

## **CISA and EAC Responses to Elections and COVID Related Questions in House Homeland Letter**

### **1. Have CISA and EAC worked together to assess the lessons learned from the manner in which the Wisconsin primary was administered? How have the lessons learned informed the guidance CISA and EAC have shared with State and local election officials?**

The Cybersecurity and Infrastructure Security Agency (CISA) and the U.S. Election Assistance Commission (EAC) are working closely with the election community to provide it the necessary services and resources as it conducts both the 2020 primary and general elections. CISA and the EAC have offered their services and resources to every state ahead of their primary elections. As state and local officials navigate COVID-19-related challenges, CISA and EAC have taken lessons learned from previous primaries and other sectors to reassess and provide timely assistance. Some of these efforts to date include the following:

- At the beginning of the outbreak, CISA and EAC created a Joint Working Group, chaired by the EAC and consisting of government and industry representatives, to analyze aspects of different voting methods and to provide written resources to state and local officials seeking to mitigate exposure to COVID-19 while administering elections. The Joint Working Group has to date produced eight guidance documents, addressing such issues as voter education about administrative changes, and the importance of accurate voter data when expanding absentee voting. These documents have been shared directly with election officials, are publicly available, and will be maintained at the EAC webpage, accessible at <https://www.eac.gov/election-officials/coronavirus-covid-19-resources>.
- Additionally, CISA has hosted calls between the election community and the Centers for Disease Control and Prevention (CDC) and the United States Postal Service (USPS). The purpose of these calls has been to ensure that election officials, many of whom are still running primary elections, have the most up to date information and advice from the experts at these agencies regarding COVID-19. These calls were attended by hundreds of election officials and private sector partners from across the election community. CISA will continue to host calls, as demand arises, to support the flow of information to the election community.
- EAC Commissioners and staff have developed a comprehensive COVID-19 clearinghouse web portal for election officials and voters, produced a video series on planning and preparations for absentee/by mail voting, and recently held a well-attended public hearing entitled “Election Response to COVID-19: Administering Elections During the Coronavirus Crisis.” This hearing, held on April 22, 2020, included panels on absentee/by mail voting and in-person voting. Participants included a secretary of state, state election official, local election administrators, a leading advocate for voters with disabilities, and a representative from the CDC.

As we seek to prepare resources and best practices for election administration during a pandemic, we are also aware that we must draw insight from ongoing experiences and unanticipated issues. CISA and the EAC will continue to coordinate efforts to provide election officials with timely, practical, and field-tested practices for navigating the COVID-19 crisis.

**2. Already, 19 COVID-19 cases in Wisconsin have been linked to election-related activities from the April 7 primary.**

- **What are the physical safety and security risks associated of voting during a pandemic? How do you advise State and local election official to mitigate those risks?**

Physical safety and security are important factors, which election officials are considering during their COVID-19-related planning activities. The processing, flow, and “traffic” management of voters, the interactions between voters and poll workers, access and storage controls for systems and ballots, and the physical hygienic measures to provide as safe an environment as possible are all important considerations.

On April 22, 2020, the EAC hosted a virtual hearing, “Election Response to COVID-19: Administering Elections During the Coronavirus Crisis.” The hearing included a panel on contingencies for voting in person. Local election officials, a leading advocate for voters with disabilities, and a representative from the CDC discussed their experience navigating in-person voting during the pandemic, including recommendations to keep in-person voting accessible and general guidance to ensure public safety.

During this panel, Commander Jasen Kunz from the CDC reiterated recommended general steps to protect oneself that also apply to the polling place. Commander Kunz also outlined preventative actions election workers can take to protect themselves and the public. These recommendations included staying home if sick, practicing frequent hand hygiene, routinely cleaning and disinfecting of frequently touched surfaces, cleaning and disinfecting voting equipment (following manufacturer instructions), and increasing distance between voting booths.

Assisting election officials and voters with safe elections during the COVID-19 crisis is of vital importance. CISA and EAC will continue to build resources to support state and local officials in the coming months. We will also work with state and local officials and health experts to share their experiences and develop best practices to help others prepare for upcoming elections.

**3. As I indicated earlier, the November 2020 elections may appear different to voters. The results of the April 7, 2020 Wisconsin primary were not announced until April 13. Other States expanding the use of vote-by-mail in November may similarly need to delay the announcement of results in order to accurately count all votes cast.**

- **How are CISA and EAC working together to advise State and local election officials, as well as the public, of the implications of expanded vote by mail on the timeliness of election result announcements?**

As part of the Joint Working Group referenced above, CISA and the EAC and working group participants have created publicly available guidance products to advise State and local election

officials on how to communicate the implications of expanded vote by mail. While the announcement of election results are state and local responsibilities, subject to state laws, the working group has provided guidance on communicating the impacts and effects to the public.

The document “Election Education and Outreach for Increased Absentee or Mail Voting” guides election officials on issues like:

- Questions regarding processing and tabulating absentee or vote by mail ballots.
- What election officials may need to communicate to voters, campaigns, and the media about how absentee or mail ballot voting will affect the ballot processing and counting times.
- Types of communication methods to increase transparency during and after a transition to a different voting method.

The document is available on the same EAC COVID-19 resource pages.

**4. All voting mechanism have vulnerabilities. Has there been any assessment of the security vulnerabilities associated with vote by mail? What are they and how can they be mitigated?**

Mail-in voting, because of infrastructure and process differences from in-person voting, has a different risk profile. Key differences in risk include:

- Integrity attacks on voter registration data and systems represent a comparatively higher risk in a mail-in voting environment than an in-person environment, since mail-in voting does not offer all of the mitigating measures of a provisional ballot process to the voter (or same-day registration in the few states that do not use provisional ballots). Successful integrity attacks on voter registration data and systems have the potential to impact delivery of mail-in ballots and acceptance of voted ballots unless detected in sufficient time.
- Operational risk for mail-in voting is markedly different than in-person voting. Some of the risks that are under the control of election officials for in-person voting shift for mail-in voting to the control of outside entities, such as ballot printers, mail processing facilities, and the USPS. While many election officials already work with these entities, this work is likely to be at a much greater scale due to the COVID-19 pandemic. Election officials should work closely with these partners to ensure that necessary physical and security controls are implemented.
- Signature verification is one method through which absentee and mail ballot security can be strengthened. The EAC’s Research Division is currently analyzing the signature verification process and the Joint Working Group has recently produced guidelines for signature verification.
- Inbound and outbound processes that use significant infrastructure components during a mail-in voting process also present risks.
- Audit procedures can help election officials verify ballots delivered by mail. In 2019, CISA funded an open-source, post-election audit tool and, in 2010, EAC dispersed nearly \$1.5 million in grant money to develop innovative audit procedures for verifying the

accuracy of election outcomes. These grants helped lay a foundation for modern risk-limiting audits.

**5. CISA recently launched a COVID-19 & Elections Resource website. Which stakeholders did CISA consult in the development of the website and guidance it provided?**

The Election Infrastructure Subsector resources on this website were developed by the Election Infrastructure Subsector (EIS), GCC and SCC. These products were developed with, and reviewed by, a range of stakeholders in the election community, including state and local election officials, private-sector providers, and non-profits with expertise in vote by mail and elections, as well as our federal partners.

Additionally, the EAC page links directly to federal agency resources, such as the CDC, USPS, DHS CISA, FEMA, and EAC's own material. Before posting any materials from state election offices, EAC obtains approval from those offices. EAC has also started a series of video interviews on different aspects of absentee and mail voting, in-person voting, and Coronavirus Aid, Relief, and Economic Security (CARES) Act funding. During these interviews, EAC Commissioners moderate discussions with secretaries of state, state election directors, local election officials, federal agency representatives, and other key figures who can give insight and provide expert advice.

These interviews offer an opportunity for participants to directly share their ideas and experiences with the public and other election officials. During the upcoming months, EAC plans to conduct additional interviews and expand EAC online resources and training and informational tools for election administrators.

**6. The U.S. Postal Service (USPS) plays an essential role in the administration of vote by mail. Unfortunately, it is predicted that USPS could be insolvent as soon as September, or earlier. That could force USPS to modify its operations, including by modifying routes or delivery schedules.**

- **Has CISA or EAC assessed how the solvency of USPS will affect State plans to expand vote by mail in November?**
- **How would CISA and EAC advise State and local election officials who plan to rely on expanded use of vote by mail to administer the November elections while maintaining social distancing to account for the potential consequences of USPS solvency issues in their election plans?**

Preparing for a potentially substantial increase in absentee and mail voting is a challenge under normal circumstances. Understanding that the current climate presents additional challenges, CISA and EAC have gathered resources and facilitated discussions about planning for increased absentee and mail voting.

CISA and EAC are aware of the budgetary challenges facing the Postal Service. During the months leading up to November, our agencies will continue to work closely with USPS and election officials on our common goals of serving election administrators and the American

voter. EAC has brought together different election officials, vendors, and USPS staff to discuss important considerations regarding potentially increased absentee and mail voting.

**7. There is a growing appetite to vote absentee and by mail in 2020. At the same time, the U.S. Postal Service approaches insolvency with each passing day. Will the EAC make postage costs an allowable expense for HAVA grant funds due to the exigencies presented by COVID-19?**

Yes, states can use their CARES Act grant funds, as well as their Help America Vote Act (HAVA) Election Security grant funds to cover increased costs for postage to mail absentee ballots and prepaid return postage. The costs of postage and printing of ballots are listed as allowable costs in EAC's award instructions to the states and [FAQs](#) on the EAC website also state that postage is an allowable cost under the grants. EAC was able to obligate 100 percent of the CARES funds to states by April 6, 2020, and over 80% has been disbursed. Over 60 percent of states have already indicated they will be using some of the funds to cover postage costs.

**8. How has the #Protect2020 campaign adapted to the reality of voting in the time of COVID-19? What is the Election Security Initiative doing to adapt to the physical threat presented by COVID-19? How do you propose State and local election officials mitigate associated physical and cyber risk?**

As part of CISA, the Election Security Initiative has been responsible for the organization and development of the guidance adopted by the Election Infrastructure Government Coordinating Council and Election Infrastructure Sector Coordinating Council to help election officials respond to the pandemic. This was done in an incredibly tight timeframe, because election officials are currently in the process of making decisions regarding their elections.

**9. How are CISA and EAC continuing election security and administration outreach and support to State and local election officials amid various stay-at-home orders and social distance measures in effect across the country? How are CISA's Cyber Security Advisors augmenting their activities to continue engagement with State and local election officials?**

With the exception of on-site visits to election offices and polling places, CISA and EAC remain fully engaged with election officials with support, services, and information sharing.

CISA services, like remote penetration testing, vulnerability assessment and phishing campaigns are scalable and able to be conducted remotely. Also, CISA has remote incident response capabilities in place to support election officials should they need them. CISA also has incident response teams available to deploy physically, as needed. Over the next few months, CISA will be conducting online engagements, holding online office hours and remote table top exercises in an effort to continue to support election officials in this new working environment. CISA's commitment to the election community is steadfast and unwavering, as we all work towards November.

CISA's regional personnel, including Cybersecurity Advisers (CSAs) are a key part of the delivery mechanism for the above services, and serve as key partners across the country with State and local officials. Our CSAs remain engaged and, at the same time, we are hiring additional advisers around the country to augment our services.

Additionally, EAC greatly appreciates the increased fiscal year 2020 appropriations provided by Congress. EAC is focused on providing resources to state and local election officials to help them strengthen cybersecurity practices and securely manage their election technology assets.

To that end, EAC recently hired two crucial security-focused positions in our new EAC Cybersecurity Program Office: Deputy Chief Information Security Officer and Senior Cybersecurity Program Manager. These individuals have extensive security credentials and are implementing cybersecurity capabilities to assist state and local jurisdictions, develop cybersecurity training modules, and improve the overall security posture of the Commission itself.

The primary resource EAC utilizes to distribute best practices is the [Election Security Preparedness page](#). This resource is continuously updated with best practices from industry, academia, and all levels of government.

**10. Voting in November will be different, and the country will still be dealing with the COVID-19 pandemic. Are there plans for virtual tabletop exercises and virtual training between now and November? How many of these will be jointly supported by CISA and EAC?**

CISA is planning to host its 3<sup>rd</sup> annual Tabletop the Vote exercise with state and local officials, federal partners, and the private sector in July 2020. CISA is exploring both physical and virtual options for this exercise. EAC has been a strong partner and advisor in the development of these exercises. As we get closer to the event date, CISA will assess whether we can continue with this exercise in its current form or modify how the table top is conducted to support greater remote participation. CISA has also developed the Elections Cyber Tabletop Exercise Package, known as the "tabletop in a box," which is a resource for state, local, and private sector partners to initiate discussions within their organizations about their ability to address potential threats to the election infrastructure. CISA also has a number of election exercises planned for this summer and fall with individual states. CISA is prepared to administer these exercises in person or remotely, depending on what circumstances dictate.

Additionally, CISA will be providing virtual trainings with state and local election officials, based around the COVID working group work products. Also, CISA will be hosting virtual office hours with our election subject matter experts so state and local officials can engage in questions and answers on topics such as expanded absentee or mail voting, in person operations, post-election auditing, work from home environments, and securing the election office amid COVID-19.

Additionally, the EAC recognizes the need to enhance cybersecurity training available to election administrators and is currently working to create virtual cybersecurity training portals

for state, local, tribal, and territorial election officials. The EAC believes cybersecurity awareness training is extremely important, given the phishing campaigns conducted against US election administrators in previous election cycles.

**11. I understand that in 2016, the Department of Homeland Security (DHS) publicly issued warnings against any kind of online voting and intended to issue guidance to State and local officials reflecting that conclusion. To the best of my knowledge, however, DHS has not issued such guidance.**

- **Have the conclusions DHS reached related to the security vulnerabilities of online voting changed since 2016? If so, why? If not, when and how will you advise State and local election officials of the security vulnerabilities associated with the use of online voting?**

CISA has been consistent in its message on the need for auditability and efficient and effective auditing of elections. CISA will continue to push that information to the election community as officials work through possible approaches in response to COVID-19. CISA assesses that the risks vary for electronic ballot delivery, marking, and return. CISA discourages electronic ballot return technologies, which have not been demonstrated as capable of being secured from interference at this time. Additionally, it is important to note that the EAC has not federally certified any internet voting system.

**12. When will the EAC vote on the VVSG 2.0? Will these standards be in place before the 2020 election?**

During 2019 and 2020, tremendous progress has been made toward the adoption of Voluntary Voting System Guidelines (VVSG) 2.0. The VVSG 2.0 represents a significant leap forward in defining standards that will serve as the template for the next generation of secure, accessible, and accurate voting systems.

Following extensive work by EAC Commissioners and staff, the Technical Guidelines Development Committee, and NIST, the EAC submitted the proposed VVSG 2.0 Requirements to the Standards Board and Board of Advisors for review on March 11, 2020. On March 22, 2020, the EAC initiated a 90-day public comment period on the VVSG 2.0 requirements, which will run through June 22, 2020. In addition, this spring, the EAC is conducting a series of VVSG public hearings to receive testimony from election officials, federal partners, and stakeholders.

We are working towards adoption of the VVSG 2.0 . As the guidelines establish voluntary guidance for voting systems, the positive benefits from VVSG will be realized in future elections. My fellow commissioners and I are committed to a transparent and thorough deliberation on the path to implementing VVSG 2.0 and look forward to their positive dividends across the elections community.

**13. What guidance are you giving to State and local election officials related to COVID-19 and election disinformation and misinformation? How are you helping State and local governments prepare the public that the November elections will be different than**

**previous elections to prevent bad actors from opportunistically sowing seeds of doubt among voters?**

CISA, in coordination with our interagency partners, is committed to helping Americans recognize and avoid disinformation operations targeting our democracy. CISA's work includes developing a stakeholder toolkit and a series of infographics to help Americans understand the simple steps they can take. CISA will continue to put out educational material to build resilience toward foreign influence operations in the months ahead. In addition to product development, CISA continues to build relationships with subject matter experts in the disinformation space. Recently, CISA brought together seven leading experts on disinformation to discuss the potential impact of COVID-19 on the 2020 elections. Finally, CISA is working with non-government partners, such as the Vietnam Veterans of America and the League of Women Voters, to help them communicate with their members about disinformation and the election.

Additionally, the EAC is a proud partner of the #TrustedInfo2020 campaign of the National Association of Secretaries of States, which encourages American citizens to look to their state and local election officials as the trusted source for election information. In collaboration with the CISA and other federal partners, EAC is helping to guide voters directly to official election websites and authentic social media pages. This ensures voters are getting accurate election information and reduces misinformation and disinformation.

As the general election nears, we must redouble our efforts and act to curtail disinformation and misinformation across the election infrastructure landscape. Serving as a trusted source for election officials and voters is an important responsibility for the Federal Government agencies that support election officials.

**14. COVID-19 has amplified the amount of disinformation and misinformation in media and social media. How are you advising election officials to report disinformation or misinformation spread on social media?**

CISA actively engages with social media companies to share information about ongoing and emerging disinformation risks that relates to critical infrastructure. State and local election officials will be able to report activity that they see to CISA and CISA will be able to pass this on to the social media platforms. Once it has been reported, social media companies independently determine their response to removing content from their sites regarding disinformation and misinformation around the elections process, on where to vote, when to vote, etc. CISA does not suggest or direct that the social media companies take any particular action in response to the activity reported.

As part of EAC's clearinghouse function, EAC works with federal partners and election officials to compile and offer official COVID-19-related resources. The EAC COVID-19 materials are frequently updated. Also, agency social media outreach efforts regularly encourage election officials to forward suspicious COVID-19 information, which is reviewed accordingly.

The EAC's commissioners and staff are committed to assisting election officials during this crisis. While CISA is formally called to serve in the capacity of combatting disinformation and

misinformation, the EAC will remain vigilant in this role as appropriate and also monitor developments through our partnership in the #TrustedInfo2020 campaign.

**15. How are your agencies targeting near-term primary State election officials, supporting them on election day, and ensuring a fair and safe election during a nationwide emergency?**

CISA has been in close contact with state and local election officials and the political parties throughout the 2020 primaries. CISA has reached out to all states and parties that have had primaries and caucuses to offer our services and resources and have standing offers with the remaining states that have not yet voted. CISA has a virtual cyber situational awareness room available to state and local election officials for every primary election. This situational awareness room allows state and local officials running elections and their federal partners to share information in real time on primary day to identify any suspicious activity and respond if necessary. On Super Tuesday, CISA hosted both a classified and unclassified operations center - with federal, state, and local partners, political parties, election tech companies and social media companies all in the room - to monitor any incidents affecting elections across those states and to coordinate efforts and sharing of information. CISA kept the public informed on our work and the incidents we were tracking throughout the day. CISA will continue this outreach and support in the months ahead.

EAC's COVID-19 efforts have provided outstanding assistance to election officials to date. We pay close attention to the primary schedule and stand ready to help election administrators as needed. Our talented grant staff can assist states with navigating the current environment, as relates to recently enacted CARES Act. The Act includes \$400 million in new HAVA emergency funds, made available to states to prevent, prepare for, and respond to the COVID-19 for the 2020 federal election cycle. This supplemental appropriation funding is providing states with additional resources to protect the 2020 elections. As previously noted in our response to question 7, the EAC was able to obligate 100 percent of the CARES Act funds to states by April 6<sup>th</sup>, and over 80% of this funding has already been disbursed to the states. This greatly needed assistance will help election officials implement measures appropriate to ensuring public health while safeguarding access for voters.

The [current EAC grants page](#) regarding these funds provides excellent guidance and FAQs for election officials. The EAC grants office recently conducted a series of virtual training sessions on CARES Act funds, which were well attended across the elections community. The CARES Act funds page also include FAQs sections on access for voters with disabilities or health concerns and security matters related to the virus.

As we assist with fair and safe elections, it is important to consider underrepresented populations. The EAC is the only federal agency designated by the HAVA to serve the needs of voters with disabilities. Access for voters with disabilities must not be neglected as we continue to uphold the rights of a private and independent vote. The EAC's accessibility-related FAQs, along with additional efforts, will assist election officials and voters with disabilities.

In addition, as previously noted, the [EAC COVID-19 portal](#) provides an outstanding one-stop shop for information. EAC is continually updating the materials and streamlining new resources for use by election administrators, voters, and stakeholders. As the primary schedule advances and the November elections draw closer, the EAC will continue to create and disseminate best practices, quality materials, and useful tools to assist election administrators.

**16. With the best practices and guidance presented by your agencies, how and when will you provide guidance to State and local officials about post-election audits?**

Post-election audits are statutory requirements in many states and the EAC provides comprehensive guidance in that framework. The requirements of those audits vary among the states, but in general, a post-election audit requires election officials to manually review a percentage of ballots to ensure results reported by the voting system are accurate. Post-election audits are a valuable tool in providing jurisdictions, candidates, and voters with confidence in the election outcome.

The EAC has provided guidance to state and local officials concerning post-election audits for many years. The EAC's Election Management Guidelines, posted on our website, include a chapter on developing a robust audit trail and covers auditing election results as they relate to recounts.

Over the last few years, EAC staff has also provided guidance to state and local officials in the development of Risk-Limiting Audits (RLA). RLAs are designed to allow an election official to randomly select a smaller sample, rather than a fixed percentage, of ballots for examination. The EAC has supported jurisdictions in six states in developing their own processes and procedures, as well as providing assistance in conducting pilot audits.

Concurrently, CISA continues to encourage state and local governments to use voting systems with efficient and effective post-election audits. CISA has also funded the development and sustainment of an open-source post-election auditing tool, which is now available to state and local governments. A version of this tool was used in counties in Pennsylvania, Michigan, Georgia and other states in the November 2019 election and is being used by a number of states throughout the primary season.