



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

June 5, 2024

Mr. Robert M. Knop
Assistant General Counsel for Policy
Federal Election Commission
1050 First Street, N.E.
Washington, DC 20463

By submission to <https://sers.fec.gov/fosers/>

Dear Mr. Knop,

Citizens for Responsibility and Ethics in Washington (“CREW”) submits the following comment in regard to REG 2024-01 (“Candidate Security”), the proposed amendment to regulations at 11 C.F.R. § 113.1(g). CREW submits this comment to support amending the current regulation, while informing the Commission of potential unintended implications of the amendment that require stringent guidelines and processes to address.

The proposed amendment seeks to expand the use of campaign funds to cover security expenditures for federal candidates and officeholders “that address ongoing dangers or threats that would not exist irrespective of the individual’s status or duties as a federal candidate or federal officeholder.” Proposed 11 C.F.R. § 113.1(g)(10) would reclassify various forms of security measures previously considered personal expenses. These measures include, but are not limited to, non-structural security devices, structural security devices, professional security personnel and services and cybersecurity software, devices and services.

This proposed amendment is a necessary change in response to the escalating trend of political violence in the United States, which, Reuters reports, is at its worst in 50 years.¹ Violence has no place in our political system, but now poses an existential threat to our democracy following the insurrection at the US Capitol on January 6, 2021, with many fearing that “democracy may die on January 6, 2025, unless deliberate and concerted steps are taken to avert this crisis.”² Our own weak institutional constraints on political violence are more apparent than ever and their effects can be seen at every level of our democracy. In a 2024 poll conducted by the Brennan Center, almost 40% of local election officials experienced threats, harassment, or abuse in the context of their work.³ In a separate series of polls, also conducted by the Brennan Center, over 40% of state legislators stated that they

¹ Ned Parker & Peter Eisler, Political violence in polarized U.S. at its worst since 1970s, Reuters, August 9, 2023, available at [Reuters](#).

² Rooney Center for the Study of American Democracy, [The January 6th, 2025, Project](#), accessed May 20, 2024, available at [Rooney Center](#).

³ Ruby Edlin & Lawrence Norden, [Poll of Election Officials Finds Concerns About Safety, Political Interference](#), Brennan Center, May 1, 2024, available at [Brennan Center](#).

have experienced threats or attacks, and when lesser degrees of abuse like stalking and harassment were included, that percentage rose to 89%.⁴

Unsurprisingly, the threats of political violence were heavily skewed at harming and deterring participation of individuals who come from historically marginalized communities including women, people of color and members of the LGBTQIA+ community. According to the Brennan Center's research, women were three to four times more likely to be the targets of gendered abuse than men and the threats they received were often sexually charged; officeholders of color were over three times as likely to be targeted for their race than their white counterparts; and a higher number of Republicans than Democrats reported receiving an increased severity of abuse since first taking office.⁵ Additionally, according to a 2021 report published by LGBTQ+ Victory Institute, one of the most common barriers to running for office among LGBTQIA+ women is fear of identity-based bigotry and violent threats.⁶ Also noteworthy is that often "younger congressional staffers and interns...end up manning the phones and social media accounts" where these threats are often directed.⁷

Violence and identity-based threats have no place in our democracy, but law enforcement has not always intervened in a meaningful way. The Department of Justice's Election Threats Task Force, created in 2021 specifically to investigate and prosecute the onslaught of election-related threats reported by election officials and officeholders, had received over 1,000 tips by August 2022, 11% of which met the threshold for federal investigation.⁸ However, of over 100 cases meeting that threshold, only about 20 have been prosecuted as of March 2024.⁹

CREW appreciates the Commission's attempt to expand the use of campaign funds to cover security expenditures for federal candidates and officeholders. CREW acknowledges the Commission's efforts to provide guidance on appropriate and reasonable use of security measures, including limiting the purchase of security measures to their fair market value. CREW further recognizes the Commission's adoption of this amendment as an important step in the protection of our democratic processes that will help alleviate potential barriers a candidate may face in terms of being able to fund necessary safety measures to run for or maintain office. CREW remains concerned, however, about the possibility that this amendment, without additional safeguards, could allow federal candidates or officeholders, or their families, to be unduly enriched by campaign funds, or further embolden candidates or officeholders to purchase or employ the use of unreasonable security measures.

⁴ Gowri Ramachandran, Chisun Lee, Maya Kornberg, Kimberly Peeler-Allen, Ruby Edlin, Julia Fishman, Jiyoung Park, & Grady Yuthok Short, [Intimidation of State and Local Officeholders](#), Brennan Center, January 25, 2024, available at [Brennan Center](#).

⁵ *Id.*

⁶ [The Decision to Run: Uncovering the Barriers and Motivators for LGBTQ+ Women Running for Office](#), LGBTQ+ Victory Institute, April 7, 2021, available at [LGBTQ+ Victory Institute](#).

⁷ Scott MacFarlane, [How young congressional staffers are dealing with increasing threats](#), CBS News, May 26, 2024, available at [CBS News](#).

⁸ [Readout of Election Threats Task Force Briefing with Election Officials and Workers](#), Department of Justice, Office of Public Affairs, August 1, 2022, available at [OPA](#).

⁹ Yvonne Wingett Sanchez & Perry Stein, [Federal officials say 20 have been charged for threatening election workers](#), Washington Post, March 25, 2024, available at [Washington Post](#).

It is important to note that without some limitations on the amount of money that can be spent on security, federal candidates and officeholders may spend exorbitant amounts on what otherwise seem like reasonable security measures. Members of both parties have been subjected to scrutiny, criticism and even investigation related to the seemingly exorbitant amounts of money they have spent on personal security.¹⁰ These concerns have been heightened when members have paid family members or those with whom they share close personal relationships to provide security or employed individuals that did not possess a private security license, as is required by local law, to provide such services.¹¹

While these incidents are of concern and should be addressed in rulemaking, an even more serious threat is if any change in rulemaking allows candidates and government officials to employ private militias in the name of security. For example, former President Trump's advisor Roger Stone employed Roberto Minuta, a member of the far-right extremist group the Oath Keepers, on his security detail.¹² Though this instance of security spending did not involve campaign funds, it serves to show the Commission the possibility of extremists and private militias inserting themselves into legitimate and necessary federal processes. The proposed amendment provides opportunities for dangerous individuals to be enriched by campaign funds. Based on these and other concerns, CREW urges the Commission to detail strict guidance as to who constitutes legitimate private security in the proposed amendment to 11 C.F.R. § 113.1(g), and what reasonable spending on private security entails.

To reduce the barriers many potential candidates or officeholders may face, CREW supports the use of limited campaign funds, predetermined by the Commission, but without subsequent approval, to purchase preventative security measures, such as surveillance cameras, online security monitoring, or other such products and services. To utilize campaign funds beyond this ceiling, CREW further recommends that a police report must be filed by a federal candidate or officeholder to trigger the authorization of additional campaign funds to be spent on the security measures detailed in the proposed amendment. This will both facilitate documentation of the security threat and provide an opportunity to evaluate reasonable security measures that can be taken in response to the incident.

It is imperative that the authorization of additional campaign funds for security use does not replace law enforcement investigating and prosecuting threats made against public officials. As political violence expert Dr. Rachel Kleinfeld states in her article titled "The Rise of Political Violence in the United States," published in the *Journal of Democracy*, a primary risk factor for election violence is "weak institutional constraints on violence." Kleinfeld states that "[i]nternational cases reveal that groups that believe they can use violence without consequences are more likely to do so."¹³ This sentiment has clearly gained a footing in the United States as nearly one in three people surveyed in a study conducted by

¹⁰ See, e.g., Alyce McFadden, [Marjorie Taylor Greene's campaign spent nearly \\$183,000 on security in early 2022](#), *New York Times*, May 26, 2022, available at [New York Times](#).

¹¹ Mychael Schnell, [DOJ investigating Cori Bush's campaign for spending on security services](#), *The Hill*, January 30, 2024, available at [The Hill](#).

¹² Michael Kunzelman & Alanna Durkin Richer, [Oath Keeper who guarded Roger Stone before Jan. 6 attack gets more than 4 years in prison](#), *AP News*, June 1, 2023, available at [AP News](#).

¹³ Rachel Kleinfeld, [The Rise of Political Violence in the United States](#), *Journal of Democracy*, October, 2021, available at [Journal of Democracy](#).

the University of California, Davis, reported that they consider violence “justified to advance some political objectives, including ‘to stop an election from being stolen.’”¹⁴

As DOJ evidence confirms, even those threats that are reported and investigated are rarely prosecuted, creating the ripe-for-exploitation environment Kleinfeld warns breeds additional violence. While candidates and officeholders should feel safe and have the means to purchase and hire adequate security measures, using campaign funds in this way is putting a bandaid on a much larger issue that must be addressed by state, local and federal law enforcement agencies, including the Department of Justice and the Department of Homeland Security as necessary. By implementing a process that involves law enforcement from the initial receipt of a threat, to the purchase of reasonable and responsive security measures, the Commission will help strengthen our institutional response to political violence, and, over time, perhaps reduce the occurrence and chilling effect of political threats made against candidates and officeholders.

CREW respectfully requests the Commission amend the proposed addition to 11 C.F.R. § 113.1(g) to include more stringent guidelines on who and what constitutes legitimate security personnel and measures, to set a limit on campaign funds used for preventative security before a threat is received and to detail an additional fund authorization process that includes reporting threats to law enforcement before increasing the scope and scale of security measures taken in response to them.

Sincerely,



Donald K. Sherman¹⁵
Executive Director and Chief Counsel

¹⁴ Danny Hakim, Ken Bensinger, & Eileen Sullivan, ‘We’ll See You at Your House’: How Fear and Menace Are Transforming Politics, The New York Times, May 19, 2024, available at [New York Times](#).

¹⁵ With contributions by CREW staff Grace Honig, Honora Overby, and Stuart McPhail.