



August 9, 2022

The Honorable Richard J. Durbin
Chair
Senate Judiciary Committee
Washington, D.C. 20510

The Honorable Charles E. Grassley
Ranking Member
Senate Judiciary Committee
Washington, D.C. 20510

Dear Chair Durbin and Ranking Member Grassley,

On behalf of the Southern Poverty Law Center Action Fund (“SPLC Action Fund”), we write to provide our insights on issues explored during the Judiciary Committee’s “Protecting Our Democracy’s Frontline Workers” hearing. We appreciate the opportunity to share our expertise and recommendations for addressing political violence and intimidation directed at election workers and voters. This statement explains the rise in political violence against election workers over the last few years, and also provides practical, achievable policy recommendations to prevent violence and harassment of frontline election workers and build resiliency. We request that this statement be included as part of the official hearing record.

About SPLC and SPLC Action Fund

Established in 1971, the SPLC has been tireless in identifying and rooting out extremist groups to create a fair, inclusive, and unified nation. We are a nonprofit advocacy organization serving as a catalyst for racial justice throughout the South. We work in partnership with communities of color to dismantle white supremacy, strengthen intersectional movements through transformative policies and initiatives, and advance the human rights of all people. We have deep expertise in monitoring the activities of domestic hate groups and other extremists – including the Ku Klux Klan, the neo-Nazi movement, racist skinheads, antigovernment militias, and others. We currently track hundreds of extremist groups operating across the country, publish investigative reports, share key intelligence, and offer expert analysis to the media and public.

SPLC employs a three-pronged strategy: litigation, policy advocacy, and public education. We work within the judicial system to compel systemic reforms on behalf of victims of bigotry and discrimination. Through SPLC’s “Learning for Justice” Program, our organization provides free resources to caregivers and educators to help advance human rights and inclusive democracy. In addition, the SPLC Action Fund advocates for the implementation of policies and laws to eliminate the structural racism and inequalities that fuel the oppression of people of color, immigrants, young people, women, low-income persons, religious minorities, and the LGBTQ+ community. Together, our organizations are dedicated to fighting for social justice alongside impacted communities in pursuit of equity and opportunity for all.

The Mainstreaming of Hate & Extremism

The rise of hate and extremism, catapulted by lies and propaganda, has led to the fears espoused by election officials across the country. As an organization, SPLC has documented the rise and threat of anti-government movements and political violence over the last few decades.

Today, Americans can listen to constant diatribes about the racist “great replacement theory” on popular nightly news channels like Fox News’s *Tucker Carlson Tonight*. These same theories have led to recent mass shootings in Buffalo, NY, El Paso, TX, and Charleston, SC. Unfortunately, despite the lack of evidence, some politicians have started to use these deep divides to undermine democracy and promote election fraud claims. American society cannot adequately address violent crime and domestic terrorism by focusing only on certain perceived threats like social justice protests, Supreme Court justice threats, and threats against pro-life institutions. We cannot be selective in whom we choose to protect.

In June of this year, SPLC Action Fund released a national poll¹ demonstrating the extensive mainstreaming of extremist beliefs and narratives across the country. While most Americans disapprove of political violence, a substantial minority, or twenty-four percent of those surveyed, approve of threatening a politician because they are seen as “harming the country or our democracy.” Those on the right of the political spectrum were more likely to approve of political violence in general, with forty-one percent of those who self-identified as Republicans agreeing that some violence may be “necessary to protect the country from radical extremists,” as compared to only twenty-nine percent of those who self-identified as Democrats. Even more alarming, more than half of Republicans believe the country is headed toward civil war, compared to thirty-one percent of Democrats. And overall, one in five Americans approved of assassination as a solution for a political issue.

Similarly, Ipsos conducted an online survey in June of more than 8,600 people in the U.S. for the University of California at Davis’s Violence Prevention Research Program.² The Ipsos results show that one in five adults in the U.S. would condone acts of political violence. While this does not mean those same Americans are willing to conduct political violence themselves, these results continue to show a willingness to engage or condone acts of political violence to meet political goals. This growing mistrust of political opposition and the pervasiveness of extremist views on mainstream culture has increased threats, harassment, and attacks on elected officials and election workers.

Disinformation Transformed into Public Policy

As we have seen with the Jan. 6 hearings, disinformation campaigns can lead to actual violence, but also to policy change. SPLC Action Fund works on federal policy campaigns, but

¹ SPLC’s National polling by Tulchin Research; 1,500 Americans were polled. Results available: <https://www.splcenter.org/news/2022/06/01/poll-finds-support-great-replacement-hard-right-ideas>

² Ipsos, UC Davis polling: <https://www.nytimes.com/2022/07/20/us/politics/political-violence-survey-united-states.html>.

also with local and state elected bodies in five states across the Deep South: Alabama, Florida, Georgia, Louisiana, and Mississippi. These states have seen significant changes to the election administration in recent years.

In Georgia, for example, the General Assembly passed a sweeping new law, S.B. 202, in 2021 that changed nearly every aspect of election administration in the state. After a record-breaking turnout election in 2020, Georgia legislators and Gov. Kemp appeased conspiracy theorists and amplified deadly lies about past elections to justify the passage of the bill. This law narrows identification requirements, compresses the period for requesting absentee ballots, restricts secure drop boxes, bans mobile voting, disqualifies some out-of-precinct voters, and reduces early voting hours and runoff election deadlines. In addition, it diminished the powers of the secretary of state and created a process for the legislature to override the authority of the county board of elections. S.B. 202 will primarily impact historically disenfranchised communities. The SPLC, along with other partners, sued after the passage of that bill on behalf of nine civic engagement organizations.

In 2021, the Florida Legislature introduced and passed Senate Bill 90, disproportionately and unconstitutionally impacting Black and Latinx voters, women voters, and voters with disabilities. These excessive restrictions perpetuated a narrative of distrust in our election processes by requiring groups engaged in voter registration activities to provide misleading information to voters that the organization “might not” submit the voter’s registration application on time and to direct voters to the state’s online registration portal. The SPLC filed a federal lawsuit on behalf of Harriet Tubman Freedom Fighters, Corp., a nonprofit, nonpartisan organization that focuses its registration efforts on youth, communities of color, and returning citizens, challenging this unconstitutional aspect of Florida law.³

Another policy measure employed after the 2020 Election is the ban by some states on private funding for election administration. Third-Party funding to states and local governments was used in 2020 to train poll workers, purchase protective gear and upgrade election equipment during the Covid-19 pandemic. The funding covered gaps in state budgets for elections.⁴ Since 2021, 15 states have passed laws prohibiting the use of private funds for election administration, a policy enacted after Facebook founder Mark Zuckerberg and his wife donated over \$400 million to state and local governments to boost election administration funding.

Unfortunately, without private funding, states like Florida, Georgia, and Mississippi, among others, will encounter greater difficulty in election worker recruitment, resulting in longer lines, mistakes, rushed training, and incorrect information passed along to voters. The constant threats to election workers, added to insufficient election administration funding, aids in the

³ Harriet Tubman Freedom Fighters, Corp., et al. v. Laurel Lee, et al., Consolidated Case: 4:21cv242-MW/MAF (N.D. Fla. 2021) (consolidated with League of Women Voters of Florida, et al v. Laurel Lee, et al, Consolidated Case: 4:21cv186-MW/MAF (N.D. Fla. 2020)).

⁴ David Meyers, “Nearly 20 states have restricted private funding of elections,” <https://thefulcrum.us/Government/State/limiting-private-funding-of-elections>, Fulcrum, May 24, 2022.

difficulty of attracting and enlisting individuals who once eagerly looked forward to assisting voters during elections.

We saw similar bills restricting access to voting pass in 19 other states by December of 2021.⁵ By May of 2022, at least seven other states passed new election changes that continue to make it more difficult to vote or to conduct an election.⁶

Mitigating Political Violence & Intimidation

Since 2020, we have seen some attempts at mitigating political violence and building resiliency. For example, a bipartisan group of Senators has recently introduced S.4574, the Enhanced Election Security and Protection Act.⁷ As introduced, the bill would double the penalty under federal law for individuals who threaten or intimidate election officials, poll watchers, voters, or candidates. Under current law, threats of violence or intimidation against these individuals are punishable by no more than one year in prison. This legislation would increase the penalty to no more than two years in prison. Companion legislation, S.4573, the Electoral Count Reform and Presidential Transition Improvement Act of 2022 would reform and modernize the outdated Electoral Count Act of 1887 to ensure that electoral votes tallied by Congress accurately reflect each state's vote for President. Both bills are necessary, but neither addresses the sources of ideologically motivated political violence that stoke the fears of frontline election workers performing a civic duty.

Much of the hate and extremism is the proliferation of lies and propaganda promoted on social media platforms. Tech companies must be encouraged to address mis/disinformation campaigns spread through social media with little accountability. According to the Center for Democracy and Technology, "Election disinformation spreads through a multitude of channels: through online or traditional media; from members of the public or from powerful leaders."⁸ Several proposed appropriations bills would increase funding across all departments and agencies for enhanced cybersecurity measures to secure our systems, infrastructure, and supply chains. But the challenge of election security is that platforms do not disclose algorithms or other data that would allow independent observers to address disinformation issues and concerns. While government cannot eliminate hate altogether, government can make social media platforms more accountable and responsive to its users by separating opinion from fact and still adhering to First Amendment protections.

At the state level, civic engagement groups and researchers are building resiliency. In Georgia, for example, SPLC Action Fund hosts an anti-violence state table where we organize across

⁵ <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-december-2021>

⁶ <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-may-2022>

⁷ S.4574 117th Congress (2021-2022): Enhanced Election Security and Protection Act, 117th Congress (2022), <https://www.congress.gov/bill/117th-congress/senate-bill/4574/text?r=1#toc-idD0315CA378DC49E88A1D4A1CCFD4B39C>.

⁸ William T. Adler, Dhanaraj Thakur, "A Lie Can Travel: Election Disinformation in the United States, Brazil, and France (CDT report published by KAS)," Center for Democracy & Technology, <https://cdt.org/insights/cdt-and-kas-report-a-lie-can-travel-election-disinformation-in-the-united-states-brazil-and-france/>, December 14, 2021.

sectors to prevent, anticipate, and mitigate incidents of political violence. This work includes providing de-escalation training and briefing on hate groups and extremists to elected officials, candidates, election administrators, and district attorneys, but also conducting outreach to political and business leaders, asking them to stand up and speak out against hate and disinformation. These efforts have led to coordination between civic engagement groups and organizers to keep their members and voters safe. For example, organizers worked with our state table to keep their events post-election away from the Georgia Capitol on days when there were “Stop the Steal” militias and Proud Boys roaming the halls looking for the Governor and Secretary of State. State and congressional leaders would do well to reach out to similar anti-violence groups in their states and find ways to support their efforts.

The threats to election officials are pervasive and detrimental to our democracy. A Brennan Center study conducted by Benenson Strategy Group found that threats against local election officials are more prevalent than data on reports to law enforcement would indicate, as more than half of these cases have not been reported to law enforcement. The survey also found that nearly 2 in 3 local election officials believe that false information is making their jobs more dangerous, and almost all blame social media for spreading it.⁹

This information is particularly troubling as local election offices face difficulty recruiting poll workers. Reuters reports that incendiary rhetoric could reverberate into the 2022 midterm congressional elections and the 2024 presidential vote by making election workers targets of threatened or actual violence.¹⁰ Election workers and voters must be made to feel secure when administering elections and casting ballots in our representative democracy.

Below are several policy recommendations to address critical issues facing frontline election officials.

Policy Recommendations

Speak out against political violence

It is impossible to overstate the importance of elected officials and candidates for office using their public platforms to condemn political violence and denounce violent threats or appeals to prejudice by supporters or anyone associated with their campaigns. Community, faith, and business leaders must also be empowered to speak out against incitement, calls for violence, and appeals to prejudice in political campaigns – and be willing to hold political leaders accountable for their failure or refusals to reject and denounce appeals made on their behalf.

Act to ensure that the upcoming elections will be free, fair, and safe

⁹ Brennan Center for Justice, “Local Election Officials Survey,” <https://www.brennancenter.org/our-work/research-reports/local-election-officials-survey-march-2022>, March 2022.

¹⁰ Reuters “Trump-inspired death threats are terrorizing election workers,” <https://www.reuters.com/investigates/special-report/usa-trump-georgia-threats/>, June 11, 2021.

Congress and the administration must take steps to protect election officials, poll workers, and voters from intimidation and violence. The Justice Department must demonstrate that it is ready and willing to vigorously enforce existing voting rights laws – preparing all 94 US Attorney offices and a substantial number of poll monitors to ensure free and fair elections. Especially as some states have passed laws or adopted procedures that enable many more partisan poll watchers – compounded by the creation of special “election police” in some states – the Department of Justice must take affirmative steps to reassure poll workers and voters that they will not be impeded or harassed, that elections will be free from intimidation, and that voters will have their ballots counted fairly. Media training and identifying best practices for covering extremist threats is also essential since inaccurate or sensationalized press coverage could scare voters away from polls.

Directly confront political violence and violent extremism – with accountability and real consequences

For the most part, political violence occurs at the local and state level (January 6 is an obvious exception). There are several replicable best practices that local communities have taken when faced with the prospect of ideologically-motivated violence – including basic advance planning techniques such as enforcing reasonable First Amendment time, place, and manner restrictions, keeping protesters and counter-protesters apart, and ensuring that law enforcement officials are trained in de-escalation tactics. When political violence occurs, accountability and profound consequences are essential.

More must be done to confront targeted hate crimes and violent militia groups – through enforcing existing federal and state criminal laws, through civil injunctions against violent anti-government and militia activity and threatening armed confrontations, and through civil litigation, like the successful Integrity First for America litigation against planners and perpetrators of the 2017 white supremacist rally/riots in Charlottesville.¹¹ We must work to close significant gaps in hate crime data collection and reporting.¹² And though half the states have laws against harassing and intimidating paramilitary activity, these laws are rarely enforced.¹³ We must ensure that state officials are aware of these laws and have the resources – and the political will – to enforce them.

Finally, especially because fully ten percent of those arrested for the January 6 insurrection violence were veterans, the Biden administration and the Department of Defense must continue their commitment to addressing extremism and white supremacy in the military – at every point from recruitment to separation to veterans’ health and welfare – and fully implement the

¹¹ Integrity First for America. “Charlottesville Plaintiffs Win Historic Lawsuit, Securing Justice Against White Supremacist Leaders and Groups for Planning Racially Motivated Violence.” Integrity First for America Press Release, November 23, 2021. <https://www.integrityfirstforamerica.org/newsroom/integrity-first-for-america-statement-on-charlottesville-win>.

¹² SPLC “Hate crimes Explained.” Southern Poverty Law Center, October 27, 2021, <https://www.splcenter.org/hate-crimes-explained>.

¹³ 14 Mary B. McCord, “Congress Can and Should Address the Threat from Unauthorized Paramilitary Activity,” <https://www.justsecurity.org/79951/congress-can-and-should-address-the-threat-from-unauthorized-paramilitary-activity/>, Just Security, January 4, 2022.

recommendations of the *Report on Countering Extremist Activity Within the Department of Defense*.¹⁴ SPLC has been working to address this issue for thirty years.¹⁵

Promote shared democratic values, confront long-term contributors to domestic extremism, and build community trust and resilience

Enforcing existing laws and replicating best community intervention and deterrence practices is necessary but insufficient. We need to ignite a long-term national commitment to promote appreciation for our nation’s multiracial democracy and broadly, deeply teach critical thinking skills and digital literacy to equip the next generation better to reject online conspiracy theories and disinformation.

Notably, in June 2021, the Biden administration released a National Strategy to Confront Domestic Terrorism, which called for better coordination and communication between security agencies, enhanced enforcement of existing laws, and – essential for these purposes – a commitment to confront long-term contributors to domestic terrorism:

“That means tackling racism in America. It means protecting Americans from gun violence and mass murders. It means ensuring that we provide early intervention and appropriate care for those who pose a danger to themselves or others. It means ensuring that Americans receive the type of civics education that promotes tolerance and respect for all and investing in policies and programs that foster civic engagement and inspire a shared commitment to American democracy, all the while acknowledging when racism and bigotry have meant that the country fell short of living up to its founding principles. We are, therefore, prioritizing efforts to ensure that every component of the government has a role to play in rooting out racism and advancing equity for underserved communities that have far too often been the targets of discrimination and violence. This approach must apply to our efforts to counter domestic terrorism by addressing underlying racism and bigotry.”¹⁶

Improve government response to domestic extremism and hate violence

The 2020 Census revealed a more diverse America as people of color represented fifty-three percent of the total US population in 2020, up from thirty-four percent in 2010, with the non-

¹⁴ United States Department of Defense. “Report on Countering Extremist Activity Within the Department of Defense.” <https://media.defense.gov/2021/Dec/20/2002912573/-1/-1/0/REPORT-ON-COUNTERING-EXTREMIST-ACTIVITY-WITHIN-THE-DEPARTMENT-OF-DEFENSE.PDF>, December 2021.

¹⁵ SPLC, “Extremism in the Ranks: SPLC testifies to Congress about persistence of white supremacist activity in military,” <https://www.splcenter.org/news/2021/03/24/extremism-ranks-splc-testifies-congress-about-persistence-white-supremacist-activity>, March 24, 2021.

¹⁶ FACT SHEET: National Strategy for Countering Domestic Terrorism. June 15, 2021. <https://www.whitehouse.gov/briefing-room/statements-releases/2021/06/15/fact-sheet-national-strategy-for-countering-domestic-terrorism/>.

Hispanic White population falling to fifty-seven percent in 2020, a decline of six percentage points since 2010, the largest decrease of any race or ethnicity.¹⁷ Many frontline election workers, particularly those of color and those who do not support election fraud claims, have been targets of hate and violence. Some election workers have left their jobs due to threats of violence against them and their families, even death threats, and public disclosure of home addresses, emails, and pictures.¹⁸ Aside from securing the safety of these individuals critical to our democracy, Congress must holistically address targeted hate violence and improve hate crime training, outreach, and education.

Though most hate crimes are not committed by individuals affiliated with an organized hate group, the Biden administration and Congress should continue to closely track and assess the nature and magnitude of the problem of domestic extremism. They should fund resilience and digital literacy initiatives and government and academic research on best evidenced-based prevention programs.

Congress should enact the Domestic Terrorism Prevention Act (S.964/H.R. 350) to establish offices within the Department of Homeland Security (DHS), the Department of Justice, and the FBI to monitor, investigate, and prosecute cases of domestic terrorism – and require these offices to report to Congress regularly. The legislation would also provide resources to strengthen partnerships with state and local law enforcement and community-based groups to confront far-right extremism.

Promote online safety and hold tech and social media companies accountable

The need for enhanced protection of election officials is fueled by the proliferation of hate and extremism, mainly through social media platforms. It is frighteningly simple for racists and extremists to disseminate propaganda, recruit followers, generate profits, and spread intimidation on the major social media platforms and the Dark Web. Social media companies should not enable the funding or amplifying of white supremacist ideas or provide a haven for extremists.

Consistent with the First Amendment and privacy considerations, federal and state government officials should implement rules and regulations to ensure that tech companies comply with civil rights laws prohibiting discrimination. Law enforcement should scrutinize platforms and ensure they are enforcing prohibitions on activities that endanger the public or conspire against the rights of others.

Increase funding for election administration

¹⁷ Janie Boschma, Daniel Wolfe, Priya Krishnakumar, Christopher Hickey, Meghna Maharishi, Renée Rigdon, John Keefe and David Wright,” Census release shows America is more diverse and more multiracial than ever,” CNN Politics, August 12, 2021.

¹⁸ Mary Papenfuss,” Names of Election Worker Witnesses Found on Oath Keeper Suspect's 'Death List': Court Filing,” https://www.huffpost.com/entry/ruby-freeman-shaye-moss-georgia-election-workers-oath-keeper-death-list_n_62e613b2e4b0d0ea9b77b127, HuffPost, Jul 31, 2022.

States and local governments rely on Election Administration Commission (EAC) grants to assist in funding election administration. Congress must sufficiently fund the EAC and assist states in addressing the rise in cybersecurity threats, and help replace third-party funding for local elections, which some states have now prohibited. Congress should support President Biden's FY 2023 budget proposal request of \$10 billion over the next decade to improve the country's election administration and provide greater assistance to voters.

Increase DOJ resources to expand enforcement capacity

The Department of Justice Voting Section is responsible for detecting, investigating, and pursuing violations of federal civil and criminal voting rights laws. Congress should support or increase President Biden's FY 2023 budget proposal request of \$215.2 million for the Civil Rights Division to expand its efforts to deter and prosecute hate crimes; safeguard fair elections, and combat discrimination.

Conclusion

Our democracy is under threat. Frontline election workers face unprecedented physical security threats, while election administrators, also subject to harassment, are grappling with physical and cybersecurity issues that threaten secure elections and recruiting enough workers to administer an election. Recently, a former GA election worker Ruby Freeman – who, along with her daughter, were targeted and harassed relentlessly after President Biden's win in Georgia explained, "There is nowhere I feel safe. Nowhere."¹⁹ We must now take steps to reinforce a fundamental principle of democracy: acceptance of the will of the majority.

Safe and secure elections require not only securing ballots after votes have been cast but also ensuring that voters have unfettered access to cast their votes and feel confident that their votes will be counted fairly. Lies and disinformation can cause voters to lose confidence in the integrity of our elections. And that is especially true when some elected officials, though sworn to uphold our Constitution and state laws, are now leading the fraudulent claims without evidence. The 2022 elections will include several federal, state, and local candidates who are 2020 election deniers. We still have a democracy today; the challenge is keeping it. Congressional action will be critical to maintaining and defending our institutions.

Thank you for holding this important hearing. We sincerely appreciate this Committee's continued leadership in addressing political violence and protecting frontline election workers. We look forward to collaborating with you as you continue to focus on this domestic threat. If you have questions about this statement or need additional information, please contact Isabel

¹⁹ Adam Edelman,

"Mother-daughter election workers targeted by Trump say there's 'nowhere' they feel safe:

Emotional testimony at Tuesday's Jan. 6 committee hearing by Ruby Freeman and Shaye Moss underscored the direct and dangerous effects Trump's lies had on election workers," NBC News.

<https://www.nbcnews.com/politics/congress/election-workers-targeted-trump-ruby-freeman-shaye-moss-say-s-nowhere-rcna34640>, June 21, 2022.

Otero, SPLC Action Fund Georgia Policy Director, at Isabel.Otero@splcenter.org or Fred McBride, SPLC Action Fund Senior Policy Advisor, at Fred.McBride@splcenter.org.

Sincerely,

A handwritten signature in blue ink that reads "LaShawn G. Warren". The signature is written in a cursive style with a large, sweeping initial "L".

LaShawn Warren
Chief Policy Officer