

**House Committee on Homeland Security**  
**“Defending our Democracy: Building Partnerships to Protect America’s Elections”**  
**February 12, 2019**  
**Commissioner Thomas Hicks, Chair,**  
**United States Election Assistance Commission (EAC)**

Good morning Chairman Thompson, Ranking Member Rogers, and members of the committee. I am pleased to appear before you today to offer testimony on the pressing issue of how to build partnerships to better protect American elections. As the 2020 Presidential Election approaches and jurisdictions across the nation prepare to host a number of state and local elections in the months ahead, I assure you that supporting election officials in their work – including providing election security tools and resources – is one of the most important responsibilities of the U.S. Election Assistance Commission, better known as the EAC.

Today’s hearing comes three months after the 2018 midterm election. Voter confidence in our election system is an issue the EAC often publicly addressed ahead of last year’s election and it is intrinsically tied to the topics I will discuss today. With early estimates indicating that a record-number of all eligible Americans participated in the 2018 midterms, it is important to recognize the incredible ingenuity and care that election officials and those with whom they work demonstrated ahead of the midterms and continue to exhibit today. It is this work that shores up the very foundation of our democracy and instills voter confidence. EAC Commissioners and the Commission’s staff saw this first-hand in the weeks surrounding the midterm election as we traveled the nation to observe everything from pre-election preparations to post-election audits. In 2018, the work of our nation’s election administrators and their teams, coupled with a dramatically improved line of communication between federal, state and local election officials and the federal agencies that serve them, resulted in no indication of foreign attacks on our nation’s election infrastructure. I am proud of the role the EAC played in that coordinated effort.

The EAC is the only federal agency that focuses solely on elections, and this focus is of great value to election administrators and the voters they serve. The EAC’s mission and other mandates established under the Help America Vote Act (HAVA) are as relevant today as at any other time since that watershed, bipartisan legislation was signed into law. When HAVA passed HAVA in 2002, Congress set out to make sweeping and much-needed reforms to the nation’s voting process. Congress established the EAC to serve as the federal leader in helping states carry out that vision, and the Commission has done so successfully. The EAC has helped election officials in each state and U.S. territory identify and implement legally required changes to the way America votes. The Commission has a strong relationship with state and local election leaders and the voters they serve, which makes progress possible and remains of great value as lawmakers consider additional ways to support the administration of federal elections.

We Commissioners and the exemplary EAC staff stand ready to roll up our sleeves to address the unique needs of those we serve. Just this week, two new EAC commissioners, Benjamin Hovland and Donald Palmer, were sworn in, joining Vice Chair Christy McCormick and me to make-up the first full quorum of Commissioners the agency has had in nearly a decade. While the EAC has made great strides over the years, we always seek to do better and to do more.

Certainly one of the primary focuses of our efforts, election security is only one component of election administration. I have attached a diagram to this testimony that demonstrates the many different competencies that require election administrator awareness and attention. Election officials must operate in each of these areas, so the EAC works on each of them. Knowledge of election law, finance, accessibility standards, security considerations, election technology, public relations and human resources are all core ongoing election official responsibilities. As officials prepare to administer an election, they must be experts on mail, street file maintenance, voter registration, military and overseas voting, local candidates and campaign finance laws, project management, polling places and real estate, advance voting and logistics. On Election Day and beyond, election officials must also direct activities such as voting and tabulation, canvassing, auditing, administering recounts, and carrying out list maintenance. Many of these topics are covered in the EAC's Election Administration and Voting Survey report to Congress, including the 2018 report that is underway now and will be delivered to you this summer.

It is worth noting that in addition to this work, the EAC provides voters with vital resources and assistance needed to register to vote and to cast ballots, and it includes administering the national clearinghouse of election administration information to continually equip our partners in Congress, state and local government, private industry, advocacy organizations, other federal agencies, academia, and others in the elections industry with the information they require and rely on.

The EAC also works alongside federal partners to leverage their subject matter expertise to augment the EAC's whole-of-elections perspective with specialized products. The EAC works with these partners to produce EAC products, help other agencies better develop products for election stakeholders, and help our stakeholders understand and integrate these products into the context of their array of responsibilities. These partners include the Department of Defense, the Department of Justice, the Department of Homeland Security, the National Institute of Standards and Technology (NIST), and the United States Postal Service.

Today I will focus my remarks on election security, one of the most integral components of the EAC's work. The EAC has worked diligently to help states secure their elections, especially in months leading up to last year's election. The EAC expeditiously distributed newly appropriated 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 highlighted and distributed important best practices in election administration. This work yielded substantial benefits in 2018 and continues as we look ahead to 2020.

### **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. Within three 3 months of the appropriation, the EAC received disbursement requests for 100% of the funds from all 55 eligible states and territories, a remarkable percentage, and 100% of the funds were quickly made available for the eligible states and territories to draw down.

Less than two weeks after these new funds were signed into law by President Trump, the EAC issued Notice of Grant Award letters to each state. 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 (NASED) to share information, conducted multiple webinars to further discuss how the funds may be used, consulted with members of the disability community to hear their views on use of the funds, and had frequent contact with each state in an effort to move the funds quickly.

The EAC website also provides access to a set of Frequently Asked Questions regarding the funds. The attached map, also on the EAC website ([www.eac.gov](http://www.eac.gov)), shows the amount of funds appropriated to each state. The EAC fulfilled its promise to get the funds to the states as quickly as possible, and the Commission continues to consult with states and territories regarding the proper use of the funds, which were disbursed after the states provided a short narrative describing plans for how the funds will be used.

The EAC has used the new HAVA funds not just as an opportunity to provide much-needed financial support to the states, but also as a mechanism to promote best-practice information sharing among election administrators. Details from the state plan documents have been shared with the entire election community and on the EAC website. It is essential that the states and territories have access to the wealth of ideas and innovative approaches contained in other states' individualized planned activities as they plan their own use of the funds. As we continue to work closely with the state and local leaders charged with spending these funds, the EAC's staff will continue to compile the information we receive so that the election community and others will have access to particulars of how the states and territories are expending their funds to further update and secure their election systems.

The EAC's staff is currently examining Federal Financial Reports regarding how states spent funds last year. The recent federal furlough has slightly delayed this process, but from our early assessment, we believe that about 58% of funds spent went toward shoring up election security and about 33% were used to purchase voting equipment. After we complete our 2018 spending analysis, we will provide more specific details about those expenditures and about states' future plans for using new HAVA funds. I've attached to this testimony two charts detailing how states initially indicated they planned to spend funds and the percentage of total funds allotted for activities such as election security and updating election equipment.

### **Critical Infrastructure Activities**

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

local, state, and federal governments can effectively work together toward the shared goal of protecting our nation's election infrastructure.

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

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

During the last Presidential 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, 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.

Ahead of the 2018 Midterm Election, the EAC focused on steps our commission could take to further serve election officials operating in the new threat environment. The EAC brought together election officials, security officials, academics, and federal government partners for an Election 2018 kick-off summit at the National Press Club in January 2018. Just one month ahead of the midterm election in October 2018, we gathered a similar audience here in the Capitol Visitors Center for an election readiness summit that featured, among others, Senators Blunt and Klobuchar, as well as high-level officials from DHS and the National Counterintelligence and Security Center. These events and others like them throughout 2018 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.

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. We plan further work in this regard. In addition, the EAC Commissioners continuously meet with state and local election officials at regional conferences across the country. These visits allow the Commissioners to apprise officials of best practices, promote resources available from the EAC and our federal partners in agencies such as the United States Postal Service, the Federal Voting Assistance Program (FVAP) within the Department of Defense, the Department of Justice, and the DHS, and discuss current concerns and topics in election administration, such as contingency planning, accessibility, voter registration, and technology management.

On Election Day 2018, we were pleased to have our newly hired Chief Information Officer and the head of our Testing and Certification Program on site with other federal agencies and key election stakeholders who gathered at the National Cybersecurity & Communications Integration Center (NCCIC). We are proud of the role we played last year, and we continue to seek new ways to provide election security support to state and local election leaders.

### **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 (TGDC), which is chaired by the Director and Undersecretary of Commerce for Standards and Technology. This 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. Last Spring, the EAC 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. Now that a quorum has been restored at the EAC, we anticipate that the VVSG 2.0 will soon be posted for public comment, we will hold public hearings on the proposed guidelines, and the agency has the pieces in place for final consideration.

While the EAC has been hard at work on the newest version of the VVSG, the EAC has not stopped its ongoing work to rigorously review, test, and certify voting systems. These reviews are referred to as test campaigns, and in these campaigns EAC accredited laboratories test vendor-submitted voting systems against the standards 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. It takes the EAC approximately eight to 12 months to certify a newly submitted voting system. If the system has already been certified and the vendor is making an upgrade or revising a component, it may take as little as a few weeks or as much as six months to upgrade or change.

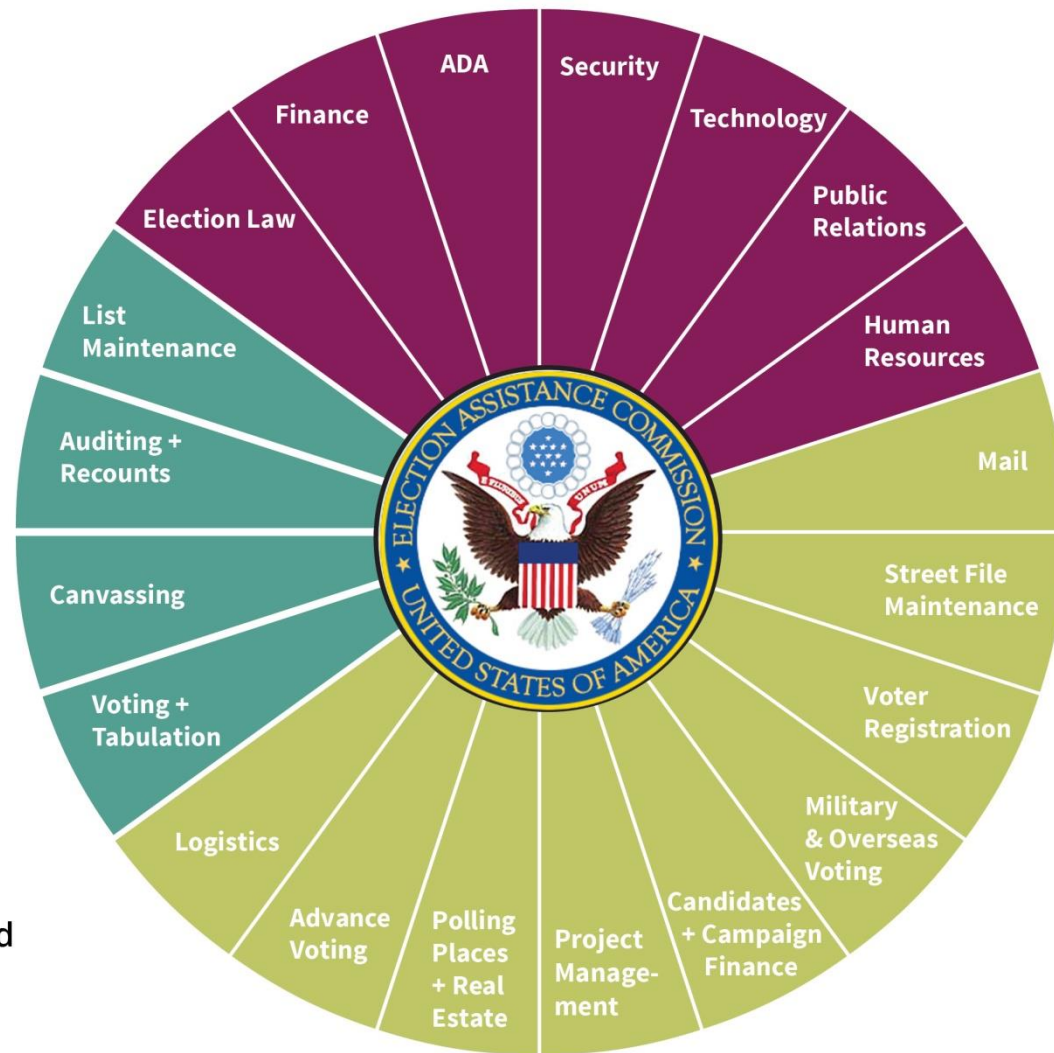
In addition to the actual certification of the voting systems, the EAC's Testing and Certification Program continually conducts quality monitoring of all EAC certified systems and audits the quality of the EAC accredited test labs. Monitoring of the voting systems occurs throughout the entire span of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

## **Conclusion**

Members of the Committee, the EAC's mission includes supporting election officials across the country as they administer federal elections, and we are committed to that work and to always seeking better ways to do it. The importance of election security and how the newly appropriated HAVA Funds will assist states remain a primary focus and top priority for the Commission. I am honored to support the important work carried out by our nation's election administrators each and every day, and I congratulate them on a job well done in 2018. The EAC looks forward to working closely with them ahead of the 2020 Presidential Election. I welcome your feedback, and we look forward to answering questions you may have.

# Election Administrator Competencies

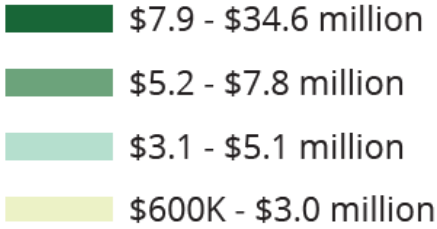
- Ongoing
- Election Preparation
- Election Night & Beyond



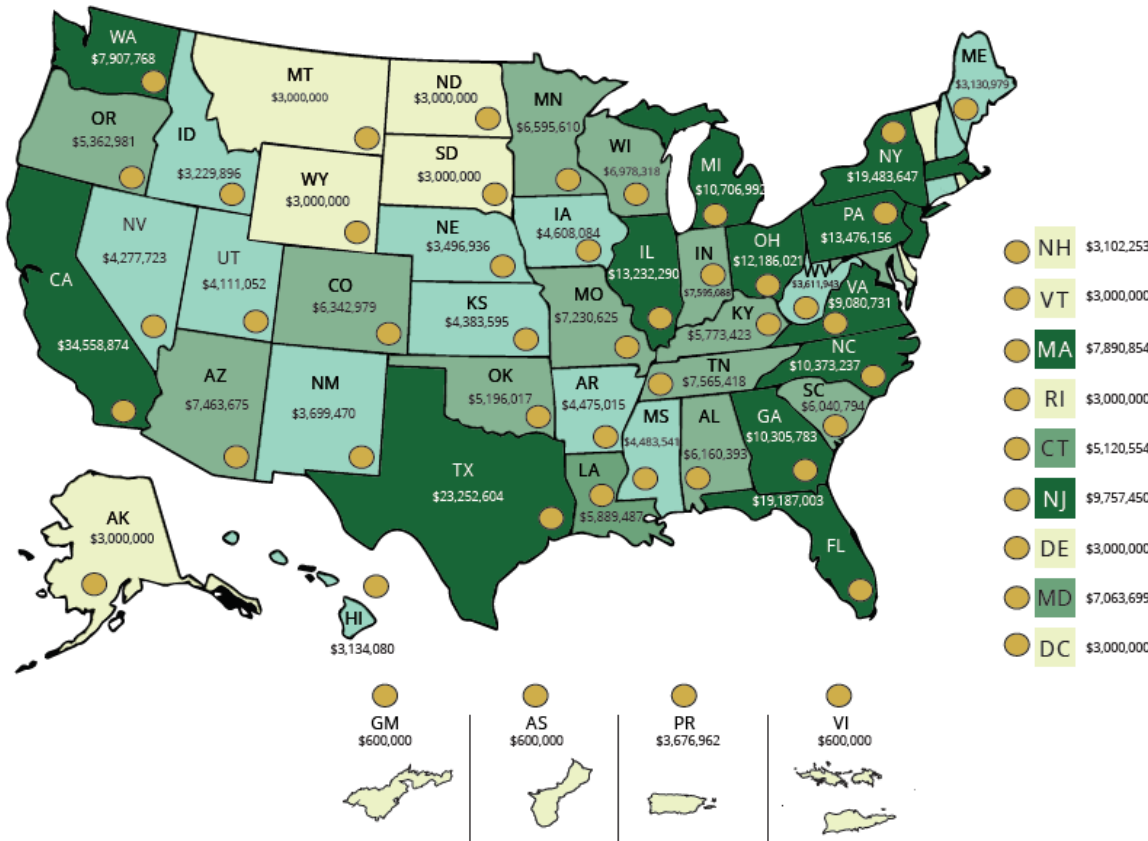
# 2018 HAVA Funds



## Amounts



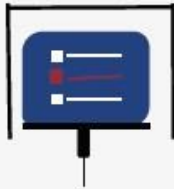
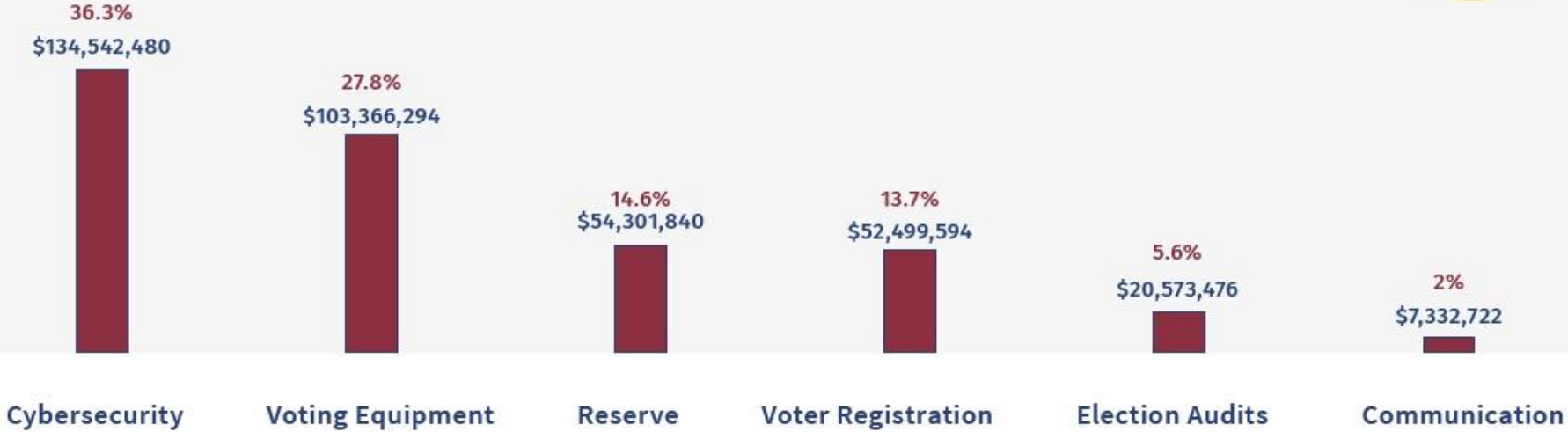
State has requested funds



Revised on July 16, 2018 - 10:00 am



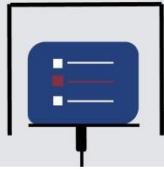
# How States Plan To Use Their 2018 HAVA Funds



# HOW STATES PLAN TO USE 2018 HAVA FUNDS



Cybersecurity



Voting Equipment



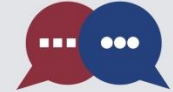
Reserve



Voter Registration



Election Audits



Communication

AL IA OK WI  
 AS KY OR WY  
 AZ MD PR  
 CA MA RI  
 CO MI SC  
 CT MN SD  
 DC NE TN  
 FL NV TX  
 GA NJ VI  
 HI NM UT  
 ID NY VT  
 IL NC VA  
 IN OH WA

AK LA SD  
 AS MD TN  
 AR MA TX  
 CA MO VI  
 CO NE UT  
 CT NJ VT  
 DE NM WV  
 DC NC WY  
 GA ND  
 GU OK  
 HI PA  
 ID RI  
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