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COMMENTARY

Election night disinformation risks

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October 28, 2024

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 - There are likely to be slow vote counts in contested areas because turnout is likely to be high this year, and both sides will be watching vote casting and tabulations and filing legal claims based on their observations.

 - In contested elections, candidates sometimes have political incentives to claim victory before there is independent and objective evidence of winning.
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Every day brings new examples of fake campaign-related pictures, videos, and narratives. In recent weeks, there have been false images of Kamala Harris in a swimming suit hugging convicted sex offender [Jeffrey Epstein](#), an AI-generated video of a young man saying he was sexually abused by [Tim Walz](#) 30 years ago, a fraudulent [Fordham transcript](#) for Donald Trump claiming he had a barely passing 1.28 grade point average, liberal conspiracy theories saying Trump engineered his [assassination attempts](#) to generate sympathy for himself, and online pronouncements saying needed hurricane [disaster relief funding](#) went to undocumented immigrants.

The fact that none of these claims are true has not stopped their widespread sharing on social media platforms, broad dissemination across the country, and the belief by many people who want to think the worst things about the opposition. The emergence

of [generative AI \(https://www.brookings.edu/articles/fighting-hurricane-misinformation-requires-aggressive-pushback/\)](https://www.brookings.edu/articles/fighting-hurricane-misinformation-requires-aggressive-pushback/) makes it easy and inexpensive to manufacture fake images and videos and make someone look guilty of things they did not do.

So, we shouldn't be surprised on election night if we see false narratives seeking to affect people's belief about election integrity and the true winner of the race. Having followed this subject for some time as part of a new Brookings Press book co-authored with Elaine Kamarck entitled "[Lies That Kill: A Citizen's Guide to Disinformation](#)," [↗](#) there are several election night disinformation risks that could materialize as final votes are being cast and ballots tabulated.

Allegations of mail ballot fraud in Pennsylvania

One of the biggest risks is in Pennsylvania, which is shaping up to be one of the key states for both presidential candidates. It is a competitive swing state that is vital to winning the Electoral College, and both Trump and Harris have spent heavily there to influence the vote. But one of the problems is that the legislature there has mandated that [mail ballots can't be tabulated](#) [↗](#) until after the polls are closed. With Republicans typically favoring in-person voting on Election Day and Democrats preferring mail ballots, there could be a situation where the election evening tabulations favor Trump but the vote shifts to Harris as the mail ballots are counted. While party differences in vote casting likely would explain these shifts, in 2020 those alterations were taken as evidence of ballot fraud and an election that was stolen from Trump. The risk in 2024 is that disinformation agents either from the United States and/or abroad will repeat those claims, and those accusations will sound believable to skeptical voters.

Slow vote counts being interpreted as evidence of ballot fraud

In addition to slow vote counts in Pennsylvania, there are likely to be slow vote counts in contested areas because turnout is likely to be high this year, and both sides will be watching vote casting and tabulations and filing legal claims based on their observations. Vote counts that take several days look suspicious even when there are

logical reasons for the time delays. It will be easy for either side to promote false narratives if the ballots take several days to process.

Not knowing the winner on election night being seen as evidence of ballot fraud

Americans are used to knowing election winners on election night. The 2020 elections were unusual in this regard because vote counts took several days in a number of states, and it was not completely clear who won on the evening of the election. If that situation repeats itself this year, uncertainty is likely to breed paranoia that the other side has stolen the election, and the losing side should be suspicious of what happened.

Claims that substantial numbers of undocumented immigrants voted in key swing states

With Hurricanes Helene and Milton, there already have been false claims that the Federal Emergency Management Agency funds were diverted \nearrow from those devastated by the flooding to undocumented immigrants. And for months, Republicans have peddled the line that Democrats support open borders in order to enable “the illegals” to cast ballots in favor of their party. We should expect some variation on that theme on election night if Trump does poorly and looks for an excuse to rile up his supporters and make them doubt the integrity of the election process.

Charges of ballot stuffing or vote buying in African American and Latino precincts

Race and ethnicity are crucial dividing points in the 2024 elections. For several decades, Democratic presidential candidates have garnered about 90% of the African-American vote \nearrow and two-thirds of the Latino vote \nearrow . Yet this year, pre-election surveys \nearrow show Harris running below those historical figures. If she does well on election night, there could be claims of ballot stuffing or vote-buying in African American and Latino precincts in key states. Her current performance below typical

vote levels would be considered by her opponents as evidence of nefarious actions that benefitted her electorally. Since these precincts are likely to go Democratic, if leaders can throw out votes in those areas or cast doubt on the legitimacy of ballot totals, that could be enough in a crucial jurisdiction to move that state from Democrat to Republican.

Premature victory claims

In contested elections, candidates sometimes have political incentives to claim victory before there is independent and objective evidence of winning. Journalists and pundits should interpret those arguments as false claims designed to generate a political advantage. There should be no victory speeches taken seriously by anyone until there is actual evidence of triumph because that simply would be an effort to claim the moral high ground for coming legal and political battles.

What can be done about election night disinformation

To deal with what likely will be an avalanche of fake claims and accusations on election night and thereafter, there are several things we need to do over the next few weeks. Journalists, candidates, opinion leaders, and the general public need to be informed about the high probability of election night disinformation claims and specific ways the results are likely to be challenged. Opinion leaders should “pre-bunk” and “de-bunk” false claims about mail ballots, undocumented immigrant voters, vote-buying, ballot stuffing, vote tabulations, and victory claims.

Both parties will have large numbers of observers in key battleground states to make sure the electoral process operates fairly and openly. Any deviations from legal procedures by either side should be publicized based on factual evidence. In the absence of “facts” before vote counting is complete, pundits, reporters, and experts should refrain from unsubstantiated speculation that could lead to wild conspiracy theories or false narratives about what actually happened and who won.

People should anticipate it could be several days before the 2024 elections are resolved. There likely will be lots of litigation over disputed claims. Indeed, there were

over 60 cases [7](#) filed in 2020, but a review of the legal evidence in open courtrooms rejected the view that there was widespread ballot fraud and the election was stolen from [Trump 7](#). If it turns out to be a very close election in 2024 as is expected right now, that uncertainty will spawn disinformation, and it will be the job of candidates, reporters, and judges to check the facts based on the legal evidence.

Although we likely will know the winner within several days of November 5, we should keep in mind that election results are not definitive until December 11 when states have to certify the election winners, December 17 when members of the Electoral College meet in their respective states, January 6 when Congress certifies state results, and January 20 when the next president is inaugurated. Based on the 2020 experience, each step of that certification process is important, and the winner will not be able to breathe a sigh of relief until all those steps are complete.

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