

**Senate Rules and Administration Committee Hearing:
“Election Security Preparations: Federal and Vendor Perspectives”**

July 11, 2018

Submitted Testimony

**Commissioner Thomas Hicks, Chair, and Commissioner Christy McCormick, Vice Chair,
United States Election Assistance Commission (EAC)**

Good morning, Chairman Blunt, Ranking Member Klobuchar, and members of the committee. We are pleased to appear before you today to offer testimony that supplements the written testimony the Election Assistance Commission (EAC) previously submitted for the record ahead of this committee’s June 20, 2018, election security hearing.

The EAC takes very seriously its responsibility to support state and local election leaders in their efforts to conduct efficient, accessible, and secure elections. The EAC also is dedicated to providing voters the vital resources and assistance they need to register to vote and to cast their ballots, and continually equipping our partners in Congress, state and local government, private industry, advocacy organizations, other federal agencies, academia, and others in the elections industry with the information they require and rely on through our national clearinghouse.

As emphasized by one of the witnesses in the June 20 hearing, the EAC focuses solely on elections, and this focus is of great value to election administrators. Today, you will also hear from some of our federal partners who specialize in technology and cyber security. The EAC works with these and other federal entities—including the Department of Defense, the Department of Justice, and United States Postal Service, among others—to help bridge the expertise of those organizations into the context of the broad array of responsibilities facing election administrators.

The topic of today’s hearing, election security, is not new to the state and local officials who run elections or the tens of thousands of election administration staff members and election workers who support and work with them, and it is not new to the EAC. The EAC has attached a diagram at the end of this testimony to demonstrate the many different components that require election administrator awareness and attention. The EAC works on each of those identified areas, including on election security, coordinating with our federal partners for additional support. It is worth noting that some of the witnesses for today’s hearing have election components that fall under the statutory oversight of the EAC, particularly in the EAC’s role of implementing voluntary voting system guidelines, and federal testing and certification of the voting systems.

In this 2018 election year, providing election security tools and resources to state and local officials is one of the most important responsibilities of the EAC. Much is riding on the shoulders of local election officials. These officials, and their state colleagues, work endlessly and tirelessly—often with very modest pay compared to their government peers—to deliver upon the high expectations our country has of them. As the only federal agency focused solely on election administration, the EAC Commissioners and staff are privileged to have the opportunity to support these faithful and conscientious public servants, who are perpetually focused on ensuring that the nation has secure elections.

Election security, indeed, is an integral component of the EAC's support. In just the last 12 months, the EAC has been expeditiously distributing the newly appropriated Help America Vote Act (HAVA) funds to the states, assisting our federal partners in establishing and managing the critical infrastructure operational framework, continuing to test and certify voting systems, and highlighting and distributing important best practices in election administration as we all look ahead to the 2018 midterm election and beyond. This document briefly touches on some of those elements.

Distributing Newly Appropriated HAVA Funds

In the Consolidated Appropriations Act of 2018, Congress appropriated \$380 million dollars in HAVA funds to the states and eligible territories for projects and programs to improve the administration of federal elections. In just over 3 months, the EAC has received disbursement requests for 91% of the funds from 48 of the 55 states/territories, a remarkable percentage that continues to grow daily, and 100% of the funds are available for the eligible states and territories to draw down.

The EAC issued Notice of Grant Award letters to each state less than two weeks after the bill was signed into law by President Trump. Within three weeks of the signing, Missouri, the first state to do so, had requested its funds. In the subsequent 10 weeks, the EAC conducted a webcasted public forum to explain how the funding would proceed, worked directly with the National Association of Secretaries of State (NASS) and the National Association of State Election Directors (NASED) to share information, conducted multiple webinars to further discuss how the funds may be used, consulted with members of the disability community to hear their views on use of the funds, and had frequent contact with each state in an effort to move the funds quickly.

The EAC website provides access to a set of Frequently Asked Questions regarding the funds, and this information has been updated on a near-daily basis since the law was enacted. The attached map, also on the EAC website (www.eac.gov), shows the amount of funds appropriated to each state and indicates the states that have submitted disbursement requests as of July 5, 2018. The EAC has fulfilled its promise to get the funds to the states as quickly as possible, and the EAC is proactively consulting with each of the states and territories regarding the proper use of the funds.

Several administrative issues have arisen in the funds disbursement process and the EAC's grants department is endeavoring to help the states navigate those issues so they may receive the funds in advance of the coming elections. One roadblock was the ongoing government-wide issue with System for Awards Management (SAM) accounts; the EAC's grants department is working alongside our federal partners at the Government Services Administration (GSA) to provide additional support to the EAC's SAM account holders in order to get the funds properly distributed.

The funds are being disbursed with agreement by the states to provide a short narrative describing plans for how the funds will be used, and details from these documents will be shared with the entire election community and on the EAC website, as robust information sharing is an essential component of the EAC's approach to use of these HAVA funds. It is essential that the states and territories have access to the wealth of ideas and innovative approaches contained in other states' individualized planned activities as they plan their own use of the funds. As we

continue to work closely with the state and local leaders charged with spending these funds, the EAC's staff will continue to compile the information we receive so that the election community and others will have access to particulars on how the states and territories are expending their funds to further update and secure their election systems.

Critical Infrastructure Activities

The distribution of HAVA funds is only the latest example of the EAC's work related to election security. The EAC has been serving as a central partner with the Department of Homeland Security (DHS) in ensuring the success of this national security effort well before the 2017 Critical Infrastructure designation by former Secretary Jeh Johnson. The DHS has stated that the election sector's Government Coordinating Council (GCC) was formed faster than any other similar critical infrastructure sector council to date. The EAC took an early leadership role in working toward this accomplishment, and we recognize it as an exemplary proof-point of how local, state, and federal governments can effectively work together toward the shared goal of protecting our nation's election infrastructure.

Building on that success, the EAC also convened discussions between election system vendors and the DHS for the formation of the Sector Coordinating Council (SCC). Thanks to the swift establishment of the GCC and the well-established relationships between the EAC and election equipment vendors, work on the SCC began in the summer of 2017 and its official formation meeting took place before the end of last year. Both councils were functioning before the 2018 election year and less than one year from the Critical Infrastructure designation by the DHS.

During the 2016 election cycle, the EAC was a key player in federal efforts to share vital security information with the states and educate our federal partners about ways to best serve the needs of election administrators. For example, the EAC:

- Distributed urgent security alerts and threat indicators from the DHS and the Federal Bureau of Investigation (FBI) to states and territories to help protect election systems from specific cybersecurity threats.
- Met on multiple occasions with staff from the DHS, the FBI, and the White House to discuss specific and nonspecific threats, state and local election system security and protocols, and the dynamics of the election system and its 8,000 plus jurisdictions nationwide.
- Served as the federal government's primary communication channel to provide real-time cybersecurity information to election officials around the country. This information included current data on cyber threats, tactics for protecting election systems against these threats, and the availability and value of DHS resources for protecting cyber-assets.
- Participated in and convened conference calls with federal officials, Secretaries of State and other State Chief Election Officials, state and local election administration officials, federal law enforcement, and federal agency personnel to discuss the prospect of designating elections as part of the nation's critical infrastructure. These discussions

focused on topics such as coordinating security flashes from the FBI, the implications of a critical infrastructure designation, education on the nation's election system, and the dynamics of successfully communicating information to every level of election officials responsible for running the nation's election system.

- Provided DHS with perspective, information, and data related to the election system, introductions to officials in the election community, and information that assisted the agency with shaping communications in a manner that would be useful to the states and local election officials.
- Published a white paper entitled "U.S. Election Systems as Critical Infrastructure" that provided a basic understanding of critical infrastructure for election officials.
- Contributed to multiple foundational DHS documents used to structure the Elections Systems Critical Infrastructure designation and sector.

The EAC Chair serves on the GCC Executive Committee and all EAC Commissioners were established as members of the GCC. Like many members of the GCC, the EAC is seeking security clearances through the DHS and has been assured that the department will be addressing those security requests soon.

Tactically in 2018, the EAC has focused on steps our commission could take to further serve election officials operating in this new threat environment. The EAC gathered election officials, security officials, academics, and federal government partners for an Election 2018 kick-off summit at the National Press Club in January. This event raised awareness of the security preparations election officials had underway and the resources available to the states and localities to help with this critical work. In April, the EAC held a live-streamed public forum expressly comprised of election officials to facilitate the sharing of security best practices among election colleagues

While talking about election security at forums is important, the EAC also knows the importance of training. EAC staff was intricately involved in the establishment of Harvard University's Belfer Center Table Top Exercises, which have since been conducted across the country. During the past year, EAC staff has also developed and presented its "Election Official as IT Manager" training to officials representing hundreds of election jurisdictions across the country, and we are working with the DHS to put this training online through the FedVTE platform so that many more election officials can easily access it.

The EAC also produced a video and supporting meeting materials to help local election officials explain the many levels of election security at their jurisdiction. The video was designed to be viewed at civic group meetings and election worker trainings. It can also be customized by jurisdictions, and some states are tailoring the video to their voters and processes. We plan further work in this regard. In addition, the EAC Commissioners continuously meet with state and local election officials at regional conferences across the country. These visits allow the Commissioners to apprise officials of best practices, promote resources available from the EAC

and our federal partners in agencies such as the United States Postal Service, the Federal Voting Assistance Program (FVAP) within the Department of Defense, the Department of Justice, and the DHS, and hear about and discuss current concerns and topics in election administration, such as contingency planning, accessibility, voter registration, and technology management.

Testing and Certification/Voluntary Voting System Guidelines

The EAC is authorized under the Help America Vote Act to administer federal testing and certification of voting systems. This testing standard is contained in the EAC's Voluntary Voting System Guidelines (VVSG), and vendors may choose to have EAC-accredited and monitored labs test voting systems against these guidelines for certification. The guidelines contain requirements for security, as well as other important components—such as accessibility, usability, and interoperability. In fact, while security is a guiding consideration of certification, so is accessibility for voters with disabilities and those who have limited English proficiency. These considerations are deliberated and developed in public working groups under the direction of National Institute of Science and Technology (NIST), the Director and Undersecretary of Commerce for Standards and Technology of which, Dr. Walter G. Copan, chairs the EAC's Technical Guidelines Development Committee (TGDC). This committee's membership is made up of technical and scientific experts from fields such as security, accessibility, voting machine production, and voting machine use. After development and approval by the TGDC, the voluntary guidelines are submitted to the EAC's Executive Director, provided to the EAC's two other statutory Committees, the Standards Board and the Board of Advisors, published for public comment, and presented to the EAC's Commissioners for consideration and approval.

The EAC recently convened its advisory boards to review and comment on the adoption of the newest version of the voluntary guidelines, VVSG 2.0. Both Boards recommended that the EAC adopt VVSG 2.0. The EAC, however, is currently without its minimum number of three commissioners needed for a quorum to vote on the VVSG.

While the EAC has been hard at work on the newest version of the VVSG, the EAC has not stopped its ongoing work to rigorously review, test, and certify voting machines submitted by vendors. These reviews are referred to as test campaigns, conducted by laboratories certified by the EAC. Once a system successfully completes a test campaign, the results of the campaign are transmitted to the EAC's Executive Director for certification of the voting system to the standard against which it was tested. If the EAC's Executive Director agrees that the voting system has conformed with the standard, it is certified as such and assigned a certification number.

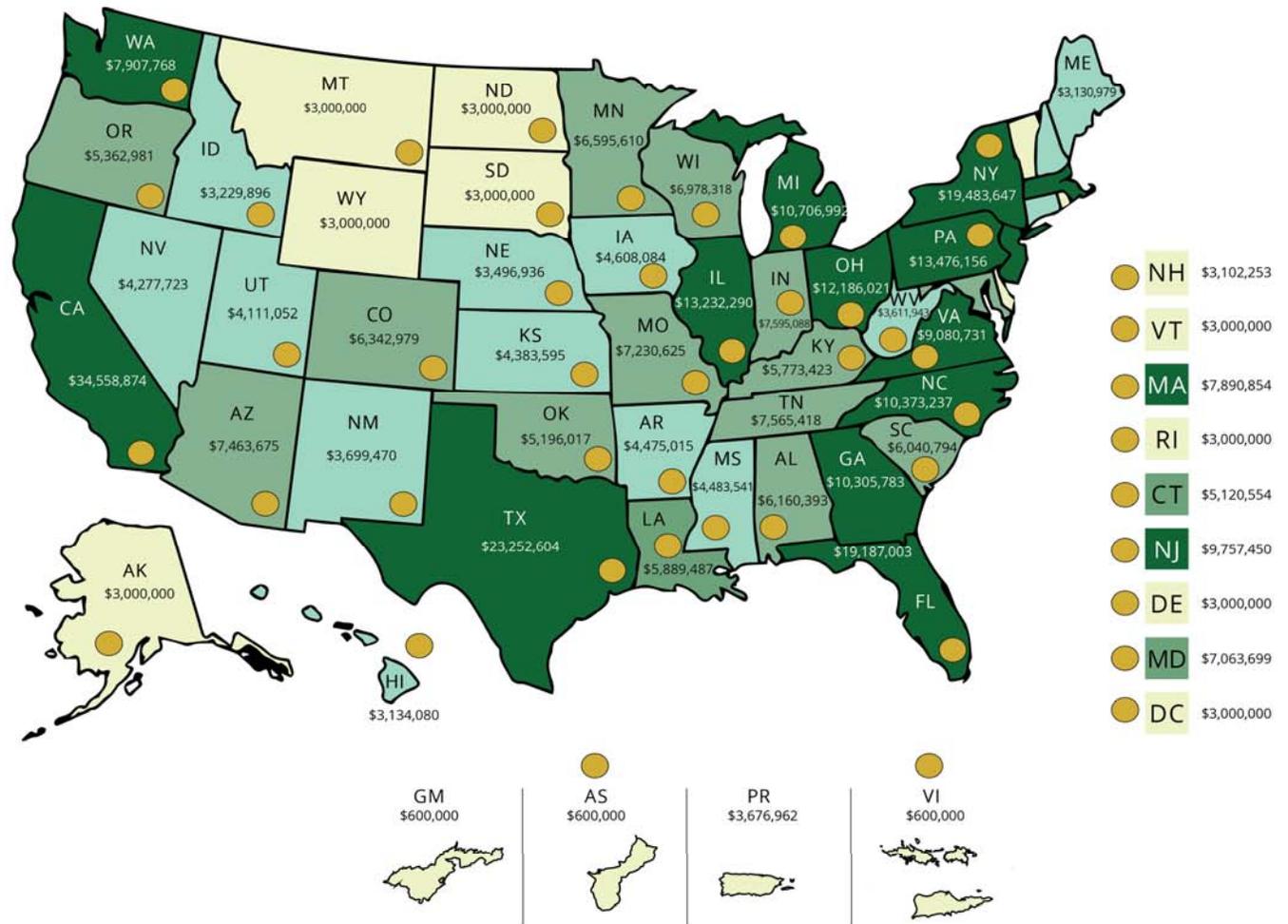
In addition to the actual certification of the voting systems, the EAC's Testing and Certification Program continually conducts quality monitoring of all EAC certified systems and audits the quality of the EAC accredited test labs. Monitoring of the voting systems occurs throughout the entire span of manufacturing and life of service, including manufacturing facility audits, field system review and testing, and field anomaly reporting from manufacturers and election officials.

Conclusion

Senators, the EAC's mission includes supporting election officials across the country with the administration of federal elections, and we endeavor to provide as much support and assistance

as possible to the state and local election officials we serve. The importance of election security and how the newly appropriated HAVA Funds will assist states with meeting these objectives are the Commission's top priority and part of our primary focus. We are honored to support the important and great work carried out by election administrators each and every day. We welcome your feedback, and we look forward to answering questions you may have.

2018 HAVA Funds



Amounts

- \$7.9 - \$34.6 million
- \$5.2 - \$7.8 million
- \$3.1 - \$5.1 million
- \$600K - \$3.0 million

State has requested funds

Revised on July 5, 2018 - 2:00 pm

Election Officials must be experts in...



ADA

Candidates
+
Campaign
Finance

Human
Resources

Provisional
Ballots

Voter
Registration

Security

Military &
Overseas
Voting

Public
Relations

Election
Law

Finance

Scheduling
+ Logistics

Mail

Advance
Voting

List
Maintenance

Signature
Verification

Polling Places
+ Real Estate

Street File
Maintenance

Auditing +
Recounts

Technology

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Executive Summary of Submitted Testimony

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Thomas Hicks
Chair
U.S. Election Assistance Commission

Thomas Hicks was nominated by President Barack H. Obama and confirmed by unanimous consent of the United States Senate on December 16, 2014 to serve on the U.S. Election Assistance Commission (EAC). Thomas Hicks became the Chairman of the EAC in February 2018, a position he will hold for one year. Commissioner Hicks previously served as Chairman of the EAC from February 2016 until February 2017.

During his time with EAC, Commissioner Thomas Hicks has prioritized technology improvements in the nation's election systems and better poll access. Hicks has worked to ensure that election technology purchased using HAVA funds is running to the best possible standards and that all voters – without regard to ability, language, or location – have the same opportunity to cast their ballot. Hicks has also prioritized initiatives such as online voter registration, updating the voluntary voting system guidelines, and improving efforts to recruit more poll workers to serve on Election Day.

Prior to his appointment with the EAC, Commissioner Hicks served as a Senior Elections Counsel and Minority Elections Counsel on the U.S. House of Representatives Committee on House Administration. Prior to joining the U.S. House of Representatives, Hicks served as a Senior Lobbyist and Policy Analyst for Common Cause, a nonpartisan, nonprofit organization that empowers citizens to make their voices heard in the political process and to hold their elected leaders accountable to the public interest. Hicks served in the Clinton Administration as a Special Assistant and Legislative Assistant in the Office of Congressional Relations for the Office of Personnel Management. He served as agency liaison to the United State Congress and the President's Administration on matters regarding federal personnel policies and regulations.

Christy McCormick
Vice Chair
U.S. Election Assistance Commission

Christy McCormick was nominated by President Barack H. Obama and confirmed by unanimous consent of the United States Senate on December 16, 2014 to serve on the U.S. Election Assistance Commission (EAC). Commissioner McCormick became Acting Vice Chair of the EAC in February 2018, a position she will hold for one year.

Commissioner McCormick served as the Chairwoman of the EAC from February 2015 until February 2016. McCormick was the first chair of the agency following a nearly five-year period where there were not enough Commissioners to hold public meetings.

During her time at the Election Assistance Commission, Commissioner McCormick has worked to ensure the accuracy and integrity of American elections while increasing voter participation. As a former overseas voter, she has been a powerful advocate for military and overseas voters, working to ensure they are able to participate in the voting process without delay or difficulty.

Prior to her appointment with EAC, Commissioner McCormick served as a Senior Trial Attorney in the Voting Section of the Civil Rights Division at the Department of Justice. McCormick was detailed by the Deputy Attorney General to be Senior Attorney Advisor and Acting Deputy Rule of Law Coordinator in the Office of the Rule of Law Coordinator at the U.S. Embassy in Baghdad, Iraq from 2009 to 2010, where she worked on the Iraq national elections and on rule of law matters. McCormick was a U.S. elections expert in Iraq observing and monitoring the 2010 Iraq National elections, providing assistance and advice to the Independent High Electoral Commission and witnessing an extensive 12-day election recount. She was a rule of law liaison to the Kurdish Regional Government and a liaison to rule of law advisors at the Provincial Reconstruction Teams.

Prior to joining the Department of Justice, McCormick served as a Judicial Clerk to the Honorable Elizabeth A. McClanahan in the Court of Appeals of Virginia. McCormick was an Assistant Attorney General and Assistant to the Solicitor General in the Office of the Attorney General of Virginia. She was a Judicial Law Clerk in Virginia's Seventh Judicial Circuit Court.