NATIONAL TASK FORCE ON ELECTION CRISES

STRENGTHENING OUR ELECTIONS AND PREVENTING ELECTION CRISES:

Lessons and Recommendations from the 2020 General Election

Executive Summary

The 2020 election was defined by paradox and contradiction. Thanks to millions of poll workers, election officials, and citizens who stepped up to make our democracy work, the election was secure and free from systemic or significant fraud. A record 160 million Americans voted and had their voices heard. Yet still, voter intimidation and racial disparities in access to the ballot continued, our election system was revealed to be aging and unnecessarily confusing, Americans weathered a wave of disinformation and, of course, there were unprecedented efforts to delegitimize and overturn the election results—ultimately leading to a crisis the likes of which we've not experienced in modern history. In the end, Congress counted all of the electoral votes, but only after President Trump sought to both coerce federal and state officials to overturn the results, and incited a violent insurrection. This attack on our democracy culminated with white supremacist rioters attacking the Capitol seeking to not only overturn the Constitutional order, but also to take hostages and assassinate members of Congress and the Vice President. While American democracy has survived this crisis so far, we will only be able to prevent the next one if we both 1) ensure accountability for all those who incited, abetted, and participated in the insurrection, and 2) adopt preventative reforms based on the lessons we learned in this election. Those lessons and reforms are the focus of this report.

The National Task Force on Election Crises is a nonpartisan group that was formed to help the country prevent and confront election crises, in order to protect a free and fair 2020 election. In this report, the Task Force highlights many challenges that emerged in the election, including instances in which the president undermined the electoral process. Of course, the Task Force would have highlighted challenges to a free and fair election and a smooth transition if they came from another presidential candidate.

Election administrators helped mitigate a crisis. State and local officials conducted the general election in spite of extraordinary challenges posed by a global pandemic. Officials from both parties worked together to expand voting options, recruit hundreds of thousands of poll workers, and become expert crisis communicators, often for the first time. At the same time, there were challenges and failures, including long lines in a number of states, complications stemming from absentee ballots, voter intimidation, isolated system malfunctions, and—above all—widespread challenges of disinformation and partisan polarization around efforts to make voting accessible.

Social media companies learned key lessons from 2016. Some platforms adapted their policies to be more vigilant against election-related disinformation in the 2020 election cycle, attempting to contextualize disinformation and slow its spread. That said, false claims were far-reaching, coming particularly from President Trump, his allies, and his family members. These claims resulted in widespread refusal to accept the results, and troubling threats of violence against election officials and others. Social media platforms also were used to both inspire and coordinate participation in the insurrection on January 6th.

Election reporting was careful and voters patient. Because of the unprecedented volume of absentee ballots and lack of pre-canvassing or processing in critical battleground states, preliminary results took much longer than usual. In general, the media and voters were prepared to wait for results and traditional and social media correctly described President Trump's claims of victory as false. Outlets took care to explain why results may change during counting, were transparent about how election projections are made, and resisted political pressure to interfere with their decision desks. That said, this election proved that responsible reporting is no match for disinformation spread by candidates and political leaders.

President Trump's refusal to accept the results badly damaged the perception of election legitimacy and led to the insurrection on January 6th. Baseless allegations of fraud, false claims of victory by President Trump, and attempts to overturn the result were supported by many Republican officials. This delayed the presidential transition, helped convince the vast majority of Trump's supporters that the election had not been legitimate, and led to the attack on the Capitol on January 6th.

Efforts to disenfranchise voters and reverse the outcome were a threat to democracy. Starting on Election Night and continuing through to January, there were concerted efforts to delegitimize the election, seed doubt in the outcome, and overturn the results. These attempts included baseless lawsuits that sought to disenfranchise entire states and pressure state officials to interfere with the counting and certification of results. Attempts to overturn a legitimate, democratic election took a toll on the country and likely caused lasting damage to the perceived legitimacy and long-term stability of American institutions and our system of government.

The National Task Force on Election Crises recommends the following:

Election Administration

✔ Sustain and expand a range of crisis-tested voting options, including early voting and mail-in voting

✔ Recruit poll workers on an ongoing basis

✔ Improve USPS ballot handling and return procedures

✔ Combat intimidation of voters and election officials

✔ Ensure excess balloting materials at polling places

✔ Sustained public investment in educating and communicating with voters about election mechanics

✔ Decrease long lines

✔ Reduce secretary of state conflicts of interest

✔ Ensure sufficient funding for election administration

✔ Expand pre-canvassing of absentee ballots

✔ Better protect election workers and officials from threats of violence

Legal Reforms

✔ Amend the Presidential Transition Act

✔ Incorporate federal election deadline dates into state laws

✔ Reform state certification processes

✔ Reform the Electoral Count Act

✔ Hold individuals accountable for frivolous challenges

News Networks & Social Media Platforms

✔ Speed up the process of labeling/removing posts

✔ Delete rather than label disinformation

✔ Limit or remove engagement metrics

✔ Hand-pick, or remove trending lists and up-next recommendation

✔ Regulation of social media platforms

✔ Social media companies continuing to build on outside partnerships

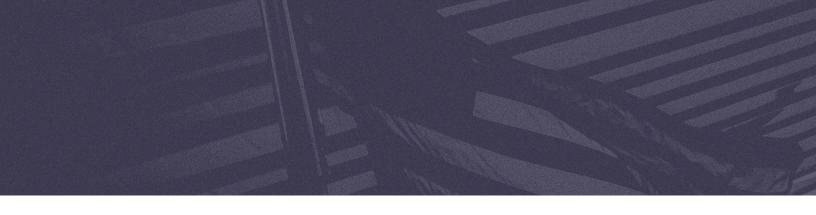✔ Media transparency and responsibility in projections

General Recommendations

✔ Investigations and accountability for the insurrection on January 6th

✔ A congressional commission on strengthening elections and preventing election crises to work for nonpartisan reform at all levels of government

✔ Respond to calls for improved election security

✔ Nonpartisan efforts to protect free and fair elections should shift from crisis response to crisis prevention

✔ Civil society must prepare for the worst, again

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Lessons Learned & Recommendations

I.   How Election Administrators Can Help Mitigate a Crisis

State and local officials conducted the general election under extraordinary circumstances. The COVID-19 global pandemic created many challenges for the election, including the need to institute health safety protocols, recruit hundreds of thousands of new poll workers, and to process and tabulate record numbers of mail-in ballots. These challenges were also borne by voters, who had to make difficult decisions about exercising their fundamental right to vote in the face of significant public health threats, as well as concerns about long lines, mail delays, and potential violence. What's more, voters navigated a landscape of changing election rules and processes in a polarized political climate.

In the face of these challenges, the election was conducted relatively smoothly, thanks to the collective efforts of state and local officials, poll workers, civil society groups, philanthropists, volunteers, and of course, voters. The 2020 election had the highest turnout in American history, with nearly 160 million votes cast.[1] And multiple independent bodies, including the Cybersecurity and Infrastructure Security Agency (CISA), Organization of Security and Cooperation in Europe (OSCE), the Organization of American States (OAS), the Harvard Electoral Integrity Project (EIP), as well as election officials in dozens of states determined that the election was secure and free of widespread irregularities[2].

It is critical that policymakers and the public give election administration the necessary attention now to ensure our election system can survive future crises of the magnitude we faced in 2020. We shouldn't stake our democracy on whether a collective response effort can again move fast enough to protect a free and fair election. Our best risk management tool to ensure that America's election system can withstand any future mix of crises is for us to invest now in the right mix of policy reforms and resources to ensure voters have a wide range of safe and secure ways to vote and that protections are in place to ensure the transparency and accuracy of their votes.

CHALLENGES

COVID-19 Pandemic—The COVID-19 pandemic affected all aspects of the election process, and created significant logistical challenges for election administrators and local and state officials. Challenges included: expanding vote by mail, expanding early voting, ensuring in-person voting was safe and sufficiently resourced, offering curbside voting and/or ballot drop boxes, recruiting sufficient numbers of poll workers, and making IT functions remote and secure.[3] Some of these

160M
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measures required state and local officials to pass new laws or use emergency powers. They were also expensive: the Brennan Center estimated that $4 billion in additional funding was needed to run the election.[4] Per the Coronavirus Aid, Relief, and Economic Security (CARES) Act, however, Congress allotted only $400 million in new Help America Vote Act (HAVA) emergency funds to states for the 2020 federal election cycle—which included a state matching requirement. As a result, states were chronically underfunded for the tasks required of them.

Long Lines—A 2020 Pew poll found that of 2020 voters: 35% said they did not wait in line to vote at all; 27% said they waited for less than 10 minutes; one-in-five waited for 10 to 30 minutes; 11% waited for 31 minutes to an hour; and 6% said they waited in line for more than an hour to vote.[5] During early voting and Election Day, a number of states—including Georgia, New York, Texas, and Virginia— experienced long lines at polling locations. In some cases, this was the result of high turnout, voter enthusiasm, and social distancing measures. New York City, for example, had hours-long lines during early voting, largely because of high turnout and limited polling sites (88 locations, as opposed to 1,200 sites on Election Day).[6] In many other cases, the lines had disproportionate impacts on disadvantaged communities.[7] A Cuebiq study found that "voters in the very poorest neighborhoods in the country typically took longer to vote, and they were also modestly more likely to experience voting times of an hour or more."[8] Georgia experienced wait times as long as eleven hours at some precincts that "disproportionately affect[ed] Black and Latino voters."[9] The same was true in 2016: "residents of Black neighborhoods waited 29% longer to vote in the 2016 election and were 74% more likely to spend more than 30 minutes at their polling place," in that case as a result of "fewer voting machines and poll workers in minority neighborhoods."[10] The Bipartisan Policy Center found that waiting in long lines is likely to discourage future voting.[11]

Limitations on Absentee Ballots—The election also revealed issues with the casting and counting of absentee ballots. These included (1) the method and deadline for returning of absentee ballots, i.e., postmarked by Election Day as compared to delivered on or before Election Day; (2) whether there was adequate notice and an opportunity to cure rejections of absentee ballots; and (3) whether certain requirements, such as multiple witnessing of ballots, were necessary. In addition, the provision of drop boxes for the delivery of ballots was inadequate in many jurisdictions.

Isolated System Malfunctions—As in past elections, there were isolated incidents of equipment malfunctions across the country. None of them impacted the results of the election. In Virginia, the online voter registration portal crashed on the final day of voter registration. Voting machines in Fort Bend, Texas malfunctioned briefly during early voting.[12] These incidents and others were isolated and resolved fairly quickly, either by extending the voter registration deadline or polling hours, providing voters with provisional ballots, asking voters to return later, or sending voters to other polling locations.

Voter and Election Worker Intimidation—Voters in some precincts faced voter intimidation during early voting and Election Day. The Election Protection hotline received nearly 32,000 calls on Election Day, and reports from the Voting Rights Defender and Prepared to Vote project teams and the NAACP Legal Defense and Educational Fund Inc.[13] showed that minority voters in particular were disproportionately impacted by voter intimidation. Incidents included: 3 million robocalls telling people to stay home on Election Day[14]; armed people at polling sites on Election Day in Florida, North Carolina, and Louisiana[15]; and vehicles with Trump 2020 flags surrounding a Biden campaign bus in Texas, among others.[16] Additionally, election officials, volunteers, and electors faced unprecedented intimidation, with many experiencing doxxing, death threats, and other intimidating communication.[17]

Educating Voters on Changing Policies—It was difficult to educate voters this election cycle because of new and changing policies on absentee voting, early voting, polling locations, voter registration deadlines, and other election operations. Facebook's political ad ban,[18] while helpful to combat disinformation, restricted the ability of civil society organizations to educate voters.[19] Additionally, there was significant litigation activity regarding election-administration issues, including some cases that were decided in the days before the election.[20] The Macomb County, Michigan, election clerk said of the voter education landscape: "Part of the challenge for election administrators is to follow new rules and adjust practices to accommodate changes. But perhaps a more important responsibility is to the voters – informing them of important updates that may impact their vote. We have noticed a higher than normal amount of questions from voters."[21]

Partisan Polarization of Mail-in Voting—Democrats embraced mail-in voting at a "far higher rate" than Republicans during the 2020 election.[22] Much of this can be attributed to partisan politicization of mail-in voting. While the Biden campaign and Democratic officials encouraged mail-in voting, President Trump referred to it as "rigged" and "fraudulent" and openly discouraged it. As a result,

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3 million
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Unprecedented Intimidation
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public surveys showed a divide between Democrats and Republicans about the security of voting by mail,[23] despite Republicans at the state and local level encouraging mail-in voting.[24,25] While the difference in mail-in voting rates between Democrats and Republicans did not determine election results, Georgia Secretary of State Raffensperger said that Trump's rhetoric cost him votes in Georgia. Twenty-four thousand Republicans who voted absentee in the primary election did not vote in the general. Raffensperger said of Georgia, "He would have won by 10,000 votes. He actually depressed, suppressed his own voting base."[26]

USPS Delivery Rates—With the significant expansion of vote-by-mail policies, 198 million Americans were eligible to vote by mail in the election, placing increased responsibility for the delivery of ballots in the hands of the Postal Service.[27] In the months leading to Election Day, leadership at USPS enacted personnel and processing changes that threatened the agency's ability to deliver ballots on time.[28] Delivery rates of first-class mail steadily declined, especially in urban areas. Still, for Election Day, USPS met their delivery standards, with 85% of ballots delivered on time in a number of swing states.[29] While 150,000 ballots were not delivered by Election Day, these were largely ballots that were requested by voters in the final days before Election Day.

Disinformation—During the 2020 cycle, despite crucial efforts by social media platforms, online disinformation about the voting process remained a pressing challenge for everyone from voters to election administrators, not least because misinformation about the voting process, for the first time in U.S. history, also emanated directly from the President.[30] See Section II for more information on how social media platforms attempted to stop disinformation.

WHAT WORKED WELL

After the primary elections, the National Task Force on Election Crises issued a report, "Lessons Learned from the Primaries: Recommendations for Avoiding a Crisis in November," with recommends for policy makers, election administrators, and the media on how to secure a free and fair general election.[31] The Task Force, along with other elements of civil society, recommended and advocated for many of the policies below, such as expansion of early voting and mail-in voting and alternative voting systems.

Expansion of Early Voting—In 2020, forty-two states provided periods of early voting, including several states that expanded their early-voting options.[32] This expansion allowed states to spread out voting to alleviate pressure on Election Day, reduce long lines and crowded polling places, enable social distancing, prevent poll worker fatigue, and increase turnout. Texas expanded early voting to two and a half weeks, and 9.7 million Texans, 57% of registered voters, voted early.[33] For the first time, Kentucky instituted early voting, and saw record turnout for the election. In total, at least 35.8 million Americans voted early in-person.[34]

Expansion of Mail-In Voting—At least 85 percent of voters had the option to bypass polling locations and vote from the safety of their homes in this election.[35] Mail-in voting helped to alleviate pressure for in-person voting and enabled those who were high-risk for COVID-19 to vote without risking their health. In total, forty-five states offered mail-in voting, with the majority of states vastly expanding access to voters with or without excuses. Americans used mail-in ballots in record numbers in the 2020 election; more than 65 million votes were cast by mail.[36]

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KENTUCKY EXPANDS MAIL-IN VOTING IN BIPARTISAN FASHION: Kentucky was one of thirty-four states that significantly expanded their mail-in voting policies for the 2020 election. For the first time, Kentucky allowed voters to cite an excuse beyond age and/or disability to vote absentee in the general election. While more narrow than Kentucky's policy during the primaries, which allowed any voter to vote absentee without an excuse, the new policy was a notable expansion from past general elections. Republican Secretary of State Michael Adams and Democratic Governor Andy Beshear worked together to roll out the policy in a bipartisan fashion, and announced the expansion in a joint-statement, saying "If you're concerned about your health, you can vote absentee."[37] The state also expanded early voting to 18 days, covered postage for voters, and provided statewide ballot collection boxes. All in all, turnout exceeded 2016's turnout of 59%, with about 60% of eligible voters voting, and more than 658,000 voters requested absentee ballots, with a 95% return rate.[38]

Expansion of Alternative Voting Options—In addition to the expansion of early voting and mail-in voting, many states offered alternative forms of voting or additional options to return ballots. States like Mississippi and North Carolina expanded curbside voting to allow voters to cast ballots from their cars. This was a safe option for voters who had COVID-19, were quarantining, or had disabilities. Many jurisdictions also offered additional options for voters to return their ballots, such as secure 24-hour drop-off boxes or the ability to drop off ballots at polling locations or county election offices.

Recruiting Poll Workers—In previous elections, nearly 60% of poll workers have been over 60 years old, a high-risk age group for COVID-19.[39] In the lead up to the election, election officials were concerned about poll worker shortages. There were also concerns that election workers would not show up and that there might be widespread issues with first-time election workers. None of these concerns materialized in significant ways. Due to heavy recruitment by Power the Polls, an organization committed to recruiting poll workers, as well as the American Bar Association, civil society groups, and for-profit companies, polling locations had sufficient numbers of poll workers to work the polls during early voting and Election Day. Power the Polls alone recruited 700,000 poll workers.[40] Some states, such as Michigan, recruited and trained more poll workers than needed in order to ensure backups given the high attrition rate seen historically among poll workers.[41]

USPS Delivery of Ballots—With the significant increase in mail-in ballots, there were concerns that the US Postal Service would not be able to return ballots to election administrators on time. In fact, the vast majority of ballots were delivered in a timely manner and most delays were in states with more lenient ballot acceptance deadlines. Prior to the election, USPS warned 46 states and DC that they wouldn't be able to return ballots to election administrators on their timelines, which pushed some states to change their deadlines.[42] All in all, the US Postal Service delivered more than 122 million ballots that used a special ballot service type identifier.[43] During the election, a U.S. district judge in Washington, D.C., ordered the Postal Service to take "extraordinary measures" to expedite ballots, and later ordered the USPS to sweep its processing facilities for ballots. USPS did this in all plants that processed ballots, and treated every ballot as though it had to be in the hands of election officials at the close of polls—even in states where it would have sufficed to have the ballots postmarked on Election Day.[44] The Postal Service conducted multiple daily sweeps and nightly "All Clears" of the processing facilities to find misplaced ballots, and the sweeps conducted on Election Day identified only a handful of ballots.[45] Any ballots that missed state election deadlines were not of a volume that could alter the outcome of the presidential race.[46]

Collaboration by Civil Society—An array of civil society groups and coalitions—from across sectors, issue focuses, and political perspectives—worked together to expand voting access, prevent voter intimidation, navigate the pandemic's impacts on the election, and prepare rapid responses to a range of anticipated extraordinary shocks to the electoral system.

Support to Election Administrators from Private Donors—In order to help fill the massive spending gap, private philanthropists stepped in and gave hundreds of millions of dollars to state and local governments. The Center for Tech and Civic Life received a $350 million dollar donation that granted funding to over 2,500 election offices to perform essential election services, such as: buying ballot drop boxes; enabling drive-through voting; providing masks and protective gear for poll workers; paying for election equipment; and funding staff, etc.[47] Arnold Schwarzenegger donated $210,675 to cover hazard pay for poll workers and other needs,[48] and Anheuser-Busch donated 500,000 ounces of hand sanitizer to New York state[49] among others. Additionally, More Than A Vote worked with professional sports teams to use empty arenas as polling locations.[50] While necessary in this election because of the spending gap, election administration should be funded through public dollars with accountability to taxpayers, and not by private individuals.

Crisis Communications—State and local election officials had the opportunity to better prepare and manage their communications during an unprecedented election season. Programs and trainings dedicated to regular and crisis communications to better connect with voters and the media were provided by a number of organizations, including the Harvard Kennedy School Belfer Center,[51] the Center for Tech and Civic Life,[52] the U.S. Election Assistance Commission,[53] the Federal Voting Assistance Program,[54] and CISA,[55] among others. The challenge, however, was time: it was hard to schedule trainings for election officials around the country already facing large workloads and a ticking clock. As a result, many of the training opportunities were provided online in self-service form, so that election officials could partake in training on their own schedules as time allowed.

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RECOMMENDATIONS FOR FUTURE ELECTIONS

Sustain and Expand a Range of Crisis-Tested Voting Options, Including Early Voting and Mail-In Voting—State and local governments should continue to offer and support a range of voting options for voters to help ensure resilience in the event of a crisis. The more options that voters have to vote safely and securely, the more likely that crises, ranging from a future pandemic to cyberattacks to ones we cannot envision, will not overwhelm our election systems or limit the ability of Americans to exercise their right to vote. States should build on the lessons they learned in implementing new or expanded voting options ranging from early voting, mail-in voting, drop box and curbside voting and improve the execution of these options in future elections as a risk management policy tool, as well as for the value of making voting more convenient and more secure. Expanding investments in ballot tracking systems could complement these efforts and improve transparency, accountability, and confidence in the voting process. State and local governments should also sustain and expand the necessary policy and build infrastructure to support the smooth execution of these options, from the use of pre-processing with its multiple benefits (*see Section III: How the Race was Called and Section V: Attempts to Disenfranchise Voters and Undermine the Results*) to maintaining a high number of secure ballot drop box locations and polling places. Congress should ensure progress on all these efforts and support state and local governments with predictable long-term funding for the full range of investments in human capital, equipment, and IT infrastructure required.[56]

Recruit Poll Workers on an Ongoing Basis—Election officials should recruit poll workers early and on an ongoing basis, and continue to diversify poll worker pools.

Improve USPS Ballot Returns—USPS should refrain from significant personnel and mail delivery changes close to a general election. It should also continue to prioritize special handling of election mail and the guarantee that all ballots will be delivered regardless of postage.

Combat Intimidation of Voters[57] and Election Officials—The Department of Justice and state law enforcement agencies should use data on incidences of unlawful voter intimidation in the 2020 election gathered by government and voting rights organizations to target investigation and enforcement efforts against future voter intimidation. The Department of Justice should also rebuild its partnerships with voting rights organizations and other elements of civil society to improve information flow and reporting of instances of voter intimidation, especially within vulnerable communities. Federal and state authorities should also seek the input of election officials and associations such as the National Association of Secretaries of State (NASS) and the National Association of State Election Directors (NASED) on how to support the safety and security of election officials, who have faced threats of violence this year unprecedented in modern American history.

Ensure Excess Ballot Materials at Polling Places—All polling places should have excess provisional and emergency balloting materials to provide voters in the event of equipment malfunctions or other issues.

Sustained Public Investment in Educating and Communicating with Voters about Election Mechanics—Election officials should be resourced and prepared to educate the public on all elements of voting ahead of and after the election, and should be adept at communicating with the media and public, especially in the event of a crisis. In our current political climate and vulnerability to disinformation, communication skills are equally as critical as administrative and operational expertise. Governments must invest to ensure that election administrators are trained communicators with crisis communications and media training and have the resources to have their voices heard by the public. Civil society and philanthropic organizations can support these efforts as they did in 2020. However, as local election officials are among the most trusted voices in the public conversation on elections and therefore among the best defenses against disinformation, sustained and increased government investment in their capabilities is both a core responsibility of government and likely to yield a high return on investment.

Decrease Long Lines—It is critical that efforts be made and reforms instituted to decrease long lines, especially as they disproportionately impact communities of color.[58] This could include improving management of voter flow, developing models and tools to better allocate resources across polling places, and expanding opportunities to vote before Election Day.[59]

Reduce Secretary of State Conflicts of Interest—The United States is the lone democracy that has elected, partisan officials running elections. This dynamic can lead to problematic behavior like endorsing a candidate running in a race under their supervision, co-chairing presidential election campaigns, or running for office while being the state's chief election official. Any partisanship from the chief election official of a state can negatively impact voter confidence. While Secretaries of State were generally positive actors in this election and did not engage in problematic conduct affecting

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the outcome of the election, reforms should be instituted, as recommended by the Election Reformers Network[60] and Protect Democracy,[61] to institute meaningful guardrails to limit secretaries of state partisanship like calling for recusal if running for office and instituting prohibitions on campaign acts.

Ensure Sufficient Funding for Election Administration—State and local governments must make steady investments in election administration as befitting of its role as critical infrastructure to the future of our democratic republic. It is also critical that Congress appropriate funding for election administration to supplement state and local funding, and to ensure that Americans in wealthier states and poorer states have their right to vote protected. Federal funding support will also enable election officials to sustain and institutionalize the improvements made to election administration and operations in 2020 enumerated above, which will ensure that elections across the country are resilient to future crises, as well as helping with ongoing challenges like poll worker shortages, long lines, and voter education.

II. Social Media

Social media companies, by and large, took steps to adapt their policies to be more vigilant against election-related disinformation in the 2020 election cycle, following the 2016 election in which foreign disinformation campaigns swept across the platforms in a coordinated effort to influence voters. Some major social media companies implemented policies aimed primarily at limiting the appearance and spread of false election claims, including by labeling certain posts as disputed. What's more, continued efforts to stoke and coordinate anti-democratic violence after the election continued to appear on the social platforms and were a critical factor in the success of insurrectionists in attacking the U.S. Capitol and temporarily disrupting the counting of Electoral College votes. Following large scale violence at the U.S. Capitol on Jan. 6, 2021, when Congress convened to formally count electoral votes, the platforms announced suspensions of President Trump's accounts to prevent more incitements to violence. However, significant shortcomings in mitigating disinformation were evident across the election cycle, particularly on YouTube and among the growing constellation of alternative, right-wing social platforms.

CHALLENGES

Despite the newfound recognition by major social platforms of the need to take steps to address disinformation, the political landscape was littered with lies during the 2020 election season. Unlike the disinformation environment in 2016, much of the disinformation observed during the 2020 cycle was driven by leading American politicians and a right-wing media echo chamber.[62] Parsing disinformation from legitimate political discourse proved challenging for social platforms and mainstream journalists alike.[63] But as millions of Americans continue to rely on social media for their news, bypassing professional journalism for the targeted posts on their own personalized feeds, the potential for disinformation to imprint itself on huge numbers of voters remains an ongoing concern of the Task Force, and others working in this space.

Social Media Platforms Did Not Enforce Their Policies Against President Trump or his Family Members—Among the loudest and most powerful forces for disinformation in 2020 were President Trump, his adult children, and key members of his inner circle.[64] This created obvious tension for those tasked with mitigating disinformation, given the importance of covering the president and his administration; as former Secretary of State James Baker used to say, the president is "news incarnate," essentially impossible to ignore.[65] Despite the serial nature of their dissembling, and even incitements to violence to challenge those who stood in their way[66], President Trump and his adult children were never de-platformed by the social media companies for their repeated violations of the platforms' user policies.[67] However, following the violent insurrection at the U.S. Capitol on Jan. 6, 2021, which followed repeated calls by President Trump for his supporters to march on the Congress to overturn the election results, both Twitter and Facebook announced suspensions of Trump's account.[68] Twitter briefly lifted Trump's suspension the next day before quickly suspending him permanently, while Facebook CEO Mark Zuckerberg announced that Trump would be suspended indefinitely and at least through the end of his presidency, saying "the risks of allowing the President to continue to use our service during this period are simply too great."[69] A raft of other online services also suspended Trump's accounts, including Instagram, Twitch, Snapchat, and online payment processor Stripe.[70]

Labeling Posts Had Limited Efficacy in Curtailing the Spread of Disinformation and May Have Conferred Legitimacy on Other Unlabeled Posts—The platforms labeled posts that contained disinformation. Twitter, for example, labeled 300,000 Tweets as "disputed and potentially misleading" between October 27 and November 11.[71] Such posts however, remained available to the public and the labels did not definitively identify even some objectively false information as false, leaving questions about the effectiveness of such labeling. Researchers believe that labels help address the specific lies in a labeled post, but may inadvertently confer a sense of validity on other, un-labeled posts that may not deserve it.[72]

Disinformation About the Integrity of the Election, Particularly the Lies Leveled by President Trump and his Allies, Decimated Faith in the Election Process—This was especially true among Republican voters.[73] Since he began to delegitimize election results soon after election night, President Trump's efforts have spawned widespread confusion and lack of faith in the electoral process, with more than half of all Republicans believing either that Trump won the 2020 election or confused about who did win.[74] In a poll conducted approximately a week after Joe Biden was declared the winner, only 22 percent of Republicans felt confident that the election was conducted fairly and accurately, versus 90 percent of Democrats and 69 percent of independents.[75] By comparison, a poll after the 2016 election found that more equal numbers of all three groups—73, 65, and 61 percent, respectively—felt confident in the results.[76] Beyond the deadly violence in Washington D.C. on Jan. 6, 2021, the content and sheer volume of disinformation injected into the bloodstream of the American body politic before, during, and after the 2020 presidential election threatens lasting damage to our democracy.[77]

Threats of violence directed at election officials—This flood of fiction also spurred unprecedented levels of vitriol aimed at local elections administrators who, as a consequence, faced threats of violence from supporters of the president's in the weeks leading up to, and after, the election.[78]

YouTube's unwillingness to label or remove disinformation—YouTube asserted ahead of the election that it would be working to surface authoritative content but it did not make an effort to label election disinformation—nor did it define "authoritative" content.[79] Because of its reluctance to label/remove significant disinformation around the election, purveyors of disinformation were able to continue their efforts to delegitimize the democratic process. YouTube waited more than a month until after the election to begin removing misleading election content.[80]

> **YOUTUBE DISSEMINATION OF OAN CONTENT:** One America News (OAN), a small cable news channel that caters to a narrow and extreme slice of President Trump's base, posted videos on YouTube falsely asserting that Trump had won the election and that significant fraud was attempted by Democrats and others in a plot to deny Trump a second term, among other false charges. OAN has 1.3 million subscribers on YouTube and its videos are seen thousands of times each.[81] Given that YouTube is the world's second largest search engine,[82] driving millions of viewers to videos every day, OAN is able to reach audiences it might not meet on the television dial. OAN was finally suspended by YouTube—but not until more than two weeks after the election, and for lies about COVID-19 instead of about the election.[83] OAN videos claiming the election was fraudulent, and that Trump actually won, remain up on YouTube, however.[84] These videos remain despite claims by YouTube that it is blocking videos that claim widespread election fraud.[85]

The Rise of Alternative Social Media Platforms—As the mainstream social media platforms adapted tighter policies around election disinformation, alternative platforms claiming to be free of censorship emerged as alternatives for right wing audiences hungry for fiction over facts.[86] In addition to Parler, social platforms like MeWe and Gab also cater to extreme right-wing audiences by claiming not to censor, restrict, or label posts.

Post-election calls for violence—In the lead up to the joint session of Congress on Jan. 6, 2021, where electoral votes are counted, President Trump and his adult children continued to deny the election's outcome, asserted false claims of fraud, and urged supporters to march on the Capitol to pressure Congress to reverse the election. [87] What ensued was an attempted insurrection at the Capitol, prompting the evacuation of members of Congress, the Vice President, and staff; five people died and many more were injured. [88] Continued calls for violence were shared on social media in the days following the Capitol Hill bloodshed, including efforts to rally armed marches nationwide ahead of inauguration Day on January 20th and on inauguration itself.

The content and sheer volume of disinformation injected into the bloodstream of the American body politic this year threatens lasting damage to our democracy.

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WHAT WORKED WELL

The social media platforms' more responsive approach to disinformation in the 2020 cycle reflected public pressure and lessons learned from 2016, when Russian and other foreign threat actors unleashed a variety of disinformation campaigns on the American electorate.[89] In addition to tightening policies (Facebook, for instance, stopped allowing political ads targeting American voters to be purchased with Russian rubles[90]), the companies that operate these platforms exhibited a willingness to take some additional steps to address disinformation, including policy improvements that could either pre-empt or mitigate those threats.[91] While neither perfect nor sufficient as reflected in the considerable amounts of disinformation and threats of violence that commanded online attention, the platform's recognition of their own role in safeguarding free and fair elections marked an improvement over their approaches in 2016.[92]

Advance Planning—In the lead-up to the 2016 election, the social platforms were caught flat-footed by a flood of disinformation.[93] Coordinated inauthentic behavior and sophisticated disinformation operations launched by foreign adversaries, chiefly Russia, helped widen division across American society and contributed to the corrosion of trust in mainstream news and government institutions alike. The platforms' collective failure to properly plan for threats in advance of 2016's elections spurred changes ahead of 2020's elections. These changes included engaging in scenario planning, meeting with outside groups to better understand the threat and legal landscapes, and paying renewed attention to their own civic engagement policies. These changes enabled the companies to develop and sharpen policies as well as their own tool kits for mitigating or pre-empting potential harm.

Labeling to Help Contextualize Disinformation—Owing to the lessons learned from 2016, and the exploding rate of dangerous COVID-19 disinformation, the platforms significantly expanded their use of labeling in 2020.[94] Labels were appended to social media posts to help contextualize election disinformation, particularly around voting by mail; false claims of election victory; and attempts to delegitimize results. Between November 7, when the media projected a Biden victory, and the morning of Dec. 14, Trump tweeted 1,043 times—and labels were applied 309 times.[95] The platforms also improved their response time, applying labels sometimes within minutes of a post that ran afoul of user policies. The application of labels helped contextualize disinformation, but labeling alone did not slow the spread of the posts.

Slowing the Spread of Disinformation—The platforms announced new efforts to introduce friction into the online engagement process to help slow the spread of disinformation. As false claims about the election's outcome grew, Facebook moved to require moderators in groups where disinformation is more heavily traded to manually approve new posts.[96] Twitter hid some posts that violated user policies, adding even more significant friction to election disinformation.[97] These efforts to introduce additional virality breaks were accompanied by the addition of more resources to the oversight process as well as efforts to identify and elevate trusted sources of information, in both news curation and in the creation and management of areas dedicated specifically to election news.[98]

Changes to Political Advertising—The institution of additional changes, including bans on political advertising, helped reduce the spread of new false claims. In Twitter's case, there was an outright ban on all political advertising a year before the 2020 general election.[99] Facebook announced a temporary restriction on political advertising in October 2020.[100]

RECOMMENDATIONS FOR FUTURE ELECTIONS

Speed the Process of Labeling/Removing Posts—The practice of adding warning labels to posts featuring disinformation is, inevitably, after-the-fact mitigation that still allows for disinformation to spread far and wide. The current reliance on reporting procedures that depend on users to flag objectionable content, followed by an opaque review process has not proven to be a disincentive against posting disinformation, produces a wide range of response times from within minutes to more than hours. The social media companies must find ways to speed up their response to disinformation, including by streamlining procedures and identifying disinformation threats. Platforms should also consider creating an election official label, so the public can recognize an official source versus disinformation, or even information from third party groups or campaigns.

Delete Rather Than Label Disinformation—The ability of high profile, and high reach, users to spread disinformation poses significant risks to elections going forward. The practice of adding warning labels to posts featuring disinformation is, inevitably, after-the-fact mitigation that still allows for disinformation to spread.[101]

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Limit or Remove Engagement Metrics—Likes, retweets, and other measures of a social media post's engagement can inadvertently lend credence to disinformation.[102] What's more, when users see a post's engagement skyrocketing, they're more inclined to engage with it themselves—further boosting the original post's reach.[103] By limiting or hiding engagement metrics, the social platforms can help to avoid inadvertently signal boosting lies promoted by their users.

Hand-pick, or Remove Trending Lists and Up-next Recommendations—When a post or topic begins to trend on a platform, its appearance on trending lists drives even more traffic to it.[104] As these lists are typically curated by AI that rely on user behavior to determine what's trending, they can be gamed by bots controlled by bad faith actors—further driving attention to posts containing disinformation.[105] Replacing or complementing the AI in charge of these lists and recommendations with humans, or suspending the lists and recommendations entirely, eliminates a powerful amplifier of disinformation.

Regulate Social Media Platforms—The combination of the rapid pace of technological change and capricious users means a small platform today can become a global destination tomorrow. Platforms can quickly evolve into a significant disinformation threat or worse, a forum for unencumbered calls to violence. For these reasons, it will be important for policymakers to closely monitor the dangers social media platforms may create. This is especially true for the new, alternative social media platforms that gained traction this election cycle. Reaching scale while maintaining profitability is not an easy feat for a social media company and the alt-platforms currently lack the advertising and data collection infrastructure that powers the bottom line of their mainstream competitors. Whether any of them are able to achieve long term viability remains to be seen. Parler was essentially taken down in the days after the insurrection in the U.S. Capitol, first banned by the Apple and Google app stores and then booted entirely from the internet when its servers were suspended permanently by Amazon Web Services. Even so, maintaining a close watch over all social platforms will be important going forward, particularly given the ongoing efforts to foment partisan violence online, which will be emboldened by the perceived success of the January 6th attack on democracy in some extremist circles.[106]

Continue to Build on Outside Partnerships—Working with outside partners, including the Task Force, helped the social media companies better understand and prepare for threats to the integrity of our elections. Building on these relationships going forward will help the platforms stay atop evolving threats and avoid boosting the range and effectiveness of disinformation with their users.

III. How the Race Was Called—Election Projections

There are six leading news outlets that make election projections based on their own modeling: ABC, CBS, CNN, Fox, NBC, and The Associated Press (AP). They base their projections on a combination of polling data and raw votes. Until 2016, the 6 outlets, known as the "National Election Pool" (NEP), collaborated on polling. (Before 2000, this collaboration was called the "Voter News Service.") In 2016, Fox and AP left the NEP and in 2020 they used AP's tool called Votecast. As a result, different outlets projected results at different times. Because of the high volume of absentee voting this election cycle, the counting process took longer than it did in past years and the projected winner was not announced for four days. Fortunately, the media and civil society prepared voters to wait for results, explained to voters that the initial results could look different than when the winner was projected, and there was increased transparency on how results are projected.

President Trump tried to take advantage of the fact that media outlets did not project a winner for four days by repeatedly making premature claims of victory to build a false narrative of the election. The President and his campaign also pressured Fox News to change a projection during that time. Fortunately, media platforms made clear that the President's claims were premature, and Fox did not succumb to the pressure to change their projection, which was a major obstacle to President Trump's effort to convince the public of his premature claim and false narrative of the election.

CHALLENGES
The Election Wasn't Projected for Four Days—This year, as a result of a high number of absentee ballots, the counting process took longer than in past elections. This was especially true in states like North Carolina and Pennsylvania which did not change their laws to allow for processing (verifying

> Because of the high volume of absentee voting this election cycle, the counting process took longer than it did in past years and the projected winner was not announced for four days.

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signatures and preparing ballots to be counted) to begin until November 2nd[107] and November 3rd[108] respectively. As a result, the winner of the presidential election was not projected by news outlets until November 7th, when Pennsylvania was called.[109]

Premature Claims of Victory—While votes were still being counted, President Trump declared on November 4th that "as far as I'm concerned, we already have won this."[110]

Initial Results on Election Night Looked Different Than When the Winner was Projected—Given that votes are counted at a county by county level, with each county updating its public reporting at its own pace, it is always the case that results in a given state change over the course of Election Night. This year, given the delays in counting, that played out over four days. In Pennsylvania and Georgia early vote counts showed Biden ahead and then showed Trump ahead for a few days, until the race was finally called for Biden on the 7th.[111] In Arizona and Nevada, there was the much discussed "red mirage" or "blue shift"—early vote counts showing Trump in the lead before eventually shifting to Biden as margins fluctuated.[112] In North Carolina, the opposite happened, with Biden in the lead until 86% of votes were reported, which is when Trump pulled ahead and ultimately won.[113]

Different Outlets Projecting Winners at Different Times—Given that this election cycle news outlets were not using the same data when they projected results, we saw states projected for different candidates days apart. For example, AP and Fox projected Biden would win Arizona on Election Night (November 3rd) while the NEP outlets (NBC, CBS, CNN, and ABC) did not make the call until November 5th.[114] Similarly, the NEP outlets (CNN, NBC, ABC, and CBS) projected Biden to win Georgia on November 13th.[115] However, AP and Fox did not make a projection in Georgia for Biden to win until November 19th.[116] While all news outlets called the winner of the presidential election within 16 minutes of each other on November 7th, due to Pennsylvania, it could have easily been the case that the NEP outlets had called the race for Biden days before The AP and Fox, or vice versa, creating confusion.[117]

Pressure on Fox News's Decision Desk from the President—According to Washington Post reporting, after Fox projected Biden would win Arizona, Jared Kushner called Rupert Murdoch (whose family controls Fox News's parent company) to complain about the projection.[118] Vanity Fair reported that President Trump personally called Murdoch and pressured him to retract the projection.[119] Publicly, the Trump campaign tweeted out critiques of Arnon Mishkin, Fox's decision desk director, and sent out an email criticizing him as well. President Trump also referred to Mishkin in a dismissive tone as "the gentleman that called it" in his early morning speech on November 4th.[120] It is unprecedented for a campaign to pressure a decision desk with such a combination of private and public insistence at the highest level.

> **FOX NEWS'S DECISION DESK DID NOT SUCCUMB TO PRESSURE AGAINST ITS ARIZONA PROJECTION:** Before Election Day, reports suggested that if President Trump were leading on Election Night, he planned to declare victory—which would have likely led to further damage to the acceptance of the final result once all votes were counted.[121] According to *The New York Times*, "[w]ith Florida looking red early on Tuesday night, President Trump and his advisers thought they were witnessing a repeat of election night 2016, when a victory in Florida foreshadowed a victory over all."[122] The president was getting ready to speak to a jubilant crowd in the White House East Room. Then, "[t]hat mirage of victory was pierced when Fox called Arizona for former Vice President Joseph R. Biden, Jr."[123] That call, which was controversial at the time, would eventually prove accurate. Moreover, Fox declaring Arizona for Biden effectively derailed the coming attempts to declare victory, as any plausible path to reelection for President Trump was substantially narrowed. Despite enormous public and private political pressure to rescind the call, Fox continually reaffirmed the independence of its decision desk, ensuring that the network's coverage of actual results was protected from any political agenda.[124]

WHAT WORKED WELL

Media and Civil Society Prepared Voters to Wait for Results—Due to efforts by the media and civil society groups to educate voters on why the election would take longer to be called this year, voters were prepared to wait for results.[125] A poll a week before the election showed that 80 percent of voters were prepared for the reality that a winner would not be known on election night.[126] Then, in the critical days immediately after Election Day, all of the major media networks' news coverage was patient, sober, and restrained.[127]

80%
80 percent of voters were prepared for the reality that a winner would not be known on election night.

Traditional Media and Social Media Described Trump's Claim of Victory as False—Critically, most headlines accurately described declarations of victory by President Trump as false.[128] Additionally, Twitter labeled tweets from the Trump campaign (including from the president himself) that prematurely claimed victory or had false claims of election fraud.[129] Twitter has said labeling led to a 29% reduction in quote tweeting.[130]

Election Coverage Explained why Results Might Appear to Change As Votes Are Counted—Prior to the election, there were a number of stories on what was called the "blue shift" or "red mirage" to help voters understand why and how results might change on election night as absentee ballots were counted.[131] On election night, and until the race was called on Saturday, media outlets explained in a lot of detail how much of the "expected vote" (a new term coined this year to replace "precincts reporting" given the high volume of absentee ballots) remained and where.[132] They all explained why results were shifting as absentee votes were being counted and urged caution.[133]

Increased Transparency on How Projections are Made—Prior to the election, there was much more transparency around how election projections are made. The AP explained how they decide to call races on their website.[134] Fox's decision desk director explained his approach to the New York Times.[135] Furthermore, CNN, AP, and Fox participated in an event hosted by PEN America where they shared in great detail how they project results and what would be different this year.[136]

Fox's Decision Desk Did Not Succumb to Pressure from the President—Despite the pressure on Fox's decision desk and attacks on Mishkin personally by the Trump campaign, they did not change their projection of the winner in Arizona.[137] (see graphic on page 14)

RECOMMENDATIONS FOR FUTURE ELECTIONS

Pre-process Absentee Ballots—All states should pass laws allowing for the processing of absentee ballots (authenticating ballots and preparing them to be counted) upon receipt of the ballots. This will shorten the amount of time that the general public is exposed to incomplete results during the post-election period, which leaves the public vulnerable to disinformation by bad actors. Spreading out the processing of ballots over time also allows more time for officials to verify ballots, therefore enhancing election integrity protections. It also provides voters with increased opportunities to be notified of, and then cure, defects.

Civil Society public education campaigns—Civil society groups should conduct integrated campaigns, as they did this year, to use tools of earned, owned, and paid media beginning in January of an election year to educate the public about the election process.

Prioritize transparency and responsible projections—Media outlets that made projections this year should form a consortium to conduct a post-mortem on their projection models. Additionally, they should release a public report that explains the differences in their models—for example, why Fox and AP called Arizona three days before the NEP outlets and why the NEP outlets called Georgia six days before Fox and AP. They should also release recommendations for the future including: 1) transparency around election projection models, 2) efforts to educate the public about the limitations of these models, and 3) what they plan to do going forward to ensure different outlets don't call elections days before or after each other including recommendations on election administration.

IV. Acceptance of Results

Political scientists generally agree that acceptance of election outcomes by losing candidates is a bedrock of democracy.[138] Although neither recognition nor acceptance—by losing candidates and their supporters—has any legal bearing on outcomes, the norm of acquiescence remains essential for maintaining voter trust and the long-term health and stability of the political process. In 2020, the response by the Republican Party to the loss of the presidential election stood in sharp contrast with any election in modern history. President Trump did not recognize the result or concede his loss until January 7th, following the insurrectionist attack on the Capitol, at which point he acknowledged there would be a transition of power to a new Administration. A significant number of Republican

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elected officials still have not acknowledged that Joe Biden won a legitimate victory. By comparison, the losers of the 2004 and 2016 elections, down by identical or smaller Electoral College margins, conceded within hours of the results becoming clear.[139] Even in 2000, Al Gore conceded on December 13th, despite losing by only 537 votes.[140]

President Trump's refusal to concede—and the extent to which too many leaders of the Republican party backed his false claims—had a clear impact on President Trump's supporters and their view of the legitimacy and accuracy of the election results culminating in the riot and attack on the Capitol on January 6th. A week after Joe Biden was declared the winner, only 22 percent of Republicans felt confident that the election was conducted fairly and accurately, versus 90 percent of Democrats and 69 percent of independents.[141] After the 2016 election, more equal numbers of all three groups—73, 65, and 61 percent, respectively—felt confident in the results.[142]

CHALLENGES

False Claims of Victory—As President Trump refused to accept the results, he actively claimed victory and insisted that he would eventually prevail. As late as January 5, he continued to maintain that he was the true winner of the election. This sustained falsehood from the President of the United States contributed more than anything else to the widespread rejection of the results by his supporters.

Rise of Alternative Media—Disinformation about election results was made possible in part by the rise of alternative media sources, in particular Newsmax and One America News (OAN). Neither channel declared Joe Biden as having won the presidential race, and both saw their ratings surge, drawing largely away from Fox News, which had declared the result on November 7th.[143]

Lack of Recognition by Elected Republicans—As the president sought to sow doubt about the election results, most of his party's leadership followed suit. As of mid-December, the majority of Republican senators, governors, and representatives had not recognized the result or congratulated Joe Biden.[144] It took until December 15 for the leading Republican in Congress to recognize the outcome. By contrast, in 2016 Democratic congressional leadership congratulated Donald Trump within days of the vote.[145] As late as January 6, the majority of Republicans in Congress voted to object to the legitimate results of the election.

TEXAS LAWSUIT TO OVERTURN ELECTION RESULTS: Even before Election Day, President Trump strongly suggested that he expected the Supreme Court to determine the eventual winner.[146] Accordingly, when he lost, he continued to insist that the Court would overturn the result, even after Joe Biden's win was certified in all the swing states. The notion was risible, but still it garnered support from a broad swath of Republican Party leadership. On December 8th, the Texas Attorney General Ken Paxton filed suit against four swing states—Georgia, Michigan, Pennsylvania and Wisconsin—seeking to block or overturn their "unlawful and constitutionally tainted votes."[147] In essence, the lawsuit was an open attempt by one state to disenfranchise four other states, after the election and based on how those states ran their elections and which candidate their voters chose. Ultimately, 17 other states filed briefs in support of the effort to overturn the result, as did over 120 Republican members of the House of Representatives.[148] Even after the Supreme Court unanimously rejected the case (with seven justices rejecting Texas' right to sue and two saying the case should be heard but relief not granted), both President Trump and the vast majority of the Republican elected officials who had supported the suit continued to refuse to accept the election outcome.

Exploitation of Small-scale Human Errors and System Inefficiencies—Despite a secure election with no demonstrated fraud (*see Section I: How Election Administration Can Help Mitigate a Crisis*), those seeking to undermine the result attempted to capitalize on human errors and inefficiencies. For example, laws preventing certain states from processing absentee ballots before election day (a process known as pre-canvassing) fed accusations about "massive dumps of votes" added after Election Day and the fact that deceased individuals are not always immediately removed from the voter rolls was portrayed as "a lot of dead people that so-called voted in this election."[149] Still, two factors suggest that these errors and inefficiencies were a pretense, not a cause, for doubt. First, the vast majority of post-election conspiracy theories had no grounding in fact at all, and second, these allegations were only raised in states where President Trump lost, even when they were similarly applicable in states where he won.[150]

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GSA Ascertainment—Although a concession (or lack thereof) has no bearing on the legal outcome of the election, it does have one important practical implication: in refusing to accept the outcome, the Trump Administration effectively delayed the presidential transition by more than two weeks.[151] This happened because the Presidential Transition Act of 1963 gives the Administrator of the GSA, a political appointee, wide latitude to ascertain the "apparent successful candidates for the office of the President and Vice President."[152]

Political Violence—On January 6th, an armed mob attacked and occupied the Capitol following Donald Trump's remarks at a rally nearby.[153] They disrupted the counting of the electoral votes and members of Congress were held in undisclosed locations or barricaded themselves in their offices for their safety while the mob, with guns drawn, made their way through corridors just outside the House of Representatives chamber, on to the Senate floor, and into Speaker Pelosi's office.[154] Rioters also set pipe bombs at the Democratic National Committee and Republican National Committee headquarters, though they were found and deactivated.[155] The rioters included white supremacists, local police officers, state legislators and conspiracy theorists.[156] It was the first time the Capitol was breached and occupied by a mass attack since 1814.[157] Five people were killed in the violence that day, including those that later succumbed to their injuries.[158] As of this writing, the potential for further post-election political violence exist, not just in Washington, DC, but across the country. The FBI and experts in tracking far-right extremist groups are monitoring preparations for armed protests at all state capitals as well as Washington, DC, from January 16th through Inauguration Day[159].

WHAT WORKED WELL

Mainstream Media Coverage and Contextualization—In general, much of the print and broadcast media did an excellent job conveying accurate information about the election, refraining from speculative or out-of-context coverage, and preparing voters for how 2020 was likely to be different from past elections. For example, a poll the week before the election found that 80 percent of voters were prepared for the reality that a winner would not be known on election night.[160] (*for more details on how the media made projections, see Section III: How the Race Was Called—Election Projections*) Then, in the days immediately after Election Day, all of the major media networks were patient, sober, and restrained when it came to reporting election results.[161] Critically, most headlines accurately described declarations of victory and rejection of results by President Trump as false.[162]

Social Media Labeling—The decision by most major social media companies to actively flag, contextualize, and in some cases restrict the circulation of disinformation about election results may have kept falsehoods from becoming even more widely accepted by voters.[163]

Certain Prominent Republicans Recognized Results—While the majority of elected Republicans followed the president's lead, a number of key voices broke ranks with the party when it mattered.[164] For example, former President George W. Bush congratulated President-Elect Biden on November 8 (one day after most major networks projected a winner of the presidential race) and said that the election was fundamentally fair and its outcome is clear.[165]

Key Constituencies Recognizing Results—In the days after the election results became clear, a wide variety of key interest groups and communities congratulated the winners and signaled acceptance of the results. These included business and labor leaders, representatives of religious communities, former senior military officials, as well as heads of state around the world.[166]

Widespread Pressure for a Smooth Transition—It is possible that the delayed transition would have lasted longer had it not been for widespread pressure on the GSA administrator to put aside political loyalties and allow the transition to proceed. This included efforts by current and former Republican officials, business leaders, national security experts, and public health figures.[167]

RECOMMENDATIONS FOR FUTURE ELECTIONS

Respond to Calls for Improved Election Security—While the overwhelming majority of recent allegations of fraud have been unfounded and had no bearing on the outcome of the 2020 election, many of the calls for reforms and investments in election security going forward are reasonable and should be implemented, including:[168]

✔ Voter registration databases should be standardized with common formats and improved security standards, through automatic voter registration and other mechanisms.[169]

✔ All states should implement common data standards and sharing methods to ensure that they can exchange voter data to automatically update voter rolls when people move or die.[170] All

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states and jurisdictions that use electronic poll books should also ensure all polling locations have paper backups.

✔ The few remaining jurisdictions that use direct recording electronic machines (DREs) should move to a voter-marked paper ballot system. Those that nevertheless continue to use DREs should move to voting methods that ensure each vote has a voter-verifiable paper trail.[171]

✔ All elections should undergo a "risk-limiting audit" after counting is complete but before the result is certified.[172]

✔ States should amend election laws to ensure that absentee ballots are pre-canvassed and/or counted (without releasing the results) as they arrive, not after Election Day, to avoid delays in preliminary results. Congress could even consider a Republican proposal to ensure all jurisdictions nationwide are able to pre-canvass absentee ballots before Election Day.[173]

Amend the Presidential Transition Act—The presidential transition is too important for national security and to the stability of our democratic institutions to be left to the subjective assessment of a single official. Congress should amend the Presidential Transition Act to clarify the conditions under which the full transition process can begin following an election.

President Trump's Removal from Office—Late on the night of January 6th, the National Task Force on Election Crises issued a statement calling for Trump's removal from office in response to his support for the insurrectionists on the Capitol.[174] On January 11th, Speaker Pelosi said the House would impeach the President unless he either resigned immediately or Vice President Pence invoked the provisions of the 25th Amendment and worked with a majority of the Cabinet to remove the President.175 The House of Representatives impeached President Trump on January 13th.[175]

Investigations and Accountability for the Insurrection on January 6th—Criminal investigations into the perpetrators of the January 6th insurrection are ongoing.[176] However, there is also a need for investigations into the security failures that left lawmakers, the Capitol, and the Electoral College process vulnerable to violent attack.[177] There also needs to be an investigation, whether by Congress or a special commission, into both the actors who incited the violence and those who participated in the mob to better understand the root causes of and ongoing likelihood of political violence as well as the possible impacts to our civic institutions.

V.   Attempts to Disenfranchise Voters and Undermine the Results of the Election after Voting Ended

The period beginning on Election Night and continuing through to January was characterized by considerable challenges, particularly in key battleground states. Some of those challenges were the anticipated result of the rapid increase in rates of absentee voting and the time it took to process and count those ballots. Other challenges, though, were the result of concerted efforts to delegitimize the election and seed doubt in the outcome. Even though these efforts were unsuccessful at overturning the results of the election, they took a toll on the country, contributed to the deadly events of January 6th, and likely have caused lasting damage, not only to the acceptance of the 2020 election outcome, but to the perceived legitimacy and long-term stability of American institutions and our system of government.

CHALLENGES
Insufficient Pre-Processing—In critical battleground states, including Michigan, Pennsylvania, and Wisconsin, election administrators had little or no time to precanvass or otherwise process mail ballots in advance of Election Day.[178] The results were twofold. First, it took these states longer than many others to count ballots and announce results. As a practical matter, that meant that it took longer than it might have otherwise for news outlets to "call" the election in these states and nationally (*see Section III: How the Race was Called*). And related to that, the extra time it took to count ballots created opportunities to spread narratives intended to erode confidence in the ultimate outcome (*see Section IV: Acceptance of Results*).

In critical battleground states, including Michigan, Pennsylvania, And Wisconsin, election admins had little or no time to precanvass or otherwise process in advance of Election Day.

Certification Politics—The certification process, which often proceeds with little fanfare, became a flashpoint during the post-election period as the Trump Campaign and allies put significant pressure on some canvassing boards not to certify results, particularly in some larger urban areas primarily populated by people of color.[179]

> **MICHIGAN CERTIFICATION:** The politics around certification perhaps played out most dramatically in Michigan, beginning with the Wayne County Board of Canvassers.[180] The four-person board initially deadlocked because the two Republican members voted against certification, arguably in violation of their legal obligations, claiming that irregularities in Detroit (consisting of common "imbalances" between pollbooks and vote tallies that occurred in a number of places) required further investigation. That resulted in a deadlock that would have sent the county canvass to the Board of State Canvassers (which was also split along party lines) for resolution. Fortunately, after several hours of public comments, the county board voted again and agreed unanimously to certify the results. But then in the days that followed, the two Republican members of the board (who had received personal phone calls from President Trump) purported to rescind their votes in favor of certification. Although that had no legal effect, it did serve to feed unfounded narratives about voter fraud and to further undermine confidence in the results. It also put additional political pressure on the Board of State Canvassers, even though it too had a ministerial duty to certify the statewide canvass. Ultimately, the state board did vote to certify the statewide canvass, but it did so 3-1, with one of the Republican members of the board effectively voting against certification without a legally valid reason for doing so.

Involvement by State Legislators and Pressure on State Legislators—State legislators in several states became publicly involved in the national discourse over the election in ways we have not seen in many prior elections. This was due in large part to a growing movement (openly fueled by President Trump) to convince state legislatures in key states to attempt to appoint their own slates of presidential electors in contravention of the popular vote.[181] Fortunately, no state legislature actually attempted to do so, which would have violated federal law and raised serious constitutional concerns.[182] However, some data points suggest a concerning increase in different forms of support for state legislatures usurping the vote. Prior to the election, less than 16% of Trump supporters supported the option for state legislatures to overturn an election result, regardless of who had won the election.[183] Yet, by December 11th, the majority of members of the House Republican conference signed on to an amicus brief in a lawsuit calling for the Supreme Court to invalidate the election results in several states so as to allow those state legislatures to appoint electors for President Trump.

Moreover, legislators in several states did take other steps that had the effect of undermining confidence in the election results and further perpetuating unfounded narratives around voter fraud. For example, Republican legislators in Arizona and Pennsylvania held unofficial "hearings" in which they heard testimony from the president's attorney, Rudy Giuliani, and other witnesses—most of it unsubstantiated with any factual evidence.[184] In some states, including Michigan and Georgia, legislators held official hearings in which they did the same, or in which they questioned election officials about the integrity of the election, in some cases before all of the results were certified.[185] A number of Republican legislators in Pennsylvania even went so far as to send a letter to the state's congressional delegation, asking it to challenge the election results when Congress convened on January 6th.[186]

Frivolous Lawsuits—Post-election litigation is nothing new and is not necessarily cause for concern. In fact, it can be an important mechanism for resolving disputes. This year, however, there were a record number of lawsuits filed in key states after the election, and those lawsuits were almost universally rejected by state and federal courts as lacking sufficient evidence and/or cognizable legal theories.[187] In fact, the lawsuits were rejected at a rate of 1 to 59 (with the one success affecting only a relatively small number of ballots in Pennsylvania). Of most concern were lawsuits by the Trump Campaign and/or its allies filed in Arizona, Georgia, Michigan, Nevada, Pennsylvania, and Wisconsin seeking to disenfranchise millions of voters by asking courts to toss out most or all mail/absentee ballots or to preclude certification of the state's election results entirely. Also concerning was a lawsuit by the state of Texas seeking to overturn the election results in *other* states.[188] Not surprisingly, none of these lawsuits were successful. Nevertheless, what made these lawsuits so concerning was not the simple fact that they were frivolous, but that they were used to involve the courts in the election in an unprecedented way and to spread dangerous propaganda about the integrity of the election.

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Misalignment Between State & Federal Law—Although state and local laws primarily govern the manner in which elections are conducted, the Constitution and federal law govern the overall timing and structure of federal elections. In particular, the federal law governing the overall timing and structure of presidential elections, the Electoral Count Act of 1887, imposes critical deadlines on states relative to the presidential election. These deadlines include a uniform date on which the Electoral College is required to vote (December 14th, in 2020) and a "safe harbor" deadline six days before that (December 8th). Very few states, however, account for these federal deadlines in their post-election processes and timelines for certification, recounts, and election contests. As a result, some states struggle to meet the federal deadlines. In fact, this year at least one state (Wisconsin) missed the safe harbor deadline, though others had to rush to meet the deadline.[189] Every state met the Electoral College deadline.

Ambiguities in Federal Law—Together with various provisions of the Constitution, the Electoral Count Act imposes relatively tight deadlines and is ambiguous in key respects.[190] For example, the statute provides that state legislators may direct the manner of appointing electors if "any state has held an election for the purpose of choosing electors, and has failed to make a choice. . .," but it does not specifically define what constitutes a "failure" (even though, as this Task Force has said, it is clear that mere delays and disputes do *not* qualify).[191] See 3 U.S.C. § 2. Nor is the statute entirely clear about the role of the Vice President in counting electoral votes or how Congress should resolve disputes over competing slates of electoral votes. Fortunately, most of these ambiguities did not become critical during this election, but some did create opportunities for partisan mischief, which in turn fed narratives undermining confidence in the election overall.

Threats Against Election Officials—One of the most troubling trends this election season was the volume of threats and verbal attacks levied at state and local election administrators and other officials (and in some cases federal officials).[192] Officials across the country reported receiving harassing phone calls and emails, and even death threats directed at their families. Georgia Secretary of State Brad Raffensperger received perhaps the most infamous of these threatening calls from President Trump himself, during which the President threatened him and his staff with political consequences and false claims of criminal liability— including that refusing his request to overturn the election would be "dangerous".[193] One of President Trump's attorneys even went so far as to suggest that the former Director of the Cybersecurity and Infrastructure Security Agency should be "shot" for having declared that the election was secure.[194] It would be difficult to overstate the danger this kind of rhetoric poses, not only to election officials themselves, but to the broader stability of our political process and to the future willingness of Americans to step up and do the important work of running free and fair elections.

WHAT WORKED WELL

State Leaders Resisted Political Pressure—Although a number of state legislators and other officials participated in questioning the integrity of the election, for the most part, legislative and other leaders stood firm against political pressure to undermine confidence in the election or, even worse, to overturn the outcome. Even before the election, the Pennsylvania State House and Senate leaders (both Republicans), for example, made clear that they would not consider legislative usurpation of the popular vote.[195] And since the election, a number of legislative leaders in key states similarly openly resisted political pressure.[196] So too have a number of election officials. For example, Tina Barton, the Republican City Clerk of Rochester Hills, Michigan, publicly pushed back on claims of voter fraud in her jurisdiction as "categorically false."[197] Likewise, Aaron Van Langevelde, a Republican member of the Michigan Board of State Canvassers, made clear he would satisfy his legal obligation to certify the state's election results notwithstanding enormous pressure to do otherwise.[198] In Arizona, Republican Governor Doug Ducey publicly defended the integrity of his state's election despite direct attacks from the president and others.[199] And in Georgia, a number of state officials, including Republican Secretary of State Brad Raffensperger have remained steadfast in their defense of the integrity of the election and their certification of the results.[200]

Accurate Media Coverage of Litigation—With some notable exceptions, the media overall did a commendable job of covering post-election litigation, including by providing context for election contests and educating the public about the substance of the many lawsuits filed. Importantly, the media made it clear when lawsuits lacked evidence or faced long odds, and provided thorough coverage of court orders rejecting undemocratic attempts to disenfranchise voters.[201]

RECOMMENDATIONS FOR FUTURE ELECTIONS

Expand Pre-Processing—Whether or not states sustain and expand upon the improvements in mail-in voting options made in 2020, it is possible, if not likely, that people will continue to use mail voting at higher rates in the future. States should therefore consider expanding their pre-canvass periods to

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allow election administrators to begin processing ballots well before Election Day in order to mitigate post-election delays in determining results.

Incorporate Federal Deadlines into State and Local Laws—States and localities should incorporate federal deadlines into election codes, regulations, policies, and procedures. This could include requiring that all state processes, including certification, recounts, and election contests, be completed by the "safe harbor" deadline to avoid ambiguities (including those that potentially invite other interventions, like legislative usurpation) and ensure compliance with federal law.

Reform State Certification Processes—States with canvassing and certification processes that are vulnerable to bad-faith partisan interference or gridlock should consider reforming those processes accordingly.

Rein in Frivolous or Duplicative Election Litigation—States should consider ways to streamline post-election litigation in order to minimize opportunities for frivolous and/or duplicative lawsuits, particularly to the extent those lawsuits are used as vehicles to spread propaganda or otherwise abuse the process.

Reform the Electoral Count Act—By many accounts, the country barely avoided a constitutional crisis this election. Had the outcome not been so clearly in one candidate's favor, the ECA may have played a much larger role in the process, with uncertain results. Accordingly, the ECA should be revised substantially—perhaps even reimagined entirely—before the next presidential election. Of course this is no easy task, and it is possible that some of the reforms needed can be accomplished only through a combination of legislative action and constitutional amendment. Congress should begin the process immediately (*see Section VI: Approaches to Strengthen Our Elections and Prevent Election Crisis for recommendations on how Congress might begin this process*). Among the questions/issues to be considered are:

✔ Defining "failure" for the purposes of 3 U.S.C. § 2, and including explicit limitations on a state's ability to change the "manner" of appointing electors after Election Day.

✔ Better understanding and clarifying the meaning of the various deadlines set forth in the ECA, including adding clarity around what it takes for states to meet the deadlines (e.g., which categories of litigation must be resolved for a state to meet the "safe harbor" deadline) and the significance of a state missing certain of the deadlines, and whether or not any of the deadlines should be modified to accommodate states that have difficulty meeting them.

✔ Clarifying the significance of a state failing to appoint electors by the date on which electors are required to meet in their respective states to cast their votes.

✔ Clarifying the President of the Senate's role and authority (or lack thereof) in presiding over the joint session of Congress on January 6th, including by revising 3 U.S.C. § 18 as necessary.

✔ Providing more clarity—and perhaps constraints—on the permissible grounds for objecting to a state's appointment of presidential electors or the votes cast by those electors.

✔ Revising § 15 to provide more clarity as to how Congress should evaluate competing slates of electoral votes from the same state.

✔ Clarifying how a majority of electoral votes is calculated pursuant to the Twelfth Amendment in the event that electoral votes are rejected by Congress.

✔ Establishing a clear role (even if a limited one) for the courts in resolving disputes under the ECA.

Hold Individuals Accountable for Abusive and Unethical Challenges—There should be some measure of accountability for individuals who participated in meritless challenges to the outcome of the election that had the intended effect of eroding confidence in the outcome. In many cases, that accountability will have to come from the public, including voters, donors, consumers, and the like. But bar associations and other professional organizations should also revisit their rules of professional conduct and ethics, and consider whether those rules can be strengthened and/or whether to impose consequences (e.g., censure) for individuals who have violated existing rules in connection with frivolous challenges.

Better Protect Election Workers and Officials—States should explore better protections for election workers and state and local officials who are the target of threats and other attacks. Among other things, states (and perhaps Congress) should consider adopting and/or extending voter intimidation laws to cover these individuals as well.

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VI. Approaches to Strengthen Our Elections and Prevent Election Crises

With the right strategy and political will, we can use the lessons of 2020 to make our elections stronger and more resilient to crisis. Our elections derive both strength and vulnerability from the decentralized nature of our political system and of the authorities at the federal, state, and local level that govern, fund, and run elections. Any effort to make our elections more resilient will require federal, state, and local-level reform and action, coupled with the continued commitment of civil society which rose to the moment of the 2020 election.

The 2020 election left America even more polarized, and the actions of President Trump and some of his supporters leading to the events of January 6th, 2021, further shook our nation. And yet there are seeds of healing and renewal. In polling from January 8th, 88% of adults opposed the actions of Trump supporters who broke into the U.S. Capitol including 96% of Democrats, 80% of Republicans and 86% of Independents.[202] Polling on January 11th shows 74% of all Americans, including majorities of Democrats, Republicans, and independents, believe democracy itself is under threat.[203] This shared condemnation, recognition of threat, and urgency is a basis to build upon. Most Democrats, Republicans, and independents agree there is a lack of trust in our elections and that there is a need for reform to prepare for and prevent future crises—a threat put into sharp relief on January 6th. They want to ensure that all eligible voters can vote securely, that we can count the votes immediately, securely and accurately, and that there will be peaceful transitions of power.

Our country has renewed itself and made itself stronger after times of trial. We envision a national conversation on election reform and resilience that is driven by the expertise and trusted voices of state and local election officials, complemented by experts in election law, disaster preparedness, and national security, and translated into innovation and action from the local level to the halls of Congress.

RECOMMENDATIONS FOR FUTURE ELECTIONS

Assemble a Commission on Strengthening Elections and Preventing Election Crises to Work for Nonpartisan Reform at All Levels of Government—Congress should establish an advisory policy commission to examine the readiness of the U.S. election system to withstand future global and national crises and to issue a report to Congress and the American people on how we can prevent such crises from becoming an election crisis. The majority of appointees to the Commission should be current or former local election officials, to ensure that the Commission's work and recommendations are built from the perspective of what will work in practice in diverse communities throughout the nation, as well as to build upon comparatively high cross-ideological trust in local election officials. Other appointees to the Commission should be experts in election law, disaster preparedness, national security, and civil rights. The Commission should be specifically constructed to avoid politicization and engender trust in its findings.

The Commission should survey best practices from election administrators throughout the country to assess what policies worked best to enable eligible voters to cast their votes, and for those votes to be counted and verified efficiently. Drawing on those nonpartisan best practices, local and state governments should assess their own policies and procedures and create specific exemplars for preparedness and adaptability to election crises.

The Commission should be tasked with proposing statutory language to reform elements of federal election law which are ambiguous or inflexible and create vulnerabilities to election crises. Specifically, the Commission should propose amendments, or broader reforms, to the Electoral Count Act of 1887. The Commission may also consider other proposals to Congress, such as long-term appropriations to strengthen elections infrastructure, including physical plant, information technology, and human capital.

Shift From Crisis Response to Crisis Prevention—Groups like the National Task Force on Election Crises, the National Council on Election Integrity, and other nonpartisan efforts should use their expertise and their relationships across media, politics, business, and other communities to educate policymakers and the public on the need to implement the recommendations in this report, so as to avoid repeating the mistakes of 2020, and to build upon what went well. The Task Force and other organizations should work in partnership with the Commission, to support its research and proposal development as needed, and to help operationalize the Commission's recommendations through education and advocacy with civil society leaders.

> With the right strategy and political will, we can use the lessons of 2020 to make our elections stronger and more resilient to crisis.

Prepare for the Worst, Again—Voting rights and civil rights organizations, experts in political violence, faith communities, labor organizations, media companies, business leaders, and cultural figures should not have to rally a massive election-protection and voter-education effort to overcome structural problems with our election system. Our elected leaders should rise to the occasion, and civil society can be key to making sure that they do. Accordingly, even while these entities will and should return to their usual organizational, mission, or issue priorities, they should embrace the political difficulties of being a part of election reform work and calling for accountability for the violence and incitement to insurrection in the post-election period, starting now. The stakes for our country's future are such that civil society must presume that they will need to coordinate during our national elections in 2022 and 2024 as they did in 2020. There is great potential for impact when individuals or groups historically at odds can come together for a shared purpose. For instance, a joint business-labor initiative could build on work in 2020 and work on rebuilding trust in elections, expand programs to support employees in becoming poll workers, and agree to speak with a unified voice on election mechanics and coming together to support the winner of elections.

Conclusion

To describe the 2020 election in the United States as a success even in part is an uncomfortable, even ironic conclusion. It was severely disrupted by the worst global pandemic in a century. It was followed by overt attempts to reverse results and disenfranchise entire states culminating in a violent insurrection at the Capitol in an attack on our democracy itself. And in its aftermath, a considerable portion of the electorate is distrustful of, or even enraged at, the institutions of electoral democracy.

At the same time, the National Task Force on Election Crises was formed to help the country confront election crises. While there was one enormous crisis, the pandemic, as well as dozens of smaller ones, the majority of worst-case scenarios that this Task Force envisioned and planned for never came to pass. There was no systematic failure of election infrastructure or digital interference from enemies foreign or domestic. Despite voter suppression attempts, turnout was historic—and historically diverse. While one of the candidates was infected by COVID-19, he recovered quickly and the race was largely unimpacted. Post-hoc attempts to subvert and reverse the results through the courts and state legislatures were quickly and resolutely rejected, often by Republican officials and judges appointed by President Trump. Although a violent mob attacked and occupied the Capitol, it was removed and the counting of electoral votes continued on January 6th.
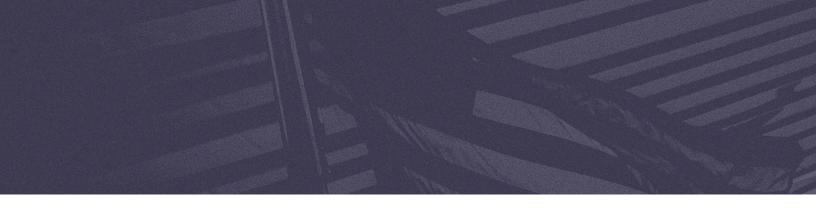
So if not a success, this election provided at least some reassurance. The institutions of American democracy held up in the face of considerable challenges, though they only did so because of intentional efforts from many actors to reinforce or defend them in the political or information arenas. The worst has not yet come to pass, and our election administrators, systems, laws, and norms have emerged battered but triumphant. The country has earned an opportunity to seriously reflect on our weak points and work to rebuild, learning from mistakes and strengthening our laws and systems before the next election, including the long-standing structural deficiencies which have been revealed to be such a source of vulnerability to election crisis.

Still, the opportunity and outcome of this reprieve must not be taken for granted. This election was also a warning. There is no guarantee the institutional structures that held this time will not crumple if exposed to the same stress again. Nor should advocates, reformers, and elected officials limit themselves to patching the weak spots recently exposed. Because while the 2020 election was chaotic, it was also mostly predictable. The most complex and difficult dynamics—challenges around absentee balloting, delayed election results, false claims of victory, post-election lawsuits, attempts to interfere with the Electoral College, and political violence—were all largely predictable weeks, or even months before Election Day. Often they were expressly telegraphed by key actors and decision makers long before action was taken.

This implies that the country should have been more prepared for these likelihoods and inevitabilities. Groups like the National Task Force on Election Crises and all its partners could have worked harder to prepare voter expectations around falsehoods and conspiracy theories, coordinate responses to obvious vulnerabilities in advance, and better brace for the serious and violent attacks on the legitimacy of American democracy that were, in retrospect, entirely predictable. It also underscores how civil society must continue to focus on the unknown and potentially disastrous. The next election may not be nearly as predictable. And what held up under foreseeable strain this year may shatter in the face of unexpected challenges. Vigilance is essential.

It is also important that we make efforts to examine and fix not just what was broken or what was revealed to be vulnerable, as this report lays out, but begin to examine why it was broken or vulnerable. While some challenges were due to new circumstances this year because of the pandemic, others around the intersection of civil rights, disinformation, white supremacy, and our elections have long been with us. There are other newly exposed challenges due to antiquated laws under strain in a time of heightened polarization and our current information environment. As Americans, we must begin to examine the root causes of our challenges and address them, lest our efforts be as futile in treating symptoms and not the underlying disease in our body politic and our society.

> We as Americans must begin to examine the root causes of our challenges and address them, lest our efforts be as futile in treating symptoms and not the underlying disease in our body politic and our society.

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