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Questions from Chairwoman Carolyn B. Maloney
Committee on Oversight and Reform

October 7, 2021, Hearing: “Assessing the Election ‘Audit’ in Arizona and Threats to American Democracy”

1. How are conspiracy theories about the election connected to the spread of voter suppression laws?

Insinuations of widespread voter fraud, and the attendant loss in confidence among the public, are being used to justify laws that make it harder to vote, and in particular harder for voters of color to vote. They are even being used to justify anti-democratic legislation that would allow state legislatures to reject the will of the voters and substitute their own choices for federal offices instead.

For instance, Iowa passed a law this year that has shortened Election Day voting by one hour, cut the early voting period to 20 days from 29, and limited local election officials’ ability to provide satellite early voting sites or mail absentee ballot requests to voters.¹ While the measure was being debated, proponents argued it was an election integrity measure, with supporters such as Senator Jim Carlin even saying, “Most of us in my caucus and the Republican caucus believe the election was stolen.”²

In another example of conspiracy theories that the 2020 Presidential election was stolen being used to justify anti-democratic laws, Pennsylvania Senator Doug Mastriano writes on his website³ that “[t]here is election fraud in Pennsylvania and denying it won’t make it go away . . . Election fraud is real and prevalent . . . cheating and fraud happened in our state.” He describes a committee hearing in which “expert witnesses testified to statistical anomalies, such as quantities of ballots that counting machines could not physically process within a required timeframe. Another witness testified that an election worker was pugging flash drives into voting machines for no stated purpose.” In this same post, he notes that after that hearing, he introduced “a measure that would allow the Pennsylvania legislature to exercise its Constitutional authority of appointing presidential electors.”

¹ Stephen Gruber-Miller, “Gov. Kim Reynolds Signs Law Shortening Iowa’s Early and Election Day Voting,” *Des Moines Register*, last updated March 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/>.

² Stephen Gruber-Miller, “Iowa Senate Passes Bill Shortening Early Voting Period, Creating Stricter Cutoff for Absentee Ballots,” *Des Moines Register*, last updated February 23, 2021, <https://www.desmoinesregister.com/story/news/politics/2021/02/22/iowa-legislature-public-hearing-elections-bill-shorten-early-voting-county-auditor-charges/4542108001/>.

³ Doug Mastriano, “Op-Ed: Election Fraud & the Destruction of Our Republic,” December 18, 2020, <https://senatormastriano.com/2020/12/18/mastriano-op-ed-election-fraud-the-destruction-of-our-republic/>.

Pushing voter fraud myths and election conspiracies creates concern amongst members of the public about fraud. Those who push these myths then use the concern and the lack of confidence that they have themselves amplified, in order to justify voting for laws that undermine democracy—making it harder to vote and even providing for legislatures to reject the will of the voters.

For instance, on November 15, 2020, Georgia state senator Butch Miller called absentee voting “always [] suspect,” and like “the shady part of town down near the docks you do not want to wander into because the chance of being shanghaied is significant.”⁴ Then, in 2021, he co-sponsored House Bill 531⁵ and Senate Bill 241.⁶ House Bill 521 would have limited early voting on weekends and negatively impacted black churches’ “souls to the polls” efforts. Senate Bill 241 would have ended no-excuse absentee voting in Georgia. Of this legislation he said, “We’ve got to restore confidence in the ballot box. When people lose confidence in the ballot box they ultimately lose confidence in their government... Our goal is to be sure every vote is accounted for, accurate and legal.”⁷

In short, election conspiracies are a key element of the disinformation campaign that is being used to undermine democracy. And the campaign is working. A recent poll by Public Religion Research Institute found that 31 percent of Americans believe that the election was stolen and 18 percent “say they agree with the statement that America has gotten so far off track that ‘true American patriots may have to resort to violence in order to save our country.’”⁸

2. In Pennsylvania, Republicans in the State Senate have issued a subpoena demanding personal information about every registered voter in the state, including partial Social Security numbers. What are the potential dangers of asking for the sensitive personal information of every single voter in the state?

Asking for the sensitive personal information of voters, without appropriate safeguards to ensure the data remains private, creates a danger that the data could be used by those with nefarious aims to gain access to financial and health accounts.⁹ It is crucial that those who retain voters’ personal information follow a variety of best practices to ensure the data remains secure,¹⁰ as

⁴ 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/>.

⁵ H.B. 531, 156th Gen. Assemb., Reg. Sess. (Ga. 2021).

⁶ S.B. 241, 156th Gen. Assemb., Reg. Sess. (Ga. 2021).

⁷ Mark Niese, “Ga. Bills Would End No-Excuse Absentee Voting, Automatic Registration,” *Atlanta Journal-Constitution*, February 1, 2021, <https://www.ajc.com/politics/ga-bills-would-end-no-excuse-absentee-voting-automatic-registration/OBTWL3M6MJH25MI56XGNNUODPY/>.

⁸ Reid Wilson, “Stunning Survey Gives Grim View of Flourishing Anti-Democratic Opinions,” *Hill*, November 1, 2021, <https://thehill.com/homenews/state-watch/579160-stunning-survey-gives-grim-view-of-flourishing-anti-democratic-opinions?r=1>.

⁹ Federal Bureau of Investigation, “FBI Tech Tuesday: Protecting Against PII Theft,” April 23, 2019, <https://www.fbi.gov/contact-us/field-offices/phoenix/news/press-releases/fbi-tech-tuesday-protecting-against-pii-theft>.

¹⁰ U.S. Cybersecurity and Infrastructure Security Agency, “Security Tip (ST16-001): Securing Voter Registration Data,” last updated June 30, 2020, <https://us-cert.cisa.gov/ncas/tips/ST16-001>.

well as to reassure voters that registration data is protected.¹¹ In fact, eleven percent of respondents to a 2016 survey by Pew Charitable Trusts reported that privacy or security concerns underlay their decision not to register to vote. Notably, this survey was conducted “before revelations in fall 2016 that hackers had targeted data from state voter registration systems. . .”¹²

Given that Pennsylvania senators have stated they wish to model their partisan review of the 2020 election on the Arizona senate’s review,¹³ conducted by Cyber Ninjas, it is reasonable to be concerned that the Pennsylvania senate might similarly choose a vendor lacking the experience and security protocols¹⁴ to ensure that voters’ personally identifying information remains safe.

It is also reasonable to be concerned that if leaked, private information might be used to improperly intimidate voters through so-called “canvassing,” in which partisan actors go to voters’ homes and ask them questions about their voting history. This activity was contemplated in Arizona but was formally abandoned after the senate was advised by the Department of Justice that it could violate federal law.¹⁵ Nevertheless, groups of “canvassers” claiming to be independent of Cyber Ninjas have visited the homes of Arizona voters.¹⁶

In other words, requesting sensitive personal information from every voter in the State of Pennsylvania poses two grave risks: misuse of this data by cybercriminals, and increased resistance to registering to vote among the general public.

¹¹ U.S. Election Assistance Commission, “Election Security Preparedness,” last accessed November 1, 2021, <https://www.eac.gov/election-officials/election-security-preparedness>.

¹² Pew Charitable Trusts, “Why Are Millions of Citizens Not Registered to Vote?,” June 21, 2017, <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2017/06/why-are-millions-of-citizens-not-registered-to-vote>.

¹³ Tom Lehman, “After Visit to Arizona Election Audit, State Lawmaker Calls for Similar Audit in Pennsylvania,” last updated June 4, 2021, <https://www.wgal.com/article/after-visit-to-arizona-election-audit-state-lawmaker-calls-for-similar-audit-in-pennsylvania/36623627#> (“‘Should an audit happen in Pennsylvania, the Arizona model is the one,’ [Sen. Mastriano] said.”).

¹⁴ Jonathan Bydlak et al., *Partisan Review Efforts in Five States*, Brennan Center for Justice, July 8, 2021, 8, <https://www.brennancenter.org/sites/default/files/2021-07/Partisan%20Election%20Review%20Efforts%20Across%20the%20United%20States%20in%202021%20-%2007.08.21.pdf>.

¹⁵ Ben Giles, “In Response to Justice Dept., Arizona Senate Says Plan to Canvass Voters is on Hold,” National Public Radio, May 7, 2021, <https://www.npr.org/2021/05/07/994945179/in-response-to-justice-dept-arizona-senate-says-plan-to-canvass-voters-is-on-hol>.

¹⁶ Ray Stern, “Inside Effort to Canvass Maricopa County Voters: Organizers Deny Audit Ties as Questions Remain,” *Arizona Republic*, August 30, 2021, <https://www.azcentral.com/story/news/politics/arizona/2021/08/30/arizona-audit-inside-unofficial-canvass-marciopa-county-voters/5642734001/>.