

United States Senate

WASHINGTON, DC 20510

October 18, 2021

The Honorable Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Garland:

We write to express our concerns regarding the unprecedented rise in threats against election officials and election workers in recent months and to request an update on the efforts of the Department of Justice’s recently established Election Threats Task Force. We appreciate the Department’s commitment to combating these threats to our democracy.

In the last year, we have seen election officials and election workers face a barrage of threats and abusive conduct from those seeking to interfere with the certification of the 2020 election or overturn the results. This is despite the Trump Administration’s Department of Homeland Security calling the election “the most secure in American history.”¹ We must respond to these threats head on to protect those who are working on the frontlines of our democracy.

The increase in threats is widespread. According to a survey of election workers earlier this year, nearly one in three felt unsafe because of their job, nearly one in six received threats of violence, and more than one in six were concerned about their lives being threatened.² This onslaught of threats against election workers is unacceptable, and it also raises serious concerns about the ability to recruit and retain election workers needed to administer future elections.

While existing laws protect voters from intimidation and violence, additional specific protections are needed for officials, workers, and volunteers responsible for operating polling stations, counting and processing ballots, and certifying election results. The lack of clear guidance for law enforcement left many election workers at risk, and in some instances election workers were told that threats against their safety are “protected political speech.”³ The Department of Justice has previously acknowledged the “inadequate” response to threats against election workers, and the need to do more to protect them from harm.⁴

¹ Joint Statement from the Elections Infrastructure Government Coordinating Council and the Election Infrastructure Sector Coordinating Executive Committees, Nov. 12, 2020, <https://www.cisa.gov/news/2020/11/12/joint-statement-elections-infrastructure-government-coordinating-council-election>.

² Benenson Strategy Group, *The Brennan Center for Justice: Local Elections Official Survey*, April 7, 2021, <https://www.brennancenter.org/our-work/research-reports/local-election-officials-survey>.

³ Linda So and Jason Szep, *Campaign of Fear: U.S. election workers get little help from law enforcement as terror threats mount*, REUTERS, Sept. 8, 2021, <https://www.reuters.com/investigates/special-report/usa-election-threats-law-enforcement/>.

⁴ John Keller, Principal Deputy Chief of the Public Integrity Section at the Department of Justice, *Addressing Threats to Election Officials and Physical Security*, Address at National Association of Secretaries of State Conference, Aug. 14, 2021.

One investigation identified hundreds of hostile messages received by election workers or their families following the 2020 election, 102 of which were threats of death or violence.⁵ However, that same investigation found only four known arrests and none of those resulted in a conviction.⁶

We must ensure that election workers are able to do their jobs free from threats, intimidation, or other improper influence. While Congress must pass stronger protections for election workers such as those in the *Protecting Election Administration from Interference Act*, the *Preventing Election Subversion Act*, the *Election Worker and Polling Place Protection Act*, and the *Freedom to Vote Act*, we also urge the Justice Department to take additional action under existing law. It is for this reason that we respectfully request an update on the actions that the Department's Task Force has taken so far and on its plans to facilitate the reporting, investigation, and prosecution of threats against election officials and election workers. We also ask that you provide the following information:

1. The number of threats against election workers, officials, volunteers or their families that have been identified by the Task Force, broken down by state.
2. The number of completed and ongoing investigations based upon those identified threats.
3. Any guidance issued to or by the Federal Bureau of Investigation or United States Attorney's Offices regarding the prioritization of investigations and prosecutions of threats against election officials and election workers.

We commend the Department of Justice for taking these threats seriously and establishing the Election Threats Task Force earlier this year to receive and assess allegations and reports of threats against election workers. The Task Force makes clear that the Justice Department is prioritizing the identification, investigation, and prosecution of those who threaten or seek to harm election workers.

Thank you for your attention to the important matter and for your efforts to protect the election workers who administer the free and fair elections essential to our democracy.

Sincerely,



Amy Klobuchar
Chairwoman

Senate Committee on Rules & Administration



Richard J. Durbin
Chair

Senate Committee on the Judiciary

⁵ Linda So and Jason Szep, *Campaign of Fear: U.S. election workers get little help from law enforcement as terror threats mount*, REUTERS, Sept. 8, 2021, <https://www.reuters.com/investigates/special-report/usa-election-threats-law-enforcement/>.

⁶ *Id.*



Richard Blumenthal
United States Senator



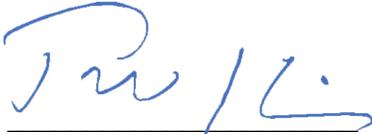
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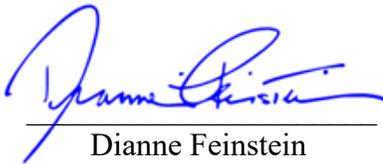
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Angus S. King, Jr.
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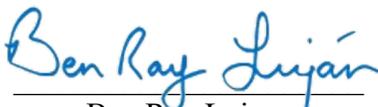
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