

Election Officials Under Attack

The federal government, state lawmakers, election administrators, and internet companies must act to protect the stewards of American democracy.

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As states around the country pass laws that will limit access to voting in the name of baseless “election integrity concerns,” they have almost entirely ignored one of the most pernicious threats to our democracy in decades: the harassment and intimidation of election workers. The threats got so bad in the weeks before and after Election Day 2020 that several officials had to temporarily abandon their homes, fearing for their safety. Many spent their own money on home security systems. Others required round-the-clock police surveillance. And the threats continue to this day.

The most troubling and impactful villainization of election officials has come from some of America’s political leaders. Many have pointed to President Trump’s attempt to delegitimize the 2020 election results as “rigged” — and the “Stop the Steal” movement he inspired — as the reason for targeting election officials. But the problem goes far deeper than one man.

In several states, party leaders have censured and replaced officials who insisted on telling the truth about the security and accuracy of the election. Legislators have introduced bills that would impose criminal penalties on election officials and workers for taking steps like proactively sending mail ballot applications to voters or, under certain circumstances, purchasing advertisements about

upcoming elections on social media platforms like Twitter or Facebook. Finally, and most troublingly for the future of our democracy, state legislatures across the nation have taken steps to strip election officials of the power to run, count, and certify elections, consolidating power in their own hands over processes intended to be free of partisan or political interference.

All of this represents a mortal danger to American democracy, which cannot survive without public servants who can freely and fairly run our elections. We must ensure that they feel not only safe but also supported and appreciated for their critical efforts.

What Can Be Done?

Over the past few months, the Brennan Center for Justice, the Bipartisan Policy Center, and Harvard University’s Ash Center for Democratic Governance and Innovation explored this question, interviewing and hosting conversations with nearly three dozen election officials and over 30 experts in democracy, election administration and technology, cybersecurity, disinformation, international elections, behavioral science, and criminal procedure. We identified four overlapping areas of concern that threaten

the integrity of election administration in the United States: violent threats against election workers and their families; disinformation about election administration; partisan and political interference; and challenges to keeping and recruiting talented workers committed to fairness in elections.

Below, we summarize some of the most important findings and recommendations in this report:

Finding 1: Violent threats against election workers reached an alarming level in 2020 and continue in 2021.

A survey of election officials commissioned by the Brennan Center and conducted by Benenson Strategy Group found that one in three election officials feel unsafe because of their job. And nearly one in five listed threats to their lives as a job-related concern.

Solutions:

- The Department of Justice should create an election threats task force to work with federal, state, and local partners to prioritize identifying, investigating, and prosecuting threats against election officials and workers.
- States should pass new laws and appropriate funds to provide greater personal security for election officials and workers. Such measures should include providing greater protection of personally identifiable information, grants to purchase home intrusion detection systems, and funds for training and education related to maintaining greater personal security.
- States should make additional investments to secure election offices and ensure that they have processes in place to coordinate swift investigation and prosecution of those responsible for threats to election workers.
- Election officials should use tabletop exercises and build cooperation with law enforcement and other government agencies like the Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (CISA) to be better prepared for threats ahead of time and to take proactive steps to protect their personal information.

Finding 2: Disinformation has made election officials' jobs more difficult and dangerous.

In 2020, political actors ramped up the lies about election processes to try to influence election outcomes, often on social media. This disinformation has indelibly changed

the lives and careers of election officials. Indeed, 78 percent of election officials surveyed by the Brennan Center said that social media, where mis- and disinformation about elections both took root and spread, has made their job more difficult; 54 percent said they believe that it has made their job more dangerous. Internet companies (social media platforms and search engines) have a great deal of work to do to stem the amplification of disinformation. Here, we list a few key steps that they, along with the federal and state governments, can take to empower election officials in this struggle.

Solutions:

- CISA, working in conjunction with others — including the U.S. Vote Foundation, the Election Infrastructure Information Sharing and Analysis Center (EI-ISAC), the Election Assistance Commission (EAC), and state and national election official associations — should facilitate the creation of a directory of the more than 8,000 election officials who are authoritative sources on the elections they administer. Internet companies should work with officials in those organizations to correct falsehoods and better ensure accurate content.
- States should clarify rules that govern party monitors and require training and accountability. In 2020, some party monitors who served as observers before, during, and after Election Day became sources of disinformation, at times unwittingly.
- States should assign “disinformation navigators” to work with CISA and assist local election officials by responding to disinformation and advocating on their behalf with social media platforms.
- Congress and the states should pass laws that prohibit misleading fundraising off contesting elections.
- Internet companies should develop and consistently apply transparent rules that respond to the problem of repeat mis- and disinformation spreaders, including prominent users. In severe cases, platforms should automatically delay the publication of posts, providing time for trained monitors to review them before countless users see them. They should also send corrective information to users who have received election misinformation.
- Internet companies should take steps to collaborate and share information about emerging disinformation threats with each other and election officials by forming information sharing and analysis centers or other partnerships.

- Election officials should have a crisis communications plan ready to address disinformation. They should also educate the public about election processes and maintain local “rumor control” pages to “pre-bunk” falsehoods.

Finding 3: Election officials increasingly face pressure to prioritize partisan interests over a fair, democratic process.

The notorious recorded phone call during which President Trump pressured Georgia Secretary of State Brad Raffensperger to “find 11,780 votes . . . because we won the state” is only the most well-known and most flagrant effort to pressure an election official in 2020 to prioritize partisan interests over a fair democratic process. In our discussions with election officials, many shared their own stories of partisan actors attempting to interfere with the conduct of the election or pressure them to favor candidates of a particular party.

Solutions:

- States should explore structural changes to election administration to insulate election officials from political interference, including changes that establish a protected scope of authority for election officials over-counting and certifying elections and guarantee a minimum level of funding. Citizen-sponsored ballot initiatives may be required to make these changes.
- States should create election administration advisory boards that include election officials and members who represent statewide officeholders, legislative leadership, local and state election officials, voting rights organizations, and other stakeholders to foster effective communication and the depoliticization of election administration policymaking.
- States should develop laws or guidance prohibiting public officials responsible for certifying election results from initiating or participating in off-the-record communications with individuals attempting to influence the certification of election results.
- States should ensure that election officials have adequate legal representation to defend against politically motivated lawsuits and investigations, and election official associations should cultivate and organize pro bono legal assistance to the extent that states fail to do so.
- Election officials should develop a robust code of ethics to help guide discretionary decision-making and avoid potential conflicts of interest.

- National and state election official associations should proactively build relationships with organizations that connect lawyers to pro bono opportunities.

Finding 4: Despite their foundational importance to our democratic system, local election officials carry an unsustainable workload compared to other professional staff.

Large numbers of election officials have resigned in the past year, raising alarm bells. But the wave of departures could soon turn into a tsunami. As of 2020, almost 35 percent of local election officials were eligible to retire by the 2024 election, and it is not clear who will replace them, nor whether those willing to take the job in the future will share the commitment to free and fair elections that was so critical in 2020. While election officials we spoke with cited many reasons for leaving the field, the unsustainable workload came up repeatedly in our interviews.

Key Solutions:

- State and local election officials should adopt creative staffing solutions, including establishing relationships with colleges and universities, to ease work burdens and create a talent pool for future recruitment.
- State legislators should consolidate elections so that they occur concurrently rather than repeatedly throughout the year. They should also increase election official and staff pay to match their local government peers and create recognition awards to acknowledge election officials’ public service.
- Local election officials should use existing professional networks (such as state and national election official associations) to improve working conditions and to better empower election officials and workers to ensure free and fair elections. This effort should include hiring staff to coordinate with these networks and focus on education, lobbying, and communications.
- State and local election officials should work to fill recent and impending retirements in the field by taking steps to diversify the pool of future administrators, including by using internships, fellowships, community colleges, and universities to fill existing needs and provide a new generation of Americans with election administration experience.

Election officials are the unsung heroes of the 2020 election. Despite the Covid-19 pandemic and an unprec-

edented flood of mis- and disinformation, they managed to run an election with the highest voter turnout in more than 100 years. If we are going to protect our democracy, we must protect them. Doing so will require a whole-of-society approach that includes federal and state legislatures, prosecutors, law enforce-

ment, and social media companies. Most importantly, those with the power to effect change should consult closely with election officials and workers themselves. To say that the survival of our democracy depends on it is no exaggeration.

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