

**EMERGING THREATS TO ELECTION
ADMINISTRATION**

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

—————
OCTOBER 26, 2021
—————

Printed for the use of the Committee on Rules and Administration



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

—————
U.S. GOVERNMENT PUBLISHING OFFICE
WASHINGTON : 2021

COMMITTEE ON RULES AND ADMINISTRATION

FIRST SESSION

AMY KLOBUCHAR, Minnesota, *Chairwoman*

DIANNE FEINSTEIN, California
CHARLES E. SCHUMER, New York
MARK R. WARNER, Virginia
PATRICK J. LEAHY, Vermont
ANGUS S. KING, JR., Maine
JEFF MERKLEY, Oregon
ALEX PADILLA, California
JON OSSOFF, Georgia

ROY BLUNT, Missouri
MITCH McCONNELL, Kentucky
RICHARD SHELBY, Alabama
TED CRUZ, Texas
SHELLEY MOORE CAPITO, West Virginia
ROGER WICKER, Mississippi
DEB FISCHER, Nebraska
CINDY HYDE-SMITH, Mississippi
BILL HAGERTY, Tennessee

ELIZABETH PELUSO, *Staff Director*
RACHELLE SCHROEDER, *Republican Staff Director*

C O N T E N T S

	Pages
OPENING STATEMENT OF:	
Honorable Amy Klobuchar, Chairwoman, a United States Senator from the State of Minnesota	1
Honorable Roy Blunt, a United States Senator from the State of Missouri	3
Honorable Katie Hobbs, Secretary of State, Arizona Department of State, Phoenix, AZ	6
Honorable Al Schmidt, City Commissioner, Board of Elections, City of Philadelphia, Philadelphia, PA	7
Honorable Michael G. Adams, Secretary of State, Commonwealth of Kentucky, Frankfort, KY	9
Mr. Wade Henderson, Interim President and CEO, The Leadership Conference on Civil and Human Rights, Washington, DC	10
Mr. Matt Masterson, Non-Resident Fellow, Internet Observatory, Stanford University, Cincinnati, OH	12
PREPARED STATEMENT OF:	
Honorable Katie Hobbs, Secretary of State, Arizona Department of State, Phoenix, AZ	39
Honorable Al Schmidt, City Commissioner, Board of Elections, City of Philadelphia, Philadelphia, PA	41
Honorable Michael G. Adams, Secretary of State, Commonwealth of Kentucky, Frankfort, KY	44
Mr. Wade Henderson, Interim President and CEO, The Leadership Conference on Civil and Human Rights, Washington, DC	52
Mr. Matt Masterson, Non-Resident Fellow, Internet Observatory, Stanford University, Cincinnati, OH	60
QUESTIONS SUBMITTED FOR THE RECORD:	
Honorable Amy Klobuchar, Chairwoman, a United States Senator from the State of Minnesota to Honorable Katie Hobbs, Secretary of State, Arizona Department of State, Phoenix, AZ	69
Honorable Amy Klobuchar, Chairwoman, a United States Senator from the State of Minnesota to Honorable Al Schmidt, City Commissioner, Board of Elections, City of Philadelphia, Philadelphia, PA	70
Honorable Amy Klobuchar, Chairwoman, a United States Senator from the State of Minnesota to Honorable Michael G. Adams, Secretary of State, Commonwealth of Kentucky, Frankfort, KY	71
Honorable Roy Blunt, a United States Senator from the State of Missouri to Honorable Michael G. Adams, Secretary of State, Commonwealth of Kentucky, Frankfort, KY	71
Honorable Amy Klobuchar, Chairwoman, a United States Senator from the State of Minnesota to Mr. Wade Henderson, Interim President and CEO, The Leadership Conference on Civil and Human Rights, Washington, DC ...	73
Honorable Amy Klobuchar, Chairwoman, a United States Senator from the State of Minnesota to Mr. Matt Masterson, Non-Resident Fellow, Internet Observatory, Stanford University, Cincinnati, OH	76
Honorable Roy Blunt, a United States Senator from the State of Missouri to Mr. Matt Masterson, Non-Resident Fellow, Internet Observatory, Stanford University, Cincinnati, OH	78

EMERGING THREATS TO ELECTION ADMINISTRATION

TUESDAY, OCTOBER 26, 2021

UNITED STATES SENATE
COMMITTEE ON RULES AND ADMINISTRATION
Washington, DC

The Committee met, pursuant to notice, at 2:38 p.m., in Room 301, Russell Senate Office Building, Hon. Amy Klobuchar, Chairwoman of the Committee, presiding.

Present: Senators Klobuchar, Blunt, King, Merkley, Padilla, Ossoff, Fischer, Hyde-Smith, and Hagerty.

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

Chairwoman KLOBUCHAR. Good afternoon. I call this hearing of the Rules and Administration Committee to order. I would like to thank Ranking Member Blunt, who is voting right now, I ran into him, he will be back very, very soon, and our colleagues, our witnesses for being here today for this very, very important hearing. This is about something that we have been seeing all over the country, and I don't—sadly, I don't think it is going to be the last time that we are talking about it. That is threats on our public servants who are working on the front lines protecting our democracy.

Our witnesses here today, and we thank them for coming to talk about this, Arizona Secretary of State Katie Hobbs, Republican Philadelphia City Commissioner Al Schmidt, Wade Henderson, the Interim President and CEO of the Leadership Conference on Civil and Human Rights, as well as Matt Masterson, who is right in front of us as well, Former Election Assistance Commission member who is now a fellow at the Stanford Internet Observatory. Then also, we are going to hear remotely, I believe, from Kentucky Secretary of State Michael Adams, and I thank him for appearing as well.

The freedom to vote is fundamental to all of our freedoms, and safeguarding that freedom not only requires protecting the right to cast a ballot, but also the right to have that vote counted. That right depends on election workers across the country, including volunteers who work to ensure that our elections are free and fair. In the last year, election officials and election workers in red, blue, and purple states have faced a barrage of threats and abusive conduct from those seeking to interfere with the certification of the 2020 election or overturn the result. I have heard about threats

from officials in my own state, including threats targeting our own Secretary of State Steve Simon, and from others across the country.

These threats have persisted despite the last Administration's Department of Homeland Security calling the 2020 election "the most secure in American history". They didn't stop after the 2020 election or after the violent insurrection on January 6th. Since then, multiple states have considered laws targeting election officials with removal, fines, and jail time for performing their duties in the same manner that made the 2020 election, with its record turnout in the middle of a public health crisis, actually so successful in terms of people voting.

According to a survey of local election officials earlier this year, nearly one in three felt unsafe because of their job, and nearly one in six had received threats of violence. We should stop and remember that number again.

One in six local election officials have reported experiencing threats of violence. There are no shortage of horrific examples from the last election. In Nevada, an election worker and veteran received calls telling her she was, "going to die." In Georgia, poll workers in 10 counties received bomb threats before the Senate runoff election. In Washington, an election official's home address was posted online along with crosshairs over her photo and the threat, "your days are numbered." These are not isolated incidents, and all three of the election administrators testifying today can attest to having their lives threatened.

At the same time, election workers are facing increasing pressure in their job as states pass legislation threatening removal or fines for even accidental noncompliance with state election laws. In Iowa, the Secretary of State is now required to issue a fine of up to \$10,000 any time a County Commissioner has a "technical infraction." In Georgia, the restrictive voting law enacted in March gives unchecked power to the State Election Board to remove local election officials. We heard about these partisan takeovers of elections at our field hearing in Atlanta from one election official who had been ousted by the State Legislature after over a decade of service.

Importantly, these threats have raised concerns about state and local Governments' ability to retain election officials and recruit workers to administer future elections. We are also seeing states taking actions that undermine public trust in our elections, including through sham audits like we saw in Arizona and that are happening right now in states like Pennsylvania and Wisconsin. In the face of these threats confronting our elections, it is up to us to take action to address this head-on.

The Freedom to Vote Act, which I introduced with the members of the Voting Rights Working Group convened by Leader Schumer, which also included Senators Merkley, King, and Padilla who are on this Committee, as well as Senator Manchin and Senator Kaine and Senator Warnock. That bill would do exactly that. The legislation includes critical provisions like Senator Ossoff's, who also serves on this Committee, his Right to Vote Act, which would allow voters to challenge practices that interfere with their right to vote

in court, including actions to empower State Legislatures to determine the outcome of elections instead of voters.

It includes Senator Warnock's Preventing Election Subversion Act to protect election officials from being removed for partisan reasons and make it a Federal crime to threaten election workers or volunteers. It includes my Protecting Election Administration From Interference Act to create protections against interfering with counting ballots, canvassing, and certifying elections, as well as strengthen protections for election records. Protecting those on the front lines of our democracy should extend beyond partisanship.

That is why I am so pleased that Senator Blunt and I jointly announced this hearing, and I appreciated the strong statement he made going into this hearing. I am hopeful that this hearing will enable us to hear directly from our witnesses about threats that are striking at the foundation of our system of government, so we can work toward finding some common ground on how we can protect election administration and our election workers.

With that, I turn it over to my friend and colleague, Ranking Member Blunt.

OPENING STATEMENT OF HONORABLE ROY BLUNT, A UNITED STATES SENATOR FROM THE STATE OF MISSOURI

Senator BLUNT. Well, thank you, Chair Klobuchar, and thank you for calling this important hearing. I want to thank our witnesses for joining us here today. I spent 20 years as either a local election official or the chief election official in our state. As Secretary of State, I know the hard work that goes into running our elections. State and local officials are responsible for ensuring that our elections are run effectively, and I think do a great job of taking on the responsibility of being sure that people have confidence in what happens at the end of that Election Day.

For more than 200 years, states have been responsible for elections, and state and local election officials worked tirelessly, often managing multiple elections in a year, sometimes with different jurisdictions, but the same day with the jurisdictional boundaries that don't exactly meet, but just throws another complication into the challenges that local election officials have. They deal with the logistics that those elections bring, and I am grateful to them for doing that.

Our role in Congress is to support states and their administration of elections and give them the help they need to innovate and serve the needs of their citizens. This type of work can be done in a bipartisan manner, and historically that is exactly what Congress has done. After the election in 2000, Congress passed the bipartisan Help America Vote Act. It was not called the "Tell States and Local Governments How to Run Elections Act" because it didn't do that and frankly didn't occur to Members of Congress at the time that that is what the system called for. I think it is better when we work together.

We have repeatedly worked on iterations of a bill that has been solely crafted in this Congress by our friends on the other side. Senator Klobuchar and I try hard with this Committee to do what we can to bring the election community together. We have heard from local election officials that they have been subject to increas-

ing threats as they go about their jobs for the election, for the American people. While I anticipate we will hear a lot from my colleagues about these threats, none of us want to hear—to see them happen. This is not an issue that just implicates just one party.

In fact, when I used to do election training sessions, I would say there are two of you doing every job. One of the reasons is so you can watch each other, but an even bigger reason is so you can protect each other by being sure you both take that job seriously and your obligation to the other person working alongside you just as seriously. Threats and attempts to harm election officials, poll workers, or voters should be investigated, and where appropriate, they should be prosecuted. We have a chance to lower the temperature of the rhetoric surrounding elections.

Today, this hearing provides us with an opportunity to get back to the bipartisanship that has for so long defined this Committee and on these issues, the United States Senate. We can work together to learn about emerging threats to election administration. We can learn how states deal with threats, how they share information about threats with other states, law enforcement and the Federal Government, and how if possible Congress can help states improve their ability to respond to threats of violence. This hearing provides us with an opportunity to hear about states' responses to cybersecurity threats. As we know, states will continue to deal with those types of threats as well.

I have heard from many election officials who would like increased and improved information sharing, including information sharing about threats of physical safety for election officials, poll workers, and voters. As states administer elections, access to more and better information will help ensure elections continue to run safely and smoothly. Supporting election officials by ensuring they have the best information that they—available to them can help instill confidence in their part of the process, and just as importantly, strong confidence in the results of our elections.

Our election workers deserve to be safe and secure in their jobs. Voters deserve to be safe as they mark their ballots. As I have mentioned, this is a very important issue that deserves serious attention. I want to thank my colleagues who are participating today and our witnesses for being here today. I look forward to a productive discussion.

Chairwoman KLOBUCHAR. Very good. Thank you very much, Senator Blunt. I also welcome Senator Merkley and Senator Hyde-Smith, who are here, as well Senator King who I see on the video screen.

Our first witness today is Arizona Secretary of State Katie Hobbs. Secretary Hobbs has served as Arizona's 21st Secretary of State since 2019. She previously served in the Arizona State Senate, including as the Minority Leader, and the Arizona State House. Earlier in her career, she worked as a social worker and focused on issues including domestic violence, behavioral health, and homelessness. She also worked for Sojourner Center, one of the largest domestic abuse centers in the country. Secretary Hobbs earned her bachelor's degree in social work from Northern Arizona University and her master's degree from Arizona State University.

Our second witness is Philadelphia City Commissioner Al Schmidt. Commissioner Schmidt is serving his third term and has served on the Commission since 2011. As City Commissioner, he is one of three members, and the only Republican, on the city's bipartisan Board of Elections. Commissioner Schmidt began his career as a policy analyst for the Presidential Commission on Holocaust Assets and also worked as a Senior Analyst at the Government Accountability Office. He earned a B.A. from Allegheny College and a Ph.D. in History from Brandeis University.

We are going to have Senator Blunt introducing the other two witnesses. Okay, thank you. Senator Blunt will be introducing—I wanted to make sure we didn't miss you, Mr. Masterson.

Our third witness is Wade Henderson. Mr. Henderson is currently serving as the interim President and CEO of the Leadership Conference on Civil and Human Rights. Mr. Henderson previously served as President of the Leadership Conference from 1996 to 2016, and he has held leadership roles with the NAACP and American Civil Liberties Union. He is the recipient of numerous awards and honors, including the Hubert Humphrey Award for Civil and Human Rights, something near and dear to my heart, Hubert Humphrey, and the United States State Department's Eleanor Roosevelt Human Rights Award. Mr. Henderson earned his bachelor's degree from Howard University and his law degree from Rutgers.

Senator BLUNT. Glad to have Secretary of State Adams join us from Kentucky, who has been the Secretary of State since 2020 and is here virtually with us today. Glad he can be part of this hearing. Previously he served on the State Board of Elections in 2016 and served in that position until he was elected Secretary of State.

In 2007, Secretary Adams began his private practice in election law, first as general counsel to the Republican Governors Association. Previously, he held positions with Senator McConnell, Kentucky Governor Ernie Fletcher, and the Department of Justice in the Bush Administration. He earned his bachelor's degree from the University of Louisville and his law degree from Harvard Law School.

Matt Masterson, the second witness invited by us today, is currently a nonresident fellow with the Stanford Internet Observatory. From 2018 through 2020, he served as a Senior Cybersecurity Advisor at the Cybersecurity and Infrastructure Security Agency.

Before that, from 2014 to 2018, Mr. Masterson served on the Election Assistance Commission, including a period as its chairman. I am sure many of my colleagues will remember him from appearances before our Committee in both of those jobs.

Early in his career, Mr. Masterson worked for the Ohio Secretary of State's Office, where he helped oversee voting system certification and efforts. He has a bachelor's degree from Miami University, his law degree from the University of Dayton School of Law. We are glad to have both of those witnesses, as well as the other three here with us today.

Chairwoman KLOBUCHAR. Very good. If the witnesses could please stand and raise their right hand. Do you swear that the testimony you give before the Committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Ms. HOBBS. I do.

Mr. ADAMS. I do.

Mr. SCHMIDT. I do.

Mr. MASTERSON. I do.

Mr. HENDERSON. I do.

Chairwoman KLOBUCHAR. Alright, thank you. You can be seated, and we will now proceed to your testimony. We will recognize each of you for a 5-minute statement. We will begin with Secretary Hobbs.

OPENING STATEMENT OF HON. KATIE HOBBS, SECRETARY OF STATE, ARIZONA DEPARTMENT OF STATE, PHOENIX, ARIZONA

Ms. HOBBS. Thank you, Chairwoman Klobuchar, Ranking Member Blunt, and Members of the Committee. Thank you for the invitation to be here today. Next week will mark one year since the 2020 general election. Unfortunately, in Arizona and in other states, some choose to believe that the 2020 election has still not ended.

To be clear, President Joe Biden won Arizona in a free and fair election, which was conducted according to the letter of the law. In Arizona there were at least nine post-election legal challenges, and although every challenge failed as the lawsuits mounted, so did the threats against me and other election officials. Two weeks after the election, armed protesters gathered outside my home and chanted, “Katie, come out and play, we are watching you”.

I never expected that holding this office would result in far right trolls threatening my children, threatening my husband’s employment at a children’s hospital, or calling my office saying I deserve to die and asking, what is she wearing today so she will be easy to get. These threats have continued against me and others, but what concerns me more is the near constant harassment faced by the public servants who administer our elections. Nearly every day they are on the receiving end of abusive phone calls and emails. In Arizona, orange jumpsuits were mailed to county supervisors. Last November, as election workers tabulated ballots inside the Maricopa County Tabulation Center, armed protesters were a frequent presence outside. We are already seeing high turnover among election staff, and I fear that many more will reach a breaking point and decide that this line of public service is no longer worth it.

In truth, Arizona has one of the best run election systems in the country with robust processes to ensure the integrity of the election. This includes observer access during tabulation, pre and post-election logic and accuracy testing of machines, as well as post-election hand count audits. Arizona law also requires each county’s board of supervisors to canvass the election and certify their results to my office.

After these processes took place in November, I sat alongside Governor Doug Ducey, Attorney General Mark Brnovich, and Chief Justice Robert Brudenell to certify Arizona’s 2020 election. Despite the bipartisan certification of the results, our state legislature decided to perform a partisan ballot review. This exercise, performed by our state legislature was not an audit. The partisan ballot review in Arizona can best be described as a sham. The review was plagued by errors, errors that are simply unacceptable to actual election professionals.

The Arizona Senate hired a firm, Cyber Ninjas, with no meaningful election experience or knowledge, and they made up the rules as they went along. Millions in tax dollars were wasted funding the audit and replacing voting machines rendered unusable by the Cyber Ninjas. The same legislators who billed it as the most transparent audit in American history now potentially face contempt of court for failing to produce audit documents. This entire exercise was an effort to sow doubt in the 2020 election results and is being used to justify voting restrictions.

From the outset of the ballot review, I said that Arizona would become the blueprint for those looking to undermine elections. As other states now consider similar politically motivated reviews, I am all too familiar with the problems that such reviews create. Audits must be based on established rules and procedures. They must protect voter data and must be free of partisan influence. The ballot review in Arizona failed at each of these things and should not be replicated elsewhere.

Many have remarked that the aftermath of the 2020 election was a reminder of just how fragile American democracy truly is. But at every turn, Americans have stepped up to protect it, election workers who counted ballots fairly and accurately to uphold the will of the people, officials who certified free and fair elections despite threats of political retribution or worse, judges who rejected dozens of bad faith partisan lawsuits, Capitol Police officers who stood their ground against insurrectionists.

At every turn, the people who believe in American democracy have stepped up and protected it. One person in particular who spoke out against the big lie and efforts to undermine our democracy was Grant Woods, a former Republican attorney general from Arizona and an aide to Senator John McCain. He passed away suddenly this weekend, and I would be remiss if I didn't take the opportunity to acknowledge him and the way he stepped up to defend elections in Arizona and across the country.

Now it is your turn. Continued inaction in the face of these threats to undermine our democracy will have long term consequences for the future of our country. I support the Freedom to Vote Act and I appreciate the Committee for holding this hearing. Thank you.

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

Chairwoman KLOBUCHAR. Thank you very much, Secretary Hobbs. I didn't know that about Grant Woods. I met him before and am sorry for your loss. Thank you for mentioning that. Next up, we have Commissioner Schmidt.

OPENING STATEMENT OF HON. AL SCHMIDT, CITY COMMISSIONER, BOARD OF ELECTIONS, CITY OF PHILADELPHIA, PHILADELPHIA, PENNSYLVANIA

Mr. SCHMIDT Thank you for inviting me to testify today on this very important topic. I am Philadelphia City Commissioner Al Schmidt. In Philadelphia, the Commissioners oversee all election operations in the city, from voter registration to election certification. I was first elected to this position in 2011, reelected in 2015,

reelected in 2019, and have overseen more than two dozen elections in my nearly 10 years of service.

I am a Republican, and I believe that counting votes in our democracy is a sacred responsibility. For doing my job, counting votes, I would like to quickly share with you some of the messages sent to me and my family. "Tell the truth or your three kids will be fatally shot." Included our address, included my children's names, included a picture of our home. "Cops can't help you." "Heads on spikes." "Treasonous Schmidt." "You betrayed your country." "You lied." "You are a traitor." "Perhaps cuts and bullets will soon arrive at", provides my address. Names my children. "RINO stole election, we steal lives." There are additional threats that my family asked me not to share today because they are so graphic and disturbing.

I have three little kids. My youngest is seven years old. No matter what our party affiliation, this is not okay. Let's be clear: this is domestic terrorism. The whole point is to terrorize, to intimidate, and to coerce and to prevent our democracy from functioning as it should. In my case, this happened in the city where our democracy first began. It is not just threats. These aren't empty promises. Two men who drove up from Virginia were arrested outside of the Pennsylvania Convention Center, where election operations were consolidated in the 2020 election to, "straighten things out" and intercept an imaginary truckload of counterfeit ballots headed to the Convention Center.

They were arrested with guns and ammunition and lock-pick tools. By the way, those two men were also arrested just across the street here on January 6th because of their activity on that day. They, like many others, were lied to and deceived and deranged by those lies. For what? To discredit an election that wasn't even close. Unfortunately, my experience isn't unique. My colleagues and staff received threats. Democratic and Republican election officials across the country have been subjected to similar threats or far worse. As a recent report by the Brennan Center and the Bipartisan Policy Center has detailed nearly one in five election officials now list threats to their lives as a job related concern. The threats rise in frequency and intensity each time election officials and bad faith political actors spread disinformation about the 2020 election.

This creates a vicious cycle in which elected officials lie to their constituents, deceived constituents believe those lies, and then demand that those same elected officials do something to fix a problem that never occurred. Then elected officials use those two demands as an excuse to do something. Most often, doing something means making voting less accessible and fuels more violent threats to election officials. This is a nationwide problem that demands a national response.

Chairwoman Klobuchar, Ranking Member Blunt, and Members of the Committee, thank you for the opportunity to testify today. I know working across party lines to find common ground on any topic is challenging, let alone on election reform. But for the sake of our republic, I hope you can work together to protect election administrators and our democratic institutions.

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

Chairwoman KLOBUCHAR. Thank you so much, and I am so sorry this happened to you and your family. I am also sorry for you, Secretary Hobbs. This is unbelievably disturbing testimony. Next up, we have Secretary Adams of Kentucky. I think you are with us remotely.

OPENING STATEMENT OF HON. MICHAEL G. ADAMS, SECRETARY OF STATE, COMMONWEALTH OF KENTUCKY, FRANKFORT, KENTUCKY

Mr. ADAMS. Chairwoman Klobuchar, Ranking Member Blunt, Members of the Committee. Good afternoon. I am Michael Adams, Kentucky's Secretary of State and Chief Election Official. I was elected in 2019, but I got my start in election policy at a little intern desk in your hearing room 22 years ago. It is an honor to be back here, albeit virtually. Today we discuss an unpleasant topic, but the news is not all bad. In Kentucky, voting has never been as accessible nor as secure as it has been in the 21 months of my term. Last year, three months after being sworn in, I asked our Legislature to grant me, a Republican, and our Democratic Governor joint emergency powers to alter election procedures as necessary to ensure public safety in the pandemic without sacrificing voter access or ballot integrity.

We made absentee balloting more available and extended in-person voting well beyond the one Election Day Kentucky had from 1891 through 2019. The result was a primary election and a general election that each set records for turnout, yet no spike in COVID-19 cases deriving from the in-person voting. This approach proved so successful and so popular that our Republican controlled Legislature voted nearly unanimously to make most of these temporary changes permanent—early voting, an absentee ballot request portal, drop boxes, a signature secure process, and more. All this good news ironically lends itself to a higher level of frustration by me, by our other election officials, by our legislators about the unwillingness of certain quarters on both sides of the aisle to accept the reality that our election process is accessible and secure. In our current populist, anti-establishment political culture, part of this is organic, a reflexive refusal to believe anything somebody in the Government says.

This is not unique to elections, as we have seen with lagging vaccination rates. However, part of this is not organic, but rather is driven by political actors who perceive some benefit in misinforming voters. Addressing this should not be a partisan issue because misinformation is not limited to one side. In Kentucky, we election officials were subject to a misinformation campaign that resulted in numerous threats of violence and other verbal abuse. The so called All Eyes on Kentucky effort directed against us did not come from conservatives concerned about voter fraud. It came from progressives duped into believing that we were engaged in voter suppression.

Worse, this misinformation effort was given oxygen by senior figures within the national Democratic Party. I remain grateful to our Democratic Governor for defending our state and calling out these lies. I am not here to take political shots, to engage in moral relativism, or to diminish the experiences of Secretary Hobbs or any

other election official. To the contrary, I am here to show that the problem is even wider.

The first step in ensuring the safety of our election officials is to do no harm yourselves. Please keep your rhetoric factual and responsible. Misinformation is the most serious threat our election system faces because it is upstream of so many other problems we face: safety of election officials, willingness of election officials including volunteer poll workers to serve, voter turnout, polarization, and ultimately, the accepted legitimacy of our democratic system. Election officials are at risk, but we are not unique in this.

Public officials are at risk. Those of you serving our Nation in the United States Capitol certainly don't need me to inform you of this. In Kentucky, our Democratic Governor has received threats from some of the far right. Our Republican Attorney General has received threats from some of the far left. Even public health officials in our state have received threats. My fear is that school board members will be next, if they are not already. This shows the problem is worse than we might think yet also less susceptible to a simple solution in the form of yet another Federal law.

At its best Congress plays a constructive role in election administration by providing funding—reliable, predictable funding—to our states, chipping in a share of election costs alongside state and local election funding. These efforts have been bipartisan, and for that reason, accepted across the political spectrum. I have no wish that you pass any particular election laws going forward, but if you do, I hope you will do so in a non-ideological, bipartisan fashion rather than furthering the polarization that plagues our politics. Thank you.

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

Chairwoman KLOBUCHAR. Thank you very much. Next up, Mr. Wade Henderson. Well, yes, go ahead. Then we will go to Mr. Masterson. Thank you.

OPENING STATEMENT OF WADE HENDERSON, INTERIM PRESIDENT AND CEO, THE LEADERSHIP CONFERENCE ON CIVIL AND HUMAN RIGHTS, WASHINGTON, DC

Mr. HENDERSON. Good afternoon, Chairwoman Klobuchar, Ranking Member Blunt, and Members of the Committee. Thank you for the opportunity to testify today. I am grateful for your work to make sure that every voter can safely and freely cast a ballot that counts. Since the United States Supreme Court's decision in *Shelby County v. Holder* gutted the heart of the Voting Rights Act, we have seen a tidal wave of measures to restrict the vote.

In just the last year surrounding the 2020 Presidential election, attempts to deny the franchise closely resemble the Jim Crow era in both intent and intensity. Some of the most troubling developments have been attacks on election officials and the election process itself. Make no mistake, this is race discrimination changing form and adapting to circumstances of today. It is no less egregious and no less perilous for our democracy. Today, I want to talk about how these threats to election administration are ultimately about denying people their freedom to vote.

First, let's look at the astonishing rise in threats against election workers and their families. Election workers and administrators are absolutely essential to a successful democracy. No election official should live in fear. Yet, as you have heard today, Arizona Secretary of State Katie Hobbs, Commissioner Schmidt, and others have received death threats in connection with their jobs. A recent study by the Brennan Center, which has been cited, Brennan Center for Justice, found that one in three election workers feel unsafe and one in five listed threats to their lives as a job related concern. It is simply unconscionable that after showing up during a pandemic to deliver democracy to voters, election officials and workers are now the target of vicious attacks. These threats have devastating consequences not only for the people in danger but for democracy itself.

Growing concerns around the safety and integrity of election work will lead to an exodus of election staff with a disastrous ripple effect across our democratic processes. For voters, that could mean longer wait times, closure of polling places, a rise in voter intimidation and harassment at the polls, and widespread loss of confidence in elections. Lawmakers must take immediate steps to keep the wheels of democracy turning safely for voters and election workers alike.

Second, we must focus on the latest efforts to sabotage elections through sham election reviews. Whatever our color, background, or zip code, we believe that voters pick our leaders. Our leaders do not pick their voters. But in the wake of the 2020 election, some officials began pushing anti-voter reviews that are catastrophic to the integrity of our democracy. They also divert crucial time and taxpayer dollars from the issues that matter most to voters. President Trump's Department of Homeland Security called the 2020 election the most secure in our history. Nonetheless, officials launched a sham review in Arizona's largest and most diverse county that ultimately revealed a count closely matching the official results. This Arizona review has now formed the basis for others in Pennsylvania, Wisconsin, and Florida.

Why? Because despite pervasive barriers to the ballot, black, brown, and native voters in these states are turning out in the polls in historic numbers. Election review scams are blatant attempts to intimidate these voters and to discount their votes in the face of their emerging political power.

Lastly, I want to acknowledge other equally sinister attempts to subvert democracy. In August, the Leadership Conference published more than 10 state reports that document pervasive patterns of racial discrimination in voting. As the reports note, since the 2020 election, states including Florida, Arizona, Georgia, and Texas have adopted sweeping anti-voter laws that make it harder to vote by mail, limit or prohibit ballot drop boxes, and force voters to navigate burdensome red tape to cast a vote that counts. Senators, I want to be clear, these years of overt and covert anti-voter tactics are taking their toll on voters of color. Communities trying to engage politically are forced to navigate tremendous barriers to the polls.

These unconscionable tactics are also causing great fear and disillusionment about even participating at all. Perhaps most destruc-

tive, these tactics push Americans to lose hope in democracy and to lose faith in the power of their vote. Time and again, voters have shown up for democracy. Now I implore this body to show up for voters before it is too late. Members of the Senate must swiftly pass the Freedom to Vote Act and the John Lewis Voting Rights Advancement Act and set the basic Federal foundation for voting access.

I look forward to working with all of you to enact reasonable protections to build a democracy that works for all. Thank you.

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

Chairwoman KLOBUCHAR. Thank you very much. Next up, Mr. Masterson. Thank you.

OPENING STATEMENT OF MATT MASTERSON, NON-RESIDENT FELLOW, INTERNET OBSERVATORY, STANFORD UNIVERSITY, CINCINNATI, OHIO

Mr. MASTERSON. Thank you. Chairwoman Klobuchar, Ranking Member Blunt, Members of the Committee, I appreciate the opportunity to appear before you today to discuss the ongoing and pervasive threats targeting election officials, workers, and private sector employees who support elections. The 2020 election placed election officials at the center of national attention in a way not seen in decades, if ever.

Record turnout and a smooth election day validated election officials' incredible work. Their reward for this professionalism and bravery? Months of threats against their lives and the lives of their family members. The perpetrators of these threats are fueled by online conspiracies that cast election officials as malicious actors bent on meddling in election results. Innocuous glitches and human errors have been stitched together to fit broad, conspiratorial narratives as alternative explanations for election results.

Recently, myself and a team of students at Stanford published an oral history of the 2020 election, where we interviewed folks like Commissioner Schmidt and Secretary Hobbs and election officials from across the country and the political spectrum.

Virtually all of those who we interviewed shared stories of calls, emails, social media posts threatening them, their staff, and their families. For instance, Secretary Barbara Cegavske of Nevada, a Republican, shared with us that she and her family and staff were targeted with death threats regularly and even had drones flown over her house. Or Tina Barton, a local Republican election official from Rochester Hills, Michigan, received death threats, including one that made clear that when she went out in public, she would find a knife at her throat.

As the bipartisan Florida supervisors of elections recently wrote in a memo to their voters, "During and after the 2020 Presidential election, the integrity of our democracy has been challenged by misinformation, disinformation, and malinformation that sows discord and undermines trust in America's electoral process. Many of us have been threatened by our fellow citizens, who have been led astray by these deceptions."

If an additional protection is not provided to those who are threatened, many election officials may face the horrible choice of

either continuing to receive threats for doing their jobs or leaving the profession. The field is already losing officials at an alarming pace.

How do we respond to these threats and best support election officials? First, we must fund elections consistently at the state, local, and Federal level. Regular and consistent investment in our elections is needed, and a shared funding structure should be implemented in which all levels of Government pay for their portion of each election.

Second, we must ensure the physical security of election officials, offices, and staff across the country. The recent creation of the Election Threats Task Force at the Department of Justice is an important and encouraging step, but a lot more must be done. Publication and use of threat data from the DOJ Election Task Force should provide necessary data after each election regarding the scope and scale of threats against election officials and workers, and the responses to those threats.

Increased information sharing regarding those threats in order to ensure comprehensive data is collected, analyzed, and shared. Local and state law enforcement should be required to share activity directed against election officials and workers with Federal law enforcement within their state. In return, Federal law enforcement should regularly report to state and local officials regarding the activity in the jurisdiction with full transparency regarding any actions taken, including if investigations have been initiated.

Penalties—following the 2020 election, there have been few consequences for those who have threatened election officials. Congress and State Legislatures should pass laws offering harsher penalties for threats or acts of violence against election officials, viewing them as a threat against our democracy. Privacy. Many threats, as we have heard against election officials and staff directly target their homes and their families. More must be done to protect their private information from malicious actors.

Finally, physical security and doxing training. The Cybersecurity and Infrastructure Security Agency should build on the work that they did on physical security in 2020 and offer training and guidance on physical security and doxing prevention measures, utilizing the protective security advisers who are present in the states across all 50 states and the territories. We must also continue to improve the cyber resilience of American elections. Securing the infrastructure—securing this infrastructure goes hand-in-hand with protecting these officials.

This starts by working with states to implement pre-certification audits of paper ballots and then establishing working with CISA on a voluntary basis—cybersecurity baselines to include things like multi-factor authentication, network segmentation, access controls, patch management, and moving election websites to .gov, as well as additional scalable, proactive services from CISA to their state and local election officials.

Our elections are imperfect. They are massive, messy, underfunded and under-resourced. But they are accurate, secure, accessible, and fair because of the tireless work of state and local election officials. The only response to the sustained attack on our democracy and against those who run it is a sustained investment in

those working hard to protect it. I thank you and I look forward to your questions.

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

Chairwoman KLOBUCHAR. Thank you very much. Just a factual question first. Do you all agree that threats against election workers increased during and after the 2020 election—violent threats? Everyone agree?

Ms. HOBBS. Absolutely.

Mr. HENDERSON. Yes.

Mr. MASTERSON. Yes.

Mr. SCHMIDT. Yes.

Chairwoman KLOBUCHAR. Mr. Adams?

Mr. ADAMS. Yes.

Chairwoman KLOBUCHAR. Thank you. Do you believe that makes it harder for states and local Governments to recruit and retain election workers and volunteers?

Mr. MASTERSON. Yes.

Mr. SCHMIDT. Yes.

Mr. ADAMS. Yes.

Ms. HOBBS. Yes.

Chairwoman KLOBUCHAR. Okay. Secretary Hobbs, can you expand on the extent these threats based on what you have seen and experienced as Arizona Secretary of State. Do you agree that there should be Federal action to address it?

Ms. HOBBS. Absolutely. As I shared in my testimony, there were armed protesters outside of my house. I had to have 24 hour security and install security features in my home. My son's phone number was doxed, and my husband's workplace, Children's Hospital, faced calls with horrible accusations and urging that my husband be fired because of me. No one should have to face this kind of behavior because of their work as an election official. Yes, Federal action is needed.

There should be consistency across the country in terms of protection for election workers. Just as with many of the voter protections provided in the Freedom to Vote Act, it shouldn't matter what state you are in to determine the level of protections you are afforded. Furthermore, if it is for a Federal election, for a Federal office, then there absolutely should be Federal protections.

Chairwoman KLOBUCHAR. Commissioner Schmidt, can you share with the Committee more about your decision to speak up about the threats against you and your staff and your family?

Mr. SCHMIDT. Well, I wrestled with it a little bit on the front end because on the one hand, you don't want to acknowledge people who do something like this. You don't want to sort of scratch that itch. You don't want them to know that they got to know that you read their text messages or their email messages.

That was, on the one hand, why I was at first hesitant to share all this. But on the other hand, it is important to know exactly who these people are and what they are trying to do. Obviously, not just to me, to many others, and in many cases far worse than mine. At the end of the day, I think it was a matter of being public about it outweighed my reluctance to, you know, acknowledge that they were even doing something like this.

Chairwoman KLOBUCHAR. You have previously noted that because of where you are located in a city, you had some law enforcement help, you had some legal support. Can you speak briefly to how that compares to experiences that might be faced by election workers in rural parts of your state or rural parts of the country, and sometimes their more difficult situations, actually?

Mr. SCHMIDT. I would say despite all of this, I was very fortunate to be in Philadelphia at the Pennsylvania Convention Center, surrounded by literally hundreds of police officers and Philadelphia sheriffs to keep us safe so that we could go about doing our job, which was to count votes, while demonstrations were occurring right out front.

Whenever I left the Convention Center, sheriffs went with me, made sure that people who came at me were sort of kept at bay, going back and forth to City Hall from the Convention Center. We also—I think I was fortunate that we had a whole phalanx of city solicitors at our disposal to fend off all the litigation and other things that we were going through as we were trying to do our job.

Most counties in the Commonwealth of Pennsylvania don't have that. They might have one part-time solicitor. They certainly don't have the access to resources that we had in Philadelphia. You know, relatively, compared to them, it is almost embarrassing to be the person sharing this with you today because I am sure many of them were not as well protected as I was. At home, we installed a comprehensive home security system and made other investments to protect our home from people like this.

Chairwoman KLOBUCHAR. Okay. Thank you. Mr. Henderson, could you just comment briefly on the importance of strong Federal protections for election workers like those in the Freedom to Vote Act?

Mr. HENDERSON. Yes, Madam Chair. As we have heard from both Secretary Hobbs and Commissioner Schmidt, the courage that they have demonstrated in carrying out their responsibilities should not become the standard by which election administrators are measured. How can we possibly expect individuals, regardless of party affiliation, to come to the American people's rescue by serving effectively in their job as an election administrator when they face death threats that go beyond the norm based on disinformation that continues to spew forth in ways that corrupt the integrity of our elections.

Certainly, we think that the For the People or the Freedom to Vote Act and the John Lewis Voting Rights Advancement Act have protections that indeed election workers can benefit from. The fact that they—it challenges, that legislation challenges the way in which election administrators carry out their responsibilities, that is to say it protects them from the kind of interference that we are seeing, it protects them from being replaced by partisan individuals who have no desire to carry out a fair and free election, but instead to manipulate the outcome in ways that affect the partisan nature of the election.

What we have before us now are individuals who exemplify the best in our election system. The legislation, which is currently under consideration in the Senate has a number of provisions that would address these subversion bills that are being enacted in var-

ious states. Notably, I should point out the number of swing states that will make a difference in future elections.

Whether it is Arizona, Wisconsin, Pennsylvania, Texas, Georgia, we are seeing state legislators enact these provisions. Only by enacting the Freedom to Vote Act and the John Lewis Voting Rights Advancement Act, can we hope to address these issues.

Chairwoman KLOBUCHAR. Thank you. Thank you very much. I am going to turn over to Senator Blunt and then Senator Merkley will be Chairing while I go and vote. Thank you.

Senator BLUNT. Well, thank you, Chair. For the three active election officials right now, Secretary Hobbs, Secretary Adams, and Commissioner Schmidt, I think everybody said it was harder to recruit and retain election workers now. What are you doing about that? When are your next elections in your state, Secretary Hobbs?

Ms. HOBBS. We have jurisdictional elections going on right now, but most of those are by mail, so we are not having the same need to recruit as many poll workers as we will in the 2022 election. We are certainly going to continue our efforts at recruitment and hope that people will take part in the civic engagement. But it is absolutely a concern, and we are absolutely seeing turnover in our offices and local election offices as well.

Senator BLUNT. Is your bigger concern the people that come and work polling places on Election Day or the people that are permanently identified as part of the election process by—in your office or the local election official?

Ms. HOBBS. I think our concern really is the loss of that professional election administration and the drain, not just in Arizona, but across the country of folks that do this work and that they—as I said before, it is not worth it anymore for these not very high paying jobs and combined with the level of threat that they are experiencing at the moment.

Senator BLUNT. Okay. When you are talking about the not very high paying jobs you are talking about, in that case, the not very high paying permanent jobs.

Ms. HOBBS. Government jobs, yes.

Senator BLUNT. Opposed to not very high paying Election Day—right.

Secretary Adams, welcome back to the room, even if it is virtually, that you were an intern in 22 years ago. But same question, what are you seeing happen? Have you had elections where you had to have significant numbers of people available to conduct elections that day since November 2020? If you have, what have you done about that? In fact, I am sure you have.

Mr. ADAMS. Well, fortunately, this year is an off year in Kentucky. We get one year off from elections every four year cycle. That is this year. We do have special elections for some vacant legislative seats, starting actually later this week with early voting. We have not really seen much of an impact in terms of professional election administrators, which is to say, State Board of Elections staff or my staff and the Secretary of State's office. We have not seen unusually large turnover with those folks. What we have seen, though, is a lot of turnover with our County Clerks who are elected officials.

We have 120 counties in Kentucky. They all elect their own Chief Election Official at the county level. Last year, we had two clerks resign in the middle of their term. They just, they had enough. They were exhausted. It wasn't because they were threatened or harassed. It was because the job was extremely hard last year, and they were just done. This year, there is about 15 or so of 120 clerks that have told me they plan to retire next year. I think the number will grow bigger. That is an unusually large number of retirements. I think it is attributable more to exhaustion with the job. We have made voting much easier in Kentucky than it had been previously.

Part of the price of that is it is a harder job now to run an election. We have seen some retirements there. With respect to our poll workers, it takes 15,000 volunteer poll workers to run an election in Kentucky. I testified to our Legislature right after I was elected in 2019 before COVID that we had a crisis brewing with our poll workers because they typically are well into their 60's or 70's. As they are increasingly unavailable, they are not being replaced by the younger generations.

I am a Gen-Xer. GenX, unfortunately, has not stepped up in a volunteer fashion to be poll workers, so that is a big problem that we have. It is not due to threats or intimidation. It is just that we are losing poll workers and we have got to find a way to inspire people to volunteer, and not just in the election sphere.

Senator BLUNT. Commissioner Schmidt, what have you seen both with your permanent election day in and day out structure, and any concerns about recruiting people to be at the polling places for Election Day?

Mr. SCHMIDT. We in Philadelphia, the three City Commissioners who oversee elections, there are two from the majority party and one from the minority party. I won't be running for reelection again in 2030. A big concern of mine is that I will either be replaced by someone who is elected, who is intent on denying the integrity of the election, regardless of evidence or on the other side, someone who will not be a sufficient check or balance to the Democratic majority on the Philadelphia Election Board.

At the local level, it has been an ongoing problem with losing poll workers. Just as the Secretary just said, elections become increasingly complex. Our city and many counties in the Commonwealth acquired newer and better voting technology that is a lot more complicated, or at least it is a lot newer to those Election Board workers. In addition to, you know, the sort of strain that we have talked about here, and our Commonwealth also just instituted mail in, no excuse mail in ballot voting, which is an entirely new system of voting to the Commonwealth of Pennsylvania.

We had absentee ballot voting before, but now that as well. Elections have become a lot more complex. You know, people say to me as they say to I am sure many who work in elections like, what do you do the other 363 days of the year? Really, what we are doing is working every day to make sure that Election Day runs smoothly because there are no redos when it comes to elections. They have to be right, and they have to be right every time.

Senator BLUNT. Thank you. Thank you, Chairman.

Senator MERKLEY. Thank you very much. We are going to now turn to Senator Angus King, I believe is joining us electronically.

Senator KING. Thank you, Mr. Chairman. Glad to be with you, Secretary Adams. Delighted to have you with us today. First, I want to commend you for your comments at the beginning because part of the problem is we have converted political—political opponents into enemies and everything is a war. Once we get—go down that road of the heated rhetoric, we really need to back off from that. I have sitting next to me a big chart of Abraham Lincoln's second inaugural. He talked—that is where he said with malice toward none and charity for all. If anybody had any reason for malice, it was Lincoln at the end of the Civil War, but he didn't. I commend you for that. Let me ask you a question, is voter fraud a problem in Kentucky?

Mr. ADAMS. Well, I would maintain that it is not currently, and it has happened in the past. Typically, it has occurred in a specific sort of situation where there is a perfect storm in three ways. Number one, it happens at the local level. It is not occurring at a statewide level or at a congressional level. It is happening in a small town or a small county where only a few votes can potentially tip a race.

Number two, its generally for a job that involves patronage. In other words, there is some sort of reward for the winner and the ability to distribute funds or jobs or what have you. Then number three, it tends to occur in a place where there is poverty, where votes can be bought for a pretty small amount of money. That is where we typically see vote fraud. I am certainly not going to wish it away. It does happen. It is something that we work very hard to prevent, and when it happens, to prosecute.

Senator KING. I think what you said is very important because what you said is consistent with everything I have read and heard about voter fraud across the country, and that is it is isolated. It is not widespread, massive millions of votes. It is somebody—one person votes for a dead person or something, but it is very unusual and in rare cases. We are talking around the problem here with a lot of the conversation today has been about the danger and threats to election officials.

The reason those threats are being made is that people are being told something that is untrue, that a, there was massive fraud, and b, that election officials were in on the fraud. Mr. Masterson, isn't—couldn't a lot of this be alleviated if our leaders would simply tell the truth to their followers?

Mr. MASTERSON. Thank you, Senator King. Certainly, our work at the Stanford Internet Observatory and the work I did at CISA was to push people to the trusted sources of information about the facts with elections. That is your state and local election officials who have information about not only the security and integrity of the process, but the accessibility and how the system works.

For us, one of the core recommendations that we have in combating the mis-and disinformation around elections is really driving and elevating the voices of our state and local election officials, as is done here in this hearing, to share the facts about how elections are run in the states. The fact that across all 50 states, our elections are bipartisan, they are transparent, and they are professional. So yes—

Senator KING. Well, the problem that I see is that this idea of massive voter fraud has become a pretext for substantial changes to election law around the country in the name of integrity of ballot integrity, when indeed it is the classic definition of a solution in search of a problem where you are making significant changes, which will inevitably affect a significant number of people.

Mr. Schmidt, what about my thought that one of the most important—I mean, there are not enough state troopers in the world to guard every election worker. Bearing that in mind, isn't the best solution for our leaders to tell the truth to their followers about the fact that 2020 and every election in recent history has been straightforward and honest, and try to wean people from this idea that there is widespread, massive voter fraud?

Mr. SCHMIDT. Not only are there not enough state troopers in the world to protect every election official, but there certainly aren't to protect their families as well. I think you are absolutely right in terms of the root or core of the problem, and the solution normally is to tell the truth. But that has only met with so much success.

Typically, that would be the antidote. I haven't seen that be successful as I would like it to. In addition, I think it is really about removing motivations for elected officials to lie about elections on the one hand. Also, on the other hand, to take seriously and successfully prosecute these sort of threats, targeting elected officials, trying to intimidate them to either do one thing or not do another thing, to do their job.

Senator KING. Thank you. Thank you very much, Mr. Chairman. I yield back.

Senator MERKLEY. Thank you very much, Senator King. I will turn to Senator Hyde-Smith.

Senator HYDE-SMITH. Thank you, Mr. Chairman. My question is for Secretary Adams. Mr. Secretary, in your testimony you said that voting in Kentucky has never been as successful or secure as it has since you took office 21 months ago.

To echo the mantra of the Kentucky Senator on this panel, our Republican leader, our goal should be to make it easy to vote and hard to cheat. It sounds like you have been successful in achieving that in Kentucky, and I applaud you in that achievement. One of the key proposals you focused on has been to press the State Legislature to strengthen Kentucky's voting laws and voter ID.

Now, due to your efforts, I think that you have accomplished that to show—Kentucky voters have to show a photo ID when casting their ballots, as well as in my State of Mississippi requires photo ID to be shown at the polls. There has been a lot of debate in this Committee about voter ID and about what sorts of ID states should be able to require. Secretary Adams, why do you think it is important to require a photo ID specifically?

Mr. ADAMS. Well, I think we need the same degree of security in our elections that we need in any other respect in our lives, cashing a paycheck, entering a Government building, getting on a plane, and so forth. I think that is entirely reasonable. It is also important, I think that these laws be written in a humane way, that they ensure that people have a path to get a photo ID for free. We budgeted several hundred thousand dollars in our bill last year to make sure that people had access to photo IDs.

We had our election—fortunately, we implemented this even in a pandemic and did not have the predicted disenfranchisement that folks thought we might have. Part of this is just for the obvious reasons, but the other reason to do this is to have credibility when you are trying to do what I have tried to do, which is make voting easier also.

I found that the best way to do election policy is to be bipartisan and cross ideological, to work with both sides, and then you give both sides, if they are concerned about—the Democrats tend to be very concerned about access, and rightly so, Republicans tend to be very concerned about security and rightly so and so the best of both worlds is to say yes to both.

Senator HYDE-SMITH. You feel like it has truly helped secure accurate voters, or the elections in Kentucky? You think that this has been a step that actually did that?

Mr. ADAMS. Yes. It is not a magic wand, to be sure. There are other things that we have done, that I think added security as well. The absentee ballot request and tracking portal, we use that to verify a voter's identity, but also to more efficiently ensure access to an absentee ballot and also help the voter track the ballot herself, from the comfort of her home, see where it is in the system. That holds us accountable. It is appropriate. We banned ballot harvesting. I asked for and got additional authority to get our voter rolls cleaned up. These things all got Democratic votes in our Legislature because they were paired with expanded access to the ballot. I think that is the best way, with respect to Congress, to make election policies is to do it in a bipartisan way.

Senator HYDE-SMITH. In your testimony, you spoke a little bit about the Election Reform Bill enacted in Kentucky. I want to outline how impressive a bipartisan achievement that that bill was. It passed the Kentucky House of Representatives only 3 days after introduction by an overwhelming vote of 93 to 4. It passed the Kentucky State Senate just a few weeks later by an overwhelming vote of 33 to 3. It was signed into law by the Democratic Governor a few weeks after that.

I am just hopeful that we can capture some of that Kentucky spirit here in the United States Senate and to learn to pursue legislation that can bring us together and achieve overwhelming support, just as you did in Kentucky. How has Kentucky been able to achieve such broad support for its election reforms when the issue has become so partisan in other states and on the Federal level? How did Kentucky achieve that?

Mr. ADAMS. Well, some of it was, the luck I guess, of having to run an election in a pandemic. I approached our Legislature and asked for emergency powers to be able to make changes to acclimate our system to that reality. I didn't feel comfortable asking that I have all of that power by myself. I was the new kid in town and a Republican, and we had a high profile Senate race ongoing last year, so I asked the Democratic Governor to be included. I had seen what had happened in other states where there were—there was partisan warfare between branches of Government, between Democrats and Republicans in other states, and it led to election breakdowns.

I didn't want that to happen in our state. I didn't know that that was going to set an example later for bipartisanship and legislation. I am really grateful for that. When Congress has been at its best, as with HAVA, folks have come together across party lines, and I hope that we can do that again.

Senator HYDE-SMITH. Thank you so much, and my time is out. Thank you, Mr. Chairman.

Chairwoman KLOBUCHAR. Thank you very much. Next up, Senator Merkley.

Senator MERKLEY. Well, Madam Chairman, if you stayed along a little longer, I could have called on myself.

Chairwoman KLOBUCHAR. There we are.

Senator MERKLEY. Thank you. It is good to have you back. I wanted to ask you, Secretary Hobbs, some questions. The review of the ballots in Arizona, did they turn up cases of non-citizens being organized to vote?

Ms. HOBBS. No.

Senator MERKLEY. Did you have some form of vote by mail?

Ms. HOBBS. Yes.

Senator MERKLEY. I was very struck when in a previous hearing of this Committee, we heard from a Senator that the strategy of voting by mail was a strategy to enable illegal immigrants to vote. Is there any sense that in Arizona you established vote by mail in order to allow illegal immigrants to vote?

Ms. HOBBS. Absolutely not. In Arizona, vote by mail was established by a Republican Majority Legislature decades ago, and it is enjoyed by at least 75 percent of our voters every election and closer to 85 percent in this last one.

Senator MERKLEY. Thank you. We also had before this Committee, Jocelyn Benson, the Secretary of State of Michigan. I asked her the question because of their vote by mail if they had reviewed and they had done a search for that type of fraud. She had—and she sent us a letter that laid out every step of the way, how they ensure that its citizens voting and had found zero cases there. As far as I am aware, we have zero cases in Oregon and Oregon initiated vote by mail.

We did have in Oregon, over the course of a decade in which 61 million ballots were cast and sustained cases of—38 cases of voter fraud. I am not saying it doesn't exist. The two main types of voter fraud were somebody filling out a ballot in one state, like in a primary or general election, then moving to another state and filling out a ballot in their new state. That is certainly not a coordinated criminal strategy to undermine the legitimacy of elections, I don't believe.

Ms. HOBBS. I would agree with you. That is the same kind of instances that we are seeing in Arizona.

Senator MERKLEY. Well, that led me to my next question of what kind of problems you did find. Did you find ballots shipped in from China? Because I kept hearing in the news over months that this was a major, major problem in the Arizona elections.

Ms. HOBBS. There were no ballots shipped in from China or anywhere else.

Senator MERKLEY. What did you find for the fraud from this second audit—for this long extended audit?

Ms. HOBBS. Well, it wasn't an audit, and the procedures that they went through really were not procedures at all, certainly not acceptable at any level by election professionals. They were on a fishing expedition to find problems. The problems that they came up with in their report were manufactured. In fact, the proper place for election challenges is in court. As I mentioned in my opening, we had nine such legal challenges in Arizona, and they all failed. There is simply no evidence of any of this widespread fraud that is continuing to be alleged in Arizona.

Senator MERKLEY. Let me turn to Mr. Henderson. Mr. Henderson, we are hearing that fraud is continuing to be alleged in Arizona after basically none was found, according to the Secretary of State. You had mentioned that one of those steps and this strategy is weaponizing the examination of ballots or the reviews of ballots to spread distrust in our election system. Why? What is the purpose of this effort to undermine election systems when they are actually working well?

Mr. HENDERSON. Thank you, Senator Merkley. It should be noted that in Arizona, which was, of course, the home of the first audit, it was quite clear that Maricopa County focused the most—the largest and most diverse county in Arizona was intended to demonstrate by way of the private company Cyber Ninjas that apparently fraudulent votes had been counted and determined the outcome of the election. Fortunately, the very thorough not review itself, because the review wasn't thorough, but the examination of what occurred in Arizona has demonstrated clearly that no fraud existed.

Yet that effort has spawned similar initiatives in states like Wisconsin and Texas and Pennsylvania. In Texas alone, that state was won by the previous President. Yet, notwithstanding that, there is a desire to determine whether fraudulent votes were cast. Certainly the use of a focus, as some have mentioned, you mentioned on undocumented immigrants, the effort to focus on Latino voters, African-American voters, Asian-American voters usually occurs based on the demographic changes that have taken place in those communities and the emergence of new sources of political power among communities of color.

This effort to host—to hold reviews, these sham reviews, is intended to intimidate those voters and to discourage them from coming out in future elections. We have seen that in state after state, and Texas is a good example where a previous investigation was conducted by the Department of Justice focusing on individuals who were previously legal residents but had not yet become citizens, and somehow suggesting that that population have cast votes fraudulently. There was absolutely no evidence to that effect. Many of the voters who had previously been in that pool of legally admitted resident aliens went on to become United States citizens and should have been entitled to vote.

The effort to intimidate them into not coming back at future elections has been consistent and throughout states that have chosen to have these audits. That is why we say, they are intended to really disenfranchise future voters.

Senator MERKLEY. Well, thank you very much. I appreciate that.

Chairwoman KLOBUCHAR. Thank you very much, Senator Merkley, and thanks for all your work in this area. Senator Hagerty is next.

Senator HAGERTY. Thank you, Chair Klobuchar. Secretary Adams, I would like to turn my next questions to you. In your experience, Secretary Adams, do voters tend to have more confidence in elections when the rules are set by members of their community in accordance with local conditions and preferences, or when the rules for all 50 states are actually dictated in completely partisan fashion by Washington politicians and bureaucrats?

Mr. ADAMS. Well, I can't say that I have lived through that experience, but I can tell you that I believe that part of the reason we were able to produce this reform that got praise here in Washington and around the country is because we were allowed to, because we were allowed to, as a state, solve these problems for ourselves. One thing I have seen in polling is, folks, I am pleased to say, have confidence in me, but they have more confidence actually in their County Clerk.

That doesn't surprise me because they know their County Clerk. They go to church with them. They go to grocery with them. The more decentralized our system is, I think, the likelier that these policies will be supported by the people who then utilize them, and they actually see people they know being the poll workers and being the County Clerks.

Senator HAGERTY. That makes complete sense. Secretary Adams, numerous polls show that overwhelming majority of Americans support common sense election security measures like voter ID laws. Many states have enacted such laws. In your view, would Federal legislation that nullifies popular state election security laws like voter ID increase or decrease election security?

Mr. ADAMS. Well, I think the thing that we absolutely must have for the system to work is public confidence in our elections. I do think there are some things that have been debated in this chamber that would reduce the security of our process. But there is no question they would significantly impact voter confidence in our system. The reason I was able to get expanded access to the polls in my legislation is because I also had security measures to show folks that we were serious about that. I think these things have to be paired together.

Senator HAGERTY. Do you think Federal legislation proposed by Democrats that requires unlimited ballot harvesting in every state would reduce election integrity and security, Secretary Adams?

Mr. ADAMS. I do, and I can tell you about a specific case in Kentucky before my term. We had a mayor of a small town go to Federal prison. She engaged in a ballot harvesting scheme. Her control of public housing led to her ability to put under duress the residents of public housing and compel them to vote by absentee ballot under the supervision of her campaign volunteers.

Then those votes delivered the ballots back. There was no state law against ballot harvesting at the time. There is now. There were Federal charges ultimately brought. But that is the kind of stuff I do not want to see happen. Certainly going into an election year with local elections on the ballot, as we have in Kentucky in 2022, again that is where you typically see these sorts of attempts occur.

I would certainly oppose any Federal effort to overturn our new law to ban ballot harvesting.

Senator HAGERTY. Let me turn to election administration itself, Secretary Adams. In your view, would enacting on a completely partisan basis, by the way, Federal legislation proposed by Democrats that overrides state election laws and puts Washington politicians and bureaucrats in charge of elections in every state. Would that constitute a threat to election administration in and of itself?

Mr. ADAMS. Well, potentially. I think it certainly would be a threat to public confidence if there is just one version, one partisan or ideological version of election policy, and it is foisted at a national level upon all the states. I don't think it would be well received. I think people have confidence in me and their county clerks and their poll workers and their Governor, for that matter, and I think that folks tend to be in more contact with us and see us as directly accountable.

They tend to trust us more on these issues. I do think that federalism is a good thing. Diversity of our country is a good thing, and I think that federalism respects that diversity. To be clear, I don't think Congress should tell California or Arizona or Utah or any state that does things differently from Kentucky, how to run their elections either, even if they don't like the way those states do those things. I think that all states ought to have the right to make those decisions. That is what the Constitution actually contemplates.

Senator HAGERTY. I would like to try just a different topic. It has been raised already in these discussions today. That has to do with the reprehensible notion of threats surrounding elections, particularly threats to election officials, which I condemn at any level. Secretary Adams, you noted in your testimony that it has never been easier to vote in Kentucky. That is the case in Tennessee as well, where Secretary Tre Hargett has done an excellent job. We have had record voter turnout in 2020, thanks to his great leadership there.

You noted that you and your fellow Kentucky election officials actually received threats of violence in 2020, resulting from a misinformation campaign by a left wing group that was egged on by national Democrats. Can you elaborate a little bit more on that unfortunate episode?

Mr. ADAMS. Sure. I am not trying to target anybody or make any hay. I just want to note that this is unfortunately not limited to one side of the aisle. In this case, unfortunately there was a misinformation campaign that alleged that Kentucky was engaged in vote suppression, that it was some sort of intentional act by Republicans, namely me, to keep folks from voting, specifically African-Americans from voting—it was really reprehensible.

I would say the number one person who helped us push back on that was our Democratic Governor. As far as I am concerned, it was one of his finest hours in his job as Governor, having the courage to stand up to the national media and out of state groups and call them on it and say this is false, that we actually have made it easier to vote than we ever had in Kentucky before. In fact, we had the highest turnout we have ever had in a primary election in a pandemic last year.

Unfortunately, my office got thousands of abusive calls. To be clear, most of them were—very few of them actually were actual threats. A lot of harassment. A lot of verbal abuse of my staff, state workers and election staff. This had two problems. One of the obvious, it is a horrible way to treat people.

The other problem is, unfortunately, our calls—phones were so logged with those that we believe that some Kentuckians who were calling to get information about how to vote an absentee ballot or where to go vote on Election Day were not able to get through. There is a real suppression angle to this as well.

Senator HAGERTY. Well, thank you for sharing that experience. It is regrettable on both fronts. Thank you, Madam Chair.

Chairwoman KLOBUCHAR. Thank you very much. Next up, Senator Padilla.

Senator PADILLA. Thank you, Madam Chair. Colleagues, as most of you know, before I joined the Senate, I served as California's Chief Elections Officer for six years, and in that time I recall proudly working with so many local election administrators up and down the State of California, as well as with my colleagues from states around the country with the shared objective of making sure our elections were as safe, as secure, and as accessible as possible.

In California, I believe we succeeded in meeting that goal, and that is in no small part due to the hard work, dedication, and absolute professionalism of our local elections workers as well. These dedicated Americans are indispensable to the strength of our democracy, and it is because of that experience that it has been so deeply and personally troubling for me to hear story after story of election workers who now fear simply going to work, who are afraid that their nonpartisan work to help Americans exercise their right to vote and that their votes be fairly counted, will make them the subject of threats of violence or worse.

Election workers deserve better, and this Congress owes them better, and I hope that we, working together, can deliver that. Question for Ms. Hobbs—Secretary Hobbs. Beyond the recruitment of qualified full-time election workers, as we know, successful elections also rely on the army of temporary workers, poll workers by another name, to help staff the polls to guide voters, and perform day of election tasks like checking voters and checking registration status, providing ballots, etc.

Are you concerned that these ongoing threats to temporary election workers as well may also affect the administration of elections, including causing so many to choose to not volunteer or be reluctant to volunteer?

Ms. HOBBS. That is certainly a concern we have in Arizona. You know, people stepped up in 2020 to fulfill this role in record numbers, and we are going to continue to try those recruitment efforts. I hope that people will be engaged in that way, but I think that what folks have seen in the aftermath of the 2020 election is certainly going to put a chilling effect on that.

Senator PADILLA. Thank you. I think on a related front, we know that the Presidential election of 2020 was a fair election period. Joseph Biden was elected President of the United States, period. Donald Trump lost, period. Those are three factual statements. But even today, more than nine months after President Biden was

sworn in, there are still many in the Republican Party who are unwilling to acknowledge these basic facts. Instead, a right wing ecosystem of misinformation and disinformation continues to perpetuate the big lie that the election was stolen.

Many Republicans refuse to speak up against it. This question is for Mr. Masterson. Mr. Masterson, what is the long term consequence of these types of misinformation and disinformation campaigns, including how they relate to the security of future elections or voter confidence in elections?

Mr. MASTERSON. Thank you. Senator Padilla, it is good to see you. The long term consequences start with the erosion of trust and doubt and deception around our democratic institutions. The reality is that if our voters do not trust or believe in the results of our elections, our democracy is unhealthy. You know, struggling to succeed. The reality is, that has implications, as we have talked about today, for the security of those who work in elections, it has implications for America on the national stage, and the health of our ability to work with and support emerging democracies across the world.

It impacts us civically and in all kinds of ways where truth and facts not just around our democracy, but around any area of life begin to fall by the wayside. We have seen that certainly around COVID and the COVID vaccine as our information ecosystem continues to suffer.

Senator PADILLA. Yes, and last year's census count as well for, as we recall experiencing. Madam Chair, I want to have the opportunity to finish my next question because this is the former Secretary of State in me shining through. We know that professional post-election audits based on proven standards and methodologies are an important tool for ensuring the accuracy and the integrity of election results while building voter confidence. I know such audits are a standard part of the election certification process, not just in California but in states across the country.

But these audits stand in stark contrast to the type of sham audit that was called for this year by the Republican State Legislature in Arizona and is being considered by the Republican State Legislature in Pennsylvania. Secretary Hobbs and Commissioner Schmidt, can you describe how these Republican driven sham audits, my words not yours, differ technically from the professional standard driven audits that are required in many jurisdictions and how they too might impact voter confidence?

Ms. HOBBS. Senator Padilla, I don't know that there's enough time left in the day to do that. I will just say that in Arizona, the results were canvassed, certified, litigated, and legitimately audited, according to the law. What we saw in this sham audit was absolutely not a real audit. It detracted from transparency—there was no transparency. There were lapses in security. Every other professional auditing standard that you would see in place was just not there and overseen by people with an entirely partisan agenda.

Senator PADILLA. Thank you. Mr. Schmidt.

Mr. SCHMIDT. As a former senior auditor who believes strongly in the importance of audits when they are legitimate and when they are real and when they are carried out by qualified people who know something about auditing and something about elec-

tions, that is not what we have seen to date. In Pennsylvania, every county in the Commonwealth conducts an audit after each election. In most counties, including ours, we conduct a secondary audit that is even more comprehensive on top of that.

The nexus between your question, the audits, or the so-called audits and the threat issue are, I know in my experience and many others, the threats died down after Election Day, after the new President was sworn in. Now that the Legislature is talking about instituting some sort of bogus audit in the Commonwealth of Pennsylvania, they returned. This level of activity rises and falls. It spikes and decreases whenever there is sort of this comprehensive misinformation and disinformation effort, both around election time and now around audits as well.

Senator PADILLA. Thank you, both. You know, let alone from what I understand in Arizona, the but otherwise would be unauthorized access to the actual voting systems themselves and with that pretense for future elections. Secretary Hobbs, as you said, we don't have enough time in the day. Thank you, Madam Chair.

Chairwoman KLOBUCHAR. Thank you very much, Senator Padilla. Next up, Senator Ossoff.

Senator OSSOFF. Thank you, Madam Chair. Thank you to our panel. I appreciate your presence here and your answers. Secretary Hobbs, nice to see you again. Secretary Hobbs, this question is for you. One of the many destructive effects of the lies and conspiracy theories fabricated by the former President and his attorneys to discredit the outcome of the 2020 election was the dramatic increase in threats of violence, attempts to intimidate election officials at all levels.

There was a famous press conference held by a man named Gabriel Sterling, the Chief Operations Officer in the Office of the Secretary of State in Georgia, a Republican and a Republican appointee in which he urged the then sitting and defeated outgoing President to cease the lies because people's lives were at risk. Georgia has really been at the epicenter of this trend. We have seen, as I said, election officials at all levels from the Republican Secretary of State and his family, all the way to the good samaritan, nonpartisan volunteers at polling places subject to abuse, harassment, and threats. We saw threats against polling places themselves.

I have offered legislation to strengthen Federal law protecting election officials. I would like you to comment based upon your experience as the Secretary of State, how in addition to the fear and the harm done by threats of violence themselves, how this impacts election administration and really is an assault on voting rights.

Ms. HOBBS. I think what has been much more ongoing and constant than the threats themselves are the level of harassment that is coming into election offices. To our office for sure, not just the elections division, but other divisions of our office, keeping people from doing their jobs and then election offices across the state. As the Commissioner mentioned, when there is something—things seem to die down, and then there is heightened awareness again because there is a sham audit being proposed or whatever, then things level up again. For my office, it has been nearly constant.

It has been really—people that go to their jobs as public servants every day are exposed to this, and it is just—it is wearing them down. It is not just the threats, it is this constant harassment. Certainly some level of Federal protection against the threats would be helpful. But there is just—it is—I cannot describe how constant it is and how draining it is on people that are having to answer those phones, those emails, or check those social media, and it is taking away from their ability to do their jobs.

Senator OSSOFF. Thank you, Madam Secretary. Mr. Henderson, one of the most concerning aspects of SB202, the election law that was enacted in Georgia, is that it empowers partisan officials at the state level to take over, reconstitute, and perform the functions of local Election Boards at the county level. This could empower these partisan state officials to make decisions about polling places, about polling place locations, which can often change at the last moment, about processes that should be free of partisan interference and under local control, perhaps even decisions about ballot disqualification or result certification. Can you please comment on how such laws threaten the impartial and fair administration of elections?

Mr. HENDERSON. Thank you, Senator Ossoff. I should note before I answer that Georgia is also the state that has chosen to limit voters' access to water and food while they are standing in often incredibly long lines that result from having closed polling places that would otherwise have been used during an election.

We know that housing discrimination still—it still exists in states around the country, and often polling places are set up in a way that particularly caters to a community of interest. Often, polling places that are closed would otherwise serve black communities, brown communities. It is a huge problem. The fact that you and Senator Warnock have introduced legislation that would seek to limit the ability of State Boards of Election to interfere at the local level to remove individuals who would otherwise and have served in a nonpartisan way for years but would now inject a level of partisanship in their responsibility, is something that for us is a huge problem.

That is why we support the inclusion of the effort to protect against election subversion in the Freedom to Vote Act. This does have a real impact on individuals' willingness to trust the election, to feel that their votes will be protected, and even to turn out in future elections, which is really the purpose of many of these subversive laws. We think it is a huge problem, and we know that some of these issues, of course, existed because of the 2020 election. We have the big lie, and the emergence of misinformation and disinformation have certainly corrupted the integrity of the elections and the way some view that. However, as had been noted at the outset and questions that had been posed to the panel, truth is an antidote to much of this.

If we were able to ensure that previously elected officials would speak truthfully about the outcome of the election, that would help us certainly protect against this kind of corrosive effect. In the absence of that, we need new Federal protections that ensure that elections will be administered fairly, in a nonpartisan way that respects and protects the interests of the actual voters themselves.

Senator OSSOFF. Thank you, Mr. Henderson. Briefly, with—I am already over time here, Madam Chair, I recognize that, but I would note that is of particular concern, these elections subversion measures where, as we saw in the most recent election, the President was putting pressure on the Governor of Georgia, the Secretary of State of Georgia, and the United States Attorney for the Northern District of Georgia, to overturn the election results.

Thank you for your testimony, and I would note as well that I have introduced the Voters Access to Water Act to prevent localities and states from banning the provision of hydration to voters who are standing in line by nonpartisan good samaritan volunteers. I thank Chair Klobuchar for including that bill in the latest draft of the Freedom to Vote Act, and I yield.

Chairwoman KLOBUCHAR. Thank you very much. Thank you for your good work. We are going to have a second round. People liked your interesting exchanges so much, we have had several requests. I am just going to ask a few questions here. Secretary Hobbs, you mentioned this in a recent answer you gave, but could you give a little more detail about harassment directed at your office, how it has impacted public servants who are not even responsible for elections like those who assist with registering businesses or notarizing documents?

Ms. HOBBS. Yes, absolutely. The Business Services Division, Library Division, and even Address Confidentiality Program have calls to their lines or emails sent to them with harassing and threatening language. As I mentioned, this has been near constant in Arizona since the election almost a year ago. There was a staff member in business services who took a call. It was threatening in nature, and she—and this is not her job. She is not trained in threat assessment, but she kept this caller on the phone to get as much information as possible to be able to report this to law enforcement and continue to allow this abusive behavior so that—because she was afraid if she didn't, that somebody was going to get hurt.

This was really traumatic for her and, you know, impacted her work for the rest of the day. But also keeping the caller on the phone kept her from doing her normal job. This is a division where the most common tasks in terms of what that division does, take around four to six weeks in turnaround time. This is not helping at all. It is bad for our constituents. We have also delayed the opening of our Capitol Museum that is under my purview as well, until we could arrange security because of what happened here on January 6th.

I wasn't willing to put our staff in harm's way when people who were still upset about the election and still directing their anger toward my office could utilize that avenue as well.

Chairwoman KLOBUCHAR. Very good, thank you. Mr. Masterson, we know that misinformation on social media platforms like Facebook is widespread, and there has been bipartisan pushback on this right now, whether it is the work that today we have a second hearing actually on this in the Commerce Committee with Senator Blumenthal and Senator Blackburn, on other platforms, specifically Snap and YouTube, as well as TikTok.

We now know that in the new trove of documents recently came out that Facebook deliberately turned off election misinformation safeguards right after the election. They were worried the safeguards were slowing the growth of the platform. Can you briefly explain the severity of the problem of election misinformation spread through social media? Do you agree that this has been part of the problem with threats?

Mr. MASTERSON. Yes, thank you, Madam Chair. Absolutely. This is one of the large challenges. Following the 2020 election, the Stanford Internet Observatory released a report on mis- and disinformation targeting the 2020 election that looked at exactly this challenge and made a number of recommendations.

The report highlighted the fact that individual platforms suffered from the challenge for consistent moderation of content around election and election information and promotion of correct or factual election information, again highlighting the voices of state and local election officials and also the cross-platform challenges that, you know, even if action was taken by one platform, a tweet would show up again, maybe in a YouTube video or posted on Instagram somewhere. There are a number of steps that could be taken.

The first that we recommend is transparency around the data, the interactions with this type of content that the platforms can offer a lot more insight to researchers, to Congress, and nonprofits around the type of interaction. The second is consistent enforcement. Having your policies up on your platforms and consistently enforcing the rules around that in a transparent way that folks can understand.

Finally, as we prepare for 2022, that continued need to highlight the voices of state and local election officials. For instance, search engines, Google could ensure that when someone searches for information on election information, the first thing to come up is the Secretary of State or local election website, as opposed to a trove of mis or disinformation around the election.

I know many of the platforms and worked with many of them throughout 2020 to prepare. There was a lot of steps taken, but there is a lot more that could be done around transparency and support to state and local election officials to combat what is undoubtedly coming in 2022 and 2024.

Chairwoman KLOBUCHAR. Even beyond election misinformation, it has been just coming out more and more, I was seeing today the information that Facebook was—they changed their algorithms in 2017, I believe. That anger or any kind of emotion emoji was worth five times more in the spread of information than a like. I just want you to think about that. So, if you put some content out, Secretary of State, about elections or you put some content out about anything, that is just kind of factual, you know, you might get a like people agree with you. Maybe I put one out that Senator Blunt did a bill together. We did this. We did that.

You put something out that makes people angry, they are going to spread it five times more. I mean, that is a fact. If you can get people to do that anger thing and the anger emoji, then you are in for five times more the spread.

I just want all of you to think about that in terms of, you know, you may have disagreements about, you know, what misinforma-

tion is, what it isn't, but that polarization really on both sides at that principle, when you have this dominant platform that is doing that, that can change literally dynamics in how people relate to each other, which I think feeds into a lot of what we are seeing. I don't know, Mr. Henderson, if you wanted to comment on that,

Mr. HENDERSON. Madam Chair, thank you so much and I couldn't agree more with your observation. You are absolutely right. This disinformation, misinformation campaign has certainly undercut public willingness and acceptance of the election results as we know them to be. That is a huge problem. But I also want to point out that in some minority communities, many of the difficulties that we are talking about today with the attacks on election administrators are built on top of efforts that have already taken place in their states because of the elimination of the preclearance provisions of the Voting Rights Act based on the Supreme Court's decision in *Shelby County v. Holder*. Just two examples of that point.

In North Carolina, immediately after the Shelby County decision was handed down, a monster anti-voter bill was enacted into law that the 4th Circuit Court of Appeals in overturning it, announced that it was carried out with almost surgical precision to impact black voters. We see the same thing in places like Texas. My colleagues at the Mexican-American Legal Defense and Education Fund brought a lawsuit involving the city of Pasadena, Texas, that immediately after the Shelby County decision, decided to completely remake its election procedures for the local Government.

It moved from a city with eight local seats in the city election to a group of six with two at-large seats with the intent of disenfranchising or the effect of disenfranchising Latino voters. Those kinds of problems are—abound in states like Alabama and Florida, so that is a huge problem. Thank you.

Chairwoman KLOBUCHAR. Very good, thanks for highlighting that. Senator King, a guy that tries to minimize anger on his social media posts in favor of constructive comments. I turn it over to Senator King and then Senator Merkley. Thank you.

Senator KING. Thank you, Madam Chair, and I hope I can remain constructive. First, I want to be clear, as one of the authors and sponsors of the Right to Vote Act that we worked on over the summer, it is entirely within the authority of Congress, Article 1, Section 4 of the Constitution does in fact begin by saying Legislature shall enact voting regulations. But then there is a semicolon in the word. But, and it goes on to say, Congress may by law alter or amend such regulations.

Let's get rid of this idea that there is no role for Congress or the Federal Government in election laws. Of course, the 15th Amendment and going into the Voting Rights Act of 1965 were examples of that. I think that is important. What we are trying to do, what I was trying to do and working on this bill is not take over state election laws. I am a former Governor.

I am a big believer in states rights. We are trying to set a floor, a national floor for protecting the right to vote and protecting the integrity of the voting system, and to be sure that that there aren't efforts in particular states to disenfranchise citizens, but it is not—nobody wants to take over and run the election system of any of

our states, but we think that it is very similar to what we do in the area of the environment.

We have basic national standards on the environment and then states set their own standards within that context. The second thing is, I think the testimony of Mr. Adams, Secretary Adams today may be very important because what he said was that he engineered, he and working with the Democratic Governor in Kentucky, a bipartisan election bill that reflected the views of both parties. It passed by the Legislature—passed by the Legislature by a huge majority.

That is exactly what we ought to do here. I heard my Republican colleagues, Senator Hyde-Smith and Senator from—Bill Hagerty from Tennessee talk about the Democrat bill. As far as I am concerned, we have put a proposal out there.

If the Republicans are willing and want to come forward with proposals of their own, maybe involving election integrity that they think are important or maybe involving anti-voter suppression, I don't know, but we have heard nothing but silence since our bill was put out into the public realm in early September. I want to make it clear here and now on the record that I, for one, would be very willing and able to enter into constructive discussions with my Republican colleagues on what they would like in the bill. I am tired of hearing it referred to as a Democrat only bill. It is a Democrat only proposal, but now is the time for negotiations. Now is the time for Republicans to come forward and say, okay, here is the way we think we should do it.

I think I am speaking for my colleagues in the Democratic caucus, I, of course, am an independent, but I think this is a time when we ought to try to come together as two parties and work on a bipartisan proposal to deal with the issue of voter suppression. Indeed, if there are questions of voter integrity that need to be dealt with, that ought to be part of this package, let's bring them forward and have those discussions. You know, you can't clap with one hand.

We need both sides to come to the table, and I think the example of what happened in Kentucky, what Secretary Adams has testified to today, is a terrific example for us to follow. I, for one, am ready to follow that example. I address my comments to Chairman Blunt or to the Vice Chair Blunt and to his Republican colleagues. If there are issues on elections that you are concerned about, or if they are provisions of the bill that we have come forward with that you are concerned about, bring them forward to us and let's try to work something out.

The American people—it would be a great thing for the American people to see Congress working in a bipartisan way to deal with elections, to try to de-escalate the conflict to some extent, and get us to a place where we are able to come to some reasonable consensus that will protect access but also protect the integrity of the ballot. That is what I wanted to add to the conversation, Madam Chair.

I hope you will second me and say that you yourself, as one of the authors of the Right to Vote Act, would also be willing and anxious to enter into these discussions should our colleagues on the

other side of the aisle be willing to make their own proposals. Thank you, Madam Chair.

Chairwoman KLOBUCHAR. Of course, we are always open to that. It has just been very difficult because time is ticking by here and we have worked very hard on the bill, and we are proud that Senator Manchin has his name on it and that we have gotten our caucus behind it. In this very room, we made a number of changes to the bill to make it easier for rural areas to comply. Through the months with Senator Merkley's help as well made several other changes.

The whole idea is just to simply guarantee people the right to vote in a way that is safe—in a way that will limit some of the horrible aftermath that we saw in this last election and other places in terms of suits that shouldn't have been brought and in terms of people now questioning the very democracy in which the ground that we stand on is founded. That is the idea. We think you should make it easier to vote.

In the past, this has been bipartisan, as Senator King has so beautifully pointed out many times, including, as Mr. Henderson knows, the Voting Rights Act. Years back, it was always a very bipartisan endeavor. It has been disappointing, but that doesn't mean that we are going to back down from trying to get some kind of agreement or, most importantly, getting something passed. With that, I turn it over to you, Senator Merkley.

Senator MERKLEY. Thank you very much, Madam Chair. President Henderson, when I asked about the motivation for folks spreading distrust in the election system, you noted that it was to intimidate voters and decrease turnout. From your previous comments, assuming you would probably also agree that the goal is to justify election laws that under a facade of election security, that are actually about blocking targeted groups from voting. Is that a fair way for me to put it?

Mr. HENDERSON. Absolutely, Senator Merkley. I agree with that completely.

Senator MERKLEY. Thank you. I was thinking about how historians look at an 80 year period in which the only thing that was blocked by extended debate in the filibuster were laws to protect the voting rights and political power of black Americans for 80 years. But the point that historians make is it reached a point where they couldn't talk about stopping political power for black Americans.

They had to talk about freedom of speech on the floor of the Senate, extended debate, and that was the cover story. First Amendment was a cover story for blocking political power for black Americans. Is the argument about or the discussion of election fraud—the cover story today for blocking the political power of black Americans and other citizens from minority communities.

Mr. HENDERSON. I think your analogy, Senator Merkley, is absolutely on point. I think the argument that we are now dealing with a climate of fraud and insecurity about our elections, which is based again on the big lie, based on information that has been refuted time and again in a bipartisan way, not just by Democrats, but by the previous President's Department of Homeland Security, saying that it is the most secure election we have had.

That kind of information is ignored in favor of the disinformation, misinformation, much of it found on Facebook and other social platforms, but of course, reinforced by statements of the previous President that somehow he lost the election through fraud, and that is used to justify harsh new legislation that has the effect of blocking black, brown, native voters, Asian American voters from participating. Even though those are the voters where we see the largest level of demographic growth in communities that would author—or rather provide voters at the polls. I agree with you completely.

Senator MERKLEY. Thank you. Secretary Hobbs, so our former President seemed to really hate vote by mail, and you told me you have vote by mail in your state and that it is fraud free. Why? Why do you think that former President Trump hated vote by mail so much?

Ms. HOBBS. I am under oath, so I don't know that I should speculate on the former President's thought process. But I mean, the fact is that it makes it easier for people to exercise their freedom to vote. What we saw when people showed up in historic numbers in an election that had multiple challenges was that they made their voices heard and it didn't go his way. It seemed like from my perspective that what he was trying to do was sow doubt in the process and make it harder for states who didn't already have robust voting by mail to want to implement it.

Senator MERKLEY. Okay, I am going put forward a theory, and then I am going to ask if you think it holds water. My theory is this that it is very easy to manipulate the vote on Election Day. By that, I mean, you decrease the number of precincts and communities you don't want to turn out.

You decrease the number of election officials at those polling places so there is longer wait times and you can put out—probably not the election result, but others can put out misinformation about the location of the polling places. The elected officials can change the polling places from two years earlier, and even information has been put out at times that says, oh, we are so sorry, you missed the vote last week, so people think they missed the votes when the vote is actually the upcoming Tuesday.

There are many ways to decrease turnout on targeted areas on Election Day and vote by mail is an antidote to all of that. There is no way—so if we want to talk about fraud, shouldn't we talk a lot about the fraud conducted on Election Day? We don't really. I want to give you an example. Georgia Public Broadcasting said that after 7 p.m. in 90 percent nonwhite polling places, the wait time was 51 minutes and in 90 percent white polling places, the time was 6 minutes. Huge differential by perhaps—I don't know that it was a deliberate strategy, but quite possibly a deliberate strategy—it is certainly possible it was deliberate.

Then the analysis went on to note that there's rules in Georgia to make the polling places fair in terms of one polling place with a cap of 2,000 voters per polling place, but it is not enforced. Then I found another analysis said that other states have protections that are not enforced.

My point here is that when I think about the 1 out of 1.6 million votes cast in Oregon that has been found to be election fraud, and

across the country, similar rates, aren't we facing really a lot of Election Day fraud were strategies to make it hard for some people to vote in their community as opposed to other communities? Is that a fair thing in your observation across the country?

Ms. HOBBS. I am not clear if you are characterizing limiting access to voting on Election Day—is that what you are characterizing as fraud?

Senator MERKLEY. Yes.

Ms. HOBBS. Okay, yes. I would agree that the less access we provide to voters, whether it is limiting voting to one day or otherwise limiting it, the more upper—the less people are going to show up to vote, the harder it is going to be to do that.

Senator MERKLEY. When our Committee went down to Georgia, Senator Klobuchar and I listened to stories about people waiting, I think five hours was one testimony. Then you think about, oh, and it now is against the law to pass out water, or if you have to go to the bathroom, you lose your place in line. I mean, that is really the type of fraud I am talking about and that has a huge impact.

Mr. Henderson, President Henderson, in your previous work with the ACLU and your current work with the leadership conference, has there been a systematic study of Election Day fraud in terms of kind of stealing the right to vote through the manipulation of polling places and polling information?

Mr. HENDERSON. Senator Merkley, certainly the organizations that I have been affiliated with have studied Election Day fraud in that context now. I don't know whether they have prepared a specific report. The leadership conference has not. But I think your point, which is that there is a history of misinformation on Election Day that is intended to dissuade or disenfranchise minority voters from turning out at the polls.

For example, they note that Election Day is actually the following Thursday, as opposed to the Tuesday on which an election is held, or information that says the polling place that you previously used has been closed, but you weren't notified, to the extent that that has occurred. That kind of information predates these attacks on election officials and, as pernicious as the attack on election officials is, it does not operate in isolation.

These and other provisions, which you have talked about, the kind of Election Day fraud that is directed at particular groups of voters with the expectation that they will not cast ballots on that day has existed for some time, which is why I referred to many of these changes as being done in the spirit of Jim Crow laws that existed prior to the adoption of the Voting Rights Act.

Senator MERKLEY. I will just close with the notion that I would love for ACLU or other organizations to study Election Day fraud because I think it is very relevant and it is relevant to why vote by mail and early voting are so important because they take away the ability to conduct such fraud. I think far more Americans, millions of Americans are affected by those long lines or intimidation at a polling place, or misinformation about where a polling place is, or located in a place with no parking. There is many strategies, many forms of Election Day strategies.

I want to thank you all for your service to our Nation and the election system. It is absolutely essential that for a democratic re-

public to function well, the foundation has to function well. The foundation is integrity in elections and trust in that integrity. We have a lot of work to do, and I thank you very much for being engaged in that work.

Chairwoman KLOBUCHAR. Very good. Well, thank you very much, Senator Merkley. I want to thank Ranking Member Blunt. He had to go to another meeting, but I want to thank him for helping us put together this hearing. I want to thank all the witnesses and members of the Committee for this informative hearing.

I also want to thank you for your courage, those of you who have received threats, most likely everyone who is a witness has received a threat one way or another, and as we all know, up on this side of the dais. I want to thank you for being willing to come forward. Commissioner Schmidt, your testimony about receiving a message saying, tell the truth or your three kids will be fatally shot. I don't think anyone is going to forget that testimony as we look to what we need to do to fix this situation.

The names of your 7 year old son, 11, and 14 year old daughters, your address, photos of your house brings home just how horrifying these threats can be. We can all agree that these attacks on election workers and their families are inexcusable and that if we don't act, we can't expect public servants to continue to perform the essential tasks of administering our free and fair elections.

As we pointed out, it isn't just in urban areas, it is in suburban areas, it is in rural areas where they may have even less access to law enforcement assistance, as you pointed out. As Mr. Masterson said in his testimony, election workers are the guardians of our democracy. It is clear, as Secretary Hobbs and others have noted, that there is a need for action. We need to protect those on the front lines of our democracy.

I think that while a lot of work is done on the state basis, I am a big believer in that. But I also think at some point as a Federal Government, we need to stand up, as Senator King pointed out. Congress and our—actually the drafters of our Constitution anticipated that the Congress would have a role in making or altering the laws of elections. You know, at the very least right now, what we are talking about is that it should be a Federal crime to intimidate and threaten or coerce those who administer our elections in a Federal election. We need to protect against interference in the counting of ballots. We need to protect local officials from arbitrary and unfounded removal.

We need to protect against the mishandling of Federal election records, which puts both the personal information of voters and the security of voting systems at risk. After all, the election for President is a Federal election for our entire country, and those that work in this building are in the Federal system. We need to empower voters to challenge efforts in states to make sure that they are not undermining election results and enshrine the right to have their votes counted.

Those are—these provisions are included actually in the Freedom to Vote Act, and Senator King extended the olive branch, I also invite my Republican colleagues to work with us on these common-sense solutions. I want to thank you all coming from different parts of the country, different political views, different backgrounds,

united to upholding our democracy and protecting our election officials, of course, your own families, but also those that work for you in your offices, as well as those at work across your state.

Thank you very much for your good work. Our election officials, regardless of their party, were truly the heroes in this last election, and we thank you for your work. Thank you very much. The hearing is adjourned. We will keep the record open for one week. Thank you.

[Whereupon, at 4:43 p.m., the hearing was adjourned.]

APPENDIX MATERIAL SUBMITTED



KATIE HOBBS
SECRETARY OF STATE

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

Thank you for the invitation to speak here today about such important issues.

Next week will mark one year since the 2020 General Election. Unfortunately, in Arizona and in other states, some choose to believe that the 2020 election has still not ended. To be clear: President Joseph R. Biden won Arizona's electoral votes in a free and fair election, an election that was conducted according to the letter of the law.

In Arizona, there were at least nine legal challenges to the 2020 election filed in state and federal courts. Every challenge failed.

The legal challenges to the election in Arizona were clearly frivolous. In one ruling, the judge openly questioned whether the suit was brought simply to "cast false shadows on the election's legitimacy." But there's an important point here. Regardless of how frivolous a legal challenge may be, the legal system is the proper channel in which to challenge the results of an election.

And if the challenges to the election had simply remained in the legal system, our state and our country perhaps would have already moved on. But as the lawsuits mounted, so did the threats against me and other election officials. Two weeks after the election, armed protesters gathered outside my home and chanted, "Katie come out and play, we are watching you." As an elected official, I expected that sometimes I would have constituents who were unhappy with me. But I never expected that holding this office would result in far-right trolls threatening my children, threatening my husband's employment at a children's hospital, or calling my office saying I deserve to die and asking, "What is she wearing today, so she'll be easy to get."

Threats like these have continued against me and others. But what concerns me more is the near-constant harassment faced by the public servants who administer our elections. These are people who truly make our government work. They never ran for office or appeared in political ads. But nearly every day they are on the receiving end of abusive phone calls and emails. We're seeing high turnover among elections staff, and I fear that many more will reach a breaking point and decide that this line of public service is no longer worth it.

Unfortunately, this isn't even limited to elections offices. As Secretary of State, my office also has divisions that are important for a person looking to start a business, get a document notarized, or protect their address from a stalker or an abusive former partner. These divisions have also been targeted by election-conspiracy-inspired harassment, affecting not only the staff who experience it, but the public's ability to access the services they need.

Local officials in Arizona have faced similar threats and harassment. Orange jumpsuits were mailed to county supervisors. Last November, as election workers tabulated ballots inside the Maricopa County tabulation center, armed protestors were a frequent presence outside.

In truth, Arizona has one of the best-run elections systems in the country. Which makes the lies and conspiracies all the more frustrating. Arizona already has robust processes to ensure the integrity of the election. This includes observer access of tabulation, pre- and post-election logic and accuracy testing of machines, as well as a post-election hand count audit. Arizona law also requires each county's board of supervisors to canvass the election and certify their results to my office.

After these processes took place in November, I sat alongside Governor Doug Ducey, a Republican, Attorney General Mark Brnovich, a Republican, and Chief Justice Robert Brutinel, appointed by former Republican Governor Jan Brewer, to certify Arizona's 2020 election.

Despite this seeming bipartisan agreement that the law was followed and the will of the voters ascertained, our state legislature decided to perform a partisan ballot review, sometimes referred to as the "audit."

The exercise performed by our state legislature was not an audit. The partisan ballot review in Arizona can best be described as a complete fraud. The review has been plagued by errors, errors that would be simply unacceptable to actual election professionals, let alone professional auditors. Unfortunately, these errors were expected, as the Arizona Senate hired a firm, Cyber Ninjas, that had no meaningful election experience or knowledge. And they made up the rules as they went along. Though the firm was primarily funded by organizations known to support former President Donald Trump, millions in tax dollars were still wasted in the process by funding the audit and replacing voting machines damaged by Cyber Ninjas. Experienced auditors who reviewed the same data as the Cyber Ninjas have called their results "fiction," openly questioning if the Cyber Ninjas simply invented the data themselves.

Though some Arizona legislators have billed it as "the most transparent audit in American history," those same legislators now potentially face contempt of court for failing to produce audit documents under Arizona's public records law. But what we've seen so far confirms what we've all known: the entire exercise was an effort to sow doubt in the 2020 election results and to justify future voting restrictions.

From the outset of the ballot review, I said that Arizona would become the blueprint for those looking to undermine elections. And as additional states now consider undergoing a similar politically-motivated review, I'm all too familiar with the problems such reviews create. I don't imagine you'll find many election officials opposed to the idea of strengthening post-election audits. But those audits must be based on established rules and procedures, they must protect voter data, and must be free of partisan influence. The ballot review in Arizona did none of those things, and should not be replicated elsewhere.

Following the 2020 election and its aftermath, many remarked that the experience was a reminder of just how fragile American democracy truly is. And it's true that our democracy remains vulnerable to the efforts of those who would undermine it. But at every turn, Americans have stepped up to protect it. Election workers who counted ballots fairly and accurately to uphold the will of the people. Officials who certified free and fair elections despite threats of political retribution, or worse. Judges who rejected dozens of bad-faith, partisan lawsuits. Capitol Police officers who stood their ground as insurrectionists charged forward. At every turn, the people who believe in American democracy have stepped up and protected it.

Now it's your turn.

Continued inaction in the face of these threats to undermine our democracy will have long-term consequences for the future of our country. I support the Freedom to Vote Act, and I appreciate the committee for holding this hearing.



**Testimony of Al Schmidt
City Commissioner of Philadelphia**

**The Committee on Rules and Administration of the United States Senate
Emerging Threats to Election Administration
Tuesday, October 26, 2021**

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

I'm Philadelphia City Commissioner Al Schmidt. In Philadelphia, the City Commissioners are three independently-elected officials responsible for oversight of elections and voter registration. I was first elected to this position in 2011, reelected in 2015, reelected in 2019, and have overseen more than two dozen elections in my nearly ten years of service. I am a Republican.

Following the 2020 election, many states raced to pass laws purporting to address alleged flaws in how the Presidential election was administered, but neither they, nor the Federal Government, have addressed two of the biggest problems arising from that election that are real and directly threaten our Republic: the risk of election subversion and the threats against election administrators. According to the Brennan Center for Justice and the Bipartisan Policy Center, nearly one in five election officials listed threats to their lives as a job-related concern.¹ Violent threats against election officials, which began during the 2020 election, continue to this day. They rise in frequency and intensity each time elected officials and bad-faith political actors spread disinformation about the 2020 election. This creates a vicious cycle in which elected officials lie to their constituents, deceived constituents believe the lies being shared by those elected officials and demand something be done to fix something that never happened to begin with, and then elected officials use those demands as an excuse to do something. The problem is that "something" typically makes voting less accessible and fuels violent threats to election officials.

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

In addition to threats of physical violence, election officials have also been subjected to frivolous lawsuits intended to harass or financially ruin them. Most election officials are not as fortunate as I am to have a small army of city solicitors prepared to defend them from these efforts. While bipartisan organizations like the Election Official Legal Defense Network (EOLDN) have formed to protect these election officials, that shouldn't even be necessary. They are public officials in public service counting votes – in a democracy. That shouldn't be criminal or even controversial. It should be encouraged, not discouraged.

This is a nationwide problem that demands a national response. As detailed by the Elections Group, across many states “[t]he election’s legitimacy was questioned, and its mechanisms and personnel became targets for escalating physical confrontation.”² In Philadelphia, the largest county in one of the most important swing states in America, there was a concerted effort before, during, and after the election to delegitimize the results coming from our city. The avalanche of meritless litigation and propaganda seeking to disenfranchise eligible voters in Philadelphia led to threats against me, my colleagues, and our staff. The death threats toward myself and my Deputy Commissioner became more specific in nature after we were publicly mentioned by former President Trump and his campaign. There is no doubt in my mind that the threats we received as a result of this attention were intended to intimidate and coerce us into not counting every valid vote we received from legitimate voters and not certifying the election results. These threats were explicit, violent, and in the case of my Deputy Commissioner, anti-Semitic. After the President tweeted about me, my wife and I received threats that named our children, included my home address and images of my home, and threatened to put their “heads on spikes.” What was once a fairly obscure administrative job is now one where lunatics are threatening to murder your children.

It will take a concerted and bipartisan effort to turn us back from the point of no return for the legitimacy of our system of government. In the meantime, there are several efforts the federal government can take right now to help protect election administrators and our democratic institutions.

1. Better Funding: In addition to the general need for better funding of elections in the United States, funding should specifically be appropriated to provide grants to secure election offices and operations;
2. Prioritize Prosecution: There has been a noticeable lack of prosecution of individuals who threatened election officials following the 2020 election.³ The Department of

² <https://electionsgroup.com/assets/Running%20Elections%20Without%20Fear.pdf>

³ <https://www.reuters.com/investigates/special-report/usa-election-threats-law-enforcement>

Justice should support state and local partners and assist them in identifying and prosecuting threats against election officials; and

3. Mitigate Disinformation: Congress should revise the Electoral Count Act removing any ambiguities about how electors are certified and electoral votes are counted. This change will remove one of the motivations for the losing candidate to continue a disinformation campaign beyond the safe harbor deadline.

Chairwoman Klobuchar, Ranking Member Blunt, and honorable members of the Committee on Rules and Administration, thank you for the opportunity to testify today. I know working across party lines to find common ground on any topic is challenging, let alone on election reform, but for the sake of our Republic I hope you can work together to protect election administrators and our democratic institutions. Because as Benjamin Franklin said, it's a Republic "if you can keep it."



Chairwoman Klobuchar, Ranking Member Blunt, Members of the Committee:

Good afternoon. I'm Michael Adams, Kentucky's Secretary of State and chief election official. I was elected in 2019, but I got my start in election policy at a little intern desk in your hearing room 22 years ago. It's an honor to be back here, albeit virtually.

Today we discuss an unpleasant topic, but the news is not all bad. In Kentucky, voting has never been as accessible, nor as secure, as it is has been in the 21 months of my term. Last year, 3 months after being sworn in, I asked our legislature to grant me, a Republican, and our Democratic governor, joint emergency powers to alter election procedures, as necessary, to ensure public safety in the pandemic, without sacrificing voter access or ballot integrity. We made absentee balloting more available and extended in-person voting well beyond the 1 election day Kentucky had from 1891 through 2019.

The result was a primary election and a general election that each set records for turnout, yet no spike in Covid-19 cases deriving from the in-person voting. This approach proved so successful and so popular that our Republican-controlled legislature voted nearly unanimously to make most of these temporary changes permanent – early voting, an absentee ballot request portal, dropboxes, and more.

All this good news, ironically, lends itself to a higher level of frustration, by me, by our other election officials, by our legislators, about the unwillingness of certain quarters, on both sides of the aisle, to accept the reality that our election process is accessible and secure. In our current populist, anti-establishment political culture, part of this is organic, a reflexive refusal to believe anything somebody in the government says. This is not unique to elections, as we've seen with lagging vaccination rates. However, part of this is not organic, but rather is driven, by political actors who perceive some benefit in misinforming voters.

Addressing this should not be a partisan issue, because misinformation is not limited to one side. In Kentucky, we election officials were subject to a misinformation campaign that resulted in numerous threats of violence and other verbal abuse. The so-called All Eyes on Kentucky effort directed against us did not come from conservatives concerned about voter fraud; it came from progressives duped into believing that we were engaged in voter suppression. Worse, this misinformation effort was given oxygen by senior figures within the national Democratic Party. I remain grateful to our Democratic governor for defending our state and calling out these lies.

I'm not here to take political shots, to engage in moral relativism, or to diminish the experiences of Secretary Hobbs or any other election official; to the contrary, I'm here to show that the problem is even wider. The first step in ensuring the safety of our election officials is to do no harm yourselves. Please, keep your rhetoric factual and responsible.

Misinformation is the most serious threat our election system faces, because it is upstream of so many other problems we face: safety of election officials; willingness of election officials, including volunteer poll workers, to serve; voter turnout; polarization; and ultimately, the accepted legitimacy of our democratic system.

Election officials are at risk, but we are not unique in this: public officials are at risk. Those of you serving our nation in the U.S. Capitol certainly don't need me to inform you of this. In Kentucky, our Democratic governor has received threats from some on the far right: our Republican attorney general has received threats from some on the far left. Even public health officials in our state have received threats, and my fear is that school board members will be next, if they aren't already. This shows the problem is worse than we might think, yet also less susceptible to a simple solution in the form of yet another federal law.

At its best, Congress plays a constructive role in election administration by providing funding – reliable, predictable funding – to our states, chipping in a share of election costs alongside state and local election funding. These efforts have been bipartisan, and for that reason, accepted across the political spectrum. I have no wish that you pass any particular election laws going forward, but if you do, I hope you will do so in a non-ideological, bipartisan fashion, rather than furthering the polarization that plagues our politics. Thank you.



Photo Illustration: Lisa Larson-Walker/ProPublica; Source Image: Derek R. Henkle/AFP/Getty Images

CORONAVIRUS

For Election Administrators, Death Threats Have Become Part of the Job

In a polarized society, the bureaucrats who operate the machinery of democracy are taking flak from all sides. More than 20 have resigned or retired since March 1, thinning their ranks at a time when they are most needed.

by Jessica Huseman, Aug. 21, 2020, 6 a.m. EDT

ProPublica is a nonprofit newsroom that investigates abuses of power. Sign up to receive our biggest stories as soon as they're published.

Jared Dearing, the director of Kentucky's Board of Elections, had little to do with Louisville, the state's largest city, having only one polling place for the June 28 primary. It was a county decision, and it made sense. In-person turnout was expected to be low during the pandemic. The polling place, a convention center, offered multiple locations to cast ballots, and

transportation by bus there was free.

Nevertheless, as luminaries from LeBron James to [U.S. Rep. Ilhan Omar, D-Minn.](#), tweeted in outrage about the supposed disenfranchisement of Louisville voters, threats poured into Dearing's office. "You're too scared to answer your phone," one man said in a voicemail message from a blocked number. "Go find a gun and kill yourself. Every person that didn't get to vote because of you should get to beat the shit out of you." The man, who identified himself as a Washington, D.C., resident, expressed hope that Dearing, a "bigoted whore," would be mangled in a flaming car crash.

In another voicemail, the same caller predicted that every member of Dearing's staff, whom he called "evil fucks," would be damned for eternity. "Y'all are going to hell. God sees you. He sees you committing voter suppression, and that is a mortal sin."

Such abuse isn't limited to Kentucky. Across the country, election administrators and their staffs are facing unprecedented attacks, much of it from outside their jurisdictions, from both left- and right-wing voters and activists. The polarization of American politics has reached such a fever pitch that the bureaucrats who operate the machinery of democracy — and largely lack the authority to change it — are harassed and threatened in language that would be out of place even if they were candidates espousing extremist views. This pressure, along with health concerns, is prompting an unusually large number of election officials to step down, thinning the ranks of experienced administrators at a turbulent time when they are dealing with record numbers of absentee ballot applications, which in most places must be processed by hand.

Dearing, a Democrat who supports voting by mail during the pandemic, stayed on the job, but he was rattled. "It was disturbing," he said of the threats. "Elections are always tense, but this year was something different. There is a new and increasing level of acrimony, specifically directed at administrators."

In Washoe County, Nevada, a mailed-in ballot for the state's May primary had "SEALED WITH COVID SPIT" written on the outside of the envelope.



Electionland FROM PROPUBLICA

This article is part of Electionland, ProPublica's collaborative reporting project covering problems that prevent eligible voters from casting their ballots during the 2020 elections. [Learn more](#)

“We took that as a threat,” said Deanna Spikula, the county’s registrar of voters. The ballot was not counted, and the envelope was turned over to police. There was insufficient evidence to bring charges against the sender, said Michelle Bays, chief investigator for the Washoe County district attorney’s office.

In Evansville, Indiana, after an activist named Janet Reed sent out hundreds of absentee ballot applications in May that allegedly sought to deceive voters into registering as Democrats, recipients who assumed that she worked for the elections office began to flood its phone lines with furious accusations of malfeasance.

“We have received many calls at the election office irate with our staff, and [they] think it’s our fault that this is happening,” County Clerk Carla Hayden told the Election Board in a May meeting. “They’ve been cursed at. They’ve been hung up on — all kinds of things, which is really unfortunate because they’re working very, very hard and helping extra hours. And some of it has to do with trying to fix this error that someone else made.” Reed, who did not respond to a request for comment, has been charged with felony election fraud.

Oregon’s state election director, Steve Trout, said he has been harassed on the phone and social media by people wrongly accusing him of, among other things, changing voters’ party affiliations without consent. A conspiracy theory website, Gateway Pundit, spread the allegations, which originated with a group called My Party Was Changed Oregon. In fact, the voters had changed their registration years before or they were automatically registered through the state’s relatively new system, which doesn’t require them to specify a party.

“The threatening calls and emails are an annoyance that take time away from our important election duties and do not help improve elections in any way,” Trout said in an email. “They also reduce our ability to assist voters with real questions and issues.”

Elections administrators say that morale is the lowest they have ever seen. In early July, Amy Cohen, the director of the National Association of State Election Directors, acknowledged the pressure in a tweet from NASED’s account, saying, “We knew 2020 would be hard for election officials, but it’s been more challenging than ever imagined.”

More than 20 local election administrators have resigned or retired since March 1, citing burnout, stress or health concerns, according to a ProPublica

survey. In Alabama, which pays state employees an extra \$165 or more a day to manage absentee ballot applications and mailings, Lee County Circuit Court Clerk Mary Roberson recently gave up this side job. Roberson cited the stress of a lawsuit filed against the state and county by the League of Women Voters to expand vote-by-mail options, according to Alabama Secretary of State John Merrill. A federal judge dismissed the case this month.

After the lawsuit ended, Roberson told Merrill, "I think I've had about as much fun as I can stand," he said. Roberson did not respond to a request for comment.

The elections director in Harris County, Texas — the state's most populous county — resigned in May, less than halfway through her first term, as she tried to navigate a massive increase in voting by mail while beset with complaints from Republican activists. Her resignation letter cited personal health concerns. The longtime clerk of Payette County, Idaho, resigned effective June 1, the day before ballots for the state's primary began to be counted, pointing to health concerns and frustration with new software the state had rolled out. "It's just been a very trying primary," she told local media. Multiple election officials in Milwaukee quit after a chaotic Wisconsin primary in April.

The coronavirus has also taken a toll. The clerk of Jackson County, Kansas, was infected with COVID-19 and was quarantined during the state's August primary along with several other members of the staff. The county treasurer stepped in to run the office.

After serving for 39 years, the clerk of Marion County, West Virginia, resigned on July 1. "The COVID situation and her health and the disappointment in not being able to be more instrumental in probably the most difficult election in 100 years weighed on her," her deputy told local media. And in Montgomery County, Tennessee, the clerk resigned in June, two years into her four-year term, after her mother died from complications of COVID-19. "The time has come for me to concentrate on my health and family priorities," she wrote.

Neal Kelley, the election director of Orange County, California, was diagnosed with COVID-19 in mid-June and hospitalized. "I had a very high fever and night sweats for three or four days, and then it became breathing issues, and then what caused me to seek out medical help was when I started getting these muscle aches and joint pains that almost paralyzed my body," he said. It took him three weeks to fight off the virus.

Still, he only took a few days off work. "In my job, we have to work all the time. So once I got past the fevers, I was able to start working from home," he said. "I was literally in bed with my laptop, plugging away. I was virtually in the office everyday." As he was recovering, he oversaw the building of a full-scale model of a voting center, so that his staff could test social distancing scenarios and run drills for poll workers.

The near-daily false assertions by President Donald Trump and members of his administration about widespread vote-by-mail fraud have spurred much of the backlash against state and local election administrators. "It's a total set up to cheat!! Democrats are a disgrace!! How is everyone receiving mail in ballots being allowed??" one voter said on Facebook in response to Connecticut's secretary of state encouraging voting by mail.

Dwight Shellman, who manages county services for the secretary of state's office in Colorado, [wrote on Twitter on July 30](#), "It is tedious & exhausting to work your ass off to ensure, in your own, small way, that US citizens can safely vote & exercise their franchise in whatever environment the future holds, only to be undermined daily by lies & disinformation from your own President. Argh."

A county election administrator, who spoke on the condition of anonymity, said, "I go into work every single day wondering what I'm going to see

Especially frustrating to election administrations is that many of these angry calls come from outsiders who vote in other jurisdictions. On Georgia's primary day, June 9, a state election call center received more than 1,000 calls by noon. About one-fourth were not from Georgia numbers, and these calls lasted several seconds longer on average than those from in-state numbers.

An analysis of calls to Kentucky's elections board ahead of the primary shows the same pattern. Nearly one-third came from out-of-state numbers, and those took an average of about three minutes, almost 20 seconds longer than in-state calls. Plus, residents of other states, including Oregon, Colorado and California, emailed dozens of complaints to the board about what they viewed as voter suppression tactics.

"We will sue," a California resident emailed Dearing. "My father is a

Kentucky Lawyer. And this is gross. You should know how you are being seen by the rest of Kentucky, the rest of the world, and probably, by God.”

One caller also evoked the Lord. “Whoever caused this should be hung from a tree. That’s right, lynched,” the man told Dearing in a voicemail. “Jesus thinks you’re a piece of shit.” That voicemail came from a blocked number.

Other callers insulted Dearing’s staff members, subjecting them to long, curse-filled tirades, he said. Unaware that a receptionist was Black, one caller labeled her a racist.

As it turned out, the Louisville convention center largely handled the voting without problems, and there were no lines for most of primary day. Afterward, some of the critics offered belated praise. The state Democratic Party — which had stoked fear over Louisville on social media and elsewhere — put out a press release saying: “Holding an election in the middle of a global pandemic is a complicated and difficult process. I think everyone involved should be proud of the results today.”

Correction, Aug. 21, 2020: This story originally misattributed a quote from a press release. The state Democratic Party said: “Holding an election in the middle of a global pandemic is a complicated and difficult process. I think everyone involved should be proud of the results today.” It did not say that “other states should be reaching out to Kentucky for advice, as a potential blueprint for scaling up pandemic-safe voting for the November elections.” (That quote was from the Democratic Governors Association.)

**Jessica Huseman**

Jessica Huseman was a reporter voting rights and election administration for ProPublica.

✉ Jessica.Huseman@propublica.org [@JessicaHuseman](https://twitter.com/JessicaHuseman)

The Leadership Conference
on Civil and Human Rights

1620 L Street, NW 202.466.3311 voice
Suite 1100 202.466.3435 fax
Washington, DC www.civilrights.org
20036



**STATEMENT OF WADE HENDERSON, INTERIM PRESIDENT AND CEO
THE LEADERSHIP CONFERENCE ON CIVIL AND HUMAN RIGHTS**

**UNITED STATES SENATE
COMMITTEE ON RULES AND ADMINISTRATION**

HEARING ON “EMERGING THREATS TO ELECTION ADMINISTRATION”

OCTOBER 26, 2021

Chairwoman Klobuchar, Ranking Member Blunt, and members of the committee: Thank you for holding this important hearing today to highlight emerging threats to election administration and the urgency to realize the promise of our democracy. My name is Wade Henderson, and I am the interim president and CEO of The Leadership Conference on Civil and Human Rights, a coalition of more than 230 national organizations working to build an America as good as its ideals.

The Leadership Conference was founded in 1950 and has coordinated national advocacy efforts on behalf of every major civil rights law since 1957, including the Voting Rights Act of 1965 and subsequent reauthorizations. Much of our work today focuses on making sure that every voter has the ability to cast a ballot freely, safely, and equally. We are grateful to this committee for its work to move us closer to a democracy that welcomes every voter to participate in civic life and demands integrity, fairness, and transparency in our nation’s elections.

This is a critically important discussion as we watch a coordinated, calculated, and ongoing attack on Black, Brown, and Native voters and the very foundation of our democracy: the freedom to vote. For far too long, our elections have been undermined by practices and tactics intended to undercut the power and representation of African Americans, Latinos, Asian Americans and Pacific Islanders, Native Americans, people with disabilities, and other communities historically excluded from our political process. The numerous hurdles that voters experienced during the 2020 election cycle amid a pandemic — exacerbated by the relentless efforts of President Trump to undermine election integrity and other politicians’ efforts to impose barriers to the ballot box — reinforce this urgent need to secure voter access and election administration.

Despite the best efforts of The Leadership Conference and its many member organizations to protect the freedom to vote and promote civic participation, our democracy is in peril. Following an election marred by myriad efforts to thwart the votes of people of color, rampant disinformation, and the violent white supremacist assault on the U.S. Capitol on January 6, dozens of states have enacted laws that roll back early and mail voting, add new hurdles for voter registration, impose burdensome and unnecessary voter identification requirements, strip power from state and local election officials to enhance voting access,



and otherwise make voting more difficult. State lawmakers have introduced hundreds of anti-voter bills this year alone. The pattern is familiar: Gains in participation in voting among communities of color are met with concerted efforts to impose new barriers in the path of those voters. People of color will bear the brunt of these new restrictions in what amounts to the most significant assault on voting rights since the Jim Crow era.

Long before 2020, state and local officials have been making decisions that determine who gets to vote and who doesn't. Even simple bureaucratic decisions, such as how states keep registration lists current and where counties close polling places, are made to deny the fundamental right to vote, causing real harm to real people. It is why in 2018, together with a group of leading civil rights organizations, we launched a campaign called All Voting is Local to help ensure that the freedom to vote is protected at all levels.¹ The campaign works in eight states — Arizona, Florida, Georgia, Michigan, Nevada, Ohio, Pennsylvania, and Wisconsin — to eliminate needless and discriminatory barriers to voting before they happen. What we're seeing in states is an attempted power grab, pure and simple. It is coordinated through cookie-cutter legislative measures and sham attempts to deny the will of the voters and the very real problems in our elections like lack of funding, resources, and voter access.

My testimony today will focus on three emerging crises to voter access in particular: rising threats against election workers, sham election reviews, and dangerous new strategies state and local officials are deploying to override the will of the people. I will also discuss the urgency for the Senate to pass the Freedom to Vote Act, which would set a basic federal foundation for voting access for all Americans. Our nation is now at an inflection point. We have approached the time of dealing with the contradiction of what we say we are as a democratic republic, and what we actually are. In this perilous moment, Congress must carry out its duty and swiftly act to make real the promise of our democracy for all.

Rising Threats to Election Worker Safety

Despite lawmakers' shameful and life-threatening efforts to silence voters last November, voters across America showed up to the polls in unprecedented numbers. Make no mistake: Democracy prevailed because the people prevailed. Voters refused to give up their power — and crucially, election workers risked their health and safety to make sure the wheels of democracy continued to turn. The election cycle revealed both the resiliency of the American people and the will to ensure that our democracy works for everyone.

However, following the victory of President Joe Biden and Vice President Kamala Harris, the same politicians who tried to create barriers to the ballot began spreading lies and conspiracy theories about an election that trusted officials conducted and verified. Their efforts ultimately fueled a deadly attack on the U.S. Capitol by armed right-wing militants. But the violence did not stop there. The right-wing disinformation campaigns and thinly veiled calls for violence have led to a dangerous rise in threats against election workers and their families. In Arizona, where Secretary of State Katie Hobbs received death threats following the 2020 election, the state Republican Party tweeted multiple incitements of

¹ [All Voting is Local](#).



violence, in one case sharing a clip from the movie Rambo with a message that read, “This is what we do, this is who we are. Live for nothing, or die for something.”² The tweet was later removed, though a spokesperson for the party said its removal was due to concerns about copyright — not concerns for the lives of election workers across the state.

Astonishingly, a survey commissioned by the Brennan Center for Justice found that one in three election officials feel unsafe because of their job, and nearly one in five listed threats to their lives as a job-related concern.³ Notably, 78 percent of election officials who were surveyed said that rampant disinformation on social media has made their jobs more difficult, and 54 percent said they believe that it has made their jobs more dangerous. The people making the threats are targeting election workers from front-line poll workers to vote counters to secretaries of state like Secretary Hobbs. An investigation by Reuters found more than 100 instances of threats made against election workers in eight battleground states following the 2020 election.⁴ The threats ranged from intimidation and harassment to threats of violence and death. Almost all of them were “inspired” by President Trump’s lies about the election.⁵

Election workers and administrators are essential to a successful democracy. No election worker should have to live in fear. And yet, instead of taking immediate steps to quell the abuse, some right-wing politicians are continuing to stoke their base’s rage and even propose bills to criminalize election workers with fines up to \$25,000 for minor mistakes.⁶ Growing concerns around the safety and integrity of the job could lead to an exodus of workers. This would have a disastrous ripple affect across our democratic processes, from long lines to poll closures to discouraged — and disenfranchised — voters. It is simply unacceptable that after showing up amid a pandemic to deliver democracy to the voters, election workers are now the target of vicious attacks — and attacks fueled by the very people who are charged to represent them.

Election workers must be able to do their jobs safely and free from fear or intimidation. We commend members of this committee for championing the Freedom to Vote Act, which would take significant steps toward bolstering election worker safety. Among other provisions, the bill prohibits firing of local election officials without cause, enhances rules for preservation of election-related records and equipment, and protects against poll observers harassing voters or interfering with elections.

Sabotaging Future Elections Through Sham Reviews

Whatever our color, background, or zip code, we believe that voters pick our leaders — our leaders do not pick which voters to hear and which to silence. But in the wake of the 2020 presidential election,

² Ross, Jamie. “[Arizona Republican Party Asks: Are You Ready to Fight to the Death to Support Trump?](#)” *The Daily Beast*. December 8, 2020.

³ Brennan Center for Justice and the Bipartisan Policy Center. “[Election Officials Under Attack: How to Protect Administrators and Safeguard Democracy](#).” June 16, 2021.

⁴ So, Linda; Szep, Jason. “[U.S. election workers get little help from law enforcement as terror threats mount](#).” *Reuters*. September 8, 2021.

⁵ *Ibid*.

⁶ Parks, Miles. “[Election Workers Are Under Attack. A Group Of Lawyers Plans To Defend Them](#).” *NPR*. September 8, 2021.



politicians supportive of President Trump's lies about the election have prompted a national campaign to deny voter access, especially in Black, Brown, and Native communities. As part of that campaign, some state and local officials across states are pushing for anti-voter election review scams that undermine democracy and divert crucial time and taxpayer dollars from the issues that matter most to voters.

It was in Arizona that this dangerous and new form of subversion of democracy first took hold for the entire world to see. Republicans ordered a partisan, performative, and largely private post-election review of the 2020 election results — never mind that the election results had already been verified more closely than any other election in history. As a report commissioned by The Leadership Conference documenting Arizona's pervasive pattern of racial discrimination in voting makes clear, this sham review was intended from the start to intimidate voters, serve as the basis for additional measures to restrict voting, and sabotage future elections.⁷

Like other insidious, anti-voter measures that have been introduced in the wake of President Trump's campaign to undermine the election, this sham review directly targets people of color and non-English speakers. That is by design. As the 2020 Census showed, Arizona remains one of the fastest-growing states in the country. Arizona's population grew by 11.9 percent in the last 10 years, compared to 7.4 percent for the United States as a whole.⁸ Latinos are Arizona's largest minority group, making up approximately 30.7 percent of Arizona's residents. Arizona's African American and Native American communities, both at approximately 4 percent of the state's population, are the next largest minority groups. The Asian American population in Arizona hovers at about 3.5 percent.⁹

Arizona has a long history of limiting or denying the right to vote to Black, Brown, and Native people. Though as recent data shows, despite pervasive barriers to voting, communities of color are strongly motivated to participate in the electoral process — and the voter participation gap is starting to close.¹⁰ These anti-voter reviews are blatant attempts to maintain systems of power and suppress the voices and votes of people of color who will soon be the majority.

Earlier this year, Arizona Republicans brought in a private company, Cyber Ninjas, to conduct the partisan ballot review. As the report commissioned by The Leadership Conference details, on May 5, Principal Deputy Assistant U.S. Attorney General Pamela S. Karlan wrote to Arizona Senate President Karen Fann expressing concern that ballots were not kept under the control of election officials as required by federal law. She also noted that Cyber Ninjas' statement of work included "knocking on doors," which could result in illegal voter intimidation.¹¹ In response to the letter, officials associated with the Cyber Ninjas review said that plans to talk to voters had already been deferred.

⁷ Scharff, Spencer G; Caplan, Scott. "[Current Conditions of Voting Rights Discrimination: Arizona](#)." *The Leadership Conference on Civil and Human Rights*. September 27, 2021.

⁸ Rice, Valorie. "[Census 2020: Arizona Among Top-Growing States but Does Not Match Growth of Previous Decades](#)." *Arizona's Economy*. April 27, 2021.

⁹ Scharff, Spencer G; Caplan, Scott. "[Current Conditions of Voting Rights Discrimination: Arizona](#)." *The Leadership Conference on Civil and Human Rights*. September 27, 2021.

¹⁰ *Ibid.*

¹¹ "[Letter from Pamela S. Karlan, Principal Deputy Assistant Attorney General, U.S. Dep't of Justice, to Hon. Karen Fann, President, Arizona State Senate](#)." May 5, 2021.



However, in June, voters in Yavapai County reported home visits by people falsely claiming to be elections officials.¹² And, in late summer, voters around Maricopa County made additional reports of people canvassing homes. As our Arizona report noted, a spokesperson for the review denied affiliation with Cyber Ninjas' work,¹³ though an early leaked draft of the review findings acknowledged that many of the volunteers who participated in these efforts were associated with Cyber Ninjas.¹⁴ Even though the final review did not document a single instance of voter irregularities, Arizona politicians immediately invoked the report as a pretense to restrict the franchise.¹⁵ We must remain vigilant in pushing back against these efforts, which include possible legislation to purge voter rolls and make it harder to vote by mail.

The election review scam has been led by hyper-partisan actors, funded by special interest groups, and supported by conspiracy theorists. Beyond Arizona, they are happening in states like Pennsylvania and Wisconsin to upend democracy through three primary strategies: First, the reviews provide legislators pretext for pushing forward legislation that would further restrict access to the ballot box, particularly in communities of color. Second, right-wing lawmakers are using the sham reviews to boost political donations. Lawmakers pushing the conspiracies¹⁶ visited the sham ballot review headquarters¹⁷ in Phoenix as a campaign stop to spread misinformation and record fundraising videos.¹⁸ And third, politicians are weaponizing the anti-voter reviews to spread widespread distrust in our electoral system to manipulate results for their political and partisan gain.

It is imperative for members of Congress to pass the Freedom to Vote Act to counteract these scam reviews and ensure our elections reflect the will of the people. The legislation would strengthen requirements that keep election records safe, ensuring that states could not turn over election documents to private contractors without supervision. And as I noted in the previous section, it would also protect election officials and workers from improper removal or intimidation.

Dangerous New Strategies to Override the Will of the People

Anti-voter threats like election review scams are just the latest chapter in what we know will be ever-more extreme efforts to subvert the democratic process. In fact, we are already seeing state lawmakers use these scams to develop legislation to undermine democracy in future elections and empower officials to scrap election results when they do not like the outcome.

¹² Oxford, Andrew. "People impersonating election officials are knocking on doors in Yavapai County, sheriff warns." *The Arizona Republic*. June 14, 2021.

¹³ Stern, Ray. "[Inside Effort to Canvass Maricopa County Voters: Organizers Deny Audit Ties as Questions Remain](#)." *The Arizona Republic*. August 30, 2021.

¹⁴ [Tweet by Brahm Resnik](#), September 24, 2021.

¹⁵ Resnik, Brahm. "[Audit' won't end it: Arizona Republicans plan more hearings. AG will investigate and Cyber Ninjas faces more questions](#)." *I2News*. September 27, 2021.

¹⁶ "[Arizona audit: Full list of Republican lawmakers who visited coliseum](#)." *The Arizona Republic*. June 14, 2021.

¹⁷ Farhi, Paul; Izadi, Elahe. "[One America News is the face of the Arizona election audit. Its reporter is also helping pay for it](#)." *The Washington Post*. June 18, 2021.

¹⁸ [Tweet by Eric Greitens](#), June 12, 2021.



For example, based on recent statements, we expect forthcoming legislation in Arizona to make it harder to vote by mail and to purge Arizona's early voting list and voter registration rolls. At the end of last session, before there were any official sham review results (although there had been leaks), lawmakers passed S.B. 1819, a budget provision that allows the attorney general's Election Integrity Unit and a company designated by the legislature to access voter rolls for the purpose of reviewing the entire database for legal compliance. The provision is currently tied up in litigation.

It says, "If the analysis determines that there are persons registered to vote who are not eligible to register to vote, the secretary of state shall notify the appropriate county recorder and the county recorder shall remove those persons from the voter registration rolls." The implications of this provision are deeply disturbing. There is no ability to question the results, no process for election officials to be involved, and no required notice or recourse for the voter. It is a private purge of the voter rolls conducted by a private company of the legislature's choosing. And unless the entire budget is struck down by the State Supreme Court, this provision will become law in Arizona.

State lawmakers are leading similar anti-voter campaigns across the country. In Pennsylvania, lawmakers have introduced 11 bills that include policies to shift election authority. Five of them also focus on election crimes. In Florida, lawmakers introduced H.B. 99, a bill that requires the governor to appoint an independent third party to conduct a forensic audit of the 2020 general election, requires the audit of certain precincts, provides dates by which the audit must be completed, and establishes reporting requirements. The bill is sponsored by a vocal supporter of sham election reviews and President Trump's attempts to overthrow the election results. Another bill targets voter registration groups by removing limits to fines.

These latest attacks come on the heels of nearly a decade of efforts by some right-wing lawmakers to silence the voices of communities of color, voters with disabilities, and others who have been historically marginalized and excluded from the political process. When the U.S. Supreme Court invalidated Section 5 of the Voting Rights Act in *Shelby County v. Holder* in 2013, the decision prompted an immediate and sustained flood of voting restrictions in formerly covered jurisdictions. The restrictions include voter intimidation, disenfranchisement laws built on top of a system of mass incarceration, burdensome and costly voter ID requirements, and purges from the voter rolls. States have also cut back early voting opportunities, eliminated same-day voter registration, and shuttered polling places.

In 2019, The Leadership Conference Education Fund released an analysis of 757 counties once covered under Section 5.¹⁹ Our team found that 1,688 polling places were closed between 2012 and 2018. There may be valid reasons for closing certain polling places. But these high rates of closures took place amid a larger constellation of efforts to prevent people of color, older voters, and voters with disabilities from voting. Absent the former preclearance mandate, states are under no obligation to evaluate the discriminatory impacts and potential harms of polling place closures. The report found that closures often

¹⁹ "[Democracy Diverted: Polling Place Closures and the Right to Vote.](#)" *The Leadership Conference Education Fund*. September 2019.



mean long lines at polling places, transportation hurdles, and mass confusion about where eligible voters may cast their ballots. For many people, these burdens make it harder, and sometimes impossible, to vote.

The deluge of anti-voter laws and policies has been unrelenting. The 2020 election season was marred by politicians making it harder to vote — and some even leveraged the COVID-19 pandemic to limit voter access, forcing voters to risk their health or lose their vote. In the lead up to Election Day, as more than 100 million people went to safely cast early votes, several states limited the number of drop boxes available for voters to return their absentee ballots.²⁰ Some closed polling places in predominantly Black neighborhoods and required onerous witness and notary requirements for vote by mail. Others made late changes in voting rules, and then neglected to inform voters about them.²¹

The impact of years of overt and covert anti-voter tactics are taking their toll. And as we measure and respond to the collective harm these tactics cause, it is critically important to acknowledge that anti-voter measures amount to more than blocking people from voting. They also lead to intentional fearmongering and discouragement that causes voters to sit out of elections. Through these attacks, lawmakers undermine the credibility of our elections to a perilous degree. And perhaps most destructive, they push Americans to lose hope in democracy — and to lose faith in the power of their vote.

To stem the tide of these emerging threats, and in response to unprecedented efforts to interfere with election results and question the legitimacy of elections, the Freedom to Vote Act takes significant and important steps to make sure people can vote and their votes are counted. Provisions include protecting election officials from improper removal, strengthening protections for election workers, establishing judicial protection of the right to vote and nonpartisan vote-counting, protecting election records by strengthening preservation requirements, and preventing restrictions on food and beverages provided at polling locations.

The Time Is Now for Urgent Federal Action

For democracy to work for all of us, it must include us all. While an overwhelming majority of people in America support policies like access to affordable health care, policing accountability, and action on climate change, a small handful of politicians have the power to deny progress at every turn. When considering the past year and a half alone, it is painfully clear that the pandemic's disproportionate devastation on Black, Brown, Native American, and low-income communities is an indictment of our failure to rid American institutions of longstanding racism and systemic inequality. When people can't access the ballot and when they are not represented in the ranks of power, our democracy demands change.

This coordinated, anti-democratic campaign targets the heart of the nation's promise: that every voice and every vote count. With an election less than two years away, there is no time to waste in guaranteeing the

²⁰ Povich, Elaine S. "[Rise in Use of Ballot Drop Boxes Sparks Partisan Battles.](#)" *The Pew Charitable Trusts: Stateline*. October 16, 2020.

²¹ Fowler, Stephen. "[Why Do Nonwhite Georgia Voters Have To Wait In Line For Hours? Too Few Polling Places.](#)" *NPR*. October 17, 2020.



freedom to vote. That's why Congress must meet the urgency of the moment and pass the Freedom to Vote Act.²² As discussed in this testimony, the legislation would set a basic federal foundation for voting access for all Americans. It would require states to modernize voter registration by instituting automatic and same-day registration, protecting against discriminatory purges, allowing all voters to request mail ballots, and ensuring voters have access to early voting. The Freedom to Vote Act would also permit voters who lack photo identification to use a variety of documents to establish their identity, restore voting rights to citizens with past convictions once they complete any term of incarceration, and prevent state election subversion. These provisions are modeled after reforms that multiple states have successfully implemented, and we will know they will make it easier for everyone to vote by addressing barriers that disproportionately affect Black, Latino, Asian, and Native American voters and voters with disabilities.

Policies in the Freedom to Vote Act are supported by a large bipartisan majority. A recent poll conducted by ALG Research found that 72 percent of voters across party lines support many of the policies in the Freedom to Vote Act.²³ Safeguarding our democracy should not be a partisan issue. Members of Congress must end their bitter debate and move to protect the most basic freedom of our democracy: the freedom to vote. It is time to address these attempts to undermine our democracy and enact reasonable protections to build a democracy that works for everyone.

Thank you for inviting me to testify today. I am pleased to answer any questions you may have, and I look forward to working with you to ensure all of us can safely and freely cast a ballot that counts.

²² "[SUPPORT S. 2747, THE FREEDOM TO VOTE ACT.](#)" *The Leadership Conference on Civil and Human Rights*, October 20, 2021.

²³ "[Findings from a Senate Battleground Poll.](#)" *ALG Research*, September 15, 2021.

Stanford | Internet Observatory
Cyber Policy Center

Testimony of Matthew Masterson
Non-Resident Fellow
Stanford University Internet Observatory
U.S. Senate Committee on Rules and Administration
“Emerging Threats to Election Administration”
October 26, 2021

Chairwoman Klobuchar, Ranking Member Blunt, and members of the Committee,

My name is Matthew Masterson. I am a non-resident fellow at the Stanford Internet Observatory (SIO) where my work focuses on mis- and disinformation and election security. The Stanford Internet Observatory is a cross-disciplinary program of research, teaching and policy engagement for the study of abuse in current information technologies, with a focus on social media. Prior to SIO, I led the election security work at the Cybersecurity and Infrastructure Security Agency (CISA) from 2018 through the 2020 election. I appreciate this opportunity to appear before you today to discuss the ongoing and pervasive threats targeting election officials, workers and private sector employees who support elections, and the steps we can take to better protect those essential guardians of our democracy.

Myself and a team of SIO students recently released two reports focused on the 2020 election and threats to American democracy. The first, is an [oral history of the 2020 election](#) from the perspective of the federal, state and local election officials who defended it. The second is a [policy paper](#) that builds off of what we heard throughout the interviews with the elections officials regarding the threats they are facing and recommendations for how to respond to those threats.

Election officials are rarely in the spotlight. They toil day after day, hour after hour in preparation for the times, every year, when their voters head to the polls — or their mailboxes — to cast their votes and have their voices heard. Election officials know they have done their job well when, in the aftermath of each election, no one knows their names.

The 2020 election placed them at the center of national attention in a way not seen in decades — if ever. A global pandemic brought the systems and people that run elections to the brink. In the face of unprecedented challenges, election administrators buckled down and worked with their communities to keep voters — and their votes — safe. Record turnout and a smooth election day validated election officials' incredible work and commitment to risking their own health and safety to get this monumental challenge done.

The reward for their professionalism and bravery? A massive mis- and disinformation campaign targeting the integrity of the election and those who administered it. Following election day, narrative after bad-faith narrative took aim at election officials, often culminating in months of personal threats against their lives and the lives of their family members.

As the bipartisan Florida Supervisors of Elections recently [wrote in a memo](#), “During and after the 2020 Presidential Election, the integrity of our democracy has been challenged by misinformation, disinformation and malinformation that sows discord and undermines trust in America’s electoral process. Many of us have been threatened by our fellow citizens who have been led astray by these deceptions.” These threats have targeted officials from across the country and of both parties. They have been directed at statewide elected officials, local county, city and township officials, private sector employees and even poll workers.

Threats to Election Processes

While many threats to the election process exist, three stand out as especially concerning for the 2022 election and beyond.

- 1. Election officials’ capacity to do their jobs in their communities is degraded by physical threats and broad distrust fomented by mis- and disinformation.**

Election officials are more physically threatened than ever before. From our interviews, recent government reports, and non-profit and academic research, it is clear that state and local election officials face increasing threats to their physical well-being and that of their families. The perpetrators of these threats are fueled by online conspiracies that cast election officials as malicious actors bent on meddling in election results. Innocuous glitches and quickly corrected human errors have been stitched together to fit broad conspiratorial narratives as alternative explanations for election results.

These conspiracies, and the threats behind them, make treacherous a fundamental tenet of serving as an election official: the ability to work within the community to determine the safest and most effective way to run each election in that locality. This loss of connection with the community has very real consequences. We run elections at the local level so citizens can engage directly with the process and those who run it. Loss of that connection due to legitimate concerns for the safety of election officials and their employees, means less questions answered, less enhancements to access and security of the process based on voter experience and in the end less trust of the process and those who run it.

As threats continue, physical security assurances will become increasingly critical. Even if additional protection is provided to those who are threatened, many election officials may face the horrible choice of either continuing to receive threats for doing their jobs, or leaving the profession. The field is already losing election officials at an alarming pace. The loss of experienced election professionals could open the door to more politically motivated and less experienced actors pursuing those vacant positions, further weakening our democracy.

2. The playbook for undermining confidence in election results is well-defined and available for foreign and domestic influence agents.

In a series of press releases leading up to the 2020 election, the FBI and CISA released an unprecedented public warning that America's adversaries would use social media posts questioning election process changes to undermine confidence in election results. This warning turned out to be prescient, as Iranian operatives posed as members of the Proud Boys to intimidate voters and use hacked voter information to insinuate election systems were not secure.

Despite foreign efforts to crater confidence in the security of the vote, it is domestic actors that most furthered the mission, providing fertile ground for adversaries to undermine confidence in future elections. While turnout in the 2020 general election was historically high, Americans' trust in the freedom and fairness of their elections polarized quickly after 2020, more so than in previous elections. Moving forward, we should expect nation-state and domestic actors to build off this playbook, creating more sophisticated and targeted messaging aimed at denigrating trust in elections.

Assailants of election confidence and democracy are emboldened and active across a variety of platforms, while defenders of civic integrity remain disparate and at times disjointed. Local election offices, the most under-resourced defenders of all, are on the front lines of fighting these viral falsehoods targeting elections. This dynamic is untenable. A county clerk should not be expected to monitor social media platforms for falsehoods, analyze for scope, scale and themes, and respond to each one. Many stakeholders are on the defensive side of civic integrity, including state election offices, federal partners, social media platforms, academia and non-profits that can support local election officials. Presently, these disparate groups are poorly funded or insufficiently coordinated on local support. If defense against the anti-election confidence playbook is to succeed, this gap must be filled by a well-organized and unified response.

3. Inconsistent funding and lack of governance structures around elections IT continue to perpetuate vulnerabilities.

The cyber threat landscape faced by state and local election offices has progressed significantly since the 2016 election, which was the first time an adversary of the United States targeted American democracy in such a brazen way. Since, there has been a concerted effort at all levels of government to connect state and local officials to cybersecurity experts and each other, as well as to develop best practices. Due likely in part to increased awareness of and preparation for cyber threats to election processes, the 2020 general election did not experience a significant cyber event that prevented citizens from voting or that impacted the tally of votes.

Despite 2020's success on the cybersecurity front, there was a continuous increase in cyber threats to election systems and state and local IT systems generally. Ransomware

attacks often target these jurisdictions because of lax cybersecurity measures and a relative lack of defensive resources, causing ransomware to be one of the largest threats to government IT security writ large, including for election systems. A ransomware incident can shut down a local government office for weeks or months, wasting valuable technical resources to undo what is generally preventable damage. Election systems become more attractive ransomware targets for criminals before and during an election because the operational constraints of running an election may make officials more likely to pay ransoms. Additionally, low-hanging vulnerabilities such as insecure databases and other public-facing website configuration vulnerabilities are exploitable by ideologically motivated adversaries and financially motivated criminals. Well-resourced adversaries did not wreak havoc during the 2020 election, but may try to in the future. That innocuous hiccups in election systems can feed such pervasive conspiracies significantly increases the negative impact of even minor, reversible incidents targeting non-critical election systems, such as unofficial results reporting.

While progress has been made in coordinating against cyber threats to election infrastructure, local IT professionals in county, city and township offices around the country remain understaffed and under-resourced. Incremental election security funding has been provided to state and local election entities for election security improvement, but many meaningful upgrades would require consistent funding from all levels of government to implement and maintain. Additionally, some local offices still do not have dedicated IT staff, and many use legacy equipment that is exploitable by adversaries. In the end, the asymmetry of cybersecurity means that threat actors still possess a high tactical advantage against beleaguered defenders due to the distribution of IT management across levels of government.

In light of the aforementioned threats, and others yet to come, I would propose a set of concrete and actionable recommendations to shore up election security and ensure election confidence. Each of these recommendations will require coordination by relevant stakeholders at the local, state, and federal level.

Fund elections consistently at the state, local, and federal level.

Every year, state and local election officials across the country struggle to obtain the funding needed to run elections. State and local governments often push aside pleas in favor of issues perceived as more immediate, passing over electoral needs that are commonly viewed as seasonal despite elections that are run several times a year in most jurisdictions. Almost every election official is commonly asked “What do you do the other 364 days a year?” when discussing the operational challenges of their work.

Securing election infrastructure is a matter of national security. This is precisely why the Department of Homeland Security designated election systems as critical infrastructure in 2017. Elections should be funded commensurate with their status as critical infrastructure, with all

levels of government ensuring regular and consistent funding. For most election offices, predictable funding is easier to manage and implement than the Help America Vote Act (HAVA) model of a one-time massive dump of money into the system. This is because state and local contracting rules and regulations require time for acquisition and implementation. Contracts for threat intelligence sharing, cybersecurity monitoring and the hiring of IT personnel are often paid over time instead of in one single payment, giving the appearance of a lack of spending by jurisdictions as opposed to strategic spending over time to maintain support and capability. The HAVA funding model incentivizes large purchases of infrastructure in tight timeframes, which led to demonstrably poor purchasing decisions from several state and local officials. For instance, in the rush to use funding to implement statewide voter registration databases after HAVA was passed, many states simply contracted with vendors for rapid development and deployment of these databases without the usual requirements or even, in some cases, a competitive bid process. This led to states upgrading or piecing together a commercial and internally developed system within years of initial deployment because the newly acquired systems were unable to meet the developing needs of the office.

A shared funding structure should be implemented in which all levels of government pay for their portion of each election. This practice is done locally in several states and is sometimes referred to as “charge backs” or the “ballot real estate” model. The idea is that each jurisdiction that appears on a ballot in any given election is charged for its portion of that election. For instance, if an election has a congressional race, state house race, mayor’s race and county commissioner race, then the federal government would pay for the cost of the house race, state government for the cost of the state house race, city government for the mayor’s race and the county for the cost of the commissioner’s race. This would ensure consistent and regular funding of elections, with each level of government paying its share of the cost. Congress should establish an elections fund, administered by the U.S. Election Assistance Commission (EAC), that state election officials can draw down from based on the expense to run federal elections in their state. States should be required to pass the majority of the money down to their local officials to cover the additional costs of running federal elections. This funding structure will incentivize deliberative, planned investment that allows for risk-based decision-making and funding for human capital, systems acquisition, and processes to ensure sustainability of those systems over time.

Ensure the physical security of election officials, offices, and staff across the country.

Many state and local election officials faced threats of violence due to mis- and disinformation about the 2020 election. In many cases, officials who reported these threats received little, if any, support from local, state or federal law enforcement officials. Many of the threats were deemed not serious or imminent enough to necessitate action.

More must be done to protect the health and safety of election officials and election workers, including private sector employees who support elections. The recent creation of an Election

Threats Task Force at the Department of Justice (DOJ) is an important and encouraging first step. We recommend the following steps to further protect election officials:

1. **Publication and use of threat data:** The DOJ Election Threats Task Force should provide data after each federal election regarding the scope and scale of threats against election officials and workers. This report should include the number of complaints, number of credible threats, number of acts of violence, and number of prosecutions for those threatening election officials or workers. This data would support efforts at the state and local level to prioritize funding for physical security, shore up gaps in security and better diagnose ongoing problems. In addition, based on this data, the DOJ task force, in coordination with CISA, should release guidance on best practices for election officials, counties, states and the federal government to better protect those who run elections.
2. **Increased information-sharing regarding threats:** From our interviews with election officials, it became clear that federal, state and local law enforcement are not sufficiently coordinated regarding the scope, scale and regularity of threats against election officials. This is particularly concerning because existing structures are in place, including state fusion centers, to facilitate this information-sharing. In order to ensure comprehensive data is collected, analyzed and shared, local and state law enforcement should be required to share activity directed against election officials and workers with federal law enforcement in their state. In return, federal law enforcement should regularly report back to state and local officials regarding the activity in their jurisdiction with full transparency regarding any actions taken, including if investigations have been initiated.
3. **Penalties:** Congress and state legislatures should pass laws offering harsher penalties for threats or acts of violence against election officials. Following the 2020 election, there have been few consequences for those who threatened election officials. Any potential violence against election officials or workers should be treated as a threatened attack on the process and democracy itself, and should result in criminal liability.
4. **Privacy:** Many threats against election officials and staff directly target their homes and families. More must be done to protect their private information from would-be malicious agents. Many states have passed laws that protect the identity of certain subsets of registered voters. These categories typically include law enforcement officers, judges, and domestic abuse victims. Election officials should be included in this category to ensure that their personal information is not readily available publicly.
5. **Prioritizing protection of election officials and workers:** State and local law enforcement should treat threats against election officials as credible. This may mean increasing patrols around offices and residences, as well as further investigation into additional threats. Because state and local law enforcement often lack sufficient funding, state legislatures and county governments should provide additional funding to support the protection of election offices and workers, especially during and after election periods.
6. **Physical security and doxing training:** CISA should offer training and guidance on physical security and doxing prevention measures. CISA has protective security

advisors (PSA) located across all 50 states to advise on physical security matters. These PSAs have done a great job working with local election officials to evaluate the physical security posture of local offices and storage facilities. PSAs should offer additional support and training to help election officials protect themselves and their staff from doxing and physical harm away from the office.

Continue to Improve the Cyber Resilience of American Elections

Encourage states to implement paper-based pre-certification audits.

No single improvement to the security of elections was more important in 2020 than the widespread use of auditable paper ballots. Approximately [95% of votes cast](#) in the 2020 election were on an auditable paper ballot, up from just over 85% in 2016. In Georgia, election officials could [hand-audit ballots](#) to show the accuracy of the election results. In Maricopa County, Arizona, the election officials conducted the state-required public hand audit by bipartisan recount boards. The results of this hand audit affirmed the results of the election in the county.

States should prioritize implementation of paper ballot audits that are completed before vote counts are certified. These audits should offer a transparent, bipartisan, repeatable process by which the results of the election as tabulated by the voting systems can be evaluated through the review of the paper ballots. The most effective type are [risk-limiting audits](#) (RLAs), which allow a jurisdiction to assess the results of the election to a certain level of statistical confidence. RLAs can often have the added benefit of needing to audit fewer ballots than fixed percentage audits (e.g., 2% of votes cast in the county) while increasing the confidence in the accuracy of the result.

In pursuing better, more efficient pre-certification audits, states should also continue to pursue evidence-based elections. This means implementing systems, processes and procedures that maintain transparent records of the integrity of the election. An audit is only as good as the integrity of the artifacts to be audited. For elections, this means that chain of custody of the ballots and proper ballot manifests are imperative to the trustworthiness of the audit. As part of the implementation of these post-election audits, states should support local election offices in implementing consistently documented chain of custody and ballot tracking procedures across the state.

Mandate reporting of election cyber incidents to CISA and the FBI.

Following the 2016 election, the greatest area of frustration for state and local election officials was the lack of coordination from the federal government. Many officials felt the federal government had hung them out to dry by not providing enough information or details regarding the Russian activity and how to respond. In some cases, states where cyber incidents occurred [had to wait for years](#) to be fully briefed on what happened. The FBI and CISA recognized their shortcomings from 2016 and [changed their respective incident notification policies](#). Both FBI and CISA now notify chief state election officials when a cyber incident occurs in a locality in

their state. This is a dramatic change from prior practice, in which only victims received notification, and was an important step to ensuring a coordinated and comprehensive response to any election-related cyber incidents.

Improved and increased information-sharing regarding election cyber incidents was an incredibly important development for the protection of the 2020 election. Federal, state, and local officials worked together to understand possible incidents and support response efforts in unprecedented ways. Moving from distrust seeded by the fallout of the 2016 election to this level of partnership is a tribute to the professionalism and commitment of state and local officials.

Building on this progress, Congress should require state and local election offices and private sector election providers to report cyber incidents to CISA and the FBI. Congress is already considering broader [legislation on cyber incident reporting](#), and this requirement for the election sector is consistent with the intent of those bills. This is a necessary step for two main reasons. First, CISA and FBI have no ability to mandate this type of reporting themselves. While the vast majority of possible incidents in 2018 and 2020 were shared with the federal government, some were not shared with either the federal government or state officials. Time is of the essence during any [cyber incident](#), but even more so with elections as officials work against a hard deadline and with limited resources. Required reporting will ensure timely and coordinated response from all levels. Second, given the sophisticated and persistent nature of the threats against elections, ensuring the federal government has a full picture of the activity out in the field is critical to providing a whole of government response to officials. The full capability of the federal government can only be brought to bear to protect election systems when the agencies charged with support of their defense have full visibility into the tactics, techniques, and indicators of compromise employed by adversaries.

Establish minimum cybersecurity baselines for state and local election offices and election vendors.

In July 2021, the White House issued a [“Memorandum on Improving the Cybersecurity for Critical Infrastructure Control Systems.”](#) The purpose of the memo is to push executive branch agencies to work more collaboratively with private sector companies that own and operate critical infrastructure systems to advance basic cyber practices. The memo requires these agencies to work jointly with these companies to establish voluntary guidance for the cybersecurity of critical infrastructure systems.

CISA, the Government Coordinating Council (GCC), and the Sector Coordinating Council (SCC) should work together to publish a minimum set of cybersecurity practices that all election offices and companies can adopt. These practices should recognize that the majority of U.S. election jurisdictions are mid-sized to small counties, cities, and townships that lack sufficient funding or IT support. We recommend starting with the [NIST cybersecurity framework](#) and adding or emphasizing the following:

1. **Create and maintain an inventory of assets.** For many election offices, items like patch management and incident response are hindered by a lack of understanding of what systems and software the office owns and operates. Election offices should create and maintain an enterprise-wide inventory list with up-to-date information on system type and version.
2. **Require Multi-factor Authentication:** All critical systems, including business systems like email and voter registration access portals, should require MFA for all users.
3. **Ensure Network Segmentation:** All local election networks should be properly segmented from each other and other county networks. Proper segmentation greatly reduces the ability for malicious actors to access or impact election networks after compromising another county department or system.
4. **Maintain Access Control:** All election-related systems should follow the rule of least privilege. This means that only those that need access to a system should be given access, and only the access they need to accomplish their work. This should be applied to vendors and staff alike.
5. **Utilize Patch Management:** Implementing a patch management program reduces the likelihood of an organization having a cybersecurity incident particularly as a result of commodity malware.
6. **Move to .gov:** All state and local election websites should be moved to a .gov domain name. This is important for both security and to help combat mis- and disinformation, as .gov domain names are recognized as trusted government websites. CISA is offering .gov domains [for free](#) and is scaling up support to help states and localities move their websites over.

Conclusion

Following the 2020 election, much of election official's energy and attention has turned to responding to mis- and disinformation. This is understandable given the scope and volume of mis- and disinformation they faced throughout 2020, but could result in underappreciating the resources or attention necessary to improve the security of their systems. The ability to show the resilience and security of the process is more critical than ever. Continuously improving security measures, alongside better tools to fight mis- and disinformation as it arises, are the keys to building confidence in future elections.

Our elections are imperfect; they are massive, messy, under-funded and under-resourced. But they are accurate, secure, accessible and fair because of the tireless work of state and local election officials. For the foreseeable future, election administrators will be in the spotlight, forced to deal with advanced and persistent cyber threats, as well as physical threats of violence. We must fund elections from the federal, state and local level on an ongoing basis like the national security issue they are. The only response to this sustained attack on our democracy is a sustained investment in protecting it.

Senate Committee on Rules and Administration
Emerging Threats to Election Administration Hearing
October 26, 2021
Questions for the Record
Secretary Katie Hobbs

Chairwoman Klobuchar

While legislation that Congress should pass to address the disturbing rise in threats targeting election officials was discussed at Tuesday's hearing, action must also be taken under existing law.

- Do you have any thoughts as to what actions the Justice Department's Election Threats Task Force should prioritize in its work to counter these threats facing election workers and the administration of our elections?

Monitoring the deluge of threats against me, the office, and other elections officials and administrators across Arizona is one of the most significant challenges we face. Threats and harassment overrun email accounts, phone lines, and social media, making the need for threat monitoring more than a full-time job. Our staff are not trained in threat assessment and having to do so detracts from the important work they are trained to do. Additionally, having prolonged exposure to such vitriol negatively affects overall morale for people who are already tasked with stressful jobs.

In this environment, we do not have the luxury to just ignore these messages – we know all too well that violent rhetoric can lead to action, and I know that members of my staff are concerned that if they miss something, it could put all of us in danger.

The Task Force must recognize how untenable this situation is and provide support for monitoring threats and patterns, domestic terrorist organizations, and individuals who would commit harm. More funding is needed to hire trained staff to monitor these threats and coordinate with law enforcement. There are, at most, 10 Secretaries of State, including myself, targeted with the most violent threats and rhetoric in the last election. Resources are needed to ensure protection for those most targeted and should be allocated based on the level of threat. Finally, the Task Force must work with state and local entities to ensure coordination of monitoring and protection of the officials who are being threatened.

Senate Committee on Rules and Administration
Emerging Threats to Election Administration Hearing
October 26, 2021
Questions for the Record
Commissioner Al Schmidt

Chairwoman Klobuchar

While legislation that Congress should pass to address the disturbing rise in threats targeting election officials was discussed at Tuesday's hearing, action must also be taken under existing law.

- Do you have any thoughts as to what actions the Justice Department's Election Threats Task Force should prioritize in its work to counter these threats facing election workers and the administration of our elections?

The Justice Department's Election Threats Task force should facilitate intelligence and information sharing at the state and local level. The Task Force needs to communicate to the state and local levels that threats to election officials should be prioritized.

Senate Committee on Rules and Administration
 Emerging Threats to Election Administration Hearing
 October 26, 2021
 Questions for the Record
Secretary of State Michael G. Adams

Chairwoman Klobuchar

While legislation that Congress should pass to address the disturbing rise in threats targeting election officials was discussed at Tuesday's hearing, action must also be taken under existing law.

- Do you have any thoughts as to what actions the Justice Department's Election Threats Task Force should prioritize in its work to counter these threats facing election workers and the administration of our elections?

Response: While all threats facing election workers and election administration are deplorable and of great concern, the Task Force should prioritize investigation and prosecution of those threats that meet at least one of the following criteria: a) threats that are apparently serious, relatively likely to precede harmful action taken by the individual making the threat; b) threats that involve an interstate nexus (beyond just use of wire or mail); and c) threats that seem to come from organized efforts.

Ranking Member Blunt

Information Sharing

Congress has long encouraged collaboration between local election officials and the Department of Homeland Security and other federal agencies in order to improve information sharing regarding threats to election systems and election officials.

- How are election officials and workers able to report and share information about threats in Kentucky?

Response: Our Office, and our partners such as the Kentucky State Board of Elections, conduct regular training opportunities in which we inform local election officials and poll workers of contact information for our federal partners, and encourage them to report information about threats of any nature. Our Office reports to our federal partners any such information we receive, from a local election official or otherwise. The Secretary of State meets with Kentucky-assigned DHS and CISA representatives on a monthly basis, and more frequently if needed.

- From a state perspective, what needs to be done to improve or expand information sharing?

Response: Federal partners collect the information but do not necessarily share the information so that the broader election community can be made aware. This is true of

both intrastate information and information from other states. We value our federal partners, but they provide broad overviews and a sounding board and only infrequently offer specific information.

- Is there other assistance federal agencies can provide to states to help with identifying and responding to election administration threats?

Response: Primarily, information sharing would be helpful: our election officials – the Secretary of State, the county clerks – all have multifarious responsibilities in other areas beyond elections, and hold positions whose job descriptions were designed well before the current difficulty of running elections. Election officials have no experience or expertise in, nor any budget for, investigations of criminal activity and in this realm are particularly reliant on help. Beyond information sharing, state and local election officials would benefit from training from federal partners in how to assist in collecting information regarding threats, such as the types of information to monitor, obtain and retain to add value in investigations and prosecutions of those making threats against election officials and administration.

**RESPONSE FROM WADE HENDERSON, INTERIM PRESIDENT AND CEO
THE LEADERSHIP CONFERENCE ON CIVIL AND HUMAN RIGHTS
UNITED STATES SENATE**

**COMMITTEE ON RULES AND ADMINISTRATION
HEARING ON “EMERGING THREATS TO ELECTION ADMINISTRATION”
OCTOBER 26, 2021**

Response to Chairwoman Klobuchar’s Question: “While legislation that Congress should pass to address the disturbing rise in threats targeting election officials was discussed at Tuesday’s hearing, action must also be taken under existing law.

Do you have any thoughts as to what actions the Justice Department’s Election Threats Task Force should prioritize in its work to counter these threats facing election workers and the administration of our elections.”

Chairwoman Klobuchar, thank you for holding this important hearing, allowing the Leadership Conference on Civil and Human Rights to testify and thank you for your question.

The Leadership Conference applauds the creation of the Justice Department Election Threats Task Force. As the testimony at your hearing demonstrated, the work of the Task Force is desperately and urgently needed. The growing number of threats to election administrators, including those to cause physical harm to their safety and those of their family members, is unacceptable and is undermining confidence and trust in our democratic process itself. These election workers are on the frontline of our democracy, and we must do everything within our power to protect them from harm and allow them to carry out the business of democracy without harassment and intimidation.

It is critical that the new Task Force creates effective mechanisms for promptly identifying and investigating threats that continue to be made against election officials all over the country. Reuters, for example, has documented nearly 800 threatening messages to election officials.¹ It is imperative that each be taken extremely seriously and investigated, whether for potential prosecution or other action. It is also extremely important that the Task Force work in concert with state and local law enforcement to ensure proper coordination so that these threats are swiftly and effectively addressed. As is the case for any law enforcement activity, we recommend measures be adopted to ensure that prosecutions under federal, state or local laws to address this grave problem are not harming precisely the communities we are trying to protect.

¹ Linda So and Jason Szep, Reuters Unmasks Trump Supporters Who Terrified U.S. Election Officials, REUTERS, Nov. 9, 2021, <https://www.reuters.com/investigates/special-report/usa-election-threats/>.

I would also note that Brennan Center and Bipartisan Policy Center released a detailed policy report in June 2021, titled “Election Officials Under Attack: How to Protect Administrators and Safeguard Democracy.”² This report includes reference to the Justice Department Task Force but also makes several additional important recommendations:

- States should pass new laws and appropriate funds to provide greater personal security for election officials and workers.
- States should prioritize implementing processes to coordinate swift investigation and, where appropriate, prosecution of those responsible for threats to election workers.
- The Department of Homeland Security’s Cybersecurity and Infrastructure Security Agency (CISA), working in conjunction with others — including the U.S. Vote Foundation, the Election Infrastructure Information Sharing and Analysis Center (EI-ISAC), the Election Assistance Commission (EAC), and state and national election official associations — should facilitate the creation of a directory of the more than 8,000 election officials who are authoritative sources on the elections they administer.
- States should clarify rules that govern party-appointed monitors and require training and accountability
- Internet companies — namely, social media platforms and search engines — should develop and consistently apply transparent rules that respond to the problem of repeat mis- and disinformation spreaders, including prominent users.
- States should explore structural changes to election administration to insulate election officials from political interference, including changes that establish a protected scope of authority for election officials overcounting and certifying elections and guarantee a minimum level of funding.
- Election officials should develop a robust code of ethics to help guide discretionary decision-making and avoid potential conflicts of interest.
- States should ensure that election officials have adequate legal representation to defend against politically motivated lawsuits and investigations, and election official associations

² Brennan Center for Justice and the Bipartisan Policy Center, “Election Officials Under Attack: How to Protect Administrators and Safeguard Democracy”, June 16, 2021, https://www.brennancenter.org/sites/default/files/2021-06/BCJ-129%20ElectionOfficials_v7.pdf.

should cultivate and organize pro bono legal assistance to the extent that states fail to do so.

- State and local election officials should adopt creative staffing solutions, including establishing relationships with colleges and universities, to ease work burdens and create a talent pool for future recruitment.
- State legislators should consolidate elections so that they occur concurrently rather than repeatedly throughout the year.
- Local election officials should use existing professional networks (such as state and national election official associations) to improve working conditions and to better empower election officials to impact election policy.

Thank you for inviting me to testify and for the opportunity to submit a response to your question into the record. I look forward to working with you to ensure all of us can safely and freely cast a ballot that counts.

Senate Committee on Rules and Administration
Emerging Threats to Election Administration Hearing
October 26, 2021
Questions for the Record
Mr. Matt Masterson

Chairwoman Klobuchar, Ranking Member Blunt, and members of the Committee,

Thank you again for the opportunity to appear before you at the hearing on “Emerging Threats to Election Administration” and for your bipartisan work to highlight the threats election officials are facing and the steps that should be taken to address them. As I said in the hearing, a threat against an election official, election worker or private sector employee supporting elections is a threat against American Democracy and should be treated as such.

I appreciate the opportunity to respond to your questions for the record as submitted to me following the October 26th hearing. Please see my responses below:

Chairwoman Klobuchar

While legislation that Congress should pass to address the disturbing rise in threats targeting election officials was discussed at Tuesday’s hearing, action must also be taken under existing law.

Do you have any thoughts as to what actions the Justice Department’s Election Threats Task Force should prioritize in its work to counter these threats facing election workers and the administration of our elections?

- As myself and a team of Stanford students outlined in our recent paper¹ threats to the physical security of election officials is one of the top threats to American Democracy. If officials can’t operate safely within their community, they can’t effectively do their job. There are several steps that should be taken to ensure greater security for election officials and workers moving forward:
 1. **Publication and use of threat data:** The DOJ Election Threats Task Force should provide data after each federal election regarding the scope and scale of threats against election officials and workers. This report should include the number of complaints, number of credible threats, number of acts of violence, and number of prosecutions for those threatening election officials or workers. This data would support efforts at the state and local level to prioritize funding for physical security, shore up gaps in security and better diagnose ongoing problems. In addition, based on this data, the DOJ task force, in coordination with CISA, should release guidance on best practices for election officials, counties, states and the federal government to better protect those who run elections.

¹ [“ZeroTrust: How to Secure American Elections When the Losers Won’t Accept They Lost”](#)

2. **Increased information-sharing regarding threats:** From our interviews with election officials, it became clear that federal, state and local law enforcement are not sufficiently coordinated regarding the scope, scale and regularity of threats against election officials. This is particularly concerning because existing structures are in place, including [state fusion centers](#), to facilitate this information-sharing. In order to ensure comprehensive data is collected, analyzed and shared, local and state law enforcement should be required to share activity directed against election officials and workers with federal law enforcement in their state. In return, federal law enforcement should regularly report back to state and local officials regarding the activity in their jurisdiction with full transparency regarding any actions taken, including if investigations have been initiated.
3. **Prioritizing protection of election officials and workers:** State and local law enforcement should treat threats against election officials as credible. This may mean increasing patrols around offices and residences, as well as further investigation into additional threats. Because state and local law enforcement often lack sufficient funding, state legislatures and county governments should provide additional funding to support the protection of election offices and workers, especially during and after election periods.
4. **Physical security and doxxing training:** CISA should offer training and guidance on physical security and doxxing prevention measures. CISA has protective security advisors (PSA) located across all 50 states to advise on physical security matters. These PSAs have done a great job working with local election officials to evaluate the physical security posture of local offices and storage facilities. PSAs should offer additional support and training to help election officials protect themselves and their staff from doxxing and physical harm away from the office.

In your testimony, you underscored that election infrastructure is a matter of national security and that inconsistent funding for elections is a major threat for the security of elections.

Can you elaborate on the impact that a reliable stream of funding from Congress would have on improving election security, protecting election workers, and countering disinformation?

- Securing election infrastructure is a matter of national security. This is precisely why the Department of Homeland Security [designated election systems as critical infrastructure](#) in 2017. Elections should be funded commensurate with their status as critical infrastructure, with all levels of government ensuring regular and consistent funding. For most election offices, predictable funding is easier to manage and implement than the Help America Vote Act (HAVA) model of a one-time massive dump of money into the system. This is because state and

local contracting rules and regulations require time for acquisition and implementation. Contracts for threat intelligence sharing, cybersecurity monitoring and the hiring of IT personnel are often paid over time instead of in one single payment, giving the appearance of a lack of spending by jurisdictions as opposed to strategic spending over time to maintain support and capability. The HAVA funding model incentivizes large purchases of infrastructure in tight timeframes, which led to demonstrably poor purchasing decisions from several state and local officials. For instance, in the rush to use funding to implement statewide voter registration databases after HAVA was passed, many states simply contracted with vendors for rapid development and deployment of these databases without the usual requirements or even, in some cases, a competitive bid process. This led to states upgrading or piecing together a commercial and internally developed system within years of initial deployment because the newly acquired systems were unable to meet the developing needs of the office.

A shared funding structure should be implemented in which all levels of government pay for their portion of each election. This practice is done locally in several states and is sometimes referred to as “charge backs” or the “ballot real estate” model. The idea is that each jurisdiction that appears on a ballot in any given election is charged for its portion of that election. For instance, if an election has a congressional race, state house race, mayor’s race and county commissioner race, then the federal government would pay for the cost of the house race, state government for the cost of the state house race, city government for the mayor’s race and the county for the cost of the commissioner’s race. This would ensure consistent and regular funding of elections, with each level of government paying its share of the cost. Congress should establish an elections fund, administered by the U.S. Election Assistance Commission (EAC), that state election officials can draw down from based on the expense to run federal elections in their state. States should be required to pass the majority of the money down to their local officials to cover the additional costs of running federal elections. This funding structure will incentivize deliberative, planned investment that allows for risk-based decision-making and funding for human capital, systems acquisition, and processes to ensure sustainability of those systems over time.

Senator Blunt

Information Sharing

Congress has long encouraged collaboration between local election officials and the Department of Homeland Security and other federal agencies in order to improve information sharing regarding threats to election systems and election officials.

What is the existing process for sharing information about cyber security threats?

- There has been no area that has improved more greatly since elections were made part of the nation's critical infrastructure than information sharing. From 2018 to 2020 CISA prioritized the sharing of threat intelligence with state and local election officials across the United States. CISA accomplished this by creating the necessary channels for sharing of information and ensuring the regular push of timely and actionable information for system owners and operators to use to protect their systems. The hub of the existing information sharing process is the Elections Information Sharing and Analysis Center (EI-ISAC). Through the EI-ISAC CISA can reach all fifty state election offices and thousands of local offices with threat information. In addition, state and local officials are able to share incidents or activity back to the federal government through the EI-ISAC. Throughout the 2020 election cycle CISA, the FBI and the intelligence community benefited from regular and robust information sharing from state and local partners. This allowed the federal government to have greater depth of understanding on the scope and scale of threats to election infrastructure.
- In addition, CISA worked with the EI-ISAC to deploy intrusion detection sensors on elections infrastructure across all fifty states and hundreds of local offices. These sensors provided near real time alerting to election officials and federal agencies of malicious activity targeting election systems. This level of visibility allowed CISA through the EI-ISAC to share targeted alerts and warnings to election officials based on what was happening out in the field. Also, CISA was able to pass the activity information to the intelligence community for additional context or action.

Can the federal process for information sharing be expanded to assist with other threats to election administration and what would be needed to accomplish this?

- Absolutely yes the EI-ISAC model can and has been utilized to respond to more than just cyber threats, including physical threats and the threat of mis- and disinformation. The communication channels as established through CISA and the EI-ISAC are mature and tested through the 2018 and 2020 elections.
- In addition to the EI-ISAC CISA also has the network of fusion centers across all fifty states available to it for information sharing. This is particularly important when it comes to physical threats against election officials because state and local law enforcement are tied into the fusion centers. Some states, like California, have effectively integrated the fusion centers into their election information sharing, while others have struggled to convince fusion center participants in the value of including state and local election officials. Moving forward ensuring that state and local law enforcement are both responsive to threats against election officials and sharing information of threats with their colleagues at the federal level is critical to a robust response to these threats. At the very least federal, state and local law enforcement should be sharing information regarding complaints, credible threats, acts of violence and prosecutions regarding election threats.