



# **POLICING THE VOTE: *ELECTION INTEGRITY UNITS IN FLORIDA AND OHIO***

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# EXECUTIVE SUMMARY

During and after the U.S. 2020 presidential election cycle, election administration policies and procedures received renewed attention. Given the ongoing effects of the COVID-19 pandemic, traditional voting had to change. Voters had expanded access to no-excuse absentee/mail ballots, available drop boxes, and early in-person voting at facilities that could handle more voters. These expanded and often new methods of voting, paired with a limited election workforce, led to slower ballot counting which, in turn, led to some results arriving much later than voters had become accustomed to in prior election years. As a result, several Republican elected officials, including former President Donald Trump, spread baseless claims of voter fraud and irregularities (So, 2021; Wines, 2021). States recounted their ballots while several intelligence and law enforcement agencies investigated the potential for fraudulent votes and tampering with or hacking of the voting systems. There was no material fraud found in any state. States' recounts affirmed the original machine-tabulated vote totals, and each county and state certified their results (Wolfe, 2022).

Nevertheless, states across the nation are establishing or empowering law enforcement agencies—usually referred to as election integrity units—to police voters and election systems to address allegations of voter and election fraud within their state (Waldman, 2022). Voter fraud comprises illegal activity conducted by individual voters and includes allegations of voters

knowingly casting ballots when they are not eligible, casting ballots in more than one jurisdiction, casting other people's ballots, casting deceased voters' ballots, and more. Election fraud consists of systematic manipulation of the voting process, usually by those responsible for the process, and includes accepting ballots from known bad sources, altering vote counting machines, and falsifying records. However, since numerous studies and reports have effectively debunked the notion of widespread fraud, whether voter or election fraud (Blake, 2021; Brennan Center, 2022; Fields et al, 2022; States United et al., 2023), creating new and duplicative agencies to address extremely rare instances of fraud and perceived irregularities is unnecessary and counterproductive. The creation of these agencies intimidates voters and continues the government-sponsored validation of the rhetoric and actions of elected officials who support the "Big Lie" of a stolen election. Among other consequences, this has led to increasing levels of threats against election workers (Birkeland, 2022; Cathey, 2022; Flynn & Boburg, 2021).

In this research, we delve into the structural aspects of U.S. election administration with a specific focus on the relationship between state executive branches, local-level bureaucrats, and the voters they serve, focusing on an analysis of election integrity units in two specific states: Florida and Ohio. We find that election integrity units or "election police" have opaque structures, budgets, and responsibilities—and their

creation and existence prompt more questions than answers. Florida’s election integrity unit is more developed than the unit in Ohio at this time; however, the impact is nonetheless felt by voters in both states. These units create uncertainty and apprehension around the voting process in the name of “integrity.” Uncertainty and apprehension are leading to reduced levels of voter registration efforts, criminalization of honest mistakes by well-intentioned voters, and a dampening of enthusiasm to participate in the democratic process, or, more generally, public service. Studies have found that the creation of these units disproportionately affects Black and Brown voters (Jouvenal, 2023). In addition, the cloudy reporting structure and vague transfer of authority to these units over cases of alleged voter fraud bring to bear questions about the politicization of nonpartisan state operations.

## Key Findings

- ✓ Florida and Ohio created their election integrity units in the dark, without transparency, and purposefully avoided collaboration with civil society actors. This warrants deeper investigation.
- ✓ Election integrity units, or “election police,” were created without consulting or acknowledging the insights of election experts embedded in the local-level bureaucracies of the respective states, specifically Supervisors of Elections (SOEs) in Florida and members of the Board of Elections (BOEs) in Ohio, who are directly involved in the administrative aspects of conducting elections locally.
- ✓ Initial analysis of the work carried out by integrity units indicates a disproportionate focus on Black and Brown voters and those registered as Democrats.
- ✓ Given the complexity of running elections and the constantly evolving nature of election laws in the U.S., it is unsurprising that we will see some manner of human error and genuine mistakes. Given the incredibly small scale at which these errors occur, there is little reason for investigation from a state-run election integrity unit.
- ✓ Establishing integrity divisions that instill fear among voters and penalize election officials or the public for genuine mistakes does more harm than good in the pursuit of safeguarding democracy.

# INTRODUCTION

Elections in the U.S., even those for federal office, are administered at the state and local levels, which leads to differences in how elections are conducted between and within states. Since the 2020 election, there has been an increase in internal and external attempts across the U.S. to discredit the work of state and local election officials (LEOs) from inside their respective governments and from citizen activists, both of whom have adopted and spread misinformation and disinformation about voting and election results (e.g., Brennan Center, 2022; Fields, et al., 2022). This has led to changes in election laws at the state level, some of which aim to safeguard election workers' safety and improve ballot accessibility for voters, while others aim to increase scrutiny on voters and election processes making it harder to vote (States United et al., 2023). Establishing specialized election integrity units, or election police forces, is an alarming example of laws that add scrutiny and duress to the voting process.

Given that states are responsible for running elections, we are interested in how state administrative structures shape the ways in which election integrity units are created and used. Elections might be supervised by an appointed or elected individual or group, with the selection process varying by state. These individuals are responsible for overseeing various aspects of the election process, including voter registration, the maintenance of election records, and most pertinent to this analysis, protecting the

integrity of the process. Ohio elects its secretary of state and Florida's governor appoints its secretary of state.

There are important differences in having an appointed versus elected official overseeing a state's elections. Secretaries of state who are elected serve at the behest of their constituents and are more likely to act in a manner that keeps them in elected office. In the case of appointed officials, winning politicians at the executive level, also known as principals, reward loyalty and appoint from within their own coalition to minimize conflict and push their agenda forward; it is expected that the appointee will act in a manner that aligns with the elected's goals and interests (Moe, 1985). As a result, appointed individuals, or agents, prioritize the interests of the principal over those of the broader public. This is commonly referred to as principal-agent theory. Research demonstrates that conflict arises when the agent's responsibilities to uphold the legal requirements of the office they oversee are at odds with their loyalty to the person who appointed them to the office and their political party (Dahlström and Lapuente 2017; Hood and Lodge 2006). Consequently, this leads to partisan politics diffusing into nonpartisan bureaucratic agencies, creating a disconnect between the voters and the state's election administration.

This research seeks to explore whether appointed versus elected officials attempt to make the process of voting more challenging for eligible citizens with regard to how they

create their election integrity units and to the extent they use those units as a police force over elections. States with appointed election officials likely encounter scenarios in which those officials are directly influenced or pressured by the individual or group who selected them for their position (and conversely, who can remove them as well) to act in ways that strengthen and consolidate power in the executive office. Governors have a strong inclination to exert pressures in directing their appointees to implement policies or make decisions that favor and further their political goals and interests.

The two major U.S. political parties have historically supported either more access to the vote (Democrats) or more restrictive voting practices (Republicans) (deNevers, 2021; Hasen, 2012; Moynihan & Silva, 2008). The increased interest in establishing election integrity units or election police with unclear or undefined powers is an output of this conflict between partisan politics and—what should be—a nonpartisan bureaucracy. We ask: (1) *how and in what ways does the administrative structure of state government impact the administration of democracy?* and (2) *do these structures impede access to the ballot?*

Our analysis of both states reveals the dynamics of establishing election integrity units by shedding light on the influence imposed by the state's highest office over these emergent aspects of election administration. By examining election integrity units in Florida and Ohio, it becomes apparent that Florida's state government has a disregard for bureaucratic expertise, and there is evidence of suppression of local power. However, the situation in Ohio is less clear since Ohio has yet to fully empower their unit. We will provide a brief overview of each state's administrative and political history, as well as detail how their respective election integrity unit was established. Then, we will compare and contrast the two integrity units, and lastly, we will evaluate the impact these units have on the voting public.



# ELECTION ADMINISTRATION: A PRIMER

Across the nation, 33 states, including Ohio, elect their chief election official, which in most states is the secretary of state. However, in six states, including Florida, the secretary of state is appointed by the governor, and in 11 states, a board/commission oversees elections. Regarding local election administration structures, a total of 26 states delegate the responsibility of administering elections to local election officials (LEOs) by a single individual, whereas eight states delegate that responsibility to a local board or commission. In other states, like Alabama, the responsibility of administering elections is shared between the probate judge, the clerk of circuit court, the board of registrars, and the sheriff (NCSL, 2023a).

As demonstrated through several post-election audits and reports, election fraud is rare (Minnite, 2019; Reuters Fact Check, 2022). All 47 convictions of voter fraud from the 2020 election took place in Florida, Texas, and Ohio; units in Virginia, Georgia, and Arkansas did not secure a single guilty verdict (Jouvenal, 2023). The minute number of convictions from almost 155 million votes cast in 2020 illustrates how rare voter fraud actually is. Most instances of “fraud” are actually mistakes that can be easily rectified or explained. Since the 2020 election, the inordinate amount of attention given to dubious claims of voter fraud has drawn attention and resources away from problems that election administrators have

asked for help solving, including revamping security systems, recruiting and paying poll workers, and updating current voting equipment (Stewart III, 2022). In addition, attacks on the work ethic and character of our nation’s election officials, volunteer poll workers, and voter registration organizations create mistrust and can lead to threats and violence. This atmosphere impedes the ability of election offices to recruit and train the next generation of election administrators and volunteers (NCSL, 2023b).

The creation of election integrity units in states leads to interesting questions about the role of and relationship between political power at the state government level and the implementation of policy at the administrative level. In election administration, state political leaders and local election experts have worked well together for quite some time. Soon after the infamous 2000 “hanging chad” presidential election, the Help America Vote Act created opportunities to professionalize and harmonize the field of election administration across the country (Hale & Slaton, 2008; Hale et al, 2015; Kropf et al, 2020). In the wake of the 2020 election, governors, including those in Ohio and Florida, praised the work of election administrators and poll workers. Yet, in the post-2020 election period, we see changes in the principal-agent relationship and policy outcomes for voters and the election officials constitutionally responsible for implementing elections.



A comparative case study is the best way to understand the administrative and political environments in which these units were created and implemented in Florida and Ohio (George & Bennett, 2005). The process of case selection was purposeful. Both Ohio and Florida, up until recent elections, were considered swing states but are currently led by Republicans at the major levels of state government (Grumbach, 2022). Both states have been in the news due to efforts by their citizens to reign in the power of partisans in several key areas, including district apportionment, referendums, and amendment processes of the state constitution. Florida and Ohio have also recently introduced election integrity units. The states are very alike but differ across our main question of administrative design. The integrity unit in Florida is a whole new office within the state government, while in Ohio, it is a division within the secretary of state's office.

We created a qualitative database of documents from public sources, including state-issued documents and reports, state budget documents, and newspaper articles from major national and state newspapers, as well as minutes from state election officials' meetings, roundtables, and other secondary sources between January 2021 and January 2024. Although we expected to find similarities between the policies of Florida and Ohio, we discovered major differences in language and intent. Findings indicate that the newness of the Ohio unit might be the reason behind these differences. Notably, the public integrity division that the proposed election integrity division derives from was established only in October 2022. On the other hand, Florida's unit (OECS) has a longer and more sensational history. Additionally, while the secretary of state is elected in one state and appointed in another, there are no practical differences between them, as the elected secretary of state in Ohio has been from the same party as the governor for the last 30 years. In the next section, we will briefly discuss the administrative and political environments in both Florida and Ohio.



# BACKGROUND: FLORIDA

## Administrative Setup

The oversight of elections in Florida is entrusted to the Florida Department of State, which is directed by its secretary. Florida's SOS, like six other states, is appointed by the governor rather than being elected by the state's voters. Under the supervision of Florida's SOS, the Division of Elections provides resources and guidance to county supervisors of elections (SOEs), operates and maintains the state's voter registration database, and administers campaign finance reporting requirements. The office of the SOS also plays a role in conducting preliminary investigations into any irregularities of fraud involving different aspects of the voting process, including voter registration and voting (FL. Stat. 97.012 (15)).

In Florida, the SOS serves at the discretion of the governor and does not have a specific term limit. With the exception of one county,<sup>1</sup> each of the 67 counties in Florida has an elected SOE, responsible for tasks such as voter registration, maintaining voter rolls, conducting elections, and ensuring compliance with election laws at the county level. Staffing at the county election offices varies significantly, ranging from as few as two to almost 100 full-time employees, contingent upon the size and operational capacity of the respective county.

Additionally, municipal elections in Florida are primarily overseen by municipalities, usually city clerks, as required by state law. Although some municipalities independently conduct their own elections, many contract with the county SOE office to conduct these elections. To facilitate ongoing professional development and advocacy for necessary changes in election laws, Florida has a robust professional association of supervisors of elections: the Florida Supervisors of Elections (FSE). The organization not only provides training opportunities for its members and brings SOEs and staff from across the state together two to three times a year, but it also engages with state lawmakers for practical modifications to election laws in the state.

## Political Environment

Florida's political composition is dynamic and ever-changing, partly because the state has such a diverse mix of ideologies and demographics. The growing influence of Hispanic voters in Florida has contributed to the state's political complexity. This community is increasingly recognized as an influential voting bloc for political candidates due to their consistent turnout at the polls, which wields significant weight in election results. And while Florida has a history of being a swing state, voters have also historically elected Republican governors. As of September 2023, Florida had almost 14

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<sup>1</sup> Miami-Dade County currently has a Supervisor of Elections appointed to the position, but starting from the November 2024 election, this role will transition to an elected position.



million registered voters, and since 2022, the state has seen an increase in voters affiliating with the Republican Party (Greenwood, 2022). Currently, the Republican Party controls the offices of governor, SOS, and attorney general and both chambers of the state legislature.

## The Office of Election Crimes and Security

On April 25, 2022, Florida Governor Ron DeSantis signed Senate Bill 524 into law, which changed different aspects of the voting process for Floridians, including requiring voters to confirm their address or risk being placed on an inactive list and removed from voter rolls. It also established the Office of Election Crimes and Security (OECS) under the secretary of state's office. Before the creation of the OECS, the Department of State (DOS) reported that it did not have the resources to fulfill the duties articulated in Florida Statute 97.012 (15) effectively on its own. The report also claimed that so-called opponents of election integrity used this fact to "dismiss concerns" raised by the governor and others about issues involving ineligible individuals casting a ballot and registering to vote (2023; p. 2). All of this seeks to justify the OECS as it is now tasked with investigating all election crimes and ensuring integrity in the voting process in the state of Florida.

But alarmingly, the office has the power to conduct investigations and open independent inquiries into alleged voting irregularities without any explicit restraints on the scope.

The investigators involved in the election crimes unit are civilians, but they receive assistance from sworn agents of the Florida Department of Law Enforcement (FDLE). The FDLE has been given additional financial support to aid the investigations conducted by the OECS. The OECS director is appointed by the governor and reports to the governor. However, there is confusion about whom the director legally reports to because according to section 97.002 of the Florida Statutes, the Florida SOS appoints the director of the office. The office has 16 positions (as of March 2024, four positions are currently vacant), which include the following: senior attorney, government operations consultant (2), and inspector specialist. The office oversees the state's voter fraud hotline. This hotline is advertised as a tool for voters to file formal complaints of voting irregularities or fraud, including issue petition activities, voting, and voter registration. Anyone can anonymously file a complaint. Prior to Florida's exit from the Election Registration Information Center (ERIC), a software that reviews voter records between states, the OECS would also review cases of double voting.

Other tasks of the office include reviewing voter registration forms collected by third-party voter registration organizations (3PVROs) and their voter registration staff and volunteers. Individuals or groups can complete and submit a complaint form to the Office of General Counsel. Complaints can also come from civilians, SOE offices, other local and state officials, and law enforcement. The Department of State then refers the information to the statewide prosecutor, state attorney, or appropriate law enforcement agency for investigation and prosecution. The office also holds cybersecurity training for SOEs and the elections signature verification training program.

**Table 1. Florida OECS Complaints Received and Acted Upon**

|   | 2022  | 2023 |
|---|-------|------|
| <b>Complaints received</b>              | 2,040 | 948  |
| <b>Independent investigations</b>       | 986   | 391  |
| <b>Cases referred to another agency</b> | 1,514 | 474  |
| <b>Cases referred to special agents</b> | 234   | 137  |

Source:

[files.floridados.gov/media/706232/dos-oecs-report-2022.pdf](https://files.floridados.gov/media/706232/dos-oecs-report-2022.pdf) and [files.floridados.gov/media/707435/dos-oecs-report-cy2023-final.pdf](https://files.floridados.gov/media/707435/dos-oecs-report-cy2023-final.pdf)

Table 1 highlights the number of complaints the OECS received in 2022 and 2023, as well as the number of independent investigations completed by the office. Of the 3,026 complaints and independent investigations received in 2022, more than 80% (2,465 complaints) were about alleged incidents that occurred during the 2020 election cycle. Complaints collected and highlighted in the 2023 report came from elections that took place between 2020 and 2023, with more than 500 coming from the 2020 election. In both reports, several cases/complaints are from Broward, Duval, Hillsborough, Miami-Dade, Orange, and Palm Beach counties. These counties contain the largest populations of Black and Brown voters in the state.

# BACKGROUND: OHIO

## Administrative Setup

Ohio's secretary of state is elected in a statewide election and can serve for two consecutive terms. Theoretically, the SOS could be of a different party than the governor, insulating the office from political influence or interference. However, the political parties of the SOS and governor have matched for the last 30 years. There are 88 counties in Ohio; each has a Board of Elections (BOE) that administers local elections. Every board has four members, two from each major party who serve staggered four-year terms. The board members are appointed by the Ohio SOS, and these four members may hire a director, deputy director, and other employees for the office as needed. The Elections Division of the SOS provides guidance and oversight of election administration in the state; the SOS may remove or suspend any board member, director, or employee for "good and sufficient cause."

The Ohio Association of Election Officials (OAEO) is a professional organization whose purpose is to "promote a closer association and better understanding" between election officials and the secretary of state's office. Beyond facilitating collaboration, the OAEO is dedicated to offering training to establish greater uniformity in the conduct of elections throughout the state. Its members can be any board member, director, or full-time staff member associated with a county election office. By bringing together

individuals with diverse roles and responsibilities, the OAEO plays a valuable role in promoting best practices and fostering communication between LEOs and the state's administration.

## Political Environment

Ohio's state government is currently controlled by Republicans in the governorship, both houses of the state legislature, the secretary of state, attorney general, and treasurer, and they hold a majority on the state Supreme Court. Ohio does not require a declared party to register to vote, so most voters are registered as independents, yet of those who have chosen a party, voter statistics in the state remain nearly evenly split between Democrats and Republicans. As of 2022, the state had about eight million registered voters (Ohio SOS, n.d.: Pew). Notwithstanding a voter-approved state constitution that outlaws extreme partisan gerrymandering, one party has been able to consolidate power. Despite the Ohio Supreme Court sending back overly partisan U.S. congressional district maps to be redrawn two times since 2020, the most recent elections in 2022 yielded 10 Republican districts to the Democrat's five (Lieb, 2023). The political power structure currently does not reflect the party makeup of the electorate. This type of systemic imbalance becomes important when considering the use of these election police units as tools of a ruling political party with an outsized amount of power over voters and local officials.



## Introduction of the Public Integrity Division

Similar to Florida, efforts have been made by Republican lawmakers in Ohio to establish an election integrity division within the SOS's office for the purpose of investigating allegations of voter suppression and fraud despite the infrequency of voter fraud occurrences (Balmert, 2022). In October 2022, in the run up to the election for Ohio's secretary of state, incumbent Secretary Frank LaRose announced the creation of a Public Integrity Division. This division was framed as an administrative action aimed at creating efficiency by "consolidating many of the office's current and ongoing investigative functions in election administration, campaign finance, and business services" (OhioSOS, 2022). The division only has four employees and no publicly available line-item budget. However, the seeds for a more robust division focused solely on election administration were planted (OhioSOS, 2023).

In 2023, lawmakers introduced Senate Bill 51, calling for the establishment of a more clearly defined Election Integrity Division within the SOS office (Gavarone, 2023). At the time of this research, very little information has been released about the division, including neither a budget nor its required personnel. The text of the proposed bill suggests the division may investigate allegations of election fraud and voter suppression on its own initiative or through a complaint or allegation submitted by the public. The division may also refer allegations to law enforcement at any level; submit an annual report to the public on its work; and issue subpoenas, summon witnesses, and compel the production of evidence. Ohio Senate Bill 51 is currently in committee.

# DISCUSSION

At first glance, the two units seem to continue a trend of increased election and voter surveillance congruent with election denialism (deNevers, 2021; Hasen, 2012; Moynihan & Silva, 2008; Parks, 2023) and push a narrative of vigilance against voter fraud. Originally, we were interested in the similarities of these election police units, expecting the Ohio unit to be a copy of Florida’s OECS. However, our analysis found quite a bit of difference between the two units at this time. We posit this may be, in part, due to the relative newness of the Ohio unit. It is yet to be seen if the Ohio unit will remain in its current, somewhat innocuous form as an integrated division of the secretary of state’s office with a small staff and limited budget or if it will become a full department with its own leadership like the Florida unit.

First, the very names of the two units indicate a different focus. Ohio’s proposed unit is more broadly named the Election Integrity Division. Ohio’s proposed unit is more broadly named the Election Integrity Division and is an offshoot of the Public Integrity Division, which was established in 2022. Its original intent was to streamline processes that the state and/or county election offices were already fulfilling under one roof. The mandate included non-election specific, public-facing tasks like supervision of notary publics. The administrative birth of the Ohio Public Integrity Division connotes a more benign purpose. Voting rights groups active in the

state had no negative public comments regarding the creation of the division at the time of its announcement. There are even positive aspects of Ohio’s Senate Bill 51, including language for the division to also investigate “voter suppression.”

However, Florida’s unit makes specific mention of election crimes. It was created at the governor’s behest and sold to the public as a crime-fighting force. Rather than highlight instances in which the unit successfully uncovered election crime and strengthened the integrity of Florida’s election system, state leaders instead emphasize cases in which voters were arrested—a clear attempt to stir fear and deter voters from voting (Levine, 2023). The governor announced the first arrests made by the unit in Hillsborough County with a flashy press conference (Lopez, 2022) and immediate press release by the Florida Department of Law Enforcement with the headline: “FDLE arrests convicted murderers, sex offenders for voting illegally” (FDLE, 2022). The governor highlighted the arrests of several people with former felony convictions who had actually received voter registration cards from the state of Florida and then voted in the 2020 election. The emphasis was on the “crime” committed by the voters, not the confusion or mistake made by the state in issuing voter registration cards to ineligible voters. In contrast, the newly appointed office in Ohio uncovered irregular voter registration by the third-party group No Labels, which was only reported in a few newspapers.

According to a news release from the Florida governor's office in July 2023, up until that point, the OECS had made 1,479 referrals to law enforcement and 13 of those cases led to convictions. For reference, in 2020, Floridians cast about 11.1 million votes. Ohio recently reported 75 people were found to have voted twice in 2020 out of nearly six million votes cast. Ironically, the 75 voters were found through consultation with the ERIC voter verification system. ERIC helps states to identify issues of integrity in the voter rolls across its members. Ohio left in March 2023. State departures from ERIC, including Florida, underscore potential implications for efficiency and effectiveness in the administration of elections in terms of data accuracy and coordination among states. These departures undercut both states' desire to promote integrity in their elections.

While both units reside within the secretary of state's office, which is responsible for overseeing elections, there seems to be a disconnect between the units and frontline election officials. In fact, SOEs in Florida have marked a decrease in consultation conducted with them and their professional organization over the past several years (Author interview 2022, Lopez 2023). County SOEs link to the state's elections integrity webpage through their own websites. However, until January 2024, when visiting the SOS website (<https://dos.fl.gov/>), visitors were only provided links to pages that did not detail the work of the unit itself. As of January 2024, the DOS has included the OECS in the dropdown menu of offices and created a more substantial webpage with information for voters.

At the time of this report, the relationship between the Ohio unit and its election administrators is also unclear. In reviewing meeting minutes of the OAEO in the study time period, there is no mention of the Public Integrity Division or the proposed Election Integrity Unit. There is ample discussion of a related bill, Senate Bill 71, that would create an Office of Data Analytics and Archives which purports to create a "clearinghouse for the statewide voter registration database" (Evans, 2023). Support for better data sharing and analysis efforts is high, but efforts have been marred by the attendance of the head of the Public Integrity Division at a right-leaning think tank meeting, creating concerns that the office may not be as nonpartisan as advertised (BeMiller, 2023).

Finally, both states have framed the election integrity unit as a way for the public to report instances of suspected fraud. In Florida, cases can be referred through a complaint form from the SOS, routed through the Office of General Counsel. However, that form hasn't been updated since 2016. In addition, there appears to be no explanation or procedure for weeding out referrals made in bad faith or to measure the credibility and knowledge of the person who reported the claim. Ohio's proposed SB 51 also contains language to "Allow the public to submit allegations of election fraud and voter suppression to the division" (Sec. 3501.055, B (2)), but offers no guidance on what will be accepted or how the public will report these issues. Removing experienced election officials from the reporting process—possibly enabling them to filter unnecessary or retributive reports of voter fraud—discounts their expertise and creates vast amounts of busy work for a still undetermined number of employees of these units.



# IMPLICATIONS FOR THE PUBLIC

Trust in the electoral process is integral to the functioning of a vibrant democracy. However, election police units set up to scare voters and penalize election officials for honest mistakes do more harm than good in defending democracy. Numerous groups in Florida, including the League of Women Voters of Florida, American Civil Liberties Union of Florida, and Common Cause Florida, have reported that the OECS is serving as a voter intimidation tool (Contorno & Schouton, 2022; Mena, 2022). In fact, the office itself is called the “Office of Election Crimes and Security” instead of an integrity unit. Election laws are constantly changing, and too often, states invest too few resources in educating the public about these changes and impacts on the electoral process. It’s no wonder that human error and honest mistakes form the bulk of election integrity issues (Blake, 2021; Brennan Center, 2022; Fields et al, 2022). Yet, the state of Florida prefers to frame these events as “crimes” and not solvable issues. We found several concerning trends in reviewing these units in both states.

First, election officials and voters in both states have been reeling from a number of changes in election laws since 2021. In Florida, Senate Bill 90, passed in 2021, changed drop box use, limited voters’ ability to deliver vote-by-mail ballots and forced them to renew their requests for mail ballots every two years instead of four, and increased penalties for everyone involved in the voting process for any mistake. SOEs can be personally fined up to \$25,000, for

example, for an unattended drop box. Ohio’s House Bill 458, passed in 2022, similarly limited voters’ ability to vote by mail and renew their vote-by-mail ballot request, added the strictest photo ID requirements in any state, and also limited drop box use in the state by allowing only one per county. The drop boxes are located at county Board of Elections offices and monitored by video surveillance. Unlike Florida, Ohio has not yet created substantial monetary penalties and fines for election officials apart from misdemeanor charges for violating the statewide collaboration ban that restricts elections offices from coordinating with any non-governmental organization. Every change in election law—especially those that limit the right to vote and threaten to criminalize voters—requires clear communication to voters to avoid confusion and the spread of misinformation.

As stated by Mark Earley, current SOE in Leon County, Florida, “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 (2023).” Due to increasing harassment and threats, election officials have had to reduce the stress and emotional toll of their jobs by not telling people where they work, increasing security in their offices, and installing bullet proof glass, among other strategies (Clark et al., 2023). While experienced election officials are bearing the brunt of misinformation, disinformation, and malinformation, law enforcement officers in



these election crimes units, who generally have no prior experience or interest in either election law or running elections, are being tasked with finding and punishing alleged perpetrators with little guidance or input from experienced election officials.

Second, unlike the Florida OECS' 2022 report, the 2023 report features a section explicitly addressing third-party voter registration organizations (3PVRs). Despite making generalizations about 3PVRs, the section highlights complaints related to 3PVRs, including unauthorized alterations of political party affiliations and the submission of completed registration forms with information of deceased or fictitious applicants. While it is important to address the concerns raised, many of which have been found to be the result of human error, it is equally important for the state to collaborate with these groups rather than villainize their dedicated efforts to register voters. Yet, 3PVRs have been targeted with new fines and administrative burdens for the work they do, making it more intimidating for them to continue supporting voters. Under Florida Senate Bill 7050, certain fines for 3PVRs increased dramatically from \$500 to \$50,000 and added additional burdens to the process of registering eligible voters to vote. For instance, it decreased the number of days 3PVRs can submit their forms to the Division of Elections (DOE) or county SOEs from 14 to 10.

Finally, state leaders and policymakers can play a crucial role in advancing social equity and equality through voting. However, an analysis by The Washington Post examined nearly every election police prosecution across the country and revealed that these units disproportionately target voters of

color and Democrats. Specifically, 76 percent of people charged, who also have an identifiable race or ethnicity, were Black or Hispanic, with White individuals accounting for only 24 percent of those prosecuted by these units (Jouvenal, 2023). In Leon County, Florida, a 69-year-old Black female voter was arrested at 3 a.m. for alleged illegal voting in a show of extreme force (Soule, 2023). This is a far cry from the experience of targets of Florida's election police in other jurisdictions. Voters arrested for voter fraud who reside in the Villages, a majority White retirement community in central Florida, upon having been found guilty of double voting have been required to simply take civics classes (Wines, 2022). This disproportionate criminalization has instilled fear in already marginalized communities and threatens to dissuade people from casting a ballot at all—which would come at great peril to our democracy.

Another significant issue contributing to the erosion of social equity is the disenfranchisement of millions of eligible voters in the U.S. due to prior criminal convictions, especially in states like Florida. This practice of permanently denying people the right to vote through state-directed disenfranchisement has deep-rooted historical ties to racial discrimination and systemic inequality (Uggen et al., 2022). While some states have made progress by simplifying the restoration of voting rights, many still maintain stringent restrictions that disproportionately affect marginalized communities. Florida, in particular, passed Amendment 4 in 2018, which restored voting rights to Floridians with certain felony convictions, yet the state does not have a centralized database that allows individuals to verify their status (Smith, 2020).



Sometimes finding and maintaining the balance between political goals and a nonpartisan administrative implementation is difficult. Since Florida's SOS is appointed, and the DOE director is also directly influenced by the governor, one could contend that the agency's autonomy is compromised within the context of the principal-agent relationship framework. Checks and balances on the power of the governor to direct investigations or prevent arbitrary firings without merit are necessary but seemingly absent in this situation. In the context of Florida, there has been a disproportionate increase in complaints and arrests in diverse counties. This demonstrates the need to investigate the motives behind such measures, especially when compared to the rare instances of voter fraud.

In Ohio, the current Public Integrity Division offers little details as to the budget impact and the tasks and duties of its employees. It has also had no real interaction with the broader community, which could be perceived as dangerous and a potential threat to democratic principles. The OAEO, through its meeting minutes, offers little insight into the level of consultation provided by its members. In addition, voting rights groups in Ohio have received no information on the unit, even after asking for details through FOIA requests (Author interview, 2023). This is concerning, as providing more information could assist with building trust and confidence in the division's objectives. More will be revealed as Senate Bill 51 moves through committee.

# CONCLUSION

Voting is a fundamental pillar of a functioning democracy and is foundational to civic engagement in society. The foundation of this process lies in transparency and trust, which are crucial for the widespread acceptance of election results and the peaceful transfer of power. Elections are truly community efforts with professionals—including election administrators, poll workers, voting rights groups, and 3PVRs—and the public all coming together to ensure the seamless advancement and progression of democracy. For elections to be trusted and the results to be accepted, voters need to have faith that their vote will be counted. However, the term “integrity” has been weaponized by people and elected leaders who are dissatisfied with election outcomes—despite material evidence of any wrongdoing—and demand harsh measures to prevent “voter fraud.”

Election integrity units are the newest iteration of a long struggle in the balance and distribution of power between the political and administrative arms of state government. While some argue measures like a state election police force are necessary to protect the integrity of elections, others contend that they can be used as political tools by governors and other elected officials to suppress the votes

of specific communities. They represent an opportunity to study politicization in the policymaking process and partisan maneuvering in a deeply polarized time. Additionally, the formation of these units, with a lack of transparency and cooperation/consultation with civil society actors, deserves further investigation. This raises questions about the implications of such organizational structures on the U.S. democratic process and the potential impact on public trust in electoral and administrative systems.

Concerted efforts like this to denigrate the work of dedicated public servants, manufacture an atmosphere of lawlessness, and create barriers to the voting process for targeted populations create opportunities for chaos and violence—as the nation tragically witnessed on January 6, 2021. If data provided by election officials, federal investigators, and independent auditors consistently shows an accurate process with little fraud, then state efforts should be directed toward other issues that would bolster the work done by these dedicated public servants. In recent hearings before Congress, election officials have asked for more funding to support both physical security and cybersecurity, update outdated software, increase compensation for staff and poll workers, and increase funding for public information campaigns to help counter misinformation.<sup>2</sup> Better funding for all of these

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<sup>2</sup> Senate Judiciary Committee Hearing 8/3/22, Senate Rules Committee Hearings 10/26/21, 5/19/22, 3/28/23 and 11/1/23.

items would actually help election offices run more efficiently and help ameliorate issues that might lead to the very confusion and fraud that these units aim to ferret out.

While Florida's ongoing endeavors to police elections are rightly criticized for anti-voter posturing and transparent political motivations, it may be premature to pass definitive judgment on Ohio's similar initiative. Nevertheless, the establishment of these units warrants deeper scrutiny.

### **Key questions for future research include:**

- 1.** How will voters of color be protected against the indiscriminate policing of their votes?
- 2.** How will the performance of these units be assessed, and what metrics will be generated and made accessible to the public for scrutiny?
- 3.** What methods will be employed to gauge the return on investment concerning the public funds allocated to these units?
- 4.** What training protocols are in place for integrity unit officers tasked with detecting alleged election fraud, and who holds the authorization to conduct this training? In Florida, there is evidence of law enforcement personnel being recruited into this unit; however, details regarding their training remain unclear. What specific training protocols are being employed for law enforcement members joining this unit in the state?
- 5.** What technologies will these units employ (such as artificial intelligence, face recognition, etc.)?
- 6.** Who or what entity holds oversight responsibilities for the election integrity units?
- 7.** Should voting rights groups reject these integrity units, or can a strategic approach leverage their existence to enhance access to the ballot box by addressing pertinent issues?
- 8.** What limitations or guardrails could be placed on these units to prevent them from being used for political purposes?

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# **POLICING THE VOTE: *ELECTION INTEGRITY UNITS IN FLORIDA AND OHIO***

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