

Acknowledgements

This report is authored by Grace Gordon, Master of Development Practice,¹ as her master's capstone project at the University of California, Berkeley, under the guidance of Kim Alexander, president and founder of the California Voter Foundation and Cathy Darling Allen, Shasta County Clerk and Registrar of Voters and California Voter Foundation Board Chair. Thank you to Chris Jay Hoofnagle, UC Berkeley School of Law and School of Information for serving as an advisor on this research project.

A special thank you to the eleven election officials who took the time to discuss their often painful experiences, to the eight election experts who provided perspective and advice, and to all of the other individuals who inspired and supported this project.

The publication and release of this report was made possible thanks to generous support provided by Craig Newmark Philanthropies.



This report and related materials are available online at:
calvoter.org/harassment

¹ The Master of Development Practice (MDP) program is affiliated with the Rausser College of Natural Resources at the University of California, Berkeley.

Introduction

We have a serious problem.

The people who run elections in our country are under attack.

They are being attacked online, in their offices, on the streets, and at their homes. Individuals from within their communities and many from outside of their communities are spearheading these attacks.

And these election officials are seriously under-resourced. They do not have the funding, resources, training, experience or staff to fend off these attacks alone.

If the 2020 election taught us nothing else, we now know our democracy is much more fragile than we thought. We have over 8,000 election jurisdictions in the United States and the effectiveness of all of them begins with the person who is running the operation: the local election official.

We take these people for granted. In most places the position of election official has evolved. Some are appointed, others elected. Some are full-time professionals; others are part-time volunteers. And given what they have been through, and continue to experience, it is not surprising that many of them are choosing to up and leave their positions for better opportunities. In California we have lost 15 percent of our local election officials since November 2020.

Local election officials have not taken on these jobs for the fame or fortune. Many of them are called to it, and believe they have a role to play in facilitating the democratic process that leads them to feel valued and impactful. But those good feelings are no match for hate tweets and people screaming in their faces.

For over 230 years, elections have been the bedrock for the legitimacy of American government, but when it comes to the agencies of government that actually implement them, we give insufficient attention or support. From the death threats received by numerous secretaries of state to the local election officials who had protestors outside of their homes, we are traumatized by what's happening. We need to support each other in this time of crisis.

To understand the nature of the problem that election officials face, we turn to a qualitative study conducted by Grace Gordon of eleven election officials and eight election experts whose experience or perspective of harassment gives them a unique ability to shed light on what is happening.

In order to address this problem, more support is needed for the profession of election administration, the research efforts that make it possible to understand the field, and nonprofit advocacy for the frontline workers of U.S. democracy.

We know there are big challenges ahead and look forward to taking them on together.

Kim Alexander, President & Founder
California Voter Foundation

Cathy Darling Allen, Board Chair
California Voter Foundation and
Shasta County Clerk and Registrar of Voters

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*“‘I think you should be taken out and hung,’
‘I think you should die in a car crash,’
‘I hope your family dies.’”*

I. Executive Summary

Imagine if your job responsibilities caused strangers to call you and threaten you and your family with violence. Public servants performing one of the most crucial functions in our society---the administration of the vote---are being subjected to exactly that. This report uses qualitative interviews with election officials to understand the kinds of harassment faced by United States election officials leading up to, during, and resulting from the 2020 presidential election.

These threats have been well-publicized. The New York Times published an article on December 3rd, 2020, titled “Here are the Threats Terrorizing Election Workers,” which describes the harassment of state election officials, local election supervisors, voting nonprofit leaders, and voting machine technicians.²

This report builds upon and contributes to this growing narrative by documenting and analyzing the impacts of harassment, threats, and abuse on election officials. It concludes with recommendations to address and mitigate the circumstances that led to this harassment. In an analysis of conversations with eleven election officials and eight election experts from across the country, the report identifies the different forms that harassment took and explores the definition of what counts as harassment and what does not. Ultimately, due to the critical role that election officials play as stewards of democracy, this report advocates for increased support for the field of election administration.

A. Key Findings

- 1. Death threats, other threats, or abusive language affected 10 of the 11 election officials interviewed in this project.** Four officials described experiences where their lives were threatened in phone calls or voicemail messages. Seven officials described threats that included in-person intimidation, stalking, and threats of violence. Six officials described expletives and insults that characterize the abusive language category. In addition to personal accounts, some officials described threats and abusive language that their staff experienced, demonstrating the pervasiveness of harassment in election administration.
- 2. The term “harassment” caused mixed reactions from the election officials interviewed in this study.** Three officials seemed unsettled by the term and two preferred the term “threats” or “aggressive behavior” to the term “harassment.”

² Wines, Michael. “Here Are the Threats Terrorizing Election Workers.” *The New York Times*, 3 Dec. 2020. *NYTimes.com*. <https://www.nytimes.com/2020/12/03/us/election-officials-threats-trump.html>.

3. **Many officials saw speaker intent as a key factor in whether aggressive speech is merely a complaint or potentially illegal threats and harassment.** Election officials respect the right of free speech and understand that angry constituents have a right to question and complain, even aggressively. Some election officials did not interpret hostile speech as harassment if the speaker sought to get a question answered and drew the line where aggressive speech was intended to harm.
4. **Trauma, stress and anxiety were reported as impacts of the harassment experienced by election officials, but officials want to project strength.** Election officials also reported fear for the future of the U.S. democratic process and sadness at the public's loss of trust in the democratic process.

B. Key Recommendations

1. **Improve public education to combat mis- and disinformation.**
This report documents incidents of harassment fueled by harmful mis- and disinformation. Election officials and experts interviewed for this report agreed that public education could strengthen the public's ability to decipher mis- and disinformation, and thus reduce harassment. Public education can take on many forms, ranging from supporting local journalists to investing in voter education.
2. **Strengthen law enforcement response to incidents of harassment.**
This report details several examples of speech that qualify as illegal, "true threats," yet research subjects reported that complaints to law enforcement resulted in no action. Law enforcement could effectively respond with procedures that do not require arrest.
3. **Expand funding and resources for election administration.**
This report describes the complexities of election funding and the challenges faced by election officials as a result. Election officials do not always have the staff and resources needed to both run elections well and to engage in confidence-building measures so that the public understands the process and its integrity. By providing election officials with adequate resources and funding, opportunities to spread unfounded rumors and undeserved criticism can be curtailed.
4. **Strengthen legal protections for election officials.**
This report details trauma, fear, and anxiety as impacts of the harassment experienced by election officials. The security of election officials must be included in how we define U.S. election security. Enhancing legal protections for election officials can help strengthen election security by protecting key personnel in election infrastructure from attack.

5. Build a cross-sector network of support for election officials.

This report shows that different election officials are receiving similar kinds of threats. Collaboration and community among election stakeholders can build support for election officials and U.S. election administration.

These recommendations serve as a basis to address the harassment experienced by election officials in 2020 and can provide a foundation for bigger and broader reforms to support election officials in their critical roles.

II. Background

U.S. election officials across the country endured horrendous threats of violence and abuse during and after the 2020 election cycle. The structural, political and legal context of elections informs an understanding of the harassment of election officials in 2020. Three major themes emerge from a review of the background and context of elections. First, the complexity of the structure of election administration impacts the public's understanding of the roles of election officials, which presents knowledge gaps in the comprehension of election infrastructure. Secondly, women make up a majority of the local election officials in the U.S., suggesting a relationship between gender and the harassment of election officials. Finally, the unique legal, political, and financial challenges associated with being an election official in the U.S. create vulnerability for election officials in the face of frustration, anger, and abuse from members of the public.

A. Structural Context: The Growing Complexity of Local Election Administration

In the United States, the decentralized and complex infrastructure of elections causes confusion and frequent misunderstandings.³ A general overview of the structure of who works in elections is provided below:

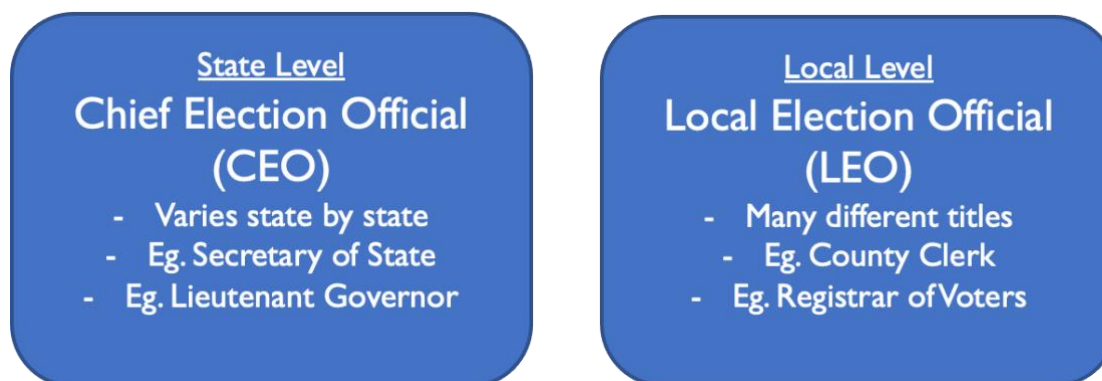


Figure 1: State versus local level election officials

a. The People Who Run the Process

In the United States, each state has a Chief Election Official (CEO), who has “authority over elections in the state.”⁴ The title of the CEO varies state by state, but most state CEOs assume the title of Secretary

³ Adona et al (2019) describes the administration of elections in the U.S. as “a decentralized system with a complex set of diverse institutional arrangements that vary across states and sub-state jurisdictions.” Adona, Natalie, Paul Gronke, Paul Manson, Sarah Cole. “Stewards of Democracy: The Views of American Local Election Officials.” *Democracy Fund*, 26 Jun. 2019. <https://democracyfund.org/idea/stewards-of-democracy-the-views-of-american-local-election-officials/>.

⁴ Hale, Kathleen, et al. *Administering Elections: How American Elections Work*. 2015. <https://www.palgrave.com/gp/book/9781137400413>.

of State (SOS), Lieutenant Governor (LG), or Secretary of the Commonwealth (SOC).⁵ At the local level, election administration is organized into thousands of jurisdictions.⁶ Jurisdictions vary widely in size, staffing, and resource availability.⁷ The responsibilities and compliance with rules and processes also vary state by state. In a majority of states, voters directly elect the Chief Election Official; however, in several states, the CEO is appointed by the governor or selected by the state legislature.⁸ For states where the SOS is directly elected, the SOS candidates run a partisan campaign for election. Since Secretaries of State perform a civil-service-like role, their partisanship poses a potential challenge to neutrality.

The CEO serves as a state-level election official, but within each state local elections are operated at the county, municipal, and township levels. At the local level, election officials assume titles such as “County Clerk” and “Registrar of Voters.”⁹ Similar to a state’s Chief Election Official, local election officials are either elected or appointed. In smaller local election offices, the local election official is typically elected and in more populous jurisdictions there is a fairly even split between elected and appointed officials.¹⁰ Local election officials select polling places, create ballots, train and hire poll workers, and, when the ballots come in, are responsible for counting votes and verifying election results.¹¹

When it comes to the online environment, consider how these officials may experience harassment differently than the average internet user. Internet users might use a pseudonym and feel at least physically insulated from the rough talk of the internet. Such users have an asymmetric advantage over public officials online. On the contrary, election officials’ identities are publicly known. In some cases, their private home address is known and people who feel aggrieved can find it. Officials must also operate a physical office that is open to the public, allowing hostile online interactions to become in-person ones. These factors mean that for election officials, virtual and physical interactions are more tightly connected than they are for others on the internet; therefore, the consequences of harassment for election officials are different from the average internet user.

⁵ Adona, Natalie, Paul Gronke, Paul Manson, Sarah Cole. “Stewards of Democracy: The Views of American Local Election Officials.” *Democracy Fund*, 26 Jun. 2019. <https://democracyfund.org/idea/stewards-of-democracy-the-views-of-american-local-election-officials/>.

⁶ Adona et al (2019) estimates that there are between “8,000 and 10,000 local jurisdictions with some role in election administration in the U.S.”

⁷ Jurisdiction size refers to both geographic size and the number of constituents served.

Hall, Thad E. “Primer on the U.S. Election System.” *International Foundation for Electoral Systems*, 2012.

<https://www.ifes.org/publications/primer-us-election-system>.

⁸ “NASS Members.” *National Association of Secretaries of State*. <https://www.nass.org/membership>. Accessed 25 Apr. 2021.

⁹ “Election Administration at State and Local Levels.” *National Conference of State Legislatures*, 3 Feb. 2020.

<https://www.ncsl.org/research/elections-and-campaigns/election-administration-at-state-and-local-levels.aspx>.

¹⁰ Hall, Thad E. “Primer on the US Election System.” *International Foundation for Electoral Systems*, 2012.

<https://www.ifes.org/publications/primer-us-election-system>.

¹¹ Ibid.

b. Who Pays for Elections

Counties and cities pay for the cost of an election, even if it is a presidential election. Despite the state and federal government's reliance on local election offices to administer state and federal elections, in many states there is little funding explicitly designated at the state level and virtually no funding at the federal level to support local election administration.¹² ¹³ Only two states take financial responsibility for elections at the state level.¹⁴ The average salary of a local election official in the United States varies based on the size of the jurisdiction. A 2019 study found that 45% of local election officials from jurisdictions of 5,000 or fewer registered voters are paid \$35,000 or less.¹⁵ For jurisdictions with over 100,000 voters, almost all local election officials reported salaries above \$50,000.¹⁶ We will see how these funding constraints could be addressed in later sections.

c. The Growing Responsibilities of Election Officials

In just the past twenty years, the responsibilities of U.S. election officials have increased dramatically. The shift to electronic voter registration rolls and to computing-based voting machines has complicated election administration and creates new avenues for attack. In 2016, Russia interfered with the U.S. election, through email breaches and social media disinformation campaigns, which further impacted the shift in election officials' duties.¹⁷ In addition to the traditional responsibilities of an election official (organizing polling places, counting ballots, verifying election results), they are also now responsible for cybersecurity. Nationally, the designation of elections as critical infrastructure changed the role of election officials to become defenders of national security. With this new designation, the Federal Government has provided in-kind support to election officials in the form of cybersecurity training, information sharing,¹⁸ and mis- and disinformation best practices.¹⁹

¹² Maple, Caitlin. "Investing in California's Democracy: Building a Partnership for Performance." *California Forward*. May 2016. <https://cafwd.org/news/category/democracy/elections-funding-project/>.

¹³ Hale et al (2015) describes the resource challenges in elections as, "budget authorities such as county commissioners frequently view the work of elections as periodic at best and episodic at worst – something that happens once every two or four years. Presidential elections are particularly resource-intensive because of the turnout"(145).

¹⁴ Ibid.

¹⁵ Adona, Natalie, Paul Gronke, Paul Manson, Sarah Cole. "Stewards of Democracy: The Views of American Local Election Officials." *Democracy Fund*, 26 Jun. 2019. <https://democracyfund.org/idea/stewards-of-democracy-the-views-of-american-local-election-officials/>.

¹⁶ Ibid.

¹⁷ "Election Interference: Ensuring Law Enforcement Is Equipped to Target Those Seeking to Do Harm." *United States Senate Committee on the Judiciary*, 12 Jun. 2018. <https://www.judiciary.senate.gov/meetings/election-interference-ensuring-law-enforcement-is-equipped-to-target-those-seeking-to-do-harm>.

¹⁸ "Election Infrastructure Information Sharing and Analysis Center." *Center for Internet Security*. <https://www.cisecurity.org/ei-isac/>. Accessed 5 May 2021.

¹⁹ "U.S. Election Assistance Commission." *EAC*. <https://www.eac.gov/>. Accessed 5 May 2021.

B. Political Context: Gender and Disinformation

Women account for over 75% of local U.S. election officials.²⁰ Compared to other fields in government, this number is strikingly high.²¹ Across many public offices in the U.S., women are under-represented; however, at the county and municipal clerk level, women are over-represented. We do not know whether women filter into elections leadership due to the “perceived nature of the work or because of prestige associated with these public positions.”²² It is possible that patriarchal norms have played a role in the way that women have engaged as election officials.²³ On the one hand, the profession has provided an avenue for women to succeed and excel, but, on the other hand, it could also be perceived as a “caretaking” role, which women fill at many levels of society. Many local election officials have the word “clerk” in their title, which is designated as a support position and perceived as “female appropriate.”²⁴

a. Gendered Harassment Undermines Equity in Public Service Positions

The fact that so many election officials experienced death threats, threats of violence, and general harassment and abuse resulting from the 2020 election suggests a possible relationship between gender and aggression. Historically, women have been subjected to harassment and abuse (physical and psychological intimidation, persecution, and beleaguerment) at a scale unparalleled to men.²⁵ More specifically, abuse as a mechanism to subdue women in public service has been studied in relation to gendered harassment and disinformation.²⁶

The harassment of election officials could dramatically reduce the number of women willing to participate in the profession of election administration. A 2016 study for Data and Society found that 41% of women between the ages of 15 and 29 self-censor to avoid online harassment.²⁷ Women in

²⁰ Adona, Natalie, Paul Gronke, Paul Manson, Sarah Cole. “Stewards of Democracy: The Views of American Local Election Officials.” *Democracy Fund*, 26 Jun. 2019. <https://democracyfund.org/idea/stewards-of-democracy-the-views-of-american-local-election-officials/>.

²¹ Ibid.

²² In “Stewards of Democracy,” Adona et al (2019) explore the “gendered nature of local election administration,” positing “we are interested in learning if this pattern constitutes an opportunity for women to enter public service, or whether women are filtered into elections leadership based on the perceived nature of the work or prestige and power attached to these public positions.”

²³ Adona et al (2019) notes that the cultural theory (Conway 2001) argues that “patriarchal norms and expectations for the proper role of women in the workforce” could play a role in the way that women have engaged as election officials.

²⁴ Alksnis, Christine, et al. “Workforce Segregation and the Gender Wage Gap: Is ‘Women’s’ Work Valued as Highly as ‘Men’s’?” *Journal of Applied Social Psychology*, vol. 38, no. 6, June 2008, pp. 1416–41. <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1559-1816.2008.00354.x>.

²⁵ Jankowicz, Nina, Jillian Hunchak, Alexandra Pavliuc, et al. “Malign Creativity: How Gender, Sex, and Lies Are Weaponized Against Women Online.” *Wilson Center*, Jan. 2021. <https://www.wilsoncenter.org/publication/malign-creativity-how-gender-sex-and-lies-are-weaponized-against-women-online>.

²⁶ Ibid.

²⁷ Lenhart, Amanda, Michele Ybarra, Kathryn Zickuhr, and Myeshia Price-Feeney. “Online Harassment, Digital Abuse, and Cyberstalking in America.” *Data & Society*, 21 Nov. 2016. <https://datasociety.net/library/online-harassment-digital-abuse-cyberstalking/>.

public service positions endure serious and significant harassment in online environments. Online gendered abuse presents a democratic and national security challenge.²⁸ Misogyny in an adversarial context could dissuade women from participating in public life. Framing the problem of the online harassment of women in the public sphere as a national security issue could help underscore the importance of addressing and preventing the harassment of election officials.

b. Elections and the Internet

In 2020, misinformation and disinformation campaigns made it much more difficult for election officials to educate and inform the public of factual information related to voting processes and procedures. The internet's unique infrastructure and specious sense of anonymity create an environment where users harass, bully, and threaten. The definition of "harassment" varies widely, and many social media companies create their own definitions in order to determine who can be removed from their platforms. Twitter and Facebook's decisions to remove then-President Donald Trump as a result of the January 6th, 2021 insurrection at the U.S. Capitol represented a shift in the way that social media companies police their users. Twitter's blue-check campaign and Facebook's verification badge program²⁹ both demonstrate a way for social media companies to flag individuals who have gone through a process to verify their authenticity as a source of information; however, many election officials were not able to get blue-check verifications on their Twitter accounts, limiting their ability to fight disinformation online.³⁰

There has been a plethora of research done on the rise of social media, its contribution to disinformation and misinformation, and the way that the medium and its content affect elections. In March 2021, the Election Integrity Partnership published a report entitled "The Long Fuse: Misinformation and the 2020 Election."³¹ The report details a framework for evaluating the policies of 15 social media platforms across four categories, which allowed the researchers to identify and document specific cases of mis- and disinformation. EIP's findings include that "the production and spread of misinformation was multidirectional and participatory... [and] many platforms expanded their election-related processes during the 2020 election cycle; however, application of moderation policies was inconsistent or unclear" (vi-vii). The Election Integrity Partnership's finding validates the complexity of addressing mis- and disinformation in elections and also suggests the need for a more consistent and organized response to combat mis- and disinformation.

²⁸ In the Jankowicz et al (2021) article, "Malign Creativity," the authors explore the relationship between gendered abuse and sexualized disinformation.

²⁹ "How Do I Request a Verified Badge on Facebook?" *Facebook Help Center*.
<https://www.facebook.com/help/1288173394636262>. Accessed 25 Apr. 2021.

³⁰ Perez, Sarah. "Twitter to Launch a Revamped Verification System with Publicly Documented Guidelines." *TechCrunch*, 8 Jun. 2020. <https://social.techcrunch.com/2020/06/08/twitter-to-launch-a-revamped-verification-system-with-publicly-documented-guidelines/>.

³¹ The Election Integrity Partnership is a collaboration between the Stanford Internet Observatory, the University of Washington, Graphika, and the DFRLab.

"The Long Fuse: Misinformation and the 2020 Election." *The Election Integrity Partnership*, Jan. 2021.
<https://www.eipartnership.net>.

C. Legal Context: Defining a Threat

The law provides several mechanisms to address threats and false speech but as we shall see, these mechanisms are tightly limited by our society's commitment to free speech. At the federal level, 18 US Code 875 Interstate Communications states that:

“Whoever, with intent to extort from any person, firm, association, or corporation, any money or other thing of value, transmits in interstate or foreign commerce any communication containing any threat to kidnap any person or any threat to injure the person of another, shall be fined under this title or imprisoned not more than twenty years, or both.”³²

The phrase “threat to injure” can be interpreted in many different ways. At the state level, different states have varying laws that criminalize threats. In California, the penal code states that:

“Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking, punishable by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars, or by both that fine and imprisonment, or by imprisonment in the state prison.”³³

“Willful and malicious harassment” might mean different things to different people, underlining the subjectivity of determining a “credible threat.”

The U.S. Constitution protects the public's freedom of speech and freedom to peaceably assemble in the First Amendment. When it comes to hate speech or harassment, the First Amendment limits proscription of aggressive speech unless it is a “true threat.”

The 2014 Supreme Court ruling in *Elonis vs. the United States*³⁴ is a recent and critical decision limiting the ability of the state to prosecute “true threats.” That case stands for the proposition that a speaker must have culpability for their speech -- the government must show that the speaker intended to threaten the victim or knew that the expression would be perceived as a threat. In a way this is sensible, because a subjective test that focused on the listener could result in benign statements or hyperbole being classified as a threat.

³² “18 U.S. Code § 875 - Interstate Communications.” LII / Legal Information Institute, <https://www.law.cornell.edu/uscode/text/18/875>. Accessed 22 Dec. 2020.

³³ “California Law Code.” California Legislative Information. https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=646.9&lawCode=PEN. Accessed 22 Dec. 2020.

³⁴ Supreme Court Case. *Elonis v. United States*, 575 U.S. 2015. <https://www.uscourts.gov/educational-resources/educational-activities/facts-and-case-summary-elonis-v-us>.

A subjective, listener-based approach is even more censorial on the internet; without the physical clues of facial expression and larger context, speech could easily be misinterpreted as a threat. But in practical terms, the Supreme Court's decision means that the state has a burden to show that the speaker had some intent to intimidate. It is unclear whether recklessness constitutes adequate culpability or whether the state needs to show even more culpability. *Elonis* makes prosecution more difficult for the state. For instance, the speaker could always claim they were engaged in hyperbole or just joking. But prosecution is not impossible, especially when threats are in-person and a jury can take into account the larger context. Some speech and conduct detailed in this report might satisfy a higher test of culpability.

Defamation law, the body of legal rules that imposes liability for false, derogatory, or damaging speech might also seem to provide a remedy for election officials. However, as with threats, defamation liability is limited by the First Amendment, with public officials playing on an uneven field. Public officials who are victims of defamation have to prove a high-level of bad intent in the speaker. Courts look to both the identity of the victim and the importance of the speech in considering First Amendment limitation to defamation. Public officials, whether the speech concerns public or private matters, bear the burden to prove that the subjective intent of the speaker is malice. As Figure Two shows, an election official facing false, derogatory speech would have to prove that the speaker acted with malice. This means that the plaintiff would have to demonstrate that the speaker knew that the speech was false or acted recklessly with regard to the truth. In practice, this standard is so difficult to meet that public officials such as Secretaries of State rarely use defamation as a remedy.

DEFAMATION LAW: FIRST AMENDMENT STANDARDS

	Public Figure (includes Public Officials)	Private Figure
Speech of Public Concern	<i>Curtis</i> Compensatory Damages = Malice Punitive Damages = Malice Presumed Damages = Malice	<i>Gertz</i> Compensatory Damages = Negligence Punitive Damages = Malice Presumed Damages = Malice
Speech of Private Concern	<i>Curtis</i> Compensatory Damages = Malice Punitive Damages = Malice Presumed Damages = Malice	<i>Dun</i> Compensatory Damages = Negligence Punitive Damages = Negligence Presumed Damages = Negligence (or possibly strict liability for all forms of damages)

Figure 2: *Curtis*, *Gertz*, and *Dun* each refer to Supreme Court cases: *Curtis Publishing Co. v. Butts*, 388 U.S. 130 (1967), *Gertz v. Robert Welch, Inc.*, 418 U.S. 323 (1974), and *Dun & Bradstreet, Inc. v. Greenmoss Builders, Inc.*, 472 U.S. 749 (1985).³⁵

Turning to the employees of election officials, if false and derogatory speech were to harm their reputation, defamation might be a remedy. Not all employees of election officials are public figures; those without a public-facing role and with little responsibility for government decision-making may be private figures. As such, these ordinary employees may have a remedy, but only for the damages that they could prove. To obtain the deterrent power of punitive damages, the private-figure public employee would have to prove the speaker acted with malice.

The above discussion focuses on speakers, but the medium of communication when a threat is communicated also matters. Section 230 of the Communications Decency Act (CDA 230) affords broad immunity to online services for the speech acts of users.³⁶ In the case of online harassment of election officials, this means that social media sites are not responsible for the harassment or abuse of their users. It also means that social media sites are not liable for amplified content either (e.g., if an

³⁵ Solove, Daniel. *Privacy and Security Academy: Privacy Torts and the Media in the US*, 2018. <https://www.privacysecurityacademy.com/product/privacy-torts-and-the-media-in-the-us/>.

³⁶ “47 U.S. Code § 230 – Protection for Private Blocking and Screening of Offensive Materials.” LII / Legal Information Institute. <https://www.law.cornell.edu/uscode/text/47/230>. Accessed 25 Apr. 2021.

organization in Russia pays for ads claiming that a Secretary of State falsified ballot results).³⁷ There is an ongoing debate about reforming CDA 230 to hold internet platforms more accountable for defamation. Many platforms have their own definitions for what constitutes harassment, but the language used in these policies is not legally binding.³⁸

The law does little to protect the people involved in elections, but at the same time, the manufacturers of voting equipment may have impressive remedies.^{39,40} Voting machine maker Dominion Voting Systems has sued Fox News for trade libel, a defamation of the company's *products*.⁴¹ While this lawsuit is still ongoing, Fox News appears to be taking it seriously as they have published retractions and corrections, perhaps to mitigate damages.⁴²

The law provides some ways to legally address the threats faced by election officials; however, among the election officials interviewed for this project, none were able to pursue legal recourse to the threats and harassment they received.⁴³

D. Methods of Research

This report is based on nineteen interviews. Eleven interviews were with election officials across six states and eight interviews were with election experts across multiple states and sectors ranging from

³⁷ In the Election Integrity Partnership's "The Long Fuse," a timeline of the evolution of social media platform policies details the ways that the January 6th Insurrection further shaped these policies on election misinformation (see page 207 of EIP's report).

³⁸ Facebook's Community Standards begin as follows: "We aim to prevent potential offline harm that may be related to content on Facebook. While we understand that people commonly express disdain or disagreement by threatening or calling for violence in non-serious ways, we remove language that incites or facilitates serious violence."

"Community Standards." Facebook. https://www.facebook.com/communitystandards/violence_criminal_behavior. Accessed 25 Apr. 2021.

³⁹ Durkee, Alison. "Dominion Voting Sues Sidney Powell For Defamation Over Election Conspiracy—And Others May Be Next." *Forbes*, 8 Jan. 2021. <https://www.forbes.com/sites/alisondurkee/2021/01/08/dominion-voting-sues-sidney-powell-for-defamation-over-election-conspiracy-theory/>.

Kalmbacher, Colin. "Legal Experts Say Dominion's Defamation Lawsuit Against Sidney Powell Appears to Be 'Extremely Strong': 'It Will Be a Hell of a Ride.'" *MSN*, 8 Jan. 2021. <https://www.msn.com/en-us/news/crime/legal-experts-say-dominion-s-defamation-lawsuit-against-sidney-powell-appears-to-be-extremely-strong-it-will-be-a-hell-of-a-ride/ar-BB1cAUgC>.

⁴⁰ Durkee, Alison. "Dominion Voting Sues Sidney Powell For Defamation Over Election Conspiracy—And Others May Be Next." *Forbes*, 8 Jan. 2021. <https://www.forbes.com/sites/alisondurkee/2021/01/08/dominion-voting-sues-sidney-powell-for-defamation-over-election-conspiracy-theory/>.

⁴¹ Kennedy, Merrit, Bill Chappell. "Dominion Voting Systems Files \$1.6 Billion Defamation Lawsuit Against Fox News." *NPR.org*, 26 Mar. 2021. <https://www.npr.org/2021/03/26/981515184/dominion-voting-systems-files-1-6-billion-defamation-lawsuit-against-fox-news>.

⁴² Ibid.

⁴³ Because this report focuses on interviews of election officials, it does not cover all potential areas of legal liability. For instance, if the speakers involved coordinated their activities with the intent to block officials' functions or with the intent to deny voters access to the polls, several civil rights laws could be invoked by the government and even by private citizens. See 18 USC §§ 242, 245 and 42 USC § 1985.

academia, journalism and voter advocacy. Four election officials were recruited through an analysis of news media coverage of threats against election officials. These election officials were identified due to their openness with discussing their experiences of harassment with the media. The rest were referred by other officials and experts, and were also identified because of their experiences of harassment during the election. Election experts were selected based on recommendations from leaders at the California Voter Foundation. This report aims to answer the following research questions:

1. What are the kinds of harassment that election officials experienced resulting from the 2020 election?
2. How did the presence of harassment or news of others' harassment affect interviewees' perceptions and decision-making?
3. What recommendations can be made to alleviate the circumstances that put election officials at risk of harassment resulting from the 2020 election cycle?

The sample includes election officials from the following states: California, Colorado, Florida, Kentucky, Michigan, and Nevada. Two of the eleven work for the Secretary of State's office in their state. The remaining nine officials work for a county, municipal, or township election office. Six officials are Republicans, three are Democrats, and two are nonpartisan. Of the eleven election officials interviewed, five are men and six are women.

Of the eight election experts interviewed, six work in academia, one in journalism, and one in voter advocacy. Two of the experts have previously worked as state or local election officials. All eight are actively engaged in work related to elections or mis- and disinformation.

Consistent with UC Berkeley Institutional Review Board procedures, the identities of all election official participants are kept anonymous in order to protect the individuals who disclosed their experiences.⁴⁴ This research project did not entail collecting information on the identities of the people who harassed election officials. In many cases, the election officials themselves are unaware of the identities of the perpetrators of harassment.⁴⁵

Interviews were coded using an inductive methods approach.⁴⁶ A few themes that emerged from the interviews were: receiving death threats/other threats; promoting transparency; experiencing trauma; and feeling under-resourced. The results from this coding process are documented below.

⁴⁴ This project has been approved by the Institutional Review Board (IRB), CPHS Committee for the Protection of Human Subjects at University of California, at UC Berkeley.

⁴⁵ One election official who was harassed declined to be interviewed for this project out of concern that doing so could result in more news coverage and harm to them. Their response raises the possibility that this report may unintentionally promote more harassment of election officials simply by raising the subject of harassment.

⁴⁶ Inductive methods refer to a research technique where conclusions are drawn from premises or propositions. The researcher approaches the interviews with the expectation that patterns can be drawn from the observations.

III. Findings

This section offers a brief summary of some of the most publicized accounts of harassment in the 2020 election cycle and compares those accounts to the narratives of local and state election officials interviewed for this project. To illustrate the findings of this section, it is divided into four parts: A. Objective Experiences of Election Officials; B. Subjective Impressions of Election Officials; C. Impact and Long-term Consequences of Harassment; and D. Law Enforcement (non) Response.

A. Objective Experiences of Election Officials

On December 6th, 2020, Jocelyn Benson, the Secretary of State of Michigan, released a public statement describing armed protestors outside her home in the middle of the night yelling threats and obscenities.⁴⁷ In November 2020, journalists reported that Brad Raffensberger, the Secretary of State of Georgia, and his family experienced death threats via text, such as, “You better not botch this recount, your life depends on it” and one to his wife that said, “Your husband deserves to face a firing squad.”⁴⁸ On January 6th, 2021, a group of insurrectionists stormed the U.S. Capitol building in Washington DC, as widely reported by the news media. Videos released from the Capitol show angry protestors chanting “Hang Mike Pence” and a makeshift gallows on the steps of the Capitol.⁴⁹ All of these publicly-reported incidents represent physical threats to the officials mentioned. Former Vice President Pence was serving, at the time, as the certifier of the 2020 presidential election results. He was, in his capacity as Vice President, an election official during the time that this chant was being shouted. These news media anecdotes illustrate the prevalence of threats of violence to everyone from local, part-time election officials up to the Vice President of the United States.

Through the interviews conducted during this study, the harassment experienced by election officials can be categorized in three ways: 1) death threats; 2) other threats; and 3) anger-laden language and demoralizing behavior. It is important to note that the election officials who participated in this study were all recruited or referred to the study because they had experienced some form of harassment during the election cycle or had a unique perspective on the issue of harassment. Of the eleven election officials who were interviewed, four of them described their experience receiving explicit death threats

⁴⁷ “Benson Speaks out about Protest at Home.” WXYZ-TV Detroit. [www.youtube.com, https://www.youtube.com/watch?v=FxFKgGXbg04](https://www.youtube.com/watch?v=FxFKgGXbg04). Accessed 25 Apr. 2021.

“Statement from Secretary of State Jocelyn Benson Concerning Threats against Her and Her Family.” *Michigan Secretary of State*, 6 Dec. 2020. <https://www.michigan.gov/sos/0,4670,7-127-93094-546741--,00.html>.

⁴⁸ “Senate Impeachment Trial Day 2, Part 2.” C-SPAN.Org, 10 Feb. 2021. <https://www.c-span.org/video/?508741-101/senate-impeachment-trial-day-2-part-2>.

Lahut, Jake. “Georgia’s Republican Secretary of State and His Wife Received Texts Telling Them They Deserve ‘to Face a Firing Squad’ as Trump Escalated His Attacks on Election Results.” *Business Insider*, 19 Nov. 2020. <https://www.businessinsider.com/georgia-secretary-of-state-and-his-wife-receive-death-threats-2020-11>.

⁴⁹ “Senators Shown Security Video Footage of Vice President Pence’s Evacuation During Capitol Attack” C-SPAN.Org, 10 Feb. 2021. <https://www.c-span.org/video/?c4945090/senators-shown-security-video-footage-vice-president-pences-evacuation-capitol-attack>.

“Rioters Chanted ‘Hang Mike Pence’ at Capitol as Pence Fled with Family Seconds before.” *CNN Video*. 6 Jan. 2021, <https://www.cnn.com/videos/politics/2021/01/15/mike-pence-close-call-capitol-riot-foreman-vpx.cnn>.

via voicemail, email, and messages on social media. Seven described other threats, which can be defined as threats that are not necessarily against a person’s life, but that threaten their safety, well-being or ability to do their job. Six of the eleven officials described anger-laden language or demoralizing behavior, categorized by expletives, insults, and, in some cases, racial slurs. Most officials experienced harassment in more than one category, which is why the number below totals more than the number of officials interviewed:

Death threats	4
Other threats	7
Anger-laden language and demoralizing behavior	6
Total accounts of harassment in sample of 11 officials	17

Figure 3: Overview of election officials’ sample and the hostile speech they reported in interviews

For the four officials who received explicit death threats, some were more open than others to disclosing the details of the threats; the reasoning behind this will be discussed further in the next section. Excerpts from these officials' experiences are described below.

“You have people calling you saying, ‘I’m going to kill you and your family’... ‘I think you should be taken out and hung,’ ‘I think you should die in a car crash,’ ‘I hope your family dies.’”

“I probably got more than 25 death threats... I got a guy and, frankly, more than one... who left one on my voicemail and he said who he was and his phone number. I forwarded it to law enforcement... there was no discernable follow-up.”

“[People in my office were] threatened to be shot, threatened to be beaten, and so this is what we were going through...”

“After Election Day I did receive written and voicemail threats and some voicemail death threats... to know that I have to tell family that someone has left a voicemail saying they want to take a knife to my throat, or that they want to execute you in public and that no amount of police forcing can protect you because we’re going to find you when you least expect it.”

All of the threats described above were received by different election officials via phone call or voicemail. As referenced in the second quote, law enforcement did not follow up on the threat, which will be discussed in Section D, Law Enforcement (non) Response.

The “other threats” category encompasses a spectrum of different threats. There are accounts of armed protesters outside of officials’ offices, and accounts of people throwing vegetables at officials.

“We had protesters outside of our building who were openly carrying weapons...I had staff that were nervous about leaving the building to go to lunch, because as they left the building people on the sidewalk were chanting and harassing them and, in some cases, throwing vegetables at them.”

“One of the custodians walked up to one of the people that were outside... and was really intimidated, because [the person] had a firearm in his side pocket.”

One election official received an oral in-person threat of violence at a speaking engagement.

“A guy said, ‘When are you up for reelection?’ And I said, ‘2024, are you going to run against me?’... He looked at me, and his exact quote, he said, ‘I’m going to beat your ass.’”

Another official was followed in their car by someone and watched for several hours.

“One night... I had a big truck parked behind my vehicle for several hours.”

Each of these anecdotes refer to an in-person incident where an aggressor or agitator interacted directly with an official or a staff member, threatening their safety. Several officials received veiled threats via phone calls and voicemails, as well as false accusations that officials were complicit in illegal activity and conditional statements that imply a possible threat.

“I’ve heard and been told that I’m going to be picked up at any time and thrown in jail.”

“[I received] voicemails that said, ‘You’re going to rot in hell,’ ‘Don’t ever send me one of those damn things [mail-in-ballots] again,’ and ‘You’re going to get yours.’”

“A very few people left voicemails that concluded with some kind of threat like, ‘You’ll be sorry if you don’t’ or, ‘We’re coming for you if you don’t.’”

Conditional statements constitute a murky grey area for threats but can still conjure a good amount of fear for an election official. Several officials described expletives that included both gendered and racialized language:

*“These people were flat-out mad... there were a couple of times where they would say things like, ‘You must be a raging c*nt.’”*

“One of my full-time staff... is African American and she was called the N-word probably 30 or 40 times [also] the B word, [and] the C word.”

“Somebody stating that you are stupid, illiterate... a flunky, uneducated, that kind of... the threats that we received were pretty nasty.”

Similar to the death threats described above, all of these incidents occurred via phone calls. The insults and expletive language inflicted upon officials indicate the level of anger of the callers and constituents expressing this harassment.

B. Subjective Impressions of Election Officials

Several officials added a caveat to their stories by saying that a certain amount of harassment happens during every election cycle and some of these comments are not out of the norm for officials to receive.

Officials interviewed disagreed about whether the last category of anger-laden language and demoralizing behavior fell under the definition of harassment. The perspective of the harassed official matters in all three different categorizations, but the subjective nature of anger-laden language and demoralizing behavior sets the category of anger-laden language apart from the other two. In order to understand the different perceptions of “harassment of an election official,” the first question asked during each interview was, “What constitutes harassment in your view, compared to contentious but legal political activity?”

The goal of this question was to understand how perspectives of “harassment” vary from official to official. There was general consensus that death threats and ruthless or obscene behavior should be considered harassment. Other officials dismissed profanity, disgruntled callers or listening to people needing to vent as simply “part of the job.” Three officials referenced needing to have “thick skin” and the ability to not take things personally as instrumental in their definition of harassment. Three officials indicated different thresholds where they perceive that harassment crosses a line:

- A constituent asking a question with the intention to seek resolution to a problem versus no resolution being sought;
- A constituent crossing a boundary where professional criticism of an election official becomes personal critique or abuse; and
- Constructive versus abusive comments.

Each of these thresholds are slightly different, but all of them imply that the intentions of the commenter determine whether or not harassment takes place. Election officials see speaker intent as a key factor in whether aggressive speech is merely complaint or potentially illegal threats and harassment.

Three officials seemed taken aback by the term “harassment.” One remarked in response to the request to define the term:

“That’s a good thing to do, to have the person’s definition of what it means. When I talk to some of my other election officials, what they characterize as harassment isn’t what I’d think.”

These differences indicate the subjectivity and stigmatization of the term “harassment.” Experiencing harassment may make some people feel victimized or, in the case of one official, “I wouldn’t want anybody to know they were getting to me.” This implies a deeper, societal problem with the term (and the act) of harassment: people, especially people in positions of authority, do not want to be seen as weak or impacted by the actions of others who intend to do harm. These attitudes indicate a quality in many of the officials interviewed in this project: the desire to project strength. As authorities on the functioning of the U.S. democratic process, election officials endure all sorts of abuse and vitriol as part of their regular jobs. With a high tolerance for abusive and aggressive language, projecting strength serves officials in their ability to effectively do their job. The findings outlined below are not intended to exacerbate the harms caused by harassers, but rather to shed light on the impact of the harassment of election officials.

C. Impact and Long-term Consequences of Harassment

During three separate interviews, the word “trauma” came up as election officials described the impact of harassment on their personal and professional lives.

“The election cycle of 2020 was the most contentious, traumatic experience of my professional life.”

“There’s definitely a layer of trauma that you come out of that type of election cycle with.”

“I couldn’t stop dreaming about elections and about terrible things happening, so I was a little bit traumatized.”

Stress, anxiety, exhaustion, fear, and sadness were also frequent descriptors for the impact of the harassment during and resulting from the 2020 election cycle. Additionally, staff of election offices took special security measures for fear of their safety.

“When your whole staff has to park in a different location, they have to be escorted in and out of the building, you know, it’s nerve-wracking... it’s frightening... [and] it’s sad.”

“I didn’t wear anything that was identifying for December and January... and I even told my staff -- we have ID badges that clearly say “elections”-- I advised them to be careful because of the vibe out there.”

Four officials noted that they struggled to sleep during the election, which had a physical impact on their health and their ability to perform their jobs due to exhaustion. Six officials mentioned their concern for U.S. democracy, the role of elections, and the future of their work. These comments demonstrate the futility that election officials feel in response to the problem of harassment. One official remarked on the effects of mis- and disinformation:

“It is ruining democracy, our trust in America, our trust in our leaders and how they serve us because it isn’t ‘you’ it is your ‘constituents,’ it is the people that sent you there, and you have to represent and speak on behalf of them, not these little groups. So, I just feel like it’s lost, and I don’t know how to get it back.”

This quote highlights the fact that election officials were being unfairly blamed for a societal issue - the lack of trust in leadership positions. One official predicted that the impact of this election will be felt for years to come:

“I believe we’ve lost an entire generation of voters. I think that there are in the generation that just voted, I would say 30 or 40 percent of those people will never ever believe an election outcome again. They will assume treachery from here on out.”

For election officials, the idea that they did everything that they possibly could to run a secure election and yet there are people who no matter what they are told or how patiently a concept is explained, do not believe that the results of the election are valid is deeply disheartening. The futility of their efforts to respond to mis- and disinformation foreshadows a bleak outlook for some of these officials.

“[If] what happened in 2020 continues to happen on a regular basis we’re going to fall apart from within.”

The stress, trauma, and anxiety of being an election official during the year 2020 and, afterwards, watching the January 6th, 2021 storming of the U.S. Capitol could have a lasting and devastating impact on the profession of election administration. Two officials mentioned their reluctance to engage with the public in the same way that they did before the election.

The findings from these interviews indicate concern for a mass exodus of election officials from public service. One election official mentioned, jokingly, that they were ready to retire now. Two of the eleven officials interviewed have indeed moved on from their election positions during the course of this project. Six of the eleven officials interviewed described their concern for the field of election administration and noted that a shocking number of their fellow election officials were retiring.

Gabriel Sterling, the Chief Operating Officer of the Georgia Office of the Secretary of State, spoke openly about the threats and harassment that he faced.⁵⁰ In a press conference, Sterling advocated for the protection of election officials, stating, “Someone is going to get hurt; someone is going to get shot; someone is going to get killed.”⁵¹ Sterling indicated the danger felt by many election officials around the country for simply doing their jobs and reporting the results of the election in an accurate and factual manner.

The full impact of the 2020 election on the field of election administration is yet to be seen; however, in speaking with election officials and election experts from around the country, many expressed concerns about the idea of losing the institutional knowledge that an entire generation of election officials carry with them. Unlike individuals in law enforcement, election officials do not assume that fearing for their lives comes with the title of “Municipal Clerk” or “County Registrar.” The harassment of election officials to the degree that they experienced in 2020 represents a shift in the expectations for the profession.

D. Law Enforcement (non) Response

Four officials described police consultations or the hiring of security as a result of the threats they, or their employees, received. One participant described their experience as:

“I was being told by my liaison in local law enforcement, that [the messages] were getting closer and closer to harassing and stalking an elected official but they didn't cross that line yet and so every time somebody would post something, the detective would go talk to them and have a word of prayer.”

The concept of “a word of prayer” suggests that law enforcement made house calls, often referred to as “knock and talks,” to the individuals who were conveying threats and harassment to this particular election official. In this technique, typically used when police know the identity of a suspect but lack probable cause to search or arrest the subject, police visit the suspect in person and discuss the conduct of concern. The approach shows the suspect that officials are aware of the suspect’s identity, which may have a deterrent effect on the suspect. Despite the fact that suspects need not respond to a “knock and talk,” suspects may participate and even admit to alleged activities. This standard technique could be effective in dissuading certain forms of harassment and will be discussed more in the next section.

Two officials described frustration with the inability of law enforcement to take action.

“I probably got more than 25 death threats... I got a guy and, frankly, more than one... who left one on my voicemail and he said who he was and his phone number. I forwarded it to law enforcement... there was no discernable follow-up.”

⁵⁰ Walljasper, Matt. “Gabriel Sterling on Death Threats, the Dark Side, and America’s Redemptive Potential.” *Atlanta Magazine*, 8 Feb. 2021, <https://www.atlantamagazine.com/news-culture-articles/gabriel-sterling-on-death-threats-the-dark-side-and-americas-redemptive-potential/>.

⁵¹ Ibid.

Despite having the contact information of a harasser, this election official was not able to pursue any legal recourse in response to threats made against them.

The reason that law enforcement could not do anything to stop the threats and abuse is twofold. First, the volume of threats against public officials makes it difficult to respond to every single one. Second, it is easy for purveyors of harassment to say that their threats were not serious. This demonstrates a major problem with the subjectivity of threats⁵², especially after the *Elonis* decision.

The impact of harassment could be extreme, but if someone who threatens an election official says that it was a joke, or not meant to be serious, it becomes extremely difficult to seek legal recourse for the threat. Harassment is deniable, and the harasser's intention holds more weight than the impact of the harassment. When it comes to election officials, law enforcement response to incidents of harassment could be an impactful tactic, but the lack of discernible follow-up found in this study suggests issues with taking a law enforcement approach.

The next section details some of the findings from the conversations with election experts, which informs the recommended strategies for addressing and mitigating the impact of harassment on U.S. election officials.

⁵² Another reason why enforcement may not be as vigorous as it could be is due to the difficulty in winning convictions in harassment cases against public officials; this could deter local authorities from pursuing legal action in the first place.

IV. Discussion of Findings

Throughout the conversations with election officials documented above, eight experts across multiple sectors were consulted: six were from academia, one in journalism, and one in voter advocacy. Each expert had a unique way of viewing the root causes of harassment of election officials. In these conversations, the experts brainstormed ideas for how to address the issue of harassment in election administration and many potential solutions emerged. A few notable themes from these conversations include the importance of recognizing and advancing professionalization in the field of election administration; the tension between transparency and security in election administration; understanding the root causes of misinformation and disinformation in order to combat lies and partial truths about elections; and, most importantly, the chronic underfunding of election officials and their operations.

A. Recognizing the Professionalism of the Field

The idea of recognizing and expanding professionalization in the field of election administration came up in multiple interviews. It was also noted that the term itself, “professionalization,” has a negative connotation, implying that election officials are not already professionals. In fact, with the role of election officials becoming increasingly complex and the job requirements more technical, multiple experts suggested that increasing the recognition of professionalism required in election administration may help elections officials cope with the challenges they face in their role.⁵³ Such recognition could also help advance professional training and discourse that has become necessary since elections were designated as critical infrastructure.

Recognizing professionalism could help to reduce the harmful effects of harassment by incentivizing officials to partake in more training, to advocate for higher salaries, and to foster collaboration between academics and election officials as well as younger election officials and more seasoned ones.⁵⁴ This kind of participation and support in elevating the field of elections could inspire more respect and trust for the field of election administration. Recognizing professionalism could also serve as a way to entice more people to the profession of election administration and to counteract a potential mass exodus of election officials from the profession.

For election officials who feel the need to project strength in their role, the possibility of more professional recognition could build the strength they need to feel safer and more protected in their authority. Election officials need to feel secure in their ability to conduct their jobs and effectively respond to and de-escalate conflict that typically results in a process that produces winners and losers. In order to do this properly, increased recognition for professionalism may be necessary. Such

⁵³ Hale et al. (2015) describe the importance of professionalization as follows: “The concept of professionalization is important because it denotes both knowledge and standards of behavior. Across all areas of public administration, professionalism is associated with more effective performance in public offices” (46).

⁵⁴ “Home Page.” *Election Center: The National Association of Election Officials*. <https://www.electioncenter.org/>. Accessed 25 Apr. 2021.

recognition might entail promoting federal training programs for election officials,⁵⁵ creating programs at the college and university level for individuals to get a Master's degree in Election Administration,⁵⁶ and advocating for higher salaries and certification programs to ensure that election officials are being compensated appropriately for their time and effort. Each of these possible avenues could increase professionalization and foster public respect for election officials.

B. Transparency versus Security

Promoting the transparency of the vote-counting process is another topic that came up frequently in the interviews with experts. Several noted that increased transparency in the field of election administration could alleviate some of the allegations of fraud that escalated to death threats, other threats and abuse in general.⁵⁷ On the other hand, increased transparency does not necessarily mean that voter trust will be improved, and the allegations of election fraud indicate that some voters do not trust that the electoral process is being upheld. Several experts mentioned that increased transparency can be a magnet for mis- and disinformation, which could serve to fuel voter mistrust. The debate between transparency and voter trust represents a key tension between the interviews with election officials and those with experts. The election officials interviewed for this project all agreed that transparency is a possible solution to the problem of harassment, but election experts had mixed impressions of the way that increased transparency would interact with harassment. For example, one expert recommended election offices refrain from publishing the names and photos of election staff on local election websites to protect them from harassment.

Heightened security and protection of election officials is another area where there was no consensus among the experts consulted for this report. While police protection was critical for many election offices in the 2020 election, several experts questioned the way that increased security would impact the relationship between the public and election officials. A natural response to the incidents of harassment and death threats discussed above would be for election officials to surround themselves with police protection, if funding allows, and to withdraw from many engagements with the public; however, in order to actively work on building voter confidence and public trust, election officials need to be engaging with constituents.

⁵⁵ "Professional Education Program." *Election Center: The National Association of Election Officials*.

<https://www.electioncenter.org/certified-elections-registration-administrator.html>. Accessed 25 Apr. 2021.

⁵⁶ The University of Minnesota Humphrey School of Affairs and Auburn University both offer Certificates in Election Administration:

"Certificate in Election Administration." *Hubert H. Humphrey School of Public Affairs*.

<https://www.hhh.umn.edu/certificate-programs/certificate-election-administration>. Accessed 25 Apr. 2021.

"Graduate Certificates - Department of Political Science." *College of Liberal Arts - Auburn University*.

<https://www.cla.auburn.edu/polisci/graduate-programs/mpa/curriculum/graduate-certificates/>. Accessed 25 Apr. 2021.

⁵⁷ The Little Hoover Commission released a report in April 2021 advocating for an open-source elections system in California to increase transparency into the technology used for elections.

Nava, Pedro, et al. "California Election Infrastructure: Making a Good System Better." *Little Hoover Commission*, Apr. 2021. <https://lhc.ca.gov/report/california-election-infrastructure-making-good-system-better>.

Several experts suggested that election officials should receive legal protections similar to judges. Judges in the U.S. receive security and extra protections that serve to mitigate the risks posed by potential harassment. Judges are public officials who are more withdrawn from public life than election officials, so this possible parallel could have drawbacks when it comes to public engagement.

C. Misinformation and Disinformation

Every single expert interviewed brought up the need to address mis- and disinformation about elections in response to questions about what can be done to address harassment. The relationship between election mis- and disinformation and the harassment of officials has not been studied extensively; however, a clear link exists in the minds of both election officials and the experts who study elections. Mis- and disinformation related to the 2020 election have led many people to not trust the proficiency of election officials to do their job. This was perpetuated by former President Donald Trump's unsubstantiated "Big Lie," that the election was rigged and that he was the true winner.

The Election Integrity Partnership's "Long Fuse" report details some of the claims that led to mis- and disinformation in the 2020 election.⁵⁸ The interviews conducted with election experts in academia suggest an economic approach to mis- and disinformation. By examining the demand for mis- and disinformation and trying to minimize that demand by filtering factual and reliable information into social media sites and other news platforms, it may be possible to prevent some of the harassment of election officials fueled by mis- and disinformation. Instead of trying to cut off the supply of disinformation, experts suggest infusing "a steady drip of valid information" into mainstream media, including social media, to allow the general public greater access to factual information.

Interventions such as creating a dedicated press corps for elections, cultivating relationships between election officials and local journalists, and initiating education programs to increase the public's understanding of elections were all ideas suggested by election experts as ways to combat the complex mis- and disinformation affecting the safety of election officials. Several of these ideas will be discussed in the next section.

D. Election Officials Need Support

Multiple experts cited a fear of a mass exodus of election officials from the field of elections as a possible impact of the harassment experienced by election officials during the 2020 election. One expert, who studies the job satisfaction of election officials, noted that the number of election officials

⁵⁸ Pages 45 to 93 of "The Long Fuse" detail the evolution of narratives that led to viral misinformation in the 2020 election cycle:

"The Long Fuse: Misinformation and the 2020 Election." *The Election Integrity Partnership*, Jan. 2021. <https://www.eipartnership.net>.

who are considering retiring was disturbingly high.⁵⁹ Another predicted that we are going to see a massive departure from the profession of election administration. In California, 15% of election officials have retired since the 2020 election.⁶⁰ In order to try to preempt this loss of institutional knowledge from the profession of election administration, election officials need support in multiple forms.

First, increased funding for election administration emerged as a central theme in the interviews with election experts. Remarks ranging from “The entire structure of elections is criminally underfunded” to “We need to get out of the boom or bust cycle of funding for elections,” speak to how the funding of election administration is a major concern. Due to the pandemic’s effect on the U.S. economy, the 2020 election cycle saw an influx of funding for election administration. The CARES Act⁶¹ and the private funding from the Center for Tech and Civic Life⁶² were two ways for election officials to receive extra funds to successfully conduct elections in 2020, but it is yet to be seen if this funding will remain consistent. All experts agreed that an increase of funding for elections is crucial to being able to address the issue of harassment in election administration.

The largest and most critical budget item that election administration funding pays for is staff. One innovative approach to expanding staff support is being pursued by Sambo Dul, Election Services Director for the Secretary of State of Arizona, who has implemented a new “Democracy Corps” program at the Secretary of State’s office. Instead of using temp agencies during times of intense workload, Dul’s program recruits students from local universities to fill temporary staffing positions and assist with election procedures such as processing initiative petitions, conducting voting equipment logic and accuracy tests, and marking mock test ballots. The first iteration of this program began in 2020 and Dul reported that the work was finished faster and done better than it was by temporary staff. The program serves as a mechanism to get college students excited about elections and teach them about the election administration process. In turn, the students provide the elections staff with assistance in times of peak workload. The Secretary of State’s office is planning on renewing this program for the 2022 mid-term elections and they are seeking funding to expand it out to local election offices in the state as well.

⁵⁹ Paul Gronke and his research team have also found that there is an alarming number of election officials who will be eligible for retirement before the next general election. Almost 35% of local election officials are eligible to retire before 2024, but as of 2019, an anticipated 16% of election officials plan to retire. These numbers were reported before the 2020 election, so the effects of the 2020 election on the intended retirement of election officials is unclear.

Gronke, Paul, Paul Manson, Jay Lee. “The Democracy Fund/Reed College Survey of Local Election Officials.” *Early Voting Information Center*. <https://evic.reed.edu/leo-survey-summary/>. Accessed 25 Apr. 2021.

⁶⁰ Myers, John. “Essential Politics: California’s Elections Official Exodus.” *Los Angeles Times*, 12 Apr. 2021, <https://www.latimes.com/politics/newsletter/2021-04-12/california-elections-officials-exodus-essential-politics>.

⁶¹ “2020 CARES Act Grants” *U.S. Election Assistance Commission*. <https://www.eac.gov/payments-and-grants/2020-cares-act-grants>. Accessed 25 Apr. 2021.

⁶² “CTCL Receives \$250M Contribution to Support Critical Work of Election Officials.” *Center for Tech and Civic Life*, 1 Sept. 2020. <https://www.techandcivicle.org/open-call/>.

“Press Release: CTCL Receives Additional \$100M Contribution to Support Critical Work of Election Officials.” *Center for Tech and Civic Life*, 13 Oct. 2020. <https://www.techandcivicle.org/100m/>.

“A First Look at CTCL Grant Program Impact.” *Center for Tech and Civic Life*, 13 Nov. 2020. <https://www.techandcivicle.org/grant-update-november/>.

Programs like the “Democracy Corps” could help cultivate a “deeper bench,” to borrow a phrase from the sports world, for the field of election administration.

Finally, several experts and election officials suggested that having technocratic, nonpartisan election administrators could reduce the real and perceived political pressure on election officials, so they are not in a position of appearing at risk of needing to choose between their allegiance to the administration of nonpartisan elections and their allegiance to a political party. By making election officials nonpartisan, the polarization associated with being a partisan election official who campaigns for office could be reduced.⁶³ Many election officials and experts recommended that making election official positions nonpartisan could be a tactic that might reduce harassment. Organizations such as The Election Reformers Network focus on eliminating partisan election positions at the state level.⁶⁴

⁶³ Allott, Daniel. “The Time Has Come for Nonpartisan State Election Leadership.” *The Hill*, 4 Apr. 2021, <https://thehill.com/opinion/campaign/546307-the-time-has-come-for-nonpartisan-state-election-leadership>.

⁶⁴ “Home Page.” *Election Reformer’s Network*. <https://electionreformers.org/>. Accessed 25 Apr. 2021.

V. Recommendations and Strategies to Address Harassment

The recommendations in this paper focus on significant changes that could have an immediate impact on the experience of election officials during a contentious election. The two overarching themes of these recommendations are (A) reducing the temperature of conflict; and (B) increasing the capacity to deal with conflict. Conflict reduction refers to decreasing the pressure and increasing the support of election officials, while capacity building refers to the ability of election officials to respond in times of distress or harassment. The following five recommendations provide a baseline for addressing the harassment of election officials:

A. Conflict Reduction

Recommendation #1: Improve public education to combat mis- and disinformation.

Election officials who received harassment based on the harmful lies spread through mis- and disinformation all advocated for improved public education in order to strengthen the ability of the public to decipher mis- and disinformation. The interviews and research reveal that election administration is complicated, but often election officials lack resources to both perform their duties well and to also elucidate how and why they do their responsibilities well. Suggestions for improving public education include the following:

- **1.1:** Foster lines of communication between election officials and local journalists. Local election officials should be encouraged to cultivate relationships with local journalists to disseminate factual and reliable information.
- **1.2:** Diversify confidence-building measures by investing in civics education and funding of nonprofits that promote voter education in order to begin to reverse the extensive and harmful damage done by mis- and disinformation. Consider building a “PBS of the Internet.”⁶⁵
- **1.3:** Local journalists played an enormous role in combating mis- and disinformation during the 2020 election and need to be supported in their continuing efforts, especially in so-called “news deserts.”
- **1.4:** Incentivize election officials to locate their web sites in the DotGov domain to help the public more easily distinguish factual and false online information.⁶⁶

⁶⁵ Kornbluh, Karen, and Ellen P. Goodman. “Three Steps to Help Treat America’s Debilitating Information Disorder.” *Washington Post*, 13 Jan. 2021. <https://www.washingtonpost.com/opinions/2021/01/13/three-steps-help-treat-americas-debilitating-information-disorder/>.

⁶⁶ Moretti, Mindy. “In Focus This Week: Being Online Isn’t Enough.” *Electionline Weekly*, 15 Apr. 2021. <https://electionline.org/electionline-weekly/2021/04-15/>.

- **1.5:** Encourage social media companies to support election officials through access to free advertising and streamlined user verification for election officials and develop an open channel they can use to notify companies when mis- and disinformation is being circulated.
- **1.6:** Urge social media companies to take more responsibility for mis- and disinformation spread on their platforms, including establishing a process for promptly removing false election-related information.⁶⁷
- **1.7:** Discourage elected leaders from spreading false information about elections. Lawmakers and election officials need to collaborate to reduce the harmful impact of having elected leaders spread false information about elections. One reason why false election information has been widely disseminated is because elected political leaders help spread it.

Recommendation #2: Strengthen law enforcement response to incidents of harassment.

This report details several examples of speech that clearly constitute a “true threat,” yet election officials could not obtain remedies via local law enforcement action. There are several potential ways to strengthen the role of local law enforcement to create a deterrent effect against true threats. Local law enforcement agencies (local sheriffs’ and police departments) have the unique ability to support election officials in feeling more supported. The safety and security of U.S. election officials needs to be taken into consideration by lawmakers and policymakers at all levels of government.

- **2.1:** Encourage election officials to consult with local prosecutors when dealing with threats. Prosecutors are likely to understand the boundaries of true threats and have insight into whether threats are part of a larger conspiracy.
- **2.2:** Provide security details to election offices where officials feel threatened or unsafe. Security, while costly, could serve as a way to reduce the feelings of fear and despair experienced by election officials.
- **2.3:** Consider “knock and talk” tactics (where local law enforcement approaches the private residences of constituents who are harassing election officials, but the harassment does not constitute a criminal offense) in order to help election officials feel safer. These tactics could prove effective in dissuading harassers from continuing to abuse or threaten election officials.

⁶⁷ There are already many initiatives underway to do this. One example, in California, is the California Secretary of State’s Office of Election Cybersecurity to support local election officials in their cybersecurity efforts, including their capacity to combat mis- and disinformation on social media. This initiative also created partnerships with social media companies to combat election-related mis- and disinformation. <https://www.sos.ca.gov/elections/election-cybersecurity>.

B. Capacity Building

Recommendations #3: Expand funding and resources for election administration.

By providing adequate funding and not driving election officials to “count paper clips,” as several put it, election officials could feel more confident and secure in their ability to perform their jobs.

- **3.1:** Provide sufficient and ongoing funding for elections from both the federal and state levels of government.⁶⁸
- **3.2:** Elevate the profession by providing funding for professional training, fellowships, and programs similar to the “Democracy Corps” in Arizona. Expand the talent pool for election administration.
- **3.3:** Designate funding for mental health resources for officials impacted by harassment, especially those impacted by gendered or racialized harassment.
- **3.4:** Support election officials through direct funding for elections as well as in-kind support (such as the possibility of free social media advertising for election offices). Expand in-kind support through expanded federal government assistance to local and state election officials in the areas of cyber and physical security for election technology and personnel. Expand direct support through enactment of federal funding such as the \$20 billion federal Election Infrastructure Initiative launched by the Center for Tech and Civic Life and the Center for Secure and Modern Elections.⁶⁹
- **3.5:** Expand philanthropic support for statewide and nationwide election officials’ associations to empower their self-advocacy and cultivate professionalism, and to nonprofits working in support of election administration.

Recommendation #4: Strengthen legal protections for election officials.

The legal protections currently afforded to election officials are not sufficient to protect them and help them feel safe. Currently, the only legal recourse being pursued for the harms resulting from the 2020

⁶⁸ The California Voter Foundation’s “Election Funding and Governance Proposal” suggests a “ballot real estate model” as a way for state government to pay its fair share of the cost of elections.

“California Election Funding and Governance Proposal.” *California Voter Foundation*, 1 Aug. 2016.
https://www.calvoter.org/sites/default/files/election_funding_and_governance_proposal.pdf.

⁶⁹ “CTCL Launches Election Infrastructure Initiative.” *Center for Tech and Civic Life*, 6 May 2021.
<https://www.techandcivicle.org/election-infrastructure-launch/>.

elections are the lawsuits filed by voting equipment vendors. A private company is better able to protect itself from harassment and heinous behavior than individual election officials.⁷⁰

- **4.1:** Improve legal protections so that election officials feel supported and safe in their role. With improved legal protections, election officials could be better protected from harassment and other abuses.
- **4.2:** Legislation should be explored and developed that could protect election officials in the U.S. by making it easier for election officials to pursue legal action in response to death threats and other threats.⁷¹
- **4.3:** Explore the expansion of federal law to address interference not only in federal contests, but also state and local ones.⁷²
- **4.4:** Start a repository within the federal government to collect and document threats against election officials and coordinate federal, state and local agencies to effectively respond to such threats.

Recommendation #5: Build a cross-sector network of support for election officials.

In the United States there exists a loose network of stakeholders from various sectors who care deeply about election administration and are committed to supporting the health and well-being of election officials. Formalizing this community through a robust network to bring people from different sectors together could more effectively support election officials when they need it most as well as promote the need for funding and other reforms identified in this paper.

- **5.1:** Academics can provide evidence-based research to support recommendations.

⁷⁰ The State of Washington's House of Representatives passed a bill in February 2021 protecting the information of security in elections from public actors who intend to cause harm.

"State House Passes Bill to Exempt Certain Election Security Information from Public Records Disclosure." *The Spokesman-Review*, 25 Feb. 2021. <https://www.spokesman.com/stories/2021/feb/25/state-house-passes-bill-to-exempt-certain-election/>.

⁷¹ The Bipartisan Policy Center's Task Force on Elections recommends that "Threats against election officials and all permanent and temporary elections staff should be taken seriously by policymakers and law enforcement. These offenses should be punishable by penalties equivalent to those assessed for threats against other public employees carrying out their official duties."

Orey, Rachel, Matthew Weil. "Improving the Voting Experience After 2020." *Bipartisan Policy Center*, 7 Apr. 2021. <https://bipartisanpolicy.org/report/voting-experience-2020/>.

⁷² Enforcement of a federal law could be difficult since local law enforcement can be easily overwhelmed; state authorities or the FBI could assist with enforcement.

- **5.2:** Nonprofits can provide in-kind support in the form of voter outreach, advocacy, and public education, particularly on social media.
- **5.3:** Foundations can provide monetary support to nonprofits engaged in voter outreach and education, to academics producing research that will support election officials and funding of elections, to the growing nonprofit journalism sector, and to academic programs that could be developed to provide in-kind staff support in election offices.

These five recommendations promote a possible future where election officials feel safer doing their jobs and do not encounter the same harassment and abuse as they did during the 2020 election cycle. Through conflict reduction and capacity building, election officials can feel better supported in their roles and better able to combat the harassment associated with another contentious election.

VI. Conclusion

One election official interviewed in this study reported continual phone calls and harassment into May 2021. The local radio station in this official's jurisdiction continues to criticize and publicly abuse the election office staff. The long-term impacts of this kind of harassment both on the individual election officials who are experiencing it and on the profession of election administration is yet to be fully understood. The first step to being able to address the issue of harassment is to understand the problem.

There are currently many avenues of research exploring the different dimensions of the issue of harassment, mis- and disinformation, and trust in the democratic process. Paul Gronke at Reed College is currently exploring election officials' job satisfaction and the issue of retention.⁷³ Kathleen Hale at Auburn University is dedicated to continuing the process of professionalizing the field of election administration.⁷⁴ The Stanford Internet Observatory and the Election Integrity Partnership have conducted groundbreaking work researching disinformation and its influence on the 2020 election.⁷⁵ The Aspen Institute's new Commission on Information Disorder is chaired by the former Department of Homeland Security's Cybersecurity and Infrastructure Security Agency Director Christopher C. Krebs and will examine the nation's public information crisis.⁷⁶ These examples are not an exhaustive list and there are many other ongoing efforts as well.

There are many avenues for future research surrounding the harassment of election officials: the dynamics of gender and aggression; harassment fueled by mis- and disinformation; and any relationship between harassment and job satisfaction, to name a few. It is also the case that election officials are not the only public officials experiencing an influx in threats and harassment, so further research on the harassment of public officials in general is recommended. Legal implications and First Amendment ramifications of the recommendation regarding strengthening legal protections for election officials remain to be studied. Developing a cross-sector network of stakeholders to support election officials can be explored in multiple ways. There are many current networks of election officials that could be foundational to this potential cross-sector network. The National Association of Secretaries of State (NASS), the National Association of State Elections Directors (NASSED), The Election Center, and the International Association of Government Officials (IaGO) could be instrumental in supporting the creation of this network.

⁷³ Gronke, Paul, Paul Manson, Jay Lee. "The Democracy Fund/Reed College Survey of Local Election Officials." *Early Voting Information Center*. <https://evic.reed.edu/leo-survey-summary/>. Accessed 25 Apr. 2021.

⁷⁴ "Professional Education Program." *Election Center: The National Association of Election Officials*. <https://www.electioncenter.org/certified-elections-registration-administrator.html>. Accessed 25 Apr. 2021.

⁷⁵ "The Long Fuse: Misinformation and the 2020 Election." *The Election Integrity Partnership*, Jan. 2021. <https://www.eipartnership.net>.

⁷⁶ Derron, Carner. "Aspen Institute Launches Commission on Information Disorder to Develop Actionable Public-Private Responses to the Disinformation Crisis." *The Aspen Institute*. 13 Jan. 2021. <https://www.aspeninstitute.org/news/press-release/commission-on-information-disorder/>.

In general, the collaboration and support of election officials is crucial to their ability to succeed in their profession. From conferences to casual phone conversations between officials and other stakeholders, this collaboration is essential to all of the recommendations described above. Harassment is a devastating issue with far reaching and extremely serious impacts. Failure to address the problem of harassment of election officials may lead to job dissatisfaction, burnout and early retirements and an inability to recruit and retain U.S. democracy's frontline workers. By tackling this issue with empathy, compassion, and thoughtfulness, the lives of the election officials who experience harassment and who are at risk of experiencing harassment in the future could be improved dramatically. Doing so will help safeguard this mission-critical role in U.S. elections.

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