



**TESTIMONY OF  
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**HEARING ON  
A GROWING THREAT: HOW DISINFORMATION DAMAGES AMERICAN  
DEMOCRACY**

**THE COMMITTEE ON HOUSE ADMINISTRATION  
U.S. HOUSE OF REPRESENTATIVES**

**JUNE 22, 2022**

Chair Butterfield, Ranking Member Steil, and members of the Committee:

Thank you for the opportunity to speak with you today. My name is Edgardo Cortés, and I am an Election Security Advisor for the Brennan Center for Justice.<sup>1</sup> The Brennan Center for Justice is a nonpartisan law and policy institute that focuses on democracy and justice. The Brennan Center’s Elections and Government team has been focused on improving election administration and expanding the right to vote for many years.

Prior to working with the Brennan Center, I served as the Commissioner of Elections in Virginia. During my time as Virginia’s Chief Election Official, I also served as the Chairman of the Election Assistance Commission Standards Board and was deeply involved in the establishment of the Government Coordinating Council. During my 20-year career in campaigns and elections, I’ve had the opportunity to also hold positions administering elections at the local level in Fairfax County, Virginia and to work as an early staffer for the U.S. Election Assistance Commission. I have had the privilege of speaking before your colleagues in the House of Representatives on several occasions in various capacities – but always to provide expertise on how the federal government can do more to ensure the security and integrity of our elections and provide sufficient resources to state and local election officials.

I plan to focus on three main points in my testimony today:

- (1) Election disinformation has made the job of election workers more difficult and more dangerous;
- (2) the broader impacts of election disinformation threaten the stability and resiliency of future elections; and
- (3) federal leaders must do more to address the harms of election disinformation.

**I. Election disinformation has made the job of election workers more difficult and more dangerous.**

Election officials across the country broadly agree that lies about the election process have had a significant impact on their ability to do their jobs. In a nationwide survey of local election officials that the Brennan Center commissioned earlier this year, 44 percent of officials responded that social media — which nearly every official said was in part responsible for spreading false information — has made their job “a lot” more difficult.<sup>2</sup> Nearly two thirds of officials said that the spread of false information about elections has made their job as an election official more dangerous.<sup>3</sup>

These lies about how elections are run have become so pervasive that election workers must now spend an increasingly large share of their time simply addressing false information, even as they

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<sup>1</sup> This testimony does not purport to convey the views, if any, of the New York University School of Law.

<sup>2</sup> Brennan Center for Justice, *Local Election Officials Survey (March 2022)*, 11, 2022, <https://www.brennancenter.org/our-work/research-reports/local-election-officials-survey-march-2022>.

<sup>3</sup> Brennan Center, *Local Election Officials Survey*, 12.

simultaneously prepare to run elections this year. Local election officials have reported a rapid increase in the volume of public inquiries since the 2020 election, straining staff time as they spend up to 15 to 20 minutes debunking claims that the election was stolen with each individual caller.<sup>4</sup> Election officials are also responding to a flood of public records requests from groups or individuals that have bought into conspiracy theories surrounding the 2020 election and are convinced there is a smoking gun that will prove them right despite all evidence to the contrary.<sup>5</sup> Not only has the burden increased for election officials, disinformation has demoralized their staff as they endure an endless barrage of lies about their work from activists, political leaders, and members of their own community.

More worryingly, disinformation has fueled a wave of threats, harassment, and intimidation directed toward election workers. In the Brennan Center's survey, one in six election officials said that they have experienced threats because of their job, and 77 percent said that they feel these threats have increased in recent years.<sup>6</sup> More than one in four election officials are concerned about being assaulted on the job, and over half are concerned about the safety of their colleagues.<sup>7</sup>

The compounding challenges and concerns caused by election disinformation are making it more difficult for election offices to find the help they need. Nearly a third of election officials surveyed knew one or more election workers who have left at least in part because of fear for their safety,<sup>8</sup> to say nothing of workers who have left out of sheer exhaustion from having their profession so undermined. In the long term, 60 percent of officials are concerned that threats, harassment, and intimidation will make it difficult to retain and recruit election workers.<sup>9</sup>

And many election officials themselves are leaving the profession. Although election officials broadly find enjoyment in their jobs and are proud of the service they perform for their community, nearly 20 percent of officials surveyed plan to leave their positions before the 2024 election.<sup>10</sup> For these officials, the number one reason cited for leaving was political leaders' attacks on a system they know is fair and honest.<sup>11</sup>

As these officials depart, they are taking years or even decades of expertise and experience with them, leaving behind a dearth of knowledge on how to best secure elections and serve voters. This includes one long-time Nevada county clerk who announced that she was retiring following a relentless push by political activists and her county commission to abandon the use of voting machines that were the subject of conspiracy theories and adopt a ballot hand-counting process

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<sup>4</sup> Brennan Center for Justice and Bipartisan Policy Center, *Election Officials Under Attack*, 2021, 10, <https://www.brennancenter.org/our-work/policy-solutions/election-officials-under-attack>.

<sup>5</sup> Jane C. Timm, "Amateur Fraud Hunters Bury Election Officials in Public Records Requests," NBC News, February 12, 2022, <https://www.nbcnews.com/politics/elections/amateur-fraud-hunters-bury-election-officials-public-records-requests-rcna15432>.

<sup>6</sup> Brennan Center, *Local Election Officials Survey*, 6, 5.

<sup>7</sup> Brennan Center, *Local Election Officials Survey*, 5.

<sup>8</sup> Brennan Center, *Local Election Officials Survey*, 19.

<sup>9</sup> Brennan Center, *Local Election Officials Survey*, 19.

<sup>10</sup> Brennan Center, *Local Election Officials Survey*, 18.

<sup>11</sup> Brennan Center, *Local Election Officials Survey*, 18.

that the clerk knew was impractical and likely to lead to error.<sup>12</sup> In sharing her decision, she explained, “after 20 years, I truly do not want to fight this fight.”<sup>13</sup>

These departures also raise serious concerns about who will replace them. In the face of disinformation, harassment, and exhaustion, it may be that the people most likely to want to fill election administration positions are those who have been activated by election conspiracies and who would abuse their positions for partisan gain. The Brennan Center survey found that more than half of local election officials are concerned that some of their incoming colleagues might believe that widespread fraud occurred in 2020.<sup>14</sup>

## **II. The broader impacts of election disinformation threaten the stability and resiliency of future elections.**

While the substance of election disinformation is largely focused on what happened in the last election, the problems caused by this disinformation have serious implications for future election administration. And although election workers have been among the most affected, the consequences of making their jobs more difficult and dangerous will not be limited to the workers themselves. Voters, and ultimately our democracy itself, will be left bearing the burden.

Election administration has become increasingly complex over the past two decades, as voting options have expanded, elections have become more dependent on technology, and external threats have risen. Today’s election administrators must be an expert across a range of issues, including logistics, cybersecurity, customer service, public relations, and election law. All of this demands a higher level of institutional knowledge than ever before.

As experienced professionals depart election offices across the country, we are likely to see both more mistakes and less capacity to respond to those mistakes. Elections are a massive logistical undertaking, requiring the coordination of tens of thousands of workers maintaining equipment and assisting voters across more than 100,000 polling places nationwide.<sup>15</sup> Any error has the potential to compound on election day, creating long lines or other hurdles to voters being able to cast a ballot and have their vote accurately counted. While election officials have developed practices and procedures to minimize these errors and quickly recover when things go wrong,<sup>16</sup> the vulnerabilities magnify when there are fewer people available with the institutional knowledge necessary to implement these procedures.

Worse still, some of these new workers may be actively determined to undermine the integrity of our election system.

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<sup>12</sup> Sean Golonka, “Esmeralda Joins Nye in Seeking All-Paper Voting, Hand-Counting; Changes Spur Nye Clerk’s Retirement,” *The Nevada Independent*, April 20, 2022, <https://thenevadaindependent.com/article/esmeralda-is-latest-rural-county-to-try-ditching-electronic-voting-machines-move-to-hand-counting>.

<sup>13</sup> Golonka, “Esmeralda Joins Nye in Seeking All-Paper Voting, Hand-Counting”

<sup>14</sup> Brennan Center, *Local Election Officials Survey*, 14.

<sup>15</sup> U.S. Election Assistance Commission, *2020 Election Administration and Voting Survey*, 2021, 20, 19, [https://www.eac.gov/sites/default/files/document\\_library/files/2020\\_EAVS\\_Report\\_Final\\_508c.pdf](https://www.eac.gov/sites/default/files/document_library/files/2020_EAVS_Report_Final_508c.pdf)

<sup>16</sup> Edgardo Cortés et al., *Preparing for Cyberattacks and Technical Failures: A Guide for Election Officials*, Brennan Center for Justice, 2019, <https://www.brennancenter.org/our-work/policy-solutions/preparing-cyberattacks-and-technical-failures-guide-election-officials>.

We are already getting a glimpse of what could happen if election offices and polling places are filled with people who are sympathetic to election conspiracies. Since the 2020 election, there have been at least 17 reported incidents where supporters of the Big Lie have gained or attempted to gain access to voting equipment to find evidence of false election claims.<sup>17</sup> These incidents were often in coordination with, or at the behest of, some of the most prominent purveyors of election disinformation. This includes two Colorado clerks who shared election system data with activists backed by Mike Lindell,<sup>18</sup> a Michigan state representative who signed onto a lawsuit to overturn 2020 election results pushing local clerks in her district to allow access to voting systems,<sup>19</sup> and a county party official in North Carolina who threatened an elections director with loss of pay if the director did not offer voting system access to an activist who had pushed false claims of fraud to state and local election officials across the country.<sup>20</sup>

In addition to the difficulties of dealing with these insider threats, election disinformation is being used as a pretext for passing anti-voter legislation in many states. Much of this legislation not only seeks to reduce access for voters, especially voters of color and those with disabilities, but also facilitates future efforts at election sabotage. My colleague Wendy Weiser testified about this issue in depth before the January 6<sup>th</sup> Committee and her testimony is attached for reference. The Brennan Center's analysis<sup>21</sup> found that the overwhelming majority of restrictive voting and election subversion bills introduced in 2021 were related to conspiracy theories related to the 2020 election. Efforts to change who is responsible for certifying elections makes it easier for partisan actors to undermine the will of the people in future elections to achieve a desired outcome regardless of the actual votes cast.

### **III. Federal leaders must do more to address the harms of election disinformation.**

In the Brennan Center's survey, nearly 80 percent of local election officials said that the federal government is either doing nothing to support them or taking some steps but not enough.<sup>22</sup> Congress, federal agencies, and all political leaders must do more to address the harms of election disinformation and support the election workers who have borne the brunt of the impact. Specifically, federal leaders must emphasize accurate information about elections, provide greater protections for election workers, and direct more funding and resources to help election offices address internal and external threats.

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<sup>17</sup> Nathan Layne and Peter Eisler, "Exclusive: Michigan Widens Probe into Voting System Breaches by Trump Allies," Reuters, June 7, 2022, <https://www.reuters.com/world/us/exclusive-michigan-widens-probe-into-voting-system-breaches-by-trump-allies-2022-06-06/>.

<sup>18</sup> Alexandra Ulmer and Nathan Layne, "Trump Allies Breach U.S. Voting Systems in Search of 2020 Fraud 'Evidence'," Reuters, April 28, 2022, <https://www.reuters.com/investigates/special-report/usa-election-breaches>.

<sup>19</sup> Nathan Layne, "Michigan Pro-Trump State Lawmaker Sought Access to Voting Machines," Reuters, May 20, 2022, <https://www.reuters.com/world/us/michigan-pro-trump-state-lawmaker-sought-access-voting-machines-2022-05-20/>.

<sup>20</sup> Nathan Layne, "Exclusive: Local Election Chief Threatened by Republican Leader Seeking Illegal Access to Voting Equipment," Reuters, April 25, 2022, <https://www.reuters.com/world/us/exclusive-local-election-chief-threatened-by-republican-leader-seeking-illegal-2022-04-23/>.

<sup>21</sup> Andrew Garber, "Election Denial Rhetoric from Sponsors of State Voter Suppression Legislation," Brennan Center for Justice, April 13, 2022, <https://www.brennancenter.org/our-work/research-reports/election-denial-rhetoric-sponsors-state-voter-suppression-legislation>.

<sup>22</sup> Brennan Center, *Local Election Officials Survey*, 22.

*A. Political leaders from both parties must emphasize accurate information.*

One of the most important things that every political leader can do — Republican and Democrat alike — is build trust in our democracy by promoting accurate information about our election system from trusted sources. Especially important is elevating the voice of election officials, who have first-hand knowledge of the many safeguards in place to ensure the accuracy, security, and integrity of every election.

Members of the public often take their cues from political leaders. They need to hear that the election system can be trusted and see their representatives standing behind the workers who do the job of securing the right to vote.

*B. Congress must provide greater protections for election workers.*

Congress can take steps now that will help protect election workers from threats of violence and give comfort to these workers who fear for the safety of themselves, their colleagues, and their families. Specifically, Congress should

- Authorize grants that can be used for physical safety precautions, including prevention and de-escalation training, personal information protection, and security upgrades to offices and homes;
- Fund CISA to develop and conduct online safety training;
- Strengthen federal laws that make it a crime to intimidate voters in a federal election, as well as those who are assisting voters in exercising their rights, to make clear that it is a crime to intimidate election workers who are carrying out the vote tabulation, statutory audits or recounts, or vote certification;
- Prohibit individuals from revealing personal identifying information of election workers and election vendors with the intent to threaten or intimidate them; and
- Provide grant funding to allow states to set up or expand address current confidentiality programs to cover election workers.<sup>23</sup>

*C. Congress and federal agencies must provide more resources for physical and cybersecurity.*

Finally, Congress must provide more funding to help state and local election officials protect the safety of their staff and strengthen election infrastructure against insider threats from workers who have bought into election conspiracies. The Brennan Center estimates that basic physical and cybersecurity measures — including bulletproof barriers, camera surveillance, access and alarm systems, and personal information protection services — could cost over \$300 million

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<sup>23</sup> Gowri Ramachandran, “How Congress Can Help Protect Election Workers,” Brennan Center for Justice, March 25, 2022, <https://www.brennancenter.org/our-work/research-reports/how-congress-can-help-protect-election-workers>.

nationwide over the next five years.<sup>24</sup> These costs of responding to newly emerging threats come on top of additional outstanding cybersecurity needs, which could amount to well over \$2 billion.

Even without additional funding from Congress, federal departments and agencies should do more to get much needed resources to state and local election officials by requiring or encouraging state and local recipients of federal grants to allocate funding toward qualifying election physical and cybersecurity needs.<sup>25</sup> Federal grant programs that could be used for these purposes include the Homeland Security Grant Program (HSGP) and the newly-established State and Local Cybersecurity Grant Program (administered by the Department of Homeland Security); the Byrne-JAG (administered by the Department of Justice); and Help American Vote Act (HAVA) Election Security Funds (administered by the Election Assistance Commission).

#### **IV. Conclusion**

Disinformation is having a profound impact on our democracy and making it increasingly difficult to administer free, fair, and accurate elections. Retaining and recruiting election officials and election workers is a challenge because of the election lies being promoted since 2020. Not only has disinformation led to increased threats against officials and called into question their ability to properly run elections, but it has also served as the pretext for anti-voter legislation that is designed to make election sabotage easier in the future.

Congress should act expeditiously to provide greater protections and resources for election officials. The Brennan Center has identified billions of dollars in needs for physical and cybersecurity for election offices across the country. In addition to increasing funding, Congress should ensure these resources reach all the way to local election offices and are coupled with training and resources from federal agencies. Congress should also clarify existing statutes so that they apply to threats against election officials and workers. While time is short before the 2022 midterm elections, Congress must take action now to ensure that the 2024 presidential election is secure and that there are sufficient resources available to protect election officials and prevent attempts to undermine our democratic processes.

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<sup>24</sup> Derek Tisler and Lawrence Norden, “Estimated Costs for Protecting Election Workers from Threats of Physical Violence,” Brennan Center for Justice, May 3, 2022, <https://www.brennancenter.org/our-work/research-reports/estimated-costs-protecting-election-workers-threats-physical-violence>; Lawrence Norden, Derek Tisler and Turquoise Baker, “Estimated Costs for Protecting Election Infrastructure Against Insider Threats,” Brennan Center for Justice, March 7, 2022, <https://www.brennancenter.org/our-work/research-reports/estimated-costs-protecting-election-infrastructure-against-insider>.

<sup>25</sup> Lawrence Norden et al., “How Federal Departments and Agencies Can Help Secure America’s Elections,” Brennan Center for Justice, April 21, 2022, <https://www.brennancenter.org/our-work/research-reports/how-federal-departments-and-agencies-can-help-secure-americas-elections>.