

**House Committee on Oversight and Government Reform Hearing:
“Cyber-securing the Vote: Ensuring the Integrity of the U.S. Election System”
July 24, 2018
Commissioner Thomas Hicks, Chair,
United States Election Assistance Commission (EAC)**

Good morning Chairman Gowdy, Ranking Member Cummings, and members of the committee. I am pleased to appear before you today to offer testimony on the pressing issue of election security. In this 2018 election year, providing election security tools and resources to state and local officials is one of the Election Assistance Commission’s most important responsibilities.

Election security is not new to the EAC, and it is not new to the state and local officials who run elections. Much is riding on the shoulders of state and local election officials. These officials work endlessly and tirelessly to deliver upon the high expectations our country has of them. The EAC Commissioners and staff are privileged to have the opportunity to support these faithful and conscientious public servants, who are perpetually focused on ensuring that the nation has secure elections.

As emphasized during the June 20, 2018, Senate Rules Committee hearing on election security, the EAC focuses solely on elections and that is of great value to election administrators. We have attached a diagram at the end of this testimony that demonstrates the broad spectrum of duties that require election administrators’ awareness and management. Since election officials operate in each of these important and distinct areas, the EAC also works to provide support for each of these responsibilities.

Beyond this work, the EAC provides voters with vital resources and assistance needed to register to vote and cast their ballots. We also cultivate and maintain a national clearinghouse of election administration information that provides our partners in Congress and across federal government, state and local leaders, private industry, advocacy organizations, academia, and others in the elections industry with the information, research, and best practices that informs their own election-related work.

The EAC also works alongside federal partners to leverage their subject matter specific expertise to augment the EAC’s whole-of-elections perspective with specialized products. Among our wide variety of federal partners are the Department of Defense (DOD), the Department of Homeland Security (DHS), the Department of Justice (DOJ), the Federal Bureau of Investigation (FBI), the National Institute of Standards and Technology (NIST), and the United States Postal Service (USPS). We collaborate with these agencies on a wide range of issues and work with their teams to inform new EAC products and initiatives, share timely information with election stakeholders, and ensure state and local election leaders are aware of available federal resources beyond those offered by the EAC. We also advise federal agencies on how their products can best meet the needs of election stakeholders.

Election security is one of the most integral components of the EAC’s work. To this end, the EAC has continued to work diligently over the last 12 months to help states secure elections. The EAC has expeditiously and responsibly distributed the newly appropriated Help America Vote Act (HAVA) funds to the states, assisted our federal partners in establishing and managing the

critical infrastructure operational framework, continued to test and certify voting systems, and distributed important best practices in election administration as we all look ahead to the 2018 midterm election and beyond. My testimony will provide more detail about each of these activities.

Distributing Newly Appropriated HAVA Funds

In the Consolidated Appropriations Act of 2018, Congress appropriated \$380 million in HAVA funds to the states and eligible territories for projects and programs to improve the administration of federal elections. In just over 3 months, the EAC has received disbursement requests for 100% of the funds from all 55 eligible states and eligible territories, and 100% of the funds are available for the eligible states and territories to draw down. This is a remarkable development, and on behalf of the states, I thank you for appropriating these vital resources.

The EAC's work to distribute these HAVA funds reflects our strong commitment to providing the unparalleled support for state and local election administrators. The EAC issued Notice of Grant Award letters to each state less than two weeks after the bill was signed into law by President Trump. Within three weeks of the signing, Missouri became the first state to request its funds. In the subsequent 10 weeks, the EAC conducted a webcast public forum to explain how the funding would proceed, worked directly with the National Association of Secretaries of State (NASS) and the National Association of State Election Directors (NASSED) to share information, conducted multiple webinars to further discuss how the funds may be used, consulted with members of the disability community to hear their views on use of the funds, and had frequent contact with each state in an effort to move the funds quickly.

In addition, the EAC website provides access to a set of Frequently Asked Questions regarding the funds, and this information has been updated on a near-daily basis since the law was enacted. The attached map, also available on the EAC website (www.eac.gov), now shows the amount of funds appropriated to each state and indicates that all of the affected 55 states and territories have submitted disbursement requests. The EAC has fulfilled its promise to get the funds to the states as quickly as possible, and the EAC is proactively consulting each of the states and territories on the proper use of the funds.

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

The funds are being disbursed with agreement by the states to provide a short narrative describing plans for how the funds will be used. Details from these documents will be shared with the entire election community and on the EAC's website, which is a primary portal for information sharing. As states and territories fine tune their own plans for how to invest the new HAVA funds, it is essential that they have access to the wealth of ideas and innovative approaches contained in other states' activities. The EAC's staff continues to work closely with

the states and territories and to compile the information we receive so that the election community and others have access to particulars of how the states and territories are expending their funds, including efforts to further update and secure their election systems.

Critical Infrastructure Activities

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

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

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

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

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

The EAC Chair serves on the GCC Executive Committee, and all EAC Commissioners are chartered members of the committee. Like many other members of the GCC, the EAC is seeking security clearances through the DHS. We have been assured that the department will address those requests soon.

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

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

The EAC also produced a video and supporting meeting materials to help local election officials explain the many levels of election security at their jurisdiction. The video was designed to be viewed at civic group meetings and election worker trainings. It can also be customized by jurisdictions, and some states are tailoring the video to their voters and processes. In addition, the EAC Commissioners continuously meet with state and local election officials at regional conferences across the country. These visits allow the Commissioners to apprise officials of best practices, promote resources available from the EAC and our federal partners, and discuss current concerns and topics in election administration, such as contingency planning, accessibility, voter registration, and technology management.

Testing and Certification/Voluntary Voting System Guidelines

The Help America Vote Act charges the EAC with administering a federal program for setting a voluntary national standard for testing and certifying voting systems. This testing standard is the EAC’s Voluntary Voting System Guidelines (VVSG), and vendors may choose to have EAC-accredited and monitored labs test their voting systems against these guidelines for certification. The guidelines contain requirements for security, as well as other important

components—such as accessibility, usability, and interoperability. In fact, while security is a guiding consideration of certification, so is accessibility for voters with disabilities and voters with limited English proficiency. These considerations are deliberated and developed in public working groups under the direction of the EAC’s Technical Guidelines Development Committee, which is chaired by the Director and Undersecretary of Commerce for Standards and Technology, currently Dr. Walter G. Copan.

The TGDC’s membership is made up of technical and scientific experts from fields such as security, accessibility, voting machine production, and voting machine use. After development and approval by the TGDC, the voluntary guidelines are submitted to the EAC’s Executive Director, provided to the EAC’s Standards Board and the Board of Advisors, published for public comment, and presented to the EAC’s Commissioners for consideration and approval. The EAC recently convened its advisory boards to review and comment on the adoption of the newest version of the voluntary guidelines, VVSG 2.0. Both Boards recommended that the EAC adopt VVSG 2.0. The EAC, however, is currently without its minimum number of three commissioners needed for a quorum to vote on the VVSG.

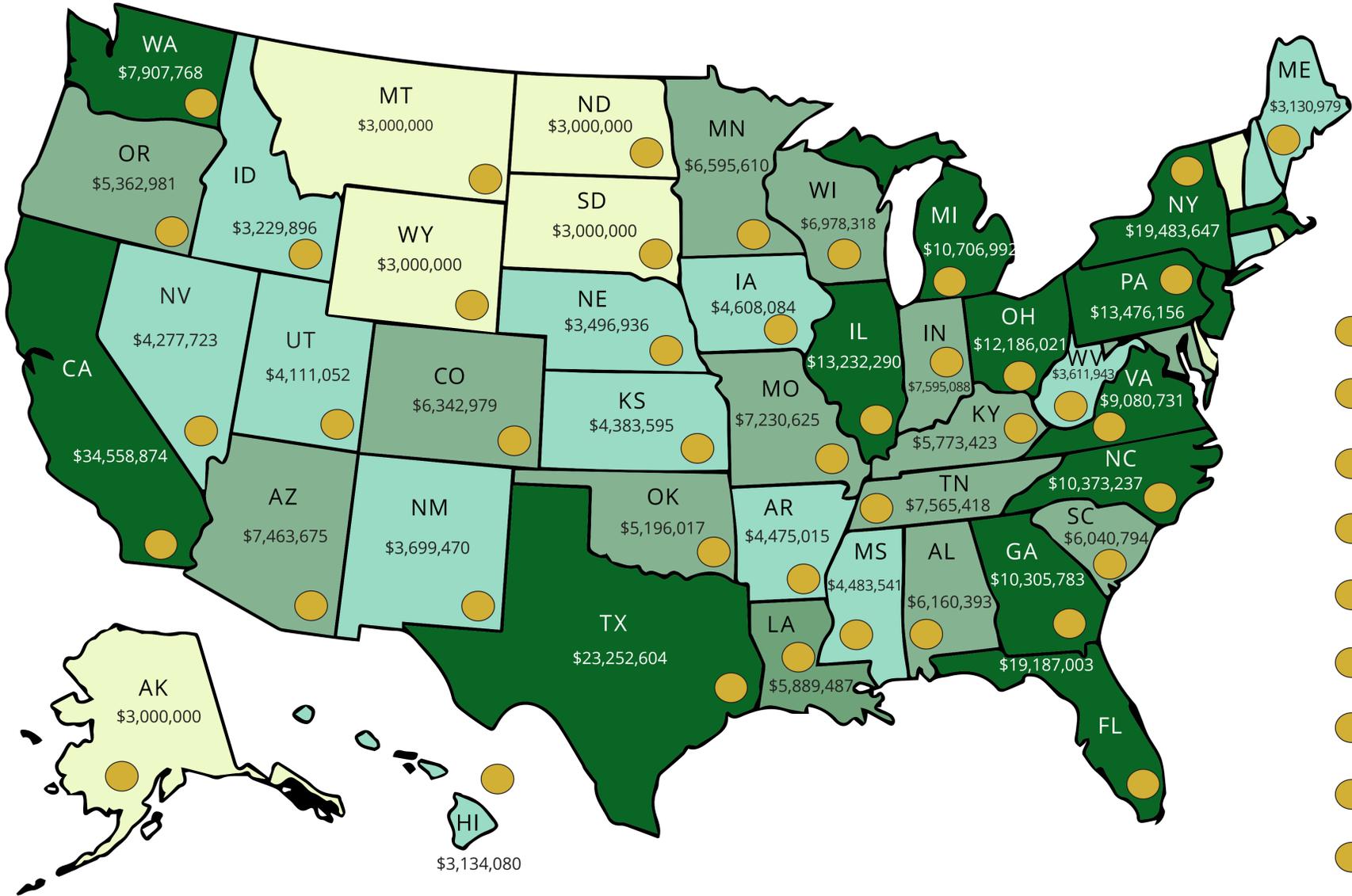
While the EAC has been hard at work on the newest version of the VVSG, the commission has not stopped its ongoing work to rigorously review, test, and certify voting systems. These reviews are referred to as test campaigns. In these campaigns, EAC accredited laboratories test vendor-submitted voting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

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

Conclusion

The EAC’s mission includes supporting election officials across the country with the administration of federal elections so that they can help “Help America Vote.” We endeavor to provide as much support and assistance as possible to the state and local election officials we serve. The importance of election security and how the newly appropriated HAVA Funds will assist states are primary agency focuses and top priorities. We are honored to support the important work carried out by election administrators each and every day. We welcome your feedback, and we look forward to answering questions you may have.

2018 HAVA Funds



Amounts

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

State has requested funds

- NH \$3,102,253
- VT \$3,000,000
- MA \$7,890,854
- RI \$3,000,000
- CT \$5,120,554
- NJ \$9,757,450
- DE \$3,000,000
- MD \$7,063,699
- DC \$3,000,000

Election Officials must be experts in...

