

**Congress of the United States**  
**Washington, DC 20515**

March 16, 2022

Merrick B. Garland  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530

Dear Attorney General Garland:

We write to voice our growing concern about the risk of insider threats to election systems in the United States and to ask that the Department of Justice (DOJ) work with states to prevent bad actors within election systems from abusing their authority and threatening the integrity of our elections.

In the aftermath of the 2020 election, election officials stood up to pressure from political actors who sought to overturn or cast doubt on official results in key battleground states. Their collective efforts helped ensure that voters, not politicians, decided the results of the election.

Since 2020, election officials across the country have faced threats, harassment, and intimidation, with some choosing to leave their positions as a result. We are grateful that DOJ has taken these threats seriously and established an Elections Threats Task Force. Unfortunately, many of the candidates seeking to fill newly vacated state and local election posts support former President Trump's false claim that the 2020 election was stolen.<sup>1</sup> We are concerned that this new cohort of election officials may be inclined to abuse their authority to directly influence the results of future elections.

This is not the first time our elections have been threatened by undemocratic forces. Throughout our history, election officials across the country—but particularly in the South—have used their positions to keep voters of color from casting ballots.<sup>2</sup> Amidst the recent resurgence of anti-democratic tactics among election officials in key battleground states, we are deeply concerned about bad actors who may dismiss their legal obligations in order to secure victory for their favored candidate or candidates.

We have already begun to witness an active effort to recruit and convince election officials at all levels of governance to sabotage future elections by spreading conspiracy theories and promoting the claims of election deniers.<sup>3</sup> In Michigan, a new official responsible for certifying election results stated that he believes the results of the 2020 election were fraudulent and that he would not have certified them. In Arizona, a candidate for secretary of state has centered his campaign

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<sup>1</sup> Alex Tausanovitch, "How to Save American Democracy," Center for American Progress, January 4, 2022, <https://www.americanprogress.org/article/how-to-save-american-democracy/>.

<sup>2</sup> Nick Tabor, "Voter Fraud Propagandists Are Recycling Jim Crow Rhetoric," The New Republic, February 4, 2022, <https://newrepublic.com/article/165283/suppress-black-vote-jim-crow>.

<sup>3</sup> Lawrence Norden and Derek Tisler, "Addressing Insider Threats in Elections," Brennan Center, December 8, 2021, <https://www.brennancenter.org/our-work/analysis-opinion/addressing-insider-threats-elections>.

around false claims of election fraud in 2020. In Pennsylvania, nearly one third of all county officials have left their posts since the beginning of 2020, and election deniers have recruited like-minded candidates to run for local positions to supervise polling places and oversee vote counting.

Additionally, at least ten candidates running for secretary of state and eight running for state attorney general across the country back false claims that the 2020 election was illegitimate.<sup>4</sup> While most elected officials from key battleground states were unwilling to aid in efforts to alter the results of the 2020 election, that is no guarantee that the new individuals in these positions will defend American democracy in 2022, 2024, and beyond.

Election denial among state and local officials poses a serious threat to the security of our voting systems. For example, a county clerk in Colorado who was affiliated with prominent election conspiracy theorists recently gave an individual unauthorized access to the county's voting software.<sup>5</sup> That person was able to release the passwords for the voting system, copy the hard drive of the county's voting equipment, and share the copies publicly online to spread disinformation.<sup>6</sup> Actions such as these undermine the integrity of election results and reduce confidence that votes will be fairly and accurately counted and reported – the foundation of our democratic system.

Over the past 60 years, the Department of Justice has played a critical role in safeguarding the constitutional rights of every American, and foremost among those rights is the right to vote. DOJ has a similar, and no less important, role to play now. We ask that DOJ:

- Prioritize actions to protect the integrity of election results, including by addressing those threats coming from within our electoral system.
- Work with states to investigate and, where appropriate, prosecute individuals who engage in illegal conduct that poses a serious threat to voting system security and software, or disrupts the fair and accurate counting of votes.
- Consider additional steps, such as deploying nonpartisan election monitors and making further public commitments to safeguarding the integrity of election results against all potential threats, including insider threats.

Thank you for your attention to this important matter. We look forward to working with you to prioritize this issue and foster public confidence in our election systems.

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<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> Bente Birkeland, "After Data Is Posted on Conspiracy Site, Colorado County's Voting Machines Are Banned," National Public Radio, August 12, 2021, <https://www.npr.org/2021/08/12/1027225157/after-data-is-posted-on-conspiracy-website-colo-countys-voting-machines-are-bann>.

Sincerely,



Deborah K. Ross  
Member of Congress



Adam B. Schiff  
Member of Congress



Ruben Gallego  
Member of Congress



Terri A. Sewell  
Member of Congress



Marie Newman  
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