI and DOJ.

Bartiromo's tweet was quoted by several other verified, high-follower accounts in the conservative and pro-Trump media sphere, including conservative activist and president of Judicial Watch @TomFitton (1.2M followers) and Trump-supporting lawyer @RudyGiuliani (883K followers); and retweeted by similar accounts including @DonaldJTrumpJr, Trump lawyer @JennaEllisEsq (310K followers), and former GOP Speaker of the House @NewtGingrich (2.4M followers). Bartiromo's tweet generated a surge of about 25K SharpieGate tweets in one hour and eventually received 67K amplifying engagements.

In subsequent days, #SharpieGate faded and merged into other controversies, evolving into one among many substantiating claims for the #StopTheSteal movement's meta-narrative of a stolen election.

Summarizing #SharpieGate

Examining the lifecycle of #SharpieGate reveals both “bottom-up” and “top-down” dynamics. Though the narrative was initially promoted, very early on election morning, by a conservative media personality in Chicago, it developed throughout the day and was carried over to Arizona through the activity of unverified, and mostly low-follower accounts, some by sharing their own experiences of Sharpie-related voting issues and others by amplifying the concerns of others. Over on Facebook, a few public posts from accounts of local political activists served as meeting places for sharing and discussing concerns. After the polls closed, a video filmed by a local political activist was posted to Facebook and began to gain traction across platforms, initially through amplification of low-follower accounts and micro-influencers. As the narrative became useful for contesting President Trump's loss in Arizona, large-following influencers on the political right — including conservative media personalities, GOP political operatives, and members of the Trump campaign — helped take #SharpieGate viral, in some cases by quoting or retweeting lower follower accounts and in others by summarizing the growing theory for a broader audience. A day later, similar accounts contributed to a resurgence of #SharpieGate, connecting it to the broader meta-narrative of election fraud. And soon enough, political organizers began to mobilize on top of the #SharpieGate claims.

Appendix D: Mobilizing on Misinformation

As #SharpieGate spread, it was integrated into a broader #StopTheSteal movement. The “Stop The Steal” slogan, originally coined by Roger Stone in 2016, re-emerged as a hashtag on social media on Election Day in 2020, functioning to aggregate disparate claims about voter fraud into a single “channel”, which soon became a digital space for mobilizing on top of the false and misleading claims and narratives.

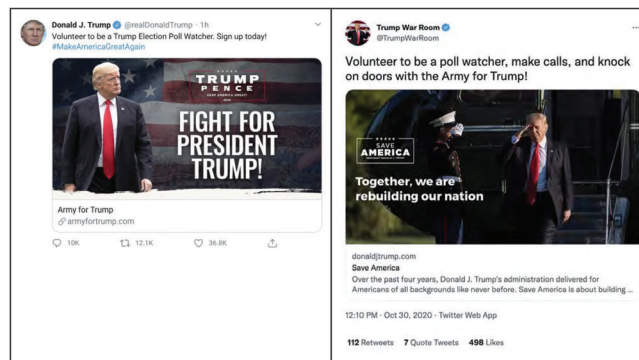
Matt Schlapp's tweet (below) demonstrates how #SharpieGate became connected to #StopTheSteal, and how conservative political organizers utilized the hashtags (and social media) to aggregate false, misleading, and unsubstantiated claims of voter fraud and build a collective sense of grievance around them.



Here, we present a preliminary analysis — part of an ongoing research project — about how the Trump campaign mobilized on top of misinformation. This research extends from analysis of the (Twitter-based) case study of SharpieGate as well as analysis of “StopTheSteal” discourse.

Setting the Stage: Joining the Army for Trump to Defend Your Ballot

The Trump campaign and its supporters made concerted efforts to mobilize on top of and through misinformation. These efforts began several weeks prior to the election. Early on, there were calls — from the campaign and from the president himself — for supporters to join the “Army for Trump” and to participate in various ways. One avenue for participation was “poll watching”.



The Trump campaign organized an effort to train volunteers to perform as informal poll watchers, where they were asked to document what they believed to be evidence of voter fraud. Eventually they expanded that call to supporters more generally, with an online form and a directive to submit “anything that does not seem right”:

@TeamTrump (now Suspended) (2020-10-31 21:48:50 UTC):
We're counting on YOU to be our eyes and ears on the ground when voting.

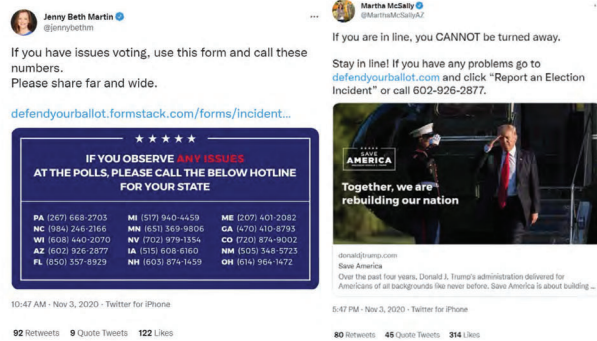
REPORT anything that does not seem right.

VISIT: https://defendyourballot.formstack.com/forms/incident_report

This effort provided the Trump campaign with a mechanism to collect the raw materials (textual claims, photos, videos) that could be assembled into their theories of voter fraud — and to identify individuals who could stand behind those observations and claims. As we saw in SharpieGate, a substantial number of people — without proper training around election procedures and materials — were motivated to go to the polls looking for this evidence, ended up misinterpreting events they or others experienced, and then shared those misinterpretations online. The unintentionally false claims eventually found their way into social media posts, articles, and, with the help of lawyers and political organizers, affidavits. It is likely that many of these claims — and similar ones — made their way into the “Defend Your Ballot” system as well.

On election day, other conservative political figures and organizers — such as Jenny Beth Martin (co-founder of Tea Party Patriots) and Martha McSally (Republican Senator

from Arizona) in the examples below — directed their followers to the defendyourballot.com website to report voting issues.



Some of these messages included phone numbers that voters could call if they encountered perceived issues. The phone number for Arizona, (602) 926-2877, operated by the Arizona Republican Party¹⁶, appeared in within the text of thousands of tweets (7967) — the vast majority (7113) of which were in the context of #SharpieGate, suggesting that voters call the number if they thought that their Sharpie-marked ballot had not been counted:



¹⁶ <https://www.azcentral.com/story/news/politics/elections/2020/11/03/why-arizona-voters-should-check-they-signed-their-ballot-envelope/6063229002/>

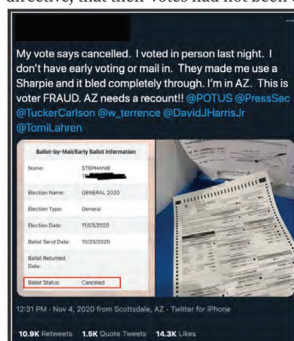
Checking Websites to Check Ballot Status or Voting Records

As part of the #SharpieGate efforts in Arizona, a number of Trump supporters began to encourage Arizona voters to go online to check the status of their ballots — ostensibly to determine if voting with Sharpie pen had invalidated their votes.

(2020-11-04 12:34:05 UTC):
AZ Voters check online to see if your ballot was canceled
<https://recorder.maricopa.gov/earlyvotingballot/earlyvotingballotstatus.aspx>

Machines are calibrated to only read pen ink not sharpies

Unfortunately, the website to which they were directed allowed voters to check the status of their *mail-in* ballots (which were canceled when they voted in person). This created a widespread misperception, among Trump supporters who followed the directive, that their votes had not been counted.



The tweet above features one of these “canceled ballot” cases. The author, who according to the timing of her tweet voted on election day, asserts that “they made me use a Sharpie and it bled completely through,” that she has now gone to the website and found that her vote has been canceled, and that “This is voter FRAUD.” She includes a photo of her ballot and a screenshot of the website that says her ballot has been canceled. However, at the top, the form notes that this information is about mail-in or early ballots (not ballots cast in-person on Election Day). This tweet, which featured a misinterpretation and a false claim of voter fraud, was retweeted more than 10,000 times. It was one numerous social media posts containing similar claims and images.

Calling Lawyers and Filing Suits

In the days following the election, as the Trump campaign solicited and in some cases amplified strategies for contesting the results, Trump supporters were encouraged to call lawyers to share evidence they might have of voting issues and/or voter fraud.

Hundreds of similar tweets — many from now-suspended accounts — shared content like the example tweet below:

The president's lawyer wants for those people who were given sharpies to call, give their name, state voted by sharpie, their state and polling station. Even if your vote was accepted. They are starting a law suit. 1-800-684-3110

The phone number in that tweet (1-800-684-3110) is associated with the American Center for Law and Justice, a conservative, Christian activist organization. The chief counsel for the ACLJ is Attorney Jay Alan Sekulow, whose name also appears in nearly 10,000 tweets soliciting information from voters who perceived issues with Sharpie pens.

(2020-11-04 21:36:33+00:00): Jay Sekulow is asking all Arizona and Pennsylvania voters who were given Sharpies to contact his law firm. He is preparing a suit against Arizona for polling interference. Please share this information Jay Sekulow . com

Many of the tweets advertising the ACLJ's phone number and/or Sekulow's services in the context of SharpieGate use very similar language — similar to “copy-pasta” where a large number of accounts copy and paste the same content into their tweets. This can be a signal of inauthentic activity, including paid content promotion. It can also be the result of organic efforts encouraging people to “copy and share” content — and indeed we see such calls to digital action in the digital record.

Another of the highly-advertised phone numbers went to Kolodin law group. We collected nearly 30,000 tweets containing the phone number for Kolodin. Most were retweets or quote tweets of the (now deleted) viral tweet below:

(~2020-11-04 16:41 UTC) ARIZONA RESIDENTS. If the voting machine in Maricopa rejected your ballot with the Sharpies provided by Fontes, please call the attorneys at 602-730-2985.

These efforts to solicit information from voters about issues with Sharpie pens led to lawsuits featuring these claims. Kolodin filed a lawsuit on November 4, 2020 centered around claims from #SharpieGate — i.e., that the use of Sharpie pens had caused votes to not be counted. That initial lawsuit was withdrawn by Attorney Alexander Kolodin on

November 7. An effort to revive that lawsuit was rejected by a Maricopa County Superior Court judge on November 9, 2020.¹⁷

A second lawsuit related to SharpieGate, litigated by lawyers from the Trump campaign, received a hearing on November 14, 2020. In that case, lawyers attempted (unsuccessfully) to admit to the court hundreds of affidavits that had been shared via an online form. (We assume this to be the DefendYourBallot form described above.) The attorney leading that case, Kory Langhofer conceded that the witness statements gathered online had not been authenticated, and later the witnesses who appeared in court also acknowledged that they did know whether or not their vote was counted¹⁸.

These findings show an interplay between the false/misleading claims that emerged around Sharpies and efforts by lawyers connected to conservative causes to mobilize those claims into lawsuits to contest election results in Arizona. The lawsuits were, in the end, unsuccessful.

Attending Protests

The digital record — including social media posts and online news articles — also reveals how the false/misleading claims about Sharpies were mobilized into physical demonstrations and protests in Maricopa County, AZ. Several high-profile conservative political leaders and media figures played prominent roles in organizing, promoting, and/or taking part in these protests.

Senator Paul Gosar took part in a rally near the Arizona Capitol on November 4, 2020 (the day after the election and after SharpieGate had gone viral), where Trump supporters in the crowd shouted a question about Sharpie pens and he encouraged them to go online and trace their ballots¹⁹. A video from that rally reveals attendees discussing their perceptions that Sharpie pens may have affected their votes²⁰. Gosar shared several tweets that evening about his participation in the rally, including:

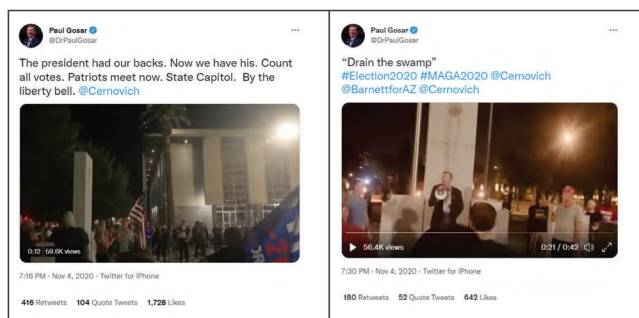
¹⁷

<https://kjzz.org/content/1634466/maricopa-county-judge-rejects-sharpie-complaint-other-gop-election-case-moves>

¹⁸ <https://lawandcrime.com/2020-election/bye-bye-sharpiagate-trump-campaign-hastily-retreats-from-conspiracy-laden-lawsuit-after-brutal-hearing/>

¹⁹ <https://www.azcentral.com/videos/news/politics/elections/2020/11/05/rep-paul-gosar-addresses-trump-supporters-protest-downtown-phoenix/6170539002/>

²⁰ <https://youtu.be/MPRIIf4UyHw?t=639>



The first tweet (on the left) featured an emerging refrain to “count all votes” — one that would appear repeatedly over the next few days. The second tweet (on the right) included a video of his speech at the rally, with him urging attendees to “email, text, tweet, everything you can possibly do to get the information out... make sure people know we are fighting, this is our Alamo.”²¹

Later in the evening on November 4, Matt Schlapp, who played a significant role in taking #SharpieGate viral earlier that day, doubled down on those initial claims after criticism, and indicated that he (and others) planned to go to Arizona to “count every legal ballot” (echoing Gosar’s statement from earlier in the event).

²¹ <https://twitter.com/DrPaulGosar/status/1324192258082570242>



Likely connected to the effort Schlapp mentioned, a second, larger gathering took place in Phoenix, AZ on November 6, 2020. That gathering, branded as a “Protect the Vote” rally, was advertised by other political influencers, including Charlie Kirk who had played an early role in the spread of the false/misleading claims around Sharpie pens (see Appendix C). Both Kirk and Gosar tweeted about the rally, positioning it as an attempt to stop Democrats or “the left” from “stealing the election” from President Trump and/or his supporters.



This analysis is not exhaustive, but is meant to show how some of those who helped spread the false/misleading SharpieGate claims that helped to catalyze a sense of grievance about a “stolen election” were also involved in mobilizing people into physical protests around those claims and the manufactured grievance. Though the specific claims around #SharpieGate initially emerged from everyday voters, established conservative and pro-Trump organizations seized upon those claims as organizing opportunities, stoking a false sense of grievance and mobilizing on top of it.

Integrating SharpieGate into the #StopTheSteal Organizing Effort

Though SharpieGate faded as a focal point, the grievance remained, and conservative and pro-Trump influencers in politics and media continued to stoke anger around false claims of voter fraud – and to organize protests. SharpieGate became integrated into the broader “Stop the Steal” movement, which persisted through November and December, manifesting as a series of protests around the country. #StopTheSteal eventually culminated in events on January 6, with many of the participants in the social media discourse attending the gathering at the Ellipse that day (as organizers or rallyers) and some ending up on the Capitol grounds and even within the Capitol Building²².

²² It is interesting to note that Elijah Schaffer, who features into the Sonoma Ballots case study in Appendix D as the originator of a false claim about mail-in voting issues, was – according to his own social media posts – within the Capitol Building and reporting from inside Nancy Pelosi’s office, ostensibly in his role as a journalist, on January 6, 2021.

Appendix E: #StopTheSteal Influencers on Twitter

A large number of false and misleading narratives — many featuring false claims of systematic voter fraud — circulated in the days and weeks following the November 3 election. Over time, these narratives began to consolidate, at least on Twitter, under the #StopTheSteal banner. #StopTheSteal was a hashtag, originally coined by Roger Stone in 2016, that reappeared on election day and began to be used — by everyday users and social media influencers — to collate disparate claims about perceived voting issues and alleged voter fraud. Over time, organizers began to mobilize people into physical gatherings and protests under the #StopTheSteal banner. Here, we offer a cursory overview of the most prominent accounts and domains in the #StopTheSteal discourse.

In all, we collected 5.7M tweets with #StopTheSteal in them. A temporal graph reveals this activity to begin on election day and surge over the two days following. Over the course of the next several weeks and months, activity on the hashtag was fairly persistent. It followed a temporal pattern aligned with U.S. time zones (with increases during the days/evenings and dips in the early morning hours), suggesting mostly domestic U.S. participation. It featured several spikes, including on November 14, November 21, November 29, and December 12. After diminishing somewhat during the latter part of December 2020, activity around the #StopTheSteal hashtag surged again during the first few days of January 2021, leading up to the anticipated protests and eventual attack on the Capitol on January 6.



Figure E1. Temporal Graph of #StopTheSteal tweets.

Table D1 lists the accounts that were most highly retweeted for #StopTheSteal content — i.e. for tweets with #StopTheSteal in them.

Rank	Account	Verified Status	Suspended Status	Total #StopTheSteal Tweets/RTs Posted	Retweets of #StopTheSteal Tweets
1	ali	FALSE	Suspended	560	216725
2	realDonaldTrump	TRUE	Suspended	5	194189
3	GenFlynn	TRUE	Suspended	8	112617

4	MichaelCoudrey	TRUE	Suspended	136	99600
5	BrandonStraka	TRUE	Active	28	62382
6	ANONYMIZED	FALSE	Suspended	143	56610
7	MarkFinchem	FALSE	Active	54	54182
8	EricTrump	TRUE	Active	4	52980
9	ScottPresler	TRUE	Active	20	50444
10	RealMattCouch	FALSE	Suspended	58	49363
11	kelliwardaz	TRUE	Active	72	47206
12	AmyKremer	TRUE	Active	42	41936
13	ANONYMIZED	FALSE	Missing	107	41642
14	michellemalkin	TRUE	Active	64	39036
15	KylieJaneKremer	FALSE	Active	96	36630
16	replouiegohmert	TRUE	Active	10	36571
17	RealJamesWoods	TRUE	Active	3	35382
18	ANONYMIZED	FALSE	Suspended	183	35149
19	ANONYMIZED	FALSE	Suspended	279	33465
20	mtgreenee	TRUE	Suspended	32	32559
21	scrowder	TRUE	Active	9	32473
22	LLinWood	FALSE	Suspended	6	32093
23	SebGorka	TRUE	Active	21	27332
24	SidneyPowell1	FALSE	Suspended	4	25111
25	RealCandaceO	TRUE	Active	1	24914
26	RudyGiuliani	TRUE	Active	3	24568
27	ANONYMIZED	FALSE	Active	9	24036
28	w_terrence	TRUE	Active	3	23900
29	TheRightMelissa	FALSE	Suspended	25	23847
30	ANONYMIZED	FALSE	Active	134	23750

31	ANONYMIZED	FALSE	Active	1	23497
32	DrPaulGosar	TRUE	Active	39	23461
33	RSBNetwork	TRUE	Active	10	23125
34	bfraser747	FALSE	Suspended	183	21171
35	ANONYMIZED	FALSE	Missing	1559	20670
36	thecjpearson	TRUE	Active	24	20459

Table E1. Most-Retweeted accounts in the #StopTheSteal Twitter discourse (November 3, 2020 through January 6, 2021). Column three is the number of original tweets (not retweets) the account posted with #StopTheSteal in them. Column four is the number of retweets (of others' tweets) the account posted with #StopTheSteal in them. Column five is the number of times this accounts was retweeted for #StopTheSteal tweets.

This list of accounts that were highly retweeted in the #StopTheSteal discourse includes accounts of then President Donald Trump (who posted a small number of #StopTheSteal tweets that were highly retweeted) as well as members of his family (Eric Trump) and close allies such as lawyers Lin Wood, Rudy Giuliani, and Sidney Powell. It also included current and former elected officials and political candidates, such as Kelli Ward, Majorie Taylor Green, Louie Gohmert, and Paul Gosar.

Perhaps not surprisingly, many of the accounts that were repeatedly spreading false, misleading, exaggerated and unsubstantiated claims that sowed doubt in the 2020 election were also influential in the #StopTheSteal discourse. Similarly, many of the most prominent domains in the #StopTheSteal discourse were also highly-cited in the spread of false/misleading claims of voter fraud on Twitter.

Rank	Domain	Number of #StopTheSteal Tweets Citing Domain
1	www.youtube.com	193268
2	www.thegatewaypundit.com	192005
3	womenforamericafirst.org	171856
4	www.pscp.tv	147526
5	stopthesteal.us	94428
6	www.theepochtimes.com	78012

7	www.breitbart.com	33152
8	wildprotest.com	23665
9	www.foxnews.com	18905
10	www.infowars.com	18186
11	donorbox.org	15263
12	parler.com	14042
13	rumble.com	12508
14	defendingtherepublic.org	10868
15	defendyourballot.formstack.com	10354
16	justthenews.com	9032
17	www.inquirer.com	7607
18	www.facebook.com	7285
19	marchtosaveamerica.com	7128
20	www.washingtonexaminer.com	7021

Table E2. Top 20 Most-Tweeted Domains in the #StopTheSteal Twitter discourse (November 3, 2020 through January 6, 2021). Column three is the total number of tweets with #StopTheSteal that link to an article within this domain.

Underscoring the cross-platform nature of the #StopTheSteal movement, five of the most-cited domains on Twitter were other social media platforms: YouTube, Periscope, Parler, Rumble, and Facebook. The most-cited domains also feature hyperpartisan news outlets that were influential in the spread of false and misleading narratives of voter fraud, including the Gateway Pundit, Epoch Times, Breitbart, JustTheNews, and Washington Examiner. Fox News also makes the list of most cited domains in the #StopTheSteal discourse. Several of the other most-cited domains in #StopTheSteal tweets were websites that attempted to organize and mobilize on top of the false narrative of systematic voter fraud. These include: womenforamericafirst.org, stopthesteal.us, wildprotest.com, defendingtherepublic.org, defendyourballot.formstack.com, and marchtosaveamerica.com.

Appendix F : Twitter’s Policy Enforcements

Between August 2020 and January 2021, social media companies such as Twitter, Facebook, and YouTube rapidly evolved their policies to address potential harmful misinformation about the election. The EIP investigated and reported on policy changes and enforcement actions on several platforms. However, due to limited transparency, it can be difficult to conduct systematic analysis on those enforcements and their impact on most platforms. Here, we provide an in depth analysis on the one platform where we have good visibility: Twitter.

In September 2020 Twitter²³ updated their Civic Integrity policy to include language covering “disputed claims that could undermine faith in the process itself” and “misleading claims about the results or outcome of a civic process which calls for or could lead to interference with the implementation of the results of the process”. And in January (after the events of January 6), Twitter updated their policy again to outline a “strikes” policy that provided guidelines for increasingly severe enforcement actions for repeated violations of the policy — including permanent suspensions after five or more strikes.

After the events of January 6, Twitter took some broad actions against problematic accounts, suspending thousands of accounts. These suspensions took out large sections of the networks that were active around the election — and especially in the pro-Trump sections of the social graph that were heavily involved in spreading false/misleading claims about election fraud. For example, nearly 30% of accounts that tweeted about the Sonoma Ballots case and 20% of those that tweeted about #SharpieGate have now been suspended.

²³ Other platforms also updated their policies, but we focus here on Twitter not because they are particularly bad actors in this space (they aren’t), but because Twitter data is public and we can study it as external researchers. It is likely that similar trends are present on other platforms.



Figure F1. Co-engagement network graph of influencers within election discourse. Nodes are Twitter accounts that were highly retweeted around election-related topics. Edges connect nodes when several accounts (>7) retweeted both nodes many times (>10). The accounts are clustered into (and colored by) communities of accounts with similar network connections. Accounts that have been suspended are in black.²⁴

The following tables give statistics about the accounts that participated in spreading the false Sonoma Ballots claims (Table F1) and the false/misleading SharpieGate claims (Table F2). The table groups accounts by follower count and looks at the participation as well as verified and suspension status of accounts of different sizes. Columns 4 and 5

²⁴ This method and more information about this graph are described in the following paper, currently in review: Andrew Beers, Joseph S. Schafer, Ian Kennedy, Morgan Wack, Emma S. Spiro, and Kate Starbird. (Under review). Followback Clusters, Satellite Audiences, and Bridge Nodes: Coengagement Networks for the 2020 US Election. Under Review at Proceedings of the International AAAI Conference on Web and Social Media (ICWSM 2022).

look at the percentage of all participating accounts that have been suspended (4) and the percentage of verified participating accounts that have been suspended.

These data show that:

- A large percentage of accounts that participated in the spread of these false claims have now been suspended from the platform (28.9% for Sonoma Ballots and 20.2% for SharpieGate).
- Verified accounts who participated in these narratives were FAR less likely to be suspended from Twitter (2.1% for Sonoma Ballots and 0.8% for SharpieGate). The vast difference may be due, in part, to the fact that many verified accounts were “participating” by trying to debunk the narratives. However, even among ‘repeat spreaders’ of false/misleading narratives, we see a similar trend where verified accounts are less likely to be suspended.
- Accounts with relatively high follower counts (between 5K and 500K) were more likely to be suspended than accounts with very few followers and accounts with massive follower counts.

Our findings indicate that while verified, high-follower accounts were among the most influential in the spread of false narratives of voter fraud, Twitter’s suspensions (the most drastic policy enforcement action) tended to focus on accounts with large audiences that were not verified. This aligns with understandings of Facebook’s XCheck program, which may have helped high profile accounts avoid suspensions and other policy enforcement actions²⁵. There are a few high profile exceptions to this trend, e.g., the suspension of former President Trump’s accounts after January 6. But the trend suggests that high profile accounts are able to avoid some kinds of policy enforcements, despite their outsized role in the spread of harmful mis- and disinformation.

Account Size	Accounts	% Verified	% Suspended (Total)	% Suspended (Verified Accounts)	Total Tweets by Accounts	RTs of accounts
Total	36152	0.4%	28.9%	2.1%	45819	38750
Low Follower (0-1000 followers)	20416	0.03%	21.4%	0%	24008	1690
Regular User (1K-5K followers)	10672	0.2%	35.6%	0%	14078	2562

²⁵ Horwitz, Jeff. 2021. “Facebook Says Its Rules Apply to All. Company Documents Reveal a Secret Elite That’s Exempt.” Wall Street Journal, September 13, 2021. <https://www.wsj.com/articles/facebook-files-xcheck-zuckerberg-elite-rules-11631541353>

Nano (5K-25K followers)	4207	1.2%	43.0%	0%	6180	5211
Micro (25K-100K followers)	793	4.9%	56.9%	0%	1429	7007
Meso (100K-500K followers)	74	28.4%	40.5%	14.3%	128	19692
Macro (500K-1M followers)	2	100%	0%	0%	2	2256
Mega (1M+ followers)	4	100%	0%	0%	4	333

Table F1. Distribution of participating accounts in Sonoma Ballots across audience size. Column 2 is the number of accounts. Column 3 is the % of accounts that are verified. Column 4 is the % of total accounts in that group that are currently suspended. Column 5 is the % of verified accounts in that group that are currently suspended.

Account Size	Accounts	% Verified	% Suspended (Total)	% Suspended (Verified Accounts)	Total Tweets by Accounts	RTs of accounts
Total	270742	0.73%	20.2%	0.8%	622419	496043
Low Follower (0-1000 followers)	190822	0.03%	16.4%	0%	372574	85649
Regular User (1K-5K followers)	59076	0.74%	28.4%	0.45%	175931	54390
Nano (5K-25K followers)	17555	3.8%	32.9%	0.75%	62519	88545
Micro (25K-100K followers)	2817	14.9%	34.6%	1.2%	9883	78317
Meso (100K-500K followers)	544	54%	15.8%	1.4%	1384	88370
Macro (500K-1M)	62	90%	0%	0%	133	53364

followers)						
Mega (1M+ followers)	64	97%	0%	0%	110	47420

Table F2. Distribution of participating accounts in SharpieGate across audience size.

Column 2 is the number of accounts. Column 3 is the % of accounts that are verified.
Column 4 is the % of total accounts in that group that are currently suspended. Column
5 is the % of verified accounts in that group that are currently suspended



The Long Fuse

Misinformation and the 2020 Election

The Election Integrity Partnership

Digital Forensic Research Lab
Graphika
Stanford Internet Observatory
UW Center for an Informed Public

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Executive Summary

On January 6, 2021, an armed mob stormed the US Capitol to prevent the certification of what they claimed was a “fraudulent election.” Many Americans were shocked, but they needn’t have been. The January 6 insurrection was the culmination of months of online mis- and disinformation directed toward eroding American faith in the 2020 election.

US elections are decentralized: almost 10,000 state and local election offices are primarily responsible for the operation of elections. Dozens of federal agencies support this effort, including the Cybersecurity and Infrastructure Security Agency (CISA) within the Department of Homeland Security, the United States Election Assistance Commission (EAC), the FBI, the Department of Justice, and the Department of Defense. However, none of these federal agencies has a focus on, or authority regarding, election misinformation originating from domestic sources within the United States. This limited federal role reveals a critical gap for non-governmental entities to fill. Increasingly pervasive mis- and disinformation, both foreign and domestic, creates an urgent need for collaboration across government, civil society, media, and social media platforms.

The Election Integrity Partnership, comprising organizations that specialize in understanding those information dynamics, aimed to create a model for whole-of-society collaboration and facilitate cooperation among partners dedicated to a free and fair election. With the narrow aim of defending the 2020 election against voting-related mis- and disinformation, it bridged the gap between government and civil society, helped to strengthen platform standards for combating election-related misinformation, and shared its findings with its stakeholders, media, and the American public. This report details our process and findings, and provides recommendations for future actions.

Who We Are: EIP and Its Members

The Election Integrity Partnership was formed to enable real-time information exchange between election officials, government agencies, civil society organizations, social media platforms, the media, and the research community.¹ It aimed to identify and analyze online mis- and disinformation, and to communicate important findings across stakeholders. It represented a novel collaboration between four of the nation's leading institutions focused on researching mis- and disinformation in the social media landscape:

- The Stanford Internet Observatory (SIO)
- The University of Washington's Center for an Informed Public (CIP)
- Graphika
- The Atlantic Council's Digital Forensic Research Lab (DFRLab)

What We Did

The EIP's primary goals were to: (1) identify mis- and disinformation before it went viral and during viral outbreaks, (2) share clear and accurate counter-messaging, and (3) document the specific misinformation actors, transmission pathways, narrative evolutions, and information infrastructures that enabled these narratives to propagate. To identify the scope of our work, we built a framework to compare the policies of 15 social media platforms² across four categories:

- *Procedural interference*: misinformation related to actual election procedures
- *Participation interference*: content that includes intimidation to personal safety or deterrence to participation in the election process
- *Fraud*: content that encourages people to misrepresent themselves to affect the electoral process or illegally cast or destroy ballots
- *Delegitimization of election results*: content aiming to delegitimize election results on the basis of false or misleading claims

The EIP used an innovative internal research structure that leveraged the capabilities of the partner organizations through a tiered analysis model based on "tickets" collected internally and from our external stakeholders. Of the tickets we processed, 72% were related to delegitimization of the election.

Key Takeaways

Misleading and false claims and narratives coalesced into the meta-narrative of a “stolen election,” which later propelled the January 6 insurrection.

- Right-leaning “blue-check” influencers transformed one-off stories, sometimes based on honest voter concerns or genuine misunderstandings, into cohesive narratives of systemic election fraud.
- Warped stories frequently centered on mail-in voting and accusations of found, discarded, or destroyed ballots, particularly in swing states. Misleading framing of real-world incidents often took the form of falsely assigning intent, exaggerating impact, falsely framing the date, or altering locale.
- The meta-narrative of a “stolen election” coalesced into the #StopTheSteal movement, encompassing many of the previous narratives. The narrative appeared across platforms and quickly inspired online organizing and offline protests, leading ultimately to the January 6 rally at the White House and the insurrection at the Capitol.
- Fact-checking of narratives had mixed results; non-falsifiable narratives presented a particular challenge. In some cases, social media platform fact-checks risked drawing further attention to the claims they sought to debunk.

The production and spread of misinformation was multidirectional and participatory.

- Individuals participated in the creation and spread of narratives. Bottom-up false and misleading narratives started with individuals identifying real-world or one-off incidents and posting them to social media. Influencers and hyperpartisan media leveraged this grassroots content, assembling it into overarching narratives about fraud, and disseminating it across platforms to their large audiences. Mass media often picked up these stories after they had reached a critical mass of engagement.
- Top-down mis- and disinformation moved in the opposite direction, with claims first made by prominent political operatives and influencers, often on mass media, which were then discussed and shared by people across social media properties.

Executive Summary

Narrative spread was cross-platform: repeat spreaders leveraged the specific features of each platform for maximum amplification.

- The cross-platform nature of misinformation content and narrative spread limited the efficacy of any single platform's response.
- Smaller, niche, and hyperpartisan platforms, which were often less moderated or completely unmoderated, hosted and discussed content that had been moderated elsewhere. Parler in particular saw a remarkable increase in its active user base, as users rejected the "censorship" they perceived on other platforms.

The primary repeat spreaders of false and misleading narratives were verified, blue-check accounts belonging to partisan media outlets, social media influencers, and political figures, including President Trump and his family.

- These repeat spreaders amplified the majority of the investigated incidents aggressively across multiple platforms.
- Repeat spreaders often promoted and spread each others' content. Once content from misleading narratives entered this network, it spread quickly across the overlapping audiences.

Many platforms expanded their election-related policies during the 2020 election cycle. However, application of moderation policies was inconsistent or unclear.

- Platforms took action against policy violations by suspending users or removing content, downranking or preventing content sharing, and applying informational labels. However, moderation efforts were applied inconsistently on and across platforms, and policy language and updates were often unclear.
- Account suspensions and content removal or labeling sometimes contributed to conspiratorial narratives that platforms were "covering up the truth," entangling platforms with the narratives they wished to eliminate.
- Lack of transparency and access to platform APIs hindered external research into the effectiveness of platform policies and interventions.

Key Recommendations

Federal Government

- Establish clear authorities and roles for identifying and countering election related mis- and disinformation. Build on the federal interagency movement toward recognizing elections as a national security priority and critical infrastructure.
- Create clear standards for consistent disclosures of mis- and disinformation from foreign and domestic sources as a core function of facilitating free and fair elections, including via CISA's Rumor Control and joint interagency statements.

Congress

- Pass existing bipartisan proposals for increased appropriations marked for federal and state election security.
- Codify the Senate Select Committee on Intelligence's bipartisan recommendations related to the depoliticization of election security and the behavior of public officials and candidates for federal office noted in Volumes 3 and 5 of the Committee's report on foreign influence in 2016 elections.

State and Local Officials

- Establish trusted channels of communication with voters. This should include a .gov website and use of both traditional and social media.
- Ensure that all votes cast are on auditable paper records and that efficient, effective, and transparent post-election audits are conducted after each election.

Platforms

- Provide proactive information regarding anticipated election misinformation. For example, if researchers expect a narrative will emerge, platforms should explain that narrative's history or provide fact-checks or context related to its prior iterations.
- Invest in research into the efficacy of internal policy interventions (such as labeling) and share those results with external researchers, civil society, and the public.

 Executive Summary

- Increase the amount and granularity of data regarding interventions, take-downs, and labeling to allow for independent analysis of the efficacy of these policies.
- Impose clear consequences for accounts that repeatedly violate platform policies. These accounts could be placed on explicit probationary status, facing a mixture of monitoring and sanctions.
- Prioritize election officials' efforts to educate voters within their jurisdiction and respond to misinformation. This could include the promotion of content from election officials through curation or advertisement credits, especially in the lead-up to Election Day.

Conclusion

The 2020 election demonstrated that actors—both foreign and domestic—remain committed to weaponizing viral false and misleading narratives to undermine confidence in the US electoral system and erode Americans' faith in our democracy. Mis- and disinformation were pervasive throughout the campaign, the election, and its aftermath, spreading across all social platforms. The Election Integrity Partnership was formed out of a recognition that the vulnerabilities in the current information environment require urgent collective action.

While the Partnership was intended to meet an immediate need, the conditions that necessitated its creation have not abated, and in fact may have worsened. Academia, platforms, civil society, and all levels of government must be committed, in their own ways, to truth in the service of a free and open society. All stakeholders must focus on predicting and pre-bunking false narratives, detecting mis- and disinformation as it occurs, and countering it whenever appropriate.

Notes

1. (page vi) "Announcing the EIP," Election Integrity Partnership, July 27, 2020, <https://www.eipartnership.net/news/announcing-the-eip>
2. (page vi) The platforms evaluated during EIP's operation include: Facebook, Instagram, Twitter, YouTube, Pinterest, Nextdoor, TikTok, Snapchat, Parler, Gab, Discord, WhatsApp, Telegram, Reddit, and Twitch. Twitch was added to our list during our blog post update in October.

Contributors

The EIP was supported by the following students, staff and researchers from the four partner organizations.

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Stanford Internet Observatory

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University of Washington Center for an Informed Public

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The Election Integrity Partnership

1.1 Introduction

The 2016 presidential election in the United States demonstrated to the world the potential of wide-scale information operations. Since 2016, these efforts have grown, often aimed at developed democracies and operated by state-sponsored adversaries and domestic activists alike. Misinformation and disinformation can disenfranchise voters and diminish trust in the results of electoral contests, eroding public confidence in the integrity of democratic processes and leadership transitions overall. For the purposes of this report, we use “misinformation” as an umbrella term to describe false, misleading, or exaggerated information or claims. We differentiate this from “disinformation,” which is false or misleading information that is *purposefully* produced, seeded, or spread, with the intent to manipulate in service to an objective; the manipulation may also take the form of leveraging fake accounts or pages. (We define these terms more fully in Appendix A on page 245: Definitions).

Elections in the United States are highly decentralized.¹ Over 10,000 individual jurisdictions—covering state, county, and municipal levels—are responsible for administering the vote on Election Day. Voter registration systems and databases are centralized at the state level in some states and administered by states, counties, and municipalities in others. Vote casting, in contrast, is organized at the local level, with each locality responsible for administering ballots, counting votes, and educating voters about the local system.² There is no centralized support to aid this vast number of jurisdictions in identifying and responding to emerging election-related mis- and disinformation.

In 2020, adding to the complexity, the global COVID-19 pandemic forced rapid changes to voting procedures. States and counties had to quickly adapt their electoral processes to new public health guidelines. Existing state laws on elec-

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tion procedure were in many cases not adaptable to the emergency conditions, leading to late executive and legislative action and court decisions.³

Voters, many of whom were sheltering at home, followed election conversations on broadcast as well as social media. This included searching for information about where and how to vote in light of pandemic restrictions.

The initial idea for the Partnership came from four students that the Stanford Internet Observatory (SIO) funded to complete volunteer internships at the Cybersecurity and Infrastructure Security Agency (CISA) at the Department of Homeland Security. Responsibility for election information security is divided across government offices: CISA has authority to coordinate on cybersecurity issues related to the election, the FBI to investigate cyber incidents and enforce election laws, and intelligence agencies to monitor for foreign interference. Yet, no government agency in the United States has the explicit mandate to monitor and correct election mis- and disinformation. This is especially true for election disinformation that originates from within the United States, which would likely be excluded from law enforcement action under the First Amendment and not appropriate for study by intelligence agencies restricted from operating inside the United States. As a result, during the 2020 election, local and state election officials, who had a strong partner on election-system and overall cybersecurity efforts in CISA, were without a clearinghouse for assessing mis- and disinformation targeting their voting operations. The students approached SIO leadership in the early summer, and, in consultation with CISA and other stakeholders, a coalition was assembled with like-minded partner institutions.

The Election Integrity Partnership (EIP) was officially formed on July 26, 2020—100 days before the November election—as a coalition of research entities who would focus on supporting real-time information exchange between the research community, election officials, government agencies, civil society organizations, and social media platforms.

1.2 The EIP: Partner Organizations and Structure

The Partnership was formed between four of the nation's leading institutions focused on understanding misinformation and disinformation in the social media landscape: the Stanford Internet Observatory, the University of Washington's Center for an Informed Public, Graphika, and the Atlantic Council's Digital Forensic Research Lab.

The **Stanford Internet Observatory** (SIO) was founded in June 2019 to study the misuse of the internet to cause harm, formulate technical and policy responses to said misuse, and teach the next generation how to avoid the mistakes of the past. Founded by former Silicon Valley cybersecurity executive Alex Stamos, the

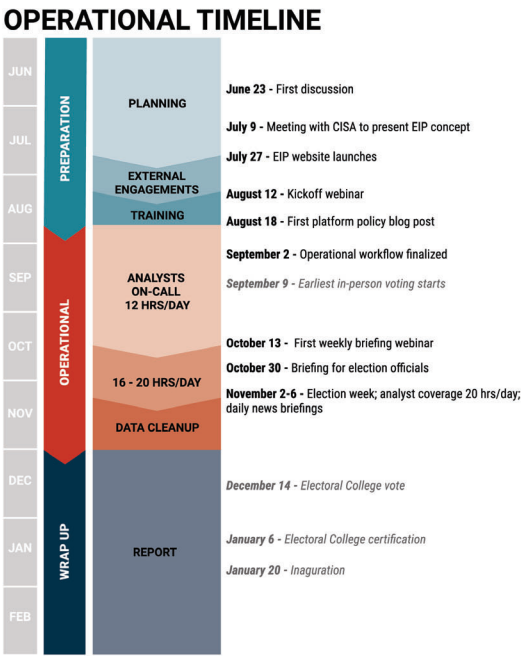


Figure 1.1: Timeline of the Election Integrity Partnership's work.

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Observatory has a specific interest in applying the learnings of major technology platforms from the 2016 election to prevent a repeat in future years. The Observatory sits at Stanford's Cyber Policy Center under the direction of Professors Nate Persily and Dan Boneh.

The Internet Observatory team was led by Assistant Director Elena Cryst, Research Manager Renée DiResta, CTO David Thiel, and Director Alex Stamos. SIO graduate student Isabella García-Camargo served as the project manager for the overall Partnership. SIO engaged its team of seven staff researchers and five postdoctoral scholars from the Stanford Cyber Policy Center, and hired a team of 38 undergraduate and graduate research assistants from Stanford to serve as analysts on the project.

The **University of Washington Center for an Informed Public** (CIP) was founded in December 2019 with the mission of marshalling the resources of a public university to address mis- and disinformation through research, education, policy development, and outreach. The Center's interdisciplinary faculty brought deep methodological expertise at systematically analyzing "big" social data at macro-, meso-, and micro- scales to track the spread of misinformation online, and contextual expertise in online disinformation.

The CIP contributing team was led by three founding faculty members: Kate Starbird, Emma Spiro, and Jevin West. The team also included one affiliate faculty member, three postdoctoral researchers (all of whom started after the Partnership launched), nine undergraduate and PhD students from the University of Washington, a data engineer, and a communications specialist.

Graphika is a social media analytics firm trusted by Fortune 500 companies, human rights organizations, and universities to map and navigate complex social media landscapes. The company was founded in 2013 by Dr. John Kelly, a pioneer in this field and source of expert testimony on foreign interference in the 2016 US presidential election before the Senate Select Committee on Intelligence. Graphika helps partners around the world to discover how communities form online and map the flow of influence and information within large-scale social networks. It reports on information operations carried out by various foreign actors around the world. In addition, Graphika regularly briefs the House and Senate Intelligence Committees on a range of topics, including the growth of the QAnon movement and the spread of misinformation around COVID-19.

Graphika's team was led by their Chief Innovation Officer Camille François and Head of Analysis Melanie Smith, and included 13 analysts, data scientists, and open source investigators. This unique combination of skills and expertise enables Graphika to take an innovative approach to detecting and monitoring disinformation.

The **Digital Forensic Research Lab** (DFRLab) was founded at the Atlantic Council

in 2016 to operationalize the study of disinformation by exposing falsehoods and fake news, documenting human rights abuses, and building digital resilience worldwide. Its mission is to identify, expose, and explain disinformation where and when it occurs using open source research, create a new model of expertise adapted for impact and real-world results, and forge digital resilience at a time when humans are more interconnected than at any point in history.

DFRLab's contributing team was led by Director Graham Brookie and Resident Fellow Emerson Brooking and included 13 DFRLab research assistants and communications staff. These professionals brought extensive digital forensic research experience and language skills to the work of the Partnership.

The EIP was not set up as a legal entity; rather, it was a consortium based on good-faith agreements. While future models should certainly consider more formal arrangements, the time-sensitive nature of the project required organizations to rely on interinstitutional trust and rapport built over several years of collaboration.

1.3 The EIP: Goals and Scope

The stated objective of the EIP was to detect and mitigate the impact of attempts to prevent or deter people from voting or to delegitimize election results.⁴ The EIP was not a fact-checking partnership, and was not focused on debunking misinformation more generally; our objective explicitly excluded addressing comments made about candidates' character or actions and was focused narrowly on content intended to suppress voting, reduce participation, confuse voters as to election processes, or delegitimize election results without evidence (see Table 1.1 on the next page).

To determine what was in and out of scope for the EIP, one of our first tasks was to build a framework that identified potential types of election-related mis- and disinformation. This process identified four core categories that we defined as our scope of focus (see Table 1.2 on page 7).

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GOALS OF THE ELECTION INTEGRITY PARTNERSHIP		
Goal 1: Identify misinformation before it goes viral.	Goal 2: Share clear, accurate counter-messaging .	Goal 3: Increase transparency into what happened during the 2020 elections.
Activities		
<ul style="list-style-type: none"> Establish a collaboration between the top misinformation research organizations Operationalize the misinformation research process with tiered research and workspace management systems Train analysts to identify cross-platform trends for earlier platform notification and action when appropriate 	<ul style="list-style-type: none"> Build critical bridges between election officials, platforms, and civil society organizations Provide local and state officials with a partner that could research and help mitigate misinformation about their local operations Generate rapid research findings that have the ability to disrupt the misinformation environment in real time 	<ul style="list-style-type: none"> Collect data in real-time for empirical analysis that would be difficult to assemble after the fact Build an annotated database of archived misinformation content Provide visibility into how narratives spread across multiple social media platforms
Outputs		
<ul style="list-style-type: none"> Flag policy violations to platforms Communicate to stakeholders 	<ul style="list-style-type: none"> Live media briefings Blog posts Tweet threads 	<ul style="list-style-type: none"> Final report Dataset of content for future academic use

Table 1.1: Goals of the Election Integrity Partnership.

SCOPE OF THE ELECTION INTEGRITY PARTNERSHIP			
Procedural Interference: Misleading or false information about the actual election procedures. Content directly related to dates and components of the voting process that prevents people from engaging in the electoral process.	Participation Interference: Content that deters people from voting or engaging in the electoral process, sometimes related to voter suppression or intimidation.	Fraud: Content that encourages people to misrepresent themselves to affect the electoral process or illegally cast or destroy ballots.	Delegitimization of Election Results: Content that delegitimizes election results on the basis of false or misleading claims.
Example Content			
Content that misleads voters about how to correctly sign a mail-in ballot. Content that encourages voters to vote on a different day.	Content that affects the desire or perceived safety of voters engaging in the electoral process. Misleading or false information about the length of lines at a polling station, to deter in-person voting.	Offers to buy or sell votes with cash or gifts. Calls for non-citizens to vote.	Claims of fraud or malfeasance with inaccurate or missing evidence.

Table 1.2: Scope of the Election Integrity Partnership.

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In addition to determining the EIP's scope, this content-centric framework enabled us to evaluate and compare platform policies across 15 different popular social media platforms in the US, and to help civil society, government, academia, and the public better understand what election-related content platforms can and will moderate.⁵

Organizational Structure and Workflow Management

One of the innovative aspects of the EIP was its internal research structure, which had to operationalize the misinformation research process in such a way as to best leverage the capabilities of the partner organizations. There is often an abundance of data involved in the analysis of information operations, and the process of following threads can take weeks or months. In order to meet

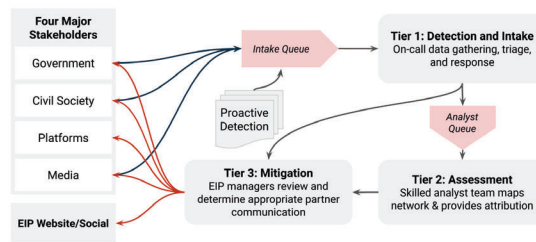


Figure 1.2: The EIP internal workflow. Filed tickets moved through the listed queues per the directional arrows.

The EIP tracked its analysis topics and engaged with outside stakeholder organizations using an internal ticketing workflow management system. Each identified informational event was filed as a unique ticket in the system.⁶ Tickets were submitted by both trusted external stakeholders (detailed in Section 1.4 on page 11) and internal EIP analysts. For example, an email from an external stakeholder to the dedicated tip line would automatically generate a ticket to the internal team for quick response. Similarly, if during online monitoring an analyst came across a piece of content that might be an instance of election-related misinformation, that analyst would open a ticket on the case and put it

in the analyst queue for investigation. A single ticket could map to one piece of content, an idea or narrative, or hundreds of URLs pulled in a data dump. The ticket tracked analysts' research into this event, comments from platform partners, and other developments. Related tickets were then grouped into distinct information events or incidents, described more in Chapter 5.⁷

Analysis Tiers

Each ticket traveled through a series of analysis queues before reaching a final resolution. In the investigation process, analysts completed specific forms that contained a series of required fields detailing the information incident and documented essential data such as target audience, subject, engagement, and spread. The overall research process was broken down into three phases: detection, assessment, and mitigation.

- **Tier 1: Detection** — Tier 1 analysts were tasked with conducting the initial analysis on and archiving of potential incidents. These analysts also searched for potential in-scope content by tracking public social media posts to surface incidents. To ensure coverage in the monitoring process, each analyst was assigned to a specific state or interest group (see Section 3.3), which they developed expertise in and followed throughout the project. These analysts classified tickets as in and out of scope for further analysis and closed incidents for which further investigation or external communication was not needed. For in-scope tickets, analysts went through a systematic process that attempted—where possible—to assess the veracity of the underlying claims by locating an external fact-check from election officials, fact-checking organizations, local media, or mainstream outlets. They also made initial recommendations on the prioritization of tickets, assigning high, medium, and low severity based on the risk of the content itself and on its spread across platforms.⁸
- **Tier 2: Assessment** — This team was staffed by senior analysts from each partner organization. Analysts used open source intelligence and other social media analysis methods to delve deeper into the initial analysis from Tier 1 by determining the suspected origins of a piece of information, tracking its spread over time, and identifying additional fact-checks as they became available. Tier 2 analysts also looked for evidence of coordination, potential foreign interference, or inauthentic dynamics related to a given incident. This tier of analysts could recommend actions, such as communication to external partners, as appropriate.
- **Tier 3 (Managers): Mitigation** — This team consisted of leadership from each partnership organization, who signed off on the communication recommendations from Tier 2 senior analysts. The manager had the ability

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to tag platform partners on a ticket for action. They also communicated with the EIP's partners in government, and could request further information from election officials if necessary. Once a ticket reached Tier 3, the manager decided whether to put it into a holding queue for ongoing monitoring, assign the ticket back to a Tier 2 analyst to produce a public blog post or Twitter thread discussing the issue, or close a ticket if it had been resolved.

Team members from each of these tiers were divided into on-call shifts. Each shift was four hours long and led by one on-call manager. It was staffed by a mix of Tier 1 and Tier 2 analysts in a 3:1 ratio, ranging from five to 20 people. Analysts were expected to complete between two to five shifts per week. The scheduled shifts ran from 8:00 am to 8:00 pm PT for most of the nine weeks of the partnership, ramping up only in the last week before the election from 12-hour to 16- to 20-hour days with all 120 analysts on deck.

A note on fact-checking: the EIP was not a fact-checking organization, and in preliminary assessments of whether an event in a ticket was potentially misinformation, analysts first looked to the work of others. One of the complexities related to misleading information is that it is not always possible to verify the claims; professional fact-checkers confronted with these situations may use labels like "inconclusive" or "partially true" to convey uncertainty where it exists. Where possible, our analysts identified an external fact-checking source from news sites, credible fact-checking organizations, or statements from a local election official when filing tickets. Analysts also used open source investigation techniques, such as reverse image searches or location identifications, to determine if images or videos tied to an incident were taken out of their original context. Our analysts identified at least one external fact-check source for approximately 42% of the in-scope tickets. For some tickets, it was not possible to find an external fact-check for the content, either because no fact-checker had yet addressed the issue, or because the information was resistant to simple verification—for example, content based on unconfirmed or conflicting claims from a whistleblower, conspiracy theories that claimed invisible forces at work, and narratives based on factual claims (e.g., discarded ballots) but spread within misleading frames that exaggerated the potential impact of these events. Additionally, some tickets were about incitement to violence, which does not lend itself to fact-checking.

Election Day-Specific Structures

In the week before and after Election Day, EIP monitoring intensified significantly. Over the two-month-long period from September 3 (the first day of EIP activity) to November 1, EIP researchers had logged 269 tickets. From November 2 to 4,

EIP researchers logged an additional 240 new tickets, as well as monitoring and revising old cases as they related to new narratives. This dramatic increase in tempo required changes to how the EIP identified and evaluated misinformation incidents.

In order to manage an anticipated increase in incidents on Election Day itself, the EIP established five working groups, each organized and led by relevant subject matter experts:

- *State and Regional Monitoring* focused on monitoring narratives related to polling locations in battleground states, particularly Pennsylvania, Wisconsin, Florida, and Minnesota. Analysts used platform search features coupled with curated CrowdTangle, Twitter, and Junkipedia lists to aid in detection.
- *"Targeted Group" Monitoring* focused on identifying misinformation that seemed to specifically target an ethnic or diaspora community in the United States. This included content targeting the Black community, which was the subject of extensive disinformation campaigns in 2016, as well as Chinese- and Spanish-language content.
- *Influencers and Young Electorate Monitoring* focused on first-time voters, particularly members of Generation Z. This work was conducted by way of close analysis of TikTok and Instagram trends.
- *Political Extremism Monitoring* focused on communities that had previously endorsed political violence, particularly those adjacent to White-identitarian causes. This work was conducted by comprehensive monitoring across 4chan, 8kun, Gab, and Parler. Researchers additionally monitored open Telegram channels and Discord servers linked to extremist causes.
- *Livestream Monitoring* focused on rapidly identifying trending livestreams, which were anticipated to involve both polling location activity and (later) election night protests. This work required assessing popular livestreams across Facebook Live, Periscope, YouTube Live, and Twitch.

These working groups would provide the foundation of EIP monitoring efforts in both the Election Day and post-Election Day periods.

1.4 External Stakeholders

The EIP served as a connector for many stakeholders, who both provided inputs to and received outputs from the internal analysis structure described

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above. External stakeholders included government, civil society, social media companies, and news media entities.

Government and civil society partners could create tickets or send notes to EIP analysts, and they used these procedures to flag incidents or emerging narratives to be assessed by EIP analysts. Sometimes the tickets were out of scope, such as those related to general political misinformation that was not election related. In these cases, that was communicated to the reporting partner and the incident was closed. For all that were in scope, the EIP quickly analyzed the issues and provided outputs to external stakeholders. Some of the cases flagged by outside partners led to EIP participation in informing the public of a finding, which was done by way of a rapid-response blog post or Twitter thread, or a discussion during public media briefings.

Four Major Stakeholder Groups



Figure 1.3: Major stakeholder groups that collaborated with the EIP.

Government

Given the decentralized nature of election administration, government entities at the local, state, and federal level are all responsible in some way for election security and thus for countering election-related mis- and disinformation.

Prior to the 2016 election, the federal government played a very limited role in election security. Russian interference in the 2016 US presidential election took the form of several Russia-linked entities engaged in a broad interference effort that included information operations and targeting of election infrastructure as well as hack-and-leak attacks. Operatives of the Russia-based Internet Research Agency used social media to degrade Americans' confidence in their own

democratic process. Since 2016, the US government has declared election systems critical infrastructure and politicians have called for a “whole-of-society” approach to countering attacks against them.⁹

EI-ISAC: Coordination Across State And Local Government

After the 2016 election, government entities at all levels stepped up election security efforts; however, addressing election-related misinformation has remained a gap. For the 2020 election, reporting falsehoods about the election to social media platforms represented significant logistical and jurisdictional challenges. The Election Infrastructure Information Sharing and Analysis Center (EI-ISAC), an independent organization run by the non-profit Center for Internet Security (CIS) that connects state and local governments as well as relevant private companies, helps coordinate election security efforts broadly. In this election cycle, the EI-ISAC served as a singular conduit for election officials to report false or misleading information to platforms. By serving as a one-stop reporting interface, the EI-ISAC allowed election officials to focus on detecting and countering election misinformation while CIS and its partners reported content to the proper social media platforms. Additionally, the Countering Foreign Influence Task Force (CFITF), a subcomponent of CISA, aided in the reporting process and in implementing resilience efforts to counter election misinformation.

The EIP engaged with government stakeholders primarily to provide analytical capability and context around election-related misinformation. Content reported by election officials to the EI-ISAC was also routed to the EIP ticketing system. This allowed analysts to find similar content, ascribe individual content pieces to broader narratives, and determine virality and cross-platform spread if applicable. This analysis was then passed back to election officials via the EI-ISAC for their situational awareness, as well as to inform potential counter-narratives. Additionally, if an internally generated EIP ticket targeted a particular region, analysts sent a short write-up to the EI-ISAC to share with the relevant election official. This allowed the state or local official to verify or refute the claim, and enabled analysts to properly assess whether or not the content violated a platform's civic integrity policies. In this way, the EIP demonstrated the upside of using the EI-ISAC coordinating body to connect platforms with authoritative voices to determine truth on the ground and help election officials effectively counter viral falsehoods about election infrastructure.

Civil Society

Civil society organizations fill critical roles in promoting civic engagement, and in organizing and sharing information with their communities. The EIP engaged

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with civil society organizations to share findings and build perspective across geographies and demographics. Civil society collaborators submitted tips through the trusted partner tip line and interacted with the EIP research team through briefings, partner meetings, and shared findings. The Partnership engaged with Common Cause,¹⁰ national and regional chapters of the NAACP,¹¹ the Healthy Elections Project,¹² the Defending Digital Democracy Project,¹³ MITRE,¹⁴ regional chapters of the AARP,¹⁵ and the National Conference on Citizenship¹⁶ (the latter two are discussed in more detail below). Some collaborators were integrated into the Jira platform for tip reporting, while others preferred to engage in a more informal capacity such as via email. Onboarded members were able to submit tickets for analysis and receive feedback from the EIP analysts.

The AARP collaboration was maintained by the Center for an Informed Public and was notable because it involved empowering and training retired adults to identify false or misleading information as part of a “Factcheck Ambassador” training program. The EIP worked primarily with the Washington State chapter of the AARP, but informational training sessions were shared with other chapters around the country.¹⁷

Another noteworthy civil society partner was the National Conference on Citizenship, specifically their Junkipedia team.¹⁸ Junkipedia is a research tool created by the Algorithmic Transparency Institute, a project of the National Conference on Citizenship, to collect false and misleading social media content. The tool served dual purposes: first, it connected EIP to content surfaced through its own network of journalists and reporters, providing visibility into more geographies and communities; and second, it facilitated research and detection by EIP analysts, who were able to use Junkipedia’s list feature to track account activity on TikTok and YouTube.

Media

Carefully considered media coverage debunking false and misleading information can help to ensure an informed public and a responsible social media ecosystem. Although mis- and disinformation monitoring and analysis work is valuable on its own, communications with media organizations increased the impact of the EIP’s research. The EIP’s rapid-response research and analysis work necessitated an adaptive, rapid-response communications strategy in order to share timely insights and key mis- and disinformation concepts with journalists and news outlets. One goal was to ensure that misleading narratives were appropriately contextualized in terms of their reach and velocity, to avoid unnecessarily amplifying something false but very sparse. Investigating and reporting on mis- and disinformation is complex and comes with unique challenges.¹⁹ The EIP held regular news briefings in which analysts and team leads prioritized describing and contextualizing the misinformation incidents

documented in tickets. Journalists who attended the briefings could then reach, educate, and inform the communities they served, contextualizing and countering misleading narratives as they saw fit. Over the time of the EIP's operation, this process resulted in over 60 articles that specifically cited the EIP's work or its researchers.²⁰

A thoughtful media strategy was key to our reach and impact as an organization. We met the needs of media stakeholders in three primary ways—public research briefings, responding to media requests, and in-depth collaborations.

Public Research Briefings

On October 13, 2020, the EIP hosted the first in a series of weekly research briefings designed to share the Partnership's rapid-response research and policy analysis more broadly ahead of Election Day. Before each briefing, the EIP used its Twitter account, @2020Partnership, to announce the briefing and promote attendance. These briefings, scheduled for 30 minutes, were hosted virtually on Zoom and featured short presentations from various EIP researchers and analysts. Each briefing reserved time for members of news organizations to ask questions of researchers involved with the Partnership. The briefings were considered "on the record," meaning that anything shared or said during the course of the presentations or from the question-and-answer session could be used and directly quoted from by journalists for their reporting. The Q&A format allowed EIP researchers and analysts to cover a lot of ground in a relatively short amount of time while also allowing journalists to gain additional insights from the other questions asked by reporters from other news organizations. As interest in the EIP's work grew and reports of false and misleading information increased dramatically in the days leading up to the election, briefings increased from once a week to several times a week.

The briefings were open to the public. The first briefing hosted approximately 12 journalists, but as interest grew, so did briefing attendance, with an average of 120 attendees on election week briefings and a peak of 174 attendees at the briefing the day after the election. After each briefing, the EIP communications lead followed up with journalists in attendance.

On Election Day, the EIP hosted a morning and afternoon briefing to report on observations of activity that day. Reporters and editors from outlets including the *Washington Post*, the *New York Times*, the *Wall Street Journal*, *USA Today*, *MIT Tech Review*, *Bloomberg Business*, the *Associated Press*, *Reuters*, *National Public Radio*, *Político*, *NBC News*, *The Markup*, *The Information*, *PBS NewsHour*, *BBC News*, *Agence France Presse*, the *Telegraph*, and *Cyberscoop* regularly attended.

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Responding to Media Requests

Throughout the course of the EIP's work ahead of and after Election Day, our communications lead also fielded inbound requests from the press to assist in assessing specific developing stories. Some of these journalists were dedicated to the "misinformation beat," while others covered peripheral beats such as the election, politics, technology, etc.

The UW team took the lead in tracking and responding to media requests that came in across the Partnership and connecting with the appropriate EIP researcher. For instance, journalists interested in misinformation-related policies developed by social media companies were directed to Stanford Internet Observatory, which closely monitored and analyzed guidelines put forward by platforms. Similarly, journalists interested in EIP research about "repeat spreaders" on Twitter who regularly shared false claims or misleading information about voting procedures were connected with members of the UW team, who were tracking and analyzing how that type of misinformation was shared and amplified.

In-Depth Collaborations

In the days leading up to the election, the EIP set up collaborations with a few journalists who had experience covering the "misinformation beat." These differed from media requests in the length of engagement; in these cases, we set up Slack channels and Google documents to think through trends and emerging data with the journalists, who were also experts in online misinformation. For instance, the UW team fielded more specialized research requests from NBC News, which has dedicated numerous newsroom resources to reporting on mis- and disinformation issues. NBC's Brandy Zadrozny did some of the most substantive reporting on election-related mis- and disinformation ahead of and after Election Day, bolstered by some of the EIP's specialized research. Her election week story about election fraud narratives was driven by this in-depth collaboration.²¹ Sheera Frenkel of the *New York Times* spent Election Day co-located with EIP researchers from the Stanford Internet Observatory, with COVID-19 precautions in place. She published an early piece about the emerging "Stop the Steal" narrative, with quotations from an SIO researcher.²²

The EIP also spent time assisting a local journalist writing specifically about election misinformation in Michigan for the *Detroit Free Press*, whose reporting was funded through a short-term grant from the American Press Institute. The reporter, Ashley Nerbovig, attended numerous research briefings ahead of Election Day and was interested in the EIP's "What to Expect" report that outlined the types of disinformation and misinformation that researchers anticipated would emerge and take root before, during, and after Election Day.²³ A November 17, 2020, article in the *Detroit Free Press* looked at how many of the

EIP's pre-election predictions around voting-specific misinformation emerged in Michigan, where incorrect claims and distorted narratives ran rampant in the days and weeks that followed voting.²⁴ That *Detroit Free Press* article, featuring interviews with EIP researchers, was republished by *USA Today*²⁵ and other news publications in the USA Today Network, including the *Arizona Republic*. Although many national newsrooms have one or multiple journalists focused on misinformation, Nerbovig was among the few regional reporters dedicated to covering misinformation from a local perspective, which encouraged us to make researchers available to her as she developed her story.

The EIP's outreach efforts with journalists and media organizations were valuable because they enabled timely sharing of insights and in-depth analysis with the public, policymakers, and social media platforms. During uncertain times, many people turn to journalists. At the same time, journalists themselves were seeking sound information to better contextualize the dynamics of how mis- and disinformation are shared and amplified. By connecting journalists to our research through these media efforts, the EIP was able to have a quick and widespread impact.

Platforms

The EIP established relationships with social media platforms to facilitate flagging of incidents for evaluation when content or behavior appeared to violate platform policies (discussed further in Chapter 6). The EIP reached out to a wide set of social media platforms to engage with the project, and onboarded those that expressed interest in participating. At the start of the EIP analysis period, representatives from the onboarded platforms were granted access to the workspace management system. Analysts conducted their initial assessment on all tickets, and, if content in a ticket appeared to be a violation of a platform's published content policies,²⁶ an analyst or manager added the platform representative to the ticket. If questions arose, a manager communicated with the platform representative in the ticket comments. Analysts put the ticket back in the queue and updated the ticket to note if the content in question received a moderation action. If analysts identified the content on a ticket as in scope, but not in violation of a platform's published policies, the platform was not tagged.

The EIP onboarded the following social media companies: Facebook and Instagram, Google and YouTube, Twitter, TikTok, Reddit, Nextdoor, Discord, and Pinterest. These platforms were chosen based on several factors including the size of the platform itself, as well as the practical research constraints around the ability to monitor public content on the platform. A platform such as Snapchat, for example, has a large userbase; however, due to its ephemeral content, we did not include this platform in our work.

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There were additionally several “alt-platforms” that had no moderation policies, sometimes deliberately so. This included platforms such as Parler, Gab, 4chan, and a handful of message boards. EIP observed false and misleading content on these platforms, but had no interactions with any of their representatives.

1.5 Example Ticket Process

To illustrate the scope of collaboration types discussed above, the following case study documents the value derived from the multistakeholder model that the EIP facilitated. On October 13, 2020, a civil society partner submitted a tip via their submission portal about well-intentioned but misleading information in a Facebook post. The post contained a screenshot (See Figure 1.4).

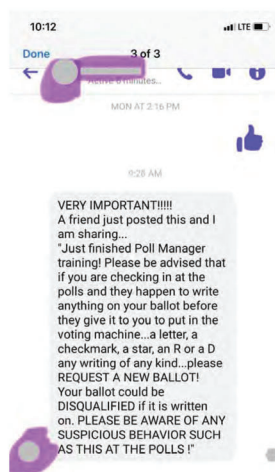


Figure 1.4: Image included in a tip from a civil society partner.

In their comments, the partner stated, “In some states, a mark is intended to denote a follow-up: this advice does not apply to every locality, and may

confuse people. A local board of elections has responded, but the meme is being copy/pasted all over Facebook from various sources.” A Tier 1 analyst investigated the report, answering a set of standardized research questions, archiving the content, and appending their findings to the ticket. The analyst identified that the text content of the message had been copied and pasted verbatim by other users and on other platforms. The Tier 1 analyst routed the ticket to Tier 2, where the advanced analyst tagged the platform partners Facebook and Twitter, so that these teams were aware of the content and could independently evaluate the post against their policies. Recognizing the potential for this narrative to spread to multiple jurisdictions, the manager added in the CIS partner as well to provide visibility on this growing narrative and share the information on spread with their election official partners. The manager then routed the ticket to ongoing monitoring. A Tier 1 analyst tracked the ticket until all platform partners had responded, and then closed the ticket as resolved.

1.6 Practical Lessons Learned

The EIP was a first-of-its-kind collaboration between multiple stakeholder types who shared the goal of understanding, and being positioned to rapidly and effectively counter, election-related misinformation. There were several key lessons learned that may be helpful toward informing similar efforts in the future:

Pre-Election Period

1. **Detailed enumeration and comparison of platform policies led to tangible positive changes.** When the EIP was formed in the summer of 2020, no comprehensive comparison of policies around election-related misinformation, or civic integrity, had been published. One of the first efforts of the Partnership was to collect these policies and compare them side-by-side. That policy comparison improved the EIP’s quality of content analysis and reporting.
2. **Pre-bunking helped journalists contextualize what they were seeing.** On October 26 the EIP published a blog post predicting the manner and focus of misinformation that its analysts and researchers believed were likely to pervade social media on Election Day and shortly after.²⁷ This piece was informed by experience from past elections, and observations accrued during the months of monitoring and analysis. Most of the predictions turned out to be accurate. This post, and the subsequent targeted stakeholders briefings around it, provided a rare opportunity to “pre-bunk” narratives

1. The Election Integrity Partnership

before they reached the mainstream. This sort of effort may be useful in effectively mitigating the effects of misinformation in the future.²⁸

3. **Using per-content tickets to represent incidents presented challenges for tracking larger narratives.** As noted in this chapter, the EIP often started analysis by examining content on a very granular level—a ticket might initially represent a single social media post. On the positive side, this approach allowed for nimble Tier 1 analysis, and the Jira platform allowed for aggregation as needed. On the negative side, this approach made tracking narratives significantly more difficult, especially those dormant for a period of time before resurfacing in many online locations at once. Narratives usually spanned multiple types of content pieces across multiple platforms over a broad period of time. While the EIP analysts would eventually merge or link tickets into a broader narrative ticket, this process was labor intensive, and ran the risk of content data getting lost in the effort.

Election Day and Afterward

1. **Public briefings and one-on-one media engagement bolstered real-time information exchange, and helped educate and inform the public.** The EIP's media briefings were not originally a planned part of the effort. However, we found that they were of value for enabling journalists to contextualize observed events and trends and communicate them to the larger public.
2. **The cadence and resource demands of rapid analysis increased as the election cycle progressed, leading to challenges in the logistics of EIP research.** The members of the EIP span the mis- and disinformation research community, which has primarily focused on retrospective analysis. In contrast, demands of the EIP publication schedule represented a novel operational challenge for all organizations involved in a few key ways. First, the EIP analysis and a commitment to quick turnaround required drawing conclusions based on rapidly updating information. Second, the EIP's regular public briefings required updating conclusions and predictions in an episodic manner. Third, a COVID-shortened fall academic quarter for Stanford University and University of Washington student analysts made it challenging to synchronize work after the Thanksgiving break.

1.7 Reading This Report

This report—the conclusion to the Election Integrity Partnership's work—summarizes and details the Partnership's findings since its formation on July

26, 2020. Chapter 2 lays out the metrics and statistics from EIP's detection period, which are the foundation of further analysis. Chapter 3 examines the key false and misleading narratives that emerged and evolved over the course of the 2020 election and after, and Chapter 4 looks at the tactics used to spread the narratives across the information ecosystem. We take a broader perspective in Chapter 5, looking at "repeat spreaders"—individuals, organizations, and media entities that repeatedly promoted numerous false and misleading narratives. In Chapter 6, we review social media platforms' election-related policies and discuss how those policies matured over time and were applied. We conclude the report in Chapter 7 by providing policy recommendations, based on the findings of our work, to government entities, media outlets, platforms, and civil society organizations.

Notes

1. (page 1) Michael McFaul, ed., *Securing American Elections: Prescriptions for Enhancing the Integrity and Independence of the 2020 U.S. Election and Beyond* (Stanford, CA: Cyber Policy Center, June 2019), https://fsi-live.s3.us-west-1.amazonaws.com/s3fs-public/stanford_cyber_policy_center-securing_american_elections.pdf
2. (page 1) Herbert Lin, et al., "Increasing the Security of the U.S. Election Infrastructure" in McFaul, *Securing American Elections*, 17.
3. (page 2) In Wisconsin, for example, federal district court judge William Conley ruled to extend the acceptance date of absentee ballots from November 3 to November 9, citing that "Wisconsin's election system sets [voters] up for failure in light of the near certain impacts of this ongoing pandemic." The judge put his order on hold to give the Wisconsin State Legislature time to appeal. The Circuit court ultimately overruled the lower court ruling and time ran out for the Wisconsin legislature to legislate or appeal an exception to state election law. See *Democratic National Committee v. Bostelmann*, No. 20-2835 (7th Cir. October 8, 2020); Amy Howe, "Court declines to reinstate COVID-19 accommodations for elections in Wisconsin," SCOTUSblog, October 26, 2020, 11:28 pm, <https://www.scotusblog.com/2020/10/court-declines-to-reinstate-covid-19-accommodations-for-elections-in-wisconsin/>
4. (page 5) "Announcing the EIP," Election Integrity Partnership, July 27, 2020
5. (page 8) The platforms we evaluated are: Facebook, Instagram, Twitter, YouTube, Pinterest, Nextdoor, TikTok, Snapchat, Parler, Gab, Discord, WhatsApp, Telegram, Reddit, and Twitch. We published our initial evaluation on August 18, 2020, and updates on September 4, September 11, October 14, October 19, October 27, and October 28, 2020. Twitch was added to our list of evaluated platforms during our blog post update on October 27. Each update

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reflected changes in platforms' published policies. See "Evaluating Election-Related Platform Speech Policies," Election Integrity Partnership, October 28, 2020, <https://www.eipartnership.net/policy-analysis/platform-policies>

6. (page 8) The EIP used Jira Service Desk software for the project. The team chose Jira because it supported a large team and allowed the addition of workflows that require both robust customer management capabilities and organizational features to reflect the numerous roles needed to respond to any inbound request. Licenses and technical support were provided under Atlassian's community license program.

7. (page 9) See Appendix A on page 245: Definitions for a detailed definition of both Events and Incidents.

8. (page 9) See Appendix B on page 249 for the Tier 1 and Tier 2 analysis questions.

9. (page 13) Sean Lyngaas, "Sen. Warner calls for a 'whole-of-society' U.S. cyber doctrine," CyberScoop, December 7, 2018, <https://www.cyberscoop.com/sen-warner-calls-whole-society-u-s-cyber-doctrine/>

10. (page 14) Common Cause, <https://www.commoncause.org/our-work/voting-and-elections/>

11. (page 14) NAACP, <https://naacp.org>

12. (page 14) Stanford-MIT Healthy Elections Project, <https://healthyelections.org/>

13. (page 14) Defending Digital Democracy Project, <https://www.belfercenter.org/project/defending-digital-democracy>

14. (page 14) MITRE, <https://www.mitre.org>

15. (page 14) AARP, <https://www.aarp.org>

16. (page 14) National Conference on Citizenship, <https://ncoc.org>

17. (page 14) Elliot Trotter, "CIP, AARP Washington Factcheck Ambassador Trainings help retirees sort fact from fiction," University of Washington Center for an Informed Public, December 16, 2020, <https://www.cip.uw.edu/2020/12/16/cip-aarp-washington-factcheck-ambassador-trainings/>

18. (page 14) "About Junkipedia," <https://www.junkipedia.org/about>

19. (page 14) Melinda McClure Haughy, et al., "On the Misinformation Beat: Understanding the Work of Investigative Journalists Reporting on Problematic Information Online," Proceedings of the ACM on Human-Computer Interaction no. 4, Article 133 (October 2020), <https://doi.org/10.1145/3415204>

20. (page 15) See Appendix E on page 257 for a list of media citations.

21. (page 16) Brandy Zadrozny, "Misinformation by a thousand cuts: Varied rigged election claims circulate," NBC News online, November 11, 2020, <https://www.nbcnews.com/tech/tech-news/misinformation-thousand-cuts-varied-rigged-election-claims-circulate-n1247476>
22. (page 16) Sheera Frenkel, "The Rise and Fall of the 'Stop the Steal' Facebook Group," *New York Times*, November 5, 2020, <https://www.nytimes.com/2020/11/05/technology/stop-the-steal-facebook-group.html>
23. (page 16) Kate Starbird, et al., "Uncertainty and Misinformation: What to Expect on Election Night and Days After," Election Integrity Partnership, October 26, 2020, <https://www.eipartnership.net/news/what-to-expect>
24. (page 17) Ashley Nerbovig, "'Not a whole lot of innovation': 2020 election misinformation was quite predictable, experts say," *The Detroit Free Press*, November 17, 2020, <https://www.freep.com/story/news/politics/elections/2020/11/17/2020-presidential-election-misinformation-predictable-experts/6322926002/>
25. (page 17) Ashley Nerbovig, "'Not a whole lot of innovation': 2020 election misinformation was quite predictable, experts say," *USA Today*, November 17, 2020, <https://www.usatoday.com/story/news/politics/elections/2020/11/17/2020-presidential-election-misinformation-predictable-experts/6322926002/>
26. (page 17) "Evaluating Election-Related Platform Speech Policies," Election Integrity Partnership.
27. (page 19) Kate Starbird, et al., "Uncertainty and Misinformation: What to Expect on Election Night and Days After," Election Integrity Partnership, October 26, 2020, <https://www.eipartnership.net/news/what-to-expect>
28. (page 20) Brian Freidberg, et al., "A Blueprint for Documenting and Debunking Misinformation Campaigns," *Nieman Reports* (October 20, 2020), <https://niemanreports.org/articles/a-blueprint-for-documenting-and-debunking-misinformation-campaigns/>

Data and Summary Statistics

2.1 Introduction

The Election Integrity Partnership collected data between September 3, 2020 and November 19, 2020. The dataset we discuss in this part of our report comes from tickets: the internal reports within the EIP's system, each of which identified a unique information event.

Key findings

- We processed 639 in-scope tickets. 72% of these tickets were related to delegitimizing the election results.
- Twitter, Google, Facebook, and TikTok all had a 75% or higher response rate (on the EIP Jira ticketing platform) to tickets they were tagged in.
- Our process got tighter—both within the EIP and in terms of our relationship with the platforms—over time, with the time between ticket creation and platform response dropping substantially as we approached Election Day.
- 35% of the URLs we shared with Facebook, Instagram, Twitter, TikTok, and YouTube were either labeled, removed, or soft blocked. Platforms were most likely to take action on content that involved premature claims of victory.

Tickets

Most tickets created through the EIP's work represent a unique piece of misinformation or disinformation related to election processes. For example, one

2. Data and Summary Statistics

ticket was for a Google ad incorrectly claiming that a Florida official had been caught perpetrating a voter fraud scheme. Other tickets discussed a misinformation narrative that appeared across several platforms. Some tickets would focus on a single website that was generating a lot of misinformation. Other tickets discussed incitement to violence—for example, one ticket discussed all cross-platform instances of a single meme instructing people on how to disguise themselves ostensibly ahead of a violent rally. Tickets were primarily created by members of the four core EIP organizations, though 16% of tickets were filed by the Center for Internet Security (CIS), an election official community partner, in the form of tips.

Figure 2.1 on the facing page shows an excerpt of an example ticket. This ticket was created for #Sharpiegate, the narrative that voters were forced to complete their ballots with Sharpie markers that would invalidate ballots. The “Shared with” list shows the organizations tagged on this ticket—tagging an organization is the equivalent of sharing, making the ticket visible to them. The URLs field includes URLs containing or involved in the spread of the misinformation. We discuss the dataset composed exclusively of those URLs in this section of the report as well.

The ticket also has fields for analyst discussion, data that we also extracted and coded. Figure 2.2 on page 30 shows the discussion for the #Sharpiegate ticket. This example shows responses from our government partners, who provided helpful information, and platform responses.

The ticket-level dataset necessarily reflects the biases of those with the authority to create tickets: internal EIP members and external partners. For example, researchers within the Partnership signed up to monitor particular topic groups, such as influencer accounts or Spanish-language content (see Chapter 1, Section 1.3 on page 10 for a list of these groups). Our finite staff and time meant that we prioritized monitoring some content over others; for example, our prioritization of swing states over non-swing states may cause the dataset to understate the amount of misinformation in the latter. Similarly, we were not able to monitor misinformation in languages not widely spoken in America, and as a result our dataset likely understates the amount of foreign language misinformation. While the dataset has these weaknesses, given our large team and cross-platform monitoring, we believe this dataset is important and unique, and that it can shed light on key misinformation narratives and tactics around the election.

In total, the dataset included 639 distinct, in-scope tickets. Following the elections, we coded the tickets to assess what category of election-related misinformation they fell under (for example, participation interference or fraud), what tactics were used (for example, livestream video), what actor was targeted (for example, poll workers or USPS), what state(s) were targeted, and what part of the

SHARPIEGATE

raised this on 04/Nov/20 10:25 AM [Hide details](#)

Description

#Sharpiegate is trending on twitter after allegations that voters were forced to use sharpie Maricopa County in Arizona and that the sharpie was intentionally meant to make votes ambiguous so to sway the election.

This is not true. The ballots are designed such that sharpie ink will not compromise the selection.

This has spread to a variety of different states across Twitter, FB, TikTok, and Youtube, we will use this ticket to try and consolidate all the content. While the primary reports have come from Arizona, similar claims of felt-tipped markers being illegally used to sway election outcomes have been made across Chicago, IL and Shasta County, CA.

URLs

<https://twitter.com/>
<https://twitter.com/>
<https://twitter.com/>
<https://twitter.com/>
<https://twitter.com/>
<https://vm.tiktok.co>
<https://www.instagram>
<https://www.youtube>

Status

IN REVIEW

Request type

EIP Report

Shared with

☒ TikTok
☒ Facebook
☒ El-SAC
☒ Google
☒ Twitter
[+ Share](#)

Figure 2.1: An example ticket. We have omitted specific URL information.

electoral process was discussed (for example, voting by mail). Two members of the EIP coded each ticket, and a different member reconciled any discrepancies in coding.

The taxonomy, featuring 10 questions and a total of 71 choices, performed suitably. Inter-coder agreement was evaluated with Cohen's Kappa, a metric used to judge coder agreement with consideration for random entries by coders.¹ Cohen's Kappa (K) is represented as a range from 0 to 1, where $K = 0$ indicates random agreement, and $K = 1$ indicates total agreement between coders. Our coding processes and dataset scored $K = 0.629$, which indicates substantial agreement and inspires confidence in the final dataset given the thorough reconciliation process that each ticket went through after its initial coding. The mean percentage agreement across the set was 89.48% with a standard deviation of 0.08%. Given high percentage agreement and a reasonably confident Kappa score, the codified tickets can be reliably used to evaluate our monitoring efforts. We provide more details on findings from the inter-coder reliability analysis in

2. Data and Summary Statistics

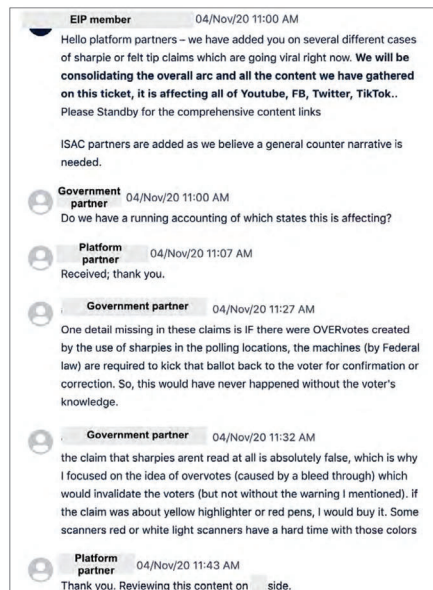


Figure 2.2: Discussion on the #Sharpiegate ticket. The commenters include members of the EIP, government partners, and platform partners.

Appendix B on page 249.

For one of the questions that had lower than normal intercoder agreement—whether or not the ticket related to fraud—we developed a clearer definition of fraud and re-did the coding for all tickets.

Throughout this chapter we will note some important limitations in the dataset. For example, when we discuss platform response rates, these are response rates only from platforms we partnered with. There will be no data for Parler response rates, for example, because Parler was not an external partner of the EIP.

2.2 Summary Statistics

Overview of Tickets

In this section we present summary statistics from the dataset. Figure 2.3 on the following page shows the number of tickets over time, by ticket category. We processed 142 tickets on Election Day, 22% of all tickets. The Election Day spike is likely due to a combination of an increase in election-related online conversations on November 3, significantly more EIP staffing on this day than previous days, and what may have been our partners' greater focus on reporting misinformation on Election Day.

Out of the 639 tickets, 72% were categorized as delegitimization (content aiming to delegitimize election results on the basis of false or misleading claims), 21% as procedural interference (misinformation related to actual election procedures), and 15% as participation interference (posts that include intimidation to personal safety or deterrence to participation in the election process). We note that not all tickets are created equal. Some tickets discussed misinformation that spread far, while other tickets discussed misinformation that might not have been seen by many.

While Chapter 3 will discuss the reach of specific narratives, Table 2.1 on the next page shows the relationship between ticket category and a rough measure of reach that we estimated during the coding process. It suggests that most categories of tickets had a similar distribution of reach, with the exception of fraud narratives, which did not go as widely viral. However, we note that only five of the tickets are categorized as fraud.

Segmentation of Misinformation by Platform and Region

After our last ticket was filed, we coded tickets to assess whether the narrative appeared on one of the platforms we were tracking; of course, many narratives appeared on multiple platforms. 77% of tickets appeared on Twitter, 46% on

2. Data and Summary Statistics

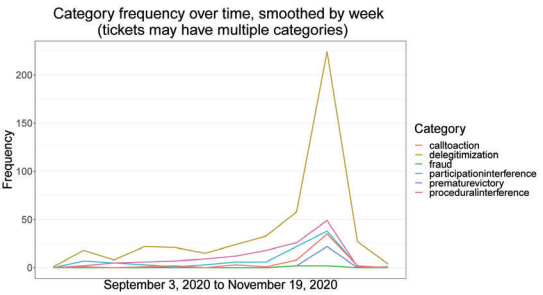


Figure 2.3: Ticket category over time. Tickets may have multiple categories.

	High: >100k engagements	Medium: 1k-100k engagements	Low: < 1k engagements	N/A
Participation Interference	16%	40%	43%	1%
Call to Action	11%	42%	43%	4%
Premature Victory	12%	52%	36%	0
Delegitimization	15%	49%	35%	1%
Procedural Interference	11%	36%	50%	3%
Fraud	0%	20%	60%	20%

Table 2.1: Relationship between ticket category and estimated reach.

Facebook, 13% on Reddit, 12% on Instagram, 12% on YouTube, and 8% on TikTok. Other platforms, including Parler, 4chan, and Telegram, appeared in less than 5% of tickets. While it is useful to know that the tickets we handled were primarily on the two large platforms—Twitter and Facebook—we caution that these numbers should not be interpreted as “most misinformation appeared on Twitter.” Facebook, Twitter, Reddit, and Instagram have reasonably accessible APIs that made it easier for our team to find misinformation on their platforms. The low percent of tickets for Parler, which is not as easy to observe, should not necessarily be interpreted as Parler having less misinformation.

Many of the tickets discussed misinformation that appeared on websites distinct from social media platforms, such as forums and blogs. The top misinformation-spreading websites in our dataset were the far-right forum thedonald.win, moved from the banned subreddit “r/The_Donald,” and thegate-waypundit[.]com, a far-right news website. 65% of these tickets involved an exaggeration of the impact of an issue within the election process.

We also coded tickets based on whether they targeted particular states (Figure 2.4 on the following page). 16% of tickets targeted Pennsylvania, 9% targeted Michigan, and 7% targeted Washington. Many of our state-specific tickets were reported by CIS, reflecting the fact that CIS forwarded reports by state and local election officials, and that certain states sent in many reports while others sent few or none.

Tickets by Tactics and Targets

We also coded tickets based on what tactics we observed being used:

- 49% of tickets involved an exaggerated issue.
- 26% of tickets involved an electoral process issue incorrectly framed as partisan.
- 22% of tickets involved misinformation that was shared by verified users.
- 18% of tickets featured content taken out of context from other places or times to create false impressions of an election issue.
- 17% of tickets involved unverifiable claims, such as friend-of-friend narratives.

Figure 2.6 on page 35 shows the portion of tickets containing incidents or narratives that targeted different aspects of the electoral process. Not surprisingly, tickets about voting by mail dominated tickets in September, while tickets about ballot counting spiked during the week of the election.

2. Data and Summary Statistics

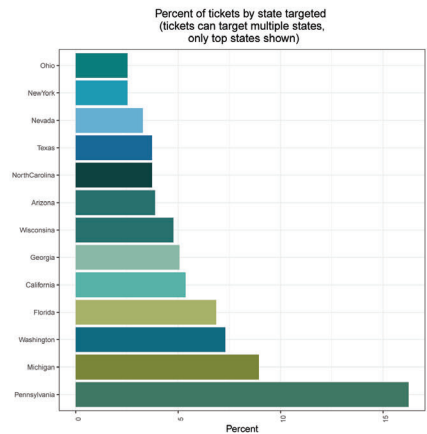


Figure 2.4: Percent of tickets by state targeted.

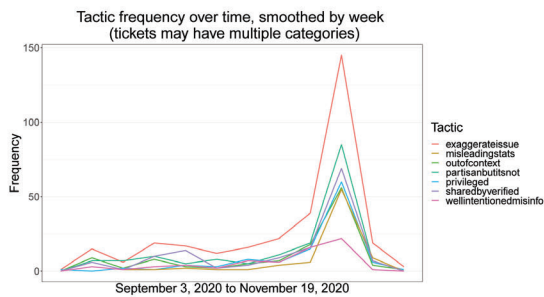


Figure 2.5: Tactic frequency over time.

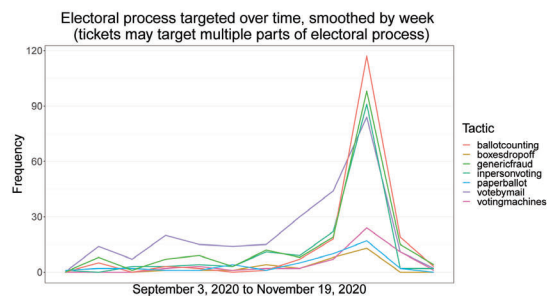


Figure 2.6: Electoral process targeted over time.

Figure 2.7 on the following page shows the actors targeted by the misinformation. The actors most frequently targeted were political affinity groups (for example, Democrats or Republicans, or Biden supporters) with 39% of tickets.

Figure 2.8 on page 37 shows the proportion of tickets that made various claims about the elections. 27% of tickets involved claims about illegal voting.²

Last, we coded tickets based on whether they additionally related to COVID-19 narratives, or had an element of foreign interference. Interestingly, just 1% of tickets related to COVID-19, and less than 1% related to foreign interference.

Tickets by Fact-Checking URLs

As the EIP monitored the information space for mis- and disinformation about the 2020 election, analysts consulted published fact-checking resources to assess various claims. 42% of the tickets included fact-checking URLs found by analysts. The most common fact-checking sources were Twitter threads and Facebook posts, often from official government accounts, Snopes, PolitiFact, USA Today, the Washington Post, and CNN (in that order). The remaining 58% of tickets consisted of misinformation that had low engagement and did not manage to attract the attention of fact-checkers, as well as misleading claims that were not easily falsifiable. Additionally, as noted above, some tickets were about incitement to violence, a topic that does not lend itself to fact-checking. Many tickets included more than one fact-check URL. In total, the dataset included 925 fact-checking URLs.

2. Data and Summary Statistics

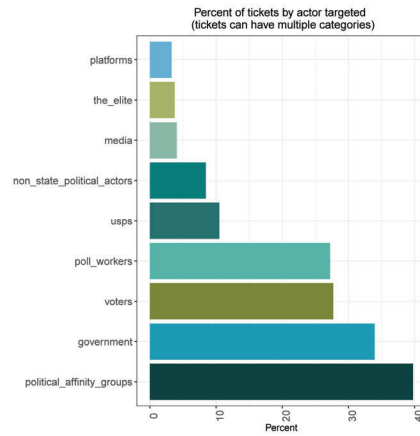


Figure 2.7: Percent of tickets by actor targeted.

Overall, among our tickets we found that higher engagement posts (those with more than 100,000 interactions) contained fact-checking URLs more than posts that had medium to low engagement: 34% of high engagement tickets contained fact-checking URLs, compared to 25% for medium engagement tickets, and 18% for low engagement tickets. EIP researchers also examined the relationship between political ideology and fact-checking, and found that tickets that discussed only left-leaning accounts were as likely to contain fact-checking URLs as tickets discussing only right-leaning accounts.

We also analyzed fact-checking frequency and approaches based on a number of factors, including ticket category. Tickets categorized as “Call to action for protest or mobilization” (often incitements to violence) were least likely to include fact-checking URLs; this makes sense, as these types of tickets are less likely to be appropriate for fact checking.

2.3. Platform Responsiveness and Moderation Actions Taken

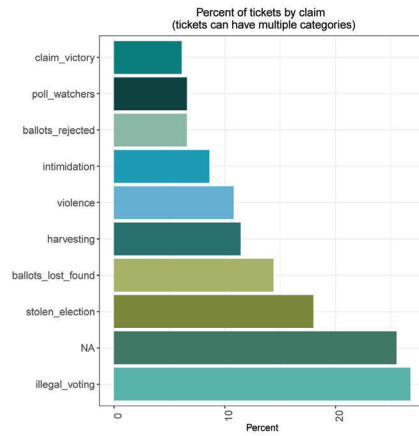


Figure 2.8: Percent of tickets by claim.

2.3 Platform Responsiveness and Moderation Actions Taken

Of our 639 tickets, 363 tickets tagged an external partner organization to either report the content, provide situational awareness, or suggest a possible need for fact-checking or a counter-narrative. Of the tickets in which an external organization was tagged, Figure 2.9 on the following page shows which partner organization was tagged.

In the case where platforms were tagged, we measured the percent of tickets that subsequently received a response from the platforms. A response indicated that the platform confirmed that they were investigating the ticket. We believe these response rates are lower bounds; it is possible platforms investigated tickets, but did not respond on the Jira platform. In total, we believe the four major platforms we worked with all had high response rates to our tickets.

Figure 2.10 on page 39 shows the time between a ticket's creation and the

2. Data and Summary Statistics

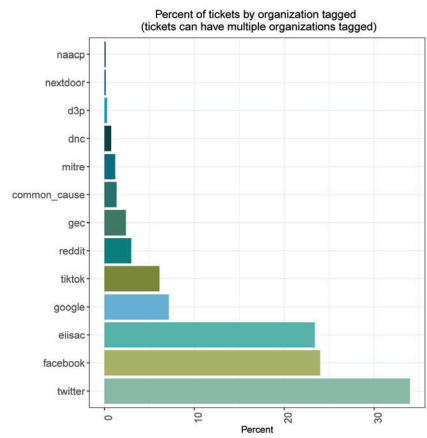


Figure 2.9: Percent of tickets by organization tagged.

	# tickets tagging organization	# tickets that received response	Response Rate
TikTok	40	36	90%
Google	46	41	89%
Twitter	220	185	84%
Facebook	158	120	76%

Table 2.2: Response rate by platform.

2.3. Platform Responsiveness and Moderation Actions Taken

platform's response, over time. This data should be interpreted cautiously, as often the ticket creator did not tag the platform; rather, a manager tagged the platform once the ticket was reviewed. So occasionally a ticket was created but the platform not tagged for several hours, or in some rare cases a few days. As such, even if the platforms responded minutes after being tagged, and they often did—particularly on Election Day—this data will not reflect this. However, the data does suggest that the process got much tighter over time. This likely reflects that the EIP shortened the time between ticket creation and platform tagging, and also more engagement from the platforms.

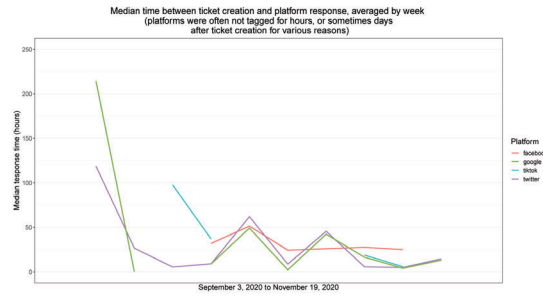


Figure 2.10: Median time between ticket creation and platform response.

Each ticket that tagged a platform partner contained a list of URLs containing the potentially violative content being spread—for example, the URL for a Facebook post or YouTube video. These lists were typically not comprehensive, but intended to highlight a few examples should the platforms decide to investigate further. We developed a web scraping tool that visited each URL to determine what action the platform (limited to Twitter, TikTok, YouTube, Facebook, and Instagram) applied to the content, and ran it on all 4,832 URLs from the tickets on December 7, 2020. The tool evaluated what a US-based individual would see if they visited each URL using the Chrome browser on a desktop computer. For Instagram and Facebook, the visitor was logged in to bypass “login walls.” We found no evidence of different users observing different platform actions, so the choice of user did not affect results.

The tool grouped each URL into four possible categories: “removed” when the content was not available (most likely taken down by either the platform or the original poster themselves); “soft block” when the content was only visible by

2. Data and Summary Statistics

bypassing a warning (this action was only detected on Twitter); "label" when the platform applied some kind of warning label to the content but did not hide the content; and "none" when the platform took no detectable action. Due to the opaque nature of platforms' ranking algorithms, we were not able to directly detect actions like "downranking." Moreover, because platforms often employ aggressive anti-scraping measures and frequently change their interfaces, it is possible that the scraper incorrectly classified some URLs; in a random sample of several dozen classified URLs, however, we found no errors. In this section we will refer to whether or not platforms actioned URLs, but we note that we cannot distinguish between a platform removing content or a user removing content.

We find, overall, that platforms took action on 35% of URLs that we reported to them. 21% of URLs were labeled, 13% were removed, and 1% were soft blocked. No action was taken on 65%. TikTok had the highest action rate: actioning (in their case, their only action was removing) 64% of URLs that the EIP reported to their team.

Figures 2.11 to 2.14 on pages 40–42 show the distribution of platform action by ticket category, tactic, asset, and claim. Platforms were most likely to take action on tickets that involved premature claims of victory; they took action on these tickets about 45% of the time. They also frequently actioned URLs related to election delegitimization and procedural interference. They were least likely to take action on URLs about fraud, but we note that less than 1% of the URLs had this category. URLs with procedural interference were most likely to be removed.

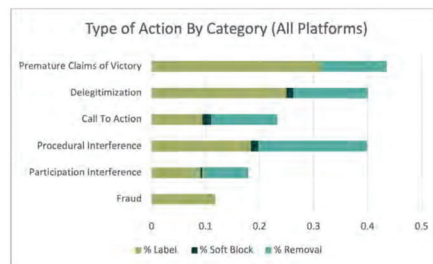


Figure 2.11: Type of action by category.

Platforms were most likely to action URLs that shared misleading statistics, and

2.3. Platform Responsiveness and Moderation Actions Taken

most likely to remove phishing content and fake official accounts.

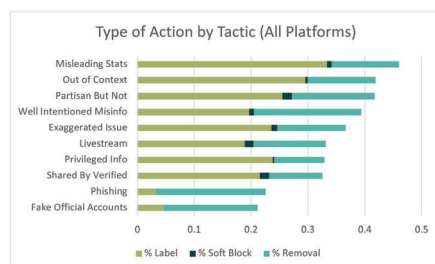


Figure 2.12: Type of action by tactic.

Figure 2.13 shows that there was not large variation in platform action rate across asset types.

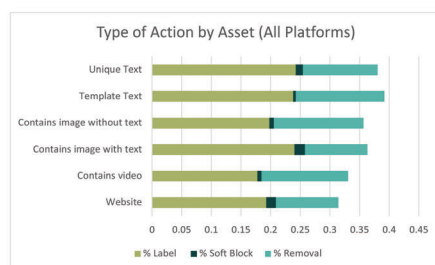


Figure 2.13: Type of action by asset.

More than 50% of URLs that contained premature claims or victory, or claims about the election being stolen, were actioned by platforms. About half of URLs that contained unfounded claims about ballots being rejected were removed—the claim with the highest rate of removal after incitement to violence.

2. Data and Summary Statistics

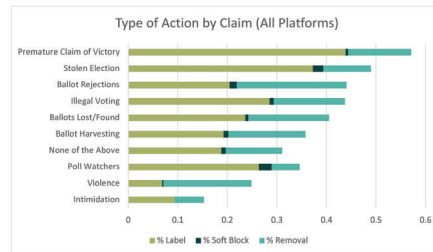


Figure 2.14: Type of action by claim.

2.4 Concerns by Reporting Collaborators

While 79% of tickets were created in-house, CIS reported 16% ($N = 101$) of our tickets. Most reports from CIS originated from election officials. Compared to the dataset as a whole, the CIS tickets were (1) more likely to raise reports about fake official election accounts (CIS raised half of the tickets on this topic), (2) more likely to create tickets about Washington, Connecticut, and Ohio, and (3) more likely to raise reports that were about how to vote and the ballot counting process—CIS raised 42% of the tickets that claimed there were issues about ballots being rejected. CIS also raised four of our nine tickets about phishing. The attacks CIS reported used a combination of mass texts, emails, and spoofed websites to try to obtain personal information about voters, including addresses and Social Security numbers. Three of the four impersonated election official accounts, including one fake Kentucky election website that promoted a narrative that votes had been lost by asking voters to share personal information and anecdotes about why their vote was not counted. Another ticket CIS reported included a phishing email impersonating the Election Assistance Commission (EAC) that was sent to Arizona voters with a link to a spoofed Arizona voting website. There, it asked voters for personal information including their name, birthdate, address, Social Security number, and driver's license number. Other groups that reported tickets include the State Department's Global Engagement Center, MITRE, Common Cause, the DNC, the Defending Digital Democracy Project, and the NAACP.

2.5 Final Observations

This chapter has focused on our ticket-level dataset, which offers a look at the work of the EIP through the duration of our activity. In Chapter 3 of this report we will delve into some of the narratives within the EIP tickets, examining those that achieved the greatest reach or were instrumental for a significant duration of the time leading up to, and following, Election Day.

Notes

1. (page 29) Cohen's Kappa weighs chance in its scoring by evaluating the probability of agreement and the probability of random agreement. The probability of agreement minus the probability of random agreement divided by 1 minus the probability of random agreement is how Kappa is calculated. With this in mind, a Kappa value that is less than zero indicates that there is less agreement than chance and is evidence that the taxonomy or intercoder process is somehow flawed.
2. (page 35) "Political affinity groups" includes references to "the Democrats" or "the Republicans" or particular politicians. "Government" refers to any government entity. "Non-state political actors" includes groups like Black Lives Matter or antifa. "The elite" references people like George Soros or Bill Gates. "Platforms" references social media platforms like Facebook. Voters, poll workers, USPS, and the media are self explanatory.

Incidents and Narratives: The Evolution of Election Misinformation

3.1 Introduction

The 2020 election was the subject of hundreds of false and misleading claims about voter qualifications, voting processes, and even the basic nature of American democracy. Some claims spread like wildfire across social media only to fade just as quickly. Others circulated unnoticed for days or weeks before igniting with lasting viral momentum. Sometimes, contradictory claims battled for supremacy. Other times, they settled into a surreal coexistence. Some of these claims would ultimately form the foundation of “Stop the Steal”—the 2020 election’s most expansive and enduring misinformation narrative, which ultimately culminated in the January 6, 2021, insurrection at the US Capitol—though it was a long and complicated journey.

In this chapter, we examine some of the 2020 election’s most noteworthy pieces of election-related misinformation, exploring the character of these claims and charting the messy process by which claims coalesced into broader narratives. We also trace how one narrative gave way to another, forming a conspiratorial canon that is likely to persist for many years to come. In order to identify and differentiate these narratives, we consider the following questions:

What was the first claim that formed the basis of a given narrative? Was there a precipitating event? How did the story develop? What pieces or types of content helped shape it? How did the narrative echo and build upon the narratives that preceded it? How did it bolster the narratives that followed it? Indeed, did it fade away at all?

We begin the chapter with a discussion of our methodology and definitions.

3. Incidents and Narratives: The Evolution of Election Misinformation

From there, we explore the evolution of narratives in the 2020 election, following their progression to the events of January 6. Then, we discuss the spread of misinformation narratives in non-English communities, focusing on Chinese- and Spanish-speaking Americans (foreign state-backed actors in the 2020 election are described in a box somewhere). Finally, we examine the obstacles these dynamics posed to fact-checkers, and conclude with observations regarding the narrative landscape as a whole.

Because the purpose of democratic elections is a transparent, regularized transfer of political power, they are gravely endangered by misinformation narratives. If citizens are made to feel that a vote was compromised or rigged, then the election cannot be trusted. If the election cannot be trusted, then (at least in the mind of the true believer of such narratives) the democracy itself is invalid. Looking back on the election of 2020 and the January 6 attack, this chapter addresses the resounding question: how did we get here?

3.2 Narratives: Methodology and Identification

Narratives are stories. They draw from a common set of building blocks—characters, scenes, and themes—and assemble them in novel ways. Good narratives inspire suspense and excitement in their audience.¹ A successful book, for instance, is one whose narrative clings to the imagination of its reader. Similarly, a successful conspiracy theory is one whose narrative is especially compelling and emotionally resonant—the audience itself is made to feel that they are the protagonists in a story that only they can interpret and understand.

In daily life, the creation of narratives is aided by a parallel process of framing. Frames are mental schemas that shape how people interpret the world; they highlight specific pieces of information, as Robert Entman writes, “in such a way as to promote a particular problem definition, causal interpretation, moral evaluation and/or treatment recommendation for the item described.”² Framing, i.e., the production of frames, is a process of selecting certain information and providing a kind of scaffolding that shapes how people interpret a series of events. (The process of framing will be explored in greater detail in Chapter 4.)

Viral misinformation works by decontextualizing and recombining real-world events into compelling narratives with minimal regard for the truth. Some of these narratives are “bottom-up,” in which a narrative emerges organically from the post hoc interpretation of disparate events and claims, often beginning with a single post by an individual user. Others are “top-down,” consciously created and first disseminated by one or more powerful media or social media influencers. Often, the reach and staying power of certain narratives becomes clear only after the precipitating event has concluded. In complex events like

3.3. The Evolution of Narratives in the 2020 Election

the 2020 election, multiple narratives can exist side by side, contradicting or reinforcing each other and receiving widely variable attention.

The Election Integrity Partnership's initial monitoring for voting-related misinformation focused on claims, not narratives. Each of the 639 tickets in the EIP database was tied to a particular claim: a fake viral video of ballots being burned, for instance, or an allegation that a Philadelphia poll watcher was improperly barred from entering a voting precinct.

The work of narrative identification began on November 30, 2020, after the EIP's monitoring mission had concluded. We first grouped tickets into "information cascades," or incidents, tracing how a single real-world event (like a video of poll workers collecting ballots in California) could generate a number of different false claims, spread at different rates on different platforms by different actors. After that, we grouped similar incidents together, collapsing them into a small number of distinct narratives. In some cases, the narratives coalesced into umbrella meta-narratives. These narratives formed the basis of the information conflict that would consume the 2020 election.

3.3 The Evolution of Narratives in the 2020 Election

The most destructive misinformation narratives came in waves. As fresh events presented themselves and public attention shifted, old narratives lent their momentum and "evidence" to new ones; incidents were framed so as to "prime" audiences to perceive future similar events as part of a broader pattern. This meant that, while specific falsehoods and delusions might fade, they were never truly forgotten. This process carried some Americans from their first exposure to voting-related misinformation in the summer of 2020 all the way through the violent, far-reaching conspiracy theories that compelled them to storm the US Capitol on January 6.

In the lead-up to the 2020 election, misinformation centered on mail-in voting: the destruction and discarding of real ballots and the "discovery" of fake ones. Such misinformation typically took the form of misleading photos or decontextualized video clips of crumpled mail allegedly found in dumpsters or abandoned trucks. This misinformation was widely amplified by Republican politicians and far-right operatives, including by the Trump White House. After the election, public polling indicated a lack of trust in mail-in voting,³ while it is difficult to state to what extent that was caused by the media and social media activity, given the amount of misinformation about the process spread from the start, this finding is not surprising.

3. Incidents and Narratives: The Evolution of Election Misinformation

Concurrently, other popular misinformation narratives suggested that the election had been “stolen” before it even took place. Concerns about disproportionate mail-in voting by Democrats and disproportionate in-person voting by Republicans led partisans on both sides to fear that there would be a manipulation of votes on election night. The Trump campaign primed Republican voters to expect wrongdoing by calling for an “Army for Trump” to safeguard the polls. In turn, Democrats worried that polling places might be invaded by far-right militias. And far-right activists argued that the United States was held in the grip of a “color revolution” orchestrated by an imagined “Deep State” intent on stealing the election.

On November 3 and immediately afterward, misinformation shifted to focus on vote counting and tabulation. This was embodied by the #Sharpiegate narrative, which alleged that poll workers were giving felt-tip pens to voters in conservative precincts to render their ballots unreadable. Despite repeated attempts to debunk it, the narrative found a receptive audience who set to work flooding all social platforms, mainstream and niche, with the claim. After #Sharpiegate gained viral traction, it drew hundreds of Trump supporters to protest outside the recorder’s office of Arizona’s Maricopa County.

As millions of mail-in ballots were slowly counted and voting returns shifted to favor Joe Biden, this anger and disbelief intensified. A growing swell of misinformation narratives, including Sharpiegate, coalesced under the hashtag #StopTheSteal, which spawned a movement of the same name. Some narratives claimed that hundreds of thousands of deceased citizens had cast Democratic votes; others suggested that Trump was one lawsuit away from victory. Together, these narratives infused their followers with a sense of urgency and a call to action.

As Stop the Steal grew in popularity over the next two months, its allegations of legal and procedural fraud were supplemented by increasingly colorful, outlandish conspiracy theories. Some claimed that Trump’s loss had been the work of a CIA supercomputer commissioned by former President Barack Obama. Others argued that Trump’s loss had been orchestrated by Dominion Voting Systems, a company that was (falsely) tied to Bill Gates, George Soros, or even the government of Venezuela. The more that these narratives took hold, the further their believers slipped from reality.

Throughout the entire voting period, both Democrats and Republicans had been consumed by fears of election-related violence—of the Proud Boys targeting Black Lives Matter protesters or secret “antifa comrades” infiltrating conservative polling locations. Outside of a surge in use of the #civilwar hashtag on

Twitter, however, little of this rhetoric translated into action in the immediate aftermath of the election. Instead, the creep toward organized violence occurred more slowly. It would explode with fury on January 6, 2021, changing the course of American politics with it.

Ballot-Related Narratives

Setting the Stage for Ballot Irregularity Claims

The process by which votes were cast in the 2020 election was significantly influenced by the global COVID-19 pandemic. By September, when the EIP began monitoring election-related misinformation, nearly 200,000 Americans had already died from COVID-19.⁴ In order to prevent COVID-19 transmission at crowded polling places and to accommodate citizens who preferred not to come to the polls, a number of states opted to expand the qualifications for absentee ballots or to alter the vote-by-mail process. For example, dozens of states significantly increased the use of ballot drop boxes.⁵

Changes to electoral processes and sometimes-unclear communications regarding the changes created an ecosystem ripe for mis- and disinformation around the mechanics of voting. Experts predicted that Democrats would rely on mail-in voting more than Republicans,⁶ a reality that resulted in the rapid politicization of the process and that stymied many attempts to make it clearer or more accessible.⁷ Meanwhile, legitimate confusion about voting procedures offered political activists, influencers, and politicians a receptive environment to sow doubt in the integrity of the voting process as a whole.

General concerns related to mail-in ballots constituted the most prominent type of misinformation assessed in the months before Election Day (see Figure 3.1 on the next page), foreshadowing claims of mass irregularities and “found ballots” following the election. The EIP processed tickets that included claims of mail dumping; mistreated, shredded, or dumped ballots; non-eligible people casting ballots (e.g., dead voters); ballots cast on behalf of others; and voting multiple times by mail.

In this section we highlight two types of ballot-related narratives: “bottom-up” misinformation rooted in real-world events reported by concerned individuals, and “top-down” mis- and disinformation in the form of claims of hidden conspiracies first made by influencers and media personalities who had political or financial incentive to spread falsehoods (see Figure 3.2 on page 53). For the former, we present some claims related to found, discarded, and destroyed ballots, primarily isolated instances of wrongdoing reframed and misconstrued in partisan terms. For the latter, we discuss a video created by Project Veritas (described below), shared widely by right-wing influencers, that claimed

3. Incidents and Narratives: The Evolution of Election Misinformation

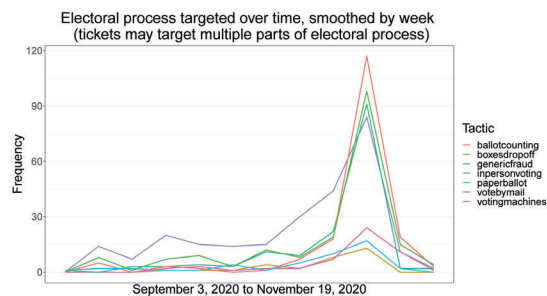


Figure 3.1: The number of tickets that targeted different parts of the electoral process. The spike of tickets occurred on Election Day.

the existence of widespread fraud in the form of ballot harvesting funded and condoned by political elites.

Misinformation For and By the People: How Documented Incidents of Found, Discarded, or Destroyed Ballots Became Narratives

Allegations of mail dumping—real or purported—can be used to mislead audiences in service of particular agendas, such as undermining confidence in mail-in voting or advancing claims that the election is rigged. Narratives around found, discarded, or destroyed ballots circulated through various platforms before, during, and after the election. Though it is illegal for US Postal Service (USPS) letter carriers or related partners to improperly dispose of mail, it does sometimes occur. Overall, however, the USPS is overwhelmingly secure and letter carriers face severe penalties for dumping mail, including jail time.⁸

The incidents in EIP tickets ranged from claims of a handful of ballots found on the side of the road or under a rock to allegations of hundreds of thousands of ballots lost at once in Pennsylvania. Mail-dumping narratives also connected disparate real-world events, pulling them into a broader storyline in which these were falsely portrayed as frequent occurrences, and in which each individual incident was cited as further evidence of an irreparably corrupt and broken system. The EIP team identified five techniques used to leverage these real incidents for broader purposes:⁹

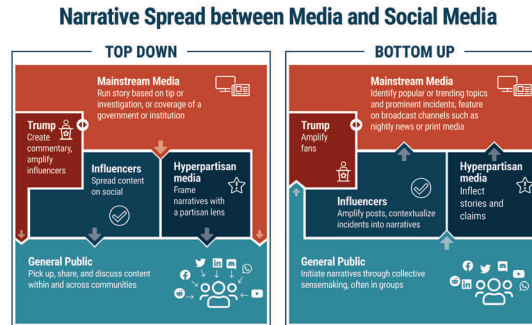


Figure 3.2: Pathways of top-down and bottom-up narratives.

- Falsely assigning intent:** Acts that are not political are framed as political. For example, a local mail-dumping event is falsely framed as specifically targeting voters on one side of the political spectrum or a mail carrier is identified as “Democratic” or “Republican” to suggest malicious intent. Other times, too much significance is given to the demographics of the locality in which an event occurs. Though these cases may at times contain added falsehoods, often they will rely more on implication than assertion—and are therefore hard to refute with fact-checking.
- Exaggerating impact:** Real-life incidents are highlighted, selectively edited, or otherwise exaggerated to give a false appearance of substantial impact on election results or to suggest a widespread pattern of misbehavior.
- Falsely framing the date:** Old events are reframed as new occurrences, such as the recirculation of a 2014 video of a mail carrier dumping mail accompanied by allegations that this was happening in the final weeks of the 2020 election.
- Altering locale:** Those disseminating the misinformation alter the locale of an event to make it seem more relevant to an audience. For example, photos from a Glendale, California, incident are reframed as having happened in a different local community.

3. Incidents and Narratives: The Evolution of Election Misinformation

- **Strategic amplification:** In addition to false framing, the usual amplification concerns apply, with the potential for honest or not-so-honest mistakes about intent, actors, times, and locales to be amplified by domestic networks of politically motivated accounts and possibly even foreign actors.

Allegations of deliberately destroyed ballots took various forms, including claims of ballot boxes being lit on fire, mail-in votes being shredded, and foreign actors stealing mailboxes. Occasionally there were legitimate claims, such as accurate reports of attempted arson (one example was in Baldwin Park, California). However, most were easily disproved falsehoods: for example, claims of shredded ballots for President Trump in Pennsylvania in reality were unaddressed applications for mail-in ballots.¹⁰

The earliest ballot-related story that the EIP collected and analyzed took place within days of launching our monitoring effort in early September. The incident, which occurred in Glendale, California, and involved improperly discarded mail, was incorporated into a broader narrative focused on undermining trust in the USPS and exaggerating the potential impact on the election of this and similar events in California, Wisconsin, and other states. Throughout the election, similar incidents of discarded mail (with and without ballots) were repeatedly framed as fraud, particularly by hyperpartisan online media, and the specific claims of individual stories were amplified and woven into other narratives meant to cast doubt on the integrity of the election.

Glendale, California

In early September, a salon worker in Glendale, California, found multiple bags of unopened mail in a dumpster and took video footage with her cellphone.¹¹ There is no evidence that any ballots were among the discarded mail; the American Postal Workers Union stated the recovered mail would go through a verification process and be delivered.¹² However, politically motivated actors began using the above techniques of falsely assigning intent, exaggerating impact, and strategic amplification to falsely frame this situation in such a way as to undermine trust in mail-in voting.

The incident was picked up by conservative influencers, including Charlie Kirk and Adam Paul Laxalt. The image below shows a map of popular accounts tweeting about the Glendale mail-dumping incident. The graph reveals an imbalance between left- and right-leaning amplification: the conservative side of the network had more posts than the liberal side and nearly three times as many retweets. Conservative tweets claimed that this mail-dumping incident proved that mail-in voting was not secure because of either incompetence or deliberate sabotage by the USPS and thus should not be allowed. On the liberal

3.3. The Evolution of Narratives in the 2020 Election

side, influencers promoted a different narrative—that President Trump was deliberately sabotaging the USPS to reduce the number of Democratic votes—and stressed the importance of preserving mail-in voting. As people lost faith in the mail system, some on the left also used the narrative to push people to vote in person or via drop boxes. This bottom-up misinformation, coming first from concerned citizens and then amplified by influencers to, in turn, target average platform users, is a tactic that the EIP would continue to see throughout the election cycle. Overall, the story impacted the perception of the security of voting by mail for both liberals and conservatives.

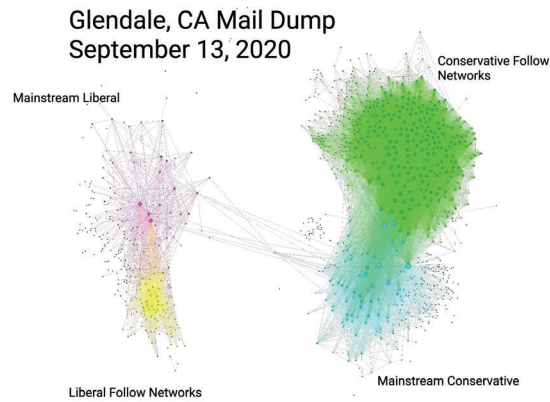


Figure 3.3: The network of influential left- and right-leaning tweets and retweets about the Glendale mail-dumping incident, where the conservative side of the network had nearly three times as many retweets. An animated version of this graph can be found in the EIP's blog post, "Emerging Narratives Around 'Mail Dumping' and Election Integrity."⁴³

3. Incidents and Narratives: The Evolution of Election Misinformation



Figure 3.4: Tweets by conservative influencers Matt Oswalt (left) and Charlie Kirk (right) amplifying the false mail-dumping incident.

Greenville, Wisconsin

In late September, another incident of discarded mail—this one in Greenville, Wisconsin—was used to sow doubt in mail-in voting and, in some cases, to claim voter fraud. Local reporting at the time suggested that, in this case, the discarded mail did include several ballots.¹⁴ (The Wisconsin Election Commission later said the mail did not include any Wisconsin ballots;¹⁵ more recent reporting suggests there was at least one ballot from Minnesota among the mail.¹⁶) However, as in Glendale, California, strategic partisan actors distorted the significance of this event, through selective amplification, exaggerating impact, and falsely assigning deliberate intent to purported Biden-supporting USPS workers.¹⁷ This second story appeared within weeks of the first in Glendale. While there were no absentee ballots in the mail-dumping case in Glendale, the seed had been planted that voting by mail was not safe and secure. With this second case, when several absentee ballots were actually found, pundits were able to point to both cases as support for their claims around voting by mail and, eventually, a rigged election. Throughout its monitoring period, the EIP saw many isolated incidents that seeded narratives and that were later drawn upon as “evidence” to clarify, refine, and reinforce larger narratives—a tactic that seemed to be used frequently among right-wing influencers and networks.

This narrative spread almost exclusively through conservative networks, pushed by influencers such as Charlie Kirk, The Gateway Pundit, and Breitbart News. The graph below reveals how the claim cascaded through the Twittersphere over time.

Alarming, this narrative made it all the way to the White House, when press secretary Kayleigh McEnany stated “Mass mail-out voting... could damage

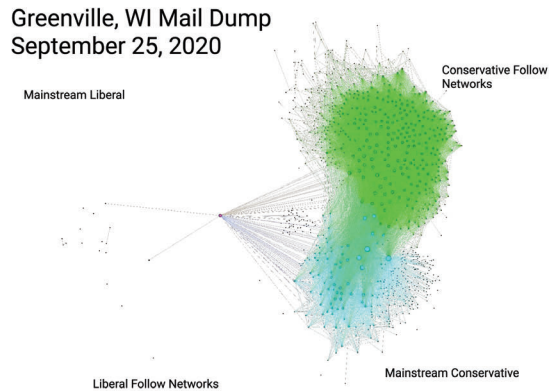


Figure 3.5: Network graph showing how narratives about the Greenville, WI, mail-dumping event spread primarily through politically conservative and pro-Trump accounts. An animated version of this graph can be found in the EIP's blog post, "Emerging Narratives Around 'Mail Dumping' and Election Integrity."¹⁸

either candidate's chances because it's a system that's subject to fraud. In fact, in the last 24 hours, police in Greenville, Wisconsin, found mail in a ditch, and it included absentee ballots."²⁰ The amplification techniques were effective in sowing distrust in mail-in voting and the USPS at large, despite neither event posing a real risk to the election results.

Sonoma, California

On September 25, a tweet that over 1,000 ballots had been discovered in a dumpster in Sonoma, California, further added to the narrative sowing distrust in mail-in voting. Elijah Schaffer, a conservative influencer and verified Twitter user, allegedly received photos of the mail-dumping incident. He posted the photos on Twitter, and other influencers ensured its rapid spread across conservative social media—including on Gab, Reddit, and Parler.

3. Incidents and Narratives: The Evolution of Election Misinformation

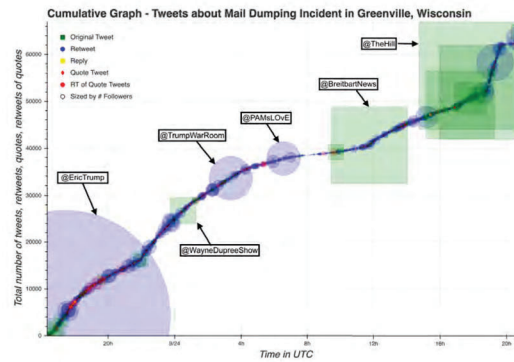


Figure 3.6: A cumulative graph of tweets about mail dumping in Greenville, Wisconsin. As shown in the graph, early propagation of the tweet was driven by pro-Trump and MAGA-branded accounts. Original tweets are green squares; retweets are blue circles. Further tweet content and author information can be found within a large interactive version on the website in the endnotes.¹⁹

The photo used in Schaffer's tweet was framed as evidence of potential fraud in the 2020 election. However, the image was of empty envelopes—not ballots—from 2018 that had been legally discarded.²¹ Influencers including The Gateway Pundit, Tim Pool, and Donald Trump Jr. retweeted and quote tweeted Schaffer, spreading the false narrative that this was an intentional dumping of ballots with implications on the 2020 election, and reinforcing the larger narrative that mail-in voting was not secure.

In this case, the misinformation was followed by a prompt fact-check from Sonoma County on Twitter (see Figure 3.8 on page 60). On September 25, the same day as Schaffer's tweet, Sonoma County tweeted in English and Spanish that the picture had been taken out of context to promote a false narrative and properly identified the photo as containing empty envelopes from the 2018 election. This timely identification and correction serves as a model for state and local officials. However, it also demonstrates the challenge in debunking

3.3. The Evolution of Narratives in the 2020 Election

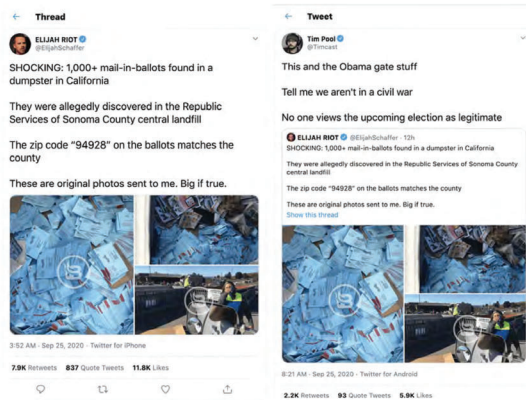


Figure 3.7: Left, earliest tweet on the Sonoma, CA, alleged mail-dumping incident; right, example of an influencer sharing the tweet with a conspiratorial and adversarial framing.

information that has already gone viral, as the original misinformation had significantly larger engagement than the subsequent fact-check.

In each of these cases of “mail dumping,” a real-world event was falsely framed to reinforce a broader narrative that undermined faith in the USPS and mail-in voting. The graph in Figure 3.9 on page 61, showing spikes in Google searches for “mail dumping” during these periods, suggests the effective amplification of the narratives.

Misinformation from the Top: Ballot Harvesting Conspiracies

In the previous section, we described ballot incidents in which misleading information or misinformation based on real-world events emerged, bottom-up, from ordinary users and was subsequently picked up by influencers and political elites. In this section, we focus on ballot conspiracy theories—ballot incidents that were framed as deliberately manipulative, with responsibility ascribed to a powerful figure. These were often first introduced by elites or influencers, many of whom had large numbers of followers on social media. Top-down, elite-driven

3. Incidents and Narratives: The Evolution of Election Misinformation



Figure 3.8: The County of Sonoma's tweet fact-checking the false claim that ballots were illegally dumped.

mis- and disinformation was a prominent feature of the 2020 election cycle; we will discuss the specific mechanics of "blue-check" (verified) accounts spreading claims across platforms in Chapter 4.

Ballot harvesting is the practice of a third party delivering an absentee or vote-by-mail ballot on behalf of another voter; rules governing ballot harvesting vary by state, and in most cases harvesting is not inconsistent with state law.²² Yet it is both contentious and politicized. Its proponents argue that it increases access for those who would otherwise have difficulty voting. Its opponents contend that it increases the potential for fraud and point to historic cases of wrongdoing.

The contention over ballot harvesting generally splits along party lines with Democrats supporting the practice and Republicans opposing it. This was evident in the run-up to the 2020 election as Republican leaders publicly claimed it was rife with fraud. For example, in April 2020, President Trump tweeted

3.3. The Evolution of Narratives in the 2020 Election

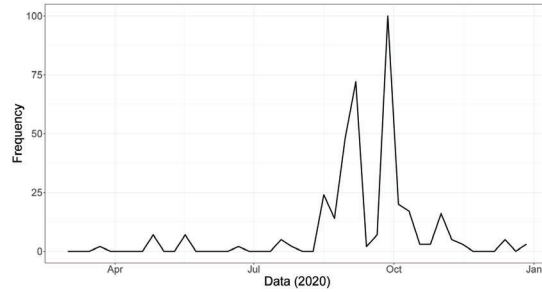


Figure 3.9: Data from Google Trends of “mail dumping” from January 2020 – January 2021. The two spikes in Google searches for “mail dumping” align with the events described above. The first spike occurs the week of September 6–12, overlapping with the Glendale, CA, mail-dumping story. The second spike occurs September 27–October 3, following both the Greenville, WI, and Sonoma, CA, stories.

that ballot harvesting is “rampant with fraud,” garnering more than 250,000 likes.²³ At the Republican National Convention in August 2020, President Trump told a cautionary tale about the 2018 voter fraud case in North Carolina’s 9th Congressional District—in which multiple people said a Republican political operative paid them to collect absentee ballots from voters and falsely witness a ballot.²⁴ And when the New York Post shared its story referenced above, conservative influencers shared it on social media.

Additionally, in August 2020, the New York Post published an article in which an unnamed Democratic operative described committing a range of alleged electoral fraud practices that could impact an election.²⁵ The EIP saw multiple tickets, for example, alleging “granny farming,” in which workers who are sent to nursing homes to help residents fill out ballots inappropriately guide the older person’s vote or assign a vote without their input.

While there have been isolated incidents of actors abusing ballot harvesting, there is no evidence to suggest it contributes to widespread voter fraud. Nonetheless, confusion around the practice enabled the ballot harvesting trope to flourish.²⁶

3. Incidents and Narratives: The Evolution of Election Misinformation



Figure 3.10: President Trump's April 2020 tweet alleging ballot harvesting is "rampant with fraud."

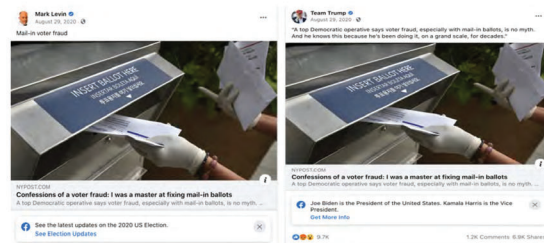


Figure 3.11: Retweets by conservative blue-check accounts of the New York Post article alleging mail-in ballot fraud. These images were saved after the election, which is why the Facebook labels appear at the bottom of the posts.

Ballot Conspiracies: Project Veritas and Beyond

One example that illustrates how elite-driven mis- or disinformation can quickly trend or garner engagement before platforms can react was a narrative that revolved around a Project Veritas video released on September 27, 2020, claiming that Representative Ilhan Omar was connected to wide-scale voter fraud in Minnesota.²⁷ Project Veritas, founded and led by conservative activist and provocateur James O’Keefe, describes itself as an activist group that produces investigative journalism seeking to expose corruption. It primarily targets left-leaning organizations and political figures it believes to be anti-conservative. The group is well-known for their unorthodox journalistic tactics and style, including infiltrating organizations, and surreptitiously filming. They have faced legal challenges and backlash for producing deceptively edited videos and employing unethical tactics while filming undercover. On February 11, 2021, Twitter permanently suspended Project Veritas’ official Twitter account and temporarily blocked James O’Keefe’s.²⁸

Project Veritas was what the EIP observed to be a repeat spreader of false and misleading narratives about the 2020 election (a designation discussed in more detail in Chapter 5), generating a number of videos that were surfaced by EIP monitoring and external partners throughout the course of the 2020 campaign and flagged as false or misleading by third-party fact-checkers.²⁹ In this specific case, O’Keefe released a 17-minute video along with a message that began “Breaking: @IlhanMN connected to cash-for-ballots harvesting scheme.” The video begins with an individual claiming that “money is everything.” He then says his car is full of absentee ballots—showing what appear to be ballots on his dashboard. As we describe below, these claims were found to be misleading by independent fact-checkers.

Despite the unreliability of the Project Veritas video, it quickly gained ground. The video went viral on multiple social media platforms, driven by right-wing influencers. On Twitter, within the first 15 minutes after O’Keefe’s posting, at least eight conservative influencers—including Ryan Fournier, Representative Paul Gosar, Michelle Malkin, and Cassandra Fairbanks—shared the video. Project Veritas was soon trending. Notably, Donald Trump Jr. appeared to separately upload the same O’Keefe video within seven minutes of the original post, as it was posted without a “From James O’Keefe” label. As the EIP described in a blog post about the Project Veritas video, this suggested that the Trump campaign may have had access to the video before the general public, raising questions of coordination.³⁰

The release of the video also seems to have fueled an increase in the use of #ballotharvesting on Twitter, spiking after the video was shared on September 27. The hashtag primarily appeared in tweets in pro-Trump networks: more than 8,000 times, compared to 30 times in left-leaning and anti-Trump networks.

3. Incidents and Narratives: The Evolution of Election Misinformation

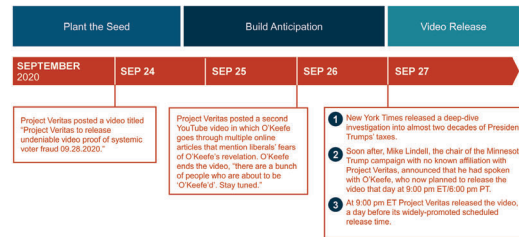


Figure 3.12: Timeline of the release of Project Veritas's video about ballot harvesting.

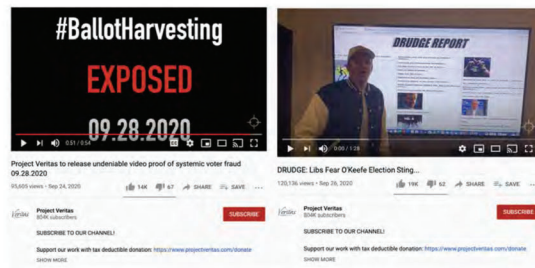


Figure 3.13: Project Veritas videos announcing the release of their video alleging voter fraud.

3.3. The Evolution of Narratives in the 2020 Election

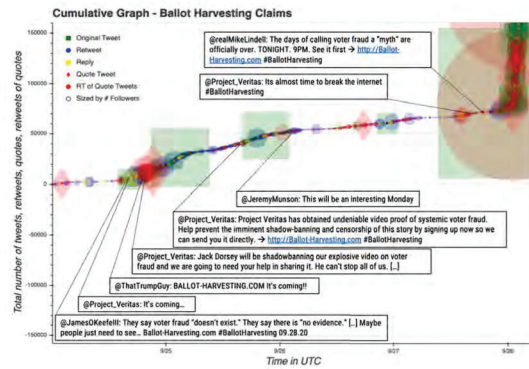


Figure 3.14: A visualization of the promotion of Project Veritas's Ballot Harvesting video campaign on Twitter. Original tweets are green squares; retweets are blue circles; quote tweets are orange diamonds; replies are yellow circles; and retweets of quote tweets are red circles.

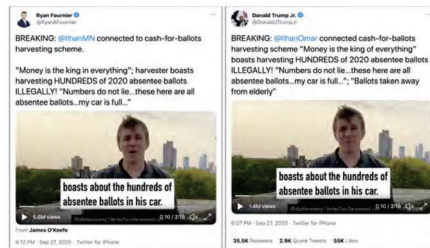


Figure 3.15: James O'Keefe's Project Veritas video was quickly spread by right-wing influencers, including Donald Trump Jr. and Ryan Fournier, on Twitter.

3. Incidents and Narratives: The Evolution of Election Misinformation

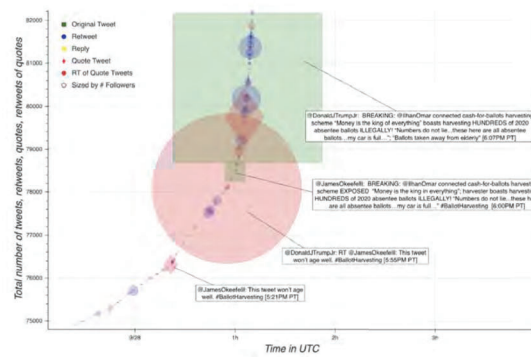


Figure 3.16: A cumulative graph of tweets after the release of Project Veritas's video about ballot harvesting. Growth of the narrative increased substantially after Donald Trump Jr.'s retweet (large red circle) and subsequent original tweet (green square).

Meanwhile, on Facebook, according to data gathered using CrowdTangle, posts with the term "Project Veritas" garnered 2.42 million interactions between September 27—the date the video was shared—and October 3, 2020. The most popular of such posts was President Trump's, in which he shared Breitbart's report of the release and said that he hopes the US Attorney in Minnesota has this under serious review.

The video's ballot harvesting claim was not well supported. As Maggie Astor of the *New York Times* described several days later, the video "claimed through unidentified sources and with no verifiable evidence that Representative Ilhan Omar's campaign had collected ballots illegally."³¹ Minnesota's FOX 9 reported that the central source in the video claimed that Project Veritas offered him \$10,000 and used two separate Snapchat videos to "make it appear as if he was illegally picking up ballots and offering money for votes."³² Likewise, *USA Today* wrote that "[t]here is no actual proof of fraud or any relationship between individuals in the video and Omar or her campaign."³³ But the quick virality of

3.3. The Evolution of Narratives in the 2020 Election

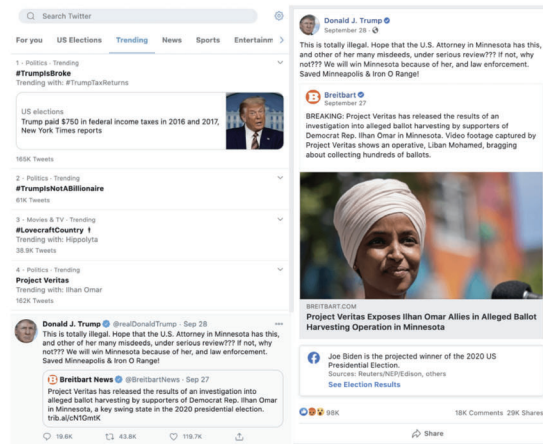


Figure 3.17: Left, President Trump's tweet about the Project Veritas video (bottom) in the trending list; right, President Trump's Facebook post. These images were saved after the election, which is why the Facebook "projected winner" label appears at the bottom of the post.

the claim allowed it to take root as a persistent narrative.

The Project Veritas video is notable for two reasons. First, it shows how politically motivated misinformants can capitalize on confusion; Americans were broadly unaware of the details of third-party ballot collectors, allowing O'Keefe and right-wing influencers to fill the gap with misleading and unverified information.

Second, it is an example of false or misleading information that was driven top-down by verified accounts with large amplification capabilities. The video was both created by right-wing influencers (O'Keefe and Project Veritas) and initially disseminated by a network of right-wing social media users with large followings. Top-down mis- and disinformation is dangerous because of the speed at which it can spread; if a social media influencer with millions of followers shares a narrative, it can garner hundreds of thousands of engagements and shares before a social media platform or fact-checker has time to review its content.

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The Impact of Ballot-Related Narratives

Mail dumping and ballot harvesting appeared frequently in the days leading up to the 2020 election. Exaggerating the effect of found, discarded, and destroyed ballots in the pre-election period may have laid the foundation for widespread receptivity to allegations of similar fraud on election night. It can be difficult to make empirical assessments of how online content affects real-world opinions; there is usually little more than engagement data such as likes, shares, and reactions to go on, and those may signal more about pre-existing beliefs than an audience being persuaded by the evidence presented. However, a Pew survey from November 2020 indicated widespread concern about mail-in voting:³⁴

- Of the 54% of respondents who voted in person, approximately half had cited concerns about voting by mail as a major reason why they did.
- Only 59% of respondents answered that they were “very confident” that their vote was accurately counted, as opposed to 71% in 2016, 68% in 2012, 73% in 2008, and 68% in 2004. This is the lowest response for a presidential or midterm election in 16 years.
- Only 30% of respondents were “very confident” that absentee or mail-in ballots were counted as intended.

While it is unclear what specific information source or pre-existing beliefs shaped public opinion on this issue, what is clear is that a large percentage of the electorate was open to the claim that mail-in ballots were a potentially significant source of fraud or irregularities. Vocal holders of these beliefs were pivotal in shaping the conversation about the legitimacy of the election both on and after Election Day, as we will explore throughout this chapter.

Election-Theft Narratives

In addition to ballot-specific misinformation, the pre-election period was marked by narratives that laid the broad groundwork for claims of a stolen election. This took the form of repeated and baseless allegations that voting wouldn't matter at all—that the election result was already decided or would be decided by political elites looking to undermine democracy. Claims of an impending “steal” were prominent in both left-leaning and right-leaning networks prior to the election; one side claimed that Trump would steal the election, the other that Biden would do the same.³⁶ Some of these claims were spread, top down, through the same network of online influencers as the ballot misinformation. Viewed retroactively, these were harbingers of the Stop The Steal campaign that would grow into a significant movement after the election, before ultimately erupting into violence.

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Figure 3.18: A tweet from right-wing influencer Candace Owens after the election, supporting claims of a rigged election and broad allegations of election fraud.³⁵

The EIP tickets tracked three distinct narrative threads within the “stolen election” meta-narrative prior to the election:

- The Red Mirage/Blue Wave: A weaponization of expert predictions that election results would shift dramatically over time due to the timing of counts for mail-in ballots; both the right and left leveraged the expert predictions to claim the election would be “stolen” by the other side.
- Army for Trump: A real movement by the Trump campaign to solicit evidence of election fraud from Trump’s supporters, based on the premise that the Democrats were attempting mass voter fraud; this sparked a reaction from the left, which alleged that the Trump campaign was trying to lay the groundwork to steal the election away from Biden.
- The “Color Revolution”: An idea pushed by far-right activists that began with the claim that America was experiencing a Deep State-backed color revolution to undermine the Presidential victory of Trump via a coup.

The overall meta-narrative of an impending stolen election, and the repetition with which it was deployed, provided a frame that could be used to process future events: any new protest, or newly discovered discarded ballot, could be processed as additional proof that a “steal” was indeed underway, that there

3. Incidents and Narratives: The Evolution of Election Misinformation

was a vast conspiracy to steal the election from President Trump, and that the election results would be illegitimate.

The Red Mirage and the Blue Wave

Changes to voting procedures due to COVID-19 led to expert predictions that more mail-in voting would take place in 2020 than ever before—and that mail-in voting would skew heavily Democrat. Many election analysts predicted that this would lead to an initial “red mirage” followed by a “blue wave” in some states: the Democratic share (or proportion) of the vote would increase substantially between early counts from day-of voting and final ballot totals, as mail-in ballots were processed.³⁷ In the weeks leading up to the election, analysts hypothesized about which states would see a large blue shift, which would see minimal shifts, and which might even go in reverse.³⁸

Some right-leaning influencers and communities attempted to frame these predicted shifts as preemptive evidence of a “stolen election” in two ways. First, they pushed a false but largely non-conspiratorial narrative that mass aggregate mail-in ballot fraud by individuals would be responsible for any shift. Second, some offered a set of false, conspiratorial claims that there would be “ballot-stuffing” on Election Day, asserting that there would be a systematic, coordinated effort by local authorities to alter the election night vote via the addition of forged ballots or the swapping of “real” ballots for fake ones. More conspiratorial communities, such as QAnon adherents, argued that attempts by the press and electoral experts to educate voters to anticipate voting shifts were in fact evidence that elites were strategically planning to steal the election and were attempting to inoculate voters to that reality (see Figure 3.19 on the next page).

The “red mirage” and “blue wave” narrative of election night shifts did ultimately come to pass largely as experts predicted, with Biden taking the lead as mail-in ballots were counted. It has become one of the most enduring narratives underpinning claims of a “stolen election,” weaponized by conservative influencers as evidence that the Democrats supposedly delivered boxes of ballots to polling places. In the weeks following the election, prior conspiratorial claims to expect theft evolved into specific allegations of voting machine fraud and “found ballots” in swing states that President Trump lost. Many of the influencers argued that the “red mirage” had in fact been a “red tsunami” interrupted by Democratic manipulation. Further, statistical misinformation (discussed in Chapter 4) began to appear as influencers alleged that the “blue wave” occurred not because of the predicted voting behavior and ballot-processing procedures, but rather due to Democratic interference to steal the election, alleging that it had been an illegitimate election from the outset.

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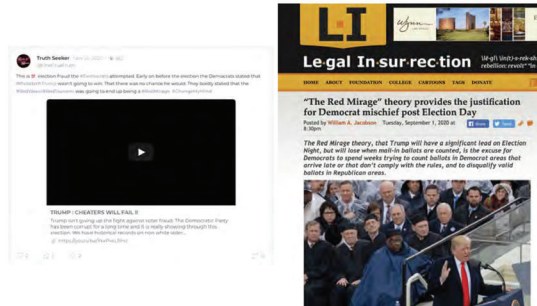


Figure 3.19: Left, a QAnon-aligned post on Parler alleging that the “red mirage” was part of the Democratic plans to steal the election; right, an article from conservative blog “Legal Insurrection” arguing the same.

Army For Trump

Prior to the election, the Trump campaign proliferated the idea that the election was going to be stolen by the Democrats, using ballot-fraud claims and other procedural misinformation as well as the weaponization of the red mirage/blue wave prediction, to spark outcry among supporters.

On September 21, 2020, Donald Trump Jr. posted a video on Facebook calling on supporters to join an “election security operation” the campaign called “Army for Trump.” Citing concerns that the “Radical Left” was laying the groundwork to steal the 2020 election, Trump Jr. asked supporters to sign up to join the Trump campaign’s Election Day team through a site called “DefendYourBallot.” The website recruited volunteers for general get-out-the-vote activities but also asked if they had legal expertise and included a form where supporters could report alleged election incidents directly to the campaign (see Figure 3.20).

This call to action was repeated by President Trump on Twitter and in the first presidential debate in which he urged supporters to “go into the polls and watch very carefully” for fraud.³⁹ He also shared the link on his Facebook Page, urging supporters to “Fight for President Trump”; the post was engaged with over 200,000 times on Twitter (see Figure 3.21 on the following page). Appealing to volunteers to act as unofficial poll watchers was intended to motivate Trump’s base, providing additional pathways to participation in the election. It also set

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Figure 3.20: The Election Issue Report Form on the "Army for Trump" website.

the stage for untrained volunteers to amass "evidence" to support the type of narratives discussed in the prior section of this report, in which misleading claims were leveraged to allege systematic ballot fraud. Although we cannot tell if the people who shared videos on Election Day and the weeks following were officially part of the "Army for Trump," there were multiple incidents in the EIP ticket database that included video footage of supposed fraud that actually documented innocuous events (e.g., video and photographic claims of ballot theft that was in fact reporters moving camera equipment).⁴⁰

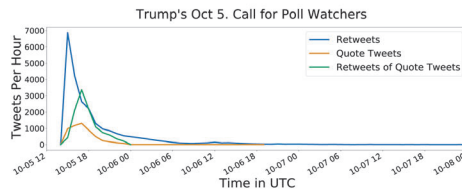


Figure 3.21: A graph showing Twitter engagement with Trump's initial "Army for Trump" tweet, reproduced below. Retweets in blue; Quote Tweets in orange; Retweets of Quote Tweets in green.

The "Army for Trump" initiative assisted in creating a vast trove of images, videos, and stories of purported incidents that could be selectively chosen, falsely framed, and fed into "voter fraud" narratives. It had one other additional impact: it sparked fear and outrage on the left. Left-leaning influencers claimed

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that the “Trump Army” itself was an attempt by the campaign to steal the election. They framed Trump’s calls to action as having the potential to incite violence at the polls, concern about which might result in voter suppression. An analysis of 100 randomly selected tweets reacting to Trump’s call to be a “Trump Election Poll Watcher” revealed significant concerns about the movement—with only four out of 100 quote tweets expressing support for the call. Forty-nine out of 100 tweets believed that Trump’s call had the potential to incite violence at the polls on Election Day (such as the quote tweets below).

Original Trump tweet: Volunteer to be a Trump Election Poll Watcher. Sign up today! #MakeAmericaGreatAgain⁴¹

Quote tweet 1 (Oct 5, 2020): @jack @Twitter This tweet is encouraging election violence. “Fight” and “Army” – those are bugle calls, not dog whistles. Twitter, take down this tweet.⁴²

Quote tweet 2 (Oct 5, 2020): To be clear, the president who has repeatedly encouraged political violence, said “stand by” to heavily-armed extremist groups, and repeatedly spread lies about voting procedures, is now calling on his supporters to raise an “Army for Trump” at the polls. Just so dangerous.⁴³

Left-leaning conversation therefore framed the “Army for Trump” as an attempt to steal the election through the propagation of fear; this fear was heavily reflected in mainstream media coverage (see Figure 3.22).

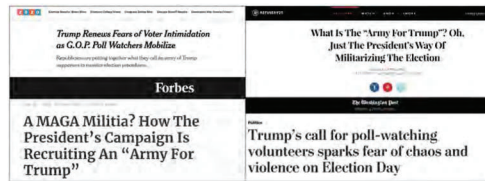


Figure 3.22: Media coverage of “Army for Trump.” Clockwise from top left: New York Times, Refinery29, Washington Post, and Forbes.

Calls to join the “Army for Trump” thus fed into both left and right-leaning narratives. Right-leaning social media accounts pushed the idea that the election would be stolen, to justify the need for the Army. Left-leaning accounts reframed

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these public calls to watch as incitements to violence, and as an intimidation tactic with the potential for voter suppression.

Color Revolution

The narratives that the integrity of the election was being strategically and intentionally undermined moved into the conspiracy realm with claims that a Deep State was orchestrating a coup in a “color revolution.” The term was coined in the late twentieth century to describe revolutions in which repressive regimes tried to hold on to power after losing an election, spurring widespread domestic protests for democratic change. But in 2005, autocrats in China and Russia began to redefine the term away from its popular-activism origins, using it instead to imply externally imposed regime change—in particular, regime change designed to look like a popular uprising despite being furtively orchestrated by intelligence services from Western democracies.⁴⁴ Occasionally, Russian state media, such as RT, ran op-eds insinuating that domestic protest movements in the United States were in fact color revolution regime-change tactics. However, during the 2020 election, the term was applied to American politics in a somewhat unexpected way: prominent American conservative influencers suggesting that the US was experiencing a Deep State-backed color revolution intended to steal the election from President Trump.⁴⁵ The first major push to introduce mainstream audiences to the narrative came from former Trump speechwriter and prominent conservative commentator Darren Beattie, who wrote about the theory and discussed it in podcasts in conversation with Steve Bannon, Michelle Malkin, and Adam Townsend. Right-wing newsite Revolver.News produced a detailed series laying out his claims. On September 15, Beattie appeared on Tucker Carlson Tonight, giving the narrative mainstream attention on a program with an audience of millions.

The propagation of the color revolution narrative occurred over several months, waxing and waning in popularity, but gradually gaining adoption as a frame to explain grass-roots Black Lives Matter protests and voting irregularities as part of an elaborate plan by Democratic operatives to steal the election.

After Election Day, use of the term “color revolution” spiked a few more times, driven mostly by videos and posts that echoed the pre-election narrative, alleging that the “coup” had happened. Two of these spikes of activity, November 29–30 and December 11–14, seemed to revolve around tweets and posts by Lin Wood, a defender of President Trump who prominently promoted various conspiracies to explain Trump’s loss.⁴⁶

Wood’s tweets expanded the narrative of the color revolution to include possible foreign interference from China, and went so far as to link COVID-19 to the broader theme. The claims were shared to Facebook, Parler, and other social media platforms.

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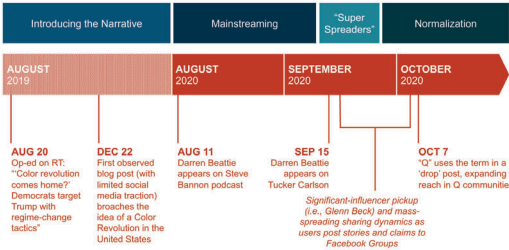


Figure 3.23: Timeline of notable events related to the color revolution leading up to Election Day.



Figure 3.24: Interactions on posts involving the term "color revolution" post-Election Day, using CrowdTangle data.

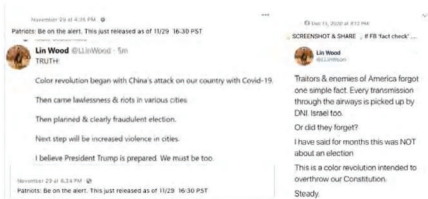


Figure 3.25: Tweets by Lin Wood that were shared on Facebook at the end of November and mid-December about a "color revolution."

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The broad claim that a color revolution was underway, with nefarious actors purportedly funding protests and destroying ballots, provided a convenient way for those seeking to delegitimize the election to connect unconnected events and to create a compelling villain while doing so. True to top-down narrative dynamics, social media users who found the story appealing moved the narrative into a variety of Facebook Groups and Pages through shares.

By promoting this narrative, right-leaning influencers appeared to be priming their audience to read future events surrounding ballots and protests as potentially part of that revolution. Accordingly, in the unsettled period between Election Day and when the race was called by national media outlets for Biden (and, it would turn out, even beyond that), believers of the color revolution narrative were primed to accept challenges to the integrity of the election. As we will see as we progress through this chapter, this would eventually manifest into legal challenges that relied on affidavits from individuals primed to believe election fraud narratives with little to no knowledge of the ins and outs of election procedures. Even on election night itself, the conviction that the election would be stolen seems to have motivated the voters of Arizona to latch on to one specific claim—felt-tip pens had led to the mass disqualification of the ballots of Trump voters—that would give rise to an online movement and a real-world protest.

Case Study 1: #Sharpiegate

At 5:01 am PT on Election Day 2020, a conservative Chicago radio broadcaster sent a tweet noting that felt-tip pens were bleeding through ballots.⁴⁷ A few hours later, at 12:16 pm PT, an anonymous Twitter account sent a tweet addressing James O’Keefe of Project Veritas: “Sharpie pen issues on Chicago paper ballots,” it began, and alleged that scanners couldn’t read the ballots because the markers were bleeding through.

These were the first tweets the EIP observed alleging that the black felt-tip, Sharpie-brand markers some poll workers were handing out were rendering ballots unreadable. The concern that ballots marked with Sharpie markers would not be counted began to make its way around conservative communities on social media. While the Chicago tweet did not gain much traction, the narrative quickly spread to Parler and Facebook.

Local news in Chicago picked up the story and attempted to correct the record: by 5:48 pm PT, CBS 2 had written an article reassuring voters that Sharpies were just fine.⁴⁸ The story faded in Chicago, but concerns about Sharpies at polling places began to migrate across the country, popping up in tweets associated with geographic locales that had become the focus of the vote count as the evening progressed.

3.3. The Evolution of Narratives in the 2020 Election

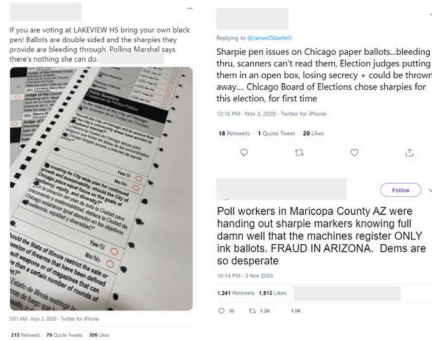


Figure 3.26: Left and top right, tweets about Sharpie pens on ballots in Chicago; bottom right, a tweet about the same concern in Arizona.

One of these locales was Arizona. A video that originally appeared on Facebook went viral: an off-camera videographer (the account name on the video suggests the videographer is right-wing activist Marko Trickovic)⁴⁹ is broadcasting his conversation with a pair of women who are describing voting machines not reading Sharpie-marked ballots. In the video, the women claimed that Maricopa, Arizona, poll workers were trying to force voters to use Sharpies despite the presence of pens. The man recording the video can be heard on camera stating, "so they're invalidating votes, is what they're doing." As the evening progressed, and into the next morning, the video was reposted by numerous accounts and appeared on YouTube, Twitter, Rumble, TikTok, Parler, and Reddit.

After West Coast polls closed and it became apparent that certain swing states—particularly Arizona—were closer than polls had predicted, the controversy about Sharpies was offered as an explanation. It became a hashtag, #Sharpiegate, and various pieces of content alleged that poll workers were handing out the markers deliberately to Trump supporters to prevent their votes from being counted. "FRAUD IN ARIZONA. Dems are so desperate," read one tweet from 10:14 pm PT on Election Day that had over 3,000 likes and retweets. The Maricopa County Facebook Page seemingly tried to assuage concerns very early on; even as the debate about Sharpies was largely still a Chicago concern, it posted a PSA noting that Sharpies worked just fine on Maricopa's machines.⁵¹ Despite

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Figure 3.27: The video of a woman stating that voting machines were not reading ballots marked with Sharpie pens was shared on Twitter, YouTube, and Rumble.⁵⁰ The Rumble video text reads “Maricopa County votes need to be counted by hand! People were given Sharpies instead of ballpoint pens when Arizona voting machines can’t read felt-tip marker. So ballots were entered into a slot but never counted.”

the attempts to debunk the developing controversy, however, concerned and angry posts continued to appear within pro-Trump communities and channels on Reddit, TikTok, Twitter, YouTube, Parler, and others.

Fox News called Arizona for Joe Biden at 11:20 pm on election night, but overall the day ended without a clear winner, as many election experts had predicted.⁵² President Trump gave a speech in which he noted that the races in Pennsylvania and Michigan were still in play, suggested that Arizona was too, and then declared:

“We did win this election. So our goal now is to ensure the integrity for the good of this nation, this is a very big moment. This is a major fraud on our nation. We want the law to be used in the proper manner. So we will be going to the U.S. Supreme Court. We want all voting to stop. We don’t want them to find any ballots at 4 o’clock in the morning and add them to the list. OK? It’s a very sad, it’s a very sad

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moment. To me, this is a very sad moment, and we will win this, and as far as I'm concerned, we already have won it."⁵³

The Sharpiegate narrative continued to accelerate the next day, beginning early in the morning on November 4. Content appeared on Facebook, Twitter, and Parler alleging that Trump voters specifically had been given Sharpies to invalidate their ballots. As the day progressed, conservative influencers such as Charlie Kirk, Dinesh D'Souza, and Steven Crowder asked questions about the charts and retweeted claims made by users alleging fraud.

Local media and election officials in other swing states in which Sharpie markers had been used, including Pennsylvania and Michigan, posted articles addressing the use of Sharpies in their own jurisdictions, attempting to fact-check what appeared to be turning into a widely disseminated conspiracy theory. The Cybersecurity and Infrastructure Security Agency (CISA) posted its own update to its Rumor Control webpage.⁵⁴ Election officials reported inquiries to the Election Infrastructure Information Sharing and Analysis Center (EI-ISAC), noting that they were seeing posts alleging that voters who used Sharpies would not have their votes counted. The Michigan Attorney General posted a tweet asking members of the public to stop making threatening and harassing phone calls to her staff suggesting they shove Sharpies into inappropriate places.⁵⁵

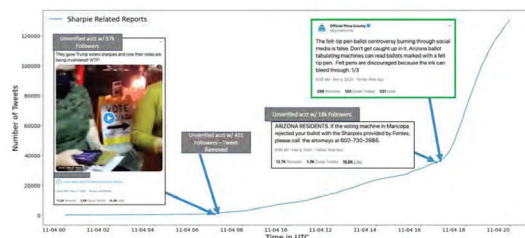


Figure 3.28: Graph showing the spread of Sharpiegate tweets (cumulative) before and after Pima County's fact-check tweet.

By early evening on November 4, however, the Sharpiegate theory left the realm of internet chatter and became a live-action rallying cry for Trump supporters

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who felt the election had been stolen. Protestors, some open-carrying long guns, gathered at the Maricopa County Recorder's Office building, carrying signs, waving Sharpies, and chanting about election theft. A local pro-Trump Facebook Page, AZ Patriots, livestreamed the protests for several hours.⁵⁶

Protesters returned on the evening of November 5 as well. This time, well-known conspiracy theorist Alex Jones of Infowars showed up, climbed atop a car, and gave a speech about "meth-head Antifa scum," George Soros, and stolen elections, occasionally chanting "1776."⁵⁷



Figure 3.29: Alex Jones at a Sharpiegate protest outside the Maricopa County Recorder's Office on November 5.⁵⁸ (AP Photo/Matt York)

Throughout the three-day period in which Sharpiegate was a significant focus, the social platforms responded primarily by labeling and taking down content. The AZ Patriots livestreaming Page, which had been embroiled in controversy over leader Jennifer Harrison livestreaming harassment on several occasions (generating Facebook strikes), was taken down.⁵⁹ Other livestreamers, however, such as Steven Crowder on YouTube, discussed Sharpiegate or ran the footage from the protests, and did not receive any labeling contextualization until well after the fact; as we will discuss in Chapter 4, this is one of the unique challenges of moderating a livestream compared to a text article.⁶⁰

Sharpiegate provides a detailed look at how a misunderstood incident about ballots compounded into a narrative among voters primed to believe that the election would be stolen. As the ballot counts continued in the days following Election Day, the predicted blue wave indeed began to materialize, and allegations of fraud and demands for recounts began to increase. Sharpiegate became one narrative among many that fed into a meta-narrative, the slogan for which

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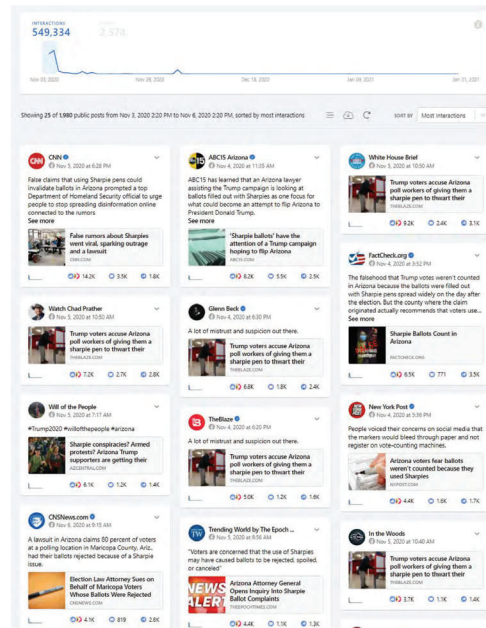


Figure 3.30: A CrowdTangle dashboard showing results sorted by most interactions for “arizona sharpie” in public Pages, verified Pages, and public Groups, beginning on November 3, 2020.

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would come to define the 2020 election for many Trump voters: “Stop The Steal”⁶¹

Case Study 2: #StopTheSteal

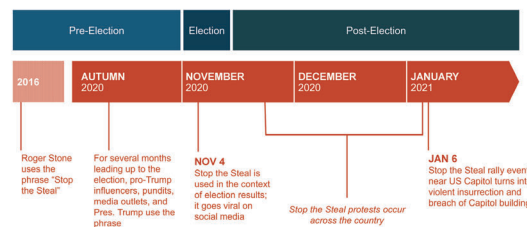


Figure 3.31: Timeline of the Stop the Steal narrative.

In the days after the election, “Stop the Steal” grew to encompass not only the events related to Sharpiegate, but the broader overall theme that the election had been decided by fraud. This rallying cry was aimed at motivating Republicans and Trump supporters to halt purported Democratic electoral malfeasance. It became a hashtag across multiple platforms, an encompassing and enduring phrase. In the weeks following the election, the narrative took a distinctly conspiratorial turn.

At its core, #StopTheSteal falsely postulates that Trump actually won the presidential election, that Democrats stole the election, and that it is up to Republican “patriots” to reverse this—i.e., to stop the Democrats’ theft. In the days following the November 2020 election, the call was repeated by prominent conservative influencers (including President Trump),⁶² and grew into a broad Stop the Steal movement that attracted a significant presence offline as well. The phrase appeared in real-world protest organizing materials and in signs at protest events. In mid-December, over a month after Election Day, Stop the Steal rallies were still occurring in the US; in January 2021, a protest with that slogan erupted into a violent insurrection at the US Capitol.

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The “Stop the Steal” phrase itself was seeded far ahead of the 2020 presidential election. Conservative political strategist Roger Stone launched a “Stop the Steal” movement in 2016, according to a CNN article; his Stop the Steal “voter protection” project was sued in federal court for attempting to intimidate minority voters.⁶³ However, in a November 2020 blog post on his personal website, Stone took pains to clarify that he was not “a participant in any of the organizations that adopted my phrase in this year’s election.”⁶⁴ He repudiated the CNN article that referenced him in another blog post, though he shared an image advertising an Atlanta #StopTheSteal rally supported by StopTheSteal.us (at that point the forefront of “Stop the Steal” in 2020).⁶⁵

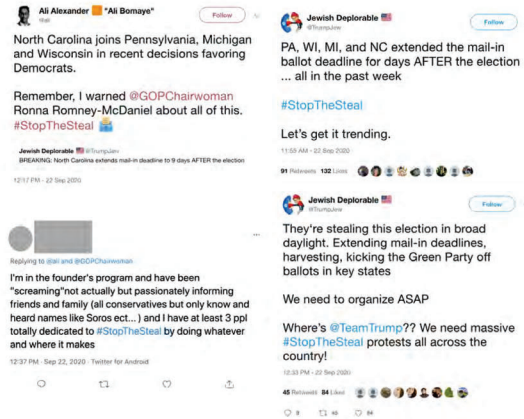


Figure 3.32: The Stop the Steal rally advertisement posted on Roger Stone's website.

#StopTheSteal was used sporadically leading up to Election Day; for example, after some states (Pennsylvania, Michigan, Wisconsin, and North Carolina) extended the date by which they would accept mail-in ballots, right-wing Twitter accounts used the hashtag while denouncing the changes and calling for action. Notably, Ali Alexander—a right-wing personality who would later help organize the Stop the Steal movement and amplify numerous sub-themes and conspiracies—was one of the actors who tweeted about the four states' mail-in ballot extensions using #StopTheSteal on September 22.⁶⁶ In a retweet of another pro-Trump account, Alexander and the original poster framed the states' move as “favoring Democrats”: “They’re stealing this election in broad daylight. Extending mail-in deadlines, harvesting... We need massive #StopTheSteal protests all across the country!”⁶⁷

Right-wing media ecosystems were also early adopters of this hashtag. Multiple September articles on The Gateway Pundit mentioned “Stop the Steal”; one article included a poll asking readers, “Do you think Democrats are trying to steal the election?” and another used the hashtag #StopTheSteal in reporting

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Figure 3.33: Tweets using #StopTheSteal on September 22.⁶⁸

on Trump supporters allegedly being blocked from observing Philadelphia early voting locations.

Members of the Trump family on Twitter, and President Trump himself, also pushed the concept of a “steal” early in the election season.⁷⁰ While these tweets did not all mention #StopTheSteal explicitly, they nonetheless helped foster the cohesion of several disjointed narratives into one conceptual framework of election theft.

Prior to the election, early uses of #StopTheSteal were used to discuss a range of themes described in this chapter: ballot harvesting, mail-in voting, Trump winning but Democrats stealing the race, Army for Trump, the need for poll watchers, a rigged election, and more. The repeated priming of Trump-supporting audiences to believe that the election had been stolen likely helped to bolster the Stop the Steal movement as it further bloomed after the election.

On Election Day, as results did not break in the President’s favor, prominent conservative influencers quickly took up Stop The Steal. By the evening of November 3 and November 4, verified Twitter users, including recently elected officials and

3.3. The Evolution of Narratives in the 2020 Election

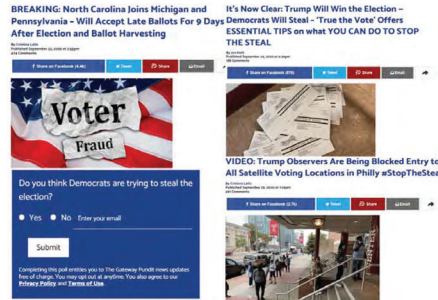


Figure 3.34: The Gateway Pundit articles mentioning "Stop the Steal" in September. Left, a September 22 article and poll. Top right, an article from September 24. Bottom right, an article from September 29.⁶³

right-wing media outlets, were repeatedly pushing the Stop The Steal narrative online. Some of these narratives were accompanied by more specific claims about individual state irregularities (such as alleging they were not counting ballots), while others were more general statements that the Democrats could not have won the election fairly.

Besides conservative pundits, a handful of conservative politicians began to amplify #StopTheSteal immediately after the election. One was Marjorie Taylor Greene, a Republican Congressional candidate in Georgia who won her race in the House of Representatives. Greene leveraged multiple social media platforms simultaneously to spread Stop the Steal messages and promote herself. She posted a Stop the Steal petition on both Facebook and Twitter that, once completed, redirected to a donation page. The petition spread in various Facebook Groups, including an anti-Whitmer Michigan Group.

Stop the Steal Groups on Facebook were created at least as early as November 4, 2020. One Group, STOP THE STEAL, quickly swelled to hundreds of thousands of members. In addition to providing a place where users shared election-related conspiracy theories, the Group served as a hub to find various Stop the Steal rally Facebook events across the country, some hosted by other entities. This primary Group was shut down by Facebook on November 5 at 2:00 pm ET, with media reports suggesting it was due to content inciting violence;⁷¹ data from an EIP CrowdTangle archive shows that it had at least 7,000 posts with slightly

3. Incidents and Narratives: The Evolution of Election Misinformation



Figure 3.35: A collage of some of the top conservative pundits using #StopTheSteal on November 3 and 4. On TikTok, a user filmed a live video of Charlie Kirk using the hashtag #StopTheSteal, indicative of the cross-platform nature of this content.

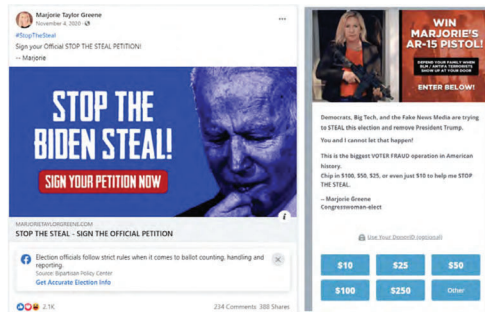


Figure 3.36: Left, a post from Representative Majorie Taylor Greene, who heavily promoted #StopTheSteal. In one of her posts, the petition led to her donation site, right.

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over 800,000 interactions.

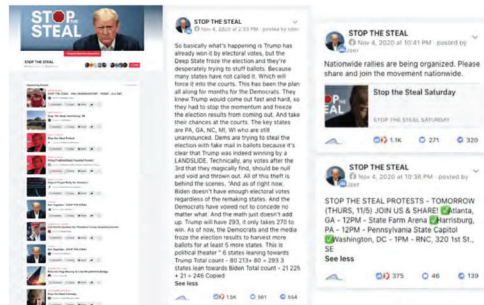


Figure 3.37: Image of several posts in the STOP THE STEAL Group on Facebook. The event page of the Group listed upcoming events in different locations hosted by various entities.

Facebook Groups like STOP THE STEAL helped solidify the Stop the Steal movement's offline component. For example, on November 5, Facebook events were scheduled for locations including California; Virginia; Washington, DC; Pennsylvania; and Florida. StopTheSteal.us—a website created by Ali Alexander—and its newsletter also helped to rally people to different locations around the country. Inflammatory rhetoric was common; for example, in a since-removed tweet on December 7, Alexander tweeted that he was “willing to give my life for this fight.” The Arizona Republican Party retweeted, adding, “He is. Are you?”⁷²

Coverage of Stop the Steal in conservative media outlets varied. In the first two weeks after the election, Fox News had two article headlines mentioning Stop the Steal in the context of news items (Facebook's STOP THE STEAL Group takedown and an incident at a rally).⁷³ In contrast, more niche right-leaning fringe outlets covered it uncritically, and at times seemingly supportively; for example, on One America News Network (OANN), coverage of Stop the Steal included a since-removed article outlining how voters were holding Stop the Steal rallies in multiple states because of alleged election irregularities.⁷⁴ The outlet had steady coverage of the movement, telling viewers how to rally and broadcasting an exclusive interview with organizers declaring that they will “Fight on.”⁷⁵

Stop the Steal rallies at times morphed into broader pro-Trump post-election protests—for example, the Million MAGA March in DC on November 14 was heav-

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ily promoted by Stop the Steal influencers, and the insurrection on January 6 was promoted by StopTheSteal.us. In an email on December 21 from StopTheSteal.us, the January 6 protest was heavily advertised, stating, “#StopTheSteal wants **ALL Patriots** to stand up with us in D.C. on what should be a historic day, January 6, 2021...StoptheSteal.us stands ready to FIGHT BACK with this **historic protest...we will NOT ALLOW our Republic to be stolen from us!**” (bolding theirs).



Figure 3.38: Image of a December 21 email from the StopTheSteal.us newsletter.

The Stop the Steal movement's enduring power likely stems from several factors. The phrase is all-encompassing of various other false claims and narratives pushed about the election, providing an opportunity for many constituencies to gather both virtually, and in real life, under one banner. Stop the Steal content spread not only on Facebook, but also on Twitter, Parler, and Telegram. Because of the many figures pushing the narrative across social media and on websites, the movement was robust enough to survive individual takedowns of misleading electoral content and targeted deplatforming.

#Maidengate

Many narratives co-occurred with Stop The Steal, alleging a variety of forms of voter fraud. Some of them rehearsed allegations made in elections past;

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for example, the hashtag #DeadVoters claimed that dead people had voted in the election via mail-in ballots (this peaked on November 11, 2020). Another hashtag in this vein was #Maidengate,⁷⁶ which began on November 9, 2020, via hashtagged tweets from an account alleging that a Michigan mother's vote had been stolen by an impersonator using her maiden name. The poster claimed to know several people who had discovered that a ballot in their name had been cast in another state. She described this as intentional fraud, and called on voters to check if they had been registered in multiple states due to past addresses or name changes.

The claim of mass manipulation via maiden names, absent any evidence besides anecdotal hearsay, was subsequently promoted on Twitter by Ali Alexander, who created a website dedicated to the hashtag to try to collect evidence of voter fraud. He promoted the Maidengate conspiracy on Periscope, gathering 41,000 viewers. #Maidengate chatter and content from the original tweeter's website appeared on Reddit and Facebook⁷⁷ and the hashtag appeared approximately 1,800 times on Parler. By November 12, the Twitter account was suspended.



Figure 3.39: Left, tweets that precipitated #Maidengate; right, Ali Alexander's tweet promoting the Maidengate conspiracy.

#Maidengate went sufficiently viral that it generated attention from major media outlets focused on debunking election misinformation, including the New York

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Times. As the *Times* noted,

“Soon, the claim that unauthorized people had cast votes under the maiden names of real voters started trending online. From Monday to Wednesday morning, more than 75,000 posts pushing #MaidenGate appeared on Twitter, peaking at 2,000 between 2:10 and 2:15 a.m. on Tuesday, according to Dataminr, a tool for analyzing social media interactions. Beyond Twitter, the #MaidenGate rumors spread to Facebook, YouTube and groups associated with Stop the Steal, which have promoted the false narrative that Democrats stole the election from President Trump. But no evidence was offered to support the #MaidenGate claim in the original tweet. The tweet included no details on the maiden name that supposedly had been stolen, so there was no way to verify the claim.”⁷⁸

We will discuss the specific mechanics of how these types of bottom-up “friend-of-a-friend” narratives spread further in Chapter 4. We include it here as an example of the way in which many sub-components of the Stop the Steal narrative were often based on unverifiable claims recast as facts.

The claims based on alleged voter irregularities, however, were at least rooted in the realm of the plausible. There was another collection of narratives, repurposed to explain how the “steal” took place, that were far afield of mainstream reality, yet were still amplified on national television by some of President Trump’s closest advisors: outlandish election conspiracies in which powerful dark forces purportedly conspired to steal the election using secret “Deep State” technologies to change votes.

Outlandish Claims: Attempts to Explain the “Steal”

Conspiracy theories have increased in visibility in online social spaces over the last five years; prominent among them is the cultlike conspiracy theory known as QAnon, which alleges that President Donald Trump spent much of his presidency battling a cabal of Satan-worshipping pedophile elites. Believers of this conspiracy are estimated to number in the low millions and many are supporters of President Trump.⁷⁹ In this section, we discuss two specific conspiratorial narratives that attracted significant attention in the weeks and months following the election: the first, which we will call “Hammer and Scorecard,” began years prior to the 2020 election. The second, which we will call “Dominion” after the election technology company that figures prominently in the narrative, rose to prominence alongside allegations of irregularities in voting machines. However, it merged with the Hammer and Scorecard theory to create a hybrid conspiracy that spread throughout pro-Trump social media spaces. After Election Day,

these conspiracies were deployed within the stolen election meta-narrative to “expose” the machinations behind the purported theft.

Hammer and Scorecard

In 2017, little-known conservative blog TheAmericanReport.org published a story claiming that a government supercomputer called “The Hammer” was created in 2009 by the CIA under President Obama.⁸⁰ The article claimed that the supercomputer was designed for spying on, and gathering data from, the American public and conservative politicians, including Donald Trump. This machine supposedly included an application called “Scorecard,” which was capable of manipulating election systems by switching votes to preferred candidates. The claims underlying the story were made starting in 2013 by Dennis Montgomery, described as a “CIA contractor-turned-whistleblower” who claimed to have built the system. Various election results worldwide, and in the United States, were attributed to the work of Hammer and Scorecard. As the conspiracy re-emerged, updated for the events of 2020, fact-checking organizations and CISA repudiated them; some pointed out Montgomery’s “history of deception.”⁸¹

Dominion

Early coverage of Dominion Voting Systems occurred within the general discussion of electoral integrity, though mentions of the company appear to have taken off in earnest after two actual software glitches on Election Day in Georgia counties were tied to Dominion software.⁸²

In Morgan County and Spalding County, Georgia, outages in electronic poll books temporarily prevented voters from using voting machines on Election Day, resulting in extended voting hours.⁸³ While the electronic poll books (the lists of eligible voters in a precinct) were manufactured by Knowink, a subcontractor of Dominion, the usage of Dominion Voting machines in these counties would later lead to accusations of widespread faults in Dominion’s software.

The next day, a series of reports emerged alleging voting irregularities in Antrim County, Michigan, again tied to Dominion: as votes were being reported, several thousand votes in the county were incorrectly reported for Joe Biden rather than Donald Trump.⁸⁴ This error was quickly noticed and resolved. While it would later be attributed by the Michigan Secretary of State to human error,⁸⁵ narratives soon emerged that Dominion’s software, which was used to tabulate these results, was responsible for the glitch. Prominent verified influencers on social media began explicitly linking this incident to a broader conspiratorial narrative saying Dominion voting systems were manipulating vote counts all over the country.⁸⁶

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As the Dominion issues were occurring, a since-deleted video grew popular, featuring retired General Tom McInerney claiming the “Scorecard” application had been used by the Obama-Biden campaign in 2012 to steal votes in Florida, and was now being deployed by the Biden-Harris campaign in Florida, Georgia, Texas, Pennsylvania, Wisconsin, Michigan, Nevada, and Arizona. Other YouTube channels such as SGTreport and CDMedia made similar claims, alleging a conspiracy to use technology to steal votes.⁸⁷ The videos spread to Facebook, Twitter, Reddit, and Parler, and were republished on alternative video platforms such as Rumble and BitChute. At this point, though, the two narratives were still largely on separate tracks.

On November 6, GOP Chairwoman Ronna McDaniel alleged that there had been fraud large enough to overturn Michigan’s election results, citing the Antrim County reporting error and suggesting that 47 other counties in Michigan using the same software may have been affected.⁸⁸ Disputing McDaniel’s claims, the Michigan Secretary of State released another statement reiterating that the reporting incident was human error that had been caught by the county’s processes and quickly resolved, and that no other counties were affected.⁸⁹ Concurrently, however, conservative media outlets and influencers began noting that Dominion software was used in 30 states, including all swing states, to imply nationwide malfeasance on behalf of Dominion. Articles in the *The Gateway Pundit* and *Breitbart* began connecting the Michigan and Georgia incidents to suggest that the two cases were related.⁹⁰ The *Breitbart* article received upwards of 300,000 interactions on Facebook alone, and was posted by President Trump.⁹¹ Similar claims of widespread flaws were shared by influential right-wing individuals and groups such as *The Western Journal* and Mike Huckabee, and in Spanish by Mexican author Alfredo Jalife-Rahme.⁹²

Intersection of the Narratives

The Dominion narrative merged with the Hammer and Scorecard theory after Trump campaign attorney Sidney Powell went on Fox News with Lou Dobbs on November 6 and spread a now disproven theory claiming that the software glitch that caused erroneous vote counts in Michigan was in fact the deliberate work of the “Hammer and Scorecard” program.⁹⁴ Powell, who was later disavowed by the Trump campaign after a series of scathing legal rulings in cases she helped litigate, gained credence in the Trump orbit for her willingness to promote unsubstantiated fraud theories.⁹⁵ Powell claimed that the purported CIA technology altered 3% of the vote total in pre-election voting ballots that were collected digitally.

The converging narratives were amplified by conservative website *The Gateway Pundit*, which quoted Powell at length.⁹⁶ Similar claims appeared on Trump-supporting media channels such as OANN. While the Dominion and Hammer

3.3. The Evolution of Narratives in the 2020 Election

Figure 3.40: Tweets pushing the Dominion conspiracy, including one from President Trump.⁹³

and Scorecard narratives initially were amplified together, after November 6 mentions focusing on the Dominion narrative subsumed Hammer and Scorecard (see Figure 3.41 on the following page); mentions of the latter dropped off precipitously, while the former remained significant.

Once the Dominion narrative subsumed the Hammer and Scorecard narrative, Donald Trump and his campaign quickly became the most prolific spreaders. President Trump first tweeted about Dominion on November 12, and tweeted dozens more times in the days following. Donald J. Trump (@realDonaldTrump), "REPORT: DOMINION DELETED 2.7 MILLION TRUMP VOTES NATIONWIDE." Rudy Giuliani repeated similar claims on November 11 and the days after.⁹⁷

For weeks after the election, the Dominion narrative persisted and was adapted into ongoing narratives around electoral fraud by a variety of communities. One video (on YouTube, Rumble, and Reddit) purporting to feature a "smoking gun"

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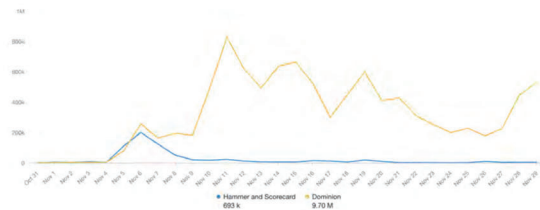


Figure 3.41: Mentions of Hammer and Scorecard (blue) were initially linked to mentions of Dominion (yellow), but were eventually consumed by the Dominion narrative. (Source: Meltwater Social)

regarding Dominion Voting Systems machines in Pennsylvania was widely shared by high-profile accounts in Trump- and QAnon-supporting communities nearly four weeks after the election.⁹⁸ Another theory suggests Smartmatic, another technology company, was orchestrating Dominion's supposed interference.⁹⁹ Yet another suggests several USB memory cards containing the cryptographic key to access Dominion Voting Systems were stolen in Philadelphia.¹⁰⁰ These theories, which have been amplified using #StolenUSBs and #Mitattack, were published by various outlets, including Russian state media outlet Sputnik International (which credulously reported the claims of 8kun administrator and QAnon aficionado Ron Watkins, calling him a "US cyber-security expert"), and were repeatedly amplified by the President on Twitter.¹⁰¹

The claims became increasingly outlandish. Allegations appeared claiming Dominion had ties to individuals frequently scapegoated by conservatives including Bill Gates, George Soros, and even members of the Venezuelan government.¹⁰³ Others alleged Dominion had links to China, posting URLs to the US Patents and Trademark Office website featuring a licensing agreement between the company and Chinese bank HSBC.¹⁰⁴ The same day that news broke of Russia-attributed cyberattacks on US government infrastructure using vulnerabilities in SolarWind software, The Gateway Pundit published a piece claiming Dominion used the same software, a claim that was quickly denied by Dominion representatives.¹⁰⁵ Both Dominion and Hammer and Scorecard have also been used as key pieces of evidence for the "Kraken" narrative in which Sidney Powell would "release the Kraken" by dropping indisputable evidence of voter fraud in lawsuits led by the President's legal team, and by the general Stop The Steal movement.¹⁰⁶

The Dominion-meets-Hammer and Scorecard narrative has been adopted into



Figure 3.42: A tweet claiming a link between Dominion voting machines and Smartmatic.¹⁰²

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the broader belief systems of various right-wing communities, including the Proud Boys, the far-right militia group Three Percenters, and the Daily Stormer, a Neo-Nazi publication.¹⁰⁷ #Dominion was used in 1 of every 7 tweets from QAnon accounts.¹⁰⁸ QAnon groups used the hashtag #LordMarkMallochBrown to demonstrate supposed ties between Dominion software systems and George Soros. Lord Mark Malloch-Brown is a board member of SGO, the parent company of Smartmatic, and is also on the board of Soros-founded organization Open Society.

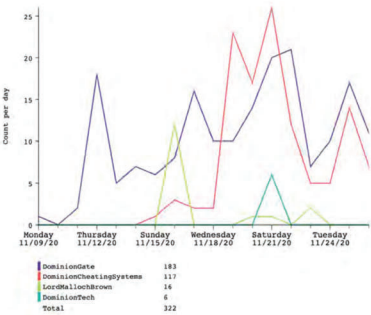


Figure 3.43: Hashtag use on Twitter for hashtags related to Dominion Voting System fraud narratives.

The Dominion and Hammer and Scorecard narratives take on additional significance for their link to ongoing incidents of real-world harm. Since the election, Dominion employees have been doxxed, harassed, and threatened by right-wing influencers and members of the general public.¹⁰⁹ In early December a now-offline website, EnemiesOfThePeople[.]us, was created (later attributed to Iran, and discussed in our report’s “Foreign State-Backed Actors” section), featuring personal information about multiple Dominion employees with crosshairs shown over the faces of each targeted individual.¹¹⁰ Most recently, Dominion has begun to file defamation lawsuits against prominent figures involved in the perpetuation of the conspiracies we have described, including Rudy Giuliani and Sidney Powell.¹¹¹ As of the writing of this report, several of the publications that aired the claims, such as American Thinker, have retracted them.¹¹²

The Hammer and Scorecard and Dominion conspiracies reinforced the Stop The Steal movement, which ultimately led to violence. The hashtag appeared on the banner of one of the first websites to announce the January 6 rally in Washington, DC: “#DONOTCERTIFY #JAN6 #STOPTHESTEAL #WILDPROTEST.”¹¹³ And as the violent insurrectionists breached the Capitol on that day, #StopTheSteal signs could be seen across the crowd. In the next section, we trace threats of violence during the 2020 election, leading up to that tragic day.

3.4 Election-Related Violence

The 2020 election season brought with it high tensions, and concerns about violence were prevalent leading up to, during, and after the election. The EIP team monitored channels across the political spectrum to identify and report specific threats of violence. While this violence did not materialize on Election Day, that relative calm was eclipsed by violent riots on January 6 at the US Capitol.

The violence at the Capitol can be traced to violent rhetoric curated and iterated on throughout the pre-election period, on Election Day, and after. Before the election, both speculation and true threats of violence centered on tensions between existing groups. For example, while the left theorized about the next steps of the Proud Boys and similar groups, the right created narratives about “antifa” and Black Lives Matter (BLM) groups organizing massive violent insurrections.

This dynamic shifted distinctly on Election Day, especially among right-wing audiences. Content with specific pieces of alleged “evidence” of electoral fraud was weaponized to support the organization of real-world violence. Additionally, rather than attacking other political groups, the ideology behind consolidated movements such as #StopTheSteal spurred violence specifically toward election officials and vendors, instead of simply toward “traditional” enemies such as the Democrats and associated organizations like BLM. This growing distrust of officials and institutions, regardless of political party affiliation, for their role in the purportedly “stolen” election culminated in an organized, violent insurrection on January 6.

Pre-Election Concerns

Prior to the election, the vast majority of violence-related content online was users predicting unrest on Election Day and calling on other users to not vote in person. This content circulated among both left-leaning and right-leaning users, with users differing on who was considered responsible, and who would be targeted.

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Left-leaning social media users circulated false warnings about far-right groups and militias. One post about concerns that Proud Boys were planning to shoot BLM protesters received over 278,000 likes (see Figure 3.44). Meanwhile, right-leaning accounts also posted concerns that left-leaning groups such as antifa, BLM, and the Sunrise Movement were planning to commit mass violent acts on Election Day or the days following. For example, in September, right-leaning accounts spread concern about an image that called for “Antifa comrades” to dress up as “patriots/Trump supporters” to confuse the police at riots. This image spread to Facebook, Twitter, and TikTok, garnering high engagement: on Facebook, there were over 10,000 reactions, 15,000 shares, and 1,000 comments. The image was subsequently fact-checked by Snopes and Medium and found to be an internet joke from 2017 that had a second wave of popularity in 2020.¹¹⁴ Heading into Election Day, pro-Trump accounts asked their followers how they would respond to violence or voter intimidation from the left. Audience responses indicate that threats of violence and anger were directed at the left and leftist groups specifically.



Figure 3.44: Posts showing concerns about violence from left-leaning social media users.

Despite the reach and engagement of posts that raised fears about the potential for violence, the EIP did not uncover any evidence of violent plans, such as from right-wing Discord channels or Facebook Groups. Given the vague nature of the claims and the absence of any specific evidence from those who posted concerns of violence, these posts were non-falsifiable and unsubstantiated. Most of the spreaders of this type of content appeared to be well-intentioned individuals,

including members of purportedly targeted communities who wanted to warn their communities of an impending danger.¹¹⁵ They encouraged their audiences to engage with and share their content; the resulting “copy-pasta” reposts of the text and images spread the misinformation further and created viral panic among some online communities.

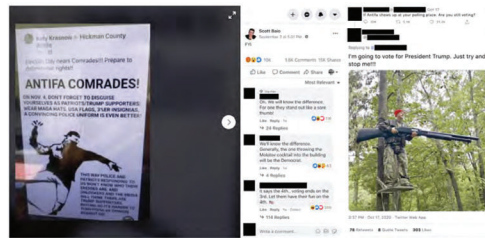


Figure 3.45: Posts showing concerns about violence from right-leaning social media users.

During and Post-Election

Posts using violent rhetoric or inciting violence after the election significantly differed from pre-election posts as they turned from fearing violence to coordinating and organizing violence. In addition, posts were linked through larger narratives, especially election theft, and threats turned their focus to institutions such as voting systems and the government, instead of partisan groups like antifa or the Proud Boys.

From right-leaning accounts, many violence-related posts became increasingly tied to claims of election theft or rigging and at times were part of increasing rhetoric that more generally referenced the idea of preparation for civil war. Usage of the specific hashtag “#civilwar” on Twitter grew significantly between November 1 and November 5, and posts calling for civil war increased as results that favored Biden were announced. One Twitter user posted “Let’s just fast forward to #CivilWar and get it over with and take out the filthy Cancerous #DemocRats and remove them from our society.”

In the weeks that followed, the EIP additionally tracked calls for violence against specific individuals and groups. As discussed in the previous section, employees of Dominion Voting Systems received targeted harassment including death threats and doxing of personal information. Online threats became so common that Dominion Voting employee Eric Coomer went into hiding.¹¹⁶

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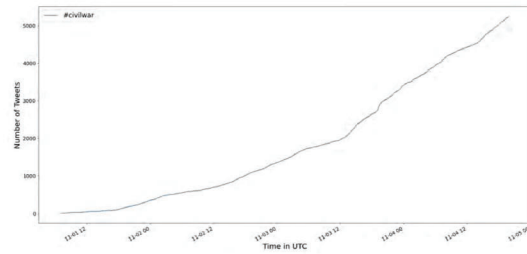


Figure 3.46: Cumulative instances of the hashtag #civilwar between November 1 and November 5, 2020.



Figure 3.47: A right-leaning Twitter user calls for civil war against Democrats in response to alleged electoral fraud.

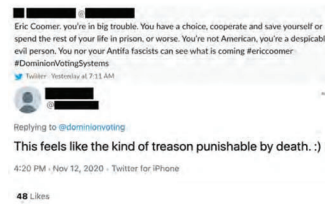


Figure 3.48: Twitter users call for death or violence against Dominion Voting employees.

Events Surrounding January 6, 2021

On the morning of January 6, 2021, President Trump spoke to his supporters outside the White House and stated multiple lies about how the election was stolen from him. In his speech, Trump referred to Democrats as having attempted “the most brazen and outrageous election theft,” and said, “We will not take it anymore...We will stop the steal.” He encouraged his followers to march to the Capitol and “try and give them [Republicans] the kind of pride and boldness that they need to take back our country.”¹¹⁷ A pro-Trump mob then forcibly entered the Capitol building and forced Congress to take cover and evacuate. Five people died as a result of the Capitol breach.¹¹⁸

The violent insurrection against the United States Capitol on January 6 demonstrated the real-world impact of mis- and disinformation narratives such as Stop the Steal, and the effect that social media echo chambers can have on organized violence. While earlier concerns about violence did not materialize, angry rhetoric was frequent. That anger made its way to the offline world, as social media users used platforms to coordinate, recruit, and organize real-world violence. Far-right users used “alt” social media sites, like Gab and Parler, to openly organize and recruit others to join them, give directions on what streets to avoid, and post about bringing weapons into the Capitol.¹¹⁹

As the violent mob launched an insurrection against the US Capitol on January 6, angry comments by pro-Trump protestors filmed in the building, signs carried by those outside, and calls for violence against elected officials certifying the vote referenced narratives that we have discussed in this chapter.

In response to mainstream platforms continuing to crack down in the aftermath of that violence, users moved off of Facebook and Twitter and onto smaller sites with less regulation, such as Parler, Gab, and Telegram. To what extent these communities will continue to operate in closed social media networks—the same networks that consistently proliferated the notion that the election was stolen from President Trump—remains to be seen.¹²⁰ Regardless, the attack on the US Capitol will forever stand as testament to the violence that echo chambers, online rhetoric, and sustained misinformation can unleash on the world.

3.5 Narrative Crossover and Fabrication in Non-English Media

To this point, we have traced English-language incidents, narratives, and conspiracies that shaped the 2020 election. However, although the majority of the EIP tickets collected and analyzed election-related misinformation taking place in English-speaking communities, there are many American communities that participate in political conversations in languages other than English, and on

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apps and chat platforms popular with diaspora communities. In this section we briefly discuss examples of election-related mis- and disinformation in Chinese- and Spanish-speaking communities. In both cases, EIP analysts found that a majority of the observed content were translations of the same narratives that appeared in English—including those featured in prior sections of this chapter. However, there were also uniquely inflected narratives, outlets, and actors targeting these distinct communities.

Chinese-Language Misinformation

EIP analysts identified three types of Chinese-language misinformation: (1) misinformation translated directly from English-language media, (2) misinformation that originates from English-language media but is substantially altered during the adaptation to Chinese-language audiences, and (3) misinformation that originates from Chinese-language media and users.

Additionally, the EIP identified two actors that were prominent in spreading mis- and disinformation in the Chinese-language media sphere, with more complex motives and sophisticated distribution apparatuses: Falun Gong (法輪功), which owns and operates the Epoch Times, and Guo Wengui (also known as Miles Guo) and his associated media enterprises, including Himalaya Global and the GTV/GNews media group.

The more influential of the two is Falun Gong, an exiled, virulently anti-CCP Chinese religious movement.¹²¹ Its media empire consists of the Shen Yun dance troupe, US and overseas newspapers including the Epoch Times, television networks such as New Tang Dynasty TV, and the Sound of Hope Radio Network; the entire media complex has more than 12 million followers. The group's ideological commitments are fluid, save for a long-standing adversarial relationship with the CCP government, but in recent years have trended in a right-wing direction. Beginning in 2016, Falun Gong also grew more assertive in domestic politics in the US, embracing Trump administration rhetoric while pairing its habitual denunciations of the CCP with accusations that Democrats were colluding with them.¹²² In 2020 it published extensively on Hunter Biden's alleged ties to the Chinese government.¹²³

The other two entities—Himalaya Global and the GTV/GNews media group—maintain close connections to exiled billionaire real estate developer-turned-media tycoon Guo Wengui. Both have forged close connections with domestic US politics and politicians, and in particular former White House chief strategist Steve Bannon. Himalaya Global rarely produces information on its own. Instead, its primary focus is on translating information from English-speaking conservative news sources, including Fox News and Steve Bannon's War Room. It also features a channel of Guo's criticism of the CCP, which is a mixture of

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purported whistle-blower statements and conspiracy theories, and reiteration of his support of Donald Trump.¹²⁴ The GTV/Gnews media group, by contrast, was founded directly by Guo Wengui, with the goal of "taking down the CCP."¹²⁵ GTV/Gnews also reposted many of Bannon's War Room podcasts. During the 2020 election in the US, these two media entities actively reposted mis- and disinformation on both electoral processes and unverified stories about the Democratic candidate and his family, particularly on conservative alt-platform Parler. CCP state-backed media's contribution to mis- and disinformation is discussed in the box on 119.

Narratives Originating from English-Speaking Sources

Most of the election misinformation that gained widespread reach in the Chinese-American community stemmed from English conservative media sources, and content closely resembled that source material. Before the election, popular narratives from English-speaking media that made their way into Chinese-speaking online communities included accusations of Democrats manipulating the election, conspiracies surrounding mail-in-ballots, and theories about the Deep State.¹²⁶

Typically, Chinese-language content was published soon after its English version. On November 6, 2020, James O'Keefe of Project Veritas tweeted a video of USPS workers alleging that the USPS Postmaster in Pennsylvania ordered workers to fraudulently backdate ballots.¹²⁷ One day later, the Epoch Times published a Chinese-language article titled "Penn postal worker allegations: postmaster falsifies ballot dates."¹²⁸ The article summarized the videos posted by James O'Keefe without providing any new information. Similarly, the English-language right-wing news site Distributed News published a story on the "Scorecard" conspiracy described above. Soon after, the story was picked up and word-for-word republished by Sound of Hope, another media outlet owned and operated by Falun Gong and with a large online following.¹²⁹

Occasionally, Chinese-language users altered the message en route to a new audience. For example, in late October, English-language Twitter user @ThePubliusUSA posted a video purporting to be shot in a mailroom in Florida's Biden-leaning Miami-Dade County, depicting mounds of undelivered ballots alongside speculation that USPS failures were harming Biden's chances in the county.¹³⁰ The video went viral on Twitter before eventually spreading to Weibo, a Beijing-based Chinese-language social media platform, where a US-based Weibo user, Xiyatu Zhixia 西雅图夏至 (Seattle Summer Time), translated the description and shared it with her 119,180 followers. Notably, her interpretation was more circumspect than the original video's: "If this story proves true, if these are ballots, if the same situation is occurring at other post offices, the consequences will be serious."¹³¹

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Figure 3.49: Top, English-language speakers post a video purported to be filmed in a Miami mailroom; bottom, a Weibo user reposts the video, speculating that it might hurt the Democratic Party.

Narratives Unique to Chinese-Speaking Communities

Chinese-language media did originate its own misinformation, although less frequently. These narratives often added an angle alleging a covert relationship between the Democratic candidate (or Party) and the CCP, therefore accusing both the CCP government and the Democratic Party of corrupting the US election.

For example, a Facebook post from November 6, 2020, by Chen Junjun 陳君君 (Gentleman Chen), captioned as “South Park told the truth eight years ago: the CCP is behind the Democrat’s mail-in-ballots voter fraud,” featured a 2012 clip from South Park joking that Obama colluded with the Chinese to win the election.¹³² The video’s final frames claimed “Joe Biden is stealing the election” before exhorting viewers to “Support Trump fight back.” A “Himalayan global” icon in the final frame suggests the user may have lifted the video from Miles Guo’s media network.



Figure 3.50: A Twitter post accusing China of sending mail-in ballots to the US.¹³³

Very occasionally, Chinese-originated misinformation made new claims about

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the US election without a CCP link. On November 6, Epoch Times posted an article in which Gary Yang, a member of the Michigan Chinese Conservatives Alliance and a poll watcher at the TCF Center in Detroit, claimed that while he and another Republican observed that an estimated 7,000 to 10,000 ballots were counted on election night, ballot counters reported 50,000. He also claimed the staff were deliberately slowing down the counting process.¹³⁴ Although fact-checking information has not been offered to debunk this specific piece, there has been no convincing evidence of large-scale voter fraud in Michigan.

Spanish-Language Misinformation

Narratives Originating from English-Speaking Sources

Similarly to Chinese-language community misinformation, many of the misinformation narratives in the Spanish-language community did not originate from within the community. Most were translated from English and circulated via prominent platforms like Facebook, Twitter, and YouTube, as well as in closed group chat platforms like WhatsApp, and efforts often appeared coordinated across platforms.¹³⁵ Also similarly to Chinese misinformation dynamics, the most prominent narratives and those shared were either closely aligned with or completely repurposed from right-wing media outlets. Both grassroots users initiating bottom-up narratives and verified or large-audience influencers had key roles to play in the Spanish-language misinformation ecosystem.

Non-verified, grassroots users were an important source of the Spanish-language misinformation compilations surfaced by the EIP. Q-adherent users organically “bootstrapped” off English-language theories to present conspiratorial threads as intricate as those of their English counterparts. In a single thread, one such user linked together several false narratives: James O’Keefe’s Michigan USPS whistleblower story and the Hammer software narrative, both discussed above, and a generic QAnon rallying cry.¹³⁶ Twitter placed a label on the original tweet for the Hammer software claim within this longer thread; however, the label on this tweet does not automatically translate to Spanish, even if that is set as the default account language. This follows a broader trend observed throughout the election season, in which non-English language policy enforcement fell distinctly behind even when the narratives themselves were the same across languages.¹³⁷

The Spanish-language mis- and disinformation sphere also boasted several large-scale influencers who paralleled English-language repeat spreaders in disseminating the top narratives to large audiences. One example is Aliesky Rodriguez, a Cuban-American Trump supporter living in Florida, who hosts a livestreamed talk show that has peddled almost every one of the aforementioned narratives to his nearly 100,000 subscribers. Rodriguez’s videos often received between

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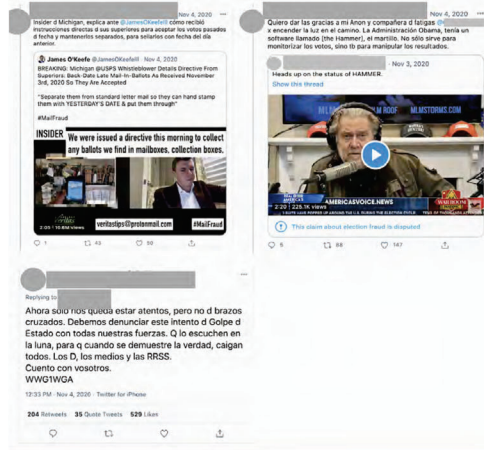


Figure 3.51: A QAnon-adherent Twitter user, now suspended, was extremely active during the election period, collating several English-language misinformation threads into long-form “educational” posts.

50,000 and 110,000 views. For comparison, prominent Spanish-language outlet Univision Noticias, with more than five million subscribers, often receives between 5,000 and 30,000 views per video.

Rodriguez's channel often involves screen sharing and live-translating English-language content while editorializing. On November 5, Rodriguez was joined by co-host Amelia Doval for a “live demo” of the dead voter narrative, one of the theories peddled by English-language repeat spreaders directly after the elections (see Figure 3.52 on the following page). Rodriguez and Doval exaggerated the impact of dead people voting to their Spanish-speaking audience. In subsequent shows, they covered topics such as Sydney Powell's “release the Kraken” statements (described in the Dominion section above), the Supreme Court rulings on contested election results, and the lead-up to the January 6 insurrection.

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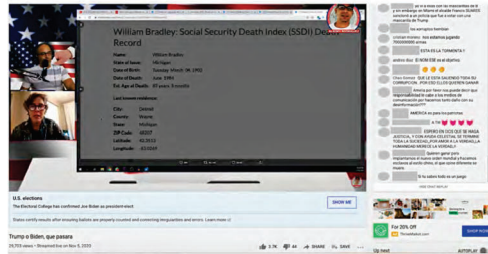


Figure 3.52: Alietsy Rodriguez and Amelia Doval push the dead voters narrative. Rodriguez's audience often comments on the "deep seeded corruption," uses proud statements that "AMERICA is for the patriots," or pivots into religious supplications for "CELESTIAL AID."



Figure 3.53: During a November 22 livestream, Rodriguez answered live viewer questions on the role of Sidney Powell in "dismantling the electoral fraud" against Donald Trump. A key facet of Rodriguez's videos is screen sharing and breaking down English-language tweets for his Spanish-language audience.

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These efforts often appeared to be coordinated across channels. For example, a November 6 video by Rodriguez migrated within moments from his channel to Mr. Capacho Tv's channel, one of the most popular sources for Spanish conspiracy theories.

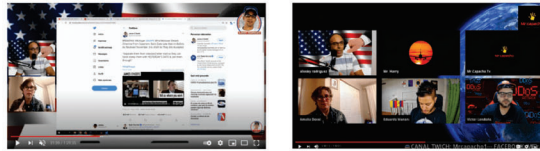


Figure 3.54: Aliesky Rodriguez's November 6, 2020, video on his YouTube channel appeared moments later on Mr. Capacho's channel.

Rodriguez's channel was neither the only example nor necessarily the most prominent in the entire Spanish-language misinformation landscape. However, this example illustrates the larger strategy used by many of his peers in serving English-originating misinformation narratives to a Spanish-speaking audience.

Narratives Unique to Spanish-Speaking Sources

Several outlets have reported on the different politically motivated disinformation narratives and QAnon conspiracy theories that spread within the Spanish-language communities leading into the election.¹³⁸ The most prominent such narrative connected Biden to socialism, which may have been intended to discourage Latino voters who fled the socialist regimes in Venezuela, Cuba, and Nicaragua from voting Democratic. However, since this content was not related to the election processes themselves, it was deemed out of scope of our overall EIP investigations.

Non-English Language Misinformation Impact

In both the Spanish- and Chinese-language communities the EIP monitored, the content that got the most engagement were those that translated claims of fraud and delegitimization from English into the audience's native language. While some original content was certainly present in each community, these narratives were secondary to those based on the "evidence" gathered from prominent English-language influencers and viral posts. Thus, although it is not a comprehensive solution, slowing the spread of English-language misinformation could still have a significant downstream impact on its virality in non-English language

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communities. Platforms can be more proactive at detecting this translation pipeline, and subsequently labeling this content in the appropriate language.

Culturally significant messages were sometimes added to the misinformation, complicating the fact-checking process. For Spanish-language users, this content usually took the form of religious commentary denouncing socialism and the left, which appeals to Latino audience members who come from religious, often Catholic, backgrounds and/or who fled a socialist regime in their birth country. For Chinese-language users, this took the form of alleged collusion with the Chinese government or the Communist Party. Effective fact-checks were notably lacking for both of these communities: improvements to this process should not merely translate the fact-checking content into the correct language, but also take these cultural aspects into account.

Foreign State-Backed Actors in the 2020 Election

It's difficult to rigorously compare foreign interference campaigns in the 2016 and 2020 US election cycles, given the enormous differences in awareness and preparedness between both electoral cycles.

In 2016, information operations on social media were a true blind spot for entities charged with protecting the integrity of the election, from Silicon Valley to Washington. The full scope of the Russian campaigns targeting the 2016 election only came to light in 2017-2018. By November 2020, a professional field had emerged that focused on ensuring these operations would be detected and exposed faster. Between December 2019 and Election Day, 12 foreign information operations focused on the US 2020 elections were detected, attributed, and exposed by platforms, government entities, and researchers. It is worth noting that this section only covers the operations that the Partnership investigated during the height of the electoral period, excluding the handful of foreign information operations targeting the US 2020 election that had been detected and deactivated months prior to the height of the electoral season.

A range of foreign actors were assessed to have a vested interest in the outcome of the elections, both in terms of the actual result and its reception by the American public. The Election Integrity Partnership prioritized monitoring actors based in China, Iran, and Russia during the election period. Using a combination of investigative methods and ongoing monitoring, the Partnership was able to track the covert and overt efforts made by foreign actors to influence the US 2020 election.

On the covert side, this notably involved monitoring new or continued activity from networks that have been previously attributed to Russia,

China, and Iran and were involved in targeting Americans via grey propaganda and social media engagement. In terms of covert operations, actors originating in these three countries appeared to take different approaches to the 2020 US elections. Assets linked to the former Russian Internet Research Agency (IRA) consistently amplified narratives about electoral fraud throughout the election and post-election period, primarily through their presence on alternative tech platforms like Parler and Gab.

On the overt side, a number of different approaches were taken. Live network maps provided by Graphika revealed that official state outlets affiliated with Russia, Iran, and China were publishing and commenting on the subject of the US elections throughout the campaign period. Russian state media and the social media presences of state officials and institutions were heavily engaged with the topic of the US elections. However, Chinese and Iranian state outlets were less consistent in their coverage. Both states adhered to the line that the elections were unimportant for their countries and would not affect their perspective on the relationship between themselves and the US. Instead, China and Iran concentrated on portraying the US as a lawless, "failed state."

Covert Operations

A variety of operations from state actors and organizations indicated that there were adversaries interested in targeting the 2020 election. There were disparate and somewhat unsuccessful attempts to lay the groundwork for information operations during the 2020 election cycle using techniques like faux news rooms, false personas, AI-generated faces, and manipulation of unwitting freelancers for reporting.

Russia

Russian efforts to target the US 2020 election can be traced back to earlier operations exposed in late 2019.¹³⁹ This section will focus on a small set of campaigns active around and throughout the height of the electoral season rather than provide a comprehensive survey of foreign information operations having targeted the US 2020 election.

On September 1, 2020, Facebook and Twitter announced that they had received investigative tips from the FBI regarding an IRA-linked website, "PeaceData," which recruited US-based freelancers to populate articles for a faux newsroom espousing left-wing political perspectives. Several platforms removed accounts associated with the operation.¹⁴⁰

In early October 2020, Graphika first reported on a set of Pages, profiles,

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and a website known as NAEBC, which is attributed to individuals associated with past IRA activity. This particular effort revolved around a fake far-right “newsroom” website, NAEBC, which stands for the “Newsroom for American and European Based Citizens.”¹⁴¹ This operation appeared to be the right-wing counterpart to the previously discussed “PeaceData” endeavor. This front media site had associated accounts operating on Parler and Gab, which functioned as an amplification network posing as conservative individuals who repeatedly shared its articles. Some of these personas authored content on the website. However, after the operation was exposed, the network stopped writing its own articles and instead focused on sharing content written by genuine, recruited right-wing individuals as well as content copied from known far-right websites. By the time of the US election, NAEBC-related assets had been removed from Twitter, Facebook, and LinkedIn. However, the amplifier accounts on Parler, Gab, and alternative platforms remained active throughout the duration of the election, and engaged in discussing the upcoming vote.

NAEBC contributed to many of the narratives discussed in this paper. During election week, articles posted on the operation’s website included a report on “massive voter fraud in Wisconsin,” coverage of Republican poll watchers being “blocked” in Philadelphia, and an article that portrayed Trump as a sacrificial demigod. These assets also shared a number of articles and commentary on civil unrest, including an editorial (copied from a US blog) that claimed, “Our dirty, dangerous, and diseased cities are now being destroyed by dirty, dangerous, and diseased animals.” After the election, the NAEBC accounts focused on Dominion voting software, particularly by claiming the company is tied to antifa. Despite building up their Parler and Gab presence in an attempt to generate interaction with memes and photomontages, and increasing their rate of posting throughout the electoral cycle, Russia-linked covert accounts did not achieve any significant traction with the targeted communities.

China

Similarly to Russia, networks of political spam accounts pertaining to a China-linked coordinated influence operation attempted to engage with American communities during the 2020 election—and were similarly unsuccessful. The Spamouflage network, which emerged as a Mandarin-language cluster of accounts that debuted English content in the summer of 2020, avoided mentioning the election directly, instead continuing to propagate content that portrays the US in a negative light.¹⁴²

The prolific Spamouflage network, which includes a large number of assets

with shallow or non-existent personas reposting and recycling a large volume of content, has been hit by a series of rolling takedowns since its exposure on YouTube (its primary platform), Facebook, and Twitter, forcing it to stand up dozens of new accounts each time. This cycle of suspensions led to a surge in Spamouflage videos being posted on new channels in September and October 2020, with up to 15 videos emerging per day, some of them shared by previous assets; they have not achieved any significant engagement.

On November 6, after the election had been called, a Spamouflage video referenced election-related protests in New York the previous day, without mentioning the vote. From November 10 onwards, Spamouflage videos commented on the election outcome as a further sign of the “impending collapse of America.” Some videos were particularly hostile toward Trump, but most were bipartisan in tone and focused on criticizing the entire structure of US politics. Throughout the election period, Spamouflage English-language videos contrasted the US response to COVID-19 with China’s response.

In addition to Spamouflage campaigns, Facebook unveiled a separate network of China-based inauthentic assets, which contained a very small number of assets supporting President Donald Trump or Joe Biden and a short-lived Group supporting former presidential candidate Pete Buttigieg. None of these had much traction by the time the platform took enforcement action.¹⁴³

In spite of this core difference in approach, Russian and Chinese covert operations both focused on the notion that the US is a “lawless state” facing an “inevitable civil war.” This theme was also noted by the EIP in its monitoring of the narratives circulated by official state outlets, and raises concerns about how covert operations from foreign actors can leverage the rallying calls of domestic extremist movements—in this case, accelerationism.

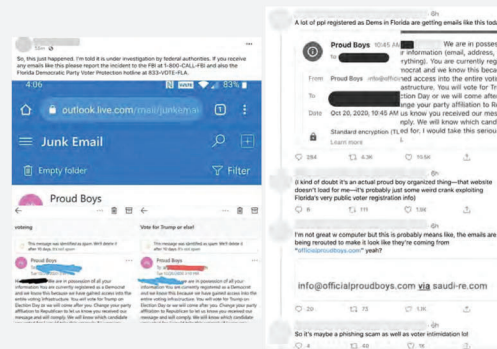
Iran

Iran similarly has a track record of information operations targeting US communities.¹⁴⁴ Note, for instance, a handful of websites and affiliated accounts referring to themselves as the “IUVM network” (standing for “International Union of Virtual Media”), which has created persistent information operations and triggered multiple waves of enforcement across platforms. In October, these Iranian operations saw a significant part of the domain names used to spread disinformation seized by the US Department of Justice.¹⁴⁵ However, other Iran-linked campaigns persist: less

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than a month before the US election, the Stanford Internet Observatory documented and analyzed a Twitter campaign attributed to Iranian actors in which actors compromised authentic accounts and created fake ones to disseminate content supporting Black Lives Matter.¹⁴⁶

On October 19 and 20, 2020, voters in multiple states including Alaska and Florida received emails purporting to be from the far-right group the Proud Boys, instructing them to vote for Donald Trump or face retaliation. Some of the emails included personal details of the voters in question. These emails appeared to come from “info@officialproudboys[.]com,” though it was later determined that this address had been spoofed and the emails had been sent from servers in Estonia, Saudi Arabia, and the United Arab Emirates. In some versions of the email, a video link was also included; this video purported to show someone accessing voter information and claiming to demonstrate a method of casting fake ballots.¹⁴⁷ The EIP obtained several of these emails, including from our partners at the NAACP.¹⁴⁸

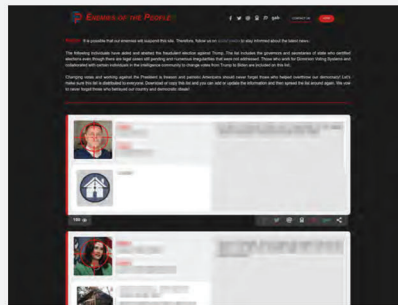


Texts sharing screenshots of emails purporting to be from the Proud Boys.

In a remarkably fast public attribution process, on October 22 the Department of Justice held a press conference attributing this activity to

Iran, though few details were provided.¹⁴⁹ During the conference, it was stated that both Russia and Iran had accessed US voter data; however, the information contained in the "Proud Boys" emails appeared to have been gathered from states that have publicly available voter registration information, meaning this campaign could have been carried out without needing to acquire any private data. The DOJ did not provide any additional evidence to support this attribution.

A series of websites created in early December showed an "Enemies of the People" list, showing the personal information of a number of elected officials and government employees who were countering claims of voter fraud in the 2020 election; the site also listed employees of election software manufacturer Dominion, reflecting the allegations promoted by the Trump legal team and right-wing media. This effort saw the operators including platforms such as Parler and Gab in their social media campaign. This activity was attributed to Iran by the FBI, as reported in the *Washington Post* on December 22.¹⁵⁰



Doxxing on the Enemies of the People website.

Overt/Openly Affiliated State Outlets

While covert information operations were scarce, state media propaganda activities continued to varying degrees. Russian state outlets, including Kremlin-affiliated media entities, diplomats, and other state representa-

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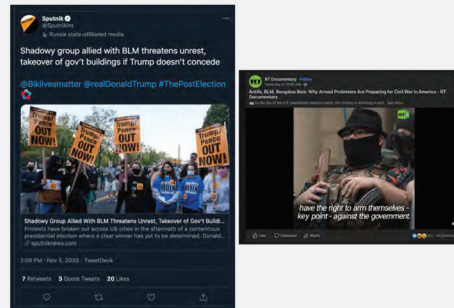
tives, were actively engaged in amplifying some of the most divisive stories described previously in this chapter, focusing predominantly on promoting Donald Trump and casting doubt on the integrity of the electoral system. China was relatively quiet for much of this period. Iran, similarly to China, did not spend much time on the election itself; it focused on portraying the US as a declining power with an electoral outcome of little consequence. 2.1 Russia Throughout the election period, Russian state-affiliated outlets (including state representatives) engaged heavily on the topic of voter fraud.¹⁵¹ In the lead-up to the election, there was a focus on the issue of mail-in ballots and amplifying allegations of interference from USPS workers, alongside accusations of Big Tech "interference" and "censorship." As the election approached, a number of the principal Kremlin-affiliated media outlets amplified domestic disinformation narratives about Joe Biden and his family. For example, in the month prior to the vote (October 3–November 3), RT (formerly Russia Today) published 52 articles and pieces of video content about Hunter Biden or the Biden family more broadly. This tranche of content includes op-eds with headlines like "Blaming Russia for Hunter's problems was a big misstep, Joe, and it may prove to be your downfall!" Notably, many of the more aggressive articles published during this period were opinion pieces posted on the RT and Sputnik websites rather than directly authored by the outlets.

The EIP, among others (including the Department of Homeland Security), also documented the concerted effort by Russian state outlets to amplify disinformation about mail-in voting in the run-up to the election.¹⁵² The Partnership processed over 35 tickets related to Russian outlets spreading election disinformation over the course of the monitoring period. There was one incident in which accusations of Russian activity required de-escalation. This incident culminated with the announcement made by National Intelligence Director John Ratcliffe on October 22 in which, alongside attributing the spoofed Proud Boys emails to Iran, he claimed that Russia had also obtained voter information that could be used to endanger the election.¹⁵³ Previous claims on social media, particularly on Twitter, Facebook, and Reddit, had alleged that registration data for 15 million voters in Florida had been hacked and posted on a Russian forum. However, the data of concern appeared to be standard public information made available by the State of Florida and not discernable evidence of a hack.¹⁵⁴ Ratcliffe's announcement appears to have referenced a different incident where private voter information was obtained.

Following election day, the focus of Russian state outlets appeared to shift to delegitimizing the results and alleging fraud on behalf of the Democrats

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on a broader, more systemic level. English-speaking followers of these outlets doubled down on the false Dominion narrative, “whistleblower” accounts from poll workers in swing states, and claims that the outcome had been pre-determined by a group of “shadowy elites.” A number of these narratives continued well into the post-election period. Additionally, Russian state media spread claims of civil unrest and violent protests. On Twitter and Facebook, Sputnik claimed that a Black Lives Matter-allied group threatened violence if Trump did not concede, and RT posted a documentary-style video pushing a “civil war” narrative. Russian state media also leveraged livestreamed video of protests and in-the-street actions from its entity Ruptly, which it aired on RT as well as lesser-known entities such as Redfish and In The Now.



Left, a tweet by Russian state-backed media property Sputnik claiming Black Lives Matter groups had threatened violence; right, an RT tweet of a video predicting civil war in America.

China

Chinese state media and official accounts appeared to be taking a relatively direct stance toward the topic of the US elections in the months prior to the vote, but as Election Day drew closer, Chinese state officials and media agencies grew quiet. After NCSC Director William Evanina's statement alleging electoral interference by China, Russia, and Iran (in that order),¹⁵⁵ election-related activity from state media and CCP spokespeople declined

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significantly. Reporters at state-backed outlets have said that they were told to ensure coverage was “calm” and “neutral,” and were advised not to focus on the election.¹⁵⁶

In one interview, Fu Cong, Director-General of Arms Control of the Ministry of Foreign Affairs, stated “Well, we know that the US general election is coming very soon. And I don’t want to make any comments that may be interpreted by the US as interfering in their internal affairs or in their general election.”¹⁵⁷ Following this guidance, the limited coverage that did exist was even in tone, with the exception of some editorials in state outlets that argued the election would make little difference to US-China relations, given what they described as bipartisan hostility toward China.

After the election, state representatives followed Xi Jinping’s lead and did not acknowledge the results until three weeks after the vote. State media covered the election results with a cautiously optimistic tone, but continued disparaging the US overall. In terms of reception, Chinese citizens tended to celebrate Joe Biden and mock Donald Trump, while Chinese Americans typically had mixed responses that leaned pro-Biden.

Notably, both Chinese state media and CCP representatives were willing to forcefully criticize the Trump administration, particularly Secretary of State Mike Pompeo, but they rarely attacked Trump himself and did not express any explicit candidate preference. Even during the week of the election, Foreign Ministry Spokesperson Hua Chunying harshly criticized the US while avoiding the election itself.¹⁵⁸ Throughout the election period, Hua appeared to shape the narratives and tone that CCP representatives then echoed. While she has significantly fewer followers than state media outlets, she is consistently the most-mentioned account among followers of Chinese outlets and CCP representatives.

Iran

Iranian state-backed outlets frequently used coverage of the US to diminish the country and cast Iran in a favorable light, but rarely engaged in what can be classified as the widespread propagation of disinformation. On occasion, Iranian outlets did publish content designed to attack the legitimacy of the American electoral process—saying it fell short of its democratic ideals and was likely to be marred by violence. This at times involved questioning American democracy altogether—in some cases using the voice of American academics, “analysts,” activists, or media outlets to do so.

During election week, Iranian officials sought to undermine the efficacy of the US system of government, with Ayatollah Ali Khamenei releasing a

speech in which he described the election as a “spectacle” showing the “ugly face of liberal democracy in the US” where the only certain outcome is “the political, civil, & moral decline of the US regime,” and furthered the narrative that the US was facing an existential crisis.¹⁵⁹ Broader Iranian coverage focused on domestic issues like racial disparities and social divisions, the treatment of protesters and minorities by the police, and growing fears of civil unrest within the US.

In a similar vein, Tehran-based Mehr News Agency used an October report from the Department of Homeland Security warning about foreign election interference to suggest that such warnings were “old ways” of “creating panic” among the American public and were designed to induce participation in the electoral process—and presumably to lend the election a stronger legitimacy.¹⁶⁰ In at least one instance, Iranian outlets used a report from The Hill about concerns over the absentee voting system in Texas to heighten fears of voter suppression in the US.¹⁶¹

Through quotes from official and op-ed pieces, Mehr, Fars, Tasnim, and other Iranian state-backed outlets frequently promoted the notion that Trump and Biden were roughly equivalent in terms of their antagonism toward the interests of the Regime and the Iranian people, and so the outcome of the election was largely irrelevant to Iranian interests. However, at times these outlets showed a slight preference for a Biden administration if only because of President Trump’s open hostility toward the country. This narrative stayed fairly consistent even in the days following the election, with only minor adjustments.

3.6 Fact-Checking Claims and Narratives

In some cases, the direction and life cycle of a narrative can be diverted, or even stopped, by way of authoritative fact-checking. As narratives containing misinformation and conspiracy theories about the election emerged and spread on social media, fact-checking by news sites, professional organizations, and election officials often followed—but their efforts were not uniformly received. Some high-profile narratives were fact-checked and easily debunked by journalists, government officials, and mainstream media, including EIP partners. Other false narratives escaped the notice of the fact-checking community for weeks, or were never fact-checked at all.

In the following section, we examine examples of the fact-checking response to two of our prominent misinformation case studies from earlier in the chapter: Sharpiegate and Dominion Voting Systems.

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Case Study 1: Fact-Checking Sharpiegate

As the Sharpiegate narrative grew on Election Day and the days immediately following, government offices and news media began to fact-check the claims. This was particularly true in Arizona. On November 3, 2020, at 12:09 pm PT, before polls had even closed, the Maricopa County Elections Department posted a video that debunked these claims to their Facebook account.¹⁶² Many commenters remained unconvinced: some of the most popular comments on the video claimed that their ballots were canceled, and attributed this to using a Sharpie. Despite this initial attempt at debunking, posts on social platforms continued to propagate the misinformation narrative of election fraud based on the breadth of Sharpie use and the “massive bleed through” they cause.

The next morning, November 4 at 8:50 am PT, Pima County released a tweet thread citing the Arizona Election Manual, clarifying that all ballots would be counted regardless of the type of writing implement used.¹⁶³ Again, many of the commenters who replied were skeptical at best: comments mostly questioned why officials would allow the usage of felt-tip or Sharpie markers if there was the chance of bleeding through the ballot. Other comments pushed back on the officials’ claims, asked follow-up questions, and continued to allege that the officials were guilty of fraud because of the “suspicious” nature of the clarification. The Maricopa County Board of Supervisors posted an open letter to Maricopa County voters, articulating that accurate vote counting was a bipartisan commitment, and took on Sharpiegate directly: “sharpies do not invalidate ballots. We did extensive testing on multiple different types of ink with our new vote tabulation equipment. Sharpies are recommended by the manufacturer because they provide the fastest-drying ink. The offset columns on ballots ensure that any bleed-through will not impact your vote.”¹⁶⁴

More fact-checks appeared that same day. Arizona Secretary of State Katie Hobbs released a Twitter thread debunking Sharpiegate, with a marginally more positive effect (and over 12,000 engagements), and AZ Family News published a fact-check linking to Hobbs’s tweet thread and the Maricopa County video.¹⁶⁵ But the misleading narrative continued to spread.

Despite these early fact-checks by government officials, the platforms’ responses to the claims were neither timely nor standardized. On Twitter, some Sharpiegate content came down, other tweets were labeled, and still others were left untouched. Facebook, Instagram, and TikTok had similar responses: labeling and removing some, but not all, of the Sharpiegate content. The YouTube videos related to the Sharpiegate narrative were labeled, but none were taken down.

Despite the many efforts made by news outlets and state officials to fact-check these claims, the narrative spread quickly, and the same misleading content appeared across multiple platforms. The Sharpiegate narrative reached thou-

sands of individuals and inspired some of them to organize and participate in real-world protests.¹⁶⁶ Despite the prompt attempted debunking of these claims, belief in Sharpiegate persisted, and it was ultimately incorporated into the broader subsequent Stop the Steal narrative.

Case Study 2: Fact-Checking the Dominion Narrative

As the allegations against Dominion Voting Systems moved from Georgia to Michigan to states across the country, fact-checkers tried to keep up. On November 6, the Michigan Department of State issued a statement on its website refuting allegations that Dominion Voting Systems was responsible for voter fraud in Antrim County.¹⁶⁷ The statement was subsequently shared by the Michigan Department of State's Twitter account, with responses in the comments varying from gratitude for the clarification to outright denial of the Department's refutation.¹⁶⁸

Similarly, on November 12, CISA released a statement certifying that there was "no evidence that any voting system deleted or lost votes, changed votes, or was in any way compromised."¹⁶⁹ CISA's findings were subsequently corroborated by the US Department of Justice when Attorney General Bill Barr confirmed that there was no evidence of widespread voter fraud.¹⁷⁰

The narrative also centered on the swing states of Arizona, Georgia, and Pennsylvania; in each state, fact-checkers debunked the claims. In Arizona, the Maricopa County Board of Supervisors refuted claims of voter fraud by Dominion Voting Systems in a public statement.¹⁷¹ The Georgia Secretary of State released a statement confirming that "the original machine count accurately portrayed the winner of the election."¹⁷² In Pennsylvania, the state validated the accuracy of the voting machines and their official tallies, further highlighting that Dominion Voting machines had not been used in counties such as Allegheny and Philadelphia—counties that Trump falsely claimed were responsible for rigging the election.

Dominion Voting Systems released its own statement debunking claims that its systems were used to switch votes or to fraudulently cast votes. The statement cited evidence to refute claims of vote manipulation in the same four states: Arizona, Georgia, Michigan, and Pennsylvania.¹⁷³

Though false allegations of voter fraud due to Dominion Voting machines were repeatedly debunked, propagation of misinformation relating to vote tabulation and voting interference nonetheless appears to have had a significant impact on how the 2020 election was perceived—social media commentary alleging malfeasance was extensive and widespread. Nearly a month after the election, election officials and public officials in Georgia were still continuing to hold press conferences to debunk the misinformation.¹⁷⁴ Even beyond that, members

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of the Trump administration as well as Trump's supporters continued to pursue allegations of fraud related to the Dominion voting machines (discussed further in Chapter 4), which repeatedly reinforced claims of a rigged election among supporters. This case was an example of the balancing act that must take place when fact-checking: because fact-checking can draw further attention to misinformation or conspiracy, individuals or organizations debunking stories must take care to not unintentionally amplify narratives that could cause real world harm, fear, or suppression.¹⁷⁵

3.7 Final Observations

Tickets processed by the Election Integrity Partnership and external organizations were diverse—focused on different real or purported incidents, in different states, over the course of months. The Partnership's breadth of exposure to election-related narratives provides unique insight into how misinformation evolved and the themes that cut across these discrete time periods. We conclude with five reflections on election-related misinformation narratives:

1. Researchers can predict, but not necessarily prevent, these dynamics.

On October 26, 2020, during the pre-election stage, a team of EIP researchers published a piece, "Uncertainty and Misinformation: What to Expect on Election Night and Days After."¹⁷⁶ This blog post presented a set of expectations, including that the winner of the election would not be known on election night, that red/blue or blue/red shifts would create opportunity for political actors and conspiracy theorists to delegitimize the election, that voting process failures would be strategically framed and overemphasized to fit misleading narratives, and that "bad statistics" would be selectively highlighted.

The EIP post demonstrates the extent to which election-related misinformation was predictable. As described throughout this chapter, many of these predictions were realized. However, ease of prediction does not necessarily correlate with ease of prevention. Although the EIP and others published advice for journalists covering the election and many journalists followed best practices, the predictable misinformation narratives still played out during and after election night. Further research should explore the effectiveness of prebunk/inoculation strategies, clear journalistic coverage, and fact-checking in the 2020 election. The post also suggests the need for more ambitious models to counter predictable election-related misinformation, and the difficulty credible journalists will face in trying to prevent election-related misinformation altogether. Platforms also, to our knowledge, did not adequately systemize the predictability of certain narratives to create preventative policies.

2. Non-falsifiable misinformation provides challenges for platforms.

The election information ecosphere was replete with non-falsifiable claims. For example, when Project Veritas relies on anonymous whistleblowers, it is difficult for independent news outlets to determine the veracity of the whistleblowers' claims. Likewise, when social media users post that a "friend of a friend" experienced or witnessed a particular event, researchers can't reliably prove that the claim of an unnamed "friend" is false.

Non-falsifiable narratives erode the information ecosphere; the clarity of fact and the power of credible voices is muddled by non-falsifiable noise. In the 2020 election, the EIP witnessed numerous non-falsifiable tickets—some labeled by platforms, others not—which contributed to broader narratives that the election was unreliable or rigged. And when clearly falsifiable narratives were fact-checked, they still became part of the conspiratorial discourse about election fraud. Non-falsifiable information created for political gain will continue to be a challenge for platforms moving forward. But so will clearly falsifiable information, if platforms do not adequately and consistently take action against false claims.

3. Frames, not just facts, set the course.

Much of the misinformation the EIP observed in the 2020 election—including non-falsifiable content—relied on framing. As we will describe in Chapter 4, "frames highlight some bits of information about an item that is the subject of a communication, thereby elevating them in salience."¹⁷⁷ Whether a mail-dumping incident is seen as a one-off mistake by a postal service agent or as Democrats stealing the election, or whether a red mirage/blue wave is evidence of mail-in ballots arriving after Election Day or a conspiracy at work, depends on how the event is framed.

Misinformation in the 2020 election cycle shows that how information is packaged largely determines the effect of that information. In Chapter 4, we'll describe how different actors use framing techniques to channel information to align with their priors and their favored outcomes.

4. From online to off—election-related misinformation can have real-world effects.

One of the biggest challenges in the misinformation research community is how to measure effects. The baseline is often to use engagement statistics—how many people like, comment, or share a post, for example. Throughout this report, we often refer to such engagement statistics. However, there is a gap between engagement on social media and change in attitudes or behaviors. Just because someone "likes" a piece of misinformation does not necessarily mean that they believe it or that it changed their view.

In this election cycle, EIP partners observed misinformation on social media form the basis of real-world actions—including the formation of activist groups and protests, and ultimately a violent insurrection at the Capitol. Misinformation in

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the pre-election stage undermined confidence in mail-in voting, delegitimizing the election process and setting the stage for post-election claims that the election was stolen. For months, right-wing social media users had been fed online “evidence” of a rigged election, coalescing into a movement to #StoptheSteal. Right-wing social media personalities—including individuals who have repeatedly been tied to spreading misinformation and conspiracy theories—created a website and email discussion list for #StoptheSteal supporters to mobilize.¹⁷⁸ Over a month after the election, #StoptheSteal events continued to take place nationwide—some with kinetic effects including stabbings and other violence.¹⁷⁹

On January 6, the real-world effects of election-related misinformation reached fever pitch. Ali Alexander and other right-wing influencers had encouraged Trump supporters throughout the country to converge on Washington, DC, to protest in person. That morning, the President told a crowd of supporters that “this election was stolen from you, from me, from the country” and encouraged his supporters to march on the Capitol. A group of these protestors—including white supremacists and QAnon believers—violently broke into the Capitol, killing Capitol Police officer Brian Sicknick; four others died during the riot. The series of events shows that online misinformation can engender real-life radicalization with deadly consequences. Even as some social media platforms removed content from the day, the stain on American democracy remains.

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Cross-platform and Participatory Misinformation: Structure and Dynamics

4.1 Introduction

In this chapter, we attempt to understand how false and misleading narratives about the 2020 election, highlighted in Chapter 3, took shape and spread across a multiplatform information ecosystem. During the 2020 election, misinformation was shared across a range of social media—from broadly popular platforms like Facebook, Instagram, Twitter, and YouTube, to niche sites like Reddit, to up-and-coming sites like Periscope and TikTok, to “alt-platforms” such as Parler, and to message boards such as the chans or thedonald.win. These diverse platforms were leveraged in distinct and often complementary ways by those spreading false and misleading information about the election. Additionally, algorithmic curation systems shape the dynamics of social networks, and behaviors that manifest across them, as engagement begets algorithmic amplification, complicating the story of how content is created, disseminated, and reaches end users. Here we examine the underlying structure of this ecosystem—the different platforms involved, and the way information moves between them. We consider the affordances of their features, which enable communities to form, and enable individuals to activate those communities.

Much of the misinformation narratives that we articulated in Chapter 3 involved the active participation of ordinary people. But rank-and-file accounts and influencers alike strive to capture the attention of larger and larger audiences, in a bid, ultimately, to gain the power that such attention confers.¹ For each social platform, we consider the “work” that is done to create and spread narratives—

4. Cross-platform and Participatory Misinformation: Structure and Dynamics

what we might infer as tactics as well as other dynamics—to describe how these false narratives developed, and to highlight the techniques used to produce them, spread them, and sustain them over time.

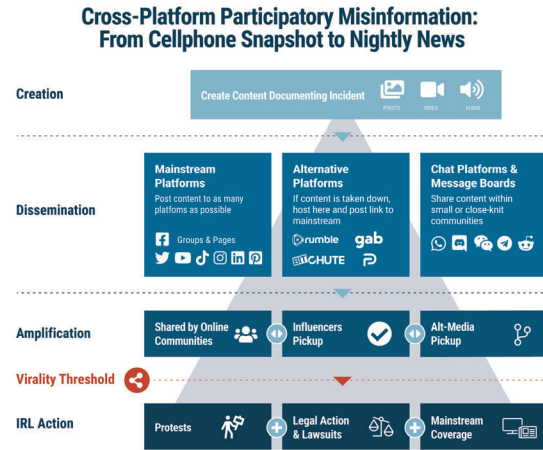
4.2 Cross-Platform Information Sharing

Each platform enables different kinds of social and information interactions; for example, TikTok's user base has a large youth component, and Parler has positioned itself as a destination for conservative users who have experienced—or have perceived they have experienced—censorship on other platforms.² Many of these platforms allow content sharing from other platforms, and from the broader information space that includes countless websites, from established news media outlets to conspiracy theory blogs. And though journalists and researchers sometimes draw a distinction between social media and mass media, in a broader view, there are myriad connections between them, as, for example, cable news pundits craft their evening shows based on content that went “viral” that day on social media.³

In addition, internet usage statistics suggest that most online information participants—or “users”—are not siloed in a single platform, but turn to different platforms for different reasons.⁴ Political activists and others who wish to shape public opinion also employ multiplatform strategies, leveraging different platforms for different parts of their information strategies, and often intentionally moving content from one platform to another.

To facilitate our study of cross-platform misinformation, we grouped tickets created during our monitoring period into incidents: the information cascades that relate to a specific information event or claim, as described in Chapter 3 and discussed more fully in Chapter 5. We used a mixed-method approach to analysis, combining real-time forensic documentation of individual tickets with follow-up qualitative and quantitative analyses of specific incidents and narratives.

We observed that interactions between platforms created emergent cross-platform dynamics. For example, while Facebook was a place to reach large audiences and organize action, Twitter was a place to mobilize and “eventize” longer-form content stored elsewhere. Platform policies shaped some of these dynamics: moderation could lead to inter- and intraplatform spread, as users shared screenshots of deleted content or posted it to platforms with less stringent policies. Below we describe the roles that each platform plays in the election-related mis- and disinformation ecosystem.



Facebook's Role: Public Posts to Reach Large Audiences; Groups for Organizing Protests

Facebook remains a widely popular social media platform, averaging around 2.7 billion active users across the globe.⁵ For media outlets, information operators, and even ordinary people, Facebook represents an opportunity to reach large audiences. Public Pages can attract millions of followers, turning their creators into influencers with reach potential on par with some mass media outlets. Groups can be places where people congregate—in public and “private”—around a range of affinities. Through sharing functionality, content can move freely and rapidly between Groups, Pages, and personal accounts and their socially connected networks. Though our view into Facebook was limited to public content, we were still able to document the platform's role in the spread of several false and misleading narratives.

4. Cross-platform and Participatory Misinformation: Structure and Dynamics

Facebook Pages as a Place to Reach Massive Audiences

A number of partisan media and other right-wing influencers who appeared in our data collection used their Facebook Pages to spread false and misleading information about the election. Often, this was part of a multiplatform media strategy. On Facebook, this content received significant engagement, including tens of thousands of reshares for some posts and moving from public Pages to personal Facebook feeds.

Facebook Groups as a Place to Share Rumors and Organize

Facebook Groups, both public and private, served as virtual places to come together and share stories of perceived election fraud and to organize a collective response. Perhaps the most successful was the STOP THE STEAL Facebook Group (discussed in detail in Chapter 3). The public Group started as a place to share stories, both first- and secondhand, about a potential “stolen election”—stories that were subsequently reshared through Facebook and cross-posted to other platforms. It grew rapidly, reaching 320,000 users in less than a day, assisted by cross-posted advertisements from right-wing influencers on Twitter.⁶ It, along with other Facebook Groups, quickly evolved into a place to organize protests; as some of the rhetoric grew violent and election workers were threatened, Facebook removed STOP THE STEAL less than a day after launch. Nevertheless, similar groups, albeit at smaller scales, continued to emerge after this takedown, as people looked for places to gather and ways to coordinate protest. In one case, a group of individuals organized a peaceful protest using a private Facebook Group.⁷ But their call-to-action was spread publicly and lost contextualizing information along the way, which led to a more chaotic protest.

Twitter’s Role: Mobilizing Content from Other Platforms; Connecting to Media Outlets and other Influencers; Networked Framing

Mobilizing Content from Other Platforms

In the cross-platform spread of misinformation about the election, the Twitter platform served several diverse roles. A primary role was to provide a place to draw attention to content such as news articles, videos, and livestreams hosted elsewhere in the media ecosystem. The real-time nature of the platform provided an opportunity to connect existing content to the current news cycle, while platform affordances like short-form messaging and hashtag referencing enabled seemingly disparate narratives to be cross-referenced and integrated

from other sources. In particular, cross-posting from YouTube to Twitter was salient in our election integrity incidents, as shown in Figure 4.1.

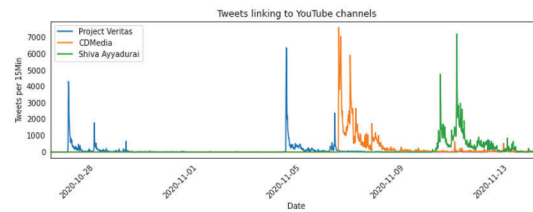


Figure 4.1: Temporal graph of tweets and retweets linking to prominent YouTube channels over time, in tweets per 15 minutes, for three prominent repeat spreaders (described in Chapter 5).

By cross-posting their videos to Twitter, repeat spreaders worked to popularize videos alleging election fraud. In some cases, the Twitter spikes align closely with the release of a new video. The tweets linking to Project Veritas, a right-leaning activist media group, follow this pattern—each burst is related to a different video. In other cases, e.g., tweets linking to compilation videos produced by right-leaning CDMedia and Dr. Shiva Ayyadurai (a coronavirus and election-related conspiracy theorist and anti-vaccine activist, also known as Dr. Shiva), the same video is mobilized (re-introduced and widely spread) multiple times. Information cascades related to content from Project Veritas and Ayyadurai are described in Chapter 5.

YouTube was not the only platform to serve as host for long-form videos subsequently linked to Twitter to reach a larger audience. For example, Ayyadurai's statistics-based content was regularly hosted on Periscope but cross-posted on Twitter to expand viewership and connect with other incidents using hashtags and tagging influential users.

Connecting to Influencers

Twitter also allowed prominent spreaders of election-related mis- and disinformation to direct the attention of their own large audiences, as well as other influencers, to a specific piece of content; the content was then amplified across platforms by this audience of influential users, journalists, and politicians, including President Trump, his campaign team, and his family.

The cross-platform nature of this amplification draws attention to the dynamics of “networked framing” (see box on page 166). Twitter often served as the focal

4. Cross-platform and Participatory Misinformation: Structure and Dynamics

point for these collective narratives. In addition to the size of its audience, the platform's mobile connectivity enabled disconnected fraud narratives to be drawn together and assembled into specific frames (i.e., widespread election fraud) using content from other websites and social media platforms.

For example, the Hammer and Scorecard/Dominion narratives described in Chapter 3 began with claims of poll glitches in online conversations on websites and Twitter, then spread through YouTube videos and the use of hashtags related to the incident on Twitter and other platforms, such as Parler and Reddit. From there, high-profile accounts drew further attention to the incidents, as did hyperpartisan news websites like The Gateway Pundit, which used Twitter to promote its article discussing the incident.⁸ This collective Dominion narrative spread has since grown, having been subsequently promoted by the Proud Boys, The Western Journal, and Mike Huckabee across a number of platforms, including Facebook, Twitter, Instagram, Telegram, Parler, and Gab.⁹ On each platform, these narratives remain tethered together by relying on the Twitter hashtags #dominionvotingsystems and #dominionsoftware. By bouncing unreliable evidence back and forth from Twitter to other social media platforms, what were initially unremarkable incidents confined to local counties became a national story, much like the Stop The Steal and Sharpiegat narratives.

Megathreads

An additional technique unique to Twitter, due to its specific affordances around threading and content temporality, was the use of “megathreads”—dozens or even hundreds of tweets connected through reply-chains—to connect a mix of real incidents as well as false and misleading claims into a long narrative alleging fraud and attempting to delegitimize the election. One such thread featured detailed allegations of fraud, state-by-state, through over 100 author-appended replies to a single tweet, linking to a number of external website sources and content on other social media platforms. These types of threads leverage platform-specific design affordances: the list-based nature of megathreads allows them to be recycled in terms of their visibility and engagement each time a new item is added to the list.

Cross-Platform Sharing to Evade Moderation on Twitter

For both Twitter megathreads and single posts spreading misinformation, the cross-platform nature of these narratives also limited the efficacy of the platform's response. We saw numerous cases in which misinformation first shared on Twitter continued to spread on other platforms even after it was removed—in some cases, a simple screenshot of the since-removed tweet was shared elsewhere—as illustrated in Figure 4.2 on the facing page.

4.2. Cross-Platform Information Sharing

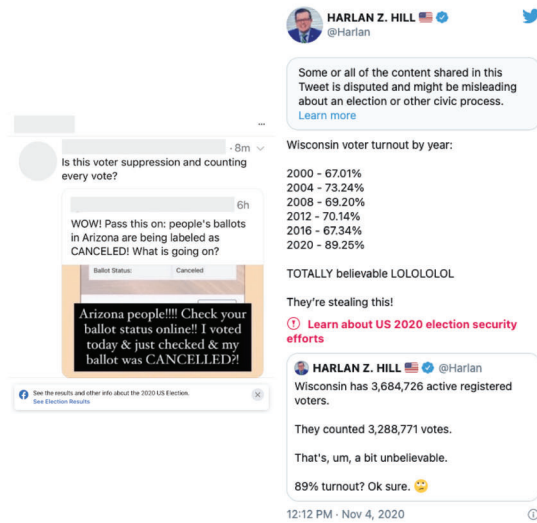


Figure 4.2: Screenshots of cross-posting on Facebook (left) and Reddit (right).

On the left, we see a Facebook user posting a screenshot of his own reply on Twitter to perpetuate a disproven narrative even after it was removed on Twitter. On the right we find a similar instance on Reddit, where a tweet by political consultant Harlan Hill alleging a stolen election was hidden behind a label on Twitter but is presented in full on Reddit.

In these ways and others, Twitter served to perpetuate and amplify misinformation narratives despite efforts to limit its involvement.

YouTube's Role: A Resource for Livestreams, Compilations, and Mobilizations

Most major platforms now have the capacity for sharing video; however, YouTube exists as a uniquely popular platform for videos that are long-format and can be monetized. While search and recommendation functions exist within YouTube, traffic is often driven from other platforms. During the 2020 election, YouTube provided a space for video-format misinformation that could be shared easily across platforms. The platform functioned both to provide official and familiar-looking “evidence” for misleading narratives and to consolidate otherwise disparate narratives as part of a broader picture.

Compilation and Long-Form Videos

One effective form of YouTube content—in terms of spreading misleading narratives about the election—were compilations, or videos that synthesized content across different events and narratives.¹⁰ Though these longer videos may not have the potential for mass virality, they exist as touchstones for other misinformation superspreaders to continuously refer back to—from other locations in the information ecosystem—as supportive evidence of the veracity of their narratives.

These YouTube videos presented challenges to media literacy. They were typically produced by partisan news outlets or users and organizations with a large presence on other platforms. These groups harnessed high production quality and verified accounts to create videos that either misled the public through deceptive editing or compiled multiple false and misleading narratives. Mainstream, cable, and hyperpartisan news outlets alike host content on YouTube, and much of it has a similar format, look, and feel. For example, Project Veritas's videos often begin with host James O'Keefe sitting in what appears to be a well-established newsroom, and Shiva Ayyadurai's videos present him as an expert source on a television news show.

Another consequence of the long-form, multinarrative nature of YouTube videos is that misinformation—and even more so, disinformation—can be difficult for the general public to discern. A video containing several distinct narratives would require substantial time on the part of a scrupulous viewer to evaluate. This long-winded approach to misinforming can overwhelm, creating the impression of election fraud without the viewer critically evaluating, or even remembering, the slate of “evidence.”

Livestreams

YouTube is also used to build an audience for a unique type of content producer—the livestreamer.¹¹ Several of the top accounts in our YouTube analyses are

conservative influencers who have used YouTube Live to build their following and subsequently spread mis- and disinformation. These include right-wing pundit Stephen Crowder, who hosts a daily livestreamed commentary show, and Dr. Ayyadurai. The YouTube Live feature (and its counterparts on other platforms, such as Facebook Live) create complex moderation challenges for platforms wishing to minimize misinformation, as the streams are often boosted in the moment by platform algorithms, though there is little opportunity to address claims in real time. Videos often persist on the platform permanently, where they continue to rack up views. However, in their permanent state they may be labeled. The top-viewed video in our data sample, for instance, is a livestream by Stephen Crowder titled “Live Updates: Democrats Try to Steal Election!” that aired on November 4 and has subsequently gained over 5 million views. It was eventually labeled: “Robust safeguards help ensure the integrity of election results.”

Long-Tail Platforms for Unique Formats and Niche Communities

As mainstream platforms tend to exhibit some content moderation, these actions feed into narratives of “censorship,” leading some users to seek alternative forums. These range from smaller platforms like TikTok, to almost entirely unmoderated spaces like 8Kun and Discord, to places where moderation is minimal, like Parler¹² and some subreddits. The entirely unregulated spaces function as a breeding ground for more extreme narratives involving the Deep State, QAnon, and encouragement of political violence. However, these platforms’ relatively small user base necessitates misinformation leaking or being ported into more mainstream sites in order for it to have impact.

Misinformation Narratives Reappearing on TikTok

One phenomenon we observed was content that originated on other platforms such as Twitter, Facebook, and Instagram, then reappeared on TikTok. A common tactic was the use of TikTok’s “green screen” feature, where users create a video with an uploaded image, screen capture, or video as the background. For example, as displayed in Figure 4.3 on the next page, tweets that shared misleading graphs aimed to delegitimize the election results in Michigan and Wisconsin were reshared as backgrounds on TikTok, where users discussed the conspiracies.

Sometimes, content was actioned by one platform while it persisted unactioned on another. Figure 4.4 on page 159 below shows how one user, when TikTok took down a debunked video, used the platform’s green screen function to direct

4. Cross-platform and Participatory Misinformation: Structure and Dynamics

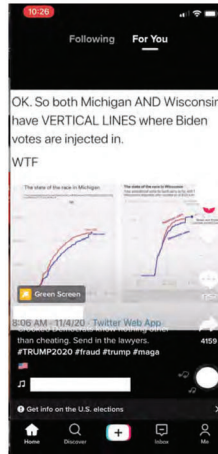


Figure 4.3: A TikTok user reshares a tweet displaying misleading graphs to support the false narrative that the results in Michigan and Wisconsin have been rigged. The video received 29,000 views, 1,751 comments, and 4,159 shares before being taken down.

his followers to the same video on Instagram. TikTok and Instagram have since removed both videos.

Instagramming Screenshots of Posts on Other Platforms

Similar to TikTok, misleading content about the election on other platforms appeared later on Instagram. For example, several of the highly engaged-with Instagram posts from repeat spreaders consisted of screenshots of tweets—often tweets authored by other people. Many of these images included additional visual effects, such as added or crossed-out text, to reinforce, refine, or counter the meaning or framing in the original content. Some of the most influential repeat spreaders used Instagram as part of a multiplatform strategy, adapting their content to Instagram's image-based format.

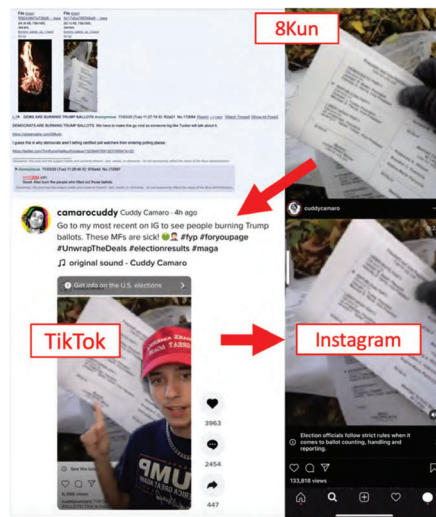


Figure 4.4: Cross-platform spread of a now-debunked video. Top left, a video allegedly showing burning ballots is posted to 8Kun on November 3, 2020, 11:27 am PT. Top right, a screen capture of the video that was posted to 8Kun. Bottom left, the next day at 2:00 pm PT, TikTok user Cuddy Camaro (@camarocuddy) posted a video using the 8kun video as his green screen. In the video, Camaro states that TikTok won't let him upload the video, so he directs people to his Instagram account (@cuddycamaro), where he has posted the video. Bottom right, on Instagram, his post with the video received over 133,000 views by November 4, 2020, 5:00 pm PT, before it was taken down a few hours later.

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Parler as an Emerging Meeting Place for Right Wing Influencers and Audiences

Parler was another smaller, emergent platform that came to play a significant role in the 2020 election as a community for pro-Trump activism and perpetuation of pro-Trump conspiracy theories post-election.¹³ Unlike other platforms involved in the active, participatory cross-platform information flows described in this section, Parler largely served as something of an echo chamber set apart from the major platforms. While content from websites, Twitter, and YouTube were shared to Parler, the reverse was infrequent.

Parler was established in 2018 as a “censorship-resistant” platform catering to right-leaning users and funded by conservative donors, including Rebekah Mercer. Its founders and early adopters—such as part-owner and prominent pro-Trump political commentator Dan Bongino—recruited its userbase from right-leaning audiences who had come to feel that mainstream platforms were censoring them. Several of Parler’s earliest prominent accounts were individuals who had, in fact, been deplatformed on mainstream social media for specific rules violations, such as Alex Jones and Roger Stone.¹⁴ Users joined in bursts that were often tied to a particular allegation of censorship; in late June 2020, for example, when Twitter’s application of a fact-check label to President Trump’s tweets outraged his fan base, and again, in October 2020, when mainstream platforms chose to down-rank or not host private adult content from Hunter Biden’s laptop. On Parler, such content was easy to find. Parler’s commitment to “free speech” (and to not fact-checking information)¹⁵ meant that some of the wilder conspiracy theories and rhetoric about stolen elections—particularly rhetoric with violent undertones—were contextualized, throttled, or taken down by major platforms but moved freely within the Parler community. Members of communities on larger platforms, such as Facebook Groups, recognized this; we observed users within Groups that focused on election rumors and misinformation encouraging other members to create Parler accounts so that they could talk about the claims there.

Parler’s user base saw significant growth in the days after the election.¹⁶ Many of its users joined because of their belief in conspiratorial narratives such as Hammer and Scorecard, which remained popular on Parler nearly two months after the election. However, Parler lacked certain features, such as Groups and the ability to sort by top posts, that have made its larger competitors more effective as places to convene for online activism. After its decision not to moderate violent content in the days leading up to the January 6 insurrection at the Capitol, it also struggled to retain hosting: Amazon, Apple, and Google each took action to remove it from their infrastructure, and it was only back online, with a new hosting service, as of February 16, 2021.

Messaging Tools

Beyond platforms, false and misleading claims also proliferated via messaging tools. For example, multiple Miami residents received texts claiming that antifa and BLM protestors planned to terrorize the Miami area following the election. This example highlights how misinformation can be highly localized and originate from sources other than social or broadcast media.



Figure 4.5: A text sent to some Miami residents falsely warning about antifa and BLM protestors.

Cross-Platform Migration as a Demand-Side Issue

Not only did content move across platforms—users themselves moved as well. Researchers often focus on the supply-side of mis- and disinformation—such as how misinformation spreads and its prominence during election cycles.¹⁷ In the 2020 election, the response of social media users to content moderation policies—namely, migrating to alternative platforms such as Parler—foregrounded the demand side of misinformation as well.

In line with their content moderation policies, and as described in Chapters 2 and 6, Twitter and Facebook used labeling and content removal to limit election-related misinformation on their websites. A subset of social media users responded to such moderation with claims of liberal censorship, and migrated to platforms with weaker content moderation policies, like Parler. Parler CEO John Matze said that more than 4.5 million new people signed up for the platform in about a week. While it's yet to be seen whether Parler's newfound popularity

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will continue (some evidence suggests Parler has seen a drop in usage from its pre-election days, and the platform has only recently regained a hosting service after the major ones dropped it), the migration suggests that content moderation by the major platforms won't solve the misinformation crisis entirely.

4.3 Dynamics of 2020 Election Misinformation

The Timeline

Misleading information about the 2020 election followed interesting temporal dynamics. In Chapter 3 we trace the evolution of the narratives—stories created by misinformation echoed past stories and gave momentum to the next wave; here, we follow how those stories traveled across the election misinformation landscape over time. During the pre-election period, efforts to preemptively delegitimize the election often appeared to be top-down, spreading through right-wing media and accounts of political figures.¹⁸ But they were also, in many cases, decentralized, with one-off incidents bubbling up through social media before reaching influencers and their large audiences. Together, these dynamics worked to foment a general distrust in the election.

Election Day served as a day of data collection for partisan actors, who would later leverage individual tweets and stories as evidence for broader claims. Motivated by growing fears of a “rigged” election, a large number of people went to the polls looking for evidence of voting fraud. Many documented and used social media to share their experiences of perceived and real issues with the voting process, sharing videos, images, and personal accounts. Politically motivated individuals watching from home on social media contributed by amplifying content that aligned with their views or goals.

In the week after Election Day, pro-Trump political operatives, right-wing media outlets, and other content creators—primarily though not exclusively on the political right—assembled evidence from Election Day into larger narratives attempting to delegitimize the results. Armchair statisticians combed available vote tallies looking for anomalies that could be framed as potential fraud. YouTube opportunists made long-form videos connecting different incidents to the “electoral fraud” meta-narrative. Though initially chaotic, the information space began to concentrate on smaller incidents that were swept into larger narratives or growing conspiracy theories.

Post election, false claims and misleading narratives began to coalesce around allegations of fraud in swing-state cities that favored Biden. Subsequent court cases seeking to throw out votes in these areas based on the allegations shed light on the motivation for this refocusing. A common tactic involved linking statistical evidence with unfounded claims of vote-tabulation fraud. Diffuse pre-

and post-election narratives were blended and presented as walls of evidence. Donald Trump and members of his legal team were instrumental in pushing these narratives, strategically employing them in an effort to overturn the results of the election through legal proceedings. Now, we can see some storylines have taken root, developing into more hardened conspiracy theories that may linger for years to come.

One remarkable phenomenon is the persistence of certain narratives—e.g., that the election would be “rigged”—from the start of our data collection through the end. These narratives were already prevalent when we began our work in August, and as we write this report, participation in the narratives challenging the integrity of the 2020 election is ongoing, with new “evidence” still being added to the conversation, even as the discourse has converged around a few specific conspiracy theories. Research suggests that the conspiracy-theory type of misinformation will have the most staying power—as opposed to more ephemeral rumors that were quickly determined to be false.¹⁹ In particular, claims that are difficult to verify and theories that are impossible to falsify—for example, theories that software on voting machines switches votes without leaving a trace—will likely continue to spread for years to come. These conspiracy theories can become the tools of future disinformation campaigns, and they risk long-term effects such as the continued delegitimization of democratic institutions.

Participatory Mis- and Disinformation

Our analysis demonstrates that the production and spread of misinformation and disinformation about Election 2020—including false narratives of a “stolen election”—was participatory. In other words, these dynamics were not simply top-down from elites to their audiences, but were bottom-up as well, with members of the “crowd” contributing in diverse ways—from posting raw content, to providing frames for that content, to amplifying aligned messages from both everyday members of the crowd and media (including social media) elites.

Repeatedly, our data reveal politically motivated people sincerely introducing content they mistakenly believed demonstrated real issues with election integrity: from the user who claimed back in early September that a ballot in their name had been sent to their parent’s home in another state (weeks before ballots had actually been mailed out); to the man who thought that old ballots (from 2018) in a dumpster were evidence of 2020 mail-in ballot fraud; to the person who thought they were capturing video evidence of a poll worker illegally moving ballots on Election Day (it was a photographer moving his gear); to people who were given Sharpies to complete their ballots and mistakenly believed their votes therefore would not be counted.

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Well-meaning, though often politically motivated, individuals repeatedly introduced this content into the broader information sphere, often via social media. In each of these incidents, the person originally reporting the issue (and many of those who passed it along) may have sincerely thought they had found evidence of voter fraud. However, it is also likely—especially considering what we know about confirmation bias²⁰—that political views and prevailing narratives about potential election fraud both contributed to these individuals' misinterpretation of what they were experiencing and motivated them to share the content.

Networked Framing: How Right-Wing Media and Social Media Influencers Helped to Frame "Evidence" of Ballot and Voting Issues as "Election Fraud"

In Chapter 3, we noted the role of "framing," or providing scaffolding for selected information to shape how people interpret the world, in helping to create and sustain the false "stolen election" narrative. Traditional notions of framing often place the power of creating and communicating frames within the domain of media elites.²¹ With the rise of participatory media and disruption of the historical role of "gatekeepers," researchers have documented the phenomenon of "networked framing," where diverse members of online communities—including political and media elites, social media influencers, and to some extent anyone with a social media account—collaborate to create and propagate certain frames.²²

In our analyses, we repeatedly saw this kind of networked framing in action. Diverse social media users—from anonymous accounts with small followings, to blue-check social media influencers, to accounts associated with hyperpartisan media outlets—were consistently helping to do the work of "framing" by assigning intent to, or exaggerating, real-world events in their posts, in such a way as to fit the narrative of election fraud. Though networked framing practices could be seen, to some extent, on "both sides" of the political spectrum, our data show that right-wing networks were far more active and influential (in terms of dissemination) in discourse that threatened election integrity (see Chapter 5, Figure 5.1 on page 186).

One example of this networked framing activity occurred in late September 2020, when a batch of mail—originally reported to have absentee ballots—was discovered in a ditch in Greenville, Wisconsin.²³

There was not, nor has there been discovered since, any evidence that this mail-dumping incident was politically motivated. Despite the lack of any evidence, this event was quickly picked up and positioned within the voter fraud frame—and the story eventually propagated widely within that frame, reinforcing the false perception of mail-in voting contributing to widespread election fraud.

The story of ballots in a ditch first appears (in significant numbers) in our data through an article on The Gateway Pundit,²⁴ which often works by selecting content from other sources and positioning that content within their highly political frames. In this case, The Gateway Pundit repurposed an article from a local (FOX11) news outlet.²⁵ In addition to embedding the content of that borrowed article in its text, The Gateway Pundit article added four sentences of original content.

Its first sentence, which appeared above the borrowed content, made the framing clear. Without any evidence connecting the incident to anyone with a political motive, The Gateway Pundit's article began with: "Democrats are stealing the 2020 election." Next were two sentences making factual claims borrowed from the FOX11 article—that two trays of mail had been found and that they included absentee ballots. And finally the article attempted to make a connection between that mail and Democrats by stating that "The USPS unions support Joe Biden."

Those four sentences and the borrowed content are the entire article. Without evidence, it frames the improperly discarded mail as election "stealing" by Democrats. That article—and therefore that frame—spread widely on Twitter. It was tweeted/retweeted nearly 25,000 times. In total, we collected 60,000 tweets that referenced the incident.

The early propagation of the narrative was assisted by @Rasmussen_Poll (through an original tweet linking to The Gateway Pundit's article) and @EricTrump (through a retweet). Other online accounts picked up and advanced that voter fraud frame, calling it "LEFTIST VOTER FRAUD" and stating through a hashtag that "#DemocratsAreCheaters."

A few prominent social media accounts picked up the story with a slightly more subtle framing. For example, the tweet below, posted by another verified repeat spreader account, does not explicitly claim voter fraud, but shapes the interpretive frame toward "voter fraud"—or at the very least toward doubting the integrity of mail-in voting—by highlighting that the mail was "FOUND IN DITCH" and that it included "ABSENTEE ballots."



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Tweet from Chuck Calleso framing a mail-dumping issue as an election integrity concern.

This event—and its framing as a “voter fraud” issue—eventually made it into a public statement by Kayleigh McEnany, White House press secretary.²⁶

This example demonstrates how hyperpartisan media and other prominent social media users on the political right reframed events in misleading ways to feed false narratives of widespread election fraud by Democrats. It also reveals another dynamic that we saw repeatedly across these incidents, where local media coverage was opportunistically appropriated and often recontextualized to fit election fraud narratives.

Similarly, the Sharpiegate narrative (described in detail in Chapter 3.3 on page 49) took shape through networked framing. Early tweets—from voters in various locations on Election Day—highlighted somewhat open-ended concerns about Sharpies bleeding through ballots. Tweets and retweets framing the concerns as potential voter fraud were often generated by less prominent accounts, including voters describing perceived issues with their own ballots and “grassroots” political activists relaying and occasionally reframing those concerns. Often, accounts with smaller follower numbers would add @mentions of more prominent accounts to try to gain their attention and potentially gain traction for their content through a high-profile retweet or quote tweet. Those influencers and political media elites then used the claims to bolster the “rigged election” narrative.

Together, these examples show how networked framing—including selecting certain pieces of evidence and placing it within the voter fraud frame—was not the exclusive terrain of high-profile accounts, but also incorporated the work of voters motivated to share their experiences and politically active social media users helping to identify and amplify potential cases of voter fraud.

For example, President Trump’s many statements (including tweets) about the election being “rigged” may have sufficiently primed his supporters to be on the lookout for evidence of election fraud by the time the Trump campaign’s “Army for Trump” called for them to perform as formal and informal poll observers. The primary objective of these militarized calls to action was to motivate and organize the mass collection of purported “evidence” of election fraud. The social media data we collected reveal a large number of people searching for, and often mistakenly “finding,” evidence of the election fraud they believed was occurring—and then, in a case of participatory disinformation, actively sharing and resharing this kind of content.

Once introduced onto social media, these cases of false witnesses of “election fraud” were frequently picked up and amplified by influencers and rank-and-file accounts alike. Often, the person who introduced the content or another active social media user would try to call the attention of more prominent influencers to potentially relevant content by reposting with tags and/or mentions of more large-audience accounts. Those more influential accounts—often accounts of hyperpartisan media, conservative political figures, and other elite right-wing influencers—played the role of assembling this content to fit the larger narratives (e.g., a “rigged election”) and of spreading it to increasingly large audiences.

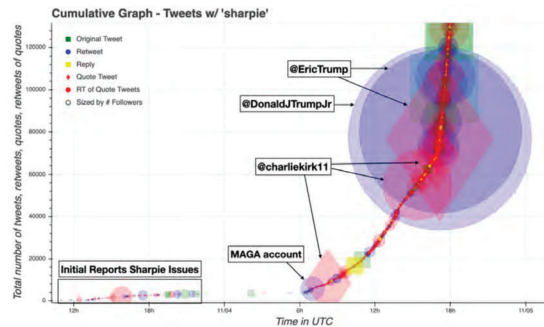


Figure 4.6: Cumulative graph of Sharpie tweets on November 3 (Election Day) and November 4. Individual tweets are plotted at the time they were shared and sized by the number of followers of the account posting them. Color and shape represent tweet type: original tweets in green squares, reply tweets in yellow squares, retweets in blue circles, quote tweets in red diamonds, and retweets of quote tweets in red circles.

Figure 4.6, the cumulative graph of the early spread of “Sharpiegate” rumors, shows the process of participatory disinformation. The conversation started relatively small—with many small-follower accounts often tweeting their own experiences—and then began to gain traction through quote tweets and retweets by accounts with increasingly large audiences, eventually taking off with the help of President Trump’s two adult sons.

In dozens of election-integrity incidents, these false or misleading narratives eventually reached the inner echelons of the Trump campaign. In a few notable cases, we saw the narratives move beyond social media into large television audiences through President Trump’s debate performances.

Friend-of-a-Friend Narratives

One type of participatory misinformation we saw was the “friend-of-a-friend” story.²⁷ These pieces of evidence, which were often wrapped into larger narratives about disenfranchisement or election fraud, reference a story that the person “heard” from someone else, and the content can extend to increasing degrees of separation—the “friend-of-a-friend.” One story asserted that a person’s friend had voted for Biden and the machine changed her vote to Trump (see Figure 4.7).

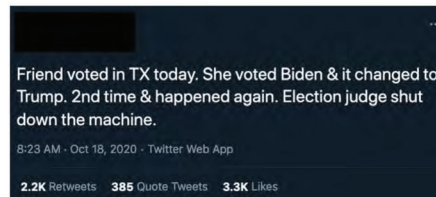


Figure 4.7: A tweet claiming that a voting machine changed their friend's vote from Trump to Biden.

This story spread on Facebook and Twitter, and likely appeared elsewhere as well. We saw a similar dynamic, though to a smaller extent in terms of spread, around claims that a Trump supporter had been redirected to the wrong polling location (see Figure 4.8).

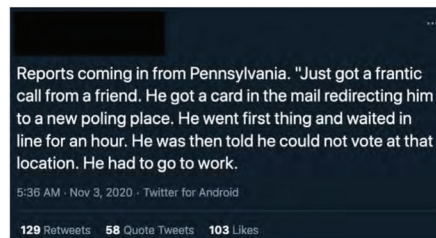


Figure 4.8: A tweet claiming that a friend was sent to the wrong voting location.

The spread of these stories has a couple of common drivers. First, “friend” can

take on new meaning in online spaces, where an otherwise stranger posting to a Facebook Group can be considered a “friend” whose message is worth spreading. This can result in often well-meaning (or at least not ill-intentioned) people passing along content (“sharing is caring”) that people think will be informative or otherwise helpful to others. Second, friend-of-a-friend rumors can be intentionally copied and pasted, sometimes with small changes to minor details—referred to as copy-pasta—to give the sense that a large number of people have experienced a rare event. The Sharpiegate story also spread through friend-of-a-friend posts; we collected hundreds of tweets mentioning a friend whose ballot was cancelled due to the use of Sharpies.



Figure 4.9: A tweet claiming that use of a Sharpie canceled their vote.

In actuality, the online database provided the status of voters' mail-in ballots, which were canceled when they chose to vote in person.

The Use of Bad Statistics to Sow Doubt in Election Results

Elections produce vast quantities of data, from national Electoral College totals to fine-grained, precinct-level results. The sociological processes that underlie voting patterns are complex and varied, and are impacted by both structural features (i.e., the shape and size of precincts), voting process (i.e., access and eligibility), and the political landscape (i.e., candidates and issues). Each of these factors, and more, introduce patterns and benign irregularities into voting data that can be difficult or impossible to tease apart.

In the wake of the 2020 election, the scale and irregular nature of voting data was weaponized to create statistical disinformation in order to undermine confidence in the result. One of the more common tactics was to analyze precinct-level vote totals using Benford's law. In brief, Benford's law makes predictions about the frequency of first and/or second digits in a dataset. Violations of these predictions have been used to some success as a tool for detecting financial fraud, and have gained traction in recent years as a potential mechanism for determining electoral fraud, despite well-documented theoretical and practical limitations.²⁸

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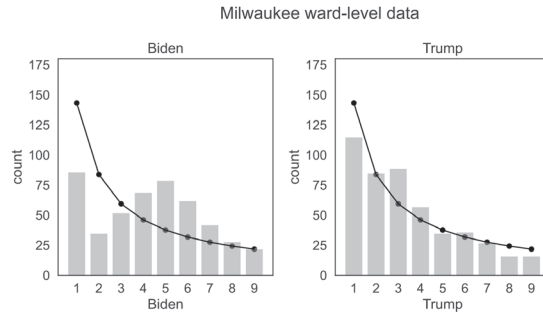


Figure 4.10: Ward-level analysis of first digits of vote totals in Milwaukee in the 2020 election, redrawn from original data but similar to observed misinformation. The line indicates Benford's law, whereas the bars indicate the observed frequencies of first digits from 1 to 9.

One prominent example of disinformation invoking Benford's law involved the vote totals for wards in Milwaukee, Wisconsin, as seen in Figure 4.10. While Trump's vote totals approximated Benford's law, Biden's had a surplus of digits 4 through 6, and a dearth of digits 1 and 2. This was promoted as definitive evidence of election fraud on both far-right websites and social media platforms like Reddit, Facebook, and Twitter. However, the true cause was much more benign. The excess digits are a signal of Biden's lead and average precinct size, and not indicative of fraud.²⁹ More generally, Benford's law is not expected to be followed when data do not span several orders of magnitude or for voting processes in general.³⁰

The misinformation surrounding Benford's law follows a familiar pattern. A statistical model sets up an (often flawed) expectation of how voting data should appear. Violations of this expectation occur, either due to chance (i.e., checking many locations), a mismatch between the data and model's assumptions, or an inappropriate application of the statistical model. Ethical, well-meaning statisticians discovering an irregularity would then get to work understanding whether it arose as a problem with the model (i.e., failing to account for demographics), the data (i.e., a rounding/processing error), an honest mistake, or in rare cases, fraud. In cases of misinformation, irregularities are taken as *prima facie* proof of fraud.

In another example, Shiva Ayyadurai posted a fraught analysis, choosing variables

that artificially created the impression that Trump did more poorly than expected in more Republican areas to suggest voting machines were changing votes to Joe Biden.³¹ He further used the imposed negative slope to estimate purported switched votes, which fed into misleading narratives about Dominion voting software (discussed in more detail in Chapter 3).

These are two of many ways in which election data was weaponized to promote false narratives of widespread electoral fraud. This tactic is particularly challenging, as it simultaneously creates the impression of widespread fraud while leveraging statistical analyses that average citizens cannot reasonably be expected to critique, leading them to accept claims of technical meddling at face value. Debunking can be challenging even for statistically proficient academics, as no affordable academic-facing API exists to gather election data in real time. We observed that when data is available, it can require unique solutions to access and clean into a usable format (i.e., scraping PDFs or websites). In many cases, data were simply unavailable, were of low quality (e.g., just percentages), or would require ethically or legally questionable scraping. Freed from legal and data-quality constraints, purveyors of statistical disinformation remain at an advantage.

Organized Outrage: Online Misinformation's Offline Impact

The spread and impact of misinformation is not merely confined to the online world. Indeed, many of the narratives we explored explicitly called for, and resulted in, offline actions. Pre-election, this was seen most clearly in the #ArmyforTrump hashtag, in which the Trump campaign and right-leaning influencers directed supporters to sign up to become poll watchers for the campaign and to submit purported evidence of electoral fraud to the campaign team. Trump's legal campaign in the weeks post-election repeatedly relied upon questionable public testimonies of fraudulent behaviors in legal challenges to courts across the country. These affidavits and public testimonies are the consequence of the public priming of fraud pushed by the #ArmyforTrump campaign (along with the many other election fraud narratives discussed in this paper), and a weaponization of the information elicited through the digital disinformation campaign.

Similarly, misinformation narratives that arose on Election Day itself led to in-person organized outrage, as seen most notably around the #Sharpiegate conspiracy. Despite swift debunking from election officials in Arizona, the #Sharpiegate theory gained traction across local Facebook Groups and on Twitter. This culminated in protestors gathering outside the vote counting center in Maricopa County shouting about the conspiracy and chanting to "stop the count."

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Similar protests in swing states across the country were coordinated by social media misinformation campaigns like #Sharpiegate and the more national Stop The Steal campaign. The protests not only targeted key election sites but were organized more generally in larger cities across the US, including large-scale demonstrations in Washington, DC. These in-person events gave new life to election misinformation, cementing its believability by affording them physical presence and further weakening the ability of fact-checkers to counter their spread. The organized outrage facilitated by blue-check influencers thus leveraged misinformation to organize mass protests that further delegitimized the electoral process and its results.

From Manipulating the Information System to Leveraging the Legal System

Mis- and disinformation that originated and spread online eventually gained an offline presence in the courts. Buried in the litany of lawsuits filed by the Trump campaign in the post-election period were the same participatory mis- and disinformation cascades traceable to online right-wing networks. Many of the same false claims and misleading narratives we covered in our real-time analysis fed the Trump administration's meta-narrative of widespread election fraud. Right-wing groups friendly to the President's cause filed lawsuits that built on these narratives as purported evidence of the illegitimacy of the election.

One prominent example of this behavior is exemplified in the false—now recanted—affidavit provided by an Erie, Pennsylvania, post office worker and publicized by Project Veritas.³²

Initially, the sworn affidavit contained allegations that the USPS had repeatedly backdated ballots—claiming that as evidence of widespread fraud. Later, the worker went on record with the House Oversight Committee to recant his allegation (though Project Veritas denies the veracity of his recantation).³³ Despite the fallout, the air of legitimacy attached to a legal document may benefit proponents of online disinformation campaigns and reinforce the “truth” of a particular narrative.³⁴

In another case, also in Pennsylvania, Republican representative Mike Kelly filed a state lawsuit that challenged the constitutionality of the state's 2019 mail-in voting statute. In its statement of facts, the original complaint discussed a number of unsupported claims that had circulated throughout online communities, including, for example, claims about “unsolicited ballots” (§56–57) and an attempt by the 2019 Pennsylvania legislature to subvert the legitimacy of future elections by setting in motion a plan to shift to universal mail-in voting (§82–84).³⁵ The Pennsylvania Commonwealth rejected his claims; on appeal before the Supreme Court, Kelly's action doubly failed.³⁶ Had Kelly succeeded in

his quest to invalidate the statute, over two million Pennsylvania ballots would have been thrown out.

Finally, a handful of legal actions also incorporated bad statistics common among online proponents of disinformation. One particularly visible example of this phenomenon comes by way of a complaint filed by Sidney Powell,³⁷ a vocal Trump supporter,³⁸ in the US District Court for the Northern District of Georgia. Powell filed similar complaints in other key battleground states; all have since been dismissed.³⁹ In these complaints, Powell's team relied on the misinterpretations and/or misrepresentations of deviations from Benford's Law discussed above.⁴⁰ Although experts agree that these deviations are not evidence of electoral fraud,⁴¹ the online misinformation transformed into "IRL" disinformation through Powell's multiple, failed legal actions.

In sum, popular narratives that emerged from these participatory mis- and disinformation dynamics were repeatedly mobilized as "evidence" in the courts. Although the actions brought were often dismissed as baseless, this phenomenon is unlikely to disappear in years to come.

4.4 Summary

The work of producing and spreading misleading narratives about the 2020 election was cross-platform, leveraging diverse platforms in complementary ways to seed, amplify, and mobilize content while adapting around efforts by the platforms to address misinformation. The work was both top-down, with President Trump and right-wing media establishing the initial frames of "voter fraud" and "election rigging," and bottom-up, with armies of volunteers providing content and analysis to develop specific narratives to fit those frames. With his many "RIGGED!" tweets, starting long before the election, and his Army for Trump advertisements, President Trump didn't just prime his audience to be receptive to false narratives of election fraud—he inspired them to produce those narratives and then echoed those false claims back to them. Everyday people, likely motivated by their political views, went online to share content highlighting what they believed to be voting irregularities. Hyperpartisan news and social media influencers played a role in selection, amplification, and framing, assembling the "evidence" of the crowd to fit their narratives and then mobilizing that content across platforms. Those narratives led to real-world efforts in the form of protests and legal action, both of which set the course toward the events at the US Capitol on January 6.

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425

180

Actors and Networks: Repeat Spreaders of Election Misinformation

5.1 Introduction

In this chapter, we look systematically across EIP tickets to trace content across platforms to identify “repeat spreaders”—i.e., individuals and organizations who were repeatedly influential in spreading false and misleading narratives about the 2020 election. We address the following questions:

- Which Twitter accounts, Facebook Pages/Groups, and YouTube channels were most influential in the spread of these narratives?
- What domains were used to host content that was then mobilized through social media in the spread of those narratives?
- Considering the structure of the online discourse, in which communities (networks of accounts) were these repeat spreaders located?

5.2 Methods for Identifying Repeat Spreaders of False and Misleading Narratives

To identify the repeat spreaders, we draw from three complementary views: one from our ticketing and analysis process (described in Chapters 1 and 2); a second through Twitter data EIP partners collected contemporaneously; and a

5. Actors and Networks: Repeat Spreaders of Election Misinformation

third through CrowdTangle and Facebook search functionality, collected after the EIP's real-time analyses ended.

These complementary views allow us to:

- Identify some of the most influential accounts and most widely shared domains on two of the most widely used platforms (Facebook and Twitter).
- Explore, through tracing links in our Facebook and Twitter data, how other widely used social media platforms (like YouTube) fit into these incidents.
- Observe cross-platform connections and sharing practices.

Delineating Election-Integrity Incidents

Through our live ticketing process, analysts identified social media posts and other web-based content related to each ticket, capturing original URLs (as well as screenshots and URLs to archived content). In total, the EIP processed 639 unique tickets and recorded 4,784 unique original URLs.

After our real-time analysis phase ended on November 30, 2020, we grouped tickets into incidents and narratives. We define an incident as an information cascade related to a specific information event. Often, one incident is equivalent to one ticket, but in some cases a small number of tickets mapped to the same information cascade, and we collapsed them. As described in Chapter 3, incidents were then mapped to narratives—the stories that develop around these incidents—where some narratives might include several different incidents.

For tractability, we limited our analysis in this chapter to 181 tickets mapped onto 153 incidents related to the narratives in Chapter 3 and that we determined to either (1) have relatively large spread (>1000 tweets) on Twitter, or (2) be of “high priority” as determined by analysts during our real-time research.

Next, through an iterative process, we identified a keyword-based search string and a time window for each incident that would allow us to capture a comprehensive, low-noise dataset from Twitter, Instagram, and Facebook. We also collected data for each incident from YouTube using links to that platform from Twitter.

Collecting Data for Each Incident

Twitter Data Collection

We collected data from Twitter in real time from August 15 through December 12, 2020.¹ Using the Twitter Streaming API,² we tracked a variety of election-related terms (e.g., vote, voting, voter, election, election2020, ballots), terms related

to voter fraud claims (e.g., fraud, voterfraud), location terms for battleground states and potentially newsworthy areas (e.g., Detroit, Maricopa), and emergent hashtags (e.g., #stopthesteal, #sharpiegate). The collection resulted in 859 million total tweets.

From this database, we created a subset of tweets associated with each incident, using three methods: (1) tweets recorded in our ticketing process, (2) URLs recorded in our ticketing process, and (3) search strings.

Relying upon our Tier 1 Analysis process (described in Chapter 1), we began with tweets that were directly referenced in a ticket associated with an incident. We also identified (from within our Twitter collection) and included any retweets, quote tweets, and replies to these tweets. Next, we identified tweets in our collection that contained a URL that had been recorded during Tier 1 Analysis as associated with a ticket related to this incident. Finally, we used the search string and time window developed for each incident to identify tweets from within our larger collection that were associated with each election integrity incident.

In total, our incident-related tweet data included 5,888,771 tweets and retweets from ticket status IDs directly, 1,094,115 tweets and retweets collected first from ticket URLs, and 14,914,478 from keyword searches, for a total of 21,897,364 tweets.

Facebook and Instagram Data Collection

To understand how the information ecosystem looks from the perspective of Facebook and Instagram, we collected public posts through the CrowdTangle API from Facebook Groups, Facebook Pages, Facebook verified profiles and public Instagram accounts. We used the same set of incidents, and adapted the search strings to capture comprehensive, low-noise samples for each incident from these platforms. We had to adjust the search strings, often adding additional search criteria (voting- and election-related terms) to bring the results into alignment with our Twitter data, which was already constrained to voting-related data.

5.3 Most Engaged Incidents

The 153 incidents examined varied dramatically in spread, ranging from under 1,000 tweets to over 7 million tweets in a single incident. Overall, the majority of these incidents focused on topics related to delegitimization (110 of the incidents), although several were associated with participation interference (25 incidents) and procedural interference (23 incidents).³ Table 5.1 enumerates the

ten most prominent incidents (by Twitter spread) with a short description of each.

5.4 Political Alignment of Influential Twitter Accounts

To understand the social structure of Twitter accounts that posted about the United States election, we created a network map¹⁰ of influential accounts and the engaged audiences they share, using retweets as a rough measure of influence. We included two accounts as nodes in our network if at least seven users in our election-related Twitter streams retweeted both accounts at least 20 times each between September 1 and December 1, 2020. In practice, this means that accounts are connected to each other if they share a similar audience of accounts retweeting them. We then identified community clusters within this network,¹¹ excluding small or unrelated communities.

As displayed in Figure 5.1 on page 186, this pruning left us with two communities broadly aligned with the US political right and left. The right-leaning community was composed of two heavily intertwined communities: (1) prominent right-wing (pro-Trump) influencers in politics, media, and social media; and (2) a community of largely anonymous accounts who were active and vocal supporters of Trump, QAnon, and other right-wing groups. The left-leaning community was focused around left-leaning politicians, pundits, and mainstream news outlets, with satellite communities consisting of users with more socialist politics, and a small group of high-volume, activist users behaviorally similar to the much larger right-wing activist community.

First, we looked at the incident-sharing behavior of the accounts represented in this network, using the community structure to draw meaningful differences. We found that influential accounts associated with the US right shared more incidents than the left both by absolute number (151 vs. 119 tickets) and by the total number of times they were retweeted in these incidents (17.8 million vs. 1.9 million retweets). The majority of incidents were primarily spread by the right-wing communities: right-leaning accounts were retweeted more than left-leaning accounts in 129 incidents, while left-leaning accounts were retweeted more in 23.

Many incident-related tweets from left-leaning accounts were attempting to fact-check, rather than uncritically spread, the false and misleading narratives. In one of the most extreme examples, a false claim made by Michelle Bachman that ballots pre-filled in China were being smuggled into the United States received more spread on the left than the right, solely due to fact-checking behavior. Sometimes, the left-leaning accounts' propensity to fact-check appeared

5.4. Political Alignment of Influential Twitter Accounts

Incident Title	# of Related Tweets	Description
Dominion Voting Systems: Swing States	7,157,398	This incident accused Dominion Voting Systems software of switching votes in favor of Joe Biden, particularly in swing states like Georgia; as of January 2021, Dominion has filed defamation lawsuits against prominent individuals and media that perpetuated this claim, and some have retracted their stories. ¹
Stop The Steal	2,888,209	This broadly defined incident was based on tweets from verified users broadly supporting the #StopTheSteal narrative, which alleged that certain states were not properly counting votes for President Trump.
Sharpiegate	822,477	This incident falsely claimed that in-person voters in Arizona (believed to be predominantly supporters of President Trump) were given Sharpies to vote with, which the machines would be unable to read, thus causing their votes to be excluded.
Pennsylvania Poll Watcher	618,168	This incident centered on narratives that a GOP-affiliated poll watcher was wrongfully denied entry to a Pennsylvania polling station. This content was then reframed to falsely claim that this was evidence of illegal actions taking place in the polling station. While the video does show a poll watcher being denied, it lacked broader context as to the reason for denial, which was not politically motivated. ⁵
Pennsylvania Postal Whistleblower	591,838	This incident centered on footage from Project Veritas showing a postal worker claiming that the post office had ordered him to backdate ballots that arrived after the voting deadline in Pennsylvania. The whistleblower, after being questioned by investigators, later recanted these statements. ⁶
Michigan Poll Watcher Whistleblowers	498,366	This incident focused on several whistleblowers from Michigan, some who were poll watchers in Wayne County (home to Detroit), alleging, in a video, various illegal actions by poll workers.
Michigan Dead Voters	486,096	This incident focused on false claims, based on misinterpretations of information on a Michigan government-affiliated website, that dead and implausibly old people had voted in the 2020 election. ⁷
Sunrise Zoom Calls	475,581	This incident centered on misleadingly edited video footage that claimed to show federal employees conspiring with the left-leaning environmental activist organization Sunrise Movement to organize a coup, leak information, and shut down Washington, DC. ⁸
Nevada Whistleblower	415,614	This incident claimed that a whistleblower who worked for the Clark County Elections Department (which encompasses portions of Las Vegas) had come forward with a list of various "nefarious behaviors." These included falsely claiming that illegitimate ballots were being processed and that people were filling out ballots that were not their own near a Biden/Harris campaign van.
Minnesota Ballot Harvesting	415,570	This incident, seeded by a Project Veritas video, surfaced otherwise unsupported claims of ballot harvesting in Minnesota and attempted to connect those claims to US Representative Ilhan Omar (see discussion in Chapter 3). ⁹

Table 5.1: Top 10 most-tweeted incidents in our data.

5. Actors and Networks: Repeat Spreaders of Election Misinformation

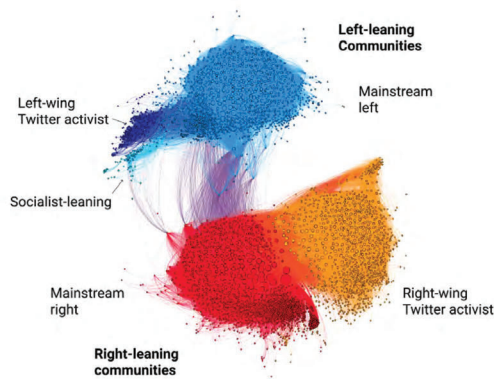


Figure 5.1: A network visualization of influential Twitter accounts from our dataset of election-related tweets collected from September 1 to December 1, 2020.¹² Each node is one Twitter account, and two nodes are linked together if they are retweeted by the same accounts. Two nodes are pulled closer together if they share more accounts, and larger nodes are connected to more accounts. Node colors correspond to automatically determined clusters of users, which broadly split into right- and left-wing communities. Subcommunities include activist accounts on both the left and right, and a socialist-leaning cluster on the left.

to stall the spread of some misleading incidents, such as when the spread of a false claim about ballots being unlawfully rejected in Georgia was significantly slowed after a series of corrective fact-checks. In other incidents, these fact-checks came too late; a check for a similar false claim about undelivered ballots in Florida came more than 24 hours after initial spread, and had no discernible impact on subsequent sharing. There were also instances of misinformation originating and spreading almost solely via left-leaning accounts, such as a video of an overflowing ballot room in Miami-Dade implying that Postmaster General DeJoy was hiding ballots for Biden in the critical county, as well as some incidents in which both the right and left participated, such as the mail-dumping incident in Glendale, California, described in Chapter 3.¹³

Influential accounts on the political right, by contrast, rarely engaged in fact-checking behavior, and were responsible for the most widely spread incidents

of false or misleading information in our dataset. Right-leaning accounts also more frequently augmented their misinformation posts with narrative-related hashtags, such as #StopTheSteal and #DeadVoters, which persisted across multiple incidents and were shared millions of times in our dataset.¹⁴ Most unique about right-leaning accounts, however, was their frequent involvement in many tickets. Whereas almost all of the most influential left-leaning accounts were involved in only one or two incidents of false or misleading information, many right-leaning accounts with large audiences were involved with upwards of 10, and were often responsible for seeding or catalyzing an incident's spread through the conservative, right-wing, and pro-Trump Twitter networks.

5.5 Repeat Spreaders

In this analysis, we attempt to identify entities—e.g., Twitter accounts, Facebook Pages, and YouTube channels—that played a significant role in the spread of multiple election integrity incidents, such as the ones identified above in Section 5.3 on page 183. Expanding upon our pre-election analysis of influential Twitter accounts, we refer to these entities as “repeat spreaders.”¹⁵

Repeat Spreader Twitter Accounts

First, we look at the most influential Twitter accounts across election integrity incidents in terms of shaping the flow of information. We identify accounts that produced highly retweeted original tweets (retweeted more than 1,000 times) across multiple incidents. Table 5.2 on the next page lists the accounts that appeared across the most incidents (≥ 10) along with relevant details for each account.

The 21 most prominent repeat spreaders on Twitter—accounts that played a significant role in disseminating multiple false or misleading narratives that threatened election integrity—include political figures and organizations, partisan media outlets, and social media all-stars. Perhaps a reflection on both the nature of information threats to election integrity and our process for identifying them (see Chapter 2 for a note on the limitations of our approach), all 21 of the repeat spreaders were associated with conservative or right-wing political views and support of President Trump, and all featured in the politically “right” cluster in our network graph in Figure 5.1 on the facing page. Notably, 15 of the top spreaders of election misinformation were verified, blue-check accounts.

President Trump and his two older sons figure prominently in the Twitter dataset. In addition, several GOP political figures, along with leaders of conservative political organizations, repeatedly spread misleading narratives on Twitter. Charlie Kirk of Turning Point USA, for example, posted three tweets at

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Rank	Account	Verified	Incidents	Tweets w/ >1000 Retweets	Followers	Retweets in Incidents	Left or Right
1	RealJamesWoods	True	27	36	2,738,431	403,950	Right
2	gatewaypundit	True	25	45	424,431	200,782	Right
3	DonaldJTrumpI	True	24	27	6,392,929	460,044	Right
4	realDonaldTrump	True	21	43	88,965,710	1,939,362	Right
4	TomFitton	True	21	29	1,328,746	193,794	Right
6	JackPosobiec	True	20	41	1,211,549	188,244	Right
7	catturd2	False	17	20	436,601	66,039	Right
8	EricTrump	True	16	25	4,580,170	484,425	Right
9	ChuckCalleso	True	15	17	311,517	117,281	Right
10	charliekirk11	True	13	18	1,915,729	232,967	Right
11	marklevinshow	True	12	10	2,790,699	90,157	Right
11	cjtruth	False	12	27	256,201	66,698	Right
11	JamesOKeefe11	False	12	64	1,021,505	625,272	Right
11	prayingmedic	False	12	26	437,976	57,165	Right
15	RichardGrenell	True	11	12	691,441	143,363	Right
15	pnjaban	True	11	14	208,484	58,417	Right
17	BreitbartNews	True	10	11	1,647,070	38,405	Right
17	TheRightMelissa	False	10	31	497,635	73,932	Right
17	mikeroman	False	10	10	29,610	128,726	Right
17	robbystarbuck	True	10	15	204,355	65,651	Right
17	seanhannity	True	10	22	5,599,939	96,641	Right

Table 5.2: Repeat Spreaders: Twitter accounts that were highly retweeted across multiple incidents. Twitter has since suspended the accounts ofrealDonaldTrump (January 6), The Gateway Pundit (February 6), cjtruth, and prayingmedic (January 8).¹⁶ Account verification status as of 11/10/2020.

critical times that helped to catalyze the spread of Sharpiegate (see Chapter 3, and Chapter 4 Figure 4.6 on page 167). James O’Keefe, founder of Project Veritas, is also a significant repeat spreader. We discuss in more detail the activities of President Trump and his sons, as well as James O’Keefe and Project Veritas, below in Section 5.6.

Far-right hyperpartisan media outlets also participated in a wide range of incidents, including The Gateway Pundit, which ranked #2 in the dataset; Breitbart News; and two Fox News hosts. The Gateway Pundit (Twitter suspended this account on February 6, 2021) and Breitbart News are examined fully in Section 5.6 on page 195. The remainder of the repeat spreader accounts include a range of right-wing social media influencers—James Woods, conservative celebrity and actor, tops the list.

Many of these accounts follow others in this group, and their networks of followers overlap as well. They also actively promote and spread each others’ content. Once content from misleading narratives entered this right-wing Twitter network, it often spread quickly across influential accounts and out to

their overlapping audiences, making it very difficult to slow down or correct.

Domains Cited in Incidents (in the Twitter Data)

Next, using the same tweet data, we identified the most prominent domains across election integrity incidents. We identified domains that were highly tweeted (linked to by more than 500 tweets or retweets) in multiple incidents. Table 5.3 lists the domains that appeared across the most incidents (≥ 7) along with relevant details for each account. Domains within this list may be cited for different reasons—some (the *Washington Post*, for example) appear in this table for articles that debunked false claims and narratives.

Rank	Domain	Incidents	# Original Tweets	Total Retweets	≈% Left Spread	≈% Right Spread
1	www.thegatewaypundit.com	46	29,207	840,740	0.08%	99.92%
2	www.breitbart.com	26	8,569	394,689	0.94%	99.06%
3	www.youtube.com	21	14,040	269,996	2.51%	97.49%
4	www.washingtonpost.com	18	1,986	74,360	84.76%	15.23%
5	www.foxnews.com	14	1,330	34,143	0.91%	99.09%
6	www.theepochtimes.com	12	2,167	86,325	0.00%	100.00%
7	nypost.com	11	4,513	178,176	2.27%	97.73%
8	www.zerohedge.com	10	1,043	27,687	0.52%	99.48%
8	www.cnn.com	10	1,269	100,642	89.28%	10.71%
10	apnews.com	9	432	13,067	33.84%	66.14%
10	justthenews.com	9	1,035	61,305	0.00%	100.00%
10	www.nytimes.com	9	776	50,021	63.88%	36.11%
10	thedcpatriot.com	9	572	26,417	0.00%	99.99%
14	gellerreport.com	8	516	15,075	0.00%	99.99%
14	thenationalpulse.com	8	770	39,160	0.00%	99.99%
14	nationalfile.com	8	4,443	195,489	0.51%	99.48%
17	www.washingtontimes.com	7	280	11,445	1.45%	98.54%
17	www.pscp.tv	7	2,067	83,269	0.47%	99.53%
17	saraacarter.com	7	531	81,172	1.39%	98.60%
17	www.washingtonexam- iner.com	7	1,518	75,939	0.98%	99.02%

Table 5.3: Domains, extracted from tweets, that were highly tweeted (>500) across multiple incidents. Shortened URLs were followed when possible to extract original domains. The incident count includes the number of incidents for which the domain was linked to in over 500 tweets or retweets in our incident-related Twitter data. The original tweets are the count of non-retweets (including quote tweets and replies) that mentioned the domain within those incidents, while the total retweets column is a count of the retweets, both from within our incident-linked Twitter data. Finally, the estimated right/left spread is the proportion of original tweets made by influential users classified on the ideological spectrum based on our network analysis, above. Users not included in that network analysis are excluded from the estimate.

The top 20 domains involved in spreading or discussing false or misleading information included both partisan and mainstream media outlets—which played

5. Actors and Networks: Repeat Spreaders of Election Misinformation

markedly different roles in the information incidents (primarily spreading vs. primarily correcting). The two most significant domains in our incident-related data belonged to partisan outlets: The Gateway Pundit (www.thegatewaypundit.com) and Breitbart (www.breitbart.com). Fox News again appears on the list; other notable partisan news outlets are described in Appendix C on page 251.

A number of “mainstream” media sites also appear in our list of frequent domains—often picked up within the left-leaning clusters in our network map. Though this may suggest a somewhat equal share of participation in misinformation on the political left and right, the majority of stories cited on “the left” were referenced as fact-checks on the associated incidents or narratives. For instance, a story from CNN that challenges the Trump campaign’s claims of deceased voters is representative of the corrective role these sites played within the spread of these misleading narratives.¹⁷

A couple of incidents of false or misleading information did run through the left, including a story about unauthorized voting boxes being set up by Republicans—a true story, but one that falsely framed the motive and exaggerated the impact of such actions. The story was covered by “mainstream” media sites including AP News, the *New York Times*, CNN, and the *Washington Post*, all included in our list of frequent domains. A discarded-mail incident was framed by the left as the Trump administration’s effort to harm the mail-in voting process. CNN, in particular, was cited in that USPS ballot-dumping narrative—though for content that did not explicitly invoke the election integrity frame.

The presence of both YouTube (youtube.com) and Periscope (pscp.tv) in the highly tweeted domain list illustrates the cross-platform nature of misleading election-related narratives.

YouTube data is further discussed below. Interestingly, in our election-integrity related data, both YouTube and Periscope were primarily tweeted by accounts on the political right or pro-Trump side of the network (see Figure 5.1 on page 186).

In summary, though a few false or misleading narratives about the integrity of the 2020 election did run through the left, when we look at the domains that repeatedly helped to spread—as opposed to correct—election-related misinformation, we find an array of predominantly right-wing and pro-Trump partisan media outlets.

Repeat Spreaders: YouTube Channels in the Twitter Data

YouTube played a prominent role in the spread of false and misleading information across the election integrity incidents we analyzed, ranking third among most linked-to domains overall. In at least 44 distinct incidents, YouTube videos were tweeted more than 10 times.

From our corpus of data, we identified the YouTube channels that were repeat spreaders within the Twitter discourse—i.e., those that repeatedly used YouTube to disseminate multiple false and/or misleading narratives. To do this we first extracted all of the YouTube links from our incident data and used the YouTube API to determine what channels posted the videos. We then identified channels that were highly tweeted—linked to more than ten times in an incident—for multiple election integrity incidents. This provided a corpus of 665 videos from 411 unique YouTube channels.¹⁸ Table 5.4 lists the top 12 repeat spreader channels (>4 incidents) that arose from this analysis.

Rank	Channel	Incidents	Total Tweets	Videos	YouTube Views
1	Project Veritas	7	128,734	26	9,613,437
1	CDMedia	7	258,314	1	691,395
3	Donald J Trump	6	4,338	10	10,849,373
3	One America News Network	6	207,544	15	4,034,274
3	GOP War Room	6	186,106	8	1,732,847
3	Dr. Shiva Ayyadurai	6	196,292	1	1,052,429
7	Gateway Pundit	5	10,015	13	4,085,657
8	NewsNOW from FOX	4	406	7	9,450,514
8	StevenCrowder	4	15,490	3	8,159,462
8	BlazeTV	4	314	6	3,900,083
8	Judicial Watch	4	1,333	7	511,568
8	MR. OBVIOUS	4	283	5	401,481

Table 5.4: Repeat Spreaders: YouTube channels that were highly tweeted (>=10 times/incident) across multiple (>=4) incidents.

The channels found to be repeat spreaders of false and misleading narratives through YouTube look similar to the repeat spreaders on Twitter—right-wing influencers, hyperpartisan media outlets such as One America News Network (OANN) and The Gateway Pundit, political groups supportive of President Trump such as Project Veritas, and President Trump himself. These channels attracted millions of views for content related to known incidents of misinformation surrounding the 2020 election.

Two channels, compilation video creators Dr. Shiva Ayyadurai and CDMedia, were remarkable in that they appeared in our top repeat spreader list for being cited in multiple incidents, but for only a single video. Dr. Ayyadurai is discussed as a prominent repeat spreader in Section 5.6 on page 195.

Repeat Spreaders: Facebook Pages & Groups and Instagram

For our Facebook and Instagram analysis, we identified accounts (public Pages and Groups for Facebook, public accounts for Instagram) that were highly engaged with across multiple incidents. Aligning with the threshold used for

5. Actors and Networks: Repeat Spreaders of Election Misinformation

accounts in our Twitter analysis, a post had to receive at least 1,000 likes or favorites to be counted as part of an incident. In this way, we were looking for accounts that were influential across incidents. The total engagement column for Facebook is the sum of likes (and other emotive reactions), comments, and shares. For Instagram, the total engagements are the sum of favorites and comments. Tables 5.5 and 5.6 on page 194 feature the accounts that appeared across the most incidents.

Rank	Account Name	Facebook Page/Group	# of Incidents	# of Posts	Total Engagement
1	Breitbart	Page	8	20	831,452
1	The Silent Majority	Page	8	7	69,763
3	Heather Cox Richardson	Page	6	8	816,755
3	David J Harris Jr.	Page	6	11	282,652
3	James O'Keefe	Page	6	20	194,596
3	Project Veritas	Page	6	20	165,377
7	Now/This Politics	Page	5	11	244,023
7	Team Trump	Page	5	5	153,118
7	Ryan Fournier	Page	5	6	67,885
7	Wendy Bell Radio	Page	5	6	62,020
7	#WalkAway Campaign	Group	5	12	51,854
7	StandwithMueller	Page	5	7	19,345

Table 5.5: Repeat Spreaders: Facebook Pages and public Groups that were highly engaged with (≥ 1000 engagements) across multiple (≥ 5) incidents.

Facebook

Table 5.5 shows the top 12 public Facebook Pages and Groups that repeatedly shared content about the incidents in our dataset. From this data, we see that public Facebook Pages (and not public Facebook Groups) tended to appear more frequently as repeat spreaders. Only one Facebook Group appeared as a repeat spreader. This may not be surprising, as many Groups that played a role in the spread of election-related misinformation are either private (so would not be accessible via CrowdTangle) or have been removed from Facebook.¹⁹ Facebook's longer format provided an opportunity for Pages to host long, detailed posts that contain false claims and misleading narratives that spanned multiple incidents.

Among the repeat spreaders in the Facebook data, we see several familiar names, including Breitbart, James O'Keefe, and Project Veritas. Short-form videos were popular on the official Facebook account of Team Trump, which does not appear to be officially associated with the Trump campaign.

Most of the repeat spreaders in the Facebook list are, similar to what we see in the Twitter and YouTube data, right-leaning and/or Trump-supporting entities.

However, we do see three left-leaning Pages among the group—NowThis Politics, StandwithMueller, and historian Heather Cox Richardson. The inclusion of all three is primarily the result of their Pages attempting to fact-check or otherwise counter false or misleading information about the election. For example, the NowThis Politics post below attempts to correct post-election misinformation, quoting the Trump campaign in its text.

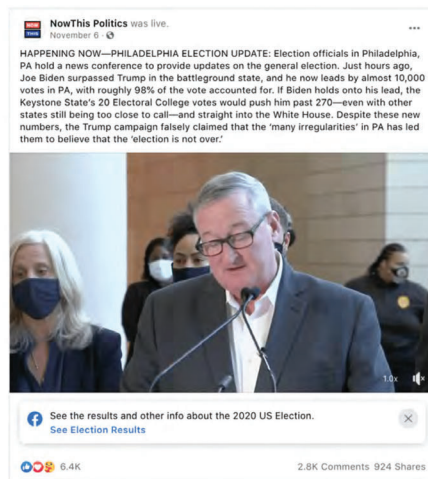


Figure 5.2: An example of a NowThis Politics Facebook post discussing Trump campaign claims included in the data.

Instagram

The Instagram repeat spreaders list (see Table 5.6 on the next page) looks somewhat similar to our Twitter list, containing accounts of partisan media organizations (e.g., The Gateway Pundit, Breitbart), and public individuals (e.g., James O’Keefe).

5. Actors and Networks: Repeat Spreaders of Election Misinformation

Rank	Account Name	Verified	# of Incidents	# of Posts	Total Engagement
1	KAGBABE 2.O	Not verified	12	33	80,484
2	Breitbart	Verified	10	14	670,577
2	The Gateway Pundit	Not verified	10	20	132,440
4	James O'Keefe	Verified	6	20	410,335
4	Baller Alert	Verified	6	7	102,837
6	Michael Hennessey	Not verified	5	82	169,623
6	Occupy Democrats	Not verified	5	5	51,289
6	Latinos With Trump	Not verified	5	14	47,167
6	Ben & Hannah	Not verified	5	11	19,529
6	#HisNameWasSethRich	Not verified	5	7	18,814

Table 5.6: Repeat Spreaders: Facebook Pages and public Groups that were highly engaged with (>=1000 engagements) across multiple (>=5) incidents.

Unlike our Twitter list, most of the other accounts on the Instagram list are not verified. We see a few new names that we do not see anywhere else, like KAGBABE 2.O—an anonymous account that showed up in the most incidents—Baller Alert, Michael Hennessey/Snowflake News, Latinos with Trump, Ben & Hannah, and HisNameWasSethRich.

An account we see among the Instagram repeat spreaders is the left-leaning group "Occupy Democrats." Their Facebook Page also appeared in a few incidents (though not enough to make the list of top spreaders in Table 5-5). In at least two cases, Occupy Democrats was picked up in our data for trying to correct misinformation related to an incident. In others, they spread information that functioned to fan fears of voter disenfranchisement and intimidation.

For example, a tweet went viral on October 20, 2020, depicting an officer wearing a Trump mask at a polling station in Miami.²⁰ Within an hour, the Miami Police Department publicly condemned the actions of the officer.²¹ Despite the official condemnation, Occupy Democrats reposted the image through both its Instagram and Facebook accounts. Its posts urged people to report the officer to the non-emergency police line. Both posts created a lot of engagement. There is no evidence to support the claim that this was part of an organized police-led voter intimidation campaign, which appears in the embedded meme in the Occupy Democrats Facebook post in Figure 5.3 on the facing page. That framing was both false and, while it likely functioned to rile Occupy Democrats followers on the left, also carried a risk of suppressing voter turnout by fomenting fears around voter intimidation at the polls (a concept covered in Chapter 3 with the "Army for Trump" example).²²

5.6. An Integrated Look at Repeat Spreaders Across Platforms

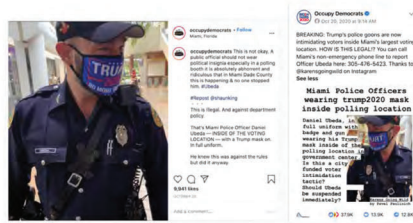


Figure 5.3: Screenshots of posts by Occupy Democrats about the incident, with specific instructions in the Facebook post (right) to call Miami's non-emergency line to report the officer, both after Miami PD's official response.

5.6 An Integrated Look at Repeat Spreaders Across Platforms

In this section, we provide an integrated view, looking at how some of the most active and prominent repeat spreaders pushed false and misleading narratives about the election across platforms.

President Trump, His Family, and the Trump Campaign

Though the specific claims and narratives often originated elsewhere, the Trump family and the Trump campaign regularly amplified incidents of false and misleading information—especially false claims of election fraud—across multiple platforms. President Trump's official Twitter account (@realDonaldTrump) participated in 21 distinct incidents and was the most highly retweeted in all of our incident-related data (Twitter permanently suspended his account on January 8, 2021).²³ His YouTube channel put out videos that linked to six distinct incidents, making him tied for third, and that were viewed more than any other repeat spreader's videos. And his Facebook official account was the most engaged-with account in all of our Facebook data.

President Trump's adult sons Donald Jr. and Eric were involved in 24 and 16 incidents respectively; Donald Jr. was the third most prominent Twitter user in the incident-related data. Between them, the president, Donald Jr., and Eric Trump spread and reinforced narratives questioning the security of the mail-in voting process, ballot harvesting claims, several different narratives about poll

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watchers being denied access and other questionable “whistleblower” claims, and the Dominion conspiracy theory.

These cases capture solely when Donald Trump or his campaign produced content (posts, videos, tweets) related to an incident. In addition to content production, the Trump team regularly used retweets to amplify content by hyperpartisan media outlets and other accounts. Leading up to the election, we described one incident in which Donald Trump Jr. amplified a ballot harvesting narrative produced by Project Veritas (see Figure 3.16 on page 66 in Chapter 3).²⁴ Similar amplification events occurred involving Dr. Shiva Ayyadurai, The Gateway Pundit, Breitbart, and other hyperpartisan outlets. Owing to their large following, members of the Trump family—and a broader array of accounts associated with their campaign—were able to catalyze the spread of election fraud narratives. Their role in the spread of misinformation was therefore multidimensional—through both content production and content amplification.

Their activity also extended beyond social media. Claims of electoral fraud were pushed by members of the Trump family, the Trump campaign, and other surrogates on cable news, through press briefings, and eventually within numerous court cases. Perhaps the most important role the Trump inner circle played was to seed and perpetuate the prevailing narrative—the general notion of a “rigged election.”

The Gateway Pundit

The Gateway Pundit was among the most active spreaders of election-related misinformation in our analyses. The outlet used a cross-platform strategy, hosting content on its website and using other channels to promote both its own and others’ content. It appeared as a top repeat spreader through its website, its Twitter account, its YouTube channel, and its Instagram account. (Twitter suspended the account on February 6, 2021).²⁵

Figure 5.4 on the facing page shows the relative engagement with The Gateway Pundit’s content over time and across platforms within our incident-related data.

Unlike some of the other entities featured here, The Gateway Pundit was highly active throughout the election lifecycle, including during the weeks leading up to the election, when it repeatedly spread content—in distinct information incidents—that sought to undermine trust in mail-in voting specifically and the eventual election results more generally. It participated in seeding and spreading misleading information about ballots being harvested, chased, dumped, stolen, and miscounted. It spread false narratives of election fraud built upon

5.6. An Integrated Look at Repeat Spreaders Across Platforms

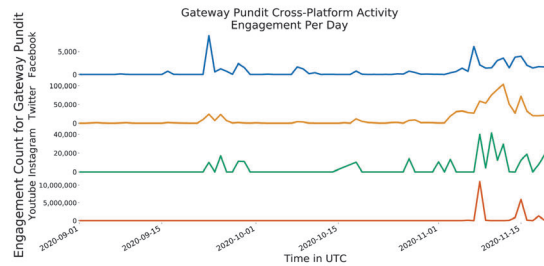


Figure 5.4: Engagements per day for The Gateway Pundit. Facebook engagements are in blue, Twitter retweets in orange, and Instagram likes in green.

misinterpretations of statistics and was active in spreading the false Dominion conspiracy theory.

On Twitter, The Gateway Pundit's account was highly retweeted across 26 different incidents (#2 among repeat spreaders). Evidence from our data suggest that its prominence was due both to production of its own material and to amplification (via original and quote tweets) of other partisan content. It repeatedly interacted with content and accounts of other repeat spreaders and influencers, including Project Veritas, as shown in Figure 5.5.



Figure 5.5: Quote tweet by @JamesOKeefeIII (the founder of Project Veritas) of a tweet by Jim Hoft (the operator of @gatewaypundit). Hoft's tweet links to an article on thegatewaypundit.com, which promotes a video released by Project Veritas.

Of all the domains linked to in our Twitter data, The Gateway Pundit's website was connected to the largest number of incidents (46) while also garnering the

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most related original tweets (29,207) and retweets (840,750). Their YouTube channel appeared in five incidents, and their 13 incident-related videos had more than 4 million views on YouTube.

The Gateway Pundit was not as visible in the Facebook data we collected, but its Instagram account was tied for #2 among repeat spreaders, appearing in 10 incidents for 20 posts that received more than 132,000 engagements.

Breitbart News

Breitbart News, a right-wing, online media outlet, was also a cross-platform repeat spreader—pushing false and misleading narratives about the election through their website, Twitter account, Facebook Page, and Instagram account. In terms of number of different false or misleading information incidents that they helped to spread, they were #1 on Facebook (8 incidents), #2 on Instagram (10 incidents), and #2 among linked-to websites in the Twitter data (26 incidents). On Facebook and Instagram, they had the highest engagement among repeat spreaders.

Breitbart participated in a wide range of ballot-related incidents, such as mail-dumping and ballot harvesting, voting machine issues, and now-debunked claims that statistical anomalies suggest widespread election fraud. It both produced its own content and propagated stories that initially rose to prominence on other domains. Often, it picked up content found elsewhere online and reframed that content within its own articles. However, Breitbart tended to be more careful than The Gateway Pundit and others in how it framed events to subtly connect them to potential issues of voter fraud without explicitly making those claims.

Newsmax Media

Newsmax Media (formerly NewsMax) is a conservative media outlet that produces content through its website, cable news channel, and various social media accounts—including Twitter, YouTube, Facebook, and Instagram. Especially active in the aftermath of the election, Newsmax repeatedly posted videos—across their many media channels—where they hosted guests that made unsupported and in many cases outright false claims about election fraud. The outlet appears in several incidents in our data, from Stop The Steal and Sharpiegate to the Dominion and Hammer and Scorecard conspiracy theories.

The Newsmax website is most visible in our data for seeding a misinformation incident through a video interview (available on their website) claiming that the head of the Federal Election Commission, Trey Trainor, believed that voter fraud was occurring in states still counting ballots. Newsmax also hosted a pundit who claimed that the Democrats were attempting a “coup” and ran several segments

5.6. An Integrated Look at Repeat Spreaders Across Platforms

containing false accusations about companies involved in the manufacture and software development for voting machines.

Perhaps more interesting than the specific incidents that Newsmax was involved in spreading is how the media outlet vastly increased its visibility in this discourse immediately following the election. Figure 5.6 shows engagement (likes and comments) across platforms with Newsmax content related to incidents of false or misleading information about the election. Prior to November 3, Newsmax was not a significant part of these conversations. But after the election, the media outlet began to gain attention—quite rapidly—for its coverage of election fraud claims.

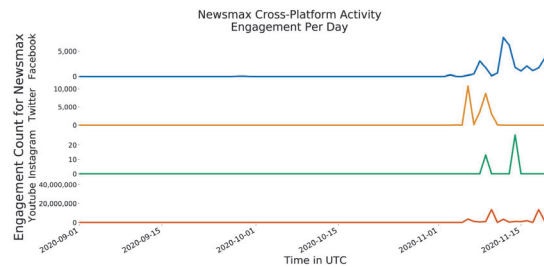


Figure 5.6: Engagements per day for Newsmax in incident-related data. Facebook is in blue, Twitter retweets in orange, Instagram in green, and YouTube in red.

Gains in engagements on Newsmax's content were accompanied by gains in followers for their accounts on various social media platforms—translating to a potentially long-term visibility increase for the outlet. Figure 5.7 on the next page shows followers over time for Newsmax's Twitter and Instagram accounts. Both demonstrate a sharp increase in early November. The Twitter graph (which we can generate at a much higher granularity) indicates that the first sharp increase occurs at about 4:00 am UTC on November 3 (11:00 pm EST on election night). Much of that may be attributable to their election night projections, including a tweet erroneously announcing that President Trump had won the state of Georgia. The @newsmax Twitter account would continue to gain followers over the course of the post-election period—growing by nearly 300% in two weeks (from 232,000 on November 2 to 668,000 on November 15)—as their content began to coalesce around false claims of election fraud. Their Instagram account saw an even more remarkable gain, from 47,400 followers on October

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31 to 318,500 followers on November 14 (an increase of more than 600%).

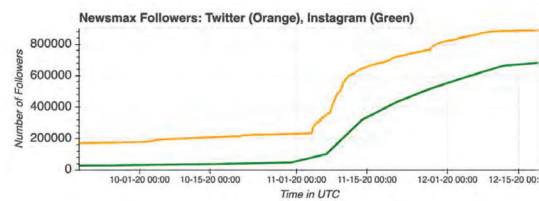


Figure 5.7: Newsmax followers growth on Twitter (orange) and Instagram (green).

During the post-election period (November 3 to November 15), Newsmax also began to promote themselves as a pro-Trump alternative to Fox News, which was being criticized for, among other things, calling Arizona for Biden. Reflecting what appears to be a strategy of staking claim to the right-wing and pro-Trump media market, on November 8 Newsmax bragged that they were the “only major news network to not call the election.”

Later, Newsmax would be legally pressured to post “clarifications” to many of the false accusations that they aired.²⁶ But it's likely that their reputational boost—in terms of followers on their social media accounts—from posting the original false claims was not significantly diminished by the later corrections.

Project Veritas

The data show that Project Veritas was a prominent repeat spreader of false and misleading information about the 2020 election across multiple platforms, through both the organization's accounts and the personal accounts of its founder, James O'Keefe. (Twitter permanently suspended Project Veritas's official account and temporarily locked James O'Keefe's on February 11, 2021.) They produced several videos in the form of “investigative reports” that they hosted on YouTube and their official website. They used their other social media channels—where they were connected to a network of other large-audience, blue-check conservative and pro-Trump accounts—to advertise and disseminate their videos.

As a montage view of their YouTube videos shows, Project Veritas produced videos that repeatedly challenged the integrity of electoral procedures, election and postal service officials, and ultimately the results of the election (see Figure 5.8 on the facing page).

5.6. An Integrated Look at Repeat Spreaders Across Platforms

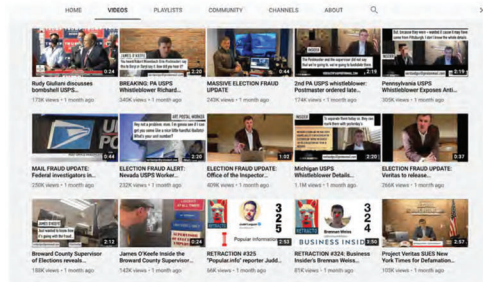


Figure 5.8: Project Veritas's YouTube Page containing a number of their investigative reports on election fraud.

Project Veritas videos maintain a consistent, signature style: they begin with founder James O'Keefe describing the alleged fraud their video exposes before moving on to undercover videos or anonymized interviews that are presented as "proof" of their claims. The videos are highly edited, with often incomplete narratives. Notably, the subjects of some of the videos Project Veritas released were found to be unreliable sources—for example, the political operative whistleblowing about alleged ballot-harvesting by the Ilhan Omar campaign later revealed he was offered a \$10,000 bribe to make up the story.²⁷

Though Project Veritas claimed to face deplatforming efforts on Twitter during the 2020 election cycle (ostensibly for violating Twitter's civic integrity policies), they were highly successful at disseminating their content throughout the 2020 election.²⁸ In addition to their engagement on YouTube, the group gained 5.8 million views on videos they uploaded to their Facebook Page in 2020 and over 12 million views on their Instagram videos. Their success, in part, can be attributed to James O'Keefe, who uses his personal platform and connections with other conservative influencers to direct attention to their video content, hosted across multiple platforms. O'Keefe's personal Twitter account (@JamesOKeefeIII) appeared in 12 of our election integrity incidents and garnered over 625,000 retweets, primarily for posts promoting Project Veritas's content.

O'Keefe's Facebook Pages were often used nearly identically to his Twitter account, complete with the use of hashtags, short-form statements on particular incidents, and linked videos, as seen in Figure 5.9 on the next page.

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Figure 5.9: Identical posts by James O'Keefe on both Facebook (left) and Twitter (right).

In the lead-up to the election, Project Veritas focused their efforts on sowing doubt in the integrity of mail-in voting by pushing narratives around ballot harvesting and what they term “ballot chasing.” They released several videos on their YouTube channel that claimed various campaigns (of primarily down-ballot races) were engaging in illegal ballot harvesting and facilitating mail-in voter fraud, including one accusing Representative Ilhan Omar. Project Veritas promoted the drop of the video on Twitter prior to releasing it on YouTube (see Figure 3.14 on page 65 in Chapter 3). Following its release, the video was linked to by multiple prominent partisan media news sites such as The National Pulse, whose stories were further amplified by retweets by Donald Trump Jr. The cross-platform attention drew users to the video on YouTube, resulting in nearly 1.2 million views. O'Keefe capitalized on the attention garnered by the video to release multiple subsequent undercover reports on alleged election fraud. Subsequent videos failed to gain as much traction, but still consistently garnered at least 100,000 views on YouTube.

After the election, Project Veritas began producing videos of “whistleblowers” alleging fraudulent behaviors in swing states—this included a video testimonial from a Pennsylvania postal worker claiming that late ballots were backdated. O'Keefe tweeted the video (embedded within Twitter, as well as posted to the YouTube channel) to his one million followers. After the worker recanted his testimony in an affidavit a few days later, O'Keefe posted a follow-up tweet/video combination claiming that the whistleblower had been retaliated against by the USPS.²⁹ Both tweets (see Figure 5.10 on the next page) gained significant traction, receiving thousands of retweets and likes.

Notably, Twitter did take action on some of the misleading content propagated by Project Veritas and O'Keefe, occasionally adding labels saying the content was

5.6. An Integrated Look at Repeat Spreaders Across Platforms

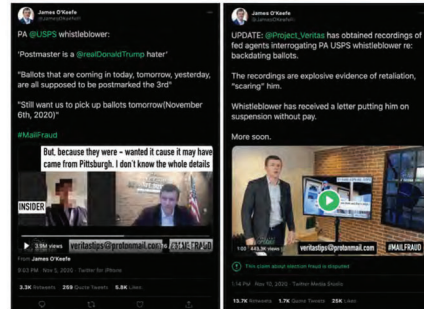


Figure 5.10: Tweets from James O'Keefe, founder of Project Veritas, claiming mail-in voting fraud in Pennsylvania.

disputed and eventually suspending the @Project_Veritas account. Yet a lack of uniformity in policies across platforms, and the group's significant presence on multiple social media platforms, mean that most of Project Veritas's misleading content remains online in some format.

Dr. Shiva Ayyadurai

Dr. Shiva Ayyadurai played a unique role in promoting electoral misinformation—in that it began after election day and featured almost exclusively content that misinterpreted and/or misrepresented statistics. He is also an example of overlap between producers of coronavirus and electoral misinformation. Ayyadurai's platform grew remarkably in 2020, after a video claiming Dr. Anthony Fauci was part of a Deep State conspiracy to spread coronavirus garnered more than six million views in a week.³⁰ After the 2020 election, he successfully leveraged YouTube's livestreaming feature to produce lengthy videos that proliferated multiple false narratives alongside dubious statistical "evidence." His videos were similarly livestreamed and viewed on Periscope and Facebook.

After a failed primary campaign for the US Senate in September 2020, Ayyadurai began promoting a conspiracy theory that computer tabulation systems systematically switched votes in favor of his opponent. After November 3, he extended this claim—based on fraught statistical analysis³¹—to asserting fraud in the US presidential election. His argument took several forms, broadly and erroneously

5. Actors and Networks: Repeat Spreaders of Election Misinformation

claiming that Trump's under-performance in areas with more straight-ticket Republican votes was evidence of a "weighted feature" of tabulation software favoring Joe Biden. When his arguments were debunked by statisticians, he altered or changed expectations or presented a new and equally fraught statistical argument.

His most popular video has gained over 1 million views since he livestreamed it on November 10. His popularity can, in part, be attributed to sharing of his content by other misinformation superspreaders, including QAnon-affiliated lawyer Sidney Powell, who not only tweeted it to her one million-plus followers but also used Ayyadurai's arguments as evidence in her so-called "Kraken" lawsuit attempting to overturn the election results in Georgia, a key swing state (see Figure 5.11).³²

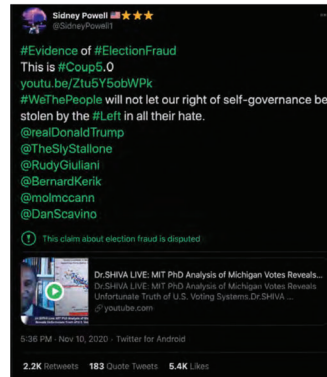


Figure 5.11: Trump legal affiliate Sydney Powell tweets a link to Ayyadurai's most popular YouTube video.

5.7 Summary

Our analysis suggests that the primary "influencers" in the online production and dissemination of false and misleading narratives about the 2020 election were verified, blue-check accounts belonging to partisan media outlets, social

media influencers, and political figures. Though false narratives occasionally gained traction on the political left, almost all of the most prominent repeat spreaders—i.e., the accounts that seeded and disseminated multiple false claims and narratives—belonged to conservative and/or pro-Trump individuals and organizations. Members of the Trump campaign, including President Trump and his adult sons, played a significant role in the spread of these narratives, which converged around false and misleading claims of voter fraud and sought to undermine trust in the results of the election. These narratives persisted throughout our analysis, from August through December, and spread through and across diverse social media platforms—and through the broader information ecosystem, including cable news.

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Notes

1. (page 182) We continued to track the spread of incidents through December 12, 2020, approximately two weeks after our real-time analysis concluded.
2. (page 182) We ran several collections in parallel, balancing terms across collections to reduce the impact of rate limits.
3. (page 183) It was possible for one incident to be related to multiple themes that the EIP defined, which is why these sum to more than 153.
4. (page 185) Nick Corasaniti, "Rudy Giuliani Sued by Dominion Voting Systems Over False Election Claims," *New York Times*, January 25, 2021, <https://www.nytimes.com/2021/01/25/us/politics/rudy-giuliani-dominion-trump.html>
5. (page 185) Saranac Hale Spencer, "Overblown Claims of 'Bad Things' at Philly Polls," FactCheck.org, November 3, 2020, <https://www.factcheck.org/2020/11/overblown-claims-of-bad-things-at-philly-polls/>
6. (page 185) Saranac Hale Spencer, "Pennsylvania Postal Worker Waffles on Election Fraud Claim," FactCheck.org, November 12, 2020, <https://www.factcheck.org/2020/11/pennsylvania-postal-worker-waffles-on-election-fraud-claim/>
7. (page 185) Jonathan Oosting, "Meet Michigan's 'dead' voters. They're quite alive despite false fraud claims," November 10, 2020, BridgeMichigan, <https://www.bridgemi.com/michigan-government/meet-michigans-dead-voters-theyre-quite-alive-despite-false-fraud-claims>
8. (page 185) Samantha Putterman, "Video makes it look like left-leaning groups plotted post-election coup. That's not the whole story," PolitiFact, November 5, 2020, <https://www.politifact.com/article/2020/nov/05/video-makes-it-look-left-leaning-groups-plotted-po/>

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9. (page 185) Bethania Palma, "Viral Video Spreads Unfounded Claims about Rep. Ilhan Omar and Voter Fraud," Snopes, updated October 19, 2020, <https://www.snopes.com/news/2020/09/29/project-veritas-ilhan-omar/>
10. (page 184) The network was generated from our larger Twitter data collection—the 859 million tweets we collected about the election and voting. This creates a stable network structure onto which we later mapped specific incidents.
11. (page 184) We used the Louvain method for identifying communities in the network graph; see Wikipedia, s.v. "Louvain method," last modified February 9, 2021, 12:45 pm, https://en.wikipedia.org/wiki/Louvain_method
12. (page 186) We used a slightly abbreviated time window for this part of the analysis (than for calculating spread of the incidents), but due to the high thresholds for inclusion of nodes and edges, the structure is fairly stable and it is unlikely that influential nodes would shift from one community to another if more data was included.
13. (page 186) Ian Kennedy, et al., "Emerging Narratives Around 'Mail Dumping' and Election Integrity," Election Integrity Partnership, September 29, 2020, <https://www.eipartnership.net/rapid-response/mail-dumping>
14. (page 187) As we note in the section on Participatory Mis- and Disinformation in Chapter 4, many of the rank-and-file accounts on the political right viewed their participation in these false and misleading narratives as helping to expose wrongdoing, not as spreading misinformation.
15. (page 187) Election Integrity Partnership Team, "Repeat Offenders: Voting Misinformation on Twitter in the 2020 United States Election," Election Integrity Partnership, October 29, 2020, <https://www.eipartnership.net/rapid-response/repeat-offenders>
16. (page 188) "Permanent Suspension of @realDonaldTrump," Twitter blog, January 8, 2021, https://blog.twitter.com/en_us/topics/company/2020/suspension.html; AJ Dellinger, "Twitter suspends 'Gateway Pundit' Jim Hoft," *Forbes*, February 6, 2021, <https://www.forbes.com/sites/ajdellinger/2021/02/06/twitter-suspends-gateway-pundit-jim-hoft/>; @cjtruth, Twitter profile, <https://twitter.com/cjtruth>; Chris Mills Rodrigo, "Twitter permanently suspends Michael Flynn, Sidney Powell and others," *The Hill*, January 8, 2021, <https://thehill.com/policy/technology/533424-twitter-permanently-suspends-michael-flynn-sidney-powell-and-others>
17. (page 190) Holmes Lybrand and Tara Subramaniam, "Fact check: Evidence undermines Trump campaign's claims of dead people voting in Georgia," CNN,

updated November 13, 2020, <https://www.cnn.com/2020/11/12/politics/trump-campaign-georgia-dead-voters-fact-check/index.html>

18. (page 191) One limitation of this approach is that it provides a view of YouTube activity filtered by content shared on Twitter (with at least one retweet). Videos that were not cross-posted to Twitter are not included.

19. (page 192) Sheera Frenkel, "The Rise and Fall of the 'Stop the Steal' Facebook Group," *New York Times*, November 5, 2020, <https://www.nytimes.com/2020/11/05/technology/stop-the-steal-facebook-group.html>

20. (page 194) Davey Alba, "Riled Up: Misinformation Stokes Calls for Violence on Election Day," *New York Times*, updated January 20, 2021, <https://www.nytimes.com/2020/10/13/technology/viral-misinformation-violence-election.html>

21. (page 194) Miami Police Department (@MiamiPD), "We are aware of the photograph being circulated of a Miami Police officer wearing a political mask in uniform. This behavior is unacceptable, a violation of departmental policy, and is being addressed immediately," Twitter, October 20, 2020, <https://twitter.com/MiamiPD/status/1318579324723789825>

22. (page 194) Rachel Moran, et al., "Left-Leaning Influencers, 'Mainstream' Media Play Big Role in Amplifying 'Army for Trump' Fears," Election Integrity Partnership, October 12, 2020, <https://www.eipartnership.net/rapid-response/army-of-trump>

23. (page 195) Twitter, "Permanent Suspension of @realDonaldTrump."

24. (page 196) Isabella Garcia-Camargo, et al., "Project Veritas #BallotHarvesting Amplification," Election Integrity Partnership, September 29, 2020, <https://www.eipartnership.net/rapid-response/project-veritas-ballot-harvesting>

25. (page 196) Dellinger, "Twitter suspends 'Gateway Pundit' Jim Hoft."

26. (page 200) Jeremy Barr, "Newsmax issues sweeping 'clarification' debunking its own coverage of election misinformation," *Washington Post*, December 21, 2020, <https://www.washingtonpost.com/media/2020/12/21/newsmax-clarification-smartmatic/>

27. (page 201) Liban Osman, interview by Tom Lyden, Fox 9 Minneapolis-St. Paul, on "Subject of Project Veritas voter fraud story says he was offered bribe," YouTube, October 6, 2020, <https://www.youtube.com/watch?v=WzFGVEEB0Yw>

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5. Actors and Networks: Repeat Spreaders of Election Misinformation

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31. (page 203) Naim Kabir, "Dr. Shiva Ayyadurai and the Danger of Data Charlatans," *Medium*, <https://kabir-naim.medium.com/dr-shiva-ayyadurai-the-danger-of-data-charlatans-4f675ffe793c>

32. (page 204) Aaron Keller, "Sidney Powell's 'Kraken' Lawsuit Argues Improbability of 'High Republican, Low Trump' Voting Patterns," *Law & Crime*, November 30, 2020, <https://lawandcrime.com/2020-election/sidney-powells-kraken-lawsuit-argues-improbability-of-high-republican-low-trump-voting-patterns/>

Policy

6.1 Introduction

Platform policies establish the rules of participation in social media communities. Recognizing the heightened rhetoric and the use of mis- and disinformation during the 2020 election, all of the major platforms made significant changes to election integrity policies, both as the campaigns kicked off and through the weeks after Election Day—policies that attempted to slow the spread of specific narratives and tactics that could potentially mislead or deceive the public, though the efforts were not always successful.

Throughout the election period, a team of EIP analysts evaluated platform policies within three contexts:

- **Actors' Content and Behavior:** The content and behavior that platforms identify fall in or out of behavior that violates their policies.
- **Platform Actions:** What moderation strategies are proportionate to deal with the actors' content and behaviors.
- **Overall Communication of Platform Policies:** How policies are communicated to the public clearly and transparently.

This chapter begins by briefly reviewing and comparing platform policy iterations before and during the 2020 election. We then describe the primary platform interventions, their strengths and weaknesses, and how they were applied to the repeat spreaders in our dataset. From there we discuss misinformation problems that have no clear-cut policy solutions, and conclude with a forward-looking assessment of areas for policy improvement.

6.2 Social Media Platform Policy Evolution

Major social media platforms such as Facebook, Twitter, YouTube, Pinterest, and TikTok introduced changes to their community standards in the months leading up to the election and in the aftermath. The timeline below shows the four phases that correspond with larger policy trends across multiple platforms:¹

- **Phase 0: April 2019–August 2020.** Some platforms introduced or updated their policies on election misinformation. However, the majority of platforms still had sparse, non-specific, or non-existent policies around election-related content.
- **Phase 1: September 2020.** A number of platforms announced the first updates to election-specific policies: making large additions; adding more clarity and specificity; or stating clearly that they will label or remove content that delegitimizes the integrity of the election.
- **Phase 2: Early October 2020.** A month before the election, platforms specified the media organizations they would rely on for determining when races are declared and emphasized removing content that intimidates voters or incites violence. However, they did not distinguish between general and specific calls to action.
- **Phase 3: Late October 2020.** In the days leading up to the election, platforms previewed their Election Day plans. This included providing concrete examples of what labels on content discussing election results will look like.
- **Phase 4: Early November 2020 (post-election).** Platforms released information about the content and behavior they saw and their moderation efforts on and after Election Day; some policies were updated to address post-election claims of election fraud.

Early in the EIP's research, we identified specific categories of potential election misinformation (see Chapter 1) and ranked policy comprehensiveness in each category.² Table 6.1 on page 214 and 6.2 on page 215 illustrate the evolution of platforms' policies: the first shows coverage in August 2020; the second shows where the policies stood as of October 28, 2020, right before the election. (Our methodology for platform evaluations—which focused on formal or publicly stated policies for addressing election misinformation—can be found in Appendix F on page 265.)

There are two key findings from this analysis. First, platforms that already had election-related policies strengthened them, while platforms that went into the

6.2. Social Media Platform Policy Evolution

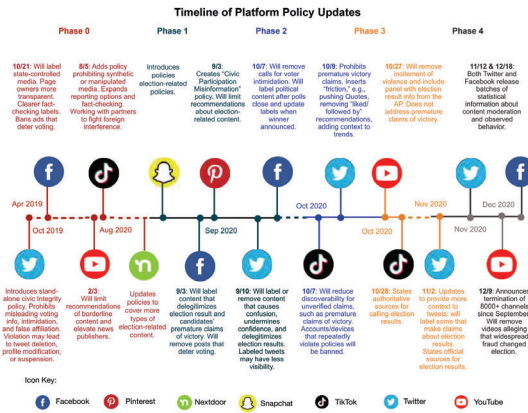


Figure 6.1: A timeline of the four phases of election policy introduced by the platforms in the lead-up to and after the 2020 election.

election without any policies remained without them through the election, with the exception of Snapchat.³

Second, many platform policy updates related to the 2020 election cycle focused far more on explicit topical content restrictions than on user behavior. After the discovery of Russian interference in the 2016 election, platforms focused on behavior, such as coordinated inauthentic behavior, rather than content.⁴ Even in 2020, Facebook's first election policy announcement focused on its efforts to combat this behavior and "fight foreign interference."⁵ Yet much of the misinformation in the 2020 election was pushed by authentic, domestic actors, and platforms shifted their focus to address downstream harms related to the content itself. As a result, most subsequent updates introduced policies related to specific content categories, such as claims of premature victory or posts that promote violence at the polls. The iterative nature of platform policies during the election season also indicates that, despite having seen certain narratives in previous elections that were predicted to appear again in 2020, many platforms did not proactively adapt policies to combat these narratives.

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	Procedural Interference	Participation Interference	Fraud	Delegitimization of Election Results
Facebook	Comprehensive	Comprehensive	Comprehensive	Non-Comprehensive
Twitter	Comprehensive	Comprehensive	Non-Comprehensive	Non-Comprehensive
YouTube	Comprehensive	Non-Comprehensive	Non-Comprehensive	Non-Comprehensive
Pinterest	None	Non-Comprehensive	Non-Comprehensive	Non-Comprehensive
Nextdoor	Comprehensive	None	Non-Comprehensive	None
TikTok	Non-Comprehensive	None	Non-Comprehensive	Non-Comprehensive
Snapchat	*No election-related policies			
Parler	*No election-related policies			
Gab	*No election-related policies			
Discord	*No election-related policies			
WhatsApp	*No election-related policies			
Telegram	*No election-related policies			
Reddit	*No election-related policies			
Twitch	*No election-related policies			

Table 6.1: The EIP's evaluation of platform policies as they stood in August 2020. A rating of "No election-related policies" means the platform has no explicit policy or stance on the issue; although the platform may have existing policies that address misleading content, we were unable to evaluate how they might apply in an election-related context. We grouped the 15th platform, Instagram, with Facebook, however it is not entirely clear to our team if every election-related policy update made by Facebook also applied to Instagram.

6.3 Platform Interventions: Policy Approaches and Application Outcomes

In addition to tracking the evolution of content-based policy changes, the EIP examined the benefits and drawbacks of the tactics that platforms used to enforce their new policies: remove, reduce, and inform. These interventions encompass a spectrum of actions, from removing content and suspending users, to creating friction, to contextualizing with content labels.

Ultimately, we find that platform intervention and users' responses are part of a feedback loop: platforms' observations of actions reveal the need for policies, and policies impact subsequent actions. From July to November, we watched policy shape users' tactics, and users' tactics impact policy. While this reciprocity can make it difficult to stop the spread of misinformation, it can also force platforms to fortify or adapt their policies.

6.3. Platform Interventions: Policy Approaches and Application Outcomes

	Procedural Interference	Participation Interference	Fraud	Delegitimization of Election Results
Facebook	Comprehensive	Comprehensive	Comprehensive	Comprehensive
Twitter	Comprehensive	Comprehensive	Non-Comprehensive	Comprehensive
YouTube	Comprehensive	Comprehensive	Non-Comprehensive	Non-Comprehensive
Pinterest	Comprehensive	Comprehensive	Comprehensive	Comprehensive
Nextdoor	Non-Comprehensive	Non-Comprehensive	Non-Comprehensive	Non-Comprehensive
TikTok	Non-Comprehensive	Non-Comprehensive	Non-Comprehensive	Comprehensive
Snapchat	Non-Comprehensive	Non-Comprehensive	Non-Comprehensive	Non-Comprehensive
Parler	*No election-related policies			
Gab	*No election-related policies			
Discord	*No election-related policies			
WhatsApp	*No election-related policies			
Telegram	*No election-related policies			
Reddit	*No election-related policies			
Twitch	*No election-related policies			

Table 6.2: After multiple iterations of policy updates, the EIP's final evaluation of platform policies as of October 28, 2020. Listings in red indicate a change in policy from the start of our monitoring period. We grouped the 15th platform, Instagram, with Facebook, however it is not entirely clear to our team if every election-related policy update made by Facebook also applied to Instagram.

Platform Moderation Approach: Remove

The most punitive moderation tools at a platform's disposal are content removal and account suspensions. "Remove" can be applied to actors for several reasons: accounts can be suspended for inauthentic identities, coordinated inauthentic behavior, or repeatedly violating the community guidelines—such as the repeat spreaders discussed in Chapter 5.

The intention behind this type of moderation is to prune false or misleading information at its source. It is often used to address content that can have the greatest real-world harm, and platforms were committed to removing calls for interference in the election process that may lead to violence. In our dataset of tickets, incitement to violence had the highest rate of content or account removal.

Despite what appeared to be clear policy to penalize or remove repeat spreaders and high-profile disinformation actors, platforms appeared to shy away from using this particular intervention. In some cases, this was a result of a variety of "newsworthiness" exceptions, which allowed some high-profile repeat spreaders, including politicians, to evade bans.⁶ Yet many of the repeat spreaders we saw were not politicians.

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Platform Moderation Approach: Reduce

The second moderation intervention is to “reduce” the distribution of policy-violating content so that fewer users see it—to insert “friction.” This type of intervention may include methods such as downranking content so that it appears lower in a user’s feed or preventing sharing capabilities to reduce the spread of certain content.

Several platforms employed friction leading up to the election. Twitter introduced a series of changes, including turning off the ability to reply, retweet, or like a tweet that violated the policy.⁷ Similarly, TikTok redirected search results and hashtags, such as #RiggedElection and #SharpieGate, that violated its community guidelines, preventing users from finding others who use the terms.⁸ Facebook supplied additional context to content-sharing features by warning people when they share old content links, a common pattern seen in misinformation. This Facebook product feature demonstrates how friction can also go hand in hand with informing users, discussed more below.⁹

Policies introducing friction can be particularly helpful around networked framing, where platforms face not one piece of content but rather the conglomeration of often countless instances of misinformation or hard-to-verify information. If looked at like a narrative puzzle, individual pieces are less consequential than the whole image—platforms must have the insight to see the puzzle before it is formed. By expanding friction policies to address narratives rather than individual pieces of content, platforms stand a better chance at reducing the negative impact of networked framing.

Although the EIP does not have insight into how well these friction-inducing policies reduced the spread of misinformation, Twitter stated that from October 27, 2020, to November 11, 2020, they saw an estimated 29% decrease in quote tweets of labeled tweets, perhaps due in part to a prompt that warned people prior to sharing.¹⁰

Platform Moderation Approach: Inform

Content labels were the most commonly used policy intervention by Facebook during the 2020 election and were used by Twitter on approximately 300,000 pieces of content.¹¹ Though labels permit policy-violating content to stay on a platform, they may reduce distribution and alter how users interact with content.

The EIP observed four distinct issues related to labeling practices during the 2020 election. First, some platforms struggled to apply labels uniformly: content identical in substance was labeled in some instances but not others. Labels signal that something may be false or misleading. If some content is unlabeled,

6.3. Platform Interventions: Policy Approaches and Application Outcomes

beled, it may give the impression that it might be true—an “implied truth effect”—unintentionally giving credence to misleading content.¹²

Lack of uniform labeling leads to another challenge: mislabeling. Some platforms use automated systems—AI—to detect and label content. However, AI sometimes fails to distinguish between content that violates policies and content that does not. For example, Facebook used AI to automatically label most election-related content with a generic label: “Visit the Voting Information Center for voting resources and official election updates.” While the AI did label some content as false, the generic auto-label was applied more frequently. In fact, content that would more appropriately be labeled as “false” was instead tagged with the “Voting Information Center” label. The AI’s inability to distinguish false or misleading content from general election-related commentary may have diminished the value of Facebook’s labeling policy entirely. On balance, AI-driven labeling is another flaw in platforms’ policy approach to identifying misinformation.¹³

Second, inconsistent label language and placement impedes platforms’ attempts to reduce the spread of misinformation. Varied language can inspire confusion and speculation about platforms’ intent, while problematic placement and design may obscure labels from view.

Inconsistent label language can be particularly problematic, especially against the backdrop of an ongoing, hyperpartisan battle over content moderation. For example, in May 2019, Twitter marked a handful of President Trump’s tweets with a relatively neutral label: “Get the facts about mail-in ballots.” But in October, when President Trump tweeted similar content, Twitter changed the labels: in contrast to the previous passive language, Twitter applied a label that read, “Learn how voting by mail is safe and secure,” complete with an embedded link to voting resources.¹⁴



Figure 6.2: President Trump’s tweets, both violative of Twitter’s civic integrity policy, labeled with different language.

However, the shift occurred without explanation from Twitter, and repeat

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spreaders speculated about Twitter's purported political agenda in its wake. While changes in label language are appropriate responses to misinformation, lack of context and documentation of these changes, or confusing rollouts, may trigger distrust, leading users and media outlets to speculate about a platform's motives rather than consider the veracity of the content.¹⁵ Notably, subsequent updates to Twitter's label language, such as those responding to official election results, came with official statements that previewed what these labels would look like.¹⁶

Similarly, label location is a notable design weakness: because location is not mandated by policy, aesthetics seems to be the primary concern. Thus, some platforms put labels below the flagged content instead of directly above it. Because users have varied hardware and personalized software (e.g., text size, speech-to-text), labels placed on the bottom may appear off-screen—or content could be screen-captured without its bottom label and shared as if it had not received a label at all. Further, users may click away from the post before even seeing a label at the bottom. Although we cannot say with certainty whether labels are effective measures of deterring users' belief in misinformation, placing labels at the bottom of misleading posts risks the foreclosure of any possibility of deterrence.

Third, the EIP additionally observed that when platforms were slow to label, misinformation spread quickly, achieving wide distribution before a platform took action. Difficulty with fact-checking and verification, among other issues, often gave repeat spreaders with large followings the space to quickly circulate false narratives as platforms deliberated the appropriate response. For example, Twitter permitted a number of Trump's misinformation-riddled tweets to go unlabeled for several hours after they appeared on his timeline. Between the time of posting and the label's application, Trump's tweets were retweeted, quote tweeted, and shared tens of thousands of times.¹⁷

Finally, the EIP observed inconsistency of label implementation between platforms, even when they shared similar content-labeling policies. This is one component of the cross-platform dynamic identified in previous chapters. Ultimately, discrepancy in labeling across platforms creates an opportunity for misinformation to thrive. People are users on multiple platforms, and are thus forced to determine what the presence or absence of a label on one platform versus another means about the truth of election-related content.

Platform Interventions vs. Repeat Spreaders and Influencers

As Chapter 4 and 5 lay out, the structure of mis- and disinformation includes both top-down prominent accounts as well as bottom-up participation. In the 2020 election, repeat spreaders played a key role in both elevating crowd-sourced

6.3. Platform Interventions: Policy Approaches and Application Outcomes

stories and providing a frame to interpret them. This section highlights how platform policies set the rules for engagement, and how gaps in policies can be exploited by repeat spreaders.

Repeat spreaders sometimes face consequences for their violations, such as content labels or removal, after platforms take the user's history and the severity of infringement into account. However, in the dataset of repeat spreaders introduced in Chapter 5 we saw that very few Twitter accounts were actually removed—only four including President Trump's as of February 2021—and that many of them are still active on other platforms. Additionally, the proliferation of misleading and false narratives suggests that the policy interventions outlined above were not successful.

Central to this issue is that repeat spreader policies are not clear in two key ways. First, the majority of platforms do not publicly communicate the number of offenses a user must commit before they will take action on the user's entire account (e.g., suspension), not just on their content (e.g., labeling). While platforms like Facebook have an internal strike system for offenses, at the time of the election YouTube was the only platform that, in the form of its three-strike rule, publicly placed clear limits.¹⁸ The lack of transparency means that we also do not know the type of action to expect against an account after a certain number of violations. We do not know, for example, when a suspension will be temporary versus permanent.

Second, it is also unclear how public interest exemptions may play into repeat spreader policies. Platforms such as Twitter and Facebook have policies that exempt certain content from elected and government officials from being removed;¹⁹ however, we do not know if or when a government official account would be suspended if it repeatedly violates platform policy. For example, Twitter labeled half of newly elected Representative Marjorie Taylor Green's tweets after the polls closed on Election Day, without moving to suspend her (see Figure 6.3 on the following page).²⁰

After the insurrection of the US Capitol on January 6, one of the most prominent repeat spreaders, President Trump, was suspended from a number of platforms; Twitter permanently suspended his account on January 8.²¹ Four days later, Twitter introduced a detailed strike system specifically for the civic integrity policy.²² It is unclear if Twitter has applied this new policy since its creation, or if they will expand its strike system to other policy areas, such as COVID-19 misinformation. However, this new policy reflects a robust adaptation for responding to repeat spreaders.

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Figure 6.3: A sample of tweets by Representative Marjorie Taylor Green on November 4, 2020. (Note: these are selected tweets, not an image of her timeline. Some of her tweets in this short time period were not labeled.)

6.4 Mis- and Disinformation Problems Without Clear Policy Solutions

Even with these policies in place, with full and consistent implementation, other obstacles to preventing and containing the spread of mis- and disinformation exist. As platforms, researchers, and official policymakers work to protect the integrity of our elections, it is important to recognize those obstacles for which, at this moment, there may be no clear policy solution. These include cross-platform complexities, the use of non-falsifiable content, backlash against platform interventions ("techlash"), and organized outrage.

Cross-Platform Complexities

Much of what we have discussed up to this point relates to policy challenges faced by each individual platform. However, as discussed in Chapters 4 and 5, the platforms, combined, form an information ecosystem through which content moves; therefore, the cross-platform spread of misinformation cannot be solved through intervention by one platform alone. Prior to the 2020 election, US government agencies and several platforms met periodically to communicate the standards and observations of internal trust and safety teams, which resulted in a joint statement noting the collaborative work.²³ However, while the group committed to discuss active threats throughout and following the election, it remained the responsibility of each company to enforce measures to mitigate misinformation. Ultimately, platforms do not transparently outline nor allow independent assessment of how they engage in sector-specific, cross-platform information sharing.

Important legal ramifications such as user privacy and antitrust laws make this collaborative environment difficult. Another challenge is that some platforms, such as Parler and Gab, do not have content moderation policies or even intentions to moderate. Lastly, as legal scholar Evelyn Douek outlines in her work “The Rise of Content Cartels,” there are drawbacks to private corporations setting the rules of permissible speech across platforms, regardless of how effective they may be.²⁴

Use of Non-Falsifiable Content

The election information ecosystem was replete with non-falsifiable claims—such as those from anonymous whistleblowers or a “friend of a friend.” These claims can be the most difficult to fact-check, and the current policies in place are insufficient to fully address hard-to-verify content.

Platforms use fact-checking partners to surface and verify false statements, but unfalsifiable information can easily fall through the cracks. Facebook’s fact-checking program, for example, identifies and addresses “particularly clear hoaxes that have no basis in fact”—a relatively strict threshold of falsifiability—and “is not meant to interfere with individual expression” on the platform.²⁵ The problem lies, however, at the intersection of falsehood and personal experience, forcing platforms to either over moderate at the risk of removing personal content that is unfalsifiable, or under moderate and allow this potentially misleading material to proliferate. Some platforms such as TikTok are developing mechanisms to limit the distribution of claims that can’t be verified or when fact-checking is rendered inconclusive.²⁶ These mechanisms are important, but they need to be enforced quickly and at scale. Actors will continue to frame misinformation as personal and unfalsifiable experiences, some for political

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gain, as long as the unverified-content gray area exists in platform policies and actions.

Techlash Against Policy Interventions

As fact-checking becomes increasingly important to the information ecosystem, platform interventions have often received a “techlash,” and accusations of censorship, mostly from the conservative right.²⁷ For example, after a slew of Marjorie Taylor Greene’s posts were labeled as disputed and possibly misleading, as described above, Greene posted a claim that Twitter had “censored” her; she included a screenshot of the “censored” tweets.²⁸ In some cases, platform fact-checking labels were weaponized to make the case that platforms allegedly have political agendas, and thus the fact-checks should be considered untrustworthy and disregarded. EIP analysts observed that when some accounts were removed, the account’s followers expressed that the mere fact of its removal was proof of a greater conspiracy to “cover up the truth.” This appeared to contribute to meta-misinformation about the intentions of the platforms. Continued lack of transparency and perceived inconsistencies behind account takedowns may further entangle platforms with the narratives they hoped to nix.



Figure 6.4: This tweet from Congressman Kevin McCarthy demonstrates the backlash to platform action against one of President Trump’s tweets (first reported in the *Washington Post* on June 23, 2020)²⁹

In some respects, these continued claims of platform censorship have fuelled the movement of influencers to smaller, obscure, or specialized platforms like Parler, where there is less moderation and far fewer fact-checks.

Organized Outrage

Social media plays a critical role in facilitating legitimate protest. However, features such as Groups, event pages, and hashtags can be used to spread misinformation and stoke outrage to galvanize offline action. In the 2020 election, protesters, motivated by election misinformation and conspiracy theories, swarmed polling locations and chanted hashtags they read online, such as #Sharpiegate and #StoptheSteal.

This organized outrage raises the question of how platforms can proactively identify which hashtags or speech are likely to result in organizing offline action with the potential for violence. While applying a label can create friction before content gains enough attention to incite offline action, platforms may struggle to move beyond the reactive and to have the political and cultural expertise to quickly and effectively contextualize hashtags, Groups, and event pages.

As the insurrection of the US Capitol on January 6 demonstrates, the organizing leading up to the violent acts took place on multiple platforms. Facebook provided a unifying feature in the form of Groups, which, like the other large platforms, contributed to giving the outrage a shape and form even when the Group was taken down. This event underscores the important need for platforms to not only assess the calculus of what is actionable content but also ensure that their policies are implemented.

6.5 Primary Areas for Policy Improvement

In addition to how policies are implemented, platforms' methods of communication and the transparency of their data are incredibly important to election-related policies. This section discusses how issues related to policy clarity and transparency at times undermined platforms' goal of reducing the spread of mis- and disinformation.

Clarity

It is not enough simply to have a policy and a moderation regime in place; the community governed by the rules must understand both in order for them to be most effective. Despite improvements to policy comprehensiveness and a shift toward some proactive policy implementation ahead of the election, platforms struggled with straightforward policy language and centralizing all policy updates. With the exception of a few platforms, such as Twitter and Pinterest, platforms lacked a centralized location for all of their election-related policies. Instead, policies were spread across blog posts, excluded from formal community standards entirely, or disseminated in different sections of platforms' terms of service. Platforms also failed to announce policy updates uniformly.

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Some updates were announced through blog posts, some through the personal social media accounts of top executives, and some not at all.³⁰

The absence of a central and public mechanism to announce and host policy changes makes it difficult to track changes over time. Without clear documentation, policy changes run the risk of confusing users as to what is and is not permissible election-related speech.

The presence of vague and undefined terms in policy language also poses a clarity problem. For example, in October 2020, TikTok updated its policy to prohibit any “attempts to intimidate voters or suppress voting.”³¹ Yet outside of general incitements to violence, TikTok did not sufficiently define what voter intimidation or voter suppression looks like on its platform. However, we recognize an encouraging trend: platforms are making more adjustments to improve clarity (at times successful, other times less so) from when they first began updating their policies. Ultimately, a focus on reducing generalized language and streamlining policy availability is a step in the right direction.

Transparency

Although the EIP could trace content, identify policy shifts, and engage with stakeholders, we were left trying to answer one particularly important question: are the intervention methods effective? And how do platforms measure that?

While a number of internet platforms adopted election-related content labeling policies, those labels’ effectiveness in combating false narratives is difficult for external researchers to assess. As of December 2020,³² most major platforms had not released data about the volume and consistency of labeled content. Without information about where labels appeared, who interacted with those labels, and what those interactions could imply, researchers are left to formulate a best guess about the effectiveness of platforms’ most substantial intervention effort. One study asserts that the universality of label application is necessary to avoid the “implied truth effect”; however, it is impossible to replicate in the wake of the 2020 election, and restricted access to platform data impedes any further study. Over the past two years, many platforms have continued to limit access to and the functionality of their public application interfaces (APIs).³³ and while their large-scale instructed datasets, or adaptive algorithms, can provide important insights into the online information ecosystem, these datasets are often compiled behind closed doors. This raises concerns about the independence, exhaustiveness, and validity of research and monitoring activities that rely solely on this data.

Increasing transparency in moderation practices will increase public auditability and the subsequent perceived legitimacy of platform decisions. As the presence of mis- and disinformation online is not likely to decrease in the coming years,

transparency is a prerequisite for any platform seeking to effectively intervene in its influence.

6.6 Platform Policy Moving Forward

Policy shapes the propagation of information by impacting what content is permitted, and to what extent it receives widespread distribution. As we have discussed, the major social platforms recognized the risks of election misinformation and adjusted their policies in several key ways to try to prevent misleading narratives from taking hold, or violence from occurring. They moderated by removing misleading or false content, reducing its distribution, and informing and contextualizing content for users. Despite these efforts, accounts with large and loyal audiences repeatedly took advantage of gaps in platform policy: repeat spreaders packaged false claims of voter fraud into hard-to-verify narratives that escaped timely fact-checks, and President Donald Trump himself—covered under a newsworthiness exemption—was a key player in the incitement that ultimately led to violence at the Capitol on January 6, 2021.³⁴ The consequences for repeatedly violating platform policy did not appear to deter these actors, in part because the consequences themselves were inconsistently applied.

In a remarkable turn of events, Twitter removed the sitting President of the United States from its platform on January 8. After the insurrection at the Capitol, platforms suspended President Trump's account, and thousands of others, for "risk of future incitement of violence."³⁵ This action has sparked a public conversation about policy and power, including a broader discussion of how to weigh the need to remove accounts spreading misinformation—including, at times, those of democratically elected politicians—against stifling legitimate discourse and free expression.

Ultimately, it is impossible to separate the events at the Capitol on January 6 from the narratives around voter fraud and a rigged election that began much earlier. As online speech turned into offline action, platform policy was the one line of defense, outside of the partisan leadership fuelling the misinformation, that could deter this progression. Given the significant decision to suspend a sitting (albeit outgoing) president's accounts on Instagram and Facebook indefinitely, Facebook has referred its action to the Oversight Board.³⁶ The decision will most likely not only shape future platform policy decisions concerning politicians in the US but also set a precedent for how to approach the accounts of other global leaders.

There isn't a simple panacea for these policy weaknesses. Content moderation policies will continue to evolve, as they have after the January 6 insurrection at the Capitol. The next election will have its own unique set of misinformation narratives, yet many of the tactics, dynamics, and basic structures of these narra-

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tives will likely remain the same. Therefore, platforms must set pre-established, clear, and transparent rules rather than waiting to react to events as they unfold. In the next chapter we discuss specific recommendations for policymakers in light of the narrative, tactical, and policy findings in this report.

Notes

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Responses, Mitigations and Future Work

7.1 Introduction

The Election Integrity Partnership was born out of a collective challenge. The responsibility of mitigating election-related mis- and disinformation is shared, and thus the observations and recommendations in this chapter span government, media, social media platforms, and civil society, and the organizing functions between each.

There isn't any single catch-all policy that will rid elections—much less democracy—of false or misleading information. However, institutions and individuals responsible for election processes, or responsible for portions of the information ecosystem, can each adopt policies (some modest, some transformative), to build more resilience to misinformation.

Doing nothing is not an option. A government by and for the people depends on the people coming together around trustworthy information in order to make informed decisions—including around electing leaders. There is no doubt of the causal impact mis- and disinformation about the 2020 US elections played in the violent insurrection at the United States Capitol on January 6, 2021. Not pursuing structural policy change will accelerate our country's slide toward extremism, erode our shared national and inclusive identity, and propel yet more individuals toward radicalization via mis- and disinformation. The problem is larger than elections: it spans politics, self-governance, and critical policy areas, including public health.

In many ways, the Election Integrity Partnership was inspired by past recommendations for addressing election-related vulnerabilities. For example, the

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Senate Select Committee on Intelligence's second of a five-volume report on foreign-based disinformation, published in 2019, included a bipartisan recommendation:

The Committee recommends that social media companies work to facilitate greater information sharing between the public and private sector, and among the social companies themselves about malicious activity and platform vulnerabilities that are exploited to spread disinformation. **Formalized mechanisms for collaboration that facilitate content sharing among the social media platforms in order to defend against foreign disinformation, as occurred with violent extremist content online, should be fostered.** As researchers have concluded: "Many disinformation campaigns and cyber threats do not just manipulate one platform; the information moves across various platforms or a cyber-attack threatens multiple companies' network security and data integrity. There must be greater cooperation within the tech sector and between the tech sector and other stakeholders to address these issues."¹ (Emphasis added.)

The Election Integrity Partnership was designed to do just that: formalize collaboration among organizations to protect against misinformation. The recommendations in this chapter are tailored to the Election Integrity Partnership's scope, specifically, identifying and mitigating misinformation related to US elections. However, many of them have broader potential in building toward a normative approach for elections, social media, and information access in free and open societies.

7.2 Government

While the responsibility for accurate information is spread across society, the responsibility for protecting elections is singularly that of the government. This set of broad recommendations spans a complex system of state and local election systems feeding into the federal system and focuses on dual responsibilities of facilitating and providing information about elections.

The Executive Branch

- Strengthen interagency coordination by elevating election security as a national security priority and reaffirming the critical infrastructure designation for election systems, allowing the Cybersecurity and Infrastructure Security Agency (CISA) to further prioritize resources and support to state and local officials.

- Solidify clear interagency leadership roles and responsibilities. CISA should remain the lead on domestic vulnerabilities and coordination with state and local election officials; the Office of the Director of National Intelligence should coordinate intelligence assessments and lead the Intelligence Community on foreign-based threats; the Department of Justice and Federal Bureau of Investigation should maintain investigation and law enforcement leadership for domestic and international threats. The Election Assistance Commission should remain in an amplifying role, pushing best practices and critical information out broadly to the election community.
- Create standards and mechanisms for consistent disclosures of mis- and disinformation from foreign and domestic sources, including via CISA's Rumor Control and joint interagency statements related to foreign-based threats.²
- Maintain a threat assessment of the current election mis- and disinformation state of play, informed by collaboration with social media platforms. Update this assessment during federal election cycles and release it to election officials, social media platforms, civil society, and members of the media.

Congress

- Election security should be prioritized over politics. Make best efforts to separate the substantive and critical issue of election security from the electoral politics that every member of Congress is engaged in during each election. For example, Congress should authorize all non-emergency election-related bills one year prior to the next regular election.
- Pass existing bipartisan proposals with increased appropriations marked for federal and state election security, specifically resources for federal agencies directly engaged in election security and more broadly toward providing coordinated election security assistance and support to state and local officials (see next section).
- Codify the Senate Select Committee on Intelligence's bipartisan recommendations on depolarization and public official conduct, as noted in Volumes 3 and 5 of the Committee's exhaustive report on foreign influence in the 2016 election.³
- Strengthen digital expertise at federal regulators with election-related jurisdictions, including the Federal Elections Commission and Federal Communications Commission, to improve enforcement of existing regulations.

State and Local Officials

Prepare a tiered communications plan that includes:

- A start-to-finish story for each voter's ballot. This should include information about how to register to vote; ensuring one's registration is up to date; where, when, and how to vote; and how votes will be counted and reported, including the timing of that process.
- Processes for reporting misinformation to social media platforms and government partners.
- Establish trusted channels of communication with voters. This should include a .gov website and use of both traditional media and social media. This effort should include:
- A single authoritative source (webpage or social media account) for election information. That source's information should be specific to each election and regularly updated; it should also provide data and evidence regarding the security and integrity of the election.
- Ensure that all votes cast are on auditable paper records. Post-election audits should be conducted after each election.

7.3 Media

Traditional media remains the primary means of information distribution in the United States. As such, newsrooms have an obligation, rooted in traditional journalism ethics and practices, to accurately and ethically cover election topics, including election misinformation. This task has been complicated by a loss of journalism revenue to social media companies and growing competition with hyperpartisan news sources for reader attention. The following recommendations are for journalists and media professionals covering election-related misinformation.

Newsrooms

- Prepare journalists to encounter mis- and disinformation. This training should include accepted definitions, attribution standards, how to avoid inadvertent amplification, and more.
- Coordinate reporting across beats in the newsroom. Election reporting relies on a combination of campaign embeds, White House and congressional

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reporters, national security reporters, technology reporters, and others. Organizations should handle misinformation uniformly and professionally.

- Anticipate misinformation (“threatcasting”) and establish guidelines for combating it (for example, the *Washington Post*’s guidance on hacked material or BuzzFeed’s guidance on QAnon descriptions).⁴
- Formulate proactive communications for instances when genuine reporting is labeled “fake news” or disinformation. Newsrooms should address the issue but not accept the premise of the charge.
- For written media, avoid headlines that mischaracterize or hyperbolize reporting, especially in breaking news events like elections. Include the fact-check in the headline when possible, e.g., “Trump Falsely Declared Victory.”

News Studies and Research

- Develop a wider vocabulary for differentiating between traditional news media and hyperpartisan or unreliable news. A new lexicon could help social media sites better label information.
- Develop case studies on misinformation coverage (good and bad) of the 2020 election to educate and inform current and upcoming journalists.

7.4 Social Media Platforms and Technology Companies

In their relatively brief existence, social media platforms have become a critical part of the democratic process, facilitating political organizing, citizen engagement, campaign communications, and overall information access. Mitigating election-related misinformation in this space is particularly challenging given the distributed nature of the social media ecosystem—anyone with internet access can consume content and post their own—and the speed by which unverified or unverifiable information can spread. As it stands, there is a high degree of variance in how social media platforms address misinformation, the resources they devote to combating it, and their technical policy options. Social media platforms won’t be able to root out election-related misinformation entirely, but these policy recommendations can help. The following recommendations for platforms are more lengthy and specific than previous sections because this area currently has the fewest normative practices compared to the others.

7. Responses, Mitigations and Future Work

Accessibility

- Tell users about a platform's misinformation policies. In addition to the policies themselves, platforms should provide both rationales and case studies. Policies specific to an event or topic (e.g., elections, COVID-19) should be grouped in one location.
- Provide proactive information regarding anticipated election misinformation. For example, if researchers expect a narrative will emerge, platforms should explain that narrative's history or provide fact-checks or context related to its prior iterations.

Transparency

- Share platform research on misinformation counter-measures with academics, civil society and the public. Where counter-measures have been effective, reveal that; where they have fallen short, reveal that as well. If efficacy is unknown, take steps to determine it.
- Enable access for external researchers to removed or labeled content, including exhaustive and rapid search capabilities.
- Partner with civil society organizations. Listen to their suggestions and support them when possible.
- Provide greater transparency about why something is removed or censored. Sharing the evidence to support why the content was taken down would be helpful for researchers as well as the public.

Cross-Platform Communications

- Support independent cross-platform coalitions that track cross-platform misinformation. These coalitions can focus on specific topics (such as vaccine disinformation) or regions and can coordinate with government officials and civil society to respond to growing narratives.

Policy on Repeat Spreaders

- Establish clear consequences for accounts that repeatedly violate platform policies. These accounts could be placed on explicit probationary status, or a mixture of monitoring and sanctions.

- Publicize the different thresholds of policy offenses. For example, YouTube and Twitter use a strike system. Any such system should transparently represent to users their current status and should describe what counts as a strike against monetization, or leads to suspension.
- Prioritize quicker action on verified or influential accounts if they have already violated platform policies in the past.
- Consider implementing holding areas for content from high-visibility repeat spreaders, where content can be evaluated against policy before posting.
- Reevaluate policies related to blue-check influencers with significant reach, particularly on issues such as incitement to violence. These accounts should arguably be held more stringently to stated policies than the average user—rather than receiving repeated exemptions—because of the amount of attention they command and action they potentially drive.

Policy Enforcement

- Ensure platform labels are consistently applied to all product features, including ephemeral content such as stories or livestreams.
- Labels should make clear which policy the content violates.
- Partner with civil society organizations to localize fact-checks and labels, especially in non-English languages or niche communities.
- Apply an interim label to content that is in the queue for fact-checkers, or is tied to an emerging event, noting that it should be approached with caution. For content that recurs, a label can link to a page that discusses previous variations of the claim.
- Anticipate misinformation where possible, particularly surrounding pivotal events such as elections. Revisit applicable policies in advance.

Election-Specific Policies

- Specify election-specific policies' duration and geographic jurisdiction.
- For US elections, anticipate state-level premature claims of victory.
- Prioritize election officials' efforts to educate voters within their jurisdiction and respond to misinformation. This could include the promotion of content from election officials through curation or advertisement credits, especially in the lead-up to Election Day.

7.5 Civil Society

Civil society in the United States plays an essential role in the process and functions of elections, as well as in the accountability of institutions directly responsible for the stewardship of American democracy and the information environment that facilitates it. Civil society includes a wide range of actors from academia, public interest groups, community leaders, faith-based groups, and other non-governmental organizations. Most notably, civil society has led in providing better understanding and best practices regarding election-related misinformation and can continue to play a leading role in building resilience to it in the long term.

Overarching

- Disclose methodology and standards for technical research. Incomplete, misleading, or false findings, even when well intentioned, often exacerbate the problem, especially in fast-moving information environments around elections.
- Similar to the recommendation made to media organizations, increase awareness about misinformation and coordinate among civil society groups with varied expertise on elections.
- Where misinformation is pervasive and touches on many topics, clearly communicate the scope of engagement on the issue. As an example, the Election Integrity Partnership's scope was narrowly focused on misinformation related to the process and results of the 2020 US elections, as opposed to false information in American political discourse more broadly.

7.6 Conclusion

The 2020 election demonstrated that actors—both foreign and domestic—remain committed to weaponizing viral false and misleading narratives to undermine confidence in the US electoral system and Americans' faith in our democracy. Mis- and disinformation warped the country's public discourse both before and after Election Day, spreading through online communities across all social platforms. Influencers and hyperpartisan media cultivated loyal, polarized audiences, forming echo chambers where narratives of massive fraud and a stolen election strengthened at each retelling. These narratives have consequences. On January 6, 2021, President Trump's supporters stormed the Capitol in an attempt to prevent the finalization of the Electoral College results and the peaceful transition of power. A small group of radicalized citizens had been repeatedly

told that the election's results were fraudulent; they mobilized against their own democracy while claiming to protect it. A larger group watched those events and cheered; others concluded, despite MAGA hats and Trump flags, that the insurrection was the work of their political opponents.

State and local election officials throughout the country and across the political spectrum worked hard to counter malign narratives. Tragedies such as the January 6 insurrection suggest that, despite their best efforts, democratic processes remain vulnerable. The events, narratives, and dynamics documented in this report underscore the need for a collective response to the false and misleading narratives that precipitated the attack.

The EIP was formed out of this conviction—that the challenge of misinformation is dynamic, networked, and resilient—and that to address it, we need to act quickly and collectively. While the Partnership was intended to meet an immediate need, the conditions that necessitated its creation have not abated, and in fact may have gotten worse. Academia, platforms, civil society, and all levels of government must be committed, in their own ways, to truth in the service of a free and open society. All stakeholders should focus on predicting and pre-bunking false narratives, detecting mis- and disinformation as it occurs, and countering it when appropriate.

The EIP's collaborative model was tailored toward a specific event—Election 2020—and designed specifically to aid election officials, election security stakeholders, and civil society, but we believe the model could have further utility. As our report reiterates, there are structural dynamics and policy frameworks in the online information ecosystem that have long lent themselves to the viral spread of false and misleading information and to the facilitation of polarized communities; addressing specific content is, in many ways, secondary to addressing these infrastructure challenges. In the meantime, false and misleading narratives proliferate about a wide variety of societally impactful topics. Shifting focus to address specific other topics may require modification to the operation of the Partnership, such as reallocating analytical resources and research cadence; however, EIP's novel structure, enabling rapid-response analysis and a multi-stakeholder reporting infrastructure, could prove effective to many information spaces blighted by pervasive misinformation.

In the end, we hope this report's enduring value lies not just in its exposition of this election story, but in its illumination of this overarching story—of declining trust, weakened gatekeepers, social polarization, and the protean challenge of viral misinformation amidst a skeptical and networked public. Given the enormity of the challenge, we recognize the need for a whole-of-society response. The EIP, in its structure and its operations, offered a first measure in service of that call: it united government, academia, civil society, and industry, analyzing across platforms, to address misinformation in real time. The lessons from EIP

7. Responses, Mitigations and Future Work

should be both learned and applied. The fight against misinformation is only beginning. The collective effort must continue.

Notes

1. (page 234) Select Committee on Intelligence, Russian Active Measures Campaigns and Interference in the 2016 U.S. Election, S. Rep. No. 116-XX, volume 2, at 78 (2019), https://www.intelligence.senate.gov/sites/default/files/documents/Report_Volume2.pdf
2. (page 235) “#Protect2020 Rumor vs. Reality,” Cybersecurity and Infrastructure Security Agency, accessed December 10, 2020, <https://www.cisa.gov/rumorcontrol>
3. (page 235) Select Committee on Intelligence, Russian Active Measures Campaigns and Interference in the 2016 U.S. Election, S. Rep. No. 116-XX, volumes 3 and 5 (2019), <https://www.intelligence.senate.gov/publications/report-select-committee-intelligence-united-states-senate-russian-active-measures>
4. (page 237) Joe Pompeo, “‘Connect the Dots’: Marty Baron Warns Washington Post Staff About Covering Hacked Materials,” *Vanity Fair*, September 23, 2020, <https://www.vanityfair.com/news/2020/09/marty-baron-warns-wapo-staff-about-covering-hacked-materials>; Drusilla Moorhouse and Emerson Malone, “Here’s Why BuzzFeed News is Calling QAnon a ‘Collective Delusion’ From Now On,” *BuzzFeed News*, September 4, 2020, <https://www.buzzfeednews.com/article/drummyhouse/qanon-mass-collective-delusion-buzzfeed-news-copy-desk>

Definitions

Misinformation is information that is false, but not necessarily intentionally false.¹ Misinformation is at times used as an umbrella category for false rumors, disinformation, and other types of false and misleading information.

Disinformation is false or misleading information that is purposefully seeded and/or spread for an objective—e.g., a political or financial objective.² Disinformation may mislead through its content, or may work by deceiving its audiences about its origins, purpose, or the identity of those who produced it. It is often built around a true or plausible core, layering factual information with small falsehoods or exaggerations (see Bittman, 1985).³ It also typically functions as a campaign—a set of information actions, rather than a single piece of content. The key difference between disinformation and other forms of misinformation is intent, in that disinformation is intentionally produced and/or spread. Often as a disinformation campaign progresses, it incorporates unwitting participants in its production and spread; therefore, not every entity that spreads disinformation does so with intent to deceive or knowledge that they are spreading false or misleading content.⁴

Voter Fraud is the act of fraudulently voting. It includes voting on behalf of someone else, voting when someone is ineligible, voting multiple times, etc. The

¹Caroline Jack, “Lexicon of lies: Terms for problematic information,” Data & Society Research Institute (2017): 3, 22, https://datasociety.net/pubs/oh/DataAndSociety_LexiconofLies.pdf.

²Jack, “Lexicon of lies: Terms for problematic information”; Kate Starbird, Ahmer Arif, and Tom Wilson, “Disinformation as collaborative work: Surfacing the participatory nature of strategic information operations,” Proceedings of the ACM on Human-Computer Interaction 3, issue CSCW (November 2019): 1-26, doi.org/10.1145/3359229.

³Ladislav Bittman, *The KGB and Soviet Disinformation: An Insider's View* (Washington: Pergamon-Brassey's, 1985).

⁴Bittman, *The KGB and Soviet Disinformation: An Insider's View*; Kate Starbird, et al., “Disinformation as collaborative work.”

A. Definitions

term is often used—including within examples in this report—as a catchall for other types of election fraud. Research shows that voter fraud is extremely rare in the United States.⁵

Election Fraud suggests a more systematic effort to change the results of an election. It includes orchestrating voter fraud at scale, illegally registering or illegally assisting large numbers of voters, altering vote counts through automatic or manual means, systematically removing or inserting large numbers of ballots to affect an election outcome, etc.

Electoral Fraud is a broad term denoting “illegal interference in the process of voting.”⁶ Electoral fraud includes ballot stuffing, voter impersonation, vote buying, voter suppression, fraud by election officials, and various other mechanisms of illegally impacting an election. Like “election fraud,” electoral fraud suggests efforts at a scale that could impact election results.

Voter Suppression is the process of systematically reducing the ability of a specific group of people to vote. It can work through efforts to make it physically harder to vote (fewer locations, limited time windows), through legal efforts that disenfranchise specific groups (e.g., former felons) and through other mechanisms, including intimidation. In the United States, voter suppression efforts often target Black Americans and other people of color.⁷

Tickets were internal reports within the EIP system. They were submitted via “tips” from external partners in the government and civil society, or created through the EIP internal monitoring process. Once a ticket was submitted, our Tier 1 analysts would go through a systematic process to document the claim, determine if it was “in scope,” get a sense of where it was spreading, and attempt to assess the veracity of the underlying claims by locating an external fact-check from election officials, fact-checking organizations, local media, or mainstream outlets. For high priority, in-scope tickets, Tier 2 researchers conducted additional analysis, which included determining the origins of a piece of information, tracking its spread over time, and identifying additional fact-checks as they became available.

A majority of tickets focused on false and/or misleading claims that functioned to diminish trust in election results. These included:

- False claims and unsubstantiated conspiracy theories (e.g., that voting software switches votes without a trace).

⁵“Debunking the Voter Fraud Myth,” Brennan Center for Justice, January 31, 2017, <https://www.brennancenter.org/our-work/research-reports/debunking-voter-fraud-myth>.

⁶Ballotpedia, s.v. “Electoral Fraud,” accessed February 10, 2021, https://ballotpedia.org/Electoral_fraud.

⁷ACLU, “Block the Vote: Voter Suppression in 2020,” February 3, 2020, <https://www.aclu.org/news/civil-liberties/block-the-vote-voter-suppression-in-2020/>.

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- Factually valid claims taken out of context and framed in misleading ways to suggest massive voter fraud (e.g., that a large number of ballots had been found in a trash can, when in actuality the ballots were from 2018).
 - Content that amplified and exaggerated small issues (e.g., ballots stolen from a mailbox, discarded mail that contained a small number of ballots, issues with individual voting machines) to support the broader (false) narrative that results could not be trusted.

Events are salient occurrences in our physical and/or social worlds. Events are typically bounded in time. We use this term to distinguish between the actual event (e.g., Sharpie pens bleeding through ballots) and the information incidents that feature elements of those events—though they may take shape and spread at different times.

(Information) Incidents are distinct information cascades that pertain to a specific event or set of events. We use the term incidents to differentiate between the original event and the subsequent discussion or discussions of that event. Incidents often map to one or more narratives, where the details of an event are mobilized to create or support a specific interpretation—or story about the meaning—of that event.

Narratives are stories that connect a series of related events or experiences. Like any good story, narratives typically have characters, scenes, times, and themes. They provide compelling interpretations that can help people make sense of events and experiences.

Frames are mental schema that shape how people interpret events. Frames select and make salient some aspects of a situation—and obscure others. Robert Entman enumerates four functions of frames: defining a problem, diagnosing a cause, making a moral judgement, and suggesting remedies.⁸ Framing is the act of creating, refining, or challenging a frame. Framing can be used as a strategy to shape how others interpret a situation.

The “Big Lie”: Over the course of this project, a majority of the tickets we filed and incidents we analyzed were related to a false metanarrative of massive voter fraud (i.e., election fraud). This false metanarrative was introduced prior to our project’s launch and continues to this day. It was present in President Trump’s summer 2020 tweets claiming that the election would be “rigged” against him and in his January 6, 2021, tweets claiming that the election had been stolen from him. It took shape through a variety of false, misleading, and exaggerated claims that functioned generally to sow distrust in the results—and specifically to

⁸Robert M. Entman, “Framing: Toward Clarification of a Fractured Paradigm,” *Journal of Communication* 43, no. 4 (December 1993): 51–58; doi.org/10.1111/j.1460-2466.1993.tb01304.x.

A. Definitions

support the allegation of massive voter fraud functioning to “steal” the election from candidate Trump. Looking across the breadth of the online activity to seed and spread these narratives, our research (and that of others; see Benkler et al.’s 2020 paper⁹) has interpreted the “Big Lie” to be a participatory disinformation campaign that incorporated the efforts of President Trump, his family and close supporters, members of right-wing media, social media influencers, and his followers (many of them unwitting participants in this campaign).

⁹Yochai Benkler et al., “Mail-in Voter Fraud: Anatomy of a Disinformation Campaign,” Berkman Center Research Publication No. 2020-6, Berkman Klein Center, October 2, 2020, doi.org/10.2139/ssrn.3703701.

Inter-coder reliability

B.1 Average Z-scores

Survey Questions (in descending order by z-score)	Z Score
Other Facets: was there anything else notable about this ticket not already covered above?	1.013260305
Why was this ticket created?	0.5973125198
Was there a partisan focus on this ticket?	0.04870033315
Process-based tags: what part of the electoral process is this ticket about?	0.04149633474
Specific Claims or Election-related narratives: is there a specific, recognizable claim that was used in this incident?	0.03772808942
What are the top-level buckets of this incident? Check all that apply.	-0.08453405504
What tactics were used to spread this content?	-0.203993765
What is the estimated number of engagements (cumulative social media shares, retweets, likes, reactions, comments) associated with the ticket?	-0.2505426778
Character-based Tags: who or what is being implicated in this incident?	-0.2664116253
Is this a particularly important ticket that should be included in the final report?	-0.7143693447

Table B.1: The average z-scores for each survey question

B. Inter-coder reliability

B.2 Discordant Z-scores

Survey Question	Choice	Z Score
What tactics were used to spread this content?	This content exaggerates the impact of an issue within the election-process	-2.868919023
Specific Claims or Election-related narratives: is there a specific, recognizable claim that was used in this incident?	None of the above	-2.41007974
Character-based Tags: who or what is being implicated in this incident?	Government Entities	-1.971189991
What are the top-level buckets of this incident? Check all that apply.	Fraud	-1.951240456
Character-based Tags: who or what is being implicated in this incident?	Political affinity group	-1.911341388

Table B.2: From the above questions, choices that experienced the most discord among coders

B.3 Concordant Z-scores

Survey Question	Choice	Z Score
Other Facets: was there anything else notable about this ticket not already covered above?	Foreign interference (Unfounded)	1.240684993
Other Facets: was there anything else notable about this ticket not already covered above?	Foreign interference (Confirmed)	1.220735459
Other Facets: was there anything else notable about this ticket not already covered above?	COVID related	1.200785925
What tactics were used to spread this content?	Use of phishing emails or tests	1.180836391
What are the top-level buckets of this incident? Check all that apply.	Premature Claims of Victory	1.140937323

Table B.3: Questions that experienced the most agreement

Repeat Spreaders— Additional Partisan News Outlets in the Twitter Data

The *New York Post*'s coverage served mainly to introduce narratives involving election fraud, including reporting on unfounded allegations that deceased voters in New York had ballots cast on their behalf. Conservative news outlets DC Patriot (9 incidents) and National Pulse (8 incidents) acted similarly in the promotion of stories revolving around misplaced ballots (DC Patriot) and detailing previous instances of fraud both domestic and foreign (National Pulse).

JustTheNews, a news site run by conservative commentator John Solomon, produced stories that applied political commentary to narratives asserting election fraud and was involved in spreading the Nevada Whistleblower narrative. URLs from the *Washington Times* appear in tweets related to three of the top incidents, reflecting their attention to widely followed election conspiracy theories.

Domains associated with political conspiracy theories include ZeroHedge, which appeared in 10 incidents, which was involved in the spread of the Color Revolution narrative. *The Epoch Times* was cited in a range of misleading “voter fraud” narratives such as alleging that large numbers of people were voting twice and that discarded ballots were evidence of intentional fraud. The website also promoted content related to three large incidents—the Dominion conspiracy theory, and the Sharpiegate and Stop The Steal narratives.

The Fox News website, foxnews.com, was cited in a narrative regarding ballots that went missing in the care of USPS and the spread of Biden's miscontextualized statement regarding fraud protections. Articles for which Fox News was cited often presented factual evidence of a real-world event with an

C. Repeat Spreaders—Additional Partisan News Outlets in the Twitter Data

underlying subtext of election insecurity or widespread voter fraud that was picked up and made more explicit in the social media sphere. The spin-off site of Fox contributor Sara Carter (saraacarter.com) was involved in seven similar incidents resulting in over 80,000 retweets. Her content was often more explicit in falsely claiming widespread voter fraud—including a highly speculative article (now removed) that helped to feed the Dominion conspiracy theory.

Ticket Analysis Questions

D.1 Tier 1 Analysis Questions

1: Overall Analyst Description: What is the content about? Provide a brief description of the narrative being pushed and the tactics used to spread it (platforms, assets, etc.) so that other analysts can understand the content at a glance.

2: Platform: What platform(s) does the content appear on? Include links or links to screenshots, if appropriate. What platforms has the content trended on?

3: Language: What language(s) is the content written in?

4: Content Assets: What type of media is included in the content?

Examples:

- Contains video
- Contains image with text
- Contains image without text
- Template text (copy-paste)
- Unique text

5a: Category: What EIP-defined categories of election interference does it fall under?

Choose all that apply:

- Procedural Interference

D. Ticket Analysis Questions

Participation Interference
 Fraud
 Delegitimization*

5b: *If it's delegitimization, what kind is it?

6: Theme: What is the primary topic or theme of the content?

Examples: VoteByMail
 USPS

7: Target Community: What specific communities does the content target (if applicable)?

This refers to the community whose voting ability or trust in the election process the content is designed to affect—not the community propagating the claim. Target communities can include seniors, teenagers, Latinx voters, QAnon, far left, far right, etc.

8: State Targeted: What geographical area [state] does the content target (if applicable)?

9: Account Type or Amplification: What kind of account is primarily responsible for spreading the content?

Examples:
 Politician/candidate for office
 Influencer/verified account
 Organic account
 Seemingly inauthentic account
 Anonymous account

10: Reach: What is the reach of the content at this time?

How many shares does it have? How many replies or comments? How many likes? Use the following as approximate guidelines:

- None: 0 engagements

- Low: 1-10 engagements
- Medium: 10-500 engagements
- High: 500-1000 engagements
- Viral: 1000+ engagements

11: Velocity: What is the velocity of the content?

Is the rate of spread of the content static, growing, or declining? Use the following as approximate guidelines:

- Static: no change to reach
- Growing: reach is growing linearly
- Viral: reach is growing exponentially
- Decreasing: reach is decreasing

D.2 Tier 2 Analysis Questions

12: What else do we know about the primary account sharing the content?

Examples:

25,000 followers
Created in 2012

13: What communities are sharing the content?

Examples:

Conspiratorial Instagram pages, Bernie-aligned Facebook groups

14: What was the first account or Page to share the content (if not the account listed above)?

15: Is there any evidence of coordination or inauthentic activity? Unusual tactics?

16: To what extent is counter-messaging already underway? Has it been successful?

16: Any additional notes about the user and related social accounts/websites discussed in the ticket?

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News Articles Citing the Election Integrity Partnership

News Articles citing the EIP during the active project period, listed in chronological order:

Route Fifty | Aug. 12, 2020: "New Coalition Wants to Help in Fight Against Election Misinformation"

<https://www.route-fifty.com/tech-data/2020/08/election-integrity-partnership-misinformation-disinformation/167666/>

Stanford News | Sept. 28, 2020: "The 2020 U.S. election, issues and challenges"

<https://news.stanford.edu/2020/09/28/2020-u-s-election-issues-challenges/>

The New York Times | Sept. 28, 2020: "Editorial: What's the Plan if Trump Tweets That He's Won Re-election?"

<https://www.nytimes.com/2020/09/27/opinion/social-media-trump-election.html>

The New York Times | Sept. 29, 2020: "Project Veritas Video Was a 'Coordinated Disinformation Campaign,' Researchers Say"

<https://www.nytimes.com/2020/09/29/us/politics/project-veritas-ilhan-omar.html>

Santa Rosa Press-Democrat | Sept. 30, 2020: "A tall tale about election fraud"

<https://www.pressdemocrat.com/article/opinion/pd-editorial-a-tall-tale-about-election-fraud/>

Bloomberg News | Oct. 5, 2020: "Facebook, Twitter Are Failing to Curb Voting-By-Mail Falsehoods"

<https://www.bloomberg.com/news/articles/2020-10-05/facebook-twitter-are-failing-to-curb-voting-by-mail-falsehoods>

E. News Articles Citing the Election Integrity Partnership

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<https://www.businesslive.co.za/bd/world/americas/2020-10-05-facebook-twitter-have-hands-full-with-postal-voting-misinformation/>

The Washington Post | Oct. 8, 2020: "Facebook bans marketing firm running 'troll farm' for pro-Trump youth group"

<https://www.washingtonpost.com/technology/2020/10/08/facebook-bans-media-consultancy-running-troll-farm-pro-trump-youth-group/>

The Daily Beast | Oct. 13, 2020: "Far-Right Social Media Sites Packed With Foreign Clickbait"

<https://www.thedailybeast.com/1-in-7-parler-users-follows-macedonian-clickbait-site>

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<https://www.bloomberg.com/news/articles/2020-10-13/fake-news-hub-from-2016-election-thriving-again-report-finds>

Associated Press | Oct. 13, 2020: "Report: Social media influencers push voting misinformation"

<https://apnews.com/article/election-2020-donald-trump-politics-media-misinformation-7a60e1e6005c8b3b967c9ad337cb1a6a>

NBC News | Oct. 15, 2020: "For Trump's 'rigged' election claims, an online megaphone awaits"

<https://www.nbcnews.com/tech/tech-news/trump-s-rigged-election-claims-online-megaphone-awaits-n1243309>

CyberScoop | Oct. 20, 2020: "Why social media disinformation poses such a security threat"

<https://www.cyberscoop.com/social-media-disinformation-represents-security-threat/>

MIT Technology Review | Oct. 21, 2020: "Efforts to undermine the election are too big for Facebook and Twitter to cope with"

<https://www.technologyreview.com/2020/10/21/1010986/how-to-delegitimize-an-election-rigged-misinformation/>

National Public Radio | Oct. 21, 2020: "Voters In Florida And Alaska Receive Emails Warning 'Vote For Trump Or Else!'"

<https://www.npr.org/2020/10/21/926139270/voters-in-florida-and-alaska-receive-emails-warning-vote-for-trump-or-else>

Fast Company | Oct. 23, 2020: "Facebook is still failing to take down ads that question the election's integrity"

<https://www.fastcompany.com/90567642/facebook-is-still-failing-to-take-down-ads-that-question-the-elections-integrity>

GeekWire | Oct. 26, 2020: "Scholars tracking social media see efforts to delegitimize election, imperiling democracy"

<https://www.geekwire.com/2020/scholars-tracking-social-media-see-efforts-delegitimize-election-imperiling-democracy/>

Science | Oct. 26, 2020: "As U.S. election nears, researchers are following the trail of fake news"

<https://www.sciencemag.org/news/2020/10/us-election-nears-researchers-are-following-trail-fake-news>

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<https://www.technologyreview.com/2020/10/26/1011245/what-to-expect-on-election-day-2020-disinformation-results/>

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<https://www.cyberscoop.com/election-trump-twitter-winner-misinformation/>

KIRO-TV Seattle | Oct. 30, 2020: "UW social media expert: Election misinformation is an 'attack on democracy'"

<https://www.kiro7.com/news/local/uw-social-media-expert-election-misinformation-is-an-attack-democracy/>

Oklahoma Watch | Oct. 30, 2020: "These Oklahoma Politicians Gave Misinformation a Boost"

<https://oklahomawatch.org/2020/10/30/these-oklahoma-politicians-gave-misinformation-a-boost/>

National Public Radio | Nov. 1, 2020: "Researchers Prepare For Deluge Of Election Night Misinformation"

<https://www.npr.org/2020/11/01/930137085/researchers-prepare-for-deluge-of-election-night-misinformation-failing-to-take-down-ads-that-question-the-elections-integrity>

Stanford News | Nov. 2, 2020: "Disinformation investigators: Stanford students sleuth for false, misleading reports on how to vote"

E. News Articles Citing the Election Integrity Partnership

<https://news.stanford.edu/2020/11/02/sleuthing-misinformation-voting/>

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https://www.washingtonpost.com/opinions/election-day-promises-to-be-full-of-misinformation-heres-how-we-can-all-stop-its-spread/2020/11/02/bd576e22-1d2d-11eb-b532-05c751cd5dc2_story.html

The New York Times | Nov. 3, 2020: "After Twitter Labels Trump's Tweet About Pennsylvania, Its Spread Slows"

<https://www.nytimes.com/2020/11/03/technology/after-twitter-labels-trumps-tweet-about-pennsylvania-its-spread-slows.html>

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https://www.lemonde.fr/pixels/article/2020/11/10/election-presidentielle-americaine-la-desinformation-a-pris-un-role-de-premier-plan_6059234_4408996.html

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<https://www.reuters.com/article/uk-factcheck-benford-idUSKBN27Q3AI>

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Methodology for Evaluating Platform Policy

In total, we evaluated 15 different platforms¹ across four categories meant to partition the space of potential problematic content and behavior: the mechanics of the election (Procedural Interference), the voters themselves (Participation Interference), encouragement of fraud (Fraud), and casting doubt on the integrity of the election outcome. (Delegitimization of Election Results). The definitions of these categories are detailed in Chapter 1.

We first determined if the platform stated in its community guidelines whether it would address election-related content on its platform. While the platforms that don't have election-related policies—Parler, Gab, Discord, WhatsApp, Telegram, Reddit, and Twitch—may use existing policies to address content such as the encouragement of fraud, we cannot properly evaluate them in an election-related context. We then rated each platform's policies as either "None," "Non-Comprehensive," or "Comprehensive," depending on how specifically it addresses the content type:

- None: The platform has no explicit policy or stance on the issue.
- Non-Comprehensive: Policy in this category contains indirect language, or uses broad "umbrella" language, such that it is not clear what type of election misinformation and disinformation the policy covers. This is also reserved for policies that give one detailed example such that they cover some, but not all, of a subject.

¹The platforms we evaluated are: Facebook, Instagram, Twitter, YouTube, Pinterest, Nextdoor, TikTok, Snapchat, Parler, Gab, Discord, WhatsApp, Telegram, Reddit, and Twitch. Twitch was added to the list of platforms we evaluated during our blog post update in October.

F. Methodology for Evaluating Platform Policy

- Comprehensive: Policy in this category uses direct language and is clear on what type of election misinformation and disinformation the policy covers. It also sufficiently covers the full breadth of the category.

For each of the categories, we defined “Comprehensive” to be:

- Procedural: The policy specifies time, place, or manner (e.g., voting in person and by mail).
- Participation: The policy specifies it will address posts that include intimidation to personal safety or deterrence to participation in the election process, which can be both violent and non-violent.
- Fraud: The policy specifies it will address posts that encourage participating in the election in an illegal way.
- Delegitimization of Election Results: The policy specifies it will address claims that attempt to delegitimize the election.

The tables in this report have slightly different policy ratings under the category of fraud from when we first published our analysis in August 2020. There were many unfounded claims of “election fraud,” but we determined that this fell into the larger category of delegitimization of election results. Our fraud category is therefore scoped solely around claims that encourage people to commit fraud—which appeared only a handful of times during our monitoring period. Many platforms, including those without election-related policies, have terms of service policies and community standards that state the promotion of illegal activity is not allowed on its platform. However, only Facebook and Pinterest explicitly state that the encouragement of voter fraud is not allowed on their platforms and therefore received a rating of “Comprehensive.”

Over the four months of the EIP’s operation, we updated our platform evaluations to account for policy changes made by the platforms. We frequently checked for changes in platforms’ community guidelines and followed the platforms’ blog posts, which we considered to be policy statements even though some of these updates weren’t formally incorporated into the platforms’ community guidelines. We did not consider policy changes that were stated to the press, or on social media by executives or employees of the platform. Below is a table of the corresponding policies for each platform. The colors correspond to new policies that were introduced between August 2020 and October 28, 2020.

Facebook

Procedural Interference	Participation Interference	Fraud	Delegitimization of Election Results
<p>Comprehensive (Rating did not change during election cycle): "Misrepresentation of the dates, locations, and times, and methods for voting or voter registration or census participation." "Misrepresentation of who can vote, qualifications for voting, whether a vote will be counted, and what information and/or materials must be provided in order to vote." "Calls for coordinated interference that would affect an individual's ability to participate in the census or an election." Facebook will remove implicit misrepresentations about voting that may "mislead you about what you need to do to get a ballot." [Sept. 03]</p>	<p>Comprehensive (Rating did not change during election cycle; policies updated are shown in red): "Any content containing statements of intent, calls for action, conditional or aspirational statements, or advocating for high-level mid-level low-level volunteer due to voting, voter registration, or the administration or outcome of an election." [Sept. 03] "Content stating that census or voting participation may or will result in law enforcement consequences (e.g., arrest, deportation, imprisonment)." "Content claiming that the US Immigration and Customs Enforcement (ICE) is at a voting location." [Sept. 03] "Calls for coordinated interference that would affect an individual's ability to participate in an election." "Explicit claims that people will be infected by COVID (or another communicable disease) if they participate in the voting process." [Sept. 03] "Statements of intent or advocacy, calls to action, or aspirational or conditional statements to bring weapons to locations, including but not limited to places of worship, educational facilities, or polling places, or locations used to count votes or administer an election* (or encouraging others to do the same)." "For the following content, we may require more information and/or context in order to enforce: Threats against election officials." [Sept. 03]</p>	<p>Comprehensive (Rating did not change during election cycle): "Offers to buy or sell votes with cash or gifts." "Statements that advocate, provide instructions or show explicit intent to illegally participate in a voting or census process." Comprehensive (Rating changed from Non-Comprehensive): "We will attach an informational label to content that seeks to delegitimize the outcome of the election or discuss the legitimacy of voting methods, for example, by claiming that lawful methods of voting will lead to fraud. This label will provide basic authoritative information about the integrity of the election and voting methods." [Sept. 03] "Importantly, if any candidate or campaign tries to declare victory before the results are in, we'll add a label to their post educating that official results are not yet in and directing people to the official results." [Sept. 03] "Other misrepresentations related to voting in an official election or census participation may be subject to false news standards, as referenced in section 20* (now section 21)."</p>	<p>Comprehensive (Rating changed from Non-Comprehensive): "We will attach an informational label to content that seeks to delegitimize the outcome of the election or discuss the legitimacy of voting methods, for example, by claiming that lawful methods of voting will lead to fraud. This label will provide basic authoritative information about the integrity of the election and voting methods." [Sept. 03] "Importantly, if any candidate or campaign tries to declare victory before the results are in, we'll add a label to their post educating that official results are not yet in and directing people to the official results." [Sept. 03] "Other misrepresentations related to voting in an official election or census participation may be subject to false news standards, as referenced in section 20* (now section 21)."</p>

F. Methodology for Evaluating Platform Policy

Twitter

Procedural Interference	Participation Interference	Fraud	Delegitimization of Election Results
<p>Comprehensive (Rating did not change during election cycle): "Misleading information about procedures to participate in a civic process (for example, that you can vote by Tweet, text message, email, or phone call in jurisdictions where these are not a possibility)." "Misleading information about requirements for participation, including identification or citizenship requirements." "Misleading statements or information about the official, announced date or time of a civic process." "Misleading claims that polling places are closed, that polling has ended or other misleading information relating to votes not being counted." "Misleading claims about long lines, equipment problems, or other disruptions at voting locations during election periods." "False or misleading information that causes confusion about the laws and regulations of a civic process, or officials and institutions executing those civic processes." [Sept. 10]</p>	<p>Comprehensive (Rating did not change during election cycle): "Misleading claims about police, or law enforcement activity related to voting in an election, polling places, or collecting census information." "Misleading claims about long lines, equipment problems, or other disruptions at voting locations during election periods." "Misleading claims about process, procedures, or techniques which could dissuade people from participating." "Threats regarding voting locations or other key places or events (note that our violent threats policy may also be relevant for threats not covered by this policy)." "Twitter will remove tweets that encourage violence or call for people to interfere with election results or smooth operation of polling places." [Oct. 9] "Tweets meant to incite interference with the election process or with the implementation of election results, such as through violent action, will be subject to removal. This covers all Congressional races and the Presidential Election." [Oct. 9]</p>	<p>Non-Comprehensive (Rating did not change during election cycle): "Illegal or certain regulated goods or services: You may not use our service for any unlawful purpose or in furtherance of illegal activities. This includes selling, buying, or facilitating transactions in illegal goods or services, as well as certain types of regulated goods or services."</p>	<p>Comprehensive (Rating changed from Non-Comprehensive): "Misleading claims that polling places are closed, that polling has ended or other misleading information relating to votes not being counted." "We also consider whether the context in which media are shared could result in confusion or misunderstanding or suggests a deliberate intent to deceive people about the nature or origin of the content, for example by falsely claiming that it depicts reality." "Disputed claims that could undermine faith in the process itself, e.g. unverified information about election rigging, ballot tampering, vote tallying, or certification of election results." [Sept. 10] "Misleading claims about the results or outcome of a civic process which calls for or could lead to interference with the implementation of the results of the process, e.g. claiming victory before election results have been certified, inciting unlawful conduct to prevent a peaceful transfer of power or orderly succession." [Oct. 9] "People on Twitter, including candidates for office, may not claim an election win before it is authoritatively called. To determine the results of an election in the US, we require either an announcement from state election officials, or a public projection from at least two authoritative, national news outlets that make independent election calls. Tweets which include premature claims will be labeled and direct people to our official US election page." [Oct. 9]</p>

YouTube

Procedural Interference	Participation Interference	Fraud	Delegitimization of Election Results
<p>Comprehensive (Rating did not change during election cycle): "Content aiming to mislead voters about the time, place, means or eligibility requirements for voting, or false claims that could materially discourage voting." "Incitement to interfere with democratic processes: content encouraging others to interfere with democratic processes, such as obstructing or interrupting voting procedures." Examples of content not to post:</p> <ul style="list-style-type: none"> • "Deliberately telling viewers an incorrect election date." • "Telling viewers they can vote through fake methods like texting their vote to a particular number." • "Giving made up voter eligibility requirements like saying that a particular election is only open to voters over 50 years old." • "we remove content falsely claiming that mail-in ballots have been manipulated to change the results of an election" 	<p>Comprehensive (Rating changed from Non-Comprehensive): "Content aiming to mislead voters about the time, place, means or eligibility requirements for voting, or false claims that could materially discourage voting." "Incitement to interfere with democratic processes: content encouraging others to interfere with democratic processes, such as obstructing or interrupting voting procedures." Examples of content not to post:</p> <ul style="list-style-type: none"> • Telling viewers to create long voting lines with the purpose of making it harder for others to vote • "Claiming that a voter's political party affiliation is visible on a vote-by-mail envelope." 	<p>Non-Comprehensive (Rating did not change during election cycle): "Don't post content on YouTube if it fits any of the descriptions noted below. Instructional theft or cheating: Showing viewers how to steal tangible goods or promoting dishonest behavior"</p>	<p>Non-Comprehensive (Rating did not change during election cycle): Manipulated Media: "Content that has been technically manipulated or doctored in a way that misleads users (beyond clips taken out of context) and may pose a serious risk of egregious harm." Example: "Misattributing a 10 year old video that depicts stuffing of a ballot box to a recent election." Examples of content not to post:</p> <ul style="list-style-type: none"> • False claims that non-citizen voting has determined the outcome of past elections. • Telling viewers to hack government websites to delay the release of elections results <p>• Manipulated Media: "Content that has been technically manipulated or doctored in a way that misleads users (beyond clips taken out of context) and may pose a serious risk of egregious harm."</p>

F. Methodology for Evaluating Platform Policy

Pinterest			
Procedural Interference	Participation Interference	Fraud	Delegitimization of Election Results
Comprehensive (Rating changed from None): "False or misleading information about the dates, times, locations and procedure for voting or census participation." "Content that misleads voters about how to correctly fill-out and submit a ballot, including a mail-in ballot, or census form." [Sept. 3]	Comprehensive (Rating changed from Non-Comprehensive): "False or misleading content that impedes an election's integrity or an individual's or groups civic participation, including registering to vote, voting, and being counted in a census." "False or misleading information about public safety that is intended to deter people from exercising their right to vote or participate in a census." "False or misleading information about who can vote or participate in the census and what information must be provided to participate." "False or misleading statements about who is collecting information and/or how it will be used." "Threats against voting locations, census or voting personnel, voters or census participants, including intimidation of vulnerable or protected group voters or participants" [Sept. 3]	Comprehensive (Rating changed from Non-Comprehensive): "Content that encourages or instructs voters or participants to misrepresent themselves or illegally participate" [Sept. 3]	Comprehensive (Rating changed from Non-Comprehensive): "Content apparently intended to delegitimize election results on the basis of false or misleading claims." [Sept. 3]

Nextdoor

Procedural Interference	Participation Interference	Fraud	Delegitimization of Election Results
<p>Non-Comprehensive (Rating changed from Comprehensive):</p> <p>Dissemination of content about the timing, place or manner of eligibility requirements associated with any local or national elections in the state.</p> <p>"False or misleading information that could prevent or discourage people from voting, cause their votes not to be counted, or interfere with the election process."</p>	<p>Non-Comprehensive (Rating changed from None):</p> <p>"False or misleading information that could prevent or discourage people from voting, cause their votes not to be counted, or interfere with the election process."</p>	<p>Non-Comprehensive (Rating did not change during election cycle):</p> <p>"When offering or seeking goods or services on Nextdoor, make sure that you're complying with local laws and not engaging in illegal transactions."</p>	<p>Non-Comprehensive (Rating changed from None):</p> <p>"False or misleading information that could prevent or discourage people from voting, cause their votes not to be counted, or interfere with the election process."</p> <p>"False or misleading claims about the results of an election that could lead to interference with the election process."</p>

TikTok

Procedural Interference	Participation Interference	Fraud	Delegitimization of Election Results
<p>Non-Comprehensive (Rating did not change during election cycle):</p> <p>"Content that misleads community members about elections or other civic processes."</p> <p>"Claims relating to polling stations on election day that have not yet been verified."</p> <p>"Content that misrepresents the date of an election." [Oct. 7]</p>	<p>Non-Comprehensive (Rating changed from None):</p> <p>"Attempts to intimidate voters or suppress voting;"</p> <p>TikTok will redirect search results with terms associated with "incitement to violence."</p> <p>TikTok will block future livestreaming from an account whose livestream "seeks to incite violence or promote hateful ideologies, conspiracies, or disinformation."</p> <p>TikTok will add a banner pointing viewers to our election guide content with..."attempts to dissuade people from voting by exploiting COVID-19 as a voter suppression tactic." [Oct. 7]</p>	<p>Non-Comprehensive (Rating did not change during election cycle):</p> <p>"Content may be removed if it relates to activities or goods that are regulated or illegal in the majority of the region or world, even if the activities or goods in question are legal in the jurisdiction of posting."</p>	<p>Comprehensive (Rating changed from Non-Comprehensive):</p> <p>"False claims that seek to erode trust in public institutions, such as claims of voter fraud resulting from voting by mail or claims that your vote won't count." [Oct. 7]</p> <p>"Content that misleads community members about elections or other civic processes."</p> <p>"Reviewed content that shares unverified claims, such as a premature declaration of victory before results are confirmed." [Oct. 7]</p>

F. Methodology for Evaluating Platform Policy

Snapchat

Procedural Interference	Participation Interference	Fraud	Delegitimization of Election Results
Non-Comprehensive (Rating changed from No election-related policies): "We prohibit spreading false information that causes harm or is malicious, such as denying the existence of tragic events, unsubstantiated medical claims, or undermining the integrity of civic processes."	None	Non-Comprehensive (Rating changed from No election-related policies): We prohibit the promotion and use of certain regulated goods, as well as the depiction or promotion of criminal activities.	Non-Comprehensive (Rating changed from No election-related policies): "We prohibit spreading false information that causes harm or is malicious, such as denying the existence of tragic events, unsubstantiated medical claims, or undermining the integrity of civic processes."

F.1 Assessing our methodology

The purpose of this framework is to provide a clear visualization of civic integrity policies across multiple social media platforms, and to create a single standard upon which all platforms could be evaluated. The community guidelines and terms of service that moderate user content vary widely among platforms, and do not use standardized vocabulary. By directly comparing the language of multiple platforms, the framework provides insight into the policies of each platform. This allowed our analysis to act as an advocate for specific policy recommendations at a platform level by highlighting existing shortfalls. Finally, the framework is intended to be a resource for civil society, academia, and citizens to understand what election-related speech popular platforms moderate.

At the same time, there are limitations to this methodology that are equally important to reflect on. First, the framework doesn't consider that each platform functions differently in the information environment. For example, we didn't explore whether messaging platforms such as WhatsApp should have different policies from a video platform like YouTube when it comes to election-related content.

Second, this framework's rating system was centered on policy language and not how these policies were applied in practice, which may give a misleading impression that one platform is better than another in mitigating misinformation and disinformation. Although many platform policies are accessible to the general public, platforms also have internal guidance specifying more nuances of their externally facing rules, including deciding how to apply these policies. The opacity of platform decision-making serves as another limitation to the accuracy of our framework; for example, some gaps we identified in platform policies could be accounted for by internal mechanisms, or some proficiencies nullified by a company's reluctance to enforce at scale; there may be unknown pitfalls about these policies that we don't see externally.

Lastly, as our categories were created before the election, we didn't know how effective they would be in accurately capturing and describing the content that we came across in our monitoring. As we applied these categories in practice, some of them narrowed while others expanded. For example, the category of Fraud presented a challenge to our original definition because the term "fraud" was used broadly to cast doubt on the election. The scope for our fraud category was limited to a strict definition of content that encouraged people to commit fraud. Thus, the unfounded accusations of fraud fell into the Delegitimization category, which, looking back at our data, encompassed the majority of the incidents we monitored. Therefore, in contrast to the specificity we tried to capture in the other categories, Delegitimization as a category became very expansive.

THE LONG FUSE:

MISINFORMATION AND THE 2020 ELECTION

The Election Integrity Partnership was officially formed on July 26, 2020 – 100 days before the 2020 presidential election – as a coalition of research entities who would focus on supporting real-time information exchange between the research community, election officials, government agencies, civil society organizations, and social media platforms. The Partnership was formed between four of the nation's leading institutions focused on understanding misinformation in the social media landscape: the Stanford Internet Observatory, Graphika, the Atlantic Council's Digital Forensic Research Lab, and the University of Washington's Center for an Informed Public. This is the final report of their findings.



Stanford | Internet Observatory
Cyber Policy Center

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