

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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April 20, 2022

Mr. Wesley Wilcox, CERA
President
Florida Supervisors of Election
981 N.E. 16th Street
Ocala, FL 34470

Dear Mr. Wilcox:

We are seeking information relating to your organization's efforts to counter lies and conspiracy theories and protect the integrity of federal elections in your state. The Committee on Oversight and Reform and the Committee on House Administration are investigating partisan actors' weaponization of misinformation and disinformation to subvert free and fair elections. Local election officials are crucial to the functioning of our democracy and are the first line of defense in protecting election integrity.¹ An effective, coordinated strategy at the federal, state, and local levels is essential to counter false information that could undermine upcoming elections.

The Committee on House Administration has held hearings and roundtables investigating the impact of election-related disinformation. The Oversight Committee began investigating election misinformation following a destructive election "audit" last year in Maricopa County, Arizona. The investigation found that misinformation after the 2020 election in Arizona led to dangerous conspiracy theories, threats against local election administrators, and well-funded partisan efforts to cast doubt on election outcomes.² At the Committee's October 2021 hearing, a local Republican official from Maricopa County testified:

This is without a doubt the biggest threat to our democracy in my lifetime. If elected officials continue to choose party over truth, then these procedures are going to continue on, these privately funded government-backed attacks on legitimate elections, and losers

¹ Brennan Center for Justice, *Local Election Officials Survey* (Mar. 10, 2022) (online at www.brennancenter.org/our-work/research-reports/local-election-officials-survey-march-2022); Voting Rights Lab, *Women and Attacks on Election Administration* (Mar. 28, 2022) (online at votingrightslab.org/women-and-attacks-on-election-administration/).

² Committee on Oversight and Reform, *Hearing on Assessing the Election "Audit" in Arizona and Threats to American Democracy* (Oct. 7, 2021) (online at <https://oversight.house.gov/legislation/hearings/assessing-the-election-audit-in-arizona-and-threats-to-american-democracy>).

of elections will just go out and find financial backers who will continue to drag these procedures on, and unfortunately, that is going to negatively impact our democracy.³

The Committees are particularly concerned by reports over the past year that some state officials have relied on false, debunked election conspiracy theories to enact new laws and take other steps that could undermine future elections. Several states have passed laws that unnecessarily involve partisan actors in election administration and could lead to the overturning of legitimate election results.⁴

Florida has taken several steps that restrict Americans' right to vote in upcoming elections and to have their votes counted fairly and accurately. Florida Senate Bill 90, enacted on May 6, 2021, restricts voters' ability to cast their ballot by limiting ballot drop boxes, criminalizing some forms of ballot collection, adding new requirements to vote-by-mail applications, and limiting the number of elections those applications cover. This state law also interferes with election administration by authorizing large fines against election supervisors for operating a drop box in violation of the new restrictions, modifying rules for observers in ways that could disrupt the vote count, interposing partisan offices into election-related lawsuits, and prohibiting election authorities from accepting private funding.⁵

Advocates for S.B. 90 repeated false claims about election fraud in their push to enact the law. State Senator Travis Hutson claimed without evidence that "across the nation" there had been instances "where ballot boxes can be tampered with."⁶ The law was recently struck down by a federal court that found the rationale for passing the bill was "nonsensical."⁷ Your organization, the Florida Supervisors of Election, called the bill "unnecessary" and has worked to counter misinformation in the aftermath of the 2020 election.⁸

Local and state election officials across the country are playing an increasingly important role in countering false election information, including from partisan politicians and from foreign

³ *Id.*

⁴ Voting Rights Lab, *A Threat to Our Democracy: Election Subversion in the 2021 Legislative Session* (Sept. 29, 2021) (online at <https://votingrightslab.org/wp-content/uploads/2021/09/20210924-VRL-Election-Subversion-Report-.pdf>); "A Perpetual Motion Machine": *How Disinformation Drives Voting Laws*, New York Times (May 13, 2021) (online at www.nytimes.com/2021/05/13/us/politics/disinformation-voting-laws.html); *Republicans Push Crackdown on Crime Wave That Doesn't Exist: Voter Fraud*, New York Times (Mar. 17, 2022) (online at www.nytimes.com/2022/03/17/us/politics/republican-voter-fraud.html?smid=tw-nytimes&smtyp=cur).

⁵ Brennan Center for Justice, *Florida Enacts Sweeping Voter Suppression Law* (May 6, 2021) (online at www.brennancenter.org/our-work/analysis-opinion/florida-enacts-sweeping-voter-suppression-law).

⁶ *Florida Casts Itself as Elections Model, But Clashes Remain*, Associated Press (May 1, 2021) (online at <https://apnews.com/article/florida-election-2020-voting-rights-elections-voter-registration-1b9c2831724ff5f77ac022c2a76c3a77>).

⁷ *A "Grotesque History": Key Excerpts in Judge's Scathing Ruling on New Florida Voting Law*, Tallahassee Democrat (Apr. 1, 2022) (online at www.tallahassee.com/story/news/politics/2022/04/01/judge-cites-floridas-grotesque-history-voter-suppression-decision/7244887001/).

⁸ *Florida Elections Supervisors Say New Law Would Make Voting Harder*, Orlando Sentinel (Apr. 30, 2021) (online at www.orlandosentinel.com/politics/os-ne-election-bill-supervisor-reaction-20210430-4ehoduhcijdqxnjefskqpfasu-story.html).

actors seeking to interfere in American elections. One recent media report noted that election officials “are no longer just running elections,” and instead have “become full-time myth-busters, contending with information threats coming from the other side of the globe—and their own ranks.”⁹ As the Committee on House Administration explored in a February 2022 roundtable on mis- and disinformation in the Spanish speaking community, election-related conspiracy theories have become increasingly widespread and may require additional resources to effectively counter.¹⁰

The Committees are seeking to understand the scope and scale of election misinformation in your state, the impact that this flood of false information has had on election administration, the risks it poses for upcoming federal elections, and the steps that your organization and local election administrators have taken in response. Our investigation also aims to identify steps that federal, state, and local governments can take to counter misinformation and prevent these lies from being used to undermine the legitimate vote count in future elections.

Americans’ right to vote is guaranteed by the Constitution, and protecting the integrity of our elections is crucial to the survival of our democracy.¹¹ To prevent bad-faith partisan actors from subverting election results, it is critical to develop a comprehensive federal, state, and local strategy to counter misinformation. Information from your organization will assist the Committees to conduct robust oversight of efforts to counter election misinformation.

For these reasons, the Committees request that you provide answers to the following questions by May 4, 2022:

1. What were the most significant misinformation and disinformation claims that your organization, or any of its members, encountered after the 2020 election? Please describe each claim in detail.
2. What impact have these claims had on the administration of elections in your state? Please describe in detail.
3. Has your organization, or any of its members or staff, been the subject of threats or physical or verbal attacks in connection with conspiracy theories, disinformation, or misinformation following the 2020 election? If yes, please describe each incident in detail.

⁹ *Election Officials Are on the Frontlines of Defending Democracy. They Didn’t Sign up for This.*, Politico (Feb. 16, 2022) (online at www.politico.com/news/2022/02/16/elections-officials-disinformation-midterms-00009285).

¹⁰ Committee on House Administration, *Roundtable on the Impact of Mis- and Disinformation on Elections in the Spanish Speaking Community* (Feb. 7, 2022) (online at <https://cha.house.gov/committee-activity/hearings/impact-mis-and-disinformation-elections-spanish-speaking-community>).

¹¹ U.S. Const., amend. XV (“The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. The Congress shall have power to enforce this article by appropriate legislation.”); U.S. Const., art. I, sec. 4 (“The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each state by the legislature thereof; but the Congress may at any time by law make or alter such regulations.”).

4. Did your organization, or any of its members, encounter misinformation and disinformation about the ballot tabulation and certification process? Please describe each claim in detail.
 - a. If the answer to the above question is yes, did that misinformation or disinformation result in threats or the disruption of the process?
5. Has your organization or its members encountered misinformation or disinformation in connection with state or local legislative debates over election laws since the 2020 election? If yes, please describe each incident and explain how you responded.
6. What methods or strategies has your organization, or any of its members, used to counter election misinformation and disinformation?
7. Since January 2020, has your organization or its members received from **non-governmental organizations** any support, information, funding, or any other form of assistance to counter election misinformation and disinformation? If yes, please describe which organizations provided the support, the type of support provided, and whether it was effective.
8. Since January 2020, has your organization or its members received from **state agencies** any support, information, funding, or any other form of assistance to counter election misinformation or disinformation? If yes, please describe what agencies provided the support, the type of support provided, and whether it was effective.
9. Since January 2020, has your organization or its members received from **federal agencies** any support, information, funding, or any other form of assistance to counter election misinformation or disinformation? If yes, please describe what agencies provided the support, the type of support provided, and whether it was effective.
10. Please describe in detail what additional support, information, funding, or any other form of assistance would be helpful for your organization and its members to counter misinformation and disinformation during and after upcoming elections.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Also pursuant to House Rule X, the Committee on House Administration has jurisdiction over federal elections generally. If you have any questions regarding this request, please contact Oversight Committee staff at (202) 225-5051.

Sincerely,



Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform



Zoe Lofgren
Chairperson
Committee on House Administration

cc: The Honorable James Comer, Ranking Member
Committee on Oversight and Reform

The Honorable Rodney Davis, Ranking Member
Committee on House Administration