

# United States Senate

WASHINGTON, DC 20510

September 12, 2024

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

The Honorable Alejandro Mayorkas  
Secretary  
U.S. Department of Homeland  
Security  
2707 Martin Luther King Jr Ave SE  
Washington, D.C. 20528

The Honorable Christopher Wray  
Director  
Federal Bureau of Investigation  
935 Pennsylvania Avenue, NW  
Washington, D.C. 20535

The Honorable Avril Haines  
Director  
Office of the Director of  
National Intelligence  
1500 Tysons McLean Dr.  
McLean, VA 22102

Dear Attorney General Garland, Secretary Mayorkas, Director Wray, and Director Haines:

With less than two months remaining before the November 5, 2024, Presidential election, we write to express concerns about threats posed to the election and to encourage each of your agencies to do everything necessary to ensure the election is conducted in a safe, secure, free, and fair manner. Free and fair elections are the cornerstone of American democracy, yet election officials at the state, local, Tribal, and territorial level have expressed concerns for the safety of our nation's elections infrastructure and the physical security of election workers.

Based on malign actors' activity in past elections, potential threats to this year's election include cyberattacks on election systems, officials, and candidates; efforts to undermine trust in our elections, including post-election processes, through the propagation of mis- and disinformation; efforts by both domestic and foreign actors to intimidate voters; and physical violence towards voters, election workers, and candidates, as recently evidenced by the attempted assassination of former President Trump.<sup>1</sup>

The Intelligence Community's 2023 and 2024 Annual Threat Assessments stated that Russia, China, and Iran are all actively trying to meddle in U.S. elections.<sup>2</sup> In the last month, a number of your agencies have taken steps to disrupt election threats from Iran and Russia,

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<sup>1</sup> National Intelligence Council, *Foreign Threats to the 2020 US Federal Elections* (March 10, 2021) (ICA-declass-16MAR21.pdf) (dni.gov)

<sup>2</sup> Office of the Director of National Intelligence, *Annual Threat Assessment of the U.S. Intelligence Community* (Feb. 6, 2023) ([www.dni.gov/files/ODNI/documents/assessments/ATA-2023-Unclassified-Report.pdf](http://www.dni.gov/files/ODNI/documents/assessments/ATA-2023-Unclassified-Report.pdf)); Office of the Director of National Intelligence, *Annual Threat Assessment of the U.S. Intelligence Community* (Feb. 5, 2024) ([www.dni.gov/files/ODNI/documents/assessments/ATA-2024-Unclassified-Report.pdf](http://www.dni.gov/files/ODNI/documents/assessments/ATA-2024-Unclassified-Report.pdf)).

including through a mix of indictments, sanctions designations, domain seizures, and public exposure.

Ongoing testing of election devices and networks continues to show vulnerabilities that may be exploited. The election security community has not, as of yet, seen any indication of foreign efforts to target election infrastructure, and though there have been no foreign cyberattacks impacting election results or taking voting machines offline on election day, security researchers say the risk exists.<sup>3</sup> While the election security community remains confident that such efforts would be unlikely to manipulate election processes “at a scale large enough to impact the outcome of a federal election without detection by intelligence collection, post-election audits, or physical and cybersecurity monitoring,” even minor successes could undermine public confidence in election processes.<sup>4</sup> Without concentrated efforts to engage the private sector responsible for securing our voting machines and election infrastructure, we risk future incidents.

The election cycle of 2024 is also vulnerable to artificial intelligence (AI) enabled capabilities, which could impact the security and integrity of elections and election infrastructure. Mitigation of generative AI and traditional cyber threats will require election officials across the nation to apply the same security best practices that experts have recommended for years, and which were emphasized over the past 18 months in interagency products and joint federal and state exercises—implementation of security controls like multifactor authentication on election infrastructure; education of employees and volunteers on the potential risks and how to identify and respond to cyberattacks; and active planning and training of election officials for different cyberattack scenarios, including Distributed Denial of Service (DDoS) or ransomware.

Generative AI also risks escalating the threats from mis- and disinformation related to the election, both ahead of election day and in the weeks after. Both foreign adversaries and election deniers alike are attempting to undermine confidence in the election, with most of the voting public unable to discern the origin of the information. Election falsehoods spread rapidly on social media, with platforms unable or unwilling to intervene at times, fueling threats to election systems.<sup>5</sup> In 2022, 64% of election officials reported that the spread of false information made their jobs more dangerous.

An increase in physical threats to election workers and election infrastructure has further complicated efforts to ensure fair and free elections. The Brennan Center for Justice conducted a survey of election administrators and found that the majority are preparing additional steps to protect voters, election workers, and polling locations in the run up to the 2024 election.<sup>6</sup> In May 2024, the Brennan Center found that 38% of state and local election workers experienced threats

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<sup>3</sup> *Id.*

<sup>4</sup> Office of the Director of National Intelligence, *60 Days Until Election 2024: Election Security Update as of Early September* (Sept. 6, 2024).

<sup>5</sup> *Id.*

<sup>6</sup> Brennan Center for Justice, *Poll of Election Officials Finds Concerns About Safety, Political Interference* (May. 1, 2024) ([www.brennancenter.org/our-work/analysis-opinion/poll-election-officials-finds-concerns-about-safety-political](http://www.brennancenter.org/our-work/analysis-opinion/poll-election-officials-finds-concerns-about-safety-political)).

and harassment for doing their job.<sup>7</sup> More than half were concerned about their safety and that of their colleagues or staff. In addition, the Brennan Center found that four in ten election officials were concerned about being doxed, and one in four were concerned about being swatted.<sup>8</sup> In many instances across the country, these fears have been realized, and the proliferation of AI has not only increased the incidents of swatting but made them more difficult to trace, predict, and mitigate through the accessibility of voice manipulation and other AI tools.<sup>9</sup>

The increase in threats and harassment can lead to election workers, often retirees, quitting altogether. Six in 10 poll workers are over the age of 61, with more than 25% over the age of 71. The increased frequency and severity of threats has come with increased turnover, leading to less experienced- or even hyper-partisan- individuals running elections.<sup>10</sup> This turnover leads to a shortage of workers and less faith in the electoral process. According to the Pew Research Center, most U.S. registered voters trust their poll workers more than the state officials who run the elections.<sup>11</sup> Further, these same threats, particularly those that draw large crowds, media attention, and violence, have caused many civic institutions to discontinue service as polling locations. The school system in Maricopa County, Arizona, barred the use of its schools for polling locations.<sup>12</sup> In other states, churches and other community institutions have chosen not to participate in elections to avoid disruption to normal business and ensure the safety of their employees.<sup>13</sup>

We appreciate and support the steps that your agencies have taken to address these concerning threats, and the important work that the Intelligence Community is doing to track threats to our elections. We are aware of the steps that the Department of Justice Election Threats Task Force has taken in holding people accountable when they threaten election workers. We appreciate that the Department of Homeland Security has made election security a national priority and that the Cybersecurity and Infrastructure Security Agency and the Federal Bureau of Investigation are providing state and local election officials with support through tabletop exercises, protective security advisor support, and access to resources, tools, and planning guidance. We also know that the people on the ground – election and law enforcement officials – are working every day to ensure that these elections run smoothly and safely.

However, more must be done to counter the persistent threats outlined above and ensure that election workers can accomplish our shared goal of free, fair, and secure elections. For these reasons, we urge you to continue to prioritize preparations to detect, prevent, and mitigate threats against election systems, officials, and workers.

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<sup>7</sup> *Id.*

<sup>8</sup> Brennan Center for Justice, *Local Election Officials Survey — May 2024* (May 1, 2024) ([www.brennancenter.org/our-work/research-reports/local-election-officials-survey-may-2024](http://www.brennancenter.org/our-work/research-reports/local-election-officials-survey-may-2024)).

<sup>9</sup> DOJ: *Democracy and those who protect it "under attack like never before,"* Axios (May 14, 2024) ([www.axios.com/2024/05/14/justice-department-election-workers-threats-ai-technology](http://www.axios.com/2024/05/14/justice-department-election-workers-threats-ai-technology)).

<sup>10</sup> Brennan Center for Justice, *supra* note 6; Stephanie Sy and Geoffrey Lou Guray, “*Expert Fears Partisan Actors May Replace Election Workers Who Quit Over Threats*,” PBS News Hour (Nov. 2, 2021) ([www.pbs.org/newshour/show/expert-fears-partisan-actors-may-replace-election-workers-who-quit-over-threats](http://www.pbs.org/newshour/show/expert-fears-partisan-actors-may-replace-election-workers-who-quit-over-threats)).

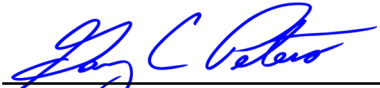
<sup>11</sup> Pew Research Center, *Key facts about U.S. poll workers* (July 25, 2024) ([www.pewresearch.org/short-reads/2024/07/25/key-facts-about-us-poll-workers/](http://www.pewresearch.org/short-reads/2024/07/25/key-facts-about-us-poll-workers/)).

<sup>12</sup> *With voting under attack, Arizona schools don't want to be polling locations*, Washington Post (Aug. 5, 2024) ([www.washingtonpost.com/politics/2024/08/05/arizona-maricopa-county-schools-elections/](http://www.washingtonpost.com/politics/2024/08/05/arizona-maricopa-county-schools-elections/)).

<sup>13</sup> *Id.*

Thank you for your efforts to protect our elections to ensure they are free, fair, and secure.

Sincerely,



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Gary C. Peters  
United States Senator  
Chairperson, Committee on  
Homeland Security and  
Governmental Affairs



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Amy Klobuchar  
United States Senator  
Chairwoman, Committee on  
Rules and Administration



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Richard J. Durbin  
United States Senator  
Chair, Senate Committee on  
the Judiciary



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Patty Murray  
United States Senator  
Chair, Committee on  
Appropriations



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Mark R. Warner  
United States Senator  
Chairman, Select Committee  
on Intelligence

