

S. HRG. 118-171

ONGOING THREATS TO ELECTION ADMINISTRATION

HEARING BEFORE THE COMMITTEE ON RULES AND ADMINISTRATION UNITED STATES SENATE ONE HUNDRED EIGHTEENTH CONGRESS FIRST SESSION

WEDNESDAY, NOVEMBER 1, 2023

Printed for the use of the Committee on Rules and Administration



Available on <http://www.govinfo.gov>

U.S. GOVERNMENT PUBLISHING OFFICE
WASHINGTON : 2024

COMMITTEE ON RULES AND ADMINISTRATION

FIRST SESSION

AMY KLOBUCHAR, Minnesota, *Chairwoman*

CHARLES E. SCHUMER, New York
MARK R. WARNER, Virginia
JEFF MERKLEY, Oregon
ALEX PADILLA, California
JON OSSOFF, Georgia
MICHAEL F. BENNET, Colorado
PETER WELCH, Vermont
LAPHONZA R. BUTLER, California

DEB FISCHER, Nebraska
MITCH McCONNELL, Kentucky
TED CRUZ, Texas
SHELLEY MOORE CAPITO, West Virginia
ROGER WICKER, Mississippi
CINDY HYDE-SMITH, Mississippi
BILL HAGERTY, Tennessee
KATIE BOYD BRITT, Alabama

ELIZABETH FARRAR, *Staff Director*
JACKIE BARBER, *Republican Staff Director*

C O N T E N T S

	Pages
OPENING STATEMENT OF:	
Hon. Amy Klobuchar, Chairwoman, a United States Senator from the State of Minnesota	1
Hon. Deb Fischer, a United States Senator from the State of Nebraska	3
Hon. Adrian Fontes, Secretary of State, Arizona Office of the Secretary of State, Phoenix, Arizona	5
Hon. Al Schmidt, Secretary of the Commonwealth, Pennsylvania Department of State, Harrisburg, Pennsylvania	7
Wayne J. Bena, Deputy Secretary of State for Elections, Nebraska Office of the Secretary of State, Lincoln, Nebraska	9
Alan Farley, Administrator of Elections, Rutherford County Election Commission, Murfreesboro, Tennessee	11
Elizabeth Howard, Deputy Director of the Elections and Government Program, Democracy, Brennan Center for Justice, Washington DC	13
PREPARED STATEMENT OF:	
Hon. Adrian Fontes, Secretary of State, Arizona Office of the Secretary of State, Phoenix, Arizona	33
Hon. Al Schmidt, Secretary of the Commonwealth, Pennsylvania Department of State, Harrisburg, Pennsylvania	42
Wayne J. Bena, Deputy Secretary of State for Elections, Nebraska Office of the Secretary of State, Lincoln, Nebraska	46
Alan Farley, Administrator of Elections, Rutherford County Election Commission, Murfreesboro, Tennessee	48
Elizabeth Howard, Deputy Director of the Elections and Government Program, Democracy, Brennan Center for Justice, Washington DC	51
FOR THE RECORD:	
Statement of Dr. Natalie M. Scala, Townson University, Empowering Secure Elections	66
Issue One—The High Cost of High Turnover	69
Statement of Tiana Epps-Johnson, Executive Director of the Center for Tech and Civic Life	85
Testimony of Aaron Ammons, Champaign County Clerk, Recorder of Deeds	90
QUESTIONS SUBMITTED FOR THE RECORD:	
Hon. Amy Klobuchar, Chairwoman, a United States Senator from the State of Minnesota to Hon. Adrian Fontes, Secretary of State, Arizona Office of the Secretary of State, Phoenix, Arizona	94
Hon. Amy Klobuchar, Chairwoman, a United States Senator from the State of Minnesota to Hon. Al Schmidt, Secretary of the Commonwealth, Pennsylvania Department of State, Harrisburg, Pennsylvania	96
Hon. Amy Klobuchar, Chairwoman, a United States Senator from the State of Minnesota to Wayne J. Bena, Deputy Secretary of State for Elections, Nebraska Office of the Secretary of State, Lincoln, Nebraska	97
Hon. Deb Fischer, a United States Senator from the State of Nebraska to Wayne J. Bena, Deputy Secretary of State for Elections, Nebraska Office of the Secretary of State, Lincoln, Nebraska	97

IV

	Page
Hon. Amy Klobuchar, Chairwoman, a United States Senator from the State of Minnesota to Alan Farley, Administrator of Elections, Rutherford County Election Commission, Murfreesboro, Tennessee	98
Hon. Deb Fischer, a United States Senator from the State of Nebraska to Alan Farley, Administrator of Elections, Rutherford County Election Commission, Murfreesboro, Tennessee	98
Hon. Amy Klobuchar, Chairwoman, a United States Senator from the State of Minnesota to Elizabeth Howard, Deputy Director of the Elections and Government Program, Democracy, Brennan Center for Justice, Washington DC	100

ONGOING THREATS TO ELECTION ADMINISTRATION

WEDNESDAY, NOVEMBER 1, 2023

UNITED STATES SENATE
COMMITTEE ON RULES AND ADMINISTRATION
Washington, DC.

The Committee met, pursuant to notice, at 3:07 p.m., in Room 301, Russell Senate Office Building, Hon. Amy Klobuchar, Chairwoman of the Committee, presiding.

Present: Senators Klobuchar, Fischer, Merkley, Padilla, Ossoff, Bennet, Welch, Butler, Hagerty, and Britt.

OPENING STATEMENT OF HONORABLE AMY KLOBUCHAR, CHAIRWOMAN, A UNITED STATES SENATOR FROM THE STATE OF MINNESOTA

Chairwoman KLOBUCHAR. Good afternoon. Honored to call this hearing of the Rules and Administration Committee to order. I would like to thank Ranking Member Fischer, our colleagues, our staffs, and all of our wonderful witnesses.

I will note that we have four votes going on. What could go wrong? You are going to see people running back and forth. I also note that Senator Butler, this is her first hearing, and we welcome you to the Committee as a new Member. Thank you.

[Applause.]

Chairwoman KLOBUCHAR. I also note that you are going to be presiding, so we will try to accommodate that as well. We do want to take a moment to thank Senator Feinstein, a monumental figure in Congress, a trailblazer, and the first woman to Chair this Committee. She also Chaired the Inauguration. We thank her. We know Senator Padilla knew her very well and we miss her.

Our witnesses, who I will introduce shortly are, Arizona Secretary of State Adrian Fontes, Pennsylvania's Secretary of the Commonwealth Al Schmidt, who testified before this Committee in 2021, Elizabeth Howard, who is the Deputy Director of the Democracy Program for Elections at the Brennan Center, and I know Senator Fischer will be introducing Nebraska Deputy Secretary of State for Elections Wayne Bena. Then Senator Hagerty will be introducing the Administrator of Elections for Rutherford County in Tennessee, Alan Farley.

We are just over a year until the 2024 election. We are here to discuss the ongoing threats and abusive conduct targeting election workers across the country and the need for bipartisan solutions to counter these threats.

Public servants who have been threatened over the last few years come from red, blue, and purple states. They are Democrats and Republicans. Many are volunteers. They are essential to the administration of our free and fair elections.

In all 50 states they are now hard at work to ensure that the upcoming elections run smoothly, with some primary ballots actually going out as soon as next month. But persisting threats, which rose alarmingly in recent years, as we have discussed in this Committee, have resulted in all too many of these workers leaving their jobs.

At the same time, it has made it harder to recruit more poll workers and other officials to run our elections. Here is what is at stake. In Arizona, 80 percent of counties have lost their chief local election official in the last three years.

As Secretary Fontes noted in his written testimony, Arizona has lost a combined 176 years of expertise with those officials. In Pennsylvania, more than 50 top local election officials resigned over the same time period. In some states, county election offices have lost all of their staff, as we saw in Buckingham County, Virginia earlier this year.

This turnover is happening in states nationwide, resulting in a loss of valuable experience. According to one study of 161 counties in 11 Western states that have new chief election officials in the past three years, the median amount of experience has dropped from about eight years to one year.

It is not hard to understand why election workers are leaving their posts and resigning. Their families have experienced horrific threats, as Secretaries Fontes and Schmidt are well aware. Secretary Fontes' children had to vacate their home for days following serious threats to their safety. Last year in Maricopa County, there were armed people, some dressed in camo, intimidating voters in drop boxes.

When Secretary Schmidt last appeared before our Committee, he shared with us how his address, a picture of his house, and his kids' names had been put out on the internet, along with the graphic messages he received threatening their lives. That was while he served as a Republican election official. We heard about several more harrowing experiences that election workers faced while on the job during last year's midterms.

One election worker in Oregon reported being almost run off the road while driving by a woman yelling traitor out of her window. One Maricopa County official in Arizona shared that last November he received a threat identifying his home address and threatening the lives of his four children.

According to an April 2023 survey of local election officials from the Brennan Center, nearly one in three say they have been either threatened, abused, harassed, and one in five say they know someone who left their job in elections due to safety concerns. Notably, the Department of Homeland Security released an advisory in May warning about violent extremism, including threats related to elections.

In states such as Georgia, we have also seen efforts to remove election officials from their positions, including efforts targeting nonpartisan officials in Texas and Wisconsin.

Protecting election workers should not be a partisan issue. As we will hear from our witnesses about the ongoing threats, we must work together to find common ground to protect the people on the front lines of our democracy.

Last year, before Senator Fischer and I together Chaired this Committee, Senator Blunt was the lead Republican, and he and I worked together on the Election Assistance Commission actions. We asked them to act, and they voted unanimously to allow election officials to use federal funding to protect election workers from threats and harassment.

This was a step forward, but we need to do more to ensure election officials have the resources they need. I lead comprehensive legislation, the Freedom to Vote Act, that includes provisions to protect election officials from threats and harassment.

I also introduced the Election Worker Protection Act with 26 co-sponsors to provide needed resources to states to recruit and train election workers, make safety improvements, and establish safeguards to shield election workers from intimidation and threats. The urgent need to protect election workers is clear, and we have had a number of Secretaries of State across the country endorse this bill.

The Justice Department also must play a key role, as well as local law enforcement, in making sure that election workers are protected.

I look forward to hearing from our witnesses about these serious issues and how we can work together to address them. With that, I will turn it over to Senator Fischer.

**OPENING STATEMENT OF HONORABLE DEB FISCHER, A
UNITED STATES SENATOR FROM THE STATE OF NEBRASKA**

Senator FISCHER. Good afternoon, and thank you, Chairwoman Klobuchar, for holding this hearing today. Thank you to our witnesses for joining us. I would also like to welcome our new Member of the Committee, Senator Butler, from California.

Welcome. We appreciate having you on this Committee and look forward to working with you on a number of good issues.

Today, we will hear from state and local election officials from across the country, including the great State of Nebraska, about threats to election administration.

We look forward to hearing your testimony and learning from your experiences. As voters, on Election Day, we are focused on which candidate we will pick for County Commissioner, Governor, or United States Senator, but well before voters fill in a single oval, state and local election officials are making sure that every name on the ballot is perfectly spelled, that the ballot paper is the correct weight for scanning, and that election equipment is tested and secured.

Election officials are assigning election workers to polling locations and making sure that each polling location has the correct equipment and number of ballots. Needless to say, state and local election officials work tirelessly to administer elections, often managing multiple elections in a year.

In recent years, election officials have faced both cybersecurity threats and physical threats. They have struggled to retain experi-

enced poll workers, and to recruit and train new poll workers. They have had to work hard to make sure that voters have confidence and that their ballots were cast as intended, and that voters have faith in that final vote count.

I am interested in hearing from our witnesses about the specific challenges they are facing as they administer elections. I want to understand not only what these issues are, but how widespread they are, and how they are being addressed. If outside assistance, either state, federal, or private, is being used to address them.

I am also interested in hearing if and how support provided by the Federal Government over the years is working. Is the Federal Government providing actionable information about election threats in a timely manner? Have clear lines of communication and cooperation been established? Is there other information that the Federal Government should be sharing with election officials?

For more than 200 years, states have been responsible for administering elections in this country. These elections are being conducted in nearly 177,000 voting precincts across our country. As we examine the threats that state and local election officials are seeing in election administration, we must remember that elections in this country are diverse.

The threats and challenges they face are diverse, and the solutions will be diverse. I thank my colleagues and our witnesses for being here today, and I look forward to a productive discussion. Thank you, Madam Chair.

Chairwoman KLOBUCHAR. Thank you very much. Introducing our witnesses, Arizona Secretary of State Adrian Fontes. He was elected in 2022 after previously serving as Maricopa County Recorder.

Earlier in his career, he worked as a prosecutor and led the International Prosecution Unit at the Arizona AG's Office. He is a veteran of the Marine Corps and graduated from Arizona State and the University of Denver Law School.

Our next witness is Pennsylvania Secretary of the Commonwealth Al Schmidt. He was appointed in January, confirmed in June. He previously served for 10 years as a Republican City Commissioner in Philadelphia, where he was Vice Chairman of the bipartisan Board of Elections. He graduated from Allegheny College and received a doctorate in History from Brandeis. He also worked for the Presidential Commission on Holocaust Assets.

Then with us, Elizabeth Howard, Deputy Director of the Democracy Program for Elections and Government at the Brennan Center for Justice. Previously, she served as Deputy Commissioner for the Virginia Department of Elections.

She graduated from the University of Tennessee and William and Mary Law School. With that, I will turn it over to Senator Fischer.

Senator FISCHER. Thank you, Madam Chair. Again, I thank our witnesses for joining us today. We have with us Wayne Bena, Nebraska's Deputy Secretary of State for Elections. Before joining the Secretary of State's Office, Mr. Bena served as a local election official in Sarpy County, Nebraska.

I have had the privilege of working with him to serve Nebraskans for many years now, and I am pleased that he has come all

the way from Lincoln to join us for this important hearing. I look forward to your testimony, Mr. Bena.

Chairwoman KLOBUCHAR. All right. Last but not least, Senator Hagerty.

Senator HAGERTY. Thank you, Chairwoman Klobuchar. Thank you, Ranking Member Fischer. It is always a privilege to have Tennesseans join us here in the Senate. It is my honor today to introduce one of our witnesses, Alan Farley. Mr. Farley currently serves as the Election Administrator for Rutherford County, Tennessee.

There, he serves since his appointment by the County Commission since 2014. During his time as Election Administrator, Mr. Farley has led several important initiatives, including replacing paperless voting machines with machines that provide a verifiable paper audit trail. He has pushed for protecting election infrastructure from cyber-attacks. He has emphasized the importance of recruiting, training, and retaining poll workers.

He pioneered a system under which voters can identify and use the most convenient polling place on Election Day. Mr. Farley has carried out his work in a nonpartisan, professional manner that inspires public confidence in the integrity of our elections. It is a great service to our state and to our Republic.

I want to thank Mr. Farley for joining us today, to let him know that we appreciate his public service and glad that he is here. I also want to acknowledge that I just learned Ms. Howard is a Tennessean as well. Congratulations on graduating from the fine University of Tennessee and for being born in my home state. Thank you.

[Laughter.]

Chairwoman KLOBUCHAR. You have stacked the Committee, Senator Hagerty. In addition to the Senators I mentioned earlier, I want to thank Senator Britt for joining us and Senator Merkley and Senator Welch.

We have many, many Senators here today. I am going to swear in our witnesses. Just take a minute. If you could stand up. Do you swear that the testimony you will give before the Committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FONTES. I do.

Mr. SCHMIDT. I do.

Mr. BENA. I do.

Ms. HOWARD. I do.

Mr. FARLEY. I do.

Chairwoman KLOBUCHAR. Thank you, and you can be seated. We will now turn to you—each of you for a five minute statement, starting with Secretary of State Fontes.

**OPENING STATEMENT OF HONORABLE ADRIAN FONTES,
SECRETARY OF STATE, ARIZONA OFFICE OF THE SECRETARY
OF STATE, PHOENIX, ARIZONA**

Mr. FONTES. Thank you, Chairwoman Klobuchar, Ranking Member Fischer, and Members of the Committee. Thank you for the opportunity to discuss the ongoing threats to elections administration and the preparation we in Arizona are making. I formerly served

as the Maricopa County Recorder, overseeing the second largest voting jurisdiction in the United States of America.

My team worked in a bipartisan manner to upgrade equipment and processes and grew the number of registered voters in that one county by 500,000 voters in just four years. Now, as the Arizona Secretary of State, I am dedicated to the following premise: It is the American voter who should dictate outcomes, not partisan leaning officials or foreign actors. But with all the election misinformation and threats that have emerged therefrom, there has been a grave human cost. Since 2020, 12 out of 15 of Arizona's counties have lost senior election officials.

As a former county recorder myself, I can attest that the pre-2020 world for election administrators is gone. We do not feel safe in our work because of the harassment and threats that are based in lies.

Just ask a former county recorder about her dogs, poisoned as a means of intimidation. Her story is one of many veteran Arizona officials from both political parties who have left the profession for the sake of their own physical, mental, and emotional health, and that of their families. The cost of persistent misrepresentations about the integrity of our elections is high, but the cost of inaction against those threats is higher.

Some of the measures we have taken to address the loss of our expertise have included: intensive certification training; developing a more user friendly elections procedures manual—the rules of the game; hiring the first statewide chief information security officer dedicated to elections; instituting monthly security briefings, and bringing in technical experts from across the country; planning and executing tabletop exercises, including one upcoming in December with CISA, to participate and prepare against new threats.

Speaking of new threats, artificial intelligence, which has the potential to confuse voters and wreak havoc on the administration of elections, is one of those emergent new threats. Imagine, if you will, Members of the Committee, an election administrator like myself, showing up in a deep fake telling voters in a certain part of a jurisdiction that their polling places have been relocated and that the polling place times have changed.

Social media alone has the capacity to spread these kinds of deep fakes and lies far and wide with alarming speed. Now, if I were to go on TV afterwards or even Instagram live to debunk these deep fakes, who would know which was the real me? Foreign actors from hostile states such as Iran, China, Russia, and North Korea appear ready to take advantage of this nightmare scenario.

But we are meeting these challenges head on by pre-bunking and not just debunking this misinformation. We are working with the National Association of Secretaries of State on their, #Trusted Info 2024, initiative. We are livestreaming equipment certification with bipartisan observers. We are protecting our voter registration databases from AI generated attacks and more.

To be sure, federal agencies are key partners, including EAC with their best practices guides, the United States Postal Service prioritizing the protection of election mail, and CISA, as I have mentioned.

But there is still more that can be done and there is more that you can do. Help America Vote Act funds, as I have mentioned personally to some Members of this Committee and your staff, continue to be merely intermittent and wholly insufficient to provide predictable and sustained support that local jurisdictions require.

These jurisdictions run our federal elections with federal candidates on federal ballots, using federal rules, without any sustained or predictable federal support in the form of funding. This is very concerning. I am deeply grateful to Senator Klobuchar for introducing the Freedom to Vote Act and other proposed legislation that aims to help, and I urge Congress to move forward this important legislation.

Moreover, I implore you to ensure the vital election security services provided by CISA's physical security and cybersecurity agents survive any potential issues when it comes to negotiating the federal budget.

In conclusion, threats to American democracy are real, and American election administrators are rising to meet these challenges, but we cannot do it alone. Now, more than ever, we need a sustained and robust Congressional commitment to support our efforts in protecting the democracy that upholds this great Republic against the threats that every single one of us faces.

I thank you for the invitation to testify, and I look forward to answering any questions.

[The prepared statement of Mr. Fontes was submitted for the record.]

Chairwoman KLOBUCHAR. Thank you very much. Secretary Schmidt.

**OPENING STATEMENT OF HONORABLE AL SCHMIDT,
SECRETARY OF THE COMMONWEALTH, PENNSYLVANIA
DEPARTMENT OF STATE, HARRISBURG, PENNSYLVANIA**

Mr. SCHMIDT. Good afternoon, Chairwoman Klobuchar, Ranking Member Fischer, and Members of the Senate Rules and Administration. I have already submitted written testimony, so if I may, I just want to highlight a couple of quick issues that I would like to bring extra attention to.

My name is Al Schmitt. I am Secretary of the Commonwealth of Pennsylvania. Prior to that, I had run elections in Pennsylvania's largest county in Philadelphia for nearly ten years. My experience in 2020 was unfortunately not unique, as we saw with election administrators throughout our country.

In big cities and rural counties, red and blue alike, were frequently on the receiving end of violent threats against them, or targeting their families, or their coworkers, or any number of other efforts to sort of intimidate or coerce.

Since I last testified before this Committee two years ago, almost on this same topic, there have been a couple of developments that I think are important. The passage of the Electoral Reform—Electoral Count Act Reform—

Chairwoman KLOBUCHAR. Thank you for mentioning that. I forgot.

Mr. SCHMIDT. It was something—I was very happy to see it and I testified at to—on, you know, to support that two years ago. I

think that is a big development to sort of close that window of opportunity for bad faith actors to undermine confidence in election results.

I think that is a very significant—a very significant development. Other outside groups, nonpartisan, nonpolitical groups, Committee for Safe and Secure Elections works to bring together election administrators with law enforcement.

I know one lesson learned in 2020 is when a lot of this happened, we really did not know what to do or who to go to, and neither did law enforcement. Building those bridges is an important thing. This organization called Issue One, which has the Faces of Democracy campaign really intended to humanize election administrators. These are friends, these are family, your neighbors that are running elections. I think it is important that they be viewed as such in this important public service.

EOLDN, which is a group put together to provide pro-bono legal services to election administrators when they are harassed or coerced with malicious litigation seeming to try to destroy their livelihood. But the environment, unfortunately, despite these developments, remains the same, and it remains contentious.

In the Commonwealth of Pennsylvania, we have now lost about 70 election directors or assistant election directors in our 67 counties, and in some counties since 2020, they have changed election after election after election.

The consequences of that, I think, are sometimes on display when you have people running elections who have less experience running elections, they are more likely to make errors, and make errors in an environment where everything is perceived as being intentional and malicious and seeking to change the outcome of the election, even though it is really a reflection of their lack of experience.

That is, in my opinion, probably the biggest, if not one of the biggest challenges faced in election administration right now is the significant turnover of experienced officials. People leave for different reasons, one reason or another, but if they are—if they have been—if they are able to retire, for example, and they do not want to put up with this anymore, they take advantage of that opportunity to retire.

We have certainly seen that in Pennsylvania. It is one of those things that I think is contributing to, with so many questions out there and elections changing so much, contributing to efforts to undermine confidence in elections, despite them never being more safe and more secure than they are right now.

Starting in 2020, moving forward, every county in Pennsylvania, every voter votes on a voting system with a voter verifiable paper ballot that the voter reviews before casting their vote. Or they can now, since 2020, passed by a Republican House and a Republican Senate, and signed by a Democratic Governor, vote by mail, if they choose.

Also, obviously, a voter verifiable paper ballot. All those ballots are used in not one, but two audits after every election. It is perverse to see so many questions about elections at a time when they have never been more safe and never been more secure.

At the Department of State, we have been focused on building—training up—a training program for new election directors, producing training materials for them, and really trying to be of service to them as they step into this important responsibility to run elections.

I want to thank you for the opportunity to testify today. I applaud the steps that you have already taken, some of which I have mentioned, and I urge you to continue to work across party lines to find common ground on election reforms that will ensure the safety of local election officials who make our representative democracy possible.

[The prepared statement of Mr. Schmidt was submitted for the record.]

Chairwoman KLOBUCHAR. Yes, and I note, thank you for bringing the Electoral Count Act Reform. We had that.

I remember it was 14 to 1 vote on this Committee. Both Senator Schumer and Senator McConnell, this is the only Committee they serve on and supported this bill.

It was a big moment for the Committee. I hope we have more of those in this area. Thank you. Mr. Bena, who I know has worked with our Secretary of State in Minnesota, Steve Simon, and we welcome you.

**OPENING STATEMENT OF WAYNE J. BENA, DEPUTY
SECRETARY OF STATE FOR ELECTIONS, NEBRASKA OFFICE
OF THE SECRETARY OF STATE, LINCOLN, NEBRASKA**

Mr. BENA. Good afternoon, Chair Klobuchar, Ranking Member Fischer, and Members of the Rules and Administration Committee.

My name is Wayne Bena, and I have the honor and privilege of serving as Nebraska's Deputy Secretary of State for Elections. Before serving this state, like many of my counterparts here at the table, I served in my local capacity as the Sarpy County Election Commissioner.

This gave me an on the ground experience on what it takes to operate elections efficiently and effectively. In my 14 years of election administration, I have seen Nebraska election officials rise to the critical challenges of cybersecurity, conducting elections in a pandemic, census delays, and combating election related misinformation.

On the cybersecurity front, Nebraska is always working to address potential areas of concern in our election processes. In 2018, we led the way in securing our voter registration system. Nebraska implemented multi-factor authentication to prevent unauthorized access on the front end and on the back end installing a computer intrusion detection device called an Albert Sensor, which detects malicious activity.

The installation of this sensor, which was the first to be ever used on the servers of a private elections vendor, has been replicated in seven other states and has won the National Association of State Elections Directors Inaugural Election Innovation Award in 2019.

In 2020, during the early months of the COVID-19 pandemic, Nebraska election officials came together to hold one of the only

statewide primaries in the month of May. We had every polling site in the state open with the required number of poll workers.

Our county election officials worked tirelessly to ensure Nebraskans could vote in-person safely. Voters in that election set the record for the most ballots cast in a Nebraska primary.

Only a year later, in 2021, when the census was late for the first time in the history of our country, Nebraska officials were on the forefront of challenging the Census Bureau to release population data earlier than proposed.

We wanted to allow enough time for election officials to implement new district lines for the 2022 elections. Nebraska was third in the Nation to finish their federal and state redistricting work. That efficiency resulted in no delays in administering our May 2022 primary.

In 2022, Nebraska expanded its post-election manual audit from 2 percent of the precincts statewide to 10 percent of the precincts statewide, with at least one precinct selected in every county.

During this audit, election officials across the state manually counted three separate races on over 48,292 ballots, with only 11 discrepancies discovered. That is an error rate of 23,000th of 1 percent. This post-election audit provided valuable data in each county to verify the accuracy of our ballot counting equipment.

Let me be clear, this expanded audit was not easy, but it provides another example of how our election officials go above and beyond to ensure the utmost integrity in our elections. I am proud to work with Nebraska's county election commissioners, county clerks, and their staff and their poll workers.

We have handled all the challenges before us one day at a time, one deadline at a time. They are our friends, family members, and our neighbors. They are the reason why Nebraska elections are a model for the country.

There is no doubt that challenges lie ahead in 2024. Voters will undoubtedly hear the numerous times that this will be the most important election in their lifetime. The Presidential Election will draw the most voters we will see in a four year cycle, and interest will be at an all-time high.

Under Nebraska Secretary of State's Bob Evnen's leadership, this election division will work hard with our county election officials to ensure Nebraska elections continue to be safe, accurate, and secure.

I wanted to take a moment to thank my team. The members of the election division are a dedicated group of individuals who ensure that our counties receive the backing and the resources they need to be successful.

I was once told to hire people smarter than you and give them the tools and resources to be successful. I could not ask for a better group of people to work with.

In closing, I would like to say on behalf of all election administrators in this country, whether or not they have an election today, tomorrow, or next year, to say to the voters across our country, your ballot will be waiting for you. Go cast it.

Thank you for the opportunity to testify today. I look forward to our continued discussions, not only today, but in the years to come. Thank you.

[The prepared statement of Mr. Bena was submitted for the record.]

Chairwoman KLOBUCHAR. Thank you very much. Mr. Farley.

**OPENING STATEMENT OF ALAN FARLEY, ADMINISTRATOR OF
ELECTIONS, RUTHERFORD COUNTY ELECTION
COMMISSION, MURFREESBORO, TENNESSEE**

Mr. FARLEY. Chair Klobuchar, Ranking Member Fischer, Members of the Rules Committee, thank you for this opportunity. I am Alan Farley and I have the privilege and honor to serve as the Administrator of Elections for Rutherford County, Tennessee.

I am truly honored to be here. Thank you for seeking input from local election officials such as myself, who serve on the front lines conducting our local, state, and federal elections. Many times, decisions are made from a 30,000 foot view instead of getting input from the individuals who have sleepless nights making sure that everything goes flawlessly on Election Day.

Our motto is, we have to be 100 percent right, 100 percent of the time. We do not have the luxury of accuracy like the weatherman. Rutherford County is a suburb of Nashville, that has a blend of political diversity with conservatives, progressives, young millennials, and a college campus of 22,000 students.

Last week, my staff and I hosted an event for over 250 of our election workers who worked in the 2020 and 2022 elections, and they were eager to return. We discussed many topics, including improvements made for the 2024 Presidential cycle. Threats to election officials were never mentioned.

Conversation with chain of custody of ballots, cybersecurity issues, provisional balloting, and guessing on how many people would turn out to vote were the focus of all the election workers that attended.

Recruitment of election workers is always a priority for local election administrators, but the biggest hurdle we hear from residents is their ability to take off work or their children's extracurricular activities interfering with Election Day, but never that we are concerned for their well-being.

I recognize that each state faces different challenges, but the common element is that all 50 states should assess each situation and determine who is best to address the challenge. In 2018, I had the pleasure of participating in the Belfer Center defending the Digital Democracy Project at Harvard University.

That was a bipartisan effort to work with states and local election jurisdictions to improve our cybersecurity measures and address misinformation because of issues that occurred in the 2012 and 2016 Presidential Elections.

I was asked by the DDP leadership team to work with that group to provide them realistic Election Day scenarios for future tabletop exercises. That was an excellent train the trainer exercise that prepared state election officials to train local election staff on addressing cyber threats that we could face during elections.

As time passes, so does the need for continued advancement in cybersecurity. I strongly believe the Federal Government can best serve local election officials with funding and beefing up cybersecurity. If you truly want to secure elections in our Nation,

invest federal dollars and building a stronger information technology structure at the local level.

Many counties in the State of Tennessee do not have adequate funding for county IT departments. In 2020, Rutherford County, which has a population of 380,000 residents, had more residents vote than any other election before in our county.

This occurred during a global pandemic and the most intense political environment ever in our Nation's history. All those strife and fear were conveyed by the state and national media. We did not experience any serious threats, none whatsoever. Our election workers were faced with big crowds, long lines due to the six foot distancing requirements, which brought about short tempers in some cases.

Our staff and election workers were able to handle each situation without incident. Even though we have not had any serious threats, we still have a plan in case one arises. I have already met with my local sheriff and his command staff in preparing for the 2024 election cycle.

They are aware of the locations and dates when early voting and Election Day will occur, all municipal law enforcement jurisdictions are coordinated with the sheriff's office in the event a problem arises. This allows for the local law enforcement agencies to respond quickly if needed. Our Secretary of State Office has direct access to the Tennessee Department of Homeland Security if we need its involvement.

I believe that every participant in the electoral process, whether it be a voter, election worker, a poll watcher, and candidate, should be free to carry out their duties without threat of violence, verbal abuse, or physical harm. However, I do not support making each situation a federal issue.

Local election officials know their community and they know our people, and know how best to handle a situation, if one occurs. If we need help, we will ask for it locally. Every local official wants a smooth and orderly election. I know my counterparts across the State of Tennessee, like me, have a good working relationship with our local law enforcement agencies and District Attorney General.

Local election officers have established processes in place to deal with numerous challenges, including threats to election workers. We currently have access to HAVA funds to purchase upgraded voting equipment, hardened cybersecurity.

Congress should continue to place its focus on advancing and improving upon cybersecurity measures. That would be a better service and have greater impact on protecting our democracy.

I join many other election administrators throughout our Nation who are opposed to adding more bureaucratic strings to administering elections. Thank you again for this opportunity to address this Committee.

[The prepared statement of Mr. Farley was submitted for the record.]

Chairwoman KLOBUCHAR. Thank you very much. Ms. Howard.

**OPENING STATEMENT OF ELIZABETH HOWARD, DEPUTY
DIRECTOR OF THE ELECTIONS AND GOVERNMENT
PROGRAM, DEMOCRACY, BRENNAN CENTER FOR JUSTICE,
WASHINGTON, DC**

Ms. HOWARD. Thank you, Chairwoman Klobuchar, Ranking Member Fischer, and Members of this Committee for the honor of speaking with you today about threats to election administration, including threats against our election officials.

I and election officials across the country are very grateful for this Committee's ongoing work to increase awareness of these threats and to find bipartisan solutions. In the United States, our highly decentralized election system results in a complex quilt of American elections.

While federal and state Governments play important roles, the administration of our elections is largely the responsibility of local officials. Free, fair, and secure elections for Mayor, County Commissioner, Governor, and United States Senator rely on hard-working public servants who serve as local election administrators.

There are approximately 8,000 to 10,000 local election jurisdictions in the United States, the majority of which are very small, with 5,000 or fewer registered voters. Another 27 percent of our election jurisdictions have only between 5,000 and 25,000 registered voters. The typical local election official in these jurisdictions is a 50 to 64 year old woman who earns approximately \$50,000 annually.

She took the job because she saw it as an opportunity to serve her community. She often has a wide range of responsibilities, including voter registration, voting machine procurement, voter education, poll worker recruitment and training, and much more.

In 2017, when our election infrastructure was designated as critical infrastructure, she was informed that she is also responsible for protecting our election infrastructure against foreign adversaries such as China and Iran.

Despite being underfunded and under-resourced, our election officials are rising to the challenge. Over the past six years, there has been a remarkable improvement in the resiliency of our election infrastructure.

Today, election officials view cybersecurity as a critical component of election security, and they have taken many important steps to harden their system against cyber-attacks, such as deploying new and more secure voting equipment, and developing and practicing plans to respond to cyber threats such as DDoS attacks and ransomware.

This significant shift would not have happened without the dedicated funding that Congress provided for election security and the important assistance provided by multiple federal agencies, including the Cybersecurity and Infrastructure Security Agency and the United States Election Assistance Commission, who have worked closely with our election officials.

While we are now on the right track to secure our election infrastructure against cyber-attacks, new and different threats have arisen, including threats of physical harm to our election officials, their family, and their staff. Here is one example. "We will demand the truth and you will f-ing pay for your lying f-ing remarks, you

little liberal, f-ing RINO. We will f-ing take you out. F your family, F your life. Watch your f-ing back.”

Threats like that left as a voicemail for a Republican election official in Michigan were received by election administrators across the country after the 2020 election and continue today. Not surprisingly, these threats are leading to additional serious concerns, such as an alarming number of election officials leaving the profession, which are contributing to the fragility of our democracy.

The loss of institutional knowledge that accompanies such high turnover can mean that election officials are less aware of resources that can assist them in securing and running our elections. Large numbers of resignations can also result in more administrative mistakes, which can in turn fuel conspiracy theories and threats, continuing the cycle that has led to resignations in the first place.

Just as election officials needed more help to protect election technology, they now need your help to keep them, their families, and their staff safe. In the Brennan Center’s 2023 election official survey, we found that almost three-fourths of election officials believe that threats against them had increased in recent years and nearly half were concerned about the safety of their colleagues, and almost one in three had been personally threatened, harassed, or intimidated.

Congress alone could not eliminate these problems, but Congress does play an important role in tackling these issues and spurring on others to do their part. For example, Congress should provide additional federal funding to state and local election officials and extend the federal prohibitions against doxing to include election workers.

Congress should also work with federal departments and agencies to assure that they are effectively prioritizing election security and protecting our election officials as I have detailed in my written testimony. Thank you so much for your attention to this important matter. I look forward to your questions.

[The prepared statement of Ms. Howard was submitted for the record.]

Chairwoman KLOBUCHAR. Thank you very much. As is our practice with a brand new Member of the Committee—just kidding. She has to go preside. I will give my time to Ms. Butler and ask questions when the time arises. Thank you very much, Senator Butler.

Senator BUTLER. Thank you so much, Chair Klobuchar. I was going to note that I had not been to any other Committee where the Chair yielded their time. I am going to spend more time in the Rules Committee.

Senator WELCH. Do not get used to it.

[Laughter.]

Senator BUTLER. I do want to start by thanking Chair Klobuchar for her tireless efforts to shine a spotlight on the importance of preserving election integrity. Without efforts to protect this process, it is not an overstatement to worry about the future of democracy in our country, and I know our Chair is committed to that.

I want to appreciate our witnesses, thanking Deputy Secretary Bena and Administrator Farley for doing the important work of safeguarding our elections every single day. Secretaries Fontes and

Schmidt, you both have personally experienced threats and harassments because of your public service.

Thank you for being here with us to talk about what we can do to make sure that what you experienced never happens again. Attorney Howard, I appreciate the opportunity to learn from subject matter experts and want I really pick up my questions with where you left off in your testimony in reference to what you have provided to the Committee in your written materials.

During a 2020 election, election workers in Shasta County, California received threats that alluded to being lynched or shot for their role in the election process. On Election Day, those same workers discovered that a camera had been planted near their election office to monitor their movements to and from the office, putting at risk important personal information like the type of car they drive, their license plate.

Then in September 2022, California actually implemented a new law that would provide election materials—election workers with the option of keeping their home addresses confidential. It is critically important to this conversation to note that according to the voting rights lab, 80 percent of election officials are women, and their gender identities are often a factor and a subject of their harassment, and the threats that they received.

Ms. Howard, I know that California's new law is just one small step at the state level to try and keep worker—election workers safe. You made reference to your written testimony. Can you enumerate a bit more what are the other ways that we can work to practically protect election workers?

Ms. HOWARD. I think there are multiple steps that Congress can take to better protect our election workers, including our election officials in Shasta County, which, as you know, continue to face very challenging circumstances.

Cathy Darling Allen is the Elections Director there and one of the best in the country, and it is very unfortunate to see what she and her staff have gone through. For instance, Congress could expand the prohibitions against doxing so that that federal prohibition includes election workers.

This would make it a criminal penalty to expose the personal identifying information of an election worker such as their address, date of birth, etcetera, for the intent of enabling others to harass them or to go to their homes.

You know, we are aware of another official in Anchorage, Alaska, who is responsible for certifying the election in 2020. He found a similar camera, typically used by hunters, mounted on a tree across from his home, pointed directly at his front door.

These sorts of commonsense changes and bills would go a long way. I also would say that, you know, hearings such as this, where this Committee is increasing awareness of these problems, sends a strong message to our election officials that you have their back and helps other federal officials, state officials, and local officials understand that this is a priority.

Senator BUTLER. Thank you so much. Really quickly, Mr. Farley, I wanted to just appreciate the role that you lifted up for local officials who are every day doing the ins and outs, nuts and bolts of

executing and securing the confidence and the execution of our elections.

I just wanted to ask quickly if you could talk about the role of poll watchers, and if that is a relevant role to the how you execute and administer elections there in Rutherford County.

Mr. FARLEY. Thank you, Senator. That is a good question. I mean, we welcome poll watchers. We have them in every election, whether they are local, state, or federal elections.

I mean, that is something that is a part, and they should be able to carry their role out just like a poll worker or a candidate or anybody involved in the electoral process. They play a role. We have nothing to hide, so we welcome it.

Senator BUTLER. Just quickly, Madam Chair, if I can follow-up just with one quick question. Do you—you talked about the, you know, not having—having different conversations in Rutherford than one might expect if you were just listening to national media.

I wonder, to follow-up on the question of poll watchers, is it your experience that, or have you found any sort of trend in fact, that would help to—reveal for the rest of us as we are trying to learn best practices, are there any—are there roles that poll watchers play in the sort of promulgation of election misinformation?

Mr. FARLEY. Well, my involvement with poll watchers are—I mean cause mainly they are people in our community. I mean, a lot of them, we know each other. They are there to make sure that a person who appears to vote, at least they get a provisional ballot in case there is something that needs to be remedied, if they do not, you know, have the opportunity to vote.

I think it is part it is being allow them to be able to execute their role. We instruct our officers that they are there for a reason and they are there as a cross-check.

But in local elections, there are cross checks throughout our entire system in Tennessee, and I am assuming in all 50 states. The poll watcher, you know, they come into our office, they pick up their credential, they identify themselves, and they play just as important role as the poll official.

Chairwoman KLOBUCHAR. Very good. Thank you, Senator Butler. Next up, Senator Fischer.

Senator FISCHER. Thank you, Senator Klobuchar. Mr. Bena, Nebraska has taken significant steps to enhance the security of its election systems and equipment. Can you tell us more about these improvements and the threats that the improvements might help to mitigate?

Mr. BENA. Thank you, Senator Fischer. As I described in my testimony, our first thing was to lock down our voter registration system, not only on the front end, but the back end, as that is the most valuable data we have as election officials.

Using multi-factor authentication was the start of having a ID detection device on the back end that has been replicated in seven different states was the first step.

In 2020, when we implemented new election equipment statewide, which was the first time we did since 2006, we did it in a closed loop system in which no aspect of the ballot counting or reporting process is connected to the internet.

That was very important because, as we mentioned, you cannot hack paper. When you have a paper ballot from the start to the end, it provided confidence that our—no one could hack into our election process during the ballot counting process.

Our expanded manual audit in 2022 was also a very important part of our strategy after 2020 to give our counties the data.

Each county could do—have at least one precinct that they manually audited, so they knew that their ballot counting equipment matched what the election results that were certified.

That three pronged approach has added a lot of strength and a lot of data, which is important for our election officials to take back to their constituents.

Senator FISCHER. Thank you. Mr. Farley, in your testimony, you mentioned a need for election related cybersecurity assistance for local election officials. What are the unique challenges that local election officials face in mitigating cybersecurity threats?

Mr. FARLEY. Senator, I believe the biggest issue that we have, of course, when we receive emails, whether that be any communication from voters, you know, we have to, if there is an attachment, whether it be a PDF file or—I mean, we have to open those attachments.

Phishing attempts are really something that is a concern or that we are really guarded against because we really have to examine every single and analyze every email because we do not know exactly, you know—but we cannot keep a person from requesting an absentee ballot or a change of address information or notification that they have moved outside of their—the county or their polling location.

That is the biggest concern for us is really the safeguarding and making sure that we are, you know, being able to mitigate any and all phishing attempts.

Senator FISCHER. You know, the Federal Government does provide some assistance in identifying and mitigating the cybersecurity threats to election officials, primarily in the form of information sharing.

Mr. Farley, can you tell us how information sharing could work better for local election officials, especially those that are in smaller election jurisdictions?

Mr. FARLEY. ISAC is a great tool. I think a lot of times if it is the smaller jurisdictions, they need to make sure that they utilize those resources that are available. I think a lot of that—and then in Tennessee, our Secretary of State's Office does a tremendous job.

We have some counties that that are so small, they may have 6,000, 10,000 residents in the entire county, whereas you have metropolitan Nashville, Shelby County, and Memphis that have, you know, 800,000 registered voters.

A lot of them making sure that they communicate that information via through ISAC or CISA, and those organizations, and making sure that the people on the small jurisdictions understand that is available to them.

Senator FISCHER. Mr. Bena, I understand that election officials often rely in part on federal agencies to share information about threats to election administration.

Can you talk about your experiences with federal information sharing related to cybersecurity threats and what you think needs to be improved there?

Mr. BENA. Nebraska is in region 7 of CISA, and we have a very good relationship with our counterparts with CISA.

They help us a great deal with information sharing and providing assessments to our local county officials, and I am very thankful for their efforts. Most election officials have a security clearance so we can hear information on a federal level.

I think CISA has heard from election officials that we would like to have more information that we could use on a day to day basis, how we can mitigate those challenges that we see from an election standpoint. The more information that can trickle down to us that is actionable, it will be the most helpful.

Senator FISCHER. Thank you. Thank you, Madam Chair.

Chairwoman KLOBUCHAR. Thank you very much. Senator Merkley.

Senator MERKLEY. Thank you very much, Madam Chair. Ms. Howard, your organization, the Brennan Center, counted that over the 10 year period, 2013 through 2023, states passed about 100 restrictive voting laws, which most of those happened after the 2020 election?

Ms. HOWARD. Thank you for the question, Senator. I do not work on that specific project, but I will talk to my colleagues, and we can get you that answer.

Senator MERKLEY. Well, let me ask you this, this question. Many of these bills just created some kind of bias, like making it harder for people on Native American reservations to vote or a limited number of drop boxes per county.

It was far fewer per person in high population counties than low population counties, things of that nature. Have you had any sense whether that—those type of laws affect people's sense of the fairness of elections, or their confidence in elections, or the difficulty of administering a fair chance for every person to vote?

Ms. HOWARD. I think election officials in particular can get frustrated with administrative limitations that are perceived to be partisan.

You know, election officials, even if they are elected officials on a partisan ballot, are election officials, especially at the local level, administer elections in a nonpartisan manner.

That is something that is very core to what they do and how they administer elections.

Senator MERKLEY. Okay. Thank you. Let me turn to you, Mr. Fontes. You noted in your written testimony about having a go bag ready. I think you cited the case of the woman whose dogs were poisoned as a kind of example of intimidation.

I guess I am trying to get a sense of how that is really diminishing the ability to have—to recruit people. Some of you mentioned, and I think Mr. Schmidt, you mentioned this as well, like how many folks are retiring or leaving and losing expertise.

Is it difficult to recruit new people, or are new people saying no, no, no, I am happy to jump in and go through the classes and come up to speed?

Mr. FONTES. Thank you for the question, Senator. It is really an issue of common sense. Are you willing to jump into a civil servants type of a paid job where your life and your family's health are going to be threatened and the work is—that you do, regardless of the amount of integrity and honor with which you execute, the work is going to be questioned because of conspiracy theories and lies.

It almost defies common sense that we have people who want to get into these jobs, but for the fact that these are the jobs that preserve our democracy. These are the jobs that are our democracy. I cannot see anybody having an easy time to recruit folks into this—the nature of this work.

It has made it incredibly difficult, particularly in, and I can speak for Arizona, particularly in greater Arizona. In a lot of our much smaller communities, where we do not have larger population centers.

The rural areas where that expertise is, and that longevity is particularly valuable. I think rural America, generally speaking, is probably suffering a lot more because of these circumstances.

Senator MERKLEY. Okay. Thank you. Mr. Schmidt, did you also see the difficulty in recruiting folks?

Mr. SCHMIDT. Yes. While we have talked about, and I mentioned the challenges that Pennsylvania faces with county level election administration turnover, I think—and we have talked about it at the state level as well, I think it is important to be mindful of the fact that it is precinct level election workers who are really the ones that make sure you can cast your vote and have your vote counted.

If you have in-person voting on Election Day and they are in no way protected from any of this, you have people who show up to vote who may have seen things or heard things and sometimes take it out on them when they are, at least in Pennsylvania, working a 14 hour day essentially in a volunteer basis to make sure that they can have—

Senator MERKLEY. Thank you. Thank you. I want to slip in one more question. You talked about Pennsylvania added vote by mail. My State of Oregon pioneered vote by mail. People came to love it. Every county, both sides of the aisle. But it has been controversial. Why did Pennsylvania decide to add a vote by mail?

Mr. SCHMIDT. Well, vote by mail passed in Pennsylvania in 2019. A lot of people think because it came into effect in 2020, that it was related to the COVID environment, but it really was not. It was a way of making voting more accessible for Pennsylvanians.

If you were a police officer working a 12 hour shift, if you are a firefighter, working a 12 hour shift, you would not have had the ability to vote on Election Day in person, nor could you vote by absentee ballot because you were not absent from your county on Election Day.

Senator MERKLEY. I found—I will just do a closing comment here. But when I was first running for election, we were in the middle of that conversion in Oregon. My first thought was I really like the tradition of everybody voting together.

But I started knocking on doors. I am running for state legislature, and at every door I talked to people, they were like, and by

the way, I really like this vote by mail. Why is it? Well, I do not have to worry about the rain. I do not have to figure out this place to park. I have got a bad hip, and I do not have to stand in line.

In Oregon, we have referendums. I do not know if you have them in Pennsylvania, but there really can be very complex. They are like, we love studying the referendums at the kitchen table and bringing our children into that, that rhythm of showing them what it is all about.

Anyway, there were—I quickly learned how—why it was popular, and I had a little bit change of view on it. Hey, thank you all very much for sharing your experiences.

Chairwoman KLOBUCHAR. Senator Britt.

Senator BRITT. Thank you, Madam Chairwoman. I join Ranking Member Fischer and my Republican colleagues in welcoming Senator Butler to the Committee. Thank you all for being here. You are taking time to be in front of this important Committee on this important topic.

Mister, is it Bena? Is that how I say it? I am proud I got it right. Excellent. Your testimony discussed ongoing work related to cybersecurity and our elections. Our response to cyber threats remains one of the most important issues that we must address in election administration and the security space.

Your testimony mentioned a number of steps that your state has taken in that regard, including the implementation of multi-factor authentication to prevent unauthorized access to the voter registration systems and the installation of computer intrusion detection devices in order to detect any type of malicious activity. I want you to talk a little bit more about that.

Can you discuss how the cybersecurity improvement steps that you have taken in Nebraska have or could be replicated in other states, as well as other innovative steps that you think states around the country should consider to better secure their election systems and against cyber threats?

Mr. BENA. The steps that Nebraska took are not anything new. Every state had the opportunity to have an Albert Sensor, and I believe all 50 states put in an Albert Sensor at some point.

What was unique in Nebraska, it was the first time it was ever done on the servers of a private elections vendor versus on a state network. Also, the multi-factor authentication I think we are seeing in all aspects of our cyber life now, and that was an important aspect that we are also pushing down to just—to our local officials to do that on their normal day to day operations, on their normal computers, not just in the voter registration system.

I think it is very important as election officials to challenge CISA and other federal agencies in charge of our cybersecurity efforts to say what is next. We do not want to rest on our laurels, but we want to find out what is the next thing that we need to do so we can stay ahead of the threats that are facing us.

Senator BRITT. When you made that choice and went with a private vendor, can you talk about what the decision point was there?

Mr. BENA. Well, the—many states have a private vendor that handles their statewide voter registration system. At the time that the Albert Sensors were being offered, it was for state networks.

When we realized that we could not, we did not need an Albert Sensor provided by DHS on the state's network, as the state already has two sensors in place, to protect the Voter Registration System. We worked with our vendor as well as the ISAC to say, can we think outside the box a little bit, figure this out, and this was the first time it had ever been done.

Every state that uses our same statewide voter registration system, that vendor has applied that to theirs. It is an important step to make sure that our election, the most valuable data we have, our voter registration data is protected.

Senator BRITT. Absolutely. Thank you. Mr. Farley, your testimony also discussed the importance of cybersecurity initiatives as it relates to elections and election administration.

In your experience, what role does and should information sharing and collaboration between states and localities around the country play in enhancing our response to election related cyber threats? What, if any, improvements do you think could be made in that regard?

Mr. FARLEY. Well, I think anytime that you can share information amongst states is good. I know in Tennessee we are in the process now as far, as voter registration lists, I mean we are partnering with Alabama, making sure because there is a lot of people who have moved from Tennessee to Alabama, and vice versa. Making sure that people that are registered—

Senator BRITT. Duplicates and—

Mr. FARLEY. Exactly. You know, and I know that we are—Tennessee, we have seven states that border our state. In working with those partnerships with our neighbors is always a good thing.

Senator BRITT. Yes. We appreciate that our Secretary of State obviously has made this a priority. Thank you for working on that with him.

Mr. FARLEY. But I think anytime you can share information, especially in keeping your databases clean and protected as possible, is very important.

Senator BRITT. Absolutely. What role do you see for the Federal Government with respect to helping states and localities better prepare for and respond to cyber threats to elections and election administration?

Mr. FARLEY. Well, I am a firm believer that—I mean, I know what is best for my community and I know what is best for, you know, my county. On a global or national level, the cybersecurity is something that we cannot—you know, we have no role in.

I think that is very important that the Federal Government take an active role, especially funding, because we are doing great today, but tomorrow is a different day. There always—got to be one, two, three steps ahead because we cannot—as Mr. Bena made a comment just a second ago, we cannot rest on our laurels. We have always got to be actively ahead of the target.

Senator BRITT. Thank you. Thank you.

Senator PADILLA. Thank you, Madam Chair.

Senator FISCHER. I thought you were going to fill in. Senator Padilla.

Senator PADILLA. All right. To me, here we go. Thank you very much. To our witnesses, not to get to too far into the weeds, Sen-

ator, but as a former Secretary of State, happy to talk Albert Sensors with you any time.

The importance of not just federal, state, but federal, state, local working relationship, particularly when it comes to the voter registration databases which are centralized statewide, but all it takes is one intrusion from one county, many small counties, under-resourced counties, to really wreak havoc here.

I would also take a moment to make a plug for automatic voter registration. You know, there is sometimes a debate of how easy it should be to register your vote or not, or to update your voter registration or not.

But I can tell you, coming from a state that implemented it, the most populous state with the most voters than any other state, it has done wonders for the accuracy of our voter rolls when voters on a regular basis are either updating their information through DMV or just directly, or verifying the accuracy of their information.

It helps from an administration standpoint. Relieves candidates' frustration of, you know, knocking on doors when there is nobody there anymore, that sort of thing. But that aside, I digress. I do want to get to a couple of serious topics in my time remaining.

One is our witnesses and our colleagues obviously have spoken at length about the problems that state and local election offices are having with recruiting and retention of election workers.

Many times, particularly in smaller jurisdictions, offices are underfunded and understaffed as it is. But now, in the context of increasing physical and cyber threats, election workers are being asked to take on more and more responsibility to administer and defend the bedrock of our democracy.

It should be no wonder that we are seeing the turnover rates that we are in jurisdictions across the country. Now, obviously, we want to do more from a funding standpoint, support standpoint to address these issues, and proud to be part of Senator Klobuchar's legislation in this regard.

But I also wanted to highlight a practice, a best practice, I think that comes out of California, and particularly in my home county of Los Angeles, when they transitioned to not only the model of voting with automatic vote by mail delivery, in-person options, early voting, etcetera.

They also integrated a component that allows county employees from other departments and agencies, not elections, to be temporarily reassigned during that election season to assist with election administration. It had the effect of having more stability, cycle to cycle, of who those poll workers and other election workers are, with an added degree of professionalism, because we are not just relying on volunteers with big hearts.

They did an enormous service in the past, but I think we are on a new way of doing this. The workers themselves feel confident in their role and safe in their role with the training and support from the county. The question, with all that being said, is for Ms. Howard.

Do you think this is a good tool? I think so. If so, do you think it makes sense to try to replicate that elsewhere?

Ms. HOWARD. Yes, and yes. I think this is a really important program, and I think that what it does is really important. Election

officials value other poll workers that have election, especially local county government, experience.

This program that allows for existing and known Government employees to come and serve and help the L.A. County Election Director as elections expand, and when they need help right around elections, and then contract in between cycles is a great process and absolutely should be replicated around the country.

Senator PADILLA. Thank you. I should also make an addition to that, that it is good muscle memory when you have an unexpected special election, for example, to be able to ramp up quickly and professionally.

Another topic I will squeeze in the last minute here. Now, threats levied against civil servants who work to ensure the smooth operation of our elections are fundamentally un-American. I know that some members of the panel before us and their families have been subject to such threats.

I have spoken with election officials back home that are asking local government funding for bulletproof glass in elections offices. Really, that is where we have come. Now, the Department of Justice has begun to act in response to these threats. Since its creation in 2021, the Election Threats Task Force at the DOJ has received over 2,000 complaints.

I think that is an undercount, but 2,000 official. At least 15 cases have been federally prosecuted. Now, while that is serious, federal prosecution, 15 is such a small number. So many more that have not. Now going to trial is obviously costly, time consuming, requires resources not just for the Federal Government, but the state and locals as well.

Questions for Secretary of Fontes. Are there steps that the task force can take, short of increase prosecutions, to increase their effectiveness? For example, one of the recommendations in the task force is to engage in more knock and talks, if you are familiar with that.

Mr. FONTES. Thank you for the question, Senator, and I am aware of that as a law enforcement technique. I was a prosecutor for a time myself, and I do think that not only the Department of Justice and its law enforcement branches, but also in conjunction with state and local law enforcement officials, should have a much more robust campaign towards initial investigations and initial contacts in order to start the investigations on these.

We have seen, and in some of the cases personally pertinent to me, that that sort of thing has helped and has defrayed any other necessary prosecution or has really stood to deter folks.

Now, obviously, I am one of the last people you are going to find who is looking for the heavy hand of Government to come down on folks for what may be perceived as a conflict between law enforcement and the First Amendment.

But the reality is you do not have a First Amendment right to threaten people who are just doing their jobs, especially not in a population where the vast majority of whom, you know, get threatened because of their gender, and a lot of those threats are gender related. That is really problematic.

I agree with the premise. I agree with the notion. I agree also that not just a little bit more of that, but also potentially more pub-

lic promotion of the prosecutions, many of which have been very, very successful.

The DOJ tends to be a little bit modest, I think, sometimes. But the reality is, if folks out there understand that this sort of behavior is criminal and will result in prosecution, then hopefully we can get a lot of that anti-American activity out of our civil society and get back to the notion of winners, winning and losers trying harder next time instead of having to worry about political violence in our civil space.

Senator PADILLA. I agree. I will remind us all that while the preclearance requirement of the Federal Voting Rights Act is no longer in effect, the balance is, and that includes the right of an eligible citizen to participate in our elections without fear of intimidation or unnecessary barriers.

The intimidation was upon was feared to be coming from administrators or Governments, not from our fellow citizens. But we are in a different day now, and it is—I will make Senator Merkley proud, yet another plug for vote by mail or vote from home.

Because when you do that, you are far less risk of chaos in a polling place and ease the burden on elections workers themselves. Thank you all for that. Thank you, Madam Chair.

Chairwoman KLOBUCHAR. Thank you, Senator Padilla. Senator Welch.

Senator WELCH. Thank you, Madam Chair. All those California reforms, I think we have them in Vermont and they are working pretty good. But, you know, to Mr. Fontes, to Mr. Schmidt, Mr. Bena, to Mr. Farley, and Ms. Howard, I want to express my gratitude. You have got a hard job.

But what I heard in the testimony each of you gave was your job has clear definition, make it as easy as possible for people to vote and make certain everybody's vote is counted. Who would have thought that turns into a situation where a person's dog would be poisoned? I mean, it is really, really terrible.

All of us here right now were present on January 6th. Of course, that has not really ended, is what you are saying. But what I find so inspiring about each of you is your dedication to respecting the will of the people you serve. Let them decide. It is as simple as that and make it as easy as possible for them to vote.

That is why it is dismaying and discouraging to hear the stories about how people that work with you—and I am sure you are really concerned about it every day, and they are close to being volunteers many of them. In Vermont, most are. Get threatened or have their dog poisoned.

That is just really, really astonishing. I want to just express to you my gratitude, because it is your kind of leadership and civic sense of responsibility that has to overtake the folks who think that they can win an election by the things that they do after. But I will start with you, Mr. Fontes.

What can we do—how—you mentioned, I mean, elaborate a little bit about this, about the importance of people being held accountable who do, in fact, interfere with election workers. Just explain a little bit why you think that ultimately would be beneficial. Go ahead.

Mr. FONTES. Well, Senator, thank you for the question. Accountability is always—I mean, that is foundational——

Senator WELCH. Right——

Mr. FONTES [continuing]. to the way that civil society works. We have a criminal justice system that holds folks accountable for criminal behavior. We have a civil justice system that holds folks for civil penalties if they do wrongs there.

Senator WELCH. Just the basics.

Mr. FONTES. There is no reason in the world why we should not hold people accountable who are attacking our democracy through the very people who are administering our democracy. The notion of accountability and personal responsibility for your bad actions, for your interference with basic civil duties.

I think it is crazy that we would not want or that someone might think that we would not want to hold people accountable for threatening civil servants.

Senator WELCH. Right. Well, thank you. I agree with that. Mr. Schmidt, you have been talking a little bit about the difficulty of recruiting and retaining folks that help monitor our elections.

What are some of the specific things you think we could do that might help there? How much of this do you think is a result of the kind of fear and intimidation? Because in Vermont, we do not have that many poll workers, but it is folks who have a little flexibility in their schedule.

They show up and they feel really good. They are seeing their neighbors. They feel like they are contributing to our democracy by doing their part and they enjoy it. But that is not the same as when they show up, they get harassed and threatened. Maybe you can give us some suggestions on how we can change availability.

Mr. SCHMIDT. Yes, I think it is a couple of things. It is important that we support them and also that they feel supported. That when they are under attack or being unfairly maligned in some way, that others speak out regardless of party.

I think that is a very important part of all of this, regardless of party, to defend the people who are responsible for running elections and being so irresponsibly maligned. That is not necessarily about dollars.

Those dollars have played an important role. It is not about changing laws in and of themselves to protect one person because of their role or another. Although that also plays an important role. It is also, I think, to make sure that they are valued and supported and not just left hanging out there in the face of all of this ugliness.

Senator WELCH. Yes. Mr. Bena, you, Nebraska, we all love Senator Fischer. She is bragging about Nebraska all the time. Small town values. I mean, you have heard some of your colleagues talk about the dog being poisoned. That letter is how you wrote—I hope—are you having those kind of challenges in Nebraska as well?

Mr. BENA. Actually, we are not.

Senator WELCH. Good.

Mr. BENA. Actually, we are not. We—in 2020, many of our poll workers wanted to stay home because of the uncertainty, and we started what was called the step up campaign, which allowed to

say give your parents or grandparents a break and serve in this election.

What we saw from that was that not only after 2020 did their parents and grandparents come back, but the kids and grand kids wanted to serve along with them. We have a great—we have a great bench of people wanting to be poll workers.

Not to say that, you know, people are going to leave elections and what have you. But for our election officials that have left and retired, a great number of them come back and to consult their replacement.

Between that and the training we do with the Secretary of State's Office, we are very lucky to have the county election officials and a backbench of poll workers to support them, so.

Senator WELCH. That is fantastic. It is like it is intergenerational. Thank you very much. I yield back.

Chairwoman KLOBUCHAR. Thank you very much, Senator Welch, I guess I would start with you where Senator Welch left off. I was telling, Mr. Bena, I was telling Senator Fischer how nice your testimony was at the end where you talked about your ballot is ready. Could you talk about how you build trust?

This idea of bringing in younger poll workers is something I am sure all of our Secretaries of State are doing. Beyond that, talk about how you build trust, use your position to build trust in our elections with voters.

Mr. BENA. Two things that I will point out. Secretary Evnen and myself accept many invitations all over our state to people that want to talk about our election process, whether it be the testing we do before the elections or the manual audit we conduct after our elections, and everything that is done in between.

Communicating on a local level, on a personal level, one to one, helps in that effort. But to those that still want to question the integrity of our election process, we recommend to them, become a poll worker.

Immerse yourself into the process and see just how dedicated our election officials are to the integrity and safety of our elections.

Chairwoman KLOBUCHAR. Thank you. Mr. Farley, Ms. Howard, both of in your testimony mentioned the importance of federal funding and how it is important to election administration security. I really appreciated your words, Mr. Farley.

Way back, Senator Lankford and I did a lot of work on this with the paper ballot and also with the cyber protection and the like. Could you both talk about the importance of federal funding for elections?

Mr. FARLEY. We just—in Tennessee, we just used HAVA funds for—to replace DREs with the verified voter paper audit trail.

That is a great resource for HAVA funds that we just had. I think anytime you can fund needs, whether that be through state funding or federal funding, is a good thing because a lot of times—up until recently, a lot of times elections was not really a priority to be funded on a local or state level.

I think any time that we have funds, we have to make sure that we have—be good stewards of those funds and put them to good use where benefits all the voters in our jurisdiction.

Chairwoman KLOBUCHAR. Okay. Thank you. Ms. Howard—the two Tennessee people at the end.

Ms. HOWARD. Thank you for the question, Senator. I think federal funding is absolutely critical. We have seen the huge transition across the country from paperless voting machines to now, such as in Mr. Farley's County, to paper based voting systems, which is a critical election security component.

In many states, for instance, Pennsylvania, that would not have happened, but for the additional federal funding that has been provided. There are new additional expenses that election officials are now facing.

Some of the physical security enhancements that Senator Welch talked about earlier, the bulletproof glass, the structural changes to include or additional doors of entry or exit as a physical security improvement, we estimate at the Brennan Center will cost about \$300 million across the country.

We estimate that election officials will need another \$300 million to protect against insider threats that are, again, somewhat a new for election officials who need to deal with them so we can have keycard access to critical systems such as voting, voting equipment, and a log of everyone that has access to them.

There are these new expenses, and we still have the ongoing expenses associated with maintaining the voting equipment, which we estimated will cost about \$600 million over 5 years.

Chairwoman KLOBUCHAR. Okay. Thank you. I would note for the Committee that Secretary Fontes has made the biggest sacrifice. He could have been at the Diamondbacks game tonight. Is that correct, Secretary Fontes?

Mr. FONTES. Regretfully, but honorable, yes. I am happy to be here with you.

Chairwoman KLOBUCHAR. Okay. Very good. I think, who did you give your ticket too?

Mr. FONTES. I gave it to my partner, Nicole. She and my mom, I hope, will enjoy a Diamondbacks victory.

Chairwoman KLOBUCHAR. Okay. Well, I will be—we will all be watching. As you approach this next year's elections, how do you anticipate addressing the ongoing challenges with the safety of election workers and officials? What do you think we should be doing to help? How are you preparing them?

Mr. FONTES. Well, we are really engaging in a kitchen sink approach in all areas. We are coordinating a lot more closely with state, local, and federal officials. One of the things that I mentioned was a tabletop exercise that we are going to have in the middle of next month where CISA is going to be helping us.

A tabletop, if you do not know, is where we get a whole bunch of folks together, run through a scenario, and then we throw sort of problems at the team. That includes not just local, state, and federal law enforcement folks as part of the exercise who do not know what the exercise is going to be, but also our communications staff, our logistics and transportation people, our own IT folks from across the state, county level, and state level as well.

Those trainings are critically important. Some of the other things that we are hoping we can do is engage more closely with the physical security agents and the cybersecurity agents that CISA pro-

vides. This is a service that CISA has that I think is essential, critical, and should not be subject to any sorts of maybe potential federal issues when it comes to your next phase of negotiations in budgets. Those folks need to be online all the time.

We are hoping to be able to talk with folks at these federal agencies to maintain open these lines of communication on those folks who are continuing to help us prepare. We are communicating a lot more clearly now with the Arizona Counterterrorism Information Center and many of our other partners.

But more particularly to our folks who are out there in the field, we are enhancing and diversifying the kinds of training that we are allowing and giving to our elections officials, because it is that training for those people who are on the front lines, at the polling places, at our warehouses, at our vote centers, that is what really matters because they are the ones that are facing it full front.

Chairwoman KLOBUCHAR. Okay. Last, Secretary Schmidt, with this issue of turnover and people leaving in every state in the country. Mr. Bena talked about what he has done in Nebraska. You want to talk a little bit about how you are going to handle that going forward in Pennsylvania?

Mr. SCHMIDT. Yes. With the turnover, we found it necessary, and the Shapiro administration has put resources behind it to build a team of trainers so we can help train new election administrators in different counties in Pennsylvania, to produce training materials for them to rely on.

I know when I became an Election Commissioner in Philadelphia, I was elected in 2011 and 2012, the Presidential was my first election. It is a very difficult lift any election, let alone being brand new and facing a Presidential election. In our case, one of the biggest cities and one of the biggest swing states in America.

Having those materials, Pennsylvania has one uniform election code, but counties have flexibility at the county level to administer elections. We have to make sure that there is sort of county flexibility built into it, but to provide them with all the resources they need and also to facilitate communication between election administrators.

Some of them in some counties have been around for a long time and they are more than eager to share their experience to help other election administrators in other counties. Pennsylvania or any state is either going to be successful or not based on one county or another. It takes all of us.

Chairwoman KLOBUCHAR. Okay, thank you. Last but not least, you know you are missing the World Series, Secretary Fontes, but we do have a member of the Congressional baseball team who looks the closest to a professional baseball player on the team. That would be Senator Ossoff. So that is my exchange for you.

Senator OSSOFF. Grading on a serious curve here in the Senate on that one, so. Ms. Howard, a federal judge just ruled that Georgia's state legislature had passed electoral maps which diluted the participation and power of black voters in Georgia.

The same state legislature in Georgia passed a law enabling partisan appointees at the state election board to take over local county election boards. The same state legislature passed several bills

reconstituting county election boards, and in so doing, removing black members from those election boards.

What message, in your opinion, does it send to the electorate when efforts are made to dilute the voting power of black voters and remove black county election board members from those local election boards?

Ms. HOWARD. I can connect you with my colleagues who have worked closely on the Georgia legislation and what is happening in Georgia, because I am not familiar with the details. But I am lucky to work with the former State Elections Director Chris Harvey for the Secretary of State, who works with us on the Committee for Safe and Secure Elections, which is a group of former law enforcement and election officials that work to help local officials protect election officials and voters from threats and violence.

Senator OSSOFF. Thank you. Ms. Howard and Mr. Schmidt, Secretary Schmidt, in your experience, when you have substantial turnover as a result of threats against election workers and board members, as we have seen in Georgia, tremendous stress and uncertainty associated with a rapidly changing election law.

Those changes, Mr. Schmidt, by the way, in Georgia, based largely on conspiracy theories about voter fraud. When you have that kind of turnover among election workers and when you have the partisan political reconstitution of county election boards, what is the practical impact on the administration of elections?

Mr. SCHMIDT. It is a very dangerous dynamic, Senator, because when you have those experienced people leave and they are replaced with others with less experience, those new people are more likely to make a mistake.

The mistake, as I mentioned, is perceived in a way that is intentional and malicious and partisan and trying to advantage—to sort of help or not help some other candidate, which only feeds the sort of accusations to undermine confidence in elections.

I want to add one other thing, and it is something we really have not sort of talked about. I think it is important that a lot of these accusations come allegedly from a place of concern about election integrity.

I think we should take election integrity very, very seriously. Whenever we encounter accusations, we should run them down and we should investigate them to the hilt to show exactly how safe and secure our elections are, and make sure that we do not sort of brush them aside.

There is no shortage of absurd stories out there. I certainly cannot begin to share the number in Philadelphia that we experienced in 2020 that were—again, it is one of those things, if it were a movie, you would walk out. It was just so dumb, but a lot of people believe it because there have been so many changes, as you mentioned.

Many of those changes have only made elections more safe and secure. But along with those changes, you end up with people having a lot of questions. Those are the people I think are mainly being taken advantage of in this environment.

Senator OSSOFF. Thank you, Secretary Schmidt and Secretary Fontes. Those conspiracy theories about massive voter fraud in

Georgia have also been the basis for these mass challenges to the eligibility of voters by private, apparently partisan groups.

Let me just share with you, for example, in Gwinnett County alone in Georgia, in the lead up to the 2022 general election, one county elections official reported that 5 to 10 election employees had to work daily for several weeks to process these overwhelmingly frivolous challenges to the legitimacy of voter registration.

There were 65,000 voter registrations challenged in just eight counties in the lead up to that election. One group coordinated challenges to 364,000 voter registrations across Georgia in the lead up to that election in Gwinnett County, which I just mentioned, 37,000 challenges, overwhelmingly frivolous.

The impact on the morale of the electorate to know that there are private entities out there who are working day and night to undermine their access to the ballot, to challenge effectively their rights as a citizen, it is demoralizing to the public, and it occupies all of these election administration resources, processing these frivolous attempts to disenfranchise people.

What is your impression of the impact of that kind of practice on election administration?

Mr. FONTES. Thank you for the question, Senator. We hear of a DDoS attack against an electronic system where hackers will come in and absolutely flood the system with digital attacks so the system cannot work anymore.

What you have described and what is real is an analog DDoS attack against our offices. But it does not just come in the form of frivolous complaints based on lies and conspiracy theories. It comes in overly voluminous and unnecessary public record requests that have absolutely nothing at their end.

Now, I am a big fan of transparency. In some cases, people have said some of my policies call for radical transparency, and so I am not speaking against legitimate public record requests. But the idea here is not so much what the nature of these attacks are, whether they are serious, significant, and voluminous complaints, as you have indicated, or these other kinds of requests.

This is a coordinated effort to undermine the democracy that upholds our Republic. It is a coordinated national attack against democracy in America. It is an emergent authoritarianism. Some would even say, as I have said, it is an emergent method to move us toward fascism in this Nation. These little bits and pieces, the thousand paper cuts that we are feeling as you have described, undermine our systems.

This is why now more than ever, we need the federal support that we have all asked for. I would agree 100 percent with Mr. Farley. We need sustained and consistent and robust federal assistance in—the building up of our security systems across the United States of America. I think Nebraska's move towards getting all of their private providers on the Albert Sensors, which we talked about earlier today, is a great move toward that.

What you are seeing here is all of us in many, many ways speaking toward the same thing. This system was designated critical infrastructure in 2017 because it is. You would not want to underfund the dam that you live half a mile down river from when you live at the bottom of the valley.

You would not want to underfund the bridge that you cross over that river to get to work every day on. But we are in so many ways not really paying as close attention to this particular part of our democracy. It is also a combination of the accountability that I spoke to earlier with your colleague from the Department of Justice.

At the end of it all, as Secretary Schmidt pointed out, we spent a lot of time explaining, but the bad guys have shifted the burden. They have basically asked us to prove a negative, prove that you did not commit fraud without bringing forward any evidence and without being held accountable for their lies in the first place.

The tactic is lie, and then when you are held accountable to provide evidence of that lie, shift to another lie, shift to another accusation, shift to something else. That is where we are at. I think we need to be very, very much more robust in attacking the illegitimate attacks for what they are, conspiracy theories and lies designed to undermine our democracy.

Senator OSSOFF. Thank you, Secretary Fontes.

Chairwoman KLOBUCHAR. Thank you, Senator Ossoff. Thank you for hosting us for the Rules Committee field hearing that we had in Georgia on some of these very issues a few years ago. The first time we brought the Rules Committee on the road, I guess for decades.

He was a good host. I do not think we have any other remaining questions. I want to thank Ranking Member Fischer, she went back to catch the next vote, and Members of the Committee for what I hope you all saw was a very productive hearing.

I want to thank the witnesses for your really good testimony and answers. I thought the questions were good. I think that today's testimony underscores the importance of your work and your courage in doing your work, and also some of the solutions that are right in front of us.

The first is, of course, making sure that our local elected officials and our local election volunteers are protected in whatever way we can with local, state, federal law enforcement, and resources, including the cyber protection that you so well referred to, Mr. Farley, for our elections.

The second is recruiting new poll workers, something that became really clear during the pandemic. But I loved Mr. Bena's idea, and I am sure there are many other jurisdictions doing the same thing. But I think we can give voice to this, especially the youngest Senator can give voice to it.

Is that still true? Yes, exactly. The need to recruit young poll workers and a new generation of poll workers, I think should be a good message on a national level, a bipartisan message.

I appreciated that. Then also just the need to continue the federal funding and to make clear this is a bipartisan, nonpartisan piece of the work that we do. I want to thank you for what you have done.

The hearing record is going to remain open for one week, and we are adjourned. Thank you.

[Whereupon, at 4:45 p.m., the hearing was adjourned.]

APPENDIX MATERIAL SUBMITTED

**Statement of Adrian Fontes
Arizona Secretary of State**

**U.S. Senate Committee on Rules & Administration
Hearing on “Ongoing Threats to Elections Administration”
November 1, 2023**

Chairwoman Klobuchar, Ranking Member Fischer, and members of the committee, thank you for the opportunity to discuss ongoing threats to elections administration in the State of Arizona and the preparations we are making to ensure our democratic process is safe and accessible for the upcoming presidential election cycle.

I was elected Arizona Secretary of State in 2022 on a platform of preserving our democracy. I was fortunate to receive support from across the political spectrum to provide stability and security for Arizona’s electoral process.

I earned the trust of the voters in my race for Secretary of State based on my proven record in elections administration as Maricopa County Recorder. Upon taking office in 2016, my team worked in a bipartisan manner to upgrade equipment and processes to ensure more accessible and secure elections. Maricopa County is one of the largest voting jurisdictions in the U.S. – second only to Los Angeles County. It is also one of the fastest growing. In fact, our office saw an increase in the number of registered voters by 500,000 in four years.

In 2020, even with record voter turnout, and despite emergency pandemic restrictions, and a pernicious campaign of misinformation, our team in Maricopa County ran a good election that has been analyzed and audited and, at the end of the day, proven to be safe, secure, and accurate.

In my role as Arizona Secretary of State, I am dedicated to the following premise: it is the American voter who should dictate outcomes, not partisan leaning officials or foreign actors, attempting to manipulate our systems through misinformation. Like my other colleagues in election administration, for whom I have the utmost respect, I am focused on the election process and ensuring that every eligible voter can cast their ballot with the confidence that their election is fair and has integrity.

The High Cost of Election Lies: Historic Turnover Among Arizona Election Officials

In Arizona, our democracy remains strong. But with all the election misinformation and related threats, comes a grave human cost. Partially due to threats and intimidation, Arizona today ranks second in the nation for negative turnover among top election officials. Since 2020, 12 out of 15 Arizona counties have lost a top official—either an elected County Recorder or appointed Election Director, and in some counties, both. A recent Issue One report¹ calculated that Arizona has lost 176 combined years of senior election administration expertise.

As a former County Recorder myself, I can attest that the pre-2020 world for election officials is gone.

¹ Issue One. (2023). *The High Cost of High Turnover*. <https://issueone.org/articles/the-high-cost-of-high-turnover/>

Today, we live with the reality of having ‘go bags’ for members of our families, so that we can leave our homes at a moment’s notice. This isn’t theory, it’s the reality in my own home. In this heightened threat environment, it seems that nothing and no one is safe. Just ask a former County Recorder in my state about her dogs, poisoned as a means of intimidation. Hers is one of many veteran Arizona officials—from both parties—to move on from a career in election administration for the sake of their own physical, mental and emotional safety, and that of their families.

The cost of persistent misrepresentations about the integrity of our elections is high. But the cost of inaction is higher. My office, as well as the offices of my fellow Secretaries of State, continue to work to mitigate these challenges as we prepare for the 2024 Presidential election cycle. Measures we have taken in my office to address the loss of institutional knowledge and expertise in elections include:

- Intensive training through initial certification classes for new election officials and recertification courses and workshops for all our full-time Arizona election officials—from Election Directors to warehouse workers.
- Developing a more user-friendly Elections Procedures Manual that clearly defines the duties and responsibilities of election officials under state and federal law.
- Hiring the first statewide Chief Information Security Officer dedicated to elections to guide and provide support to local and county officials in the

areas of cyber and physical security in coordination with state and federal security officials.

- Instituting monthly security update meetings bringing in experts on emerging technologies, security techniques and other election administration issues
- Planning and executing tabletop security exercises to help election officials prepare and practice against new cyber security, environmental, situational and other threats

The next tabletop security exercise we will be hosting includes officials from all 15 of our counties working directly with officials from state partners like the Arizona Counter-Terrorism and Information Center (ACTIC) and federal agencies including CISA, and other law enforcement partners.

My Assistant Secretary of State is also a member of the Election Workforce Advisory Council, a joint effort by the Bipartisan Policy Center and the Elections Group to retain experienced election professionals while recruiting top talent. The goal of this Council is to ensure that elections continue to be run by experienced professionals for decades to come.

Artificial Intelligence: The Next Big Threat to Voter Trust & Election Integrity

Misinformation about the integrity, security, and accuracy of our elections is among the dark forces that are driving issues like high staff turnover in Arizona and across the U.S. As we move into the 2024 Presidential Election cycle, Artificial Intelligence (AI) threatens to supercharge these concerns. Generative AI has the

potential to confuse and disenfranchise voters, wreak havoc on usually trusted sources of information, and disrupt the normal administration of elections. Let me give you an example of a concern that's been keeping me up at night.

A bad actor working for a foreign government could create an AI-generated deepfake of their Secretary of State telling voters, for example, that due to a power outage at polling locations in their county, we've relocated their polling place to a different address. People would see false images and hear audio with my face and voice delivering this AI-generated misinformation. Imagine the confusion—perhaps amplified by local, statewide and social media—as people circle parking lots in random parts of town attempting to vote. Imagine further, that this confusion turns to anger or perhaps worse.

Social media alone has the capacity to spread these deepfakes far and wide with alarming speed. If we thereafter attempt to go on TV, radio or Instagram Live to debunk the deepfakes, how would people know that it is their real Secretary of State this time?

Foreign actors from hostile states such as Iran, China, Russia and North Korea are ready to take advantage of this nightmare scenario. And we believe that diverse communities will be an important target of these anti-democratic efforts to extend the influence of disinformation campaigns and enable interference in American elections.

These threats notwithstanding, we are meeting these types of challenges head on. We are working directly with our state and federal partners to build up trusted sources of information that help pre-bunk, not just debunk, election misinformation, which could be created and amplified by generative AI. We are taking proactive steps to build voter trust, and preparing election officials for this challenging new threat environment, including:

- Working with our partners at the National Association of Secretaries of State (NASS) and the National Association of State Election Directors (NASED) on a nonpartisan initiative to highlight state and local election officials as the credible, verified sources for election information.²
- Certifying election equipment in a live steamed environment with bipartisan and other community observers.
- Upgrading our statewide voter registration database to protect from AI-generated attacks, increasing accuracy and security, and building confidence in the overall performance of our elections.
- Partnering with CISA on cyber security threat assessments of critical election systems. Starting with the offering of Albert sensors, our partnership and technology tools provided by CISA have only grown as we defend against foreign actors who are committed to wreaking havoc on our election systems and our democracy.

² National Association of Secretaries of State. (2023). #TrustedInfo Initiative. <https://www.nass.org/initiatives/trustedinfo>

- Upgrading our processes to ensure that our military and overseas voters have a more accessible and secure way to vote through a federal grant from the Federal Voting Assistance Program (FVAP).

More Federal Assistance Needed to Address the Growing Threat to our Elections

Federal agencies have been crucial partners to our efforts to address the threats to election administration and prepare for the 2024 Presidential election cycle and beyond.

In addition to assisting with the distribution of critical Help America Vote Act (HAVA) funds and certification of voting equipment, the Election Assistance Commission's (EAC) best practice guides, training videos and the new Continuity of Operations Plan (COOP) templates have been exceptionally helpful to my office and to Arizona counties—especially those with new election administrators.

We appreciate the efforts of the USPS to prioritize and protect election mail, and partner with us on best practices for ensuring every ballot is received in time to be counted, even in the most rural and remote areas of my state.

CISA, Department of Homeland Security and other federal partners have been vital, not only on the cyber security front but also with physical security. Physical and cyber security assessments help state and county election officials identify possible vulnerabilities and protect critical election infrastructure.

But there is still more that we could do on the federal level to support the hardworking Americans who run our elections. HAVA funds, as I have mentioned personally to members of this committee and its staff, continue to be intermittent and wholly insufficient to provide predictable and sustained support that local jurisdictions require. It is these local jurisdictions that run our federal elections with federal candidates on federal ballots under federal rules without any sustained and predictable federal support. It is concerning that currently there does not appear to be any HAVA funding in the next federal budget.

I am deeply grateful to Senator Klobuchar for introducing S.1, the Freedom to Vote Act, which includes provisions to protect election workers and administrators. I urge Congress to move forward with this important legislation without delay.

Also, as this esteemed body continues to debate how to fund the federal government, I especially implore you to take whatever steps necessary to ensure that there are no disruptions in the vital election security services that administrators, like those in Arizona and across the nation, rely on to guard against emerging threats. Specifically, I encourage you to designate CISA's Physical Security and Cyber Security Agents as critical employees as they are on the ground daily, performing the essential work necessary to maintain the critical infrastructure of election administration.

Conclusion

Threats to American Democracy are real, and American election administrators from across the nation are rising up to meet these challenges. But we cannot do this alone. Now, more than ever, we need a sustained and robust Congressional commitment to support our efforts in protecting the democracy that upholds our great republic against the threats we all face.

Arizona is prepared for the 2024 Presidential Election Cycle. But we need you, not just your HAVA dollars, but your continued support of our federal partners, including EAC and CISA, and legislative action supporting S.1 to protect our election workers. With this Congressional assistance, we can prepare current and future generations of Election Heroes.

Thank you again for the invitation to testify. I look forward to answering your questions.



**Testimony of Al Schmidt
Secretary of the Commonwealth of Pennsylvania
The Committee on Rules and Administration of the United States Senate
Ongoing Threats to Election Administration
Wednesday, November 1, 2023**

Good afternoon, Chairwoman Klobuchar, Ranking Member Fischer, and members of the Committee on Rules and Administration. Thank you for inviting me to testify today on this important and timely topic.

I'm Al Schmidt, Secretary of the Commonwealth of Pennsylvania. As head of the Pennsylvania Department of State, which oversees the integrity of the electoral process in the Commonwealth, I am Pennsylvania's chief election official. Governor Josh Shapiro appointed me to this position in January of 2023.

The Shapiro Administration is committed to ensuring safe, secure, and fair elections in Pennsylvania. That commitment includes protecting Pennsylvanians' right to vote, improving the efficiency and transparency of our elections, and ensuring every legal ballot is counted.

When I last testified before this Committee on the topic of threats to election administrators, almost exactly two years ago, I was a Philadelphia City Commissioner who had overseen more than two dozen elections in nearly 10 years of public service. I was also one of many local election officials who experienced threats of violence directed at me and my family after the 2020 election. Now, as a statewide election official, I see the broader effects and consequences of those threats, including high turnover among experienced local election staff and the need for robust training efforts resulting from that turnover.

A survey of election officials commissioned by the Brennan Center in the spring of 2021 found that one in three officials felt unsafe because of their job, and nearly one in five officials identified threats to their lives as a job-related concern.¹

¹ https://www.brennancenter.org/sites/default/files/2021-06/BCJ-129%20ElectionOfficials_v7.pdf

Violent threats increase in frequency and intensity every time elected officials and bad-faith actors spread disinformation about our elections.

The irony is our elections are more secure and accurate than ever before. As of the 2020 election, all 67 Pennsylvania counties have secure voting systems that provide a voter-verifiable paper record. Counties perform a scientifically based risk-limiting audit and a statutorily required 2 percent statistical sample to ensure the accuracy of election outcomes.

The Commonwealth of Pennsylvania uses multiple layers of protection, including 24/7 continuous network monitoring, firewalls, encryption, password protection, multi-factor authentication, and continuity of operations planning, among other controls, to protect our systems.

We also work with local, state, and federal law enforcement and national security agencies -- including the Pennsylvania State Police, the FBI, and the U.S. Department of Homeland Security -- to monitor, identify, and mitigate emerging threats to election infrastructure. And we report any threats we become aware of to the appropriate law enforcement agencies.

Yet mis- and disinformation proliferate, in some cases fed by elected officials who should know better than to deceive their constituents and provoke some of them to make threats against the public servants who administer our elections.

The main targets of those threats are dedicated election workers laboring in local election offices to ensure that their fellow community members can cast their vote and make their voice heard in our democratic republic.

In addition to threats of physical violence, these election officials also have been subjected to frivolous lawsuits intended to harass or financially ruin them as they perform the public service of counting votes.

Such stresses have, undoubtedly, contributed to the remarkable turnover in local election officials that we've seen across the nation since 2020. Understandably, some of these officials have decided that a job that requires hard work and offers modest pay is hardly worth death threats to themselves and their families.

In Pennsylvania, we've witnessed nearly 70 county election directors or assistant directors in at least 40 of our 67 counties leave their positions since January 2020. While this total includes some planned retirements and departures for any number of reasons, it certainly represents a higher rate of turnover than we saw in the years leading up to 2020.

In response to this loss of experience and continuity among these nonpartisan public servants, the Shapiro Administration and the Pennsylvania Department of State have made it a top priority to help support and train new county election officials.

The Department of State has added several staff to the Division of Election Administration within our Bureau of Elections. Staff in this division are dedicated to communicating with county election officials and to creating helpful training materials, such as interactive webinars on voter list maintenance. They are working on rolling out additional tools, such as in-person trainings, an Election Day preparation manual, how-to videos, and more in the coming months.

As part of this education effort, we recently published on our website 10 updated election-related guidance documents for counties. Guidance documents and directives are a crucial way the Department ensures all 67 counties administer elections in a uniform, fair way across the Commonwealth. The Department also works with our federal and state security and law enforcement partners to provide training and tools to mitigate threats and combat mis- and disinformation.

We are doing our part, but we need the federal government to partner with us to help protect election administrators and, ultimately, our democratic institutions.

I commend Congress for revising the Electoral Count Act late last year to remove ambiguities about how electors are certified and electoral votes are counted. This change removes one of the incentives for a losing candidate to continue spreading disinformation about an election.

But we also need better funding of elections in general and grants specifically appropriated to secure election offices and operations. Our local election officials deserve to feel safe.

And we need a continued commitment to prosecute individuals who threaten election officials. Their threats are a direct attack on democracy.

Chairwoman Klobuchar, Ranking Member Fischer, and members of the Committee on Rules and Administration, thank you for the opportunity to testify today. I applaud the steps you have already taken since the 2020 election to protect and support nonpartisan election administration. I urge you to continue to work across party lines to find common ground on election reform for the safety of the front-line heroes of our democracy – the local election officials who make it possible for the rest of us to vote. Thank you.

Testimony of Wayne J. Bena
Nebraska Deputy Secretary of State for Elections
U.S. Senate Committee on Rules and Administration
November 1, 2023

Good afternoon, Chairperson Klobuchar, Ranking Member Fischer, and members of the Rules and Administration Committee. My name is Wayne Bena, and I have the honor and privilege of serving as Nebraska's Deputy Secretary of State for Elections.

Before serving the state, I served my community in Sarpy County as their Election Commissioner. That role gave me on-the-ground experience in what it takes to operate elections efficiently and effectively. In my 14 years of election administration, I've seen Nebraska Elections Officials rise to the critical challenges of cybersecurity, conducting elections in a pandemic, census delays, and election-related misinformation.

On the cybersecurity front, Nebraska is always working to address potential areas of concern in our election processes. In 2018, we led the way in securing our voter registration system. Nebraska implemented multi-factor authentication to prevent unauthorized access, in addition to installing a computer intrusion detection device called an Albert Sensor which detects malicious activity. The installation of this sensor has been replicated in seven other states and won the National Association of State Elections Directors Inaugural "Election Innovation Award" in 2019.

In 2020, during the early months of the COVID-19 pandemic, Nebraska election officials came together to hold one of the only statewide primaries in the month of May. We had every polling site in the state open with the required number of poll workers. Our county election officials worked tirelessly to ensure Nebraskans could vote in-person safely. Voters in that election set the record for the most ballots cast in a Nebraska Primary.

Only a year later in 2021, when the Census was late for the first time in our country, Nebraska officials were on the forefront of challenging the Census Bureau to release population data earlier than proposed. We wanted to allow enough time for election officials to implement new district lines for the 2022 elections. Nebraska was third in the nation to finish their federal and state redistricting work. That efficiency resulted in no delays in administering our May 2022 primary.

In 2022, Nebraska expanded its post-election manual audit from 2 to 3 percent of precincts statewide to 10 percent of the precincts with at least one precinct selected in every county. During this audit, election officials across the state manually counted three separate races on over 48,292 ballots with only 11 discrepancies discovered. That's an error rate of twenty-three thousandths of one percent. This post-election audit provided valuable data in each county to verify the accuracy of our ballot-counting equipment. Let me be clear, this expanded audit was not easy. But it provides another example of how our election officials go above and beyond to ensure the utmost integrity in our elections.

I am proud to work with Nebraska's county election commissioners, county clerks, their staff, and their poll workers. We have handled all challenges before us one day at a time and one deadline at a time. They are our friends, family members, and our neighbors. They are the reason Nebraska's elections are a model for the country.

There is no doubt that challenges lie ahead in 2024. Voters will undoubtedly hear numerous times that this will be the most important election in their lifetime. The Presidential general election will draw the most voters we will see in a four-year cycle and interest will be at an all-time high. Under Nebraska Secretary of State Bob Evnen's leadership, the elections division will work hard with our County Election officials to ensure Nebraska elections will continue to be safe, accurate and secure.

I wanted to take a moment to thank my team. The members of the Election Division are a dedicated group of individuals who ensure our counties receive the backing and resources they need to be successful. I was once told to hire people smarter than you and give them the tools and resources to be successful. I couldn't ask for a better group of people to work with.

In closing, I would like to say to voters across this country: Your ballot will be waiting for you... Go Cast It.

Thank you for the opportunity to testify today, and I look forward to our continued discussion not only today but in the years to come.

United States Senate Committee on Rules & Administration
Hearing
“Ongoing Threats to Election Administration”
Testimony of Alan Farley
November 1, 2023

Chair Klobuchar, Ranking Member Fischer, and Members of the Rules Committee, thank you for this opportunity. I am Alan Farley and I have the privilege to serve as the Administrator of Elections for Rutherford County, Tennessee. I am truly honored to be here!

Thank you for seeking input from local election officials, such as myself, who serve on the front line conducting our local, state, and federal elections. Many times, decisions are made from a 30,000-foot view instead of getting input from the individuals who have spent sleepless nights making sure that everything goes flawlessly on Election Day. Our motto is “We have to be 100 percent right, 100 percent of the time!” We do not have the luxury of accuracy like the weatherman!

Rutherford County is a suburb of Nashville that has a blend of political diversity, with conservatives, progressives, and young millennials, and a college campus of 22,000 students.

Last week, my staff and I hosted an event for 250 of our election workers who worked in 2020 and 2022 and were eager to return. We discussed many topics, including improvements made for the 2024 Presidential election. Threats to election officials were never mentioned. Chain of custody of ballots, cybersecurity issues, provisional balloting, and guessing on how many people would turn out to vote were the focus of all election workers that attended.

Recruitment of election workers is always a priority for local election administrators, but the biggest hurdle we hear from residents is their ability to take off work or children’s extracurricular activities interfering with Election Day, but never that they are concerned for their well-being.

I recognize that each state faces different challenges, but the common element is that all 50 states should assess each situation and determine who is best to address the challenge.

In 2018, I had the pleasure of participating in the Belfer Center’s Defending the Digital Democracy Project at Harvard University. That was a bipartisan effort to work with states and local election jurisdictions to improve our cybersecurity measures and address misinformation because of issues that occurred in the 2012 and 2016 presidential elections. I was asked by the DDP leadership team to work

with that group to provide them realistic Election Day scenarios for future table-top exercises. This was an excellent “train the trainer” exercise that prepared state election officials to train local election staff on addressing cyber threats that we could face during elections.

As time passes, so does the need for continued advancement in cybersecurity. I strongly believe the federal government can best serve local election officials with funding and beefing up cybersecurity. If you truly want to secure elections in our nation, invest federal dollars in building a stronger Information Technology structure at the local level. Many counties in the state of Tennessee do not have adequate funding for county IT departments.

In 2020, Rutherford County, which has a population of 380,000 residents, had more residents vote than in any other election before in our county. This occurred during a global pandemic and the most intense political environment ever in our nation’s history. Although strife and fear were conveyed by the state and national media, we did not experience any serious threats. None, whatsoever!

Our election workers were faced with big crowds and long lines due to the 6 feet distancing requirements, which brought about short tempers in some cases. Our staff and election workers were able to handle each situation without incident.

Even though we haven’t had any serious threats, we still have a plan in case one arises. I have met with my local sheriff and his command staff in preparing for the 2024 election cycle. They are aware of the locations and dates when early voting and Election Day will occur in this cycle. All municipal law enforcement jurisdictions are coordinated with the sheriff’s office in the event a problem arises. This allows for the local law enforcement agencies to respond quickly if needed. Our Secretary of State office has direct access to the Tennessee Department of Homeland Security if we need its involvement.

I believe that every participant in the electoral process - voter, election worker, poll watcher, and candidate - should be free to carry out their duties without threat of violence, verbal abuse, or physical harm. However, I do not support making each situation a federal issue.

Local election officials know their community, know our people, and know how best to handle a situation if one occurs. If we need help, we will ask for it, locally! Every local election official wants a smooth and orderly election. I know my counterparts across the state of Tennessee, like me, have a good working relationship with their local law enforcement agencies and District Attorney General.

Local election offices have established processes in place to deal with numerous challenges including threats to election workers. We currently have access to HAVA funds to purchase upgraded voting equipment and harden cybersecurity. Congress

should continue to place its focus on advancing and improving upon cybersecurity measures. That would be of better service and have greater impact on protecting our democracy.

I join many other election administrators throughout our nation who are opposed to adding more bureaucratic strings to administering elections. Thank you again for this opportunity to address this Committee.



**TESTIMONY OF
ELIZABETH HOWARD**

**DEPUTY DIRECTOR OF THE ELECTIONS & GOVERNMENT PROGRAM
BRENNAN CENTER FOR JUSTICE AT NYU SCHOOL OF LAW**

**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 Ardoin 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=WOCBIIvUBMc>; 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-retire-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.



Dr. Natalie M. Scala
College of Business and
Economics
8000 York Road
Towson, MD 21252



Chairwoman Klobuchar and Ranking Member Fischer:

I greatly appreciate your decision to hold this hearing on *Ongoing Threats to Election Administration* on November 1, 2023. The security of polling locations and ensuring access to the ballot are critical for our democracy and providing Americans with confidence in our elections.

My name is Dr. Natalie M. Scala, and I am an Associate Professor and Director of the Graduate Programs in Supply Chain Management in the College of Business and Economics at Towson University in Maryland. I am also a Faculty Affiliate Associate Research Scientist at the University of Maryland's Applied Research Lab for Intelligence and Security. I am a member of INFORMS, the largest professional association for the data and decision sciences. My areas of expertise include election security, cybersecurity, and decision modeling – all of which benefit significantly from research and applications within analytics.

I co-direct the Empowering Secure Elections (ESE) research lab at Towson University, which is committed to non-partisan academic research that increases the security of U.S. elections and ensures the integrity of votes from the moment they are cast to the moment they are counted. The lab's mission is to develop risk assessments for U.S. elections and actionable countermeasures to reduce threat. Recently, the lab published groundbreaking work on risk assessments for mail voting¹ that concludes that expanded mail voting disincentivizes adversarial interference and increases voting access, which are significant implications for the security and accessibility of election processes. The lab also created cyber, physical, and insider threat training for poll workers² that was recognized by the U.S. Election Assistance Commission with a Clearinghouse Award in 2020 for Outstanding Innovation in Election Cybersecurity and Technology.

The ESE research lab is the first academic team to define threats to elections as systemic – encompassing cyber, physical, and insider risks – and one of the few research teams to focus efforts on polling places and the public's experience with voting^{3,4}. Poll workers are the first line of defense in election security, and our work enables poll workers to take an active role in keeping elections safe. We specifically study human behavior – one of the National Security Agency's Five Hard Problems of Cybersecurity – considering interactions between humans and cyber systems which necessitate development of models of user and adversarial behavior⁵. Human behavior can compromise security measures built into systems. This behavior may be unintentional, in which an individual inadvertently misuses a system, yet still creates a vulnerability, or it may be deliberate, in which an individual interacts with a system with the intention of causing harm. Poll workers and elections officials are trusted

☎ 410.704.2773
nscala@towson.edu
www.drnataliescala.com



insiders to the election process, and the lab's work creates an understanding of their security behaviors to better assess risk.

The ESE lab's current work focuses on risk assessments for in-person voting, belief in mis/dis-information, countermeasures for threats, and emerging technologies in voting. Misinformation and disinformation are quickly becoming the fourth systemic threat to elections, as the spread of accidental or deliberate incorrect information can leave voters confused about safety and security of voting methods and erode confidence in the legitimacy of election systems and processes. In work to be presented at the 17th NATO Operations Research and Analysis Conference in October 2023, we argue, supported by data and evidence, that election misinformation is an attack on critical infrastructure; clear plans and mitigations are needed to combat this issue. There must be a concerted effort to depoliticize election systems and processes.

Within this context, I propose the following questions for the committee to consider and potentially pose at the hearing:

1. Given the role that poll workers have as the first line of defense in elections, what cyber, physical, and insider threat training and enhancements are being implemented across the country in preparation for the 2024 Elections?
2. As intentional or unintentional human behavior can compromise security measures in election systems, what mitigations and countermeasures are being implemented to prevent issues on and related to Election Day?
3. As election mis/dis-information is an attack on critical infrastructure, what steps are being taken to assure voters of the safety and security of voting methods? How will states and localities provide true and complete voting information to their citizens?
4. As mail voting was used in record numbers during 2020 and has been shown to increase voter access and disincentivize adversarial interference, what is being done to ensure states continue to support access to mail voting in 2024?

I appreciate the opportunity to provide some insight into the important analytical work the ESE research lab is doing. Please consider me a resource as you continue to focus on this important issue.

Sincerely,

Dr. Natalie M. Scala



References:

- ¹Scala, N. M., Goethals, P. L., Dehlinger, J., Mezgebe, Y., Jilcha, B., & Bloomquist, I. (2022). Evaluating mail-based security for electoral processes using attack trees. *Risk Analysis*, 42, 2327-2343.
- ²Scala, N. M., Black, L., & Dehlinger, J. (2023). Preparing poll workers to secure U.S. elections. *Proceedings of the American Society for Engineering Management 2023 International Annual Conference*.
- ³Price, M., Scala, N. M., and Goethals, P. L. (2019). Protecting Maryland's voting processes. *Baltimore Business Review: A Maryland Journal*, 36-39.
- ⁴Locraft, H., Gajendiran, P., Price, M., Scala, N. M., & Goethals, P. L. (2019). Sources of risk in elections security. *Proceedings of the IIE Annual Conference* (pp. 1572-1577).
- ⁵Scala, N. M., Reilly, A. C., Goethals, P. L., & Cukier, M. (2019). Risk and the Five Hard Problems of Cybersecurity. *Risk Analysis*, 39(10), 2119 - 2126.





The High Cost of High Turnover

When local election officials leave their positions in record numbers, the costs to institutional knowledge and running elections are significant

September 2023





The High Cost of High Turnover

When local election officials leave their positions in record numbers, the costs to institutional knowledge and running elections are significant

By Michael Beckel, Amelia Minkin, Amisa Rattliff, Ariana Rojas, Kathryn Thomas, and Adrien Van Voorhis

Introduction

In the wake of a contentious presidential election in November 2020 that led to harassment and death threats against many once-obscure election administrators, droves of local election officials have opted to retire or leave their roles.

New research from Issue One shines a light on the scope of this exodus — including the high costs of this high turnover in terms of psychological duress, lost institutional knowledge, and the financial impacts of recruiting, hiring, and training new people to fill these critical positions.

Turnover is costly in many ways, and while election officials have a track record of rising to the occasion and performing heroically despite limited resources, Congress can help remedy this crisis by providing more funding and protections to these dedicated public servants.

For decades, local election officials served their communities in relative obscurity, working behind the scenes to administer free and fair elections. But the limelight was thrust upon them during the 2020 presidential election, partially because of a coordinated campaign of lies from then-President Donald Trump and his allies. This led to a [deluge of harassment and threats](#). Because of this, many have decided to retire or leave their roles.

A [survey last year by the Brennan Center](#) found that 20% of local election officials were likely to quit before the 2024 presidential election. **Issue One's new research shows that the turnover rate among local election officials since 2020 is far higher, especially in battleground states where chief local election officials have been especially targeted by death threats and harassment.**

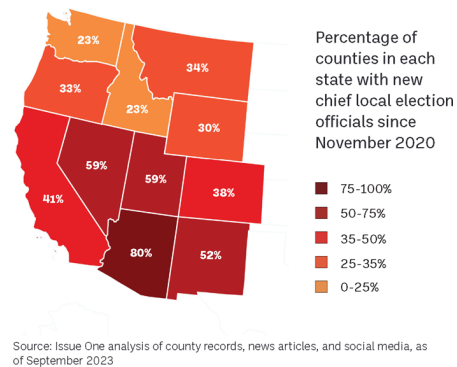
What Issue One Found

Issue One's new research shows that **half of the 76 million Americans who live in the western United States have a new chief local election official since the 2020 presidential election.** In this 11-state region — which includes two major presidential battleground states as well as a mix of Democratic-leaning and Republican-leaning states and where elections are typically administered at the county level by a single official — more than 160 chief local election officials have left their positions since November 2020.

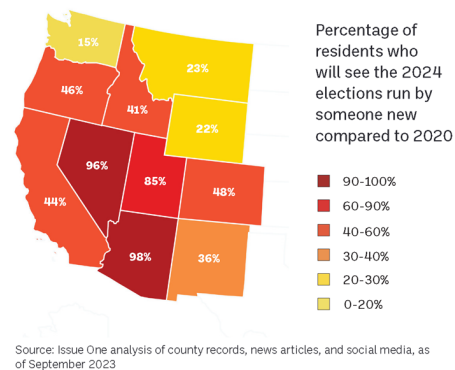
This represents roughly 40% of the total chief local election officials in the region, which includes Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, and where chief local election officials frequently hold titles such as county clerk, county recorder, county auditor, county registrar of voters, or county elections director. (In Arizona, election administration duties are typically split between two officials in each county — an elected county recorder and an appointed elections director. Issue One's analysis includes both of these positions in Arizona's figures. In the other 10 states, Issue One's analysis focused on a single county-level official.)

The brain drain associated with this exodus is real. Issue One found that these officials took with them more than 1,800 years of combined experience.

Exodus of Election Officials

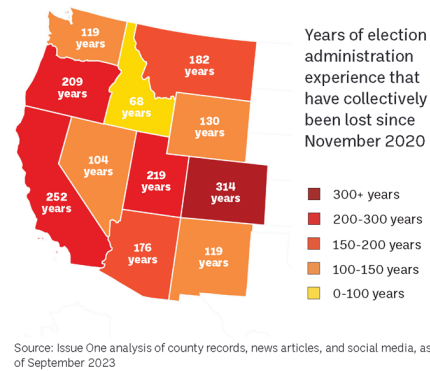


New Faces Running Elections



In a field as technical as election administration — where officials work with specialized voting machines, oversee ballot tabulation, and combat cybersecurity threats, among other responsibilities — it takes time for people to learn complex procedures, gain familiarity with equipment, and hone problem-solving skills for when challenges arise. Those with less experience are more prone to making small mistakes based on lack of knowledge — mistakes that, however innocuous, may be interpreted by hyper-partisans as malicious acts. To help prepare the next generation of election officials and election workers, jurisdictions across the country need to be investing significantly in training — on top of their routine investments in their voting equipment, the maintenance of their voter rolls, and other typical expenditures.

Institutional Knowledge Lost



“These turnover rates signify a crisis in our democracy,” said Issue One Founder and CEO Nick Penniman. “The health and vibrancy of election administrators are essential to ensuring free and fair elections in our country. Congress should heed the call of America’s election officials and deliver regular funding and stronger protections for election workers, and law enforcement agencies should intensify their efforts to hold accountable those that threaten the dedicated officials who help Americans make their voices heard at the ballot box. Election after election, local officials rise to the occasion to administer free and fair elections that are safe and secure. Now is the time for policymakers and lawmakers to stand with them.”

A Troubling Exodus

In the 11-state western United States, roughly 40% of the chief local election officials are new since the 2020 presidential election — and in four states, Issue One found that number exceeds 50%.

In contrast, the annual turnover rate among people who hold state or local government jobs has typically been about 20% in recent years, according to the Bureau of Labor Statistics.

The turnover among chief local election officials has been particularly acute in presidential battleground states, such as Arizona (where Joe Biden won by 0.3%, or 10,457 votes) and Nevada (where Biden won by 2.4%, or 33,596 votes). But Republican-leaning states and Democratic-leaning states alike have not been immune from this trend.

In Arizona, Nevada, New Mexico, and Utah, the four states where the turnover rate has exceeded 50%, the turnover rates of chief local election officials were twice as high as the rates in Washington and Idaho, Issue One's research shows.

And in the 161 counties in western states with new chief local election officials since November 2020, the typical number of years of experience held by these officials dropped from about 8 years to about 1 year.

Here are the specifics of what Issue One found in each state:

In Arizona, 80% of the state's counties have at least one new chief local election official, and 98% of Arizonans will see the 2024 election administered by someone different than the officials who administered the 2020 election. Because election administration duties in Arizona are typically split between two officials in each county, this corresponds to **55% of the chief local election officials in Arizona's counties being new since November 2020**, and the officials who left these posts took with them a combined 176 years of experience. In the counties with new chief local election officials, the median amount of experience these officials had dropped from about 10 years to about 1 year. **In four of the six most-populous counties in Arizona, both the elections director and county recorder are new since November 2020; in the other two counties, at least one of these officials is new.**

In Nevada, 59% of the state's counties have a new chief local election official, and 96% of Nevadans will see the 2024 election administered by someone different than the official who administered the 2020 election. The officials who left took with them a combined 104 years of experience. In the counties with new chief local election officials, the median amount of experience these officials had dropped from about 8 years to about 1 year.

In Utah, 59% of the state's counties have a new chief local election official, and 85% of Utahns will see the 2024 election administered by someone different than the official who administered the 2020 election. The officials who left took with them a combined 219 years of experience. In the counties with new chief local election officials, the median amount of experience these officials had dropped from about 8 years to less than 1 year.

In New Mexico, 52% of the state's counties have a new chief local election official, and 36% of New Mexicans will see the 2024 election administered by someone different than the official who administered the 2020 election. The officials who left took with them a combined 119 years of experience. In the counties with new chief local election officials, the median amount of experience these officials had dropped from about 8 years to about 3 years.

"These turnover rates signify a crisis in our democracy. The health and vibrancy of election administrators are essential to ensuring free and fair elections in our country."

- Nick Penniman
Issue One Founder and CEO

“Increased federal funding would have an enormous impact as we work to recruit, train, and retain the next generation of election professionals.”

- Adrian Fontes
Arizona Secretary of State

In California, 41% of the state's counties have a new chief local election official, and 44% of Californians will see the 2024 election administered by someone different than the official who administered the 2020 election. The officials who left took with them a combined 252 years of experience. In the counties with new chief local election officials, the median amount of experience these officials had dropped from about 9 years to less than 1 year.

In Colorado, 38% of the state's counties have a new chief local election official, and 48% of Coloradans will see the 2024 election administered by someone different than the official who administered the 2020 election. The officials who left took with them a combined 314 years of experience. In the counties with new chief local election officials, the median amount of experience these officials had dropped from about 8 years to less than 1 year.

In Montana, 34% of the state's counties have a new chief local election official, and 23% of Montanans will see the 2024 election administered by someone different than the official who administered the 2020 election. The officials who left took with them a combined 182 years of experience. In the counties with new chief local election officials, the median amount of experience these officials had dropped from about 6 years to about 1 year.

In Oregon, 33% of the state's counties have a new chief local election official, and 46% of Oregonians will see the 2024 election administered by someone different than the official who administered the 2020 election. The officials who left took with them a combined 209 years of experience. In the counties with new chief local election officials, the median amount of experience these officials had dropped from about 16 years to about 1 year.

In Wyoming, 30% of the state's counties have a new chief local election official, and 22% of Wyomingites will see the 2024 election administered by someone different than the official who administered the 2020 election. The officials who left took with them a combined 130 years of experience. In the counties with new chief local election officials, the median amount of experience these officials had dropped from about 12 years to less than 1 year.

In Washington, 23% of the state's counties have a new chief local election official, and 15% of Washingtonians will see the 2024 election administered by someone different than the official who administered the 2020 election. The officials who left took with them a combined 119 years of experience. In the counties with new chief local election officials, the median amount of experience these officials had dropped from about 12 years to less than 1 year.

And in Idaho, 23% of the state's counties have a new chief local election official, and 41% of Idahoans will see the 2024 election administered by someone different than the official who

administered the 2020 election. The officials who left took with them a combined 68 years of experience. In the counties with new chief local election officials, the median amount of experience these officials had dropped from about 7 years to less than 1 year.

These startling turnover rates have state's top election officials concerned.

Arizona Secretary of State Adrian Fontes, for instance, [has called](#) the high turnover among election officials in Arizona a “plague.” This summer, he lamented to Hearst Television that “manufactured concocted problems” are “chasing experienced folks away.”

Fontes told Issue One that “the loss of these local officials means that the counties that run our elections will have to do more with less.”

He continued: “Increased federal funding would have an enormous impact as we work to recruit, train, and retain the next generation of election professionals. Additional federal investment will also address an unfunded mandate by which state and local governments assume the responsibility of holding elections for federal office without receiving the adequate amount of funding. Though the needs of Arizona and every other state are unique, it is in our common interest to ensure safe, secure, and accurate elections for every single American — no matter where they live.”

Similarly, Nevada Secretary of State Francisco V. Aguilar told Issue One: “Nevada has lost more than half of our top county election officials since the 2020 election, and many more staff within elections offices across the state. This has led to a critical loss of institutional knowledge and staffing shortages ahead of the 2024 presidential election. Elections don't work without people and resources, and consistent federal funding for elections infrastructure would greatly strengthen our democracy.”

Onslaught of Threats

Many of the personal stories of the local election officials who have resigned, retired, and left these positions since the 2020 presidential election are harrowing. Officials have had to deal with an onslaught of threats, harassment, conspiracy theories, and increased work loads.

Last year, Republican Leslie Hoffman resigned as the county recorder of Yavapai County, Arizona, after roughly a decade on the job. In an [interview with The 19th](#), she said her decision to step down from her position came after two years of being heckled at public meetings and receiving threatening phone calls and hateful messages online — threats and harassment that led to the sheriff patrolling

“Lost institutional knowledge increases the likelihood of human error. Even when an organization has well-documented procedures, new problems and questions arise.”

– Julie Wise
Elections Director in
King County, WA

“When you get significant turnover, it can get really problematic as you lose institutional knowledge and institutional expertise.”

- Josh Daniels
Former County Clerk in
Utah County, UT

her house and her limiting her social events in her community.

“I asked one of the organizers of one of the groups, why are you going after us? We have no discretion in our jobs,” she said. “And he said, ‘Because you’re the easy mark.’ So I’m really disillusioned that people who deserve support don’t have it.”

Similarly, Republican Josh Daniels of Utah opted against running for reelection as the county clerk of Utah County in 2022 because of “the political dynamic,” he [told Issue One earlier this year](#).

“We had internal battles in our county with our elected political officials that made our job difficult because those officials were giving credence to false and misleading election conspiracies and turning the administration of elections into a political issue that they could use in their own personal elections, reelections, and other political ambitions,” he continued.

“Unfortunately in the wake of the 2020 election, election administration has become a sort of political football,” he added. “I think you’re seeing election officials leave when they feel like the political officials that oversee their offices don’t support them and don’t have their backs.”

In Nevada, Republican Nikki Bryan worked as the clerk-recorder of Lyon County for more than 20 years, but decided last year to forego running for reelection again. “I love this county, and I want to see elections done right,” she [told the Christian Science Monitor](#) last year. “But I can’t fix the anger. I’ve tried.”

In California, Tommy Gong stepped down from his post as the clerk-recorder of San Luis Obispo County after six and a half years in mid-2021 amid a wave of election denialism. In 2021, [he testified before Congress](#), recounting how a “mob mentality” had developed in San Luis Obispo County after the 2020 election. He said Republican Party activists demanded that he audit the election and the county’s voting machine. During one public meeting, one person asserted he might be a member of the Chinese Communist Party.

“We were all stunned,” he told the Senate Judiciary Committee. “After hearing about some of the threats of violence toward election officials across the nation as well as the increase in violent crimes toward Asians, that comment did prompt concerns for me and my family.”

After more than a decade on the job, Kammi Foote stepped down as the clerk, recorder, and registrar of voters of Inyo County, California, in April 2021. About her decision to leave, [Foote told the Los Angeles Times](#) that “it’s just a sense of being worn down and tired,” adding “in 2020, we found ourselves working seven days a week, months on end, under tremendous pressure.”

For her part, Aubrey Rowlett, served just one term — four years — as the clerk-recorder in Carson City, Nevada. After that, the pressure wasn't worth it. On top of her election administration duties, her responsibilities included addressing the estates, tax returns, and debts of those who died without official wills as well as digitizing historical documents. She [said](#) she had to put much of her other work on hold in the lead up to the 2020 election “because there's no way I'm going on Fox News because I missed an election deadline.”

“You're just working so many long hours, and then you're being called idiots,” she [told the Christian Science Monitor](#). “I had some man say he would sit outside my window and watch me.”

Similarly, in Washoe County, Nevada, Deanna Spikula resigned as the registrar of voters last year because of burnout born from threats. She endured unfounded personal attacks online, accusations of treason, and one death threat from someone who said, “Count the votes as if your life depends on it because it does.”

“Elections have always had their challenges, but the challenges now are far above and beyond even what was seen in 2020” [she told the Reno Gazette Journal](#).

And in Montana, Nichol Scribner resigned earlier this year as the clerk and recorder, treasurer, and superintendent of schools of Sanders County, after serving for more than eight years.

After making her decision, she [told the Sanders County Ledger](#): “I am sad to be leaving the good people of Sanders County, however, the last year has been extremely stressful as I have ongoing health issues and have endured multiple threats.”

Since the 2020 election, the Justice Department has charged people in Iowa, Massachusetts, Missouri, Nebraska, Nevada, Ohio, and Texas for threatening election officials. One man was sentenced to 18 months in prison. Several others are still awaiting trial. All the while, nine states have increased penalties for those convicted of making threats or harassing election officials and election workers.

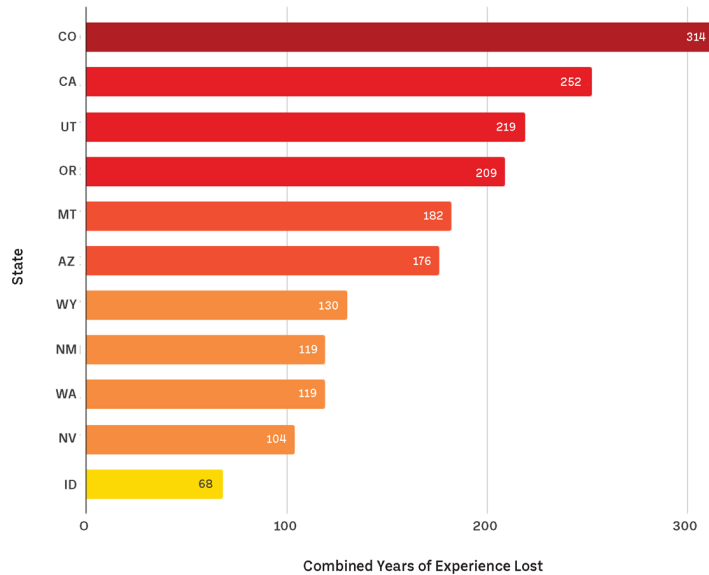
Issue One has called for increased penalties against people who threaten those who help run our elections. Issue One has also called for an expansion of protections for election officials and election workers (including [resources to protect themselves against doxxing](#)) as well as an intensification of investigations and prosecutions by the Department of Justice.

Turnover is Expensive

Current and former election officials agree that high turnover rates cost voters — and taxpayers — in multiple ways.

High turnover can be expensive because it's expensive to search for, hire, and train new staff. New election officials must be trained on the processes, procedures, and equipment that a jurisdiction uses.

Combined Years of Election Administration Experience Lost in Western States Since November 2020



Source: Issue One analysis of county records, news articles, and social media accounts, as of September 2023

This is true both in the states examined in this case study and the rest of the nation. Officials in multiple states across the country this year requested budgetary increases from state lawmakers specifically to cover additional training.

For instance, in South Carolina, the state election commission [requested](#) \$3.2 million for training and technical support. And in Arizona, Secretary of State Adrian Fontes [requested](#) an additional \$4.2 million from the state's general fund, including \$1.6 million for the state's "critical election workforce," which would allow Arizona to add employees for training and certifying election workers.

To make matters worse, if crucial positions remain vacant, current staff become demoralized and less productive. Moreover, when professionals with years of experience leave the field, voters in those areas lose vast amounts of institutional knowledge.

"Think of institutional knowledge as a savings account," said Julie Wise, elections director of King County, Washington. "When a savings account has too little in it, emergencies become much more

difficult to handle. Lost institutional knowledge increases the likelihood of human error. Even when an organization has well-documented procedures, new problems and questions arise. In those circumstances, being able to rely on experienced staff increases efficiency, effectiveness, and security.”

She continued: “Printing your ballot, sharing information about what’s on that ballot, answering voters’ questions, receiving and processing your ballot, ensuring security throughout the process, and sharing results all require trained, capable, experienced people working together efficiently, effectively, and transparently.”

Those sentiments were echoed by Josh Daniels, the former county clerk of Utah County, Utah.

“It’s important that people with professional experience and expertise are involved in the elections process as it becomes increasingly complex and onerous with a variety of important legal compliance mandates and deadlines and specific processes and equipment,” Daniels said. “When you get significant turnover, it can get really problematic as you lose institutional knowledge and institutional expertise.”

“Elections don’t work without people and resources, and consistent federal funding for elections infrastructure would greatly strengthen our democracy.”

- Francisco V. Aguilar
Nevada Secretary of State

Conclusion

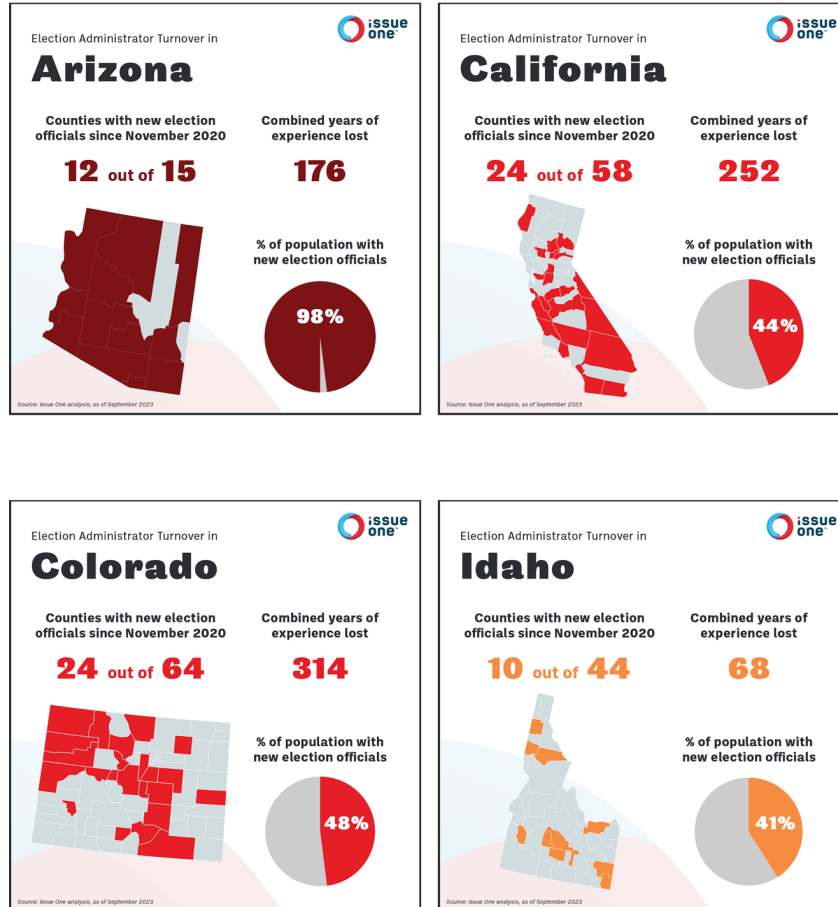
We are currently seeing a renewed push by [civic organizations](#), [veterans groups](#), [corporations](#), and others to bolster a new generation of poll workers to help run elections. At the same time, it is essential for our democracy that lawmakers strengthen our election infrastructure and protect the dedicated people who keep it functioning.

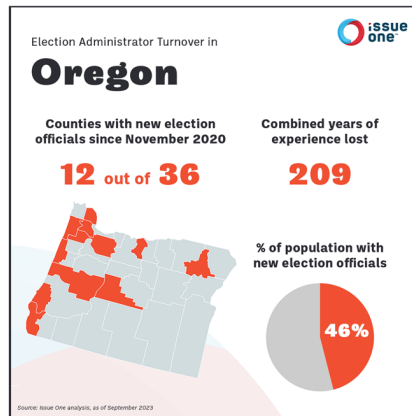
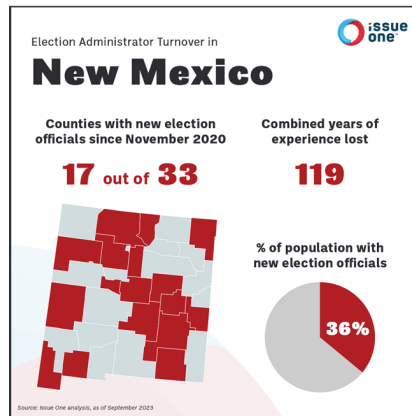
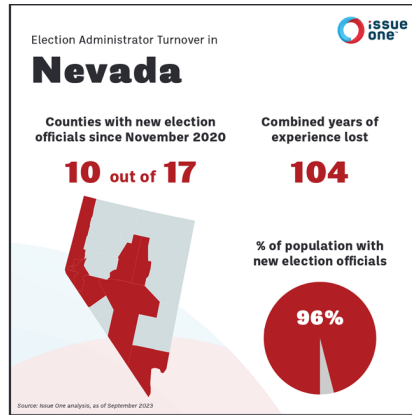
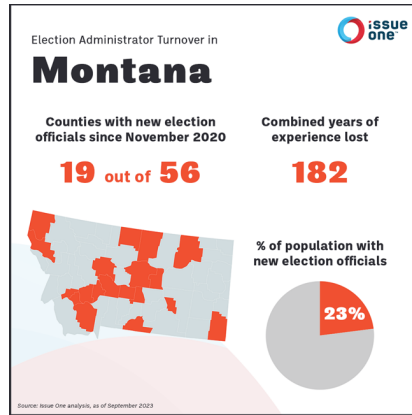
Ensuring elections are accessible, secure, and accurate requires trained, dedicated, knowledgeable people. When local election officials leave these critical positions, the costs to institutional knowledge and running elections are real. Losing experienced people costs us in countless ways.

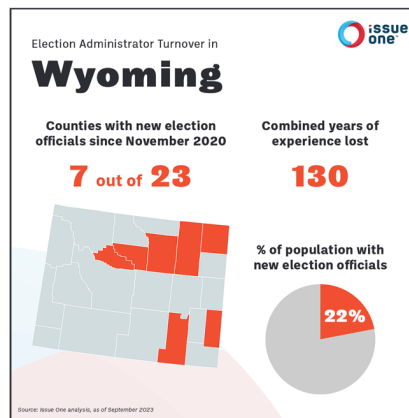
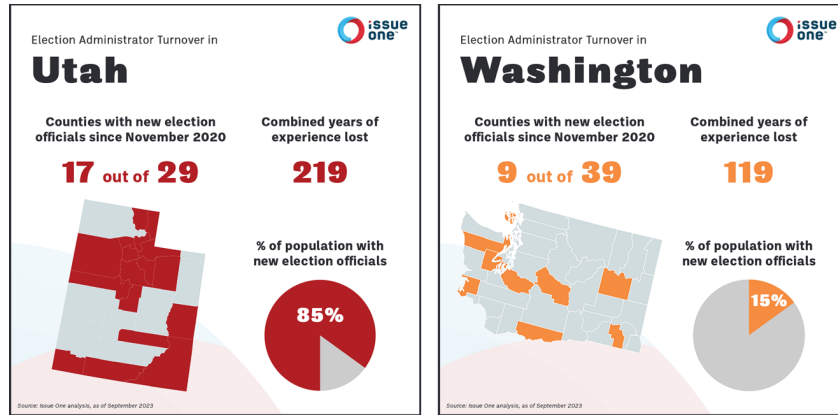
When elections workers feel undermined — by false information, lack of resources, or worse, threats of violence or death simply for doing their jobs — turnover rates can creep painfully high. Exhaustion, demoralization, and fear deplete the election administration field of the people whose knowledge and experience are necessary for the day-to-day administration of democracy.

In order to curb this exodus, lawmakers and policymakers in Washington, D.C., and across the country must step up to show election officials that they have their backs in the face of threats and harassment. They can do this by strengthening protections and fully funding our critical elections infrastructure to ensure that all voters can safely and securely make their voices heard in our elections.

Appendix: A State-By-State Breakdown of Election Administrator Turnover Since November 2020









Acknowledgments

This report was written by Michael Beckel, Amelia Minkin, Amisa Ratliff, Ariana Rojas, Kathryn Thomas, and Adrien Van Voorhis.

Design by Sydney Richards.

Maps in report created with mapchart.net.

Photo credit (cover and page 2): Edmond Dantès / Pexels

About Issue One

Issue One is the leading crosspartisan political reform group in Washington, D.C. We unite Republicans, Democrats, and independents in the movement to fix our broken political system and build a democracy that works for everyone. We educate the public and work to pass legislation on Capitol Hill to increase transparency, strengthen ethics and accountability, reduce the corrosive influence of big money in politics, and bolster U.S. elections.

issueone.org | [in](#) | [twitter](#) | [f](#)

Media Contact

Cory Combs
ccombs@issueone.org | (202) 204-8553

Correction, Sept. 26, 2023: This report initially misstated the party affiliation of former San Luis Obispo County Clerk-Recorder Tommy Gong. He is not affiliated with any political party. Issue One regrets the error.



issueone.org | [in](#) | [twitter](#) | [facebook](#)



**Statement of Tiana Epps-Johnson, Executive Director of the Center
for Tech and Civic Life**

United States Senate Committee on Rules

Hearing on Ongoing Threats to Election Administration

Nov. 1, 2023

As the leader of a nonprofit dedicated to making our elections more professional, inclusive, and secure, I'm grateful to share with you perspectives and stories from election administrators regarding the challenging security environment our election workers are wrestling with.

In 2017, the Department of Homeland Security (DHS) officially designated election infrastructure¹ as "part of the existing Government Facilities critical infrastructure sector." DHS noted that election infrastructure "is vital to our national interests, and cyberattacks on this country are becoming more sophisticated, and bad cyber actors – ranging from nation-states, cybercriminals and hacktivists – are becoming more sophisticated and dangerous."

Unfortunately, in the six years since that time, federal, state and local governments have failed to adequately fund our election workers to combat threats. It has been a challenge to unite all levels of government to ensure we have both the resources and policy environment to ensure safe, secure elections for both voters and the election workers supporting American democracy.

21st-century threats, including interference from hostile foreign countries, ransomware attacks as we've seen in the private sector, and physical threats targeted at election officials, require 21st-century equipment and mitigation tools. Truly secure elections require up-to-date

¹ "Election Security | Cybersecurity and Infrastructure Security Agency CISA," March 11, 2023. <https://www.cisa.gov/topics/election-security#:~:text=In%20January%202017%2C%20the%20Department,infrastructure%20qualifies%20as%20critical%20infrastructure>.

equipment, adequate staffing levels to create appropriate redundancy and resiliency, and space that is secure against both natural disasters and bad actors.

In 2020, the DHS Cybersecurity and Infrastructure Security Agency released the Election Infrastructure Sub Sector-Specific Plan. This strategic plan highlights the current enhanced threats to the security of our elections and recognizes the need for enhanced resources to counteract these threats.

Even today, despite many stories in the media about the range of threats election workers face, not enough attention is being paid to this problem. The threats facing election workers are very real, and that concern is being raised from bipartisan sources. Just last year the Department of Justice convened with a group of approximately 750 election workers and officials and found troubling activity. After reviewing 1,000 contacts that were considered hostile or harassing, 11 percent met the threshold for a federal criminal investigation².

Those 11 percent of threats must be taken seriously, and addressed. Many states are exploring increasing penalties³ to further deter these activities and clarifying the legal line to allow prosecutors to confidently charge bad actors. But for the 89 percent of incidents of harassment that do not reach a criminal threshold, more must be done to support elections offices to protect their staff, facilities, and the public who rely on them. While federal agencies and nonprofits like CISA have provided guidelines and best practices to enhance physical security to protect election offices, many counties do not have the budgets to support the capital improvement projects necessary to implement those recommendations⁴. That leaves counties like Denver, Colorado, whose Clerk & Recorder's office was struck by a rogue bullet earlier this year, unable

² “Readout of Election Threats Task Force Briefing with Election Officials and Workers,” August 1, 2022. <https://www.justice.gov/opa/pr/readout-election-threats-task-force-briefing-election-officials-and-workers>.

³ “State Laws Providing Protection for Election Officials and Staff,” October 31, 2023. <https://www.ncsl.org/elections-and-campaigns/state-laws-providing-protection-for-election-officials-and-staff>.

⁴ CNN. “‘Our Security Here Is a Joke’: Election Workers Lament Lack of Federal Spending on Security Ahead of Crucial Midterms,” October 27, 2022. Accessed November 1, 2023. <https://www.cnn.com/2022/10/27/politics/election-security-federal-funding-violent-threats/index.html>.

to fund the full security improvements recommended in CISA's assessment⁵. In Syracuse, New York, the board of elections is nearly \$1 million short of what they requested⁶.

We know that it is impossible for law enforcement to shield local election officials from every intimidating message or dangerous individual, but better resources can make a difference in the safety and resiliency of local election offices. Baltimore, Maryland, for example, has installed floodlights in their parking lots⁷ and has established a buddy system so that "nobody is ever [in the elections facility] by themselves." But for the thousands of smaller jurisdictions that have at most one full-time dedicated employee, safety in numbers is impossible and small local budgets cannot bridge the gap.

Last October, the FBI issued a warning about threats to election workers, and the media reported that Colorado was a top state for threats⁸ to election workers. The head of Colorado's association of clerks – a former Republican clerk – testified before Congress⁹ that threats were on the rise, saying, "These emerging and pervasive threats to election workers and the clerks that oversee that work are falling the heaviest on Republican clerks right now. Many, if not all of them, have seen an uptick in everything from concerning emails to actual physical threats."

⁵ Birkeland, Bente. "Denver's Mayor and Clerk and Recorder Are at Odds over Election Office's Resources Ahead of 2024." *Denverite*, October 20, 2023. <https://denverite.com/2023/10/20/denvers-mayor-and-clerk-and-recorder-are-at-odds-over-election-offices-resources-ahead-of-2024/>.

⁶ Syracuse. "Commissioner: Onondaga County Is Underfunding Our Elections (Guest Opinion by Dustin M. Czarny)," October 25, 2023. <https://www.syracuse.com/opinion/2023/10/commissioner-onondaga-county-is-underfunding-our-elections-guest-opinion-by-dustin-m-czarny.html>.

⁷ Lee, John. "Maryland Election Officials Roll out Ballot Box Security Measures." *WYPR*, June 29, 2022. <https://www.wypr.org/wypr-news/2022-06-29/maryland-election-officials-roll-out-ballot-box-security-measures>.

⁸ Axios. "Colorado Election Conspiracies Cloud Vote as Mail Ballots Arrive," October 17, 2022. Accessed November 1, 2023. <https://www.axios.com/local/denver/2022/10/17/election-conspiracies-threat-fbi-colorado>.

⁹ Kim, Caitlyn, and Bente Birkeland. "Threats against Election Workers Bring Head of Colorado's Clerks Association to Congress." *Colorado Public Radio*, August 3, 2022. <https://www.cpr.org/2022/08/03/colorado-election-workers-threats-congress/>.

All of this is happening while funding remains in short supply for many election departments. The Elections Infrastructure Initiative has estimated the full cost of safe, secure elections at more than \$50 billion over 10 years¹⁰. Both the House and Senate FY '23 Financial Services and General Government Appropriations bills included \$400 million in federal grants, but the final amount appropriated for election grants was just \$75 million. For context the City of Los Angeles alone spent more than \$50 million¹¹ to administer the Sept. 14, 2021 California recall election – meaning even \$400 million amounts to just 12.5 percent of the total funding used by one city for one election.

Funding shortfalls can lead to security vulnerabilities in a variety of ways that won't catch headlines, but are still very real. One under-the-radar issue we've seen: small jurisdictions have told us that they lack the ability to access secure wireless internet, making it challenging for them to download PDFs with guidance from state officials, to say nothing of the regular software security updates their equipment requires.

Meanwhile, Reuters has reported that there are many jurisdictions throughout the country using voting equipment that is no longer manufactured¹². This is not just a question of spare parts, but whether outdated equipment can meet modern-day best-in-class security standards.

A failure at any point in this system — lack of training, physical security, old voting machines, outdated computers or lack of secure internet access — could lead to a chain reaction that would reduce voter confidence in our system.

Finally, I should note the challenges go beyond funding alone and that election officials are also dealing with a challenging policy environment. To cite just one example, consider that even

¹⁰ Election Infrastructure Initiative. “50 States of Need — Election Infrastructure Initiative,” n.d. <https://www.modernizeourelections.org/50statesofneed>.

¹¹ Myers, John. “California Recall Election Cost \$200 Million, Officials Say - Los Angeles Times.” *Los Angeles Times*, February 4, 2022. <https://techandcivillife.us1.list-manage.com/track/click?u=6711f339c47ffcd2f9cbbfd9&id=cf453674fb&e=fc40c10f74>.

¹² Cage, Feilding. “Machine Politics: How America Casts and Counts Its Votes.” *Reuters*, August 23, 2022. <https://www.reuters.com/graphics/USA-ELECTION/VOTING/mypmnewdlvr/>.

though the Supreme Court has recently ruled that it is Constitutional to limit firearms at polling places, only 12 states and the District of Columbia have taken this common-sense step to protect poll workers and voters¹³. This lack of action is deeply troubling in our current environment of increasingly widespread disinformation. Action should be taken at all levels to ensure election workers are protected from threats at polling places and central vote count sites.

I would like to conclude with a note of optimism. I believe there is interest from leaders of all political stripes to address this challenge. Just recently I joined a panel discussion at the University of Virginia with John Bridgeland, who ran the Domestic Policy Council under George W. Bush, introduced by Melody Barnes, Director of White House Domestic Policy Council under President Barack Obama. The group was united around solutions to strengthen the machinery of democracy.

The Pew Research Center has found that voter confidence¹⁴ has improved since the last presidential election. There exists a future where we can build on that progress and create an election environment where voters remain confident our system is secure and where election officials can go to work secure in the knowledge that they have a safe workplace and they have the resources they need to do their work. This hearing is an important step in educating the public about the work that remains to be done to make that future a reality.

I thank you for your time and continued interest in this critical issue.

¹³ Giffords: Courage to Fight Gun Violence. “Guns and Voting: How to Protect Elections after Bruen | Giffords.” Giffords, September 29, 2023. <https://giffords.org/report/guns-and-voting-how-to-protect-elections-after-bruen/>.

¹⁴ Nadeem, Reem. “Views of Election Administration and Confidence in Vote Counts | Pew Research Center.” Pew Research Center - U.S. Politics & Policy, October 31, 2022. <https://www.pewresearch.org/politics/2022/10/31/views-of-election-administration-and-confidence-in-vote-counts/>.

Testimony of Aaron Ammons
Champaign County Clerk, Recorder of Deeds
U.S. Senate Committee on Rules and Administration
November 1, 2023

Chairperson Klobuchar, Ranking Member Fischer and Members of the Committee,

Thank you for holding this important hearing and for providing the opportunity for election officials to share our experiences of ongoing threats to election administration.

My name is Aaron Ammons, and I appreciate that our form of government affords me the opportunity to submit testimony on behalf of Champaign County, where I have served as the County Clerk and Recorder of Deeds since 2018.

I would like to speak to you with the knowledge and understanding of how elections work in America, so you can see more fully the status of our nation's election administration, and the threats we face as election officials and as a Nation. Never before has the imperative work of our nation's dedicated and diligent election officials faced such unrelenting pressure externally and internally. The protection of these critical workers should be of utmost importance to Congress as a whole, and the Rules Committee in particular because these are American citizens who run our early voting locations, process vote by mail (VBM) applications and ballots, as well as serve 12-14 hours on election day to ensure the United States has fair, free, and accessible elections.

The [Department of Homeland Security](#) has repeatedly warned that physical threats to election workers are of critical importance because those threats are a matter of national security. The 2020 election served as a potent demonstration of just how in danger our election workers are, and how little infrastructure is in place to protect us. During and after the 2020 election state and local elections officials received an influx of verbal, written, and physical threats. These [threats](#) varied from threatening hand written messages on VBM applications and voicemails from angry constituents threatening to "lynch" election workers, to suggestions of mass shootings of poll workers, specifically targeting their children as to send a more forceful message. Distinguished members of this committee, I submit to you that every single threat levied against election officials is a threat against our republic. However, even when such threats are investigated by

law enforcement officials, little action has resulted. Only about a dozen indictments have been issued against the perpetrators of these threats. We are told by State's Attorney's across the country that vile messages, while immoral and unfair, don't amount to actionable threats.

In addition, conspiracy theorists and election deniers have flooded election offices with dozens of bad faith freedom of information requests that absorb our administrative capacity which should be put to work helping eligible voters cast their ballots. While transparency and engagement with the public are core to the mission of all election officials, these requests are not intended to broaden public understanding or root out problems. They are the physical equivalent of denial of service attacks on a computer system, forcing election offices to devote scarce resources to responding to ever more esoteric questions that the filers actually have no interest in learning about. Election Authorities are always willing to share how elections work, however, we do not have the funds to mount the necessary rapid response campaigns needed to minimize the mis/disinformation saturating social media and other media platforms. This lack of a response allows organized lies to Trump disorganized truths.

Due to these mounting pressures, the [turnover](#) rate among elections officials has dramatically increased, resulting in a continued loss of institutional knowledge and it silences the voices of the people best prepared to respond to the lies being spread. It is impossible to accurately stress the impact this has on election operations across the country. Due to ever changing laws, environmental issues, public health emergencies such as Covid 19, and the legal requirements associated with elections, election officials and election workers spend decades mastering our profession. Replacing 10-20 year veterans who understand the process and pressures of an election, with new inexperienced people who have little to no understanding of elections or election law is what keeps Election Authorities up at night. Entering into an election year as critical as the upcoming cycle in 2024, such expertise is integral, and this continued hemorrhaging of elections officials has the potential to cause innocent errors or oversights that could drive further conspiracy theories and a complete loss of faith in our elections.

Protecting our offices and people against physical threats, responding to avalanches of information requests, and carrying out our primary duties of administering elections in a safe and secure manner all take resources and a mindset from our representatives that abuse of election

workers is a threat to national security. Election authorities will always find a way to get the job done, however, these new pressures call for overdue increased federal support financially and culturally. In Champaign County, prior to my administration, a lack of understanding of how elections actually work combined with decreased funding resulted in Champaign County using voting tabulation machines that were no longer manufactured, and using election software that ran on windows XP! Our Automark machines that were designed to assist voters with disabilities were so outdated and worked so infrequently that our election judges refused to offer them as an option to disabled voters because it actually made voting more difficult for them. Our voting equipment, our central counting station, and all ballots that we are required to store for 18 months or more, are kept in a storefront style metal building that offers very little security. This is the sad and unacceptable norm for some of my colleagues across the country.

In addition, voters all over the Country are clearly expressing an interest in voting by mail. They appreciate the flexibility, accessibility, and the time they have to research candidates and referendum questions which affords them time to cast an informed vote. VBM increases registration, participation, and turnout, yet election officials hesitate to promote VBM because many don't have the funds to pay for the sorting machines, letter opening machines, and drop boxes that must accompany this easy, accessible, and more secure form of voting. Underneath the rhetoric, the unspoken reason contributing to the January 6th attack on our Capital was due to mis/disinformation being spread about VBM. Since American citizens were so misled by the disinformation spread about VBM that they stormed our Capital and threatened the life of the Vice President, can you imagine what they are willing and capable of doing to much less secure venues such as County Clerk offices and polling locations? Sure we can blame former President Trump for the Jan 6th attack but when election officials are forced to work on shoestring budgets, mistakes will be made, human error will increase, and suspicion will abound. You, our duly elected representatives, are being called upon today to assist us. To this day the deceitful, dangerous lies continue to be spread about VBM and yet we see very little support financially from this Congress to help us push back on this highly volatile narrative that threatens more than just frontline workers, but our Nation as a whole.

Earlier this year, the Department of Homeland Security (DHS), working with the Federal Emergency Management Agency (FEMA), announced that it will now require states to allocate a

minimum of three percent of the money they receive through the Homeland Security Grant Program to fund election security needs. As welcome as this step was, it is no substitute for regular and reliable funding, especially when this program exists at the pleasure of whomever is President. Congress must step up to appropriate an adequate level of funding towards addressing these threats because it is a matter of National Security.

If America truly desires to continue offering fair, free, and accessible elections to its citizens and wants to continue to serve as an example of how to peacefully transfer power, Congress must prioritize funding elections in the same way it prioritizes funding our brave women and men of the armed forces. Americans are becoming more and more aware of how our tax dollars are spent to establish and restore Democracy abroad, while the very thing that makes us a beacon of light to the rest of the world, begins to dim at home. Therefore, our ability to conduct fair, free, accessible democratic elections is of the utmost importance to maintaining and sustaining our democracy and securing our Nation.

Election workers, who serve as soldiers on the frontlines of democracy in our own way, under unprecedented assault to facilitate our elections, are asking for and clearly need a minimum of four to five billion dollars to adequately address the mounting issues we continue to face. As a taxpaying American citizen, an election authority who believes 100% in participatory democracy, and a voice for my colleagues across America, it is my sincere hope that the Senate will increase its proposed appropriation to at least \$1 Billion dollars to assist the 2024 elections, and the House will do the same.

Thank you all for your time, consideration, and service to our Country.

In Service to the People,

Champaign County Clerk

Aaron Ammons

Senate Committee on Rules and Administration
Ongoing Threats to Election Administration
November 1, 2023
Questions for the Record
The Honorable Adrian Fontes

Chairwoman Klobuchar

AI has the potential to impact both our elections and the work of election officials, including through the spread of false information about how elections are run.

- **What issues do you foresee with respect to AI and its impact on election administration, and what steps do you believe should be taken to address these risks before the 2024 elections?**

As I mentioned in my testimony, artificial intelligence has the potential to confuse voters and wreak havoc on the administration of elections. AI will likely increase the quality, quantity, and urgency of MDM within both campaigns as well as election administration. As history has shown during 2020 and 2022 election cycles, manually created MDM was effective in eroding voter confidence. Now with AI, the ability for bad faith actors to create high quality disinformation and malinformation is greatly expanded. Additionally, it is trivial to create 10x the content at a much more believable level than we've traditionally seen.

Synthetic content, largely deepfakes and voice cloning, will be targeting officials at the national and local levels. Now that it's quick, cheap, and easy to generate, false video and images of candidates and election officials will be widespread and used more prolifically. The onus of combating this will be left to local officials, who already lack the capacity to work against it.

These deepfakes could go well beyond the traditional MDM we saw in the past telling certain voters that Election Day or their voting locations have changed (although my previous example of a deepfake of me announcing such a thing is frightening enough.). It is possible we could see high quality deepfakes near critical elections claiming major tragedy designed to negatively impact voter turnout, including:

- Dead candidates or candidates withdrawing from races and endorsing their opponents.
- Vulgar, racist, or incompetent statements by major candidates or election officers
- Fake protests and destruction that changes voting locations or "cancel" elections
- Fake evidence of election fraud

Combating this now as well as during the election cycle is one of the more significant challenges we face as we prepare. To do this we are working with the National Association of Secretaries of State (NASS) and National Association of State Elections Directors (NASED) to educate the public to turn to trusted sources for information before and during the upcoming elections. NASS's #TrustedInfo initiative is a public education effort to promote election officials as the trusted sources of election information. By driving voters directly to election officials' websites and social media pages, we will ensure voters are getting accurate election information and cut down on the misinformation and disinformation that can surround elections. #TrustedInfo aims to highlight state and local election officials as the credible, verified sources for election information.

Additionally, we believe the work that CISA and the EAC is doing to help provide elections officers with the information and support they need to combat this rising threat is vital. Having trusted resources and partners that we elections officers can turn to when presented with a new situation is paramount to the integrity of our elections. It is with this in mind that on behalf of all Arizona's elections officers again request that you continue to support and fully fund these vital federal partners.

In your testimony you noted efforts by the U.S. Postal Service to prioritize and protect election mail.

- **Can you expand on why these efforts are important to ensure that ballots are received in time to be counted, including in rural areas?**

Arizona voters, like those in most of the western states, have widely embraced ballot by mail voting. In fact, over 80% of Arizona voters now vote this way and in jurisdictional elections, this percentage is much higher. For this reason, efforts taken by the USPS to prioritize and protect election mail is a vital part of the election process.

While USPS reports that they deliver 98.96% of ballots from voters to election offices within 3 days, we know that there are still an extra challenge in rural parts of America including Arizona, especially on our very rural Native American tribal lands. For example, because processing centers are based in more urban areas, it is possible that a ballot coming from Chinle, Arizona, located on the Navajo Nation, may have to go to a processing center out of state in Utah or New Mexico or down to Phoenix, before travelling back up to the Apache County Records Office in St. Johns. This is especially challenging if ballots aren't returned in a timely manner because all ballots must be received by the County Recorder or Elections Department by 7:00 pm on Election Day in order to be eligible to be counted.

The Election Mail Program that USPS formalized in 2020 develops and executes election mail policies and works cross-functionally through the organization to ensure the timely delivery of ballots and other official election mail. This program includes working with jurisdictions to develop mail plans, the distribution of official Election Mail program kits, the use of an official election mail logo to identify official election mail, intelligent bar codes and special tags on mail trays to quickly identify election mail during processing, and an internal policy that requires every postal facility ensure that all official election mail is moved on to the next station/process before closing each night.

The USPS is also an essential partner in keeping our workers safe. Within the last month, several election offices were sent envelopes with white powder that was confirmed to have at least traces of fentanyl. USPS along with first responders and law enforcement were instrumental in taking custody of these suspicious envelopes, many before they were even delivered. Knowing that USPS has this capability and commitment to the election process is reassuring to election officials facing this additional threat as we continue fulfilling our duties to provide safe and secure elections.

Senate Committee on Rules and Administration
Ongoing Threats to Election Administration
 November 1, 2023
 Questions for the Record
The Honorable Al Schmidt

Chairwoman Klobuchar

AI has the potential to impact both our elections and the work of election officials, including through the spread of false information about how elections are run.

- What issues do you foresee with respect to AI and its impact on election administration, and what steps do you believe should be taken to address these risks before the 2024 elections?

The most obvious issue, and most dangerous one, is the misuse of AI by bad-faith actors seeking to undermine the administration of elections and confidence in election results by deceiving voters. Although elections have never been more free, fair, safe, and secure than they are today, we have seen how these efforts – however primitive and absurd – have already succeeded in doing great damage. The extraordinary advances in AI mean that these actors have the potential now to be far more deceptive in their method and successful in their outcome. While I don’t know what can be done to prevent its progress or application in the election space, I think we should strongly consider exploring opportunities to use AI as a tool to identify and combat these efforts, particularly in the area of voter education.

At the hearing we discussed the critical role of federal, state, and local law enforcement in addressing threats targeting election workers.

- Based on your experience overseeing elections in Pennsylvania at the state and local levels, can you expand on how coordination with law enforcement is essential to the administration of our elections?

It is essential for state and county election officials to build relationships with federal, state, and local law enforcement well in advance of election day. By doing so, it helps all involved to know the correct points of contact and understand the appropriate steps to take in the event of threats seeking to interfere with election administration. Safe and secure elections are critical to the functioning of our entire system of government, so it is important that we protect the officials responsible for making elections possible. Engaging law enforcement is necessary to both prevent and respond to threats targeting election officials that could impede our voting system, the foundation of representative democracy. We need to keep our election officials safe – and make sure they feel safe – so they can carry out their important work.

Senate Committee on Rules and Administration
Ongoing Threats to Election Administration
November 1, 2023
Questions for the Record
Mr. Wayne J. Bena

Chairwoman Klobuchar

AI has the potential to impact both our elections and the work of election officials, including through the spread of false information about how elections are run.

- What issues do you foresee with respect to AI and its impact on election administration, and what steps do you believe should be taken to address these risks before the 2024 elections?

It is too soon to tell how AI will impact election administration. An important consideration is how the public can tell the difference between what is real and what is misinformation. Some type of watermark on the lawful use of AI technology might be a first step to help identify bad actors.

Senator Fischer

Federal information-sharing has primarily focused on cybersecurity-related threats to election administration.

- In your experience, is there information related to other types of election administration challenges that the federal government could share with election officials?

Yes

- If so, what is that information, and how should it be shared?

Physical security is an important component to election administration. Resources that are available to local election offices whether it be assessments or grant funds should be disseminated in the same manner as are cybersecurity resources currently.

Nebraska recently completed an extensive audit of the 2022 general election, which returned only eleven ballot discrepancies in the entire state.

- Could you tell us more about your experience with the post-election audit process, and about the benefits of post-election audits?

What was significant when Nebraska expanded its post-election manual audit from 2-3 percent of the precincts statewide to 10 percent of the precincts statewide, was that it allowed for at least 1 precinct to be audited in each of the state's 93 counties. The result was that each county had data to show their voters concerning the accuracy of the ballot counting machines. While all election tabulation machines are tested before an election, a post-election audit confirms the results after the election has occurred and before certification. The method of a post-election audit should be decided by each state individually as each state has unique methods of conducting elections.

Senate Committee on Rules and Administration
Ongoing Threats to Election Administration
November 1, 2023
Questions for the Record
Mr. Alan Farley

Chairwoman Klobuchar

AI has the potential to impact both our elections and the work of election officials, including through the spread of false information about how elections are run.

- What issues do you foresee with respect to AI and its impact on election administration, and what steps do you believe should be taken to address these risks before the 2024 elections?

RESPONSE: From an administration perspective, I foresee AI causing confusion for voters from bad actors who want to distribute misinformation. I think it is very important to educate voters at the local level on how to authenticate election information. Each election commission office or County Clerk should establish a local policy to place a statement/stamp of authentication on all collateral material distributed (electronically and printed). Local election officials need to be constantly communicating with voters about trusting official sources, such as their local election office and/or their Secretary of State Division of Elections office, for their election information.

Senator Fischer

In your testimony, you mentioned that over 250 of Rutherford County's election workers from past cycles were eager to return for the 2024 cycle. I know some local jurisdictions have struggled to recruit, train, and retain these workers.

- What has worked for your county, and what do you think other local election officials could do to ensure they're fully staffed with capable poll workers on election day?

RESPONSE: Our staff implemented a comprehensive poll worker retention plan in 2016. I have found that building a culture of "community" has been very helpful. We started sending poll workers birthday cards on their birthday and/or milestone wedding anniversaries. Having an open-door policy for poll workers and addressing suggestions and concerns brought forward by poll workers has been very helpful in building those relationships. I speak at each poll worker training session. My staff that conduct the poll worker training sessions take an interest in learning things about each of them to build relationships. We are very fortunate that many younger citizens stepped forward in the 2020 election cycle to fill the void left by many of our more senior workers who opted to sit out the election because of health concerns. This provided our staff a younger group of poll workers to include in our retention program.

At the conclusion of each election, I personally send each poll worker a handwritten note thanking them for their work and how our democracy is built on their efforts. It is very time consuming to write as many as 400 notes, but I have found that it is so much easier to retain poll workers than constantly recruiting brand new people every election.

Local election officials are often the first people the public turns to when they're seeking assurance that an election is being run fairly, and with integrity.

- What steps has Rutherford County taken to maintain public confidence in its elections?

RESPONSE: Communicate! The best thing we have done is to invite every person who makes an inquiry into the integrity of the election process to become a poll worker. Observe and be a part of the process up close! This has turned some of our biggest critics into our biggest defenders. Ninety percent of the concerns raised are related to the news and chatter on what has reportedly occurred in other states.

We are constantly working on the front line to make improvements to secure the voting process while providing access to all eligible voters.

Since becoming the election administrator in 2014, I take every opportunity I can to speak to every organization that will allow about the details of each election and election integrity. After the 2020 election, we started having citizens consistently attend our monthly election commission meetings. On numerous occasions, I have spent time and sometime hours after each meeting answering questions from our citizens, and immediately responding to numerous FOIA requests and making the information available without any hesitation or delay.

I have full confidence in my staff and the training of our poll workers. Openness and transparency with all candidates, poll workers, poll watchers, and all political parties/organizations has been the key to building public trust in elections in Rutherford County, TN.

Senate Committee on Rules and Administration

Ongoing Threats to Election Administration

November 1, 2023

Questions for the Record

Ms. Elizabeth HowardChairwoman Klobuchar

AI has the potential to impact both our elections and the work of election officials, including through the spread of false information about how elections are run.

- What issues do you foresee with respect to AI and its impact on election administration, and what steps do you believe should be taken to address these risks before the 2024 elections?

Thank you for the opportunity to discuss the critical question of how Artificial Intelligence (AI) will reshape the landscape of American electoral processes and democratic governance. For over a year, the Brennan Center has explored this question, partnering with technical experts and election officials to understand the ways in which AI may impact American democracy, and to identify steps that government, private and nonprofit sectors should take to minimize the dangers and increase the benefits of this powerful new technology.

As AI tools become cheaper and more widely available, government agencies¹ and private companies are rapidly deploying them to perform basic functions and increase productivity. There is every reason to believe we will soon see the same phenomenon in under-resourced and understaffed election offices as well. Indeed, for several years election offices around the country have used AI to perform important, but limited, functions more effectively. That includes using systems that rely on machine learning for tasks as diverse as filtering spam from election worker email, data list management, and preliminary signature matching for mail ballots. Election officials have also begun to turn to AI chatbots to answer basic voter questions, and to AI products to help them make election related material more understandable.

Looking forward, it is easy to imagine additional future uses of AI by election offices, including to assist in identifying new polling place locations through the analysis of geospatial data. AI could be harnessed for such tasks as adjudicating ballots,² generating translated materials, analyzing post-election data in order to improve future elections, identifying trends in provisional voting, completing voter registration, and screening for reasons to reject absentee and vote-by-mail ballots. No doubt, as technology continues to evolve and mature, an array of additional opportunities for AI to aid in the administration of elections will emerge.

¹ Nihal Krishan, "Federal Gov Spending on AI Hit \$3.3B in Fiscal 2022: Study," FedScoop, April 17, 2023, <https://fedscoop.com/us-spending-on-ai-hit-3-3b-in-fiscal-2022/>.

² Devan Cole, "Here's What to Know About Ballot Adjudication," CNN, November 5, 2020, <https://www.cnn.com/2020/11/05/politics/ballot-adjudication-explained/index.html>.

While wider adoption of AI in election administration offers promise, it also comes with significant risk. Over the last several years, we have witnessed numerous examples of AI products failing, resulting in amplification of biases, “hallucinations” of false information, and other mistakes that were not caught by human supervisors of the AI systems. Public confidence in the American electoral system is already dangerously low,³ thanks in large measure to false claims made after the 2020 election. Failures like these in critical election administration functions could cause further, long-term damage to the public’s faith in elections.

Election officials have voiced escalating concerns over the potential ramifications of generative AI on the electoral process and the potential for AI-generated content to mislead the public, especially as the 2024 elections draw near.⁴ The burgeoning realm of AI, with its vast theoretical applications, has already spawned baseless claims surrounding its use, stoking alarm and uncertainty.⁵ With AI’s potential becoming increasingly palpable, the prospect of its influence looms large, raising concerns among both voters and the election community.

As AI begins to be used more broadly in elections, it is critical that federal and state governments develop standards, certification, and monitoring regimes for its use in election offices, as should vendors selling products and services to election offices. President Biden’s Executive Order on the “Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence,” (the “Executive Order”) marks an essential first step in creating standards for the use of AI in elections.⁶ But there is more that needs to be done to ensure that AI can be used safely, securely, and transparently. Among the most critical actions are:

- Creating a standards and certification process to allow election officials the ability to identify AI systems that meet baseline federal standards for AI in elections. In addition, these new standards must be complimented by an auditing and monitoring regime once AI is actively deployed. This will allow election offices and vendors to make adjustments to their use of AI and ensure that the mitigations to counter risk are as strong as possible.
- Providing federal funds for state and local election offices to implement the relevant AI guidelines and standards for election projects, as well as for red-teaming, auditing and monitoring of AI systems that will be necessary going forward.
- Providing Congressional funding for the creation of a NIST AI Risk Management Framework profile for AI used in election processes.⁷ This builds on the work done by NIST to create an election profile in the Cybersecurity Framework. These profiles help

³ Brittany Shepherd, “Americans’ Faith in Election Integrity Drops: POLL,” ABC News, January 6, 2022, <https://abcnews.go.com/Politics/americans-faith-election-integrity-drops-poll/story?id=82069876>.

⁴ Christina A. Cassidy, “Misleading AI-Generated Content a Top Concern Among State Election Officials for 2024,” Associated Press, July 16, 2023, <https://www.pbs.org/newshour/politics/misleading-ai-generated-content-a-top-concern-among-state-election-officials-for-2024>.

⁵ Caitlin Sievers, “Runbeck: We Did Not Use AI in 2022 Signature Review,” AZ Mirror, July 17, 2023, <https://www.azmirror.com/2023/07/17/runbeck-we-did-not-use-ai-in-2022-signature-review/>.

⁶ Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence, Exec. Order No. 14110 (October 30, 2023), <https://www.whitehouse.gov/briefing-room/presidential-actions/2023/10/30/executive-order-on-the-safe-secure-and-trustworthy-development-and-use-of-artificial-intelligence/>.

⁷ National Institute of Standards and Technology (NIST), “AI Risk Management Framework,” January 26, 2023, <https://www.nist.gov/itl/ai-risk-management-framework>.

election officials better understand how to apply general recommendations to their election specific circumstances.

- Mandating election security best practices for vendors in the elections space, as Congress has done for vendors in other critical infrastructure sectors.⁸ These standards should include guidelines for the use and disclosure of AI in election vendors' work to identify potential security risks.

AI also poses several threats to the security of the election infrastructure in our election offices and election system vendors. Among the most serious categories of threats is the ability of adversaries to convincingly imitate authoritative voices, whether that is the fake supervisor at an election system vendor asking an election worker for a sensitive password via phone or email message, or a sham election official making false claims about election processes and results.

Moreover, there are also concerns that AI "deepfakes" and other manipulated media could disrupt the information landscape, including bad faith actors impersonating the official social media accounts of election offices more convincingly. Through sophisticated fake profiles, that may be challenging to distinguish from legitimate ones, these individuals could have the potential to mislead the public through the dissemination of false information.⁹

AI will also change how software is engineered. It can make cyberattacks bigger, quicker, and sneakier to outsmart existing software security measures. These advantages may become available to a wider set of adversaries, including individual domestic antagonists and nation-states like China,¹⁰ Russia,¹¹ or Iran,¹² all of whom have meddled in recent American elections and are developing their own AI technologies capable of targeting American networks. Finally, AI can be used to overtax our election infrastructure. As Ron Rivest of the Massachusetts Institute of Technology (MIT) has observed, with AI "any adversary can produce more high-quality output with less effort than before."¹³ That could result in more effective denial of service attacks against key on-line systems like voter registration portals. It could also be used to generate massive numbers of requests of election offices, through open records requests or phone calls into election offices, each seeming as if it came from a separate person, but actually as an intentional effort to prevent election officials from doing their jobs.

⁸ Lawrence Norden, Gowri Ramachandran, and Christopher Deluzio, *A Framework for Election Vendor Oversight*, Brennan Center for Justice, November 12, 2019, <https://www.brennancenter.org/our-work/policy-solutions/framework-election-vendor-oversight>.

⁹ Ali Swenson, "New Twitter Rules Expose Election Offices to Spoof Accounts," Associated Press, May 6, 2023, <https://apnews.com/article/twitter-verification-blue-check-elections-elon-musk-5df36ed183d16ec3bf9446e6827bcdd>.

¹⁰ David E. Sanger and Steven Lee Myers, "China Sows Disinformation About Hawaii Fires Using New Techniques," *New York Times*, September 11, 2023, <https://www.nytimes.com/2023/09/11/us/politics/china-disinformation-ai.html>; Eileen Yu, "China is Ramping Up Efforts to Drive AI Development," ZDNet, May 19, 2023, <https://www.zdnet.com/article/generative-ais-revolution-in-productivity-are-retrenching-software-developer-roles/>.

¹¹ Samuel Bendett, "Russia's Artificial Intelligence Boom May Not Survive the War," Center for a New American Security, April 15, 2022, <https://www.cnas.org/publications/commentary/russias-artificial-intelligence-boom-may-not-survive-the-war>.

¹² Al Jazeera English, "Iran Aims to Be Among Top Nations to Use Artificial Intelligence," YouTube Video, March 18, 2023, <https://www.youtube.com/watch?v=XjVsJ8DqGjc>.

¹³ Lawrence Norden and Gowri Ramachandran, "Artificial Intelligence and Election Security," Brennan Center for Justice, October 5, 2023, <https://www.brennancenter.org/our-work/research-reports/artificial-intelligence-and-election-security>.

In addition, new developments in AI are primed to exacerbate voter suppression and dangerously low voter confidence in American elections. AI could supercharge these risks, which pre-date the AI Age, in several ways. Malevolent actors can exploit generative AI to increase the speed, scale, sophistication — and potentially the persuasiveness — of voter suppression campaigns that employ deceptive practices. For example, on Election Day, antagonists could use image and video-generated AI to fabricate disasters at polling places or to falsely depict election workers stopping eligible voters from voting. After Election Day, this same technology could be used to falsely depict election workers improperly discarding (or adding) ballots, casting doubt on the legitimacy of the election outcome. Using the technology underlying generative AI chatbots, they could spread falsehoods about the time, place, and manner of voting, and the administration of the election at a greater rate and scale than we have previously seen.

There is no silver bullet for the additional security risks wrought by AI's rapid advances and increased availability. Broadly, however, there are four areas of potential mitigation against these heightened risks, and in each case a role for the federal government to play: building more secure and resilient election systems; providing election officials with more technical support to safeguard election infrastructure; giving the public ways to authenticate election office communications and detect fakes; and offering election workers AI-specific trainings and resources.

Among the most critical actions Congress and federal agencies can take are:

- Increasing investment in election security. This should include not only providing enough funds to ensure states can build more resiliency into our elections, but also invest in tools to detect and defeat AI generated cyberattacks (which may include new defensive capabilities supported by AI) and the infrastructure that will be necessary to distribute these new tools nationwide.
- Providing more technical support to state and local election offices through investment in state cyber navigator programs and cyber security advisors at the Cybersecurity and Infrastructure Security Agency (CISA).
- Giving election officials more tools to authenticate their communications with the public. This could include having CISA pilot authentication tools with election offices for official election related documents. It could also include having CISA or the Election Assistance Commission (EAC) create government verified handles for election office social media accounts, similar to something Germany has done for government offices there.¹⁴
- New targeted regulation of election-related deepfakes and other manipulated media, along the lines of bills that have already been introduced, such as the REAL Political Ads Act (S. 1596).¹⁵

¹⁴ Federal Commissioner for Data Protection and Freedom of Information (BfDI) (@bdfi@social.bund.de), <https://social.bund.de/@bdfi>.

¹⁵ For more on potential regulation of AI deepfakes and other manipulated media, see Brennan Center for Justice, "AI and Democracy Series," <https://www.brennancenter.org/series/ai-and-democracy>; Mekela Panditharatne and Noah Giansiracusa, "How AI Puts Elections at Risk – And the Needed Safeguards," Brennan Center for Justice, July 21, 2023, <https://www.brennancenter.org/our-work/analysis-opinion/how-ai-puts-elections-risk-and-needed-safeguards>; Lawrence Norden and Benjamin Lerude, "States Take the Lead on Regulating Artificial Intelligence,"

Professor Bruce Schneier of MIT has noted that artificial intelligence will increase the “speed, scale, scope and sophistication” of threats to our democracy. Put another way, the threats may not be new, but they will become even more dangerous. This, of course, calls for identifying and adopting appropriately tailored responses to mitigate AI’s potential harms. But it also calls for addressing the underlying threats themselves: election disinformation, voter suppression, foreign interference, attacks on our election workers and infrastructure, dark money, and the broader efforts to undermine American democracy.

Brennan Center for Justice, November 6, 2023, <https://www.brennancenter.org/our-work/research-reports/states-take-lead-regulating-artificial-intelligence>.