



Providing Safety and Security to Elections and Election Workers

Recent elections have seen a surge in threats of violence against election workers.¹ In order to reverse this dangerous trend, the Committee for Safe and Secure Elections (CSSE) recommends fully funding election worker security, protecting their privacy, holding those who threaten them accountable, and improving tracking of incidents while upholding transparency and preserving the rights of all election participants.

Though the 2022 midterm elections were largely free of physical violence, election officials and workers across the country continue to be threatened, intimidated, and harassed at an alarming rate.² The field of election administration is undergoing a mass exodus of workers forced to add fear for their safety to the list of difficulties associated with their work.³ A recent survey found that 30 percent of local election officials have personally experienced threats, abuse, or harassment, and nearly 75 percent said they feel threats have increased in recent years.⁴ These threats are often violent and graphic, and are disrupting elections across the country.⁵ They have no place in our system of government.

As such, the following principles and policies aim to protect election workers while maintaining a transparent and secure process. These principles are supported by a cross-partisan group of election administrators, law enforcement officers, and policy experts. We believe what follows are some of the most pressing needs facing elections and election workers, and enacting policies with these goals in mind will represent an important and substantial movement toward preserving election integrity, transparency, and security.

Ensure adequate resources, security, and training to address emerging threats to election workers

American elections are chronically underfunded.⁶ Election workers and others across the country have raised alarms about the issues that this lack of funding creates and have emphasized the importance of adequate funding to keep administrators safe and the elections they oversee secure.⁷ Election funding is rarely a top priority and often comes in infrequent and unpredictable amounts and intervals.⁸ This often makes spending and budgeting for necessities like upgrades to security exceedingly difficult.⁹

Funding is important for basic security needs such as locks, panic buttons, video cameras, or bulletproof glass; physical safety training, including prevention and de-escalation training; online privacy services to protect personal information and prevent doxxing; and security systems for election workers' homes.¹⁰ These measures are in line with recommendations and guidance from election administrators and federal agencies.¹¹ Other support needs could include funding for online training and guidance on doxxing prevention measures or for bolstering the federal agencies—the Cybersecurity and Infrastructure Security Agency, Department of Homeland Security, and Election Assistance Commission—that provide specialized assistance to protect election workers.¹²

Data consistently show that nearly all jurisdictions are underfunded.¹³ Some states may be able to identify and eliminate funding inefficiencies or rethink how existing resources are allocated, others may need additional resources to ensure minimum funding to carry out secure elections.¹⁴ But while the needs and level of flexibility may differ by location, the majority of election administrators—from across the political spectrum—agree that better funding is necessary to maintain election integrity.¹⁵

Federal, state, and local governments should all commit to providing greater resources for election safety and security. The increase in threats towards elections and election workers also demands a more consistent funding response to ensure that elections will be safe and secure. Federal and state officials in particular should also provide clarity and support to help election officials access funds that already exist.

Protect the privacy of election workers and their families as a defense against threats

Beyond funding considerations, it is important to take steps to protect the personal privacy of election officials and workers. Though there is a public interest in making aggregate information about election workers public, revealing personally identifying information can pose risks to election workers. This type of information has been used to harass and intimidate not only election workers but their family members as well.¹⁶

States like California, Colorado, and Washington have developed programs for election officials and other public servants to protect their privacy.¹⁷ Many of these programs also include exemptions from address disclosure under open records requests—similar to the programs created to protect judicial officers and victims of domestic violence.¹⁸

In addition to these state-level efforts, the federal government could consider creating address protection requirements and legal pathways for recovering financial damages for unlawful disclosure of personally identifying information. There is precedent in other contexts for federal agencies to have an obligation not to disclose information about individuals in its records, absent some exceptions.¹⁹ In this instance, the federal government established a private cause of action for monetary damages against federal employees who disclose such information in violation of the law.²⁰

These measures are specifically targeted at protecting the personal information of individuals. They do not interfere with addressing good faith questions and concerns, prevent holding bad actors accountable, or undermine transparency in election administration.

Promote meaningful accountability for perpetrators of threats

When legally-actionable threats occur, it is critical that offenders face appropriate accountability. While criminal investigations and filing of charges are a familiar part of the work done by law enforcement, providing security for election officials is much less so. Unfortunately, with some exceptions for judicial officers, local law enforcement has rarely been tasked with providing security details to public officials. Therefore, they have neither the appropriately trained staff nor funding to provide such details.²¹

Behavior that may make an election worker feel threatened may still be legal. For example, a review by the Department of Justice’s (DOJ) Election Threats Task Force found that only 11 percent of reported interactions between election officials and intimidating individuals met the threshold for a federal criminal investigation.²² But even in those cases, reporting such incidents is still crucially important.

Even if a threat is ultimately not chargeable, it may still warrant the opening of an investigation, a report being filed, or another action being taken. In a recent election-related shooting in New Mexico, police were able to identify the suspected culprit in part because of previously logged threats.²³ Cooperation and communication between election workers and law enforcement can be critical to holding perpetrators of threats accountable swiftly and effectively. Furthermore, reporting and recording incidents that involve threats against election workers - even when such incidents may not constitute a crime - also provides invaluable information about the overall prevalence of such intimidating acts.

In some jurisdictions, it may be appropriate to clarify laws on harassment and intimidation so that they adequately cover election officials and their staff, as well as agents and contractors, as well as family members and their places of residence. For example, Washington state has sought to address this issue by introducing legislation that clarifies what constitutes an unlawful threat of violence and increases penalties for those perpetrating such acts.²⁴

In addition, there may also be a benefit to creating state and/or federal private causes of action for election workers who are subjected to threats of harm and intimidation. Many factors may dissuade prosecutors from bringing criminal charges against perpetrators of threats, including the burden of proof for securing a criminal conviction, geographic distance from perpetrators, resource constraints, and potential defenses.²⁵ A civil cause of action could provide another tool—independent from the criminal justice system—to empower election officials themselves (and potentially state Attorneys General) to seek restraining orders and damages against repeat harassers. Two states, North Carolina and Minnesota, have pending legislation creating such a private right of action.²⁶

Ultimately, election administration should be transparent. States have a responsibility to ensure a safe and secure environment that treats everyone with respect, including election workers, voters and observers.

Increase access to data about threats against election workers to support policy solutions

Finally, it is important that there be readily-accessible mechanisms, such as websites or other similar pathways, for tracking reported threats, identifying patterns in the data, and summarizing actions taken on reported threats. Without shared information or access to a centralized datahub, reported threats may seem like isolated incidents when they are not. The lack of access to data can lead threats to come as a surprise when they otherwise could have been anticipated, prepared for, or even prevented altogether.

Maine recently passed legislation that could serve as an example to other states in this area.²⁷ Under this new law, threats against election workers constitute a misdemeanor and election officials must attend training on how to keep themselves and their offices safe. Additionally, the law creates a system for reporting to the

Secretary of State when threats occur, and it requires the Secretary of State to then annually report on these incidents to the state legislature.

The nonprofit sector has also stepped forward to address gaps in data collection and information sharing. The Bridging Divides Initiative at Princeton University and the Anti-Defamation League recently partnered to build a living dataset on threats and harassment to local officials.²⁸ By compiling publicly available data, this group has been able to identify trends in threats and violence, a necessary step in countering them. This project is national in scope, but other groups around the country can engage in similar efforts on a smaller, more refined scale within their locality, state, or region. Because of their access to additional sources of data, there may be a role for public entities and other public-private collaborations to bolster or supplement this work.

For example, the DOJ Election Threats Task Force could be tasked with coordinating with state and local law enforcement to collect and regularly report on election-related threats.²⁹ This could be comparable to the Computer Statistics (CompStat) process, a program that collects and analyzes data on crimes, is already familiar to many in law enforcement, and can be used to improve the prevention of and response to crime by police departments.³⁰ Given the nature of this problem, law enforcement can be a key voice in advocating for increased access to data about the number and nature of threats reported.

Where appropriate, violence intervention and mental health programs also could enable state and local law enforcement to conduct early interventions for those engaged in threats against election workers.

Conclusion

Collectively, these measures represent an extremely valuable means of protecting and retaining election workers while preserving transparency in the administration of elections. This is important for continuity within jurisdictions, as losing institutional knowledge, experience, and expertise from election workers can create greater vulnerabilities in future elections and can create a greater strain on limited resources when replacing departing workers.³¹

The CSSE recognizes that the safety and security of future elections depends on the safety and security of election workers now. As such, we urge policymakers to consider the goals outlined here in order to preserve the integrity of our elections, and therefore our entire democratic system of government.

About the Author

The Committee for Safe and Secure Elections (CSSE) aims to support policies and practices that protect election workers and voters from violence, threats and intimidation. Doing so is critical to maintain the integrity of our elections and our representative system of government. The CSSE works to strengthen relationships between election officials and law enforcement by creating collaborative training activities and other venues for mutual engagement, developing resources, highlighting best practices and policies, identifying intervention gaps and supporting other partnership-building activities.

We feature cross-partisan experts in election administration and law enforcement who share these values and are committed to these principles of action. As such, our members often advise lawmakers about public policies that could help in support of our mission. Safe and secure elections are a critical component of representative government, but they will not happen on their own or simply by accident. Instead, they depend on informed policymakers at all levels of government making a concerted effort to advocate for policies that bolster security and integrity.

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