

PUBLIC INTEREST

— LEGAL FOUNDATION —

440K Mail Ballots Went Missing or Undeliverable amid 81K Vote Margin of Victory in PA 2020 Presidential

SEPTEMBER 2021 – Pennsylvania lawmakers did not wait for COVID-19 to inject uncertainty in their elections by experimenting with expanded mail voting. In Fall 2019, the Commonwealth created a no-excuse absentee system with options for permanent mail voting. It also extended the deadline for ballots to arrive by Election Day. After the pandemic, the Wolf Administration moved to extend return deadlines *after Election Day* and promoted the mail voting option. By Fall 2020, \$8,000,000 in Mark Zuckerberg funds through the Center for Tech and Civic Life (CTCL) were used in Pennsylvania counties, funding mail voting expansions. This outcome was so predictable that PILF ordered billboards in advance. Ballot counting—which used take hours—ran on for days. Now, Pennsylvania joins several other battleground states for losing track of more ballots than the difference between winning and losing its Electoral College votes. With Act 77 of 2019 now law, this will be the new normal if left alone.

2016 Election - PA

-292,191 ballots sent
 -??? undeliverable
 -2,534 rejected
 -25,983 “unknown”

2020 Election - PA

-3.1 million ballots sent
 -15,175 undeliverable
 -34,171 rejected
 -425,606 “unknown”

Election	Undeliverable + Unknowns	Loser	L Votes	Winner	W Votes	Difference
2012	34,204	Romney	2,619,583	Obama	2,907,448	287,865
2014	9,558	Corbett	1,560,057	Wolf	1,899,318	339,261
2016	25,983	Clinton	2,844,705	Trump	2,912,941	68,236
2018	20,622	Barletta	2,134,848	Casey	2,792,437	657,589
2020	440,781	Trump	3,378,263	Biden	3,459,923	81,660

Just What Does ‘Unknown’ Mean in General and for Pennsylvania?

The U.S. Election Assistance Commission asks local officials how many ballots were not returned as voted, were undeliverable, or were otherwise “unable to be tracked.” The USPS Inspector General most recently reported that only 13 percent of mail ballots in the 2018 General Election used the official tracking system. This means a wide variety of things that can happen to a ballot in the “unknown” column. A ballot can be mis-delivered. It can be thrown out with your unpaid bills. It can be left on the floor of apartment mail rooms (like seen in Nevada in 2020). Election officials simply do not know what happened. Unknown ballots are one of the greatest weaknesses in the American electoral system. Act 77 of 2019 will likely place Pennsylvania in the company of California and other states whose mail ballot failures surpass the differences in election results.

Fun Fact: PA Broke Rejected Ballot Records in 2020

Despite Gov. Tom Wolf's promise during the signing of Act 77 that it would help curtail rejected ballots (plus the Zuckbucks later to help ensure as much), the 2020 General Election set a new record for Pennsylvania. The new standard for ballot rejects is now 34,171.

Election	Rejects
2012	1,845
2014	2,374
2016	2,534
2018	8,714
2020	34,171

PILF President J. Christian Adams

“Pennsylvania lawmakers have serious work to do if they don’t want their election systems to resemble California or Arizona. A cure for COVID will not carry over to the mail ballot problems when the current administration and billionaire private interests are committed to seeing more expansion of the practice. Serious reforms must be considered for the Act 77 framework, starting with considerable investments in ballot tracking and voter identification safeguards.”



Sources & Notes

U.S. Election Assistance Commission; Election Administration and Voting Surveys for 2012, 2014, 2016, 2018, and 2020

USPS Inspector General; Processing Readiness of Election and Political Mail During the 2020 General Elections (August 31, 2020)

Certified 2012, 2014, 2016, 2018, and 2020 General Election Results for Pennsylvania via CNN (2021)

Gov. Tom Wolf; Wolf Signs Historic Election Reform Bill Including New Mail-In Voting (October 31, 2019)

Las Vegas Review Journal; Primary underway, but argument over mail election continues (May 19, 2020)

*The EAC data is not without its challenges. First, the EAC has a history making subtle edits to its data well after publication and without conspicuous editorial notes or changelogs. The version relied upon for this research brief, “2020_EAVS_for_Public_Release[1],” shows in its file metadata to have been created on August 16, 2021. Second, after publication, some voter registration jurisdictions have made changes to the EAC data by changing their responses to the federal survey that were hardly obvious to regular observers (see *Judicial Watch v. Pennsylvania*, No. 1:20-CV-708, 2021 U.S. Dist. LEXIS 42496, at *13-15 (M.D. Pa. Mar. 8, 2021)). Finally, national totals reflected in this brief are subject to change with the EAC. As of publication, more than 680 jurisdictions have not responded to the survey question related to undeliverable ballots; 400 jurisdictions have not provided “status unknown,” data, and 120 did not provide ballot-rejection numbers. During the 2016 and 2018 election cycles, Pennsylvania officials failed to disclose undeliverable ballot totals.*