

Congress of the United States
Washington, DC 20510

November 3, 2022

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

Dear Attorney General Garland,

As the Department of Justice announced in July 2021, the Election Threats Task Force was established to “address threats of violence against election workers, and to ensure that all election workers—whether they are elected, appointed, or serve as volunteers—are permitted to do their jobs free from threats and intimidation.” While we applaud the formation of the Task Force, we are alarmed by increasing threats against election workers nationwide, including numerous recent instances of armed people lingering near polling sites. Our election workers are instrumental to free and fair elections, and threats to our election workers undermine the very process of our democracy.

On June 21, 2022, Ruby Freeman and Shaye Moss testified in front of the Select Committee to Investigate the January 6th Attack on the United States Capitol about the harassment and violence they endured as election workers in Georgia, which forced them into hiding. Recent news reports have also told of clerks in Colorado wearing body armor to work or working behind bulletproof glass, and a March 2022 survey by the Brennan Center for Justice “found that one in six local election officials have personally experienced threats, and nearly a third said they knew people who had left their jobs at least in part because of safety concerns.” In an August 1 press release, your Department noted that the Task Force has reviewed more than 1,000 contacts reported as hostile or harassing, with 58% of the potentially criminal threats occurring in states that had particularly contentious 2020 elections, such as Georgia, Arizona, Colorado, Michigan, Pennsylvania, Nevada, and Wisconsin.

The threats directed at local election officials undermine the efficacy of our democracy by forcing out too many qualified and ethical election workers and administrators. These threats also make the positions less appealing and harder to fill. Election administrators around the country, partially as a result of harassment and threats of violence, are facing staffing shortages that could lead to delays, errors, and confusion in the course of ballot casting, counting, and reporting. Our constituents want and deserve efficient and effective election administration, so it is critical that the Department of Justice take affirmative steps to ensure the invaluable foot soldiers of our democracy can safely carry out their jobs.

To that end, we are grateful for the work of the Election Threats Task Force, and for Assistant Attorney General Kenneth Polite, Jr.'s testimony to the Senate Judiciary Committee in August, and would appreciate more information about its efforts:

1. How many referrals has the Task Force received, in total?
2. How many referrals has the Task Force received through its dedicated hotline?
3. How many referrals has the Task Force received each month since its inception?
4. What is the process the Task Force uses to follow-up on and evaluate each referral?
5. What criteria are used to determine whether a referral will lead the Department or the Task Force to pursue an indictment?
6. In a January 26, 2022 briefing by the Task Force for election officials, you said that a "knock and talk" action could be appropriate in some cases, which "involve police officers knocking on a residence door and asking to speak with the occupants...in the absence of an arrest or search warrant and is considered a consensual encounter between police and citizens." You mentioned how this was used effectively for your benefit when you were a federal judge and received messages that were alarming to you and your family. What criteria are used to determine whether a referral will lead the Department or the Task Force to pursue an investigation or to conduct other activities such as a "knock and talk"?
7. What is the typical amount of time between the Task Force receiving a referral and when the Task Force considers a referral "closed"?
8. In Assistant Attorney General Polite's testimony to the Senate Judiciary Committee on August 3, he said the Department has charged five cases in addition to three state level prosecutions. Have these numbers since changed?
9. Can you please provide an update on the status of each case the Task Force has charged?
10. What efforts does the Department or the Task Force plan on conducting to increase awareness of the Task Force and its work among election officials?
11. What efforts does the Department or the Task Force plan on conducting to increase the rate of reporting of threats against election officials?
12. What efforts have the Department or the Task Force taken to make local election officials aware of federal resources for election administration and/or election worker protection?
13. In your outreach to local election officials, what concerns have they raised about the biggest issues facing local election officials, both that impact their efforts to effectively run elections and their personal lives, including their safety?
14. What form and content of training is the Department or the Task Force providing to local law enforcement agencies?
15. According to a January 26, 2022 memo from the Bureau of Justice Assistance (BJA) to State BJA Administering Agency Directors, Byrne JAG grants are eligible to be used to protect election workers. Would creating a new, dedicated stream of federal grant funding available to state and local election administrators better allow election administrators to ensure the safety of election officials?
16. In an August 1 press release, the Department stated that 11 percent of its referrals met the threshold for a federal criminal investigation. What are the challenges the Task Force has faced when processing referrals or pursuing indictments and convictions? Specifically,

what are the difficulties the Task Force has faced when evaluating referrals in relation to existing federal election crimes?

17. In Assistant Attorney General Polite's testimony, he spoke of the value of increased deterrence. Is there existing proposed legislation that would address those concerns?
18. How is the Department measuring the success of the Task Force?

We are grateful for your commitment to securing and protecting our election workers and our democratic process. We look forward to working with you on these efforts, seeing the Task Force succeed in its goals, and your continued communication with Congress about this critical effort.

Yours for the People,



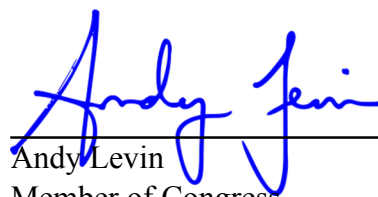
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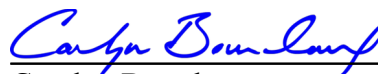
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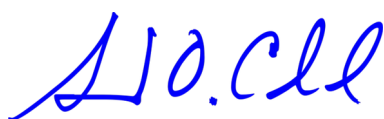
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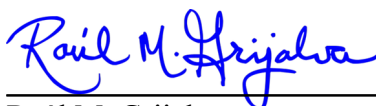
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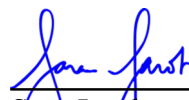
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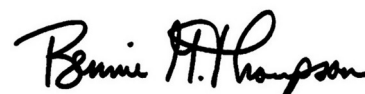
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