

On Dec. 16, 2020, I testified before the U.S. Senate Homeland Security and Governmental Affairs Committee on election irregularities. Here are my opening remarks:

The mail in-ballots system for the general election of 2020 in Pennsylvania was so fraught with inconsistencies and irregularities that the reliability of the mail-in votes in the Commonwealth of Pennsylvania is impossible to rely upon. The evidence violations of PA election laws as enacted, election security safeguards, and process flaws include:

1. Actions from the PA Supreme Court, which undermined the controls inherent in **Act 77 of 2019**. The controls which were undermined include:

a. On September 17, 2020, unilaterally extended the deadline for mail-in ballots to be received to three days after the election, mandated that ballots mailed without a postmark would be presumed to be received, and allowed the use of drop boxes for collection votes.

b. On October 23, 2020, upon a petition from the Secretary of the Commonwealth, ruled that mail-in ballots need not authenticate signatures for mail-in ballots thereby treating in-person and mail-in voters dissimilarly and eliminating a critical safeguard against potential election crime

2. Actions and inactions by the Secretary of State which undermined the consistency and controls of the election process during the weeks preceding the General Election of November 3, 2020. These include:

a. On November 2, 2020, the night before the November 3, 2020 election and prior to the prescribed time for pre-canvassing mail-in ballots, the office of the Secretary of the Commonwealth encouraged certain counties to notify party and candidate representatives of mail-in voters whose ballots contained defects.

b. In certain counties in the Commonwealth, watchers were not allowed to meaningfully observe the pre-canvassing and canvassing activities relating to absentee and mail-in ballots. Although some guidance was provided by the Secretary, the counties did not uniformly adopt practices allowing for meaningful observation (which practices were later endorsed by the Pennsylvania Supreme Court).

In addition to the concerns of the actions of the Secretary of State and the legislative overreach by the Pennsylvania Supreme Court, the inaccuracies of the actual results reflected in the election system (SURE system) call into question the consistency of the application of voting laws throughout the Commonwealth. Certain inconsistencies stand out to include:

At the county level the pattern of inconsistencies is easily seen. For instance, Over-vote in Philadelphia County -- On November 4th at 11:30am, the DOS posted updated mail in vote counts for Philadelphia County. The number of ballots reported to have been counted was an impossible 508,112 ballots despite the fact that only 432,873 ballots had been issued to voters in that county. Later that day, the ballots counted number was reduced but this begs the question, who had the authority to add and subtract votes on the ballot counts reported to the Department of State? Even if this was simply a data entry error, the lack of internal controls over such reporting necessitates a review of the numbers, the process and system access.

Additionally, in a data file received on November 4, 2020, the Commonwealth's PA Open Data sites reported over 3.1 million mail in ballots sent out. The CSV file from the state on November 4 depicts 3.1 million mail in ballots sent out but on November 2, the information was provided that only 2.7 million ballots had been sent out. This discrepancy of approximately 400,000 ballots from November 2 to November 4 has not been explained.

Furthermore, a newly available voter dataset available on **data.pa.gov** which had been offline for weeks indicated that it was last updated on 11/16/2020. The download of 11/16

shows 75,505 more ballots returned on 11/16 than the download from 11/15. Therefore, from 11/15 to 11/16, 75,505 ballots were added to the dataset with no explanation.

Mail Date irregularities to include ballots mailed before the ballot was finalized, ballots mailed late and ballots mailed inconsistent with enacted legislation relative to mail in ballots: 154,584 ballots. Voter date of birth irregularities: (voters over age 100): 1573 ballots.

These apparent discrepancies can only be evaluated by reviewing all transaction logs into the SURE system to determine the access, authority for the entry, the verification of the data entered as well as the authentication of the security certificates of the sites from which the data had been entered.

Before and after the election of November 3, 2020, the efforts by the State Government Committee and other members of the PA Legislature to obtain oversight information and relevant data to confirm or deny claims of improprieties were stymied. For instance, a hearing sought by Dominion Voting Systems with the State Government Committee of the PA House, which was scheduled for November 20, 2020, was cancelled by Dominion at the last-minute citing litigation concerns. Right to know requests were similarly not responded to except by delay from the Executive Branch until well into January 2021.

Without knowing the answer to these questions and due to the magnitude of the discrepancies and the closeness of the election, the results of the 2020 presidential election in Pennsylvania cannot be conclusively determined.