

POLICY SOLUTION

Election Officials Under Attack

SUMMARY: Scapegoated for election outcomes that some politicians and voters did not like, election officials have been under unprecedented attack. Here's a plan to protect them.



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Election Security

Al Schmidt, the Republican city commissioner of Philadelphia, might seem an unlikely lightning rod for the 2020 election. The married father of three, described by local media as a “bespectacled” bureaucrat, is one of three commissioners responsible for overseeing election-related affairs for the city. ¹ A decades-long Republican, he prided himself on bringing transparency to Philadelphia’s election processes. ²

Threats against Schmidt and his board of elections colleagues began before Election Day, November 3, 2020. About a week prior, someone left an ominous phone message stating that the board members were “the reason why we have the Second Amendment.” ³ Shortly after that, police arrested two men in Philadelphia “after

receiving an FBI tip that they were making threats against the Pennsylvania Convention Center,” where ballots were being counted. The men were armed with “two loaded semi-automatic Beretta pistols, one semi-automatic AR-15-style rifle, and ammunition” at the time of the arrest. ⁴

In the days after Pennsylvania was called for Joe Biden, Schmidt appeared in the media to defend the integrity of the election. President Donald Trump and his campaign called out Schmidt and members of his staff. Stalkers tracked down the cell phone numbers of Schmidt and a staff member, who is Jewish, which “ignited . . . [a] wave of menacing and often anti-Semitic attacks.” ⁵

Schmidt and his family received death threats. One text message, which mentioned his wife and children, read, “You lied. You a traitor. Perhaps 75cuts and 20bullets will soon arrive.” ⁶ His wife received the following threats via email the next morning: “ALBERT RINO SCHMIDT WILL BE FATALLY SHOT,” and “HEADS ON SPIKES. TREASONOUS SCHMIDTS.” ⁷ A 24-hour security detail remained at Schmidt’s and his parents’ houses well into 2021. ⁸ For their safety, his wife and children left their home after the election. ⁹

Al Schmidt’s is not an exceptional case. Around the country, election officials have been under attack in the last year. Long used to staying in the background, they have now found themselves cast as villains, scapegoated for election outcomes that some politicians and voters did not like.

The most troubling and impactful villainization of election officials in the last year 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. ¹⁰ 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. ¹¹ 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.

¹²

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 vital efforts.

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What Can Be Done?

Over the past few months, the Brennan Center for Justice, the Bipartisan Policy Center, and Harvard Kennedy School'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. Each one represents a separate section of this report: 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.

We summarize some of the most important findings and recommendations in this report below:

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 this spring 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. ¹³

Key Solutions:

The Department of Justice (DOJ) 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 prioritize implementing processes to coordinate swift investigation and, where appropriate, prosecution of those responsible for threats to election workers.

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

Key Solutions:

The Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (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-appointed monitors and require training and accountability. In 2020, some party-appointed monitors who served as observers before, during, and after Election Day became sources of disinformation, at times unwittingly.

Internet companies — namely, social media platforms and search engines — 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 to review them before countless users have a chance to see them.

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.

Key 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 overcounting and certifying elections and guarantee a minimum level of funding. Citizen-sponsored ballot initiatives may be required to make these changes.

Election officials should develop a robust code of ethics to help guide discretionary decision-making and avoid potential conflicts of interest.

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.

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.¹⁴ 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 2020.¹⁵ While election officials cited many reasons for leaving the field, the unsustainable workload came up repeatedly in our interviews.

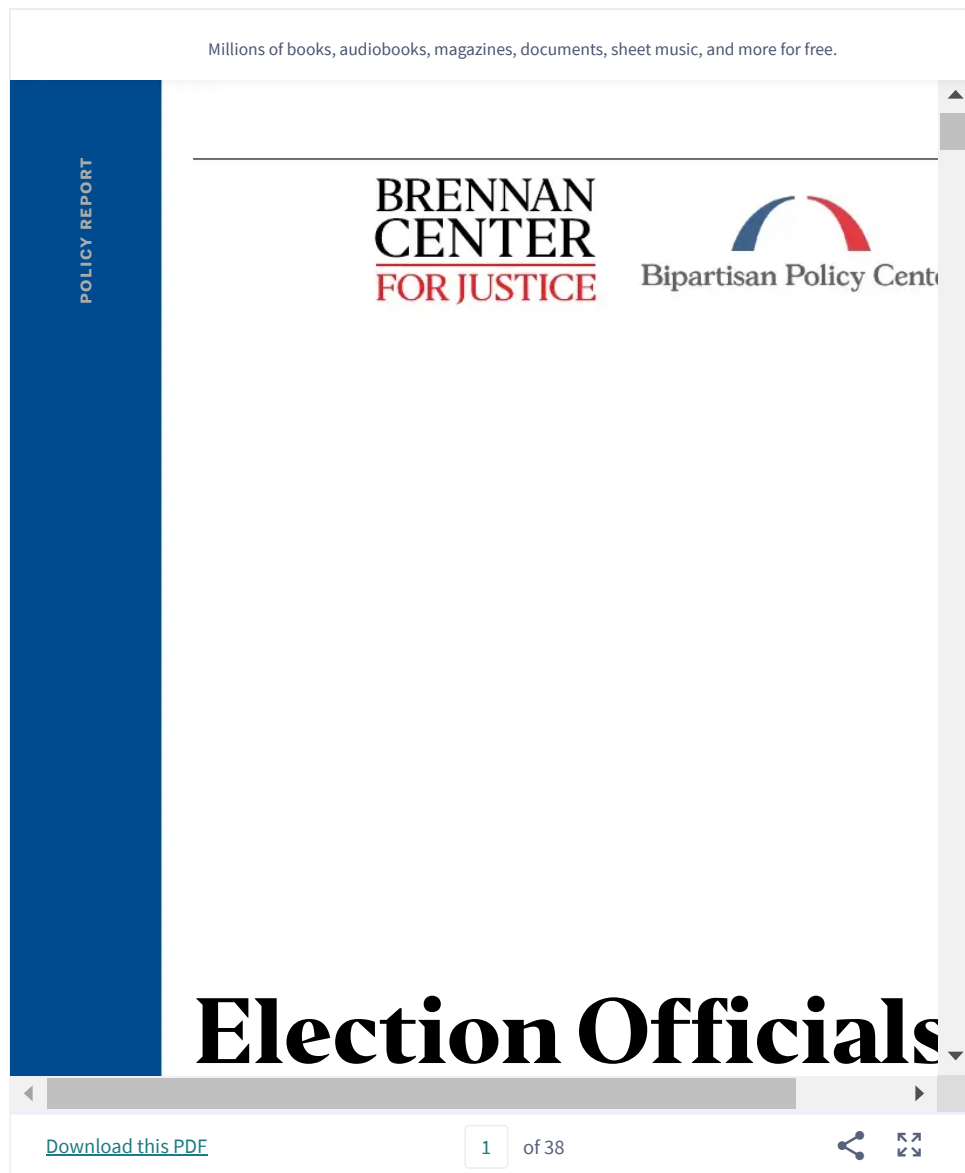
Key Solutions:

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.

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 to impact election policy.

They should also hire staff to coordinate with these networks and focus on education, lobbying, and communications.



Endnotes

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