



**TESTIMONY OF  
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**HEARING ON  
THE CHANGING ELECTION SECURITY LANDSCAPE: THREATS TO ELECTION  
OFFICIALS AND INFRASTRUCTURE**

**THE COMMITTEE ON HOMELAND SECURITY  
U.S. HOUSE OF REPRESENTATIVES**

**JULY 20, 2022**

Chairman Thompson, Ranking Member Katko, and members of the Committee:

Thank you for the opportunity to speak about the critical issue of threats against our election officials and our democracy. While the 2020 election is long over, election officials from Alaska to Florida continue to face the scary effects of the ongoing barrage of false allegations about their work and our election administration system. These effects include credible death threats against our state and local election officials, which are contributing to other serious concerns, such as the growing number of election officials leaving their positions, that increase the fragility of our democracy.

Effectively combatting these threats will require a whole of society approach. While Congress alone cannot eliminate these problems, they play a primary role in mitigating many of these threats and can help to spur on government agencies, the private sector, non-governmental organizations and individuals to do their part as well.

For over a decade, I have worked with election officials on election administration issues. In my former position as deputy commissioner of elections in Virginia, I led various election security projects, including the decertification of all paperless voting machines. In my current role, I work closely with state and local election officials across the country on election administration issues, including election security. Unfortunately, today the physical safety of our election officials is an increasingly important component of election security. I have also co-authored multiple reports on election security and policies that will better enable our election infrastructure, including our voting systems, to withstand attack and keep our election officials safe.

The Brennan Center for Justice — a nonpartisan law and policy institute that focuses on democracy and justice — appreciates the opportunity to report on the threats facing our election officials and our democracy and ways to protect against these threats.<sup>1</sup> Election officials also appreciate this committee's work to help protect our democracy and increase awareness of these important issues.

I hope to convey five points in my testimony today: (1) Disinformation is fueling threats against election workers across the country; (2) Many election officials are leaving the profession, citing threats and misinformation as key reasons; (3) The loss of election administration expertise and experience is likely to spur further disinformation; (4) Against these challenges, election officials are not getting the federal support they need. Congress has a critical role to play in protecting our election officials, including oversight of the federal agencies and departments currently working on this issue; and (5) A whole of society approach is needed to address the problems of election disinformation.

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<sup>1</sup> The Brennan Center for Justice at New York University School of Law is a nonpartisan public policy and law institute that works to reform, revitalize, and defend our country's system of democracy and justice. I am a senior counsel in the Brennan Center's Elections and Government Program. My testimony does not purport to convey the views, if any, of the New York University School of Law.

## I. Disinformation is fueling threats against election workers across the country.

Election officials and workers have faced — and continue to face — a barrage of threats, intimidation, and harassment in the wake of the 2020 election. Over the past two years, officials have shared experiences of receiving threatening phone calls and online messages,<sup>2</sup> being followed or intimidated at their office,<sup>3</sup> and needing to flee their home out of fear for their safety.<sup>4</sup> And these officials — many with years or decades of experience — have warned that the quantity and severity of these attacks has increased dramatically compared to past election cycles.<sup>5</sup>

These are not rare or isolated incidents. In a nationwide survey of local election officials that the Brennan Center commissioned earlier this year, one in six election officials said that they have experienced threats because of their job, and 77 percent said that they feel these threats have increased in recent years.<sup>6</sup> More than one in four election officials are concerned about being assaulted on the job, and over half are concerned about the safety of their colleagues.<sup>7</sup>

As we spoke with election officials about the reasons for this alarming trend, many saw a direct link between the threats they were facing and the increase in disinformation about the election process, specifically the lie that the 2020 election was stolen or that widespread fraud affected the outcome.<sup>8</sup> In many cases, the perpetrators have specifically cited these lies as justification for threats of death, violence, or sexual assault against not only election workers, but their family and children as well.<sup>9</sup> A Nevada man, for example, was arrested for threatening state election workers with messages that included: “I want to thank you for such a great job you all did on stealing the election. I hope you all go to jail for treason. I hope your children get molested. You are all going to (expletive) die.”<sup>10</sup>

Opportunistic political leaders pushed an outrageous lie that election officials and workers directly permitted, at minimum, an election to be stolen, and many of the people we depend on to protect our democracy now face constant fear for their safety.

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<sup>2</sup> Brennan Center for Justice, “Election Officials Are Under Attack (Full-Length Version),” June 16, 2021, <https://www.youtube.com/watch?v=WOCBiVUBMc>.

<sup>3</sup> See *Election Subversion: A Growing Threat to Election Integrity, Hearing Before the H. Comm. on House Administration*, 117<sup>th</sup> Cong. (2021) (statement of Adrian Fontes, former Recorder, Maricopa County, AZ).

<sup>4</sup> See Linda So, “Special Report: Trump-Inspired Death Threats are Terrorizing Election Workers,” Reuters, June 11, 2021, <https://www.reuters.com/article/usa-trump-georgia-threats-idINL2N2NP1RG>.

<sup>5</sup> Brennan Center for Justice, *Election Officials Under Attack*, June 16, 2021, <https://www.brennancenter.org/our-work/policy-solutions/election-officials-under-attack>; Brennan Center for Justice, *Local Election Officials Survey (March 2022)*, March 10, 2022, <https://www.brennancenter.org/our-work/research-reports/local-election-officials-survey-march-2022> (77% of local election officials feel that threats against election officials have increased, decreased, or have stayed about the same as in recent years).

<sup>6</sup> Brennan Center for Justice, *Local Election Officials Survey (March 2022)*, March 10, 2022, 6, <https://www.brennancenter.org/our-work/research-reports/local-election-officials-survey-march-2022>.

<sup>7</sup> Brennan Center for Justice, *Local Election Officials Survey*, 5.

<sup>8</sup> Brennan Center for Justice, *Election Officials Under Attack*, 10.

<sup>9</sup> Linda So and Jason Szep, “U.S. Election Workers Get Little Help from Law Enforcement as Terror Threats Mount,” Reuters, September 8, 2021, <https://www.reuters.com/investigates/special-report/usa-election-threats-law-enforcement/>.

<sup>10</sup> U.S. Department of Justice, “Man Charged for Threatening Nevada State Election Worker,” press release, January 27, 2022, <https://www.justice.gov/opa/pr/man-charged-threatening-nevada-state-election-worker>.

## II. Many election workers are leaving their positions, citing threats and disinformation as key reasons why.

The barrage of threats and disinformation, in combination with political interference and sheer exhaustion, is pushing experienced professionals out of election administration. Our survey earlier this year showed that nearly a third of election officials knew one or more election workers who have left their job at least in part because of fear for their safety.<sup>11</sup> In the long term, 60 percent of officials are concerned that threats, harassment, and intimidation will make it difficult to retain and recruit election workers.<sup>12</sup>

Many election officials themselves are leaving their positions. Although election officials broadly find enjoyment in their jobs and are proud of the service they perform for their community, nearly 20 percent of officials surveyed plan to leave their positions before the 2024 election.<sup>13</sup> For these officials, the number one reason cited for leaving was political leaders' attacks on a system they know is fair and honest.<sup>14</sup>

This concern isn't hypothetical. "[F]ive of Arizona's 15 counties have new elections directors this cycle."<sup>15</sup> Six of Georgia's most populous counties, representing nearly a third of all active voters in Georgia,<sup>16</sup> have new election directors this cycle.<sup>17</sup> The number of election officials

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<sup>11</sup> Brennan Center for Justice, *Local Election Officials Survey*, 19.

<sup>12</sup> Brennan Center for Justice, *Local Election Officials Survey*, 19.

<sup>13</sup> Brennan Center for Justice, *Local Election Officials Survey*, 18.

<sup>14</sup> Brennan Center for Justice, *Local Election Officials Survey*, 18.

<sup>15</sup> Mary Jo Pitzl, "It's a very sad day": Across Arizona, Election Officials Leave Office Following Harassment Over 2020," Arizona Republic, July 10, 2022,

<https://www.azcentral.com/story/news/politics/elections/2022/07/10/arizona-elections-leaders-leaving-their-posts-early-following-threats/7816106001/>.

<sup>16</sup> Georgia Secretary of State, "Georgia Active Voters Report," last updated December 2021,

<https://sos.ga.gov/georgia-active-voters-report>.

<sup>17</sup> Fulton County, Gwinnett County, DeKalb County, Chatham County, Richmond County, and Macon-Bibb County.

Ben Brasch, "Fulton Names Interim Elections Director as Chief Departs," Atlanta Journal-Constitution, March 16, 2022, <https://www.ajc.com/news/atlanta-news/fulton-names-interim-elections-director-as-chief-departs/V75A2AJQDNAERB2WBB3XD6GVFA/>;

Curt Yeomans, "Gwinnett Elections Board Hires Zach Manifold, from Ohio, to be County's New Election Supervisor," Gwinnett Daily Post, June 28, 2021,

[https://www.gwinnettdaily.com/local/gwinnett-elections-board-hires-zach-manifold-from-ohio-to-be-countys-new-election-supervisor/article\\_80853c90-d853-11eb-adf2-2b0670f5be7b.html](https://www.gwinnettdaily.com/local/gwinnett-elections-board-hires-zach-manifold-from-ohio-to-be-countys-new-election-supervisor/article_80853c90-d853-11eb-adf2-2b0670f5be7b.html);

Tyler Estep, "New DeKalb County Elections Director Appointed," Atlanta Journal-Constitution, January 13, 2022,

<https://www.ajc.com/neighborhoods/dekalb/new-dekalb-county-elections-director-appointed/LZ5NHGY7SJDEDAWROWLLUFYUJE/>;

"Billy Wooten Named Chatham County Board of Elections' Supervisor of Elections," Savannah Business Journal, December 15, 2021,

[https://www.savannahbusinessjournal.com/news/elections/billy-wooten-named-chatham-county-board-of-elections-supervisor-of-elections/article\\_3da73a8a-5da6-11ec-bfcd-f3c451b45061.html](https://www.savannahbusinessjournal.com/news/elections/billy-wooten-named-chatham-county-board-of-elections-supervisor-of-elections/article_3da73a8a-5da6-11ec-bfcd-f3c451b45061.html);

Miguel Legoas, "Augusta Board of Elections Promoting Assistant Director to Lead," Augusta Chronicle, August 10, 2021,

<https://www.augustachronicle.com/story/news/politics/2021/08/10/augusta-board-elections-promoting-assistant-director-lead/5547944001/>;

Liz Fabian, "Macon-Bibb Elections Supervisor's Resignation Cites Stress, Workload, New Election Laws," Macon Newsroom, January 10, 2022, <https://macon-newsroom.com/12148/news/macon-bibb-elections-supervisors-resignation-cites-stress-workload-new-election-laws/>.

leaving their positions in Michigan, Pennsylvania and Wisconsin has been described as an “exodus.”<sup>18</sup>

We don’t have to guess why they’ve left. They’ve been very clear. In early 2021, Roxanna Moritz, the chief local election official in Scott County, IA, resigned from the position (to which she had just been re-elected), stating, “after a difficult year in 2020 with both the Primary and the General Election, I have decided it is time for me to retire. Not only did we face the constant barrage of lies and innuendos in regards to the security and integrity of elections, but name calling and physical threats.”<sup>19</sup> Moritz added, “It was not just me, but my staff faced this abuse as well.”<sup>20</sup> Rick Barron, the former elections director in Fulton County Georgia shared that threats led to his resignation in late 2021, stating, “I’ve had to think about my daughter. She gets nervous when I just take the dog outside, and she wants the windows closed in my bedroom, the shades. So those are some of the things that I had to consider.”<sup>21</sup>

These departures have continued in 2022. Former Yavapai County, AZ Recorder Leslie Hoffman resigned earlier this month, noting that the local sheriff patrols her house periodically because of threats that she has received.<sup>22</sup> “It’s getting to be a lot,” she added.<sup>23</sup>

### **III. The loss of election administration expertise and experience is likely to spur further disinformation.**

As current officials and workers depart due to disinformation and harassment, the underlying challenges are likely to worsen and in turn create a greater threat for our election professionals and infrastructure.

For one, the departing election professionals will leave in their wake a dearth of knowledge on how best to secure elections and serve voters. As they are replaced by fewer or less experienced workers, we are likely to see more mistakes or less capacity to respond to those mistakes. This is highly dangerous in an environment where conspiracy-driven individuals are prepared to amplify any error that they feel validates their beliefs, even when the error was unintentional or had no impact on the accuracy or outcome of the election. When a single Michigan county with fewer than 20,000 voters initially reported incorrect results for the 2020 presidential election, the mistake was immediately seized on and eventually amplified into a broad conspiracy that

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<sup>18</sup> Anthony Izaguirre, “Exodus of Election Officials Raises Concerns of Partisanship,” AP News, <https://apnews.com/article/election-officials-retire-trump-2020-threats-misinformation-3b810d8b3b3adee2ca409689788b863f>.

<sup>19</sup> Mark Ridolfi, “Moritz Cites Reasons for Leaving: Threats, Lies about Election Security, and Battles with Scott County Supervisors,” North Scott Press, March 10, 2021, <https://www.northscottpress.com/stories/moritz-cites-reasons-for-leaving-threats-lies-about-election-security-and-battles-with-scott.80481>.

<sup>20</sup> Id.

<sup>21</sup> Erin Burnett OutFront (CNN television broadcast November 4, 2021) (interview with Richard Barron), <https://www.facebook.com/cnn/videos/georgia-election-official-resigns-amid-death-threats/3098687650407659/>.

<sup>22</sup> Mary Papenfuss, “Arizona Election Officials Are Being Hounded Out of Office with Ugly Threats,” Huffington Post, July 4, 2022, [https://www.huffpost.com/entry/arizona-election-officials-feeling-jobs-threats\\_n\\_62c2653ae4b014f50a33d5cc](https://www.huffpost.com/entry/arizona-election-officials-feeling-jobs-threats_n_62c2653ae4b014f50a33d5cc).

<sup>23</sup> Id.

Dominion voting systems had rigged the election.<sup>24</sup> Accurate information, including that the mistake was quickly identified and corrected, and that multiple subsequent audits and recounts confirmed the accuracy of the election and voting equipment,<sup>25</sup> was no match for the spread of falsehoods by political campaigns and television personalities.<sup>26</sup>

Worse, current election workers may be replaced by people who have bought into election conspiracy theories themselves and who seek to actively undermine the security and integrity of our election system. The Brennan Center’s survey found that more than half of local election officials are concerned that some of their incoming colleagues might believe that widespread fraud occurred in 2020.<sup>27</sup>

We are already getting a glimpse of what could happen if election offices and polling places are filled with people who are sympathetic to election conspiracies. Since the 2020 election, there have been at least 17 reported incidents where supporters of the Big Lie have gained or attempted to gain access to voting equipment to find evidence of false election claims.<sup>28</sup> These incidents were often in coordination with, or at the behest of, some of the most prominent purveyors of election disinformation.<sup>29</sup>

While election officials have by-and-large resisted such pressure from outside actors, the new class of workers may be more susceptible to these lies or may seek election administration roles simply *because* they want to abuse their position in pursuit of furthering conspiracy theories. In Michigan for example, a local clerk who took office after the 2020 election and who endorsed election conspiracies refused to allow a vendor to perform routine maintenance on a voting machine, falsely believing that the maintenance would erase old data that could prove the machines were rigged.<sup>30</sup>

The risk is not only that these individuals will use their positions of influence to spread disinformation, but also that they may place the actual security of our election infrastructure and

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<sup>24</sup> Mark Bowden and Matthew Teague, “How a County Clerk in Michigan Found Herself at the Center of Trump’s Attempt to Overturn the Election,” Time, December 15, 2021, <https://time.com/6128812/the-steal-antrim-county-michigan/>.

<sup>25</sup> Michigan Bureau of Elections, “Post-Election Audit Report Confirms Accuracy and Integrity of Michigan’s Election,” press release, April 22, 2021, <https://www.michigan.gov/sos/resources/press-releases/2021/04/22/post-election-audit-report-confirms-accuracy-and-integrity-of-michigans-election>.

<sup>26</sup> Mark Bowden and Matthew Teague, “How a County Clerk in Michigan Found Herself at the Center of Trump’s Attempt to Overturn the Election”; Alec Dent, “Fact Check: Addressing Yet More Claims about Dominion Voting Systems,” The Dispatch, November 14, 2020, <https://factcheck.thedispatch.com/p/fact-check-addressing-yet-more-claims>.

<sup>27</sup> Brennan Center for Justice, *Local Election Officials Survey*, 14.

<sup>28</sup> Nathan Layne and Peter Eisler, “Exclusive: Michigan Widens Probe into Voting System Breaches by Trump Allies,” Reuters, June 7, 2022, <https://www.reuters.com/world/us/exclusive-michigan-widens-probe-into-voting-system-breaches-by-trump-allies-2022-06-06/>.

<sup>29</sup> Lawrence Norden, “Illegal Attempts to Access Voting Machines Didn’t Stop with Jan. 6 Insurrection,” Brennan Center for Justice, June 28, 2022, <https://www.brennancenter.org/our-work/analysis-opinion/illegal-attempts-access-voting-machines-didnt-stop-jan-6-insurrection>.

<sup>30</sup> Michigan Bureau of Elections, Letter from Jonathan Brater, Director of Elections to Stephanie Scott, Adams Township Clerk dated October 15, 2021, [https://content.govdelivery.com/attachments/MISOS/2021/10/25/file\\_attachments/1976229/Letters%20to%20Adam%20Township%20Clerk.pdf](https://content.govdelivery.com/attachments/MISOS/2021/10/25/file_attachments/1976229/Letters%20to%20Adam%20Township%20Clerk.pdf).

processes at risk. After one Colorado clerk permitted an activist to access the county’s voting equipment — a breach that led to election deniers publicly sharing passwords for the voting system — the Secretary of State was forced to decommission the equipment because the state could not be confident in the integrity of the systems.<sup>31</sup> Future insider threat attacks could similarly put the security of voting machines, voter registration databases, and other sensitive election systems at risk, as well as the personal safety of election workers themselves.<sup>32</sup>

State and local election offices take many steps — and more can be done — to prevent and detect attempts by workers, vendors, or outside actors to undermine election systems. These measures include limiting digital and physical access to critical systems, keeping detailed chain of custody records, and operating in two-person or bipartisan teams to collect and count ballots.<sup>33</sup> But many election offices do not have the funding needed to make further security upgrades to protect against insider threats, such as camera surveillance or keycard access systems.<sup>34</sup> Moreover, even where election offices are sufficiently prepared to detect insider threat attacks and recover from these incidents, the response may not be quick enough to prevent damages to public confidence in elections.

#### **IV. Against these challenges, election officials are not getting the federal support they need.**

In the face of staffing shortages, threats to their safety, and rampant disinformation, election officials are not getting the support and resources they need. The Brennan Center’s poll found that 80 percent of local election officials think the federal government is either doing nothing to support them or are not doing enough.<sup>35</sup> The administration and Congress must do more to protect election workers and help them defend elections against security threats and disinformation.

##### *A. Congress should provide more resources and protections for election workers.*

Congress can take steps now that will help protect election workers from threats of violence and give comfort to these workers who fear for the safety of themselves, their colleagues, and their families. Specifically, Congress should:

- Authorize grants that can be used for physical safety precautions, including prevention and de-escalation training, personal information protection, and security upgrades to offices and homes;
- Fund CISA to develop and conduct online safety training;

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<sup>31</sup> Justin Wingerter, “Mesa County Must Replace Election Equipment Due to Security Breach, Secretary of State Says,” Denver Post, August 12, 2021, <https://www.denverpost.com/2021/08/12/election-security-colorado-mesa-county-jena-griswold/>.

<sup>32</sup> U.S. Cybersecurity and Infrastructure Security Agency, Election Infrastructure Insider Threat Mitigation Guide, [https://www.cisa.gov/sites/default/files/publications/election\\_insider\\_threat\\_mitigation\\_guide\\_508\\_0.pdf](https://www.cisa.gov/sites/default/files/publications/election_insider_threat_mitigation_guide_508_0.pdf).

<sup>33</sup> Id.

<sup>34</sup> Lawrence Norden, Derek Tisler and Turquoise Baker, “Estimated Costs for Protecting Election Infrastructure Against Insider Threats,” Brennan Center for Justice, March 7, 2022, <https://www.brennancenter.org/our-work/research-reports/estimated-costs-protecting-election-infrastructure-against-insider>.

<sup>35</sup> Brennan Center for Justice, *Local Election Officials Survey*, 22.

- Prohibit individuals from revealing personal identifying information of election workers and election vendors with the intent to threaten or intimidate them; and,
- Provide grant funding to allow states to set up or expand current address confidentiality programs to cover election workers.<sup>36</sup>

*B. Congress should exercise its oversight authority to ensure that federal agencies are taking steps to help protect election officials and our democracy.*

“Congressional oversight is one of the most important responsibilities of the United States Congress. Congressional oversight refers to the review, monitoring, and supervision of federal agencies, programs and policy implementation, and it provides the legislative branch with an opportunity to inspect, examine, review and check the executive branch and its agencies.”<sup>37</sup> The purposes of congressional oversight include, to: improve the efficiency, effectiveness, and economy of governmental operations; evaluate program performance; assess an agency or official's ability to manage and carry out program objectives; review and determine federal financial priorities; ensure that executive policies reflect the public interest; and, acquire information useful in future policymaking.<sup>38</sup>

In the context of election security oversight, Congress can play an important role in ensuring that federal election security programs and policies are prioritized, effective and properly funded.

1. The Department of Justice (DOJ) and Department of Homeland Security should provide meaningful access to existing federal grants for election security needs.

In January, DOJ clarified that JAG Byrne grant funds can be used by state and local recipients to “deter, detect, and protect against threats of violence against election workers, administrators, officials, and others associated with the electoral process.”<sup>39</sup> Months later, the Federal Emergency Management Agency (FEMA) reinstated “enhancing election security” as a national priority area for its Homeland Security Grant Program (HSGP), encouraging states to spend a portion of funds on election security needs.<sup>40</sup> Each of these was an important step to direct much needed resources to state and local election officials.

Yet as we get closer to the 2022 election, election officials are having difficulty accessing these funds. Indeed, a DOJ spokesperson told CNN that as of June 6, the division that oversees the

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<sup>36</sup> Gowri Ramachandran, “How Congress Can Help Protect Election Workers,” Brennan Center for Justice, March 25, 2022, <https://www.brennancenter.org/our-work/research-reports/how-congress-can-help-protect-election-workers>.

<sup>37</sup> U.S. House of Representatives Committee on Rules Majority Office, “The General Principles of Congressional Oversight,” [https://rules.house.gov/sites/democrats.rules.house.gov/files/documents/Archives/comm\\_gp\\_cong\\_oversight.htm#:~:text=Congressional%20oversight%20refers%20to%20the,executive%20branch%20and%20its%20agencies](https://rules.house.gov/sites/democrats.rules.house.gov/files/documents/Archives/comm_gp_cong_oversight.htm#:~:text=Congressional%20oversight%20refers%20to%20the,executive%20branch%20and%20its%20agencies).

<sup>38</sup> Id.

<sup>39</sup> U.S. Department of Justice, Letter from Vanita Gupta, Associate Attorney General to State Administering Agency Directors dated January 26, 2022, <https://www.justice.gov/opa/page/file/1465931/download>.

<sup>40</sup> U.S. Federal Emergency Management Agency, “Fiscal Year 2022 Homeland Security Grant Program Key Changes,” May 13, 2022, <https://www.fema.gov/fact-sheet/fiscal-year-2022-homeland-security-grant-program-key-changes>.



Byrne JAG program “had not reported any use of the funds to protect against threats of violence to election workers.”<sup>41</sup> And election officials in at least one state have already had their request for JAG Byrne funds denied.

Without firm *requirements* for state and local recipients of JAG and HSGP grants to spend a portion on election security, the state administering agencies that plan how grant funds will be spent are too likely to overlook election needs or to deprioritize those needs due to political pressures. The state agencies — typically law enforcement or public safety departments led by appointees of elected officials — have long-standing priorities attached to these federal funding streams, while election officials operate as largely new stakeholders that must convince these agencies to divert a portion of funds away from other programs. And that is only where election officials are aware that they can vie for a share of these grants to begin with.

With HSGP funds in particular, election officials are also facing timing issues, as the “enhancing election security” national priority area was announced just weeks before the grant opened and two months before the deadline for grant application submissions.<sup>42</sup> By this time, many state administering agencies had likely already set priorities based on previous years’ requirements.

Going forward, Congress should ensure that election officials have meaningful access to these critical resources by requiring — or urging DOJ and DHS to require — that a portion of funds be spent on election security needs and that state administering agencies consult with the chief state election official before submitting a grant application. Congress should consider similar requirements for future grant programs that are likely to face the same problems in getting resources to election security needs, including the newly created State and Local Cybersecurity Grant Program that the Infrastructure Investment and Jobs Act established to distribute \$1 billion in new cybersecurity funding over the next four years.<sup>43</sup> Short of that, Congress should encourage DOJ and FEMA to conduct more extensive outreach with state administering agencies on the need to prioritize physical security for election workers.

Congress can also address this issue by funding more grants that go directly to state and local election officials.

2. DOJ should hire a senior advisor with strong relationships in the elections community for the Election Threats Task Force.

In July 2021, DOJ launched a law enforcement task force to address the rise in threats against election workers.<sup>44</sup> But the Brennan Center’s survey found that 42 percent of local election offi-

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<sup>41</sup> Sean Lyngaas, “Election Officials Worry about Their Safety Ahead of Midterms,” CNN, June 17, 2022, <https://www.cnn.com/2022/06/17/politics/elections-midterms-2022-security-threats/index.html>.

<sup>42</sup> U.S. Federal Emergency Management Agency, “Fiscal Year 2022 Homeland Security Grant Program Key Changes”; U.S. Federal Emergency Management Agency, “The Department of Homeland Security (DHS) Notice of Funding Opportunity (NOFO) Fiscal Year 2022 Homeland Security Grant Program,” May 13, 2022, <https://www.fema.gov/grants/preparedness/homeland-security/fy-22-nofo#d>.

<sup>43</sup> Infrastructure Investment and Jobs Act, Pub. L. Np. 117–58, § 70612, 135 Stat. 429, 1272 (2021).

<sup>44</sup> U.S. Department of Justice, “Justice Department Launches Task Force to Combat Threats Against Election Workers,” July 29, 2021, <https://www.justice.gov/opa/blog/justice-department-launches-task-force-combat-threats-against-election-workers-0>.

cial have never heard of the DOJ's task force, and another 48 percent said that they have heard of it but did not know much about the effort.<sup>45</sup> Just nine percent said that they were very familiar with the DOJ's Election Threats Task Force.

These numbers suggest that the task force must expand outreach to local election officials and raise awareness of its efforts. Importantly, DOJ and the Federal Bureau of Investigation have recently made significant and much appreciated progress in their outreach efforts. Federal agents and DOJ personnel have attended election official meetings and conferences across the country and many election officials have shared stories about personal outreach by in-state federal officials. However, with more than 8,000 local election officials in the United States, there is more work to do. And there is reason to believe strategic expansion of current outreach efforts would reap results. After hearing an explanation of the task force, 57 percent of respondents said that they were somewhat or very confident that the task force's investigation and prosecution of threats against election officials would make them feel safer in their role as an election official.<sup>46</sup> Simply learning about the task force will provide a boost in confidence, which is sorely needed in an environment where more than half of local election officials who have been threatened because of their jobs did not even report the threat to law enforcement.

CISA faced similar challenges after former DHS secretary Jeh Johnson designated election infrastructure as critical infrastructure in 2017.<sup>47</sup> This designation let CISA provide free cybersecurity services and support to state and local election officials. However, many officials were unfamiliar with CISA and leery of federal overreach. After what election officials described as a "rocky start,"<sup>48</sup> CISA hired a former election official with bipartisan long-term relationships in the community to serve as a senior advisor. Today, CISA enjoys widespread support and awareness. Former CISA director Christopher Krebs has said hiring the senior advisor was among the most effective steps in CISA's work with state and local election officials.<sup>49</sup>

DOJ should bring on a similar senior advisor to the task force. This person could leverage existing relationships to boost awareness of the task force and its work, help manage election official relationships, and provide information and expertise about election administration. This senior advisor could also help the task force navigate and map the elections community's existing relationships, formal and informal, with other federal agencies such as the EAC and CISA.

### 3. DOJ's Election Threats Task Force should expand to include local law enforcement

When election officials report threats to law enforcement, the federal government is rarely their first call. The Brennan Center's survey found that 89 percent of local election officials who

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<sup>45</sup> Brennan Center for Justice, *Local Election Officials Survey*, 23.

<sup>46</sup> *Id.*

<sup>47</sup> U.S. Department of Homeland Security, "Statement by Secretary Jeh Johnson on the Designation of Election Infrastructure as a Critical Infrastructure Subsector," press release, January 6, 2017, <https://www.dhs.gov/news/2017/01/06/statement-secretary-johnson-designation-election-infrastructure-critical>.

<sup>48</sup> U.S. Election Assistance Commission, Transcript from EAC Election Readiness Summit, October 3, 2018, [https://www.eac.gov/sites/default/files/event\\_document/files/CART\\_100318EAC\\_Election\\_Readiness\\_Summit.pdf](https://www.eac.gov/sites/default/files/event_document/files/CART_100318EAC_Election_Readiness_Summit.pdf).

<sup>49</sup> *Id.*

reported a threat to law enforcement contacted local law enforcement, compared to 22 percent who contacted federal law enforcement.<sup>50</sup> (A small percentage reported threats to both.)

For this reason, DOJ should expand its Election Threats Task force to formally include local law enforcement. This inclusion would allow the task force to identify threat patterns that individual local law enforcement agencies may not be able to see in isolation. It would likely help local law enforcement (the main contact for most election officials) better respond to such threats. It may enable DOJ to bring criminal actions when there are no possible state actions. It would ease DOJ's referral of cases when charges would be more easily made at the state or local level. And it likely would boost awareness of the task force since local election officials are far more likely to have pre-existing relationships with local sheriff or police departments.

## **V. A whole of society response is needed to address the problems of election disinformation.**

As discussed above, election mis-, dis- and mal-information are causing and contributing to many serious concerns our democracy currently faces. Effectively addressing these problems, and their effects, will require participation from political leaders, government officials, media platforms, and individuals — a whole of society commitment to protecting democracy. Internet and social media companies especially can help thwart the effects of disinformation by boosting content from trusted sources (election officials in particular), limiting the spread of disinformation by delaying the publication of posts from prominent disinformation spreaders, and sending corrective information to users who have interacted with election misinformation.<sup>51</sup>

Political leaders — Republican and Democrat alike — are critical to effectively combating election disinformation. They can help “build trust in our democracy by promoting accurate information about our election system from trusted sources. Especially important is elevating the voice of election officials, who have first-hand knowledge of the many safeguards in place to ensure the accuracy, security, and integrity of every election.”<sup>52</sup>

“Members of the public often take their cues from political leaders. They need to hear that the election system can be trusted and see their representatives standing behind the workers who do the job of securing the right to vote.”<sup>53</sup> They too have an important role in identifying and stopping the spread of false information. For example, members of the public “should try to determine the veracity of any election information before sharing or acting on it.”<sup>54</sup> And if they see suspect information, they should check with a trusted source, such as their state or local election official, for accurate information and report disinformation to the same officials.<sup>55</sup>

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<sup>50</sup> Brennan Center for Justice, *Local Election Officials Survey*, 7.

<sup>51</sup> Brennan Center, *Election Officials under Attack*, 10–13.

<sup>52</sup> See *A Growing Threat: How Disinformation Damages American Democracy, Hearing Before the H. Comm. on House Administration*, 117<sup>th</sup> Cong. (2022) (statement of Edgardo Cortés, Election Security Advisor, Brennan Center for Justice at NYU School of Law), <https://docs.house.gov/meetings/HA/HA08/20220622/114910/HHRG-117-HA08-Wstate-CortesE-20220622.pdf>.

<sup>53</sup> *Id.*

<sup>54</sup> Tim Lau, “Voters vs. Disinformation,” Brennan Center for Justice, September 2, 2020, <https://www.brennancenter.org/our-work/analysis-opinion/voters-vs-disinformation>.

<sup>55</sup> *Id.*

Journalists and civil society organizations play key roles in this work as well. One important function they have is to expose shoddy and wasteful work, sometimes paid for with taxpayer funds, by individuals and entities attempting to exploit the doubts held by some with incomplete or inaccurate information about our election administration system for the purpose of personal gain or profit. Many have already joined these efforts, amplifying accurate election information and the voices of election officials, obtaining and sharing relevant public records, and working to prevent bad actors from causing further harm.<sup>56</sup> For example, on behalf of All Voting is Local Arizona, Arizona Democracy Resource Center, Living United for Change Arizona and Mi Familia Vota, the Brennan Center sent a letter to federal officials requesting that Cyber Ninjas — the firm that led the Arizona Senate’s costly sham audit of the 2020 election — and its CEO Doug Logan, be prohibited from contracting with the federal government.<sup>57</sup>

Local and state officials also have important contributions to make. In June, a group of local and state election officials joined with law enforcement leaders from across the country and others to establish the Committee for Safe and Secure Elections.<sup>58</sup> This committee, supported by the Brennan Center, R Street Institute, Protect Democracy and Elections Group, was formed to “support policies and practices that protect election workers and voters from violence, threats, and intimidation.”<sup>59</sup> Its work includes developing resources for both the law enforcement and election communities, which increase awareness of the threats that election officials and workers face and how to respond to these threats.

## VI. Conclusion

Election officials from across the country continue to face death threats and harassment for simply doing their jobs. False information about our election administration is a significant contributor to these threats that are leading to numerous other concerns, such as the high numbers of election officials leaving the profession, which increase the fragility of our democracy. Congress has a critical role to play in helping better protect our election officials, including increasing awareness of these threats, providing grant funds designated for targeted assistance to our officials, and spurring on government agencies, civil society, the private sector and other actors to work together to protect our democracy.

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<sup>56</sup> Organizations that have done important work on this issue in Arizona and Wisconsin include Advancing Arizona, All Voting is Local, American Oversight, Arizona Democracy Resource Center, Arizona Faith Network, Arizona Wins, Campaign Legal Center, Common Cause, Law Forward, Lucha Arizona, Mi Familia Vota, Progress Arizona, Protect Democracy, Rural AZ Action, Securing Democracy, States United, and Wisconsin Voices. Journalists include Molly Beck (Milwaukee Journal Sentinel), Jeremy Duda (Axios, Arizona Mirror), Jen Fifield (Votebeat, Arizona Republic), Patrick Marley (Washington Post, Milwaukee Journal Sentinel), Henry Redman (Wisconsin Examiner), Brahm Resnick (12 News/KPNX TV (NBC)), Dillon Rosenblatt (AZ Mirror), and Yvonne Wingett Sanchez (Washington Post).

<sup>57</sup> John J. Martin and Elizabeth Howard, “Cyber Ninjas and Its CEO Should Be Banned from Government Contracts,” Brennan Center for Justice, July 18, 2022, <https://www.brennancenter.org/our-work/analysis-opinion/cyber-ninjas-and-its-ceo-should-be-banned-government-contracts>; Elizabeth Howard and John L. Martin, “Referral Letter for Cyber Ninjas Debarment Consideration,” Brennan Center for Justice, July 18, 2022, <https://www.brennancenter.org/our-work/research-reports/referral-letter-cyber-ninjas-debarment-consideration>.

<sup>58</sup> Committee for Safe and Secure Elections, <https://safeelections.org/>

<sup>59</sup> Committee for Safe and Secure Elections, “About the Committee,” <https://safeelections.org/about>.