



**TESTIMONY OF
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**HEARING ON
ONGOING THREATS TO ELECTION ADMINISTRATION**

U.S. SENATE COMMITTEE ON RULES AND ADMINISTRATION

NOVEMBER 1, 2023

Chairwoman Klobuchar, Ranking Member Fischer, and Members of the Committee:

Thank you for the opportunity to testify at this important hearing about the critical issue of threats against our election officials and their impact on our democracy.

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. 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 elections – and election officials – safe. Unfortunately, today the physical safety of our election officials is an increasingly important component of election security.

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 elections and ways to protect against these threats.¹ The election officials around the country who are busy preparing for a safe and secure 2024 election cycle also appreciate this committee’s work to help protect our democracy and increase awareness of these important issues.

I hope to convey four points in my testimony today: (1) Local election officials play a critical role in American democracy, and they are hard at work planning and preparing for safe and secure elections in 2024; (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, and Congress should do more to assist.

I. Local election officials play a critical role in American democracy, and they are hard at work planning and preparing for safe and secure elections in 2024.

The highly decentralized U.S. election administration system results in a “complex quilt”² of American elections. While the federal and state governments play important roles, the administration of our elections is largely the responsibility of local, primarily county or municipal, officials.³ Free, fair, and secure elections for mayor, county commissioner, governor, and U.S. Senate rely on hard-working public servants who serve as local election administrators. There are approximately 8-10,000 local election jurisdictions in the U.S, the majority of which—

¹ 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 deputy director of 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.

² Presidential Commission on Election Administration (Public Meeting, History Colorado Center, August 8, 2013), <https://web.mit.edu/supportthevoter/www/files/2013/11/PCEA-Denver-Public-Meeting-Transcript.pdf>.

³ National Conference of State Legislatures, *Election Administration at State and Local Levels*, November 1, 2022, <https://www.ncsl.org/elections-and-campaigns/election-administration-at-state-and-local-levels>.

fifty-seven percent (57%)—serve 5,000 or fewer registered voters. Another twenty-seven (27%) serve between 5,000 and 25,000 registered voters.⁴

The typical local election official is a 50–64 year-old woman who earns approximately \$50,000 annually.⁵ She took the job because “it’s an opportunity to serve my community.”⁶ She often has a wide range of responsibilities,⁷ which routinely include, for example, voter registration and list maintenance, state and federal election law compliance, public relations and communications, project management, and voting machine storage and maintenance.⁸ And in the wake of the designation of our election infrastructure as “critical infrastructure” in 2017,⁹ she added protecting our election system against foreign adversaries, such as China and Iran, to the list. Despite the importance of these responsibilities, many local election officials are under-resourced.¹⁰

While local election officials face many challenges, these roles can provide the experience necessary to continue in public service as a member of the U.S. Senate or other office. For example, both the former chair of this committee, Senator Roy Blunt, and Senator Jodi Ernst, served as local election officials prior to being elected as U.S. Senators.¹¹

These local election officials have been hard at work planning and preparing for safe and secure elections in 2024. Election officials must comply with numerous strict statutory deadlines, which they use to create an election calendar that includes ballot access windows, voter registration and

⁴ Natalie Adona et al., *Stewards of Democracy: The Views of American Local Officials*, Democracy Fund, June 26, 2019, 9, table 1, https://evic.reed.edu/wp-content/uploads/2020/09/2019_DemocracyFund_StewardsOfDemocracy.pdf.

⁵ Adona et al., *Stewards of Democracy*, 5; Paul Gronke et al., “Pursuing Diversity and Representation Among Local Elected Officials,” Democracy Fund, May 20, 2021, <https://democracyfund.org/idea/pursuing-diversity-and-representation-among-local-election-officials/> (“The 2020 Democracy Fund/Reed College Survey of Local Election Officials found that almost 75 percent of these officials are over age 50, 80 percent are women...”).

⁶ Brennan Center for Justice, *Local Election Officials Survey (March 2022)*, March 10, 2022, 17, <https://www.brennancenter.org/our-work/research-reports/local-election-officials-survey-march-2022>.

⁷ U.S. Election Assistance Commission, *Election Management Guidelines*, July 13, 2023, 6, Figure 1, https://www.eac.gov/sites/default/files/electionofficials/EMG/EAC_Election_Management_Guidelines_508.pdf.

⁸ U.S. Election Assistance Commission, *Election Management Guidelines*, 6–10.

⁹ 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>.

¹⁰ Amber Phillips, “3 Ways Election Deniers Are Threatening U.S. Democracy, Explained,” *Washington Post*, November 1, 2022, <https://www.washingtonpost.com/politics/2022/11/01/election-denier-threats-explainer/> (“Tammy Patrick, a former election official in Maricopa County, said these threats aren’t slowing down. ‘Election officials are under-resourced, underfunded, under appreciated – and now they are under attack.’”); Christopher R. Deluzio et al., *Defending Elections: Federal Funding Needs for State Election Security*, Brennan Center for Justice et al., July 18, 2019, https://www.brennancenter.org/sites/default/files/2019-08/Report_Defending_Elections.pdf; Brennan Center for Justice, *Local Election Officials Survey – April 2023*, April 25, 2023, <https://www.brennancenter.org/our-work/research-reports/local-election-officials-survey-april-2023> (“74% [of election officials] say their annual budget needs to grow when thinking about election security and administration needs over the next five years.”).

¹¹ Joni Ernst U.S. Senator for Iowa, “About Joni,” accessed October 16, 2023, <https://www.ernst.senate.gov/about>; Roy for Missouri, “Meet Roy,” accessed October 16, 2023, <https://www.royblunt.com/meet-roy>.

list maintenance timelines, polling location selection, poll worker recruitment and training, ballot printing and distribution, post-election canvassing and auditing, and much more. With the first presidential primaries scheduled for February 2024, election officials will begin delivering ballots, which is a step near the end of an election cycle, this December.

In the leadup to 2024, election officials have prioritized enhancing physical and cybersecurity measures.¹² Notably, officials like Derek Bowens, the director of elections in Durham County, North Carolina, and Scott McDonell, the county clerk of Dane County, Wisconsin, leveraged the Cybersecurity and Infrastructure Security Agency’s (CISA) free security assessments to obtain new – and more secure – facilities.¹³ The majority of the officials Brennan Center surveyed who received a Cyber Hygiene Scan or Physical Security Assessment from CISA have already implemented at least some recommendations, with budget constraints being a major factor in why they were unable to implement all the cyber and physical security recommendations.¹⁴

Election officials are also working with state and local law enforcement to prepare for a safe and secure 2024 election cycle. Our 2023 survey showed that more than 4 in 5 local election officials have a point of contact with local law enforcement.¹⁵ To assist with building out these relationships in the current threat environment, a group of law enforcement personnel, including sheriffs and chiefs of police, came together with current and former election officials to form the Committee for Safe and Secure Elections (CSSE).¹⁶ CSSE now works across the country “to build relationships and trust between election officials and law enforcement to better equip both to prevent and respond to threats and violence against voters and election workers” by hosting tabletop exercises with law enforcement and election officials, and developing practical state-specific resources and materials.

These efforts are in addition to the routine pre-election planning and preparation that are underway across the country, which include poll worker training and certification, voter list maintenance, voter education, and much more.

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

Election officials and workers have faced — and continue to face — a barrage of threats, intimidation, and harassment in the wake of the 2020 and 2022 elections. 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.¹⁷ Over the past three years,

¹² Brennan Center for Justice, *Local Election Officials Survey – April 2023*, 20.

¹³ Derek Bowens and Scott McDonell, “Need Better Election Security? The Feds Can Help,” August 31, 2023, <https://www.governing.com/politics/need-better-election-security-the-feds-can-help>.

¹⁴ Brennan Center for Justice, *Local Election Officials Survey – April 2023*, 23, 24.

¹⁵ Brennan Center for Justice, *Local Election Officials Survey – April 2023*, 18.

¹⁶ CSSE is a cross-partisan group that is supported by the Brennan Center for Justice, R Street Institute, Protect Democracy, and The Elections Group.

¹⁷ 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 –*

officials have shared experiences of receiving threatening phone calls and online messages,¹⁸ being followed or intimidated on the job,¹⁹ having their pet poisoned,²⁰ and needing to flee their home out of fear for their safety.²¹

Unfortunately, these concerns are valid. In December 2022, after visiting the homes of multiple local officials in Bernalillo County, New Mexico, urging them “not to certify election results,” a man was charged for organizing a “shooting spree targeting the homes of four elected officials.”²² Louisiana Secretary of State Kyle Ardoyn recently explained that his decision to not run for reelection was related to “misinformation and backlash from fringe groups.”²³ In addition, the “harassment of his staff lower[ed] morale and there has been a drastic drop in interest in being poll workers as people are fearful to be part of the process that has faced heavy criticism.”²⁴ Noting that the false allegations and attacks were beginning to impact his health, he shared, “There were door hangers placed on my door and in my entire neighborhood saying inaccurate things about me and my record, almost trying to incite my neighbors.”²⁵

April 2023, 11 (73 percent of local election officials feel that threats against election officials have increased in recent years).

¹⁸ Brennan Center for Justice, “Election Officials Are Under Attack (Full-Length Version),” June 16, 2021, <https://www.youtube.com/watch?v=WOCBliVUBMc>; Linda So, “Trump-inspired Death Threats Are Terrorizing Election Workers,” Reuters, June 11, 2021, <https://www.reuters.com/investigates/special-report/usa-trump-georgia-threats/>; Barbara Rodriguez, “‘There are a lot of people who don’t want to know the truth’: Why an Arizona Election Official is Leaving Her Job,” 19th, July 18, 2022, <https://19thnews.org/2022/07/arizona-election-official-leslie-hoffman/>; Cat Zakrzewski, “Election Workers Brace for a Torrent of Threats: ‘I KNOW WHERE YOU SLEEP’,” *Washington Post*, November 9, 2022, <https://www.washingtonpost.com/technology/2022/11/08/election-workers-online-threats/>.

¹⁹ See *Election Subversion: A Growing Threat to Election Integrity, Hearing Before the H. Comm. on House Administration*, 117th Cong. (2021) (statement of Adrian Fontes, former Recorder, Maricopa County, AZ), <http://docs.house.gov/meetings/HA/HA00/20210728/113971/HHRG-117-HA00-Wstate-FontesA-20210728.pdf>; Megan Manata and Vicki Gonzalez, “Interview: Shasta County Registrar Recounts Tensions During Primary Election,” CapRadio, June 16, 2022, <https://www.capradio.org/articles/2022/06/16/interview-shasta-county-registrar-recounts-tensions-during-primary-election/>; Natalia Contreras, “Boisterous Agitators Disrupt Hays County Election Machine Test, Badger Texas Secretary of State,” *Texas Tribune*, September 23, 2022, <https://www.texastribune.org/2022/09/23/texas-voting-conspiracy-theorists/>; Chris Arnold, “For Election Workers, Trump’s Lies Have Meant Threats, Harassment and a Poisoned Dog,” NPR, June 28, 2023, <https://www.npr.org/2023/06/21/1180818978/election-workers-are-facing-threats-and-harassment-as-they-brace-for-2024>.

²⁰ Arnold, “For Election Workers, Trump’s Lies Have Meant Threats.”

²¹ Summer Concepcion and Dareh Gregorian, “Maricopa County Elections Official Moved to ‘Undisclosed Location’ for His Safety Following Social Media Threat,” NBC News, November 21, 2022, <https://www.nbcnews.com/politics/politics-news/maricopa-county-elections-official-moved-undisclosed-location-safety-s-rcna58179>; Fredreka Schouten and Kelly Mena, “It’s 2022, and Election Officials Are Still Dealing with Threats,” CNN, February 15, 2022, <https://www.cnn.com/2022/02/15/politics/election-officials-face-threats-ctzn/index.html>; 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>.

²² U.S. Department of Justice, “Former New Mexico House of Representatives Candidate Charged for Shooting Spree,” press release, May 31, 2023, <https://www.justice.gov/opa/pr/former-new-mexico-house-representatives-candidate-charged-shooting-spreec>.

²³ “Stepping Down, Speaking Out,” *Electionline Newsletter*, October 26, 2023, <https://electionline.org/electionline-weekly/2023/10-26/#tab-4>.

²⁴ *Electionline*, “Stepping Down, Speaking Out.”

²⁵ *Electionline*, “Stepping Down, Speaking Out.”

The reported threats and harassment are not rare or isolated incidents. In a nationwide survey of local election officials that the Brennan Center commissioned earlier this year, nearly 1 in 3 said that they have personally been abused, harassed, or threatened because of their job, and nearly three in four feel that threats against election officials have increased in recent years.²⁶ Nearly half indicated that they were concerned about the safety of their colleagues, and more than half said they are concerned that threats, harassment, and intimidation will harm retention and recruitment.²⁷

Not surprisingly, although election officials broadly find enjoyment in their jobs and are proud of the service they perform for their community, the barrage of threats and disinformation, in combination with political interference and sheer exhaustion, is pushing experienced professionals out of election administration. Our survey shows that we're losing the equivalent of one to two local election officials every day.²⁸ This significant turnover rate, with potentially more resignations to come, means that approximately 1 in 5 election officials will be running their first presidential election in 2024.²⁹

This problem is a national concern. In the West,³⁰ Arizona has lost one of the top two election officials in 12 of its 15 counties since 2020,³¹ and a multitude of other states have experienced alarming rates of turnover: Nevada (65%),³² Utah (59%), New Mexico (52%), California (41%), Colorado (38%), Montana (34%), Oregon (33%), and Wyoming (30%).³³ In the South, about one-third of election administrators in Texas have left their jobs since 2020,³⁴ election directors in 47 of North Carolina's 100 counties have left their jobs within the past three years,³⁵ and 22

²⁶ Brennan Center for Justice, *Local Election Officials Survey – April 2023*, 11, 13.

²⁷ Brennan Center for Justice, *Local Election Officials Survey – April 2023*, 6, 12.

²⁸ Brennan Center for Justice, *Local Election Officials Survey – April 2023*, 3.

²⁹ Brennan Center for Justice, *Local Election Officials Survey – April 2023*, 5.

³⁰ See Voorhis et al., *The High Cost of High Turnover*, Issue One, September 26, 2023, <https://issueone.org/articles/the-high-cost-of-high-turnover/> (This regional case study reveals alarmingly high turnover rates in the western United States, which has resulted in half of the region's 76 million residents having a new chief local election official since the 2020 presidential election. Spanning the 11 states within this region, there has been an approximate 40 percent loss of chief local election officials. This substantial attrition has precipitated a drastic reduction in average experience, plummeting from roughly eight years to a single year.)

³¹ Brandon Gray, "Report: Arizona Sees High Turnover of Local Election Officials Since 2020 Presidential Election," KTAR News, September 27, 2023, <https://ktar.com/story/5541551/report-arizona-sees-high-turnover-of-local-election-officials-since-2020-presidential-election/>.

³² Sean Golonka, "Nevada's Election Workers Second Highest Among Western States, Report Finds," Nevada Independent, September 26, 2023, <https://thenevadaindependent.com/article/nevadas-election-worker-turnover-second-highest-among-western-states-report-finds>.

³³ Voorhis et al., *The High Cost of High Turnover* (These turnover rates reflect the percentage of the state's counties that will have experienced a change in their chief local election official since November 2020).

³⁴ Jeremy Schwartz, "Election Administrators Are Under Attack in Texas. Here's What That Means for the Midterms," Texas Tribune, October 17, 2022, <https://www.texastribune.org/2022/10/17/election-administrators-harassment-david-becker/>.

³⁵ *State and Local Perspectives on Election Administration, Hearing Before the Senate Rules Committee*, 117th Cong. (2023) (written testimony of Derek Bowens, Director of Elections, Durham County, NC), https://www.rules.senate.gov/imo/media/doc/Testimony_Bowens1.pdf.

election directors have left among South Carolina’s 46 counties.³⁶ In the Midwest, the rate of election official departures in Michigan and Wisconsin has been described as an “exodus.”³⁷ And in the Northeast, Pennsylvania has had more than 50 of their top election officials leave their positions since 2020,³⁸ and a third of Massachusetts municipalities have had turnover in their election administration.³⁹

We don’t have to guess why they’ve left. Election officials across the country have 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, “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.”⁴⁰ Moritz added, “It was not just me, but my staff faced this abuse as well.”⁴¹ Leslie Hoffman, former Recorder of Yavapai County, Arizona, resigned in mid-2022, after she suspected that her dogs had been poisoned, noting that the local sheriff patrols her house periodically because of “nasty” threats she has received.⁴²

These departures continued in 2023. In January, long-time Cobb County, Georgia Election Director Janine Eveler became the fourth metro Atlanta elections director to step down since 2021.⁴³ And in June, Maricopa County, Arizona Supervisor Bill Gates announced he was not running for re-election.⁴⁴

To be clear, threats against election officials, and the resulting alarming attrition rate, are not a partisan issue, and these problems are not limited to major metropolitan election jurisdictions. In fact, these threats have often targeted election officials in more rural election jurisdictions, and result in significant local consequences.

Earlier this year, Buckingham County, Virginia—home to roughly 17,000 inhabitants—witnessed the resignation of its entire election staff, after sheriff’s deputies were assigned to

³⁶ Linda So et al., “Pro-Trump Conspiracy Theorists Hound Election Officials Out of Office,” Reuters, October 19, 2022, <https://www.reuters.com/investigates/special-report/usa-election-nevada-washoe/>.

³⁷ Anthony Izaguirre, “Exodus of Election Officials Raises Concerns of Partisanship,” Associated Press, June 13, 2021, <https://apnews.com/article/election-officials-retain-trump-2020-threats-misinformation-3b810d8b3b3adee2ca409689788b863f>.

³⁸ Jeremy Stout, “Nearly 50 Top Election Officials in PA Have Left Their Position in the Last Two Years,” Northcentral PA, October 4, 2022, https://www.northcentralpa.com/news/nearly-50-top-election-officials-in-pa-have-left-their-position-in-the-last-two/article_e82bd84-2308-11ed-aaa2-d3044e666306.html.

³⁹ Chris Van Buskirk, “A Third of Massachusetts Cities, Towns Have Had Change in Top Election Official Since 2020,” *Boston Herald*, <https://www.bostonherald.com/2023/09/30/a-third-of-massachusetts-cities-towns-have-had-change-in-top-election-official-since-2020/>.

⁴⁰ 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>.

⁴¹ Ridolfi, “Moritz Cites Reasons for Leaving.”

⁴² 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.

⁴³ Kristal Dixon, “Cobb County Elections Director Announces Retirement,” Axios, January 31, 2023, <https://www.axios.com/local/atlanta/2023/01/31/cobb-county-elections-director-janine-eveler-announces-retirement>.

⁴⁴ Kyung Lah and Rashard Rose, “Pivotal Election Official in Arizona Midterms Will Not Seek Reelection,” CNN, June 1, 2023, <https://www.cnn.com/2023/06/01/politics/bill-gates-arizona-maricopa-county-reelection/index.html>.

attend local electoral board meetings, which had quickly gone from “historically sleepy affairs drawing one or two members of the public...[to] packed and contentious events,” that included false allegations of fraud and treason.⁴⁵ “The [election staff] departures left residents without a functioning registrar’s office; there was no way to register to vote or certify candidate paperwork, at least temporarily.”⁴⁶ In Lincoln County, Montana, with an electorate slightly exceeding 15,000, all three of its county election officials resigned in March. Robin Benson, an election veteran who served as Lincoln County's clerk and recorder for the better part of ten years, highlighted an unsettling trend: even those in staunchly Republican territories have been confronted with a barrage of hostility and threats from individuals swayed by false claims of electoral fraud.⁴⁷ Before the midterms last year, the election staff of Gillespie County, Texas – a rural county of roughly 27,000 residents – encountered an onslaught of intimidation and harassment, including stalking, social media harassment, and even death threats stoked by unfounded allegations and misinformation.⁴⁸ This distressing series of events culminated in the collective resignation of the entire election staff in August 2022, with at least one explicitly citing threats as a factor in her resignation letter.⁴⁹

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 less experienced workers, we are likely to see more mistakes and less capacity to respond to those mistakes. This can be 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

⁴⁵ Jane C. Timm, “Hounded by Baseless Voter Fraud Allegations, An Entire County’s Election Staff Quits in Virginia,” NBC News, April 10, 2023, <https://www.nbcnews.com/politics/elections/buckingham-county-virginia-election-staff-quits-baseless-voter-fraud-rcna76435>.

⁴⁶ Timm, “Hounded by Baseless Voter Fraud Allegations, an Entire County’s Election Staff Quits in Virginia.”

⁴⁷ Tristan Scott, “How Lincoln County’s ‘Big Lie’ Upended an Election Department,” Flathead Beacon, May 17, 2023, <https://flatheadbeacon.com/2023/05/17/how-lincoln-countys-big-lie-upended-an-election-department-libby-zinke-trump-fraud-security-integrity-montana-gop/>.

⁴⁸ Monica Madden, “Gillespie County Elections Office Resigns Due to Threats, Stalking,” KXAN News, August 17, 2022, <https://www.kxan.com/news/local/hill-country/gillespie-county-elections-office-resigns-due-to-threats-stalking/>.

⁴⁹ Neil Vigdor, “All Three Election Officials Resigned in a Texas County, with at Least One Citing Death Threats,” *New York Times*, August 18, 2022, <https://www.nytimes.com/2022/08/18/us/politics/texas-gillespie-elections-threats.html>; Joey Palacios et al., “A Texas County’s Election Administrators All Resigned, Leaving the State to Step In,” NPR, August 19, 2022, <https://www.npr.org/2022/08/19/1118527241/texas-gillespie-county-election-officials-quit-threats#:~:text=Top%20election%20officials%20in%20Texas%20Gillespie%20County%20have%20quit%20In,citi ng%20threats%20fueled%20by%20misinformation>.

mistake was immediately seized on and eventually amplified into a broad conspiracy that Dominion voting systems had rigged the election.⁵⁰ 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,⁵¹ was no match for the spread of falsehoods by political campaigns and television personalities.⁵²

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 43 percent of local election officials are concerned that some of their incoming colleagues might believe that widespread fraud occurred in recent elections.⁵³

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.⁵⁴ These incidents were often in coordination with, or at the behest of, some of the most prominent purveyors of election disinformation.⁵⁵

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 *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.⁵⁶

⁵⁰ 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/>.

⁵¹ Michigan Department of State, “Post-Election Audit Report Confirms Accuracy and Integrity of Michigan’s Election,” press release, April 22, 2021, <https://www.michigan.gov/sos/Resources/News/2021/04/22/post-election-audit-report-confirms-accuracy-and-integrity-of-michigans-election>.

⁵² 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,” *Dispatch*, November 14, 2020, <https://thedispatch.com/article/fact-check-addressing-yet-more-claims/>.

⁵³ Brennan Center for Justice, *Local Election Officials Survey – April 2023*, 9.

⁵⁴ 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/>.

⁵⁵ 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>.

⁵⁶ Jonathan Brater (Director of Elections, Michigan Bureau of Elections) to Stephanie Scott (Clerk, Adams Township), October 15, 2021, https://content.govdelivery.com/attachments/MISOS/2021/10/25/file_attachments/1976229/Letters%20to%20Adam%20Township%20Clerk.pdf; “Voters Oust Michigan Clerk Who Doubts Election Results,” *Associated Press*, May 3, 2023, <https://apnews.com/article/michigan-election-lies-clerk-recalled-bceaf5cda9128992d5169d1b398f6364>, (The state revoked Stephanie Scott’s authority to run township elections in October 2021 and she has since been voted out of her position in a recall election).

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 processes at risk. 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 then decommissioned the equipment because the state could not be confident in the integrity of the systems.⁵⁷ 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.⁵⁸

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.⁵⁹ 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.⁶⁰ 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 damage 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 73 percent of local election officials think the federal government is either doing nothing to support them or are not doing enough.⁶¹ The administration and Congress must do more to protect election workers and help them defend our elections against security threats.

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 and augment 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;

⁵⁷ 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/>.

⁵⁸ U.S. Cybersecurity and Infrastructure Security Agency, *Election Infrastructure Insider Threat Mitigation Guide*, 2020, https://www.cisa.gov/sites/default/files/publications/election_insider_threat_mitigation_guide_508_0.pdf.

⁵⁹ Cybersecurity and Infrastructure Security Agency, *Election Infrastructure Insider Threat Mitigation Guide*.

⁶⁰ Lawrence Norden et al., “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>.

⁶¹ Brennan Center for Justice, *Local Election Officials Survey – April 2023*, 17.

- Fund CISA to develop and conduct online safety training;
- 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.⁶²

In addition, Congress should provide additional federal funding for elections. Elections are underfunded nationwide.⁶³ This was true before today’s heightened climate of threats and challenges, which requires election administrators across the country to confront a spectrum of pressing demands that require resources: bolstering physical security measures within election offices, defending against cybersecurity threats, replacing outdated voting equipment, hardening voter registration systems, and addressing rising staffing costs, especially amid high turnover, among others.

The Brennan Center has estimated that implementing basic physical security measures to protect election workers would cost about \$300 million over the next five years,⁶⁴ another \$300 million or more to protect against insider threats,⁶⁵ and from 2022 estimates, nearly \$600 million over five years to replace aging voting machines.⁶⁶ The Brennan Center’s poll found that 74 percent of local election officials say their annual budget needs to grow when thinking about election security and administration needs over the next five years.⁶⁷ Moreover, election officials who received a Physical Security Assessment from CISA or a Cyber Hygiene Scan but were unable to implement all of the security improvement recommendations identified budget constraints as the major factor.⁶⁸

While recent one-time investments in election security, including \$75 million in Fiscal Year 2023, are important, they are not enough to address the significant problems facing election systems, nor to provide long-term stability for future elections. As Senator Warner has explained, “additional money is no substitute for a permanent funding mechanism for securing and maintaining elections systems.”⁶⁹

⁶² 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>.

⁶³ Charles Stewart III, *The Cost of Conducting Elections*, MIT Election Data + Science Lab, May 2022, <https://electionlab.mit.edu/sites/default/files/2022-05/TheCostofConductingElections-2022.pdf>.

⁶⁴ Derek Tisler and Larry Norden, “Estimated Costs for Protecting Election Workers from Threats of Physical Violence,” Brennan Center for Justice, May 3, 2022, <https://www.brennancenter.org/our-work/research-reports/estimated-costs-protecting-election-workers-threats-physical-violence>.

⁶⁵ Larry Norden et al., “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>.

⁶⁶ Turquoise Baker et al., “Voting Machines at Risk in 2022,” Brennan Center for Justice, March 1, 2022, <https://www.brennancenter.org/our-work/research-reports/voting-machines-risk-2022>.

⁶⁷ Brennan Center for Justice, *Local Election Officials Survey – April 2023*, 19.

⁶⁸ Brennan Center for Justice, *Local Election Officials Survey – April 2023*, 24.

⁶⁹ Peter Stone, “Cyber Attacks and Electronic Voting Errors Threaten 2020 Outcome, Experts Warn,” *Guardian*, January 2, 2020, <https://www.theguardian.com/us-news/2020/jan/02/elections-2020-cyber-attacks-democrats-experts>.

To be sure, threats against election workers and chronic underfunding are not the only challenges facing our democracy today. It is critical that we shore up the guardrails protecting our elections. The Brennan Center urges Congress to adopt the Freedom to Vote Act and the John Lewis Voting Rights Advancement Act, which include important protections for our election officials and our democracy.

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.”⁷⁰ 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.⁷¹

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 (DHS) should provide meaningful access to existing federal grants for election security needs.

In January 2022, DOJ clarified that Edward Byrne Memorial Justice Assistance Grant (JAG Byrne) 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.”⁷² Months later, the Federal Emergency Management Agency (FEMA) reinstated “enhancing election security” as a national priority area (NPA) for its Homeland Security Grant Program (HSGP), encouraging states to spend a portion of funds on election security needs.⁷³ And in February 2023, DHS required states to dedicate at least three percent of their HSGP funds to election security.⁷⁴ Each of these were an important step to direct much needed resources to state and local election officials.

⁷⁰ U.S. House of Representatives Committee on Rules Majority Office, “The General Principles of Congressional Oversight”, https://web.archive.org/web/20210307031726/https://rules.house.gov/sites/democrats.rules.house.gov/files/documents/Archives/comm_gp_cong_oversight.htm.

⁷¹ U.S. House of Representatives Committee on Rules Majority Office, “The General Principles of Congressional Oversight.”

⁷² U.S. Department of Justice, Letter from Vanita Gupta (Associate Attorney General, U.S. Department of Justice) to State Administering Agency Directors, January 26, 2022, <https://www.justice.gov/opa/page/file/1465931/download>.

⁷³ 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>.

⁷⁴ Lawrence Norden and Derek Tisler, “Federal Homeland Security Grant Funds Directed to Election Security,” Brennan Center for Justice, March 8, 2023, <https://www.brennancenter.org/our-work/analysis-opinion/federal-homeland-security-grant-funds-directed-election-security>.

Yet, election officials are having difficulty accessing these funds. Election officials in at least one state have already had their request for JAG Byrne funds denied. Indeed, a DOJ spokesperson told CNN that as of mid-2022, the division that oversees the Byrne JAG program “had not reported any use of the funds to protect against threats of violence to election workers.”⁷⁵

With HSGP funds in particular, election officials are also facing timing issues, as the minimum spend on the election security NPA was announced shortly before many state-level grant application deadlines. Going forward, Congress should ensure – or urge DHS to require again – that a portion of funds be spent on election security needs, and to do so sufficiently early in the grant application cycle to provide election officials with a meaningful opportunity to access these funds.

As the availability of both funding streams for election security is relatively new, many election officials are unaware of these important resources. Only 32 percent of local election officials are aware of the HSGP grants, and only 13 percent are aware of the JAG Byrne funds.⁷⁶ Congress should encourage the DOJ, FEMA, and CISA to conduct more extensive outreach with state administering agencies on the need to prioritize election security, and with election officials to increase awareness of these resources.

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.⁷⁷ But the Brennan Center’s survey found that only 33 percent of local election officials were aware of the DOJ’s Election Threats Task Force, and among those who knew of the resource, almost none have attempted to contact the Task Force or consult an Elections Crime Coordinator (ECC).⁷⁸

These numbers suggest that the Task Force must expand outreach to local election officials and raise awareness of its efforts. Certainly, the recent wave of enforcement actions involving threats to the elections community brought by the DOJ have sent a strong message to would-be bad actors – and to election officials.⁷⁹ Moreover, the DOJ and the Federal Bureau of Investigation (FBI) have recently made much appreciated progress in their outreach efforts. For example,

⁷⁵ 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>.

⁷⁶ Brennan Center for Justice, *Local Election Officials Survey – April 2023*, 21.

⁷⁷ 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>.

⁷⁸ Brennan Center for Justice, *Local Election Officials Survey – April 2023*, 22, 26.

⁷⁹ U.S. Department of Justice, “Justice Department’s Election Threats Task Force Secures Ninth Conviction,” press release no. 23-955, August 31, 2023, <https://www.justice.gov/opa/pr/justice-departments-election-threats-task-force-secures-ninth-conviction>.

federal agents and DOJ personnel, including the DOJ’s recently hired Election Community Liaison, 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, some election officials have reported that there is a high ECC turnover rate in their district, which lessens election officials’ ability and willingness to invest in these relationships. And with only 33 percent of local election officials aware of the Task Force and its important work, there is more work to do.

There is reason to believe strategic expansion of current outreach efforts would reap results. Of the small share of those who indicated they had contact either with the Task Force or the ECC, the majority have found their interactions helpful.⁸⁰ Merely being aware of the Task Force and recognizing it as a readily available resource can instill a much-needed sense of confidence and reassurance. This support is especially crucial in an environment where nearly half of local election officials who have been threatened because of their jobs did not even report the threat to law enforcement.⁸¹

CISA faced similar challenges after former DHS Secretary Jeh Johnson designated election infrastructure as critical infrastructure in 2017.⁸² This designation allowed CISA to 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,”⁸³ 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.⁸⁴

DOJ should bring on a similar senior advisor to the task force. The Brennan Center’s survey found that nearly 9 in 10 local election officials would be more willing to trust and work with the DOJ if the task force hired someone with elections experience.⁸⁵ 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 94 percent of local election officials who

⁸⁰ Brennan Center for Justice, *Local Election Officials Survey – April 2023*, 27.

⁸¹ Brennan Center for Justice, *Local Election Officials Survey – April 2023*, 14.

⁸² Department of Homeland Security, “Statement by Secretary Jeh Johnson.”

⁸³ U.S. Election Assistance Commission, Transcript from EAC Election Readiness Summit, October 3, 2018, 43, https://www.eac.gov/sites/default/files/event_document/files/CART_100318EAC_Election_Readiness_Summit.pdf.

⁸⁴ EAC, Transcript from EAC Readiness Summit.

⁸⁵ Brennan Center for Justice, *Local Election Officials Survey – April 2023*, 28.

reported a threat to law enforcement contacted local law enforcement, compared to 13 percent who contacted federal law enforcement.⁸⁶ (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. Conclusion

Election officials from across the country continue to face death threats and harassment for simply doing their jobs. These threats are a significant factor in the high election official turnover rate, which increases the fragility of our democracy. Congress plays an important role in protecting our election officials – and our democracy, and should take steps to protect both. Despite these challenges, our election officials are doing their jobs and planning for a free, safe, and secure 2024 election cycle.

⁸⁶ Brennan Center for Justice, *Local Election Officials Survey – April 2023*, 14.