

Protecting our Democracy's Frontline Workers

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As a municipal clerk in Maine, I am accustomed to feeling relatively secure in my workplace, my neighborhood and my home. All that changed in June of 2020 when I received a death threat purporting that I was part of some sort of election fraud.

The gentleman who made the death threat is personally known to me and well known to local law enforcement. He is former military, intelligent, and grew up in a middle-class family in the community where I work. Unfortunately, he struggles with mental health issues, which has put him in conflict with me on several occasions as well as local law enforcement. I had managed to keep him at bay for years and chose not to take a hard approach. I thought he was harmless. I have not wanted to go public with the threat because I don't want to agitate him, since he is a resident of the community in which I serve. Also, I am empathic with his situation and don't want to publicize this locally and risk him being ostracized in this community.

The threat came to me through another public official's Facebook page. The official called me and read me the post and urged me to immediately call the police. I was reluctant to do so. I'm a public official...I'm used to taking some grief from people who are frustrated with policies, laws, misinformation, etc. As a woman in this position, I don't want to appear weak. This Facebook post was detailed and graphic and certainly crossed the line, but I likely would not have acknowledged that and pressed charges if it weren't for the urging of the other official. I didn't want to poke the hornet's nest.

Luckily, I have a long, strong working relationship my local Chief of Police. He was quick to respond to my complaint, and the man was quickly arrested. Once the arrest was made, I worked with the Chief to determine what charges could be filed. Of course, I wanted the harshest charges brought against him, since I had finally decided to take a stand and defend myself. Unfortunately, since the threat was made indirectly through social media, the only charge that the Chief felt could be prosecuted was criminal threatening, which is a Class D misdemeanor. Fortunately (or unfortunately), the man was out on bail for a recent assault conviction, and this was a violation of his conditions of release. He was able to be held due to the bail violation, which bought me some critical time to get my feet back under me. Had it not been for the bail violation, he would have been released almost immediately.

Initially, my first goal was to keep him behind bars for as long as possible in order to have time to secure my home, my family, my workplace and my coworkers. I needed time to install security systems at home and at work. I had to minimize my exposure on social media, and publicly available data on the internet. I had to get a firearm and learn how to use it. I had to speak with law enforcement where I

live about calls for service from my home taking priority. I had to develop procedures at work to enhance security for myself and my coworkers. So....I reached out to everyone with whom I had professional relationships that I felt could help me to ensure that strict bail conditions were placed on him when released. I contacted the official who informed me about the post, I contact the State of Maine Secretary of State, the County District Attorney and the State of Maine's Attorney General's office. I was consulted by the Victim Witness Advocate at the DA's office to determine bail conditions. The proposed conditions were very comprehensive, and required him to take his medications, see his psychiatrist, have no drugs or alcohol, and stay away from my home or workplace.

I reached out to the FBI's local office in Maine, to try to see if federal charges could be considered since the threat was made through social media. I was hoping that it would be considered a cybercrime and would result in stiffer charges and more jail time. I was told that it could, possibly, fall under that category but that if federal charges were pursued, the local charges would be dropped, and the strict bail conditions may be lost. I wasn't willing to risk that, so I didn't pursue federal charges. That means that no record of the threat was collected at the federal level.

After a two-month hold, he was released back into my community. The strict conditions of his release are in effect for one year, which expires this fall. For the rest of my life, I will have to be looking out for him...at my workplace, around my home, at the grocery store, at the park, everywhere. At any point in time, he could decide that he no longer needs his medications and could quickly revert to the mindset that made him make the threat to me in the first place. His life will go on virtually unscathed, but mine has changed forever.

In January 2022, legislation was proposed to create a Class C crime regarding threatening an election official. The state legislature didn't feel that there was a need for another crime classification, since there were only two known threats in Maine. If the legislation wasn't brought forward, no one would even know about the two credible threats that were made in Maine. It is extremely likely that more threats were received by election officials, but that law enforcement either wasn't contacted, or that law enforcement didn't feel that it rose to the level to charge someone. I can envision a small-town clerk in Maine being threatened, calling the local sheriff, and having her ex-brother-in-law respond and say "call if it happens again", or "he's been drinking again", or "he's harmless". In that case, the threat information is never really captured, and the actual number of threats will never be accurately reflected.

Clerks may not be able to determine what is a credible threat and what is not a credible threat. Clerks may not know how to adequately document the threat by keeping emails, voicemails, and screenshots to be used as evidence. Clerks may not be aware of how and when to report a threat to law enforcement. Clerks are not trained in de-escalation techniques and may exacerbate a volatile situation. Capturing data surrounding threats could help to show a pattern from an individual or group and would more accurately reflect the extent of the problem.

The bill in Maine passed but was amended to put a classification in Title 21-A election law regarding threats to election officials, which puts the crime under the purview of the Attorney General with all other election crimes. This will standardize the response across the state and capture that data. The amended bill also requires the Secretary of State to conduct de-escalation training for election officials and threat reporting procedures. Finally, the bill requires the Secretary of State to report to the legislature annually the number of threats received by election officials. My hope is that this bill will

result in accurate data to determine the true number of threats being received. That data could be used to revisit the need to make this type of threat a higher crime.

My colleagues have seen an increase in frustration, misinformation, agitation from their citizens surrounding elections. Some of my colleagues have left the profession due to the increased pressures placed on them. Some left because they were tired of having their integrity constantly questioned. Clerks are worried going into the mid term elections and see 2024 on the horizon. This isn't unique to election officials, since threats are being made to judges, school board members and other elected officials. What makes this unique is that it is a threat to our democracy since the threats are intended to intimidate, influence or coerce an election official in order to impact an election result. This must stop.

Charges and convictions will help deter like actors. Charges and convictions will send a message that these threats will not be tolerated and there are consequences. The consequences should be severe and long-lasting, commensurate with the impact of those on the receiving end of the threats. My case is one of only two in the entire county to result in a conviction, even though thousands of threats were received. Maine is one of two states that successfully passed legislation to enhance protection of election officials.

Thank you for the opportunity to share my experience. I hope that my story will help to lay the groundwork to protect others.