

Election Threats Task Force | Department of Justice

(202) 514-1412

Election Threats Overview

Through the Election Threats Task Force and United States Attorney's Offices across the country, the Department reviews, investigates, and prosecutes threats of violence to the election community. Federal prosecutors work with the Federal Bureau of Investigation and United States Postal Inspection Service to combat these threats. The Federal Bureau of Investigation has dedicated Election Crime Coordinators ("ECCs") in each of its 56 field offices across the country. A nationwide roster of ECC contact information has been distributed widely among the election community and may be obtained from the Task Force directly upon request. If you or anyone on your staff is the victim of threats of violence you should report the threat to the ECC in your jurisdiction and include the language of the threat, the date and time the threat was received, the manner in which the threat was delivered, and any identifying information about the source of the threat, including name, telephone number, email address, or social media handle. Additional guidance on what constitutes a criminal threat is provided below. If you are uncertain as to whether any given communication meets the definition of a criminal true threat, you should report it to your ECC to allow the Task Force to review and assess the matter.

Legal Standard for "True Threats"

- A "true threat" for purposes of federal criminal investigation and prosecution means "statements where the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals." *Virginia v. Black*, 538 U.S. 343, 359 (2003).
- Communications referencing criminal offenses, process, or penalties, such as treason, trials, imprisonment, or capital punishment are less likely to meet the legal definition of a true threat.
- Statements addressed directly to a victim expressing a personal intent to engage in violence are most likely to meet the legal definition of a true threat.
- Statements including implied threats of violence may constitute true threats, but hostile, abusive, critical, and offensive messages that do not explicitly or implicitly suggest physical violence are unlikely to meet the legal definition of a true threat.

Most Commonly Applicable Laws

- 18 U.S.C. § 245(b)(1)(A) which prohibits willful interference, injury, or intimidation of any legally authorized election official.
- 18 U.S.C. § 875(c) which prohibits interstate communications containing a threat to injure the person of another.
- 47 U.S.C. § 223(a)(1)(C) which prohibits use of a telecommunications device with the intent to threaten any specific person where the caller does not disclose his or her identity.

DOJ Review of Referrals

Upon receipt of an allegation of an unlawful threat made to a member of the election community, FBI and DOJ will promptly assess the communication and determine whether it is predicated for a federal criminal investigation. If an investigation is opened, FBI will contact the victim.