

Threats to Election Officials: Informational Guide for Law Enforcement

Across the country, hundreds of thousands of people play a role in administering our elections, keeping them free, fair, and safe. These are the public servants and community leaders who make American democracy work—from governors and secretaries of state, to local and county officials, to temporary workers staffing the polls. Increasingly, however, election officials and workers are the targets for threats—both in the lead up to an election and throughout the year.

These threats may occur in person, or over the phone, e-mail, or the internet, and may or may not involve overt references to physical safety. For example, they may include everything from “doxing” an official or her family (that is, publishing non-public information about an individual with malicious intent), to sexist and racist slurs, to threats of bodily harm and death against officials and their families. These threats have forced election officials to flee their homes, put their children in counseling, hire personal security, and in some cases, leave their jobs. The prevalence of these threats can also make it difficult to hire the workers needed to administer free and fair elections.

Law enforcement at every level has a vital role to play in not only keeping election officials and workers safe but also ensuring that they feel protected. This resource is an overview of how law enforcement leaders can prepare to do both. A comprehensive law enforcement response to threats against election officials has three key dimensions:

Prevention, Protection, and Accountability.

Prevention

Commit to Action.

Set the tone for your agency. Explain the scope and gravity of the threats, and the negative and potentially dangerous impact of this threat environment to our communities and our democracy. Election officials and workers provide an essential service to their local communities and our country, and they should have the confidence to carry out their responsibilities free from fear and intimidation.

- Law enforcement is critical to ensuring election officials and workers are safe doing their jobs.
- Ensuring that elections and those who administer them are safe from threats requires a coordinated effort and is consistent with the law enforcement ethos of serving and protecting.

Build Relationships.

A critical step in preventing election-related threats and violence before they happen is establishing relationships with state and local election officials.

- Find your state and local election officials through resources like the National Association of State Election Directors (NASED)¹ which lists contact information for the election directors in every U.S. state and territory, and through your Secretary of State's office.
- Hold an introductory call or meeting with the election officials in your jurisdiction to learn about any existing security or training needs, set shared expectations, and establish how you will stay in touch about any threats or security needs.
- Provide concrete guidance to election officials on how best to document and report threats against themselves and others. Clarify for election officials which law enforcement agency has primary jurisdiction for documenting the threats and following up with the victims.
- Communicate with election officials to arrive at a shared understanding of what level of threats should be reported to law enforcement, and to establish shared expectations of what law enforcement response will look like for different levels of threats.
- Designate one or more points of contact in your organization to manage these relationships.
- Let election officials know how and to whom they should report threats and urgent needs for help and provide best practices for preserving key evidence to assist law enforcement with their investigations.
- Consider whether it makes sense for your agency to set up a dedicated channel—such as an email inbox or a specific officer—where election officials and workers can send information concerning threats.
- Offer to help election officials train election workers on how to handle and report threats against them.

Engage the Community.

Agencies can partner with state and local election officials to establish trusted relationships with community groups and to provide information on recognizing threats, and the process for reporting threats to law enforcement. You can also use these meetings as opportunities to affirm your agency's commitment to addressing these threats, and to set clear expectations.

Set Personnel Up for Success.

Because the magnitude and scope of this problem is new, additional policies, written resources, and training may be instructive and necessary.

- Resources such as “Pocket Guides” that include relevant legal authorities and agency policies can help ensure that law enforcement officers have easy access to the information they need.
- Determine if additional training may be needed, such as how to identify a credible threat and the role law enforcement plays in establishing safety and security for election officials.
- Personnel, especially uniformed officers, should also be made aware that the presence of law enforcement at polling places can inadvertently intimidate voters. Your agency should work to mitigate any such unintended consequences.

¹ See NASED's members here: <https://www.nased.org/members>.

Conduct Inter- and Intra-Agency Planning.

Law enforcement leaders should plan within their own agencies and across agencies about how they will address election-related threats and violence. The suggestions below are not exhaustive but provide a good starting point for this kind of coordination.

- Consider including relevant federal, state, county, and municipal law enforcement agencies in the planning process, as well as election officials themselves.
 - Threats against election officials frequently involve cross-border and cross-jurisdictional activity, so this interagency collaboration is critical.
 - Clarify and agree to discrete roles and responsibilities among agencies in advance of elections.
 - Incorporate the FBI's designated Election Crimes Coordinators—or "ECCs"—into your pre-planning and information-sharing efforts. ECCs are Special Agents at each of FBI field office whose jobs include addressing threats to elections and election officials. They can complement state and local law enforcement efforts, such as by facilitating inter-state information sharing.
- Information sharing about election-related threats is key.
 - Use local fusion centers or other crime coordination centers to collect tips/leads from the community and law enforcement and improve data sharing on criminal activity.
 - These organizations can serve as central collection points for information that can be synthesized and shared with the appropriate investigative agencies for follow-up, thus connecting the dots on otherwise disparate intelligence leads.
 - As part of the planning process, agencies should agree on a division of responsibility for gathering, distilling, and sharing information.
- Inter- and intra-agency tabletop or scenario planning exercises will help to confirm that agencies agree on roles and responsibilities for operations and information-sharing, in advance of election-related threats or violence.

Protection

Perform Security Assessments.

Election officials may benefit and feel support from law enforcement by providing security assessments and recommendations for their election sites, offices, and homes.

- Partners, such as the U.S. Department of Homeland Security, are available to help conduct such assessments.

Facilitate Rapid Response.

Agencies can consider establishing a notification system that alerts personnel when election officials who have already been subject to threats have further public safety issues. These alerts can help provide first responders with additional context and a point of contact for any ongoing related investigations.

Help Secure Protective Details.

Based on your security assessment, work with the election official to secure any necessary security detail, whether provided by your agency, another agency, or alternate means.

- In some cases, law enforcement has provided a security detail to election officials who have faced credible threats, enabling them to continue doing their jobs and keep their families safe.
- Time-limited protective details have also proven helpful to poll workers or election staff in response to specific incidents.

Investigate.

Law enforcement can also stop election-related threats from becoming violent and deter crimes by investigating threats and holding bad actors accountable. On many occasions, investigations have helped deter individuals who make credible threats from making subsequent threats or acting on their threats. Investigations also help distinguish low-risk mental health cases and other issues from bona fide public safety risks.

- Coordinating with prosecutors in your jurisdiction will help facilitate these efforts.

Accountability

Collaborate Actively with Prosecutors.

Ultimately to reverse the rise of political violence, we need to ensure there are consequences and send the message that political violence will not be tolerated. Law enforcement can help ensure that threateners are brought to justice by working closely with prosecutors' offices.

- Work with the relevant state or local prosecutors to determine whether laws have been violated.
- Consider working with U.S. Attorneys' offices, which have designated "District Elections Officers" or "DEOs" whose jobs include considering whether threats of violence against elections officials are prosecutable.

Further Resources

The rise in threats against election officials presents new challenges for these officials and law enforcement agencies alike. Assistance is available to you and your agency. From help with facilitating relationships with election officials to developing policies and resources, organizations like the States United Democracy Center are here for you. You can contact us at info@statesuniteddemocracy.org.

The States United Democracy Center is a nonpartisan organization advancing free, fair, and secure elections. We focus on connecting state officials, law enforcement leaders, and pro-democracy partners across America with the tools and expertise they need to safeguard our democracy. For more information, visit www.statesuniteddemocracy.org or follow us at @statesunited.