



# **“Exhausting and Dangerous”: The Dire Problem of Election Misinformation and Disinformation**

**Majority Staff Report**

**Committee on Oversight and Reform  
U.S. House of Representatives**

**August 11, 2022**

**[oversight.house.gov](https://oversight.house.gov)**

## EXECUTIVE SUMMARY

The Oversight Committee began investigating the pernicious effects of lies about election administration on our democracy in early 2021. In particular, the Committee has investigated how misinformation and disinformation drive fraudulent efforts to cast doubt on legitimate election results, increase threats to election administrators, and create pathways for bad actors to subvert our democratic elections.

Lies about our elections, whether intentional falsehoods or pervasive misunderstandings, endanger both the democratic system and the people who administer our elections. In 2020, local election workers, working with state and federal officials, successfully administered an election that security officials deemed the “most secure in American history” despite the unprecedented pressures of a global pandemic, election law changes, and dramatically increased voter turnout.<sup>1</sup> Federal, state, and local law enforcement agencies, election watchdogs, and experts confirmed that this election was carried out without widespread fraud that could have changed election outcomes. Nevertheless, election officials have been continuously vilified by conspiracy theorists led by former President Donald Trump and his supporters.

The threat posed to American democracy by election misinformation has changed and increased dramatically in the past two years. Prior to the 2020 election, many election officials and experts were concerned about the danger of foreign actors using false information to influence voters’ actions—including lies about candidates and about when and how to vote. The Committee’s investigations make clear that the greatest current threat to democratic legitimacy now comes from lies by domestic actors who seek to convince Americans that their election systems are fraudulent, corrupt, or insecure. As the President of the Election Officials of Arizona explained to the Committee: “Election Officials started battling this problem in 2019, nearly a year before the 2020 Election. . . . [W]e’re still battling it to counter the harm done to election integrity. Frankly, it’s exhausting and dangerous.”

Earlier this year, the Oversight Committee and the Committee on House Administration launched an investigation to gather information directly from local election officials about the threat posed by election misinformation. On April 21, 2022, the Committees sent request letters to organizations of election officials in Arizona, Florida, Ohio, and Texas—states where election misinformation appeared to be having a significant impact.

The investigation uncovered that coordinated campaigns of election disinformation are disrupting the crucial work of local election officials, subjecting these Americans to violent threats, and overwhelming the limited resources available to provide accurate information to voters and protect the integrity of our democratic system. The findings indicate that strong federal leadership is needed to support the state and local officials responsible for running our elections.

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<sup>1</sup> *Election Infrastructure Officials: 2020 Election “Most Secure in American History,”* CBS News (Nov. 12, 2020) (online at [www.cbsnews.com/live-updates/2020-election-most-secure-history-dhs/#post-update-40aa9fd](http://www.cbsnews.com/live-updates/2020-election-most-secure-history-dhs/#post-update-40aa9fd)).

In particular, the Committee found the following:

- **Disinformation campaigns carried out by malicious domestic actors are eroding trust in our democracy and disrupting the operation of election offices.**
  - In Florida, election offices across the state have “been consumed with responding to numerous public records requests, debunking election myths, and increasing voter education efforts to strengthen voter confidence in the elections process.”
  - In Arizona, lies about election integrity led to people “distracting us to the point where we can’t get our real work done.” As each new false allegation of voter fraud is released, “the angry phone calls and threats start anew.”
- **Election administrators have attempted to counter lies about election practices, but they lack adequate resources and funding.**
  - Officials in Arizona, Florida, Ohio, and Texas have taken steps—from creating public websites, to improving voter outreach, to offering tours of their offices—to try to restore public faith the election process.
  - The President of the Florida Supervisors of Elections expressed a need for additional investments in voter education that are beyond the budgetary capacity of the Florida Supervisors of Elections.
  - The President of the Election Officials of Arizona mirrored these calls for additional resources, asking for a permanent, dedicated stream of federal Help America Vote Act grant funds for the improvement and maintenance of voting equipment, in addition to improvements in the federal voting system certification process.
- **Misinformation led to violent death threats against local election officials, often inspired by comments from right-wing politicians and activists, leading many experienced officials to leave their positions.**
  - In Texas, “personal attacks on national media outlets” led to alarming threats against an election administrator, including a social media call to “hang him when convicted for fraud and let his lifeless body hang in public until maggots drip out of his mouth” and messages threatening his children, stating, “I think we should end your bloodline.”
  - In Florida, Alex Jones, Roger Stone, and Mike Lindell spread conspiracy theories about one election official for responding to false allegations of fraud. Mr. Jones and Mr. Stone called out that election supervisor by

name, publicized his phone number, and encouraged listeners to tell the supervisor “that they are watching him, that he is a piece of crap, and that these are their elections.” The elections office was inundated with phone calls from voters across the country.

- As the President of the Election Officials of Arizona explained:

The fact so many of us are leaving the field should concern every person across the country. ... These jobs are complicated and difficult enough during normal times, but what employee, in any industry, wants to come to work every day to be villainized in the news, online, stalked, or threatened by angry members of the public?

- **Election officials expressed concerns about dangerous, misinformation-driven, so-called “election integrity” laws that threaten to undermine the voting process in future elections.**

- The President of the Election Officials of Arizona reported they “have spent hundreds of hours combating legislation that would be harmful to voters, impossible to enact, or at a huge cost to county taxpayers since counties are responsible for the cost of conducting elections.”
- The President of the Florida Supervisors of Election noted that the passage of new election laws “has magnified the belief” in disinformation about elections:

[T]he new election laws require substantial voter education efforts by local Supervisors of Elections, and costly changes to their educational publications, election worker training materials, videos, manuals, etc., to incorporate the new requirements.

- The President of the Texas Association of Election Administrators reported that public testimony during state legislative debates over election law changes “frequently included broad generalizations of alleged fraud during the conduct of the elections and by mail ballot, purported violations of the Election Code, interference with poll watchers, and repeated misleading information about actions taken by the Harris County clerk responsible for the November 2020 election.”

These findings build on the Committee’s previous investigations into fraudulent election audits in Arizona and New Mexico, which revealed that a network of malicious actors is encouraging local elected officials across the country to undermine the integrity of their election systems. These fraudulent audits generate a feedback loop of more misinformation, increased pressure on election officials, and disruptive legislation, paving the way for bad actors to seek to overturn valid election results.

The findings of this investigation highlight the urgent need to implement a federal whole-of-government plan to support local and state election officials as they respond to misinformation and share accurate information with voters. This response must also include vigorous law enforcement efforts to protect election officials from harassment and violence.

## I. THE COMMITTEE'S INVESTIGATION OF ELECTION MISINFORMATION

The Committee has been investigating the impact of false election information on our democracy for more than a year. This includes *disinformation*—false claims that are deliberately created and distributed with the intent to cause harm—as well as *misinformation*—false information that is shared without ill intent. It also includes *malinformation*—factual information that is used out of context with the intent to cause harm. This report uses the term “misinformation” to broadly refer to all three and uses the term disinformation when deliberate ill intent is clear.<sup>2</sup> This false information contributes to the risk of election subversion—which one expert described as any attempt “to mess with the counting or aggregation of ballots, or to prevent an election winner from taking office.”<sup>3</sup>

Fraudulent audits of the 2020 election emerged last year as a key driver of election misinformation. The Committee investigated two such audits: in Maricopa County, Arizona, and Otero County, New Mexico. In both cases certain Republican elected officials inspired by falsehoods about voter fraud ignored the advice of election professionals and hired unaccredited companies run by conspiracy theorists to investigate their voting systems.

In 2021, the Committee investigated the flawed audit of Maricopa County's 2020 election results. At an October 7, 2021, hearing, Republican officials from Maricopa County stood up against the lies spread by the audit and told the Committee that the audit failed to find any evidence of fraud or any legitimate reason to doubt the election results. Nevertheless, the audit undermined public confidence in elections and fostered efforts across the country to suppress votes and subvert elections.<sup>4</sup>

In Otero County, the company hired to conduct the audit and canvass of voters withdrew after the Committee launched its investigation.<sup>5</sup> However, a conspiracist group, whose leaders called for “arrests,” “prosecutions,” and “firing squads” for those who carried out the imaginary

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<sup>2</sup> See Cybersecurity & Infrastructure Security Agency, *Mis, Dis, and Malinformation* (online at [www.cisa.gov/mdm](http://www.cisa.gov/mdm)) (accessed July 24, 2022).

<sup>3</sup> Richard L. Hasen, *Identifying and Minimizing the Risk of Election Subversion and Stolen Elections in the Contemporary United States*, Harvard Law Review (Apr. 20, 2022) (online at <https://harvardlawreview.org/2022/04/identifying-and-minimizing-the-risk-of-election-subversion-and-stolen-elections-in-the-contemporary-united-states/>).

<sup>4</sup> Committee on Oversight and Reform, *Press Release: Oversight Committee Hearing Exposes How Arizona Election “Audit” Aimed to Undermine Elections* (Oct. 7, 2021) (online at <https://oversight.house.gov/news/press-releases/oversight-committee-hearing-exposes-how-arizona-election-audit-aimed-to>).

<sup>5</sup> *EchoMail Finds No Election Fraud in Otero County, Door-to-Door Canvass to Continue*, Alamogordo Daily News (May 11, 2022) (online at [www.alamogordonevents.com/story/community/2022/05/11/forensic-audit-2020-election-finds-no-election-fraud-otero-county-new-mexico-echomail/9715355002/](http://www.alamogordonevents.com/story/community/2022/05/11/forensic-audit-2020-election-finds-no-election-fraud-otero-county-new-mexico-echomail/9715355002/)).

fraud, continued with their canvassing efforts.<sup>6</sup> Citing the purported findings of these canvassing efforts, the Otero County Commission refused to certify the results of their June 2022 primary election. Only after the State Supreme Court, at the behest of the Secretary of State, stepped in did the Commission certify the election results.<sup>7</sup>

On April 21, 2022, the Oversight Committee and the Committee on House Administration sent letters to the leaders of organizations of election officials in Arizona, Florida, Ohio, and Texas. Reports indicate that election misinformation is having a significant impact in each of these states. The Committees' letter requested information about the ongoing effects of misinformation on state and local officials' ability to administer elections, as well as information on how federal agencies can assist local election officials in combatting lies about election processes and results.<sup>8</sup> This report describes the information obtained in response to these inquiries.

## II. FINDINGS: UNPRECEDENTED HARM FROM ELECTION MISINFORMATION

### A. Disinformation Campaigns Carried Out by Malicious Domestic Actors Are Eroding Trust in Our Democracy and Disrupting the Operation of Election Offices

Leading up to the 2020 presidential election, misinformation about all aspects of the voting process surged. The coronavirus pandemic created a unique environment for voter confusion as states sought to adapt their rules on registering and voting by mail, creating opportunities for online misinformation to spread widely across the country.<sup>9</sup>

After the election, some elected officials leveraged voters' distrust to question the election results by espousing the "Big Lie"—the false claim that former President Donald Trump was the true winner of the 2020 election. These elected officials carried a dangerous message: that election administrators were to blame for the "stolen" election.<sup>10</sup> Proponents of the Big Lie

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<sup>6</sup> Election "Vigilante" Group Posing as County Workers, Says New Mexico's State Auditor, Daily Beast (Mar. 14, 2022) (online at [www.thedailybeast.com/vigilante-new-mexico-audit-force-posing-as-county-workers-says-state-auditor](http://www.thedailybeast.com/vigilante-new-mexico-audit-force-posing-as-county-workers-says-state-auditor)).

<sup>7</sup> Otero County Certifies 2022 Election After Threats of Prosecution from State of New Mexico, Alamogordo Daily News (June 17, 2022) (online at [www.alamogordonews.com/story/news/2022/06/18/otero-county-affirms-2022-election-amid-threats-from-state-of-new-mexico/65361512007/](http://www.alamogordonews.com/story/news/2022/06/18/otero-county-affirms-2022-election-amid-threats-from-state-of-new-mexico/65361512007/)). Three counties in Pennsylvania have since similarly refused to certify primary election results over a dispute about counting absentee ballots. *A Hidden New Threat to U.S. Elections*, New York Times (July 22, 2022) (online at [www.nytimes.com/2022/07/22/us/politics/county-election-certify.html](http://www.nytimes.com/2022/07/22/us/politics/county-election-certify.html)).

<sup>8</sup> Committee on Oversight and Reform, *Press Release: Maloney and Lofgren Launch Investigation into Election Disinformation in States* (Apr. 21, 2022) (online at <https://oversight.house.gov/news/press-releases/maloney-and-lofgren-launch-investigation-into-election-disinformation-in-states>).

<sup>9</sup> Election Integrity Partnership, *The Long Fuse: Misinformation and the 2020 Election* (June 15, 2021) (online at [www.eipartnership.net/report](http://www.eipartnership.net/report)).

<sup>10</sup> *Building the "Big Lie": Inside the Creation of Trump's Stolen Election Myth*, ProPublica (Apr. 26, 2022) (online at [www.propublica.org/article/big-lie-trump-stolen-election-inside-creation](http://www.propublica.org/article/big-lie-trump-stolen-election-inside-creation)).

spread their conspiracy theory by filing over 60 failed lawsuits challenging election results and publicly threatening election administrators.<sup>11</sup>

Election administrators informed the Committee that responding to the influx of threats and disinformation required hours of work and increased security that made it more difficult for them to do their jobs. The President of the Election Officials of Arizona reported to the Committee that responding to the surge of concerns about voting by mail was “distracting us to the point where we can’t get our real work done.” As each new false allegation of voter fraud was released and spread online, “the angry phone calls and threats start anew.”<sup>12</sup> The President of the Florida Supervisors of Election told the Committee they “have been consumed with responding to numerous public records requests, debunking election myths, and increasing voter education efforts to strengthen voter confidence in the elections process.”<sup>13</sup>

This trend has played out across the country, regardless of states’ political leanings.<sup>14</sup> For example, ahead of Detroit’s August 2, 2022, primary election, additional security and police presence were needed to harden polling locations and ballot processing centers due to concerns of possible disruption. Detroit City Clerk Janice Winfrey noted that bad actors from 2020 are “the reason why we’ve beefed up security.”<sup>15</sup> These new pressures on election officials make their core job of running elections far more difficult by draining already scarce resources and undermining public confidence in election processes.

The mounting pressures facing election workers and administrators are compounded by a vicious cycle of misinformation intended to reduce public faith in our election system. State and local election administrators are being called on to play an increasingly critical role in restoring public confidence in our electoral process.<sup>16</sup> A late 2021 National Public Radio/Ipsos poll found that 64% of Americans believe that democracy was “in crisis and at risk of failing,” and an

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<sup>11</sup> Senator John Danforth, et al., *Lost Not Stolen* (July 2022) (online at <https://lostnotstolen.org/wp-content/uploads/2022/07/Lost-Not-Stolen-The-Conservative-Case-that-Trump-Lost-and-Biden-Won-the-2020-Presidential-Election-July-2022.pdf>).

<sup>12</sup> Letter from Lisa M. Marra, Cochise County Election Department, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (May 4, 2022).

<sup>13</sup> Letter from Wesley Wilcox, Marion County Supervisor of Elections, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairperson Zoe Lofgren, Committee on House Administration (May 4, 2022).

<sup>14</sup> *Id.*; see also *Western Massachusetts Town Clerk Says Local Officials Overwhelmed by “Predatory Records Requests,”* New England Public Media (July 14, 2022) (online at [www.nepm.org/regional-news/2022-07-14/western-massachusetts-town-clerk-says-local-officials-overwhelmed-by-predatory-records-requests](http://www.nepm.org/regional-news/2022-07-14/western-massachusetts-town-clerk-says-local-officials-overwhelmed-by-predatory-records-requests)).

<sup>15</sup> *Detroit Bolsters Election Security Ahead of Tuesday Primary*, Detroit News (July 29, 2022) (online at [www.governing.com/security/detroit-bolsters-election-security-ahead-of-tuesday-primary](http://www.governing.com/security/detroit-bolsters-election-security-ahead-of-tuesday-primary)).

<sup>16</sup> *Election Officials Are on the Frontlines of Defending Democracy. They Didn’t Sign Up for This.*, Politico (May 17, 2022) (online at [www.politico.com/news/2022/02/16/elections-officials-disinformation-midterms-00009285](http://www.politico.com/news/2022/02/16/elections-officials-disinformation-midterms-00009285)).

ABC/Ipsos poll found only 20% of the public felt very confident about the integrity of the American election system.<sup>17</sup>

The investigation found that deliberate disinformation in 2020 directly contributed to this degraded voter confidence. In Florida, voters are contacting election offices to “remove themselves from the voter rolls, stating that they have chosen not to vote due to mistrust in the elections process.”<sup>18</sup> The President of the Ohio Association of Election Officials explained that “[a]ll claims based on misinformation or disinformation have the effect of diminishing voter confidence and eroding trust in the elections system.”<sup>19</sup> In Arizona, election lies continue to have a pronounced effect on voter confidence in 2022: “The continued spread of misinformation and the deliberate spreading of disinformation by those in positions of authority solely to undermine voter confidence continues to overwhelm our state.”<sup>20</sup>

**B. Election Administrators Have Attempted to Counter Lies About Election Practices, but They Lack Sufficient Resources and Funding**

Local election officials reported undertaking a wide array of initiatives during and after the 2020 election to counter misinformation. These included the creation of official websites focused on debunking common election myths, guided public tours of local elections operations, and partnerships with non-profits to fund voter education and outreach.

Ohio officials published a website, [ohioballotfacts.org](http://ohioballotfacts.org), that provided trustworthy and reliable information about Ohio’s elections.<sup>21</sup> The Florida Supervisors of Elections provided guided tours of their local election operations and formed a public relations work group to “develop communications and resources to combat misinformation, bolster voter confidence in Florida’s elections, and identify election officials as the sources of trusted election information.”<sup>22</sup> Texas election administrators reported public information projects that include improving social media outreach so voters can quickly contact county election officials with

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<sup>17</sup> 6 in 10 Americans Say U.S. Democracy is in Crisis as the “Big Lie” Takes Root, National Public Radio (Jan. 3, 2022) (online at [www.npr.org/2022/01/03/1069764164/american-democracy-poll-jan-6](http://www.npr.org/2022/01/03/1069764164/american-democracy-poll-jan-6)); Americans’ Faith in Election Integrity Drops: POLL, ABC News (Jan. 6, 2022) (online at [abcnews.go.com/Politics/americans-faith-election-integrity-drops-poll/story?id=82069876](http://abcnews.go.com/Politics/americans-faith-election-integrity-drops-poll/story?id=82069876)).

<sup>18</sup> Letter from Wesley Wilcox, Marion County Supervisor of Elections, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairperson Zoe Lofgren, Committee on House Administration (May 4, 2022).

<sup>19</sup> Letter from Brian Sleeth, Ohio Association of Election Officials, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairperson Zoe Lofgren, Committee on House Administration (May 8, 2022).

<sup>20</sup> Letter from Lisa M. Marra, Cochise County Election Department, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (May 4, 2022).

<sup>21</sup> Ohio Association of Election Officials, *Ohio Ballot Facts* (online at <https://ohioballotfacts.org/>) (accessed Aug. 2, 2022).

<sup>22</sup> Letter from Wesley Wilcox, Marion County Supervisor of Elections, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairperson Zoe Lofgren, Committee on House Administration (May 4, 2022).

concerns or questions.<sup>23</sup> Arizona election officials reported conducting voter outreach and creating websites with information about Arizona elections.<sup>24</sup>

The persistence of election misinformation underscores the importance of these efforts and the critical need for increased planning and resources to counter such threats. Election officials in almost every state in the country accepted private grants to help administer the 2020 election. For example, nine of Arizona’s counties requested a total of \$5 million in grant funding for protective equipment for staff and voter education and outreach efforts. However, new laws in Arizona and several other states prohibited the acceptance of private funds but failed to increase state funding for elections to fill the gap.<sup>25</sup>

The investigation’s findings suggest that the federal government must do much more to support election administrators in their fight against election lies, including through reliable, robust grant funding to ensure local election officials have sufficient resources to administer elections and counter damaging election lies. The President of the Election Officials of Arizona told the Committee, “We never know if [election assistance] funding will be put into the Federal budget. Elections and the security around them cost money. It’s important these funds are something states, and counties can rely on every cycle.”<sup>26</sup>

**C. Misinformation Led to Violent Death Threats Against Local Election Officials, Often Inspired by Comments by Right-wing Politicians and Activists, Leading Many Experienced Officials to Leave Their Positions**

The investigation revealed that local election officials were singled out by politicians with a national platform, leading to unprecedented threats and harassment. For example, after out-of-state candidates singled out a Texas election official following the 2020 election, threats towards this official quickly escalated and included his family and staff. According to a Texas election official: “Social media messages included, ‘hunt him down,’ ‘needs to leave Texas and U.S. as soon as possible,’ and ‘hang him when convicted for fraud and let his lifeless body hang in public until maggots drip out of his mouth.’”<sup>27</sup> That same Texas election administrator had to call law enforcement when his home address was leaked, calls for physical violence increased

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<sup>23</sup> Letter from Remi Garza, Texas Association of Elections Administrators, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairperson Zoe Lofgren, Committee on House Administration (June 23, 2022).

<sup>24</sup> Letter from Lisa M. Marra, Cochise County Election Department, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (May 4, 2022).

<sup>25</sup> *Private Funding Was Key in Some 2020 Elections. Republicans Have Outlawed It in Nearly a Dozen States*, CNN (Aug. 28, 2021) (online at [www.cnn.com/2021/08/28/politics/states-ban-private-funding-elections/index.html](http://www.cnn.com/2021/08/28/politics/states-ban-private-funding-elections/index.html)).

<sup>26</sup> Letter from Lisa M. Marra, Cochise County Election Department, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (May 4, 2022).

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against him and, “perhaps most disturbing, messages threatening his children, saying, ‘I think we should end your bloodline.’”<sup>28</sup>

In Arizona, voters’ unprecedented number of concerns about early voting by mail—a voting method commonly used by Arizonans for decades—was directly connected to lies spread by the Trump campaign.<sup>29</sup> The President of the Election Officials of Arizona told the Committee: “We had many people demanding to know exactly when their ballot was counted because ‘the President told them to.’ Word for word, every phone call, indicating deliberate messaging.”<sup>30</sup>

In Florida, Alex Jones, Roger Stone, Mike Lindell, and other right-wing personalities spread conspiracy theories about one election supervisor’s administration of the election. Jones and Stone called out the election supervisor by name, publicized his office phone number, and encouraged listeners to call and tell the supervisor “that they are watching him, that he is a piece of crap, and that these are their elections.”<sup>31</sup> His local elections office was inundated with phone calls from angry conspiracy theorists from across the country.<sup>32</sup>

Election administrators reiterated to the Committee their concerns about staffing ahead of the 2022 midterms. As the President of the Election Officials of Arizona explained, “[T]he job of an Election Official has changed dramatically over the years and it’s not a position that just anyone can learn in a few short months. It takes years to become an industry expert. The fact so many of us are leaving the field should concern every person across the country.”

With one in five election workers reporting they are unlikely to remain in their positions through the next presidential election, the struggle to recruit and train new officials is especially dire.<sup>33</sup> “These jobs are complicated and difficult enough during normal times,” stated the President of the Election Officials of Arizona, “but what employee, in any industry, wants to come to work every day to be villainized in the news, online, stalked or threatened by angry members of the public?”<sup>34</sup> As recruiting becomes more challenging and fewer people run for these offices, the risk of those vacancies being filled by ‘Big Lie’ proponents rises.<sup>35</sup>

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<sup>28</sup> *Id.*

<sup>29</sup> Letter from Lisa M. Marra, Cochise County Election Department, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (May 4, 2022).

<sup>30</sup> *Id.*

<sup>31</sup> Letter from Wesley Wilcox, Marion County Supervisor of Elections, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairperson Zoe Lofgren, Committee on House Administration (May 4, 2022).

<sup>32</sup> *Id.*

<sup>33</sup> *One in Five U.S. Election Workers May Quit Amid Threats, Politics*, Reuters (Mar. 10, 2022) (online at [www.reuters.com/world/us/one-five-us-election-workers-may-quit-amid-threats-politics-survey-2022-03-10/](http://www.reuters.com/world/us/one-five-us-election-workers-may-quit-amid-threats-politics-survey-2022-03-10/)).

<sup>34</sup> Letter from Lisa M. Marra, Cochise County Election Department, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (May 4, 2022).

<sup>35</sup> *Election Officials Fear Copycat Attacks as “Insider Threats” Loom*, Politico (July 13, 2022) (online at [www.politico.com/news/2022/07/13/election-fraud-local-states-00045444](http://www.politico.com/news/2022/07/13/election-fraud-local-states-00045444)).

**D. Election Officials Expressed Concerns About Dangerous, Misinformation-driven, So-called “Election Integrity” Laws that Threaten to Undermine the Voting Process in Future Elections**

The spread of misinformation and conspiracies of election officials and workers committing fraud in the 2020 presidential election created an environment ripe for abuse, and state legislators have since introduced and passed hundreds of election laws based on the Big Lie.<sup>36</sup> Some of these bills would give partisan legislators more control over non-partisan election systems, while simultaneously making it more difficult for election officials to effectively do their jobs.<sup>37</sup>

The President of the Florida Supervisors of Election told the Committee that intentional lies, confusion, and misunderstandings about election processes led to the introduction and passage of election laws by the Florida legislature.<sup>38</sup> They explained that “the dialogue of the legislative debates over election laws, as well as the passage of the bills, has magnified the belief in the MDM (mis-, dis, and malinformation) and made the task of restoring voter trust in the elections process much more difficult for Florida Supervisors of Elections.”<sup>39</sup>

During state legislative debates over election law changes in Texas, the President of the Texas Association of Election Administrators noted that “[p]ublic testimony frequently included broad generalizations of alleged fraud during the conduct of the elections and by mail ballot, purported violations of the Election Code, interference with poll watchers, and repeated misleading information about actions taken by the Harris County clerk responsible for the November 2020 election.”<sup>40</sup>

The President of the Ohio Association of Election Officials reported that during legislative debates over new election laws a false narrative circulated that the acceptance of outside grant funding was a form of undue influence.<sup>41</sup>

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<sup>36</sup> Protect Democracy, *A Democracy Crisis in the Making: How State Legislatures Are Politicizing, Criminalizing, and Interfering with Election Administration* (online at [https://s3.documentcloud.org/documents/22040148/dcitm\\_2022-1.pdf](https://s3.documentcloud.org/documents/22040148/dcitm_2022-1.pdf)) (accessed July 28, 2022).

<sup>37</sup> *Id.*

<sup>38</sup> Letter from Wesley Wilcox, Marion County Supervisor of Elections, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairperson Zoe Lofgren, Committee on House Administration (May 4, 2022).

<sup>39</sup> *Id.*

<sup>40</sup> Letter from Remi Garza, Texas Association of Elections Administrators, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairperson Zoe Lofgren, Committee on House Administration (June 23, 2022).

<sup>41</sup> Letter from Brian Sleeth, Ohio Association of Election Officials, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairperson Zoe Lofgren, Committee on House Administration (May 8, 2022).

The President of the Election Officials of Arizona reported having “spent hundreds of hours combating legislation that would be harmful to voters, impossible to enact, or at a huge cost to county taxpayers since counties are responsible for the cost of conducting elections.”<sup>42</sup>

The President of the Texas Association of Election Administrators reported to the Committee that so-called “election integrity” bills were not only inspired by false information about the election process, but were also sometimes impossible for election administrators to implement.<sup>43</sup> Despite efforts by local election officials to explain the “possible unintended consequences” of the laws they were debating, the Texas state legislature enacted a requirement for voting machines to produce a paper record without providing the necessary funds to cover the costs of converting existing equipment to comply.<sup>44</sup> Additionally, the legislature enacted requirements that “current certified election systems providers indicate ... is not possible.”<sup>45</sup>

A recent report found that, in 2022 alone, over 200 state-level bills inspired by the Big Lie have been introduced that politicize, criminalize, or otherwise interfere with nonpartisan election administration.<sup>46</sup> These laws not only undermine the proper functioning of election systems, but also fuel the disinformation cycle by giving credence to conspiracy theories, signaling that there must have previously been something amiss with the state’s election systems to warrant such changes.<sup>47</sup>

#### **E. Disinformation Drove Reckless and Fraudulent Audits**

The Committee has previously investigated partisan election “audits” carried out in Maricopa County, Arizona, and Otero County, New Mexico. Both investigations highlight the grave harm that could result from such efforts.

In April 2021, led by radical members of Arizona’s Republican party, the Arizona State Senate launched a costly audit of the 2020 election results in Maricopa County, despite clear, bipartisan consensus among county officials and outside experts that the election results were valid, that no significant fraud occurred, and that this additional audit served no legitimate purpose.

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<sup>42</sup> Letter from Lisa M. Marra, Cochise County Election Department, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (May 4, 2022).

<sup>43</sup> Letter from Remi Garza, Texas Association of Elections Administrators, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairperson Zoe Lofgren, Committee on House Administration (June 23, 2022).

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> States United Democracy Center, *New Report Reveals State Legislative Election Subversion Trend Accelerating and Evolving* (May 19, 2022) (online at <https://statesuniteddemocracy.org/dcitm-2022update/>).

<sup>47</sup> Protect Democracy, *A Democracy Crisis in the Making: How State Legislatures Are Politicizing, Criminalizing, and Interfering with Election Administration* (May 2022) (online at [https://s3.documentcloud.org/documents/22040148/dcitm\\_2022-1.pdf](https://s3.documentcloud.org/documents/22040148/dcitm_2022-1.pdf)).

Cyber Ninjas, a Florida-based cyber security firm with no experience in elections, was chosen by Arizona State Senate Republicans to lead a team of private companies to conduct the audit, despite its lack of any federal accreditation.<sup>48</sup> Douglas Logan, Chief Executive Officer and Principal Consultant of Cyber Ninjas, repeatedly embraced election conspiracy theories, alleging on social media that the 2020 presidential election was rigged against former President Trump and working with associates of President Trump on a failed lawsuit that sought to overturn the election result in Michigan.<sup>49</sup> The Committee sought information from Mr. Logan on Cyber Ninjas' role in the "audit," but Cyber Ninjas refused to comply with the request, and Mr. Logan declined to testify before the Committee.<sup>50</sup>

On October 7, 2021, the Committee held a hearing titled "Assessing the Election Audit in Arizona and Threats to American Democracy." Despite being the target of constant threats and harassment inspired by the fraudulent audit, two Republican members of the Maricopa County Board of Supervisors—Chairman Jack Sellers and Vice Chairman Bill Gates—testified to the harm that the Cyber Ninjas' audit had caused.<sup>51</sup> Supervisor Sellers testified that the goal of the audit was not to provide transparency or find facts. Rather, it was an opportunity for "those who don't care what the facts are" to "gain political power and raise money by fostering mistrust" of the election system. Vice Chairman Gates explained that he chose to testify to "speak out against those that are passing off this disinformation and those that would call on legitimate elections to be decertified." He described the spread of disinformation, violent threats, and danger of election subversion unleashed by former President Trump's supporters since the 2020 election as "the biggest threat to our democracy in my lifetime."<sup>52</sup>

On March 16, 2022, the Oversight Committee began an investigation into another concerning "audit" and canvass of voters in Otero County, New Mexico. The audit had been

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<sup>48</sup> *Experts or "Grifters"?: Little Known Firm Runs Arizona Audit*, Associated Press (May 23, 2021) (online at <https://apnews.com/article/donald-trump-arizona-business-technology-election-recounts-c5948f1d2ecdff9e93d4aa27ba0c1315>); *Arizona Ballot Audit Backed by Secretive Donors Linked to Trump's Inner Circle*, The Guardian (June 9, 2021) (online at [www.theguardian.com/us-news/2021/jun/09/arizona-election-audit-trump-2020-review](http://www.theguardian.com/us-news/2021/jun/09/arizona-election-audit-trump-2020-review)).

<sup>49</sup> *Audit Leader Doug Logan Appears in Conspiracy Theorist Election Film*, AZ Mirror (June 26, 2021) (online at [www.azmirror.com/2021/06/26/audit-leader-doug-logan-appears-in-conspiracy-theorist-election-film/](http://www.azmirror.com/2021/06/26/audit-leader-doug-logan-appears-in-conspiracy-theorist-election-film/)).

<sup>50</sup> Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Jamie Raskin, Subcommittee on Civil Rights and Civil Liberties, Committee on Oversight and Reform, to Douglas Logan, Chief Executive Officer and Principal Consultant, Cyber Ninjas Inc. (July 14, 2021) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2021-07-14.CBM%20JR%20to%20Logan-Cyber%20Ninjas%20re%20Arizona%20Election%20Audit.pdf>); Committee on Oversight and Reform, *Press Release: Chairs Maloney, Raskin Request Cyber Ninjas CEO's Testimony at Oversight Committee Hearing* (Sept. 24, 2021) (online at <https://oversight.house.gov/news/press-releases/chairs-maloney-raskin-request-cyber-ninjas-ceo-s-testimony-at-oversight>).

<sup>51</sup> Committee on Oversight and Reform, *Press Release: Oversight Committee Hearing Exposes How Arizona Election "Audit" Aimed to Undermine Elections* (Oct. 7, 2021) (online at <https://oversight.house.gov/news/press-releases/oversight-committee-hearing-exposes-how-arizona-election-audit-aimed-to>).

<sup>52</sup> Committee on Oversight and Reform, *Hearing on Assessing the Election "Audit" in Arizona and Threats to American Democracy* (Oct. 7, 2021) (online at <https://docs.house.gov/meetings/GO/GO00/20211007/114111/HHRG-117-GO00-Transcript-20211007.pdf>).

authorized by the Otero County Commission at the behest of conspiracy theorists David and Erin Clements. In his advocacy for the audit, David Clements called for “arrests,” “prosecutions,” and “firing squads” for those who carried out the imaginary fraud he was pursuing.<sup>53</sup> The Committee found that these efforts were inspired by unproven conspiracy theories, and that the canvass in particular posed a substantial threat of voter intimidation. EchoMail, the software company hired by the county to conduct the “audit,” withdrew from the effort after the Committee launched its investigation.<sup>54</sup> Mr. and Mrs. Clements, however, continued the canvassing effort and used their notoriety to attract attention and donations as part of a network of election conspiracy theorists.<sup>55</sup>

The Otero County Commission refused to certify the results of their June 2022 primary election due to the report of supposed fraud produced by the vigilante canvassers.<sup>56</sup> The results were certified only after the New Mexico Supreme Court issued a writ of mandamus, compelling local officials to declare the results.<sup>57</sup>

Both the audits and the certification disputes investigated by the Committee generated a fog of lies and confusion without producing any evidence of election fraud. Fraudulent audits and unfounded refusals to certify election results may multiply during the 2022 midterms, further damaging trust in the electoral process.

### III. ANALYSIS: THE DEMOCRACY EROSION ENGINE

The Committee’s investigations found that the spread of false information about elections harms nearly every element of election administration. For the past two years, election misinformation in the United States has often followed a feedback loop that produces more false information, heightens threats and pressures on election administrators, and increases the possibility of election subversion.<sup>58</sup>

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<sup>53</sup> *Election “Vigilante” Group Posing as County Workers, Says New Mexico’s State Auditor*, Daily Beast (Mar. 14, 2022) (online at [www.thedailybeast.com/vigilante-new-mexico-audit-force-posing-as-county-workers-says-state-auditor](http://www.thedailybeast.com/vigilante-new-mexico-audit-force-posing-as-county-workers-says-state-auditor)); *MAGA “Audit” Shrugged Off Complaint About Doorknocking Pedophile*, Daily Beast (May 13, 2022) (online at [www.thedailybeast.com/maga-audit-shrugged-off-complaint-about-doorknocking-pedophile](http://www.thedailybeast.com/maga-audit-shrugged-off-complaint-about-doorknocking-pedophile)).

<sup>54</sup> *Controversial Otero County Election Audit Canceled, Finds No Fraud*, ABQ News (May 5, 2022) (online at <https://abq.news/2022/05/echomail-cancels-contract-with-otero-county-finds-no-election-fraud>).

<sup>55</sup> *Election Deniers Are Spreading Misinformation Nationwide. Here Are 4 Things to Know*, National Public Radio (July 5, 2022) (online at [www.npr.org/2022/07/05/1109538056/election-deniers-are-spreading-misinformation-nationwide-here-are-4-things-to-kn](http://www.npr.org/2022/07/05/1109538056/election-deniers-are-spreading-misinformation-nationwide-here-are-4-things-to-kn)).

<sup>56</sup> *These Candidates Lost Badly, But Now are Claiming Fraud*, National Public Radio (July 2, 2022) (online at [www.npr.org/2022/07/02/1109442956/these-candidates-lost-badly-but-now-are-claiming-fraud](http://www.npr.org/2022/07/02/1109442956/these-candidates-lost-badly-but-now-are-claiming-fraud)).

<sup>57</sup> *New Mexico Supreme Court Issues Writ of Mandamus Against Otero County Commission*, KOB (June 16, 2022) (online at [www.kob.com/new-mexico/new-mexico-supreme-court-issues-writ-of-mandamus-against-otero-county-commission/](http://www.kob.com/new-mexico/new-mexico-supreme-court-issues-writ-of-mandamus-against-otero-county-commission/)).

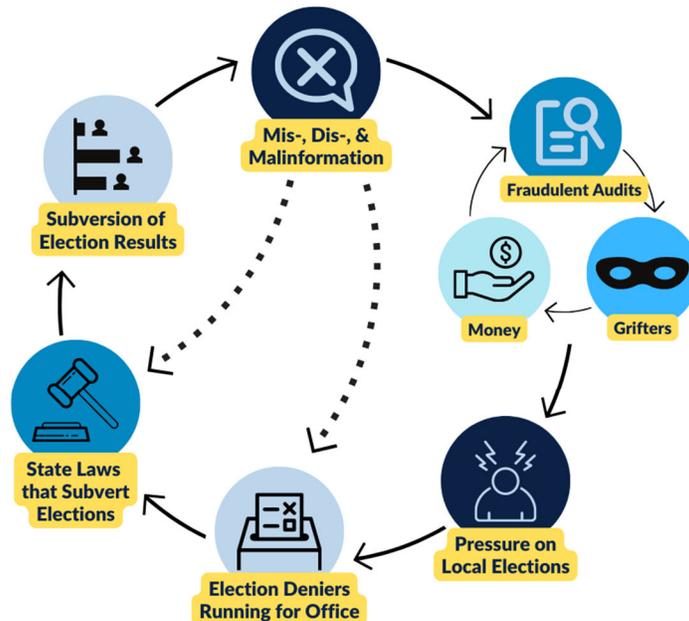
<sup>58</sup> Richard L. Hasen, *Identifying and Minimizing the Risk of Election Subversion and Stolen Elections in the Contemporary United States*, Harvard Law Review (Apr. 20, 2022) (online at <https://harvardlawreview.org/2022/04/identifying-and-minimizing-the-risk-of-election-subversion-and-stolen-elections-in-the-contemporary-united-states/>).

As particular lies or misunderstandings about some element of the 2020 election emerged, they attracted advocates who pushed them into circulation. Once enough confusion and uncertainty about the election built up in an area, bad faith actors seeking money or attention—grifters—encouraged elected officials to authorize audits or investigations of the election system. These audits generated money and attention for their proponents, increased pressure on election officials, and produced additional misinformation about election processes. Conspiracy theorist candidates across the country have gained notoriety and run for office with the explicit goal of overturning election results.

The spread of misinformation about the 2020 election placed extraordinary pressure on election administrators, who are now besieged by coordinated campaigns of records requests and bad faith inquiries. State legislatures took advantage of the confusion and pressure created by suddenly widespread concerns about election fraud to pass laws that criminalize minor errors by election officials and allow partisan actors to intervene in ballot counting and certification. Those laws, combined with the confusion and mistrust sown by misinformation for the past two years, have paved multiple pathways for the future subversion of legitimate election results.

The Committee’s investigations demonstrate that lies and confusion about the 2020 election are an ongoing threat to representative democracy. The graphic below illustrates common steps in this process. The enactment of subversive state laws, the election of an election denying secretary of state, or the launching of a fraudulent audit all increase the danger of election subversion.

## The Democracy Erosion Engine



The fraudulent audit, canvass, and subversion that the Committee investigated in Otero County provided a stark example of this process:

1. **Misinformation** about the 2020 election spread freely in Otero County, including among elected officials. One of the County Commissioners joined the insurrectionist mob that stormed the U.S. Capitol on January 6, 2021, and continued to spread conspiracy theories despite his federal misdemeanor conviction.<sup>59</sup>
2. **Grifters** then took advantage of the Commissioners' belief that something was wrong with the 2020 election. Erin and David Clements, right-wing activists who had made a name for themselves by spreading coronavirus and election conspiracy theories, persuaded the Commissioners to let them audit and canvass the county's voter rolls.<sup>60</sup> At the Clements' recommendation, the county hired EchoMail, a technology company that had been a subcontractor on the Maricopa County audit the previous year, to conduct the audit at the cost of \$50,000.
3. As unvetted volunteers knocked on doors, spreading confusion and fear among voters, the Clementses went on the road and on the air, using their work in Otero to spread further misinformation and **gain personal wealth and notoriety**.<sup>61</sup> Though precise figures have not been disclosed, the Clementses raised tens of thousands of dollars and gained recognition in the "Stop the Steal" movement.<sup>62</sup>
4. The audit and canvass dramatically **increased pressure on election officials** in Otero County and throughout New Mexico. The Otero County Clerk, a Republican, was "against this from the beginning" and forcefully defended the

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<sup>59</sup> *New Mexico County Commissioner Who Refuses to Certify Recent Election Results Sentenced for Role in January 6 Attack*, CNN (June 17, 2022) (online at [www.cnn.com/2022/06/17/politics/couy-griffin-capitol-riot-new-mexico-plea/index.html](http://www.cnn.com/2022/06/17/politics/couy-griffin-capitol-riot-new-mexico-plea/index.html)).

<sup>60</sup> *New Mexico Election Drama has Roots in Wider County Movement Led by David Clements*, Las Cruces Sun News (June 24, 2022) (online at [www.lcsun-news.com/story/news/politics/elections/2022/06/24/new-mexico-election-drama-has-roots-in-movement-led-by-david-clements/65363132007/](http://www.lcsun-news.com/story/news/politics/elections/2022/06/24/new-mexico-election-drama-has-roots-in-movement-led-by-david-clements/65363132007/)).

<sup>61</sup> *MAGA "Audit" Shrugged Off Complaint About Doorknocking Pedophile*, Daily Beast (May 13, 2022) (online at [www.thedailybeast.com/maga-audit-shrugged-off-complaint-about-doorknocking-pedophile](http://www.thedailybeast.com/maga-audit-shrugged-off-complaint-about-doorknocking-pedophile)); *Election Deniers Are Spreading Misinformation Nationwide. Here Are 4 Things to Know*, National Public Radio (July 5, 2022) (online at [www.npr.org/2022/07/05/1109538056/election-deniers-are-spreading-misinformation-nationwide-here-are-4-things-to-ko](http://www.npr.org/2022/07/05/1109538056/election-deniers-are-spreading-misinformation-nationwide-here-are-4-things-to-ko)).

<sup>62</sup> *Lin Wood Turns On "Audit" Group He Backed After It Finds No Election Fraud*, Daily Beast (May 5, 2022) (online at [www.thedailybeast.com/lin-wood-turns-on-audit-group-he-backed-after-it-finds-no-election-fraud-in-new-mexicos-otero-county](http://www.thedailybeast.com/lin-wood-turns-on-audit-group-he-backed-after-it-finds-no-election-fraud-in-new-mexicos-otero-county)); *Controversial Otero County Election Audit Canceled, Finds No Fraud*, ABQ News (May 5, 2022) (online at <https://abq.news/2022/05/echomail-cancels-contract-with-otero-county-finds-no-election-fraud>); *State Officials Scramble to Respond as Election Skepticism Goes Hyper-Local*, WRAL (Aug. 1, 2022) (online at [www.wral.com/state-officials-scramble-to-respond-as-election-skepticism-goes-hyper-local/20398541/](http://www.wral.com/state-officials-scramble-to-respond-as-election-skepticism-goes-hyper-local/20398541/)).

integrity of her office’s work against an avalanche of conspiracy theories.<sup>63</sup> She felt “attacked” by her own county commissioners and expressed her desire to leave office before her term expired.<sup>64</sup> The County Clerk had to expend limited resources to make ballots safely available to the auditors and to field calls from voters concerned about the canvassers.<sup>65</sup> The New Mexico Secretary of State, who sought to ensure that the county commissioners abided by state law, received threats to her safety that were referred to federal investigators.<sup>66</sup>

5. The Republican nominee for New Mexico Secretary of State, who has **spread misinformation about the 2020 election while running for office**, endorsed and encouraged the Otero audit.<sup>67</sup> She also called for a statewide audit and for county commissioners to illegally refuse to certify primary election results.<sup>68</sup>
6. The Otero County Commissioners sought to ban ballot drop boxes and voting machines in county elections.<sup>69</sup> Though the effort was unlawful, it reflected the broader movement, driven by misinformation, to **enact laws that weaken election administration**. Republican elected officials in New Mexico have capitalized on the Otero County audit and resulting controversy to push for new restrictive state voting laws.<sup>70</sup>
7. Despite the audit finding no evidence of fraud, the County Commissioners attempted to **subvert** the June 2022 primary election by refusing to certify the

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<sup>63</sup> *Trump Ally Couy Griffin Pushes Election Audit in Otero County. Not All Republicans Like It*, New Mexico In Depth (Mar. 4, 2022) (online at <https://nminddepth.com/2022/trump-ally-couy-griffin-pushes-election-audit-in-otero-county-not-all-republicans-like-it/>).

<sup>64</sup> *State Officials Scramble to Respond as Election Skepticism Goes Hyper-Local*, WRAL (Aug. 1, 2022) (online at [www.wral.com/state-officials-scramble-to-respond-as-election-skepticism-goes-hyper-local/20398541/](http://www.wral.com/state-officials-scramble-to-respond-as-election-skepticism-goes-hyper-local/20398541/)).

<sup>65</sup> *Id.*

<sup>66</sup> *New Mexico Secretary of State Says She Was Threatened*, KOAT Action News (June 29, 2022) (online at [www.koat.com/article/new-mexico-secretary-of-state-threatened/40464151#](http://www.koat.com/article/new-mexico-secretary-of-state-threatened/40464151#)).

<sup>67</sup> *GOP Candidates Support a Statewide Audit of 2020 Election*, ABQ News (Mar. 23, 2022) (online at <https://abq.news/2022/03/gop-candidates-support-a-statewide-audit-of-2020-election/>); “Canary in the Coalmine”: New Mexico Clash Hints at Looming Election Crisis, *The Guardian* (June 16, 2022) (online at [www.theguardian.com/us-news/2022/jun/16/new-mexico-election-conflict-roadmap-2024-crisis](http://www.theguardian.com/us-news/2022/jun/16/new-mexico-election-conflict-roadmap-2024-crisis)).

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*; *Otero County Looks to Upend State Voting Regulations Following June 7 Primary Election*, Alamogordo News (June 14, 2022) (online at [www.alamogordonews.com/story/community/2022/06/14/otero-county-looks-upend-state-voter-regulations-after-election-primary-government/7581690001/](http://www.alamogordonews.com/story/community/2022/06/14/otero-county-looks-upend-state-voter-regulations-after-election-primary-government/7581690001/)).

<sup>70</sup> *Republican-Led Counties Urge Election Reform in New Mexico*, Manistee News (July 15, 2022) (online at [www.manisteenews.com/news/article/Republican-led-counties-urge-election-reform-in-17308506.php](http://www.manisteenews.com/news/article/Republican-led-counties-urge-election-reform-in-17308506.php)).

results.<sup>71</sup> The election was only certified after the New Mexico Supreme Court issued a writ of mandamus, compelling local officials to follow the law.<sup>72</sup>

#### IV. RECOMMENDATIONS

The Committee's investigation has shown that our democracy faces serious ongoing threats. These investigative findings indicate that federal action is needed, including the creation of a federal whole-of-government plan to support state and local officials as they counter election rumors and lies.

##### A. Executive Actions

The President should designate a lead federal agency or office to support state and local efforts to counter election misinformation. He should direct relevant agencies to coordinate with the lead agency on overall approaches, chains of communication, and best practices for advancing accurate information about the election process. The lead agency should establish and maintain contact with state and local election administrators and other organizations that engage in voter contact and registration, as well as social media and legacy media platforms.

All relevant federal agencies should use their authorities in coordination with the lead agency to support state and local election officials' efforts to counter misinformation during and after elections. Such efforts may include providing fact-checking throughout the election cycle and providing resources and assistance for cybersecurity and personal security to election administrators as votes are cast, counted, and certified.<sup>73</sup> This approach aligns with the recommendations local election officials made to the Committee as well as recommendations from organizations specializing in countering misinformation and strengthening election system resilience.<sup>74</sup>

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<sup>71</sup> *These Candidates Lost Badly, but Now are Claiming Fraud*, National Public Radio (July 2, 2022) (online at [www.npr.org/2022/07/02/1109442956/these-candidates-lost-badly-but-now-are-claiming-fraud](http://www.npr.org/2022/07/02/1109442956/these-candidates-lost-badly-but-now-are-claiming-fraud)).

<sup>72</sup> *New Mexico Supreme Court Issues Writ of Mandamus Against Otero County Commission*, KOB (June 16, 2022) (online at [www.kob.com/new-mexico/new-mexico-supreme-court-issues-writ-of-mandamus-against-otero-county-commission/](http://www.kob.com/new-mexico/new-mexico-supreme-court-issues-writ-of-mandamus-against-otero-county-commission/)).

<sup>73</sup> Common Cause, *As a Matter of Fact: The Harms Caused by Election Disinformation* (online at [www.commoncause.org/wp-content/uploads/2021/10/CC\\_AsaMatterofFact\\_FINAL\\_10.27.21.pdf](http://www.commoncause.org/wp-content/uploads/2021/10/CC_AsaMatterofFact_FINAL_10.27.21.pdf)) (accessed Aug. 3, 2022).

<sup>74</sup> *Id.*; Alliance for Securing Democracy, *Deterring Threats to Election Workers: Recommendations for the Department of Justice Election Threats Task Force* (online at <https://securingdemocracy.gmfus.org/deterring-threats-to-election-workers/>) (accessed Aug. 3, 2022); Election Integrity Partnership, *The Long Fuse: Misinformation and the 2020 Election* (Mar. 2, 2021) (online at [www.eipartnership.net/report](http://www.eipartnership.net/report)); Aspen Institute, *Commission on Information Disorder Final Report* (Nov. 2021) (online at [www.aspeninstitute.org/wp-content/uploads/2021/11/Aspen-Institute\\_Commission-on-Information-Disorder\\_Final-Report.pdf](http://www.aspeninstitute.org/wp-content/uploads/2021/11/Aspen-Institute_Commission-on-Information-Disorder_Final-Report.pdf)). *See also* Brennan Center for Justice, *Information Gaps and Misinformation in the 2022 Elections* (Aug. 2, 2022) (online at [www.brennancenter.org/our-work/research-reports/information-gaps-and-misinformation-2022-elections](http://www.brennancenter.org/our-work/research-reports/information-gaps-and-misinformation-2022-elections)); Brookings, *Misinformation Is Eroding the Public's Confidence in Democracy* (July 26, 2022) (online at [www.brookings.edu/blog/fixgov/2022/07/26/misinformation-is-eroding-the-publics-confidence-in-democracy/](http://www.brookings.edu/blog/fixgov/2022/07/26/misinformation-is-eroding-the-publics-confidence-in-democracy/)).

During the 2020 election, the Cybersecurity and Infrastructure Security Agency's (CISA) "Rumor Control" website sought to counter election misinformation. CISA should continue to update this site to respond to national misinformation narratives. Trusted local voices, however, are the most effective messengers against misinformation.<sup>75</sup> CISA's Mis-, Dis-, and Malinformation Team should coordinate with state authorities to encourage state-level "Rumor Control" websites to counter misinformation spreading in their communities.

In addition, the Department of Justice must aggressively pursue criminal and civil enforcement against those who threaten or harass election administrators. The Department's Election Threats Task Force, created in 2021, should continue and be expanded.<sup>76</sup> As recommended by the Alliance for Securing Democracy, the Task Force should publicly clarify relevant federal legal definitions and authorities by releasing:

Additional guidance for local law enforcement, FBI's field offices, and others who work on the front lines of elections that shows how federal laws can be used to deter threats and hold those accountable who threaten election officials.<sup>77</sup>

## **B. Legislative Actions**

Congress should pass legislation to address the funding gap for election jurisdictions across the country and to counter threats to election officials. Enacting regular, yearly appropriations for election funding will allow election officials to invest in physical and cyber security and modernize election equipment. These investments will decrease the likelihood of a mistake or security breach that would imperil election legitimacy while also providing election officials with protection against the violent threats they continue to endure. In addition, Congress should provide emergency funding to the Election Assistance Commission to distribute to state and local election officials for the 2022 election cycle to account for increased security costs and other unprecedented election expenses.<sup>78</sup>

To counter malicious actors threatening violence against election officials, Congress should also enact meaningful statutory penalties for anyone who threatens election officials and

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<sup>75</sup> *New Data Sheds Light on One Method to Combat Election Lies*, National Public Radio (Aug. 5, 2022) (online at [www.npr.org/2022/08/05/1115262313/research-how-to-fight-election-misinformation](http://www.npr.org/2022/08/05/1115262313/research-how-to-fight-election-misinformation)); *Election Officials Are on the Frontlines of Defending Democracy. They Didn't Sign up for This.*, Politico (Feb. 16, 2022) (online at [www.politico.com/news/2022/02/16/elections-officials-disinformation-midterms-00009285](http://www.politico.com/news/2022/02/16/elections-officials-disinformation-midterms-00009285)).

<sup>76</sup> *Justice Department Investigating More than 100 Cases of Threats Against Election Workers*, Voice of America News (Aug. 2, 2022) (online at [www.voanews.com/a/justice-department-investigating-more-than-100-cases-of-threats-against-election-workers-/6684453.html](http://www.voanews.com/a/justice-department-investigating-more-than-100-cases-of-threats-against-election-workers-/6684453.html)).

<sup>77</sup> Alliance for Securing Democracy, *Deterring Threats to Election Workers: Recommendations for the Department of Justice Election Threats Task Force* (online at <https://securingdemocracy.gmfus.org/deterring-threats-to-election-workers/>) (accessed Aug. 3, 2022).

<sup>78</sup> The Center for Public Integrity, *Another Threat to 2022 Elections: A Lack of Paper* (July 15, 2022) (online at <https://publicintegrity.org/inside-publici/newsletters/watchdog-newsletter/threat-to-elections-voter-registration-lack-of-paper/>).

administrators.<sup>79</sup> There have been over 1,000 hostile contacts reported by election officials in the past year, with over 50% of those threats occurring in states that “underwent 2020 post-election lawsuits, recounts, and audits, such as Arizona, Georgia, Colorado, Michigan, Pennsylvania, Nevada, and Wisconsin.”<sup>80</sup> Because these threats will only increase with the upcoming elections, Congress should strengthen the laws protecting election officials from harm.<sup>81</sup>

## V. CONCLUSION

The danger posed by election lies has grown increasingly dire in the past two years. As the President of the Texas Association of Elections Administrators told the Committee, “the November 2020 election was considered by most to be fair, secure, and safe.” However, he noted that as misinformation about voting processes and election integrity spread unchecked, “That impression changed significantly among some in early 2021, and few resources were available to counter false and misleading claims.” In the following year, the Texas legislature passed new voting laws that criminalized normal elements of the elections process and imposed substantial burdens on local election officials. As the 2022 midterm elections approach, election officials in Texas and across the country “face harassment, forensic audits, new civil and criminal penalties, threats, and unsubstantiated accusations of fraud.”<sup>82</sup>

Misinformation about election integrity increases the likelihood that bad-faith actors will successfully subvert legitimate election results.<sup>83</sup> The spread of lies and distorted information about how votes are cast and counted, who is voting, and who is doing the counting, creates

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<sup>79</sup> See, e.g., H.R. 8015 (directs the Election Assistance Commission to establish a program to make payments to states to provide enhanced pay for election workers); H.R. 6872 (prohibits intimidation of poll watchers, election officials, election agents and physical damage to polling places, tabulation centers or other election infrastructure); H.R. 5053 (extends criminal penalties to intimidating, threatening or coercing an individual for processing or scanning ballots, tabulating, canvassing or certifying voting results); H.R. 4722 (establishes new federal criminal offenses for possessing a firearm or causing a firearm to be present in or within 100 yards of a federal election site); H.R. 4064 (prohibits the public disclosure of restricted personal information about an election worker or an immediate family member with the intent to cause harm); H.R. 777 (creates criminal penalties for intimidation, threats or coercion to an individual for the purpose of interfering with their duties in administering elections).

<sup>80</sup> *Election Workers Reported More Than 1,000 “Hostile” Contacts in Past Year*, CNN (Aug. 1, 2022) (online at [www.cnn.com/2022/08/01/politics/doj-election-threats-task-force/index.html](http://www.cnn.com/2022/08/01/politics/doj-election-threats-task-force/index.html)).

<sup>81</sup> *1 in 5 Local Election Officials Say They’re Likely to Quit before 2024*, National Public Radio (Mar. 10, 2022) (online at [www.npr.org/2022/03/10/1085425464/1-in-5-local-election-officials-say-theyre-likely-to-quit-before-2024](http://www.npr.org/2022/03/10/1085425464/1-in-5-local-election-officials-say-theyre-likely-to-quit-before-2024)).

<sup>82</sup> Letter from Remi Garza, Texas Association of Elections Administrators, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairperson Zoe Lofgren, Committee on House Administration (June 23, 2022).

<sup>83</sup> Election security experts have long warned that America’s “hyperdecentralized” election system, which includes thousands of independent actors such as local election administrators, judges, and members of Congress, creates a large surface area for those with malicious intent to undermine our elections. Richard L. Hasen, *Identifying and Minimizing the Risk of Election Subversion and Stolen Elections in the Contemporary United States*, Harvard Law Review (Apr. 20, 2022) (online at <https://harvardlawreview.org/2022/04/identifying-and-minimizing-the-risk-of-election-subversion-and-stolen-elections-in-the-contemporary-united-states/>).

opportunities for bad faith actors to prevent the legitimate winner of an election from taking office.<sup>84</sup>

The United States weathered a large-scale disinformation-driven election subversion effort after the 2020 election. The violent insurrection at the U.S. Capitol on January 6, 2021, was the result of election-related conspiracy theories, which were amplified with the goal of overturning the 2020 election. Former President Trump and his allies engaged in a coordinated strategy to stoke distrust in our institutions, make overt calls for violence, and subvert the legitimate election process.<sup>85</sup>

The risk of subversion of future elections remains high. Local election officials are on the frontlines of this crisis. Now more than ever, they need the resources and support that only the federal government can provide. A federal whole-of-government response to this growing crisis is an urgent necessity.

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<sup>84</sup> *The Perils of Slow Vote-Counting and Delayed Election Results*, New York Times (July 1, 2022) (online at [www.nytimes.com/2022/07/01/us/politics/election-delay-vote-count.html](https://www.nytimes.com/2022/07/01/us/politics/election-delay-vote-count.html)).

<sup>85</sup> *January 6 and the Consequences of Disinformation*, The Dispatch (May 17, 2022) (online at <https://thedispatch.com/p/january-6-and-the-consequences-of>).