

Stenographic Transcript
Before the

COMMITTEE ON
RULES AND ADMINISTRATION

UNITED STATES SENATE

OVERSIGHT OF THE U.S. ELECTION ASSISTANCE
COMMISSION

Wednesday, June 07, 2023

Washington, D.C.

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OVERSIGHT OF THE U.S. ELECTION ASSISTANCE COMMISSION

Wednesday, June 07, 2023

U.S. Senate

Committee on Rules and Administration

Washington, D.C.

The committee met, pursuant to notice, at 3:30 p.m.,
in Room 301, Dirksen Senate Office building, Hon. Peter
Welch presiding.

Present: Senators Klobuchar, Padilla, Ossoff,
Bennett, Welch [presiding], Fischer, Hagerty, and Britt.

1 OPENING STATEMENT OF SENATOR WELCH

2 Senator Welch. Good afternoon. I call to order this
3 hearing on oversight of the U.S. Election Assistance
4 Commission. Thank you all for being here. I want to thank
5 you, and I will be giving witness introductions in a
6 moment, but I will start with an opening statement. First
7 of all, Senator Klobuchar would very much like to be here
8 but can't, and I am going to be expressing many of her
9 views, as reflected in this opening statement.

10 But I want to say personally on her behalf that she
11 very much appreciates your work and very much appreciates
12 you being here. And I want to thank you and acknowledge
13 the EAC was established with broad bipartisan support.

14 That is good news. And that was about 20 years ago
15 and tasked with the very important responsibility of
16 improving election administration and security,
17 establishing cybersecurity guidelines for voting systems,
18 and promoting accessibility.

19 We want everyone to have the opportunity, who can, to
20 cast their ballot and for that to be counted. Your
21 resources and the administration of election in all 50
22 States has been, as well as the District of Columbia and
23 all five of our territories, has been very important.

24 And as we are approaching the 2024 elections, the EAC
25 mission remains important, even more so as officials are

1 now doing the dedicated planning that it takes to
2 administer elections effectively, while also confronting
3 the array of new challenges and threats to targeting
4 election workers, the spread of disinformation, and the use
5 of artificial intelligence even to mislead voters in our
6 elections.

7 We have got to continue to support the election
8 officials on the front lines in our democracy who need to
9 be able to rely on regular and steady Federal funding to do
10 their jobs. These vital resources, including the over \$931
11 million in security grants since 2018, enable State and
12 local officials to do everything from securing our
13 elections against foreign interference and keeping pace
14 with the evolving technology, to recruiting and training
15 poll workers.

16 One urgent issue that the Commission can help to
17 address is the barrage of harassment that is targeting
18 election workers. These public servants are essential to
19 the administration of our free and fair elections, which is
20 why I joined Chair Klobuchar and a number of our colleagues
21 on this committee to lead comprehensive legislation to take
22 this issue head on.

23 It is an area where we do need bipartisan solutions,
24 and I am glad that last year the EAC voted unanimously to
25 allow election officials to use Federal funding to protect

1 election workers from threats and harassment.

2 Since then, States like Washington and Georgia have
3 used EAC funds to improve the physical security of voting
4 and ballot processing centers. I look forward to hearing
5 more on this from you. In addition, the EAC has helped
6 enhance the security of election infrastructure essential
7 for public confidence in the elections, including issuing
8 new guidance to improve security standards for these voting
9 machines.

10 These efforts and significant investments in election
11 security help ensure that -- helped ensure that the 2020
12 and 2022 elections were secure, as the Department of
13 Homeland Security has repeatedly made clear. The
14 Commission also serves a very important role in combatting
15 misinformation.

16 My home State of Vermont is experiencing the same
17 challenges with disinformation as others across the
18 country. Our Secretary of State has done everything within
19 -- the former one, Jim Condos, his power and now our
20 current one, her power, to combat the spread of false
21 claims about elections.

22 And I am proud to report that an independent audit of
23 the 2022 election in Vermont found no major discrepancies
24 despite having a record turnout. Unfortunately, that has
25 not stopped everyone from making false claims intended to

1 destabilize our State and Federal elections.

2 I am hopeful that the EAC can continue playing a
3 leading role stemming the spread of election disinformation
4 and ensuring that every single State is ready to face this
5 growing challenge in 2024. And finally, while we must
6 continue investing in our elections, I remain concerned
7 that in many States, voters continue to face laws that make
8 it harder to vote. It is why I and many others support the
9 basic Federal standards in the Freedom to Vote Act.

10 It is why I support the John Lewis bill to repair and
11 restore the Voting Rights Act. It is worth noting that our
12 country has a history of passing Federal laws to strengthen
13 our democracy. A few weeks ago, we recognized the 20th
14 anniversary of the National Voter Registration Act or Motor
15 Voter law that was enacted with bipartisan support. And
16 last October marked 20 years since we passed HAVA, or the
17 Help America Vote Act.

18 And that is where this organization was started, and I
19 look forward to hearing about the Commission's efforts to
20 support local and State election officials. And now I want
21 to thank our witnesses, but I will turn it over to our
22 ranking member, Senator Fischer. Thank you, Senator
23 Fischer.

1 STATEMENT OF SENATOR FISCHER

2 Senator Fischer. Good afternoon, and thank you very
3 much, Senator Welch, for holding the hearing today. It is
4 a pleasure to sit with you. I told the Senator I would
5 keep him under control.

6 Senator Welch. She can do it.

7 [Laughter.]

8 Senator Fischer. I also want to extend my gratitude
9 to our witnesses, the four EAC Commissioners, for joining
10 us today. We look forward to hearing your perspectives,
11 insight, and experiences in guiding the EAC's work as we
12 set our sights on the 2024 elections and beyond.

13 Today's hearing provides an opportunity for the
14 committee to obtain a comprehensive understanding of the
15 Commission's operations, noted successes, identify areas
16 for improvement, and address existing and emerging
17 challenges.

18 The EAC plays an important role. It is the only
19 Federal agency with the sole responsibility of helping
20 States improve their administration of Federal elections,
21 which in turn helps to ensure the security and legitimacy
22 of the voting franchise.

23 It collaborates with States and local officials,
24 shares best practices, accredits testing laboratories,
25 certifies voting systems, and provides vital resources to

1 help ensure elections are conducted with integrity.

2 It is, in my view, the best and most appropriate
3 entity to play this role. In recent years, election
4 officials have confronted an increase in threats to
5 election integrity and cyber security. The EAC stands
6 well-positioned to help election officials respond to
7 emerging challenges in an ever evolving landscape.

8 To that end, I look forward to hearing about the
9 Commission's recent overhaul of the Voluntary Voting System
10 guidelines, the technical standards at all voting systems
11 certified by the Federal Government must meet. I
12 understand that these updated standards include significant
13 improvements aimed at preventing attacks on our election
14 infrastructure.

15 As you all know, States are tasked with the important
16 work of recruiting, training, and retaining election
17 officials and poll workers. It is concerning then, that we
18 continue to hear about difficulties with recruitment and
19 retainment.

20 Dealing with emerging election security issues has
21 become all the more difficult as those with the most
22 experience retire. However, the EAC has done its part by
23 raising awareness through the valued role of poll workers
24 and inspiring greater civic engagement through the
25 establishment of National Poll Worker Recruitment Day.

1 I was very pleased to hear that on this day that was
2 so successful -- I was very pleased to hear that this day
3 was so successful that the EAC also designated August 16,
4 2022, as Help America Vote Day to further encourage more
5 Americans to sign up as poll workers. While we in the
6 Senate recognize the accomplishments of the EAC, we must
7 remain vigilant in our pursuit of continuous improvements.

8 The public demands and deserves an electoral system
9 that is transparent but secure. Our duty is to ensure that
10 the EAC is equipped with the necessary tools, resources,
11 and guidance to fulfill its mission effectively. Once
12 again, I extend my sincere appreciation to our witnesses
13 for their presence today, and their commitment to helping
14 preserve the public's trust. Thank you.

15 Senator Welch. Thank you, Senator Fischer. Our first
16 witness is Chairwoman Christy McCormick, confirmed as a
17 Commissioner in December 2014. Commissioner McCormick
18 previously served as an attorney in the voting section of
19 the Department of Justice and at the U.S. Embassy in
20 Baghdad, where she oversaw Iraq's national elections.
21 Thank you for that.

22 She received her bachelor's degree from the University
23 of Buffalo and a law degree from George Mason. Our next
24 witness will be Vice Chair Ben Hovland, who has confirmed
25 in 2019, January. Before joining the Commission, he spent

1 several years working here at the Rules Committee. Thank
2 you for that.

3 First for Leader Schumer and then for Senator
4 Klobuchar and served as Deputy General Counsel for the
5 Missouri Secretary of State and received his bachelor's
6 degree from the University of Central Arkansas and a law
7 degree from the University of Oregon. Our third witness is
8 Commissioner Tom Hicks, who joined the Commission in
9 December of 2014. And prior to his current role,
10 Commissioner Hicks served as Counsel for the Committee on
11 House Administration.

12 I used to be over there, Senator. And worked for
13 Common Cause and for the Office of Personnel Management in
14 the Clinton Administration. And he received his bachelor's
15 degree from Clark University, and his law degree from
16 Catholic University of America.

17 And our final witness is Commissioner Donald Palmer,
18 confirmed to the Commission in January 2019. And
19 Commissioner Palmer previously served as Secretary of the
20 Virginia State Board of Elections, as Florida's Director of
21 Elections, and as attorney with the voting section of the
22 Department of Justice.

23 He also served for more than two decades as an
24 intelligence officer and judge advocate general in the
25 Navy, and received his bachelor's degree from Jacksonville

1 University, master's degree from George Washington, and a
2 law degree from Stetson University.

3 And I will now swear in our witnesses before we
4 proceed to their testimony. Commissioners, if you would
5 now please stand and raise your right hand. Do you swear
6 that the testimony you will give before the committee shall
7 be the truth, the whole truth, and nothing but the truth,
8 so help you God?

9 Ms. McCormick. I do.

10 Mr. Hovland. I do.

11 Mr. Hicks. I do.

12 Mr. Palmer. I do.

13 Senator Welch. Thank you. You may be seated. We
14 will now proceed to your testimony, and I will recognize
15 you for five minutes, a five minute statement, and we will
16 start with Chairwoman McCormick.

1 STATEMENT OF HON. CHRISTY MCCORMICK, CHAIRWOMAN, U.S.
2 ELECTION ASSISTANCE COMMISSION, WASHINGTON, D.C.

3 Ms. McCormick. Chair Welch, Ranking Member Fischer,
4 members of the committee, thank you for the opportunity to
5 appear before you today to discuss the work of the U.S.
6 Election Assistance Commission as we prepare for the 2024
7 elections. We appreciate the committee's crucial oversight
8 efforts and close attention to the EAC.

9 Our nation's elections have faced increased scrutiny
10 in recent years, and this committee has responded by
11 demonstrating leadership in helping to support election
12 administrators. Whether listening to the needs of election
13 officials, furthering work under the Help America Vote Act,
14 or providing grants for election security, Congress has
15 worked closely with States to reinforce this critical
16 infrastructure as an independent, bipartisan agency.

17 The EAC stands in a unique position to work with
18 Congress to further assist States and localities in the
19 efficient and accurate administration of elections. Over
20 the past decade, the field of election administration has
21 faced ever growing challenges and the need for increased
22 technology improvements to our election systems.

23 Many of these challenges, including questions about
24 adequate funding and security for voting systems, are not
25 new. Others, however, have increased suddenly in recent

1 years. For example, social media continues to evolve with
2 new platforms and generative AI tools, making voter
3 education more challenging. In addition to administering
4 elections and voter education, officials must still prepare
5 for cyber, physical, and personal security threats.

6 Many election officials have left the field, citing
7 safety, increased requirements and expectations, and a lack
8 of resources. Some local communities have seen their
9 entire election departments resign.

10 Now, more than ever, election officials need our
11 support. With the help of this committee, the EAC is
12 determined to do all it can to meet these challenges. Over
13 the past year, Commissioners have redoubled outreach by
14 resuming travel across the country for in-person meetings,
15 presentations, and visits with State and local election
16 officials.

17 Discussions during these visits underscored not only
18 the outstanding work of election administrators in the 2022
19 midterms, but also the significant impact of efforts by the
20 Federal Government to provide guidance, monetary resources,
21 and best practice materials.

22 Election officials have expressed sincere gratitude
23 for recent assistance, especially for resources dedicated
24 to safety and security. This includes over \$900 million in
25 HAVA security grants provided by Congress and administered

1 by the EAC with support from Congress in the form of an
2 increased agency operating budget, and more consistent HAVA
3 funding to the States.

4 The Commission continues to fulfill its mission to
5 improve the administration of Federal elections and to help
6 Americans vote. As you are aware, the decentralized nature
7 of U.S. elections results in a diversity of practices,
8 laws, and regulations. With more than 3,000 counties and
9 thousands of localities, it takes nearly 1 million poll
10 workers to operate election polling sites.

11 This process supports more than 209 million registered
12 voters. To support the country's diversity of election
13 situations and meet HAVA's charge with developing election
14 guidance, the EAC's newly expanded clearinghouse division
15 has produced more than 60 products since 2021 to assist
16 election administrators.

17 These documents reflect the need for unbiased, trusted
18 source guidance as election officials navigate the
19 complexities of election administration. Earlier this
20 year, we hired an experienced Government leader, Steven
21 Frid, to serve as our new Executive Director. One person
22 does not an agency make, so the EAC has hired needed
23 support staff to assist in the election process and the
24 role it plays as critical infrastructure.

25 Additionally, the U.S. marked the 20th anniversary of

1 HAVA in 2022, commemorating the historic milestone with the
2 launch of Help America Vote and the second National Poll
3 Worker Recruitment Day. The EAC continues to strategically
4 promote election worker information on social media and on
5 our website.

6 We created helpamericavote.gov in 2020, in service of
7 the first National Poll Worker Recruitment Day. This
8 permanent outreach platform offers a customized look up tool
9 with details as jurisdictions specific official contacts,
10 required training, and polling place hours. In 2022, the
11 EAC's poll worker web pages had over 263,000 page views.

12 We regularly received modifications from election
13 offices, and based on the responses, information is
14 regularly updated on the site. We will continue to offer
15 resources relating to poll worker recruitment, retention,
16 and training leading up to 2024, including National Poll
17 Worker Recruitment Day and Help America vote Day.

18 Given the interest that members of this committee have
19 shown in these efforts, we welcome your input moving
20 forward. And looking forward to 2024, with ongoing support
21 from Congress, the Commission will provide the necessary
22 assistance to election officials to mitigate challenges and
23 protect the integrity of U.S. elections.

24 I would like again to thank the committee for its
25 oversight and support of the EAC, as well as for the

1 opportunity to speak here. I will now turn the discussion
2 over to Commissioner Ben Hovland to discuss the
3 Commission's internal financial oversight and grants
4 management. Thank you.

5 [The prepared statement of Ms. McCormick follows:]

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1 Senator Welch. Thank you. Commissioner Hovland.

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1 STATEMENT OF HON. BENJAMIN HOVLAND, VICE CHAIR, U.S.
2 ELECTION ASSISTANCE COMMISSION, WASHINGTON, D.C.

3 Mr. Hovland. Good afternoon. Thank you, Chairman
4 Welch, Ranking Member Fischer. I would also like to thank
5 Chairwoman Klobuchar and the members of the committee for
6 inviting us to testify about the work of the U.S. Election
7 Assistance Commission. My name is Ben Hovland, and I am
8 the current Vice Chair of the EAC.

9 I look forward to sharing updates about the
10 Commission's grants management, internal controls, and
11 budget. A core component of the EAC's mission is
12 distributing, monitoring, and auditing the use of Federal
13 grants for the improvement of election administration and
14 security.

15 Federal HAVA funds, including the \$955 million
16 provided since 2018, are a key resource for election
17 administrators responding to the increased technology and
18 changing demands of the field. To emphasize the importance
19 and impact of this funding, I would note the election
20 infrastructure sector specific plan States, "it is
21 impossible to make an honest assessment of the election
22 infrastructure's subsectors risk and the potential to
23 mitigate that risk without an understanding of the chronic
24 resource issues the subsector faces at all levels of
25 Government."

1 As we look toward 2024, I believe it has never been
2 more challenging to administer elections or more expensive.
3 That is why grant funding in partnership with the States is
4 so crucial, and we value your efforts to address the needs
5 of State and local Governments through Congressional
6 -- through the Congressional appropriations process.

7 As of March 31st, 95 percent of the Fiscal Year 2018
8 election security funds have been expended. Including
9 additional election security funds from Fiscal Year 2020,
10 2022, and 2023, States have spent a total of \$529 million
11 in funds awarded between 2018 and 2023, which is
12 approximately 56 percent of the available grant funding.

13 The spending rate depends on the state's plan to use,
14 with some States allocating the funds for long term
15 programs or resources. Some States provide these funds to
16 local Governments in the form of sub-grants, while others
17 rely on these funds for staff and materials at the State
18 level.

19 With each State having their own security needs and
20 differing timetables for significant purchases, such as
21 voting system replacement or new statewide voter
22 registration databases, usage rates have varied across the
23 country.

24 The next expenditure reports are due to the EAC on
25 July 30th, and we will update you on the continued impact

1 made possible by these much appreciated funds. As set
2 forth under HAVA, audits of election security grants are
3 conducted after a State begins to expend the provided
4 funds.

5 Alongside distribution and administration efforts, the
6 EAC's Office of Inspector General recently added resources
7 and staff to better monitor State spending of election
8 security grants. With new staff leadership in place, the
9 agency has invested in building up staff capacity
10 strategically across the EAC.

11 However, the EAC still faces significant attrition
12 challenges. It is essential that we maintain adequate
13 staffing levels and mission critical functions to ensure
14 statutorily mandated requirements are met.

15 The EAC's Inspector General has raised structural
16 issues related to HAVA that are discussed in her report on
17 management challenges for the U.S. Election Assistance
18 Commission in Fiscal Year 2023. My colleagues and I concur
19 with those observations and have included them in our
20 legislative recommendations.

21 Of particular note, the inability to pay competitive
22 wages compared to Congress or other Federal agencies
23 hampers our ability to attract and retain talent. We are,
24 however, committed to doing everything we can with the
25 resources we have. The EAC is grateful for the increased

1 funding provided by Congress in recent years.

2 After facing over a decade of significant fiscal
3 constraints, the EAC returned to pre-2010 budget levels for
4 the first time in Fiscal Year 2023. For Fiscal Year 2021
5 and 2022, the EAC successfully adapted and executed the
6 operating budget provided by Congress, ending each year
7 with an obligation rate of over 99 percent.

8 Congressional funding has been fully utilized,
9 enabling the agency to provide much needed assistance to
10 address some of the pressing challenges facing the election
11 community. Thank you for the opportunity to testify before
12 you today and I look forward to answering any questions you
13 may have.

14 [The prepared statement of Mr. Hovland follows:]
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1 Senator Welch. Thank you very much. We are going to
2 go to Commissioner Palmer next, but I want to welcome
3 Senator Hagerty from Tennessee to join us -- who has just
4 joined us. And Senator Britt was here briefly. Thank you.
5 Commissioner Palmer.

1 STATEMENT OF HON. DONALD PALMER, COMMISSIONER, U.S.
2 ELECTION ASSISTANCE COMMISSION, WASHINGTON, D.C.

3 Mr. Palmer. Thank you, Chairman Welch, Ranking Member
4 Fischer, and members of the committee. I echo my fellow
5 Commissioners and our appreciation for the investment you
6 have made in the nation's elections through continued
7 support of the EAC.

8 Building on Vice Chair Hovland's comments, I will
9 share with you some of the ongoing work of the Commission
10 to test the security of the nation's voting systems and
11 assure all Americans their vote will be counted. In 2023,
12 the -- will advance our testing and certification efforts
13 in several areas.

14 A voting system certification does not end with a
15 successful test in an accredited laboratory. Rather, the
16 review of these systems continues through the lifespan of
17 the voting equipment. As a result, the agency is preparing
18 to launch an innovative field services program to help
19 election officials strengthen their overall posture and
20 preparedness with EAC certified or tested systems.

21 This onsite collaboration is important for several
22 reasons. First, implementation of system reviews in the
23 field will ensure that equipment delivered to jurisdictions
24 is equivalent to what was purchased. The effort will also
25 analyze system hardware and software configurations to

1 verify equivalency of the equipment to EAC certifications.

2 Additionally, there will be jurisdiction site surveys,
3 best practices assessments, collections of systems census
4 information, and analysis of anomaly reports. We recently
5 onboarded the Field Services Program Manager and look
6 forward to building out this initiative. In 2022, the
7 Commission made considerable progress to fully
8 operationalize version 2.0 of the Voluntary Voting System
9 Guidelines, or VVSG.

10 The new guidelines incorporate technological
11 advancements in cybersecurity, accuracy, accessibility,
12 usability, and audibility of the systems. Adoptions of the
13 VVSG lifecycle policy, along with the accreditation of two
14 voting system laboratories, or VSTLs, are necessary steps
15 to the realization of voting systems that are VVSG 2.0
16 certified, tested and certified.

17 The EAC currently has one system that is being tested
18 against VVSG 2.0. We will also take this opportunity to
19 emphasize that VVSG 1.0 and 1.1 certified voting systems
20 will not be decertified by the EAC as a result of migration
21 to the new guidelines.

22 Voting systems that are currently deployed are still
23 accurate and reliable, may continue to be used, and do not
24 need to be immediately replaced or re-certify the VVSG 2.0.
25 In addition, they will continue to be tested and updated

1 with security patches.

2 It will take time and significant monetary
3 expenditures for jurisdictions to implement new systems
4 certified under the rigorous 2.0 process, so it is unlikely
5 that systems certified to 2.0 will be used in the 2024
6 elections. Congress and the American people should have
7 absolute confidence in this process.

8 The EAC has amplified this message by recently
9 publishing a communications toolkit to assist election
10 officials in communicating about VVSG standards, updates in
11 election security, and helping boost confidence in the
12 critical infrastructure of our election systems. As part
13 of our election technology efforts, the agency launched
14 Election Supporting Technology Evaluation Program, or
15 ESTEP, in 2022.

16 This technology will include electronic poll books,
17 electronic ballot delivery, election night reporting
18 databases, and voter registration portals. These elections
19 reporting technologies are crucial tools for both election
20 officials and voters. As more States and localities adopt
21 these technologies, officials are looking to the Federal
22 Government for voluntary standards and guidance, similar to
23 what is provided in the VVSG.

24 Currently, election administrators must rely on a
25 patchwork of State laws, regulations, and certification

1 programs of varying degrees of review. An established EAC
2 program will provide for the development of robust
3 voluntary standards, testing, guidance, and training
4 material covering election supporting technologies.

5 Attacks from nation State actors against our election
6 infrastructure have specifically targeted election
7 assistance in the past, and these attacks are only going to
8 escalate. The first technology pilot for each ESTEP is
9 electronic poll books, referred to as EPBs.

10 Election officials have leveraged EPBs to streamline
11 the check in process, automate ballot issuing. We
12 certainly -- we currently have five EPB manufacturers
13 participating in the initiative and the expectation of two
14 State programs joining later this month.

15 As the cybersecurity threat landscape across the
16 election community continues to evolve, the EAC is planning
17 a voluntary, coordinated vulnerabilities disclosure
18 program. The EAC will lead a program to quickly identify
19 and respond to vulnerabilities in our voting systems, along
20 with our Federal partners at CISA and the National
21 Institute of Standards and Technology. Development of this
22 program is preliminary and will require staff and resources
23 in the future.

24 I would like to thank the committee for allowing us to
25 speak today. I will turn it over to Commissioner Tom Hicks

1 to further expand upon the Commission's wealth of
2 clearinghouse products. Thank you.

3 [The prepared statement of Mr. Palmer follows:]

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1 STATEMENT OF HON. THOMAS HICKS, COMMISSIONER, U.S. ELECTION
2 ASSISTANCE COMMISSION, WASHINGTON, D.C.

3 Mr. Hicks. Thank you again, Chairman Welch, Ranking
4 Member Fischer, and members of the committee for having us
5 here today. In addition to the developments my fellow
6 Commissioners have shared, the agency has also invested in
7 increasing our clearinghouse capabilities.

8 The EAC's clearinghouse division, composed of former
9 election officials and subject matter experts, helps the
10 agency share and develop resources for both public and
11 -- for both the public and election administration,
12 including best practices, information for voters and other
13 resources.

14 In this role, the EAC serves as a trusted source of
15 nonpartisan information, especially as the field of
16 election administration continues to see high levels of
17 turnover. So far leading up to the '24 elections, the
18 clearinghouse division has released more than 60 products
19 over the past two years to assist election administrators.

20 These ranged from resources on physical security
21 threats against election officials, to ease data collection
22 and analysis. Further, clearinghouse products offer
23 overall guidance for new election officials in conducting
24 elections such as improving chain of custody procedures,
25 auditing, and better serving voters with disabilities.

1 This includes our new election management guidelines
2 updated with increased focus on relevant election
3 technologies that have changed since the last iteration 15
4 years ago. All the products developed by the clearinghouse
5 division are guided by the parameters set forth by HAVA.
6 In the coming weeks, the EAC will publish a '22 EAVS
7 report.

8 This will be the 10th survey since the first EAVS in
9 2004. This biennial report is the agency's flagship
10 research initiative and collects data on Election
11 Administration from nearly 6,500 local election
12 administrations across the 50 States, District of Columbia,
13 and territories. EAVS data is utilized by countless
14 stakeholders in the election community, including members
15 of Congress, legislative staff, Federal officials,
16 journalists, academics, advocates, and election officials.

17 The EAVS consists of two surveys collecting
18 quantitative information on State election laws, policies,
19 and practices, and the other collection, quantitative
20 election administration data. The '22 EAVS survey used
21 questions on issues such as drop box usage, mail ballot
22 curing, and more. In addition, the EAC is committed to
23 continuing our support of election officials as they
24 fulfill requirements of both HAVA and the Americans with
25 Disabilities Act to ensure our elections are fully

1 accessible.

2 We have hired a full time subject matter expert for
3 accessibility established by internal -- established an
4 internal accessibility working group, continued EAVS data
5 election, EAC research on disability related voting issues,
6 and expanded our accessibility, resources, and programs.

7 The EAC is working on a national study to document the
8 experience of voters with disabilities for the 2022
9 midterms. The survey results will be finalized this summer
10 and will include key information on voter access. The
11 Commission intends to use these results to produce
12 actionable items that are necessary to meet HAVA's vision
13 of fully accessible elections.

14 Amongst new, numerous, and other resources of voting
15 accessibility, EAC has released a checklist for election
16 officials and accessibility for in-person voting, for
17 registration vote by mail, and assistance for voters with
18 language access needs.

19 The language access resources were updated following
20 the most recent release of Section 203 of the Voting Rights
21 Act requirements, which required 330 jurisdictions to
22 produce language accessibility resources for voters. This
23 inclusion vision of HAVA calls on the EAC to insist
24 election officials and voters as we embrace the mission
25 wholeheartedly.

1 Similarly, the nonpartisan approach of the election
2 administrators have continued to promote confidence in
3 elections and voting, while advocating civility throughout
4 Americans electoral process.

5 With the '24 election cycle already here, election
6 officials face an ever growing list of responsibility and
7 challenges, including escalation of threats to election
8 officials and poll workers. The EAC is working diligently
9 to help them prepare for the expected and unexpected, like
10 my reading, and other, in order to provide the best voting
11 experiences for every voter.

12 Thank you for the opportunity to share some of the
13 work of the EAC, and your commitment to election
14 administrators, poll workers, and voters. There is still
15 work to be done and we look forward to working closely with
16 you on these and other important matters.

17 I appreciate the chance to testify today and welcome
18 any questions or feedback you may have.

19 [The prepared statement of Mr. Hicks follows:]
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1 Senator Welch. We have just had an excellent
2 presentation by all the witnesses and --

3 The Chairman. I would have them do it again --
4 [Laughter.]

5 Senator Welch. Well, what they -- what I wanted to
6 acknowledge was that they clearly sort of spread out the
7 information so that we were getting a comprehensive view of
8 what it is they have been doing, what the challenges are.
9 So, I just, on your behalf and the committee's behalf, want
10 to thank all the Commissioners for your good work. And
11 now, Senator Klobuchar, I would like to defer to you. And
12 --

13 The Chairman. Well, that is actually okay, because I
14 just got here. I will let Senator Fischer ask some
15 questions. Go ahead. Okay.

16 Senator Welch. Well, thank you. You know, one of the
17 areas of real concern, I think, for all of us is this
18 disinformation and just how that has all escalated. We saw
19 evidence of it in past elections, but now everyone is
20 concerned about AI.

21 And one of the mediums by which bad information, as
22 well as good information, is transmitted is through some of
23 these platforms. And these platforms, the large tech
24 companies are, as I understand it, starting to lay -- they
25 are doing layoffs and I don't have the information, but I

1 have the apprehension that many of these layoffs are
2 targeted to those functions that had to do with monitoring
3 misinformation.

4 Just as an example, Twitter, of course, sets a special
5 case. It effectively disbanded its ethical AI team. In
6 January, Meta reported that it ended the contracts of about
7 200 content moderators and laid off at least 60 members of
8 Instagram's well-being group in more than 100 positions
9 -- laid off, that related to trust, integrity, and
10 responsibility. In February, Google laid off about a third
11 of its staff with protecting society from misinformation,
12 radicalization, and censorship.

13 And in Twitch, there is about 50 employees who came
14 out of that division. So, since we do rely, so many
15 Americans, on social media for our information, that could
16 be an issue with the capacity of more disinformation to get
17 out.

18 So, I will start, Chairman in McCormick, with you and
19 ask you what kind of challenges have local election
20 administrators seen with the spread of information? And is
21 it a situation where the EAC can provide support or
22 guidance to tech companies to combat misinformation? And
23 if not, does it have a plan to do that?

24 Ms. McCormick. Thank you for the question, Senator.
25 Yes, the EAC has heard from local election officials and

1 State officials on instances where bad information or
2 misinformation, disinformation has been provided on social
3 media platforms.

4 We continue to urge people to go to a trusted source,
5 such as a local or State elections administrator, to get
6 their information. We also have started an internal AI
7 working group. This is obviously a very new issue that is
8 coming up of great concern.

9 We have been having discussions with both CISA and our
10 Federal partners on how we might combat the mis and
11 disinformation, and especially with AI, which is, of
12 course, is going to be quite complicated and challenging.
13 We also provide toolkits for election officials.

14 We have an Elections Communicating Elections Process
15 Toolkit, which includes like posters and samples, social
16 media updates, and all kinds of information that we urge
17 the State and local election officials to utilize in
18 communicating with their voters -- the actual true
19 information.

20 The EAC stands by with our facts, with our EAC, our
21 EAVS report, and we are happy to provide that to anybody
22 who asks, including social media platforms.

23 Senator Welch. Thank you. Now, one other question.
24 In Vermont, the Secretary of State's office did launch a
25 site called Elections Myth versus Fact, and it was a web

1 page intended directly to combat disinformation.

2 And let me ask you, Commissioner Palmer, whether you
3 think efforts like that can be effective and do you
4 recommend other States adopt them? And that is knowing
5 that it has got to be rigidly nonpartisan in order to have
6 credibility.

7 But voters, whether you are going to vote for a
8 conservative or liberal, I think all of us want to know
9 that the information we are acting on is accurate. So, is
10 that -- that step that Vermont has taken, is that anything
11 that you have thoughts about, whether that can be helpful
12 elsewhere?

13 Mr. Palmer. That is absolutely a best practice,
14 Senator Welch. This goes back decades where election
15 officials, there is all types of rumors out there or
16 incorrect information.

17 And so, if you have a myth buster or rumor buster, it
18 is important that the election official provide the true
19 information in a very nonpartisan, down the middle road.
20 Just the facts, ma'am. And that is exactly what, you know,
21 we did when I was in Florida and in Virginia.

22 And it is the same thing that the EAC does with our
23 frequently asked questions and sort of the issues that
24 Chairwoman McCormick brought up is that, you know, we are
25 very much involved in the testing and standard development

1 of voting systems and how those machines work.

2 And so, we provide the facts on our website, and we
3 also answer questions from reporters and all types of
4 groups that have questions about that process, including
5 the public. And so, we just do the best we can to
6 propagate that message, sir.

7 Senator Welch. Okay. Thank you very much. And I
8 would like to now yield to Senator Fischer.

9 Senator Fischer. Thank you, Senator Welch. Chair
10 McCormick, I wanted to ask some questions about grant
11 funds, and specifically on the HAVA grants. How do you
12 oversee the reporting on the use of those funds? What
13 reports, financial documents does the EAC require of
14 states? And what types of issues does the EAC look for in
15 its review as you are going through the reports and
16 documents?

17 Ms. McCormick. Thank you, Senator Fischer. The EAC
18 requires completion of the Federal financial reports and
19 also progress reports no less than twice a year. This
20 recent tranche of money that was provided to the States
21 requires quarterly reports. So, we require all States who
22 have received grants to fill out those reports to us.

23 Our grants team looks for incompleteness on those
24 reports. They look for possible increases or decreases in
25 funding that seem odd. We also look for whether there are

1 any uses of the money that are disallowed under HAVA. We
2 look for insufficient information about what they are
3 doing.

4 So, there is a number of issues that -- a checklist of
5 issues that we look at. And we communicate those concerns
6 to the jurisdiction. We give them a chance to update and
7 correct their financial reports. But we also do follow up
8 with them to make sure that the funds are being used
9 appropriately.

10 Senator Fischer. So, when you find an issue there,
11 and you went through a number of red flags that come up,
12 and you contact them, how much follow up does it take
13 before you get an answer sometimes, you know, and to try
14 and rectify the problem? What is kind of process there?

15 Ms. McCormick. Well, we start with an email, and we
16 email the officials on the findings that we are concerned
17 about, and we give them a chance to respond to that. We
18 follow up as much as we need to, and including in person,
19 if possible. We have had issues where that has not been
20 possible, but that is, you know, we continue to follow up
21 as much as we need to, either through writing, through
22 telephone calls.

23 Our grant staff is on, you know -- basically they are
24 there to help people work through those issues and fix any
25 issues that may have come up.

1 Senator Fischer. You know, if there was a report out
2 from the IG, there were some issues in the Commonwealth of
3 the Northern Mariana Islands with their accounting and
4 reporting on the grants, did you learn any lessons from
5 that? Is there something that could have helped prevent
6 that situation?

7 Ms. McCormick. Yes, Senator. I think part of the
8 problem was the Northern Mariana Islands had not been
9 traditional recipients of HAVA grants.
10 They had not been through the training and sort of the work
11 that the other States had been through. I think it would
12 have been helpful to have an in-person training with them.
13 They are very new to this.

14 They are also new election officials themselves. We
15 did follow up with them numerous times in many different
16 ways.

17 Obviously, the pandemic precluded anybody from going
18 out to visit the Northern Mariana Islands. But I believe
19 that an in-person training and in-person guidance would
20 have helped that situation.

21 Senator Fischer. Do you see an issue there? You
22 know, in my opening statement, I talked about the
23 retirements we are seeing of poll workers and retention
24 issues that we have. How does that affect your job for
25 oversight? You know, I think this is a great example that

1 you are going to have to do a lot of educating, maybe.

2 Ms. McCormick. Yes. This is where we do a lot of
3 educating, and this is where all of our clearinghouse
4 products have come into play. We have updated what we call
5 the election management guidelines, which is basically a
6 textbook for election officials on the basic issues that
7 they need to know in election administration.

8 We have got QuickStart guides. We have got numerous
9 products to help the new election officials. As well, we
10 are going out to as many State conferences as we can, and
11 talking to the new officials, and trying to provide them
12 with whatever information we can to help get them up to
13 speed, because we will have somewhere between a third and a
14 half of new election administrators coming up in 2024.

15 Senator Fischer. Right. Vice Chair Hovland, we have
16 seen that the GAO -- you have told the GAO that the
17 electronic system, its used for States to submit CARES Act
18 progress reports, allowed the States to omit or
19 miscalculate some of their expenditure totals.

20 In the financial section of the progress report,
21 officials told GAO that the system doesn't have the
22 capability to automatically calculate a state's total
23 expenditures based on the expenditures listed in different
24 categories. Have you addressed that issue?

25 Mr. Hovland. You know, we were in the process of

1 implementing a new system to help streamline the process in
2 grant reporting.

3 Of course, you know, with any new system, there are
4 bumps along the way. But we are reviewing all that, and
5 certainly our grant staff can get back to you with any
6 specifics or to your staff.

7 Ms. McCormick. Yes, I would appreciate that. It
8 seems like a pretty high number that it may involve nearly
9 20 percent of the total reported nationwide spending for
10 CARES Act grant funds and just in how they were categorized
11 on that. So, if we can get you a question in detail, if
12 you could get back to us, I would appreciate that.

13 Mr. Hovland. Absolutely.

14 Senator Fischer. Thank you.

15 The Chairman. Very good. I want to thank, first of
16 all, Senator Welch for filling in. For a new guy, he is
17 doing pretty well. Only in Congress are you considered new
18 when you have been here for, what, 18 years? And then also
19 my friend, Senator Fischer, thank you. I just want to
20 briefly say how important the work you do is.

21 As we know, the EAC was established with broad
22 bipartisan support to let's get the mission clear fund to
23 help States improve election administration security,
24 cybersecurity guidelines, very important in the last few
25 decades, and accessibility for voters. And I hear time and

1 time again from Secretaries of State on both sides of the
2 aisle how important it is, the work that you do.

3 We know you are confronting new challenges ahead, with
4 everything from artificial intelligence to the challenge I
5 know you have been experiencing on, as I have heard from
6 our local officials, of harassment of Secretaries of State
7 and volunteers at election places and election officials
8 regardless of party.

9 So, I guess I would start with you, Vice Chair
10 Hovland, since you used to work for me. Can you briefly
11 expand on what you see as the most urgent needs of States
12 for additional Federal funding?

13 Mr. Hovland. Absolutely. Thank you, Chairwoman
14 Klobuchar. You know, right now, I think the election
15 community really just faces so many challenges. As I said
16 in my opening statement, I think election administration is
17 more challenging, or it is -- it is more challenging to
18 administer elections now than it has ever been and more
19 expensive. And more than one singular issue, I think it is
20 the totality of issues.

21 There are the cybersecurity issues. There is the
22 physical threats and harassment, you know, adding to
23 buildings and the security of buildings. Obviously
24 incentivizing recruitment of poll workers. Senator Welch
25 asked about mis and disinformation earlier. You know, one

1 of the things I think about all the time, you know, there
2 is two sides of that coin.

3 There is the whack a mole of the falsehoods that you
4 hear, but there is also the voter education piece. And so
5 often voter education falls to the back burner, but that is
6 an integral part of combatting misinformation with those
7 debunking pieces.

8 And so, getting people money to make sure they have
9 the resources to do that is critical.

10 The Chairman. Okay, very good. Commissioner Hicks,
11 Chairwoman, just talk about the importance of steady
12 funding and how that would be helpful for the States when
13 you deal with different threats. It appears every
14 election.

15 Mr. Hicks. Thank you, Senator Klobuchar. It is great
16 to see you. It is -- having steady funding ensures that
17 States can allow for an adequate budget each and every
18 election cycle. We know that there is going to be a lot of
19 additional costs that are coming down the pike for election
20 officials who want to replace their voting equipment with
21 2.0 voting equipment.

22 That will probably not be ready for 2024, but as they
23 look towards doing their budgets, they will need a
24 significant amount of money to replace those machines.
25 Every election cycle there is something that may come up

1 that they didn't budget for, and so they have to look back
2 to see what sort of things they need to pay for as they
3 move forward.

4 No one saw 2020 coming along with the pandemic, but
5 Congress stepped up and provided additional funding to the
6 States --

7 The Chairman. Senator Blunt, as we remember,
8 predecessor to our ranking member, also was stepping up at
9 that time.

10 Mr. Hicks. Exactly --

11 The Chairman. Very good. So, you are talking about
12 the election equipment, you don't know each election.
13 Maybe, because I want to give my colleagues time here, we
14 have several of them here, could we just turn to that
15 election threat issue?

16 And just, we have heard from Kentucky Secretary of
17 State, just the difficulty of attracting volunteers
18 sometimes to work the polls and just where you see this
19 coming out. Rural areas not having the funding for as many
20 law enforcement to help these many times volunteer workers
21 at the polls.

22 Ms. McCormick. Absolutely, Senator. We -- there has
23 been an uptick in safety and security issues across the
24 country. Consistent funding would be quite helpful to the
25 States to be able to provide more security for their

1 election workers.

2 We also want to make sure that the public trusts where
3 the funds are coming from. I think obviously Congress is a
4 trusted source of funding, so there are many reasons for
5 Congress to continue to provide consistent funding for
6 elections.

7 The Chairman. Okay, very good. You want to add
8 anything, Commissioner Palmer?

9 [Technical problems.]

10 The Chairman. Oh, wow, that is not what we do around
11 here, so that is very good. Well, I want to thank all of
12 you for your leadership. And I know it is a tribute to how
13 important your work is that we have so many Senators here,
14 and we will turn over to Senator Hagerty.

15 Senator Hagerty. Thank you, Chair Klobuchar and
16 Ranking Member Fischer. And thank you, Senator Welch for
17 getting us started off here today. Vice Chair Hovland, I
18 would like to start with you. The Commission believes
19 transparency with respect to its work is important for
20 voter confidence and nonpartisan election administration.
21 Is that correct?

22 Mr. Hovland. Yes, Senator.

23 Senator Hagerty. Thank you. I am sure you are
24 familiar with President Biden's Executive Order number
25 14019 that directs Federal agencies to submit plans to the

1 White House for using taxpayer resources to expand mail in
2 ballots and voter mobilization. The White House refuses to
3 release these agency plans.

4 For me, this raises significant concerns about the
5 Biden Administration's voter mobilization plans perhaps
6 being used to help President Biden in his next election.
7 So, my question for you, you agreed earlier that
8 transparency regarding election administration is
9 important. For that reason, do you support releasing these
10 plans?

11 Mr. Hovland. You know, I am -- we are an independent
12 agency, and so I am not in a position to tell the White
13 House what to do, you know. But I think that a piece of
14 election administration that is critical, and one of the
15 challenges we have seen a lot of, is about --

16 Senator Hagerty. Let me come back to this, I sent a
17 letter to President Biden, along with every other
18 Republican member of this committee, requesting that they
19 release these plans. A month has passed and there has been
20 no response.

21 If there is nothing to hide, these plans should be
22 released. It is very disturbing. Let's go to a different
23 topic, though. I would like to change gears and talk about
24 the U.S. Alliance for Election Excellence. Are you
25 familiar with that?

1 Mr. Hovland. Somewhat.

2 Senator Hagerty. Well, for the rest of our members,
3 this is an \$80 million initiative funded by a web of left
4 wing entities to, "help local election administrators
5 conduct elections." It is a new form of Zucker bucks is
6 what it is.

7 It is connected with the Democracy Fund and Arabella
8 Advisors. Arabella Advisors heads up a massive network of
9 left wing nonprofits that pulled in nearly \$2 billion per
10 year in 2020 and in 2021. That is a massive amount of dark
11 money influence in our elections.

12 This network of entities has received tens, if not
13 hundreds of millions of dollars from a foreign leftwing
14 billionaire named Hansjorg Wyss. He is not a U.S. citizen,
15 so he can't contribute directly to our elections, but he
16 has found a way to be involved in our elections.

17 So, is it concerning to you, Vice Chair Hovland, that
18 a foreign actor is heavily influencing private groups that
19 are, "assisting American local Governments with election
20 administration"?

21 Mr. Hovland. You know, I testified before the House
22 Appropriations committee in 2021, and I was asked about the
23 Zuckerberg, Chan contributions. And at the time, I noted
24 that, you know, I don't believe that elections should be
25 supported, or election funding should be dependent on the

1 charity of billionaires --

2 Senator Hagerty. How about foreign billionaires?

3 Mr. Hovland. But I believe --

4 Senator Hagerty. Can you answer me that? What about
5 foreign billionaires?

6 Mr. Hovland. I don't think any billionaires should be
7 -- our election administrators shouldn't be dependent on
8 any financing from billionaires. But it is a failure of
9 Government if we do not provide them with sufficient funds.

10 Senator Hagerty. Let me ask you this --

11 Mr. Hovland. I have talked to so many election --

12 Senator Hagerty. Do you support foreign donations for
13 U.S. election administration?

14 Mr. Hovland. I do not. But it is also not our
15 purview personally --

16 Senator Hagerty. That is good to hear.

17 Mr. Hovland. But sir --

18 Senator Hagerty. Would it be foreign election
19 interference in your mind?

20 Mr. Hovland. Senator, there were people in 2020 who
21 were using those charitable contributions for their
22 personal safety. They were putting their lives on the
23 line. That was used for PPE and hand sanitizer --

24 Senator Hagerty. So foreign donations are okay with
25 you then?

1 Mr. Hovland. Absolutely not. Of course not.

2 Senator Hagerty. Okay. I want to be clear of that
3 then because what this is --

4 Mr. Hovland. My point is --

5 Senator Hagerty. -- Zuckerberg bucks 2.0 --

6 Mr. Hovland. -- that the Government failed to provide
7 that funding.

8 Senator Hagerty. Coming from a foreign born
9 billionaire involving themselves in our elections -- what I
10 want to make certain is that this commission -- that no
11 Election Assistance Commission dollars are co-mingled in
12 any way with these foreign funds.

13 Mr. Hovland. Of course not, sir. We provide funds --

14 Senator Hagerty. You can guarantee me that that will
15 not -- these funds will not be co-mingled with our funds?

16 Mr. Hovland. We provide the money that Congress
17 provides to us in formula grants as prescribed by the Help
18 America Vote Act and the appropriations bills that are
19 passed. We follow the law, absolutely. And --

20 Senator Hagerty. I will look forward to seeing a plan
21 from you, and I would like for you to submit that to this
22 committee, of how you are going to ensure that these
23 foreign funds coming in are in no way commingled or
24 supporting the same election activities at the local level.

25 Mr. Hovland. Sir, we don't have -- as you know,

1 elections are very decentralized in this country. It is up
2 to each State and locality on the funds that they are able
3 to accept. Our job is to distribute the funds from
4 Congress.

5 We are proud to do that. We hear regularly from State
6 and local administrators that they need additional funding,
7 that they need regular funding, and we would welcome those
8 dollars from Congress to support those officials
9 adequately.

10 Senator Hagerty. Certainly not from foreign
11 billionaires. Thank you, Madam Chair.

12 The Chairman. Thank you very much. And just to
13 clarify, Vice Chair, the funding during those 2020
14 elections was used in both red and blue States, and it was
15 focused on adapting to holding an election during a
16 pandemic. Is that part of this funding?

17 Mr. Hovland. You are referring to the charitable --?

18 The Chairman. Yes.

19 Mr. Hovland. Yes, that is my understanding.

20 The Chairman. Okay. And so, what you are saying here
21 is that if the State Governments had the adequate funding
22 to run elections, that that would be very helpful.

23 Mr. Hovland. Absolutely.

24 The Chairman. Okay. Thank you. Senator Padilla.

25 Senator Padilla. Thank you, Madam Chair. And also,

1 just to before I get to my questions, clarify, I want to
2 make sure that the record actually reflects Commissioner
3 Hovland's response to whether or not he supports foreign
4 donations into our election administration. Without me
5 interrupting, can you reiterate your answer for the record?

6 Mr. Hovland. I personally do not, though it is not in
7 the purview of the Election Assistance Commission.

8 Senator Padilla. Thank you very much. And I just
9 want to say hello again to all of you. Had a chance to not
10 just talk but visit with, and ask conferences, or even
11 welcomed you to California in my capacity as California
12 Secretary of State.

13 So, a lot of timely issues to discuss from. I know
14 the Senator Welch already engaged in the threats of
15 election misinformation, disinformation topic. We have
16 referenced poll worker safety. I know the chair has been a
17 leader in that regard. Recruitment, retention, and
18 security for volunteer poll workers, elections staff at the
19 State and local levels, and beyond. The need to upgrade
20 our voting systems nationally.

21 Not just VVSG and setting the standards but helping
22 jurisdictions with those infrastructure improvements. And
23 speaking of infrastructure, I know there is a desire for
24 additional funding for our elections. I support that. Not
25 just one time, not just once in a generation. It has been

1 too long since HAVA.

2 But ongoing, sustained funding that reflects the fact
3 that our elections infrastructure is now designated as
4 critical infrastructure by the United States Government and
5 has been for several cycles now. But I want to really
6 focus my questions to the Chair -- Chair McCormack. You
7 have claimed to have personally witnessed voter fraud and
8 seen data supporting the assertion that voting fraud is
9 threatening our elections.

10 What data have you seen? It would be great for you to
11 share that with this committee.

12 Ms. McCormick. I believe there are several reports
13 out there, Senator. I personally witnessed it while I was
14 observing in an election in Mississippi many years ago.
15 That is not to say that fraud is a huge problem. I think
16 it is probably pretty minimal, but I think it is important
17 that we have accuracy and integrity in our elections.

18 Senator Padilla. Okay. And when you witness that was
19 that reported, was that prosecuted?

20 Ms. McCormick. Yes, that was recorded by the
21 Department of Justice in the observer reports, and I was
22 with the observers from OPM who witnessed it. And it was
23 part of a case in Mississippi, United States v. Ike Brown.

24 Senator Padilla. Okay. So, I hope folks are held
25 accountable for that. Chair McCormick, do you view vote by

1 mail as a secure method of voting?

2 Ms. McCormick. Well, being a new resident of
3 California, yes, sir. I have voted -- my last election, I
4 voted by mail for the first time.

5 Senator Padilla. And did you sign up for ballot
6 tracking?

7 Ms. McCormick. I have not signed up for ballot
8 tracking.

9 Senator Padilla. I highly encourage you to. Go to
10 www.sos.ca.gov.

11 Ms. McCormick. Yes. I will give Registrar Logan a
12 call and ask him to sign me up.

13 [Laughter.]

14 Senator Padilla. He can't do it for you. You have
15 got to do it yourself.

16 Ms. McCormick. I understand, sir.

17 Senator Padilla. Do you view automatic voter
18 registration as a safe method to increase registration and
19 turnout?

20 Ms. McCormick. Sir, I think that is a good way to do
21 it. However, I think we need to give a good option for
22 people to opt-out if they don't want to be automatically
23 registered. There are groups in this country that do not
24 want to vote.

25 Some religious groups and others. So, I believe in

1 automated registration. I think it is a good tool to
2 register folks who haven't been registered previously and
3 give them an opportunity to do that.

4 Senator Padilla. And to the extent that it has been
5 implemented in multiple States, I do believe that is the
6 option. There is a significant difference in opt in versus
7 opt out, but it is not mandatory voter registration, just
8 like we don't have mandated voting.

9 People do deserve the option. We have encouraged
10 people who are eligible to register to maintain their
11 registration record current and to vote in every single
12 election. I just State this because I know there is a
13 tremendous amount of research on this topic that points in
14 the exact same direction.

15 Voter fraud is exceedingly rare. This includes voter
16 impersonation, mail in ballots, and more. In fact, mail in
17 ballots is both secure and essential for secure elections
18 that are as accessible to voters as possible.

19 I hate to continue to raise this year after year,
20 cycle after cycle, but the misinformation, disinformation
21 about the integrity of elections, the integrity of election
22 administrators, and elections workers continues to be under
23 attack, and we need to take every opportunity we can to set
24 the record straight. Thank you very much.

25 The Chairman. Thank you very, very much, Senator

1 Padilla. Senator Ossoff.

2 Senator Ossoff. Thank you, Madam Chair. Vice Chair
3 Hovland, I want to touch on something we have seen,
4 particularly in Georgia over the last few cycles, which is
5 the partisan and malicious and frivolous use of voter
6 challenges to tie up county election boards. And these
7 challenges are often filed by groups that are spreading
8 baseless conspiracy theories about widespread voter fraud.

9 Just a few numbers for the panel. In 2022 across just
10 eight counties of 159 in Georgia, there were 65,000
11 challenges to voter registration. In Gwinnett County alone
12 in 2022, one group called Voter GA challenged the
13 registrations of 37,500 voters.

14 In December of 2020, Madam Chair, if you can wrap your
15 head around this, one group, and this is during the Senate
16 runoffs in which I was elected, one group called True the
17 Vote challenged 364,000 voter registrations across the
18 State of Georgia.

19 My understanding is that two or three dozen folks who
20 had perhaps moved or change residency may have been
21 disqualified -- 364,000 challenges to voter registration
22 coordinated by one partisan group during a crucial Senate
23 runoff. I know, Vice Chair, you are not here to comment on
24 policy.

25 Georgia's State legislature passed a law in their two

1 sessions ago that made it much easier for anyone to bring
2 unlimited challenges of their fellow citizens' voter
3 registration. What I want to ask you is this.

4 How does it impact a county election board already
5 stretched thin already? And I think we can all agree,
6 regrettably, in relying upon funding other than from the
7 State in many cases, just to cover the basics, already
8 perhaps unable to fill enough polling places, already
9 having difficulty dealing with all of their
10 responsibilities.

11 How does it impact a county election board when they
12 suddenly get tens of thousands of frivolous challenges to
13 the registrations of voters in that county?

14 Mr. Hovland. Thank you, Senator, for the question.
15 And I would say I am recently returned from Georgia, where
16 I met with folks from the Secretary's Office, as well as
17 Fulton County and the Athens Clark County Unified
18 Government.

19 And, you know, I think when you look at the issues
20 sort of broadly, and again, I won't comment on the Georgia
21 specific issue there, but what we are seeing across the
22 country are, you know, again, based on mis and
23 disinformation, sort of offices being inundated with tasks.

24 And again, election offices are often very limited in
25 the number of staff they have. And, you know, when I think

1 about some of the challenges they face when they have this
2 kind of impact, you know, there is only so many hours in
3 the day and that time is such a valuable commodity.

4 And so, when something that would normally get triple
5 checked only gets double checked, that creates more
6 opportunity for error, and you have the potential to create
7 a self-fulfilling prophecy that you do see these human
8 mistakes that happen in elections, but simply because
9 people were overtaxed based on inquiries around false
10 information.

11 Senator Ossoff. So, a large number of frivolous voter
12 challenges can tie up the resources of a local election
13 board, correct?

14 Mr. Hovland. Certainly.

15 Senator Ossoff. They can distract those resources
16 from administering the election, correct?

17 Mr. Hovland. Yes.

18 Senator Ossoff. They can make it more difficult,
19 therefore, for voters to access the franchise because the
20 election administrators are tied up dealing with a torrent
21 of frivolous challenges, correct?

22 Mr. Hovland. That is certainly possible.

23 Senator Ossoff. I just think, I will just close Madam
24 Chair by sort of making the point, what does it say about
25 where we have come to in terms of the level of polarization

1 in this society and the scorched earth politics of victory
2 by any means that people are reduced for obviously partisan
3 reasons to trying to disenfranchise their own neighbors on
4 false pretenses, or try to tie up already stretched thin
5 election administration resources by saying, you know what
6 we are going to take a blunt instrument here and just say,
7 there might be hundreds of thousands of our fellow
8 citizens, we want to make it harder for them to vote, with
9 no base for the challenge whatsoever.

10 It is a deeply immoral practice, and the fact that
11 Georgia's State legislature has explicitly sanctioned it, I
12 think is repugnant. And I will yield. Thank you.

13 The Chairman. Thank you very much, Senator Ossoff.
14 And do you want to add any other questions? Yes, go ahead,
15 Senator Fischer.

16 Senator Fischer. Thank you, Chairman Klobuchar. I
17 have some questions on cybersecurity and the preparedness
18 that we are looking at there.

19 I know that the EAC recently adopted the VVSG 2.0,
20 marking the first major changes to the standards in many
21 years. Could you please elaborate, Chair McCormick, on how
22 the VVSG has been updated to address any cybersecurity
23 threats that we are facing?

24 And if you see any risks to the electoral process, if
25 a State decides not to use an EAC certified voting system?

1 Ms. McCormick. Thank you for the question, Senator
2 Fischer. Yes, with the new VVSG 2.0, we have numerous
3 additional requirements over 1.0 and 1.1 for security
4 measures, including the elimination of transmission by
5 wired or wireless capabilities. We are now going to be
6 requiring penetration testing.

7 We have more auditability of the machines, more
8 requirements on auditability. We are requiring the use of
9 modern encryption. We are also requiring software
10 independence so that the software cannot change the vote
11 totals on its own without it being detected by the
12 machinery.

13 And most important is that we try to get as many
14 States as possible using our more secure standards. We are
15 also going to be required, I don't know if I mentioned
16 this, penetration testing of our systems.

17 As far as the risks to the electoral process, most
18 States use some portion of our standards or our
19 laboratories. We don't test for all the States, but we do
20 provide documentation and information for the States that
21 do their own certification.

22 Obviously, you know, we have scope of conformance
23 products that we will share. We are very willing to
24 provide as much information as we can to the States who
25 don't use our systems to be able to evaluate the security

1 of the systems that they are working on.

2 Senator Fischer. You know, and we have seen an
3 increase in those cybersecurity threats over the past
4 several years. And in 2020, the EAC launched the Cyber
5 Access and Security Program to help address the issue.

6 Since the implementation of that program, how have
7 election officials utilized the offerings? Do you see
8 officials having pretty good buy-in for this, and does the
9 program stay up to date when we have this constantly
10 evolving space?

11 Ms. McCormick. Yes, obviously we need to stay on top
12 of all of the current threats. I mean, it is a never
13 ending project to stay ahead of the bad guys. Our CAS
14 program has been utilized by election officials in 49
15 States.

16 We have trained over 1,100 election officials, and we
17 are currently working on producing a security component for
18 e-poll books and our evaluation pilot. So, we are working
19 toward guidelines for all of the election supporting
20 technology and the CAS program at the EAC as part of that.

21 Senator Fischer. Do you think the electronic pull
22 books, you just brought those up, is going to help further
23 protect election infrastructure? And is it going to be
24 able to enhance that security?

25 Ms. McCormick. Yes. E-poll books are connected to

1 the internet, so it is important that we have high security
2 measures on them. We do --

3 Senator Fischer. This with one of the things we don't
4 want to be connected to the internet.

5 Ms. McCormick. Well, there is a reason why they are
6 connected, and that is to make sure that voters aren't
7 voting in multiple places. So, we have to be able to be
8 assured that, you know, if somebody is checking in --

9 Senator Fischer. Does that put in jeopardy the entire
10 system, or is it --?

11 Ms. McCormick. No, they are separate from the voting
12 systems. They usually are just checking in to register to
13 get a ballot and to provide the correct ballot. And we
14 usually do that by -- e-poll books use usually driver's
15 licenses. And, you know, they swipe those driver's
16 licenses, but there is usually a connection --

17 Senator Fischer. But it has nothing to do with the
18 voting machines?

19 Ms. McCormick. No, they are not connected to it.

20 Senator Fischer. I think that needs to be made clear
21 because there is deep concern about anything that is
22 connected to the internet.

23 Ms. McCormick. Yes.

24 Senator Fischer. And the possibility that could be
25 hacked in any way.

1 Ms. McCormick. Yes. And we are, you know, we ask
2 election officials to ensure there is an air gap between
3 any kind of system that is connected to the internet, with
4 the voting systems, so that the voting systems are not
5 affected by, you know, any kind of internet connection.

6 Senator Fischer. Right. Thank you very much.

7 The Chairman. All right. Well, thank you. And I am
8 sure we will keep the record open of the hearing for a week
9 for -- if our colleagues have other questions. You have
10 all done very, very well. I want to thank Ranking Member
11 Fischer, as well as Senator Welch, the members of the
12 committee.

13 I also want to thank the commissioners for sharing
14 your testimony on the work that you do. And while you may
15 come from different political backgrounds, we see the
16 consistent themes of wanting to make sure that our State
17 elections are well administered, that there is funding for
18 those State administrators, and that administration of
19 elections and that the election officials there are
20 protected so that they can do their jobs, in addition to
21 responding to the many new challenges that we are all
22 seeing in many aspects of American life.

23 But always, elections are kind of the canary in the
24 coal mine when it comes to where you have, whether it is
25 foreign interference or whether it is threats. And we want

1 to make sure that the fundamental reason we are all here,
2 our democracy.

3 The reason I am out with 300 interns for Democratic
4 and Republican members of Congress today, we are also
5 eager, some of them may be here, to be part of this
6 democracy. And the reason we all get up every morning.
7 And you really -- I want to thank you for guiding us there.

8 So, I look forward to continuing to work with my
9 colleagues on the committee to support this Commission, the
10 work that you do. And the hearing is adjourned. Thank
11 you.

12 [Whereupon, at 4:45 p.m., the hearing was adjourned.]
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14
15
16
17
18
19
20
21
22
23
24
25

WORD INDEX

< \$ >

\$2 45:9

\$529 18:10

\$80 45:3

\$900 12:24

\$931 3:10

\$955 17:15

< 0 >

07 1:3

< 1 >

1 13:9

1,100 58:16

1.0 23:19 57:3

1.1 23:19 57:3

100 32:8

10th 28:8

14019 43:25

15 28:3

159 53:10

16 8:3

18 39:18

< 2 >

2.0 23:8, 15, 18, 24 24:4,

5 41:21 47:5 56:19 57:2

20 2:14 5:16 39:9

200 32:7

2004 28:9

2014 8:17 9:9

2018 3:11 17:16 18:7, 11

2019 8:25 9:18

2020 4:11 14:6 18:9

42:4 45:10 46:20 48:13

53:14 58:4

2021 13:15 20:4 45:10,

22

2022 4:12, 23 8:4 12:18

14:1, 10 18:10 20:5 23:6

24:15 29:8 53:9, 12

2023 1:3 18:10, 11 19:18

20:4 22:11

2024 2:24 5:5 6:12 11:6

14:16, 20 18:1 24:5

38:14 41:22

203 29:20

209 13:11

20th 5:13 13:25

22 28:6, 20

24 27:17 30:5

263,000 14:11

< 3 >

3,000 13:8

3:30 1:9

300 61:3

301 1:10

30th 18:25

31st 18:7

330 29:21

364,000 53:17, 21

37,500 53:13

< 4 >

4:45 61:12

49 58:14

< 5 >

50 2:21 28:12 32:13

56 18:12

< 6 >

6,500 28:11

60 13:15 27:18 32:7

65,000 53:10

< 9 >

95 18:7

99 20:7

< A >

ability 19:23

able 3:9 42:25 48:2

57:25 58:24 59:7

absolute 24:7

absolutely 34:13 39:13

40:13 42:22 47:1, 19

48:23

academics 28:16

accept 48:3

access 29:10, 18, 19

55:19 58:5

accessibility 2:18 23:11

29:3, 4, 6, 15, 16, 22 39:25

accessible 29:1, 13 52:18

accomplishments 8:6

accountable 50:25

accounting 37:3

accreditation 23:13

accredited 22:15

accredits 6:24

accuracy 23:11 50:17

accurate 11:19 23:23

34:9

acknowledge 2:12 31:6

Act 5:9, 11, 14, 17 11:13

28:25 29:21 38:17 39:10

47:18

acting 34:9

actionable 29:12

activities 47:24

actor 45:18

actors 25:5

actual 33:18

adapted 20:5

adapting 48:15

add 43:7 56:14

added 19:6

adding 40:22

addition 4:5 12:3 23:25

27:5 28:22 60:20

additional 18:9 40:12

41:19 42:5 48:6 49:24

57:3

Additionally 13:25 23:2

address 3:17 6:16 18:4

20:10 56:22 58:5

addressed 38:24

adequate 11:24 19:12

41:17 48:21

adequately 48:9

adjourned 61:10, 12

administer 3:2 18:2

40:18

administered 12:25 60:17

administering 12:3 55:16

Administration 1:6 2:16,

21 3:19 6:20 9:11, 14

11:19, 20 13:5, 19 17:13

19:5 27:11, 16 28:11, 20

38:7 39:23 40:16 43:20

44:8, 14 45:20 46:13

49:4 56:5 60:18

administrations 28:12

Administration's 44:5

administrator 33:5

administrators 11:12

12:18 13:16 17:17 24:24

27:19 30:2, 14 32:20

38:14 45:4 46:7 48:6

52:22 55:20 60:18

adopt 24:20 34:4

adopted 56:19

Adoptions 23:12

advance 22:12

advancements 23:11

Advisors 45:8

advocate 9:24

advocates 28:16

advocating 30:3

affect 37:24

afternoon 2:2 6:2 17:3

agencies 19:22 43:25

agency 6:19 11:16 13:2,

22 19:9 20:9 22:17

24:13 27:6, 10 44:3, 12

agency's 28:9

ago 2:14 5:13 28:4

50:14 54:1

agree 54:5

agreed 44:7

ahead 31:15 40:3 56:14

58:13

AI 12:2 31:20 32:5

33:6, 11

aimed 7:13

air 60:2

aisle 40:2

Alliance 44:24

allocating 18:14

allow 3:25 41:17

allowed 38:18

allowing 25:24

Alongside 19:5

America 5:17 8:4 9:16

11:13 14:2, 17 47:18

American 24:6 45:19

60:22

Americans 8:5 13:6

22:11 28:24 30:4 32:15

amount 41:24 45:10

52:13

amplified 24:8

analysis 23:4 27:22

analyze 22:25

anniversary 5:14 13:25

anomaly 23:4

answer 35:3 36:13 46:4

49:5

answering 20:12

anybody 33:21 37:17

appear 11:5

appears 41:13

appreciate 11:7 30:17

39:7, 12

appreciated 19:1

appreciates 2:11

appreciation 8:12 22:5

apprehension 32:1

approach 30:1

approaching 2:24

appropriate 7:2

appropriately 36:9

appropriations 18:6

45:22 47:18

approximately 18:12

Arabella 45:7, 8

area 3:23

areas 6:15 22:13 31:17

42:19

Arkansas 9:6

array 3:3

artificial 3:5 40:4

asked 34:23 40:25 45:22

asks 33:22

aspects 60:22

assertion 50:8

assessment 17:21

assessments 23:3

assist 11:18 13:15, 23

24:9 27:19

ASSISTANCE 1:1 2:3

11:2, 6 12:23 14:22 17:2,

7 19:17 20:9 22:2 25:7

27:2 29:17 47:11 49:7

assisting 45:19

assure 22:11

assured 59:8
 Athens 54:17
 attack 52:23
 attacks 7:13 25:5, 7
 attention 11:8
 attorney 8:18 9:21
 attract 19:23
 attracting 42:17
 attrition 19:11
 audibility 23:12
 audit 4:22
 auditability 57:7, 8
 auditing 17:12 27:25
 audits 19:2
 August 8:3
 automate 25:11
 automated 52:1
 automatic 51:17
 automatically 38:22 51:22
 available 18:12
 awarded 18:11
 aware 13:6
 awareness 7:23

< B >

bachelor's 8:22 9:5, 14, 25
 back 34:14 39:5, 12 41:5 42:1 44:16
 backgrounds 60:15
 bad 31:21 33:1 58:13
 Baghdad 8:20
 ballot 2:20 4:4 24:17 25:11 28:21 51:5, 7 59:13
 ballots 44:2 52:16, 17
 barrage 3:17
 base 56:9
 based 14:13 38:23 54:22 55:9
 baseless 53:8
 basic 5:9 38:6
 basically 36:23 38:5
 basics 54:7
 begins 19:3
 behalf 2:10 31:9
 believe 18:1 37:18 45:24 46:3 50:12 51:25 52:5
 believes 43:18
 Ben 8:24 15:2 17:7
 BENJAMIN 17:1
 Bennett 1:13
 best 6:24 7:2 12:21 23:3 27:12 30:10 34:13 35:5
 better 19:7 27:25
 beyond 6:12 49:19
 Biden 44:5, 6, 17
 Biden's 43:24
 biennial 28:9

bill 5:10
 billion 45:9
 billionaire 45:14 47:9
 billionaires 46:1, 2, 5, 6, 8 48:11
 bills 47:18
 bipartisan 2:13 3:23 5:15 11:16 39:22
 blue 48:14
 Blunt 42:7 56:6
 Board 9:20 54:4, 11 55:13
 boards 53:6
 books 24:16 25:9 58:18, 22, 25 59:14
 boost 24:11
 born 47:8
 box 28:21
 briefly 21:4 39:20 40:10
 bring 54:1
 Britt 1:13 21:4
 broad 2:13 39:21
 broadly 54:20
 brought 34:24 58:22
 Brown 50:23
 bucks 45:5 47:5
 budget 13:2 17:11 20:3, 6 41:17 42:1
 budgets 41:23
 Buffalo 8:23
 building 1:10 19:9 22:8 23:6
 buildings 40:23
 bumps 39:4
 burner 41:5
 buster 34:17
 buy-in 58:8

< C >

calculate 38:22
 California 49:11 51:3
 call 2:2 38:4 51:12
 called 33:25 53:12, 16
 calls 29:23 36:22
 canary 60:23
 capabilities 27:7 57:5
 capability 38:22
 capacity 19:9 32:16 49:11
 CARES 38:17 39:10
 CAS 58:13, 20
 case 32:5 50:23
 cases 54:7
 cast 2:20
 categories 38:24
 categorized 39:10
 Catholic 9:16
 Cause 9:13
 censorship 32:12
 census 23:3

centers 4:4
 Central 9:6
 certain 47:10
 certainly 25:12 39:5 48:10 55:14, 22
 certification 22:12, 14 24:25 57:21
 certifications 23:1
 certified 7:11 22:20 23:16, 19 24:4, 5 56:25
 certifies 6:25
 chain 27:24
 Chair 3:20 8:24 11:3 17:1, 8 22:8 35:9 38:15 40:9 43:15, 17 45:17 48:11, 13, 25 49:16 50:6, 25 53:2, 14, 23 55:24 56:21
 Chairman 17:3 22:3 27:3 31:3, 13 32:18 39:15 41:10 42:7, 11 43:7, 10 48:12, 18, 20, 24 52:25 56:13, 16 60:7
 Chairwoman 8:16 10:16 11:1 17:5 34:24 40:13 41:11
 challenge 5:5 40:4 56:9
 challenged 53:12, 17
 challenges 3:3 4:17 6:17 7:7 11:21, 23 12:12 14:22 19:12, 17 20:10 30:7 31:8 32:19 40:3, 15 44:15 53:6, 7, 11, 21 54:2, 12 55:1, 12, 21 60:21
 challenging 12:3 18:2 33:12 40:17
 Chan 45:23
 chance 30:17 36:6, 17 49:9
 change 44:23 53:20 57:10
 changed 28:3
 changes 56:20
 changing 17:18
 charge 13:13
 charitable 46:21 48:17
 charity 46:1
 check 25:11
 checked 55:5
 checking 59:8, 12
 checklist 29:15 36:4
 Christy 8:16 11:1
 chronic 17:23
 CISA 25:20 33:9
 citing 12:6
 citizen 45:14
 citizens 54:2 56:8
 civic 7:24
 civility 30:3
 claimed 50:7

claims 4:21, 25
 clarify 48:13 49:1
 Clark 9:15 54:17
 clear 4:13 39:22 47:2 59:20
 clearinghouse 13:14 26:2 27:7, 8, 18, 22 28:4 38:3
 clearly 31:6
 Clinton 9:14
 close 11:8 55:23
 closely 11:15 30:15
 coal 60:24
 coin 41:2
 collaborates 6:23
 collaboration 22:21
 colleagues 3:20 19:18 42:13 60:9 61:9
 collecting 28:17
 collection 27:21 28:19
 collections 23:3
 collects 28:10
 Columbia 2:22 28:12
 combat 4:20 32:22 33:10 34:1
 combatting 4:14 41:6
 come 36:11, 25 38:4 41:25 44:16 55:25 60:15
 comes 60:24
 coming 28:6 33:8 38:14 41:19 42:4, 19 43:3 47:8, 23
 co-mingled 47:11, 15
 commemorating 14:1
 comment 53:23 54:20
 comments 22:8
 commingled 47:23
 COMMISSION 1:1 2:4 3:16 4:14 8:25 9:8, 18 11:2, 6 13:4 14:21 17:2, 7 19:18 22:2, 9 23:7 27:2 29:11 43:18 47:10, 11 49:7 61:9
 Commissioner 8:17 9:8, 10, 17, 19 15:2 16:1 21:2, 5 22:1 25:25 27:1 34:2 41:10 43:8 49:2
 Commissioners 6:9 10:4 12:13 22:5 27:6 31:10 60:13
 Commission's 5:19 6:15 7:9 15:3 17:10 26:1
 commitment 8:13 30:13
 committed 19:24 28:22
 Committee 1:6, 9 3:21 6:14 9:1, 10 10:6 11:4, 10 12:11 14:18, 24 17:5 22:4 25:24 27:4 44:18 45:22 47:22 50:11 60:12 61:9
 committee's 11:7 31:9

commodity 55:3 Common 9:13 Commonwealth 37:2 communicate 36:5 communicating 24:10 33:14, 18 communications 24:9 communities 12:8 community 20:11 25:16 28:14 40:15 companies 31:24 32:22 compared 19:22 competitive 19:21 completion 35:18 complexities 13:19 complicated 33:12 component 17:11 58:17 composed 27:8 comprehensive 3:21 6:14 31:7 concern 31:17 33:8 59:21 concerned 5:6 31:20 36:16 concerning 7:17 45:17 concerns 36:5 44:4 concur 19:18 Condos 4:19 conduct 45:5 conducted 7:1 19:3 conducting 27:23 conferences 38:10 49:10 confidence 4:7 24:7, 11 30:2 43:20 configurations 22:25 confirmed 8:16, 24 9:18 conformance 57:22 confronted 7:4 confronting 3:2 40:3 Congress 11:14, 18 12:25 13:1 14:21 19:22 20:1, 6 24:6 28:15 39:17 42:5 43:3, 5 47:16 48:4, 8 61:4 Congressional 18:5, 6 20:8 connected 45:7 58:25 59:4, 6, 19, 22 60:3 connection 59:16 60:5 conservative 34:8 considerable 23:7 considered 39:17 consistent 13:2 42:24 43:5 60:16 consists 28:17 conspiracy 53:8 constantly 58:9 constraints 20:3 contact 36:12 contacts 14:9 content 32:7	continue 3:7 5:2, 6, 7 7:18 14:14 23:23, 25 33:4 36:20 43:5 52:19 continued 18:25 22:6 29:4 30:2 continues 12:1 13:4 14:3 22:16 25:16 27:16 52:22 continuing 28:23 61:8 continuous 8:7 contracts 32:6 contribute 45:15 contributions 45:23 46:21 control 6:5 controls 17:10 coordinated 25:17 53:22 core 17:11 correct 36:7 43:21 55:13, 16, 21 59:13 costs 41:19 Counsel 9:4, 10 counted 2:20 22:11 counties 13:8 53:10 countless 28:13 country 4:18 5:12 12:14 18:23 42:24 48:1 51:23 54:22 country's 13:12 county 53:6, 11 54:4, 11, 13, 17 course 32:4 33:12 39:3 47:1, 13 cover 54:7 covering 25:4 create 55:6 created 14:6 creates 55:5 credibility 34:6 critical 11:15 13:24 19:13 24:12 41:9 44:14 50:4 crucial 11:7 18:4 24:19 53:22 curing 28:22 current 4:20 9:9 17:8 52:11 58:12 currently 23:17, 22 24:24 25:12 58:17 custody 27:24 customed 14:8 cyber 7:5 12:5 58:4 cybersecurity 2:17 23:11 25:15 39:24 40:21 56:17, 22 58:3 cycle 30:5 41:18, 25 52:20 cycles 50:5 53:4 < D > D.C 1:7 11:2 17:2 22:2 27:2 dark 45:10	data 27:21 28:10, 13, 20 29:4 50:8, 10 databases 18:22 24:18 date 58:9 Day 7:25 8:1, 2, 4 14:3, 7, 17 55:3 deal 41:13 Dealing 7:20 54:9 55:20 debunking 41:7 decade 11:20 20:2 decades 9:23 34:14 39:25 December 8:17 9:9 53:14 decentralized 13:6 48:1 decertified 23:20 decides 56:25 decreases 35:24 dedicated 3:1 12:23 deep 59:21 deeply 56:10 defer 31:11 degree 8:22, 23 9:6, 7, 15, 25 10:1, 2 degrees 25:1 delivered 22:23 delivery 24:17 demands 8:8 17:18 democracy 3:8 5:13 45:7 61:2, 6 Democratic 61:3 demonstrating 11:11 Department 4:12 8:19 9:22 50:21 departments 12:9 dependent 45:25 46:7 depends 18:13 deployed 23:22 Deputy 9:4 deserve 52:9 deserves 8:8 designated 8:3 50:3 desire 49:23 despite 4:24 destabilize 5:1 detail 39:11 details 14:9 detected 57:11 determined 12:12 develop 27:10 developed 28:4 developing 13:13 development 25:2, 21 34:25 developments 27:5 difference 52:6 different 37:15 38:23 41:13 44:22 60:15 differing 18:20 difficult 7:21 55:18	difficulties 7:18 difficulty 42:17 54:9 diligently 30:8 direction 52:14 directly 34:1 45:15 Director 9:20 13:21 directs 43:25 Dirksen 1:10 disabilities 27:25 28:25 29:8 disability 29:5 disallowed 36:1 disbanded 32:5 disclosure 25:17 discrepancies 4:23 discuss 11:5 15:2 49:13 discussed 19:16 discussion 15:1 Discussions 12:17 33:9 disenfranchise 56:3 disinformation 3:4 4:17 5:3 31:18 32:16 33:2, 11 34:1 40:25 49:15 52:20 54:23 disqualified 53:21 distract 55:15 distribute 48:3 distributing 17:12 distribution 19:5 District 2:22 28:12 disturbing 44:22 diversity 13:7, 12 division 13:14 27:8, 18 28:5 32:14 document 29:7 documentation 57:20 documents 13:17 35:13, 16 doing 3:1 19:24 31:8, 25 36:3 39:17 41:23 dollars 45:13 47:11 48:8 Donald 9:17 22:1 donations 46:12, 24 49:4 double 55:5 dozen 53:19 driver's 59:14, 15 drop 28:21 due 18:24 duty 8:9 < E > EAC 2:13, 24 3:24 4:3, 5 5:2 6:9, 18 7:5, 22 8:3, 6, 10 11:8, 17 12:11 13:1, 22 14:3, 25 17:8 18:24 19:10, 11, 25 20:3, 5 22:7, 20 23:1, 17, 20 24:8 25:1, 16, 18 27:14 28:6, 22 29:5, 7, 15, 23 30:8, 13 32:21, 25 33:20 34:22
---	--	--	--

35:13, 14, 17 39:21 56:19, 25 58:4, 20
EAC's 6:11 13:14 14:11 17:11 19:6, 15 27:8
eager 61:5
Earlier 13:19 40:25 44:7
earth 56:1
ease 27:21
easier 54:1
EAVS 28:6, 8, 13, 17, 20 29:4 33:21
echo 22:4
educating 38:1, 3
education 12:3, 4 41:4, 5
effective 34:3
effectively 3:2 8:11 32:5
efficient 11:19
effort 22:24
efforts 4:10 5:19 11:8 12:19 14:19 18:4 19:5 22:12 24:13 34:3
eight 53:10
either 36:21
elaborate 56:21
elected 53:16
ELECTION 1:1 2:3, 16, 21 3:4, 7, 18, 25 4:1, 6, 10, 23 5:3, 20 7:3, 5, 6, 13, 16, 20 11:2, 6, 11, 12, 14, 20, 22 12:6, 9, 10, 15, 18, 22 13:10, 12, 13, 16, 18, 19, 23 14:4, 12, 22 17:2, 6, 13, 16, 19, 21 18:8, 9 19:2, 7, 17 20:10 22:2, 19 24:9, 11, 12, 13, 14, 17, 19, 24 25:4, 5, 6, 10, 16 27:1, 9, 11, 16, 19, 21, 23 28:1, 2, 10, 11, 14, 16, 18, 20, 23 29:5, 15, 24 30:1, 5, 7, 13 32:19, 25 33:13, 17 34:14, 18 37:14 38:5, 6, 7, 9, 14 39:23 40:7, 14, 16 41:14, 18, 19, 25 42:12, 15 43:1, 20 44:6, 8, 14, 24 45:4, 19, 25 46:7, 11, 13, 18 47:11, 24 48:15 49:4, 7, 15 50:14 51:3 52:12, 21 53:6 54:4, 11, 24 55:12, 16, 20 56:5 58:7, 14, 16, 19, 23 60:2, 19
elections 2:24 3:2, 6, 13, 19 4:7, 12, 21 5:1, 6 6:12, 20 7:1 8:20 9:20, 21 11:7, 9, 19 12:4 13:5, 7 14:23 18:2 22:6 24:6, 18 27:17, 24 28:25 29:13 30:3 31:19 33:5, 14, 25 40:18 43:6 45:5, 11, 15, 16, 24 47:9 48:1, 14, 22 49:18, 24 50:3, 9, 17

52:17, 21, 22 55:8 60:17, 19, 23
electoral 8:8 30:4 56:24 57:17
electronic 24:16, 17 25:9 38:17 58:21
eligible 52:10
elimination 57:4
email 36:15, 16
Embassy 8:19
embrace 29:24
emerging 6:16 7:7, 20
emphasize 17:18 23:19
employees 32:13
enable 3:11
enabling 20:9
enacted 5:15
encourage 8:4 51:9
encouraged 52:9
encryption 57:9
ended 32:6
enforcement 42:20
engaged 49:14
engagement 7:24
enhance 4:6 58:24
ensure 4:11 6:21 7:1 8:9 19:13 22:23 28:25 47:22 60:2
ensures 41:16
ensuring 5:4
entire 12:9 59:9
entities 45:4, 12
entity 7:3
EPB 25:12
EPBs 25:9, 10
e-poll 58:18, 25 59:14
equipment 22:17, 23 23:1 41:20, 21 42:12
equipped 8:10
equivalency 23:1
equivalent 22:24
error 55:6
escalate 25:8
escalated 31:18
escalation 30:7
especially 12:23 27:15 33:11
essential 3:18 4:6 19:12 52:17
established 2:13 25:1 29:3 39:21
establishing 2:17
establishment 7:25
ESTEP 24:15 25:8
ethical 32:5
evaluate 57:25
Evaluation 24:14 58:18
evidence 31:19
evolve 12:1 25:16
evolving 3:14 7:7 58:10

exact 52:14
exactly 34:20 42:10
example 12:1 32:4 37:25
exceedingly 52:15
Excellence 44:24
excellent 31:1
executed 20:5
Executive 13:21 43:24
existing 6:16
expand 26:1 40:11 44:1
expanded 13:14 29:6
expectation 25:13
expectations 12:7
expected 30:9
expend 19:3
expended 18:8
expenditure 18:24 38:19
expenditures 24:3 38:23
expensive 18:2 40:19
experience 7:22 29:8
experienced 13:20
experiences 6:11 30:11
experiencing 4:16 40:5
expert 29:2
experts 27:9
explicitly 56:11
expressed 12:22
expressing 2:8
extend 6:8 8:12
extent 52:4

< F >

face 5:4, 7 30:6 55:1
faced 11:9, 21
faces 17:24 19:11 40:15
facing 20:2, 10 56:23
Fact 33:25 50:2 52:16 56:10
facts 33:20 34:20 35:2
failed 47:6
failure 46:8
fair 3:19
falls 41:5
false 4:20, 25 55:9 56:4
falsehoods 41:3
familiar 43:24 44:25
far 27:17 57:17
February 32:10
Federal 3:9, 25 5:1, 9, 12 6:19, 20 7:11 12:20 13:5 17:12, 15 19:22 24:21 25:20 28:15 33:10 35:18 40:12 43:25
feedback 30:18
fellow 22:4 27:5 54:2 56:7
field 11:20 12:6 17:18 22:18, 23 23:5 27:15
filed 53:7
fill 35:22 54:8
filling 39:16
final 9:17
finalized 29:9
finally 5:5
financial 15:3 35:13, 18 36:7 38:20
financing 46:8
find 36:10
findings 36:16
First 2:6 8:15 9:3 14:7 20:4 22:22 25:8 28:8 39:15 51:4 56:20
Fiscal 18:7, 9 19:18 20:2, 4
Fischer 1:13 5:22, 23 6:1, 2, 8 8:15 11:3 17:4 22:4 27:4 31:14 35:8, 9, 17 36:10 37:1, 21 38:15 39:14, 19 43:16 56:15, 16 57:2 58:2, 21 59:3, 9, 17, 20, 24 60:6, 11
five 2:23 10:15 25:12
fix 36:24
flags 36:11
flagship 28:9
Florida 34:21
Florida's 9:20
focus 28:2 50:6
focused 48:15
folks 50:24 52:2 53:19 54:16
follow 36:7, 12, 18, 20 37:15 47:19
following 29:19
follows 15:5 20:14 26:3 30:19
foreign 3:13 45:13, 18 46:2, 5, 12, 18, 24 47:8, 12, 23 48:10 49:3 60:25
form 13:1 18:16 45:5
former 4:19 27:8
formula 47:17
forth 19:2 28:5
forward 4:4 5:19 6:10 7:8 14:20 17:9 20:12 23:6 30:15 42:3 47:20 61:8
found 4:23 45:16
four 6:9
franchise 6:22 55:19
fraud 50:7, 8, 15 52:15 53:8
free 3:19
Freedom 5:9
frequently 34:23
Frid 13:21
friend 39:19
frivolous 53:5 54:12 55:11, 21
front 3:8

fulfill 8:11 13:4 28:24
full 29:2
fully 20:8 23:7 28:25 29:13
Fulton 54:17
functions 19:13 32:2
fund 39:22 45:7
fundamental 61:1
funded 45:3
funding 3:9, 25 11:24 13:3 17:19 18:3, 12 20:1, 8 35:25 40:12 41:12, 16 42:5, 19, 24 43:4, 5 45:25 47:7 48:6, 7, 13, 16, 21 49:24 50:2 54:6 60:17
funds 4:3 17:15 18:8, 9, 11, 14, 15, 17 19:1, 4 35:11, 12 36:8 39:10 43:3 46:9 47:12, 13, 15, 23 48:2, 3
further 8:4 11:18 26:1 27:22 58:22
furthering 11:13
future 25:23

< G >
GA 53:12
GAO 38:16, 21
gap 60:2
gears 44:23
General 9:4, 24 19:6, 15
generation 49:25
generative 12:2
George 8:23 10:1
Georgia 4:2 53:4, 10, 18 54:15, 20
Georgia's 53:25 56:11
getting 31:7 41:8 43:17
give 10:6 36:6, 17 42:13 51:11, 21 52:3
Given 14:18
giving 2:5
glad 3:24
go 21:2 31:15 33:4 44:22 51:9 56:14
God 10:8
goes 34:14
going 2:8 21:1 25:7 33:12 34:7 35:15 37:17 38:1, 10 41:18 47:22 56:6 57:5, 15 58:22, 23
Good 2:2, 14 6:2 17:3 31:10, 22 39:15 41:10 42:11 43:7, 11 46:16 51:20, 21 52:1 58:8
Google 32:10
Government 7:11 12:20 13:20 17:25 24:22 46:9 47:6 50:4 54:18
Governments 18:5, 16 45:19 48:21

grant 18:3, 12 35:10 36:23 39:2, 5, 10
grants 3:11 11:14 12:25 15:3 17:10, 13 19:2, 8 35:11, 22, 23 37:4, 9 47:17
grateful 19:25
gratitude 6:8 12:22
great 33:8 37:25 41:15 50:10
greater 7:24
group 29:4 32:8 33:7 53:12, 15, 16, 22
groups 35:4 45:18 51:23, 25 53:7
growing 5:5 11:21 30:6
guarantee 47:14
guess 40:9
guidance 4:8 8:11 12:20 13:14, 18 24:22 25:3 27:23 32:22 37:19
guided 28:5
guidelines 2:17 7:10 23:9, 10, 21 28:1 38:5 39:24 58:19
guides 38:8
guiding 6:11 61:7
guy 39:16
guys 58:13
Gwinnett 53:11

< H >
hacked 59:25
Hagerty 1:13 21:3 43:14, 15, 23 44:16 45:2 46:2, 4, 10, 12, 16, 18, 24 47:2, 5, 8, 14, 20 48:10
half 38:14
hampers 19:23
hand 10:5 46:23
Hansjorg 45:14
happen 55:8
happy 33:21
harassment 3:17 4:1 40:6, 22
harder 5:8 56:8
hardware 22:25
hate 52:19
HAVA 5:16 12:25 13:2 14:1 17:15 19:2, 16 28:5, 24 29:23 35:11 36:1 37:9 50:1
HAVA's 13:13 29:12
head 3:22 53:15
heads 45:8
hear 7:18 8:1, 2 39:25 41:4 46:16 48:5
heard 32:25 40:5 42:16
hearing 2:3 4:4 5:19 6:3, 10, 13 7:8 60:8

61:10, 12
heavily 45:18
held 50:24
hello 49:9
help 3:16 4:11 5:17 7:1, 6 8:4 10:8 11:13 12:11 13:5 14:2, 17 22:18 30:9 36:24 38:9, 12 39:1, 23 42:20 44:6 45:4 47:17 58:5, 22
helpamericavote.gov 14:6
helped 4:5, 11 37:5, 20
helpful 34:11 37:12 41:12 42:24 48:22
helping 6:19 8:13 11:11 24:11 49:21
helps 6:21 27:9
Hicks 9:8, 10 10:11 25:25 27:1, 3 30:19 41:10, 15 42:10
hide 44:21
high 27:16 39:8 59:1
highly 51:9
hired 13:20, 22 29:2
historic 14:1
history 5:12
holding 6:3 48:15
home 4:16
Homeland 4:13
Hon 1:10 11:1 17:1 22:1 27:1
honest 17:21
hope 50:24
hopeful 5:2
hours 14:10 55:2
House 9:11 44:1, 2, 13 45:21
Hovland 8:24 10:10 15:2 16:1 17:1, 3, 7 20:14 38:15, 25 39:13 40:10, 13 43:17, 22 44:11 45:1, 17, 21 46:3, 6, 11, 14, 17, 20 47:1, 4, 6, 13, 16, 25 48:17, 19, 23 49:6 53:3 54:14 55:14, 17, 22
Hovland's 22:8 49:3
huge 50:15
human 55:7
hundreds 45:13 56:7

< I >
identify 6:15 25:18
IG 37:2
Ike 50:23
immediately 23:24
immoral 56:10
impact 12:19 17:19 18:25 54:4, 11 55:2
impersonation 52:16
implement 24:3

implementation 22:22 58:6
implemented 52:5
implementing 39:1
importance 17:18 41:11
important 2:15, 23, 25 4:14 6:18 7:15 22:21 30:16 34:18 39:20, 24 40:2 43:13, 19 44:9 50:16 57:13 59:1
impossible 17:21
improve 4:3, 8 6:20 13:5 39:23
improvement 6:16 17:13
improvements 7:13 8:7 11:22 49:22
improving 2:16 27:24
inability 19:21
incentivizing 40:24
include 7:12 24:16 29:10
included 19:19
includes 12:24 28:1 33:15 52:15
including 3:10 4:7 11:23 14:16 17:15 18:8 27:12 28:14 30:7 33:22 35:4 36:18 57:4
inclusion 29:23
incompletion 35:23
incorporate 23:10
incorrect 34:16
increase 7:4 51:18 58:3
increased 11:9, 21, 25 12:7 13:2 17:17 19:25 28:2
increases 35:24
increasing 27:7
independence 57:10
independent 4:22 11:16 44:11
influence 45:11
influencing 45:18
information 14:4, 13 23:4 27:12, 15 28:18 29:10 31:7, 21, 22, 25 32:15, 20 33:1, 6, 16, 19 34:9, 16, 19 36:2 38:12 55:10 57:20, 24
infrastructure 4:6 7:14 11:16 13:24 17:20 24:12 25:6 49:22, 23 50:3, 4 58:23
infrastructure's 17:22
initiative 23:6 25:13 28:10 45:3
innovative 22:18
in-person 12:14 29:16 37:12, 19
input 14:19
inquiries 55:9

insight 6:11
insist 29:23
Inspector 19:6, 15
inspiring 7:24
Instagram's 32:8
instances 33:1
Institute 25:21
instrument 56:6
insufficient 36:2
integral 41:6
integrity 7:1, 5 14:23
32:9 50:17 52:21
intelligence 3:5 9:24
40:4
intended 4:25 34:1
intends 29:11
interest 14:18
interference 3:13 46:19
60:25
internal 15:3 17:10 29:3,
4 33:6
internet 59:1, 4, 22 60:3,
5
interns 61:3
interrupting 49:5
introductions 2:5
inundated 54:23
invested 19:9 27:6
investing 5:6
investment 22:5
investments 4:10
inviting 17:6
involve 39:8
involved 34:25 45:16
involving 47:9
Iraq's 8:20
Islands 37:3, 8, 18
issue 3:16, 22 32:16 33:7
36:10 37:21 38:24 40:19
42:15 54:21 58:5
issues 7:20 17:24 19:16
28:21 29:5 34:23 35:14
36:4, 5, 19, 24, 25 37:2, 24
38:6 40:20, 21 42:23
49:13 54:19
issuing 4:7 25:11
items 29:12
iteration 28:3
its 7:22 8:11 13:4 14:24
32:5, 11 35:15 38:17
43:19 57:11

< J >
Jacksonville 9:25
January 8:25 9:18 32:6
jeopardy 59:9
Jim 4:19
job 37:24 48:3
jobs 3:10 60:20
John 5:10

join 21:3
joined 3:20 9:8 21:4
joining 6:9 8:25 25:14
journalists 28:16
judge 9:24
July 18:25
June 1:3
jurisdiction 23:2 36:6
jurisdictions 14:9 22:23
24:3 29:21 49:22
Justice 8:19 9:22 50:21

< K >
keep 6:5 60:8
keeping 3:13
Kentucky 42:16
key 17:16 29:10
kind 32:19 36:14 55:2
60:3, 5, 23
kinds 33:16
Klobuchar 1:12 2:7
3:20 9:4 17:5 31:11
40:14 41:15 43:15 56:16
know 7:15 31:16 34:8,
20, 24 36:13, 20, 23 37:1,
22, 25 38:7, 25 39:3, 21
40:3, 5, 14, 22, 25 41:1, 18
42:12 43:12 44:11, 13
45:21, 24 47:25 49:13, 16,
23 52:12 53:23 54:19, 22,
25 55:2 56:5, 19 57:15,
22 58:2 59:8, 15 60:1, 5
knowing 34:4

< L >
laboratories 6:24 23:14
57:19
laboratory 22:15
lack 12:7
laid 32:7, 9, 10
landscape 7:7 25:15
language 29:18, 19, 22
large 31:23 55:11
Laughter 6:7 31:4 51:13
launch 14:2 22:18 33:24
launched 24:13 58:4
law 5:15 8:23 9:6, 15
10:2 42:20 47:19 53:25
laws 5:7, 12 13:8 24:25
28:18
lay 31:24
layoffs 31:25 32:1
lead 3:21 25:18
Leader 9:3 13:20 49:17
leadership 11:11 19:8
43:12
leading 5:3 14:16 27:17
learn 37:4
left 12:6 45:3, 9
leftwing 45:13

legislation 3:21
legislative 19:20 28:15
legislature 53:25 56:11
legitimacy 6:21
lessons 37:4
letter 44:17
level 18:18 47:24 55:25
levels 17:24 19:13 20:3
27:16 49:19
leveraged 25:10
Lewis 5:10
liberal 34:8
licenses 59:15, 16
life 60:22
lifecycle 23:13
lifespan 22:16
limited 54:24
line 46:23
lines 3:8
list 30:6
listed 38:23
listening 11:12
lives 46:22
local 3:12 5:20 6:23
12:8, 15 18:5, 16 28:11
32:19, 25 33:5, 17 40:6
45:4, 19 47:24 48:6
49:19 55:12
localities 11:18 13:9
24:20
locality 48:2
Logan 51:11
long 18:14 50:1
look 4:4 5:19 6:10 7:8
14:8 17:9 18:1 20:12
23:5 30:15 35:14, 24, 25
36:2, 5 41:23 42:1 47:20
54:19 61:8
looking 14:20 24:21
56:18
looks 35:23
lot 38:1, 2 41:18 44:15
49:13

< M >
ma'am 34:20
machinery 57:12
machines 4:9 35:1 41:24
57:7 59:18
Madam 48:11, 25 53:2,
14 55:23
mail 28:21 29:17 44:1
51:1, 4 52:16
maintain 19:12 52:10
major 4:23 56:20
making 4:25 12:2 55:24
malicious 53:5
Management 9:13 15:4
17:10 19:17 28:1 38:5
Manager 23:5

mandated 19:14 52:8
mandatory 52:7
manufacturers 25:12
March 18:7
Mariana 37:3, 8, 18
marked 5:16 13:25
marking 56:20
Mason 8:23
massive 45:8, 10
master's 10:1
material 25:4
materials 12:21 18:17
matter 27:9 29:2
matters 30:16
McCormack 50:6
McCormick 8:16, 17
10:9, 16 11:1, 3 15:5
32:18, 24 34:24 35:10, 17
36:15 37:7 38:2 39:7
42:22 50:12, 20, 25 51:2,
7, 11, 16, 20 56:21 57:1
58:11, 25 59:5, 11, 19, 23
60:1
mean 58:12
means 56:2
measures 57:4 59:2
media 12:1 14:4 32:15
33:3, 16, 22
mediums 31:21
meet 7:11 12:12 13:13
29:12
meetings 12:14
member 5:22 11:3 17:4
22:3 27:4 42:8 43:16
44:18 60:10
members 11:4 14:18
17:5 22:4 27:4 28:14
32:7 45:2 60:11 61:4
mentioned 57:15
message 24:8 35:6
met 1:9 19:14 54:16
Meta 32:6
method 51:1, 18
middle 34:19
midterms 12:19 29:9
migration 23:20
milestone 14:1
million 3:11 12:24 13:9,
11 17:15 18:10 45:3
millions 45:13
mind 46:19
mine 60:24
minimal 50:16
minute 10:15
minutes 10:15
mis 33:10 40:25 54:22
miscalculate 38:19
misinformation 4:15
32:3, 11, 22 33:2 41:6
49:15 52:20
mislead 3:5

mission 2:25 8:11 13:4
17:11 19:13 29:24 39:22
Mississippi 50:14, 23
Missouri 9:5
mistakes 55:8
mitigate 14:22 17:23
mobilization 44:2, 5
moderators 32:7
modern 57:9
modifications 14:12
mole 41:3
moment 2:6
monetary 12:20 24:2
money 35:20 36:1 41:8,
24 45:11 47:16
monitor 19:7
monitoring 17:12 32:2
month 25:14 44:19
morning 61:6
Motor 5:14
move 42:3
moved 53:20
moving 14:19
multiple 52:5 59:7
Myth 33:25 34:17

< N >

name 17:7
named 45:14
nation 25:5
National 5:14 7:25 8:20
14:2, 7, 16 25:20 29:7
nationally 49:20
nation's 11:9 22:6, 10
nationwide 39:9
nature 13:6
navigate 13:18
Navy 9:25
nearly 13:9 28:11 39:8
45:9
necessary 8:10 14:21
23:14 29:12
need 3:8, 23 11:21 12:10
13:17 23:24 36:18, 21
38:7 41:23 42:2 48:6, 7
49:19 51:21 52:23 58:11
needed 13:22 20:9
needs 11:12 18:4, 19
29:18 40:11 59:20
neighbors 56:3
network 45:8, 12
never 18:1 58:12
new 3:3 4:8 11:25 12:2
13:21 18:21 19:8 23:10,
21 24:3 27:23 28:1
29:14 33:7 37:13, 14
38:9, 11, 14 39:1, 3, 16, 17
40:3 45:5 51:2 57:2
60:21
newly 13:14

news 2:14
night 24:17
nonpartisan 27:15 30:1
34:5, 19 43:20
nonprofits 45:9
normally 55:4
Northern 37:3, 8, 18
note 17:19 19:21
noted 6:15 45:23
notice 1:9
noting 5:11
number 3:20 36:4, 11
39:8 43:24 54:25 55:11
numbers 53:9
numerous 29:14 37:15
38:8 57:2

< O >

obligation 20:7
observations 19:19
observer 50:21
observers 50:22
observing 50:14
obtain 6:14
obviously 33:7 37:17
40:23 43:3 56:2 57:22
58:11
October 5:16
odd 35:25
offer 14:14 27:22
offerings 58:7
offers 14:8
Office 1:10 9:13 19:6
33:24 54:16
officer 9:24
offices 14:13 54:23, 24
official 14:9 34:18
officials 2:25 3:8, 12, 25
5:20 6:23 7:4, 6, 17
11:13 12:4, 6, 10, 16, 22
13:18 14:22 22:19 24:10,
20, 21 25:10 27:9, 21, 23
28:15, 16, 23 29:16, 24
30:6, 8 32:25 33:1, 13, 17
34:15 36:16 37:14 38:6,
9, 11, 21 40:6, 7 41:20
48:8 58:7, 8, 14, 16 60:2,
19
Oh 43:10
okay 31:13, 15 35:7
41:10 43:7 46:24 47:2
48:20, 24 50:18, 24
omit 38:18
onboarded 23:5
Once 8:11 49:25
ongoing 14:20 22:9 50:2
onsite 22:21
open 60:8
OPENING 2:1, 6, 9
37:22 40:16

operate 13:10
operating 13:2 20:6
operationalize 23:8
operations 6:15
OPM 50:22
opportunity 2:19 6:13
11:4 15:1 20:11 23:18
30:12 52:3, 23 55:6
opt 52:6, 7
option 51:21 52:6, 9
opt-out 51:22
order 2:2 30:10 34:5
43:24
Oregon 9:7
organization 5:18
Ossoff 1:12 53:1, 2
55:11, 15, 18, 23 56:13
outreach 12:13 14:8
outstanding 12:18
overall 22:19 27:23
overhaul 7:9
oversaw 8:20
oversee 35:12
OVERSIGHT 1:1 2:3
11:7 14:25 15:3 37:25
overtaxed 55:9

< P >

p.m 1:9 61:12
pace 3:13
Padilla 1:12 48:24, 25
49:8 50:18, 24 51:5, 9, 14,
17 52:4 53:1
page 14:11 34:1
pages 14:11
Palmer 9:17, 19 10:12
21:2, 5 22:1, 3 26:3 34:2,
13 43:8
pandemic 37:17 42:4
48:16
panel 53:9
parameters 28:5
part 7:22 24:12 37:7
41:6 48:16 50:23 58:20
61:5
participating 25:13
particular 19:21
particularly 53:4
partisan 53:5, 22 56:2
partners 25:20 33:10
partnership 18:3
party 40:8
passed 5:16 44:19 47:19
53:25
passing 5:12
patches 24:1
patchwork 24:25
pay 19:21 42:2
penetration 57:6, 16

people 24:6 33:4 36:24
41:8 46:20 51:22 52:9,
10 55:9 56:2
percent 18:7, 12 20:7
39:9
permanent 14:8
person 13:21 36:18
personal 12:5 46:22
personally 2:10 46:15
49:6 50:7, 13
Personnel 9:13
perspectives 6:10
Peter 1:10
physical 4:3 12:5 27:20
40:22
piece 41:4 44:13
pieces 41:7
pike 41:19
pilot 25:8 58:18
place 14:10 19:8
places 40:7 54:8 59:7
plan 17:20 18:13 32:23
47:20
planning 3:1 25:16
plans 43:25 44:3, 5, 10,
19, 21
platform 14:8
platforms 12:2 31:23
33:3, 22
play 7:3 38:4
playing 5:2
plays 6:18 13:24
please 10:5 56:21
pleased 8:1, 2
pleasure 6:4
point 47:4 55:24
points 52:13
polarization 55:25
policies 28:18
policy 23:13 53:24
political 60:15
politics 56:1
poll 3:15 7:17, 23, 25
8:5 13:9 14:2, 7, 11, 15,
16 24:16 25:9 30:8, 14
37:23 40:24 49:16, 18
polling 13:10 14:10 54:8
polls 42:18, 21
portals 24:18
portion 57:18
position 11:17 44:12
positions 32:8
possibility 59:24
possible 19:1 35:24
36:19, 20 52:18 55:22
57:14
posters 33:15
posture 22:19
potential 17:22 55:6
power 4:19, 20
PPE 46:23

practice 12:21 34:13 56:10
practices 6:24 13:7 23:3 27:12 28:19
pre-2010 20:3
precluded 37:17
predecessor 42:8
preliminary 25:22
prepare 11:6 12:4 30:9
prepared 15:5 20:14 26:3 30:19
preparedness 22:20 56:17
preparing 22:17
prescribed 47:17
presence 8:13
Present 1:12
presentation 31:2
presentations 12:15
preserve 8:14
President 43:24 44:6, 17
presiding 1:11, 13
pressing 20:10
pretenses 56:4
pretty 39:8, 17 50:16 58:8
prevent 37:5
preventing 7:13
previously 8:18 9:19 52:2
prior 9:9
private 45:18
probably 41:22 50:16
problem 36:14 37:8 50:15
problems 43:9
procedures 27:24
proceed 10:4, 14
process 13:11, 23 18:6 24:4, 7 25:11 30:4 33:14 35:4 36:14 38:25 39:1 56:24 57:17
processing 4:4
produce 29:11, 22
produced 13:15
producing 58:17
products 13:15 26:2 27:18, 22 28:4 38:4, 9 57:23
program 22:18 23:5 24:14 25:2, 18, 22 58:5, 6, 9, 14, 20
programs 18:15 25:1, 14 29:6
progress 23:7 35:19 38:18, 20
project 58:13
promote 14:4 30:2
promoting 2:18
propagate 35:6
prophecy 55:7

prosecuted 50:19
protect 3:25 14:23 58:23
protected 60:20
protecting 32:11
proud 4:22 48:5
provide 12:20 14:21 18:15 20:9 25:2 30:10 32:21 33:13, 21 34:18 35:2 38:11 42:25 43:5 46:9 47:6, 13, 16 57:20, 24 59:13
provided 12:25 17:16 19:3 20:1, 6 24:23 33:2 35:20 42:5
provides 6:13, 25 47:17
providing 11:14
public 3:18 4:7 8:8 27:10, 11 35:5 43:2
public's 8:14
publish 28:6
publishing 24:9
pull 58:21
pulled 45:9
purchased 22:24
purchases 18:20
pursuant 1:9
pursuit 8:7
purview 46:15 49:7
put 59:9
putting 46:22

< Q >

quantitative 28:18, 19
quarterly 35:21
question 32:24 33:23 39:11 44:7 54:14 57:1
questions 11:23 20:12 28:21 30:18 31:15 34:23 35:3, 4, 10 49:1 50:6 56:14, 17 60:9
quickly 25:18
QuickStart 38:8
quite 33:12 42:24

< R >

radicalization 32:12
raise 10:5 52:19
raised 19:15
raises 44:4
raising 7:23
ranged 27:20
ranking 5:22 11:3 17:4 22:3 27:3 42:8 43:16 60:10
rare 52:15
rate 18:13 20:7
rates 18:22
reading 30:10
ready 5:4 41:22
real 31:17

realization 23:15
really 40:15 50:5 61:7
reason 44:9 59:5 61:1, 3, 6
reasons 22:22 43:4 56:3
received 8:22 9:5, 14, 25 14:12 35:22 45:12
re-certify 23:24
recipients 37:9
recognize 8:6 10:14
recognized 5:13
recommend 34:4
recommendations 19:20
record 4:24 49:2, 5 52:11, 24 60:8
recorded 50:20
recruiting 3:14 7:16
recruitment 7:18, 25 14:3, 7, 15, 17 40:24 49:17
rectify 36:14
red 36:11 48:14
redoubled 12:13
reduced 56:2
referenced 49:16
referred 25:9
referring 48:17
reflect 13:17
reflected 2:9
reflects 49:2 50:2
refuses 44:2
regard 49:17
regarding 44:8
regardless 40:8
register 52:2, 10 59:12
registered 13:11 51:23 52:2
Registrar 51:11
Registration 5:14 18:22 24:18 29:17 51:18 52:1, 7, 11 53:11, 21 54:3
registrations 53:13, 17 54:13
regrettably 54:6
regular 3:9 48:7
regularly 14:12, 14 48:5
regulations 13:8 24:25
reinforce 11:15
reiterate 49:5
related 19:16 29:5 32:9
relating 14:15
release 29:20 44:3, 19
released 27:18 29:15 44:22
releasing 44:9
relevant 28:2
reliable 23:23
religious 51:25
rely 3:9 18:17 24:24 32:14

relying 54:6
remain 5:6 8:7
remains 2:25
remember 42:7
repair 5:10
repeatedly 4:13
replace 41:20, 24
replaced 23:24
replacement 18:21
report 4:22 19:16 28:7, 9 33:21 37:1 38:20
reported 32:6 39:9 50:19
reporters 35:3
reporting 24:17, 19 35:12 37:4 39:2
reports 18:24 23:4 35:13, 15, 18, 19, 21, 22, 24 36:7 38:18 50:12, 21
Republican 44:18 61:4
repugnant 56:12
requesting 44:18
require 25:22 35:13, 21
required 14:10 29:21 57:15
requirements 12:7 19:14 28:24 29:21 57:3, 8
requires 35:18, 21
requiring 57:6, 8, 9
research 28:10 29:5 52:13
residency 53:20
resident 51:2
resign 12:9
resource 17:16, 24
resources 2:21 3:10 6:25 8:10 12:8, 20, 23 14:15 18:15 19:6, 25 25:22 27:10, 13, 20 29:6, 14, 19, 22 41:9 44:1 55:12, 15 56:5
respect 43:19
respond 7:6 25:19 36:17
responded 11:10
responding 17:17 60:21
response 44:20 49:3
responses 14:13
responsibilities 54:10
responsibility 2:15 6:19 30:6 32:10
rest 45:2
restore 5:11
result 22:17 23:20
results 13:7 29:9, 11
resuming 12:14
retain 19:23
retaining 7:16
retainment 7:19
retention 14:15 37:23 49:17
retire 7:22

retirements 37:23
 returned 20:3 54:15
 review 22:16 25:1 35:15
 reviewing 39:4
 reviews 22:22
 right 10:5 38:15 40:14
 60:6, 7
Rights 5:11 29:20
 rigidly 34:5
 rigorous 24:4
 risk 17:22, 23
 risks 56:24 57:17
 road 34:19
 robust 25:2
 role 4:14 5:3 6:18 7:3,
 23 9:9 13:24 27:14
Room 1:10
Rules 1:6 9:1
 rumor 34:17
 rumors 34:15
 run 48:22
 runoff 53:23
 runoffs 53:16
 Rural 42:19

< S >

safe 51:18
 safety 12:7, 24 42:23
 46:22 49:16
 samples 33:15
 sanctioned 56:11
 sanitizer 46:23
 saw 31:18 42:4
 saying 48:20 56:5
 Schumer 9:3
 scope 57:22
 scorched 56:1
 scrutiny 11:9
 seated 10:13
 second 14:2
 Secretaries 40:1, 6
 Secretary 4:18 9:5, 19
 33:24 42:16 49:12
 Secretary's 54:16
 section 8:18 9:21 29:20
 38:20
 sector 17:20
 secure 4:12 8:9 51:1
 52:17 57:14
 securing 3:12
 security 2:16 3:11 4:3, 6,
 8, 11, 13 6:21 7:5, 20
 11:14, 24 12:5, 24, 25
 17:14 18:8, 9, 19 19:2, 8
 22:10 24:1, 11 27:20
 39:23 40:23 42:23, 25
 49:18 57:3, 25 58:5, 17,
 24 59:1
 see 27:16 37:21 40:11
 41:16 42:2, 18 55:7
 56:24 58:7 60:15

seeing 37:23 47:20
 54:21 60:22
 seen 12:8 32:20 38:16
 44:15 50:8, 10 53:3 58:2
 self-fulfilling 55:7
 Senate 1:5, 10 8:6 53:15,
 22
SENATOR 2:1, 2, 7 5:22
 6:1, 2, 3, 4, 6, 8 8:15 9:3,
 12 10:13 16:1 21:1, 3, 4
 31:1, 5, 11, 14, 16 32:24
 33:23 34:14 35:7, 8, 9, 17
 36:10 37:1, 7, 21 38:15
 39:14, 16, 19 40:24 41:15
 42:7, 22 43:14, 15, 16, 22,
 23 44:16 45:2 46:2, 4, 10,
 12, 16, 18, 20, 24 47:2, 5, 8,
 14, 20 48:10, 24, 25 49:8,
 14 50:13, 18, 24 51:5, 9,
 14, 17 52:4, 25 53:1, 2
 54:14 55:11, 15, 18, 23
 56:13, 15, 16 57:1 58:2,
 21 59:3, 9, 17, 20, 24 60:6,
 11
 Senators 1:12 43:13
 sent 44:16
 separate 59:11
 servants 3:18
 serve 13:21
 served 8:18 9:4, 10, 19, 23
 serves 4:14 27:14
 service 14:6
 services 22:18 23:5
 serving 27:25
 sessions 54:1
 set 6:12 19:1 28:5 52:23
 sets 32:4
 setting 49:21
 share 22:9 27:10 30:12
 50:11 57:23
 shared 27:6
 shares 6:24
 sharing 17:9 60:13
 shown 14:19
 sides 40:1 41:2
 sights 6:12
 sign 8:5 51:5, 12
 signed 51:7
 significant 4:10 7:12
 12:19 18:20 19:11 20:2
 24:2 41:24 44:4 52:6
 similar 24:22
 Similarly 30:1
 simply 55:8
 sincere 8:12 12:22
 single 5:4 52:11
 singular 40:19
 sir 35:6 46:17 47:13, 25
 51:3, 16, 20
 sit 6:4

site 14:14 23:2 33:25
 sites 13:10
 situation 32:21 37:6, 20
 situations 13:13
 social 12:1 14:4 32:15
 33:2, 15, 22
 society 32:11 56:1
 software 22:25 57:9, 10
 sole 6:19
 solutions 3:23
 somebody 59:8
 Somewhat 45:1
 sort 31:6 34:23 37:10
 42:2 54:20, 23 55:24
 source 13:18 27:14 33:4
 43:4
 space 58:10
 speak 15:1 25:25
 speaking 49:23
 special 32:4
 specific 14:9 17:20 54:21
 specifically 25:6 35:11
 specifics 39:6
 speed 38:13
 spending 18:13 19:7
 39:9
 spent 8:25 18:10
 spread 3:4 4:20 5:3
 31:6 32:20
 spreading 53:7
 staff 13:23 18:17 19:7, 8,
 9 25:22 28:15 32:11
 36:23 39:5, 6 49:18
 54:25
 staffing 19:13
 stakeholders 28:14
 stand 10:5
 standard 34:25
 standards 4:8 5:9 7:10,
 12 24:10, 22 25:3, 21
 49:21 56:20 57:14, 18
 stands 7:5 11:17 33:20
 start 2:6 10:16 32:18
 36:15 40:9 43:18
 started 5:18 33:6 43:17
 starting 31:24
 State 3:11 4:16, 18 5:1,
 4, 20 9:5, 20 12:15 18:5,
 17, 19 19:3, 7 24:25 25:5,
 14 28:18 33:1, 5, 17
 38:10 40:1, 6 42:17 48:2,
 5, 21 49:12, 19 52:12
 53:18, 25 54:7 56:11, 25
 60:16, 18
STATEMENT 2:1, 6, 9
 6:1 10:15 11:1 15:5
 17:1 20:14 22:1 26:3
 27:1 30:19 37:22 40:16
 States 2:22 4:2 5:7
 6:20, 23 7:15 11:15, 18
 13:3 17:20 18:3, 10, 14,

15 24:20 28:12 34:4
 35:14, 20, 21 37:11 38:17,
 18 39:23 40:11 41:12, 17
 42:6, 25 48:14 50:4, 23
 52:5 57:14, 18, 19, 20, 24
 58:15
 state's 18:13 33:24 38:22
 statewide 18:21
 statutorily 19:14
 stay 58:9, 11, 13
 steady 3:9 41:11, 16
 stemming 5:3
 step 34:10
 stepped 42:5
 stepping 42:8
 steps 23:14
 Stetson 10:2
 Steven 13:20
 stopped 4:25
 straight 52:24
 strategically 14:3 19:10
 streamline 25:10 39:1
 strengthen 5:12 22:19
 stretched 54:5 56:4
 structural 19:15
 study 29:7
 sub-grants 18:16
 subject 27:9 29:2
 submit 38:17 43:25
 47:21
 subsector 17:24
 subsectors 17:22
 successes 6:15
 successful 8:2, 3 22:15
 successfully 20:5
 suddenly 11:25 54:12
 sufficient 46:9
 summer 29:9
 support 2:13 3:7 5:8, 10,
 15, 20 11:11 12:11 13:1,
 12, 23 14:20, 25 22:7
 28:23 32:21 39:22 44:9
 46:12 48:8 49:24 61:9
 supported 45:25
 Supporting 24:14 25:4
 47:24 50:8 58:19
 supports 13:11 49:3
 sure 36:8 41:8 43:2, 23
 49:2 59:6 60:8, 16 61:1
 survey 28:8, 20 29:9
 surveys 23:2 28:17
 sustained 50:2
 swear 10:3, 5
 swipe 59:15
 System 7:9 8:8 18:21
 22:14, 22, 25 23:8, 14, 17
 38:17, 21 39:1, 3 56:25
 59:10 60:3
 systems 2:17 6:25 7:10
 11:22, 24 22:10, 16, 20
 23:3, 12, 15, 19, 22 24:3, 5,

12 25:19 35:1 49:20
57:16, 25 58:1 59:12
60:4

< T >

take 3:21 23:18 24:2
36:12 52:23 56:6
taken 34:10
takes 3:1 13:9
talent 19:23
talk 41:11 44:23 49:10
talked 37:22 46:11
talking 38:11 42:11
targeted 25:6 32:2
targeting 3:3, 17
tasked 2:15 7:15
tasks 54:23
taxpayer 44:1
team 32:5 35:23
tech 31:23 32:22
technical 7:10 43:9
technological 23:10
technologies 24:19, 21
25:4 28:3
technology 3:14 11:22
17:17 24:13, 14, 16 25:8,
21 58:20
telephone 36:22
tell 44:12
Tennessee 21:3
tens 45:12 54:12
term 18:14
terms 55:25
territories 2:23 28:13
test 22:10, 15 57:19
tested 22:20 23:16, 17, 25
testified 45:21
testify 17:6 20:11 30:17
testimony 10:4, 6, 14
60:14
testing 6:24 22:12 25:3
34:25 57:6, 16
textbook 38:6
Thank 2:4, 12 5:21, 22
6:2 8:14, 15, 21 9:1
10:13 11:4 14:24 15:4
16:1 17:3, 4 20:11 21:1,
4 22:3 25:24 26:2 27:3
30:12 31:10, 16 32:24
33:23 35:7, 9, 17 39:14,
15, 19 40:13 41:15 43:11,
15, 16, 23 48:11, 12, 24, 25
49:8 52:24, 25 53:2
54:14 56:12, 13, 16 57:1
60:6, 7, 10, 13 61:7, 10
themes 60:16
theories 53:8
thin 54:5 56:4
thing 34:22
things 41:1 42:2 59:3

think 31:17 34:3, 8 37:7,
11, 25 40:14, 16, 19 41:1
43:3 44:13 46:6 50:15,
16 51:20, 21 52:1 54:5,
19, 25 55:23 56:12 58:21
59:20
third 9:7 32:10 38:13
THOMAS 27:1
thoughts 34:11
thousands 13:9 54:12
56:7
threat 25:15 42:15
threatening 50:9
threats 3:3 4:1 7:4 12:5
27:21 30:7 40:22 41:13
49:14 56:23 58:3, 12
60:25
three 53:19
tie 53:6 55:12 56:4
tied 55:20
time 20:4 24:2 29:2
39:25 40:1 41:1 42:9, 13
45:23 49:25 51:4 55:3
timely 49:13
times 37:15 42:20
timetables 18:20
today 6:3, 10 8:13 11:5
20:12 25:25 27:5 30:17
43:17 61:4
Today's 6:13
told 6:4 38:16, 21
Tom 9:8 25:25
tool 14:8 52:1
toolkit 24:9 33:15
toolkits 33:13
tools 8:10 12:2 24:19
top 58:11
topic 44:23 49:15 52:13
torrent 55:20
total 18:10 38:22 39:9
totality 40:20
totals 38:19 57:11
touch 53:3
tracking 51:6, 8
traditional 37:9
trained 58:16
training 3:14 7:16 14:10,
16 25:3 37:10, 12, 19
tranche 35:20
transmission 57:4
transmitted 31:22
transparency 43:19 44:8
transparent 8:9
travel 12:14
tremendous 52:13
tribute 43:12
triple 55:4
true 33:18 34:18 53:16
trust 8:14 32:9
trusted 13:17 27:14 33:4

43:4
trusts 43:2
truth 10:7
try 36:13 56:4 57:13
trying 38:11 56:3
turn 5:21 6:21 15:1
25:25 42:14 43:14
turnout 4:24 51:19
turnover 27:17
twice 35:19
Twitch 32:13
Twitter 32:4
two 9:23 23:13 25:13
27:19 28:17 41:2 53:19,
25
types 34:15 35:3, 14

< U >

U.S 1:1, 5 2:3 8:19 11:1,
5 13:7, 25 14:23 17:1, 6
19:17 22:1 27:1 44:24
45:14 46:13
unable 54:8
unanimously 3:24
unbiased 13:17
underscored 12:17
understand 7:12 31:24
51:16
understanding 6:14
17:23 48:19 53:19
unexpected 30:9
Unfortunately 4:24
Unified 54:17
unique 11:17
United 50:4, 23
University 8:22 9:6, 7, 15,
16 10:1, 2
unlimited 54:2
update 18:25 36:6
updated 7:12 14:14
23:25 28:2 29:19 38:4
56:22
updates 17:9 24:10
33:16
upgrade 49:19
uptick 42:23
urge 33:4, 16
urgent 3:16 40:11
usability 23:12
usage 18:22 28:21
use 3:4, 25 17:12 18:13
29:11 35:12 53:5 56:25
57:8, 18, 25 59:14
uses 36:1
usually 59:12, 14, 16
utilize 33:17
utilized 20:8 28:13 58:7,
14

< V >

valuable 55:3
value 18:4
valued 7:23
varied 18:22
varying 25:1
verify 23:1
Vermont 4:16, 23 33:24
34:10
version 23:8
versus 33:25 52:6
Vice 8:24 17:1, 8 22:8
38:15 40:9 43:17 45:17
48:13 53:2, 23
victory 56:1
view 7:2 31:7 50:25
51:17
views 2:9 14:11
vigilant 8:7
Virginia 9:20 34:21
vision 29:12, 23
visit 37:18 49:10
visits 12:15, 17
vital 3:10 6:25
Voluntary 7:9 23:8
24:22 25:3, 17
volunteer 42:20 49:18
volunteers 40:7 42:17
vote 5:8, 9, 17 8:4 11:13
13:6 14:2, 17 22:11
29:17 34:7 47:18 50:25
51:24 52:11 53:17 56:8
57:10
voted 3:24 51:3, 4
Voter 5:14, 15 12:2, 4
18:21 24:18 29:10 30:11
41:4, 5 43:20 44:2, 5
50:7 51:17 52:7, 15 53:5,
8, 11, 12, 17, 21 54:2
55:11
voters 3:5 5:7 13:12
24:20 27:12, 25 29:8, 17,
22, 24 30:14 33:18 34:7
39:25 52:18 53:13 54:13
55:19 59:6
voting 2:17 4:3, 8 5:11
6:22, 25 7:9, 10 8:18
9:21 11:24 18:21 22:10,
14, 17 23:8, 14, 15, 19, 22
25:19 29:5, 14, 16, 20
30:3, 10 35:1 41:20, 21
49:20 50:8 51:1 52:8
56:25 59:7, 11, 18 60:4
VSTLs 23:14
vulnerabilities 25:17, 19
VVSG 23:9, 13, 15, 18, 19,
24 24:10, 23 49:21 56:19,
22 57:2

< W >

wages 19:22

want 2:4, 10, 12, 19 5:20
 6:8 21:2 31:9 34:8
 39:15, 19 41:20 42:13
 43:2, 7, 11 47:2, 10 49:1,
 9 50:5 51:22, 24 53:3
 54:3 56:8, 14 59:4 60:10,
 13, 25 61:7
wanted 31:5 35:10
wanting 60:16
Washington 1:7 4:2
 10:1 11:2 17:2 22:2
 27:2
way 39:4 45:16 47:12,
 23 51:20 59:25
ways 37:16
wealth 26:1
web 14:11 33:25 45:3
website 14:5 35:2
Wednesday 1:3
week 60:8
weeks 5:13 28:6
Welch 1:11, 13 2:1, 2
 6:3, 6 8:15 10:13 11:3
 16:1 17:4 21:1 22:3
 27:3 31:1, 5, 16 33:23
 34:14 35:7, 9 39:16
 40:24 43:16 49:14 60:11
welcome 14:19 21:2
 30:17 48:7
welcomed 49:11
well 2:22 14:25 31:5, 13,
 16, 22 36:15 38:9 39:17
 43:11 45:2 51:2 54:16
 59:5 60:7, 10, 11, 17
well-being 32:8
well-positioned 7:6
went 36:11
whack 41:3
whatsoever 56:9
White 44:1, 2, 12
wholeheartedly 29:25
widespread 53:8
willing 57:23
wing 45:4, 9
wired 57:5
wireless 57:5
witness 2:5 8:16, 24 9:7,
 17 50:18
witnessed 50:7, 13, 22
witnesses 5:21 6:9 8:12
 10:3 31:2
work 2:11 6:11 7:16
 11:5, 13, 17 12:18 17:6
 22:9 30:13, 15 31:10
 35:1 36:24 37:10 39:20
 40:2, 10 42:18 43:13, 19
 60:14 61:8, 10
worked 9:12 11:15
Worker 7:25 14:3, 4, 7,
 11, 15, 17 49:16

workers 3:4, 15, 18 4:1
 7:17, 23 8:5 13:10 30:8,
 14 37:23 40:24 42:20
 43:1 49:18 52:22
working 9:1 29:4, 7 30:8,
 15 33:7 58:1, 17, 18
worth 5:11
wow 43:10
wrap 53:14
writing 36:21
www.sos.ca.gov 51:10
Wyss 45:14

< Y >

year 3:24 12:13 13:20
 18:7, 9 19:18 20:4, 6
 35:19 45:10 52:19
years 2:14 5:16 7:3 9:1
 11:10 12:1 20:1 27:19
 28:4 39:18 50:14 56:21
 58:4
yield 35:8 56:12

< Z >

Zucker 45:5
Zuckerberg 45:23 47:5