



**Testimony of Al Schmidt
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**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 official 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."