

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANDREW NICKELS,

Defendant.

Case No. 23-cr-20434

Hon. Laurie J. Michelson

EXHIBIT D



June 19, 2024

Judge Laurie J. Michelson
Theodore Levin U.S. Courthouse
231 W. Lafayette Blvd., Room 737
Detroit, MI 48226

Victim Impact Statement

Submitted by the Co-chairs of the National Council on Election Integrity and Director of Election Protection at Issue One in Support of Tina Barton to Judge Laurie J. Michelson

Imagine your life being threatened simply for doing your job. This is exactly what happened to Tina Barton while serving as a clerk in Rochester Hills, Michigan with responsibilities for overseeing elections in Oakland County from 2013 until March 2021.

"We're watching your...mouth talk about how you think that there's no irregularities...you frauded out America of a real election," Andrew Nickels, the defendant said in a voicemail message to Tina Barton on November 10, 2020. "Ten million plus patriots will surround you when you least expect it, and your little infantile Deep State security agency has no time to protect you because they'll be bought out and we'll f----- kill you. (You) will f----- pay for your f----- lying ass remarks. Watch your f----- back."

Death threats can cause a range of psychological impacts on the individuals who receive them, impacting them and their families in both the short and long term. Tina Barton should never have had to endure such threats, with implications for her health and well-being.

Tina Barton and her family are not alone. The role of election workers is foundational to the health and function of our democracy. However, the environment in which they operate has become increasingly hostile and dangerous. We are deeply concerned about the surge in threats, harassment, and violence against these dedicated public servants, as documented in numerous reports, including from Attorney General Merrick Garland and the Department of Justice Election Threats Task Force.¹

Since the 2016 election and increasingly after the 2020 election, election workers like Tina Barton have been subjected to a barrage of threats and intimidation. The threats election

¹ Attorney General Merrick B. Garland Delivers Remarks at the Election Threats Task Force Meeting, May 13, 2024, <https://www.justice.gov/opa/speech/attorney-general-merrick-b-garland-delivers-remarks-election-threats-task-force-meeting>.

workers face range from stalking and personal attacks to physical intimidation and assault, illustrating the dangerous environment these public servants must navigate. Such incidents are not isolated but part of a broader, orchestrated effort to undermine the electoral process. The alarming increase in such incidents have only intensified as we approach the 2024 election. Election workers now face constant fear and anxiety, though they are demonstrating incredible resilience and willingness to continue to serve our nation by safely and securely administering elections.

Threats against election workers spiked after the 2020 election. These threats are not isolated; they represent a disturbing trend that undermines the security and integrity of our elections. The Justice Department has prosecuted 20 cases involving threats to election workers, illustrating the severity and widespread nature of this issue. However, we know that there is a high threshold for prosecution. Election officials have expressed concerns that actions thus far have not had a deterrent effect on the increasing threats, harassment, and abuse.

According to the 2024 Local Election Officials Survey conducted by the Brennan Center for Justice, 38% of local election officials reported experiencing threats, harassment, or abuse.² This troubling statistic highlights the pervasive nature of the issue, with many election workers facing persistent, uninvited behavior that causes distress, fear, or discomfort. The survey also found that 54% of local election officials are concerned about the safety of their colleagues and staff, and 28% are worried about their family or loved ones being threatened or harassed.

Furthermore, [Issue One](#) and other organizations have documented through studies that many election workers are leaving their positions due to these threats.³ This exodus of experienced personnel is not merely a loss for the individuals but poses challenges to our electoral system, increasing risks of errors and potential interference. 62% of officials are worried about political leaders engaging in efforts to interfere with their work. Additionally, 43% of officials are concerned about recruiting enough poll workers for upcoming elections.

We urgently need comprehensive measures to protect election workers. It is imperative that we implement robust legal and institutional safeguards to prevent further escalation of threats. Verbal support is insufficient; we need concrete actions, including legal protections and resources to ensure the safety of election workers.

The Department of Justice and other law enforcement entities play a critical role in addressing these threats. While there have been some positive steps, a coordinated effort at all levels of government is essential to create a secure environment for election workers. Effective prevention and response strategies are crucial to mitigate harassment and violence.

² Brennan Center for Justice, Local Election Officials Survey — May 2024, <https://www.brennancenter.org/our-work/research-reports/local-election-officials-survey-may-2024>.

³ Issue One, The High Cost of Turnover, September 26, 2023, <https://issueone.org/articles/the-high-cost-of-high-turnover/>.

Tina Barton's case underscores the real and present danger faced by election workers. This case is a stark reminder of the severity and immediacy of the threats against those who uphold our electoral system. It highlights the necessity for stringent legal actions and the importance of a robust response to such threats.

The impact of these threats on Tina Barton and her colleagues is profound. The constant vigilance, fear of retribution, and stress of potential harm have taken a severe toll on their mental and physical well-being. This pervasive fear extends beyond their professional lives, affecting their families and personal lives as well. Nearly half of the threats to local election officials go unreported, and more than three in five officials who have been threatened were threatened in person.

In conclusion, we implore Judge Michelson to give Mr. Nickels a sentence reflective of threatening Tina Barton's life. We also call on the Department of Justice to continue to take meaningful action to protect all election workers. The security and integrity of our democratic institutions depend on the safety of those who administer our elections. We need stronger laws, better enforcement, and a clear message that threats and violence against election workers will not be tolerated. Our democracy is at stake, and it is imperative that we act now to safeguard it for future generations.

Sincerely,

The Hon. Barbara Comstock, Co-chair, National Council on Election Integrity, Issue One
The Hon. Donna Edwards, Co-chair, National Council on Election Integrity, Issue One
The Hon. Tim Roemer, Co-chair, National Council on Election Integrity, Issue One
The Hon. Zach Wamp, Co-chair, National Council on Election Integrity, Issue One
Carah Ong Whaley, PhD, Director of Election Protection, Issue One