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Florida's Office of Election Crimes and Security: A Guide to Restoring Voter Confidence in Elections

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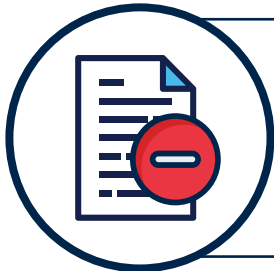
KEY FINDINGS



FLORIDA HAS LED THE WAY IN RESTORING VOTERS' CONFIDENCE IN ELECTIONS BY INVESTIGATING ALL ALLEGATIONS OF ELECTION CRIMES AND TRANSPARENTLY REPORTING THE FINDINGS.



SOME STATES HAVE TAKEN A SOLID FIRST STEP TO INCREASE ELECTION INTEGRITY, BUT ALSO HAVE ROOM FOR IMPROVEMENT.



TO PROMOTE TRANSPARENCY, ELECTION CRIME COMPLAINTS SHOULD BE COLLECTED, TRACKED, AND REPORTED ON BY A SINGLE STATE AGENCY.



STATE-LEVEL ELECTION CRIMES UNITS CAN HELP SOLVE MANY ISSUES THAT HAVE PLAGUED ELECTIONS.

THE BOTTOM LINE:

TO CREATE TRANSPARENCY AND RESTORE VOTER CONFIDENCE IN ELECTIONS, STATES SHOULD CREATE ELECTION CRIMES UNITS TO INVESTIGATE AND REPORT ON ELECTION CRIMES.

Overview

American voters generally lack confidence in election results.¹ This trend must be reversed because the electorate needs to trust the election process to have confidence in our representative form of government. There are solutions to this problem and some states, led by Florida, are starting to adopt them.

To address voters' concerns, states should take claims of election crimes seriously by investigating all allegations while showing maximum transparency. States can accomplish both, and help restore confidence in elections, by establishing an election crimes unit.



Florida is leading the nation in promoting confidence and transparency in election results

To restore confidence in elections, allegations of election crimes should be investigated, and violators must be prosecuted. States should also “show their work” by increasing transparency so that voters can see that allegations of election crimes are taken seriously, and the legislature can maintain proper oversight. Florida’s recent legislation shows how states can accomplish this, and in turn, instill in their citizens confidence in the government’s authority to govern.

FLORIDA’S LANDMARK POLICY CONSISTS OF THREE KEY ELEMENTS:

CREATE A UNIT DEDICATED TO INVESTIGATING ELECTION CRIMES

In 2022, Governor Ron DeSantis signed a bill into law that created an Office of Election Crimes and Security within the Florida Department of State.² This was a clear signal to voters that their concerns were heard and would be addressed.

INVESTIGATE ALLEGED ELECTION LAW VIOLATIONS AND REFER FOR PROSECUTION

Florida’s new election crimes unit receives and reviews reports of irregularities and alleged election law violations.³ The unit also initiates independent inquiries and conducts preliminary investigations into potential violations.⁴ If a preliminary investigation shows that a violation may have occurred, the information is referred to law enforcement for additional investigation and prosecution.⁵

Since its creation, Florida’s election crimes unit has received more than 2,000 complaints and initiated nearly 1,000 independent investigations.⁶ More than 1,500 cases have been referred to another agency and 234 cases were referred to special agents.⁷ These investigations are already producing results with the arrest of 20 individuals.⁸

INCREASE TRANSPARENCY BY PROVIDING A REPORT TO BOTH THE LEGISLATURE AND THE PUBLIC

Florida's new law promotes transparency by requiring a report to be submitted by January 15 of each year.⁹ The report details the number of complaints received, the number of independent investigations initiated, and the number of complaints referred to another agency for further investigation or prosecution.¹⁰ Also, for each alleged violation, the report lists the source of the violation, the law violated, the county in which it occurred, whether the violation was referred to another agency, and if so, which agency, and the current status of the investigation or resulting criminal case.¹¹

In addition to being sent to the Governor of Florida, the President of the Senate, and the Speaker of the House of Representatives, the report is easily accessible to the public online. This means that not only are alleged violations of election law investigated, but the public can view the results of these investigations. Bad actors are held accountable, and the public has their confidence in elections restored as they can see how the state protects election integrity.



BAD ACTORS ARE HELD ACCOUNTABLE, AND THE PUBLIC HAS THEIR **CONFIDENCE IN ELECTIONS RESTORED AS THEY CAN SEE HOW THE STATE PROTECTS ELECTION INTEGRITY.**

To restore confidence in elections, states should create an election crimes unit to investigate alleged violations

States should follow Florida's lead by having a dedicated unit to receive complaints of election crimes. These tips should be handled by trained professionals whose sole responsibility is pursuing election crimes. If their investigation shows evidence of a crime, their findings should then be handed over for further investigation and prosecution. States should have the option of handing the case over to the local district attorney where the crime occurred or the attorney general if the state has dual prosecutorial authority for election crimes.¹²

Some states have taken the approach of creating election crimes units without waiting for the legislature to act. In Virginia, Attorney General Jason Miyares created a unit in his office in 2022.¹³ Also in 2022, Ohio Secretary of State Frank LaRose created a unit in his office that investigates election law violations.¹⁴ They should be commended for taking the initiative and independently taking a step to increase election integrity.

Texas Attorney General Ken Paxton has taken a similar approach and has a track record of success. He has created special Election Integrity Units during election seasons to investigate election crimes.¹⁵ Since taking office in 2015, his office has prosecuted 155 individuals for 534 election fraud offenses.¹⁶ His office also has 510 offenses pending prosecution and another 386 ongoing election fraud investigations.¹⁷ These are tremendous achievements, but these units, and others like them, would benefit from codification because then a change in leadership would not risk ending the important work they perform.

Other states are making inroads but could be improved by codifying the work that the units do. For instance, Arizona should serve as a cautionary tale for other states. The legislature created an Elections Integrity Unit in the Attorney General’s Office in 2019.²³ But with the election of a new attorney general, the office will now focus on increasing voting access rather than investigating election fraud.²⁴ Legislation should be clear that the unit’s duties are to receive and investigate allegations of election crimes and refer individuals for prosecution when there is evidence of a crime. Clearly laying out the purpose of the unit—investigating claims of election crimes and providing transparency to the public by reporting the results of the investigations—will ensure the unit will not become weaponized.

To promote transparency, a report detailing the investigations should be made publicly available

To promote transparency, these units should report on the results of their investigations like Florida does. The report should be sent to the legislature but also be made easily available to the public. This proves to voters that their tips are investigated, and thus worth their time to report, and shows how bad actors are held accountable. Reports also help the legislature maintain proper oversight and can even reveal patterns of where and what election crimes are occurring and show possible adjustments to the law that should be made.



To promote transparency, these units should report on the results of their investigations like Florida does.



To be most beneficial, each year the unit should submit a report to the state legislature that details information about the complaints it received, the investigations it conducted, and the referrals it made. Like Florida, the report should include the number of complaints received and independent investigations initiated by the unit. For each alleged violation investigated, the report should include the source of the violation, the law violated, the county in which it occurred, whether it was referred to another agency, and the current status of the investigation or criminal proceeding.

All states that do the important work of having a unit to investigate crimes should highlight this work by providing their report to the public. Providing transparency to the public can be just as vital as the investigations themselves. The reports can even be used by the media to highlight voter fraud and the public nature of the reporting can increase deterrence by showing that these crimes are prosecuted.



PROVIDING TRANSPARENCY TO THE PUBLIC CAN BE JUST AS VITAL AS THE INVESTIGATIONS THEMSELVES.

THE BOTTOM LINE: To create transparency and restore voter confidence in elections, states should create election crimes units to investigate and report on election crimes.

While voters are losing confidence in elections, Florida is working to restore trust and has provided a blueprint for other states to follow. By establishing an election crimes unit, Florida lawmakers are ensuring that all allegations of election crimes are investigated and that the findings are reported transparently to the legislature and the public.

More states should work to earn back the confidence of voters by establishing election crimes units. Other states have taken important first steps by setting up units, but should codify them so they will continue their important work even with a change of leadership.

These units perform double duty, investigating allegations of election crimes and reporting their findings transparently so the public can have confidence in both the electoral process and election outcomes. Further, these election crimes units would send a clear message to those who wish to disrupt elections or sow distrust that any crimes will be investigated and prosecuted.



While voters are losing confidence in elections, Florida is working to restore trust and has provided a blueprint for other states to follow.



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