

## What happened to the Edison Media Research Lawsuit.

Some of you have been asking what happened to the lawsuit against Edison Media Research that Bob Fittrakis, the attorney in the Edison Media Lawsuit, and I, together with Pete Johnson, a board member of the Free Press, initiated against Edison Media Research. This lawsuit was also being done with the full cooperation of the Institute for American Democracy and Election Integrity (i.e., [TrustVote.org](http://TrustVote.org)). Below follows a description from Bob Fittrakis outlining the arguments of the Johnson lawsuit and the Edison Research comeback. In May 2017, when the court finally dismissed the Johnson lawsuit, all of us conferred and decided not to appeal the decision of the court. We decided not to do so for two reasons: one, the lawsuit was focusing on getting the unedited results of the 2016 spring primary and, two, because we were running low on money. Additionally, if we had prevailed, a very unlikely situation and one that would have cost a great deal of money, even if we would have been able to see if Edison Media Research had edited the final results of the 2016 Democratic Primary, I imagine Edison Media Research would have stopped us from fully publicizing those results at all.

Additionally, way before May 11, 2017, we had shifted our attention to supporting the recounts in Wisconsin, Michigan and Pennsylvania together with the Green Party. The recount story is a sad one as well and shows clearly that our recount process in the United States is highly dysfunctional. We will be discussing this in our presentation on our election system on September 1. Our panel will answer questions from viewers both in the room and online. If you are on the [trustvote.org](http://trustvote.org) mailing list or the [sunrisecenter.org](http://sunrisecenter.org) mailing list, you will receive details about this event shortly. Additionally, you can go on the [TrustVote.org](http://TrustVote.org) website for details about this event.

**Below follows what Bob has written about the Edison Media Research lawsuit.** If you have questions about what he has written, you are invited to email him at [RobertFittrakis@gmail.com](mailto:RobertFittrakis@gmail.com). I suggest that you put your subject title in capitals.

**From Bob Fittrakis:** Pete Johnson sued Edison Media Research Inc., the monopoly organization that conducted exit polling in the 2016 primary and general election. On May 11, 2017 the United States District Court, Southern District of Ohio dismissed Johnson's suit. Johnson argued "...that exit polls are protected speech under the First Amendment of the U.S. Constitution and that Edison violated his rights by refusing to provide him with unadjusted exit poll data."

At the center of Johnson's claim is the assertion that exit polls are protected speech because "the information gathered and disseminated in 'exit polls' goes the heart of the democratic process."

Johnson's suit sought to establish that Edison was acting in collusion with the government. Johnson argued that Edison, by always accepting the state's official vote tally numbers as being correct, no matter how much they deviate from the exit poll numbers, places it in a role as a state actor or arm of the state. Johnson asserted that since the Ohio Secretary of State and Edison were working closely together sharing demographic and voter data, that Edison should be treated as an agent of the state.

Also Johnson's suit pointed out that Edison adjusts the exit poll numbers to match the official vote tally numbers and provides the adjusted exit poll numbers to the secretary of state to legitimate the election results.

The Court conceded that Edison did make the Ohio Secretary of State aware of its demographics and election outcomes, but this did not make Edison an arm of the state. The Court concluded that: "Edison is a private corporation that merely uses public demographic information made available by the State of Ohio." Edison, of course, does much more than that. It contorts statistics in order to always justify the actual vote count, even when its own exit polls are predicting with scientific certainty that the election has different results.

Edison Media Research has a monopoly on presidential election polling. It has justified statistically improbable official election results. Nevertheless, the Court ruled that Edison has a right not to disclose its actual unadjusted data that reflects the actual votes cast in the election.

The decision was not appealed.

As mentioned before, Bob Fittrakis is a fellow at the Institute for American Democracy and Election Integrity. He also was the attorney on the *Johnson v. Edison Media Research* lawsuit.