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OVERSIGHT OF THE U.S. ELECTION ASSISTANCE COMMISSION

HEARING

BEFORE THE

COMMITTEE ON RULES AND ADMINISTRATION UNITED STATES SENATE

ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

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OVERSIGHT OF THE U.S. ELECTION ASSISTANCE COMMISSION

WEDNESDAY, MAY 15, 2019

UNITED STATES SENATE,
COMMITTEE ON RULES AND ADMINISTRATION,
Washington, DC.

The committee met, pursuant to notice, at 2:39 p.m., in Room 301, Russell Senate Office Building, Hon. Roy Blunt, Chairman of the Committee, presiding.

Present: Senators Blunt, Fischer, Klobuchar, Durbin, Udall, and King.

OPENING STATEMENT OF HONORABLE ROY BLUNT, CHAIRMAN, A U.S. SENATOR FROM THE STATE OF MISSOURI

Chairman BLUNT. The Committee on Rules and Administration will come to order. Glad to welcome today our witnesses.

This is an agency that is responsible for promulgating Voluntary Voting System Guidelines, certifying election systems, and assisting state and local election officials with information they need to run America's elections. The EAC can play an important role in assisting state and local election officials efforts to provide an accessible and secure election process. I think we all understand that the secure part and the reliable part of that election process is increasingly more important.

As we look back at the 2016 elections and then the 2018 elections, we were all reminded of how important it is that people believe that what happened at the voting place on election day is what really happened. You and I, and our Committee, working with the state and local election officials can have a big impact on that. A lot of the EAC's responsibility up until now has been largely without the kind of connections that I would hope to see more of, the money distributed under the Help America Vote Act was largely distributed in a per capita basis, without much indication as to what should happen with it, but this Commission as it was constituted, did distribute $380 million in grant money to the states that was included in the Fiscal Year 2018 spending bill. The agency's efforts have been important there and in trying to become that interface between the Federal Government, and state and local officials, as we try to be sure that we create cyber confidence, that we create cybersecurity, that we are sure that everybody that needs to talk to everybody is able to do that, and we have thought about that in advance.

This is the first time in nearly 10 years we have a full slate of commissioners. I think a great obligation on our Committee but

also on the Commission itself is to function with renewed vigor. Four EAC Commissioners are in place today. Their job is to, again, update the progress to give us what is happening with the Voluntary Voting System Guidelines, the agency's work, what are you doing to ensure that election officials around the country have the information they need, and that we are doing all we can to help them prepare for the 2020 elections. I think this role can be important.

I hope that the agency can live up to its potential, and if it cannot live up to its potential as it is currently constituted, that is something else that we should think about. But again, thanks to all the Commissioners for being here with us today. The new Chairman, Christy McCormick, the Vice Chairman Benjamin Hovland, no stranger to this Committee, Commissioner Don Palmer, and former Chairman and Commissioner Thomas Hicks are all here with us today. Senator Klobuchar.

OPENING STATEMENT OF HONORABLE AMY KLOBUCHAR, A U.S. SENATOR FROM THE STATE OF MINNESOTA

Senator KLOBUCHAR. Thank you very much, Mr. Chairman. Thank you, welcome to all of you, especially welcome back the Vice Chair. I think the last time I saw you here, there was some child involved in your confirmation hearing. For the first time as the chairman noted, since 2009, we have all four commissioners serving, which we are proud that we were able to get that done, so thank you.

Operating at full capacity means that the EAC must have effective management, and I know that each of you and the staff at the Commission are working closely with states and other Federal agencies to prepare for the upcoming elections.

It is vital that we work together on a bipartisan basis because election security is our country's security, and it does not matter if you are democrat or republican, you want to make sure that our elections are free of foreign influence. Recent news that Russian hackers successfully accessed election systems in two Florida counties. We just saw something on that this week where the Florida officials, the Governor and others, have been briefed by the FBI. It shows us that the interference we saw in 2016 and the ongoing threats to our elections are real and require a united front.

These threats point to why the work of the EAC, the only Federal agency whose sole mission is to improve elections, is so important. Russia invaded our democracy. They did not use bombs, jets, or tanks. Instead, they planned a mission to undermine our foundation. Special counsel Mueller concluded that Russian interference in our democracy was in "sweeping and systemic fashion." Russia conducted sophisticated influence operations noted in the Mueller report, hacked political committees and campaigns, targeted election administrators, and even private technology firms responsible for manufacturing and administering election systems.

In Illinois, the names, addresses, birth dates, and partial Social Security numbers of hundreds of thousands of registered voters were exposed. Intelligence officials from the Trump Administration continue to warn that our elections are a continued target for our adversaries. So, we have a common set of facts about what hap-

pened, and we know there is a continued threat. What we need to do now is to figure out how we are going to address it with a common purpose and prepare for the next election.

As we all know, right now 40 states rely on electronic voting systems that are at least 10 years old. I don't have to mention that because of course our adversaries already know it. 12 states have no or partial paper ballot backup, so if something happened in one county in a closed state or in one state, an entire Presidential election could be up in the air and we then would not be able to prove what happened if we have no backup paper ballots. 16 states have no statewide audit requirement. These statistics are alarming because experts agree that paper ballots and audits are the baseline of what we need to secure our election systems.

Thankfully some states are moving forward, updating in part because we work to secure the Federal money, in part because some of the states are acting on their own. All 50 states have submitted plans for how they plan to spend the grant funding and the Commission played a critical role in ensuring states received their funding as quickly as possible. From what I understand, states have spent about 30 percent of the fund so far and they are on track to spend the rest before the 2020 elections. The $380 million was a good start but let us remember that it was 3 percent of the cost of one aircraft carrier. We were disappointed that the Elections Security Act did not advance to the floor.

Senator Blunt tried his best to do that, and Senator Lankford and I as well as the other co-sponsors including Senator Burr and Senator Warner would really like to see that bill advance. The next elections are 538 days away, with the first primary in just 264 days—but who is counting. Every day we fail to take action to pass election security legislation is a wasted opportunity to make critical improvements to protect our democracy. I look forward to hearing from all of you about what we can do together. Thank you.

Chairman BLUNT. Thank you, Senator. Chairman McCormick we are going to let you—I believe you are going to give opening remarks for the entire Commission. I will note that your prepared remarks are in the record, but you can share those remarks in the next 5 minutes with us however you want to and then we will go to questions.

OPENING STATEMENT OF CHRISTY MCCORMICK, CHAIRWOMAN, U.S. ELECTION ASSISTANCE COMMISSION; ACCOMPANIED BY THOMAS HICKS, COMMISSIONER, U.S. ELECTION ASSISTANCE COMMISSION; DONALD PALMER, COMMISSIONER, U.S. ELECTION ASSISTANCE COMMISSION; AND BENJAMIN HOVLAND, COMMISSIONER/VICE CHAIR, U.S. ELECTION ASSISTANCE COMMISSION

Ms. MCCORMICK. Thank you. Good afternoon Chairman Blunt, Ranking Member Klobuchar, and members of the committee. Thank you for the opportunity to testify before you this afternoon to detail the vital work of the U.S. Election Assistance Commission, better known as the EAC.

I am pleased to appear alongside my fellow commissioners to discuss the EAC's work to fulfill its mission as prescribed by the Commission's enabling legislation, the Help America Vote Act of 2002,

or HAVA. While we each took diverse paths in coming to the EAC, we are in lockstep when it comes to this message: the Commission is as needed today as it has been at any other time since it was established, and we are at a critical crossroads with regards to having sufficient resources necessary to better support state and local election administrators and the voters that they serve. During the past year in particular, the leaders of this committee and other stakeholders have publicly echoed that same sentiment and voiced support for the EAC.

We are emboldened by your confidence in our work as well as your continued support for our mission. Our intent is to harness your energy and feedback we hear each day from election officials across the Nation to ensure that the EAC has all of the resources it needs ahead of 2020. We are committed to maximizing our impact ahead of the next Federal election and providing services that not only meet but exceed expectations of those who are counting on us to do our job. With regard to doing our job, we have included a copy of the Commission's 2018 annual report with our written testimony. In it are details of the Commission's robust achievements from last year, work accomplished by a small but talented and motivated staff who are firing on all cylinders to fulfill the EAC's mission. They not only do their own full-time jobs, but they are often called upon to pitch in whenever and wherever needed across our various programs, and they have willingly stepped up to the plate.

The commissioners sincerely thank each member of EAC staff for their hard work and dedication, and we appear here today in part to stress the importance of their efforts and the need for additional resources to secure their sustainability. While 538 days remain until the 2020 Presidential election, the first Federal—but who is counting—the first Federal Presidential primary is just 7 months away and election officials across the Nation are administering state and local elections now.

As you have noted, the EAC is the only Federal agency solely devoted to supporting those officials in this work and helping America vote. HAVA established the EAC to serve as the Nation's foremost clearinghouse in elections; to conduct original research, such as the election administration and voting survey that informs ways to improve election administration; to establish Federal voting system testing guidelines and operate the Federal Government's voting system certification program; to administer Federal grant funding to states; to improve election administration and to help America vote. These resources give election administrators the tools they need to carry out secure, accurate, and efficient elections.

The EAC's work also helps to ensure that all eligible Americans have the opportunity to vote privately and independently, to cast a ballot with confidence, and to know that the vote will be counted securely and accurately. Election security is a theme that continues to shape the national conversation about election administration, especially as we look ahead to 2020. Federal law enforcement and intelligence officials regularly remind us that the threats election administrators faced in 2016 and 2018 remain today and are likely to intensify in the months and years ahead. We take seriously the fact that voter confidence is enhanced when we adequately prepare

for and respond to challenges such as election misinformation campaigns, persistent attempts to breach election systems and voting registration databases, and other very real threats.

As the agency best positioned to communicate directly with election officials across the country, the EAC played an early and leading role in establishing trust and open lines of communications between state and local leaders, and the Federal Government entities that work on election security. The EAC drove the development of the election security working group that eventually became the sub-sector's Government Coordinating Council, or GCC, and I currently sit on that Council's executive board. In addition to the EAC's work with the Department of Homeland Security to establish the GCC, the Commission played an integral role in establishing the Sector Coordinating Council comprised of private election equipment manufacturers and vendors.

We have taken a multi-faceted approach to helping state and local election officials strengthen their election security. This work includes testing and federally certifying voting systems, providing hands-on security and post-election audit training across the country, producing security-focused resources, disseminating security best practices information, and checklists to state and local election officials, as well as hosting widely attended forums that feature security experts as speakers.

I see that my time is up. I can finish this statement, or we can go straight to questions, whichever you prefer.

Chairman BLUNT. Go ahead and take another minute to wrap up your statement.

Ms. MCCORMICK. Okay. The EAC does not have full time employees devoted to these new components of providing election security support. In fact, the EAC's Inspector General highlighted this staffing issue as a significant management challenge in 2018.

At this time, existing staff in conjunction with their other full-time responsibilities, have been tasked with interacting with the agency's external partners to identify resources and materials that might be useful for election official stakeholders. With additional resources, the EAC would have the opportunity to fund additional election security activities within its election technology program. There is no shortage of ambition at the EAC when it comes to supporting this work but there is a stark shortage of funds for such activities. This shortfall means the Commission faces tough programmatic choices each and every day, and we hope you will consider that as you continue to work on next year's appropriations bills.

And I will just wrap it up there. There is much more to our statement, but with the recent establishment of a quorum of commissioners, the EAC is ready for its next chapter. My fellow commissioners and I look forward to working with Congress as we continue our efforts to help America vote. We are happy to answer any questions you have following today's testimony.

[The prepared Statement of Ms. McCormick was submitted for the record.]

Chairman BLUNT. Well thank you and we do have your statement in the record. I do not know that we have sat down as a group since the November 2018 elections. Give me a sense, and any

or all of you can do this, give me a sense of how your interaction with state and local officials was different in 2018 than it was in 2016, and part of that may be because of what you know and part of it may be because of what they knew they should be concerned about that they might not have had quite that same level of concern in 2018. This is not designed to be critical of anything you did in 2016 but how would you see the landscape on both ends of the Commission communication with state and local officials changing over that 2 year period of time?

Ms. MCCORMICK. Well we have seen, you know, Federal partners come together to bolster the elections community, and communications, I think, have increased greatly between the state and local elections officials and other Federal partners, both through the GCC and through our FACA groups. I think also that this is just on the top of everyone's concerns is to make sure that the elections are secure and that we are communicating any threats or concerns and ways that we might mitigate them going forward.

So, there is just a lot more exchange of communication. We have a lot more work to do with communication, but it has greatly improved since 2016. The EAC has always been in communication with our state and local election officials but now with the addition of the Department of Homeland Security, the FBI, the Office of the Director of National Intelligence, and other intelligence agencies it is, I think, a much more coordinated effort to address some of the concerns that we have over threats to our election systems.

Chairman BLUNT. Anybody else want to address that?

Mr. HICKS. Thank you, Chairman. I think that in 2016, as the chairwoman stated, we did go through a little bit of a communications lapse. I think that with 2018, with the EAC's help, I believe that we achieved a lot more communications between the states. We have always had communications with the states themselves, but I think of it as there was a lot more suspicion in 2016 of the Federal Government and the thought of its takeover of elections but I think that we were able to alleviate a lot of that concern.

I think that this committee did a great job in allocating the $380 million to the states. They have stated to me, because we have gone around this country, the money would improve the process immensely, but it was a great down payment. They are looking to replace voting equipment. They are looking to replace election night reporting equipment. They are looking to replace registration equipment, and that requires resources. So, I think that as we look toward 2020, we want to continually have communications with the states but also ensure that they still have some skin in the game as well, and that was required with the 5 percent match, but also to ensure that we continually work together.

Chairman BLUNT. What about one of the questions and concerns we had near the end and after the 2016 election was the clearance relationship between state officials, critical local officials, and Homeland Security. Have we done anything to work on that where people, if they need to ask a question or need to be told specific information, are more likely to be told that than they would have been at an earlier time?

Ms. MCCORMICK. The Department of Homeland Security has been sponsoring getting clearances for state and local election offi-

cials. They have got, I think, three for each state at this point. We each have now finally gotten interim clearances. Commissioner Hovland has had his clearance from his time in the Senate. The rest of us are in the process of getting full clearance and we finally—I got mine just a couple of weeks ago. I got interim clearance.

So, we are finally getting some more visibility on what is going on. We had not had clearances prior to just last month at all so hopefully that will help the situation. I know the Department of Homeland Security has been working on that. Also trying to get clearances for local election officials as well. So, I think that will help the situation.

Chairman BLUNT. Mr. Hovland, since you have had clearance the longest, on this issue is there a level of clearance that state and local officials can get that is not the clearance that the Commission has worked all this time now to get but can get in a way that allows enough sharing so that they know what they should be concerned about?

Mr. HOVLAND. Thank you, Chairman Blunt. I would say that—so the Department of Homeland Security to my understanding is getting state and local officials in at the secret level which is where we are targeted at. For your information, I was actually downgraded from when I was at the Senate. I do think it is unfortunate, but I really do think the bigger issue is about declassification. I know that has been talked about a lot but being able to get actionable information to state and local officials in a way that they can use that. There have been 1 day read-ins. Certainly, where we are today is a much better place and so far beyond where we were in 2016.

The Government Coordinating Council, the ability to have conversations with our Federal partners, with the Department of Homeland Security, with the intelligence community, and state and locals in the room has gone a long way to improve that communication. But again, I think, as Senator Klobuchar highlighted, the recent examples of Florida show that there is more work to be done and we hope to help push that ball forward.

Chairman BLUNT. Well, thank you. Obviously we are going to take time and have time for more than one round of questions, and I will come back with other questions later.

Senator Klobuchar?

Senator KLOBUCHAR. Thank you very much, Mr. Chairman. Last month the Special Counsel's report concluded that Russia interfered in our election, as I noted in my opening, in a sweeping and systematic fashion. Among Russia's many targets were individuals and entities involved in the administration of our elections. Do you accept Special Counsel's Report, the part of the report that says that Russia interfered in our elections and that our elections remain a target for adversaries as the FBI Director has said as well as Director Coats. Could you each answer that question, commissioner, chair?

Ms. MCCORMICK. Thank you, Senator Klobuchar. Yes, of course we accept that, and we do acknowledge that Russia attempted and has interfered in our elections in many different ways, through social media and fake news, through trying to get through our reg-

istration systems. Fortunately, they did not get to our actual voting systems but that is something that we have to be especially concerned with that we keep those systems protected. But yes, we agree that that is what happened.

Senator KLOBUCHAR. Thank you. Just short answers.

Mr. HOVLAND. Absolutely.

Senator KLOBUCHAR. Okay.

Mr. PALMER. Yes.

Mr. HICKS. Yes.

Senator KLOBUCHAR. Okay, thank you. Do you agree that states need modern voting machines that produce a voter verified paper ballot? Everyone? Is there anyone that disagrees?

Ms. MCCORMICK. Yes, that is a best practice that we encourage.

Senator KLOBUCHAR. Okay. I guess you can just tell me if you disagree. Anyone.

Mr. HICKS. The only piece I would add to that is to ensure that those folks who have disabilities can still vote independently and privately.

Senator KLOBUCHAR. Very good point. Alright, Okay. Anyone disagree that post-election audits are an important way to confirm the results of an election?

[No response.]

Senator KLOBUCHAR. No disagreement? Okay. Do you think we should have better information sharing with the states after what we just found out about Florida which was 2 years after the election? Anyone disagree with that?

[No response.]

Senator KLOBUCHAR. Okay. Good. These are more specific questions about the EAC. Yesterday, Senator Coons and I led a letter expressing concerns about the lack of technology experts currently employed by the Commission. The EAC's Acting Director of Testing and Certification quit. I understand that a new Director was suddenly appointed and that the Commission just announced two additional hires. However, reports indicate that the new Director of Testing and Certification will be working full-time from Colorado. Do you anticipate any issues arising from the fact that the person in charge of certifying our election equipment will be working nearly 2,000 miles from EAC headquarters, commissioner, chair?

Ms. MCCORMICK. I do not expect there to be issues. He is going to be located near one of our testing laboratories and in this day and age there is no reason why we cannot conduct business from different parts of the country, which we do already.

Senator KLOBUCHAR. Okay. Anyone want to add to that?

[No response.]

Senator KLOBUCHAR. Okay. Part of the EAC's mission is to develop standards for voting equipment and those standards are then used to certify the machines that are then used in our elections. You are in the process of updating the standards of Voluntary Voting System Guidelines and will soon vote on the high-level principles that will guide the development of the technical certification requirements. I am aware there is some debate over whether the EAC's technical requirements, which are the intricate mechanical parts of the requirements, should also require full vote by the commissioners. I know that some of you have said that the technical

requirements amount to policy and should be voted on by the commissioners.

I am worried about a scenario where the guidelines don't keep up with the advancements in technology and cybersecurity best practices. The guidelines, as you know, have not been updated in years and every voting machine certified by the EAC has been certified against a standard that was developed in 2005. The Standards Board and Advisory Board as well as a National Association of Election Directors have all strongly recommended that the EAC allow these technical requirements to be updated without a vote from every commissioner. Before you vote on the VVSG 2.0, would you support a policy that allows EAC technical staff to work with outside experts to update the technical certification requirements without requiring a full commissioner vote on every change?

Ms. MCCORMICK. Thank you for the question, Senator. We are waiting on a legal opinion on whether that complies with HAVA. I think that is important. Also, with the Administrative Procedures Act, there needs to be a way for positions to be appealed under the APA. We are not sure exactly how that applies with the Voluntary Voting System Guidelines. I believe that we need to have oversight. I believe that is why Congress put the Commission in place——

Senator KLOBUCHAR. So, if they ruled that it was okay under HAVA, then would it be alright?

Ms. MCCORMICK. I would have to take a look at that. I do not know at this point. I tend to think that we should follow the process that has been set forth in HAVA provided by Congress.

Senator KLOBUCHAR. Yes, but what if they said it was okay, you know, under HAVA? The legal opinion?

Ms. MCCORMICK. I would have to take a look at that, Senator.

Senator KLOBUCHAR. Okay. Anyone else? Mr. Hovland.

Mr. HOVLAND. Two points I would add to that or just, you know, first of all the Voluntary Voting System Guidelines are voluntary for the states to use and so I think it is crucial for us to provide a product that they want and that they will use. That is how we have realized the full benefit of the Voluntary Voting System Guidelines. I will say I think we should strive to produce that product but a lot of the criticism as well or as far as people wanting us to not vote on it is related to the fact that we have lost a quorum over the years, and I would just flag that my seat was vacant for 9 years, 11 months, and 7 days. I am hopeful that we do not lose a quorum for that long in the future.

Senator KLOBUCHAR. Okay. Very good. Just one last question on this. Commissioner Hicks, should the EAC update its policy to include a sunset on the use of old standards in certifying voting equipment? What do you think?

Mr. HICKS. I would think that we would look toward ensuring that, as Commissioner Hovland stated, that these are voluntary guidelines. So, if a state is still using the same systems under those guidelines, then they should still be certified to those guidelines. Then if we are going toward new equipment, then that new equipment should be certified to the new standards.

Senator KLOBUCHAR. Alright, thank you.

Chairman BLUNT. Senator King?

Senator KING. Chair, am I correct that voter registration systems are entirely exempt from your purview and recommendations? Is that correct?

Ms. MCCORMICK. We provide best practices, but we do not certify voter registration systems. That is correct.

Senator KING. So, you supply voluntary best practices. Don't you think that registration systems and voting systems are inextricably intertwined? Perhaps you could write a recommendation to this committee that we might want to consider further discussion of the issue of the security of registration systems. Anybody?

Mr. PALMER. Senator, I think that is a great idea. Coming from the state——

Senator KING. Could the record show what he just said, I like that. Go ahead.

Mr. PALMER. Coming from the state, the states are obviously very interested in making sure that their statewide voter registration systems are secure and accurate pursuant to HAVA.

EAC has conducted a number of studies on interoperability and accuracy about registration systems. It may be something that the EAC could play a role in auditing and providing some recommendations to the states but that would require a change to HAVA to allow the EAC to play that role. I believe we are a trusted actor. You know, dealing with states and as a former Director and Secretary in Virginia, I believe that that would be sort of a positive approach that the EAC could take. I believe it that that is a good idea.

Senator KING. Thank you. Madam Chair, how many full-time people do you have working on certification of voting machines?

Ms. MCCORMICK. Right now, we have two. We have just hired two more. One has resigned, effective at the end of this week, so we will have three.

Senator KING. The ranking member mentioned you are certifying to a 2005 standard. Is that true?

Ms. MCCORMICK. So, the Voluntary Voting System Guidelines were originally created in 2005, which we call VVSG 1.0. When Commissioner Hicks and I joined the Commission, the Commission at that time in 2015 passed an update to that set of requirements since they had not been updated in a long time——

Senator KING. Was that what is being used for current certification?

Ms. MCCORMICK. So, no manufacturer has brought in a system to be certified under what we call 1.1, and we are in the process of setting the new standards 2.0, but all of the systems out there now are certified to 1.0 and not to 1.1.

Senator KING. Which is 2005?

Ms. MCCORMICK. Correct.

Senator KING. Do you think that is a problem?

Ms. MCCORMICK. Yes, we do.

Senator KING. Thank you.

Ms. MCCORMICK. We are trying to remedy that, Senator.

Senator KING. There was an Office of Personal Management review of the operation of the EAC in September through February 18. Without going into the content, are you all aware of that study?

Have you seen copies of it? Has it been distributed to senior management in the agency?

Ms. MCCORMICK. So, we were provided a redacted copy last week. When Senator, or excuse me, when Commissioner Hicks and I——

Senator KING. When was the study completed?

Ms. MCCORMICK. I am not sure exactly. Some time in the past year.

Senator KING. February 2018. Why in the world did it—the mail is not that slow. Why did you get it last week?

Ms. MCCORMICK. No, well we—the commissioners do not have any part of hiring at the Commission. That is the purview——

Senator KING. But are you concerned with how the agency is managed, are you not?

Ms. MCCORMICK. We are and we asked for the Executive Director to partner with OPM to review the resources that we had available to us, which are obviously much fewer.

Senator KING. So, when did the Executive Director get the study?

Ms. MCCORMICK. That I do not know.

Senator KING. Would you like to know?

Ms. MCCORMICK. Sure.

Senator KING. Does it not bother you that you just got it last week and it was completed in February. That strikes me as——

Ms. MCCORMICK. He told us that he had received it and that they were working on the recommendations.

Senator KING. But he didn't give you a copy?

Ms. MCCORMICK. No.

Senator KING. I do not understand that as you are the manager of the Board of Directors of this organization. To not care about a major study on the operation of the organization, which to my understanding was not very complimentary.

Ms. MCCORMICK. Well we were briefed on what he was doing, and we do not involve ourselves in the hiring process. HAVA, specifically——

Senator KING. This is not hiring, this is managing. I am not talking about the hiring——

Ms. MCCORMICK. It has to do with restructuring the personnel in our office and I feel that that may have some political implications and we thought that it was best to leave it up to the Executive Director to decide that. He manages the staff on a day-to-day basis, we do not, and it is not policy.

Mr. HOVLAND. I would add, I was asking for that and was glad to finally receive it. We previously——

Senator KING. Instead of current events, it is now history.

Mr. HOVLAND. I think one of the important things or one of my big takeaways on it was that both the OPM flagged that, No. 1, that we don't have the resources we necessarily need to meet our statutory obligations.

Senator KING. Yes, three people to certify all the voting machines in America doesn't sound like adequate staff to me.

Mr. HOVLAND. That is correct Senator. The other part I would add is that while I think there are important things in that report that we should address and absolutely need to be held accountable for, I think one of the real challenges that our agency has faced is

for the better part of the last decade we have been a political football and we have had our funding continually cut.

And when you look at, actually Mr. Chairman, I was in Kansas City last week and I was telling someone about the status of our budget, our operating budget, was $7.95 million for this Fiscal Year and they could not believe it, and they said, we spend $8 million on potholes in Kansas City. I thought that cannot be true, so I Googled it, by the way there is a lot out there on potholes in Kansas City, but they are on top of it. They are doing a great job, but they recently upgraded their budget to $17 million for street maintenance in Kansas City.

And that is a little bit beyond potholes, that is also mowing and things like that, but the point is, what we are working on and what we are working on with our state and local partners is the infrastructure of our democracy. What we need is an investment from Congress to help us do that work and to be able to restore us to the levels we were at in 2010 where we had 49 employees. That gives us so much more capacity to help state and locals do the extremely difficult job they have.

Senator KING. I appreciate that and I will support that.

Mr. HOVLAND. Thank you.

Senator KING. Thank you. Thank you, Mr. Chairman.

Chairman BLUNT. Thank you, Senator King.

Senator Durbin?

Senator DURBIN. Thank you, Mr. Chairman. Sorry I was late, but ironically I have been at an intelligence briefing and a large part of it has been about the Russians invading our election machinery. So, it seems like it is my day on Russian involvement in our elections. We take this pretty personally in Illinois. In June 2016 the Russians hacked into our voter file.

Fortunately for us, they did not pull off any tricks to make it tough for people to vote but we know it happened. It has been verified now and reported publicly, and we knew it at the time. So, it was possible, and it happened, and it could have made it extremely difficult for innocent people, legally entitled to vote, to exercise their right to vote in 2016. They did not. We do not want them to ever do that again. What I learned this morning was that since the middle of 2017, with a very modest down payment, we started intelligence efforts to stop them from making a mess of the 2018 election and of course 2020, with some success in 2018, the whole story has not been publicly reported but we made pretty substantial investments understanding that they were investing everything they could to try to undermine our election process.

There are a number of bills that are pending before Congress, and I think some of them before this committee, on the subject of election integrity. Mr. Chairman, I was not here at the beginning. Are we going to be marking up any of those bills on election security?

Chairman BLUNT. It was not a topic of discussion today but at this point I do not see any likelihood that those bills will get to the floor if we mark them up.

Senator DURBIN. Why?

Chairman BLUNT. The same reason we could not get our bill to the floor last year.

Senator DURBIN. Which is?

Chairman BLUNT. I think the Majority Leader just is of the view that this debate reaches no conclusion and frankly I think the extreme nature of HR1 from the House even makes it less likely that we are going to have that debate.

Senator DURBIN. Well I would hope——

Chairman BLUNT. But we are having this hearing. We are talking today how we interface with state and local officials who do have this responsibility to conduct elections, and I think we should have that.

Senator DURBIN. I thank you for that. I hope you catch the irony here that at the CIA and intelligence agencies millions of dollars are being spent to stop the Russians from making a mess of the 2020 election, and yet in the U.S. Senate we cannot bring a bill to the floor to be even debated. Does not speak very well of us. I mean I think the Mueller report was right. It was sweeping and systemic and Illinois is evidence of it, and they are coming at us again. They may not be alone in their efforts, and shame on us if as elected members of the Senate we can't even bring the matter to floor for vote or debate.

I think we have an obligation, more than anything, to make sure that the integrity of our elections and democracy is protected. So, several years ago, I had an opportunity to travel as Chairman of the Subcommittee Judiciary and my topic was voter fraud. I went to Ohio and I went to Florida. In both of those states, I convened a hearing and I brought in election officials from both political parties, put them under oath, and asked them the following question. What is the incidence of voter fraud in your state, Ohio, Florida, what is the incident of voter fraud in your state which led you to decide to require voter IDs and to limit the opportunities, at times, when people can vote? And the answer from Republicans and Democrats alike in both states was the same, none.

No prosecution for voter fraud in either of those states. Maybe one. No incidents of voter fraud reported and yet there is a movement in this country sponsored by groups like ALEC to make it more difficult for people to vote. To limit the opportunity period to vote. To require voter IDs without any evidence that there is voter fraud of any magnitude going on today. So, I ask anyone of you if you believe that there is evidence of widespread voter fraud in any state that you have come across now that would lead you to believe that we need to restrict the opportunities for people to vote in this country?

Mr. PALMER. Senator Durbin, the EAC is—our job is to help the states, to help voters vote. That is our mission. There may be incidents of voter fraud, there may be incidents of cyber intrusion, and that dramatically hurts voter confidence. It makes our job tougher, but we are going to strive, and I know that as we go across the country, we are hardening our electoral systems across the country and we are preparing, as we did in 2018, for 2020. Our job is to try to mitigate these concerns of the voter confidence so they can have confidence in our systems.

Senator DURBIN. I want the machines to work. I want to be confident in the results that come out of the machines, but I want to give the average American who has a life to live, maybe a job to

go to, children to care about, an opportunity to vote that is easier rather than harder. I do not know why we make it more difficult across this country for people to vote, particularly when there is no evidence of widespread voter fraud. There is a fellow Professor named Justin Levitt——

Senator KING. Except in North Carolina last fall.

Senator DURBIN. That is true. Justin Levitt found 31 incidents of voter fraud out of hundreds of millions of votes casts since 2000. So, all this talk now you need an ID card, now you can't vote on Sunday before the election, now the early voting period is going to be restricted. Why? Why are we doing this in this country?

I mean I am a politician who submits my name to the voters in Illinois. So far they kind of like me but they may decide the other way. If it is a fair and free election, I accept the outcome but restricting people's opportunities. We may have the best machines in the world but if people cannot get in to vote and there is an opportunity to vote, shame on us again. I think that is the bottom line here as far as I am concerned. Thank you, Mr. Chairman.

Chairman BLUNT. Thank you, Senator. Senator King, I would point out that the last time a member of the House of Representatives wasn't seated because of voter fraud was about 90 days ago. So, there is voter fraud. The last election we had have over in Missouri because of voter fraud——

Senator KING. Yes, but the North Carolina specifically.

Chairman BLUNT.—was about 18 months ago. All of us don't have the benefits of the clean history of Illinois elections and we have to try to live with that. Back to my questions, what is the difference—just to be sure I am clear on this, and I do not disagree with the idea that we should have some advice to give, maybe even certification of registration systems—but explain to me the Voluntary Voting System Guidelines. How is that different from best practices since it is voluntary—Voluntary Voting System Guidelines is the certification, the stamp of approval, that you give a voting systems services company, is that the key there? Nobody has to follow that but is the theory that nobody would buy a system that didn't meet these Voluntary Voting System Guidelines? I am just trying to figure out the difference in that and best practices on the voter registration front.

Mr. HOVLAND. I am happy to jump in there. So, yes, the Voluntary Voting System Guidelines are, as they say, voluntary. Now after HAVA passed, a number of states did adopt laws to say that they needed to use machines that were certified under that program. That is certainly part of it, but we have seen some states also create their own testing and certification programs either to supplement our existing programs, and then some states, all states are certainly, depending on their state law, are free to purchase equipment, regardless of whether it has been tested to that program.

One thing I would flag though, as it relates to statewide voter registration databases, is that the Help America Vote Act was the impetus for people to create and adopt statewide voter registration databases across the country, and so while voting machines existed when that law passed, very few people had statewide voter registration databases. I think to Senator King's point, you know, and

we are happy to provide best practices around those systems and, or securing them, but I would say that there has not been necessarily a congressional look at that since HAVA passed, and that would be a historic change since that legislation.

Chairman BLUNT. Mr. Palmer, you said you thought it would be a good idea to look at, I guess you are talking about statewide systems. Do you also think it would be a good idea to have guidelines for local voter registration systems, which are generally the ones, I think, that are used on election day?

Mr. PALMER. My first instinct is to respond, I think that as I look at the infrastructure across the country and the EAC potentially reviewing voter registration systems or electronic poll books, we need to take baby steps with this. My initial view would be, let us see how it works as we work with states and, you know, we are taking a look at voter registration systems before we also look at county voter registration systems. I would urge caution and sort of baby steps in this area.

Ms. MCCORMICK. Chairman Blunt, if I could clarify. There is a difference between requirements under the Voluntary Voting System Guidelines and best practices. Requirements are what we use to inform the manufacturers of the standards they have to meet to get certification. Because we have a national standard, almost all the vendors will design their systems to meet those requirements, whether the states require them or not. They are voluntary for the states to adopt or not adopt, but in fact what ends up happening is that the vendors all design their systems to our requirements so that they can get certification. Best practices are what we compiled from the states on how elections should be run and the best way they should be run, and those are our recommendations.

Chairman BLUNT. So, the vendors are voluntold what they should do?

Ms. MCCORMICK. Exactly.

Chairman BLUNT. Got it. They do comply?

Ms. MCCORMICK. Yes, they do.

Chairman BLUNT. Because the imprimatur of the EAC matters to them as they offer their product?

Ms. MCCORMICK. It matters to them and it matters to the state and localities that are buying those systems. Yes, sir.

Chairman BLUNT. Senator Klobuchar?

Senator KLOBUCHAR. Thank you, Mr. Chairman. In 2017 the Department of Homeland Security designated election systems as critical infrastructure. This designation did not do anything to diminish the role that state and local governments play in administering elections. It also did not ensure that states receive additional funding to help secure this ranking of critical infrastructure. Instead, the designation means that election infrastructure sectors are eligible to receive prioritized assistance, particularly cybersecurity assistance from the Department of Homeland Security. Do you agree with designating it as critical infrastructure, and can you provide an update on your work with Homeland Security? Maybe chairman.

Ms. MCCORMICK. I do agree with the critical infrastructure designation. There was some concern at the beginning that it was a Federal overreach. I think that that has been tempered down quite

a bit. There is still a standing resolution from NASS, the National Association of Secretaries of State, opposing critical infrastructure, but I believe almost all the secretaries now are onboard, and we are all working together with the Department of Homeland Security to assure that we maintain election security throughout the Nation.

Senator KLOBUCHAR. That coordination with Homeland Security and your agency, how is that going?

Ms. MCCORMICK. That is going quite well. I met with Director Kolasky last week and we had a very good meeting and worked on discussing different places that we could combine our efforts to continue to support the states and the localities and securing their systems and mitigating the risks involved.

Senator KLOBUCHAR. Anyone want to add anything on that?

[No response.]

Senator KLOBUCHAR. Okay. Under the President's budget proposal, some of my colleagues were talking about budget and the need for resources. I appreciate the support for resources but under the budget proposal, the EAC's operations budget would be cut by nearly $1 million. In your testimony Commissioner McCormick, you emphasize the need for additional resources. Could you elaborate on that?

Ms. MCCORMICK. Yes. As was mentioned the last time we had a quorum, or four commissioners, was in 2009 and our budget was double what it is now. We had 49 employees, we are down to 22. We have additional requirements now that we did not have in 2009 and 2010, including the election security piece. Right now, we are taking from other parts of our mission to cover those areas that we are not funded to do, and I think that is a priority for all of us that that gets done, but we would like to hire more staff and create more programs that would benefit the states and localities in supporting election security as well as everything else that is required under elections.

We have included in our testimony a wheel of competencies that are all the different areas that election administrators need to be responsible for, including security as one plank on that wheel. But there are a lot of parts to that wheel and we need to support all of those. Right now, our resources are strained. Our human resources, our financial resources, and we are doing the very best that we can to meet our mission, but we are in the need for additional resources.

Senator KLOBUCHAR. I appreciate that. Mr. Hovland.

Mr. HOVLAND. I would just add that, you know, to echo what the Chairwoman said, that that is a real need, and when you look at also our submitted testimony, we outlined and there is a graphic that shows where we had staff in 2010 versus today in various departments. When you look at that, you can see, you know, there are many areas where we have one staffer right now. We don't have the ability—our General Counsel's Office, for example, we have one attorney working as an attorney. In 2010, there were six, and I am not saying whether that was the right number, but we have a number of areas where when someone is out of the office, and we need that person, things grind to a halt and that is unacceptable. We need to be able to build and act as a mature agency.

We need the resources to do that and to ensure there are backups and sufficient staffing in all of our divisions.

Senator KLOBUCHAR. Yes, very good. Thank you. One last question. Under the Help Americans Vote Act, the Executive Director and General Counsel are appointed for 4 year terms and the current terms for both positions are ending this November. When a vacancy exists for either of these positions, the Standards Board and the Board of Advisors both create a search committee to recommend candidates and you all ultimately take a vote to select the Executive Director.

This process can take time, and as we head into the upcoming election, it is important for the EAC to have strong and stable leadership, and this means, I would think, ensuring that the Commission has a list of candidates to consider. When will you hold a vote, this is for you chair. When will you hold a vote to ensure that the Standards Board and the Board of Advisors can begin their search for Executive Director and General Counsel?

Ms. MCCORMICK. Thank you for the question, Senator Klobuchar. As you said, HAVA has a process and we will follow that process. So, when there is a vacancy, we will begin that process. However, we do need to note that it takes quite a while to go through that process, and it is a concern of mine that we do not have an Executive Director or General Counsel during a Presidential year. So, we need to work on how we are going to fix that situation and——

Senator KLOBUCHAR. Is there—can you start the search ahead of time somehow?

Ms. MCCORMICK. Well, HAVA says that we have to wait for a vacancy, and that is when the executive search committees get appointed, as you mentioned.

Senator KLOBUCHAR. Anyway, Okay. Because it would be—we will work with you on this. We just have to figure out some way to get this done as we head into this election I would think.

Ms. MCCORMICK. I appreciate that. We do have competent leadership in place right now, and I place my trust in them right now. So, thank you for that.

Senator KLOBUCHAR. Alright. Thank you.

Chairman BLUNT. Just to followup, is there anything that prevents you continuing that leadership if that is what the Board decides to do, and the leadership are willing to stay?

Ms. MCCORMICK. No. We need to have a vote to continue their terms but there is nothing that prevents us from——

Chairman BLUNT. When would their terms end again?

Ms. MCCORMICK. In October of this year.

Chairman BLUNT. Of this year. Your point, Senator Klobuchar, is obviously that would put you into next year if this all does not work out and you have to make a change. It sounds like the law itself is something maybe we can look at and see if there is something we could do there. But let us continue to talk about that. Senator King and then Senator Udall.

Senator KING. Thank you, Mr. Chairman. I want to be sure I heard something correctly. Your budget today is one half of what it was in 2010?

Mr. HOVLAND. Yes.

Ms. MCCORMICK. That is correct.

Senator KING. That is unbelievable. I mean that is like cutting the budget to the fire department in the middle of a five-alarm fire. We have never had such a serious attack on our electoral system as we have had in the last 3 years and your budget is 50 percent of what it was 9 years ago. I mean——

Senator KLOBUCHAR. I would note the Administration was trying to cut it another million.

Senator KING. I just——

Chairman BLUNT. If we are noting that then you should also note that the Commission went out of existence when the other party was in power of both the Senate and the White House.

Senator KING. I am not making a partisan point. I just think——

Chairman BLUNT. No, but I think Senator Klobuchar just did. The reason this Commission is where it is, is a lot of the work that the Commission is supposed to do didn't have a Commission to do it. It is like that is why the standards are 2005 standards. There is nothing imminent that has caused this problem.

Senator KLOBUCHAR. Okay, but I think that—yes, but now that we have a quorum, the fact remains that it is half of what it was, and the Administration knowing that we have a quorum and knowing that we are in a situation——

Chairman BLUNT. Well, the budget did not get to be half of what it was in the last 2 years or 4 years. The budget got to be half of what it was——

Senator KING. I am not casting blame, Mr. Chairman. I think we ought to——

Chairman BLUNT. Exactly, let's just be sure we are forward looking.

Senator KING. Absolutely. I am just saying we are in a very serious situation in our election and this organization——

Chairman BLUNT. We are. We are. And I, will now give you some time back here.

Senator KING. Thank you, sir. Can a machine be certified today under the 2005 standard that does not have a paper backup, a paper record? Say yes or——

Mr. HICKS. Yes, it can.

Senator KING. Okay. I am concerned about that. Can a machine be certified today that is connected to the internet under the prior standard or the standard that we are operating under? You want to take that under for the record?

Ms. MCCORMICK. We will take that for the record. It is more complicated than that. There are different ways like modems and things that are attached to machine so——

Senator KING. But clearly best practices are paper backup, not connection to the internet. I mean, I have been through a dozen hearings in two, three different committees on this. I mean, it is just if we are certifying machines that are somehow connected to the internet or that don't produce a paper backup, then we are clearly not fully protecting our citizens. I think you made this point, Madam Chair. You can provide best practices to anybody, right.

I mean it seems to me that is something you can do. It is not mandatory, it is voluntary, but one of the advantages you bring to bear is a national perspective and you can learn what is going on

in all the states. If I were Illinois or Massachusetts or wherever Idaho who is doing something really effective and good, then you can act as a clearinghouse and provide that as a best practice. I hope you will do that. It seems to me there is power in that, even though it may not be mandatory. Those would be the points I dislike. I am not in the Appropriations committee, but I would like to volunteer to try to help on this funding question because I think these folks are trying to do a very important, complex job and we want to make sure they have the resources to do so. Thank you very much for your testimony.

Ms. MCCORMICK. Senator if you want—I just got passed a note from the staff to assure you that the VVSG does not allow for internet connectivity.

Senator KING. Good.

Ms. MCCORMICK. The other part that you were talking about is the clearinghouse and that is one of our main missions at the EAC and that is one of the things that we spent a lot of time on.

Senator KING. Good. I appreciate that. Thank you very much.

Chairman BLUNT. Well, thank you Senator King.

Senator Udall?

Senator UDALL. Thank you very much, Chairman Blunt. Mr. Hicks, as you are aware and this confirms some of what I am sure all of you have been saying today, paperless voting machines are widely considered too insecure for use in modern elections and post-election audits are necessary to confirm the outcome of the election. My For The People Act and Senator Klobuchar's Election Security Act require states use paper ballots. My bill provides the voter an opportunity to correct a ballot should a mistake be made.

I am concerned that there are still some jurisdictions in the U.S. that continue to use paperless voting machines which makes it difficult or impossible to independently audit election results. Furthermore, many states still rely on aging voting systems that are susceptible to breaking down or may be vulnerable to malicious actors. As we head into a new Presidential election next year, where are we on addressing these and many other issues with voting machines, and what is the timeline for ensuring that every jurisdiction has access to and can take advantage of the latest and secure voting systems?

Mr. HICKS. Thank you, Senator. First I want to say I am sorry to hear that you are not running for re-election.

Senator UDALL. Will not waste any time on that——

Mr. HICKS. I will stay at my 5 minutes. Second, I would say that jurisdictions are free now to buy voting equipment that adhere to those standards. The question becomes can they afford that, and the answer is no, so they need additional resources. The $380 million that was given last year was a great down payment, but the states are still looking for additional resources. The Commission is now working on our Voluntary Voting System Guidelines 2.0 and we will be holding our third and final hearing this coming Monday.

We had one in Memphis, Tennessee. We had one in Salt Lake City, Utah. I think that we got a lot of information from both of those, and I am looking forward to hearing from the electorate on Monday. I think you are 100 percent correct in terms of ensuring that the best way, and this is what we have heard from our folks

at the Department of Homeland Security and others, that in order to accurately have an audit of a voting equipment you need some sort of paper trail. But again, I would like to state that we want to ensure that those folks who have disabilities can still vote independently and privately under the law.

So, there is no reason that we cannot have security and accessibility now, especially since we have, in our pockets these computers that are more powerful than the machines that took man to the moon 50 years ago this year. So, I think that this Commission we need to continually work hard for this, and I have heard this from a lot of different folks over the issue that I would like to also state that I would like to give a written response for the record so that my words from previous hearings are not misconstrued.

Senator UDALL. Yes, no that would be great. I just wanted to focus on the issue. Thank you for your kind comment, and I am going to continue public service. This one is to the whole committee, we know that in 2016 Russian cyber actors were able to access voter databases and election software systems in 39 states and actively spread misinformation to try and destroy Americans' confidence in our election process. How is the EAC engaging with experts in the intelligence community and law enforcement who warn that foreign actors may attempt to do the same thing again in 2020? What is the EAC doing to help election officials across the country to secure their systems against foreign cyberattacks and limit the effects of misinformation and influence operations designed to disrupt our elections?

Mr. PALMER. Senator, we go across the country and we speak to election officials. For example, the EAC just hosted two meetings, our Standards Board meeting and our Board of Advisors and we had ODNI come in and provide an intelligence briefing to these election officials. Then we also have the Department of Homeland Security there to provide, as a Federal partner, additional resources with the EAC on how state and local election officials can mitigate these threats. We feel that this is, we are educating them, we are informing them, providing the tools. Obviously the states care a lot about this issue and are doing a lot at the state and local level and we are just preparing for 2020.

Senator UDALL. Any of the other Commissioners want to comment on that?

Mr. HOVLAND. I would add that again our work through the Government Coordinating Council has been very productive in helping with information sharing, and that we have a long list of resources, some of which were included, I think, in our testimony, but we are happy to add to that what we have provided to state and locals. But additionally, with work around the grant money, the $380 million from Fiscal Year 2018 we were able to see sort of the states choose from a menu of options on security, whether that is upgrading their statewide registration database, employing cyber navigators, replacing equipment, and we have made all those plans public so that other states can see what they do.

And as not all states are spending the money at the same time and so a lot of them reach out to our office, reach out to our grants department and discuss what steps they can take, and they are

able to see what their colleagues are doing in other states and take advantage of that to also upgrade their systems accordingly.

Senator UDALL. Thank you. Thank you, Mr. Chairman.

Chairman BLUNT. Other questions?

[No response.]

Chairman BLUNT. On the funding issue, I think the fact that the Commission is in place helps. The issues of things like if you don't have a Commission, how do you update the standards, are important issues for us to try to be helpful with you on. On that topic, are you looking at the 2005—is that what the voluntary standards effort that you are making right now is, to update those standards? One other question that I have is how many states still have election systems without a paper trail?

Mr. PALMER. I believe, Mr. Chair, I believe it is less than five at this point. States are—at least I would say one or two of the states, I think it was five, are moving toward different solutions. For example, Georgia. I know South Carolina is considering. So, there has been some movement toward paper-based systems for those remaining DRE states. We are working on VVSG 2.0. It is going to be an improvement to 1.0, 1.1 We are trying to bring the decade of technology from 1.0 to the new standards in 2.0, so we can bring the technologies of security and accessibility to the voters.

Mr. HOVLAND. I would just echo Senator Udall mentioned the jurisdictions without paper and again historically you have heard the number, it is five states and then a variety of partial states. None of the state and local officials that I have ever talked to want paperless equipment. It is about having the resources necessary to replace that equipment. Most of that was bought with the original HAVA grants and so states have tried to figure out how to replace that equipment. In some jurisdictions it has been a challenge, and then I would echo Commissioner Palmer absolutely. VVSG 2.0 is a critical move to move our standards with the Voluntary Voting System Guidelines to be in line with other industries and other technology industries, as I mentioned earlier, so that we are able to improve the infrastructure of our democracy.

Chairman BLUNT. Thank you. Any further comments from the panel? Senator Klobuchar? Senator King?

Senator KLOBUCHAR. No, just thank you very much for your work. I think you saw by the number of interesting questions here, and thoughtful remarks about how important the next year is, that we are very focused on this. We are glad you have a quorum, and I think you should be assured we are going to keep pushing to make sure that you have the resources to do your jobs and also that the jobs get done. So, thank you.

Chairman BLUNT. Thank you, Senator. Thanks to our panel, and the Committee is adjourned.

[Whereupon, at 3:46 p.m., the hearing was adjourned.]

APPENDIX MATERIAL SUBMITTED

U.S. ELECTION ASSISTANCE COMMISSION
1335 EAST-WEST HIGHWAY, SUITE 4300
SILVER SPRING, MD 20910

U.S. Senate Committee on Rules and Administration
"Oversight of the U.S. Election Assistance Commission"
May 15, 2019
Christy McCormick, Chairwoman
Ben Hovland, Vice Chair
Thomas Hicks, Commissioner
Donald Palmer, Commissioner
United States Election Assistance Commission (EAC)

Good morning Chairman Blunt, Ranking Member Klobuchar, and members of the committee. Thank you for the opportunity to testify before you this afternoon to detail the vital work of the U.S. Election Assistance Commission, better known as the EAC. We are pleased to discuss the EAC's work to fulfill its mission as prescribed by the Commission's enabling legislation, the Help America Vote Act of 2002 (HAVA). While we each took diverse paths in coming to the EAC, we are in lock-step when it comes to this message: The Commission is as needed today as it has been at any other time since it was established, but we are at a critical crossroads with regard to having sufficient resources necessary to better support state and local election administrators and the voters they serve.

During the past year in particular, the leaders of this committee and other stakeholders have publicly echoed that same sentiment and voiced support for the EAC. We are emboldened by your confidence in our work, as well as your continued support for our mission. Commissioner Hicks and Commissioner McCormick were grateful for the opportunity to testify before this committee last year. Chairman Blunt, we were heartened to hear you say that the EAC "has now found a new mission and it's an important one" and that you look forward to "working with the commission as they do everything they can to help give state and local election officials the kind of help they need from the federal government to do their job."

Chairman Blunt and Ranking Member Klobuchar, you both underscored the importance of the EAC's work when you attended and provided remarks during the Commission's Election Readiness Summit last October, and we thank you for hosting the swearing-in ceremony held earlier this year for our two newest Commissioners. We know that this committee played a central role in restoring a quorum at the Commission, and that has been a welcome development. Senator Klobuchar, we also appreciate the observations you and your colleagues recently made in a letter to appropriators that noted the EAC "has proven to be a significant resource for our government agencies and state election officials as they face the increased challenges of protecting the integrity of elections" and that "the federal government only has one agency whose sole mission is to help administer elections and we should be increasing their funding, not cutting it."

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Our intent is to harness your energy and the feedback we hear each day from election officials across the nation to ensure that the EAC has all of the resources it needs ahead of 2020. Now is the time to finalize preparations for support during the presidential election year. We are committed to maximizing our impact ahead of the next Federal Election and providing services that not only meet, but exceed the expectations of those who are counting on us to do our job.

With regard to doing our job, we have included a copy of the Commission's 2018 Annual Report with our written testimony. In it are details of the Commission's robust achievements from last year, work accomplished by a small, but talented and motivated staff who are firing on all cylinders to fulfill the EAC's mission. They not only do their own full-time jobs, but they are often called upon to pitch in wherever and whenever needed across our various programs, and they have willingly stepped up to the plate. The Commissioners sincerely thank each member of the EAC staff for their hard work and dedication, and we appear here today in part to stress the importance of their efforts and the need for additional resources to secure their sustainability.

While 538 days remain until the 2020 Presidential Election, the first federal Presidential primary is just 7 months away, and election officials across the nation are administering state and local elections now. As you've noted, the EAC is the only federal agency solely devoted to supporting those officials in this work and helping America vote. HAVA established the EAC to serve as the nation's foremost clearinghouse on elections, to conduct original research – such as the Election Administration and Voting Survey – that informs ways to improve election administration, to establish federal voting system testing guidelines and operate the federal government's voting system certification program, to administer federal grant funding for states to improve election administration, and to help America vote. These resources give election administrators the tools they need to carry out secure, accurate, and efficient elections.

The EAC's work also helps to ensure that all eligible Americans have the opportunity to vote privately and independently, to cast a ballot with confidence, and to know that vote will be counted securely and accurately. Chairman Blunt, we completely agree with your statement from last year's Election Readiness Summit when you noted that, "The central thread of the fabric of democracy is people having confidence that what we were told happened on Election Day is what absolutely happened."

Strengthening Election Security and Voter Confidence

Election security is a theme that continues to shape the national conversation about election administration, especially as we look ahead to 2020. Federal law enforcement and intelligence officials regularly remind us that the threats election administrators faced in 2016 and 2018 remain today and are likely to intensify in the months and years ahead. We take seriously the fact that voter confidence is enhanced when we adequately prepare for and respond to challenges such as election misinformation campaigns, persistent attempts to breach election systems and voting registration databases, and other real threats.

We are pleased to report that election officials across the nation successfully navigated these challenges in 2018, and they are better prepared to handle these issues today than they were several years ago. This not only reflects election officials' unwavering commitment to secure elections, but it is also a product of improved relationships between state and local election administrators and the federal agencies that serve them.

As the agency best positioned to communicate directly with election officials across the country, the EAC played an early and leading role in establishing trust and open lines of communications between state and local leaders and the federal government entities that work on election security. As the Commissioners have previously testified, the EAC drove the development of the election security working group that eventually became the subsector's Government Coordinating Council (GCC), and Chairwoman McCormick now sits on that council's executive board. In addition to the EAC's work with the Department of Homeland Security to establish the GCC, the Commission played an integral role in establishing the Sector Coordinating Council (SCC) comprised of private election equipment manufacturers and vendors.

Beyond the GCC and SCC, the Commission has taken a multifaceted approach to helping state and local election officials strengthen their election security. This work includes testing and federally certifying voting systems, providing hands-on security and post-election audit trainings across the country, producing security-focused resources, disseminating security best practices information and checklists to state and local election officials, as well as hosting widely attended forums that feature security experts as speakers.

The EAC's participation in critical infrastructure activities and its own security work was a direct result of the personal involvement and direction of the EAC's most senior staff, as well as the efforts of the Commission's talented team of professionals. The EAC does not have full-time employees devoted to these new components of providing election security support. In fact, the EAC's Inspector General highlighted this staffing issue as a Significant Management Challenge in 2018. At this time, existing staff, in conjunction with their other full time responsibilities, have been tasked with interacting with the agency's external partners to identify resources and materials that might be useful for our election official stakeholders. With additional resources, the EAC would have the opportunity to fund additional election security activities within its Election Technology Program.

For example, many state and local election officials have expressed great interest in an Elections Cyber Assistance Unit, and additional resources would allow the EAC to put this program in place. This unit would allow EAC to hire election and cyber security experts who would be regionally located to provide assistance with risk-management, resiliency, and other technical support to the jurisdictions in their respective areas. This would enable the EAC to spread its resources across all 50 States, D.C., and the four U.S. territories conducting Federal Elections, saving significant costs at the state and local levels by providing federal assistance to offset expenses that each state would otherwise incur.

When Congress passed HAVA, it entrusted the Commission to do exactly that kind of work. To find innovative solutions that would expand the EAC's clearinghouse of resources to keep pace with the challenges faced by election officials and voters. There is no shortage of ambition at the EAC when it comes to supporting this work, but there is a stark shortage of funds for such activities. This shortfall means the Commission faces tough programmatic choices each and every day, and we hope you will consider that as you continue to work on next year's appropriations bills.

Administering HAVA Funds to Improve U.S. Election Administration

Last year, Members of Congress provided much-needed and much-appreciated financial support to the states and territories through the EAC. We appreciate that you also factored the Commission's up-front grant administration costs into the Consolidated Appropriations Act of 2018, which appropriated $380 million in HAVA Funds to improve the administration of federal elections. As we have previously reported, within three months of the appropriation, the EAC received disbursement requests for 100 percent of the funds from all 55 eligible states and territories, and approximately seven months prior to the 2018 Midterm Elections, the EAC made 100 percent of the funds available for the eligible states and territories to draw down.

As the funds became available last year, approximately 60 percent of states reached out to the EAC for assistance with at least one issue related to the new appropriations, including allowable costs, policy questions, pre-approval requests, and state appropriation process issues. I've attached to this testimony a chart detailing the EAC's interactions with the states. The chart lays bare the fact that the EAC's Grant team did not wait for states to reach out for guidance before it offered assistance. All states received pre-award notices, budget and narrative guidance, access to EAC webinars, phone and email consultations, and EAC review of budgets and plans. Through these interactions, states were given the opportunity to pose questions to ensure their plans contained only expenses allowable under Title 1 Section 101 of HAVA. The EAC's Grant team also answered inquiries, proactively provided guidance to anticipated questions, and reviewed proposals. Since these were the first new appropriations for HAVA grants since FY2010, many of the state-level contacts working on how to spend these funds had never received HAVA grants before, creating a knowledge gap that the EAC's team ably worked to close.

We know from state plans and expenditure reports that most states are spending these funds on items that will directly improve election security. In fact, at least 90 percent of the funds have been devoted to technological and cybersecurity improvements, the purchase of new voting equipment, and improvements to voter registration systems. Last month, the EAC released its Grant Expenditure Report for FY2018, which includes details about specific state HAVA grant expenditures through September 30, 2018. That report was previously shared with the committee and is included as an addendum to this testimony.

Through our more recent conversations with the 55 states and territories that received these funds, we believe that as of April 30, 2019, states have spent at least $108.14 million, or 29 percent, of the $380 million in grant funds. This represents a 262 percent increase in spending from the last reported spending levels on September 30, 2018. In addition, a straight line spending projection based on expenditures through the end of last month suggests that states and territories will spend approximately $324 million, or 85 percent, of the funds prior to the 2020 Presidential Election.

States have until the end of FY2023 to spend the funds. The EAC's Grants team continues to work closely with the states regarding these funds and will have ongoing administrative responsibilities related to the funds through the conclusion of the five-year spending timeline. This is but one example of EAC staff delivering upon large expectations with few resources. Currently, the EAC has just one federal employee staff member and one part-time contract employee charged with administering the grants.

Bolstering the Election System Testing and Certification Process

As states seek to invest these funds in purchasing new voting equipment, election leaders are continuing to turn to the EAC's Testing and Certification Program as a key resource in ensuring the nation's voting systems are tested to confirm the secure and accurate tabulation of ballots. This includes seeking information about how best to craft Requests for Proposals, information on the systems currently certified, and when the EAC will implement the next iteration of the Voluntary Voting System Guidelines, which will be known as VVSG 2.0.

Some Members of Congress have also posed this last question to the EAC, so we are pleased to give you an update. By way of background, the VVSG have historically consisted of Principles, Guidelines and Requirements against which voting systems can be tested to determine if the systems meet required standards. Our goal is to bring technological gains in security and other factors to the voters. Some additional factors examined under these tests include functionality, accessibility, accuracy, and auditability. HAVA mandates that EAC develop and maintain these requirements, as well as test and certify voting systems. These guidelines are voluntary, and states may decide to adopt them entirely or in part.

Last year, the TGDC, as well as the EAC's Board of Advisors and Standards Board, recommended adoption of the proposed VVSG 2.0 Guidelines and Principles. Unfortunately, when one of the Commissioners left the EAC, we lost our quorum and were not able to vote to move the new guidelines forward. That changed earlier this year when the Senate confirmed two new EAC Commissioners. In February, after Commissioner Palmer and Commissioner Hovland were confirmed, our first official act was to unanimously vote to publish the VVSG 2.0 Principles and Guidelines in the Federal Register for a 90-day public comment period. At that time, we also announced our intention to hold public hearings to gather feedback on the proposed principles and guidelines. Our first public hearing took place on April 10 in Memphis, and we held our second public meeting in Salt Lake City on April 23. Next week, we plan to hold our third hearing at our office in Silver Spring. The public comment period on the VVSG 2.0 Principles and Guidelines concludes later this month on May 29.

The implementation of new testing and certification guidelines will mark a new chapter for the EAC's Testing and Certification Program. It's been a year of change for this particular area of our mission. Earlier this year, the Director of the EAC's Testing and Certification Program retired after 35 years of service with the Federal Government, and last week, we announced that Jerome Lovato has been named our new Director of Testing and Certification. Now that a new leader has been selected for the department, we are actively seeking to fill remaining vacancies on the Testing and Certification team. Nonetheless, election system testing campaigns and other services provided by that department are continuing without interruption. Ideally, with adequate funding, the goal is to restore the department to a team of six Testing and Certification staff. This will ensure timely and thorough consideration of submitted election systems, as well as allow the Commission to provide additional critical infrastructure support to state and local election administrators who are seeking additional training and resources in areas such as election security and post-election audits.

Serving Election Officials' Needs Beyond Security

As we look ahead to the months leading up to the 2020 Presidential Election, the EAC has developed a robust calendar of planned activities and new resources. For example, next month we will release the 2018 Election Administration and Voting Survey, better known as EAVS. This biennial report is mandated by HAVA and is the nation's most comprehensive look at election administration. It provides data used across the 50 states, D.C., and in U.S. territories to identify trends, and its findings can be used to improve the way America votes. We are planning a one-day event to present the report's findings, and we look forward to sharing the full report with members of this committee and your colleagues.

The EAC has also established a group of election officials from across the United States who have agreed to work with us to improve resources for disaster preparedness and response. The group met last month in Memphis to detail their own experiences with man-made and natural disasters, how they navigated the challenges posed by these events, and the lessons they learned that could be helpful to other election officials. From forest fires, flooding, and hurricanes to potential threats posed by malicious actors, election officials must have plans in place to quickly regroup and move forward with elections should disaster strike. This group of election officials will help the EAC harness the experience of state and local election leaders to create vehicles for better information sharing among state and federal entities, direct assistance, and other valuable resources.

In addition, the EAC's Commissioners and staff continue to travel to state and local election conferences and meetings across the nation, where we share information about the EAC's broad spectrum of resources and how the Commission supports every facet of election administration. While election security is a topic that is a priority for all of us, election officials have support needs beyond security. To demonstrate this, the EAC has developed a wheel of competencies in which each plank represents a similar level of expertise and effort. The "Election Administrator Competency Wheel" ("Wheel"), which we have attached to this testimony, visualizes ongoing

duties, election preparation work, as well as responsibilities stemming from election night and beyond.

The 20 areas of competency represented on the Wheel are each important and require support from our team. This Wheel represents the fundamental roadmap of issues the EAC should address fully to meet the vision of the Help America Vote Act.

Today, the EAC lacks sufficient funding for the human capital capacity to address all of these areas in depth. In fact, the last time the EAC had a full slate of Commissioners, the Commission had 49 employees. Today, it has only 22, and our budget is 50 percent less than it was in FY2010. Without additional resources, we simply will not be able to provide the breadth of support election officials need and expect from the EAC to ensure secure, accessible, and efficient elections.

The EAC will continue to meet the requirements of HAVA. However, without additional resources, it will be a formidable stretch for our capable, devoted staff members who already work tirelessly to support our nation's election administrators and voters. To optimize our ability to deliver on the plans we have set forth ahead of the 2020 President Election, and if we have sufficient funding in the coming fiscal year, we hope to hire 10 additional staff members in a variety of departments ahead of 2020.

HAVA set forth an ambitious agenda for the EAC, one rooted in protecting the very foundation of our nation's democracy. Despite very real and persistent resource challenges in recent years, the EAC has faithfully fulfilled its obligations and has even expanded the support it provides election administrators and voters.

With the reestablishment of a quorum of Commissioners, the EAC is ready for its next chapter. The Wheel graphic helps illustrate very specifically the work needed. We look forward to working with Congress as we continue our efforts to help America vote. We are happy to answer any questions you may have following today's testimony.

2018
Annual Report

U.S. Election Assistance Commission

Security | Efficiency | Accessibility | Integrity

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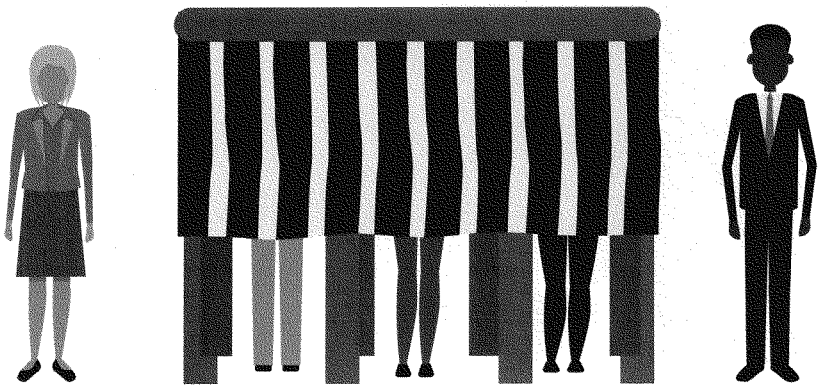
Our Mission

The U.S. Election Assistance Commission helps election officials improve the administration of elections and helps Americans participate in the voting process.



Chairman's Message

Since 2016, much of the public discourse around Federal Elections has focused on security – and for good reason. Election security is not new to election officials or the tens of thousands of election administration staff members and election workers who support that work. However, 2016 changed the threat environment by pitting state and local officials against nation-state actors who scanned for vulnerabilities and were successful in accessing at least one state's voter rolls, though there is no evidence that any data was changed or votes affected. These same actors made additional attempts to infiltrate election systems ahead of the 2018 midterms and, by all accounts, will be back again in 2020.

Election officials proved themselves more than capable of managing these threats in the lead up to, and during, the 2018 midterm elections by increasing the security and resiliency of their systems and forming national and regional partnerships to improve information sharing and cyber protections. Election officials also increased voter outreach efforts in order to combat the biggest threat to election integrity: decreased voter confidence. Most importantly, election officials served voters and, by all accounts, carried out a successful 2018 Federal Election.

While the work to secure elections may be capturing news headlines and sparking conversation across the nation, it's only part of what election officials do each and every day. From poll worker recruitment and polling place management to post-election audits and election night reporting, election officials have a broad spectrum of responsibilities. The U.S. Election Assistance Commission (EAC)

was proud to stand with election officials this year and assist in every aspect of their work to administer accurate, secure, accessible and fair elections.

We began the year with an all-day summit highlighting a range of issues state and local election officials would face in the lead up to the 2018 Federal Elections, such as election security, voting accessibility, and how to use election data to improve the voter experience. The EAC continued hosting summits throughout the year, including a Language Access Summit, an Election Data Summit and an Election Readiness Summit. We convened hundreds of election officials, data experts, activists and other election stakeholders, all with the goal of getting ready for the upcoming elections. The Commission's year-long #Countdown18 campaign provided resources to help election officials prepare for the midterm elections, and educate voters about the process and encourage them to get involved.

When Congress appropriated $380 million in Help America Vote Act (HAVA) funding to improve the administration of federal elections, the EAC set about distributing funds to states as efficiently as possible to ensure these funds could have a tangible impact on the 2018 midterm elections. By August 21, 2018, just five months after the appropriation, all 55 states and territories eligible to receive funds had requested them. Just one month later, on September 20, 2018, all states and territories had received 100 percent of their funds. That is a remarkable rate of distributing federal funds that is both efficient and responsible.

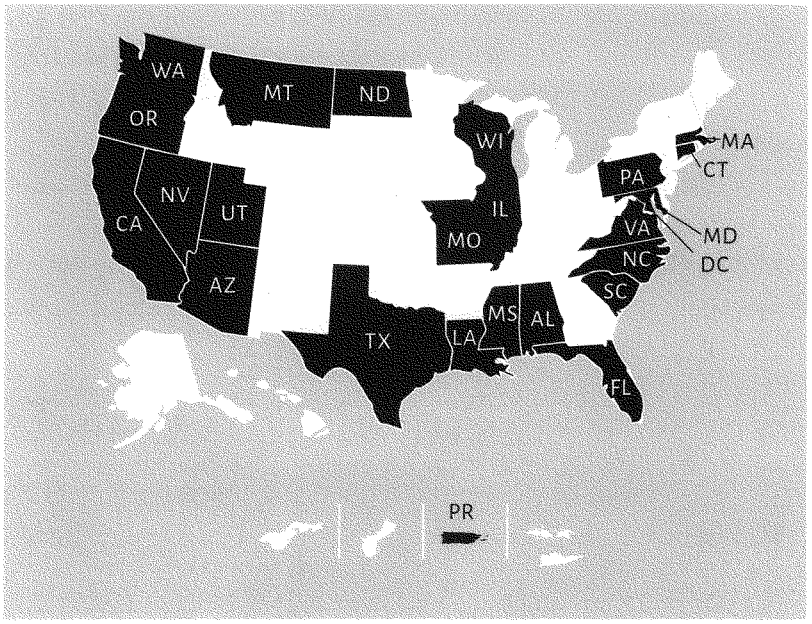
With these funds, states were able to make significant improvements to election systems that otherwise may not have occurred. While simultaneously focusing on the thousands of logistical details needed to administer elections, states proposed plans to put these funds to good use, making significant upgrades to cybersecurity, voting equipment and voter registration systems, and increasing communications efforts and post-election auditing.

It was an honor to serve as Chairman of the U.S. Election Assistance Commission over the past year. I continue to be inspired by the dedication and resourcefulness of the election officials I have the privilege of knowing and the hard work of the EAC staff. I am proud to present this report of the Commission's work and look forward to continuing the EAC's impact in 2019.

Thomas Hicks
Chairman
U.S. Election Assistance Commission

Meet the Commissioners

In 2018, EAC Chair Thomas Hicks and EAC Vice Chair Christy McCormick traveled to 38 cities in 25 states and territories to attend or present at conferences, visit local election offices, attend public hearings and meetings, and lead workshops and roundtables for election officials.



Chairman Thomas Hicks

EAC Commissioners serve as resources, advisors and conveners.

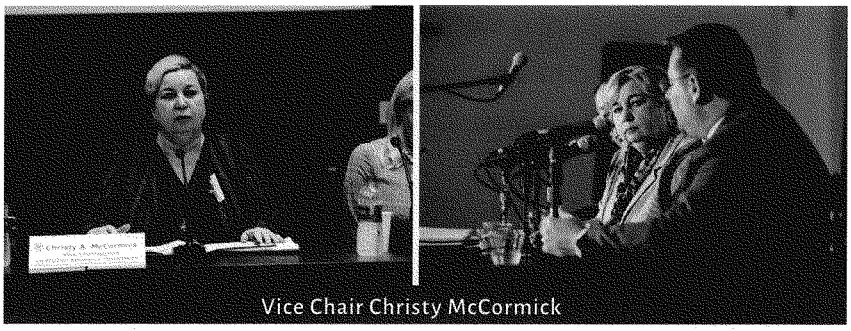
For election officials, the Commissioners are expert consultants who can provide guidance on election administration trends and how jurisdictions can prepare to tackle the complexities of administering secure, accessible, accurate, and efficient elections.

The Commissioners alert officials to resources and tools that can assist with all phases of election administration, from high-level best practices to more substantive nuts-and-bolts tactical approaches for every step in the voting process. EAC Commissioners ensure election officials are able to benefit from federal resources, including information sharing networks and working groups. They also work to provide opportunities for election officials to engage with a wide variety of national experts, including national security officials.

The EAC also ensures that the needs of election officials are what shape the creation of federal resources and designations intended to improve election administration.

For the federal government, the Commissioners regularly brief Members of Congress and federal officials from across the administration to provide a first-hand account of state and local efforts to administer elections. Commissioners report on what they have seen during site visits to election offices around the country, how election administrators are bolstering system resilience and efficiency, and what they may need to maintain the level of exemplary service that voters deserve and expect.

For voters and advocacy groups, the Commissioners provide a bridge between individual voters and the election officials who serve them.



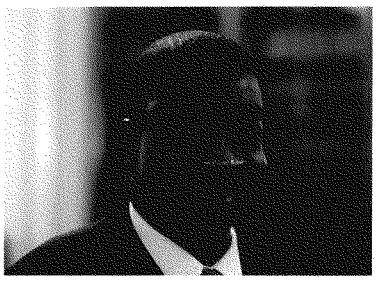
Vice Chair Christy McCormick

Election administrators must ensure elections are accessible to all and that voters have the information and services they need to participate in elections. The Commissioners engage voters from across the country to capture information about their voting experience and ways the EAC can best assist the state and local officials who serve on the front lines of democracy.

Throughout the year, EAC Commissioners know that traveling to election jurisdictions across the nation is the best way to fully engage, and understand, voters and election administrators hailing from such a diverse landscape. From local election office and polling place visits to national conferences and state election administrator meetings (and everything in between), the Commissioners dedicate themselves to meeting election leaders and voters on their home turf. These interactions provide pertinent information that shapes the Commission's work, guides its resources and informs its strategic plans.

On January 2, 2019, the United States Senate confirmed Donald Palmer, formerly a fellow at the Bipartisan Policy Center and member of the EAC Standards Board Executive Board and Technical Guidelines Development Committee, and Benjamin Hovland, previously the Acting Chief Counsel for the U.S. Senate Committee on Rules and Administration, to serve as EAC Commissioners. Palmer and Hovland's confirmation marked the first time in nearly a decade that the EAC had a full roster of Commissioners. Palmer and Hovland's confirmation also re-established a full quorum at the EAC, which will allow the agency to better serve the election community.

Chairman Thomas Hicks



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). He has served as chairman of the commission for two terms.

Commissioner Hicks has focused his efforts on voter access. Under his leadership, the EAC developed a pocket-sized voter card that serves as a guide on voting rights for voters with disabilities. The card is provided in both Braille and large print. The EAC has worked with advocacy groups and election officials to distribute the card.

In addition, Mr. Hicks has addressed the difficulties overseas voters have when requesting and returning their ballots, such as dealing with foreign IP addresses and issues with timely ballot delivery. He worked with key states to set up a help desk. Now, overseas voters receive an email response directing them to the help desk to obtain their ballots.

He serves as the designated federal officer for the Board of Advisors, which reviews the voluntary voting systems guidelines.

Mr. Hicks is a frequent speaker at conferences in the United States and overseas on issues such as voter access and cybersecurity.

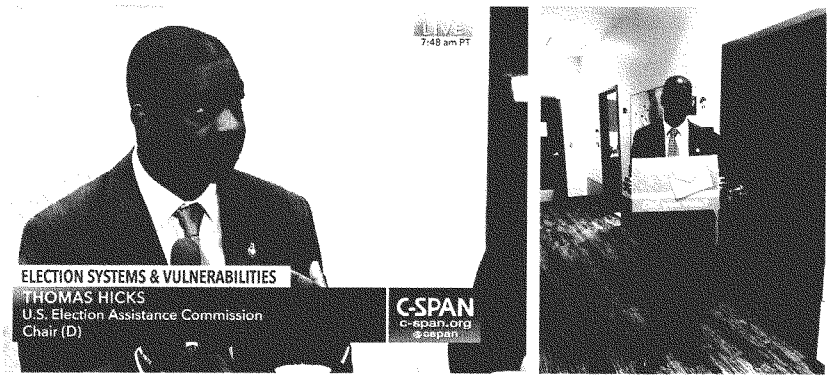
Prior to his appointment with EAC, Commissioner Hicks served as a senior elections counsel and minority elections counsel on the U.S. House of Representatives Committee on House Administration, a position he held from 2003 to 2014. In this role, Mr. Hicks was responsible for issues relating to campaign finance, election reform, contested elections and oversight of both the U.S. Election Assistance Commission and the Federal Election Commission. His primary responsibility was advising and providing guidance to the committee members and caucus on election issues. Mr. Hicks has talked with Americans in every state about their voting experiences. In addition, he has worked with state and local election officials across America to address critical election concerns.

Prior to joining the U.S. House of Representatives, Mr. Hicks served as a senior lobbyist and policy analyst from 2001 to 2003 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. Mr. Hicks has enjoyed working with state and local election officials, civil rights organizations and all other stakeholders to improve the voting process.

Mr. Hicks served from 1993 to 2001 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.

Mr. Hicks received his J.D. from the Catholic University of America, Columbus School of Law and his B.A. in Government from Clark University (Worcester, MA). He also studied at the University of London (London, England) and law at the University of Adelaide (Adelaide, Australia).



Vice Chair Christy McCormick

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). She was quickly elected by her fellow Commissioners as Chairwoman of the reconstituted Commission for the 2015-2016 term.

As the agency's first chairperson in four years, she re-established the operation of the Commission itself, as well as the Commission's three advisory boards: the EAC Standards Board, Board of Advisors, and Technical Guidelines Development Committee (TGDC). Chairwoman McCormick executed a new management policy, secured a long-overdue update to the Voluntary Voting Systems Guidelines (VVSG), obtained the accreditation of a new Voting System Testing Laboratory (VSTL), oversaw the hiring of the Executive Director and General Counsel, and led the reaffirmation of accessibility in voting as a top priority for the Commission.

She instituted the EAC's first Language Accessibility Summit, first Election Data Summit, and established a working relationship with the United States Postal Service (USPS) to address postal issues in elections. As Chairwoman, Ms. McCormick also launched a continuing effort with the Federal Voting Assistance Program (FVAP) and the Council of State Governments (CSG) to improve the Election Administration and Voting Survey (EAVS), and diligently and successfully worked to restore the Commission's standing with Members of Congress, the National Association of Secretaries of State (NASS), the National Association of State Election Directors (NASED), local election officials, and other stakeholders in the election community.

Prior to her appointment with the EAC, Commissioner McCormick served as a Senior Trial Attorney in the Voting Section of the Civil Rights Division at the Department of Justice, a position she held from 2006 until joining the Commission. In that role, Ms. McCormick was responsible for investigating and prosecuting violations of federal voting statutes, including the Voting Rights Act, the National Voter Registration Act, the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) and the Military and Overseas Voter Empowerment Act (MOVE). Additionally, Ms. McCormick worked with election officials to monitor compliance with federal voting statutes, especially

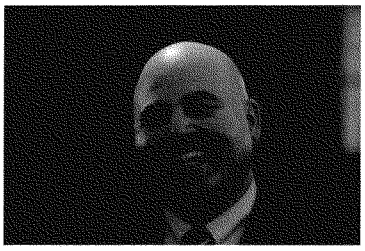
the Voting Rights Act and its minority language requirements, and fair administration of elections. She has observed numerous elections, and worked with election officials all across America.

Ms. 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 as the U.S. elections expert overseeing the Iraq national elections (including an extensive election re-count), as well as on numerous U.S. and coalition Rule of Law efforts. She was the Rule of Law liaison to the Kurdish Regional Government as well as liaison to rule of law advisors at the Provincial Reconstruction Teams.

Prior to joining the Department of Justice, Ms. McCormick served as a Judicial Clerk to the Honorable Elizabeth A. McClanahan in the Court of Appeals of Virginia from 2003 to 2006. Ms. McCormick was an Assistant Attorney General and Assistant to the Solicitor General in the Office of the Attorney General of Virginia from 2001 to 2003. She was a member of the U.S. Supreme Court legal teams for Black v. Virginia (defending the Commonwealth's criminal statute against cross-burning) and Hicks v. Virginia (defending a 1st amendment challenge to a state trespassing policy), as well as in cases on appeal to the 4th Circuit Court of Appeals. She was a Judicial Law Clerk in Virginia's Seventh Judicial Circuit Court from 1999 to 2001.

Ms. McCormick received her B.A. from the University of Buffalo, a J.D. with honors from the George Mason University School of Law (now Antonin Scalia Law School), and also attended the William & Mary School of Law.

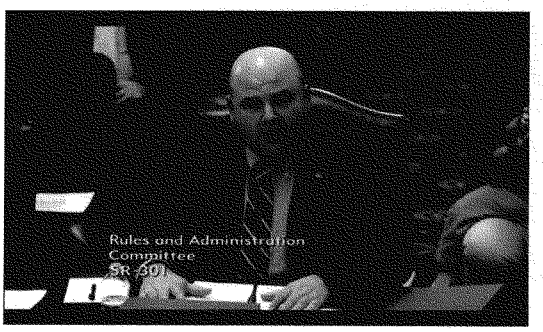
Commissioner Ben Hovland



Benjamin Hovland was nominated by President Donald J. Trump and confirmed by unanimous consent of the United States Senate on January 2, 2019 to serve on the U.S. Election Assistance Commission (EAC).

Previously, Commissioner Hovland served as an election attorney for the U.S. Senate Committee on Rules and Administration. He has been involved with elections since 2000. Much of this time has been focused on improving access to registration and voting.

Mr. Hovland's career has most recently focused on the federal government's role in election administration and campaign finance regulation. Additionally, as the Deputy General Counsel for the Missouri Secretary of State's office, he focused on legal issues related to the administration of state and federal elections, including recounts, poll worker training, voter registration list maintenance, statewide database matching, voter education resources and ballot initiative litigation.



EAC Commissioner Benjamin Hovland testifies before the U.S. Senate Committee on Rules & Administration during his November 28, 2018 nomination hearing.

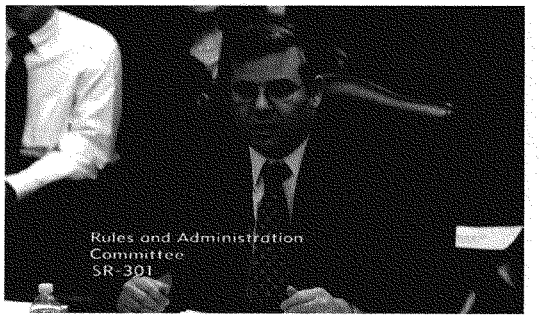
Commissioner Donald Palmer

Donald Palmer was nominated by President Donald J. Trump and confirmed by unanimous consent of the United States Senate on January 2, 2019 to serve on the U.S. Election Assistance Commission (EAC).

Commissioner Palmer is a former Bipartisan Policy Center fellow where he focused on the recommendations of the Presidential Commission on Election Administration to improve the voter experience and reform the voter registration process. He has also served as a senior adviser to the Election Assistance Commission.

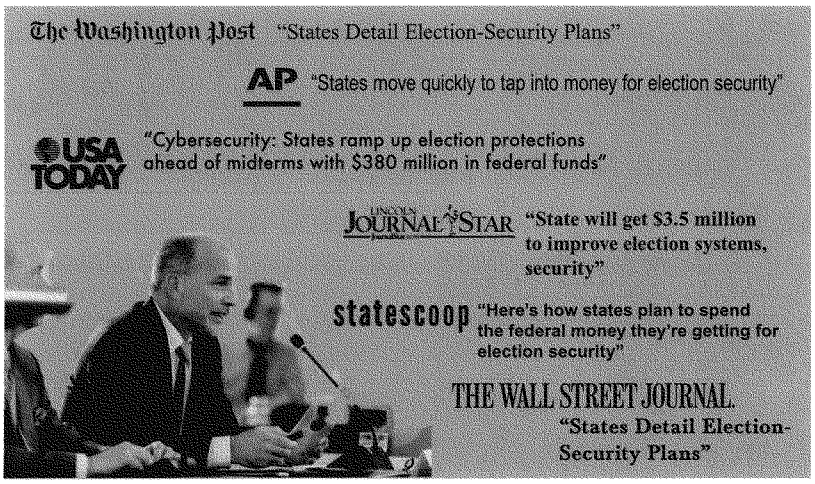
Palmer is a former Secretary of the Virginia State Board of Elections and served as the commonwealth's chief election official from 2011-2014. He also served as the Florida Department of State's director of elections. During that tenure, he served on Election Assistance Commission advisory boards, including the Standards Board and the Technical Guidelines Development Committee, representing the National Association of State Election Directors.

Prior to his work in election administration, he served as a trial attorney with the Voting Section in the U.S. Department of Justice's Civil Rights Division, where he enforced the nation's voting laws. Earlier in his career, he served as a U.S. Navy intelligence officer and judge advocate general, deploying overseas to Italy and onboard the USS John F. Kennedy. He retired from the Navy Reserves in 2012. He earned his J.D. from Stetson University College of Law.



EAC Commissioner Donald Palmer testifies before the U.S. Senate Committee on Rules & Administration during his November 28, 2018 nomination hearing.

Distributing HAVA Funds



EAC Grants Director Dr. Mark Abbott presents on the HAVA funds contained in the Consolidated Appropriations Act of 2018, and the process for accessing these funds, during a public forum on election security on April 18, 2018. How states planned to use HAVA funds received significant national press coverage when the EAC released narratives and budgets from 48 of the 55 states and territories eligible to receive these funds.

On March 23, 2018, the Consolidated Appropriations Act of 2018 was signed into law, making $380 million available to states to improve the administration of Federal Elections, the first appropriations for Help America Vote Act (HAVA) funds since FY2010. These funds came at a critical time. Voting equipment across the country had surpassed 10, or in some cases, 15 years of age and election officials were working to improve the security of their election systems.

With the 2018 Midterm Elections not far off, the U.S. Election Assistance

Commission (EAC) worked to make funds available to states as quickly as possible so that they could have an immediate impact on election preparation. States received grant award notification letters in early April, which allowed them to incur costs, with prior EAC approval, against the forthcoming grant awards. The Commission also distributed Congressional guidance on how states could spend the funding and held a public forum on April 18, 2018, to provide additional guidance. Funds were then available for states to draw down and deposit into their election accounts. Once the states returned signed grant documents and the required certifications and assurances, they immediately began system upgrades to enhance election security ahead of the 2018 Federal Election.

Even as election officials across the nation prepared for the upcoming midterm elections, they wasted no time in requesting HAVA funds and developing their plans to bolster election security and administration. By July 17, 2018, the EAC announced each of the 55 eligible states and territories had requested 100 percent of the newly appropriated HAVA funds and 88 percent, or $333,921,264, had already been transferred into state accounts.

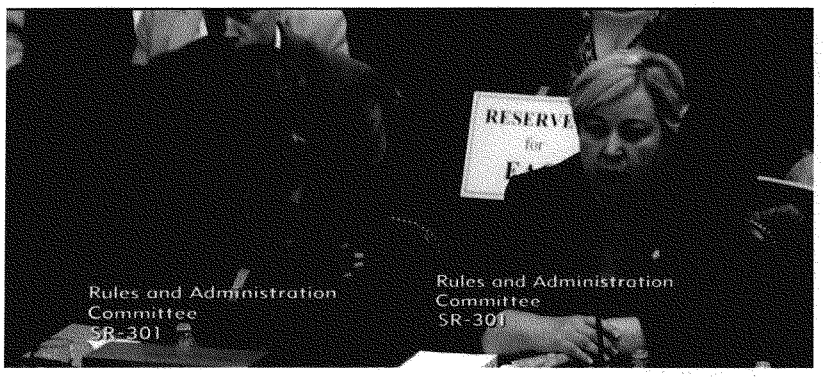
On Tuesday, August 21, 2018, less than five months after the Omnibus Consolidated Appropriations Act of 2018 was signed into law and 77 days before the 2018 midterm elections, the EAC published program narratives and budgets from 48 of the 55 states and territories eligible to receive HAVA funds.

Case Study: Colorado Improves Audits of Election-Related Systems

In 2009, the Colorado General Assembly passed legislation requiring counties to conduct risk-limiting audits (RLAs) following an election.A risk-limiting audit provides strong statistical evidence that the outcome of an election is correct. Because RLAs are centered on examining the original ballot cast, either a paper ballot or voter verifiable paper audit trail must exist.

In 2011, the Colorado Department of State received a $230,000 grant from the U.S. Election Assistance Commission (EAC) to pilot a risk-limiting audit system that would help meet the requirements of that legislation. Colorado conducted the first statewide RLA after the November 2017 Coordinated Election.

Colorado intends to use the $6,342,979 the state received in HAVA funds, and the required state match, to enhance technology and security in the state's election process, including by improving risk-limiting audits and other audits of election-related systems. The Colorado Secretary of State's office worked to improve the existing RLA system prior to the 2018 midterm election. The state also plans to add security audits of other election-related systems in 2019 and beyond.



EAC Chairman Thomas Hicks and Vice Chair Christy McCormick appear before the United States Senate Committee on Rules and Administration during the "Election Security Preparations: Federal and Vendor Perspectives" hearing on July 11, 2018. The Commissioners delivered testimony on the EAC's election security work and the status of distributing HAVA funds contained within the Consolidated Appropriations Act of 2018 to eligible states and territories.

By September 20, 2018, all 55 states and U.S territories had submitted their final plans and budgets and 100 percent of the $380 million had been disbursed.

The Commission made all state narratives and budgets public in order for the election community and the American people to have the particulars on how the states and territories were expending their funds. It is essential as part of the EAC's clearinghouse effort, that the states and territories have access to the wealth of ideas and innovative approaches contained in other states' narratives as they plan their own use of the funds. It is equally essential that the voting public know how states are using these federal funds.

Election security enhancements, including new voting equipment and cybersecurity protections, made up nearly two-thirds of total investments detailed in state narratives and budgets. States and territories allocated the remaining third to improve voter registration systems, post-election audit activities, election-related communications, and establishing reserves for future programming.

Congressmen Steny Hoyer (MD-15) and Jamie Raskin (MD-8) visit the EAC's office in Silver Spring, Maryland, to hear about the Commission's progress in distributing HAVA funds and the Commission's work to support secure, accessible and efficient elections.

"In Vermont, we have requested and received our $3 million in 2018 HAVA dollars from the U.S. Election Assistance Commission. The EAC provided this in a very quick way. Within 3-5 days of receiving our application, they got the money to us. I want to thank the EAC for providing a simple and quick way to get that money to us."

- Jim Condos, Vermont Secretary of State

The state and territory narratives contained expenditures for items such as personnel, equipment, sub-grants awards, training and accessibility improvements. Many of the documents also contained information on how grant recipients would comply with statutorily required activities, such as the five percent state funding match.
The steady rate of incoming requests the EAC received for this critical funding made clear the urgent need for new resources and was a testament to the dedication of election officials to bolster the security of our country's election systems. However, requesting HAVA funding was only one of the ways states worked to make their election systems more resilient, just as the EAC's distribution of HAVA funds was merely one aspect of the EAC's election security work. While the long-term impact of the new HAVA funding will be determined by how states and territories choose to use it, Americans should feel assured their election systems have integrity because of the diligent efforts of election officials around the country to improve every aspect of their systems.

Still, one message the Commission heard repeatedly from state and local election officials was that the funds contained within the Consolidated Appropriations Act of 2018 should be considered a down payment, rather than a one-time solution.

The vast majority of states and territories plan to spend their allotted funds within the next two to three years. Each funding recipient is required to submit a standard Federal Financial Report and updated program narrative for each fiscal year and may be audited by the EAC's Inspector General. The first Progress and Financial Reports from states and territories were due to the EAC on December 31, 2018.
The Commission will produce a brief summarizing how HAVA funds are being used in the first quarter of 2019 as our team provides technical assistance and grants management advice to state election offices as requested.

Case Study: Cybersecurity

Iowa plans to use $2.3 million of the $4.8 million in 2018 HAVA funds allocated to the state to augment cybersecurity protections. At the state level, funds will be utilized for firewall upgrades, increased security for the statewide voter registration database, and additional staff members to better serve and assist counties as they seek to enhance their security measures.

On the county level, funds will be used to provide more secure access to the statewide voter registration database through two-factor authentication. Funds will also be used to explore improvements to technology and security equipment already available to Iowa counties. The most recent HAVA funds will also allow the Iowa Secretary of State's Office to continue to expand on educational and training opportunities available to county Auditors, their staff and county IT professionals.

Case Study: Voter Registration

Massachusetts will spend $4 million of the $7.89 million in 2018 HAVA funding the state has received to make several upgrades to its voter registration systems.

In 2016, the Massachusetts Legislature amended state law to allow for the use of electronic poll books (e-poll books), subject to certification by the Secretary's Office, to check in voters at the polls. The Secretary's Office intends to use some of this funding for independent cybersecurity testing and guidelines for security and usage. After determining specific guidelines for use and certifying e-poll books, the Secretary's Office anticipates offering grants to assist local election officials in obtaining such equipment. The Secretary's Office will work with the Comptroller's Office to add equipment and related services to the statewide contract to make the procurement process easier and more cost effective for local officials. This program is expected to be in place by 2019.

Massachusetts also anticipates using a portion of the funding to implement automatic voter registration (AVR), which is set to begin on January 1, 2020. AVR will require certain modifications to the statewide voter registration database and will likely require additional technology. If the law is changed to allow for Election Day Registration (EDR) as well, funding will be used to provide the equipment needed for local election officials to implement EDR as well.

Case Study: Voting Equipment

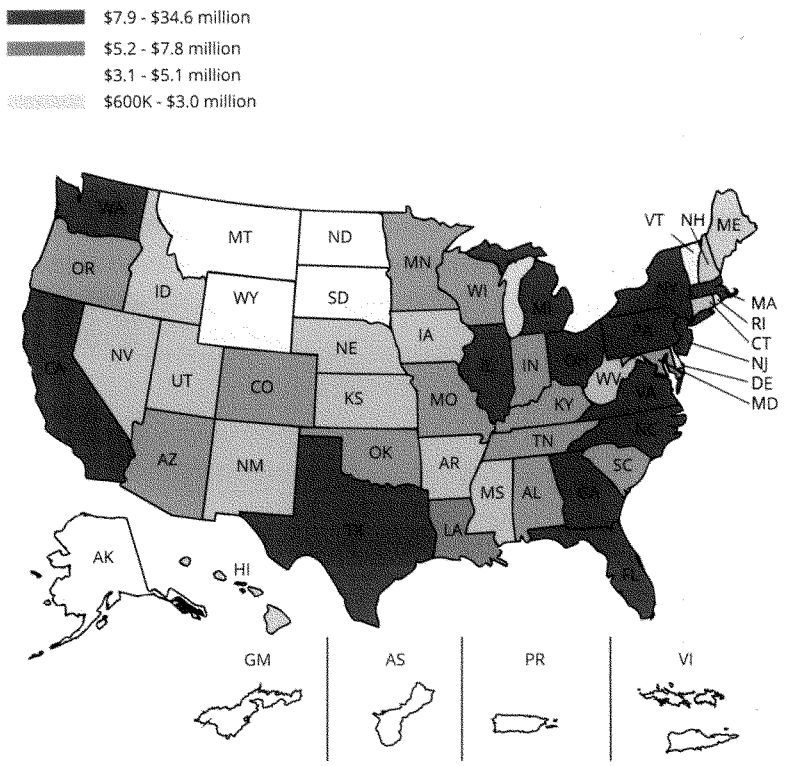
The majority of Kentucky's 120 counties utilize voting machines which create a Voter Verified Paper Audit Trail (VVPAT) once a voter casts his or her ballot. However, approximately 29 counties rely exclusively on direct-record electronic voting machines (DREs), which do not create paper record.

The Kentucky State Board of Elections (SBE) recently resolved to require all future voting equipment purchased by the Commonwealth to provide a VVPAT. The resolution will require approximately 13,000 voting machines to be replaced and cost approximately $18-$28 million, depending on the vendor and type of solution.

Kentucky will spend $4.6 million of the $5.7 million in 2018 HAVA funds available to the Commonwealth towards this replacement effort and for training on how to use the new equipment. While the funds will not account for the complete statewide replacement purchase price, it will assist the counties who solely use DREs to make the transition immediately.

Once a statewide VVPAT system is adopted, the Commonwealth of Kentucky will then have the ability to begin risk-limiting audits as a standard post-election protocol.

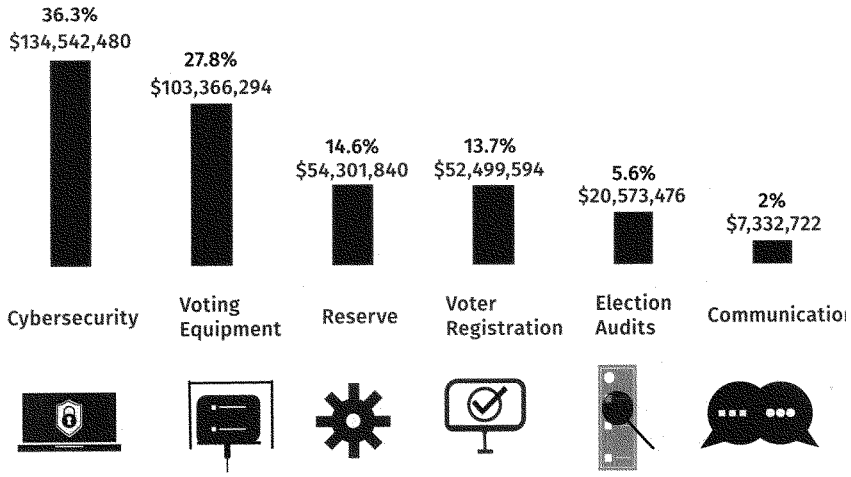
2018 HAVA Funds made available on March 23.



100% of funds requested by July 17.

100% of funds disbursed by September 20.

HOW STATES PLAN TO USE 2018 HAVA FUNDS



Cybersecurity	Voting Equipment	Reserve	Voter Registration	Election Audits	Communication
AL	AK	AS	AL	AL	AS
KY	MA	NJ	ME	NV	VA
PR	UT	CA	UT	CA	CO
AS	AR	NM	AS	OH	VI
MA	MD	CO	MO	CT	CT
RI	VI	NV	WA	OR	WV
AZ	AS	FL	AZ	CO	DC
MD	MO	OR	NC	RI	FL
SC	VT	GU	CA	GA	GU
CA	CA	PR	NE	TX	IA
MI	ND	HI	CO	GU	ID
SD	WV	RI	NJ	UT	IN
CO	CO	IA	CT	IA	MD
MN	NE	TX	NM	VA	MI
TN	WY	ID	DC	ID	NE
CT	CT	VA	NV	VT	NJ
NC	NJ	MI	GU	KY	NV
TX	DC	VI	OH	WA	
DC	NM	MN	HI	MD	
NE	DE	WA	OK	MI	
UT	OK	MO	IA	MN	
FL	GA	MS	PR	NC	
NJ	PA	NE	ID	NJ	
VA	GU	NH	RI		
GA	RI		IN		
NM	HI		TN		
VI	SC		MA		
HI	ID		TX		
NV	SD		MI		
VT	KY		VI		
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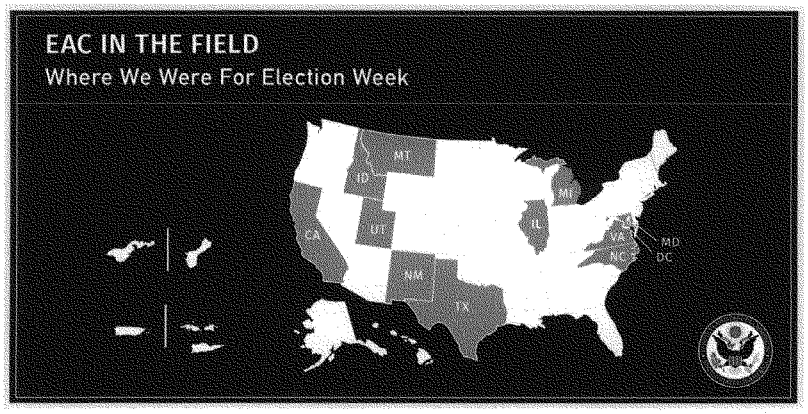
The 2018 Election



EAC representatives were on site in twelve different states and territories in the days leading up, and immediately following, the 2018 Midterm Election. On Election Day, Commissioners and staff visited election offices, served as poll workers and monitored Election Day threats at the Department of Homeland Security (DHS)'s National Cybersecurity and Communications Integration Center (NCCIC). Staff and Commissioners also observed logic and accuracy testing, vote by mail processing and post-election audits.

The 2018 Midterm Election was one of the most closely scrutinized in recent memory. Speculation about potential cyber-attacks and stories about the progress made to improve the security and resiliency of state election systems dominated media coverage and remained at the forefront of voters' minds. Election officials took potential threats seriously and, in the lead up to Election Day, they doubled down on efforts to secure election systems and educate voters to ensure confidence in the process.

During the 2018 midterm election, which was projected to see one of the highest midterm turnouts in decades,

"I do think the Commission has now found a new mission and it's an important one. I look forward to our oversight responsibility, but also working with the Commission as they do everything they can to help give state and local election officials the kind of help they need from the federal government to do their job."

- U.S. Senator Roy Blunt

election officials were more aware of the challenges confronting their systems and proved capable of successfully navigating potential threats. As a result, there were no reports of cybersecurity-related compromises of election infrastructure.

The Commission's driving force in 2018 was to ensure election officials had the resources necessary to successfully administer secure, accurate and accessible elections. The EAC convened election officials to discuss some of the biggest issues they face, ensured the efficient distribution of $380 million in newly allocated HAVA funds, and elevated best practices in election administration to serve as examples to other jurisdictions. Representatives of the Commission presented at conferences, conducted trainings, made site visits to election offices around the country, regularly spoke with election officials about their needs, and audits. At the EAC's headquarters, additional staff oversaw a call and email center that operated from Thursday, November 1 until polls closed on Election Day. Staff answered questions from voters and election officials across the United States. The agency also created a unique website splash page feature that provided easy access to information most requested by voters, including polling place location and voter registration instructions.

Although the 2018 Federal Elections were administered successfully in the majority of jurisdictions, in some jurisdictions there were reports of long lines and wait times, aging and malfunctioning voting equipment, ballot design issues and understaffing. The EAC will continue to work with jurisdictions around the country to ensure election officials have the tools they need to address such issues and ensure a positive experience for voters.

"I wanted to briefly say how important it is to have the United States Election Assistance Commission fully filled. As we look back at the midterms, I think we know we need a strong, fully functioning Commission now more than ever."

- U.S. Senator Amy Klobuchar

Summit: The 2018 Federal Election

As any election official will tell you, administering a federal election takes months of preparation. For the EAC, that work began in earnest in January 2018, when the Commission began the year with an all-day summit highlighting a spectrum of issues that state and local election officials face as they work to administer elections and serve voters. The event took place at the National Press Club and featured keynote speakers and expert panelists who addressed topics such as election security, voting accessibility, and how to use election data to improve the voter experience. Attendees also heard a keynote address from then-Acting Deputy Undersecretary of the Department of Homeland Security's National Protection and Programs Directorate Bob Kolasky.

With more than 125 election officials, activists and voters in attendance, the

National Mail Voter Registration Form

As mandated by the Help American Vote Act of 2002 (HAVA), the EAC maintains the National Mail Voter Registration Act (NVRA) form and its accompanying state-specific instructions. The NVRA form can be used by U.S. citizens in most states to register to vote or update their registration record through the mail. In 2018, at the request of states, the EAC processed nine updates to the NVRA form to align its state-specific instructions with changes in state law. To support voter registration for citizens with language needs, the NVRA form and instructions have been translated into nine languages (Bengali, Chinese, Hindi, Japanese, Khmer, Korean, Spanish, Tagalog and Vietnamese). The EAC webpage, where the form is hosted, was the most visited page on the EAC website in 2018, registering 184,030 unique visitors.

In addition to being hosted on the EAC website for download, the NVRA form is used by vote.gov, a website managed by the Government Services Administration (GSA), and many non-governmental organizations seeking to register voters. For example, GSA reported to the EAC that in 2018, the English- and Spanish-language NVRA forms were accessed on vote.gov by 346,339 unique visitors across the 10 states which accept the form but do not have online voter registration. Three national non-governmental organizations focused on voter registration through online platforms (Rock the Vote, TurboVote, and vote.org) reported to the EAC that they supported voter registration for more than 2.2 million individuals using the NVRA form.

In addition to maintaining the NVRA form, the EAC further supports voter registration by directing EAC website visitors to states' online voter registration portals and relevant information.

summit was a powerful testament to the Commission's convening power. Since its inception, the EAC has worked with election officials to tackle some of the greatest challenges facing American elections. The summit provided a space for election officials to focus on some of the most pressing issues in election administration and hear from leading experts in the field as they prepared for the upcoming Federal Election.

EAC Election Readiness Summit

Just one month before the 2018 Midterm Elections, the U.S. Election Assistance Commission (EAC) hosted the EAC Election Readiness Summit in the U.S. Capitol Visitor Center to inform the public and lawmakers about the steps election leaders can take to ensure secure, accessible, and efficient elections.

The event featured expert panelists and keynote speakers, including U.S. Senators Roy Blunt (R-MO) and Amy Klobuchar (D-MN), who examined election security best practices. Panelists also discussed investments in accessibility, post-election audits, and other vital election activities. The summit highlighted innovative and cost-effective steps for election administrators to consider as they looked to 2020 and beyond. In the afternoon, the EAC hosted an open house for election vendors to display and demonstrate their equipment.

The summit was a bookend event to an intense year of preparation for election officials around the country, who worked tirelessly to improve the security and resiliency of their systems.

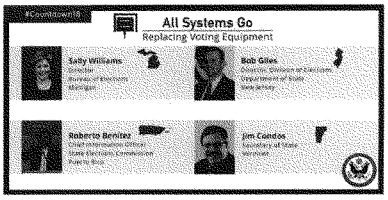
#Countdown18

The EAC launched a #Countdown18 online series to highlight the innovative work states, counties and municipalities were doing to prepare for the upcoming Midterm Elections. This five-week series featured interviews with election officials in the states, leading national experts and volunteers and examined efforts made possible as a result of the recently distributed 2018 HAVA funds.

The first week of the series focused on the additional steps election officials across the country took to safeguard and improve their Voter Registration systems ahead of Election Day, including the 29 states and territories that are using a portion of their 2018 Help America Vote Act (HAVA) funds for these efforts. The EAC highlighted the work of the Oklahoma State Election Board, which expects to move voter registration completely online by 2020 and launched the first phase of this project, the Online Voter Registration Update Service, in

2018. Veronica Degraffenreid of the North Carolina State Board of Elections & Ethics Enforcement told the EAC about how the new funds were helping expedite the process of revamping the state's statewide election information management and voter registration systems. Rhode Island Secretary of State Nellie Gorbea spoke about the development of a new voter registration system, which will be ready for the 2020 elections, thanks to the 2018 HAVA funds. Washington State Director of Elections Lori Augino also outlined the state's new single synchronized voter-registration system, which will be in place for 2019's August primary and November general election.

During a week-long "Securing the Vote" feature, the EAC focused on election Cybersecurity initiatives in Florida, New York, Iowa and West Virginia, four of the 41 states and territories who are using 2018 HAVA funds for this purpose. Robert Brehm outlined the New York State Board of Elections' plan to further strengthen its election infrastructure's cyber protections. Iowa Secretary of State Paul Pate briefed the agency on numerous steps his office had taken including the formation of the Iowa Election Security Working Group, post-election audits following the November 2018 elections, making cybersecurity training a priority for all election officials and educating voters on the cybersecurity measures in place. The series highlighted the Florida Department of State's hiring of five cybersecurity specialists to assist state and local election officials with election security and grants provided to Supervisors of Elections for the purchase of ALBERT sensors. Representatives from the West Virginia Secretary of State's Office also spoke about the state's secure mobile app for uniformed and overseas citizens to easily vote absentee and partnerships with Harvard University's Belfer Center, the West Virginia National Guard and others.



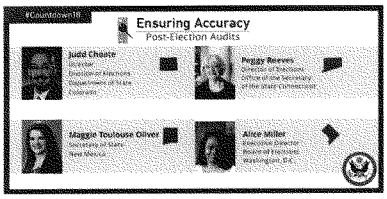
The voting machine is the one 'hands-on' piece of equipment that most voters interact with during the election process. Whether it be an optical scanner or a direct recording electronic machine, the quality and reliability of that equipment is a critical component to a safe, secure election process. During the third week of the #Countdown18 series, the EAC spoke with officials from Michigan, New Jersey, Puerto Rico and Vermont about their efforts to Replace Voting Equipment.

Michigan was one of the few states working with all new voting equipment for the November 2018 elections, and Director of Elections Sally Williams walked the EAC through voters' initial response to the equipment and the checks and balances in place to ensure the integrity of the system. New Jersey Elections Director Bob Giles outlined a pilot program the state is embarking on to begin the process of replacing its current voting equipment with systems that provide a Voter Verified Paper Audit Trail for auditing purposes. Roberto E. Benítez spoke about the Puerto Rico State Elections Commission's efforts to repair voting equipment damaged during Hurricane Maria, purchase electronic poll books and conduct IT infrastructure upgrades. The EAC also published an interview featuring Vermont Secretary of State Jim Condos about the acquisition of a new state-of-the-art accessible voting system in advance of the 2018 Midterm Election and the plan to replace vote tabulators after the election.

The right to vote is one of the most fundamental, and hard-won, principles of our democracy. Yet, the work to ensure all eligible citizens are able to cast a ballot is still unfinished. The EAC spoke with state and county election officials about their efforts to ensure Voting with Ease, including initiatives to decrease wait times, assist military and overseas voters and provide language assistance at the polls.

General Registrar Michele White told the EAC about how Prince William County, Virginia went from making national headlines in 2012 for its three-to-four hour waits on Election Day, and having to keep polls open until 11 p.m., to every polling location closing on time in 2016. Sam Taylor at the Texas Secretary of State's Office outlined programs and extended deadlines in place to assist military and overseas voters in requesting, and returning, marked ballots. Indra Arriaga spoke about the Alaska Division of Elections' language assistance program, which provides translated election materials for languages that are historically written and oral language assistance for languages which are historically unwritten.

The EAC also featured an interview with Jim Dickson, a member of the leadership team that was influential in the drafting and passage of the National Voter Registration Act and the Help America Vote Act. Dickson noted the need for ongoing research and development on accessibility to keep up with constantly changing technology. His words serve as a poignant reminder that election security cannot come at the expense of voting systems which are accessible to all eligible voters.



Ending the Friday before Election Day, the #Countdown18 series gave voters an behind-the-scenes look at their own state and local election offices and allowed them to see how election administrators were working to improve their resilience of our election process.

The right to vote is the foundation of American democracy and citizens must be able to trust that the election process is secure and accurately reflects the will of voters. During the final week of #Countdown18, the EAC focused on one emerging trend that ensures voter confidence: post-election audits.

Alice Miller, Executive Director of the Washington, D.C. Board of Elections, spoke with the EAC about the District's election audit processes, which are used to verify the tally and that equipment counting the ballots performed properly. In Connecticut, where post-election audits have been conducted for more than a decade, Director of Elections Peggy Reeves spoke about the state's partnership with the University of Connecticut to develop a computer-assisted independent audit station which will allow election officials to manually review an image of each ballot subject to audit. New Mexico Secretary of State Maggie Toulouse Oliver gave an overview of the state's shift from the two percent tabulator audit to its current risk-limiting voting precinct audit model. Finally, Colorado Director of Elections Judd Choate outlined how risk-limiting audits were piloted and implemented in the state.

Enhancing Security

npr

Cybertraining Election Officials For This Year's Voting

Pam Fessler
Correspondent, National Desk

"It was clear that many of those gathering in Orlando already have protections in place and are well aware of the risks. But some county election offices are extremely small, with no IT staff of their own. Dana Southerland runs elections in Taylor County, which has only 13,000 voters. She said she picked up some useful tips, such as changing passwords and being careful about opening e-mails...Southerland — who is also President of the Florida State Association of Supervisors of Elections and helped organize the session — said perhaps the most important message is that no one is immune from attack, and they have to be prepared."

IT Management Training

States had already done a great deal of work to improve and shore up their systems prior to $380 million in HAVA funding was made available through the Consolidated Appropriations Act of 2018, including forming unprecedented federal entities and participating in tabletop exercises and other training sessions aimed at improving the overall security and resiliency of election systems.

One of these training sessions is the "Election Official as IT Manager," led by the U.S. Election Assistance Commission

(EAC)'s Testing & Certification team. The EAC customizes each session to reflect state-specific voting and election systems. With modules on technology in election offices, procurement and vendor selection, testing and auditing, security, risk management, critical infrastructure and federal resources, the course is aimed at helping election officials manage the increasingly complex technical demands of planning, directing and controlling contemporary elections.

To date, the EAC has provided its IT Management Training at no cost to eleven states and helped election officials improve the security and resiliency of their systems. In 2018 alone, the EAC Testing & Certification team conducted 11 "Election Official as IT Manager" trainings for approximately 600 local election officials across nine states. These trainings are ongoing and the EAC working with DHS has made the course available online through the FedVTE platform.

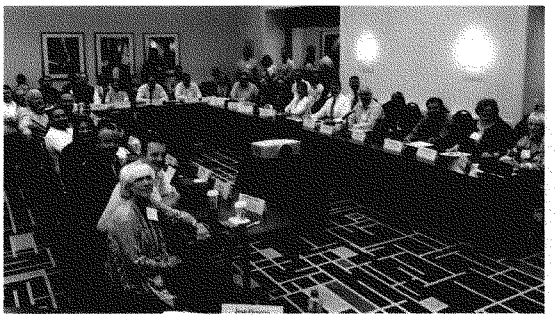
Critical Infrastructure Designation

In early 2017, the Department of Homeland Security (DHS) designated elections as part of the nation's critical infrastructure. While the EAC was already collaborating with the DHS and the Federal Bureau of Investigation (FBI) to distribute actionable alerts to election officials who had long focused on strengthening the security and resiliency of their election systems, the critical infrastructure designation was established by the federal government to improve that process and provide election officials with additional resources and mechanisms for information sharing.

Since the designation, the EAC has actively worked to provide state and local election officials with a seat at the table during discussions about how the sector would function and, together with election officials, has been at the forefront of solutions which have dramatically increased election security. For example, the EAC led the establishment of the Government Coordinating Council for the Election Infrastructure Subsector (GCC).

The EAC recognizes the GCC 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. DHS has said that the GCC was formed faster than any other similar critical infrastructure sector council to date and the Council is comprised of, and a valuable asset to, election officials.

Building on the formation of the GCC, 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, both Councils were functioning before 2018,



Members of the Elections Government Sector Coordinating Council (GCC) during their first meeting on October 14, 2017.

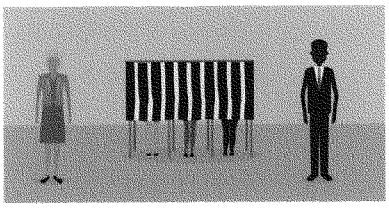
less than one year after the Critical Infrastructure designation.

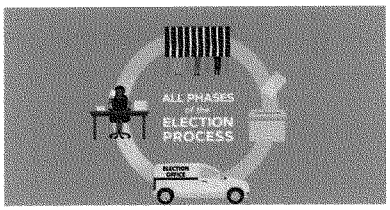
Since then, the GCC has adopted and implemented a communications protocol document and a sector specific plan which provides expedited state and local access to security resources. The GCC also launched a number of working groups and are participating in others. Information Sharing and Analysis Centers (ISACs) intended to gather, analyze, and disseminate intelligence related to critical infrastructure are also up and running. The Elections Infrastructure-ISAC (EI-ISAC), for example, allows owners and operators of election administration systems to better secure their systems against cyber threats by providing threat-related notifications; assessments of relevant news; a 24/7 operations center with cybersecurity experts; timely sharing of actionable information; and real-time monitoring for network activity by malicious actors.

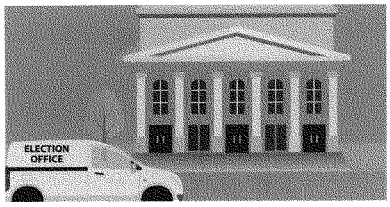
The SCC announced the creation of their own Information Sharing Analysis Center called the Special Interest Group (SIG) and is now working to establish charters and working groups.

The EAC continues its leadership in the sector through its collaboration with DHS and its involvement the GCC. Two months before the election, the EAC participated in a DHS classified national read-in on the current state of threats to election systems through the GCC. The critical infrastructure designation also accelerated the distribution of traffic and threat monitoring systems, known as Albert sensors, allowing them to be deployed on election networks across the country ahead of the 2018 Midterm Elections.

In 2018, EAC Chair Thomas Hicks served on the GCC's executive committee. Vice Chair Christy McCormick served as an ex-officio member of the GCC and Executive Director Brian Newby co-chaired the Council's Digital Network







The EAC Election Security video and accompanying resources detail the broad spectrum of steps election officials take to secure elections.

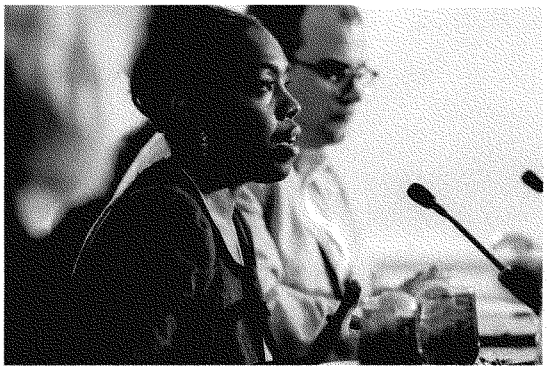
Development Working Group. With the confirmation of two additional Commissioners, the Chair and Vice Chair of the EAC will serve as official members of the GCC and the remaining Commissioners will serve as ex-officio members. The EAC is committed to working with election officials and their federal partners to continue ensuring the nation's election systems are secure.

Materials for Voters

Following the 2016 Presidential Election, voters had concerns about the security of election systems and whether the system as a whole had integrity. However, thanks to the work of such officials, significant security protections were already in place and no votes altered during the 2016 election. While interference from nation-state actors shook voter confidence, election systems withstood these attacks and administered accurate elections.

Over the last two years, a core tenant of the EAC's mission has been to help election officials as they worked to improve security against threats both physical and cyber. The Commission also worked to educate voters about the significant security measures in place within election systems. One resource the EAC produced this past year was a brief Election Security video intended to aid election officials as they engage community and civic groups.

This video examines the role registration, physical security, poll



Former U.S. Virgin Islands Election Systems Deputy Supervisor Genevieve Whitaker speaks during a panel on Elections & Disaster Recovery during the 2018 EAC Standards Board Meeting.

workers and voting equipment play in ensuring safe, accurate, fair and accessible elections. It also explains how the decentralized American election administration system protects election integrity and American voters, and examines the security measures in place for vote by mail ballots, election night reporting and voting technology overall. In addition, the video highlights ballot handling measures, post-election audits, and the planning most jurisdictions do to ensure election continuity in the face of unexpected events or natural disasters.

While jurisdictions across the nation all have unique policies and laws that govern how elections are administered and secured, this video captured the common threads that run throughout this essential work. The video, and the accompanying presenter's materials and pamphlet on election security, were an invaluable resource to election officials and voters alike. The Wisconsin,

"I sit on the executive committee of the Government Coordinating Council and I sit alongside the Chairman of the EAC and the Presidents of NASS and NASED. This confederation is working really well for all of us to figure out our lanes and what's become clear to everybody, including the Department of Homeland Security, is the vital role that the EAC has played. For 15 years, they've been a significant partner. They're a trusted source. I think DHS has been able to rely on them significantly and we certainly have at the local level."

- Noah Praetz, Director of Elections, Cook County, Illinois

"It's fair to say that the majority of county clerks in the rural areas of Missouri are depending on the efforts of their election service providers who provide their voting equipment services, their Secretary of State's office and the coordinated efforts of the Department of Homeland Security and the Election Assistance Commission to be their firewall for protection against incoming cybersecurity threats."

- Shane Schoeller, Clerk, Greene County, Missouri

Iowa and California Secretary of State's Offices adapted this video to include state-specific information and made it publicly available to voters on their websites.

Contingency Planning

Election officials across the country spend a lot of time thinking about what could go wrong—and for good reason. When an unexpected situation arises or disaster strikes, election officials must be able to continue operations, with limited resources and time. Proactively planning for the types of disasters we know are possible and developing contingency and recovery plans are some of the best ways to shore up the security of voting systems. Crises will arise, from hurricanes and wildfires to criminal threats and power failures. But when these kinds of disruptions do occur, there is usually a precedent to look for guidane on how to best manage them. In order to ensure election systems are secure, election officials must also have strong plans in place to protect the physical security of voting equipment, including contingency plans, to mitigate the fallout from disasters that might occur.

Such planning is not limited to hacking and data breaches, though cybersecurity risks remain at the forefront of the public consciousness. Damage to election systems by natural disasters in communities across California, Texas, Puerto Rico, and other jurisdictions also demanded significant emergency responses in 2017. Significant support was required to rebuild election systems in many areas ahead of the 2018 midterms, with more work to be done prior to the 2020 Federal Election.

The EAC has a wealth of real-world contingency plans on our website, including disaster mitigation training materials and other resources that allow state and local election officials to see how other election offices have handled such challenges in the past. In May, Vice Chair Christy McCormick also moderated an Election & Disaster Recovery panel during the EAC's 2018 Standards Board meeting. This discussion allowed attendees to hear from officials from New Jersey, Virginia and the U.S. Virgin Islands with real world experience on mitigating the impact of severe natural disasters on their election systems.

Securing Systems

When the Help America Vote Act (HAVA) was passed in 2002, the legislation established a Testing and Certification program within the U.S. Election Assistance Commission (EAC) to certify, decertify and recertify voting system hardware and software and accredit test laboratories. This was the first time in history that the federal government held this responsibility, allowing states to procure newly certified voting systems without the added expense of independent testing and certification.

Since then, the EAC's Testing and Certification team has served as a critical first step in maintaining the reliability and security of the voting systems used in American elections. In all, the program has certified 38 voting systems, or modifications to a voting system, from 6 different vendors. In 2018, the team tested and certified 10 voting systems from six different manufacturers. At least 47 states use the Testing and Certification program in some way when deciding which voting system to purchase, and state and local election officials often request that the EAC edit and review requests for proposals (RFPs) and other documents used in the election technology procurement process.

At the core of the EAC's Testing and Certification work are the Voluntary Voting System Guidelines (VVSG) which test election system functionality, accessibility, accuracy, auditability and security capabilities. HAVA mandates that the EAC develop and maintain these standards together with our partners at the National Institute of Standards and Technology (NIST) the EAC Technical Guidelines Development Committee (TGDC), a diverse EAC advisory board comprised of representatives from the election community, public sector, private sector and interest groups.

The most recent generation of the guidelines, VVSG 2.0, were adopted by the TGDC on September 12, 2017. The VVSG 2.0 are a nimble set of high-level principles, supplemented by specific requirements for how systems can be tested and how accredited test laboratories can validate that a system complies with those requirements.

Both the Standards Board and Board of Advisors passed resolutions

The EAC hosted local election officials for a public forum on election security in Miami on April 18, 2018, just a few weeks after the Consolidated Appropriations Act of 2018 provided $380 million in new Help America Vote Act (HAVA) funds.

during their 2018 annual meetings recommending that the EAC move forward with considering the draft VVSG 2.0 Principles and Guidelines document for full adoption. Both boards also passed an amendment to the resolution recommending that the EAC adopt, within the Testing and Certification Quality & Program Manual, a provision providing for the ability of VVSG 2.0 requirements and Test Assertions to be updated in the absence of a quorum of EAC Commissioners.

The EAC also accredits independent voting system test laboratories (VSTLs) that evaluate voting systems against the Voluntary Voting System Guidelines (VVSG). The National Institute of Standards and Technology (NIST) assists the EAC through its National Voluntary Laboratory Accreditation Program (NVLAP) to provide recommendations regarding laboratory accreditation. After the EAC receives NVLAP's recommendations, the program conducts further review to address additional issues, such as conflict

The EAC election security forum in Miami gave state and local election officials from across the nation the opportunity to provide statements about their election cybersecurity efforts. The discussion also featured details about new HAVA funding.

of interest policies, organizational structure and recordkeeping protocols, before the Commissioners vote on full accreditation.

The Commission also operates a Quality Monitoring Program to ensure voting systems certified by the EAC are the same systems being sold by manufacturers. This program is a mandatory part of the Testing and Certification program and includes elements such as fielded voting system review, anomaly reporting, and manufacturing site visits.

If issues do arise, the EAC issues System Advisory Notices to inform jurisdictions and members of the public of an existing anomaly or issue with an EAC-certified system. The advisory notice describes the issue identified, the root cause of the issue if known, and the current status of a solution. The EAC also follows up with additional advisory notices as more information is gathered until the issue is resolved.

However, the work of the EAC Testing and Certification team doesn't end with certifying a system, or ensuring systems used by election jurisdictions are identical to those tested and certified by the agency. In 2018, the program worked with state and local election officials to ensure the proper management of election systems and the rigor of post-election checks on those systems. The team also authored the white paper "Wiping Election Equipment Before Disposal, Sale or Destruction" outlining the steps election officials must take to ensure any proprietary information, election data and personal information has been properly sanitized from those devices once they reach the end of their useful life.

Table Top Exercises

In March 2018, the EAC worked with others in the election industry to create and execute a national role-based tabletop exercise (TTX). The purpose of the tabletop exercise was to simulate scenarios that could occur during an election in order to get election officials to actively communicate, implement incident response plans, and ultimately increase awareness and preparedness for the 2018 midterm elections.

Following this initial TTX, the EAC provided assistance in the development and implementation of tabletop exercises for election officials in Illinois, Ohio and Colorado. The EAC also participated and assisted in the planning of the Department of Homeland Security's Tabletop the Vote 2018: National Election Cyber Exercise, which included 44 states, the District of Columbia and federal partners.

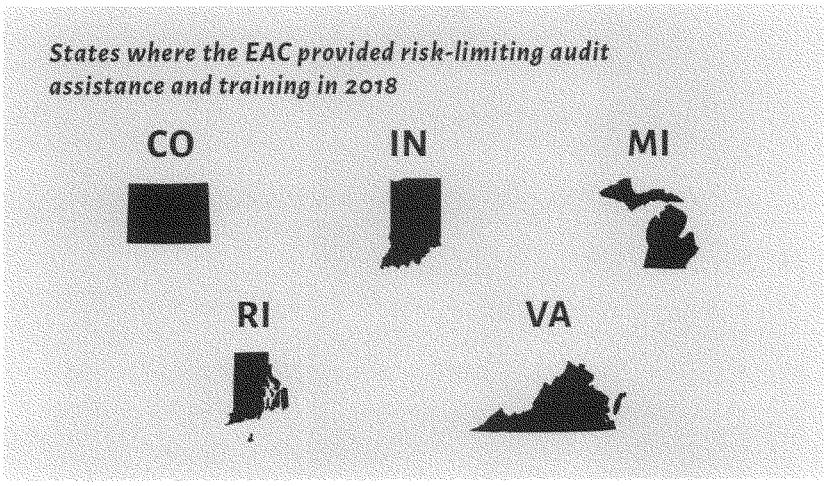
Members of the EAC Testing & Certification team also contributed to manuals and cybersecurity playbooks developed by use for third-party entities to support election officials.

Risk-Limiting Audits

As states look to bolster election security, many jurisdictions are refining their post-election audit processes or piloting new initiatives, including risk-limiting audits (RLAs), a type of post-election audit which provides strong statistical evidence that the election outcome is correct.

In 2018, the EAC Testing and Certification team provided risk-limiting audit assistance and training across five states. The program also compiled feedback from jurisdictions that had either implemented or piloted RLAs into the white paper "**Risk-Limiting Audits – Practical Application**."

Research is ongoing for integrating RLAs into state and federal-level elections, and for testing and potentially implementing other statistics-based post-election audits. The EAC will continue to provide support and resources to jurisdictions that are considering implementing post-election audits.



Leveraging Data

Election Administration & Voting Survey

State and local election officials across the country use a myriad of data to improve election processes. Since 2004, the U.S. Election Assistance Commission (EAC) has administered the Election Administration and Voting Survey (EAVS), the most comprehensive nationwide data about election administration in the United States. This biennial survey collects data from all 50 states, the District of Columbia, American Samoa, Guam, Puerto Rico and the U.S. Virgin Islands at the state and local level by county or county equivalent. In addition to providing a detailed picture of how elections are administered across the country, data collected through the EAVS is used to help election officials identify trends, anticipate changing voter needs and the impact of proposed policies, and determine how to invest often limited resources. The EAVS has documented the impact of policy and administrative changes over time, such as the rise of online voter registration, a growing number of Americans voting before Election Day and more jurisdictions using technologies such as electronic poll books.

"The effective use of data to manage all aspects of the election process is extremely important. However, data alone is not enough. The quality of the data you use always has to be considered."

- Robert Torres, Acting Secretary of the Commonwealth of Pennsylvania

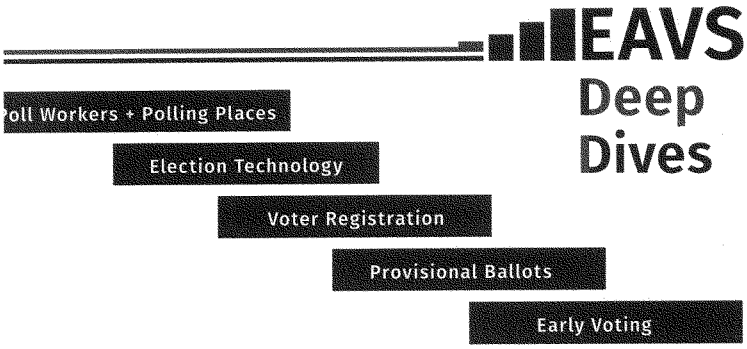
The EAVS collects data on the most recent federal general elections, which is then analyzed and summarized in a final report submitted to Congress and released to the public by June 30 the following year. The EAVS report and underlying data are then used by election officials, journalists, academics,

advocates and other stakeholders to better understand and improve future elections and the voter experience.

Additionally, the EAC leverages EAVS data to develop resources for election officials and the voters they serve.

The wealth of data within the EAVS includes information on voter registration, mail, absentee, and early voting, turnout by method, military and oversees voting, polling operations, poll workers, provisional ballots, and voting technology. For some of these issues, such as provisional ballots, the EAVS is the sole source of nationwide data and trends.

The EAC conducts the EAVS to meet its Help America Vote Act of 2002 mandate to serve as a national clearinghouse and resource for the compilation of information on the administration of Federal Elections, and statutory requirements under the National Voter Registration Act (NVRA) and the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Alongside the EAVS, the EAC also administers the Election Administration and Policy Survey (Policy Survey, formerly referred to as the Statutory Overview), which collects information on the policy and administrative frameworks in which elections are conducted in each state. Information collected through the Policy Survey is meant to complement and provide relevant context for the extensive data collected through the EAVS. Together, all the components of and data contained within the EAVS comprises the nation's leading source of election data, which for nearly 15 years has been an invaluable resource for improving the way America votes.



"Evaluation is an opportunity to gather data and demonstrate the ways policies and programs that have been enacted in jurisdictions can enhance the way you do your jobs and more broadly, the way citizens experience the democratic process."

- Dr. Bridgett King, Assistant Professor, Department of Political Science, Auburn University

EAVS DEEP DIVES

From the fall of 2017 until summer 2018, the EAC released a series of election data issue briefs known as "EAVS Deep Dives," which looked at election administration trends and voting behavior ahead of the 2018 midterm elections. This series examined EAVS data released between 2004 and 2016 and provided an in-depth look at a variety of timely issues related to election administration. The briefs offered analysis that helps demonstrate the changing landscape of U.S. elections, including the steady expansion of alternatives to traditional in-person Election-Day voting, the rapid increase in the use of online voter registration, and the rise in electronic poll book usage, among other important findings. With election officials and policy makers increasingly focused on election security following the 2016 elections, the issue briefs' findings on election technology and fail-safe procedures, such as provisional ballots, were particularly relevant.

The **Voter Registration** Deep Dive focused on the impact of technology, methods of voter registration and list maintenance activities.

The **Early, Absentee and Mail Voting** Deep Dive demonstrated the growing trend of states offering early, no-excuse absentee and mail voting, and the increasing number of voters casting ballots before Election Day.

The **Poll Workers and Polling Places** Deep Dive showed a decline in the number of physical polling places across the country, the continued challenges jurisdictions reported facing in recruiting poll workers, and age data for poll workers.

The **Election Technology** Deep Dive analyzed evolving election technology and its implications for election efficiency, integrity, accessibility, voter experience and confidence, and the roles of election officials at all levels.

The **Provisional Ballot** Deep Dive reported the rate at which provisional ballots are issued and counted during Federal Elections, and the impact of different state policies on provisional ballot usage and acceptance.

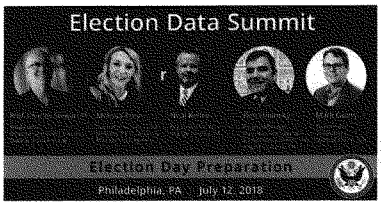
Products such as the EAVS Deep Dives are part of an EAC initiative to make the survey data more accessible, usable and impactful for both election officials and voters.

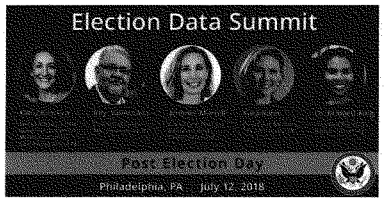
ELECTION DATA SUMMIT

While the EAVS is the most comprehensive survey on election administration in the United States, it only scratches the surface of available election data. In order to give state and local election officials and other election stakeholders the ability to discuss a broad spectrum of election data and highlight innovative and emerging data-driven practices from around the country, the EAC hosted its second Election Data Summit in Philadelphia on July 12, 2018, in partnership with the Pennsylvania Department of State. Held just four months before the midterm elections and four months after Congress allocated $380 million in new funding to states to improve the administration of elections for Federal office, the summit examined ways election officials are using data to improve election processes and inform decision making. Each panel during the summit focused on a distinct aspect of the election cycle and explored different sources of election data, including voter registration databases, electronic poll books, line management tools, voting equipment, and post-election audits. The event convened some of the nation's most respected election experts, each of whom brought a unique perspective to the conversation about how best to use election data and research future trends.

During the event, a **Voter Registration** panel explored how voter registration data is used, collected and shared in light of recent trends towards modernizing voter registration systems and increased sharing of registration data among states.

An **Election Day Preparation** panel examined how data can be used to identify polling locations, recruit poll workers, anticipate needs and establish systems to collect information and respond to emergencies ahead of Election Day.





The EAC hosted its second Election Data Summit in Philadelphia on July 12, 2018, in partnership with the Pennsylvania Department of State, just four months prior to the Midterm Elections and four months after Congress allocated $380 million in HAVA funding.

An **Election Day** panel examined how data-savvy election officials are leveraging a number of tools, such as mail-ballot tracking systems, electronic poll books and line management tools to strengthen specific aspects of voting operations and inform decision-making in real time during voting and in the post-election period.

Finally, the **Post-Election** panel focused on how officials can best use election data and research trends moving forward, with an emphasis on results and participation data, provisional ballot resolution tools, post-election audits, after-action reports and evaluations.

2018 EAVS

Months before the 2018 midterm elections, preparations for the 2018 EAVS, the eighth biennial survey of its kind, were already underway. The EAC worked to build on improvements from the 2016 survey in order to make the survey easier to complete, strengthen data quality and completeness, and encourage greater use of the data by election officials and other election stakeholders. As part of its efforts to make the EAVS easier to complete, the EAC is piloting online data collection for the 2018 EAVS. EAC technical assistance and data collection for the 2018 EAVS began in late 2018, but the main effort to collect, analyze, and report on the data will take place in 2019.

Once the 2018 EAVS report and underlying data is published in June

"Anyone who hasn't jumped into the data collection game: Just start collecting it. You might not know what to do with it yet, but if you miss the opportunity to collect, you're just prolonging that cycle from actually getting started."

- Kara Rahn, Director of Elections, Chester County, PA

2019, the EAC plans to continue developing products that make the data more accessible and useful to election officials, voters and other stakeholders. For example, data from the 2018 EAVS will be used to update the EAVS Data Interactive, a visualization tool launched in 2017 that allows users to examine specific data at the state and local level and compare jurisdictions side-by-side. The EAVS Data Interactive is just one of the tools the EAC will provide to election officials and voters in the coming year to help them to make informed decisions about election administration and policy.

In July, the EAC launched the EAVS Online Template to collect data for the 2018 EAVS. The online tool replaces the Excel Data Entry Template that was used in previous years, will make the survey easier to complete and strengthen data quality. Feedback from jurisdictions will be used to improve the template and inform additional modernization efforts for the 2020 EAVS.

Providing Assistance

Voters with Disabilities

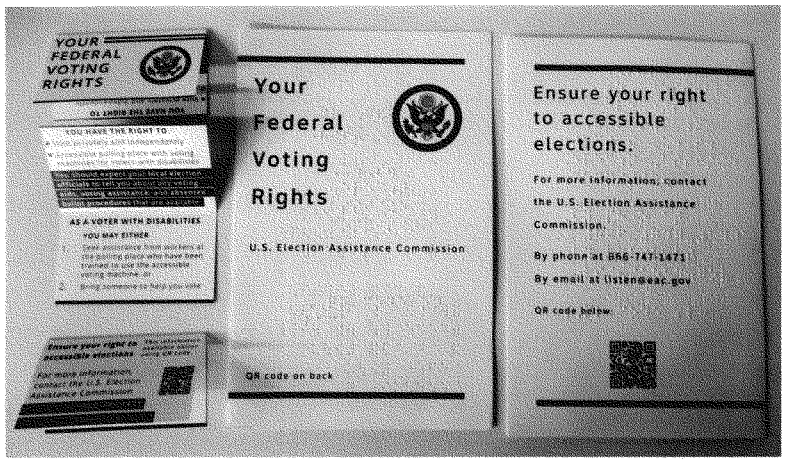
The Help America Vote Act (HAVA) contained landmark provisions requiring the secure, private and independent casting of ballots for voters with disabilities. Since then, states have made significant efforts to eliminate barriers and close the voter registration and voter participation gaps that exist between voters with disabilities and voters without disabilities. However, obstacles still exist for voters with disabilities and additional progress is needed to realize the true promise of HAVA.

Today, more than 35 million Americans with disabilities are eligible to vote in the United States, accounting for roughly one-sixth of the total electorate. This ever-growing population of voters also faces educational, cultural and political barriers that can make participating in elections difficult. Since our establishment, the EAC has worked to expand access, regardless of a voter's abilities, by providing resources, promoting best practices, educating voters with disabilities about their rights, and testing and certifying voting systems to ensure they are both secure and accessible to all.

"Ensuring the rights of voters with disabilities isn't a choice, nor is it a partisan issue. It's the law. We can never forget that as we work to improve elections."

-Joint op-ed from Commissioners Hicks and McCormick published on the 28th anniversary of the Americans with Disabilities Act

In 2018, the EAC hosted public forums to gather feedback from voters with disabilities about challenges they can face when casting a ballot. In June, Chairman Thomas Hicks and Vice Chair Christy McCormick conducted a town hall discussion with voters with disabilities and advocates from across America at the annual National Disability Rights Network (NDRN) conference. During this event, participants shared their voting experiences and offered suggestions for improvement. EAC Commissioners then shared this valuable feedback with election officials and continued their communication with voters with disabilities through the 2018 midterm election.

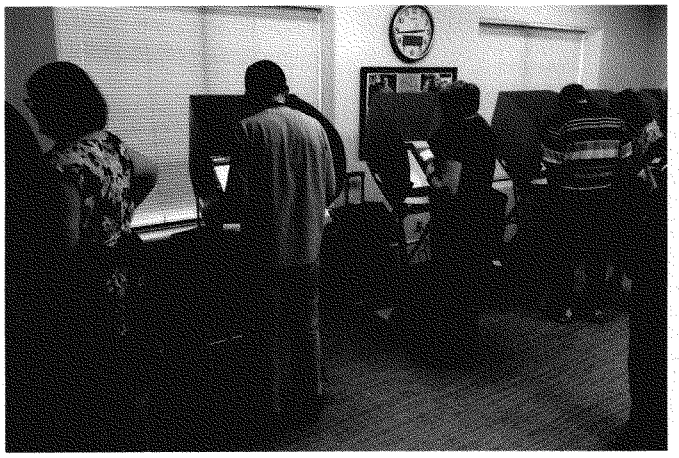


Since 2016, the EAC has distributed more than 20,000 federal voting rights cards in Braille, large print and plain language in order to ensure voters with disabilities are educated about their rights.

While there is no one solution that can be applied across the thousands of jurisdictions that comprise America's decentralized election system, there are common threads in how best to serve voters with disabilities. The EAC elevates best practices which can serve as exemplary models to election officials, such as technological improvements, better training for election workers, ensuring there are multiple options which accommodate the diversity of disabilities and regular engagement with voters with disabilities.

The EAC also ensures voters are educated about their rights. The EAC has distributed more than 20,000 federal voting rights cards in Braille, large print and plain language to voters with disabilities, advocacy organizations, and election officials across the United States since 2016. EAC Commissioners stress the need to find election solutions that will both increase security and expand access in Congressional testimony, meetings with state and local election officials, public appearances and public articles. The EAC also promotes best practices throughout the year with voter outreach, updated materials and online campaigns.

While jurisdictions have made advances in providing access to voters with disabilities since the passage of HAVA, more work needs to be done to meet the promise of private and independent voting for all. Moving forward, election officials should be continuously reminded to do all they can to ensure accessibility at every point in the voting process.



The EAC composes and promotes "case studies" of best practices that can serve as exemplary models for election officials. In 2018, several of these features focused on how to better assist voters with access needs. Contra Costa County, California, for example, provided specialized training to its election workers, placing them in the shoes of voters who need assistance to give them a new perspective and providing real-life examples of situations that can occur at a polling place on Election Day. Other jurisdictions, such as El Paso County, Colorado, have partnered with disability rights groups and resource centers to create universally accessible polling places. By seeking out partners and building relationships within the community, election officials can benefit from additional expertise and make the most of their often-limited resources.

Language Access

According to U.S. Census Bureau data, there are more than 25 million people in the U.S. with limited English proficiency. More than 60 million – or nearly one in five – people in the United States speak a language other than English at home. Such individuals can face challenges when attempting to register to vote and cast a ballot.

From translated materials to bilingual assistance at the polls, election officials across the country take a number of steps to help such voters overcome language barriers and participate in the elections process. In certain jurisdictions, such assistance is required by language provisions outlined in Section 203 in the federal Voting Rights Act. The most recent round of determinations in 2016 identified 263 jurisdictions that met coverage thresholds for particular languages, including the entire states of California, Florida and Texas.

"It is incumbent upon us to not just provide the bare minimum in terms of languages or information, but to go beyond that to really inform voters how our system works."

- Rhode Island Secretary of State Nellie Gorbea

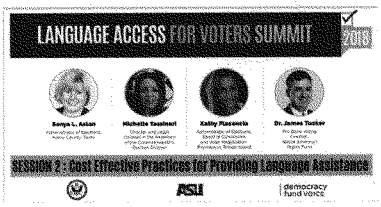
The EAC helps election officials meet the requirements of Section 203 by offering a glossary of election terminology in six languages other than English, a voter guide to federal elections in 11 languages, and the National Mail Voter Registration Form in nine languages other than English.

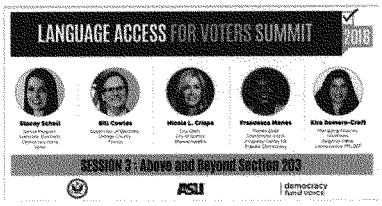
Over 115 state and local election officials, advocates and stakeholders from language communities joined the EAC at the Newseum for the third annual Language Access for Voters Summit on Tuesday, July 24, 2018. The event was hosted in partnership with the Arizona State University Pastor Center for Politics and Public Service and Democracy Fund Voice.

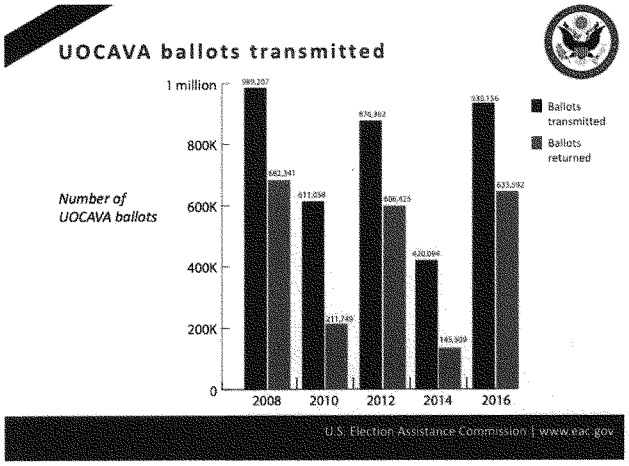
For the last three years, the EAC has also hosted a Language Access for Voters Summit to share information and generate new understanding and appreciation between various stakeholder communities. The 2018 Language Access Summit, hosted in partnership with Democracy Fund Voice and the Arizona State University Pastor Center for Politics and Public Service brought together election officials, voting rights groups, representatives of language communities, and other key stakeholders to discuss demographic changes, updates for jurisdictions complying with federal law and ways to cultivate long-term relationships with diverse communities. It also included a discussion of assessing and procuring resources to meet better assist voters with language needs. Summit panelists included experts representing Asian American, Latino, American Indian, Alaskan Native, and additional language communities from across the country.

In the first session, **Current Issues and Looking Ahead to 2021**, panelists discussed demographic shifts, what they mean for serving voters with language needs, current and issues faced by jurisdictions covered by Section 203 and those who are close to coverage.

In **Cost Effective Practices for Providing Language Assistance**, panelists offered cost-effective strategies for providing language assistance, with an emphasis on the particular challenges faced by smaller and medium-sized jurisdictions with limited budgets, and jurisdictions covered for multiple languages.







Above and Beyond Section 203: Voluntary Assistance and Other Proactive Measures highlighted the ways election officials have gone above the requirements of the law, such as providing language assistance on a voluntary basis, or providing assistance in languages not covered by Section 203.

The final discussion, **Trends in Election Administration and their Impact on Language Access**, focused on the changing landscape of election administration and how such changes can impact voters with limited English proficiency and other language minority voters.

Anticipating and meeting the needs of language minority voters will continue to be a priority for many of the nation's election officials, particularly as shifting demographics increase the need for language assistance and potentially, increase the number of jurisdictions covered by Section 203 requirements.

Access for Military and Overseas Voters

Another group which faces unique challenges in registering to vote and in requesting, receiving and returning their ballots are military and overseas personnel and their families. Our country's active duty service members, their families, and Americans living overseas are charged with taking on significantly more responsibility than

the average voter if they want to cast a ballot on Election Day. These citizens move often, do not have the option of going to a physical polling place and often must make their voting plans months in advance in order to cast a ballot.

Such citizens are supported by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Because of issues that can arise with the timely and accurate delivery of election materials, however, the voting process can be an arduous one for voters and election officials alike. Compounding these issues is the fact that all countries do not have the same high level of postal service delivery that we enjoy here in the United States.

The EAC works to ease the burden on UOCAVA voters through our federal partnerships with the Federal Voting Assistance Program (FVAP), the United States Postal Service (USPS) and others. The Commission monitors for innovative solutions to help UOCAVA voters cast their ballots, such as West Virginia's blockchain-based Mobile Voting App Pilot Project, and highlights other proactive measures election officials can take to ensure as many UOCAVA ballots as possible are counted.

Ahead of the 2018 Midterm Election, the EAC hosted an online event to discuss two pre-election dates important to both election officials and voters: September 22, the 45-day deadline for states to send absentee ballots to UOCAVA voters and National Voter Registration Day on September 25. Moderated by EAC Chairman Thomas Hicks, the discussion featured FVAP Director David Beirne and Brian Miller from National Voter Registration Day. Both detailed their organizations' activities to ensure voters knew how they could cast their vote in the upcoming midterms.

The EAC is committed to continuing our efforts to ease the burden on UOCAVA voters and working to ensure they are able to cast their ballots.

Convening Election Leaders

When the Help America Vote Act (HAVA) established the U.S. Election Assistance Commission (EAC) in 2002, this landmark legislation also established three advisory boards to assist the EAC in carrying out its mandates under the law. The EAC Standards Board is comprised of 110 state and local election leaders representing each state and U.S. territory. The EAC Board of Advisors is comprised of 35 members of national associations, federal agencies and Congressional appointees. The 14-member Technical Guidelines Development Committee (TGDC) is comprised of members appointed jointly by the EAC and the director of NIST, who also serves as the Committee's chair.

These advisors convene regularly, including an annual in-person meeting, to discuss best practices in election administration and assist with the development of the Voluntary Voting System Guidelines (VVSG), a set of specifications and requirements voting systems are tested to determine if the systems meet required standards. All three boards are essential to the EAC's mission.

In 2018, members of the U.S. Election Assistance Commission's Standards Board and Board of Advisors met separately in Miami to discuss the intent and application process for newly appropriated HAVA funds, examine election security efforts, review the next generation of the VVSG and tackle other timely election-related issues, including disaster recovery contingency planning.

During this time, members of both boards received a briefing about the intent and application process for the $380 million in newly appropriated HAVA funds. Members heard from several

The U.S. Election Assistance Commission and Pennsylvania Department of State hosted an Election Data Summit which brought together some of the nation's most respected election data experts to examine ways election officials could use data to improve processes and inform decision making.

security experts, including David Wulf, Acting Deputy Assistance Secretary for the Department of Homeland Security's (DHS) Office of Infrastructure Protection, and Robert Kolasky, Acting Deputy Undersecretary for National Protection Directorate at DHS. A number of election leaders also discussed state and local efforts to strengthen election security during a public forum.

EAC Vice Chair Christy McCormick moderates a conversation with national security experts at the 2018 EAC Election Readiness Summit on Capitol Hill on October 3, 2018, just one month before the election.

During their 2018 annual meetings, both the Standards Board and Board of Advisors passed resolutions recommending that the EAC move forward with considering the draft VVSG 2.0 Principles and Guidelines document for full adoption. Both boards also passed an amendment to the resolution recommending that the EAC adopt, within the Testing and Certification Program Quality & Program Manual, a provision providing for the ability of VVSG 2.0 requirements and Test Assertions to be updated in the absence of a quorum of EAC Commissioners. These discussions helped guide the work of the EAC and election officials around the country in the lead up to the 2018 midterms.

Michelle Tassinari, Director and Legal Counsel at the Office of the Secretary of the Commonwealth of Massachusetts, talks about cost-effective practices for providing resources to voters who need language assistance at the Language Access for Voters Summit.

Highlighting Best Practices

Born of the U.S. Election Assistance Commission (EAC)'s mandate to serve as a national clearinghouse of information on election administration, the annual "Clearie" awards recognize and celebrate the hard work and innovative thinking it takes to conduct an election. Election officials are known for their commitment to the values expressed in the EAC Clearie awards: excellence, innovation, maintaining accuracy and integrity in the election process, and ensuring all eligible citizens can cast a ballot. The Clearies are a testament to their work and dedication and highlight best practices other election administrators can emulate.

This year's Clearie awards were dedicated to the life and legacy of Wendy Noren and R. Brian Lewis. Wendy Noren served as Boone County Clerk for over three decades and was a member of the EAC's Board of Advisors before passing away in March 2018 following a long battle with cancer. R. Brian Lewis was an early and steadfast

proponent of the Help America Vote Act (HAVA), and of election officials, and served as Counsel to the Office of the Senate Majority Leader and the Senate Rules and Administration Committee before his passing. Both were luminaries in the field of election administration who will long be remembered for their hard work, integrity, and friendship.

The "Clearies" seek entries in three distinct categories: voting accessibility, outstanding innovations in elections, and recruiting, training and retaining election workers. The EAC received entries from dozens of states, counties and advocacy organizations. An independent panel of judges from across the country evaluated entries based on efficacy, innovation, sustainability, cost-effectiveness and replicability. In the end, 10 innovative approaches were selected to receive an award.

The 2018 "Clearies" recipients featured jurisdictions that differed greatly in terms of size, number of voters served and budgets available to them. Some made cutting-edge technology changes to their systems, while others streamlined operations and election worker training. Yet, all demonstrated the dedication, adaptability and resourcefulness necessary for ensuring accurate, accessible and secure elections in the 21st century.

The EAC is proud to lift up the fresh, inspiring approaches of the 2018 "Clearie" award winners.

Outstanding Innovations in Elections

City of Rochester Hills, Michigan

The City of Rochester Hills' lection ay recinct Support ortal allowed precinct workers to submit requests or questions via a smart phone or tablet using a simple Google Form. Form submissions were fed into a shared Google Sheet in real time that was monitored by phone staff and runners moving between precincts. Support calls were ranked by priority and dropped to the bottom of the Google Sheet once they were resolved. In this way, Rochester Hills was able to provide critical Election Day support across 32 precincts with just three staff. Election Inspectors were able to submit the request with the assurance that someone was responding. The Portal also generated valuable data, including requests per precinct, individual responder rates and a breakdown of the different assigned priority levels.

New Mexico Secretary of State

During 2018, the New Mexico Secretary of State's Office received the award for its implementation of a new **electronic allot so tware system** which allowed blind or visually impaired voters to independently cast an absentee ballot. The electronic ballot system includes functionality allowing blind and visually impaired voters to mark, print, and mail a hard copy of their ballot back to the county clerk for processing. The system, launched in the spring of 2018, just prior to the June primary election, was used by dozens of voters during its inaugural election and was extremely well-received by the voters it was intended to serve. Implementation efforts for the new system took four years to complete, during which time New Mexico Secretary of State Maggie Toulouse Oliver's office collaborated with both the National Federation of the Blind – New Mexico and the New Mexico Commission for the Blind. These close relationships have created a more accessible election process across the state and will continue moving forward.

Weber County, Utah

The Weber County Elections Office won for its " **inning in e er**" program to engage students, veterans, teens, seniors, individuals with disabilities, and children in the electoral process. Sample programs that are part of the "Winning in Weber" initiative include engaging students at Weber State University in the elections process, providing civic lessons for students at local public and private schools, leading story hour readings and discussions for children, and being the first county in Utah to sponsor the Vote in Honor of a Veteran Program. In addition, the Weber County Elections Office has extensive knowledge in election security, provides technical support and best practice advice to election officials in other counties, and fosters collaborative relationships with advocates who support voters with disabilities.

Wisconsin Elections Commission

Wisconsin manages each municipality's election data on a state-wide database known as "WisVote." The challenge of securing WisVote is compounded as the number of database users increases. After researching several commercial possibilities, the WEC concluded the most effective option was to create "**Securing is ote**," a series of online learning modules focused on cybersecurity best practices, and tailored for election officials across the state. By creating a baseline training program open to all local governments, the WEC helped bridge cybersecurity awareness gaps within the WisVote user population and enhanced overall cybersecurity in local governments statewide.

Accessibility for Voters with Disabilities

Contra Costa County, California

Contra Costa County conducts a survey of each of its 268 polling places after every election and is often able to identify ways to improve the accessibility of these locations. Following the November 2016 election, Contra Costa County Clerk, Recorder and Registrar Joseph Canciamilla realized improvements could be made to how election workers were trained to create a welcoming environment for all voters across the county and created the **ccessi le olling lace ocation an uipment class**. This class brought a fresh approach to accessibility training because it placed election workers in the shoes of voters who may need assistance to provide instruction on establishing accessible polling places and ensuring they remained accessible throughout the day. The county also provided an Accessibility Kit to give election workers further information on how to remove any accessibility barriers at their polling place. More than 700 election workers, nearly half of the county's total Election Day volunteers, have taken the class since it was launched in January 2018.

Martin County, Florida

While preparing for the 2016 Presidential Elections, the Martin County Elections Office discovered the county had limited resources for voters who were deaf and hard of hearing. Following outreach to voters in the disability community, the office uncovered an additional need for engaging individuals with developmental disabilities. The Elections Office fostered partnerships across both communities and created "**ount e In oo**," a series of educational videos aimed at helping these individuals exercise their right to vote. The videos aired on local television and were posted on the Martin County Election Office's website. During the 2016 Presidential Elections, voter registration and turnout among voters who indicated they had special needs increased by 8 percent. The same educational materials were also used during the 2018 Federal Elections.

Iowa Secretary of State

Iowa Secretary of State Paul D. Pate launched the **elping eterans an owans wit isa ilities ote ro ect** in 2015 to ensure members of both communities knew about the resources available to help them vote privately and independently. New administrative rules were implemented, the Secretary of State's website improved its accessibility and an outreach coordinator was hired. The Secretary of State's Office also conducted training sessions and workshops across the state, distributed curbside voting signs to all 1,700 precinct locations, and utilized videos and social media to get the word out. Partially funded by a Help America Vote Act grant from the Department of Health and Human Services, the project educated thousands of veterans and Iowans with disabilities about resources available to assist them in casting a ballot.

Recruiting, Training and Retaining Election Workers

Bernalillo County, New Mexico

Bernalillo County is the most populous in New Mexico with 420,262 registered voters, and the Clerk's Office trains hundreds of citizens during election years to work as poll officials. Ahead of the 2018 Midterm Election, the county overhauled its poll official training program to maximize learning and reduce election worker errors. The centerpiece of the new training program was an online video series called " **earn t e ote**" – the first online election worker training program in New Mexico. Online training reduced class time by one-and-a-half to two hours, allowed poll officials to review materials as often as needed and reduced poll official errors in the 2018 General Election. This allowed the Clerk's Office to redirect staff time previously spent fixing errors made by poll officials into successfully completing the election canvass within the statutory 13 days and completing the General Election audit in less than two days.

Montgomery County, Maryland

Since 2004, the Montgomery County Board of Elections (BOE) has conducted the **uture ote nitiative** to encourage students from grades 6 to 12 to participate in elections. To date, 43,619 students have participated in the Future Vote Initiative, including over 10,000 who have served as election judges after their sixteenth birthday. The program recruits energetic, tech savvy students, many of who are also bilingual, into the election workforce and saves the county money. The program also provides an experience for young people that will shape their values and character and give them an understanding of what it means to exercise their vote and empower others to do the same.

The City of Ely, Minnesota

In partnership with " **al ing ivics**," a local nonprofit, the City of Ely recruits high school students and veterans to be trained and serve together at the polls on Election Day. This training model recognizes veterans have already "walked the talk" in answering the call to serve their country and is intended to inspire civic virtue, train competent election workers and link generations in service to elections. The session provided stellar training and a deep meaning for both veterans and high school students, preparing a new generation of election workers who will be on the front line of elections now and into the future.

Financial Focus: Grants Administration

Amount the EAC has disbursed since its establishment 15 years ago to the 50 states, American Samoa, the Commonwealth of Puerto Rico, the District of Columbia, Guam and the U.S. Virgin Islands.

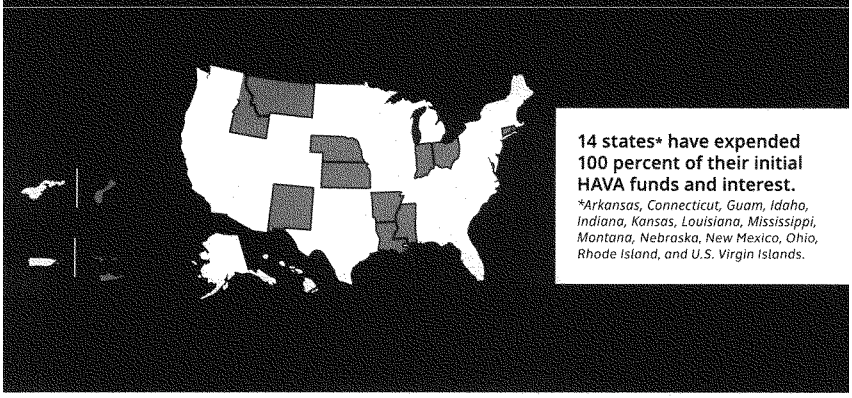
In FY2019, the EAC's Office of Inspector General (OIG) will announce its audit plans for the 2018 HAVA Funds awarded under Section 101 of the Help America Vote Act (HAVA). The EAC estimates that as many as 10 states a year could receive a federal audit focused on how the funds are being spent.

The Grants Office at the EAC is providing ongoing training and technical assistance to support states and their localities in effectively managing federal funds. Once the audit schedule is released by the OIG, EAC will be available to states on the list to conduct both pre- and post-audit assistance visits to help prepare for and respond to findings from the audits.

Additional information on HAVA grants can be found on www.eac.gov.

The EAC also publishes an annual Expenditure Report. The most recent report, published on Aug 16, 2018, can be found at: www.eac.gov/expenditurereport.

Financial Focus: Grants Administration

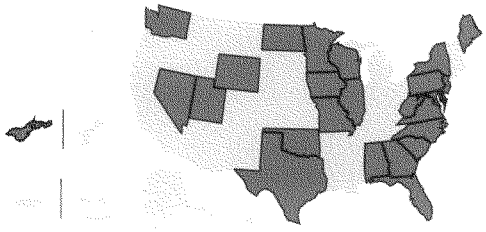


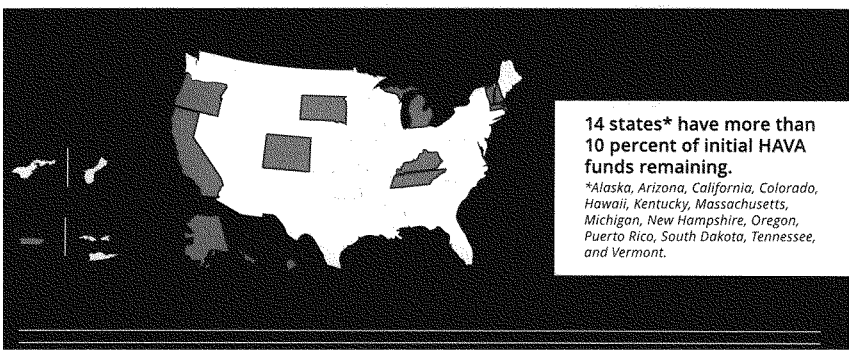
14 states* have expended 100 percent of their initial HAVA funds and interest.

**Arkansas, Connecticut, Guam, Idaho, Indiana, Kansas, Louisiana, Mississippi, Montana, Nebraska, New Mexico, Ohio, Rhode Island, and U.S. Virgin Islands.*

27 states* have less than 10 percent of initial HAVA funds remaining.

**Alabama, American Samoa, Delaware, District of Columbia, Florida, Georgia, Illinois, Iowa, Maine, Maryland, Minnesota, Missouri, Nevada, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, South Carolina, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.*





14 states* have more than 10 percent of initial HAVA funds remaining.

**Alaska, Arizona, California, Colorado, Hawaii, Kentucky, Massachusetts, Michigan, New Hampshire, Oregon, Puerto Rico, South Dakota, Tennessee, and Vermont.*

Financial Focus: Operations

FY18 Appropriation Total: $10.1 million

Funds allocated to:

U.S. Election Assistance Commission (EAC)
$8.6 million

National Institute of Standards & Technology (NIST)
$1.5 million

FY17 Appropriation Total: $9.6 million

Funds allocated to:

U.S. Election Assistance Commission (EAC)
$8.2 million

National Institute of Standards & Technology (NIST)
$1.4 million

FY16 Appropriation Total: $9.6 million

Funds allocated to:

U.S. Election Assistance Commission (EAC)
$8.1 million

National Institute of Standards & Technology (NIST)
$1.5 million

FY15 Appropriation Total: $10 million

Funds allocated to:

U.S. Election Assistance Commission (EAC)
$8.1 million

National Institute of Standards & Technology (NIST)
$1.9 million

FY14 Appropriation Total: $10 million

Funds allocated to:

U.S. Election Assistance Commission (EAC)
$8.1 million

National Institute of Standards & Technology (NIST)
$1.9 million

Executive Director's Note

Unless you are steeped in the world of election administration, it is difficult to appreciate the many competencies an election official must master and the tremendous pressure that accompanies those expectations. At the same time, the issues and threats surrounding elections are ever-evolving and funding for election offices is often limited, meaning election officials must be resourceful and adaptable.

As the nation's only clearinghouse of information on Federal Election administration nationwide, the U.S. Election Assistance Commission (EAC)'s core mission is to support election officials through the distribution of assistance and products that help America vote. The EAC accomplished this in 2018 by producing timely products at critical moments in the election cycle, convening key leaders to discuss the most pressing issues facing election administrators, and ensuring election officials received materials and intelligence in time to make such resources actionable.

The fiscal year began with the establishment of the Government Coordinating Council (GCC), the culmination of the EAC's work to establish a cybersecurity working group of state and local election administrators.

When $380 million in Help America Vote Act (HAVA) funds were made available via the Consolidated Appropriations Act of 2018, the EAC worked to ensure states received funding with enough time for it to have an impact during the 2018 election. All eligible states and territories received letters within 30 days allowing them to incur costs, and 100 percent of the funds were disbursed by September

20, just under six months after the omnibus was signed into law.

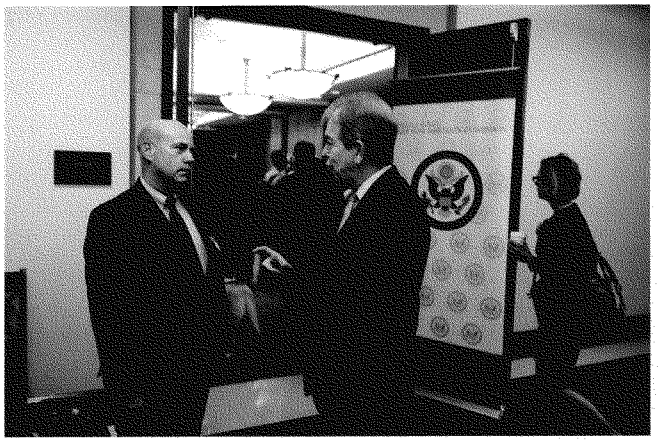
This past year held a number of other exciting developments for the EAC as well, including the nomination of two additional Commissioners, Benjamin Hovland and Donald Palmer, who were confirmed on January 2, 2019, marking the first time in ten years that the EAC has a full panel of Commissioners. The reestablishment of a full quorum will allow the agency to move forward on key initiatives, such as finalizing the next generation of Voluntary Voting System Guidelines, and increase our ability to reach out across the nation to engage and assist the election community.

As we move into 2019, the EAC's work will build on the strong foundation established in 2018. The EAC's expert staff and its Commissioners remain ready to support state and local election leaders in every aspect of their work. We will produce resources and services at the most impactful times for election officials and voters alike. We will also use our robust research and unique convening power to address leading election administration issues and elevate best practices as examples for other jurisdictions.

While we don't know what tomorrow will hold for elections, we do know that the competency and dedication of election officials who work to ensure American elections are secure, accurate, accessible and conducted with integrity, is steadfast. The 2018 Federal Election confirmed what we already knew about election officials. Just as in 2016, they were ready for 2018, and will be prepared for whatever challenges 2020 brings. The EAC shares their commitment to upholding these values and will continue to serve as a vital federal resource.

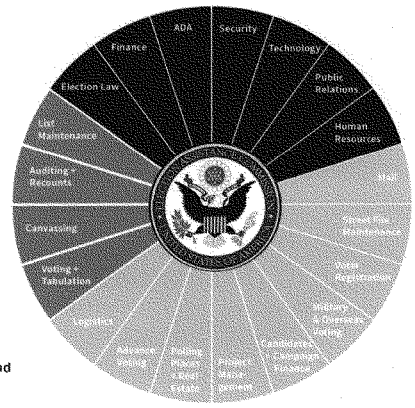
As we reflect on the past year and look forward to 2019, I am grateful to Chairman Hicks and Vice Chair McCormick, and incoming Commissioners Hovland and Palmer, for their service and am proud to stand with the EAC's talented and dedicated staff to improve the way America votes.

Brian D. Newby
Executive Director
U.S. Election Assistance Commission



EAC Executive Director Brian Newby speaks with Senator Roy Blunt (R-Mo.) at the EAC Election Readiness Summit on October 3, 2018.

Election Administrator Competencies



Election administrators must be masterful project managers with expert knowledge in many areas in order to successfully oversee an election.

EAC Advisory & Oversight Boards

Three federal advisory committees, the Standards Board, the Board of Advisors and the Technical Guidelines Development Committee (TGDC), help the U.S. Election Assistance Commission (EAC) complete its mandate under the Help America Vote Act (HAVA).

Board of Advisors

The Board of Advisors is a 35-member board composed of representatives from the National Governors Association; National Conference of State Legislatures; National Association of Secretaries of State; National Association of State Election Directors; National Association of Counties; the International Association of Government Officials (created from the merger of the National Association of County Recorders, Election Officials and Clerks, and the International Association of Clerks, Recorders, Election Officials and Treasurers); Election Center; U.S. Commission on Civil Rights and the Architectural and Transportation Barriers Compliance Board.

Other members include representatives from the U.S. Department of Justice, Office of Public Integrity and the Civil Rights Division; the director of the U.S. Department of Defense Federal Voting Assistance Program; four professionals from the field of science and technology, one appointed by each the Speaker and Minority Leader of the U.S. Senate; the Speaker and Minority Leader of the U.S. House of Representatives. The chairs and ranking minority members of the U.S. House of Representatives Committee on House Administration and the U.S. Senate Committee on Rules and Appropriation each appoint two members representing voter interests.

During FY18, the EAC Board of Advisors was comprised of the following members.

Members
National Governors Association

2 appointments

Jeffrey McLeod
Director
Center for Best Practice's Homeland Security and Public Safety Division
Washington, DC

Rahmeyer, Shaun
Administrator
Office of Cyber Defense Coordination
Carson City, NV

National Conference of State Legislatures

2 appointments

Senator Daniel Ivey-Soto
New Mexico State Legislature
Albuquerque, NM

Senator John Murante
Nebraska State Legislature, District 49
Gretna, NE

National Association of Secretaries of State

2 appointments

The Honorable Jim Condos
VT Secretary of State,
and NASS President
Montpelier, VT

The Honorable Connie Lawson
IN Secretary of State,
and NASS Immediate Past President
Indianapolis, IN

National Association of State Election Directors

2 appointments

Gary Poser
Director of Elections
Minnesota Secretary of State
Saint Paul, MN

Linda H. Lamone
Administrator of Elections
Maryland State Board of Elections
Annapolis, MD

National Association of Counties

2 appointments

Ricky Hatch
Weber County Clerk/Auditor
Ogden, UT

Alysoun McLaughlin
Deputy Election Director
Montgomery County
Gaithersburg, MD

United States Conference of Mayors

2 appointments
Vacant

The Election Center

2 appointments

Tim Mattice
Executive Director
Katy, TX

Ernie Hawkins
Chair, Board of Directors
The Election Center
Elk Grove, CA

International Association of Government Officials

2 appointments
merger of IACREOT and NACRC

Michael B. Winn
Travis County Director of Elections
Austin, TX

Neal Kelley
Registrar of Voters, Orange County
Santa Ana, CA

United States Commission on Civic Rights

2 appointments

Patricia Timmons-Goodson
U. S. Commission on Civil Rights
Vice Chair
Washington, DC

Michael Yaki
U. S. Commission on Civil Rights
Commissioner
Washington, DC

Architectural and Transportation Barrier Compliance Board

2 appointments

Marc Guthrie
Public Member, U.S. Access Board
Hebron, OH

Sachin Pavithran
Public Board Member
Providence, UT

Chief Office of Public Integrity, United States Department of Justice

1 appointment

Richard C. Pilger
Director, Election Crimes Branch
U. S. Department of Justice
Washington, DC

Chief, Voting Section Civil Rights Division U.S. Department of Justice

1 appointment

Chris Herren
Chief Voting Section
Civil Rights Division
U. S. Department of Justice
Washington, DC

Director, Federal Voting Assistance Program U.S. Department of Defense

1 appointment

David Beirne
Director
Federal Voting Assistance Program
U.S. Dept. of Defense
Alexandria, VA

Speaker of the House

1 appointment

Elliot Berke
Managing Partner
Berke Farah LLP
Washington, DC

Democratic Leader

1 appointment

Philip B. Stark
Associate Dean, Mathematical & Physical Sciences and Professor of Statistics
University of California - Berkeley
Berkeley, CA

Senate Majority Leader

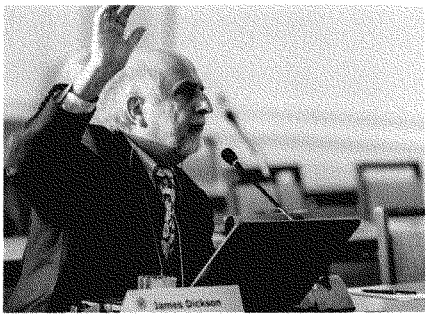
1 appointment

Sarah Ball Johnson
City Clerk
Colorado Springs, CO

Senate Minority Leader

1 appointment

Barbara Simons, PhD
Board Chair
Verified Voting
Association for Computing Machinery
San Francisco, CA



Senate Rules & Administration CMTE - Chair

2 appointments

Matthew Clay McDonald
Attorney/Partner
Jones Walker LLP
Mobile, AL

Shane Schoeller
Greene County Clerk
Springfield, MO

Senate Rules & Administration CMTE - Ranking Member

2 appointments

James C. Dickson
Co-Chair
Voting Rights Task Force
National Council on
Independent Living
Washington, DC

Mark Ritchie
President
MN World's Fair Bid Committee
Minneapolis, MN

House Administration - Chair

2 appointments

T. Russell Nobile
Attorney at Law
WiseCarter
Jackson, MS

Spencer Ritchie
Associate
Forman Watkins & Krutz LLP
Jackson, MS

House Administration - Ranking Member

2 appointments

Gregory T. Moore
Executive Director
NAACP National Voter Fund
Upper Marlboro, MD

James R. Burn, Jr.
Attorney
Abes Baumann
Pittsburgh, PA

U.S. Election Assistance Commission - Designated Federal Officer (DFO)

Thomas Hicks
Chairman
U.S. Election Assistance Commission
Silver Spring, MD

Standards Board

The Standards Board is a 110-member board comprised of 55 state and local election officials selected by their respective chief state election official with a defined process to assure input from the state's local election officials' organization. HAVA prohibits any two members representing the same state to be members of the same political party. The board selects nine members to serve as an executive board, of which not more than five are state election officials, not more than five are local election officials and not more than five are members of the same political party.

During FY18, the EAC Standards Board was comprised of the following members.

State	Local
ALABAMA	
John H. Merrill Alabama Secretary of State Montgomery, AL	**Steven L. Reed** Probate Judge Montgomery, AL
ALASKA	
Josie Bahnke Director, Division of Elections State of Alaska Juneau, AK	**Carol Thompson** Absentee & Petition Manager Alaska Division of Elections Anchorage, AK

State	Local
AMERICA SAMOA	
Uiagalelei Lealofi Commissioner of Elections Pago Pago, AS	**Fiti Tavai** IT/Data Systems & UOCAVA Division Head Pago Pago, AS
ARIZONA	
Eric H. Spencer State Election Director Phoenix, AZ	**Reynaldo Valenzuela Jr.** Assistant Director of Elections Maricopa County Elections Phoenix, AZ
ARKANSAS	
Mark Martin Arkansas Secretary of State Little Rock, AR	**Melanie Clark** Jackson County Clerk Newport, AR
CALIFORNIA	
Susan Lapsley Deputy Secretary of State Sacramento, CA	**Neal Kelley** Registrar of Voters Orange County Santa Ana, CA
COLORADO	
Dwight K. Shellman III County Support Manager Colorado Department of State, Elections Division Denver, CO	**Rudy Santos** Chief Deputy Clerk Weld County Clerk & Recorder's Office Greeley, CO
CONNECTICUT	
Peggy Reeves Assistant to the Secretary of the State for Elections, Legislative and Intergovernmental Affairs Hartford, CT	**Timothy T. DeCarlo** Registrar of Voters Waterbury, CT
DELAWARE	
Elaine Manlove State Election Commissioner Dover, DE	**Howard G. Sholl, Jr.** Deputy Director Dept. of Elections for New Castle County Wilmington, DE

State	Local
DISTRICT OF COLUMBIA	
Alice P. Miller, Esq. Executive Director District of Columbia Board of Elections Washington, DC	**Michael D. Gill, Esq.** Board Member District of Columbia Board of Elections Washington, DC
FLORIDA	
Maria Matthews Division Director Florida Division of Elections Tallahassee, FL	**Paul Lux** Okaloosa County Supervisor of Elections Crestview, FL
GEORGIA	
Brian Kemp Georgia Secretary of State Atlanta, GA	**Lynn Bailey** Richmond County Elections Director Augusta, GA
GUAM	
Maria I.D. Pangelinan Executive Director Guam Election Commission Hagatna, GU	**Joseph P. Iseke** Election Program Coordinator Guam Election Commission Hagatna, GU
HAWAII	
Aulii Tenn Counting Center Section Head Office of Elections Pearl City, HI	**Shirley Magarifuji** Election Administrator, County of Maui Wailuku, HI
IDAHO	
Tim Hurst Chief Deputy Secretary of State Boise, ID	**Patty Weeks** Nez Perce County Clerk Lewiston, ID
ILLINOIS	
Bernadette Matthews Assistant Executive Director State Board of Elections Springfield, IL	**Lance Gough** Executive Director Chicago Board of Election Commission Chicago, IL

State	Local
INDIANA	
J. Bradley King Indiana Election Division Director Indianapolis, IN	**Terri J. Rethlake** Clerk of Circuit Court, St. Joseph County South Bend, IN
IOWA	
Ken Kline Deputy Commissioner of Elections Des Moines, IA	**Dennis Parrott** Jasper County Auditor Newton, IA
KANSAS	
Bryan A. Caskey Director of Elections Topeka, KS	**Lori Augustine** Trego County Clerk WaKeeney, KS
KENTUCKY	
Jared Dearing Executive Director State Board of Elections Frankfort, KY	**Kenny Barger** Madison County Clerk Richmond, KY
LOUISIANA	
Kyle Ardoin Assistant Secretary of State Baton Rouge, LA	**H. Lynn Jones** Clerk of Court, Calcasieu Parish Lake Charles, LA

State	Local
MAINE	
Julie L. Flynn Deputy Secretary of State Augusta, ME	Katherine L. Jones Portland City Clerk Portland, ME
MARYLAND	
Nikki Baines Charlson Deputy Administrator Maryland State Board of Elections Catonsville, MD	Katie Brown Election Director Baltimore County Board of Elections
MASSACHUSETTS	
Michelle K. Tassinari Director/Legal Counsel, Elections Division, Office of Secretary of the Commonwealth Boston, MA	Vacant
MICHIGAN	
Sally Williams Director, Bureau of Elections Lansing, MI	Jan Roncelli Clerk, Bloomfield Township Bloomfield Township, MI
MINNESOTA	
Gary Poser Director of Elections Minnesota Secretary of State Saint Paul, MN	Debby Erickson Administrative Services Director Crow Wing County Brainerd, MN
MISSISSIPPI	
Hawley Robertson Senior Attorney, Elections Division Jackson, MS	Baretta Mosley Lafayette County Circuit Clerk Oxford, MS
MISSOURI	
Chrissy Peters Co-Director of Elections Jefferson City, MO	Dennis Von Allmen Howell County Clerk West Plains, MO

State	Local
MONTANA	
Dana Corson Director of Elections and Voter Services Montana Secretary of State Helena, MT	**Rina Fontana Moore** Cascade County Clerk & Recorder Great Falls, MT
NEBRASKA	
Heather Doxon Election Specialist II Lincoln, NE	**David Shively** Lancaster County Election Commissioner Lincoln, NE
NEVADA	
Justus Wendland HAVA Administrator Nevada Secretary of State Carson City, NV	**Joseph P. Gloria** Registrar of Voter, Clark County North Las Vegas, NV
NEW HAMPSHIRE	
Anthony Stevens Assistant Secretary of State Concord, NH	**Robert Dezmelyk** Moderator, Town of Newton Newton, NH
NEW JERSEY	
Robert Giles Director, New Jersey Division of Elections Trenton, NJ	**Linda Von Nessi** Essex County Clerk of Elections Newark, NJ
NEW MEXICO	
Kari Fresquez Bureau of Elections Director Santa Fe, NM	**Dave Kunko** Chaves County Clerk Roswell, NM
NEW YORK	
Douglas A. Kellner Commissioner, Co-Chair NYS Board of Elections New York, NY	**Rachel L. Bledi** Commissioner Albany County Board of Elections Albany, NY

State

NORTH CAROLINA

Veronica Degraffenreid
Election Preparation & Support Manager
Raleigh, NC

Local

Michael Dickerson
Mecklenburg County Director of Elections
Charlotte, NC

NORTH DAKOTA

Jim Silrum
Deputy Secretary of State
Bismarck, ND

DeAnn Buckhouse
Election Coordinator
Fargo ND

OHIO

Patricia Wolfe
Election Administrator
Ohio Secretary of State
Columbus, OH

Steve Harsman
Deputy Director
Montgomery County Board of Elections
Dayton, OH

OKLAHOMA

Carol Morris
Assistant Director of Support Services
Oklahoma State Election Board
Oklahoma City, OK

Doug Sanderson
Secretary
Oklahoma County Election Board
Oklahoma City, OK

OREGON

Stephen N. Trout
Director of Elections
Oregon Secretary of State
Salem, OR

Derrin (Dag) Robinson
Harney County Clerk
Burns, OR

State	Local
PENNSYLVANIA	
Jonathan Marks Commissioner of Elections Harrisburg, PA	Shari Brewer Director, Butler County Board of Elections Butler, PA
PUERTO RICO	
Ramón Allende Santos Ayudante del Comisionado San Juan, PR	Walter Vélez Martínez Secretario Dorado, PR
RHODE ISLAND	
Rob Rock Director of Elections Providence, RI	Louise Phaneuf Town Clerk, Town of Burrillville Harrisville, RI
SOUTH CAROLINA	
Marci Andino Executive Director State Election Commission Columbia, SC	Wanda Hemphill Director, York County Board of Registration & Elections York, SC
SOUTH DAKOTA	
Kristin Gabriel South Dakota HAVA Coordinator Pierre, SD	Carri Crum Clay County Auditor Vermillion, SD
TENNESSEE	
Mark Goins Coordinator of Elections Nashville, TN	A.J. Starling Davidson County Election Commissioner Nashville, TN
TEXAS	
Keith Ingram Director, Elections Division Texas Secretary of State Austin, TX	Dana DeBeauvoir Travis County Clerk Austin, TX
UTAH	
Justin Lee Director of Elections Salt Lake City, UT	Sherrie Swensen Salt Lake County Clerk Salt Lake City, UT

State	Local
VERMONT	
William Senning Director of Elections & Campaign Finance Montpelier, VT	**Sandra "Sandy" Pinsonault, MMC** Dorset Town Clerk Dorset, VT
VIRGIN ISLANDS	
Lisa Harris Moorhead Member, Virgin Islands Board of Elections Kingshill, VI	**Kevermay Douglas** Deputy Supervisor of Elections Kingshill, VI
VIRGINIA	
Christopher E. "Chris" Piper Commissioner of Elections Richmond, VA	**Greg S. Riddlemoser** General Registrar Stafford, VA
WASHINGTON	
Stuart Holmes Election Information Services Supervisor Olympia, WA	**Jerry Pettit** Kittitas County Auditor Ellensburg, WA
WEST VIRGINIA	
Brittany Westfall SVRS Coordinator, Elections West Virginia Secretary of State Charleston, WV	**Brian Wood** Putnam County Clerk Winfield, WV
WISCONSIN	
Meagan Wolfe Elections Division Administrator Madison, WI	**Barbara K.D. Goeckner** City of Amery Deputy Clerk Amery, WI
WYOMING	
Kai Schon State Election Director Cheyenne, WY	**Jackie R. Gonzales** Albany County Clerk Laramie, WY

DESIGNATED FEDERAL OFFICER

Christy McCormick
Vice Chair
U.S. Election Assistance Commission

Technical Guidelines Development Committee (TGDC)

The Technical Guidelines Development Committee (TGDC) assists the EAC in developing the Voluntary Voting System Guidelines (VVSG). The chair of the TGDC is the director of the National Institute of Standards and Technology (NIST). The TGDC is comprised of 14 other members appointed jointly by the EAC and the director of NIST.

During FY18, the TGDC was comprised of the following members.

Chair

Walter Copan
Under Secretary of Commerce for Standards and Technology
Director, National Institute for Standards and Technology

EAC STANDARDS BOARD

Robert Giles
Director, New Jersey Division of Elections
Trenton, NJ

Greg Riddlemoser
General Registrar
Stafford, VA

EAC BOARD OF ADVISORS

Linda Lamone
Administrator of Elections
Maryland State Board of Elections
Annapolis, MD

Neal Kelley
Registrar of Voters
Orange County
Santa Ana, CA

ARCHITECTURAL AND TRANSPORTATION BARRIER COMPLIANCE BOARD (ACCESS BOARD)

Marc Guthrie
Public Member
U.S. Access Board
Newark, OH

Sachin Pavithran
Public Board Member
Providence, UT

INSTITUTE OF ELECTRICAL AND ELECTRONICS ENGINEERS (IEEE)

Vacant

NATIONAL ASSOCIATION OF STATE ELECTION DIRECTORS(NASED)

Lori Augino
Director of Elections
Washington Secretary of State's Office
Olympia, WA

Judd Choate
Director of Elections
Colorado Department of State
Denver, Colorado

Technical Experts

McDermot Coutts
Software Development Director
& Team Leader
Unisyn Voting Solutions
San Diego, California

Diane Golden
Director of Programs and Technical Assistance
Association of Assistive Technology Act Programs
Kansas City, Missouri

Jeramy Gray
Assistant Clerk-Recorder
Chief Information Officer
Los Angeles County Clerk
& Recorder's Office
Los Angeles, CA

David Wagner
Professor
Computer Science Division
University of California, Berkeley
Berkeley, California

AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI)

Mary Saunders
Vice President, Government Relations and Public Policy
American National Standards Institute
Washington, DC

DESIGNATED FEDERAL OFFICER

EAC Commissioner

U.S. Election Assistance Commission

www.eac.gov

2018 HAVA Security Grants - EAC Engagement Tracker

STATE	Federal Funds Awarded per State FFR	States that Reached to EAC for Assistance (see color key below)	Pre-Award Notice to Grantees, Congress, Stakeholders	Create/Send Instructions--budget and narrative guidance	T.A. Webinars to State Election Directors--3 Live Webinars	Plan/Budget Review, Staff Write ups, Initial Report	Feedback--Security Plan & budget	Email-Phone Consultations on Needed Revisions to Plans	Second round of Plan and Budget Review	Number of 1:1 Phone Consultations April - Sept. 30, 2018	State Budget neg. / Intervention to safeguard Funds	GSA SAM Account Support	Email Technical Assistance # of Issues	Federal Financial Reports Training	Review of Annual Report and Feedback	Feedback to States on FFR/Narrative submissions
ALABAMA	$6,160,393		X	X	X	X	X	X	X	2		18	1	X	X	X
ALASKA	$3,000,000		X	X		X	X			1		2	1	X	X	X
AMERICAN SAMOA	$600,000		X	X	X	X	X	X	X			16	2	X	X	X
ARIZONA	$7,463,675		X	X	X	X	X	X	X	3		4	4	X	X	X
ARKANSAS	$4,475,015		X	X		X	X					23	2	X	X	X
CALIFORNIA	$34,558,874		X	X	X	X	X			4		2	6	X	X	X
COLORADO	$6,342,979		X	X	X	X	X	X	X	4	X	9	8	X	X	X
CONNECTICUT	$5,120,554		X	X		X	X	X	X			52	2	X	X	X
DELAWARE	$3,000,000		X	X		X	X	X	X	3		13		X	X	X
DC	$3,000,000		X	X	X	X	X			2		4	2	X	X	X
FLORIDA	$19,187,003		X	X	X	X	X			4	X	-	5	X	X	X
GEORGIA	$10,305,783		X	X	X	X	X			1		-	3	X	X	X
GUAM	$600,000		X	X		X	X					36	2	X	X	X
HAWAII	$3,134,080		X	X		X	X	X	X		X	6		X	X	X
IDAHO	$3,229,896		X	X		X	X	X	X		X	2		X	X	X
ILLINOIS	$13,232,290		X	X		X	X	X	X		X	-		X	X	X
INDIANA	$7,595,088		X	X	X	X	X	X	X	2		24		X	X	X
IOWA	$4,608,084		X	X	X	X	X	X	X			12	4	X	X	X
KANSAS	$4,383,595		X	X		X	X					17		X	X	X
KENTUCKY	$5,773,423		X	X		X	X	X	X			6		X	X	X
LOUISIANA	$5,889,487		X	X		X	X					2		X	X	X
MAINE	$3,130,979		X	X	X	X	X	X	X	2		2	3	X	X	X
MARYLAND	$7,063,699		X	X	X	X	X					1	2	X	X	X
MASSACHUSETTS	$7,890,854		X	X	X	X	X		X			1	2	X	X	X
MICHIGAN	$10,706,992		X	X	X	X	X		X	2	X	1	1	X	X	X
MINNESOTA	$6,595,610		X	X		X	X			5	X	3	4	X	X	X
MISSISSIPPI	$4,483,541		X	X		X	X		X		X	20		X	X	X
MISSOURI	$7,230,625		X	X		X	X					1		X	X	X
MONTANA	$3,000,000		X	X		X	X				X	1	2	X	X	X
NEBRASKA	$3,496,936		X	X		X	X					2		X	X	X
NEVADA	$4,277,723		X	X		X	X	X	X	2		-	1	X	X	X
NEW HAMPSHIRE	$3,102,253		X	X	X	X	X			4	X	1		X	X	X
NEW JERSEY	$9,757,450		X	X		X	X	X	X	4	X	2	3	X	X	X
NEW MEXICO	$3,699,470		X	X		X	X	X	X			4		X	X	X
NEW YORK	$19,483,647		X	X	X	X	X	X	X	3	X	1	4	X	X	X
NORTH CAROLINA	$10,373,237		X	X		X	X	X	X			6		X	X	X
NORTH DAKOTA	$3,000,000		X	X		X	X					16		X	X	X
OHIO	$12,186,021		X	X		X	X		X	1	X	2	2	X	X	X
OKLAHOMA	$5,196,017		X	X	X	X	X					24	3	X	X	X
OREGON	$5,362,981		X	X		X	X					1		X	X	X
PENNSYLVANIA	$13,476,156		X	X	X	X	X			2		1	3	X	X	X
PUERTO RICO	$3,676,962		X	X	X	X	X			1			5	X	X	X
RHODE ISLAND	$3,000,000		X	X		X	X	X	X			38+		X	X	X
SOUTH CAROLINA	$6,040,794		X	X		X	X	X	X			1		X	X	X
SOUTH DAKOTA	$3,000,000		X	X		X	X	X	X			1		X	X	X
TENNESSEE	$7,565,418		X	X	X	X	X	X	X	1		3		X	X	X
TEXAS	$23,252,604		X	X	X	X	X	X	X	1		1	3	X	X	X
UTAH	$4,111,052		X	X		X	X	X	X			36		X	X	X
VERMONT	$3,000,000		X	X	X	X	X			1		-		X	X	X
VIRGIN ISLANDS	$600,000		X	X		X	X			1		26	2	X	X	X
VIRGINIA	$9,080,731		X	X		X	X				X	-		X	X	X
WASHINGTON	$7,907,768		X	X		X	X			1		-		X	X	X
WEST VIRGINIA	$3,611,943		X	X	X	X	X			3	X	10	2	X	X	X
WISCONSIN	$6,978,318		X	X	X	X	X	X	X	2	X	14	3	X	X	X
WYOMING	$3,000,000		X	X		X	X	X	X			4		X	X	X
	$380,000,000		X	X		X	X	X	X					X	X	X

Color Chart

Allowable Costs | Policy Qs/OMB Circulars | Pre-approval Requests | State Appropriation Process

THE U.S. ELECTION ASSISTANCE COMMISSION

GRANT EXPENDITURE REPORT

FISCAL YEAR 2018

April 4, 2019

Overview

The U.S. Election Assistance Commission (EAC) was created by Congress in 2002 to improve the administration of elections for federal offices through funding, guidance and policy development under the Help America Vote Act of 2002 (HAVA).

HAVA provides funding to state and local election districts to support upgrading systems for casting votes, registering voters in statewide voter registration databases, providing provisional voting options, and implementing other improvements to the administration of federal elections, such as training for election officials and poll workers, polling place accessibility improvements, and disseminating information on how and where to vote.

Through September 30, 2018, a total of $3,628,946,231[1] in federal funds has been awarded to 50 states, the District of Columbia and four U.S. territories (American Samoa, the Commonwealth of Puerto Rico, Guam and the United States Virgin Islands) hereinafter referred to as the "States." This total includes $380 million appropriated by Congress in 2018 to support equipment purchases and security enhancements to election systems. This 2018 appropriation was the first time since FY10 that the federal government made resources available through HAVA to support federal election improvements to the administration of federal elections.

States have reported total expenditures of $3,400,037,361, or 85 percent of total federal funds and accrued interest, available under Sections 101, 102 and 251 of HAVA. This total includes $30,881,027 in spending associated with the 2018 awards, which took place between April 17 and September 30, 2018 in the run-up to the 2018 election. Chart 4 shows total funds expended excluding the 2018 HAVA Funds.

[1] This includes $300.3 million in Section 102 funds that were appropriated for the replacement of punch card or lever voting machines in 30 eligible states and $380 million appropriated in 2018 under Section 101 of HAVA.

HAVA SECTION 101 Funds

In 2003, EAC disbursed $349,182,267 to states under Section 101 of HAVA for activities to improve the administration of federal elections (see Table 1). **As of September 30, 2018, States reported total expenditures of $359,725,678, which reflects expenditures of federal funds and accumulated interest over the course of the award.** Twenty-seven (27) States have spent all of the Section 101 funds and interest and another fourteen (14) States have spent at least 90 percent of the funds. Table 1 provides a full accounting of expenditures by States.

Table 1 **Section 101 HAVA Funds as of September 30, 2018** (1,000s)

State	Funds Received	Interest Earned	Expenditures	Balance
ALABAMA	$4,989,605	$362,297	$4,821,432	$530,471
ALASKA	5,000,000	766,742	5,452,122	314,620
AMERICAN SAMOA	1,000,000	66,224	1,000,000	66,224
ARIZONA	5,451,369	1,010,134	2,095,600	4,365,903
ARKANSAS	3,593,165	226,288	3,819,453	0
CALIFORNIA	26,804,708	2,688,888	27,282,272	2,211,324
COLORADO	4,860,306	1,056,513	5,902,689	14,130
CONNECTICUT	5,000,000	682,868	5,682,868	0
DELAWARE	5,000,000	472,080	5,467,766	4,314
DIST. OF COLUMBIA	5,000,000	408,108	5,000,000	408,108
FLORIDA	14,447,580	1,843,679	14,183,307	2,107,953
GEORGIA	7,816,328	698,741	7,816,328	698,741
GUAM	1,000,000	12,773	1,012,773	0
HAWAII	5,000,000	1,369,777	1,687,087	4,682,690
IDAHO	5,000,000	1,807,418	6,807,418	0
ILLINOIS	11,129,030	1,264,381	12,102,242	291,169
INDIANA	6,230,481	938,781	7,196,262	0
IOWA	5,000,000	684,225	5,449,329	234,896
KANSAS	5,000,000	1,310,653	2,916,433	3,394,220
KENTUCKY	4,699,196	1,024,965	4,699,196	1,024,965
LOUISIANA	4,911,421	935,421	5,846,842	0
MAINE	5,000,000	611,679	5,606,021	5,658
MARYLAND	5,636,731	551,709	5,544,137	644,303
MASSACHUSETTS	6,590,381	904,363	7,494,744	0

Table 1 Cont. *Section 101 HAVA Funds as of September 30, 2018*

State	Total Section 101 Funds Received	Interest Earned	Expenditures	Balance
MICHIGAN	$ 9,207,323	$ 1,662,608	$9,884,787	$985,145
MINNESOTA	5,313,786	64,724	5,378,510	0
MISSISSIPPI	3,673,384	443,500	4,116,884	0
MISSOURI	5,875,170	954,107	6,829,277	0
MONTANA	5,000,000	396,018	5,201,133	194,885
NEBRASKA	5,000,000	998,292	5,998,292	0
NEVADA	5,000,000	452,843	5,452,843	0
NEW HAMPSHIRE	5,000,000	1,193,153	2,460,200	3,732,953
NEW JERSEY	8,141,208	650,000	8,167,547	623,661
NEW MEXICO	5,000,000	292,244	5,292,244	0
NEW YORK	16,494,325	3,669,945	15,847,784	4,316,486
NORTH CAROLINA	7,887,740	719,637	9,495,453	0
NORTH DAKOTA	5,000,000	63,997	5,063,997	0
OHIO	10,384,931	426,837	10,811,768	0
OKLAHOMA	5,000,000	353,656	5,353,656	0
OREGON	4,203,776	59,199	4,262,975	0
PENNSYLVANIA	11,323,168	1,301,492	12,624,660	0
PUERTO RICO	3,151,144	324,191	3,467,760	7,575
RHODE ISLAND	5,000,000	140,275	5,140,275	0
SOUTH CAROLINA	4,652,412	886,692	5,300,905	238,198
SOUTH DAKOTA	5,000,000	2,385,195	4,796,646	2,588,549
TENNESSEE	6,004,507	1,047,014	6,279,290	772,232
TEXAS	17,206,595	3,727,371	18,469,359	2,464,607
UTAH	3,090,943	560,156	3,651,099	0
VERMONT	5,000,000	580,051	5,580,051	0
VIRGIN ISLANDS	1,000,000	21,806	1,000,000	21,806
VIRGINIA	7,105,890	1,130,578	7,637,378	599,090
WASHINGTON	6,098,449	259,047	6,357,496	0
WEST VIRGINIA	2,977,057	104,747	3,081,804	0
WISCONSIN	5,694,036	1,796,103	6,426,085	1,064,055
WYOMING	5,000,000	1,628,931	5,409,203	1,219,728
TOTAL*	**348,646,145**	**49,993,116**	**359,725,678**	**39,913,583**

*Reflects a deobligation of $536,122 as a result of an audit finding. Total awarded was 349,182,267.

In March of 2018, the Congress provided an additional $380,000,000 through the Omnibus Appropriations Act of 2018. The EAC awarded these funds to the 50 states, the District of Columbia and four U.S. Territories (American Samoa, Guam, Puerto Rico and the U.S. Virgin Islands) eligible to receive them through a formula described in Sections 101 and 104 of the Help America Vote Act of 2002 (P.L. 107-252) (HAVA). To access the funds, States provided a budget and a state narrative for how the funds were to be used.

While States could technically begin spending funds once they received their notice of grant award on April 17, 2018, most States waited until funds had been transferred to their state election account and many States had to first get state legislative approval before spending funds.

As a result, the expenditures for this initiative for the period ending September 30, 2018 are limited in scope (See Table 2 below). Further detail on the activities undertaken by each state and territory with the new funds prior to September 30, 2018 can be found beginning on page 10.

Table 2 **2018 HAVA Grants (Section 101 funds) as of September 30, 2018** (1,000's)

State	Funds Received	Interest Earned	Expenditures	Balance
ALABAMA	$6,160,393	$0	$0	$6,160,393
ALASKA	$3,000,000	10,578	$0	3,010,578
AMERICAN SAMOA*	$600,000			600,000
ARIZONA*	$7,463,675			7,463,675
ARKANSAS	$4,475,015	25,459	$4,475,015	25,459
CALIFORNIA	$34,558,874	$0	$0	34,558,874
COLORADO	$6,342,979	21,358	$20,337	6,344,000
CONNECTICUT	$5,120,554	19,512	$1,200	5,138,866
DELAWARE	$3,000,000	0	$0	3,000,000
DIST. OF COLUMBIA	$3,000,000	14,350	$399,400	2,614,950
FLORIDA	$19,187,003	$0	$14,659,908	4,527,095
GEORGIA	$10,305,783	$0	$0	10,305,783
GUAM	$600,000	269	$3,276	596,993
HAWAII	$3,134,080	$0	$0	3,134,080
IDAHO	$3,229,896	14,376	$498,689	2,745,583
ILLINOIS	$13,232,290	57,266	$9,402	13,280,154
INDIANA	$7,595,088	29,819	$218,953	7,405,954
IOWA	$4,608,084	7,200	$194,179	4,421,104
KANSAS*	$4,383,595			4,383,595
KENTUCKY	$5,773,423	23,722	$626,554	5,170,592
LOUISIANA	$5,889,487	11,726	$0	5,901,213
MAINE	$3,130,979	$0	$0	3,130,979
MARYLAND	$7,063,699	3,380	$1,565	7,065,514

MASSACHUSETTS	$7,890,854	36,111	$1,057,216	6,869,749
MICHIGAN	$10,706,992	54,033	$0	10,761,025
MINNESOTA	$6,595,610	36,883	$0	6,632,493
MISSISSIPPI	$4,483,541	11,096	$241,851	4,252,786
MISSOURI	$7,230,625	31,582	$224,922	7,037,285
MONTANA	$3,000,000	16,980	$0	3,016,980
NEBRASKA	$3,496,936	19,112	$23,207	3,492,841
NEVADA	$4,277,723	$0	$13,554	4,264,169
NEW HAMPSHIRE	$3,102,253	643	$129,426	2,973,470
NEW JERSEY	$9,757,450	$0	$909	9,756,541
NEW MEXICO	$3,699,470	9,868	$807,496	2,901,841
NEW YORK	$19,483,647	$0	$1,702,376	17,781,271
NORTH CAROLINA	10,373,237	$0	$0	10,373,237
NORTH DAKOTA	$3,000,000	1,282	$0	3,001,282
OHIO	$12,186,021	54,878	$129,589	12,111,310
OKLAHOMA	$5,196,017	19,028	$0	5,215,045
OREGON	$5,362,981	39,704	$2,290	5,400,395
PENNSYLVANIA	$13,476,156	24,077	$0	13,500,233
PUERTO RICO	$3,676,962	$0	$0	3,676,962
RHODE ISLAND	$3,000,000	$0	$584,127	2,415,873
SOUTH CAROLINA	$6,040,794	7,886	$0	6,048,680
SOUTH DAKOTA	$3,000,000	30,649	$0	3,030,649
TENNESSEE	$7,565,418	0	$0	7,565,418
TEXAS	$23,252,604	123,240	$219,447	23,156,396
UTAH	$4,111,052	$0	$0	$4,111,052
VERMONT	$3,000,000	$30,823	$843,912	$2,186,911
VIRGIN ISLANDS	$600,000	$0	$18,775	$581,225
VIRGINIA	$9,080,731	$0	$0	$9,080,731
WASHINGTON	$7,907,768	$40,504	$512,533	$7,435,739
WEST VIRGINIA	$3,611,943	$32,157	$3,611,943	$32,157
WISCONSIN	$6,978,318	$37,118	$180,090	$6,835,346
WYOMING	$3,000,000	$10,059	$0	$3,010,059
TOTAL	$380,000,000	$906,728	$31,412,144	349,494,584

HAVA SECTION 251 Funds

Section 251 funds, known as Requirements Payments, were distributed to States using a formula found in HAVA that is based on a percentage equal to the quotient of the voting age population of each State and the total voting age population of all States. States are required to deposit Section 251 money in interest bearing state election accounts and the funds are available until expended.

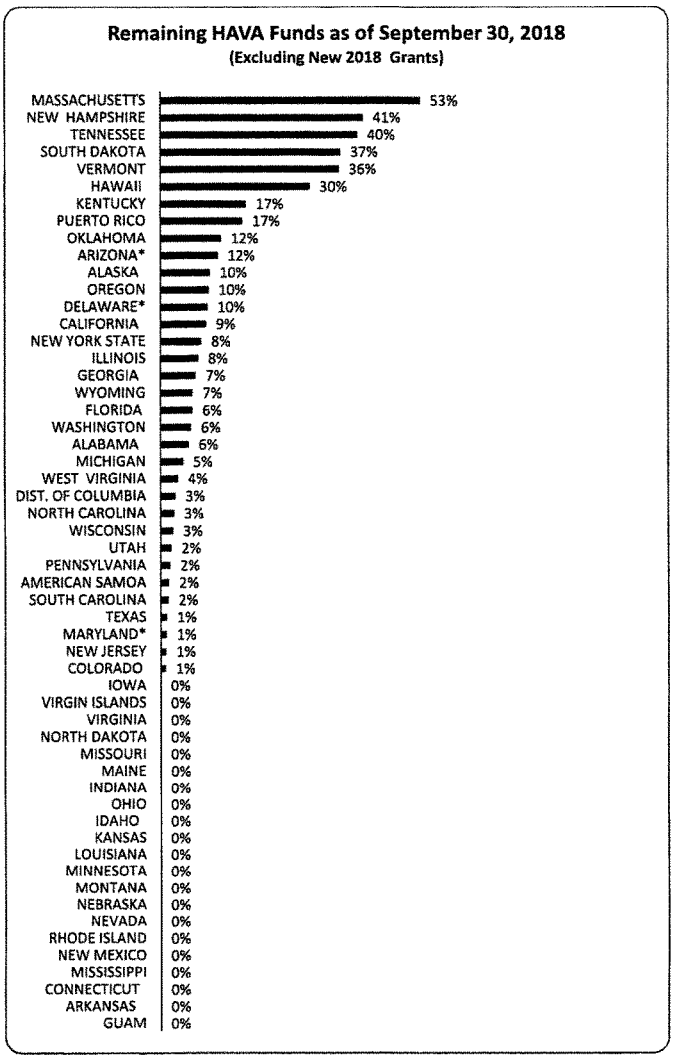
As of the September 30, 2018, twenty-eight (28) States reported using 100 percent[2] of their HAVA Requirements Payment funds (including interest) and another 14 states reported using 90 percent or more of their funds and interest. States reported cumulative expenditures of $2,698,508,681 (See Table 3).

Table 3 *Section 251 HAVA Funds as of September 30, 2018*

State	Total Section 251 Funds Received	Interest Earned	Total Expenditures	Balance of Funds and Interest
ALABAMA	$40,227,863	$2,369,451	$40,436,616	$2,160,698
ALASKA	$13,021,803	$2,650,959	$13,843,301	$1,829,461
AMERICAN SAMOA	$2,490,652	$292,118	$2,782,770	$0
ARIZONA	$45,516,688	$4,353,350	$47,508,539	$2,361,498
ARKANSAS	$24,233,666	$2,542,154	$26,775,820	$0
CALIFORNIA	$296,305,593	$44,631,006	$303,422,823	$37,513,776
COLORADO	$38,767,048	$4,719,210	$42,972,582	$513,677
CONNECTICUT	$31,095,158	$4,392,980	$35,488,138	$0
DELAWARE	$13,021,803	$1,930,256	$13,004,721	$1,947,338
DISTRICT OF COLUMBIA	$13,028,257	$1,922,983	$14,746,048	$205,191
FLORIDA	$148,633,048	$24,310,937	$162,028,349	$10,915,636
GEORGIA	$72,641,827	$761,687	$67,906,200	$5,497,314
GUAM	$2,319,361	$48,049	$2,367,410	$0
HAWAII	$13,028,257	$977,446	$12,499,108	$1,506,595
IDAHO	$13,021,803	$1,267,652	$14,289,455	$0
ILLINOIS	$110,593,988	$9,297,474	$118,549,567	$1,341,896
INDIANA	$54,440,282	$2,280,602	$56,676,561	$44,322
IOWA	$26,645,880	$1,464,690	$28,083,331	$27,240
KANSAS	$24,033,426	$2,222,954	$30,853,941	$0
KENTUCKY	$36,901,642	$4,794,078	$34,404,580	$7,291,139

[2] States that have over 99% of funds and interest spent are counted as 100% expended for purposes of this report. Actual funds remaining are shown for each state on the chart.

State	Total Section 251 Funds Received	Interest Earned	Total Expenditures	Balance of Funds and Interest
LOUISIANA	$39,350,512	$3,552,964	$42,903,476	$0
MAINE	$13,021,803	$1,522,719	$14,537,278	$7,244
MARYLAND	$47,663,156	$3,888,041	$51,527,784	$23,413
MASSACHUSETTS	$58,589,549	$11,498,511	$28,222,757	$41,865,303
MICHIGAN	$88,535,685	$7,641,697	$92,435,575	$3,741,807
MINNESOTA	$43,962,194	$3,758,390	$47,501,444	$0
MISSISSIPPI	$25,152,465	$1,588,892	$26,741,357	$0
MISSOURI	$50,394,880	$4,255,352	$54,177,399	$472,833
MONTANA	$13,028,257	$618,633	$13,979,996	$0
NEBRASKA	$15,442,405	$1,046,168	$16,488,573	$0
NEVADA	$18,155,632	$1,272,294	$19,427,926	$0
NEW HAMPSHIRE	$13,021,803	$2,292,595	$10,173,179	$5,141,219
NEW JERSEY	$76,360,392	$5,808,946	$81,696,605	$472,733
NEW MEXICO	$15,599,671	$271,854	$15,871,525	$0
NEW YORK	$172,076,865	$33,085,355	$193,587,917	$11,574,303
NORTH CAROLINA	$73,421,775	$7,370,242	$77,418,650	$3,373,367
NORTH DAKOTA	$13,028,257	$1,355,754	$14,258,148	$125,863
OHIO	$102,069,874	$6,307,853	$108,377,697	$0
OKLAHOMA	$30,200,723	$4,101,437	$29,420,654	$4,881,506
OREGON	$31,243,106	$3,988,360	$31,243,105	$3,988,360
PENNSYLVANIA	$112,821,809	$16,861,352	$126,737,641	$2,945,520
PUERTO RICO	$5,868,252	$222,622	$4,503,921	$1,586,952
RHODE ISLAND	$13,021,803	$485,182	$13,506,985	$0
SOUTH CAROLINA	$36,384,617	$910,483	$37,121,805	$173,295
SOUTH DAKOTA	$13,028,257	$5,107,330	$11,373,403	$6,762,184
TENNESSEE	$51,877,745	$6,914,050	$32,108,378	$26,683,417
TEXAS	$180,251,805	$12,381,621	$192,633,426	$0
UTAH	$18,481,440	$705,044	$18,549,134	$637,350
VERMONT	$12,453,257	$2,673,691	$7,604,787	$7,522,161
VIRGIN ISLANDS	$2,319,361	$2,179	$2,319,361	$2,179
VIRGINIA	$64,449,288	$9,562,569	$74,011,857	$0
WASHINGTON	$52,995,253	$6,550,527	$56,052,533	$3,493,247
WEST VIRGINIA	$17,184,961	$1,183,798	$17,520,296	$848,461
WISCONSIN	$48,296,088	$3,566,337	$51,862,425	$0
WYOMING	$13,028,257	$1,079,409	$13,971,822	$135,843
Total	$2,602,749,240	290,662,283	2,698,508,681	194,464,562


Remaining HAVA Funds as of September 30, 2018
(Excluding New 2018 Grants)
MASSACHUSETTS 53%
NEW HAMPSHIRE 41%
TENNESSEE 40%
SOUTH DAKOTA 37%
VERMONT 36%
HAWAII 30%
KENTUCKY 17%
PUERTO RICO 17%
OKLAHOMA 12%
ARIZONA* 12%
ALASKA 10%
OREGON 10%
DELAWARE* 10%
CALIFORNIA 9%
NEW YORK STATE 8%
ILLINOIS 8%
GEORGIA 7%
WYOMING 7%
FLORIDA 6%
WASHINGTON 6%
ALABAMA 6%
MICHIGAN 5%
WEST VIRGINIA 4%
DIST. OF COLUMBIA 3%
NORTH CAROLINA 3%
WISCONSIN 3%
UTAH 2%
PENNSYLVANIA 2%
AMERICAN SAMOA 2%
SOUTH CAROLINA 2%
TEXAS 1%
MARYLAND* 1%
NEW JERSEY 1%
COLORADO 1%
IOWA 0%
VIRGIN ISLANDS 0%
VIRGINIA 0%
NORTH DAKOTA 0%
MISSOURI 0%
MAINE 0%
INDIANA 0%
OHIO 0%
IDAHO 0%
KANSAS 0%
LOUISIANA 0%
MINNESOTA 0%
MONTANA 0%
NEBRASKA 0%
NEVADA 0%
RHODE ISLAND 0%
NEW MEXICO 0%
MISSISSIPPI 0%
CONNECTICUT 0%
ARKANSAS 0%
GUAM 0%

State Plans and Expenditures of 2018 HAVA Funds

Reported Spending as of September 30, 2018		
Category	**Amount**	**Percentage of Total Spent**
Cybersecurity	18,283,414	58.2%
Voting Equipment	$10,658,794	33.9%
Voter Registration System	2,107,074	6.7%
Other	312,093	1.0%
Election Auditing	19,881	0.1%
Communication	27,747	0.1%
Total	**$31,409,003**	**100%**

As noted earlier, on Friday, March 23, 2018, President Donald J. Trump signed the Consolidated Appropriations Act of 2018 into law. The Act included $380 million in Help America Vote Act (HAVA) funds to improve the administration of elections for Federal office, including to enhance election technology and to make election security improvements, marking the first new appropriation for HAVA funds since FY2010.

The funding provided states with additional resources to secure and improve election systems. States could begin spending funds once they received their notice of grant award on April 17, 2018. However, most states waited until funds were transferred to their state election accounts and many states had to get state legislative approval before spending funds.

States and territories eligible to receive the funds were required to provide a budget and state narrative for how they would be used. The EAC published the narratives and budgets for 48 out of 55 eligible states and territories public on August 21, 2018. Seven remaining states and territories were granted extensions and had their budgets and narratives into the EAC by mid-September 2018. By September 20, 2018, 100 percent of funds had been disbursed to states.

According to these narratives and budgets, the vast majority of states and territories plan to spend their allotted funds within the next two or three years. Each funding recipient was required to file a standard Federal Financial Report and updated program narrative to the EAC by December 31, 2018.

The following is a summary of how states were able to utilize the 2018 HAVA Funds within the first six months of them being made available, based on these Progress and Financial Reports:

- **Alabama** expects to expend the $6.1 million the state received in 2018 HAVA funds, and the required state match of $308,020, in FY2019 to make upgrades to and replace voting equipment, mitigate cyber vulnerabilities, establish post-election auditing protocols statewide, continue the provision of the computerized statewide voter registration list for the entire state.
- **Alaska** plans to use its $3.15 million to replace the state's 20-year old voting system.
- **American Samoa** used a portion of its HAVA funding to repair and restore equipment and election offices damaged during Tropical Cyclone Gita so they would be functional ahead of the 2018 election. Going forward, the territory is planning a complete upgrade of its voter registration system, continuing to provide special needs services to voters with disabilities and increasing its voter outreach efforts.
- **Arizona** funded a comprehensive security assessment of its election systems and provided training to help each of the state's fifteen counties understand the different types of existing

security threats and what support is available. Long-term, the state plans to award election security sub-grants to counties and create an election security position within the Secretary of State's office.

- **Arkansas** established cost-sharing agreements with the counties to replace aging voting equipment. New acquisitions ensure that a paper trail for ballots cast is present in all Arkansas counties and almost 70 percent of Arkansas voters voted on the newly integrated election equipment system in the 2018 Midterm Election. Of the initial $4,724,225 in funds available through HAVA, Arkansas had only $44,305 in funds remaining.
- **California** is funding cybersecurity support and training, polling place accessibility, election auditing and vote center implementation through FY2021 at the county level. The state is also using funds to make security enhancements to its centralized voter registration system and personnel costs.
- **Colorado** will use its 2018 HAVA Funds to enhance technology and security in the state's election process, including improving risk-limiting audits and other audits of election-related systems in 2019 and beyond. From April 17, 2018 to September 30, 2018, Colorado expended $211,124.82 (including $109,899.80 in 2018 HAVA Funds and earned interest) on Colorado Voting Systems (COVS) training that was necessary to implement a ballot level comparison Risk-Limiting Audit (RLA). An additional $99,064 was used for Election Preparedness for Infrastructure and Cybersecurity (EPIC) tabletop exercises with county election and IT officials.
- **Connecticut** is purchasing voting equipment, making security enhancements to address cyber vulnerabilities, improving post-election audits and voter registration systems and management, enhancing security training for election officials and improving voting accessibility.
- **Delaware** plans to purchase new voting equipment, including a new voting system with a voter verifiable paper audit trail, an absentee system and an Election Management/Voter Registration system which will move elections from the state's aging mainframe.
- **Florida** plans to use the $19,187,003 the state received in 2018 HAVA funds for three primary projects. $15,450,000 will be used to establish an online grant program for 67 county supervisors of elections to enhance election security. $1,987,003 will be used to establish an online grant program for county supervisors of elections to improve voting accessibility. The remaining $1,750,000 will be earmarked by the Florida Department of State to implement security enhancements to the state voter registration system, contract a team of cybersecurity specialists to provide support to the state and county supervisor of elections offices, and to fund a voter education campaign to educate voters on how to get ready to register and vote in an election. As of September 30, 2018, $95,688.91 had already been expended.
- **Georgia** plans to increase election security, simplicity and accessibility by purchasing secure voting devices that produce a voter-verifiable paper ballot. The state will also provide an online sample ballot for all voters, improve its voter registration database, conduct election auditing and testing, and purchase ALBERT sensors, cybersecurity services and new e-poll books.
- **Guam** will use its funds to replace and upgrade voting equipment, perform election auditing, make improvements to its voter registration system, upgrade cybersecurity equipment and provide training.
- **Hawaii** will be utilizing its $3.1 million in funds to enhance the election cybersecurity infrastructure and update equipment related to the statewide voter registration system, voting equipment and vote counting system. As of September 30, 2018, $4,310.56 was used to establish telecommunications and network services at Counting and Control Centers during the 2018 Elections and an additional $77,486.93 was used to hire an Election Information Specialist responsible for enhancing accessibility to elections for voters with disabilities and additional staff to perform duties required to administer elections for federal office.

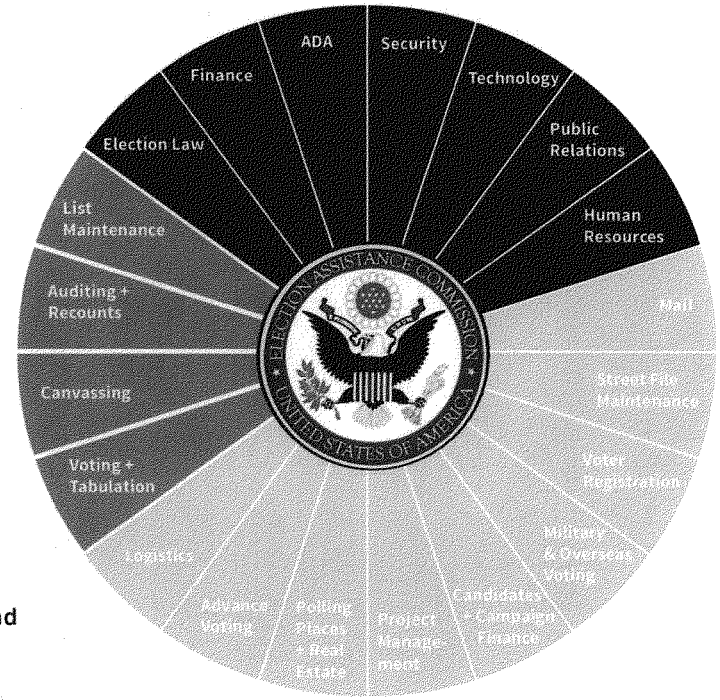
- **Idaho** plans to use its new HAVA appropriation to hire staff, award sub-grants to voting districts, secure new voting equipment, perform election auditing, acquire a new voter registration system, make cybersecurity improvements and software updates, and provide staff trainings. Thus far, the state has expended $513,064.10 of both federal funds and interest for acquiring software to deploy security patches across the state network, initial voter registration system upgrades and personnel.
- **Illinois** will use its funding for a cybersecurity information sharing program, hiring a Cyber Navigator/Advisor, providing cybersecurity resources for local election authorities and implementing a statewide network to provide centralized monitoring, mitigation and security services. Thus far, the State Board of Elections has used the funds for relevant equipment and software, Electronic Registration Information Center (ERIC) Association dues and relevant conference and information sharing costs.
- **Indiana** helped counties implement multi-factor authentication systems for accessing voting equipment and conducted cybersecurity training for all county officials during the state's annual election administrators conference. Going forward, the state plans to acquire additional election technology, implement e-poll book vendor network security enhancements, deploy auditable voting systems and perform election night reporting security enhancements.
- **Iowa** conducted cybersecurity training seminars for county auditors and staff and participated in a pilot program for a self-assessment cybersecurity tool. The Secretary of State's Office also implemented two-factor authentication for access to the statewide voter registration system, purchased additional security protections for the state's election night reporting system and partnered with the Department of Homeland Security to conduct two tabletop exercises. Finally, Iowa was able to purchase additional security protections for the state's election night reporting system.
- **Kansas** will use its funds to ensure every voting machine has a voter verifiable paper audit trail, conduct post-election audits after every election, improve the security of the statewide voter registration system, increase cybersecurity efforts at all levels of election administration and create, maintain and train local election officials on a comprehensive security communications plan.
- **Kentucky** used some of its funds during the FY2018 reporting period to acquire Trustwave, cloud-based and managed security services designed to protect data and reduce security risk. The State Board of Elections is in the process of working with Trustwave to install and set up the equipment.
- **Louisiana** will use 2018 HAVA funds and the state match for a new electronic voting system.
- **Maine** plans to upgrade its voting equipment and Central Voter Registration (CVR) system hardware and software, implement election night reporting, cybersecurity software improvements, monitoring and training, and improve ballot security and online training.
- **Maryland** will replace and upgrade voting equipment, perform election audits, upgrade voter registration system servers and software in off-election years and enhance system monitoring activities, mitigating cyber vulnerabilities, refining an incident management plan and providing training. Thus far, the state has spent $1,302 of its allocated federal funds on statewide tabletop exercises and $176,139.50 of its state match on Voted Ballot Audits following the 2018 Primary Elections and implementing two-factor authentication and enhancing its virtual private network (VPN) security monitoring.
- **Massachusetts** made network security upgrades for its voter registration system, hired a network security engineer and conducted security training for election staff. The Secretary of State's Office also plans to use funds to acquire new voting equipment, upgrade the state's voter registration system and improve the cybersecurity of its election system.

- **Michigan** is focusing on cybersecurity, information and physical security and providing funding and resources statewide to allow for the completion of detailed election system security assessments at the state, county and local level.
- **Minnesota** is using $6,925,391 in 2018 HAVA Funds and required state match to strengthen, secure and modernize Minnesota's Statewide Voter Registration System (SVRS); assess the state's data sharing and post-election review/audit process; improve secure information sharing with counties; enhance website security and accessibility and recruit and train election officials. The Secretary of State's Office will also use funds to invest in cybersecurity and information technology upgrades, expand absentee and mail-voting for voters with disabilities and provide sub-grants to local jurisdictions for improved election security and accessibility.
- **Mississippi** is using its funds to upgrade its Statewide Elections Management System, addressing cyber vulnerabilities, implementing post-election auditing and funding certain permissible county expenditures.
- **Missouri** spent most of its allocated 2018 HAVA Funds to implement cybersecurity enhancements that protect against attempts to penetrate the Missouri Centralized Voter Registration System. In September, the state also hosted the National Election Security Summit attended by federal, state and local election authorities to discuss practical ways to mitigate threats and vulnerabilities.
- **Montana** is replacing its statewide voter registration system and funding a 50 percent cost match with counties to purchase new voting equipment. They are also undertaking a major cybersecurity upgrade and hiring election and voter security IT personnel.
- **Nebraska** is using 2018 HAVA Funds to replace voting equipment, implement security upgrades and system enhancements to its voter registration system, install and maintain ALBERT sensors and perform cybersecurity scans and testing. The state is also using this federal funding to train election division staff and county election officials, provide resources for voters with disabilities and put additional security measures in place for election night reporting.
- **Nevada** will use the funds to upgrade voting equipment, provide sub-grants to jurisdictions, evaluate the state's cyber vulnerabilities, expand upon current election auditing practices and procedures, increase voter outreach and training.
- **New Hampshire** is enhancing election technology and making security improvements, improving voting systems and technology, educating voters, training election officials and election workers and improving access for voters with disabilities.
- **New Jersey** plans to make improvements to its cyber and physical security, voter registration system, voting equipment, election auditing, Americans with Disabilities Act compliance and training for election officials. Thus far, the state has expended its 2018 HAVA Funds on a Department of Homeland Security-administered tabletop security training session for county election officials.
- **New Mexico** hired a full-time IT security and compliance administrator whose responsibilities include implementing additional security practices to safeguard sensitive data and election systems and protect against cyber vulnerabilities. The state also purchased scan tabulation systems that feature ballot image capture and audit capabilities.
- **New York** spent approximately $1.7 million in 2018 on several security initiatives, including a contract with Grant Thornton to conduct a uniform comprehensive risk assessment of every county board of elections. As of September 30, 2018, 22 of 58 assessments were complete. The state contracted another security firm to provide intrusion detection and log monitoring services for all county boards of elections. Additionally, 712 state and county election officials and election vendors have attended security awareness training and all county board of elections officials have attended at least one cybersecurity tabletop exercise training.

- **North Carolina** plans to use its 2018 HAVA funds to modernize their statewide elections information management system, perform election auditing, undergo security assessments, hire a Chief Information Security Officer and implement a Cyber Advisory Panel.
- **North Dakota** is spending its entire 2018 HAVA award and required five percent state match on procuring a paper-based, HAVA-compliant voting system.
- **Ohio** is using its funds to make enhancements to its statewide voter registration system database, provide enhanced cybersecurity for election email accounts, conduct tabletop exercises and training, launch an IT and email support pilot project and conduct post-election audits through 2020.
- **Oklahoma** is purchasing e-poll books and document scanners for local election offices, upgrading its online voter registration system by 2020, providing training for county and state election boards, and ensuring there is a robust plan in place for cyber and physical security.
- **Oregon** is making improvements to the Oregon Elections System for Tracking and Reporting, securing state and local election systems and increasing IT security capacity and voter registration efficiency. The state also plans to build a feature so voters can track their ballot at all stages of the election process, provide public access to campaign finance reports and expand capacity and public visibility.
- **Pennsylvania** is replacing aging voting equipment that is reaching the end of its usable life with new equipment that has a voter verifiable paper audit trail.
- **Puerto Rico** plans to use its 2018 HAVA funds to enhance election cybersecurity and network infrastructure and upgrade Election Day voter registration.
- **Rhode Island** purchased a platform for the Centralized Voter Registration system that encrypts all data within it. The state also purchased another system that monitors for and protects the Centralized Voter Registration System from ransomware. In addition, the state purchased a system that provides real-time analysis of security threats, sends alerts if issues are detected and quarantines devices if there is abnormal activity.
- **South Carolina** is using its $6 million in 2018 HAVA Funds to harden its security posture and enhance the resilience of its elections.
- **South Dakota** is replacing aging voting equipment, including ballot marking devices and ballot tabulators purchased in 2005, and making cybersecurity upgrades to the statewide voter registration file and election night reporting page.
- **Tennessee** is providing sub-grants to assist counties in the purchase of approved voting systems, making improvements to its voter registration system and providing cybersecurity scans and training for each county election commission office.
- **Texas** worked with its Voter Registration system vendor in 2018 to make security updates to its system, including integration of a standalone portal and data encryption. The state also acquired cybersecurity training and made it available free of charge to all 254 counties in advance of the 2018 election. Prior to the 2018 election, 150 officials attended the training.
- The **U.S. Virgin Islands** is conducting a risk assessment and upgrades to its voting equipment, updating its voter registration system, developing and implementing a cybersecurity plan, and providing cyber risk management training for Board of Elections leadership, staff and vendors.
- **Utah** will purchase new voting equipment, replace the state's voter registration database and implement additional security measures and training for both counties and the state.
- **Vermont** used its 2018 HAVA Funds to replace and upgrade voting equipment, implement post-election audits, mitigate cyber vulnerabilities and provide required cybersecurity training for all town and city clerks in the spring of 2018, prior to the 2018 Midterm Elections. Of the initial $3,150,000 available through federal appropriations, the required state match and interest, as of September 30, 2018, Vermont had expended $843,912.28.

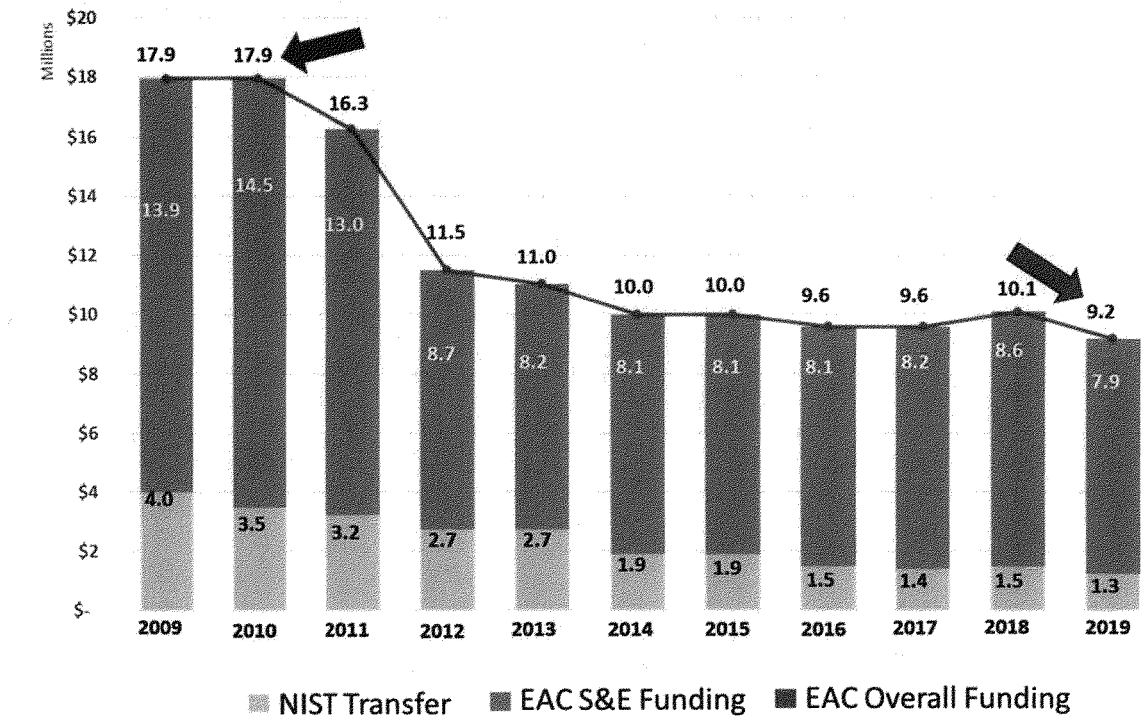
- **Virginia** is securing the Department of Elections' infrastructure and developing and implementing security and continuity of operations plans.
- **Washington** has implemented advanced firewall protection for the state's centralized election system and installed an advanced threat detection and prevention appliance. The state also acquired a database storage device on the Voter Registration system that has back-up and recovery capabilities. All equipment and software, with the exception of the database storage device, was in place prior to the 2018 Midterm Election. The state also held cybersecurity training for election officials that is a precursor for a cybersecurity training program individually tailored for each county in the state.
- **Washington, D.C.** has used $399,400 of its funds to purchase new voting equipment and hire additional staff to increase the number of early voting centers across the District of Columbia, to train election officials and to produce voter education materials. The District of Columbia plans to use its remaining 2018 HAVA Funds to acquire additional equipment, increase maintenance and support, hire a full time cybersecurity expert, hire and train additional poll workers, continue voter education and outreach, and invest in technology to improve all aspects of voter registration and election administration.
- **West Virginia** used its 2018 HAVA funds to establish a grant program available for counties to be awarded funding for election equipment, physical security, cybersecurity and e-poll books.
- **Wisconsin** will address the immediate security needs of the state such as purchasing software, implementing additional security measures to protect the statewide voter registration system, creating federally funded staff positions and hiring additional IT developers. Wisconsin will also collect feedback from local election officials, voters and election partners to determine long-term election security needs.
- **Wyoming** will use the 2018 HAVA funds to replace outdated voting equipment originally purchased in 2005 and enhance the state and county cybersecurity infrastructure.

Election Administrator Competencies

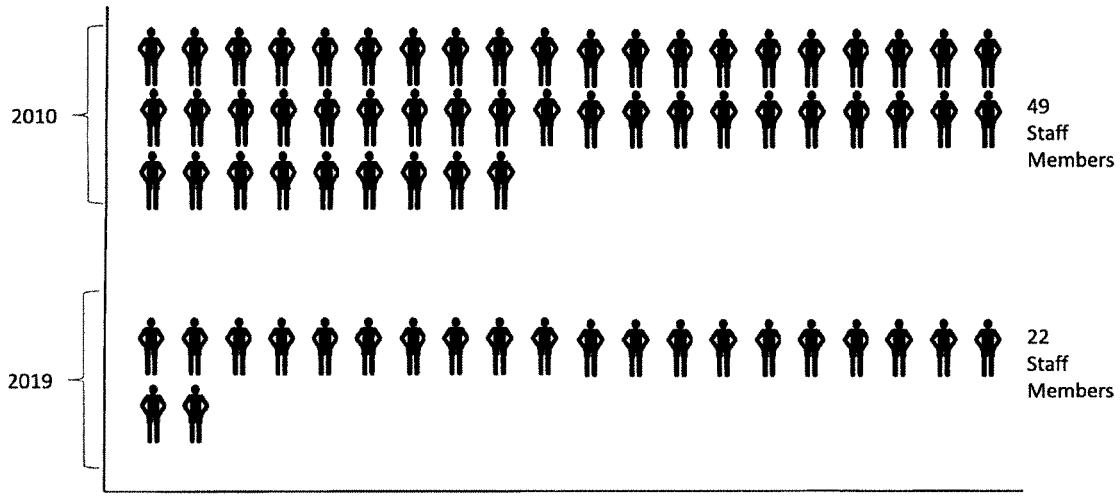


- Ongoing
- Election Preparation
- Election Night & Beyond

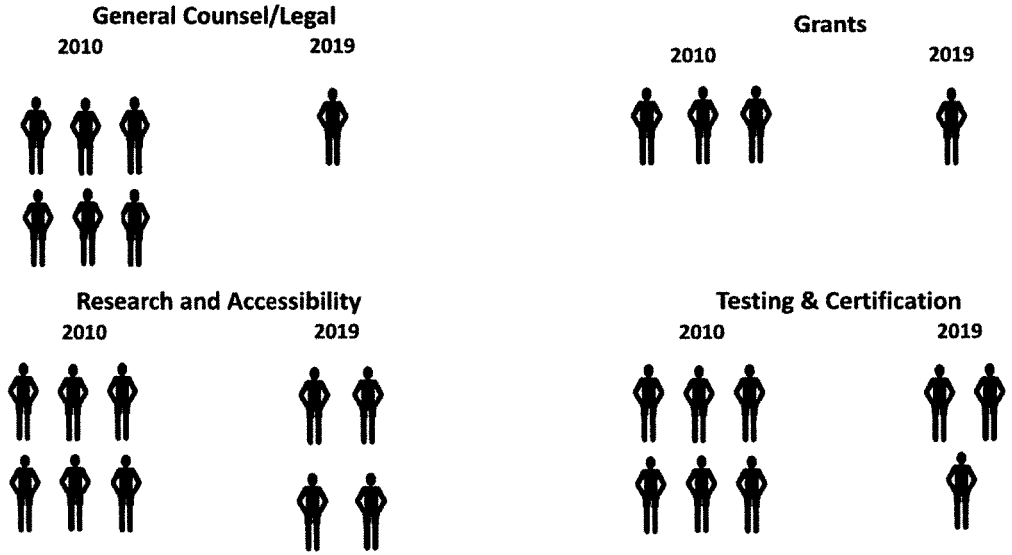
EAC Budget, 2010 vs. 2019



EAC Staff, 2010 vs. 2019



Key EAC Teams Are Reduced



The following positions in the agency are unfilled:

- Chief Operating Officer
- Procurement Specialist
- Commissioners' Special Assistants

U.S. ELECTION ASSISTANCE COMMISSION
1335 EAST-WEST HIGHWAY, SUITE 4300
SILVER SPRING, MD 20910

June 14, 2019

Senator Roy Blunt
Chairman
Senate Committee on Rules and Administration
United States Senate
Russell Senate Office Building
Room 205
Washington, D.C. 20510

Dear Chairman Blunt,

Thank you for the opportunity to appear before members of the Senate Committee on Rules and Administration for the U.S. Election Assistance Commission (EAC)'s oversight hearing on May 15. We appreciated the opportunity to address how the Commission is fulfilling its mission to support election administrators and the voters they serve, and we respectfully submit for the record the following responses to the Committee's follow-up questions.

This letter addresses each of the questions posed by members of the Committee, including inquiries addressed to specific Commissioners. The answers reflect the Commissioners' collective responses. The only exceptions are when the response answers a question posed to specific Commissioners or as otherwise noted.

Questions Submitted by Chairman Roy Blunt

Please provide an update on efforts to ensure that state and local elections officials have the timely, actionable information necessary to secure election systems in this country.

Federal law enforcement and intelligence officials regularly remind us that the cyber threats election administrators faced in 2016 and 2018 remain today and are likely to intensify in the months and years ahead. As the only federal agency solely devoted to supporting election administrators and the voters they serve, the U.S. Election Assistance Commission takes seriously the fact that voter confidence is enhanced when we adequately prepare for, and respond to, challenges such as election misinformation campaigns, persistent attempts to breach election systems and voting registration databases, and other real threats. This is the touchstone that guides our election security work.

As the Commissioners have previously testified, the EAC plays a leading role on the Elections Critical Infrastructure Government Coordinating Council (GCC), and Chairwoman McCormick currently serves on that council's executive board. As part of our role on the GCC, we actively participate in regular conference calls that include the Department of Homeland Security (DHS), as well as local and state election official members of the GCC. These calls focus on communications protocols and the continued development of sector coordinating security plans. In addition, we develop activities for all state and local jurisdictions to participate in, efforts that strengthen the groundwork that was developed in 2016 and further enhanced in 2018. The EAC also works with DHS and the Sector Coordinating Council (SCC) that is comprised of election equipment manufacturers and vendors.

As we understand, our federal partner, DHS, continues to deploy network security monitors to states and local jurisdictions, and election administrators at all levels are continuing to take advantage of the security examinations and evaluations offered by DHS. For example, during public events throughout the nation, we promote participation in the Elections Infrastructure Information Sharing and Analysis Center (EI-ISAC). We receive updates regarding DHS activities during our regular GCC executive committee call, and these conversations typically include discussions about how to share security information with the state and local jurisdictions after federal intelligence agencies make it available to share.

In addition, we know from state plans, expenditure reports and recent updates obtained from the EAC grants department that the states are spending these funds on items that will directly improve election security. As testified, at least 90 percent of the funds have been devoted to technological and cybersecurity improvements, the purchase of new voting equipment, and improvements to voter registration systems.

Beyond the GCC and SCC, and the administration of newly-appropriated Help America Vote Act (HAVA) funds, the Commission has taken a multifaceted approach to helping state and local election officials strengthen their election security. This work includes testing and federally certifying voting systems, providing hands-on security and post-election audit trainings across the country, producing security-focused resources, disseminating security best practices information and checklists to state and local election officials, as well as hosting widely attended forums that feature security experts as speakers.

The following list details some other activities the EAC has completed to strengthen election security and resiliency:

Trainings

- Developed and conducted tabletop exercises for hundreds of local election officials in three states and regions, and participated in the "National Tabletop the Vote" at DHS;
- Conducted more than a dozen Election Officials as IT Manager trainings to hundreds of election officials in nine states;
- Provided two regional Election and Cyber Security Awareness Trainings to state legislators and a similar presentation to election official organizations, including the National Association of State Election Directors (NASED), Election Center and the International Association for Government Officials; and
- Provided post-election audit training across five states.

Resources and Guidance

The EAC has produced and posted to its website the following original resources and guidance related to election security:

- Starting Point: U.S. Election Systems as Critical Infrastructure (White Paper)
- Election Security video and accompanying training materials
- Glossary – IT Terms Managing Election Technology
- Glossary – Common Cybersecurity Terminology
- American Elections: Understanding Cybersecurity
- Incident Response Best Practices
- Risk-Limiting Audits – Practical Application (White Paper)
- 10 things you should know about maintaining your aging voting technology
- 10 things you should know about purchasing new voting equipment
- Checklist for Securing Voter Registration Data
- Checklist for Securing Election Night Reporting Systems
- Quick Tips on Alternative Voting Methods
- Videos of DHS and ODNI election security presentations at EAC-hosted events
- Provided, upon request, specific election security bulletins to election officials from U.S. federal agencies focused on security and law enforcement, including the Federal Bureau of Investigation (FBI), DHS, and the Office of the Director of National Intelligence (ODNI)
- Posted online election security presentations from election offices in Colorado and Maryland

- Posted online all HAVA Funds state narratives containing details about how states plan to spend their newly appropriated HAVA Funds, including specifics about spending on security enhancements
- An October 2018 #Countdown18 Blog Series titled "Securing the Vote" featured how states are investing funds to improve election security, sharing best practices and "lessons learned"
- Established an "Election Security Preparedness" page on www.eac.gov to house election security information produced by the EAC and other federal partners, such as DHS

Events

- Hosted ODNI and DHS for an election security discussion at the EAC Board of Advisors meeting in Salt Lake City, UT on April 24, 2019
- October 2018 Election Readiness Summit, featuring security and intelligence speakers (event was live streamed and video recording was posted online following the event)
- EAC Public Forum: An Election Security Conversation with U.S. Election Officials, a public forum meeting in Miami on April 18, 2018
- Hosted ODNI and DHS for an election security discussion at the EAC Standards Board meeting in Memphis, TN on April 11, 2018
- January 2018 Election Summit ahead of the 2018 Midterm Election, featuring a panel on election security and a keynote address from DHS (event was live streamed and video recording was posted online following the event)
- October 2017 Cybersecurity Roundtable (event was live streamed and video recording was posted online following the event)
- Participation in the 2018 Election Security roundtable
- Presented at events hosted by NASED, National Association of Counties (NACo), National Association of Secretaries of State (NASS), iGo, The Carter Center, and other leading election-focused organizations
- Three separate formation meetings, in Albany, NY, Washington, D.C., and Atlanta, GA to form the DHS Government Coordinating Council.
- Leadership and co-host of the DHS Sector Coordinating Council in the elections subsector.

Federal Testimony and Commentary

- Chairwoman Christy McCormick testimony before the House Committee on Oversight and Reform's Subcommittee on National Security, "Securing U.S. Election Infrastructure and Protecting Political Discourse," May 22, 2019
- "Securing the Accuracy and Efficiency of Elections" – Chairwoman Christy McCormick, *The Washington Times*, March 3, 2019
- Commissioner Hicks testified before the House Committee on Homeland Security, "Defending Our Democracy: Building Partnerships to Protect America's Elections," February 13, 2019
- Commissioners Christy McCormick and Thomas Hicks testify before the Senate Rules and Administration Committee, "Election Security Preparedness: Federal and Vendor Perspective," July 11, 2018
- "Maintaining vigilance against election hackers" – Commissioner Matthew Masterson opinion article, *The Washington Times,* July 26, 2017
- "EAC Commissioner underscores importance of congressional support for election assistance" – Commissioner Thomas Hicks, *The Hill*, January 26, 2017
- Commissioner Thomas Hicks testimony before the House Committee on Oversight and Reform, September 28, 2016

The EAC's participation in critical infrastructure activities and its own security work was a direct result of the personal involvement and direction of the EAC's most senior staff, as well as the efforts of the Commission's talented team of professionals. The EAC does not have full-time employees devoted to these new components of providing election security support. In fact, the EAC's Inspector General highlighted this staffing issue as a Significant Management Challenge in 2018. At this time, existing staff, in conjunction with their other full-time responsibilities, have been tasked with interacting with the agency's external partners to identify resources and materials that might be useful for our election official stakeholders. With additional resources, the EAC would have the opportunity to fund additional election security activities within its Election Technology Program.

What efforts are being made to improve the levels of communication and increase information sharing between election officials and federal agencies?

The EAC's early role in establishing an election security task force, which became the Government Coordinating Council, and also in helping establish the Sector Coordinating Council has provided a strong foundation for information sharing between election officials and the federal agencies that are able to provide election security assistance. The Commission's ongoing participation in these bodies, including as a member of the GCC's Executive Committee, has made these groups more effective and has ensured the proposed solutions and assistance coming from the federal government are responsive to real security needs we see in the field. The GCC and SCC continuously meet in regularly scheduled calls and DHS is continuing its efforts to share timely information when it is available. In order to allow state election officials and EAC Commissioners and staff to review vital security information that it disseminates, the DHS is continuing to process security clearances. DHS can provide information on how many state election official clearances it has issued. The EAC Commissioners and staff have received interim secret-level clearances and DHS is currently working on finalizing those clearances.

It's not enough, however, to simply participate in these councils. We have proactively created opportunities for election officials to hear directly from the EAC, the Department of Homeland Security, the Office of the Director of National Intelligence, the Federal Bureau of Investigation, the Justice Department, and other federal partners who play a role in supporting election security work. The EAC's unique convening power and ability to interface between election administrators and federal entities makes the Commission a key leader in national efforts to protect the vote. We continuously seek new opportunities to share resources, convene experts and election officials, relay best practices to the election community, and share actionable intelligence when asked to do so. For example, during events across the nation, we promote participation in the EI-ISAC.

How will the high-level Principles and Guidelines be translated into Requirements?

Under the process mandated by the Help America Vote Act of 2002, technical experts at the National Institute of Standards and Technology (NIST) and members of the Technical Guidelines Development Committee (TGDC) were involved in the initial development of the high-level Principles and Guidelines. They are also intricately involved in developing the technical requirements that will accompany the Principles and Guidelines. NIST has established several public working groups comprised of a broad array of industry experts and stakeholders who provide input to the development of the requirements. These groups include election advocates, election technology experts, accessibility professionals, and others. The requirements will also be reviewed for clarity and functionality by voting system manufacturers and EAC laboratory experts.

Will voter-verified auditable paper trails be included in the Requirements? If not, why?

The public comment period has just concluded and the Executive Director will work with staff to evaluate comments. The Executive Director will present Commissioners with recommended revisions and the Commissioners will deliberate what to include in the final VVSG 2.0. It would be premature to answer this question ahead of those deliberations and without the full benefit of considering feedback collected during the public comment period. The Commissioners are committed to a transparent and thorough deliberation regarding those comments and the path forward toward a vote on the VVSG 2.0.

Will hand-marked paper ballots be included in the requirements? If not, why?

The public comment period has just concluded and the Executive Director will work with staff to evaluate comments. The Executive Director will present Commissioners with recommended revisions and the Commissioners will deliberate what to include in the final VVSG 2.0. It would be premature to answer this question ahead of those deliberations and without the full benefit of considering feedback collected during the public comment period. The Commissioners are committed to a transparent and thorough deliberation regarding those comments and the path forward toward a vote on the VVSG 2.0.

What role should the Commissioners have in approving the specific requirements for the Voluntary Voting System Guidelines?

This is a question that will be answered as part of the Commissioners' deliberations to finalize the VVSG 2.0 in totality, including the Principles and Guidelines, the technical requirements, the test assertions, and the EAC policies to maintain the VVSG 2.0 in its entirety. According to HAVA, the Commissioners do play a vital role in the development of requirements, the process for continued maintenance, and updates to the requirements.

Has the EAC General Counsel completed its opinion as to whether or not the detailed requirements may be separated from the Principles and Guidelines and whether or not the Requirements need Commission approval? If yes, what is that opinion?

The EAC's General Counsel has not completed his review of the process and does not have an official opinion to share at this time. When the General Counsel provides his written legal opinion to the Commissioners, we will consider it as we begin to deliberate the adoption of VVSG 2.0 in its entirety.

What happens if the Commission is unable to agree on whether or not to separate the guidelines and the requirements?

The technical requirements are currently being developed by NIST, in coordination with the public working groups, and these requirements will be reviewed by the Technical Guidelines Development Committee (TGDC). Voting system manufactures have indicated that they cannot begin building systems to the VVSG 2.0 Principles and Guidelines until technical requirements are completed. With that in mind, if the Commission is unable to agree to separate the technical requirements from the Principles and Guidelines, that would not delay the manufacturers from developing new systems.

If the Principles and Guidelines are separated from the Requirements, would staff have the authority to set or change requirements for the types of election systems that meet certain guidelines without Commissioner approval?

The answer to this question will be deliberated by the Commission after we receive the General Counsel's legal opinion on the matter and addressed as the Commission determines the manner and method in which the Principles and Guidelines will be finalized and how technical requirements will be updated or modified thereafter.

The 90-day public comment period for version two of the guidelines ends in two weeks. Do you have a sense of the types of comments being submitted and whether there are any recurring concerns being expressed?

Following the Commissioners' unanimous decision to extend the public comment period by seven calendar days to allow the public ample opportunity to participate, the 90-day public comment period ended on June 7, 2019. The staff is now assessing the comments that were collected and will provide a recommendation for the Executive Director's review prior to his recommendation to the Commissioners. In general, most of the comments support VVSG 2.0. The Commission received approximately 40 comments that provide in-depth remarks regarding specific aspects of Principles and Guidelines, and thousands of comments generated by website petition platforms that have generated a repeat message to ban wireless functionality and require an auditable paper record.

What is the process and plan to address the comments received and what will that process look like?

All comments will be reviewed by staff and the Executive Director to determine their relevance to the VVSG Principles and Guidelines in general and their compliance with the provisions of HAVA. The relevant comments will be reviewed to determine whether any propose substantive changes or modifications to any of the Principles and Guidelines. Any proposed changes will be highlighted by the staff and presented by the Executive Director for Commissioner consideration.

There has been a great deal of press in the recent weeks about staffing at the EAC, especially within the testing and certification mission area. What is being done to ensure that testing and certification has more than one employee?

We are pleased to report that the Commission's Testing and Certification team has been restored to three employees, including its new Director, Jerome Lovato. Shortly after a new leader was selected for the department, we moved to fill two other vacancies on the Testing and Certification team. The EAC has hired two new individuals who started on May 28 and have a combined 26 years of experience in voting system certification. Election system testing campaigns and other services provided by that department are continuing without interruption.

Ideally, with adequate funding, the goal is to build the department to a team of six Testing and Certification staff, which was the staffing level for the department in 2010. This will ensure timely and thorough consideration of submitted election systems, as well as allow the Commission to provide additional critical infrastructure support to state and local election administrators who are seeking additional training and resources in areas such as election security and post-election audits.

The press also raised concerns about the management of the agency. Do you share those concerns and if not, why?

The Commissioners are aware of the press report regarding management of the EAC. It is not appropriate to discuss personnel matters on the record and in a public setting, including as it relates to our thoughts regarding any particular member of our management staff. Unfortunately, because personnel matters are not discussed in a public forum, the public is left with biased or incomplete information that doesn't accurately reflect the great work that the agency has provided to its constituents. The EAC has a talented and engaged staff, evidenced by work produced and shared in the 2018 EAC Annual Report that we included with our initial testimony. Further, the EAC continues to demonstrate its ability to recruit highly-regarded and skilled employees as demonstrated by the Commission's ability to rapidly restore the staffing levels in the Testing and Certification Department just last month.

Please describe the plan and process for appointment or reappointment of the General Counsel and Executive Director.

The Commission will follow a process consistent with HAVA should a vacancy in these positions occur.

Is the EAC prepared for the next election?

Yes. The agency is continuing to move forward with its preparation for the 2020 election cycle, recognizing our mission is to support states and counties in the local administration of elections and preparing for any event that may potentially disrupt an election. As resources are made available, there are additional activities that the Commission has in the queue to provide valuable new assistance to state and local election officials.

What should this Committee know about EAC's preparedness?

The EAC will continue to meet the requirements of HAVA and meet the needs of election administrators in improving the voting experience and preparing for any contingency. However, without additional resources, it will be a formidable task to expand our footprint to provide the additional support our constituents are looking for. As an example, with additional FY20 resources, the Commission would offer the following:

- **Develop and complete a Cybersecurity and Technology Initiative overhaul at a cost of $578,000.**

  Last year, the EAC hired a Chief Information Officer (CIO) to oversee technology and security at the agency. The CIO performed an in-depth analysis of technology and security, identifying areas where the agency can modernize, consolidate, and strengthen security while improving services to provide an immediate positive impact to the agency. Given the EAC's critical role in election security, it is important that we maintain a positive image in the realm of cybersecurity in the public's eye. This is especially important because a breach that receives media coverage may negatively impact our reputation and has the potential to place an immediate perceived threat on national election integrity.

An increase of $578,000 to fund the development of a modernized Information Technology Infrastructure, VoIP system, hardware, software, cyclical replacements, cloud initiatives, and a new cybersecurity program at the Commission will substantially enhance the EAC's information technology security posture.

➢ **Develop and complete an EAC Communications Initiative projected to cost $710,000.**

New Resources and Training
This initiative would allow the existing staff to work with outside experts and contract writers to prepare a suite of training materials that could be combined into training manuals or parceled out for more specialized trainings. Using the Commission's attached wheel of "Election Administrator Competencies" as our guiding principle, the training materials would touch on as many aspects of election administration as possible, but certainly would include best practices, checklists, and guidance pertaining to the following topics:

- Election Security
- Procuring Election Technology and Voting Systems
- Recruiting Poll Workers
- Disaster Preparedness and Recovery
- Using Election Data to Improve the Voter Experience
- Accessibility

In addition to using these materials for trainings across the nation, the EAC would add the updated materials to its website ahead of 2020.

This communications initiative would include a series of five regional trainings ahead of the 2020 Presidential Election. The EAC would offer two-day, regionally-based "2020 Election Bootcamp" events that feature hands-on training rooted in the new materials above. The events would be a mix of panels, trainers, keynote speakers, and hands-on exercises offered for election administrators. Ideally, these events would take place starting one year out from the 2020 Presidential Election and be completed no later than midway through the second quarter of 2020. Potential sites for these trainings include:

- Washington (Northwest)
- New Mexico (Southwest)
- Missouri (Midwest)
- Florida (Southeast)
- Washington, D.C. (Northeast)

In addition to serving as an incredible learning opportunity for election officials, these conferences would provide the EAC with regional platforms to conduct media outreach, place opinion pieces, conduct editorial board meetings, and highlight HAVA grant-supported efforts across the nation ahead of 2020.

Combatting Disinformation
To fight potential disinformation on social media, with additional funding, the EAC would be able to increase its role as a trusted source of election information and increase voter confidence. The EAC would invest in paid media placements ahead of the 2020 Presidential Election. These regional print ads, radio news releases or ads, as well as national online ad buys, could link back to "trusted source" resources for voters or provide public service information about how voters can make sure they are able to fully participate in the 2020 Presidential Election, including how to serve as a poll worker. This effort would serve as a complement to our regional trainings efforts by specifically targeting voters across the nation and elevating the profile of the EAC's broad spectrum of offerings for them (i.e., up-to-date election calendars, "Voting Rights" cards, portals to contact local election officials).

In an era where misinformation campaigns carried out on social media and by more traditional means have the potential to negatively impact elections, the EAC understands better than any other agency the need for election officials to be the most trusted source of election information. At the federal level, Vote.gov has the opportunity to be a one-stop, federal trusted source for voters and the EAC can provide leadership to ensure this is the case.

Serving as a trusted source for voters is an essential responsibility that the Commission carries out and one that it hopes to enhance by partnering with other federal entities that provide election information. In an effort to streamline information sharing and provide voters with improved access to accurate election information and a broader array of voting resources, the EAC plans to partner closely with the administrators of Vote.gov. Currently, Vote.gov's website and the EAC's www.eac.gov website are managed and updated by independent webmasters. When real-time edits are made on the EAC's websites, it is imperative that these same changes be reflected on Vote.gov. By linking the two sites and streamlining updates, the EAC can ensure that voters always have access to the most recent versions of important forms and resources. Looking ahead, we hope to leverage this relationship to improve the quality and expand the amount of information available on Vote.gov.

➢ **Enhance the Research Initiatives at a cost of $538,000.**

Section 241 of HAVA allows the EAC to periodically conduct and make available public studies regarding prescribed election administration issues. EAC's ability to meet this requirement is significantly constrained due to insufficient funding for research personnel and contract mechanisms. Currently, there is one staff member conducting original research that produces best practices for election officials nationwide. This constraint limits the magnitude of up-to-date information the agency can feasibly produce, internally, in a timely manner. Personnel constraints limit the EAC's ability to efficiently serve as a clearinghouse of election information.

The EAC proposes three additional staff that will help produce the following items:

- Security-related best practices for statewide voter databases and other forms of election technology in 2020 and beyond
- Best practices to secure the vote-tabulation machines used to cast and tally votes
- Best practices to mitigate the risks of vulnerable public-facing elections websites and the exploitation of backend databases behind web servers used by election officials
- A primer on advanced voting that includes the most current best practices on implementation
- Best practices to ensure effective and efficient voter list maintenance
- Best practices to design ballots used in elections for public office, including paper ballots and electronic or digital ballots, to minimize confusion and user errors
- Best practices to improve voting access for individuals with disabilities during elections for Federal office

Furthermore, there are several reports with content that need to be revisited and revised for use and applicability. The following HAVA reports should be updated:

- Effective Designs for the Administration of Federal Elections (Ballot Design) (2007)
- Improving State Voter Registration Databases (2009)

The information that we have shared with you is the tip of the iceberg as it relates to all of the EAC's activities that are conducted on a daily, weekly and monthly basis. The election wheel that we referenced earlier is the driving factor of all programs that the EAC endeavors to develop and share with election officials around the nation. Developing products for election officials to navigate these topics is our primary goal.

➢ **Double the size of the Testing and Certification staff at a cost of $350,000.**

Doubling the existing staff to six staff members focused on the Testing and Certification and the Election Technology and Security programs would allow for increased output from the Test and Certification division in certifying voting systems and cyber security support.

Questions from Senator Amy Klobuchar

Questions Addressed to Chairwoman McCormick:

Internet Connectivity of Voting Machines
During the Senate Rules Committee oversight hearing, Senator King asked whether voting machines that support Internet connectivity can be certified by the EAC. After you received a note from staff, you indicated that the current Voluntary Voting System Guidelines do not allow for internet connectivity. VVSG 1.1, section 6, Telecommunications Requirements, addresses the various types of physical and software components that voting machines may use when transporting data across local-area networks (LANs) or wide-area networks (WANs). The text of this section appears to clearly contemplate devices that support network connectivity, and the fact that election data may be sent over public telecommunications networks.

For example, section 6.1 concludes:

"Most importantly, security services must restrict access to local election system components from public resources, and these services must also restrict access to voting system data while it is in transit through public networks."

VVSG 2.0 is still under development. However, the VVSG Cybersecurity Working Group's wiki[1], hosted by NIST, lists "Internet Connectivity" as an "Open Area" under "VVSG 2.0 Draft Requirements."

Can you clarify whether a voting machine that is capable of internet connectivity can be certified today under VVSG 1.0 or 1.1?

As I stated on the record during the hearing, internet connectivity is a complicated subject. Currently, with VVSG 1.0, public and private network connection is allowed. However, as the note passed to me from staff during the hearing was attempting to clarify, the technical requirements associated to operating a modem in a voting system are so stringent that no voting system has been certified to operate in a capacity where voters cast, and systems count, votes through an internet connection. Jurisdictions that use EAC-certified systems with modems only use modems to transmit unofficial election results. No EAC-certified voting system connects to the internet to allow a voter to access and cast a ballot.

Given what you have heard from internal and external cybersecurity experts, does the EAC intend to update the VVSG 2.0 to impose a complete ban on wireless communication, and on any wired or wireless communication over public telecommunications networks?

The public comment period has just concluded. Those comments will be reviewed by staff and the Executive Director in the light of the provisions of HAVA, and the Executive Director will make a recommendation to the Commissioners. My fellow Commissioners and I will then deliberate what to include in the final VVSG 2.0. It would be premature to answer this question ahead of those deliberations and without the full benefit of considering feedback collected during the public comment period. We are committed to a transparent and thorough process regarding those comments and recommendations as we deliberate the path forward toward a vote on the VVSG 2.0.

Hiring of the Director of Testing and Certification
During the Senate and House oversight hearings you were asked about the process by which Mr. Lovato was hired for the role of Director of Testing and Certification, and how many other persons applied. In your response to Chair Lofgren, you referred to the former Acting-Director of Testing and Certification, Mr. Ryan Macias, who recently resigned from the Election Assistance Commission:

"...and yes, the job was posted. They received many applications. I believe Mr. Macias was one of the applicants as well. Obviously, he did not get the job, and Mr. Lovato did get the job."

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[1] https://collaborate.nist.gov/voting/bin/view/Voting/CyberSecurity#Open_Areas, archived on May 22, 2019 as https://archive.is/6KDOp.

Before Mr. Macias provided his resignation to the Commission, was he notified that he would not be given the job of Director, or that someone else would be getting the job? If so, when was he notified? Please include any documentation of the notification.

While Commissioners are not involved in personnel matters, it is my understanding that Mr. Macias received no notification about any selection or non-selection for the Director position prior to his resignation. I also understand that a decision had not been made prior to his resignation.

Please provide the Committee with further details regarding your statement that the EAC received "many applications" for the position of Director of Testing and Certification, including:

- **When the job posting was made public**
  The job was posted to USAJobs on March 6, 2019.
- **How many applications the EAC received**
  I was informed that 20 applications were received.
- **How many interviews were conducted and who participated in the interview process**
  As I understand it, no formal interviews were conducted, but conversations with internal candidates transpired prior to a final decision.
- **Whether or not Jerome Lovato applied and if so, when**
  Mr. Lovato applied to the position on May 7, 2019.

Does the EAC perform any pre-hiring conflict of interest checks? If so, explain how this process works.

The EAC is covered by the Ethics in Government Act and the Code of Ethical Conduct administered by the Office of Government Ethics. As the Commission receives resumes and applications for employment, it identifies potential employees and looks at a candidate's past employers to determine if there are any potential conflicts of interest. If so, potential conflicts are reviewed by Human Resources and our Designated Agency Ethics Official to determine whether the EAC can facilitate employment based on required ethical standards. If potential conflicts are identified, our Designated Agency Ethics Official seeks expertise from the Office of Government Ethics when necessary.

Questions Addressed to All Commissioners:

Appointment of an Executive Director
During Chairwoman McCormick's testimony before the Senate Committee on Rules and Administration, she stated the Commission was waiting for a legal opinion on Section 204 of HAVA as to whether or not the search for a new Executive Director could begin before the current Executive Director's term expires in November. During the Chairwoman's testimony before the House Committee on Administration, Commissioner McCormick definitively stated that under HAVA, the EAC could not begin the search process for a new director until November when Mr. Newby's term ends.

Have you been provided a summary of the legal assessment and the conclusion that Chairwoman McCormick referenced in her testimony? If so, please provide it to the Committee along with your responses to the questions below.

No. The Commissioners have not yet received a formal legal assessment from the EAC's General Counsel.

According to your understanding of HAVA, can the Commission hold a vote *now* to declare a vacancy and/or direct the Standards Board and the Board of Advisors to begin a search in anticipation of the end of Mr. Newby's term in November?

Per section 204 of the Help American Vote Act, when a vacancy exists, the advisory boards appoint search committees to recommend at least three names for consideration by the Commission.

If the Commission deadlocks on extending Mr. Newby's term and/or whether or not to begin a search for a new Executive Director, what happens? Please provide any legal analysis you have received regarding this question.

No legal analysis has been received at this time.

Do you support starting the search as early as possible to ensure that there is enough time to select qualified agency leaders before the election year?

While we appreciate the nature of this question and the Senator's concern regarding the matter, we intend to follow a process consistent with HAVA at the appropriate time and we respectfully note that a response to this question would in effect require deliberation and a consensus of the Commissioners on how to proceed. Additionally, individual answers to this question would effectively be a tally vote or a straw poll of the Commissioners' positions on this matter and as such, we are not conducting deliberations, or making a public statement on this matter at this time.

During both the Senate and House hearings, concern was raised regarding Director Newby's leadership of the Commission. Concerns relate to current behavior including but not limited to low staff morale and Mr. Newby's judgement[2]. Members of Congress have also raised concerns related to Mr. Newby's actions in state government prior to serving on the EAC. Do you have confidence in Mr. Newby's ability to lead the organization? Please provide details to support your answer.

While we appreciate the nature of this question and the Senator's concern regarding the matter, we intend to follow a process consistent with HAVA at the appropriate time. Additionally, as mentioned above, we do not believe it is appropriate to discuss personnel matters on the record and in a public setting, including as it relates to our thoughts regarding any particular member of our management staff. Finally, individual answers to this question would effectively be a tally vote or a straw poll of the Commissioners positions on this matter and as such, we are not conducting deliberations, or making a public statement on this matter at this time.

We can collectively say, however, that when Mr. Newby joined the Commission, there were serious Congressional efforts to shutter the EAC, a reality that left many of our longtime employees questioning the external commitment to the Commission's mission and made employee recruitment difficult. The Commission's budget was painfully small, less than half what it had been a decade before, and Congress had not appropriated new HAVA funding in years. These were some of the challenges our new Executive Director faced when he was hired.

As recently as February 2017, a front page article in USA Today talked of a bill in Congress to eliminate the EAC. Two years later, leaders in the House and Senate, from both parties, are supporting not only the continuation of the EAC, but investments to restore its potential. Each of the 23 staff members at the EAC takes great pride for their role in helping drive this turnaround regarding the outlook of the EAC, and the supervisor of all day to day staff activities is the Executive Director.

Commissioner McCormick and Palmer would like to more specifically answer the question with the following: We have full confidence in Mr. Newby's administration of the agency as the executive director. We believe the attacks against him are politically motivated. We continue to look to his leadership as we approach the November 2019 elections, the presidential primary season in early 2020, the Presidential Election Year, and the necessary

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[2] For example, many have expressed concern regarding Director Newby's decision to approve controversial voter registration forms, resulting in multiple lawsuits and an injunction from the U.S. Court of Appeals for the District of Columbia.

recommendation that will be required to successfully finalize and implement VVSG 2.0, including a new set of voluntary standards and technical requirements for the next generation of voting systems.

Mr. Newby, a local election administrator, was appointed by a unanimous bipartisan vote of the Commissioners after a nationwide search by the agency and the recommendation process initiated with the EAC advisory committees. Since the quorum was initially re-established in 2015 and Mr. Newby's hire, there have been few complaints and no significant risks or major management issues identified by the Inspector General in her Annual Reports to the Congress that would indicate a problem with his management skills or other evidence of a hostile work environment. This is a change from past issues of discrimination and retaliation that plagued the agency and resulted in a number of substantiated allegations of discrimination in hiring or the workplace that ultimately the agency was required to settle with claimants.

No news headline can erase the fact that the Commission has rebounded during the last four years to reestablish itself as a leader and trusted government source for election officials and voters. This includes the period from March 2018 to February 2019 when there wasn't a quorum of Commissioners. Now with the EAC on the other side of this transformation, members of Congress are confirming that attempts to close the agency have been set aside and that the EAC has found a new sense of purpose. We have managed to recruit and retain a talented staff of new experts, including communications professionals, accomplished researchers, and a skilled technical team. In fact, the EAC has upgraded the talent level across the agency over the last three years and is reinstituting operational norms and professional development services that largely fell by the wayside when a quorum of Commissioners was initially lost and the agency's funding was slashed.

The EAC's recent Annual Reports detail the Commission's accomplishments during this transformation, seeing the agency earn external support that has been echoed by a growing number of Congressional leaders, including Chairman Blunt, who remarked in February that the EAC "has now found a new mission and it's an important one" and that he looks forward to "working with the commission as they do everything they can to help give state and local election officials the kind of help they need from the federal government to do their job." This transformation happened under the current Executive Director, demonstrating his ability to fulfill his responsibilities.

During the Senate hearing, Senator King raised concern over the fact that a 2018 OPM report on the management and operations of the Commission was not shared with Commissioners in a timely manner. What steps are you taking to ensure that Commissioners are engaging in proper management of the Executive Director and the Commission?

It is important to note that as the management team undertook the OPM evaluation at the direction of the Commissioners pursuant to the 2015 Organizational Management Policy Statement adopted by the Commission on February 24, 2015, upon the reconstitution of a Commissioner quorum, after more than four years without a quorum. Commissioners McCormick and Hicks were aware that the study was proceeding and were generally aware of the steps taken to align the office and staff, as well as to implement recommendations offered by the study. The Commissioners were aware that the Executive Director expanded OPM's scope of work to include an organizational assessment that would help inform agency strategic decisions.

In fact, on February 12, 2018, during the study, the Commissioners considered and adopted a strategic plan and an organization chart that included input from the Executive Director and staff. Specific actions, including the hiring of a CIO and the elimination of positions to repurpose funds, were reviewed with the Commissioners weeks before actions were taken. All Commissioners, after the quorum was restored in February 2019, received the Executive Summary of the report.

Should Congress consider legislative changes to HAVA in order to address the authority of the Executive Director, and to improve how the Commission functions? If so, please provide detailed suggestions and justifications.

There are several HAVA-related updates that could be considered to ensure improved operations of the Commission, but we are hesitant to suggest that Congress should legislate the operations of an agency as it relates to personnel and the delegation of authorities. As has been noted, there are provisions that limit the pay levels of executive

management, including the Commissioners, and these provisions place pay ceilings upon staff-level employees who could be paid much higher salaries for similar positions in other federal government agencies.

Certifying America's Voting Machines
Part of the E-A-C's mission is to develop standards for voting equipment, and those standards are then used to certify the machines that are used in our elections. You are in the process of updating the standards – the Voluntary Voting Systems Guidelines – and will soon vote on the high-level principles that will guide the development of the technical certification requirements.

The guidelines have not been updated in years, and every voting machine certified by the E-A-C has been certified against a standard that was developed in 2005.

Before you vote on the VVSG 2.0, would you support a policy that allows EAC technical staff to work with outside experts to update the technical certification requirements without requiring a full Commissioner vote on every change? Please provide an explanation for your answer.

While we appreciate the nature of this question and the Committee's concern regarding the matter, we respectfully note that a response to this question would in effect require deliberation and a consensus of the Commissioners on how to proceed. Additionally, individual answers to this question would effectively be a tally vote or a straw poll on where the Commissioners are on this matter and as such, we are not in a position to conduct deliberations, or make a public statement on this matter at this time.

It is important to note that HAVA provides that any modifications to the existing VVSG or new guidelines follow the statutory process. With that being said, this type of policy would have to provide clear parameters on the types of updates that would be proposed for review. There are three types of updates identified by technical staff: typographical errors/omissions, references to external standards, and new requirements. There is a possibility that the first two could be updated by technical staff while keeping the Commissioners and stakeholders informed. New requirements, however, may require a full Commission vote after being properly vetted by EAC technical staff in consultation with the voting system experts at NIST. The above described process would be similar to how requirements are presently drafted.

What steps should the EAC take to ensure that once the VVSG 2.0 is finalized, machines will be tested against the new standard?

It is important to note that once the Principles and Guidelines and Technical Requirements are finalized, they are published and vendors may begin developing to those standards. Previously certified systems would not necessarily be tested to the new standards, unless a vendor submits that system for testing under the new standards. As is customary in standards development, older standards are generally sunset, so that after a certain period of time or certain changes are made to a voting system, all newly created voting systems or modifications to existing voting systems would have to meet the new standard. This process requires deliberation and a consensus of the Commissioners on how to proceed.

Questions Addressed to Commissioners Hovland and Palmer:

Election Assistance Commission Operations
You were confirmed on January 2nd and have been serving on the Commission for roughly five months.

In your view, what can be improved about how the Commission operates?

Restoration of a quorum was an essential step toward strengthening the ability of the EAC to provide the best possible support to state and local election leaders and the voters they serve. It also lays bare the fact that our Commission is stretched to the limit with regard to resources.

For example, in many instances, there is a lack of redundancy within the staff, meaning when a staff member is on vacation or ill, there is not a back-up employee who is able to fulfill their responsibilities. We feel this most in areas such as grant administration, finance, and the General Counsel's office, which each only have one full-time employee. In addition, many on the staff are satisfying the requirements of their own job description while also carrying out duties that would typically lie beyond their responsibility, such as our Testing and Certification team working on critical infrastructure tasks.

To address many of the challenges our Commission faces, we would benefit from additional resources. At a minimum, we need a **$4,801,000** increase to our FY19 budget, which would bring the Commission's total operating budget to **$12,701,000** in FY20 after our required NIST transfer. The Commission would use those additional funds to initiate the following:

Item	Description	Amount
Cyber Assistance Unit	Allow the EAC to hire election and cybersecurity experts to assist jurisdictions with risk-management, resiliency and other technical support, offsetting expenses that each state would otherwise incur	$1,000,000
Grants Management & Auditing	Ensure the EAC has adequate staff to process funds, advise states, and assist with financial reporting and auditing, should Congress decide to provide additional HAVA funds to the state	$1,000,000
Communications Initiative	Prepare materials on as many aspects of election administration as possible, to be used at regional trainings across the nation and to update the Commission's website	$710,000
Cybersecurity and Technology Initiative	Develop a modernized Information Technology Infrastructure, VoIP system, hardware, software, cyclical replacements, cloud initiatives and a new cybersecurity program at the Commission	$578,000
Enhance Research Capabilities	Producing new resources for election officials on topics including best practices for securing statewide voter registration databases and vote-tabulation machines, ensuring effective voter list maintenance, and designing ballots	$538,000

Grow the Testing and Certification and Election Technology and Security Programs	Double the existing team to six staff members focused on election system testing and certification and providing enhanced election security services to states	$350,000
Strengthen EAC operations, internal controls, records management and Controlled Unclassified Information compliance	Hire staff dedicated to these duties in order to function effectively and increase our value to election officials	$345,000
IT security services and policy planning initiatives	Increased IT security for the EAC's own systems and to ensure compliance with required federal security mandates	$280,000
	TOTAL:	**$4,801,000**

In addition to the items listed above, the EAC is actively seeking to move its office facilities to a new location, and we are working to coordinate this effort with appropriators and the General Services Administration (GSA). Ideally, we will be in our new space well ahead of the 2020 Presidential Election, but that will depend on Congressional appropriations. Our current space in Silver Spring, Maryland provides inadequate square footage for our staff to operate, constrains our ability to expand our team, and lacks the dedicated space we need to efficiently and cost effectively hold meetings and public hearings. We also lack access to a SCIF to receive certain sensitive classified information. The estimated cost of this move is **at least $2.4 million**, which the President has allocated in his budget over two years.

In order to make this move, and all initiatives listed above, possible, the EAC would need its total budget to be **$15,101,000** in FY20 after our required NIST transfer.

This amount still represents $2,858,000 less than the **$17,959,000** the Commission received in FY2010 when the agency last had a full slate of Commissioners. Ultimately, our hope is that the Commission's funding will be restored at least to this level.

With funding restored to our FY2010 level, the EAC could deepen our bench of expertise with five cyber navigators devoted to assisting states, additional grants management and auditing support, doubling the size of our current research team and adding additional members to our Testing and Certification team. This additional capacity would allow the Commission to produce additional materials, and provide a higher level of support, for state and local election officials and elevate the EAC's presence around the country with more regional conferences and trainings.

Questions Addressed to Commissioner Hovland:

You take over as Chair of the Commission in 2020. What will your priorities be for the agency when you become Chair?

The Commissioner acting as Chair changes by vote each February. However, regardless of who is Chair, the EAC has a galvanized goal ahead of the Presidential Election, seeking to sustain the successful efforts currently underway at the EAC and, assuming an increase in funding, the following initiatives:

Establishing an Elections Cyber Assistance Unit – Funding for such an initiative would allow the EAC to hire election and cybersecurity experts to provide assistance with risk-management, resiliency, and other technical support to the jurisdictions across the country. This would enable the EAC to spread its resources across all 50

States, DC, and the four U.S. territories conducting Federal Elections, saving significant costs at the state and local levels by providing federal assistance to offset expenses that each state would otherwise incur.

Strengthening Access to Election Information from "Trusted Sources" – In an era where misinformation campaigns carried out on social media, and by more traditional means, have the potential to negatively impact elections, the EAC understands better than any other agency the need for election officials to be the most trusted source of election information. In addition to working with our partners at DHS and other agencies to educate the public about the need to seek out accurate information about elections from trusted sources, the EAC hopes to take this effort one step further by streamlining online election information provided by the federal government.

Vote.gov has the opportunity to be a one-stop, federal trusted source for voters, and the EAC can provide leadership to ensure this is the case. In an effort to streamline information sharing and provide voters with improved access to accurate election information and a broader array of voting resources, the EAC plans to partner closely with the administrators of Vote.gov.

Currently, Vote.gov's website and the EAC's www.eac.gov website are managed and updated by independent webmasters. When real-time edits are made on the EAC's websites, it is imperative that these same changes be reflected on Vote.gov. By linking the two sites and streamlining updates, the EAC can ensure that voters always have access to the most recent versions of important forms and resources. Looking ahead, we hope to leverage this relationship to improve the quality and expand the amount of information available on Vote.gov.

Expanding Resources and Providing Widespread Access to Training: EAC training materials and resources are used by election officials across the nation, but we hope to expand these resources in the coming year. We have asked for a funding increase that would allow existing staff to work with outside experts and contract writers to prepare a suite of training materials that could be combined into one training manual or parceled out for more specialized trainings. Using the election wheel as our guiding principle, the training materials would touch on as many aspects of election administration as possible, but certainly would include best practices, checklists, and guidance pertaining to the following topics:

- Election Security
- Procuring Election Technology and Voting Systems
- Recruiting Poll Workers
- Disaster Preparedness and Recovery
- Using Election Data to Improve the Voter Experience
- Accessibility

In addition to using these materials for trainings across the nation, the EAC would use the updated materials to update its website ahead of 2020.

This initiative would also support a series of five regional trainings ahead of the 2020 Presidential Election. The EAC would offer two-day, regionally-based "2020 Election Bootcamp" events that feature hands-on training rooted in the new materials above. The events would be a mix of panels, trainers, keynote speakers, and hands-on exercises offered for election administrators. Ideally, these events would take place starting one year out from the 2020 Presidential Election and be completed no later than midway through the second quarter of 2020.

Potential sites for these trainings include:

- Washington (Northwest)
- New Mexico (Southwest)
- Missouri (Midwest)
- Florida (Southeast)
- Washington, D.C. (Northeast)

In addition to serving as an incredible learning opportunity for election officials, these conferences would provide the EAC with regional platforms to conduct media outreach, place opinion pieces, conduct editorial board meetings, and highlight HAVA grant-supported efforts across the nation ahead of 2020.

Questions from Senator Tom Udall

Private vendors play a huge role in providing the voting systems used in districts around the country, but I am concerned with so many vendors providing unique services to election officials that it becomes an enormous task to ensure each one is operating with a security as a top priority.

How much insight does the EAC have into the security practices of the private vendors that supply and manage election infrastructure for voting districts across the United States?

Through our work with the SCC, the EAC has increased visibility into the security practices and approaches used by election vendors, but HAVA does not give us jurisdiction over the company's security policies, so there is no formal procedure for monitoring these activities. That said, the EAC's Testing and Certification team has met security personnel from several manufacturers and has also received high-level overviews of the security practices in place.

What more could the EAC do to take advantage of its clearinghouse function and give election officials the best information it can about the vendors they are purchasing equipment from?

The EAC serves as the national clearinghouse by collecting and distributing information on election administration, work that includes a robust online repository of information about election systems and the vendors that produce them. In order to enhance the clearinghouse function regarding voting equipment vendors, with additional resources, the EAC can develop more rigorous evaluation metrics and establish an annual auditing program to provide greater oversight and transparency, as well as promote compliance and integrity ensuring a well-informed election administration community.

As a follow-up answer to a question Senator Udall asked Commissioner Hicks at the May 15th hearing regarding audits, Commissioner Hicks would like to add the following:

All voting systems certified by the EAC to meet the VVSG are required to have redundant memory. All voting systems, including Direct Recording Electronic (DRE) voting machines, are required to have two, separate sources for memory. A comparison audit of these two separate sources of memory, including a DREs internal memory that stores voting results, could identify discrepancies, and thus reveal that a system had been compromised.

With that stated, because both sources of memory for DREs without VVPATs are electronic, it is fathomable that a sophisticated attack could alter both sources of memory to make them identical and cause alterations to the data to be undetected. The EAC recognizes the possibility of this threat is real, which is why the VVSG 2.0 has Principles and Guidelines requiring software independence. At the moment, paper is the best way to audit a voting system, but all systems utilizing paper must comport with HAVA's mandate for all voters to be able to cast their ballot privately and independently.

Questions from Senator Angus S. King, Jr.

Computer security experts have established and maintained that wireless modems, even analog modems, connect to the internet. This is because today's telephone communication networks use the public Internet partially or in full when transmitting data. See, for example, https://www.nytimes.com/2018/02/21/magazine/the-myth-of-the-hacker-proof-voting-machine.html

This means that both the transmitted data and the machines themselves are vulnerable to hacking via the modems. According to computer security experts, the modems can be used as a vector to hack back into the voting machines themselves or into the election management system that receives the results. Such actions can compromise the machines and malign actors can install malicious software capable of manipulating results—and even erasing evidence that data had been tampered with.

EAC currently allows the certification of voting machines configured with wireless modems. The EAC has certified the Hart Verity 2.2, 2.2.1, and 2.2.2 election systems configured with wireless modems; that is three separate certifications of equipment with wireless modems. The other major vendors of elections equipment, ES&S and Dominion, also sell and deploy wireless modem-enabled systems, but the vendors have not, to my knowledge, submitted those systems for federal certification.

At the May 15th Senate Rules Committee hearing, Chair McCormick testified that *EAC does not certify voting equipment that can connect to the Internet.*

Please clarify this statement in light of the fact that EAC permits certification of and has certified voting equipment with wireless modems that connect to telecommunication infrastructure including the public internet.

Internet connectivity is a complicated subject. Currently, with VVSG 1.0, public and private network connection is allowed. However, as the note passed to Chairwoman McCormick from staff during the hearing was attempting to clarify, the technical requirements associated to operating a modem in a voting system are so stringent that no voting system has been certified to operate in a capacity where voters cast, and systems count, votes through an internet connection.

As I understand it, there is a position that systems that contain a modem could be used to transmit vote totals to the tabulation center through a public or private network and may invariably connect to some form or level of the internet or communication channel. While technically that is correct, jurisdictions that use EAC-certified systems with modems only use modems to transmit unofficial election results. No EAC-certified voting system connects to the internet to allow a voter to access and cast a ballot.

Please advise on what basis did EAC conclude that wireless modems don't connect voting equipment to the internet? Please cite your sources.

Both voting system test laboratories have confirmed that they have not tested any EAC-certified voting system that allows a voter to access and cast a ballot (or tabulation of a ballot) via internet connection.

The most recent activity around vendors providing wireless modem systems occurred around the early 2017 statewide procurement process in Michigan. Michigan quite literally required vendors to include wireless modems in their submitted configurations. What advice, consultation, or communication did the state of Michigan request from EAC regarding wireless modem systems? What advice, consultation, or communication have other state governments requested from EAC regarding wireless modem systems?

Ultimately, states are charged with setting their own voting system standards and laws guiding which equipment voters will use on Election Day. In this instance, to our knowledge, Michigan did not request information from the EAC regarding wireless modems, and we have not received such a request for any other state or territory.

At present, the proposed version of VVSG 2.0 does not include a ban on the use of wireless modems or Internet connectivity. There has been a significant public request for the EAC to include such a ban, generating thousands of responses to the EAC during the public comment period, urging it to it include a prohibition on wireless modems and Internet connectivity in the next version of the VVSG.

How many public comments has the EAC received requesting a ban on the use of wireless modems and Internet connectivity in the VVSG 2.0?

Does the EAC expect to include a ban on wireless modems and Internet connectivity in VVSG 2.0? If not, why not?

The public comment period has just concluded and the Executive Director will work with staff to evaluate comments. The Executive Director will present Commissioners with recommended revisions and the Commissioners will deliberate what to include in the final VVSG 2.0. It would be premature to answer this question ahead of those deliberations and without the full benefit of considering feedback collected during the public comment period. The Commissioners are committed to a transparent and thorough deliberation regarding those comments and the path forward toward a vote on the VVSG 2.0.

Questions from Senator Catherine Cortez Masto

Questions Addressed to All Commissioners:

On page 50 of Volume I, Special Counsel Mueller writes, "In addition to targeting individuals involved in the Clinton Campaign, GRU officials targeted individuals and entities involved in the administration of the elections. Victims included U.S. state and local entities, such as state boards of elections, secretaries of state, and county governments, as well as individuals who worked for those entities. The GRU also targeted private technology firms responsible for manufacturing and administering election-related software and hardware, such as voter registration software and electronic polling stations."

What specific steps is the EAC taking to help safeguard the variety of state and local entities, including individuals involved in election administration, from foreign interference in U.S. elections?

The following list details some other activities the EAC has completed to help state and local election administrators strengthen election security and resiliency:

Trainings

- Developed and conducted tabletop exercises for hundreds of local election officials in three states and regions, and participated in the "National Tabletop the Vote" at DHS;
- Conducted more than a dozen Election Officials as IT Manager trainings to hundreds of election officials across the country;
- Provided two regional Election and Cyber Security Awareness Trainings to State Legislators and a similar presentation to election official organizations, such as NASED, Election Center, the International Association for Government Officials; and
- Provided post-election audit training across five states.

Resources and Guidance

The EAC has produced and posted to its website the following original resources and guidance related to election security:

- Starting Point: U.S. Election Systems as Critical Infrastructure (White Paper)
- Election Security video and accompanying training materials
- Glossary – IT Terms Managing Election Technology
- Glossary – Common Cybersecurity Terminology
- American Elections: Understanding Cybersecurity
- Incident Response Best Practices
- Risk-Limiting Audits – Practical Application (White Paper)
- 10 things you should know about maintaining your aging voting technology
- 10 things you should know about purchasing new voting equipment
- Checklist for Securing Voter Registration Data
- Checklist for Securing Election Night Reporting Systems
- Quick Tips on Alternative Voting Methods
- Videos of DHS and ODNI election security presentations at EAC-hosted events
- Provided, upon request, specific election security bulletins to election officials from U.S. federal agencies focused on security and law enforcement, including the FBI, DHS and ODNI
- Posted online election security presentations from election offices in Colorado and Maryland
- Posted online all HAVA Funds state narratives containing details about how states plan to spend their newly appropriated HAVA Funds, including specifics about spending on security enhancements
- An October 2018 #Countdown18 Blog Series titled "Securing the Vote" featured how states are investing funds to improve election security, sharing best practices and "lessons learned"
- Established an "Election Security Preparedness" page on www.eac.gov to house election security information produced by the EAC and other federal partners, such as DHS

Events

- Hosted ODNI and DHS for an election security discussion at the EAC Board of Advisors meeting in Salt Lake City, UT on April 24, 2019
- October 2018 Election Readiness Summit, featuring security and intelligence speakers (event was live streamed and video recording was posted online following the event)
- EAC Public Forum: An Election Security Conversation with U.S. Election Officials, a public forum meeting in Miami on April 18, 2018
- Hosted ODNI and DHS for an election security discussion at the EAC Standards Board meeting in Memphis, TN on April 11, 2018
- January 2018 Election Summit ahead of the 2018 Midterm Election, featuring a panel on election security and a keynote address from DHS (event was live streamed and video recording was posted online following the event)
- Participation in the 2018 Election Security roundtable
- October 2017 Cybersecurity Roundtable (event was live streamed and video recording was posted online following the event)
- Presented at events hosted by NASED, National Association of Counties (NACo), National Association of Secretaries of State (NASS), iGo, The Carter Center, and other leading election-focused organizations
- Three separate formation meetings, in Albany, NY, Washington, D.C., and Atlanta, GA to form the DHS Government Coordinating Council.
- Leadership and co-host of the DHS Sector Coordinating Council in the elections subsector.

Federal Testimony and Commentary

- Chairwoman Christy McCormick testimony before the House Committee on Oversight and Reform's Subcommittee on National Security, "Securing U.S. Election Infrastructure and Protecting Political Discourse," May 22, 2019
- "Securing the Accuracy and Efficiency of Elections" – Chairwoman Christy McCormick, *The Washington Times*, March 3, 2019
- Commissioner Hicks testified before the House Committee on Homeland Security, "Defending Our Democracy: Building Partnerships to Protect America's Elections," February 13, 2019
- Commissioners Christy McCormick and Thomas Hicks testify before the Senate Rules and Administration Committee, "Election Security Preparedness: Federal and Vendor Perspective," July 11, 2018
- "Maintaining vigilance against election hackers" – Commissioner Matthew Masterson opinion article, *The Washington Times,* July 26, 2017
- "EAC Commissioner underscores importance of congressional support for election assistance" – Commissioner Thomas Hicks, *The Hill*, January 26, 2017
- Commissioner Thomas Hicks testimony before the House Committee on Oversight and Reform, September 28, 2016

What specific steps is the EAC taking to help safeguard private technology firms responsible for manufacturing and administering election-related software and hardware from foreign interference in U.S. elections?

The EAC is working with our Federal intelligence partners, i.e., DHS, FBI and ODNI, to provide information to election stakeholders regarding communication protocols and security measures that can be taken to protect election systems. The EAC has significant representation on the GCC and participates in in-person meetings and conference calls with the SCC to discuss protocols and the development of sector security plans to protect information sharing between the states and the federal agencies that are able to provide election security assistance and solutions.

Do you think that state and local governments, the federal government, and private technology firms are prepared for the 2020 presidential election, when it is highly likely that Russia could try to interfere again?

Yes. After intelligence briefings from ODNI and DHS on potential threats, states are making concerted efforts to analyze and strengthen their systems against known and unknown attacks. With the help of DHS and other independent security agencies, states are much farther along in preparation for the new security environment than they are given credit for. States are also involved in the training of personnel at every level to be prepared for and respond to any potential scenario. The use of the $380 million has been earmarked by most states to upgrade the

security of their networks, registration and voting systems. These actions indicate that states are preparing for 2020 as they did in 2018.

Just this month, Florida Governor Ron DeSantis said that in 2015, Russian hackers had a successful "intrusion" into the voting registration files of two Florida counties. As you know Voluntary Voting System Guidelines only apply to voting systems, not to voter registration systems or poll books.

Do you think that broader guidelines are necessary in order to improve security for other aspects of the election process?

Under HAVA, the EAC is only responsible for the development of voluntary voting system guidelines. A change to existing law to expand the development of guidelines, testing, and certification to electronic poll books and voting registration systems should be considered by Congress. Regarding voter registration systems, there are many different configurations for computer systems, and it would be difficult to suggest a standard voluntary guideline that all systems should adhere to. Currently, there are several technical standards that technology companies build their products to, i.e. IEEE, the ISO/IEC standards, NIST Security Framework, etc. This would require a whole of government approach to determine what standards should look like for a computer network.

Are we leaving critical components of our election system without the protection needed by focusing EAC's guidelines on voting machines and not voter registration files?

As currently defined by HAVA, the VVSG are specifically for voting systems. However, we do recognize the importance of having secure voter registrations systems and support efforts to this end. While the EAC has produced, and will continue to produce, best practices and other guidance related to securing voter registration systems, Congress would have to pass new legislation to include these as part of the Commission's mandated Testing and Certification program.

The National Association of State Election Directors recently sent a letter to the EAC expressing their support for the updated version of the Voluntary Voting System Guidelines, or VVSG 2.0. They also noted their support for the proposed structure in which the high-level "Principles and Guidelines" require EAC Commissioner approval, while the technical requirements can be updated regularly by qualified EAC technical staff. They believe this proposed structure is an important remedy to the cumbersome and slow process of updating the Voluntary Voting Systems Guidelines.

Do you agree with that proposed structure? Why or why not?

While we appreciate the nature of this question and the committees concern regarding the matter, we respectfully note that a response to this question would in effect require deliberation and a consensus of the Commissioners on how to proceed. Additionally, individual answers to this question would effectively be a tally vote or a straw poll on where the Commissioners are on this matter and as such, we are not in a position to conduct deliberations, or make a public statement on this matter at this time.

With that being said, HAVA lays out the process for developing guidelines and standards, so the process has followed the statutory process from beginning to end.

Would the technical components of the guidelines be able to keep up with changing technology at an acceptable rate if every change to them must be approved by the EAC commissioners?

This is a complicated question and one that is relevant on the heels of the agency's lack of a quorum. That said, a quorum has been restored and the Senate has demonstrated and stated its commitment to providing the agency what it needs to accomplish its mission. Our hope is that should the EAC again lack a quorum, this would be remedied without undue delay.

The general thought is that as technology changes, so should voting system standards. However, there is a concern that if vendors make changes to systems as a result of standards or technology changing, the first question becomes whether there is a market to support that change, or is the market requesting that change? If the technology changes, but states and jurisdictions do not have the funding to purchase the latest systems created to the latest technology, nothing has been accomplished. Unlike general technology, the election industry and market are not driven by changing components and technologies.

We intend that the guidelines as currently drafted will be able to keep up with changing technology. Any requirements under the guidelines that may need to be modified or added to address new voting technology should be properly vetted by EAC technical staff and NIST including a role to be played by the Commissioners.

Are you concerned about what would happen if the EAC once again loses its quorum?

Yes, we are concerned about maintaining an EAC quorum. We are pleased that a quorum has been restored, and the Senate has demonstrated and stated its commitment to providing the agency what it needs to accomplish its mission moving forward. Our hope is that should the EAC lack a quorum in the future, it would be remedied without undue delay.

There are many aspects of the EAC operations that require a quorum beyond the VVSG. However, as it relates to the VVSG, the EAC's Testing and Certification program has previously moved forward in the absence of quorum and would continue without interruption should we lose our current quorum. Manufacturers would still be able to submit and have systems certified to the most recent version of the VVSG. With regard to potential updates to the VVSG, HAVA mandates the process for those actions and the EAC would be bound to follow the law moving forward.

Officials in Nevada tell me that many of the security systems they need to install to ensure the security of their voting systems are costly, requiring not just an upfront cost but monthly maintenance fees.

Given the pervasiveness of ongoing threats to our election systems, do you believe Congress should do more to help states and localities address these long-term costs?

State and local election leaders often face tough choices when it comes to how they will allocate their limited resources. Last year, when Congress appropriated $380 million in HAVA funds to improve the administration of elections, election leaders from across the nation welcomed and appreciated the funding. Many have also expressed a desire for Congress to appropriate additional funds that could be used to supplement incremental improvements funded by the FY19 grants and to sustain efforts jumpstarted by the infusion of resources, such as the ongoing expense associated with hiring new IT or election security personnel. In the past, funding to improve election administration has been a partnership between states, localities and the federal government. Should Congress decide to appropriate additional funds to the states, the EAC stands ready to administer this money and to support states as they seek to invest it in improving elections.

How are you helping states make investments in their voting systems when they are concerned about the long-term costs of upkeep?

The EAC has consistently made its Testing and Certification staff available to discuss best practices for election administrators who are writing RFPs for new election systems or considering new systems. We have also issued guidance about how election officials can address issues that stem from aging election equipment. In addition, our Grants staff speaks regularly with grantees about appropriate uses for HAVA funds and things to consider when investing that money in ways that will require future expenditures or cycle-of-life considerations. We will continue to provide these services that assist election officials as they decide how to allocate their funds.

Recent press reports have described the culture at the EAC as having "very low staff morale." State election officials have expressed frustration over staff shortages at the EAC, saying that it is impacting their cooperation with the Commission.

Can you describe the current staffing level at the EAC?

We currently have 23 staff members at the EAC, including the Inspector General and her deputy. There are four Commissioners.

How are vacancies impacting the EAC's ability to fulfill its election security responsibilities?

The EAC doesn't have any vacancy from a previous incumbent in an election security role, but the EAC does have a need to increase staff within its Testing and Certification staff from the current level of 3, as discussed earlier.

Additional staff would assist in the EAC's overall clearinghouse role and work with DHS to provide additional security guidance.

However, as explained in our hearing, and further demonstrated by the attached EAC "Election Administrator Competencies" Wheel, security is only one slice of a very complicated landscape for election administrators, and the EAC's role is to address and support all of these areas.

Although elections occur nearly every week in our country, there is no doubt that the 2020 Federal Election cycle is well underway. This is an important time for America and a critical moment for the EAC. The EAC is committed to a steady approach towards 2020, but the Commission recognizes the immense resources it needs to fully meet its mission. We thank the Committee for its interest in the EAC, and we look forward to the opportunity to discuss any of these items with members of the committee.

Sincerely,

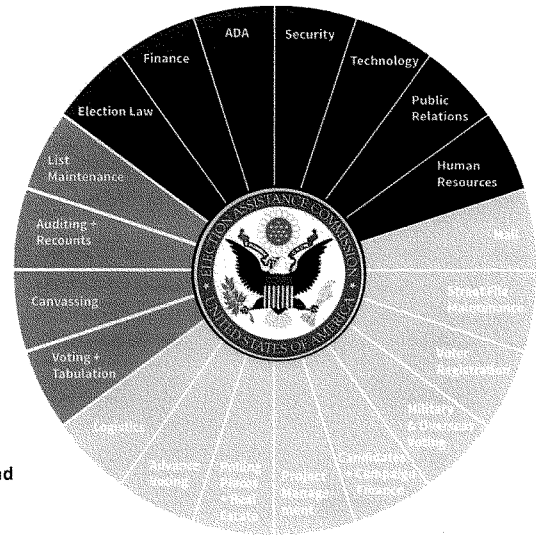
Christy A. McCormick
Chairwoman
U.S. Election Assistance Commission

Ben Hovland
Vice Chair
U.S. Election Assistance Commission

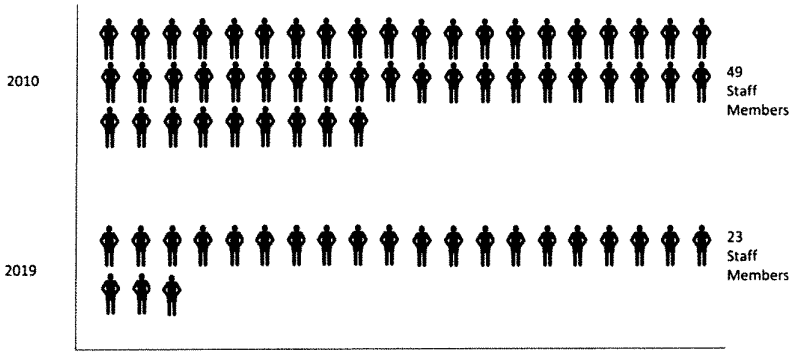
Thomas Hicks
Commissioner
U.S. Election Assistance Commission

Donald Palmer
Commissioner
U.S. Election Assistance Commission

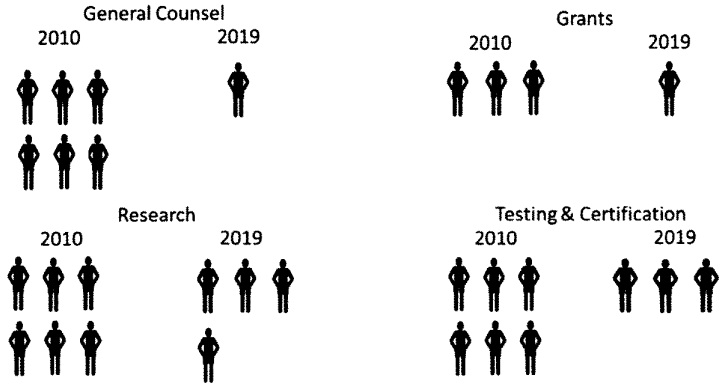
Election Administrator Competencies



EAC Staff in 2010 vs. 2019



Key EAC Teams Are Reduced Challenging the Ability to Meet HAVA Requirements



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