

## **Testimony of Minnesota Secretary of State Steve Simon**

### **U.S. Senate Committee on Rules & Administration**

### **“Election Security Preparations: A State and Local Perspective,” June 20, 2018**

Mr. Chairman, Ranking Member Klobuchar and members of the committee:

Thank you for the opportunity to be with you today. I’m grateful for your willingness to engage on this vital topic, and I’m honored to be part of this bipartisan group of testifiers today.

Election security in general, and cyber security in particular is the most significant threat to the integrity of our election system. I’ve been in this job since January of 2015, and I’m sometimes asked by friends and family what my biggest surprise is about being Secretary of State. My answer is always the same: My biggest surprise is how much of my time and energy (and the time of senior staff) is spent on cyber security.

We are today faced with, not only the possibility, but the very real likelihood that some outside force will again target the instruments of our democracy for espionage or attack. This threat has become part of the American public’s consciousness only in the last few years, most pointedly as a result of the activity surrounding the 2016 election. By now it’s clear that this cyber security challenge is a race without a finish line. We have to stay at least one step ahead of the bad guys all the time – and without end. There is no tape to cross, and no end zone where we can spike the football.

The good news is that Minnesota and other states are more prepared than ever before to confront the threat.

My office began to accelerate our election security work in early 2015. We formed an IT Security Team. We dedicated staff specifically to the modernization and re-coding of existing systems, including our Statewide Voter Registration System, we wrote an emergency response plan, we worked closely with our partners at the county and city levels, and we contracted with a security outside consultant to provide us with an extra set of eyes and ears to explore our possible vulnerabilities. We believe that these efforts paid off in August 2016 when foreign actors tested our defenses, and we expect that our ongoing efforts will be tested again this election year.

According to US Intelligence officials, Minnesota was one of the 21 states in 2016 targeted by hackers acting at the behest of the Russian government. We didn’t learn the specific nature of the attempted intrusion until ten months after the fact, which is when the Department of Homeland Security briefed me, but we know when and how we turned back all attempts to infiltrate our system. Two of the 21 targeted states found themselves in a different position; victims of an actual breach.

With the 2018 election rapidly approaching – Minnesota’s primary is in 55 days and our early voting period opens in just 9 days – I am feeling cautiously optimistic. We believe that we are even better prepared than in 2016 – for several reasons:

- First, the design of our system is sound. We are a paper ballot state. We are proudly “old school.” After a voter fills out a paper ballot, an election judge places the ballot in an optical scan machine. Results from the county and municipal levels are reported to my office via telephone before being uploaded by way of an encrypted system. We then have post-election audits by counties and post-election reviews by our office. The risk to an attack on our vote tally or outcome of our elections is very low and I am confident that votes of Minnesotans will be counted accurately.
- Second, we have benefited from the DHS “critical infrastructure” designation. After a rocky roll-out, that designation has been a success from our standpoint. It has not been an encroachment on state authority over elections, as some feared. It has not resulted in regulation, as some feared. On the contrary, it has provided us with expertise and resources. DHS has helped us, both in person and remotely, to identify potential vulnerabilities and best practices. We have either already implemented DHS suggestions – or we are in the process of implementing them.
- Third, DHS has put together a Government Coordinating Council (on which I sit) to harmonize efforts among various levels of government. For example, the GCC is set to finalize communications protocols so that various units of government encountering possible threats or cyber-incidents can communicate with other units of government.
- Fourth, we now have the attention of you in the Congress, of our state legislature, of the news media, and most importantly, of the American public. Everyone now seems to understand the high stakes.

In Minnesota, the stakes are particularly high because we are the #1 state in voter turnout – with a total turnout of 74.7% of eligible voters casting ballots in 2016. Our people are doers, joiners, and voters. Sometimes I get asked why Minnesota’s voter turnout is so high. I think a few factors contribute, but among them is the high level of confidence that people in Minnesota have in the integrity of our system. Failure to confront election security in general (and cybersecurity in particular) would put that high level of confidence at risk.

These are tough challenges. No election administrator can responsibly say that there is no risk of a breach. I can’t do that, and I won’t do that. There is always the possibility of a breach. But in Minnesota we are optimistic about the active measures we have taken to meaningfully reduce the risk.

I would like to say a word about the funds that you appropriated in late March for state election security measures, as part of the omnibus budget bill. The amount was over \$380 million, of which our share in Minnesota is \$6.6 million. That money will enable us to continue to implement DHS recommendations, to buy software and hardware, and to hire people to secure and modernize our system. At a time when many spending decisions fall victim to partisanship and politicking, it is a strong statement that this funding had broad bipartisan support. I want to specifically thank my senator, Senator Amy Klobuchar, for her efforts and that of her colleagues. Your attention to this issue – truly to defending democracy – will make a lasting and positive difference.

In Minnesota, unfortunately, we'll have to wait a bit. Our state law requires that even when federal money is made available to us, we need to obtain legislative approval to access the funds. We sought two sentences of authorization language from the legislature this year, but some legislative leaders chose to take a risky path – with the predictable and utterly avoidable result that the authorization language did not survive the legislative process. So, we will have to wait to use that money until after the 2018 election – presumably when the legislature convenes next January.

Going forward, we will continue to need your partnership.

We will need resources to strengthen and extend the protections to our election security. More software, hardware, and human expertise will be essential. And expensive. Any ongoing federal resources would be appreciated – and would be put immediately to work.

We would also benefit from expertise. To that end, I urge support for the Secure Elections Act. I had the privilege of joining my Senator (Senator Klobuchar) along with Senator Lankford (and a few other Secretaries of State) recently in the Capitol Building to provide feedback on the legislation. I do support the bill. It recognizes the very real threat that we face; the threat that you and your colleagues have already acknowledged. It would provide floors (not ceilings) for state action to secure elections. It would provide guidelines and best practices that reflect the very real federal interest in ensuring that all elections in all of the states are administered with care and skill. I think the latest version of the bill strikes the right balance – by ensuring state control of elections, but with reasonable and measured help from the federal government.

I like to say that I am in the democracy business. As United States Senators, there are few who truly understand and live this concept as completely as you. This is where serious business is done for the American people -- and there is nothing more serious in the 21<sup>st</sup> Century than defending democracy; defending the American way of life. Strong forces around the world seek to undermine us at every turn. I will continue to urge this body to put country over party, as you did when you made available these election

security funds. I am depending on your continued investment, as are my fellow Minnesotans and our fellow Americans.

Again, thank you for inviting me to testify today. I look forward to our continued partnership.