



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE

December 16, 2020

Senator Ron Johnson
Majority Chairman,
Committee on Homeland Security
and Governmental Affairs
328 Hart Office Building
Washington, DC 20510

Senator Gary Peters
Ranking Member,
Committee on Homeland Security
and Governmental Affairs
724 Hart Office Building
Washington, DC 20510

Chairman Johnson and Ranking Member Peters,

In anticipation of today's hearing, *Examining Irregularities in the 2020 Election*, I would like to take this opportunity to address some of the unfounded, inaccurate, and misleading allegations and statements made by Pennsylvania State Representative Francis Ryan in his December 4, 2020 letter to United States Representative Scott Perry.

In 2019, with broad and bipartisan support, the Pennsylvania General Assembly enacted Act 77 of 2019, which made several important updates and improvements to Pennsylvania's Election Code. Among them were provisions that, for the first time, offered the option of mail-in voting to all Pennsylvania voters. This change made it more convenient for all Pennsylvanians to exercise their right to vote and brought the Commonwealth more in line with the practice of dozens of other states, which was especially timely due to the COVID-19 pandemic.

Despite the challenges posed by the pandemic, election administrators' adjustment to significant amendments to the Pennsylvania Election Code, record voter registration and voter turnout, and a bitterly partisan political environment, the election itself and the canvassing and tabulation of the votes proceeded efficiently and with far fewer significant incidents reported than in years past.

Rep. Ryan's December 4, 2020 letter to Congressman Perry regarding the administration of the 2020 General Election in Pennsylvania rehashes, with the same lack of evidence and the same absence of supporting documentation, repeatedly debunked conspiracy theories regarding the November 3 election that have been repeatedly litigated and soundly rejected by both state and federal courts at every level. State and federal Judges have sifted through hundreds of pages of unsubstantiated and false allegations and found no evidence of fraud or illegal voting.

The letter also cites so-called "inconsistencies" that Rep. Ryan claims to have identified based on his analysis of Department of State (DOS) data. His letter is a perfect example of the dangers of

uninformed, lay analysis while lacking both understanding of election administration as well as knowledge of basic election laws, including election deadlines the Representative himself voted to make law.

For example, Rep. Ryan notes that 27,995 ballots were mailed on or before 9/11/2020. This is neither unlawful nor unusual. As Rep. Ryan should be aware, under Act 77, which the Representative voted for, Pennsylvania counties are authorized to begin processing mail-in and absentee ballots more than 50 days prior to the election and are required to begin mailing ballots as soon as they are available. In addition, counties are required by both federal and state law to begin mailing ballots to certain military and overseas civilian voters much earlier than other voters – 70 days before the election for military/overseas civilian voters in a remote or isolated area of the world and 45 days before the election for all military/civilian overseas voters. The fact that counties began mailing ballots as of the second week of September is neither illegal, nor unauthorized, nor even surprising given the volume of requests for mail-in and absentee ballots counties received and processed.

Similarly, Rep. Ryan cites as anomalous a number of ballots that show they were submitted on or before the mailed date. Again, as Rep. Ryan should know, Act 77 authorized eligible Pennsylvania voters to vote early in person (by mail ballot) at their county election offices, and over 100,000 Pennsylvania voters availed themselves of this option. Most of these voters would be shown as having been approved and provided their ballot on the same date they cast it at their county election office. Far from an anomaly, the data Rep. Ryan cites is an obvious result of the legislation he himself supported.

Any dates listed incorrectly as cast before the mail date are likely routine data entry errors by the county election offices. DOS worked with county election officials to ensure that dates in the state's election registration system accurately reflected the date on which ballots were actually mailed. In fact, DOS implemented a utility in August to help counties manage this function to ensure that voters could access accurate information regarding when their ballots were mailed. Similarly, the allegations of some ballot entries lacking a mail date are caused either by a data entry error or omission, which occurred on occasion when counties printed ballot labels for voters who voted a mail-in ballot in person at their county election office. These dates can be checked by the county by reviewing the documentation in the county's possession.

Most misleadingly, Rep. Ryan asserts that there is an unexplained discrepancy of approximately 400,000 ballots between November 2 and November 4. This is blatantly false. Pennsylvania counties sent 3.1 million ballots to approved voters in the general election. Of this total, 2.7 million were mail-in ballots and 400,000 were absentee ballots. For unknown reasons, Rep. Ryan appears to present only the mail-in ballot figure, thereby creating the misleading impression that roughly 400,000 ballots simply appeared. In reality, by the morning of October 27, the total number of absentee and mail-in ballots sent out by Pennsylvania counties was already nearly 3.1 million. At no point after October 26 was the number of absentee and mail-in ballots sent below 3 million.

These obvious errors and misinformation put forth by Rep. Ryan and others, and the lack of understanding of Pennsylvania's election law and administration that underlies them, is the hallmark of so many of the claims made about this year's Presidential election. When exposed to even the simplest examination, courts at every level have found these and similar conspiratorial claims to be wholly without basis. Despite this and despite all evidence refuting his claims, Rep.

Ryan calls on Congress to overturn the legally cast votes of over 6.9 million Pennsylvanians. These efforts can only serve to impugn the extraordinary work of thousands of county and local election officials in conducting a free and fair election and undermine public confidence in the integrity of our democratic process. I urge you to reject this effort.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Kathy Boockvar". The signature is written in a cursive, flowing style.

Kathy Boockvar
Secretary of the Commonwealth