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LEON COUNTY, FLORIDA

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Response to Questions on the Topic of "Protecting Our Democracy's Frontline Workers"

Thank you for this opportunity to have my thoughts heard on this important topic.

Let me start by saying that none of the items below can be taken individually, in a vacuum. Each item, in and of itself, may appear manageable. But taken together, these problems are making it difficult at best for Supervisors of Elections in Florida to get their work done.

And let me emphasize that it does not matter what party the Supervisor belongs to, whether a local jurisdiction leans red or blue, nor which 2020 Presidential candidate won in their jurisdiction, we are all dealing with these issues to some degree, and certainly more now than ever before.

From my perspective, the following are some of the major issues, in no specific order, causing very real problems in administering elections and in maintaining public trust in what we do.

1. **Mis/Dis/Mal Information (MDM) - most of it appears to be domestically based and politically motivated, claiming rampant and systemic fraud in elections.** MDM is the underlying problem for many of the issues that follow. Repeat it often enough, and even the most absurd claim becomes part of the collective "knowledge" that undermines trust and prompts reckless action and violence.
2. **Well-known media personalities using false or deliberately misleading information as a means to build the emotional pitch to a critical level and making statements that feed the lies and hint at, suggest, or even directly incite, physical violence.** I have had frank conversations with my own staff and staff of other offices who are genuinely concerned that, much like what happened on January 6th, some citizen or mob is going to see it as their patriotic duty to take up arms and start shooting to take America back from the "corrupt" bureaucracy. It is a scary time.
3. **Threats of violence, intimidation, and fear of violence from individuals who have internalized a deep belief in the false and deliberately misleading information.** Neither I nor anyone on my staff has received an actionable threat of violence. Having said that, we have been the target of extremely angry diatribes over the phone with statements that they know where we work, and if we do not do as they demand, they will come and solve the problem. And while I have not received direct physical threats, I do know colleagues who have. *It is telling that given the opportunity to talk about this, most elections officials decide it is better to keep quiet, lest they bring the spotlight of the "social media mob" to bear on themselves and their staff.*
4. **Physical security concerns about working inside the office, walking to and from the office through the parking lot, and even while at home.** At our election office, we have made major



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changes to our facility to protect against active shooter, bomb, and assault threats, such as Kevlar walls, bullet and bomb resistant glass, expensive investments in security cameras and video file storage, and other hardening of our facility, and of course active shooter training. We should not have to work or live like this, but we feel we have targets on our backs.

5. **New elections legislation that makes it more complicated to vote, prompted by disinformation and being promoted as necessary to protect elections from fraud.** Taken individually, elections officials in Florida have been somewhat successful at pushing back against the worst parts of these reactionary election reform bills. But with every legislative session, the line of normalcy is pushed further away from a middle ground of sensible concern and protections. To defeat the worst language of these bills, we keep compromising, giving ground to avoid the worst measures. Each individual compromise adds an additional step a voter must be educated about and follow to have their vote counted.

As I have said to legislators many times: any one or even several of these changes in law would not be a big problem. But we are inundating our voters with constant change and so much statutory fine print that the simple act of voting begins to resemble a mortgage closing.

Not only is it confusing, it is also intimidating. Penalties for infractions (by voters, registration or petition volunteers, and election officials) are dramatically increasing. If you make an innocent mistake, someone's vote could be thrown out, or you could face large personal fines or jail time, and loss of reputation, office, retirement, and livelihood. One example is this piece of legislation recently signed into law: "The aggregate fine pursuant to this paragraph which may be assessed against a third-party voter registration organization, including affiliate organizations, for violations committed in a calendar year is \$50,000. [up from \$1,000]."

Another is this legislation passed in 2021: "If any drop box is left accessible for ballot receipt other than as authorized by this section, the supervisor is subject to a civil penalty of \$25,000. The division [an agency under the appointed Secretary of State] is authorized to enforce this provision." We are already required to follow the law and we face removal from office if we fail to do so. But legislating personal fines against election officials, who are supposed to be the sources of "Trusted Info," serves no purpose other than to intimidate us and further the story that election officials cannot be trusted.

6. **Lawsuits, brought in response to new election legislation, that are overtaxing our resources due to massive court discovery, deposition, and testimony requirements, and large unbudgeted legal bills.** It is becoming a tit-for-tat. Bad bills are introduced in the name of securing elections from rare cases of isolated fraud, and a continuous stream of lawsuits are filed against our offices to fight back against the disenfranchisement that is "bound" to result from the bills. It has become a battle of messaging targeting the respective bases, with election administrators and voters caught in the middle.

This is becoming a drain on our resources and morale, and it is very confusing for voters and the media to keep up with the legal tumult and noise. This confusion presents a cascading set of challenges for our offices as we try to answer voter and media questions, avoid confusion,



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provide coherent messaging and education, and maintain trust in elections in this chaotic environment that we as elections professionals find ever more challenging to keep up with ourselves.

7. **Massive and complex Public Records Requests (PRRs), aka FOIAs, focused on “uncovering the evidence to expose the fraud”.** We are obligated to review and respond to the growing number of these requests. The workload involved is extremely burdensome, making it difficult to get our real jobs done. Often, the PRRs are demanding information that could undermine the security of our systems, and if complied with, could result in security lapses. But in an open society and with Florida’s sunshine laws, it is difficult to know which requests you should push back against, and which requests you need to comply with. If you provide too little information, you face litigation and huge legal expenses. If you provide too much, you could severely compromise data integrity or physical or system security.

In Florida, we are allowed to charge actual costs to fulfill the requests, but the amount of work needed to even begin assessing the scale of the requests and the work that would be involved in fulfilling them is draining resources from our primary mission of conducting elections.

8. **Activists looking for a reputational bump or their next published work who seem compelled to highlight the most obscure and easily mitigated security vulnerability, with little regard for how their messaging feeds the narrative of distrust and potential for fraud or hacking of elections.** The result is their efforts to discover and publicize these “vulnerabilities” actually feed the “big lie” machine and undermine the very trust they are seeking to build through more secure systems. I ask everyone to apply some common sense to these issues and not overstate the security risks of problems that are simply and universally mitigated against in the real world.

9. **Increases in statutory requirements allowing challenges to vote-by-mail ballots.** Recent statutory changes allow observers to not only view mail ballots that are already validated by trained staff and ready to count, but also to compare the signatures on those envelopes to voter signatures we have on file and lodge objections. This all happens before we can begin opening and counting validated ballots. On the face of it, this sounds like reasonable transparency. The law requires that “reasonable access” be given to those who wish to review these signatures and do their own assessment of the signatures.

But what Supervisors deem to be reasonable access, given their resource and time constraints, often does not meet the demands of the observers, and problems have already begun to surface in small local elections scattered throughout Florida. In some counties, large numbers of observers are demanding access to review every mail ballot, ballots that have already been validated by trained staff, so the observers can lodge challenges and disrupt the ballot counting process. Each challenged ballot must be presented to local Canvassing Boards for a second individual review. The extra work delays counting votes and strains the resources available to Supervisors and Canvassing Boards.



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These delays jeopardize our ability to report results and certify elections in the timeframes required by state law. As the larger statewide elections begin, we are seeing signs that these problems will continue to grow, especially in some key areas.

10. **Legislation taking effect in 2024 that adds personal identification numbers to vote-by-mail envelopes.** Similar measures have recently been introduced in other states, resulting in alarming levels of voter disenfranchisement. While there have been examples of states where some of this seems to work, the volume of mail voting in those locations is often much smaller than what we see in Florida. Given the scale of mail voting in Florida, designing a plan to implement this new requirement in a successful manner is very troubling.

Such a plan will require dedicated public education efforts to ensure voters provide the newly required information; complicated changes to our outgoing and incoming mail ballot procedures; and additional resources such as new rooms, new staff, new equipment; new and more complicated envelope designs that are difficult to work with and difficult to manufacture and procure; and additional time to verify, cure, and protect the confidential information that voters now must provide.

I worry that large scale logistical problems in 2024 due to these proposed changes will result in voter disenfranchisement and delays in reporting election results. All of these disruptive changes are being implemented to prevent fraud that does not exist.

The procedural changes and disruptions arising from new election laws and court challenges, the undermining of trust in what we do, and the perceived threats to our safety and well-being are making it very difficult to recruit and retain dedicated individuals in skilled positions within elections offices, including within the ranks of very experienced and dedicated elections officials.

We are already experiencing a brain and talent drain in the elections industry because of these pressures. Some Supervisors have had to close satellite offices and are losing experienced employees who feel the job is no longer worth the risk or effort. It is going to get worse in the near future. Many of our best and brightest Supervisors are planning to leave service early and not seek office again in 2024.

Who will replace these knowledgeable, dedicated, and trustworthy professionals that are being chased out of their positions of service to their communities?

Thank you,

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