

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of:

CENTER FOR TECH AND CIVIC LIFE
233 N Michigan Ave
Chicago, IL 60601,

TIANA EPPS-JOHNSON
Individually and in her capacity as Executive Director of
Center for Tech and Civic Life
233 N Michigan Ave
Chicago, IL 60601

MUR # 7946

and

UNITED STATES ELECTIONS ASSISTANCE COMMISSION,
MONA HARRINGTON, individually and in her capacity as Executive Director & PAUL
REPAK, Individually and in his capacity as Financial Director
United States Elections Assistance Commission
1335 East-West Highway, Suite 4300
Silver Spring, Md 20910

COMPLAINT

Introduction:

1. This complaint is filed under 52 U.S.C. § 30109(a)(1) of the Federal Election Campaign Act of 1971 ("FECA"), as amended by the Bipartisan Campaign Reform Act of 2002 (BCRA).¹
2. Complainant is over the age of 18, eligible to vote in United States federal elections, and registered as a voter in the State of Texas. Complainant is representative of all

¹ The FEC has exclusive jurisdiction over this original complaint. *Friends of Phil Gramm v. Americans for Phil Gramm* in '84, 587 F.Supp. 769 (E.D. Va. 1984); *FEC v. Franklin*, 718 F. Supp. 1272 (E.D. Va), aff'd in part, vacated in part, 903 F. 2d 3 (4th Cir. 1989)

United States citizens, regardless of political party affiliation, that seek to protect their most basic right to have meaningful participation in electing their political leaders.

3. Complainant is seeking a complete and thorough investigation, by the Federal Elections Commission, for all transactions, made during the 2020 election campaign cycle, between the United States Elections Assistance Commission (“EAC”) and its vendor, the Center for Tech and Civic Life (“CTCL”) and related parties, as described above and herein.
4. Complainant is also requesting that the Federal Election Commission review the actions of the United States Elections Assistance Commission for *ultra vires* acts outside of that agency’s authority under its enabling statute, or refer such complaint as is necessary under the circumstances.
5. The complaint is based on information and belief that the Center for Tech and Civic Life (“CTCL”), aided and abetted by the other Respondents above, has violated various provisions the FECA, BCRA, and Federal Election Commission regulations as codified under the United States Code of Federal Regulations (C.F.R.) by making illegal and prohibited contributions to political candidates and campaigns. 52 U.S.C. § 30119; 52 U.S.C. § 30122.
6. These political contributions were significant in amount, both direct and indirect, made during the 2020 election campaign cycle. and appear to be designed with the intent to tilt the 2020 federal elections toward one political party and its candidate(s) for U.S. President and various federal offices across multiple States.

7. Review of publicly available information appears to show a scheme of *quid pro quo* to funnel funds from the United States taxpayers to assist with 2020 election cycle campaigns of specific candidates and/or political parties.
8. Further, review of publicly available information appears to show a scheme of *quid pro quo* to funnel funds from a wealthy individual and their related and/or controlled entities, through a federal contractor, to assist with 2020 election cycle campaigns of specific candidates and political parties and avoid specific limitations set by federal law.
9. Federal law prohibits any federal contractor, who is entered into any contract with the United States or any department or agency thereof, for the rendition of services, to make, either directly or indirectly, any contribution or expenditure of money or other thing of value, or to promise expressly or impliedly to make any such contribution or expenditure to any political party, committee, or candidate for Federal office or to any person for any political purpose or use. 52 U.S.C. § 30119, 11 C.F.R. §115.2.
10. It is believed that the failure of the United States government, through its agencies, to properly review information and follow appropriate contracting rules has caused a single, financially powerful individual to contribute excessive amounts of political contributions in his personal name or the name of his controlled entities. 52 U.S.C. § 30122. Such actions interfere with the federal government's ability and authority to combat corruption and compromise the democratic process by allowing a federal agency to favor some participants in that process over others.
11. The EAC's failures to properly implement, review and monitor its own contracting processes and expenditures would also cause issues with campaign finance reporting

of any individual candidate or entity required to report receipts and expenditures under federal law.

12. The above violations, coupled with decisions made by the EAC to unilaterally expand its authority beyond its enabling statutes, has damaged the 2020 federal election cycle beyond any repair, and violated the Constitutionally protected rights of all voters in the 2020 federal election cycle.
13. The FEC should immediately open an investigation into this matter, and pursue any and all remedies, both civil and criminal, against all individuals that actively and materially participated in this scheme to defraud the American citizens, damage the Republic, damage the democratic process, and pervert the national voting process in multiple federal elections.
14. Under the laws governing federal campaign financing, the above stated statutory prohibitions includes information and leads, the fruits of paid research, or similar investigatory activity, to a political committee, as these activities are considered an “in-kind” contribution. As federal political campaigns are restricted from accepting these prohibited funds, any federal political campaign, including, but not limited to the 2020 presidential campaign, is subject to scrutiny. Investigation is, therefore, requested into these matters. 52 U.S.C. § 30109 (a)(2); *see also* 11 C.F.R. § 111.4(a).

FACTS

15. At all times relevant, Respondent CTCL was employed as a federal contractor with the U.S. Elections Assistance Commission (“EAC”).

United States Elections Assistance Commission

16. The United States Congress passed the Voting Assistance and Election Administration Act, commonly known as the Help America Vote Act (“HAVA”) in 2002. HAVA is a statutory system that addressed allegations of fraud in the 2000 election that effectively changed major elements of the administrative process for federal elections by invoking Congress’s constitutional authority to set rules for congressional elections.
17. When the United States Congress passed the HAVA, one of the intentions of Congress in enacting these statutes was to promote the fundamental right to vote. One example of this was improving access for handicapped and elderly individuals to registration facilities and polling places for Federal elections. (52 U.S.C. § 20101, et seq.). Another purpose was to establish a program to eliminate the punch card system that had caused significant problems and added additional costs to the federal elections in the 2000 election cycle. 52 U.S.C. § 20902.
18. As a part of HAVA, Congress established the United States Election Assistance Commission (“EAC”). 52 U.S.C. 20921. ²
19. EAC is a non-rulemaking body, with membership appointed by the President of the United States with advice and consent of the U.S. Senate. 52 U.S.C. § 20923. This places this agency under the auspices and control of the executive branch of the federal government.
20. The duties of the EAC are mostly limited to serving as a national clearinghouse and resource for the compilation of information and review of procedures with respect to the administration of Federal Elections. 52 U.S.C. § 20922.

² See also, Tokaji, The Paperless Case: Electronic Voting and Democratic Values, 73 Fordham L. Rev. 1711, March 2005.

21. One of the agency's duties is related to the testing, certification, decertification, and recertification of voting system hardware and software. 52 U.S.C. § 20922(2). This testing, if done through EAC, is performed in conjunction with and with recommendation by the National Institute of Standards and Technology. 52 U.S.C. § 20971(a)(1). There is also an option for the State to provide for the testing by "laboratories accredited by the Commission ("EAC") under this section. 52 U.S.C. § 20971(a)(2).
22. There is no provision in the statute for EAC to form a private-public partnership ("PPP") and mandate testing, set up mandatory cybersecurity procedures for the state's election officials, or recommend specific machines.
23. The primary duty of the EAC has been the providing of information and training on the management of the payment and grants under 52 U.S.C. § 21001, *et. seq.* These payments of U.S. taxpayer funds were appropriated by the U.S. Congress for payment to the individual States, 52 U.S.C. § 21001(a), for election assistance and are restricted in use to only those activities as stated under the statutes. 52 U.S.C. § 21001(b)(use for improvement of voting system standards).
24. There is no mention of any EAC funding that would be available for local election officials, such as county or city.
25. Further, all States receiving these U.S. funds are required to certify that no federal appropriated funds will be paid for influencing or attempting to influence United States officers or employees.

<https://www.eac.gov/sites/default/files/paymentgrants/2020HAVA/ElectionSecurityAwardPacket.pdf>.

26. All 50 States have received at least a portion of these funds since HAVA enacted and funded. Having received these HAVA funds, the States are obligated to comply with EAC rules and regulations.

27. Mona Harrington is the Acting Executive Director at the U.S. Elections Assistance Commission. According to the EAC website:

“Mona assumed the Acting Executive Director role at the Election Assistance Commission in October of 2019. During this time she strategically reorganized the agency and directed a significant hiring initiative to recruit talent and fill numerous key personnel positions.

In addition, she directed the distribution of over \$425 million in security grant funds and \$400 million in CARES Act funds to the states. Mona assembled a new cyber-team to assist EAC stakeholders leading up to the 2020 election.” <https://www.eac.gov/about/staff-directory/mona-harrington>

28. Paul Repak is the Financial Director for the U.S. Elections Assistance Commission. According to the EAC website, Mr. Repak served as the Finance Supervisor for the Office of the Under Secretary at the U.S. Department of Transportation (DOT) for 10 years. He is responsible to oversee all financial activities of the EAC.

<https://www.eac.gov/about/staff-directory/paul-repak>.

Center for Tech and Civic Life (“CTCL”)

29. The CTCL is a non-profit organization providing federal election grants to local governments. *Exhibit “1”*.³

30. The CTCL was founded in 2012 by Tiana Epps-Johnson, Donny Bridges, and Whitney May. *Id.*

³ Exhibit “1” – Original Complaint, Cause No. 20-CV-02049, Minnesota Voters Alliance et. al. v. City of Minneapolis, U.S. Dist. Court Minnesota. For reference see, Exhibit “2” – The Legitimacy and Effect of Private Funding in Federal and State Electoral Processes.. (Complaints about CTCL began as early as Sept. 2020).

31. At all times relevant, Respondent Epp-Johnson was employed as the Executive Director, President of CTCL.

32. The CTCL headquarters is in Chicago, Illinois. *Id.*

33. The CTCL states that they are “a team of civic technologists, trainers, researchers, election administration and data experts working to foster a more informed and engaged democracy and helping to modernize elections.”

34. CTCL’s mission on its website includes training public election officials in communication and technology and to inform and mobilize voters.

<https://www.techandciviclelife.org/>.

35. CTCL’s founders – Epps-Johnson, Bridges, and May – all previously worked at the New Organizing Institute (NOI), a center dedicated to training progressive groups and Democratic campaigns in digital campaigning strategies. *Id.*

36. Ms. Epps-Johnson was selected to join the inaugural cohorts of Obama Foundation Fellows (2018) and earned an MSc in Politics and Communications from the London School of Economics and a BA in Political Science from Stanford. It would appear that Ms. Epps-Johnson is not an expert in election administration, computer science or cyber security. *Exhibit 3* - CTCL webpage for Executive Director;

<https://www.techandciviclelife.org/team/tiana-epps-johnson/>.

37. NOI’s executive director, Ethan Roeder, led the data departments for the Obama presidential campaigns of 2008 and 2012. *Exhibit “1”*.

38. Funders of CTCL include progressive groups such as the Skoll Foundation, the Democracy Fund, the John S. and James L. Knight Foundation, and the Rockefeller Brothers Foundation. *Exhibit “2”*, : Attachment A: Flowchart: The

Relationship of Foundations and Non-Profit Organizations Involved in US Electoral Policy.

39. CTCL is also associated with Rock the Vote, who despite their non-partisan claims, has regularly featured progressive policies in its efforts to mobilize young people in elections. *Id.*
40. Along with Rock the Vote and The Skoll Foundation, CTCL also lists Facebook as a partner in their efforts. *Exhibit “2”*.
41. The CTCL has acknowledged the Complaint of the Amistad Project.
<https://www.techandciviclifef.org/amistad-statement/>. *Exhibit “3”, CTC: Statement on the Amistad Project.*
42. Further, CTCL maintains an active communications department providing information over a diverse number of topics. <https://www.techandciviclifef.org/news-and-events/>.
43. CTCL has previously acknowledged sending funds to local government entities, as well as States.
44. On September 1, Mark Zuckerberg and Priscilla Chan announced their \$300 million investments to promote “safe and reliable voting in states and localities”. See, *Exhibit “1”*.
45. Of the \$300 million, \$250 million is going toward CTCL and private federal election grants to counties and cities. *Id.*
46. CTCL, as a progressive organization, targets urban cities for its private federal election grants to turn out the progressive vote in the urban cities. *Exhibit 2.*

The Strawman Scheme

47. During the 2020 federal election cycle, EAC performed the same normal duties it had performed since its inception, but added additional duties to its plans.
48. These EAC activities included disbursing and administering \$425 million in funding to the States for election administration enhancements. *Exhibit 4 - EAC 2020 Annual Report*, p. 17, Line 1, *et. seq.*
49. It appears from the EAC Annual Report, that U.S. funds approved by HAVA, through the CARES act, were never funded, although somehow, the EAC had funds to disburse and administer in the amount of \$400 million dollars for emergency CARES Act funding. *Id. page 17 at paragraph "a"*.
50. It also appears that EAC administered and disbursed an additional \$425 million in new HAVA security grants funding to the states for election administration enhancement. *Id. at paragraph "b"*.
51. The EAC has proudly stated that this Herculean task of reviewing and processing these brand-new security grants was done "within 45 days and with less than one full-time grants staff member". *Id. See also, Exhibit 4 – List of Personnel - EAC, .*
52. The EAC's FY2020 Annual Report also shows that the EAC engaged the Center for Tech and Civic Life ("CTCL") to provide three tailored cybersecurity courses. *EAC Annual Report. at p. 17, "d"*.
53. This freshly formed public-private partnership was conspicuously advertised to the public at-large on the main page of the EAC's website throughout the federal election cycle in words and through a combined logo showing both the United State agency and the CTCL center's logos. See below.



54. The EAC also moved beyond its authorized duties and produced a document entitled “Cyber Crisis Management for Elections Officials”. *Exhibit 5*.
55. This particular EAC report is replete with examples of EAC attempts to take control of issues beyond both its statutory duties and personnel capabilities. Among the problems reported:
 - A) a non-governmental resource reference to a company called Shadow, Inc. *Id.* p. 36; <https://twitter.com/ShadowIncHQ/status/1224773797380837377>. (Shadow Inc. is an independent, for-profit technology company that contracted with the Iowa Democratic Party to build a caucus reporting mobile app. Which was optional for local officials to use. The goal of the app was to ensure accuracy in a complex reporting system);
 - B) a step-by-step guide for Cybersecurity Crisis Management. *Id.* p. 28;
 - C) instruction to set up a War Room that defines a “goal to maintain real-time coordination across key stakeholders and facets of the security apparatus charged with ensuring the integrity of the electoral process in case a crisis unfolds.” *Id.* p. 21. Election stakeholders are defined as election workers, not the voting citizens. *Id.* p. 11;
 - D) an extensive list of steps for state and local elected election officials to take to achieve a hardening of the election infrastructure *Id.* p. 18 -19;
 - E) and, a listing of ways to control media communications to what could arguably be called an attempt to spin information to the general public. *Id.*

56. This EAC report, issued July 3, 2020, was prepared by an external consultant. *EAC Annual Report at.* p. 3.
57. Taking the EAC's attempt at transparency as a whole, a reasonable person could surmise that the "external consultant" referenced was CTLC.

58. In order for the FEC to perform an evaluation as to the severity of the problem described above, in the unlikely event that simply the amount of the cash involved is not enough, Zuckerberg's involvement in the 2020 election cycle should be noted.
59. Mark Zuckerberg's involvement in the 2020 federal, Presidential and other, campaign(s) goes further that just enormous amounts of cash contributions.
60. In a visible demonstration of his absolute power, Mark Zuckerberg took down the Facebook account of the President of the United States on January 7, 2021. This move deprived the then sitting President of the United States of "his most influential broadcasting tools, curtailing his ability to command attention and drive the news cycle from his mobile phone at a moment's notice." Byers, Dylan, *How Facebook and Twitter decided to take down Trump's Accounts*, NBC News, January 14, 2021. <https://www.nbcnews.com/tech/tech-news/how-facebook-twitter-decided-take-down-trump-s-accounts-n1254317>.
61. The Facebook suspension of President Trump's account has been extended until 2023. Culliford, Elizabeth, *Facebook suspends Trumps until 2023, shifts rules for world leaders*, Reuters, June 5, 2021. <https://www.reuters.com/world/us/facebook-suspends-former-us-president-trumps-account-two-years-2021-06-04/>

62. Discovery in the afore mentioned civil litigation against CTCL has revealed unprecedented intervention in 2020 election with donations that have come to be known as “Zuck Bucks”. Kline, Phil, *Zuck’s Bucks were ILLEGAL*.
<https://thenationalpulse.com/analysis/kline-zucks-bucks-were-illegal/>
63. Using a federal government contractor as a straw man, it appears that “Zuck Bucks” were funneled, in vast amounts of cash, for the benefit of specific campaigns and candidates. This would constitute a serious violation of federal campaign law.
64. FEC investigation and subpoena powers are necessary to ensure that Respondents were, and are currently, in compliance with federal law. The use of Zuck Bucks, funneled through a federal agency, would affect the reporting requirements of campaigns and political action committees, and these funds may not be properly reflected in the receipts and required reporting.
- .

ANALYSIS & LAW

65. There should be no question that the public needs to have confidence in government and its decision making, which would include steps to ensure “that public officials and contractors adhere to the highest ethical standards and avoid transactions and circumstances that may compromise or appear to compromise the independence of” government and its agencies.⁴ An essential part of instilling public confidence, at all

⁴ **The Congressional Favor Factory: Legalized Pay-To-Pay, A Study of Federal Grants, Campaign Cash, Investments, Employment, Power & Influence**, OpenTheBooks.com, American Transparency, October, 2019; https://www.openthebooks.com/assets/1/6/The_Congressional_Favor_Factory_Report_FINAL2.pdf (Ethics Poll reports that 96% surveyed agree that it is unethical for Members of Congress to solicit campaign donations from Federal contractors based in their districts).

levels of government, requires that the selection of contractors is based on merit.⁵ and that the processes for those selections are properly monitored and audited.

66. In striking down various provisions of the Bipartisan Campaign Reform Act of 2002 over the past decade, Supreme Court jurisprudence has weighed the First Amendment right of free speech, and the possible chilling of free political speech, against the interests of the Government to regulate political campaign financing. *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010)(The Government may not prohibit independent and indirect corporate expenditures on political speech); *McCutcheon v. Federal Election Commission*, 572 U.S. 185 (2014)(Aggregate limits have the effect of restricting how many candidates or committees the donor may support).
67. The post-McCutcheon age of politics has seen the rapid raise in the use of new forms of technology, moving campaign advertising away from print and film media and into the realm of digital streaming videos, text messages, e-mails, and the “posts” and “tweets” of social media. Arguably, these prior Court holdings have set up a system that favors the ultra-rich and their candidates, particularly in a state or national election campaign. *See, McCutcheon* at the Dissenting Opinion, Justice Breyer, with whom Justice Ginsburg, Justice Sotomayor, and Justice Kagan joined, for Examples

⁵ See, **Executive Order No. 2011-4**; Office of the Mayor, City of Chicago, May 16, 2014. <https://www.chicago.gov/content/dam/city/depts/dps/RulesRegulations/ExecutiveOrder20114.pdf>, and Carson, Erin, Rahm Took Campaign Cash From Companies Doing Business with Chicago: Report, November 14, 2014, <https://www.nbcchicago.com/news/politics/rahm-took-campaign-cash-from-companies-doing-business-with-chicago/61814/> ("The management of municipal pensions should be totally transparent and free of political influence," Arthur Levitt, ex-Securities and Exchange Commission chairman, told the outlet. "The acceptance of contributions by city officials from advisers managing city funds, in my book, smells like bribery.").

of issues related to the invalidation of the aggregate rule, particularly Example Three, Proliferating Political Action Committees (PACs).

68. The new “McCutcheonesque” U.S. Presidential candidate is very unlikely to be someone who ran for city council, the state legislature, or even Congress. This sets up a real life situation, where an individual billionaire has the means and opportunity to control the outcomes of nation-wide U.S. Presidential elections.
69. In today’s media age, the importance of preserving the statutory checkpoints that prevent corruption become even more critical. The fact scenario in this case, *albeit* a potentially illegal one, presents a solution of what to do when there simply are not enough candidates, PAC’s or super PAC’s for you to make a sizable donation to the Presidential candidate of your choice. Simply bypass the federal campaign finance rules hiding behind a partisan not-for-profit.
70. Federal campaign finance laws prohibit contributions by government contractors. 52 U.S.C. § 30119, 11 C.F.R. §115.2. The statute reads as follows:

“(a)PROHIBITION: It shall be unlawful for any person—
 (1) who enters into any contract with the United States or any department or agency thereof either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof or for selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, at any time between the commencement of negotiations for and the later of (A) the completion of performance under; or (B) the termination of negotiations for, such contract or furnishing of material, supplies, equipment, land, or buildings, directly or indirectly to make any contribution of money or other things of value, or to promise expressly or impliedly to make any such contribution to any political party, committee, or candidate for public office or to any person for any political purpose or use; or

(2) knowingly to solicit any such contribution from any such person for any such purpose during any such period.”

71. This prohibition restricts federal contractors from making any contribution “to any political party, committee, or candidate for public office. The central restriction is thus a prohibition on contributions to candidates, but directly related to that bar on candidate contributions are the prohibitions on contributing to political parties and to committee related to candidates. This prohibition acts as a guard to prevent contributors from dodging the ban on candidate contributions by giving to groups that could coordinate with the candidate. *Wagner v. Federal Election Commission*, 901 F. Supp. 2d 101(D.D.C. 2012).
72. A ban on political contributions satisfies the First Amendment only if it is “closely drawn to match a sufficiently important interest. *See, Citizens United v. FEC*, 558 U.S. 210 (2010)(The Government may not prohibit independent and indirect corporate expenditures on political speech).
73. In *Wagner*, the Government offered two important interests to justify this restriction. Although *Wagner* involved individual employees, the principles are the same here, and the reasoning is applicable as well.
74. The first of the two important interests is a Government interest in ensuring that federal employment does “not depend on political performance,” that vendors “enforce the law and execute the programs of the Government without bias or favoritism for or against any political party or group or the members thereof,” and that vendors are “free from pressure and from express or tacit invitation to vote in a certain way or perform political chores in order to curry favor with their superiors

rather than to act out their own beliefs.” *Civil Service Commission v. National Ass'n of Letter Carriers, AFL-CIO*, 413 U.S. 548, 564 – 66 (1973).

75. Considering the close associations between CTCL officers and staff to partisan politics, the amount of funds handled (received and distributed), the possibility that the source of the funds has been misrepresented, and nature of the new and highly technical functions performed in this case, there should be no question that this interest alone is sufficient to overcome any constitutional objections to this statute. *See, Federal Election Commission MURs 7812, 7821, 7825, 7827, 7868, and 7869* – Shielding Facebook’s complained of conduct under the Federal election Campaign Act’s media exemption and the Press Clause of the First Amendment to the federal Constitution.
76. The second interest is to avoid *quid pro quo* corruption or the appearance thereof. *Buckley v. Valeo*, 424 U.S. 1, 25-26 (1976). There is no doubt that, as it pertains to this election cycle, there is serious nation-wide concern over the existence of quid pro quo corruption.⁶ This is so, despite the insistence of EAC staff, in its annual report, that there was no issue. This is not limited to a small hand full of individuals on the losing side.⁷

⁶ Hemingway, Mollie, *Rigged: How the Media, Big Tech and the Democrats Seized Our Elections*, Regency Publishing (2021).

⁷ Agiesta, J., CNN Poll: *Most Americans Feel Democracy is Under Attack in the US*. CNN Politics, (Sep. 15, 2021)(93% of all Americans feel that democracy in the US is at least being tested with 56% indicating that democracy is under attack. <https://www.cnn.com/2021/09/15/politics/cnn-poll-most-americans-democracy-under-attack/index.html>

77. Federal campaign finance laws prohibit contributions in the name of another person.

52 U.S.C. § 30122. The statute reads as follows:

“No person shall make a contribution in the name of another person or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person.”

78. The statute prohibits the use of a straw donor to make contributions. A straw donor contribution is an indirect contribution from A, through B, to the campaign. It occurs when A solicits B to transmit funds to a campaign in B's name, subject to A's promise to advance or reimburse the funds to B. Although employing different methods, false name and straw donor schemes both facilitate attempts by an individual (or campaign) to thwart disclosure requirements, as well as contribution limits. *U.S. v. O'Donnell*, 608 F.3d 546 (9th Cir. 2010), cert. denied, 563 U.S. 929 (2011). *See also, United States v. Boender*, 649 F.3d 650 (7th Cir 2011)(A specific quid pro quo of money is sufficient, but not necessary, to violate 18 U.S.C. §666(a)(1)(B), the parallel provision criminalizing the solicitation and acceptance of bribes and rewards).
79. The use of various forms of media, including independently produced films and videos, email, text message and social media platforms have become a major tool for use in all types of political campaigns for last several federal campaign cycles. As a result, money can flow, in vast amounts, through newly discovered streams. It is incumbent upon the FEC to carefully monitor campaign receipts and expenses, and carefully review the campaign financing reports, particularly where hundreds of millions of dollars have transferred through both a non-profit and a U.S. agency.

PRAYER FOR RELIEF

80. The Center for Tech and Civic Life is a partisan actor, run by partisan Democrats, which has used its corporate resources, gained through employment as a federal vendor, to provide active support for partisan campaign financing in violation of federal law. It is, therefore, respectfully requested that the Commission:

1. Conduct an immediate and full investigation into Center for Tech and Civic Life's activities and contributions under the powers invested in it by the United States Congress; 52 U.S.C. 30107 (a)(9). This investigation should include, but not limited to:
 - a) Review of specific forms of the contracts for compliance with federal law;
 - b) Trace the sources, uses and beneficiaries of all funds connected to the United States Elections Assistance Commission, starting with the appointment of its executive director in 2019, and focusing on receipts and distributions during the year 2020.
 - c) Review of the complete bidding process, including, but not limited to expressions of interest and requests for qualifications, requests for proposals and unsolicited proposals;
 - d) Review of evaluation and grant criteria including, but not limited to, specific factors, generic best value for money tests, and subjective, as well as objective, criteria.
 - e) Amount and dates of all payments of U.S. taxpayer dollars to CTCL or its sub-contractors or assigns, including, but not limited to FireEye consultants and other cybersecurity advisors.

- f) Review of risk factors.
 - g) The criteria used to select a partisan, inexperienced not-for-profit group as versus a for-profit cybersecurity expert.^{8 9 10 11}
2. Investigate all Respondents for violations of 52 U.S.C. §30119; 11 C.F.R. §114.2(b); and 52 U.S.C. § 30122, and such violations of federal law as may come to light during this FEC investigation.
 3. Seek injunctions, disgorgement, damages, and/or civil and criminal penalties as required by federal law for the benefit of the citizens of the United States of America.
 4. Review the actions of the United States Elections Assistance Commission, through its employee Respondents, and take appropriate actions related to the FEC's findings.
 5. Take any actions necessary for violations of federal requirements for coordinated communications under 52 U.S.C. § 30104.

⁸ See, Eichensehr, Kristen, Public-Private Cybersecurity, Texas Law Review Vol 95:467, (2017)(Discussing how private cybersecurity systems differ from traditional privatization because private actors, not the government, decide what functions they should perform, and, may, therefore, operate outside of the traditionally restrained private contractor in the areas of accountability, transparency, and due process or fairness, as well as security and privacy.

⁹ See also, Christensen, Kristoffer, et. al., Public-Private Partnership on Cyber Security: A Practice of Loyalty, International Affairs 93:6(2017) p. 1435-1452. (Discussing the concepts of PPP and shared risks, purpose and loyalty.

¹⁰ See, Denny, William, **Private Sector Actions in Light of the Cybersecurity Executive Order**; ABA Business Law Section, Internet Law & Cyber-Security; Sept. 13, 2021; <https://businesslawtoday.org/2021/09/private-sector-actions-in-light-of-the-cybersecurity-executive-order/>.

¹¹ Brooks, Chuck, Public Private Partnerships and The Cybersecurity Challenge of Protecting Critical infrastructure, Forbes, May 6, 2019. (Discuss the national security issues related to federal PPP's); <https://www.forbes.com/sites/cognitiveworld/2019/05/06/public-private-partnerships-and-the-cybersecurity-challenge-of-protecting-critical-infrastructure/amp/>

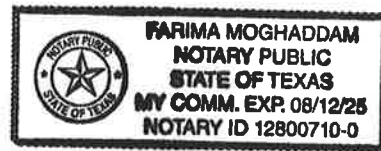
Respectfully submitted,

By: Barbara W. Palmer

Barbara W. Palmer
TX Bar No. 15424395
texasbc@swbell.net
Law Offices of Barbara W. Palmer
P.O. Box 1386
Princeton, TX 75407
(214) 734-1861

SUBSCRIBED AND SWORN to before me this 2nd day of November 2021.

L. Moghaddam
Notary Public, In and For the State of Texas.



APPENDIX

1. Original Complaint, Cause No. 20-CV-02049, Minnesota Voters Alliance et. al. v. City of Minneapolis, U.S. Dist. Court Minnesota.
2. The Legitimacy and Effect of Private Funding in Federal and State Electoral Processes.
3. CTCL webpages: Executive Director & CTCL Statement on the Amistad Project.
4. EAC 2020 Annual Report. / List of Personnel – EAC.
5. “Cyber Crisis Management for Elections Officials.

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Minnesota Voters Alliance,
Ronald Moey, Marissa Skaja, Charles R.
Halverson, Blair L. Johnson,

Plaintiffs,

vs.

City of Minneapolis,

Defendant.

Case No. _____

**Complaint for Declaratory
and Injunctive Relief**

Jury Trial Demanded

The Plaintiffs make the following allegations for their complaint.

Introduction

Minnesota Voters Alliance and its member-plaintiffs bring this lawsuit against the City of Minneapolis because federal law preempts private federal election grants to cities. The Center for Tech and Civic Life (CTCL) has essentially created a constitutionally-impermissible public-private partnership with the City of Minneapolis to run its federal elections on November 3, 2020. CTCL has awarded a \$3,000,000 private federal election grant to the City of Minneapolis.

To be sure, CTCL is free to directly spend its \$3,000,000 to get out the vote in Minneapolis; but, federal election law leaves discretion to the “states,” not the cities, on how to implement federal elections:

The specific choices on the methods of complying with the requirements of this subchapter shall be left to the discretion of the State.¹

¹ 52 U.S.C § 21085, Pub. L. 107–252, title III, § 305 (Oct. 29, 2002), 116 Stat. 1714.

In fact, federal election law defines the word “state” to include only the 50 states and territories:

In this chapter, the term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands.²

So, under federal election law, the City of Minneapolis is not a state. Not being a state, the City of Minneapolis is preempted from entering into a public-private partnership with CTCL for federal election administration by receiving CTCL’s private federal election grant.

The following federal and state law preempts the City of Minneapolis from accepting and using CTCL’s private federal election grants: U.S. Constitution’s Elections Clause and Supremacy Clause, National Voters Registration Act (NVRA), 52 U.S.C. §§ 20501-20511, Help America Vote Act, 52 USC §§ 20901-21145, Minnesota Statutes § 609.42 and Minnesota Session Laws, ch. 77 (May 12, 2020).

Because of the preemptive effects of these laws, the City of Minneapolis has acted ultra vires, without legal authority, by accepting and using CTCL’s \$3,000,000 private federal election grant. The Plaintiffs are entitled to prospective declaratory and injunctive relief enjoining the City of Minneapolis from accepting and using CTCL’s private federal election grant.

Jurisdiction and Venue

1. Plaintiffs invoke this Court’s jurisdiction under 28 U.S.C. § 1331, authorizing federal-question jurisdiction, for voters’ Supremacy Clause claims involving federal election

² 52 USC § 21141.

law preemption. *The League of Women Voters v. Blackwell*, 340 F.Supp.2d 823 (N.D. Ohio 2004).

2. Plaintiffs invoke this Court’s jurisdiction under the private cause of action provided under HAVA, 52 U.S.C. § 21112, because the State of Minnesota has failed to provide the federally-required “appropriate remedy” of a timely, pre-election injunction for any person complaining against a Minnesota local government forming a public-private partnership for federal election administration by accepting and using private federal election grants.

3. Venue is proper in this Court under 28 U.S.C. § 1391 because the Defendant is a Minnesota municipality, with offices within the District of Minnesota, and because the events or omissions giving rise to the claims presented occurred within the District of Minnesota.

Parties

4. Minnesota Voters Alliance is a Minnesota non-profit corporation. The Minnesota Voters Alliance is an organization with members who seek to ensure, as part of their association objectives, public confidence in the integrity of Minnesota’s elections, in election results and election systems, processes, procedures, and enforcement, and that public officials act in accordance with the law in exercising their obligations to the people of the State of Minnesota. The Minnesota Voters Alliance also works to protect the rights of its members whenever laws, statutes, rules, regulations, or government actions that threaten or impede implied or expressed rights or privileges afforded to them under our constitutions or

laws or both. Its membership includes candidates seeking elective offices. The Minnesota Voters Alliance has many members including the individual plaintiffs.

5. Plaintiff Ronald Moey is an eligible Minnesota voter residing in the City of Minneapolis.

6. Plaintiff Marissa Skaja is an eligible Minnesota voter residing in the City of Minneapolis.

7. Plaintiff Charles R. Halverson is an eligible Minnesota voter residing in the City of Minneapolis.

8. Plaintiff Blair L. Johnson is an eligible Minnesota voter residing in the City of Minneapolis.

9. Defendant City of Minneapolis is a Minnesota municipality. The City of Minneapolis is not recognized as a “state” in federal law.

Standing

10. The Supremacy Clause confers a private cause of action and legal standing on voters in federal elections to sue state and local governments based on election policies and customs which violate federal election law. *The League of Women Voters v. Blackwell*, 340 F.Supp.2d 823 (N.D. Ohio 2004).

11. HAVA, 52 U.S.C. § 21112, confers a private cause of action and legal standing on plaintiffs because they fit in the statutory category of “any person who believes that there is a violation of any provision of subchapter III (including a violation which has occurred, is occurring, or is about to occur).”

12. As to plaintiffs’ prospective remedies sought in this Court, HAVA, 52 U.S.C. § 21112, titled “Establishment of State-based administrative complaint procedures to remedy grievances” guarantees an “appropriate remedy” to “any person who believes that there is a violation of any provision of subchapter III (including a violation which has occurred, is occurring, or is about to occur)” of HAVA.

13. Under section (a) of 52 U.S.C. § 21112, Minnesota, having received federal HAVA payments, is “required to establish and maintain State-based administrative complaint procedures which meet the requirements of paragraph (2).” Paragraph (2), among other things, requires that Minnesota provide that:

(F) If, under the procedures, the State determines that there is a violation of any provision of subchapter III, the State shall provide the appropriate remedy.

(Emphasis added.)

14. However, in this case, Minnesota Statutes § 200.04 has failed to provide the federally-required “appropriate remedy” to “any person who believes that there is... [a HAVA] violation which has occurred, is occurring, or is about to occur” because there is effectively no pre-election injunctive relief allowed under Minnesota Statutes § 200.04.

15. Minnesota Statutes § 200.04 is the proverbial “slow boat to China” and does not provide the immediate injunctive relief required to stop the City of Minneapolis from accepting and using CTCL’s private federal election grants before the November 3, 2020 election.

16. Minnesota Statutes § 200.04 authorizes no one, not even the Minnesota Attorney General, to pursue injunctive relief for HAVA violations against Minnesota’s local governments.

17. Minnesota Statutes § 200.04 is legally insufficient to satisfy the federal “appropriate remedy” requirement for “any person” filing a HAVA complaint in Minnesota to obtain pre-election injunctive relief.

18. Because Minnesota Statutes § 200.04 does not provide the federally-required appropriate remedy under 52 U.S. Code § 21112, plaintiffs have a private cause of action and legal standing under 52 U.S.C. § 21112 to pursue prospective declaratory and injunctive relief in federal court.

19. An actual controversy exists between the parties, Minnesota Voters Alliance and the individual plaintiffs who have suffered an injury-in-fact that is directly traceable to the defendants. 28 U.S.C. § 2201.

20. The plaintiffs are injured by CTCL’s private federal elections grants to the City of Minneapolis, totaling \$3,000,000, in violation of federal law which ensure legally-authorized, uniform and fair federal elections.

21. CTCL’s private federal election grants to the Minnesota cities tortiously interfere with plaintiffs’ legal rights in the City of Minneapolis under federal law to legally-authorized, uniform and fair federal elections. *See The League of Women Voters v. Blackwell*, 340 F.Supp.2d 823 (N.D. Ohio 2004).

22. The injury to the plaintiffs is real and concrete.

23. This Court’s favorable decision will redress the plaintiffs’ injuries and allow them to enjoy their rights in the City of Minneapolis to legally-authorized, uniform and fair federal elections guaranteed under federal law.

Statement of Facts

24. The City of Minneapolis is a local government in Minnesota.
25. The City of Minneapolis is not a state under federal law.
26. The CTCL is a non-profit organization providing federal election grants to local governments.
27. The CTCL was founded in 2012 by Tiana Epps-Johnson, Donny Bridges, and Whitney May.
28. The CTCL headquarters is in Chicago, Illinois.
29. The CTCL states that they are “a team of civic technologists, trainers, researchers, election administration and data experts working to foster a more informed and engaged democracy, and helping to modernize elections.”
30. CTCL’s mission on its website includes training public election officials in communication and technology and to inform and mobilize voters.
31. CTCL’s founders – Epps-Johnson, Bridges, and May – all previously worked at the New Organizing Institute (NOI), a center dedicated to training progressive groups and Democratic campaigns in digital campaigning strategies.
32. NOI’s executive director, Ethan Roeder, led the data departments for the Obama presidential campaigns of 2008 and 2012.
33. Funders of CTCL include progressive groups such as the Skoll Foundation, the Democracy Fund, the John S. and James L. Knight Foundation, and the Rockefeller Brothers Foundation.

34. CTCL is also associated with Rock the Vote, who despite their non-partisan claims, has regularly featured progressive policies in its efforts to mobilize young people in elections.

35. Along with Rock the Vote and The Skoll Foundation, CTCL also lists Facebook as a partner in their efforts.

36. On September 1, Mark Zuckerberg and Priscilla Chan announced their \$300 million investment to promote “safe and reliable voting in states and localities.” See Exhibit B.

37. Of that \$300 million, \$250 million is going toward CTCL and private federal election grants to counties and cities.

38. CTCL, as a progressive organization, targets urban cities for its private federal election grants to turn out the progressive vote in the urban cities.

CTCL’s 2020 private federal elections grant application process.

39. CTCL markets to local election offices the federal election grants as “COVID-19 response grants”:

We provide funding to U.S. local election offices to help ensure they have the critical resources they need to safely serve every voter in 2020. See Exhibit A.

40. CTCL states that it intends to award \$250,000,000 of private federal election grants to local election offices for the November 3, 2020 elections and provides an application link to apply for the CTCL’s private federal election grants.

The Center for Tech and Civic Life (CTCL) is excited to expand our COVID-19 Response Grant program to all U.S. local election jurisdictions. Backed by a generous \$250M contribution, CTCL will provide grants to local election jurisdictions across the country to help ensure you have the staffing, training,

and equipment necessary so this November every eligible voter can participate in a safe and timely way and have their vote counted.

APPLY FOR A COVID-19 GRANT

The deadline to apply is October 1, 2020. Questions about the COVID-19 grant application or process? Email us at help@techandcivicliflife.org.

See <https://www.techandcivicliflife.org/our-work/election-officials/grants/>. See also Exhibit

A.

41. CTCL, on its website, states that it will take about 45 minutes for the local election officials to gather information and fill out the application for CTCL's private federal election grants:

CTCL COVID-19 Response Grant Application


We estimate it will take approximately 30 minutes to gather and prepare the materials needed to complete the COVID-19 Response Grant Application. We then expect that it will take approximately 15 minutes to complete the grant application questions below.

For an overview of what to expect when completing the grant application, including the materials you'll need to submit, visit <https://www.techandcivicliflife.org/grants/>

After submission of this information, CTCL may ask for additional information to help determine if your jurisdiction qualifies for a grant. CTCL reserves the right to verify with third party sources any information that you provide. By submitting this application, you consent to the collection of the information you submit, which may be used for the purposes described in CTCL's Privacy Policy.

- Who is completing this grant application? *
 First Name Last Name
- What is your title? *
- Please select the state and office (or official) you are applying on behalf of. *
- *NOTE: We are unfortunately not able to grant to election administrators in American Samoa or Guam under local law.*
- What type of jurisdiction are you submitting an application on behalf of? *

☐ County ☐ City ☐ Village ☐ Town ☐ Township ☐ State or Territory ☐

- I certify that I am permitted to submit this grant request on behalf of the jurisdiction listed above. *
☐ Yes
- *If you are unsure who is permitted to make grant requests on behalf of your jurisdiction, we encourage you to consult your county or city attorney.*
- Your initials *
 Initials of Requester
- Today's Date
  Date

<https://form.jotform.com/202445110530135>. See also Exhibit A.

42. CTCL, on its website, answers the question “Why is CTCL providing grants to election offices?”:

Election officials have made it clear that one of their most pressing needs is funding. Based on this, CTCL is focusing philanthropic support to directly help election offices administer safe and secure elections in November.

See <https://www.techandcivicliflife.org/our-work/election-officials/grants/>. See also Exhibit A.

43. CTCL, on its website, answers the question “Who is providing the grant?”:

CTCL is a publicly supported 501(c)(3) nonprofit organization. CTCL is proud to have a healthy mix of financial support from foundations, individual donors, and through earned revenue. By law, CTCL’s financial 990s are available for public review. Grant funds will be disbursed from the Center for Tech and Civic Life.

See <https://www.techandcivicliflife.org/our-work/election-officials/grants/>. See also Exhibit A.

44. CTCL, on its website, answers the question “What kind of election expenses do the grant funds cover?”:

Election offices can use the funds to cover certain 2020 expenses incurred between June 15, 2020 and December 31, 2020. These include, but are not limited to, the costs associated with the safe administration of the following examples of election responsibilities.

Ensure Safe, Efficient Election Day Administration

- Maintain open in-person polling places on Election Day
- Procure Personal Protective Equipment (PPE) and personal disinfectant to protect election officials and voters from COVID-19
- Support and expand drive-thru voting, including purchase of additional signage, tents, traffic control, walkie-talkies, and safety measures

Expand Voter Education & Outreach Efforts

- Publish reminders for voters to verify and update their address, or other voter registration information, prior to the election
- Educate voters on safe voting policies and procedures

Launch Poll Worker Recruitment, Training & Safety Efforts

- Recruit and hire a sufficient number of poll workers and inspectors to ensure polling places are properly staffed, utilizing hazard pay where required
- Provide voting facilities with funds to compensate for increased site cleaning and sanitization costs
- Deliver updated training for current and new poll workers administering elections in the midst of pandemic

Support Early In-Person Voting and Vote by Mail

- Expand or maintain the number of in-person early voting sites
- Deploy additional staff and/or technology improvements to expedite and improve mail ballot processing

See <https://www.techandcivicliflife.org/our-work/election-officials/grants/>. See also Exhibit

A.

45. CTCL, on its website, answers the question “How do I know that my office is eligible to receive a grant?”:

If your U.S. election office is responsible for administering election activities covered by the grant, you’re eligible to apply for grant funds.

See <https://www.techandcivicliflife.org/our-work/election-officials/grants/>.

46. CTCL, on its website, answers the question “How much money is my office eligible to apply for?”:

Your election office will be eligible to apply for a grant amount based on a formula that considers the citizen voting age population and other demographic data of your jurisdiction. Minimum grants will be \$5,000. You may choose to receive less than the offered amount if your needs or eligible expenses do not reach that amount.

See <https://www.techandcivicliflife.org/our-work/election-officials/grants/>.

47. CTCL, on its website, answers the question “What if I share election responsibilities with another local government office?”:

If you share election responsibilities with another local government office, you are encouraged to submit one combined application for grant funds. This means you’ll coordinate with your other local government offices.

See <https://www.techandcivicliflife.org/our-work/election-officials/grants/>.

48. CTCL, on its website, answers the question “What information does my office need to provide in the grant application?”:

You will need to provide the following information in your grant application:

- Number of active registered voters in the election office jurisdiction as of September 1, 2020
- Number of full-time staff (or equivalent) on the election team as of September 1, 2020
- Election office 2020 budget as of September 1, 2020
- Election office W-9
- Local government body who needs to approve the grant funding (if any)
- What government official or government agency the grant agreement should be addressed to

See <https://www.techandcivicliflife.org/our-work/election-officials/grants/>.

49. CTCL, on its website, answers the question “Who should submit the application for my election office?”:

Your election office’s point of contact for the grant should submit the grant application. We leave it to you to determine who should be the point of contact.

See <https://www.techandcivicliflife.org/our-work/election-officials/grants/>.

50. CTCL, on its website, answers the question “When can I submit my application?”:

You’ll be able to submit your grant application beginning the week of Tuesday, September 8, 2020.

See <https://www.techandcivicliflife.org/our-work/election-officials/grants/>.

51. CTCL, on its website, answers the question “When will my office receive the grant?”:

We recognize that election jurisdictions need funding as soon as possible to cover the unprecedented expenses of 2020 elections. We plan to move quickly! After you submit your application, CTCL anticipates that the certification and approval of your grant will take about 2 weeks. The disbursement timeline will depend on your local approval process.

See <https://www.techandcivicliflife.org/our-work/election-officials/grants/>.

52. CTCL, on its website, answers the question “Will the grant be mailed via check or transferred via wire?”:

Wiring the grant funds is faster, but you can receive the funds via a mailed check if preferred.

See <https://www.techandcivicliflife.org/our-work/election-officials/grants/>.

53. CTCL, on its website, answers the question “What reporting is required?”:

You will be required to submit a report that indicates how you spent the grant funds. The report will be in a format that should not be overly burdensome.

See <https://www.techandciviclelife.org/our-work/election-officials/grants/>.

54. CTCL, on its website, answers the question “When do I report how my office spent the funds?”:

You’ll need to submit your grant report by January 31, 2021.

See <https://www.techandciviclelife.org/our-work/election-officials/grants/>.

CTCL’s private federal election grants are targeted toward counties and cities with demographics that show overwhelmingly progressive voters.

55. The local governments that CTCL have funded have demographics with overwhelmingly progressive voters. For example, Wayne County, Michigan, voted in 2016 for Hillary Clinton at 94.95% rate over Donald Trump. As the chart below shows, CTCL’s private federal election grants are targeting cities with high rates of progressive voters.

Jurisdiction/City	Grant Amount (in dollars)	Trump 2016	Clinton 2016		Clinton Percentage
Green Bay City, WI	1,093,400	19,821	21,291		70.88%
Kenosha City, WI	862,779	15,829	22,849		58.98%
Madison City, WI	1,271,788	23,053	120,078		83.89%
Milwaukee City, WI	2,154,500	45,167	188,653		80.68%
Racine City, WI	942,100	8,934	19,029		68.05%
Philadelphia City, PA	10,000,000	108,748	584,025		84.30%
Wayne County, MI-Detroit	3,512,000	7,682	234,871		94.95%
Flint City, MI	475,625	4,572	24,790		84.42%
East Lansing, MI	8,500	4,147	13,073		75.9%
Lansing, MI	440,000	11,219	32,716		74.46%
Minneapolis, MN	3,000,000	25,693	174,585		87.17%
Fulton County, GA - Atlanta	6,000,000	110,372	281,875		69.2%
Richland County, SC	730,000	52,469	108,000		67.2%
Delaware County, PA	2,200,000	110,667	177,402		61.58%
Totals		548,373	2,003,237		78.50%

56. Minneapolis voted in 2016 for Hillary Clinton at an 87.17% rate over Donald Trump.

CTCL's 2020 private federal election grants

57. In 2020, CTCL has provided private federal election grants to cities and counties in at least Minnesota, Pennsylvania, Wisconsin, Michigan, South Carolina and Georgia.

58. All these states have something in common: state legislatures who will not accept CTCL's private federal elections grants.

59. So, CTCL, to accomplish its objective of turning out progressive votes in the urban cities, has circumvented these state legislatures by recruiting local governments to apply and agree to accept CTCL's private federal election grants.

60. CTCL's private federal election grants to counties and cities in Minnesota, Pennsylvania, Wisconsin, Michigan, South Carolina and Georgia were not approved by Congress nor by the respective state legislatures.

61. For example, CTCL recently provided a \$10 million private federal election grant to the City of Philadelphia. The \$10 million is to apportioned as follows:

1. \$5.5 million towards materials and processing equipment for mail-in and absentee voting
2. \$2.27 million towards satellite election offices for in-person mail-in voting
3. \$1.32 million towards in-person voting at polling places on election day
4. \$552,000 for secure dropboxes and other needs
5. \$370,000 for printing, postage, and other needs

62. CTCL's private federal election grant to Philadelphia was not approved by Congress nor by the Pennsylvania state legislature.

63. Similarly, recently, CTCL awarded its \$3,000,000 private federal election grant to the City of Minneapolis.

64. CTCL's private federal election grant to Minneapolis was not approved by Congress nor by the Minnesota state legislature.

CTCL's private federal election grants are to increase voter participation in the City of Minneapolis which can be accomplished without creation of a public-private partnership regarding Minneapolis's election administration.

65. CTCL's private federal election grants are to increase voter participation in the City of Minneapolis.

66. CTCL's goal of increasing voter participation in the City of Minneapolis can be accomplished without the funding through the City of Minneapolis.

67. Instead, CTCL could spend the funds directly on get-out-to-vote (GOTV) efforts like other non-profits do.

68. Therefore, for CTCL to accomplish its goal of increasing voter participation in the City of Minneapolis, it is unnecessary for there to be a public-private partnership between CTCL and the City of Minneapolis regarding Minneapolis's election administration.

COUNT I

The City of Minneapolis acts ultra vires, without legal authority, to form a public-private partnership for federal election administration with CTCL by accepting and using CTCL's private federal election grant, because preemption applies under the Elections Clause, Supremacy Clause, HAVA, and NVRA.

69. The Plaintiffs incorporate this complaint's previous paragraphs.

70. The City of Minneapolis acts ultra vires, without legal authority, to form a public-private partnership for federal election administration with CTCL by accepting and

using CTCL’s private federal election grant, because preemption applies under the Elections Clause, Supremacy Clause, HAVA, and NVRA.

71. The Center for Tech and Civic Life (CTCL) has distributed or is about to distribute a private federal election grants, totaling \$3,000,000, to the City of Minneapolis.

72. But, HAVA left discretion to the “states,” not the cities, on how to implement federal elections:

The specific choices on the methods of complying with the requirements of this subchapter shall be left to the discretion of the State.³

73. Federal election law defines the word “state”:

In this chapter, the term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands.⁴

74. So, under federal election law, the City of Minneapolis is not a “state.”

75. Accordingly, the City of Minneapolis has no legal authority to form public-private partnerships for federal election administration nor to accept and use private federal election grants.

76. The following federal law and state law preempt the Minnesota cities from accepting and using private federal election grants: U.S. Constitution’s Elections Clause and Supremacy Clause, National Voters Registration Act (NVRA), 52 U.S.C. §§ 20501-20511, Help America Vote Act, 52 USC §§ 20901-21145, and Minnesota Statutes § 609.42

³ 52 U.S. Code § 21085, Pub. L. 107–252, title III, § 305 (Oct. 29, 2002), 116 Stat. 1714.

⁴ 52 USC § 21141.

77. Because of the preemptive effects of these laws, the City of Minneapolis acts ultra vires, without legal authority, to accept and use CTCL's private federal election grants and to create the public-private partnership with CTCL.

78. The Plaintiffs are entitled to prospective declaratory and injunctive relief.

79. Specifically, the following laws preempt the City of Minneapolis's actions of approving and using CTCL's private federal election grants.

U.S. Constitution's Elections Clause and Supremacy Clause

80. The U.S. Constitution, Article I's Elections Clause and Article VI's Supremacy Clause preempts CTCL's private federal elections grants to local governments.

81. The Elections Clause states:

Time, place, and manner of holding. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing [sic] Senators.

U.S. Constitution, Art. I, section 4, clause 1.

82. The Supremacy Clause states:

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

U.S. Constitution, Art. VI, para. 2.

83. The Elections Clause, as applied here, ensures that the federal government and state legislatures determine the time, place and manner of federal elections—not CTCL and local governments.

84. The Supremacy Clause, as applied here, ensures that local governments do not act contrary to federal and state law regarding federal elections.

85. The Elections Clause and Supremacy Clause preempt CTCL's private federal election grants to local governments.

86. CTCL's private federal election grants are not legally authorized by federal law nor state law.

87. The City of Minneapolis has acted ultra vires, without legal authority, in accepting and using CTCL's private federal election grants and forming the public-private partnership with CTCL for federal election administration.

The City of Minneapolis's \$3,000,000 CTCL private federal elections grant is a constitutionally-impermissible public-private partnership.

88. A government violates election law "if it skews the outcome of an election by encouraging and facilitating voting by favored demographic groups."⁵

89. The City of Minneapolis's \$3,000,000 CTCL private federal elections grant constitutes a constitutionally-impermissible public-private partnership.

90. The case law shows that Minneapolis's \$3,000,000 CTCL private federal election grant is in a subject area, federal election administration, where public-private partnerships are constitutionally impermissible.

91. The federal courts have a tradition in different subject areas of drawing a line where public-private partnerships are constitutionally impermissible. Federal elections are a

⁵ *Young v. Red Clay Consol. Sch. Dist.*, 122 A.3d 784, 858 (Del. Ch. 2015)

subject where the federals should hold that private-public partnerships are constitutionally impermissible.

92. As a preliminary matter, *Young v. Red Clay Consol. Sch. Dist.*, 122 A.3d 784, 858 (Del. Ch. 2015) reveals the dangers of a government scheme to target get-out-to-vote efforts on a favored demographic group. The school district wanted its referendum to pass; so, it targeted parents of school children and adult students for a get-out-to-vote campaign. In the *Young* decision, the court identified the school district's scheme to get-out-the-vote of the parents and adult students as also violating election law. The court held that the school district's improper influence upon a demographic group interfered with the "full, fair, and free expression of the popular will..." *Id.* The court stated that the government favoring a demographic group was equivalent to the government disfavoring a demographic group:

Historically, the law has focused on forms of "improper influence" that have interfered with the voting rights of disfavored demographic groups by dissuading or preventing them from voting through blatant means like fraud, violence, and intimidation. A government certainly violates the Elections Clause if it skews the outcome of an election in this manner. Parity of reasoning suggests that a government can violate the Elections Clause if it skews the outcome of an election by encouraging and facilitating voting by favored demographic groups. In both situations, the government has diminished the voting rights of one portion of the electorate and enhanced the voting rights of another portion of the electorate. In neither case is the election "free and equal."

Id.

93. In *Board of Education of Kiryas Joel Village School District v. Grumet*, 512 U.S. 687 (1994), the U.S. Supreme Court drew such a line finding a public-private partnership constitutionally impermissible. In *Kiryas*, the New York legislature sought to create a homogenous school district for Satmar Hasidic Jews and did so by statute. This "religious"

motive was improper for the state and the statute forming the new district was stuck down. *Id.* at 691.

94. Similarly, in *Ferguson v. City of Charleston*, 532 U.S. 67, 81-86 (U.S. 2001), the U.S. Supreme Court held another public-private partnership unconstitutionally impermissible. Here, the local prosecutor, concerned about crack babies, teamed up with the local hospital to develop a program seeking to prevent expecting mothers from using cocaine during the pregnancy. They developed a program where the hospital would test for the presence of cocaine and provide a program to help with abstinence. If the patient refused, the results were shared with the prosecutor's office which in turn would encourage participation at the threat of prosecution. The U.S. Supreme Court found the entanglement of public and private interests sufficient to conclude the blood test by the hospital was a Fourth Amendment violation by the state. *Id.* at 86.

95. Similarly, the entanglement of public and private interests involved with the City of Minneapolis accepting and using CTCL's \$3,000,000 private federal election grant is unconstitutional impermissible.

96. The idea of the federal and state government exclusively funding federal elections is to eliminate undue influence and the appearance of undue influence by private parties.

97. CTCL's private funding of federal elections re-introduces undue influence and the appearance of undue influence into federal elections—which is constitutionally impermissible.

Help America Vote Act (HAVA)

98. The Help America Vote Act (HAVA), 52 USC § 209, preempts CTCL's private federal election grants for the following reasons.

99. HAVA established the Election Assistance Commission (EAC) to assist the states regarding HAVA compliance and to distribute HAVA funds to the states.

100. EAC is also charged with creating voting system guidelines and operating the federal government's first voting system certification program.

101. EAC is also responsible for maintaining the National Voter Registration form, conducting research, and administering a national clearinghouse on elections that includes shared practices, information for voters and other resources to improve elections.

102. HAVA requires that the states implement the following new programs and procedures:

- Provisional Voting
- Voting Information
- Updated and Upgraded Voting Equipment
- Statewide Voter Registration Databases
- Voter Identification Procedures
- Administrative Complaint Procedures

In the past, Minnesota's HAVA plan, required by HAVA, was approved by the EAC.

103. HAVA's purpose was to coordinate federal and state administration of federal elections.

104. HAVA does not legally authorize local governments to accept private federal election grants.

105. HAVA's preemption prohibits local governments from accepting private federal election grants.

106. Under HAVA, the EAC is to be bi-partisan and work with all the states in a bi-partisan way.

107. The CTCL's private federal election grants circumvent the EAC and the states and thus conflict with HAVA.

108. Under HAVA, the EAC and the states work toward election plans and budgets.

109. CTCL's private federal election grants to local governments lead to deviations from the federally-approved and state-approved election administration plans and budgets—thus, conflicting with HAVA.

110. The federal and state money distributed to county and city clerks that administer elections are distributed pursuant to a legally-authorized method, that is approved by the states under the guidance of EAC, so the counties and cities receive a state-approved share for election purposes.

111. But, local governments accepting CTCL's private federal election grants, violate HAVA by injecting money into federal elections which is not approved by the EAC or the states.

112. States are not allowed to deviate from plans submitted under HAVA. Local governments accepting CTCL's private federal election grants, violate HAVA.

113. The CTCL's private federal election grants to local governments are not part of HAVA.

114. Minnesota, consistent with HAVA and under the EAC’s guidance, has already approved a fiscal plan for its elections. The CTCL’s private federal election grants to the Minnesota’s cities circumvents and violates that fiscal plan.

115. In Minnesota, it is too late for the state to modify its plan around CTCL’s private federal election grants to ensure the legally-authorized, uniform and fair election HAVA requires.

116. The Supremacy Clause, as applied to HAVA, ensures that Minnesota cities do not act contrary to HAVA regarding federal elections.

117. HAVA preempts CTCL’s private federal election grants to the cities.

118. Under the Supremacy Clause and HAVA, CTCL’s private federal election grants are not legally authorized by federal law or state law.

119. The City of Minneapolis has acted ultra vires, without legal authority, in accepting and using CTCL’s private federal election grant and forming the public-private partnership with CTCL for federal election administration.

National Voters Registration Act (NVRA)

120. National Voters Registration Act (NVRA), 52 U.S.C. §§ 20501–20511, preempts CTCL’s private federal election grants for the following reasons.

121. Congress enacted the National Voter Registration Act of 1993 (also known as the "Motor Voter Act"), to create “national procedures for voter registration for elections for Federal office.” 52 U.S.C. § 20503.

122. The Act gave responsibility to the Federal Election Commission (FEC) to provide States with guidance on the Act, to develop a national mail voter registration form,

and to compile reports on the effectiveness of the Act. A 2002 amendment in HAVA transferred the FEC's responsibilities under the Act to the EAC.

123. Section 5 of the NVRA requires states to provide individuals with the opportunity to register to vote at the same time that they apply for a driver's license or seek to renew a driver's license, and requires the State to forward the completed application to the appropriate state or local election official. 52 U.S.C. § 20504.

124. Section 6 of the NVRA provides that citizens can register to vote by mail using mail-in-forms developed by each state and the Election Assistance Commission. 52 U.S.C. § 20505.

125. Section 7 of the NVRA requires states to offer voter registration opportunities at all offices that provide public assistance and all offices that provide state-funded programs primarily engaged in providing services to persons with disabilities. Each applicant for any of these services, renewal of services, or address changes must be provided with a voter registration form or a declination form as well as assistance in completing the form and forwarding the completed application to the appropriate state or local election official. 52 U.S.C. § 20506.

126. Section 8 of the NVRA also creates requirements for how States maintain voter registration lists for federal elections. 52 U.S.C. § 20507.

127. NVRA's purpose was to coordinate federal and state administration of voter registration for federal elections and to create legally-authorized, nationwide, and uniform standards for voter registration.

128. NVRA does not legally authorize local governments to accept private federal election grants for voter registration.

129. NVRA's preemption prohibits local governments from accepting private federal election grants for voter registration.

130. Under NVRA, the EAC is to be bi-partisan and work with all the states in a bi-partisan way on voter registration for federal elections.

131. The CTCL's private federal election grants circumvent the EAC and the states and thus conflicts with NVRA.

132. Under NVRA, the EAC and the states work toward voter registration plans and budgets.

133. CTCL's private federal election grants to local governments lead to deviations from the federally-approved and state-approved election voter registration administration plans and budgets—thus, conflicting with NVRA.

134. The federal and state money distributed to county and city clerks that conduct voter registration are distributed pursuant to a legally-authorized method, that is approved by the states under the guidance of EAC, so the counties and cities receive a state-approved share for voter registration.

135. But, local governments accepting CTCL's private federal election grants, violate NVRA by injecting money into federal election voter registration which is not approved by the EAC or the states.

136. States are not allowed to deviate from the NVRA. Local governments accepting CTCL's private federal election grants, violate NVRA.

137. The CTCL's private federal election grants to local governments are not part of NVRA.

138. Minnesota, consistent with NVRA and under the EAC's guidance, has already approved a fiscal plan for voter registration for federal elections. The CTCL's private federal election grants to the Minnesota's cities circumvent and violate that fiscal plan.

139. In Minnesota, it is too late for the state to modify its plan in response to CTCL's private federal election grants to ensure the legally-authorized, uniform and fair election NVRA requires.

140. The Supremacy Clause, as applied to NVRA, ensures that Minnesota cities do not act contrary to NVRA regarding federal elections.

141. NVRA preempts CTCL's private federal election grants to the cities.

142. Under the Supremacy Clause and NVRA, CTCL's private federal election grants are not legally authorized by federal law or state law.

143. The City of Minneapolis has acted ultra vires, without legal authority, in accepting and using CTCL's private federal election grants and forming the public-private partnership with CTCL for federal election administration.

Minnesota 2020 Session Laws, ch. 77 (May 12, 202) preempts local governments from accepting private federal election grants.

144. The CTCL private federal election grant to Minneapolis is preempted because the Minnesota legislature established by law the method of appropriations and grants for elections.

145. As a city, Minneapolis cannot enact ordinances that will supersede or modify state or federal law regarding the conduct of federal elections.

146. In this regard, Congress appropriated moneys to Minnesota of which the state Legislature appropriated over \$7.4 million from the state's HAVA account to the Secretary of State as Minnesota's chief elections officer.⁶

147. The Legislature also appropriated from the state's general fund to the state's HAVA account the amount of about \$1.5 million.⁷

148. In addition, under the Federal Cares Act, the Legislature appropriated from the state's HAVA account over \$6.9 million and the state appropriated another \$1.4 million from the state's general fund to the state's HAVA account.⁸

149. Both authorizations of the Legislature identified the uses of those moneys as found under Minnesota 2020 Session Laws, Chapter 77, §3, subdivision 4.

150. The Legislature further directed the Secretary of State to administer the grants for the appropriations to Minnesota's cities and counties for COVID-19 moneys under Chapter 77, §4, subdivision 4.⁹

151. The CTCL private federal election grant to Minneapolis was never approved by the state legislature; so the CTCL private federal election grant is preempted under both federal and state law.

Minnesota Statutes § 609.42 preempts the CTCL private federal election grant to Minneapolis.

152. Minnesota Statutes § 609.42 is violated by CTCL's private federal election grants to cities.

⁶ See. Minn. 2020 Session Laws, Ch. 77, §3, subd. 1 (May 12, 2020) and Minn. Stat. §5.30.

⁷ *Id.* §3, subd. 2.

⁸ *Id.* §4, subds. 1 and 2.

⁹ Minn. Ch. 77, §

153. Minnesota election officials accepting and using CTCL's private federal election grants violate Minnesota Statutes § 609.42 prohibition on bribery.

154. Section § 609.42 prohibits public officials from receiving money if it would have an "influence."

155. The CTCL's private federal election grant was accepted by Minneapolis to turn out the progressive vote in Minneapolis where traditionally federal elections have been publicly-funded.

156. Minnesota Statutes § 609.42 states:

609.42 BRIBERY.

Subdivision 1. Acts constituting.

Whoever does any of the following is guilty of bribery and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both:...

(2) being a public officer or employee, requests, receives or agrees to receive, directly or indirectly, any such benefit, reward or consideration upon the understanding that it will have such an influence...

157. It is bribery under § 609.42 for the City of Minneapolis to accept and use CTCL's private federal election grant without a state legislative enactment approving it.

158. Minnesota Statutes § 609.42 preempts CTCL's private federal election grants to the City of Minneapolis.

159. CTCL's private federal election grant to the City of Minneapolis is not legally authorized under Minnesota Statutes § 609.42.

160. The City of Minneapolis has acted ultra vires, without legal authority, in accepting and using CTCL's private federal election grants.

Demand for Jury Trial

161. Plaintiffs demand a jury trial.

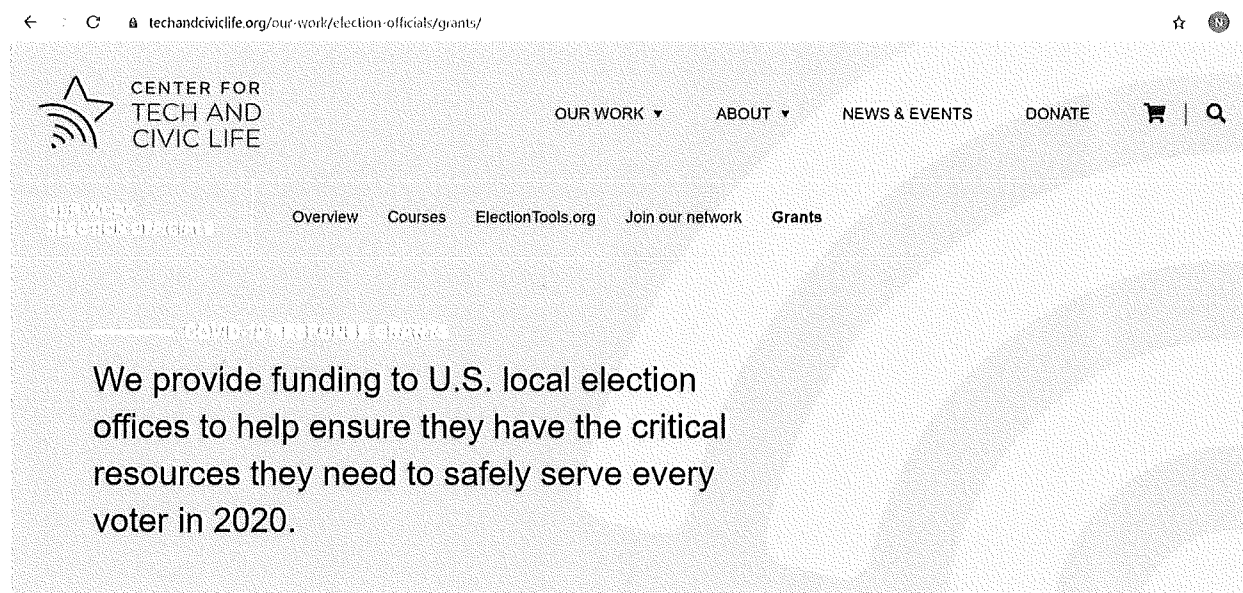
Prayer for Relief

Therefore, the Plaintiffs respectfully ask that this Court to:

1. Grant declaratory relief that the City of Minneapolis has acted ultra vires, acted without legal authority, in accepting CTCL's private federal election grants.
2. Issue an injunction enjoining the City of Minneapolis from accepting or using CTCL's private federal election grant and other private federal election grants.
3. Award the Plaintiffs all costs, expenses, and expert witness fees allowed by law;
4. Award the Plaintiffs attorneys' fees and costs allowed by law; and
5. Award the Plaintiffs such other and further relief as this Court deems just.

Dated: September 24, 2020

/s/ Erick G. Kaardal
Erick G. Kaardal, No. 1035141
Special Counsel for Amistad Project of
Thomas More Society
Mohrman, Kaardal & Erickson, P.A.
150 South Fifth Street, Suite 3100
Minneapolis, Minnesota 55402
Telephone: 612-341-1074
Facsimile: 612-341-1076
Email: kaardal@mklaw.com
Attorneys for Plaintiffs



COVID-19 RESPONSE GRANTS

We provide funding to
U.S. local election
offices to help ensure
they have the critical
resources they need to
safely serve every voter
in 2020.

The Center for Tech and Civic Life (CTCL) is excited to expand our COVID-19 Response Grant program to all U.S. local election jurisdictions. Backed by a generous \$250M contribution, CTCL will provide grants to local election jurisdictions across the country to help ensure you have the staffing, training, and equipment necessary so this November every eligible voter can participate in a safe and timely way and have their vote counted.

[APPLY FOR A COVID-19 GRANT](#)

The deadline to apply is October 1, 2020. Questions about the

COVID-19 grant application or process? Email us at help@techandcivicle.org.

Why is CTCL providing grants to election offices?

Election officials have made it clear that one of their most pressing needs is funding. Based on this, CTCL is focusing philanthropic support to directly help election offices administer safe and secure elections in November.

Who is providing the grant?

CTCL is a publicly supported 501(c)(3) nonprofit organization. CTCL is proud to have a healthy mix of financial support from foundations, individual donors, and through earned revenue. By law, CTCL's financial 990s are available for public review.

Grant funds will be disbursed from the Center for Tech and Civic Life.

Who do I reach out to with questions about the grant program?

Contact help@techandcivicle.org with any questions about the grant program.

What kind of election expenses do the grant funds cover?

Election offices can use the funds to cover certain 2020 expenses incurred between June 15, 2020 and December 31, 2020. These include, but are not limited to, the costs associated with the safe administration of the following examples of election responsibilities.

Ensure Safe, Efficient Election Day Administration

- Maintain open in-person polling places on Election Day
- Procure Personal Protective Equipment (PPE) and personal disinfectant to protect election officials and voters from COVID-19
- Support and expand drive-thru voting, including purchase of additional signage, tents, traffic control, walkie-talkies, and safety measures

Expand Voter Education & Outreach Efforts

- Publish reminders for voters to verify and update their address, or other voter registration information, prior to the election
- Educate voters on safe voting policies and procedures

Launch Poll Worker Recruitment, Training & Safety Efforts

- Recruit and hire a sufficient number of poll workers and inspectors to ensure polling places are properly staffed, utilizing hazard pay where required
- Provide voting facilities with funds to compensate

for increased site cleaning and sanitization costs

- Deliver updated training for current and new poll workers administering elections in the midst of pandemic

Support Early In-Person Voting and Vote by Mail

- Expand or maintain the number of in-person early voting sites
- Deploy additional staff and/or technology improvements to expedite and improve mail ballot processing

How do I know that my office is eligible to receive a grant?

If your U.S. election office is responsible for administering election activities covered by the grant, you're eligible to apply for grant funds.

How much money is my office eligible to apply for?

Your election office will be eligible to apply for a grant amount based on a formula that considers the citizen voting age population and other demographic data of your jurisdiction. Minimum grants will be \$5,000. You may choose to receive less than the offered amount if your needs or eligible expenses do not reach that amount.

Is this a matching funds grant?

Matching funds are not required to apply for this grant.

What if I share election responsibilities with another local government office?

If you share election responsibilities with another local government office, you are encouraged to submit one combined application for grant funds. This means you'll coordinate with your other local government offices.

What information does my office need to provide in the grant application?

You will need to provide the following information in your grant application:

- Number of active registered voters in the election office jurisdiction as of September 1, 2020
- Number of full-time staff (or equivalent) on the election team as of September 1, 2020
- Election office 2020 budget as of September 1, 2020
- Election office W-9
- Local government body who needs to approve the grant funding (if any)
- What government official or government agency the grant agreement should be addressed to

Who should submit the application for my election office?

Your election office's point of contact for the grant should submit the grant application. We leave it to you to determine who should be the point of contact.

When can I submit my application?

You'll be able to submit your grant application beginning the week of Tuesday, September 8, 2020.

When will my office receive the grant?

We recognize that election jurisdictions need funding as soon as possible to cover the unprecedented expenses of 2020 elections. We plan to move quickly! After you submit your application, CTCL anticipates that the certification and approval of your grant will take about 2 weeks. The disbursement timeline will depend on your local approval process.

Will the grant be mailed via check or transferred via wire?

Wiring the grant funds is faster, but you can receive the funds via a mailed check if preferred.

What reporting is required?

You will be required to submit a report that indicates how

you spent the grant funds. The report will be in a format that should not be overly burdensome.

When do I report how my office spent the funds?

You'll need to submit your grant report by January 31, 2021.



CENTER FOR
TECH AND
CIVIC LIFE

Sign up for our email of election administration best practices, ELECTricity.

hello@techandcivicle.org

Media Inquiries:
Email -
press@techandcivicle.org
Phone - (872) 204-5714

First Name

Email Address

SUBMIT

ABOUT

- Our story
- Our people
- Key funders and partners
- Careers
- Invite us to speak

OUR WORK

- Election Officials
- Civic Data

- News & events
- Donate
- Privacy Policy

CONNECT

LISTEN LIVE

SEARCH

MENU

DONATE

CHICAGO'S **npr** NEWS SOURCEPolitics

'Not Plan A': Charities Are Stepping Up To Pay For 2020 Elections

By Nicholas Riccardi/Associated Press

Sept. 18, 6 a.m. CT



After Congress failed to approve funding to help election officials adjust to an expected avalanche of mail ballots, philanthropy is stepping in. J. Scott Applewhite / Associated Press



EXHIBIT B

After Congress failed to approve funding to help election officials adjust to an expected avalanche of mail ballots, philanthropy is stepping in. J. Scott Applewhite / Associated Press

Politics

‘Not Plan A’: Charities Are Stepping Up To Pay For 2020 Elections

By Nicholas Riccardi/Associated Press

Sept. 18, 6 a.m. CT

As Congress balks, well-funded nonprofits are donating hundreds of millions of dollars to help state and local officials run elections during the pandemic — a sudden infusion of private cash in what was once considered a core government function.

Facebook founder Mark Zuckerberg and his wife, Priscilla Chan, earlier this month announced they will donate \$300 million to two nonpartisan nonprofits. The groups, the Center for Tech and Civic Life and Center for Election Innovation and Research, will funnel the money to local officials working “to ensure that everyone can vote and every vote can be counted,” Zuckerberg said in announcing



The Center for Tech and Civic Life had already doled out more than \$20 million from other donors — money that allowed the city of Philadelphia to double its election budget and quadruple its mail-ballot-processing capacity. In Milwaukee, its contribution is helping recruit as many as 1,000 new poll workers. In Fulton County, Georgia, the cash will help keep open more polling places after a June primary plagued by last-minute closures of polling places.

The nonprofits' involvement was welcomed by election officials who have been pleading with state and federal lawmakers for help paying for a raft of new equipment, protective gear and staff needed to adjust for the surge of mail-in voting expected this year. Congress sent money in March, largely to assist with primary elections. Republicans have blocked Democratic attempts to allocate more.

The direct infusion of millions of dollars marks a new level in private funding for a core public responsibility. The cash comes with a new set of questions about donor transparency, motivations and the influence of groups and figures that are not democratically accountable.

Sign up for The Rundown and be entered to win a Chicago mask.

Your email

SIGN ME UP!

NOT NOW

“This is not Plan A,” said David Becker, head of the Center for Election Innovation and Research, which received \$50 million from Zuckerberg and Chan. However, Becker said his group, which until this year normally raised about a million dollars a year, was trying to respond to what he considered an emergency caused by the pandemic.

With the election nearing, “failure is not an option,” he said.

Charitable institutions have long played supportive roles in elections by



activity has picked up dramatically. Companies like Microsoft and Target have announced they'll give paid leave to employees who work the polls. Basketball teams have promised to turn sports arenas into polling centers at no cost.

But the amount of money and direct payments to public agencies that run elections mark a dramatic new level of mobilization. Election advocates say it was necessitated by Congress' failure to step in.

The CARES Act, passed in late March, allocated \$400 million to election agencies to help update voting systems. The Brennan Center for Justice, a voting rights advocacy group, estimated it could cost \$4 billion to prepare the election offices across the country.

SUPPORT FOR WBEZ COMES FROM

AND YOUR MEMBERSHIP

House Democrats in May approved a second coronavirus relief bill that included an additional \$3.6 billion, but Senate Republicans didn't act on the measure. Instead, last week they proposed their own "skinny" bill that did not have any election money and that did not pass the Senate.

"Congress allocated \$60 billion to the airlines and only \$400 million to thousands of election offices across 50 states," said Amber McReynolds, whose nonprofit Vote from Home hopes to begin distributing small grants to help local offices pay for ballot drop boxes and electronic tracking of mail ballots.

The Chicago-based Center for Tech and Civic Life began doling out grants this summer. The organization was founded in 2012 by former staffers at the



EXHIBIT B

bipartisan — its board includes Pam Anderson, a Republican former election administrator in suburban Denver. The group says its stated mission is using technology to modernize voting.

Federal records show it has typically raised about \$1 million annually before this year. But donations have been flowing in as concern mounts over the ability of election officials to handle November. The Center gave \$6.2 million to Wisconsin's five largest cities, \$10 million to Philadelphia, and \$6 million to Fulton County, which includes Atlanta. Zuckerberg and Chan then contributed an additional \$250 million.

The CTCL declined to disclose its other donors for the year or itemize all its contributions to local offices.

The group says the money will go toward recruiting poll workers and implementing drive-up voting sites, while the money to the CEIR, the second, unrelated nonprofit, will go to public information campaigns explaining mail balloting procedures and logistics on pandemic voting.

Anderson, who is also on the board of CEIR, said nobody thinks the situation is ideal. "I hope it leads to a broader conversation about funding election administration — if we want it, let's fund it," she said.

Becker, who expects to have his share of the grant distributed as soon as the end of the month, said the money will be critical in ensuring the public has confidence in the election. But, he noted, it comes too late for most election offices to make major changes, like buying expensive mail-sorting machines or updating voting systems.

"What they could have done with billions in June is very different than what they can do now," Becker said. "Running an efficient election should be something government invests in."

The donation from Zuckerberg, who made his fortune creating a social media behemoth that is a center of false claims about the election and voting, has frustrated some who see it as a bid for good public relations.



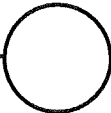
the world, a donation in the final weeks of the election is too little, too late,” said Tara McGowan, a Democratic digital strategist.

Conservatives note the Democratic origins of CTCL and that its donations have predominantly been in areas where Democrats depend on votes. The group has announced an upcoming series of grants to rural areas but hasn’t provided specifics.

“I cannot believe people of such partisanship will put their partisanship aside while taking hundreds of millions of dollars and distributing it to election offices,” said Scott Walter, head of the conservative Capital Research Center, which monitors nonprofits.

Still, Walter acknowledged, conservative-leaning nonprofits — and the GOP Senate — have not stepped in to help elections officials.

“Honestly, I wish the right would do it, not only so the election would be more balanced but so we could have an honest debate about whether [charities] should do this,” Walter said.



Wearing a mask protects you from the virus, The Rundown newsletter protects you from misinformation.

Sign up and get a chance to win a mask.

Your email

SIGN ME UP! NOT NOW

Top stories

CUB’s ‘Conflict’: How A Utility Watchdog Got Millions From The Utilities It Watches



Washington Politics Could Be About To Enter A 'Post-Apocalyptic' Phase

After A Brutal Summer, Restaurants Worry About How Much Worse The Winter Will Be

Here's Why Chicagoan Chinese Residents Are Anxious About The WeChat Ban

91.5 CHICAGO

ABOUT US

Careers

Staff

Contact Us

The Sounding Board

Radio Schedule

Board of Directors

Public & Financial Documents

CONNECT

Sign Up for our Newsletter

Volunteer

Events Calendar

Wait Wait ... Don't Tell Me! Tickets



SUPPORT

[Donate](#)

[Join our Giving Circles](#)

[Donate Your Car](#)

[Gifts of Securities](#)

[Planned Giving](#)

[Matching Gifts](#)

[Become a Sponsor](#)

[Manage Your Membership Account](#)

[© 2020 Chicago Public Media Inc.](#)

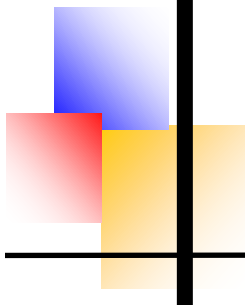
[Privacy Policy](#)

[Terms of Use](#)

[FCC Public Filing Info](#)

[Notice of FCC Applications](#)





THE AMISTAD
Journey



The Legitimacy and Effect of Private Funding in Federal and State Electoral Processes

Prepared for:

Phill Kline
Thomas More Society
309 West Washington Street,
Suite 1250
Chicago, IL 60606



“Complex Problems Solved Well”

Principal Author:

J.R. Carlson
Stillwater Technical Solutions
PO Box 93
Garden City, KS 67846
jcarlson@stillwateroffice.net

December 14, 2020

Executive Summary

The 2020 presidential election witnessed an unprecedented and coordinated public-private partnership to improperly influence the 2020 presidential election on behalf of one particular candidate and party.

Funded by hundreds of millions of dollars from Facebook founder Mark Zuckerberg and other high-tech interests, activist organizations created a two-tiered election system that treated voters differently depending on whether they lived in Democrat or Republican strongholds.

Private monies dictated city and county election management contrary to both federal law and state election plans endorsed and developed by state legislatures with authority granted by the United States Constitution.

Moreover, executive officials in swing states facilitated, through unique and novel contracts, the sharing of private and sensitive information about citizens within those states with private interests, some whom actively promote leftist candidates and agendas.

This data sharing allowed direct access to data of unique political value to leftist causes, and created new vulnerabilities for digital manipulation of state electronic poll books and counting systems and machines.

This public-private partnership in these swing states effectively placed government's thumb on the scale to help these private interests achieve their objectives and to benefit the candidates of one political party.

The Amistad Project began monitoring these activities beginning in the spring of 2019, originally focusing on the digital vulnerabilities of state election systems.

Amistad became aware that states and local election officials failed to maintain the legal right to access computer logs on the machines

counting ballots. The first step to engage any computer forensic examination is to gain access to machine logs, yet scores of election officials failed to maintain the right to even review such information, much less establish a method for bipartisan review.

In effect, America purchased a complex ballot box (computer) into which its votes would be deposited, but didn't have the right to open the box and review the count.

As COVID escalated in March of 2020, The Amistad Project began witnessing troubling efforts to undermine the integrity of the 2020 by assaulting laws designed to protect the integrity of the absentee ballot.

The use of absentee ballots is uniquely vulnerable to fraud, as detailed in a special bipartisan congressional report authored by former President Jimmy Carter and James Baker.

In-person voting occurs with trained election officials present. These officials deter voter intimidation and coercion and are trained to educate, not mislead, the voter when completing the ballot. Moreover, in-person voting allows for voter identification. When the ballot leaves government controls, new challenges are present. There are few identity checks and no assurance the ballot was completed without intimidation, coercion, inducement, or by a person other than the voter.

Accordingly, states have basic, common-sense laws protecting the integrity of the absentee, advance, or mailed ballot.

Beginning in the spring of 2020, left-leaning organizations filed a massive number of lawsuits to challenge these integrity laws. Lawsuits sought to set aside witness requirements, identification requirements, deadlines, delivery requirements, ballot deadlines, signature requirements, application requirements, and even argued that the Constitution required all returned ballot envelopes be postage prepaid due to COVID.

Swing state governors also started issuing emergency executive orders shutting down in-person voting while pouring new state resources into encouraging persons to vote in advance.

Polling data revealed this coordinated assault on in-person voting generally favored Democrat Party voters who preferred to vote in advance, while placing Republicans, who preferred to vote in person, at a disadvantage.

These actions represent the beginning of the formation of a two-tier election system favoring one demographic while disadvantaging another demographic.

Also in March 2020, David Plouffe, former campaign manager for President Barak Obama, published his book entitled *A Citizen's Guide to Defeating Donald Trump*. At the time, Plouffe was working for the charitable initiative of Mark Zuckerberg and his wife Priscilla Chan.

On page 81 of his book, Plouffe correctly identifies that the 2020 general election will come down to a “block by block street fight” to turn out the vote in the urban core, a key stronghold of Democrat Party votes. Plouffe specifically highlighted high turnouts in Milwaukee, Detroit, and Philadelphia as the key to a Democrat victory.

Soon after, we witnessed the rumblings of a previously sleepy 501(c)(3) organization entitled the Center for Tech and Civic Life (CTCL) whose previous annual revenues never exceeded \$1.2 million.

CTCL began sending agents into states to recruit certain Democrat strongholds to prepare grants requesting monies from CTCL.

For example, CTCL inked a \$100,000 grant to the Mayor of Racine, WI in May of 2020 directing the Mayor to recruit four other cities (Green Bay, Kenosha, Madison, and Milwaukee) to develop a joint grant request of CTCL. This effort results in these cities submitting a “Wisconsin Safe Election Plan” on June 15, 2020 to CTCL and, in turn,

receiving \$6.3 million to implement the plan. This privatization of elections undermines the Help America Vote Act (HAVA), which requires state election plans to be submitted to federal officials and approved and requires respect for equal protection by making all resources available equally to all voters.

The provision of Zuckerberg-CTCL funds allowed these Democrat strongholds to spend roughly \$47 per voter, compared to \$4 to \$7 per voter in traditionally Republican areas of the state.

Moreover, this recruiting of targeted jurisdictions for specific government action and funding runs contrary to legislative election plans and invites government to play favorites in the election process.

The “Wisconsin Safe Election Plan” was not authored by the state, and considered state election integrity laws as obstacles and nuisances to be ignored or circumvented. Moreover, CTCL retained the right, in the grant document, to, in its sole discretion, order all funds returned if the grantee cities did not conduct the election consistent with CTCL dictates.

Effectively, CTCL managed the election in these five cities. And this plan violated state law in, at least, the following fashion:

- 1) The plan circumvented voter identification requirements for absentee ballots by attempting to classify all voters as “indefinitely confined” due to COVID and later, after Wisconsin Supreme Court criticism, by ordering election clerks to not question such claims.
- 2) The plan initiated the use of drop boxes for ballot collection, significantly breaching the chain of custody of the ballot and failing to maintain proper logs and reviews to ensure all properly cast ballots were counted and all improperly cast ballots were not counted.
- 3) Initiated the consolidation of counting centers, justifying the flow of hundreds of thousands of ballots to one location and the marginalization of Republican poll watchers such that bipartisan

participation in the management, handling, and counting of the ballots was compromised.

These are but examples of radical changes in election processes that opened the door for significant fraud.

The disparate impact of Zuckerberg funding is also present in the analysis of CTCL funding in Pennsylvania. Documents obtained through court order revealed communication between the City of Philadelphia and CTCL emphasizing that CTCL paid election judges in Philadelphia and other election officials. CTCL mandated Philadelphia to increase its polling locations and to use drop boxes and eventually mobile pick-up units. Moreover, Zuckerberg monies allowed Philadelphia to “cure” absentee ballots in a manner not provided for in Republican areas of the state.

In Democrat Delaware County, Pennsylvania, one drop box was placed every four square miles and for every 4,000 voters. In the 59 counties carried by Trump in 2016, there was one drop box for every 1,100 square miles and every 72,000 voters. Government encouraging a targeted demographic to turn out the vote is the opposite side of the same coin as government targeting a demographic to suppress the vote.

This two-tiered election system allowed voters in Democrat strongholds to stroll down the street to vote while voters in Republican strongholds had to go on the equivalent of a “where’s Waldo” hunt.

These irregularities existed wherever Zuckerberg’s money was granted to local election officials. In effect, Mark Zuckerberg was invited into the counting room, and the American people were kicked out.

Additionally, Amistad became alarmed at the new vulnerabilities created in our election system with “data sharing agreements” that gave left-leaning third-party organizations front door access to electronic poll books.

Rock the Vote and other organizations inked agreements with blue state election officials to enter new registrations into state poll books. Such agreements are unprecedented and unwise.

Previously, voter registrations were entered solely by election clerks, who have three important checks on their authority. These checks are: 1) they must be transparent subject to FOIA and open records laws; 2) they are geographically limited rendering audits manageable; and 3) they are politically accountable. No such checks apply to Rock the Vote.

Allowing such access creates new digital vulnerabilities easily allowing nefarious actors to access poll books and alter entries.

The Amistad Project's concerns were amplified by the nature of a contract offered by Michigan's health director to a subsidiary of NGP VAN, a Democrat fundraiser and data services company.

Michigan granted the COVID tracing contract to Michigan VAN as a subsidiary of NGP VAN. The contract allowed this leftist organization to demand sensitive information from Michigan citizens at the threat of arrest. Citizens could be ordered to turn over medical records, travel information, the names of associates and friends, and other information with a significant privacy interest and of significant monetary value to a political fundraiser.

Emails later obtained through FOIA requests demonstrate Governor Whitmer's political director was involved in suggesting to the health department that they not directly contract with NGP VAN because of possible political fallout. Governor Whitmer's staffer recommended NGP VAN create a Michigan subsidiary and that the subsidiary become a subcontractor so as to conceal NGP VAN's involvement. When this information became public, Whitmer claimed she was unaware of the agreement and faced with public pressure, she rescinded the contract.

At this time, The Amistad Project decided to retain the services of Stillwater and Mr. Carlson to develop this report. Stillwater has and will

continue to play a critical role in The Amistad Project's understanding of the privatization of the 2020 election.

Stillwater has engaged in extensive research of law, procedures, city documents, and public documents to reveal the workings of these private interests directing the 2020 election.

This report reveals those relationships and the method in which public officials partnered with private interests to improperly influence the 2020 election.

Managing elections is a core government function that cannot be trusted to private interests. We must not privatize our elections. Such privatization threatens democracy, silences the voice of the electorate, and undermines election integrity. These concerns should transcend party affiliation and this threat requires a bipartisan response. We will continue to expose these issues so our nation may adequately respond to this threat to the election process.

-- Phill Kline, Director of the Amistad Project of the Thomas More Society

AUTHORS PREFACE

Using the COVID-19 flu pandemic as justification and the excuse that local elections lacked funding to facilitate safe elections, a well-funded network of foundations and non-profit organizations gave hundreds of millions of dollars of private funding directly to counties and municipalities across Michigan, Wisconsin, and Pennsylvania for electoral purposes.

The illegitimate infusion of private funding and third-party promotion of training, equipment, security, staffing and reporting programs by a network of private nonprofits at the local level bypassed state administrative processes, violated legislative prerogatives codified in state Help America Vote Plans (HAVA), and resulted in questions about the integrity of the US electoral system.

This report places in context and raises substantive questions about last minute gifting of private funding by five progressive, non-profit foundations and ten non-profit organizations into the local elections of swing states.

We begin by documenting longstanding federal and state authorities through which elections are to be funded and administered, factually demonstrating the adequacy and availability of public funding for the 2020 general election.

Because the availability of adequate public funding severely contrasted the narrative by the Center for Technology and Civic Life (CTCL) that private monies were needed for safe administration of public elections, we explored the background of CTCL and discovered a deep and integrated apparatus of progressive foundations and affiliated non-profits whose mission is to transition the bottom-up, electoral system of the United States to a top down, electronic system that centralizes voter information, interfaces with state registration databases, and promotes advocacy, all of which could, over time, have the capacity to exert strong local influence on the electoral processes of the United States.

It is not difficult for even the most casual of observers to conclude that the presence of private funding in public elections simply is not a good idea. In fact, the use of public/private partnerships for elections is neither wise nor legal, and if allowed to continue unchecked will create a dependency of local governments on funding from a select group of people who can afford to promote their own causes.

Our particular concern lies not with the influence of foundations and their cooperating non-profits, but instead with the elected officials who accessed the funding and Secretaries of State who understood - even enabled - the influence of non-profits to take place within their states.

We leave it to the readers of this report and those in authority to investigate our findings, buttress the existing electoral system, or take the necessary actions to ensure electoral processes are truly safe and secure.

Table of Contents

1.0 BACKGROUND	1
1.1 <i>Introduction; Situation Appraisal</i>	1
1.2 <i>State Electoral Authority; The Help America Vote Act</i>	1
1.3 <i>Supplementary Funding for Administration of 2020 General Election</i>	2
1.4 <i>The Structure and Role of Non-Profits in Affecting Elections</i>	3
2.0 STATEMENT OF ISSUES	4
2.1 <i>Focus Topics</i>	4
3.0 CONFLICT ANALYSIS	7
4.0 CONCLUDING REMARKS	16

Tables

Table of Private Non-profit Associations in Elections - Policy	5
Table of Private Non-profit Associations in Elections - Advocacy	6
HAVA and CARES Funding Plus State Matching Funds for 2020 Elections	9
Estimated CARES Act Expenditures 20 Days Post Primary Election	9
Government Funding and CTCL Grant Funding	9

ATTACHMENTS

ATTACHMENT A: Flowchart: The Relationship of Foundations and Non-profit Organizations Involved in US Electoral Policy
ATTACHMENT B: Charts, Graphs, and Tables

1.0 BACKGROUND

1.1 Situation Appraisal -

Disruption of the 2020 US general election can be traced to infusion of private funding from non-profit foundations and organizations to local counties and municipalities of swing states. The injection of **hundreds of millions of dollars** in early summer of 2020 violated legislatively adopted regulatory plans, bypassed adequately funded state electoral programs, and resulted in an unbalanced distribution of funding among precincts.

The early infusion of funding and non-profit advisory services, when combined with errant directives from senior state electoral officials, confused and encouraged county officials into appointing untrained personnel, installing unapproved ballot processing equipment, illegitimately relocating precincts or ballot boxes, or otherwise making decisions that had a disparate influence on specific voting blocs of swing states. Ultimately, infusion of private funding brought about a nationwide level of confusion that has resulted in lawsuits that has led to a loss of confidence in the US electoral system.

This report explores the legitimacy, legality, and wisdom of blending the governmental administration of elections with the influence brought about by embracing private/public partnership through grants into elections. Historically, public officials have been skeptical of lowering the bright line distinction between the public and private sectors - and the example of disruption caused by private funding into Michigan, Wisconsin, and Pennsylvania during the 2020 elections demonstrates why.

Having demonstrated the adequacy of existing federal appropriations and the soundness of the existing electoral framework, we then explore the background, structure, and mission of a foundation/non-profit apparatus whose mission is to erode confidence in US electoral processes, blend government and private sector functions, and gain access to state-by-state voter information.

Following a review of the adequacy of public funding and the structure and intent of non-profits and foundations to access state databases and influence elections, we then present data to demonstrate that the infusion of private funding in the 2020 election cycle had a disparate and political end – to increase the total number of votes in select Democrat leaning precincts.

1.2 State Electoral Authority; The Help America Vote Act -

The authority to administer state and federal elections is the sole prerogative of the Michigan, Wisconsin, Pennsylvania, and other state legislatures.¹ These state legislatures maintain authority to enact statutes, make fiscal appropriations, and delegate responsibility to executive electoral commissions - who in turn are responsible for the integrity, security, and administration of elections throughout the state.

¹ [U.S. Const. Art. I, § 4](#)

State electoral commissions who receive Help America Vote Act HAVA funding enact policies, support county and municipal officials in their individual precincts, and have a responsibility to administer policy in accordance with the HAVA and Elections Assistance Commission (EAC) mandates and standards. The mechanism for ensuring electoral policy administration at the state and county level is the legislatively appointed state HAVA implementation plan. The states of Michigan,² Wisconsin,³ and Pennsylvania⁴ all have a longstanding regulatory system based upon certified HAVA Plans that govern elections and implement electoral policies. For their part, counties and municipalities who receive HAVA funding are required to maintain HAVA compliance agreements with their respective state.

The state HAVA implementation plans contain specific requirements and protocols for: 1) ensuring the security and integrity of voter information systems; 2) effecting voter communication; 3) recruiting and training poll workers; 4) enacting plans to improve voter access; and 5) auditing and reporting under HAVA funding programs.^{5,6}

Preparation and revision of State HAVA implementation plans are subject to the Administrative Procedure Act (APA) of the individual states. State APA procedures impose public notification, opportunities for public comment, and other protective, procedural constraints on electoral commissions before HAVA implementation plans may legitimately be enacted or substantively modified. Promoting or undertaking activities outside the HAVA system bypasses state APA procedures and violates state APA requirements.

1.3 Supplementary Funding for Administration of 2020 General Election -

On March 27, 2020, the Congress enacted the Coronavirus Aid Relief and Economic Security (CARES) Act^{7,8} which appropriated an additional \$400 million dollars to the EAC for dissemination to the states:

“to prevent, prepare for, and respond to coronavirus, domestically or internationally, for the 2020 Federal election cycle.”

The CARES Act requires state agencies to coordinate with the Pandemic Response Accountability Committee, and funding from the CARES Act was to be disseminated to counties through the HAVA state implementation system. In response to mounting election-related costs from COVID-19, some states appropriated even more funding for administration of county and municipal elections. In Wisconsin, the state legislature

² [Certified Michigan HAVA State Plan of 2003. Terri Lynn Land Secretary. FR Vol. 69 No. 57 March 24 2004](#)

³ [Certified Wisconsin HAVA State Plan of 2003. WI Elections Board. FR Vol. 69 No. 57 March 24 2004](#)

⁴ [Certified Pennsylvania HAVA State Plan of 2003. Edward Rendell Governor, P.A. Cortes Secretary FR Vol. 69 No. 57 March 24 2004](#)

⁵ [41 CFR Part 105-71. Uniform Administrative Requirements for Grants and Cooperative Agreements with State and Local Governments](#)

⁶ [OMB Circular A 133 Audits of States, Local Governments and Non Profit Organizations, June, 2003](#)

⁷ [Elections Assistance Commission. Plans for Use of CARES Act Funds. Report to Pandemic Response Committee.](#)

⁸ [Federal Election Assistance Commission. Post Primary CARES Act Expenditure Report. September 22, 2020](#)

funded an aid program called *Wisconsin Routes to Recovery*.⁹ The *Routes to Recovery* program was enacted to reimburse local governments for unbudgeted expenditures due to the COVID-19 pandemic.

In late November 2020, Wisconsin reported that of its 1,850 municipalities, only 1,265 had applied for CARES election funding. After the November general election, Wisconsin reported a CARES funding surplus of \$1,198,511.¹⁰ As of November 23, 2020, Pennsylvania reported surplus CARES funds of \$953,839.¹¹ As of this report, Michigan had not submitted a November report to the EAC as required; however, following the primary election Michigan CARES had a fund surplus of \$4,663,819.¹²

During the same timeframe, the Wisconsin municipalities of Racine, Madison, Milwaukee, Green Bay, and Kenosha actively pursued private grant funding from the Center for Technology and Civic Life (CTCL) for funding of elections expenses that included equipment, salary, training, and even a \$250,000 motor home.¹³ The grant applications, governmental approval documents, and other information was previously reported by STS.¹⁴

Because adequate funding for elections administration was available in Michigan, Wisconsin, and Pennsylvania, the CTCL narrative that it needed to provide funding for safe and secure elections was at best naïve, and at worst, an outright falsehood. The presence of ample sources of public funding rendered the infusion of any private funding unjustified, unnecessary, and disruptive to electoral processes.

1.4 The Structure and Role of Non-profits in Affecting Elections -

Shortly following the inauguration of President Obama in 2009, a network of special-use non-profit organizations was created to collect, aggregate, and analyze information collected from third party users, such as Turbo Vote, who have access to state databases for the purpose of influencing US elections and electoral policy. These well-funded non-profits share leadership, are centrally coordinated, and have the common mission of amassing and analyzing voter information to influence campaigns, promote activism, and affect elections. Attachment A presents an organizational chart of foundations and non-profits involved in US electoral policy.

The multiple layered, special-use non-profit model also provides an outward appearance of strength, assures political cover for donors, and affords a convenient conduit to quickly channel funding to loosely knit street activists. This special-use non-profit apparatus is not unique to elections, as progressive activists have been using similar networks to influence public lands policy, for expansion of the environmental movement, and in influence of administrative government policy.¹⁵

⁹ [Guidance. Wisconsin Routes to Recovery Reimbursement Program. September 25 2020](#)

¹⁰ [Wisconsin Cares Nov 23 Report](#)

¹¹ [Pennsylvania Cares Nov 23 Report](#)

¹² [Michigan Cares Aug 24 Report](#)

¹³ [Wisconsin Safe Voting Plan](#)

¹⁴ [STS Timeline of Electoral Activities FINAL12/14/20](#)

¹⁵ [The Chain of Command. How Billionaires and Foundations Control Environmental Movement. US Senate Report July 30 2014](#)

The multi-level non-profit structure also affords a convenient way to shield donors, because non-profits can shift resources among themselves, making tracing and discovery more difficult and time consuming. Specialization also gives a perception of separation and impartiality, traits which are particularly important for those non-profits who seek to influence electoral policy, promote academic standards, or influence cyber security policy.

2.0 STATEMENT OF ISSUES

2.1 Focus Topics -

- 1) Whether state certified HAVA implementation plans or state legislative prerogatives were compromised through the infusion of private grants from the Center for Technology and Civic Life (CTCL) into local elections;
- 2) If appropriations from federal, state, or local sources were sufficient to completely fund the 2020 general election, rendering funding from public/private partnerships unnecessary;
- 3) Whether the reporting and claw back provisions in private grant agreements between CTCL and local governments presents a future audit, bonding, or pension liability to counties who received the CTCL grants.¹⁶

¹⁶ [41 CFR Part 105-71. Uniform Administrative Requirements for Grants and Cooperative Agreements with State and Local Governments](#)

Private Non-profit Associations Involved in Elections - Policy

POLICY				
Organization	Function	Key People	Funders	
Electronic Registration Information Center (ERIC)	<ul style="list-style-type: none"> Governmental Association of State Secretaries Access to motor vehicle information Promotes centralized access and sharing of state registration and motor vehicle databases Funded by states; subject to IRS Instrumentalities rules and FOIA 	<ul style="list-style-type: none"> David Becker - CEO Pam Anderson - EO of Colorado County Clerks Kevin Kennedy - Former Wisconsin Chief Election official 	<ul style="list-style-type: none"> Democracy Works 	
National Vote at Home Institute (NVHI)	<ul style="list-style-type: none"> Promotes comprehensive at-home voting and mail-in balloting Bypasses HAVA State Plans and commissions by providing privately generated “tool kits” and “calculators” to educate local officials in elections administration 	<ul style="list-style-type: none"> Co-Chair Jocelyn Benson, Michigan Tiana Epps-Johnson - CTCL Carolyn De Witt - Rock the Vote Dana Chisnel - Center for Civic Design Jake Matilsky - Center for Secure & Modern Elections Jennifer Morrell - Democracy Fund Seth Flaxman - Democracy Works 	<ul style="list-style-type: none"> Democracy Fund Center for Civic Design Rock the Vote 	
Center for Technology and Civic Life (CTCL)	<ul style="list-style-type: none"> Founded by Tianna Epps-Johnson CTCL promotes national API interface agreements between federal, state, and local systems Bypasses state HAVA training requirements by providing tool kits and education Circumvents state appropriations by providing grant funding to local counties Collects and analyzes voter information from local county clerks Grants contain future liabilities for counties and present audit issues Data sharing with Big Tech, Face Book, and Google 	<ul style="list-style-type: none"> Tiana Epps-Johnson - Executive Director and Founder* Whitney May - Government Services Department* Donny Bridges - Civic Data Department* <p>*previously employed by <i>New Organizing Institute</i></p>	<ul style="list-style-type: none"> Knight Foundation Skoll Foundation The Democracy Fund Rockefeller Brothers Fund Mark Zuckerberg and Priscilla Chan 	
Center for Civic Design	<ul style="list-style-type: none"> Research arm of electoral non-profits Drives government policy through white papers, security standards, and science Promotes intergovernmental data sharing and automatic voter registration 	<ul style="list-style-type: none"> Dana Chisnel - Director Whitney Quesenberry - CTCL Tiana Epps Johnson - CTCL Katy Peterson - Democracy Works Jennifer Morrell - Democracy Fund 	<ul style="list-style-type: none"> Democracy Fund MacArthur Foundation Center for Secure and Modern Elections Mark Zuckerberg and Priscilla Chan 	
Center for Secure and Modern Elections	<ul style="list-style-type: none"> Election policy at state and local level Promotes voter registration at state and federal government offices and during social program enrollment 	<ul style="list-style-type: none"> Jake Matilsky - Director 	<ul style="list-style-type: none"> New Venture Fund 	

Private Non-profit Associations Involved in Elections -Advocacy

ADVOCACY				
Organization	Function	Key People	Funders	
US Vote Foundation	<ul style="list-style-type: none"> Created in 2005; rebranded in 2012 Third party aggregation of voter information Maintains database of public officials for advocacy Advocates for federal absentee voting Data aggregator for other non-profits 	<ul style="list-style-type: none"> Dana Chisnel 	<ul style="list-style-type: none"> Democracy Fund Knight Foundation Pew Trust Carnegie JEHI Foundation 	
Democracy Works; dba Turbo Vote	<ul style="list-style-type: none"> Promotes mail in and absentee voting for all 50 states Targets and recruits college students Collects and aggregates information from users accessing websites Model integrated and replicated throughout several states (with name changes) 	<ul style="list-style-type: none"> Seth Flaxman - Also sits on NVHI Board Trey Grayson 		
Rock the Vote (RTV)	<ul style="list-style-type: none"> “Rocky” actively recruits college students and inner-city youth for activism Affiliated with 300 academic institutions and colleges Collector and aggregator of information Has third party access to Pennsylvania voter registration system Promotes “full integration” of state API registration databases Remote access for batch loading of voter information 	<ul style="list-style-type: none"> Carolyn DeWitt - Director Jeff Ayeroff - Founder <p><i>Board Members:</i></p> <ul style="list-style-type: none"> Wayne Jordan Michael Skolnick DeRay Mckesson - National BLM Leader and Co-Founder of Campaign Zero and Our States.org. Jesse Moore - Founder Common Thread Strategies 		

3.0 CONFLICT ANALYSIS -

I. Injection of private funding into county and municipal elections circumvents State and Federal appropriations processes, violates protocols in HAVA state implementation plans, and results in inaccurate reporting under HAVA 254(a)(5):

- a. The Help America Vote Act (HAVA) prescribes an intergovernmental administrative process that includes the U.S. Election Assistance Commission (EAC), state legislatures, and delegated state commissions.
- b. The authority for administration of HAVA mandates and for HAVA and CARES Act appropriation funding is prescribed in the Michigan, Wisconsin, and Pennsylvania state certified HAVA plans.
- c. The individual state HAVA implementation plans incorporate detailed requirements for the 13 HAVA categories, including election security protocols; standards for voter systems; equipment procurement requirements; voter and electoral official training procedures; provisional voting and balloting processes; provisions to improve voting access; mail-in voter registration requirements; voter complaint resolution protocols; and appropriations monitoring, auditing and reporting protocols. The state HAVA implementation plans provide measures to upgrade voter systems, standards for database integrity, methods of voter communication, requirements for recruitment and training of poll workers, and many other policies to be implemented by elected officials at the local level.
- d. The claw back and reporting provisions in contracts between CTCL and local counties and municipalities, if exercised, will result in inaccurate recordkeeping and state reporting under *HAVA 254(a)(5)* and the *Uniform Administrative Requirements for Grants and Cooperative Agreements with State and Local Governments at 41 CFR Part 105-71*.
- e. The claw back language in the CTCL agreements represents a long-term, contingent liability for counties and municipalities who received the CTCL grants. These liabilities pose long-term audit, bonding, or pension risks to those counties who received CTCL grants.
- f. Scaled up across the 15 states of known CTCL grant funding activity, the inaccuracies in state/federal HAVA Title II reporting and auditing resulting from unreported funding or claw back provisions is substantial.
- g. The appropriate mechanism for charitable donations for electoral purposes is through donations earmarked into the general fund of the individual state legislatures. There is no state or federal statutory authority for counties, municipalities, or other local electoral jurisdictions to solicit, receive, or appropriate private funding outside of state HAVA implementation plans.

II. HAVA, CARES, and state appropriations for local elections in Michigan, Wisconsin and Pennsylvania were sufficient to fund administration of the entire 2020 election cycle, rendering CTCL funding unnecessary:

- a. Public appropriations for federal elections through the U.S. Election Assistance Commission (EAC) and state matching funds are the only legitimate funding sources for administration of U.S. elections. State-level funding formulas provide for proportional and equitable allocation of funds across electoral precincts, ensuring resources are evenly distributed so as not to result in funding disparities.
- b. For the 2020 general election, federal and state appropriations for administration of local elections were substantially augmented to account for the COVID-19 pandemic.
- c. Additional COVID-19 pandemic response funding for election administration was made available through state appropriations and similar allocations of public funding. As example, the State of Wisconsin used CARES Act funding and state matches for its *Routes to Recovery Program*.
- d. The combination of the HAVA and CARES Act funding, along with any state matches, was more than adequate for electoral operations, upgrade of election-specific hardware and software, cybersecurity, training for voter and elections officials, and COVID-19 specific needs. The infusion of private funding was unnecessary. (Tables 1, 2, and 3)
- e. Local electoral officials in Michigan who performed due diligence on CTCL grants observed the sufficiency of CARES Act funding and remarked as to the non-necessity of CTCL grants. As example, Michigan's Oakland County Clerk Lisa Brown decided not to seek CTCL funding stating: *"We already had an opportunity through the CARES Act to get extra equipment and things we would need at the county level. It seemed to me that they were offering up the same sort of thing."*¹⁷
- f. The December 2019 HAVA Title II 251 Report to the EAC from Michigan Secretary Jocelyn Benson documented an unexpended HAVA surplus for administration of statewide elections of \$1,285,975.¹⁸ The public record also indicates that Secretary Benson was aware of the availability of adequate public funding for dissemination to Ann Arbor, Flint, Lansing, East Lansing, Muskegon, Pontiac, Romulus, Kalamazoo, and Saginaw – jurisdictions that received CTCL grants.
- g. On April 13, 2020 Michigan Secretary Benson corresponded with the EAC and certified the use of \$11,299,561 CARES funding for COVID-19 electoral administration. This stands in stark contrast to Secretary Benson's public advocacy for CTCL and its funding, and ultimately the CARES funding solicited by Secretary Benson was unspent and supplanted by CTCL grants.¹⁹

¹⁷ [Benson accused of letting 'partisan operatives' influence election](#), Detroit News, October 6, 2020.

¹⁸ [Michigan HAVA 251 Funds Report, December 2019](#).

¹⁹ [Bureau of Elections Audit Report Michigan Auditor](#)

- h. The 2016 IRS Form 990 for the Southern Law and Poverty Center lists Michigan Secretary Jocelyn Benson as the Director of that non-profit corporation.
- i. Concerns with CTCL funding include lack of public accountability, no state legislative or EAC oversight, and agreements that require reporting of voter information from county clerks back to a non-governmental organization.

Table 1 - HAVA and CARES Funding Plus State Matching Funds for 2020 Elections²⁰						
	2019 HAVA Carryover	Election Security	Match	CARES	Match	Total
MI	\$6,635,744	\$12,053,705	\$2,410,741	\$11,299,561	\$2,259,912	\$34,689,663
MN	\$6,548,440	\$7,418,672	\$1,483,734	\$6,958,233	\$1,391,647	\$23,800,726
PA	\$3,531,998	\$15,175,567	\$3,035,113	\$14,233,603	\$2,844,721	\$38,821,002
WI	\$4,316,403	\$7,850,124	\$1,570,025	\$7,362,345	\$1,472,469	\$22,531,366

Table 2 - Estimated CARES Act Expenditures 20 Days Post Primary Election²¹					
	Amount Appropriated	State Match	Initial Total Available	Estimated Expenditure	Available Funds
MI	\$11,299,561	\$2,249,551	\$13,549,112	\$6,821,392	\$6,727,720 49%
MN	\$6,958,233	\$1,386,122	\$8,344,355	\$363,867	\$7,980,488 92%
PA	\$14,233,603	\$2,831,101	\$17,064,704	\$3,511,525	\$13,553,179 79%
WI	\$7,362,345	\$1,472,469	\$8,834,814	\$3,228,484	\$5,303,330 60%

Table 3 – Government Funding and CTCL Grant Funding		
	2020 HAVA + CARES Funding²²	2020 CTCL Grants^{23, 24}
MI	\$28,023,919	\$6,369,753 (22.7%)
MN	\$17,252,286	\$2,297,342 (13.3%)
PA	\$35,289,004	\$15,824,895 (44.8%)
WI	\$18,254,963	\$6,946,767 (38.1%)

²⁰ [Election Assistance Commission—Election Security Grant Funding Chart July 16, 2020 and Election Assistance Commission—CARES Grant Funding Chart July 22, 2020](#)

²¹ [ESTIMATED CARES Act Expenditures As Reported in 20 Day Post Primary Reports \(September 22, 2020 Update\)](#)

²² Includes federal funding + state matching funds; does not include 2019 carryover.

²³ CTCL grant dollar amount accompanied with size as a percentage of total government funding for the state.

²⁴ CTCL grant values must be viewed as approximate because the numbers reported by news sources and local governments vary, and grant awards continue.

III. When evaluated in context of the 2016 presidential election, CTCL grant funding patterns demonstrate clear partisanship in grant funding awards:

- a. A review of data for the 2020 CTCL grant-making actions in Michigan, Wisconsin, and Pennsylvania, along with 2016 presidential election voting records for recipients of CTCL grants reveals a distinct pattern of greater funding to jurisdictions where candidate Hillary Clinton won versus grant-receiving jurisdictions where candidate Donald Trump won. While CTCL maintains that it is a non-partisan organization and its grants are available to all local jurisdictions, the grant pattern is understood to have a distinct color of partisanship. Attachment B contains charts, graphs, and a table supporting this conclusion.
- b. **Michigan** - CTCL awarded eleven grants in Michigan. Recipient cities were Detroit (\$3,512,000); Lansing (\$443,742); East Lansing (\$43,850); Flint (\$475,625); Ann Arbor (\$417,000); Muskegon (\$433,580); Pontiac (\$405,564); Romulus (\$16,645); Kalamazoo (\$218,869); and Saginaw (\$402,878). In the 2016 election, only Saginaw was won by candidate Donald Trump; the remainder were won by candidate Hillary Clinton. In total, **\$5,939,235** was awarded to the ten jurisdictions where candidate Clinton won and only **\$402,878** where candidate Trump won.²⁵
- c. **Pennsylvania** - CTCL awarded seven grants in Pennsylvania. Three of these grants were awarded to the cities of Philadelphia (\$10,016,074); Erie (\$148,729); and Lancaster (\$474,202). Five grants were awarded to counties: Wayne County (\$25,000); Northumberland County (\$44,811); Center County (\$863,828); Delaware County (\$2,200,000); and Allegheny County (\$2,052,251). A total of **\$13,063,828** (94.7%) went to jurisdictions where candidate Hillary Clinton won in the 2016 presidential election; only **\$692,742** (5.3%) went to jurisdictions where candidate Donald Trump won in 2016.²⁶
- d. **Wisconsin** - CTCL awarded multiple grants to five Wisconsin cities: Milwaukee - two for a total of \$2,164,500; Madison - two for a total of \$1,281,788; Green Bay - two for a total of \$1,625,600; Racine - two for a total of \$1,002,100; and Kenosha - two for a total of \$872,779. The \$60,000 grant to Racine is what remained of a \$100,000 CTCL grant to that municipality which included a stipulation that Racine would distribute a \$10,000 sub-grant to each of the other four cities. This placed Racine in the position of being an agent for CTCL with the purpose of distributing grant moneys.^{27,28}

²⁵ [CTCL Grant Charts](#)

²⁶ [CTCL Grant Chart](#)

²⁷ [Wisconsin Safe Voting Plan. June 15, 2020](#)

²⁸ [CTCL Grant Chart](#)

IV. Systemic mismanagement of voter registration databases and verification processes in Michigan and Pennsylvania deprived voters in the 2020 general election of a free and fair election:

- a. Registration is the first essential step in verifying legitimate voters, and protection of the state registration database is necessary to ensure the accuracy of voter rolls. The secretaries of Michigan and Pennsylvania allowed flawed administrative procedures that gave third party access to state voter information in the QVF and SURE systems. The voter registration databases of both Michigan and Pennsylvania fail to fully comply with the Help America Vote Act (HAVA) standards required by National Institutes of Standards (NIST) for certified technologic security.
- b. HAVA established the U.S. Election Assistance Commission (EAC) which provides funding to states, sets requirements for administration of elections, and identifies NIST as the agency charged with setting performance standards for:
 1. Systems maintaining Personally Identifiable Information (PII) in voter registration databases, and;
 2. Voting systems allowing votes to be cast, tabulated, and reported.
 3. Requires states to ensure data exchanges between state drivers' registration and licensing databases and the Social Security Administration databases.
- c. HAVA Section 303, "*Computerized statewide voter registration list requirements and requirements for voters who register by mail*" requires those states receiving HAVA funding to **secure** their state-wide voter registration databases.
- d. HAVA Section 303(a)(5)(F) requires states receiving federal funds to **ensure protection of voter Social Security information**. This Section explicitly requires that protection protocols extend to all state employees and state contractors who have access to the Michigan QVF and Pennsylvania SURE systems.
 - 1 Michigan has entered into an API contract with the third-party, non-profit Rock the Vote (RTV) granting RTV remote access to the QVF database. As of 2020, the public record is silent on Michigan's certification that RTV has adhered to Michigan or NIST standards to protect information or assure compliance with Michigan technologic security standards. A review of the RTV contract indicates the last RTV audit was conducted in 2018. The absence a certification of compliance for RTVs access to QVF could pose a security risk to the state voter information system. There is no assurance that the voter rolls are only populated with legal, Michigan voters nor is there assurance that voter data has not been exfiltrated or misused.

2. A comprehensive review of Michigan's use of third-party contractors accessing the registration databases is needed, along with an Organizational Conflict of Interest (OCI) risk review of Michigan election staff who have access to the registration database. The OCI review is a central component of NIST standards.
3. In 2005, the Pennsylvania Legislature certified a state HAVA plan that enabled access to federal funds. Pennsylvania then used federal funding to establish its Statewide Uniform Registry of Electors (SURE) system, the repository for sensitive voter information. The Pennsylvania state HAVA plan is silent regarding whether their SURE system is secure and correctly manages Social Security Administration (SSA) information as required by HAVA. In a press release dated September 2016, the non-profit Rock the Vote is documented to have an application linked to 25,000 "partners." The public record is silent as to how the Pennsylvania Secretary ensures certification of its registration system for RTV's 25,000 partners. Without public review, it is not possible to ascertain the security of the Pennsylvania SURE system under HAVA and NIST.
4. In an audit cover letter of the Pennsylvania SURE system performed between January 2016 and April, 2019 Pennsylvania Auditor General Eugene DePasquale issued a **scathing** letter to Governor Wolf of noncompliance of the SURE system with HAVA and federal auditing standards, excessive redactions by Pennsylvania Secretary of State, and impediments to the auditing process by the Pennsylvania Department of Transportation. The public record is silent as to whether in 2020 Secretary Boockvar remedied any of noncompliance issues prior to the 2020 election. Pennsylvania Secretary of State Boockvar has deep affiliations with far left voting related advocacy groups.²⁹

V. Michigan's 2020 electoral administration and tabulation of election results is fatally flawed and involves potentially fraudulent use of federal funds to implement and maintain their HAVA state Plan:³⁰

- a. The Help America Vote Act (HAVA) prescribes an intergovernmental administrative process that includes the US election assistance Commission (EAC), state legislators and delegated state commissions. HAVA establishes the EAC, provides funding to states, sets requirements for election administration, and identifies the National Institute of Standards (NIST) as the agency charged with setting performance standards for voting systems.

²⁹ [Performance Audit Report Pennsylvania Auditor General 121919](#)

³⁰ FR Vol. 69, No 57. Wednesday, March 24, 2004; HAVA 101 (d), 301, 302, and 303.

- b. Based on the Michigan HAVA implementation plan the state obtained an excess of \$71 million in federal funding for fiscal years 2004 - 2006 to establish voter training, voting systems, and a statewide voter registration database.
- c. Section 101 (d) of HAVA specifies that funds are to be used to train election officials and poll workers. In section 905 (a) **HAVA describes criminal penalties for individuals who conspire to deprive voters of a fair election.** HAVA also cites the 42 USC 1973i (c), which defines coercion, blocking of poll locations, and other forms of **voter intimidation or denial of access or voting monitoring as being potential criminal violations.** Based on observed behavior captured on video and news reporting, Michigan poll workers, election officials, and election staff demonstrated a lack of training in conflict with the HAVA law and the 1965 Voting Rights Act of 1965.
- d. Registration is the first critical step in determining who in this state can vote in an election. Protecting the registration rolls of voters is the first critical step in assuring a legal, accurate, election result. HAVA section 303 (a)(3) requires a state to provide technological security of state-wide Social Security information of voters. **This section specifically requires these protections extend to all state employees and state contractors** who work with voter data. The State of Michigan, in its HAVA plan, states that the Department of Technology, Management, and Budget (DTMB) governs technology contracts in Michigan. **Michigan has entered into a state contract with Rock the Vote (RTV) granting that third party non-profit organization access to the QVF database.**³¹ As of mid-2020, there is no record that RTV has adhered to Michigan standards to protect voter information in the QVF, complied with Michigan technological security standards, or other standards that assures HAVA compliance. A comprehensive review of Michigan's use of third-party contractors assessing the registration is needed to assess the risk.

VI. Infusion of private funding into electoral processes has altered the times, manner and places established by HAVA Plans and longstanding electoral practices in which elections were conducted.

- a. In Wisconsin, an elector who is Indefinitely Confined due to age, physical illness, or infirmity - or is disabled for an indefinite period - may by signing a statement to that effect that an absentee ballot be sent to the elector automatically for every election. The application form and instructions are prescribed by the Wisconsin Elections Commission and must be furnished upon request to any elector by each municipality.³²

³¹ [Michigan RTV Contract](#)

³² [Indefinitely Confined Report](#)

- b. High Speed Tabulators, Scanners, High Speed Industrial Printers, and Electronic Poll Books funded by CTCL raise questions of certification, training, or disparate access due to their installment of some but not other locations.³³
- c. Election regulations in Michigan and the state HAVA implementation Plan detail training requirements for officers overseeing elections. Despite adequate funding from multiple public sources, poll workers in Detroit lacked adequate training, became frustrated, and walked off in response to training problems.³⁴
- d. In Michigan, the process used for acquisition of electoral equipment on a statewide basis violated state funding, procurement, and legislative budget committee approval processes, as legislators were left out of the process.³⁵
- e. CTCL funded **mobile** precincts used by election officials to collect ballots and register people to vote, resulted in a disparate, statewide access from precinct to precinct, favoring specific demographics.³⁶
- f. The establishment of satellite polling places on several college campus using CTCL funding occurred at multiple locations. These offices were not mapped, favored a specific age and demographic group of citizens, and were established outside of HAVA plans and protocols.
- g. CTCL funds created and funded an official position of election workers called “**Voter Navigators.**” The Voter Navigators were not approved positions according to the state electoral process.³⁷
- h. Unlike the HAVA Title I (303) requirement to maintain an electronic voter database in Michigan, **not one of the CTCL contracts - including those reviewed from swing and other states - included provisions for updating or purging of voter rolls.** A December 2019 Bureau of Elections report indicated more control was needed over the Qualified Voter File (QVF) system.
- i. In Detroit, poll watchers were instructed not to compare signatures on ballots, to back date the ballots, and to not require ID for people who were voting in person.³⁸
- j. A 2019 Michigan lawsuit filed by Pacific Interest Legal foundation found noncompliance with the National Voter Registration Act of 1993. Detroit had 2,503 dead people on its voter rolls, and 4,788 voters that were flagged for duplicate or triplicate concern. Detroit had 511,786 registered voters but only 479,267 adults designated as eligible to vote.³⁹ None of these items was addressed by Secretary Benson in a December 2019 Audit by the State of Michigan Auditors office.⁴⁰

³³ [Wisconsin Safe Voting Plan](#)

³⁴ [Detroit Training Issues](#)

³⁵ [Michigan Law Election Supplies](#)

³⁶ [Wisconsin Safe Voting Plan](#)

³⁷ [Wisconsin Safe Voting Plan](#)

³⁸ [Detroit Workers Did not Check Signatures](#)

³⁹ [Dead People on Voter Files](#)

⁴⁰ [Office of the Auditor General State of Michigan December 2019](#)

- k. Wisconsin, Green Bay, Kenosha, Madison, Milwaukee, and Racine **all added ballot drop boxes to facilitate the return of absentee ballots throughout their cities.**⁴¹ The locations and placement of ballot drop boxes raises questions of disparate access from precinct to precinct and across the state.
- l. In Detroit, Michigan, poll workers were restrained in their ability to verify signatures or handle ballots. The Michigan Election Law outlines the rules which were not adhered to in this process.^{42,43}

⁴¹ [Wisconsin Safe Voting Plan](#)

⁴² [Poll Watchers Denied Access](#)

⁴³ [Poll Watchers in Detroit Kicked Out](#)

4.0 CONCLUDING REMARKS -

The confusion and negative effect from illegitimate infusion of private funding in Michigan, Wisconsin, Pennsylvania, and several other states during the 2020 election can be shown to have had a disparate and inequitable impact on the electorate.

Although history is replete with examples of elite groups attempting to gain influence, the current incidence of CTCL and other private donors purposefully injecting hundreds of millions of dollars into swing states is troubling because county officials who should know better actually ***accepted the grants, to the exclusion of abundantly available public funding***. Even the most casual of observers can understand that acceptance of *any* private funding for administration of public elections creates inequity, dependency, and the potential for collusion, or even fraud.

It seems odd that while CTCL promotes having nationwide expertise in elections and electoral policy, its funding of local counties and municipalities in the 2020 general election blatantly circumvented well-funded and legislatively adopted state and federal HAVA plans.

Perhaps even more troubling is the collaboration of the Michigan and Pennsylvania Secretaries of State and representatives who sit on the election commission of Wisconsin in promoting CTCL grants, granting access to databases, or otherwise promoting non-profit activities while subordinating CARES funding and HAVA state implementation plans. Several of these officials have longstanding affiliations with progressive non-profits and foundations who actively endeavor to collect voting information for purposes of affecting elections or altering electoral policies.

The presence of vast quantities of public funds for administration of the 2020 elections in Michigan, Wisconsin, and Pennsylvania raises questions as to whether CTCL and its supporting foundations understood that there **was no resource deficit** for administration of elections, including extra expenses due to COVID-19.

This warrants investigation.

Based upon the information in this report and related research, STS offers the following actions and activities for consideration:

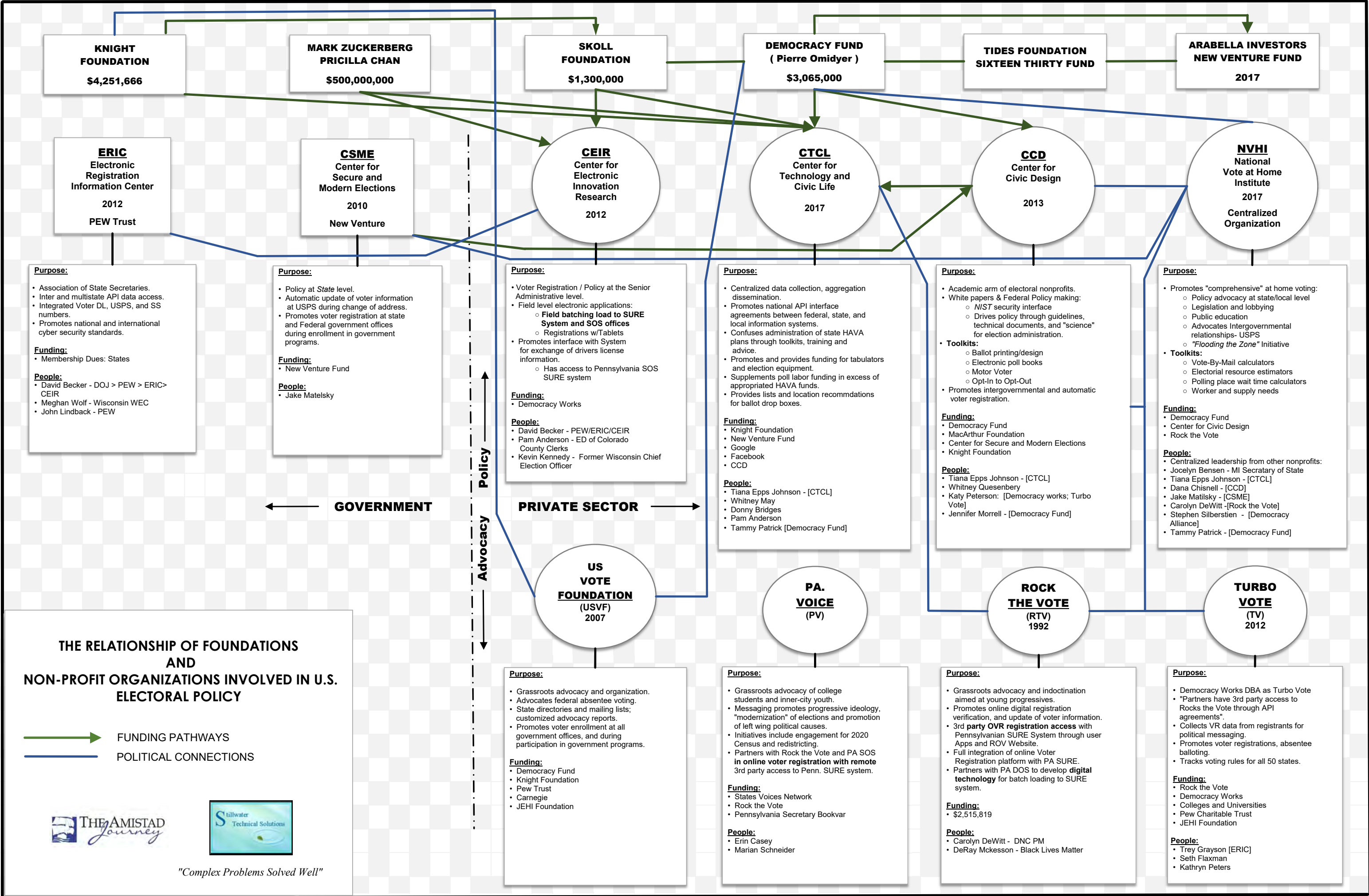
1. The secretaries, attorneys general, and/or legislatures of states whose county governments received CTCL funds should commission a comprehensive, third-party audit of the consistency of private/public transactions with the HAVA implementation plans of their state. This should include compliance with NIST standards, and state procurement requirements.
2. State secretaries, attorneys general and/or legislatures who have membership in the non-profit **Electronic Registration Information Center** (ERIC) should audit the information access, collection, storage, security and/or potential voter information sharing practices of ERIC with other states or third-party non-profit associations.

3. In the fall of 2020, the Center for Election Innovation (CEIR) issued grants to state secretaries, local governments, and non-profit associations for election-related purposes. Secretaries, attorneys general, and/or legislators of states receiving CEIR grants should request and evaluate CEIR contracts for HAVA compliance and the fiscal and procurement requirements of their individual states.
4. CTCL is a non-profit organization chartered in Illinois but who has negotiated grant contracts with county and municipal governments in multiple jurisdictions across many states. The public record is silent as to whether CTCL is licensed in all the states in which it continues to conduct contractual business.
5. The claw back language in CTCL agreements with counties and municipalities who received grants represents a long-term, contingent liability and is subject to federal audit, bonding, or pension risks. County commissioners should coordinate with their respective attorneys general or legislatures to understand and mitigate potential future liabilities.

Attachment A

Flowchart:
The Relationship of Foundations
and
Non-profit Organizations Involved in US Electoral Policy





Attachment B

Charts, Graphs and Tables

Note: Variations in grant amounts were reported by editors, the press and in meeting minutes from local governments. These variations might result in perceived inaccuracies in the dollar amounts of some CTCL grants. Because CTCL continues to make grants, source information in these calculations will outdate. The data presented is sufficient and reliable to conclude clear political trends in CTCL grant awarding patterns.

Center for Tech and Civic Life's Grants to Democratic Strongholds in Battleground States

State of Wisconsin

City	CTCL Grant	Dem. Vote	Rep. Vote	Trump's 2016 WI Win	Trump's 2016 WI Win in Votes
Milwaukee	\$2,164,500	85%	14%	0.77%	22,748
Madison	\$1,281,788	70%	23%	0.77%	22,748
Green Bay	\$1,625,600	58%	42%	0.77%	22,748
Racine	\$1,002,100	72%	28%	0.77%	22,748
Kenosha	\$872,779	69%	31%	0.77%	22,748
Total CTCL WI Grant	\$6,946,767				

The five Wisconsin cities above accounted for 82% of Hillary Clinton's vote in 2016. CTCL's \$6.32 million grant to increase voter participation in only five of Wisconsin's 190 cities will produce a lopsided vote for Joe Biden in Wisconsin's five largest Democrat strongholds. If CTCL's \$6.3 million Wisconsin voter participation grant increases the Biden vote in just the five Democratic strongholds by 2%, then Democrat Joe Biden will win Wisconsin. CTCL's \$6.3 million Wisconsin grant deliberately increases Joe Biden's chances of winning Wisconsin's popular vote and 10 electoral votes.

State of Pennsylvania

City/County	CTCL Grant	Clinton	Trump	Trump's 2016 Pa Win	Trump's 2016 PA Win in Votes
Delaware County	\$2,200,000	65%	35%	0.72%	44,292
Philadelphia	\$10,000,000	92.1%	7.9%	0.72%	44,292
Centre County	\$863,828	48.71%	46.32%		
Wayne County	\$25,000	67.63%	29.18%		
Erie	\$148,729	48.57%	46.99%		
Total CTCL PA Grant	\$13,237,557				

CTCL's \$10 million grant to Philadelphia is three times higher than CTCL's second largest grant. CTCL granted Philadelphia more money than anywhere else because President Trump can't win his reelection if he doesn't win Pennsylvania's electoral votes. If CTCL's \$10 million voter participation grant increases just the Philadelphia Democratic voter turnout by 7.5%, then CTCL has flipped Pennsylvania for Democrat Joe Biden.

Hillary Clinton had her second largest winning percentage in Delaware County behind the City of Philadelphia. CTCL's Pennsylvania grants to Democratic strongholds in Philadelphia and Delaware County will play a significant role in determining whether Biden or Trump wins Pennsylvania.

State of Michigan

City County	CTCL Grant	Clinton Vote	Trump Vote	+ Clinton Votes	+ Trump Votes
Detroit	\$3,512,000	234,871	7,682	227,189	0
Lansing	\$443,742	65,272	22,390	42,882	0

City County	CTCL Grant	Clinton Vote	Trump Vote	+ Clinton Votes	+ Trump Votes
East Lansing	\$43,850	26,146	8,294	17,852	0
Flint	\$475,625	16,163	4,677	11,486	0
Ann Arbor	\$417,000	128,025	50,335	77,690	0
Muskegon	\$433,580	8,933	3,372	5,561	0
Saginaw		10,263	11,077	0	814
Pontiac	\$405,564	14,351	2,735	11,616	0
Romulus	\$16,645	7,573	3,078	4,495	0
Kalamazoo	\$218,869	18,644	5,456	13,188	0
Total CTCL MI	\$5,966,875	530,241	119,096	411,959	814

If CTCL's \$3.5 million Detroit grant increases Democrat Joe Biden's vote by 4.5% in just Detroit, CTCL's grant will have flipped Michigan from Red to Blue. CTCL's \$3.96 million in Michigan grants to Democratic strongholds in Detroit, Flint, Lansing and East Lansing increase Democrat Joe Biden's chance of winning Michigan's statewide and 16 electoral votes.

State of South Carolina

County	CTCL Grant	Clinton Vote	Trump Vote	Trump's 2016 SC Win	Trump's 2016 SC Win in Votes
Richland County	\$730,000	108,000	52,469	14.1%	300,016
Charleston County	\$695,000	89,299	75,443	14.1%	300,016

County	CTCL Grant	Clinton Vote	Trump Vote	Trump's 2016 SC Win	Trump's 2016 SC Win in Votes
Clarendon County	\$102,373	7,732	7,386		
Greenville	\$660,000	74,483	127,832		
Total CTCL SC Grant	\$2,187,373				

Republican Senator Lindsey Graham represents South Carolina and is on the November 3, 2020 ballot. CTCL's grants to South Carolina Democratic strongholds improperly increases Democratic votes in Richland and Charleston counties and makes President Trump and Senator Graham's reelection more difficult. State of Georgia

Georgia

County	CTCL Grant	Clinton Vote	Trump Vote
Fulton	\$6,000,000	297,051	117,783
Cobb	\$5,600,000	160,121	152,912
Dougherty	\$295,235	23,311	10,232
Dekalb	\$4,800,000	251,370	51,468
Total GA Grant	\$16,695,235	731,853	332,395

Fulton County is one of the most reliable Democratic Counties in the country. Since 1876 Fulton County has voted Democratic in every presidential election, except in 1928 and 1973. Of the State of Georgia's 159 counties, Hillary Clinton received more votes in Fulton County than any other Georgia county. Clinton beat Donald Trump by 180,000 votes in Fulton County.

Iowa

County	CTCL Grant	Clinton	Trump
Black Hawk	\$267,500	50.6%	43.3%
Scott County	\$286,870	47.5%	46%
Woodbury	\$156,000	57.4%	37.5%
Cerro Gordo	\$20,325	43.5%	51.2%
Floyd	\$7,302	39.8%	54.7%
Louisa	\$6,324	32.91%	61.28%
Total IA Grant	\$744,321		

Minnesota

City	CTCL Grant		
Minneapolis	\$3,000,000		
Total MN Grant	\$3,000,000		

New Jersey

County	CTCL Grant		
Atlantic County	\$150,000		
Total NJ Grant	\$150,000		

New York

County	CTCL Grant	Clinton Vote	Trump Vote
Onondaga County	\$286,960	53.89%	40.13%
Warren County	\$31,000	41.68%	50.15%
Tompkins County	\$69,000	67.69%	24.3%
Total NY Grant	\$386,960		

Warren County which voted for Trump in 2016 received the smallest CTCL grant.

Texas

County	CTCL Grant	Clinton Vote	Trump Vote
Dallas County	\$15,130,433	461,080	262,945
Bowie County	\$62,095	8,838	24,924
Hays County	\$289,000	33,224	33,826
Hopkins County	\$19,952	2,510	10,707
Cameroon County	\$1,800,000	59,402	29,472
Colorado	\$14,990	1,987	6,325
Bexar	\$1,900,000	319,550	240,333
Ellis	\$86,424	16,253	44,941
Williamson	\$263,644	84,468	104,175
Total Texas Grant	\$19,566,538	987,312	757,648

In 2016 Clinton won Dallas County by 137,284 votes. In 2016 Bowie County only had 33,4470 votes. Trump won Bowie County by 16,082 votes over Clinton. Trump won Hays County by 602 votes over Clinton. Trump won Hopkins County by 5,412 votes over Clinton.

Maine

Town	CTCL Grant		
Town of Union	\$5,000		
Total Maine Grant	\$5,000		

Maryland

County	CTCL Grant	Clinton	Trump
Washington	\$90,512		
Total Maryland Grant	\$90,512		

Arkansas

County	CTCL Grant	Clinton	Trump
Craighead	\$59,856		
Total Arkansas Grant	\$59,856		

Mississippi

County	CTCL Grant	Clinton	Trump
Hinds	\$1,500,000	71.39%	26.69%
Total MS Grant	\$1,500,000		

Ohio

County	CTCL Grant	Clinton	Trump
Lucas	\$544,624	56.10%	38.32%
Lorain	\$435,248	47.63%	47.54%
Franklin	\$975,188	60.43%	34.30%
Ashtabula	\$65,000	23,318	15,577
Total Ohio Grant	\$2,020,060		

Kansas

County	CTCL Grant	Clinton	Trump
Sedgwick	\$816,458	36.88%	55.28%
Total KS Grant	\$816,458		

Total CTCL Grants

State	Number of Grants	CTCL Grant Amount
Wisconsin	6	\$7,324,567

State	Number of Grants	CTCL Grant Amount
Pennsylvania	5	\$13,237,557
Michigan	8	\$6,106,599
South Carolina	3	\$1,527,373
Georgia	2	\$11,600,000
Iowa	6	\$744,321
Minnesota	1	\$3,000,000
New Jersey	1	\$150,000
Texas	7	\$19,216,470
New York	3	\$386,960
Maine	1	\$5,000
Maryland	1	\$90,512
Arkansas	1	\$59,856
Mississippi	1	\$1,500,000
Ohio	1	\$544,624
Total CTCL Grants	47	\$65,493,839

The first 26 CTCL grants went only to Democratic strongholds in swing states. CTCL claim that its grants are for the purpose of protecting voters from the COVID-19 pandemic is a blatant lie. CTCL hidden COVID-19 grant agenda is to increase the votes for Democratic presidential candidate Joe Biden, Democratic U.S. Senate candidates and Democratic House of Representative candidates.


[← BACK TO OUR PEOPLE](#)


Tiana Epps-Johnson

Executive Director

[@tianaiej](#)

Tiana Epps-Johnson is Founder and Executive Director with the Center for Tech and Civic Life. She is leading a team that is doing groundbreaking work to make US elections more inclusive and secure. Prior to CTCL, she was the New Organizing Institute's Election Administration Director from 2012 to 2015. She previously worked on the Voting Rights Project for the Lawyers' Committee for Civil Rights.

Tiana is a recipient of the 2020 Skoll Award for Social Entrepreneurship, and was selected to join the inaugural cohorts of Obama Foundation Fellows (2018) and Harvard Ash Center Technology and Democracy Fellows (2015). Tiana earned a MSc in Politics and Communication from the London School of Economics and a BA in Political Science from Stanford University.


 First Name

 Email Address


I'm not a robot

reCAPTCHA
Privacy - Terms

ABOUT

[Our story](#)
[Our people](#)
[Key funders and partners](#)
[Careers](#)
[Invite us to speak](#)

OUR WORK

[Election Officials](#)
[Civic Data](#)
[News & events](#)
[Donate](#)
[Privacy Policy](#)

CONNECT



SUBMIT


[OUR WORK](#)
[ABOUT](#)
[NEWS & EVENTS](#)
[DONATE](#)


BOARD OF DIRECTORS

The work of CTCL benefits from the expertise and support provided by a distinguished and diverse board of directors.

With experience in the fields of technology, finance, political organizing, advocacy, civic data, and election administration, the members of the CTCL board play a fundamental role in guiding our efforts to enhance civic engagement and strengthen the connections between public leaders and citizens.

Pam Anderson **Director**

Pam Anderson is a Director for the Center for Tech and Civic Life. Pam is the owner of Consilium Colorado, LLC, a firm specializing in nonprofit management consultation, and serves as the Executive Director of the Colorado County Clerks Association (CCCA). Prior to this work, Pam was the Republican Clerk and Recorder for Jefferson County, Colorado and has held positions with the Advisory Board for Pew's Election Performance Index, the Colorado Secretary of State's Best Practices and Vision Commission, and other prominent civic organizations. Rounding out her experience with a Master's in Public Administration and accreditation as a Certified Election Voter Registration Administrator, Pam adds management acumen and an appreciation for political diversity to the CTCL board.

Tiana Epps-Johnson **Executive Director, President**

Tiana Epps-Johnson is Founder and Executive Director with the Center for Tech and Civic Life. She is leading a team that is doing groundbreaking work to make US elections more inclusive and secure. Prior to CTCL, she was the New Organizing Institute's Election Administration Director from 2012 to 2015. She previously worked on the Voting Rights Project for the Lawyers' Committee for Civil Rights.

Tiana is a recipient of the 2020 Skoll Award for Social Entrepreneurship, and was selected to join the inaugural cohorts of Obama Foundation Fellows (2018) and Harvard Ash Center Technology and Democracy Fellows (2015). Tiana earned a MSc in Politics and Communication from the London School of Economics and a BA in Political Science from Stanford University.

Tammy Patrick **Director**

Tammy Patrick is a Director for the Center for Tech and Civic Life. Presently Tammy holds the position of Senior Advisor to the Elections program at the Democracy Fund, a bipartisan foundation working to ensure that our political system is able to withstand new challenges and deliver on its promise to the American people. Focusing on modern elections, Tammy helps lead the Democracy Fund's efforts to foster a voter-centric elections system and work to provide election officials across the country with the tools and knowledge they need to best serve their voters.

In 2013 Tammy served as a Commissioner on the Presidential Commission on Election Administration which led to a position at the Bipartisan Policy Center to further the work of the PCEA. Prior to that she was the Federal Compliance Officer for Maricopa County Elections Department for eleven years.

Tammy earned a B.A. in American Studies from Purdue University as well as a certification as an Election/Registration Administrator from Auburn University. As a CTCL board member, she provides oversight informed by years of experience at the forefront of American election administration.

Sureel Sheth **Director, Treasurer**

Sureel Sheth is a Director as well as Treasurer for the Center for Tech and Civic Life. Sureel is currently Vice President at JMI Equity in San Diego, where he focuses on assessing investment opportunities in the software and health care technology fields. Prior to working with JMI, Sureel held positions with DoubleDutch, McKinsey & Company, and Reputation.com. He holds a B.A. in Economics and Human Biology from Stanford University and a M.B.A. from Harvard Business School. On the CTCL board, Sureel contributes his outstanding experience with business, finance, and investment analysis.

Cristina Sinclair **Director, Secretary**

Cristina Sinclair is a Director as well as Secretary for the Center for Tech and Civic Life. Cristina is currently Senior Vice President at Clarity Campaign Labs in Washington, DC. Before joining Clarity, she served as Director of Client Services at Catalyst, providing data and data services to over 200 progressive organizations. Prior to that she researched voting laws and built civic data tools at the New Organizing Institute.

Cristina has managed electoral campaigns and organized communities from California to South Africa. In addition to her role at CTCL, she sits on the Boards of National Public Radio, the Alliance for CHANGE, and the Earthward Bound Foundation.

Cristina is a graduate of the University of San Francisco, where she studied Sociology and Criminology. She brings a diverse and extensive background in political organizing, advocacy, and nonprofit management to the CTCL board.



hello@techandcivicle.org

Sign up for our email of election administration best practices, ELECTricity.

ABOUT

[Our story](#)
[Our people](#)
[Key funders and partners](#)
[Careers](#)

News & events

[Donate](#)
[Privacy Policy](#)

CONNECT

Media Inquiries:

Email - press@techandciviclelife.org

Phone - (872) 204-5714

Email Address



I'm not a robot

reCAPTCHA
[Privacy](#) - [Terms](#)

SUBMIT

Invite us to speak



OUR WORK

Election Officials

Civic Data



Serving America's Election Officials and Voters During the COVID-19 Pandemic

Table of Contents

Chairman's Message	4
Meet the Commissioners	6
Executive Director's Letter	11
General Counsel's Update	14
Executive Summary	15
Administering HAVA Funds	24
Responding to the COVID-19 Pandemic	28
The 2020 Election: Assisting Election Officials and Voters	35
Enhancing Election Security	46
Setting New National Standards for Voting Systems	48
Leveraging Data	52
Promoting Accessibility	55
Highlighting Best Practices	59
EAC Agency Development	61
EAC Advisory & Oversight Boards	65
Appendix	78

CHAIRMAN'S MESSAGE

When the year began, the U.S. Election Assistance Commission (EAC) was focused on election security and protecting against threats of foreign interference in the 2020 election. This critical mission, combined with typical election year challenges posed by voting technology, accessibility issues, and poll worker shortages would test the limits of our election infrastructure amid the high voter turnout of a general election year.

The COVID-19 pandemic created challenges no election official could completely plan or budget for, particularly for those states in the midst of primaries as our way of life was facing the dramatic shifts necessary to limit the spread of COVID-19. In response, the EAC, alongside federal, state, and local partners, leveraged resources to ensure voters could cast their vote in the remaining primary elections and for the November 3rd general election.

Looking back on 2020, we are proud of the role we played and the work we did to assist state and local election officials as over 150 million Americans voted. The successful administration of the 2020 election provides reassurance that the foundation of America's democracy thrived amid record voter participation and despite a global pandemic. This was in no small part because of the herculean efforts by state and local election officials. Many of the successful measures they developed this year should improve the voting experience in future elections, like increasing the pool of poll workers and improving absentee/mail ballot operations.

Buoyed by \$400 million in emergency funding provided by the CARES Act, states improved their absentee/mail ballot operations with technology to process, track, and secure ballot requests; developed tools to verify and count absentee and mail-in ballots; improved coordination with the Postal Service; increased voter and public education about the absentee/mail ballot processes; and purchased resources for personal protective equipment, hand sanitizer, and other

protections for poll workers and voters to have a safe, in-person voting experience. Coordinating the distribution and management of these critical funds was a substantial task for the EAC in 2020. I am immensely proud of the work of our team to ensure election officials had the information and funding they needed to make 2020 a success.

While official data from the EAC's Election Administration and Voting Survey will not be available for a few months, estimates from the United States Elections Project say a record 92 million voters requested mail ballots for the general election. Significantly, the rejection rate for this historic level of mail ballots is lower than in previous elections, due, in part, to massive voter education campaigns by secretaries of state, political candidates and parties, and civic organizations. To their credit, many states adopted the practice of allowing voters to cure their mail ballots if they were deficient in any way. More flexibility ensured greater access and allowed for increased participation for voters who preferred voting by mail because of the pandemic or out of convenience. With the proper funding, these investments could serve voters in future elections.

In-person, early voting also boosted voter participation rates. By Election Day, approximately 100 million Americans voted early, which was over 70 percent of the national vote just four years ago.

To support in-person voting, the EAC designated September 1st as National Poll Worker Recruitment Day. We also launched an accompanying campaign designed to promote awareness about the need for poll workers and to educate Americans about the important role poll workers play in the election process. With partners from the public and private sectors, civic leagues, and other nonprofits, Americans responded in record numbers to serve their communities. Particularly important, a new generation of Americans stepped up this year and helped America vote.

Finally, our election infrastructure took a huge leap forward in matters of election security, with election officials as well as cyber and national security professionals declaring the November 3rd election “the most secure in American history.” To maintain and build on this success, however, will require continued investment in the infrastructure of our democracy. Specifically, election officials regularly discuss the need for consistent federal funding that can sustain and grow the innovative practices we have seen.

The EAC contributed to this proud moment and these efforts. In April, we launched the Cyber Access and Security Program (CAS) to provide access to security training, best practices, expertise, and other assistance for election officials tasked with protecting critical election infrastructure.

Advances over the last four years were also critical in raising voter awareness about election misinformation and disinformation and increasing Americans' social media literacy. The EAC proudly participated in and promoted a campaign driven by the National Association of Secretaries of State, “#trustedinfo2020,” which cautioned voters to rely on election officials for trusted source information.

As we review the 2020 election, our agency will focus not only on these successes, but shortcomings too. Alongside our local and state election partners, we aim to improve on every aspect that touches on the voting experience so 2022, 2024, and all future elections can be even better for election officials and voters.

Outside of working to support the 2020 election, the agency continued to meet its statutory obligations under the Help America Vote Act of 2002 (HAVA). We made significant progress in advancing the Voluntary Voting System Guidelines (VVSG) 2.0. In February, the Technical Guidelines Development Committee (TGDC) approved VVSG 2.0 technical requirements. By March, the EAC published the guidelines in the Federal Register for public comment. After the public comment period

closed in June, a working group consisting of EAC and the National Institute of Standards and Technology (NIST) staff began reviewing public comments. In anticipation of a final vote, updates to the Testing and Certification program manual, the Voting System Test Laboratory manual, a VVSG lifecycle policy, and the addition of vulnerability, penetration, and component testing guidance within the manuals have been drafted. The Commission hopes to vote on VVSG 2.0 in early 2021.

This historic election year, the EAC proved it remains integral to securing America's democratic legacy for future generations. I am grateful for the partnership of my fellow Commissioners and the hard work of the EAC staff in this trying year. With additional resources, we can sustain and grow the EAC's role to better serve election officials and voters as our election systems evolve. If the 2020 election taught us anything, it is that our democracy is precious, we must invest in it to make it stronger and we must continue the work of making it better.

– **BENJAMIN HOVLAND**
CHAIRMAN
U.S. ELECTION ASSISTANCE COMMISSION



Chairman Hovland speaking at the 2020 Elections Summit



MEET THE COMMISSIONERS

As outlined in HAVA, the Commission is comprised of four members appointed by the President, by and with the advice and consent of the Senate. The Commission selects a chair and vice chair from among its members, representing different political parties, for one-year terms. Any action which the Commission is authorized to carry out under HAVA may be carried out only with the approval of at least three of its members.

Commissioner Benjamin Hovland was named to the position of Chairman on February 23, 2020, replacing Commissioner Christy McCormick who had served in that role during the preceding year. Commissioner Donald Palmer assumed the position of Vice Chair on the same date, replacing Commissioner Hovland.

Above: EAC Commissioners attend the 2020 Elections, Disability, Accessibility, & Security Forum on February 20, 2020.



Benjamin Hovland
CHAIRMAN

Benjamin Hovland was confirmed by unanimous consent of the United States Senate on January 2, 2019 to serve on the U.S. Election Assistance Commission. Mr. Hovland currently serves as Chairman of the EAC and he also serves as the Designated Federal Officer for the Technical Guidelines Development Committee (TGDC).

Mr. Hovland's 20-year career in elections has been shaped by his commitment to improving election administration and removing barriers to voting. Most recently, he served as Acting Chief Counsel for the U.S. Senate Committee on Rules and Administration, where he was a driving force behind Congress appropriating \$380 million in Help America Vote Act funds to enhance election security to the states in 2018. While at the Senate, he focused on the federal government's role in election administration and campaign finance regulation. He organized several hearings on election security preparations and improving election administration. He was integral to restoring a quorum at the EAC in 2015. Earlier in his career, 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.



Donald Palmer
VICE CHAIR

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 as an EAC Commissioner.

Mr. Palmer is a former Bipartisan Policy Center Fellow where he advanced the recommendations of the Presidential Commission on Election Administration. Mr. Palmer is a former Secretary of the Virginia State Board of Elections and served as the Commonwealth's Chief Election Official from 2011 to 2014. During his tenure, he implemented an online voter registration system and joined Virginia as a founding member of the Electronic Registration Information Center (ERIC), a nonprofit organization with the sole mission of assisting states to improve the accuracy of America's voter rolls and increase access to voter registration for all eligible citizens. He also served as Florida's Director of Elections where he successfully transitioned the state from electronic voting machines to paper-based digital voting machines prior to the 2008 presidential election and expanded the Florida voting system state certification program. 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 federal voting laws. Palmer is a military veteran, retiring from the U.S. Navy after two decades as an intelligence officer and judge advocate general.

Mr. Palmer earned his J.D. at the Stetson University College of Law and his master's degree at George Washington University.



Thomas Hicks
COMMISSIONER

Thomas Hicks has served as EAC Chairman for two terms and as Vice Chairman for an additional two terms. During his time with the Commission, Mr. Hicks has focused his efforts on voting accessibility, including developing a guide to voting rights for voters with disabilities and creating a help desk to address ballot delivery issues for overseas voters. Prior to his appointment with the EAC, Mr. Hicks served as a senior elections counsel and minority elections counsel on the U.S. House of Representatives Committee on House Administration, a senior lobbyist and policy analyst for Common Cause, and as a special assistant and legislative assistant in the Office of Congressional Relations for the Office of Personnel Management during the Clinton administration.

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).



Christy McCormick COMMISSIONER

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).

Prior to her appointment with the EAC, Ms. McCormick served as a Senior Trial Attorney in the Voting Section of the Civil Rights Division at the U.S. Department of Justice (USDOJ), a position she held from 2006 until joining the Commission. 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.

Prior to joining the USDOJ, 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 U.S. Court of Appeals for the Fourth Circuit. 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.



LETTER FROM THE EXECUTIVE DIRECTOR

Following seven months serving as the Acting Executive Director, I was humbled and honored to assume the position of permanently leading the EAC in June of 2020. I transitioned into this role amid a global pandemic while focused on significantly growing the agency and enhancing its mission. As I took over the role as Executive Director, the reality that the COVID-19 pandemic had no immediate end in sight was setting in. Never could we have imagined what the next several months would bring. It has been everything except business as usual.

COVID-19 further complicated preparations for an election promising record-breaking turnout. From day one of the crisis, the EAC has remained open for business, quickly adopting new methods and protocols to complete essential mission requirements for stakeholders who needed our programs during this difficult time. The number one reason we achieved this is plain and simple: the dedicated staff of the U.S. EAC. I am extremely proud of our EAC employees and how they continue to work hard on behalf of our stakeholders. Each day brought on new challenges and everyone stepped up to make it work.

The EAC met the challenge of the moment, played an integral part in ensuring a smooth 2020 election, and continued to advance work that will secure our elections in the years to come.

This report captures key developments and successes in 2020. We're committed to build on past work and seek to learn, think about, and plan for how and where it can have the greatest cumulative and lasting impacts. Our team is small but mighty, and the committed professionals in every EAC department supported our mission to help election officials improve the administration of elections and help Americans vote. They also supported one another, agency leaders, and partners, going above and beyond expectations, all while navigating a uniquely challenging environment.

EAC's FY2020 activities largely focused on its response to the unprecedented challenges of the COVID-19 pandemic during the primary and general election seasons. The EAC disbursed, \$825,000,000 in CARES Act and HAVA security grant funding, despite the lack of additional supplemental funds for the agency. COVID-19 also required a shift in guidance and assistance we provided election officials. We worked closely with federal partners including DHS/CISA, CDC, FBI, and others on guidance for election officials, and spearheaded the collection and distribution of lessons learned from the 2020 primary elections.

We utilized our position as the only federal agency solely focused on election administration to amplify the voices of local and state election officials while providing direct support for their efforts. Our new Cyber Access and Security Program (CAS) provided the states with cyber resources and training. We launched National Poll Worker Recruitment Day to encourage a new generation of poll workers to meet the challenge of the times and ensure election officials had a sufficient workforce for the November election. We also held virtual events and responded to press inquiries to dispel misinformation and served as a trusted source to better educate voters.

As we committed to you last year, we have worked to make critical strides in advancing VVSG 2.0 toward completion. Beginning in February when the Technical Guidelines Development Committee (TGDC) approved VVSG 2.0 requirements, EAC staff worked in coordination with the National Institute of Standards and Technology (NIST) to advance the guidelines through the required process in an effort to submit final versions of the VVSG 2.0 to the Commissioners for adoption in the early part of 2021.

The achievements and progress this year were made possible only after the EAC expanded our staff and expertise, while retaining high performing staff. We recently filled the mission critical roles of General Counsel, Director of Communications, Director of Finance, Chief Information Officer, Chief Information Security Officer, Grants Manager, and several critical support positions throughout the agency. In total, the agency added or filled 20 permanent roles in 2020. Additionally, we completed the relocation of agency headquarters from Silver Spring, Maryland, to Washington D.C.

Going forward, we know the pandemic highlighted areas the EAC needs to enhance, such as expanding the clearinghouse function, approving the VVSG 2.0, additional grant oversight, building partnerships, expanding accessibility, and implementing a testing and certification of non-voting technology. We are committed to seeing our small but mighty agency meet its full potential and address these challenges. The EAC will continue to grow and improve the support we give election officials. Our mission has never been more critical, and more than ever, we stand prepared to serve election officials and the American people.

Thank you to the EAC Commissioners for their support and trust in me to lead this agency. We would like to thank election officials for a well-run election and our community partners for their continued support through their collaboration. We would like to thank our EAC staff who have been the consummate team players and unhesitatingly stepped up during these difficult times of such uncertainty and confusion.

We truly appreciate all of you. There is so much truth in the Helen Keller quote, "Alone we can do so little, together we can do so much"

– **MONA HARRINGTON**
EXECUTIVE DIRECTOR
U.S. ELECTION ASSISTANCE COMMISSION

GENERAL COUNSEL'S UPDATE

As required by the Help America Vote Act (HAVA) Section 207(4), the following section documents all votes taken by the Commission through September 30, 2020 for the preceding fiscal year. The following also includes votes taken through the calendar year.

Tally Votes	Result of Vote	Decided by a Vote of	Date Transmitted	Certified Date
Adopting policy to exempt the Office of Inspector General from the EAC Performance Management Program	Adopted	4-0	10/7/2019	10/09/2019
Approval of the U.S. Election Assistance Commission Succession Plan	Adopted	3-0	10/16/2019	10/18/2019
Amendment to the Technical Guidelines Development Committee Charter	Not Adopted	1-0	10/16/2019	10/18/2019
Appointment approval of Mona Harrington as the U.S. Election Assistance Commission Executive Director for a term of four (4) years and the appointment approval of Kevin Rayburn as the U.S. Election Assistance Commission General Counsel for a term of four (4) years	Adopted	4-0	6/3/2020	6/3/2020
Adopting the 2020 Guide to the Election Administration and Voting Survey	Adopted	4-0	8/10/2020	8/10/2020
Approval of the Resolution Declaring Election Official and Election Worker Appreciation Week	Adopted	4-0	10/29/2020	10/29/2020



EXECUTIVE SUMMARY

Our Mission: Helping America Vote

In November 2017, the EAC adopted the following mission and vision statements for the agency.

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

Vision Statement: A trusted, proactive, and responsive federal agency that helps election officials administer and voters participate in elections.

Per Section 207 of the Help America Vote Act of 2002 (HAVA), the U.S. Election Assistance Commission (EAC) is required to submit an Annual Report to Congress. This report details the agency's activities during the FY2020, as well as the 2020 calendar year, and our efforts to further the mission of the EAC.

Despite budget constraints, the COVID-19 pandemic, onboarding staff virtually, and managing the relocation of our headquarters, the EAC had significant accomplishments and made major contributions that helped to ensure a successful 2020 election. During the past year, the EAC grew to a team of about 44, including Commissioners and staff, with a \$15 million (\$11.271 million for salaries and expenses) FY2020 budget. 2020 was an election year beyond anyone's ability to plan. The EAC stretched its available resources, while fulfilling its mission to serve election officials and voters.

Above: The Commissioners present Louisiana Secretary of State R. Kyle Ardoin, with a 2019 Clearie Award for the category Most Creative or Original 'I Voted' Sticker.

To better understand some of the fiscal challenges faced by the EAC, it is important to know the agency's recent funding history. Between 2010 and 2019, the EAC's budget declined by nearly 50%. In January 2017, the Department of Homeland Security (DHS) designated the nation's election administration infrastructure as critical infrastructure. As a result, the EAC played a key role in helping DHS create and co-chair the Executive Committee of the Government Coordinating Council (GCC) that would help secure and monitor the security of the nation's elections. In Fiscal Year (FY) 2018, the EAC had a one-time increase of \$500,000 in Salaries and Expenses (S&E) to support the administration of the \$380 million of new HAVA Grants that were directly disbursed to states. However, in FY2019, the EAC received its lowest appropriation of \$7.95 million for S&E. Overall, with the added critical infrastructure responsibilities, ongoing grant oversight, a full quorum of Commissioners (the first time since 2010), a reduced staff and decreasing budget, the EAC faced many challenges heading into the 2020 presidential election.

In FY2020, Congress acknowledged the limited resources and appropriated the EAC \$15,171,000 (\$11.271 million for S&E), the highest since 2011 and a 40% increase from the year before. In addition, the agency received \$425 million in election security grant funds to disburse directly to states. In late March 2020, in response to the COVID-19 pandemic, Congress appropriated an additional \$400 million in CARES Act grant funding for the EAC to disburse to states. These appropriations did not include additional supplemental funds for the agency.



Vice Chair Palmer met with Florida Secretary of State Laurel Lee to discuss the Coronavirus challenge and the EAC and Florida collaborating on security of election systems and dealing with emergency situations to meet the needs of voters on Election Day.

Despite not having received supplemental funding for the pandemic that the EAC requested in March, EAC's FY2020 activities largely focused on its response to the unprecedented challenges of the COVID-19 pandemic. The agency's full range of activities and achievements are detailed in this report. Some 2020 highlights that demonstrate how EAC staff stretched resources and assisted election officials include:

- a.** disbursing and administering \$400 million in emergency CARES Act funding to the states to prevent, prepare for, and respond to the coronavirus for the 2020 federal election cycle. Disbursement was accomplished within 30 days, with only one full-time grants staff member;
- b.** disbursing and administering \$425 million in new HAVA security grants funding to the states for election administration enhancements. EAC was also able to award those funds within 45 days and with less than one full-time grants staff member;
- c.** producing and publishing EAC resources as well as guidance alongside our federal partners, (Department of Homeland Security [DHS]/Cybersecurity and Infrastructure Security Agency [CISA], Centers for Disease Control [CDC], Federal Bureau of Investigations [FBI], etc.) including a wide range of COVID-19 resources to assist states in the administration of safe, secure, accurate, and accessible elections, with guidance related to mail/absentee voting, in-person voting, and other safety, accessibility, and security topics related to responding to the pandemic;
- d.** assembling the new Cyber Access and Security Program (CAS) which assists states with cyber resources and training;
- e.** engaging the Center for Tech and Civic Life to provide three tailored cybersecurity courses at no cost to state and local election officials across the country;
- f.** advancing the VVSG including collection of public comments, hearings, as well as numerous other critical steps toward the adoption of the VVSG 2.0;
- g.** holding 38 events including two all-day, in-person events early in the year, and 36 virtual hearings, roundtable discussions, webinars, and interviews. Events included election officials from 29 states and federal partners, subject matter experts, and advocates from across the country;
- h.** responding to over 200 congressional inquiries about grants and EAC programming and operations, in addition to submitting reports required by federal law;
- i.** virtually onboarding 32 staff and interns, nearly doubling staff to enhance the EAC mission;
- j.** addressing election officials' critical shortage of poll workers after the primaries by launching National Poll Worker Recruitment Day and standing up the dedicated website www.helpamericavote.gov to help Americans contact their local election officials to serve;
- k.** sending 43 press releases and generating over 10,000 press mentions to dispel misinformation and serve as a trusted source to better educate voters;
- l.** implementing infrastructure security safeguards to enhance, modernize, and implement a cost-effective technology adhering to Federal Information Security Modernization Act (FISMA) standards; and
- m.** facilitating a relocation of the EAC office space to Washington, DC including coordination of technology, critical infrastructure, and physical equipment moves during pandemic conditions.

Throughout 2020, the EAC made significant advances in agency capacity, expertise, and programming during a global pandemic. EAC staff created new and innovative programming to ensure the agency continued to serve its mission of helping election officials to improve election administration despite complications created by COVID-19. Through providing direct assistance to election officials, gathering and distributing best practices, and coordinating closely with its federal counterparts, the EAC directly contributed to the success of the 2020 election while rebuilding the agency. EAC programming and operations were expanded to address this unique moment in history with key activities described below.

Grants Administration

Since the EAC was established, the agency has distributed and supported the effective administration of more than \$4 billion in HAVA funds. In 2020, EAC Grants staff were tasked with doubling the funds they administered despite receiving no additional funds for grants administration. EAC staff supported the effective administration of previously awarded HAVA Section 101 and 251 grants, \$425 million in new HAVA election security grants, and \$400 million in Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funds to prevent, prepare for, and respond to the coronavirus for the 2020 federal election cycle. To meet the emergent situation, CARES Act supplemental appropriation funding was distributed by the EAC within 30 days to provide states with additional resources to protect the 2020 elections from the effects of the novel coronavirus.

In addition to distributing funds, EAC Grants staff provided extensive training and technical assistance to states as it planned to implement the HAVA and CARES Act funding. This assistance was developed at the height of confusion during the COVID-19 pandemic. Grants staff also responded to over

85 inquiries from Congress while directly assisting election officials in all states and territories. This report includes information on grant allocations, how states planned to and expended funds, and ongoing reporting of remaining funds. Charts detailing remaining funds are available in the appendix.

Responding to COVID-19

The onset of the COVID-19 pandemic greatly expanded the demands on EAC staff, essentially supplanting much of the workload of the agency to responding to the crisis while assisting election officials in planning for and conducting elections during the pandemic. The EAC distributed and administered the aforementioned \$400 million in CARES Act grants, worked in coordination with federal partners and election industry experts to provide resources for election officials, and created new programs to offer direct assistance to election officials while continuing to advance the strategic plan of the agency as envisioned prior to the global pandemic. Through these efforts, the EAC played an instrumental role in ensuring the success of the 2020 election by helping election officials respond to the pandemic.

The EAC chaired the Election Infrastructure Government Coordinating Council (GCC) and Subsector Coordinating Council's (SCC) Joint COVID Working Group. Working group membership included the National Association of Secretaries of State (NASS), National Association of State Election Directors (NASED), Cybersecurity and Infrastructure Security Agency (CISA), election officials, election technology experts, and election experts. The working group released an extensive series of best practices documents and the EAC led the development of the "Lessons Learned from the 2020 Primary" series, outlining best practices directly from election officials. These and other resources were included along with other COVID-19 resources the EAC developed and compiled at EAC.gov.

Beginning in March, the EAC hosted a series of virtual events, interviews, and virtual hearings to collect and share best practices. Topics ranged from preparing for increased absentee ballot applications to emergency election laws and utilizing the National Guard in election administration. Through a quick pivot in the programming of the agency, the EAC was able to serve election officials and American voters throughout the planning and execution of responses to COVID-19.

The 2020 Election: Assisting Election Officials and Voters

"We, as the only federal agency completely dedicated to election administration, have confidence in the state and local election administrators who ran the 2020 election and the voting systems certified by the EAC."

**Joint Statement from the EAC
Commissioners, December 3, 2020**

The EAC began 2020 by supporting election officials and voters in anticipation of the 2020 presidential primaries and general election. This included coordination and information sharing on election security with election officials and federal partners, launching new programs to provide training to election officials, engaging with stakeholders across the country, and supporting voter registration. Commissioners engaged directly with election officials through pre-COVID visits and virtual events following the outbreak of the pandemic. Through Election Day, the EAC hosted two in-person events pre-COVID, three virtual hearings, five virtual roundtables, 17 webinars, seven events focused on the CARES Act, and four events focused on accessibility.

Election officials were facing severe poll worker shortages ahead of the 2020 presidential election, amplified by the coronavirus pandemic.

To address this concern, the EAC launched the first National Poll Worker Recruitment Day. The day was a huge success, garnering national attention and highlighting the need for poll workers across the United States. Importantly, there was bipartisan support of the day with 37 state election offices participating.



EAC staff also directly assisted voters through the election response team program. EAC staff received over 4,000 calls from voters between September and Election Day and over 2,000 emails from voters over the course of the year. These calls and emails covered a range of election-related topics and allowed EAC staff to provide direct assistance to voters and combat disinformation or misinformation by highlighting trusted information from election officials in the voters' states.

The EAC has played a crucial role in voter registration since its inception as HAVA mandates EAC maintain the National Mail Voter Registration Form (also known as the NVRA Form or Federal Form). In 2020, the EAC continued to serve American voters in maintaining the form and managed updates to NVRA forms for Iowa, Nevada, Pennsylvania, and Tennessee.

The EAC supported voter registration efforts through promotion of National Voter Registration Day and celebrating the 100th anniversary of the 19th Amendment extending the right to vote to women. Additionally, the EAC and General Services Administration (GSA) collaborated on increasing the functionality of the vote.gov website, working together to maintain the site and increase engagement by voters and external organizations.

October 24 was the inaugural Vote Early Day. The EAC was a premier partner in this effort to ensure Americans understood the options in their state to cast their ballot early. In addition to the EAC's social media promotion of the day and where to find information on early voting, Chairman Hovland also participated in a Reddit "Ask Me Anything" event and other activities to help reach voters.

The EAC also participated in and promoted a campaign driven by the National Association of Secretaries of State, "#trustedinfo2020," which recommended voters rely on election officials for trusted information on elections and voting.



Commissioner Hicks presents the Clearie Award to Ann Arbor, Michigan, for Outstanding Innovations in Election Administration for their Line Management Project.

Enhancing Election Security

One area where the EAC provides direct support to election officials is building strong cybersecurity protections of elections. In 2020, the EAC took great strides towards securing our elections by creating the Cyber Access and Security Program (CAS) focused on election security. This program provides cybersecurity resources, best practices, and training to improve the posture and resilience of state and local election offices. An important part of this program has been the addition of staff who have a range of experience in the cybersecurity and elections fields.

Beginning in June, online cybersecurity training was offered at no cost and developed specifically for election officials through a partnership with the Center for Tech and Civic Life (CTCL). Over 300 state and local election officials from 31 states completed the training, which remains available until May 2021.

The EAC also launched Risk Management and Crisis Management online workshops for state and territorial election officials. In late summer, the EAC hosted a joint CISA online risk management tool on its website allowing election officials at the local level to easily measure and mitigate risks to their specific environments. CAS updated materials currently posted to the EAC website and developed new material related to vulnerability disclosure programs, social engineering mitigation, and case studies. The creation of CAS has allowed the EAC to strategically advance cybersecurity protections in 2020 with an eye on future innovations and programming.

In June, the EAC also announced its partnership with the Center for Internet Security, Inc. (CIS®) to pilot a technology verification program focused on non-voting election technology including electronic poll books, election night reporting websites, and electronic ballot delivery systems: Rapid Architecture-Based Election Technology

Verification, or “RABET-V.” The EAC hopes this program will evolve into a permanent program or inform similar efforts to further secure our elections systems from potential foreign or domestic threats.

Setting New National Standards for Voting Systems

As outlined in HAVA, core functions of the EAC include adopting and modifying the Voluntary Voting System Guidelines (VVSG), testing and certifying voting systems against these voluntary guidelines, and accrediting Voting System Test Laboratories (VSTLs).

The EAC took numerous actions to advance the newest version of the VVSG, which is commonly referred to as the VVSG 2.0. The VVSG 2.0, once implemented, will help state and local election officials improve election security and allow manufacturers to develop updated voting technology. On February 7, the EAC's Technical Guidelines Development Committee (TGDC) voted on recommending the VVSG 2.0 Requirements to the EAC's Executive Director, marking the first of several important steps toward approval of VVSG 2.0. Since then, the EAC continued the HAVA-mandated process with contributions from the National Institute of Standards and Technology (NIST), public comments and three virtual hearings, as well as comments and input from the EAC Standards Board and the Board of Advisors. Concurrently, EAC staff revised the Testing and Certification and Voting System Test Laboratories Program Manuals, and drafted VVSG 2.0 test assertions and sunset and implementation policies as we move toward adoption of the VVSG 2.0.

In 2020, the Testing and Certification Program certified 10 voting systems and approved 49 engineering change orders related to fielded voting systems.

The Testing and Certification Program also monitors EAC-registered voting system manufacturers and EAC-accredited

VSTLs. Under this program, the Testing and Certification Program conducted three investigations in 2020.

Additionally, this year the EAC launched a new Election Day war room spearheaded by Testing and Certification staff to gather information from registered manufacturers on issues reported by media or election officials. Five of the eight manufacturers participated in these calls (Dominion, ES&S, Hart InterCivic, MicroVote, and Smartmatic). This effort is ongoing, and staff are following up with election officials and voting system manufacturers to obtain information on claims of irregularities reported in the media during the general election.

Leveraging Data

The Election Administration and Voting Survey (EAVS) is the most comprehensive election administration survey in the United States. Conducted every two years following the federal general election, the 2020 EAVS is capturing data from nearly 6,500 local election jurisdictions across all 50 states, the District of Columbia, and U.S. territories. For the first time in 2020, EAVS will capture data reflecting election administration in the Northern Mariana Islands.

This year's EAVS will be the most comprehensive look at an historic election which saw dramatic shifts in voting patterns and election administration in a pandemic environment. The EAC Research division undertook numerous programs to improve the 2020 EAVS and the report will be released in June 2021.

EAVS data played an integral role in educating the public ahead of the 2020 election. In addition to EAVS data use in numerous pieces, EAC research staff provided information to the press and public to ensure accurate information was used in reporting on preparations for the November election.

Promoting Accessibility

HAVA contained landmark provisions requiring the secure, private, and independent casting of ballots for people with disabilities. Since then, the EAC has worked to assist election officials in removing obstacles for voters with disabilities through the collection and promotion of best practices, hosting events to discuss and evaluate the barriers that still exist, and launching innovative research and programming aimed at directly assisting voters with disabilities. EAC staff and Commissioners worked to ensure the onset of the COVID-19 pandemic did not exacerbate voting difficulties for voters with disabilities.

The EAC hosted the “2020 Elections: Disability, Accessibility, and Security Forum” bringing together state and local election officials, people with disabilities, disability advocates, and election security experts to discuss concerns regarding accessibility and security and to advance solutions. The event featured discussions on pressing issues to voters with disabilities and election officials amidst growing security needs. Following the conclusion of the primary election season, EAC staff also created best practices for empowering voters with disabilities to ensure shifts in election administration undertaken to combat the spread of COVID-19 did not inadvertently prevent voters with disabilities from meaningfully and independently participating in the 2020 election.

During the fall of 2020, the EAC spearheaded an accessibility survey for the 2020 general election. The EAC worked closely with a team of experienced researchers from Rutgers University to organize the survey, which launched immediately after the general election. Results will be available in early 2021.

Highlighting Best Practices

Under HAVA, the EAC is charged with serving as a clearinghouse for election administration information. The Clearinghouse Awards, also referred to as the “Clearies,” honor the enterprising spirit and hard work of election officials across the country. In the challenging circumstances created by COVID-19, this year’s awards highlight the resourcefulness of officials implementing new safety precautions in the 2020 elections and adjusting to increased mail and absentee voting. The award schedule was shifted with award winners expected in early 2021.

“The EAC is a critical agency in regard to creating... a universal clearinghouse as well as an ability to provide guidance and best practices.”

Maggie Toulouse Oliver

**New Mexico Secretary of State and
NASS President**

*Bipartisan Policy Center: The 2020
Voting Experience and Goals for
Reform, December 15, 2020*

Agency Development

On June 3, EAC Commissioners unanimously voted to approve the appointments of Mona Harrington as Executive Director and Kevin Rayburn as General Counsel.

With a full complement of commissioners and new leadership within the agency, the EAC continued to modernize operations and rebuild a depleted agency in 2020. The agency filled mission critical roles in Communications, Finance, Grants, and the Office of the Chief Information Officer as well as several critical support positions throughout the agency. This focused effort to restore the EAC to full capacity while expanding the level of expertise within the workforce was crucial in allowing the EAC to meaningfully support election officials this year.

The agency continued its multi-year technology upgrade plan while launching valuable cybersecurity programming for election officials. The Cyber Access and Security Program, in addition to providing valuable resources to election officials, also worked to increase the cybersecurity posture of the EAC. The program provides quarterly cybersecurity training to all agency personnel and conducts monthly phishing exercises. The combination of training and exercises has reduced the agency's phishing click-through rate observed during these exercises from almost 40% to less than 1%.

Following Congressional appropriations to the agency in FY2020, EAC staff were able to facilitate a return of the EAC office to Washington, DC. The relocation, from the agency's previous location in Silver Spring, Maryland, was undertaken during pandemic conditions.



Vermont Secretary of State Jim Condos and Louisiana Secretary of State Kyle Ardoin opened the 2020 Elections Summit.



ADMINISTERING HAVA FUNDS

Distributing and Administering HAVA Funds

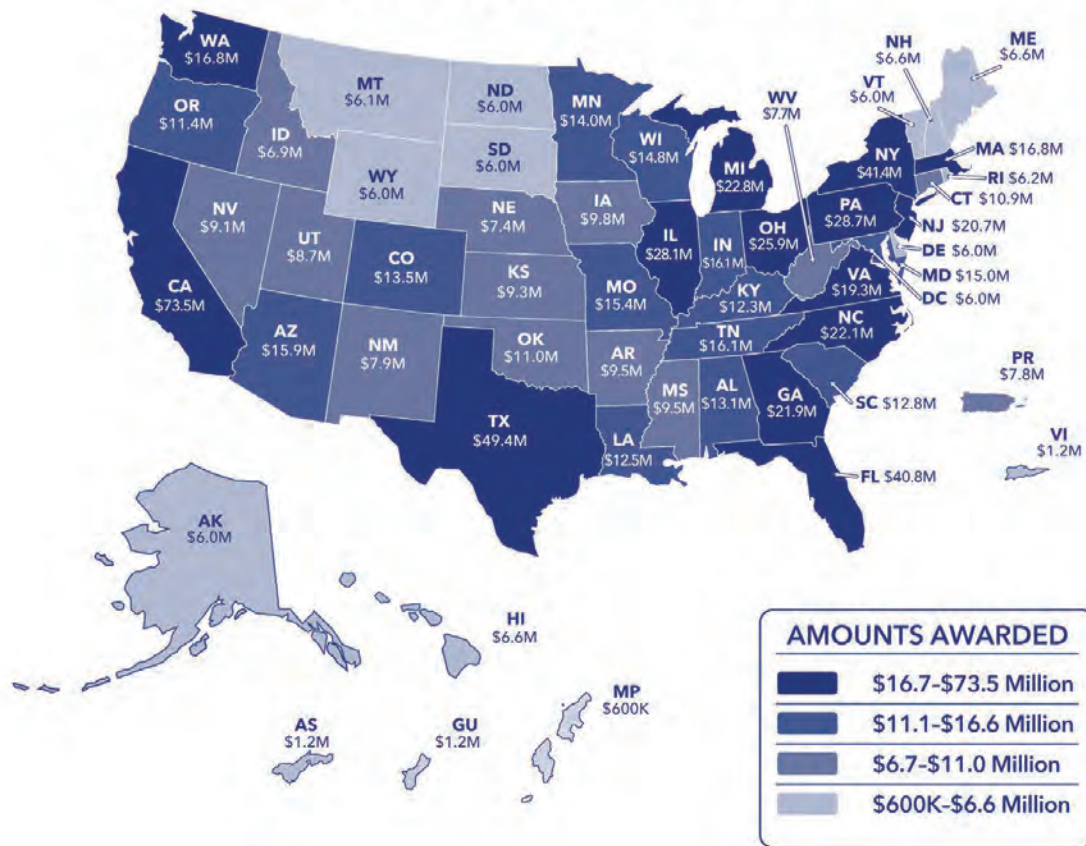
Since the EAC was established, the agency has distributed and supported the effective administration of more than \$4 billion in HAVA funds.

HAVA Election Security Grants

On December 20, 2019, President Donald J. Trump signed into law the Consolidated Appropriations Act of 2020, which included \$425 million in new HAVA election security grants that will be distributed to state election offices by the EAC. Discussions with the U.S. Government Accountability Office (GAO) overturned the previous determination that limited the HAVA Election Security funds to a five-year period. The funds are now available to the states until expended. The EAC then consolidated the 2018 and 2020 Election Security funds into one grant. This brings the total Election Security grant funding to \$805 million. Going forward this will reduce the burden on the states for tracking and reporting on these funds.

Above: In February, Vice Chair Palmer and Commissioner Hicks addressed the U.S. Department of State's International Visitor Leadership Program, U.S. Electoral Process: A Multi-Regional Project at the U.S. Institute of Peace.

HAVA Election Security State by State Award



This is a combination of the 2018 and 2020 election security award.

Please see Appendix for a complete listing of Security Grant spending by state.

The EAC supported the effective administration of the HAVA election security grants throughout 2020. In their federal financial reports submitted in December 2020, states reported using these funds in FY2020 to respond to the pandemic, replace voting equipment, secure and modernize voter registration databases, conduct cybersecurity vulnerability assessments, implement cybersecurity best practices, and pilot and conduct postelection audits, among other uses.

Through September 2020, the states collectively reported spending roughly 29 percent of the \$804,978,602 million distributed.

The Election Security grant narratives, budgets and reports can be found at: eac.gov/payments-and-grants/election-security-funds.

Previously Awarded HAVA Funds (Section 101 and 251)

The EAC continued to support states' expenditures of previously awarded HAVA Section 101 and 251 grants in 2020.

By the end of 2019, 14 states had expended all of their Section 251 funds and 31 states had expended all of their Section 101 funds. Those grants are closed and were not active in 2020.

In 2020, the EAC continued to support states' expenditures in 41 states with open Section 251 grants and 24 states with open Section 101 grants. By September 2020, 33 of the 41 states with open 251 grants had expended more than 95 percent of their funds (22 of them at 99 or 100 percent of the funds), five states had expended between 80 and 95 percent, and three states had expended less than 80 percent. For the 24 states with open Section 101 grants, 19 states had spent more than 98 percent, one state had expended 96 percent, and four states had expended 80 percent or less. See state-by-state expenditure tables in Appendix.

Throughout 2020, the EAC continued the close-out process with six states for their previously awarded HAVA Section 101 and/or 251 funds. Closing out previously expended funds eases the recordkeeping burden on states, shortening the period during which they are required to maintain grant files. EAC intends to perform an administrative closeout process with states every five years. By the end of 2020, five additional states had expended all of their Section 251 funds and three states had expended all of their 101 funds. Those states submitted their final financial reports and the Grants office will close those grants.

Oversight and Monitoring

The EAC is mandated to monitor and provide oversight for all HAVA grants. During FY2020, staff reviewed Federal Financial Reports (FFRs) and accompanying narrative reports submitted by the states for their HAVA Section 101 grants for activities to improve administration of elections, 251 Requirements Payment funds and the Election Security grants.

The CARES Act required states to submit reports on expenditures within 20 days of each primary and the general election. The EAC developed an efficient process to review and aggregate those reports and submit them to Congress within three days of the grantees' deadline, as required by the CARES Act. During FY2020, the Office of Grants Management submitted reports to Congress related to primaries conducted by the states between March 28, 2020 and September 30, 2020, the end of the fiscal year. In FY2021, the EAC will report on expenditures under the grant in support of the 2020 general election on November 3 from all 56 states and territories. The EAC will continue to oversee the expenditure of the funds and is developing a process to identify all funds remaining unspent as of December 31, 2020, to be returned to the U.S. Treasury.

In November 2019, the EAC's Office of the Inspector General launched audits of six states (Arkansas, Florida, Kentucky, Massachusetts, New Mexico, and West Virginia) regarding their use of the 2018 HAVA funds. COVID-19 closures, rescheduling of primary elections, the need to adapt the audits for remote testing, and the tremendous efforts required of the states to conduct the general election during a pandemic delayed the six audits from their originally targeted completion dates. The audits are expected to be finished and the final reports issued in the first calendar quarter of 2021. The EAC is providing ongoing training and technical assistance to support states and their localities in effectively managing federal funds. The agency has worked with the OIG to resolve and close out audit findings.

Training and Technical Assistance

EAC staff members provide technical assistance to the states as they plan and implement their use of federal funds. During FY2020, staff conducted remote technical assistance to states and developed tailored guidance around the CARES funding and use of other HAVA funding under the pandemic.

Specifically, the EAC developed Frequently Asked Questions (FAQs), written guidance, and webinars to train grantees on the new CARES funding and the additional Election Security funds. The Office of Grants Management responded to a high volume of inquiries regarding allowable, allocable, reasonable and necessary expenditures and activities for the funding.

New guidance and training were also created to support the change in reporting requirements and mechanisms for the grantee progress and financial reports.

The EAC also coordinated indirect cost rate negotiations for states with the Department of Health and Human Services.

Modernizing Grants Management

The EAC hired a full-time grants manager to lead and support the increased responsibilities for the agency and will be adding one more full-time grants employee in FY2021.

To assist states in the reporting process and help EAC staff manage and distribute the reports, the agency developed an electronic format for submission and review of grantee progress reports. The format was piloted for the 20-day CARES reporting and is now implemented for progress reports across all HAVA grants.

The agency also transitioned from a manual paper submission process to electronic submission of grantee Federal Financial Reports in the Payment Management System operated by the Program Support Center at the U.S. Department of Health and Human Services. The system was live for the report submissions due December 2020.

In addition, the EAC is now fully compliant with requirements to post grant funding in USASpending and has updated policies and procedures for submission of the data.

Finally, the agency received Paperwork Reduction Act approval from OMB for both progress and financial report information collection instruments and is compliant with this requirement.



RESPONDING TO THE COVID-19 PANDEMIC

Like many state and local election officials and our federal counterparts, the onset of the COVID-19 pandemic required the EAC to immediately shift to a completely remote workforce. The crisis also greatly expanded the demands on EAC staff, essentially supplanting much of their workload with responding to the crisis. Agency staff continued assisting election officials in planning for and conducting elections during the pandemic. The EAC distributed and administered \$400 million in CARES Act grants in addition to the \$425 million in HAVA Security funds already being administered, worked in coordination with federal partners and election industry experts to provide resources for election officials, and created new programs to offer direct assistance to election officials while continuing to advance the strategic plan of the agency as envisioned prior to the global pandemic.

Shane Schoeller
Greene County, MO
Clerk

Elizabeth Howard
Brennan Center for Justice
Counsel, Democracy

Roxanna Moritz
Scott County, IA
Auditor & Commissioner
of Elections

U.S. Election Assistance Commission | www.eac.gov

Speakers in the EAC CARES Act Interview Series included local election officials and election experts.

Above: In February 2020, Commissioners McCormick and Palmer gave a presentation on the EAC and our role to the Arizona House Committee on Elections. During the same trip, the commissioners visited with Elections Officials in Coconino, Maricopa, and Pima Counties.

On March 27, 2020, President Donald J. Trump signed the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) into law. The Act included \$400 million in new HAVA emergency funds, made available to states to prevent, prepare for, and respond to the coronavirus for the 2020 federal election cycle. This supplemental appropriation funding, awarded by the EAC within 30 days, provided states with additional resources to protect the 2020 elections from the effects of the novel coronavirus.

AMOUNTS AWARDED

\$8.1-\$36.5M
\$5.1-\$8.0M
\$3.1-\$5.0M
\$600K-\$3.0M

The CARES Act provided the funds to the EAC under Section 101 of the HAVA which authorizes the EAC to provide funds to states to “improve the administration of federal elections.” Therefore, the EAC followed the requirements of Section 101 to allocate the funds to the states to address issues arising from the pandemic during the remaining primaries and the general election in November 2020. The EAC disbursed \$397,205,287 (99.30%) of the obligated \$400,000,000 based on the requests for those funds by the states. Some states requested less than their full allocation due to concerns over meeting the required 20% match. The funds could only be used for costs associated with the pandemic during the 2020 election season, including Presidential and Congressional primaries that took place in advance of the general election.

State Examples of CARES Expenditures by Category

Expanding Polling Sites

Nebraska used funds for early voting to increase voter turnout, recruit more poll workers because of the reduced poll worker turnout, and provide a greater amount of PPE for poll workers and voters to ensure their safety. **Colorado** counties used CARES funding to add polling locations and increase the size of polling locations.

Mail-in Ballots/Vote By Mail

North Dakota's main objective was to minimize voter disruption. They conducted the primary election exclusively with vote by mail. For the primary election, more voters were issued ballots than for any other primary election in state history. **South Dakota** notified voters on how to utilize the absentee vote by mail option. Absentee applications were mailed to all the registered voters, along with a pre-paid return envelope. South Dakota also increased costs with staffing because of their dramatic increase in absentee requests.

Personal Protective Equipment

Georgia used the funds to procure additional cleaning supplies and PPE and to hire additional staff for Election Day to clean the polling places constantly. **Guam** used the funds to procure cleaning supplies and PPE for staff, poll workers, and for use at polling sites on Election Day. They also hired additional staff to handle sanitization procedures for in-person voting and they conducted pre and post Election Day deep cleaning of polling sites. **Kansas** used the funds to procure PPE kits for every polling place in the state for both the primary and general election.

Voter Education

Nevada used the funding to contract a marketing group to launch a statewide voter education campaign. **The District of Columbia** used the money for voter education on vote by mail, which included a messaging campaign for voters and the hiring of a public relations firm to oversee the campaign. **Delaware** used funds for communication purposes for notifying the public of changes in registration, ballot request options, and precautions or voting procedures.

States must report to the EAC on how they used the funds within 20 days of each primary and after the general election. The submitted reports are posted on the CARES page of the EAC website: eac.gov/payments-and-grants/2020-cares-act-grants. States had until December 31, 2020 to expend federal funds and have until March 27, 2022 to meet the 20% match. The first CARES Financial and Progress reports for the period ending December 31, 2020 will be due on February 28, 2021.

These funds came at a critical time and had an immediate impact on election preparation. States were able to apply pre-award costs from the start of the pandemic. The Commission made all funding request letters public for the election community and the American people to have the particulars on how the states and territories were planning on using their funds. It is essential as part of the EAC's clearinghouse function that the states and territories have access to the wealth of ideas and innovative approaches contained in other states' requests as they planned their own use of the funds. It is equally essential that the voting public know how states are using these federal funds.

"We're very thankful for the extra funds from the federal government to help to allow [county election officials] to increase their staff, to increase their equipment, and increase in every way shape and form the ability for them to manage that extra volume."

Kathy Boockvar
Secretary of the Commonwealth of Pennsylvania, CARES Act Interview
May 19, 2020.

"[T]his stimulus funding is enabling Kentucky to move lightyears ahead on transitioning away from DREs and more towards paper balloting systems which I think increases public confidence not just now but afterward."

Michael Adams
Kentucky Secretary of State, CARES Act Interview, May 19, 2020

Most states provided the funds to local election jurisdictions, which identified the specific needs resulting from the pandemic. To date, the needs identified generally result from much higher levels of voting by mail than anticipated. Over 70% of the states specifically mentioned using the funds to cover higher costs to print, mail, and process mail-in ballots. About 75% also used the funds to provide personal protective equipment (PPE) to poll workers and to staff who processed mail-in ballots. States that already had high percentages of mail-in ballots anticipated spending the funds on additional office space for processing mail-in ballots to ensure staff and others could maintain physical distance during processing and for personal protective gear.

Plans for CARES Act grants are available now within the request letters at [EAC.gov](https://eac.gov)

Joint COVID Working Group

The COVID-19 pandemic required dramatic shifts in the planning for and operations of elections in 2020. In response to the pandemic, the EAC chaired the Election Infrastructure Government Coordinating Council (GCC) and Subsector Coordinating Council's (SCC) Joint COVID Working Group. Working group membership included the Cybersecurity and Infrastructure Security Agency (CISA), the National Association of Secretaries of State (NASS), the National Association of State Election Directors (NASSED), election officials, election technology experts, and election experts. The working group formed in March to provide guidance for state and local election officials on best practices to administer and secure election infrastructure in light of the COVID-19 pandemic.

LESSONS LEARNED FROM THE 2020 PRIMARY DURING COVID-19	
This document is one in a series created as part of the Cybersecurity and Infrastructure Security Agency (CISA) Elections Infrastructure Government Coordinating Council and Sector Coordinating Council's Joint COVID Working Group. These documents provide guidance for state, local, tribal, and territorial election officials on how to administer and secure election infrastructure in light of the COVID-19 epidemic.	
CONTENTS	
LESSONS LEARNED FROM THE 2020 PRIMARY	2
PREPARING FOR IN-PERSON VOTING DURING COVID-19: RESOURCE ALLOCATION	4
Planning for Voters with COVID	5
POLL WORKER RECRUITMENT AND TRAINING	7
Preparing for Fewer Repeat Poll Workers	7
Recruiting New Poll Workers	8
Training New Poll Workers	10
PREPARING FOR IN-PERSON VOTING DURING COVID-19: VOTING LOCATION REQUIREMENTS	12
Physical Distancing and Polling Place Consolidation	13
Managing the Flow of Voters when Choosing New Locations	14
Providing Opportunities for Voters with Disabilities	14
Personal Protective Equipment, Disinfecting Polling Locations, and Voting Supplies	15
PREPARING FOR INCREASED MAIL OR ABSENTEE BALLOTS	17
Expanding Partnerships for Increased Mail or Absentee Ballots	18
Processing Timelines	19
COMMUNICATING WITH THE PUBLIC ABOUT THE VOTING PROCESS	21
Election Officials as Trusted Sources	21
Distributing Absentee Ballot Applications	23
Reaching Student Populations	24
PUBLIC RELATIONS AND THE MEDIA	24
Communicating with the Press	25
Voter Education and Outreach	25

Version 1.0 – Submit comments to election@eac.gov and it will be updated as necessary.

The GCC and SCC released three series of documents to assist election officials in 2020: “Preparing for Absentee and Mail Voting,” “Preparing for In-Person Voting,” and “Lessons Learned from the 2020 Primary Elections.” The EAC led on writing the multi-document, “Lessons Learned from the 2020 Primary” series, outlining best practices and lessons learned from the 2020 primaries directly from election officials. The documents covered topics including recruiting poll workers, identifying and setting up polling locations, preparing for increased absentee or vote by mail, and communicating with the public and the media. Drawing from EAC CARES Act videos, hearings, and interviews, the documents included important information directly from election officials across the country and highlighted that while every jurisdiction faced similar challenges, they met the moment with creativity and innovation.

"This election was a terrific example of counties, state agencies, and the federal government working together."

Paul Pate

Iowa Secretary of State, EAC Virtual Hearing on Lessons Learned During the 2020 Primary Election, July 8, 2020

Best Practices During COVID-19

COVID-19 created immediate issues for election officials conducting presidential and congressional primaries beginning in March. To better serve election officials and voters, the EAC began developing guidance and hosting a series of virtual events to collect and promote best practices.

Beginning on March 20, the Commissioners hosted two series of interviews with state and local election officials and election experts to help prepare officials to administer an election during the pandemic. The first interview program focused on absentee and mail ballots. The five following interviews highlighted best practices on planning for increased vote by mail capacity, improving communications for increased vote by mail, handling an increase of absentee or mail ballots, and handling absentee ballot requests. The second interview series covered considerations for CARES Act Funding. During four interviews, election officials shared how they spent or planned to spend CARES Act funding to execute their elections while keeping staff, poll workers, and voters safe.

The evolution of the pandemic made clear that preparations would need to continue for a unique 2020 election. The EAC held its first virtual public hearing on "Election Response to COVID-19: Administering Elections During the Coronavirus Crisis" on April 22. The public hearing included discussion of considerations for increased absentee and mail voting, considerations for in-person voting, and an update on CARES Act funding. The hearing was followed one week later by a virtual interview on "Emergency Election Laws and COVID-19."

The EAC continued to host virtual events and interviews throughout the summer to highlight best practices, including a virtual public hearing on "Lessons Learned from the 2020 Primaries." Officials shared what they had learned from their primaries while highlighting concerns leading to November.

Two interviews led by Vice Chair Palmer addressed how election offices in Iowa and Wisconsin utilized the National Guard for the 2020 primaries. State election officials and leaders from the states' National Guard units outlined how they utilized the National Guard for filling major gaps in poll worker staffing, cybersecurity strategies and preparation, and distribution of personal protective equipment.



Speakers at the webinar "Utilizing the National Guard in Wisconsin" on July 2, 2020.



Speakers at the webinar "Utilizing the National Guard in Iowa" on July 28, 2020.

Roll Call

"The National Guard can help us avoid an election catastrophe this November"

"By preparing now for the activation and training of these valuable reinforcements, governors can address a looming emergency situation and allow election administrators the additional flexibility to focus on the myriad of other tasks necessary to ensure a smooth voting process for Americans."

Vice Chair Donald Palmer

Roll Call rollcall.com/2020/08/28/the-national-guard-can-help-us-avoid-an-election-catastrophe-this-november/, August 28, 2020

As Election Day approached, a number of factors had the potential to create confusion on the reporting of unofficial election results in the media on election night, including the different state laws for counting ballots that were cast absentee or by mail, the increasing numbers of absentee and mail ballot applications for such ballots, and the evolving nature of COVID-19 levels across the country. The EAC convened a roundtable on October 20 with Secretaries of State, a leading election law expert, and a representative of the Associated Press to discuss the reporting of unofficial election results, the process to certify election results, and the impact that COVID-19 could have on these calculations. The event was one example of the EAC helping to educate the public ahead of Election Day to promote trusted information and combat misinformation and disinformation before it began.

EAC Events in 2020

- 2** In-person events pre-COVID
- 3** Virtual Hearings
- 5** Virtual Roundtables
- 4** Events focused on Accessibility
- 7** CARES Act Virtual Events
- 17** Webinars

The EAC provided feedback to the Centers for Disease Control (CDC) for their online resource "Considerations for Election Polling Locations and Voters." The guidance is co-branded with the EAC and provides general guidelines and specific recommendations to prevent the spread of COVID-19 at polling locations. The EAC used those guidelines as a basis for a video produced with the District of Columbia Board of Elections. The video shows what these recommendations look like when put into practice at a polling location and features curbside voting, proper cleaning of voting and other equipment, and the use of masks.

COVID-19 Online Resources

On March 11, the EAC developed a COVID-19 resource page of the EAC.gov website. As the crisis evolved, the EAC began devoting the top of the EAC homepage to critical COVID-19 information on April 2. With these adjustments, the EAC created an easily accessible and navigable resource page for election officials and voters with questions about elections during the pandemic. In addition to the 16 Joint COVID Working Group documents, resources included voting machine cleaning guidance from voting machine vendors, tips for empowering voters with disabilities during COVID-19, and information on utilizing CARES Act funds.



EAC.gov's Coronavirus (COVID-19) Resources page

With inquiries to the EAC from election officials, voters, and the press skyrocketing due to the pandemic, the COVID-19 resource page streamlined the dissemination of information to these groups, helping to ensure that accurate information was easy to find and report as elections approached.

In addition to EAC developed information, guidance from other federal agencies such as the CDC, DHS, Federal Emergency Management Agency (FEMA), and U.S. Postal Service (USPS) were shared on the EAC's COVID-19 portal. Finally, information specific to voters such as health and safety guidance, voter registration contact information and deadlines, absentee and mail-in voting options, and poll worker signup information was aggregated and made available through our website.

SCIENTIFIC AMERICAN

"How to Avoid COVID while Voting"

"[Voters should] think about how they're going to engage and know what their options are. Every state has an option to vote by mail or absentee ballot."

EAC Chairman Ben Hovland,
Scientific American,
scientificamerican.com/article/how-to-avoid-covid-while-voting/



THE 2020 ELECTION: ASSISTING ELECTION OFFICIALS AND VOTERS

The EAC began 2020 supporting election officials and voters in anticipation of the 2020 presidential primaries and general election. This included coordination and information sharing on election security with election officials and federal partners, launching new programs to provide training to election officials, engaging with stakeholders across the country, and supporting voter registration.

State election officials and advocates affirmed their support of the EAC's mission in 2020. On July 21, the National Association of Secretaries of State allowed a previously passed resolution asking Congress not to fund or further authorize the EAC to expire. On December 10, a group of 41 civic engagement, disability rights, and civil rights organizations submitted a letter to members of Congress calling for increased

funding to allow the EAC to fulfill its mission and obligations under HAVA. On December 17, a bipartisan group of 17 Secretaries of State signed a letter to members of Congress in support of robust funding of the EAC for FY2021.

"...as the chief election officials of our respective states, we encourage robust funds be allocated to the EAC for fiscal year 2021 for various initiatives..."

from the letter issued by the bipartisan group of 17 Secretaries of State.

Above: Chairman Hovland with panel members Ohio Secretary of State Frank LaRose, Michigan Secretary of State Jocelyn Benson, Tammy Patrick from the Democracy Fund, and Meghan Kelly from the Federal Voting Assistance Program at the 2020 Elections Summit.

Congressional and Media Inquiries

While the EAC was prepared for an increase in interest due to the 2020 election, the onset of COVID-19 and the distribution of CARES Act funds created a higher level of interest from Congress and the press. EAC Commissioners and staff considered ensuring accurate information was conveyed about the ways the pandemic was impacting elections as essential to combating misinformation and disinformation and worked extensively with the press to ensure that trusted information was communicated.

The EAC:

- responded to **seven Congressional committee inquiries** and responded to numerous other requests on programming and operations,
- **submitted reports** required by federal law and for transparency including:
 - 2019 EAC DATA Act Report (November 8, 2019)
 - Quarterly FISMA CIO Data Call (January 15, April 15, July 15, and October 15, 2020)
 - Quarterly Risk Management Assessment (RMA) (January 15, April 15, July 15, and October 15, 2020)
 - FISMA Annual CIO Metrics (January 15, 2020)
 - 2019 Annual Report to Congress (January 31, 2020)
 - No Fear Act (January 31, April 30, July 31, and October 31, 2020)
 - Annual Report to the Director of OPM (February 1, 2020)
 - Annual Agency Ethics Program Questionnaire (February 3, 2020)
 - Congressional Budget Justifications (February 10, 2020)
 - FY19 Freedom of Information Act Report (March 2, 2020)
 - Federal Electronic Records & Email Management Report (March 10, 2020)
 - Controlled Unclassified Information (CUI) Report (March 12, 2020)
 - Records Management Self-Assessment (RMSA) Report (March 12, 2020)
 - Confidential Financial Disclosure Reporting (Internal Submission Only-April 17, 2020)
 - Senior Federal Travel Reporting (April 30, 2020; October 31, 2020)
 - Public Financial Disclosure Reporting (May 15, 2020)
 - Mid-year expenditures to Congress (informal) (May 20, 2020)
 - 1353 Travel Reporting (May 31, 2020 and November 30, 2020)
 - Pandemic Response Accountability Committee (quarterly reports for CARES)
 - » Plans for Use of CARES Act Report (due June 25, 2020)
 - » Quarterly Report (July 10 and October 10, 2020)
 - Management Directive 715 (July 17, 2020)
 - USASpending Upload for DATA Act (September 1, 2020 and October 22, 2020)
 - Grants Annual report (as of 9/30/19) finalized for website on September 20, 2020
 - BOD 18-02 Data Call (Quarterly High Value Assets List Update) (September 30, 2020)
 - Senior Agency Officials for Records Management (SAORM) Report (October 1, 2020)
 - SAOP FISMA Metrics (October 15, 2020)
 - EEO Form 462 Report (October 30, 2020)
 - Annual FISMA Reporting (October 31, 2020)

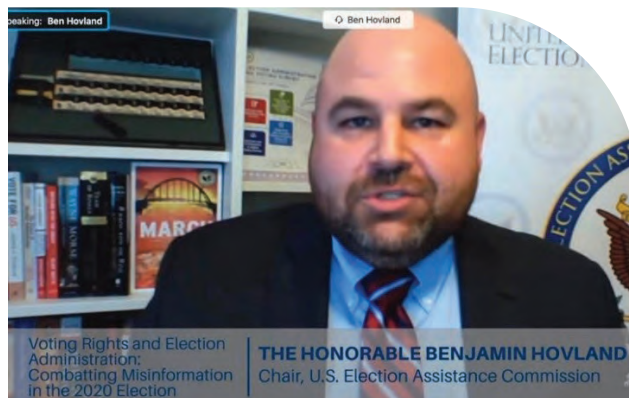
- FY20 Freedom of Information Act Report (November 13, 2020)
- 20-Day CARES Act Reports (November 23, 2020, and 23 days after each state's 2020 primary)
- Premium Class Travel Reporting (November 30, 2020)
- Travel Reporting Information Profile (November 30, 2020)
- 2020 Federal Advisory Committee Act Annual Report (December 4, 2020)
- Telework Report (December 15, 2020)
- 2020 Agency Financial Report (December 29, 2020)
- responded to over **90 Congressional inquiries** on grants, and
- **sent 43 press releases, received over 500 media requests, and generated over 10,000 press mentions**



On January 9, 2020, Commissioner Donald Palmer testifying at the Committee on House Administration hearing “2020 Election Security-Perspectives From Voting System Vendors And Experts.”

EAC Commissioners testified before Congress on four occasions in 2020 including:

- Vice Chair Donald Palmer (then Commissioner), 2020 Election Security - Perspectives From Voting System Vendors And Experts: Hearing Before H. Comm. on House Admin., 116th Cong. (2020) (statement of Donald Palmer, Commissioner, U.S. Election Assistance Comm’n).
- Vice Chair Donald Palmer, Voting Safely in a Pandemic: Hearing Before the H. Comm. on House Admin., 116th Cong. (2020) (statement of Donald Palmer, Vice Chair, U.S. Election Assistance Comm’n).
- Chairman Ben Hovland, Voting Rights And Election Administration: Combating Misinformation In The 2020 Election: Hearing Before the H. Comm. on House Admin., 116th Cong. (2020) (statement of Benjamin Hovland, Chair, U.S. Election Assistance Comm’n).
- Vice Chair Donald Palmer, Examining Irregularities in the 2020 Election: Hearing Before the S. Comm. on Homeland Sec. and Gov’t Affairs, 116th Cong. (2020) (statement of Donald Palmer, Vice Chair, U.S. Election Assistance Comm’n).



On October 6, 2020, Chairman Ben Hovland testified at the Committee on House Administration’s hearing “Voting Rights and Election Administration: Combating Misinformation in the 2020 Election.”

2020 Elections Summit



Commissioner Christy McCormick moderates a panel on securing the 2020 elections with panelists Geoff Hale of CISA, Texas Director of Elections Keith Ingram, Escambia County Florida Supervisor of Elections David Stafford, and Ron Bushar of FireEye at the 2020 Elections Summit.

On January 14, the EAC hosted the “2020 Elections Summit.” This all-day event brought together local, state, and federal officials along with experts in elections, cybersecurity, and accessibility to discuss preparation for the 2020 election. The Summit was held at the National Press Club in Washington, DC and was attended by over 200 people. The event was also livestreamed on the EAC’s YouTube page with videos of each panel uploaded after the event.

The goal of the Summit was to highlight important issues facing state and local election officials as they prepared for the 2020 primaries and general election. At that point, no one knew the impact the pandemic would have on elections.

EAC Commissioners moderated four panels throughout the day addressing preparations for a high turnout in November, resource management to avoid the creation of long lines, foreign interference and the intelligence community’s efforts to coordinate a response to threats, ensuring accessibility in the election



Shelby Pierson, Election Threats Executive, given an update from the Office of the Director of National Intelligence at the 2020 Elections Summit.



Commissioner Hicks, speaking at the 2020 Elections Summit, displays the EAC produced federal voting rights Braille card.



Ohio Secretary of State Frank LaRose and Michigan Secretary of State Jocelyn Benson discuss how to prepare for high voter turnout at the 2020 Elections Summit.

for people with disabilities or limited English proficiency, protecting election infrastructure from cybersecurity threats, deploying new equipment, and poll worker recruitment and retention strategies. Panelists included state and local election officials from Alabama, Arizona, California, Florida, Illinois, Louisiana, Michigan, Ohio, Texas, Vermont, and Virginia, as well as advocates, cybersecurity experts, and other subject matter experts. Shelby Pierson, Election Threats Executive for the Office of the Director of National Intelligence also gave remarks during the event.

Engaging the Elections Community

When invited by stakeholders or election officials, Commissioners will travel to engage directly with the elections community. Commissioners began 2020 with these visits prior to COVID-19 preventing travel. This direct engagement provides a benefit to the agency and to election officials, requiring EAC Commissioners and staff to create new opportunities to directly engage following the halting of travel.

Despite the effects of the pandemic, EAC Commissioners and staff stayed in regular contact with election officials from around the country. Through virtual events and interviews, EAC Commissioners worked directly with state and local election officials from about 29 states and the District of Columbia in 2020 after the onset of the COVID-19 pandemic. Additionally, Commissioners and staff spent Election Day working closely with local, state, and federal partners to monitor for attacks on election infrastructure or operations.

EAC staff directly assist voters through the election response team program. Each year the EAC answers calls and emails directly from voters, helping them to navigate questions about registration and voting options. The 2020 election presented unique concerns for voters as they navigated new voting options in their states while attempting to stay safe during the pandemic. EAC staff received over 4,000 calls and over 2,000 emails from voters over the course of the year.

Stakeholder Engagement: EAC Commissioners





National Poll Worker Recruitment Day

After hosting a series of virtual hearings and roundtable discussions designed to help election administrators share best practices for how they responded to the COVID-19 pandemic during the spring and summer elections, the EAC found election officials were facing severe poll worker shortages ahead of the 2020 presidential election. Poll worker recruitment poses a unique set of challenges during typical election cycles, and these challenges were amplified for election officials during the coronavirus pandemic. In 2018, about 70% of EAVS survey respondents reported that hiring a sufficient number of poll workers was “very difficult” or “somewhat difficult.”

Following the 2020 primary election cycle, an increased number of election officials shared challenges they faced recruiting, hiring, and training an adequate number of poll workers, and expressed concerns for November. Historically, the majority of poll workers have been over the age of 60 – falling into the vulnerable populations for more severe complications from COVID-19 according to guidelines from the Centers for Disease Control. With the 2020 presidential election months away, and the need for assistance established, the EAC designated September 1, 2020 as the first National Poll Worker Recruitment Day.

The EAC was able to successfully promote the event, engage with external supporters, and provide supplemental promotional tools to make the day a success. The EAC acquired the URL, HelpAmericaVote.gov, that redirected to a page on the EAC’s website. The page included information for voters interested in signing up as poll worker,

Social media was crucial for sharing information about National Poll Worker Recruitment Day. The EAC created the BeAPollWorker Twitter account and Help America Vote: Be A Poll Worker Facebook page for the program.

- 5,000 Twitter interactions with #NationalPollWorkerRecruitmentDay
- 3,106 likes and reactions to social media posts
- 2,500 Twitter interactions with #HelpAmericaVote
- 980 organic followers across social media platforms
- 75 Tweets during the campaign
- 41 Facebook posts during the campaign

how to partner for the day, and a link to additional resources for election officials. The lookup tool on the page offered information about being a poll worker in specific jurisdictions including hours, requirements, pay, and information on how to apply. If a local application was not available online, the tool provided a link to a state application. If a state application was not available, visitors could fill out a form to email to the local office. The EAC does not retain any personal information entered on that form and didn’t track how many people left the EAC site via links to their state or local election office. However, the EAC does know hundreds of thousands of people visited the site leading up to National Poll Worker Recruitment Day and afterward.

National Poll Worker Recruitment Day Social Media Highlights



The lookup tool on HelpAmericaVote.gov was also heavily utilized on the day.

- 78,548 page views with 743 visitors submitting information to local election offices on September 1
- 511,293 page views from August 1 to December 21
- 210,000 visitors between August 1 and September 30
- Over 6,900 people used the tool to submit their information to local election offices from August 1 through November 6.
- 686,789 page views for EAC's Become a Poll Worker page from August 1 to December 21. Most of that traffic was from organic searches. For example, a Google search for "how to become a poll worker" gives this EAC page as the top result.

The first National Poll Worker Recruitment Day was a huge success. The day garnered national attention and highlighted the need for poll workers across the United States. There was bipartisan support of the day with 37 state election offices, and a wide range of businesses, nonprofit organizations, politicians, and public figures participating. Some election officials also utilized the sample press release from the toolkit while others engaged with local news media outlets to promote the day. A media advisory released by supporter Power the Polls states that they were able to recruit 100,000 potential poll workers on National Poll Worker Recruitment Day alone.

Interest in signing up to be a poll worker has continued and EAC staff have been responding to emails and phone calls since National Poll Worker Recruitment Day. EAC staff have responded to almost 1,000 email inquiries from the public through November 2020. The EAC hopes to continue this successful initiative on a biennial basis ahead of every federal general election cycle.

Supporting Voter Registration and Education

In December 2019, the EAC entered into a memorandum of understanding with the General Services Administration (GSA) to increase the information and functionality of the vote.gov website and ensure the accuracy of the voter registration information hosted on the site. EAC staff acted as subject matter experts and collected voter registration deadlines and information for all 50 states, the District of Columbia, and the U.S. territories. In addition to the voter registration deadlines for each jurisdiction, the site also provides links to online voter registration tools where available, other voter registration options, and links where visitors can check their voter registration. This information directs visitors to the webpages for state election offices.

"Voter education has been key. The partnerships to facilitate that voter education has been key. And quite frankly, organizations like the EAC and NASS that have brought us together to share best practices have also been critical this year."

Jocelyn Benson

**Michigan Secretary of State, EAC
Roundtable Discussion: Voter
Registration During the COVID-19
Pandemic, September 18, 2020**

Throughout 2020, EAC and GSA collaborated on maintaining the site as well as working with external organizations to use vote.gov as a trusted source of information for voter registration. In the year leading up to Election Day 2020, over 7 million people visited vote.gov with 282,000 visits on National Voter Registration Day 2020.

In July 2019, the EAC adopted a resolution recognizing the fourth Tuesday of each September as National Voter Registration Day. In 2020, as part of our ongoing effort to promote voter registration information, the EAC joined over 5,000 partners in this national effort on September 22. An estimated 1.5 million voters registered or updated their voter registrations for National Voter Registration Day.

The EAC also maintains the National Mail Voter Registration Application Form, also known as the NVRA form or the federal form, which is made available to the public on the EAC website and vote.gov. The NVRA form is used by millions of people each election cycle, including through prominent third-party online platforms that support voter registration. The NVRA form makes voter registration easier for Americans, and the requirements of the NVRA mandate file maintenance and registration procedures that support individuals' right to vote.

States can update their NVRA form by sending a request on official letterhead explaining what changes they are requesting and clarifying any changes in state laws involved. The EAC's Executive Director, General Counsel, and Research Division work to ensure changes are accurate and translated into 15 languages (Arabic, Bengali, Chinese, English, French, Haitian Creole, Hindi, Japanese, Khmer, Korean, Portuguese, Russian, Spanish, Tagalog and Vietnamese). In 2020, the EAC managed updates to NVRA forms for Iowa, Nevada, Pennsylvania and Tennessee.

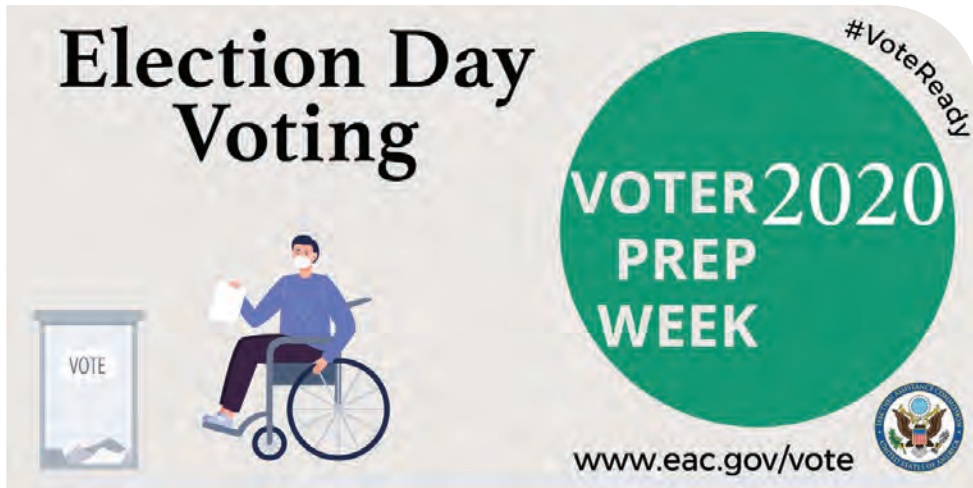
2020 also marked the centennial anniversary of the 19th Amendment of the U.S. Constitution. The amendment, which began the recognition of the right to vote for women, states that the right to vote shall not be denied or abridged by the United States or any state on account of sex. In celebration of this milestone, the EAC produced a video highlighting the anniversary as women who work at the EAC stated what the right to vote means to them.

"This time of reflection on the passage of the 19th Amendment granting women the right to vote, reminds us of just how far we've come in the United States and how our country truly does try to right its previous wrongs. Election officials work every day to continue this legacy and to ensure that every eligible voter has the right to cast a ballot and that it will count. We celebrate 100 years of women in voting, and we continue to work to ensure fair, safe, secure, and accessible elections."

EAC Commissioner Christy McCormick in the EAC's 19th Amendment anniversary celebration video.

Voter registration is just the first step in the voting process. Based on recommendations from our Boards, the EAC also established Voter Preparation Week. The goal of the initiative was to help voters ensure they were "vote ready" by checking their voter registration and exploring the options available in their state to cast a ballot. The social media campaign focused on a different aspect of the voting process each day from October 13 to 16.

As a trusted source of information, the EAC wanted to make sure the state-specific resources on EAC.gov are updated and could be a one-stop resource for visitors. In 2020, the EAC continued to update and improve EAC.gov with dynamic and engaging content resulting in 3.4 million users on the website, with over 6.4 million page views. At EAC.gov/vote, staff added state and local election office contact information, voter registration forms and look up tools, absentee/mail and early voting information, and ballot tracking and polling location look up tools. All information directs visitors to state election office websites and tools, and the site was one of the EAC's most visited pages this cycle.



Election Infrastructure Subsector Government Coordinating Council

Following the Department of Homeland Security's (DHS) designation of election infrastructure as critical infrastructure in January 2017, the EAC played a key role in helping establish the Government Coordinating Council (GCC) for the elections subsector. The GCC enables local, state, and federal governments to share information and collaborate on best practices to mitigate and counter threats to election infrastructure. As outlined in the GCC's October 2017 charter, the EAC Chair serves on the GCC's executive committee, the Vice Chair serves as a voting member, and the remaining two commissioners serve as ex officio, non-voting members. In addition, six voting members of the GCC are drawn from the EAC's three advisory boards.

Led by the EAC Chair on the GCC executive committee, the EAC actively participated in and supported the work of the GCC to share information and strengthen election infrastructure throughout 2020. As of December 2020, EAC-affiliated members of the GCC are listed in the table below.

GCC MEMBERS FROM THE EAC AND EAC ADVISORY BOARDS		
BENJAMIN HOVLAND	EAC Chairman	Member, Executive Committee Representative
DONALD PALMER	EAC Vice Chair	Member
JUDD CHOATE	Director, Division of Elections, Colorado; selected by EAC Technical Guidelines Development Committee	Member
NEAL KELLEY	Registrar of Voters, Orange County, California; selected by EAC Technical Guidelines Development Committee	Member
SARAH BALL JOHNSON	City Clerk, Colorado Springs, Colorado; selected by EAC Board of Advisors	Member
LINDA LAMONE	Administrator of Elections, Maryland State Board of Elections; selected by EAC Board of Advisors	Member
MARK GOINS	Coordinator of Elections, Tennessee; selected by EAC Standards Board	Member
DEBORAH ERICKSON	Administrative Services Director, Crow Wing County, Minnesota; selected by EAC Standards Board	Member
THOMAS HICKS	EAC Commissioner	Member (ex officio)
CHRISTY McCORMICK	EAC Commissioner	Member (ex officio)

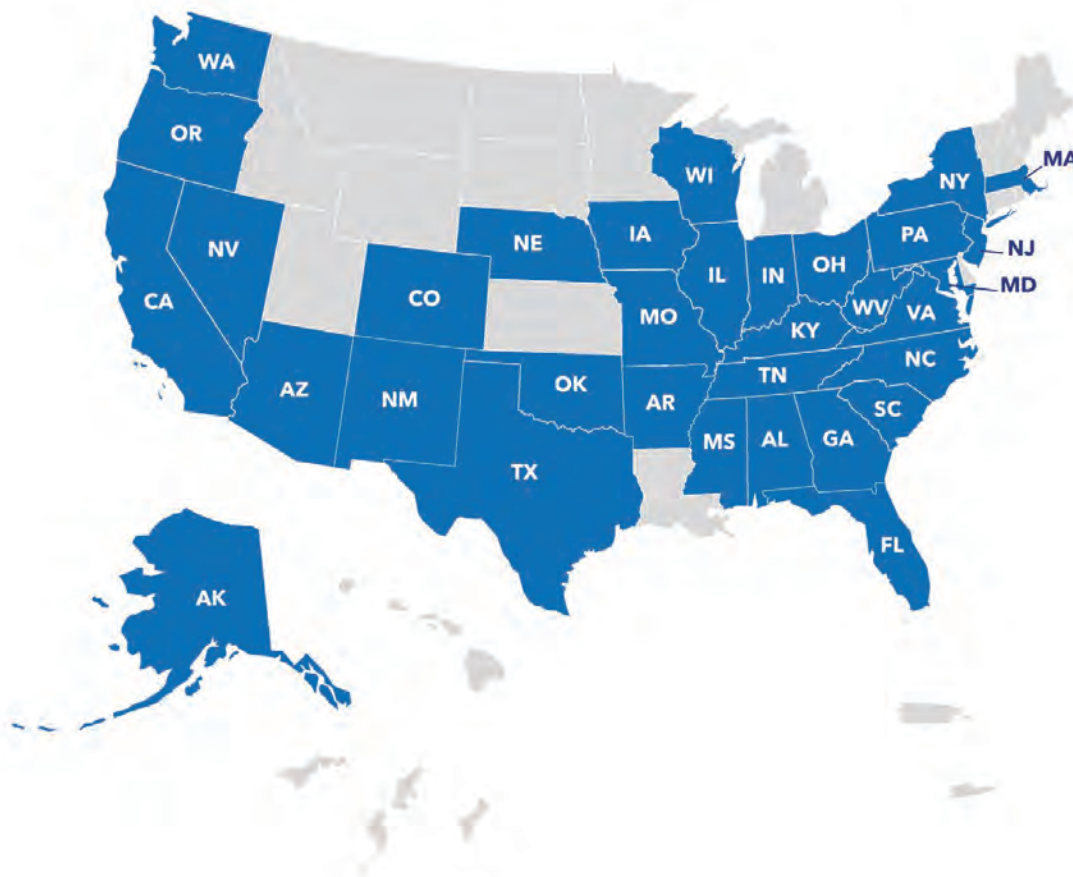


ENHANCING ELECTION SECURITY

In 2020, the EAC created the Cyber Access and Security Program (CAS) focused on election security. This program provides cybersecurity resources, best practices, and training to improve the posture and resilience of state and local election offices. Since it was established, CAS staff updated and added to the resources available through the EAC's Election Security Preparedness portal and works with other federal and state organizations such as The Cybersecurity and Infrastructure Security Agency (CISA), National Association of Secretaries of State (NASS), and National Association of State Election Directors (NASED) to ensure that the information the EAC provides works with other tools and information available to state and local election officials.

Above: Commissioner Hicks, Vice Chair Palmer, Commissioner McCormick at the Colorado Secretary of State's Election Preparedness for Infrastructure and Cybersecurity (EPIC) Tabletop exercise.

EAC Cybersecurity Training Participation



Additionally, the program has produced webinars and white papers on cyber risk and crisis management and is hosting the CISA-developed election security risk profile tool. Finally, the program worked with CISA, FBI, and NIST to create the first of its kind risk assessment of remote voting technologies. The assessment provides valuable and easy to consume information on the risks inherent with certain ballot delivery and return technologies, allowing election administrators to make informed decisions.

In its role in assisting election officials, the EAC Testing and Certification Program assisted Indiana, Pennsylvania, and Ohio with conducting risk-limiting audit (RLA) pilots. RLAs are post-election audits that some states use as part of their election verification processes. The EAC also issued a paper outlining the types of post-election audits and best practices to educate voters and the media on the audits that would be occurring after Election Day.



SETTING NEW NATIONAL STANDARDS FOR VOTING SYSTEMS

As outlined in HAVA, core functions of the EAC include adopting and modifying the Voluntary Voting System Guidelines (VVSG), testing and certifying voting systems against these voluntary guidelines, and accrediting Voting System Test Laboratories (VSTLs). The EAC adopted the first iteration of the VVSG, 1.0, in 2005, adopted VVSG 1.1 in 2015, and is currently advancing the next generation of guidelines known as VVSG 2.0. At present, there are 71 EAC-certified voting system configurations from 7 manufacturers. The EAC currently works with two accredited VSTLs.

Ongoing Voting System Testing and Certification

In 2020, the Testing and Certification Program hired two new team members to bring the total number of Testing and Certification staff to four. The program updated the oft-referenced “State Requirements and the U.S. Election Assistance Commission Voting System Testing and Certification Program” document and developed a map to display where EAC-certified voting systems are used. The program certified 10 voting systems and approved 49 engineering change orders related to fielded voting systems.

Above: Vice Chair Palmer speaking at the 2020 Elections Summit during the panel “Overcoming Election Day and Poll Worker Challenges.”

2020 CERTIFIED VOTING SYSTEMS

MANUFACTURER	VOTING SYSTEM	DATE CERTIFIED
Clear Ballot Group	ClearVote 2.0	October 21, 2019
MicroVote	EMS 4.3-A	January 16, 2020
Hart InterCivic	Verity Voting 2.4	February 21, 2020
ES&S	EVS 6.0.4.3	March 11, 2020
MicroVote	EMS 4.4	May 5, 2020
Dominion	Democracy Suite 5.5-C	July 9, 2020
ES&S	EVS 6.1.1.0	July 27, 2020
ES&S	EVS 6.0.3.0	July 27, 2020
Hart InterCivic	Verity Voting 2.5	September 9, 2020
MicroVote	EMS 4.41	September 21, 2020

VOTING SYSTEMS UNDER TESTING

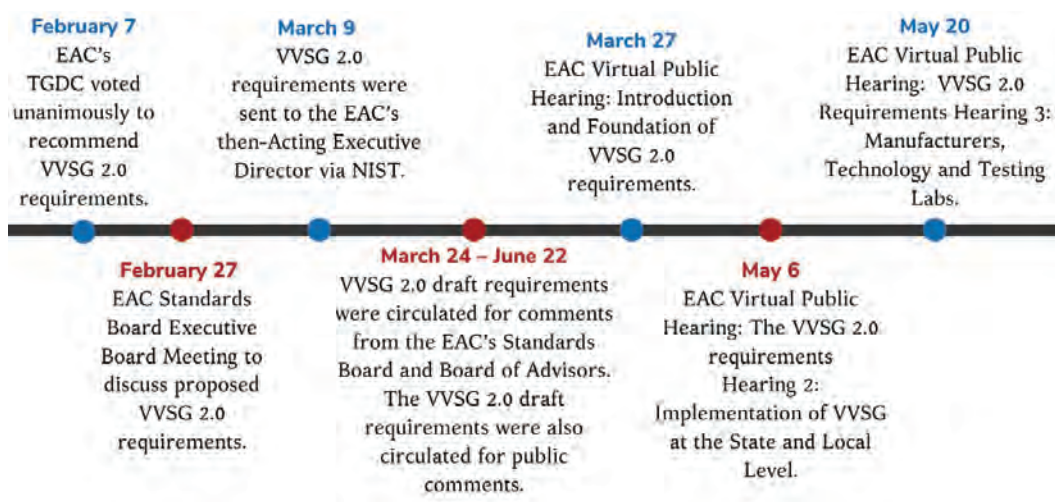
MANUFACTURER	VOTING SYSTEM	DATE CERTIFIED
Unisyn	OpenElect 2.2	August 31, 2020

Monitoring Voting System Manufacturers and Laboratories

The Testing and Certification Program is responsible for monitoring EAC-registered voting system manufacturers and EAC-accredited VSTLs. As a part of this work, the Testing and Certification Program conducted three investigations of ES&S in 2020: uncertified DS200 firmware in EAC-certified voting equipment, misrepresentation of EAC certification in ES&S marketing material, and mismatched hash values on fielded EAC-certified ExpressVote devices.

Prior to the COVID-19 pandemic, the Testing and Certification Program had planned to audit both VSTLs and several manufacturing facilities. These activities, including voting system field reviews, will be conducted in 2021.

VVSG 2.0 2020 Review Timeline, part 1



Advancing VVSG 2.0

"Each step toward final approval of VVSG 2.0 is another step toward improving election security. The final VVSG requirements will enable manufacturers to develop updated, improved, accessible, and secure voting technology."

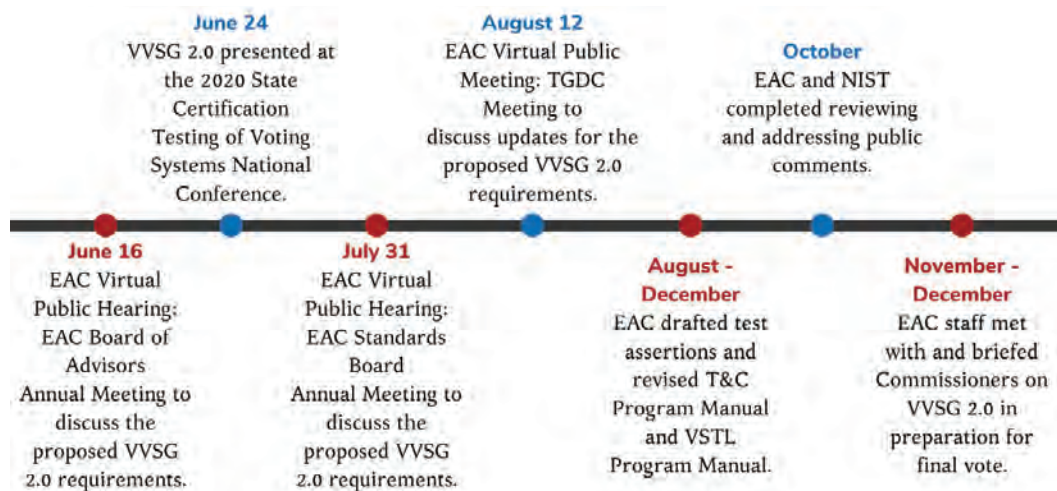
Chairman Ben Hovland, press release announcing public comment period and hearings on VVSG 2.0, March 24, 2020

The EAC took numerous actions to advance VVSG 2.0. The agency hosted three virtual hearings during Spring 2020 to hear from our stakeholders. The EAC Testing and Certification Program led the VVSG 2.0 project management to prepare for implementation upon finalization of new standards.

EAC Advancement of VVSG 2.0:

- **Public Comments** – The EAC collaborated with NIST's Voting Systems Program to review 1,660 public comments and revise the VVSG 2.0 draft requirements.
- **VVSG 2.0 Test Assertions** – The EAC drafted test assertions to align with requirements to be implemented by the Testing and Certification Program.
- **Testing and Certification Program Manual** – The Testing and Certification Program Manual was revised to include testing requirements and update processes and procedures associated with VVSG 2.0.
- **Voting System Test Laboratory (VSTL) Program Manual** – The VSTL Program Manual was revised to update processes and procedures associated with VVSG 2.0.
- **VVSG 2.0 Implementation Policy** – Created to address 1) sunseting previous version of the VVSG, 2) provide a path to upgrade voting systems, and 3) provide a path to decertification of outdated voting systems.

VVSG 2.0 2020 Review Timeline, part 2





EAC Commissioners participate in the VVSGG Virtual Hearing 2 on May 6, 2020.

Upon adoption, VVSG 2.0 would be the fifth iteration of national-level voting system standards. VVSG 2.0 offers a new approach to the organization of the guidelines and seeks to address the next generation of voting equipment. It contains new and expanded material in many areas, including reliability and quality, usability and accessibility, security, and testing. The Federal Election Commission (FEC) published the first two sets of federal standards in 1990 and 2002. The EAC then adopted Version 1.0 of the VVSG on December 13, 2005. In an effort to update and improve version 1.0 of the VVSG, on March 31, 2015, the EAC commissioners unanimously approved VVSG 1.1.

Non-Voting Election Technology Testing Pilot Program

In June, the EAC announced its partnership with the Center for Internet Security, Inc. (CIS®) to pilot a technology verification program focused on non-voting election technology including electronic poll books, election night reporting websites, and electronic ballot delivery systems. The program, entitled “Rapid Architecture-Based Election Technology Verification,” or RABET-V, relies on a risk-based approach that allows rapid verification of manufacturers’ security claims.

“The EAC joined the project’s steering committee from the start as we see a need for jurisdictions across the U.S. to have a consistent way to evaluate the capabilities and security of manufacturers’ non-voting election technology. This program will inform the EAC on ways to complement the existing testing and certification of voting systems.”

EAC Vice Chair Donald Palmer

The RABET-V pilot program supports agile software development with a verification process that anticipates and supports rapid product changes. Goals of the pilot program include incentivizing high-quality, modern design of IT systems updated in smaller, more manageable cycles at reduced cost of verification and re-verification with more reliable and consistent outcomes for purchasers of these systems.

In addition to the EAC, state election leaders from Indiana, Maryland, Ohio, Pennsylvania, Texas, Wisconsin, and the Federal Voting Assistance Program (FVAP) will participate in the pilot program. The program is supported by technical expertise from Carnegie Mellon University, NIST, and the Open Web Application Security Project (OWASP). Four non-voting election system manufacturers have already signed up for the pilot: Scytl, VR Systems, KNOWiNK, and VotingWorks.



Chairman Hovland with Los Angeles County Registrar-Recorder/County Clerk Dean Logan.



LEVERAGING DATA

The 2020 EAVS and Policy Survey

The Election Administration and Voting Survey (EAVS) is the most comprehensive election administration survey in the United States. Conducted every two years following the federal general election, the 2020 EAVS is capturing data from nearly 6,500 local election jurisdictions across all 50 states, the District of Columbia, and U.S. territories. For the first time in 2020, EAVS will capture data reflecting election administration in the Northern Mariana Islands. The EAVS collects state-by-state, jurisdiction-by-jurisdiction data on a wide variety of election administration topics, including voter registration, military and overseas voting, domestic civilian by-mail voting, polling operations, provisional ballots, voter participation, and election technology.

The EAC partners with the Federal Voting Assistance Program (FVAP) to collect data on military and overseas voters through the EAVS. The Policy Survey is administered just prior to the EAVS, in order to gather information from states about their election laws, definitions, and procedures. This year is the second administration of the Policy Survey. The Policy Survey is being used as a checkpoint for the verification of EAVS input from local jurisdictions. For example, EAC researchers will be able to reconcile local jurisdictions that report allowing same-day voter registration through EAVS with whether or not their state reported that same-day voter registration is permitted through the Policy Survey.

Above: Chairman Hovland speaks on a panel with Georgia Secretary of State Brad Raffensperger at the Bipartisan Policy Center.

The EAC Research Division included two key enhancements for the administration of the 2020 EAVS. The EAC reached out to 2018 EAVS' points of contact at the state and local level to conduct needs assessments and discuss what improvements would benefit data collection in 2020. The EAC also conducted usability testing to ensure better navigation of the online template for state and local users. The EAC continues to include stakeholder input in EAVS enhancements for on-going success. Based on feedback from the needs assessment, EAVS will be available to states earlier in the survey administration process. The availability of the dedicated EAVS helpdesk will also be extended. State and local officials requested more technical support and EAC is working to provide this.

During the planning and preparation for 2020 EAVS, the EAC Research Division released draft survey instruments for input from the general public, scholars, and other stakeholders. The 60-day public comment period for the 2020 EAVS started October 8, 2019 and ended on December 6, 2019, while the 30-day public comment period started February 11, 2020 and ended on March 12, 2020. Thirteen comments were received in the 60-day period and seven comments were received in the 30-day period. Proposed changes to the instruments are analyzed for relevance to the survey's scope and impact on the quality of data, amongst other metrics prior to consideration for inclusion in the final draft.

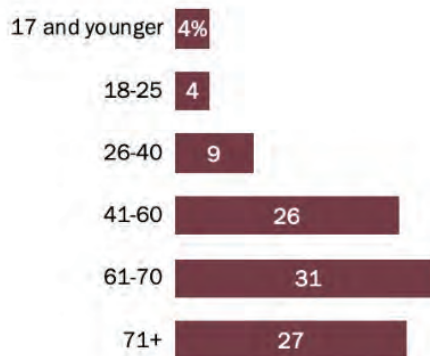
EAVS in Use: The Importance of EAVS data in 2020

Since the onset of the COVID pandemic, the EAC Research Division has responded to hundreds of data-related requests from the general public and news media. Generally, the increase in interest centered around EAVS sections C and D, which capture data on Voting by Mail and Poll Workers. EAVS data was used in numerous news articles and by EAC

Commissioners to present evidence-based talking points to the public during a time of concern about election administration. The Research Division continues to field these inquiries and anticipate interest will continue with the release of the upcoming 2020 EAVS data and report.

Majority of U.S. poll workers are over 60

% of U.S. poll workers in the 2018 general election who were ages ...



Note: Not all jurisdictions reported poll worker age; based on all poll workers whose age was known. See 2018 EAVS report for details. Source: 2018 Elections Administration and Voting Survey.

PEW RESEARCH CENTER

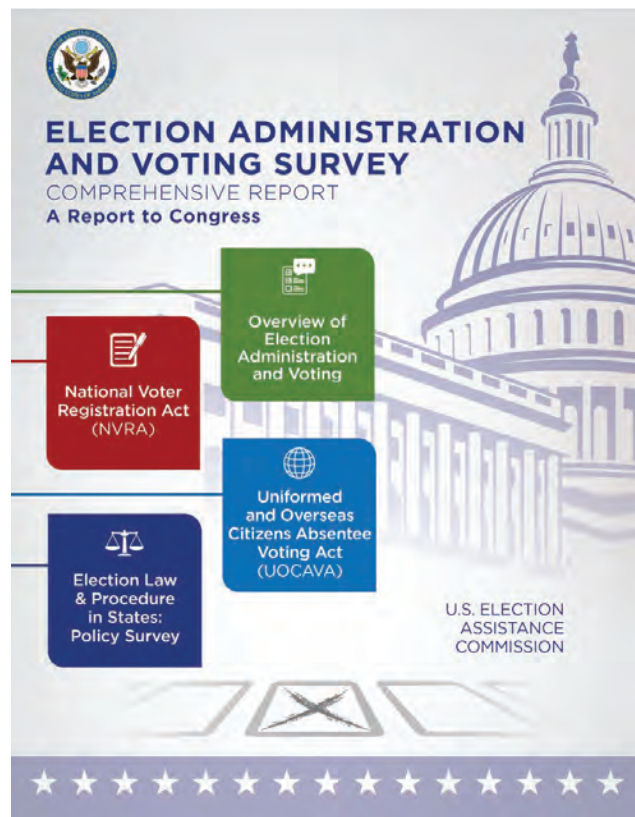
"In the 2018 general election, around six-in-ten U.S. poll workers (58%) were ages 61 and older, including roughly a quarter (27%) who were over 70, according to a Pew Research Center analysis of government data from that year's Election Administration and Voting Survey (EAVS), a biennial study of states' administration of federal elections."
Pew Research Center, April 2020

"Using the EAVS, we tested the early voting hypothesis in Georgia and Louisiana, which have robust early voting programs and have been closing polling places over the past several years."
Brennan Center's Waiting to Vote report, June 2020

2020 EAVS and Policy Survey will be paramount in identifying election administration trends and highlighting any impact due to COVID, such as changes in state-level election laws, definitions, and procedures. The following is the 2020 EAVS and Policy Survey timeline:

2020 EAVS AND POLICY SURVEY TIMELINE

Policy Survey questions available	August 2020
Policy Survey data submission due	November 2020
EAVS data collection templates available	November 2020
EAVS submission due	February 2021
State-submission due	March 2021
Public release of report and data	June 2021



The 2018 EAVS Comprehensive Report to Congress

In December 2019, the EAC released the 2018 EAVS Data Interactive. The EAVS Data Interactive is an online tool that allows visitors to explore, visualize, and compare election jurisdictions' EAVS responses. In addition to the EAVS Data Interactive, the EAC released state-specific data briefs. Data briefs are one-page snapshots of key EAVS and Policy Survey data points. Both efforts are part of the agency's efforts to make EAVS data more accessible and useful. These innovations will be available for the 2020 EAVS.

Election Administration Research and Beyond

As mandated by HAVA, the EAC serves as a national clearinghouse and resource for the compilation of information and review of procedures with respect to the administration of federal elections. In service of this clearinghouse function, the EAC Research team conducted interviews with small groups of state and local election officials, and experts in the field to learn more about GIS mapping and voter assignments, statewide voter registration databases and things to consider for the anticipated increase volume of mail-in voting. Conducting small research projects on these topics assisted EAC staff with the development of talking points that promote the effective administration of federal elections and providing relevant feedback to information inquiries that were not specifically EAVS related. During the 2020 election cycle, the EAC Research team responded efficiently to over 710 questions from domestic and overseas voters across 43 states and six countries regarding voter registration.



PROMOTING ACCESSIBILITY

It is estimated that more than 38.3 million Americans with disabilities, roughly one-sixth of the electorate, were eligible to vote in the 2020 general election. This growing demographic encompasses a broad range of voters, including those with mobility, visual, communicative, physical, or cognitive impairments.

HAVA contained landmark provisions requiring the secure, private, and independent casting of ballots for people with disabilities. Since then, the EAC has worked to assist election officials in removing obstacles for voters with disabilities through the collection and promotion of best practices, hosting events to discuss and evaluate the barriers that still exist, and launching innovative research and programming aimed at directly assisting voters with disabilities.

The EAC celebrated the 30th anniversary of the Americans with Disabilities Act (ADA) in 2020. The ADA and HAVA play a critical role in ensuring equal access to the ballot for people with disabilities.

"With the 30th anniversary of the Americans with Disabilities Act, the U.S. Election Assistance Commission (EAC) celebrates the landmark legislation that gave equal access to the ballot box for all voters, and we recommit our efforts to promote full compliance according to both the ADA and the Help American Vote Act (HAVA) in order to have fully accessible elections. There is still much to be done."

Joint statement from the EAC Commissioners for the 30th Anniversary of the ADA, July 27, 2020

Above: EAC Commissioners presenting the National Council on Independent Living executive members Jim Dickson, Kelly Buckland, and FranSha Anderson with their 2019 Clearie for Improving Accessibility for Voters with Disabilities.



Commissioner Thomas Hicks moderates a panel discussing ensuring accessibility in elections with panelists Michelle Bishop (Voting Rights Specialist for National Disability Rights Network), Barry Stephenson (Chair of the Board of Registrars for Jefferson County, Alabama), Terrica Jennings (ADA Coordinator for District of Columbia Board of Elections), and Patty Hansen (Recorder for Coconino County, Arizona) at the 2020 Elections Summit.

Events Focused on Accessibility

2020 ELECTIONS SUMMIT

In January, the EAC hosted the 2020 Elections Summit. This all-day event brought together local, state, and federal officials along with experts in elections, cybersecurity, and accessibility to discuss preparation for the 2020 election. The Summit featured a panel focused on ensuring accessibility in elections. Election officials and accessibility advocates discussed serving voters with disabilities and those with limited English proficiency, and compliance with accessibility requirements in the ADA, HAVA, and Voting Rights Act.

DISABILITY, ACCESSIBILITY, AND SECURITY FORUM



In February, the EAC hosted the “2020 Elections: Disability, Accessibility, and Security Forum,” bringing together state and local election officials, people with disabilities, disability advocates, and election security experts to discuss growing concerns regarding accessibility and security and to advance solutions. The day-long gathering featured discussions on pressing issues to voters with disabilities and election officials amidst growing security needs.

Over 100 people from across the country attended in-person and hundreds more watched the livestream on YouTube.



2020 Elections Disability, Accessibility, and Security Forum

Throughout the forum, EAC Commissioners, subject matter experts, and audience members discussed the crucial topics of heightened election security and how it must not negatively impact the voting rights of people with disabilities.

"People with disabilities face various challenges and barriers when it comes to voting; from inaccessible election websites to physical access to polling places. We must do better."

**EAC Commissioner Thomas Hicks
at the 2020 Elections: Disability,
Accessibility, and Security Forum**



Vice Chair Palmer with panel member Gema Howell from National Institute of Standards and Technology at the 2020 Elections Disability, Accessibility, and Security Forum

The event featured four discussion sessions focused on important issue areas including 2020 elections and voters with disabilities, ballot-marking devices, best practices in accessibility, vote by mail, paper ballots, cutting-edge assistive voting technology, and polling place access.

VIRTUAL EVENTS

Following the shift to virtual events, the EAC hosted a series of virtual roundtables to discuss assisting voters with disabilities. The roundtables, hosted by Commissioner Thomas Hicks, brought together disability advocates and election officials in June and July to address best practices for engaging voters with disabilities in 2020. The participants discussed a range of topics including voting during the COVID-19 pandemic, utilizing electronic ballot delivery, transportation issues, engaging people with disabilities when developing voting procedures, and the future of election accessibility.

Military and overseas voters, and their families, face unique obstacles to requesting, receiving, and returning ballots. To highlight best practices and assist election officials in addressing the needs of these voters, the accessibility roundtable series concluded with a roundtable focused on the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) and Accessibility during the COVID-19 pandemic. The event included lessons learned from serving UOCAVA voters and voters with disabilities in the primaries and adjusting to ensure access for these voters in the 2020 general election.

Distributing Best Practices

While election officials have made great strides in ensuring accessibility for voters with disabilities following the passage of HAVA, the COVID-19 pandemic created additional complications for election officials. To assist officials in addressing accessibility as they adjusted their procedures for in-person and by mail voting, the EAC developed guidance entitled “Tips for Empowering Voters with Disabilities in the 2020 General Election and COVID-19 Crisis.” The best practices document included information on communicating voting options, early voting, in-person accessible voting, absentee and mail voting, and making lines and wait times work for voters with disabilities.

EAC Disability Survey

During the fall of 2020, the EAC spearheaded an accessibility survey for the 2020 general election. The EAC worked closely with a team of experienced researchers from Rutgers University to organize the survey, which launched immediately after the general election. The survey enlisted more than 2,500 respondents including approximately 1,750 voters with varying disabilities. The comprehensive study focused on several important areas such as polling place access, mail and absentee voting accessibility, COVID-19 obstacles, and civic participation.

The data and outcomes will be crucial as election officials adopt new voting technologies and address the ever-growing accessibility needs of an aging demographic. Survey results will be used by the EAC to assess voting experiences in the 2020 elections, assist election officials, and develop policy recommendations for improving the voting process in future elections. The information will provide indispensable feedback for election officials and advocacy groups, ultimately empowering disenfranchised voters. Full study findings will be made available on the EAC’s website in early February 2021.



Commissioner Hicks with DC Board of Elections Executive Director Alice Miller and Kelly Buckland from the National Council on Independent Living at the 2020 Elections Disability, Accessibility, and Security Forum.



Commissioner McCormick and Chairman Hovland at the 2020 Elections Disability, Accessibility, and Security Forum.



HIGHLIGHTING BEST PRACTICES

Under HAVA, the EAC is charged with serving as a clearinghouse for election administration information. The Clearinghouse Awards, also referred to as the “Clearies,” honor the enterprising spirit and hard work of election officials across the country. In the challenging circumstances created by COVID-19, this year’s awards highlight the resourcefulness of officials implementing new safety precautions in the 2020 elections and adjusting to increased mail and absentee voting.

2020 Clearies

- Improving Accessibility for Voters with Disabilities;
- Outstanding Innovations in Elections;
- Best Practices in Recruiting, Retaining, and Training Poll Workers;
- Creative and Original “I Voted” Stickers; and
- Outstanding Innovation in Election Cybersecurity and Technology.*

*New category for 2020

Above: Chairman Hovland and Commissioner McCormick present Joseph Gloria, Registrar of Voters for Clark County, Nevada, with a 2019 Clearie Award for the category “Most Creative or Original ‘I Voted’ Sticker.”

The Clearies have grown since their inception in 2016 as the EAC continues to add categories and receive increasing levels of submissions. These awards will continue to serve as a touchstone for honoring the “can-do” spirit of election officials across the nation.

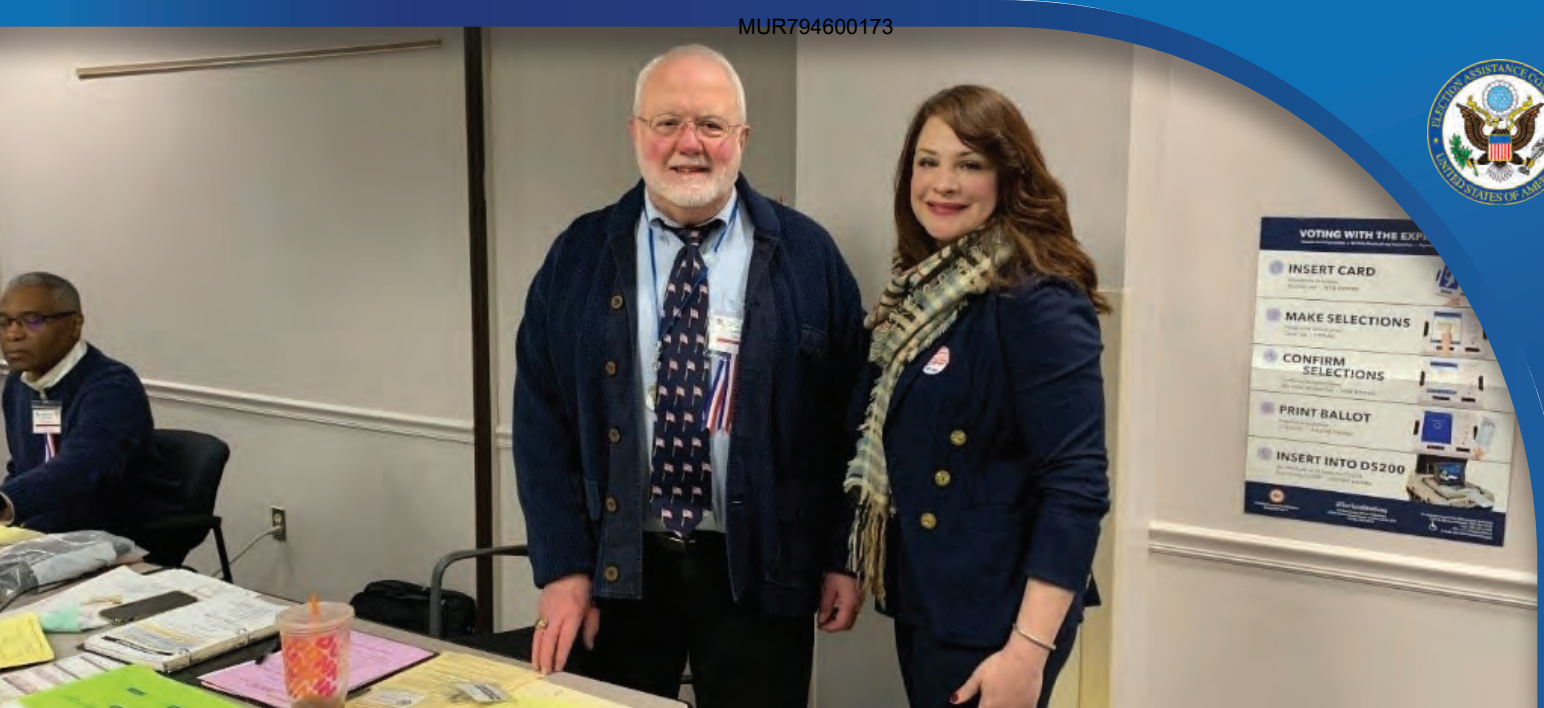
“Election officials did an amazing job this fall as they navigated unprecedented health concerns due to COVID-19, a substantial increase in early and mail or absentee voting, and poll worker shortages. The best practices developed from 2020 will be highly valuable for future elections.”

EAC Chairman Ben Hovland

The timeline for the 2020 Clearies was adjusted to recognize the demands placed on election officials during the 2020 election. The judging panel, consisting of members of the EAC Standards Board and Board of Advisors, are currently evaluating the submissions. The EAC will announce the winners in the coming weeks and looks forward to upholding these innovations as best practices in the future.



The EAC Commissioners present Gail Fenumiai, Director of the Alaska Division of Elections with their 2019 Clearie Award for the category “Most Creative or Original ‘I Voted’ Sticker.”



EAC AGENCY DEVELOPMENT

With a full complement of commissioners and new leadership within the agency, the EAC continued to modernize operations in 2020. The agency filled mission critical roles in Communications, Finance, Grants, and the Office of the Chief Information Officer as well as several critical support positions throughout the agency. EAC staff on-boarded 32 employees during full remote operations, representing a 132% increase in agency personnel. This included a wide variety of mission-critical positions. Overall, 20 staff members and 12 interns joined the organization under the cloud of a global pandemic. Staff positions included Director of Communications, Chief Information Officer and Chief Information Security Officer, Deputy Chief Information Security Officer, Senior Advisor to the Executive Director, Grants Manager and several critical support positions in the communications, cyber security, IT, administrative and election technology fields.

The pandemic necessitated the agency's first virtual orientation and oath of office for new employees. Under the leadership of the then-Acting Executive Director, all Divisions participated in the development of EAC's first-ever Agency-wide orientation for new hires to introduce them to each Division's roles, responsibilities and connection to the EAC mission. The EAC has also begun a process of reviewing and updating policies and operating procedures to best serve the expanded workforce of the agency and the current developments in election administration.

Above: Then EAC Acting Executive Director, Mona Harrington with an election worker in Fairfax County, VA on Super Tuesday 2020.

New Agency Leadership

On June 3, EAC Commissioners unanimously voted to approve the appointments of Mona Harrington as Executive Director and Kevin Rayburn as General Counsel.

"This unanimous vote of the Commission shows the confidence we have in these great candidates to lead the EAC into its next chapter."

Chairman Ben Hovland, June 10, 2020



Ms. Harrington was named Acting Executive Director of the EAC in October 2019. During this time, she strategically reorganized the agency and directed a significant hiring initiative to recruit talent and fill numerous key personnel positions. She has also directed the distribution of over \$425 million in security grant funds and \$400 million in CARES Act COVID-19 response funds to the states. Recently, Ms. Harrington assembled a new cyber-team to assist EAC stakeholders leading up to the 2020 election, and she directed an immediate response to COVID-19, providing online resources to election officials as they prepared to administer elections during the pandemic. Ms. Harrington directed numerous events addressing election administration topics such as accessibility, security, and the Voluntary Voting System Guidelines. Prior to her Acting Executive Director role, Ms. Harrington served as the Chief Information and Security Officer at the EAC, beginning in 2018. While in that role, she was credited with modernizing the network and improving the EAC security posture of IT systems and infrastructure, as well as coordinating and leading multiple parallel initiatives to modernize and secure systems.



Mr. Rayburn brings a decade of experience as an attorney in various capacities in the public and private sectors. Most recently, he served as the Deputy Elections Director and Deputy General Counsel for the Georgia Secretary of State's Office, where he provided guidance to state and local election officials on election administration and law, ensured compliance with state sunshine laws, helped reform the state's election code and regulations, and was an integral part in modernizing the state's voting equipment. He also collaborated with national experts to implement post-election audits in Georgia. In his previous role, Mr. Rayburn also served as an advisor to the EAC EAVS working group, the Bipartisan Policy Center Task Force on Counting Votes, the Center for Election Innovation and Research, and the MIT Election Data and Science Lab.

Technology Upgrade

The agency continued its multi-year technology upgrade plan while launching valuable cybersecurity programming for election officials. The Cyber Access and Security Program (CAS), in addition to providing valuable resources to election officials, also worked to increase the cybersecurity posture of the EAC. The program provides quarterly cybersecurity training to all agency personnel and conducts monthly phishing exercises. The combination of training and exercises has reduced the agency's phishing click-through rate observed during these exercises from almost 40% to less than 1%.

The EAC was also able to move forward with productivity and security enhancements to its infrastructure including the integration of collaboration tools with existing cloud infrastructure that will allow streamlining and automation of internal processes and record keeping. Security improvements include enhanced capabilities to automate patching of all servers and endpoints, including mobile devices, as well as improving compliance with standards and overall governance. Much of this capability was improved by the EAC's previous investments in cloud infrastructure and converting staff from desktop computers to laptops in addition to the hard work and dedication of the IT staff.

Office Relocation

On December 20, 2019, Congress passed the Consolidated Appropriations Act of 2020, which included \$2.4 million for the EAC to relocate its offices. The funding was originally approved through OMB's Passback Justification, from November 2018. The EAC's space in Silver Spring, Maryland was not conducive for meetings, conferences and events. The agency was forced to rent adequate space (often preparing two venues for events to accommodate the overflow) and procure other required equipment and services to host these events, taxing financial resources and staff time,

and limiting the EAC's ability to fund program activities. With the EAC staff increasing by 132%, there was not enough space for employees to perform their work.

This year, EAC staff led the initiative to plan and implement the return of EAC offices to Washington, DC. The administrative and financial staff worked tirelessly to obligate the move funds and partner with GSA to plan and implement a move during a time that was sub-optimal for the agency given the challenges presented by the global COVID-19 pandemic. Staff coordinated with multiple contractors, facilities staff, movers, and other entities to facilitate a successful move directly on the heels of the 2020 presidential election. The agency's new headquarters includes space for a dedicated hearing room and space to host EAC events and conferences, along with expanded space for the growing EAC workforce.

EAC IT staff worked countless hours on-site during hazardous pandemic conditions to ensure the proper disposal and surplus of unused equipment and furniture. They also coordinated with and oversaw the activities of movers to transport remaining equipment and furniture to the new office location. At the new Washington, DC offices, IT staff worked to setup critical network infrastructure including network and telephone connectivity, physical access control and security measures, and LAN room HVAC capacity. As the buildout of the new office space continues, IT staff are working to design audio/visual capabilities for the hearing room and continued expansion of physical security measures responsive to updated floorplans. All critical infrastructure move activities were completed with no interruptions to network or telephone service for the agency and staff were able to surge hotline phone capacity in response to significantly increased call volume related to the 2020 presidential election without interrupting move activities.

Intern Program

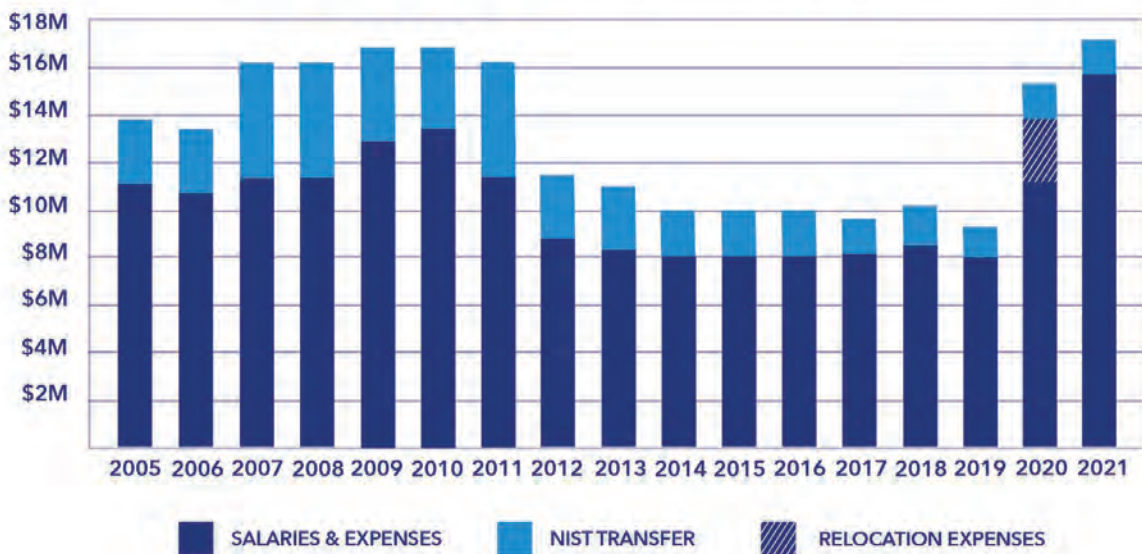
The EAC launched a robust intern program for current students interested in elections. Twelve interns from across the country attending Harvard University, William & Mary Law School, Georgetown University, Auburn University, and the University of Minnesota were acclimated to the EAC and provided with assignments that married their theoretical studies with hands-on mission-critical projects in anticipation of the Presidential election.

EAC Appropriations

On December 20, 2019, President Donald J. Trump signed into law the Consolidated Appropriations Act of 2020, which provided the EAC with \$15.171 million for FY2020, including a \$1.5 million transfer to NIST and \$2.4 million for relocation expenses. Excluding the NIST transfers and appropriations slated for relocation, this reflected a \$3.321 million increase in appropriations for EAC expenses from FY2019.

On December 27, 2020, President Trump signed into law the Consolidated Appropriations Act of 2021, which provided the EAC with \$17 million for FY2021, including a \$1.5 million transfer to NIST. Excluding the NIST transfer and the funding appropriated for the EAC relocation expenses, this reflects a \$4.23 million increase in general appropriations for EAC expenses from FY2020.

EAC Appropriations Since FY2005





EAC ADVISORY & OVERSIGHT BOARDS

As outlined in HAVA, the EAC is advised by three federal advisory committees: the Technical Guidelines Development Committee (TGDC), the Standards Board, and the Board of Advisors. With technical support from the National Institute of Standards and Technology (NIST), the TGDC assists the EAC Executive Director in the development of the Voluntary Voting System Guidelines. The Standards Board and the Board of Advisors each review the Voluntary Voting System Guidelines prior to adoption, as well as other voluntary guidance under HAVA Title III. Additionally, EAC studies and other activities to promote effective administration of federal elections must be carried out in consultation with the Standards Board and the Board of Advisors. Finally, the EAC Executive Director and staff must consult with the Standards Board and Board of Advisors in preparing the program goals, long-term plans, mission statements, and related matters for the Commission.

Above: In February 2020, Commissioner McCormick visited the Arizona House of Representatives. She and Vice Chair Palmer also gave a presentation to the Arizona House Committee on Elections during this trip.

Technical Guidelines Development Committee (TGDC)

Chaired by the director of NIST, the TGDC is comprised of 14 other members appointed jointly by the EAC and the director of NIST. EAC Chairman Benjamin Hovland serves as the Designated Federal Officer (DFO) for the TGDC. Chairman Hovland was appointed DFO on February 22, 2019. The EAC hosted the TGDC's annual meeting virtually on February 7, 2020. The TGDC also held a virtual meeting on August 12, 2020 to discuss the comments and updates for the proposed VVSG 2.0 Requirements. The meeting was livestreamed on the EAC's YouTube page and open to the public. The TGDC was comprised of the following members at the end of 2020.



TGDC Chair Walter Copan.

WALTER COPAN (CHAIR)	National Institute of Standards and Technology
LORI AUGINO	National Association of State Election Directors
JUDD CHOATE	National Association of State Election Directors
MCDERMOT COUTTS	Technical Expert
ROBERT GILES	EAC Standards Board
DIANE GOLDEN	Technical Expert
MARC GUTHRIE	Access Board
GEOFF HALE	Technical Expert
NEAL KELLEY	EAC Board of Advisors
LINDA LAMONE	EAC Board of Advisors
PAUL LUX	EAC Standards Board
SACHIN PAVITHRAN	Access Board
MARY SAUNDERS	American National Standards Institute
DAVID WAGNER	Technical Expert

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 ensure input from the state's association of local election officials. 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.

EAC Vice Chair Donald Palmer serves as the Designated Federal Officer (DFO) for the Standards Board. Vice Chair Palmer was appointed DFO on February 22, 2019. The EAC organized the Standards Board's annual meeting virtually on July 31, 2020. The meeting was livestreamed on the EAC's YouTube page and open to the public. The Standards Board was comprised of the following members at the end of 2020.



Previous Standards Board Chairman Brad King



Current Standards Board Chairman Reynaldo Valenzuela Jr.

Standards Board Members

STATE OR TERRITORY	STATE ELECTION OFFICIAL	LOCAL ELECTION OFFICIAL
ALABAMA	The Honorable John H. Merrill Alabama Secretary of State	James Tatum Probate Judge Bullock County
ALASKA	Gail Fenumiai Director Alaska Division of Elections	Carol Thompson Absentee and Petition Manager Alaska Division of Elections
AMERICAN SAMOA	Uiagalelei Lealofi Commissioner of Elections American Samoa Election Office	Fiti Tavai Division Head IT/Data Systems & UOCAVA Division, American Samoa Election Office
ARIZONA	Janine Petty Assistant Director of Elections Services Office of the Arizona Secretary of State	Reynaldo Valenzuela Jr. Director of Elections Maricopa County, Arizona
ARKANSAS	The Honorable John Thurston Arkansas Secretary of State	Melanie Clark County Clerk Jackson County, Arkansas
CALIFORNIA	Susan Lapsley Deputy Secretary of State, California	Neal Kelley Registrar of Voters Orange County, California
COLORADO	Dwight K. Shellman III County Support Manager Colorado Department of State Elections Division	Rene Loy Chief Deputy Clerk Delta County, Colorado
CONNECTICUT	The Honorable Denise Merrill Connecticut Secretary of State	Lisbeth Becker Registrar of Voters Town of Glastonbury, Connecticut
DELAWARE	Anthony Albence State Election Commissioner, Delaware	Howard G. Sholl, Jr. Deputy Director Department of Elections for New Castle County, Delaware
DISTRICT OF COLUMBIA	Alice P. Miller, Esq. Executive Director District of Columbia Board of Elections	Michael D. Gill, Esq. Board Member District of Columbia Board of Elections

Standards Board Members

STATE OR TERRITORY	STATE ELECTION OFFICIAL	LOCAL ELECTION OFFICIAL
FLORIDA	Maria Matthews Division Director Florida Division of Elections	Paul Lux Supervisor of Elections Okaloosa County, Florida
GEORGIA	The Honorable Bradford Raffensperger Georgia Secretary of State	Nancy Boren Director of Elections and Voter Registration Columbus, Georgia
GUAM	Maria I.D. Pangelinan Executive Director Guam Election Commission	Joseph P. Iseke Election Program Coordinator Guam Election Commission
HAWAII	Kristen Uyeda Section Head, Ballot Operations Hawaii Office of Elections	Pat Nakamoto Election Administrator Hawaii County, Hawaii
IDAHO	Lisa Power Business Analyst Idaho Secretary of State	Patty Weeks County Clerk Nez Perce County, Idaho
ILLINOIS	Bernadette Matthews Assistant Executive Director Illinois State Board of Elections	Lance Gough Executive Director Chicago Board of Election Commissioners
INDIANA	J. Bradley King Director Indiana Election Division	Vacant
IOWA	Christy Wilson Deputy Secretary of State	Dennis Parrott Auditor Jasper County, Iowa
KANSAS	The Honorable Scott Schwab Kansas Secretary of State	Jameson Shew County Clerk Douglas County, Kansas
KENTUCKY	Jared Dearing Executive Director Kentucky State Board of Elections	Kenny Barger County Clerk Madison County, Kentucky
LOUISIANA	The Honorable R. Kyle Ardoin Louisiana Secretary of State	Mike Spence Clerk of Court Caddo Parish, Louisiana

Standards Board Members

STATE OR TERRITORY	STATE ELECTION OFFICIAL	LOCAL ELECTION OFFICIAL
MAINE	Julie L. Flynn Maine Deputy Secretary of State	Katherine L. Jones Clerk Portland City, Maine
MARYLAND	Nikki Baines Charlson Deputy Administrator Maryland State Board of Elections	Guy Mickley Election Director Howard County Board of Elections, Maryland
MASSACHUSETTS	Michelle K. Tassinari Director/Legal Counsel Massachusetts Office of Secretary of the Commonwealth, Election Division	Andrew Dowd Town Clerk Northborough, Massachusetts
MICHIGAN	The Honorable Jocelyn Benson Michigan Secretary of State	Justin Roebuck County Clerk/Register of Deeds Ottawa County, Michigan
MINNESOTA	David Maeda Director of Elections Office of the Minnesota Secretary of State	Debby Erickson Administrative Services Director Crow Wing County, Minnesota
MISSISSIPPI	The Honorable Michael Watson Mississippi Secretary of State	Durward Stanton Circuit Clerk Carroll County, Mississippi
MISSOURI	The Honorable John R. (Jay) Ashcroft Missouri Secretary of State	Batina Dodge County Clerk Scotland County, Missouri
MONTANA	Dana Corson Director of Elections and Voter Services Montana Secretary of State	Rina Fontana Moore County Clerk and Recorder Cascade County, Montana
NEBRASKA	Heather Doxon Training and Implementation Coordinator State of Nebraska Elections Division	David Shively Election Commissioner Lancaster County, Nebraska

Standards Board Members

STATE OR TERRITORY	STATE ELECTION OFFICIAL	LOCAL ELECTION OFFICIAL
NEVADA	The Honorable Barbara K. Cegavske Nevada Secretary of State	Joseph P. Gloria Registrar of Voters Clark County, Nevada
NEW HAMPSHIRE	Anthony Stevens New Hampshire Assistant Secretary of State	Robert Dezmelyk Moderator Town of Newton, New Hampshire
NEW JERSEY	Robert Giles Director New Jersey Division of Elections	Linda Von Nessi Clerk of Elections Essex County, New Jersey
NEW MEXICO	Mandy Vigil Elections Director New Mexico Secretary of State	David Kunko County Clerk Chaves County, New Mexico
NEW YORK	Douglas A. Kellner Commissioner, Co-Chair New York State Board of Elections	Rachel L. Bledi Commissioner Albany County Board of Elections, New York
NORTH CAROLINA	Vacant	Michael Dickerson Director of Elections Mecklenburg County, North Carolina
NORTH DAKOTA	Brian Newby Election Director North Dakota Secretary of State	DeAnn Buckhouse Election Coordinator Cass County, North Dakota
OHIO	Amanda Grandjean Director of Elections Ohio Secretary of State	Steve Harsman Deputy Director Montgomery County Board of Elections, Ohio
OKLAHOMA	Carol Morris Director, Ballot Generation Services Oklahoma State Election Board	Jana Maddux Secretary Rogers County Election Board, Oklahoma
OREGON	Stephen N. Trout Former Director of Elections Oregon Secretary of State	Derrin (Dag) Robinson County Clerk Harney County, Oregon

Standards Board Members

STATE OR TERRITORY	STATE ELECTION OFFICIAL	LOCAL ELECTION OFFICIAL
PENNSYLVANIA	Jessica Myers Director of Policy Pennsylvania Department of State	Randall O. Wenger Chief Clerk/Chief Registrar Board of Elections and Registration Commission, Lancaster County, Pennsylvania
PUERTO RICO	Ramón Allende Santos Ayudante del Comisionado, Puerto Rico	Walter Vélez Martinez Secretario Urb. Monte Elena
RHODE ISLAND	Rob Rock Director of Elections Rhode Island Secretary of State	Kathy Placencia Administrator of Elections City of Providence, Rhode Island
SOUTH CAROLINA	Marci Andino Executive Director South Carolina State Election Commission	David Alford Director Board of Voter Registration and Elections, Florence County, South Carolina
SOUTH DAKOTA	Rachel Soulek HAVA Coordinator South Dakota Secretary of State	Carri Crum County Auditor Clay County, South Dakota
TENNESSEE	Mark Goins Coordinator of Elections Tennessee Secretary of State	Vacant
TEXAS	Keith Ingram Director Texas Secretary of State, Elections Division	Dana DeBeauvoir County Clerk Travis County, Texas
UTAH	Justin Lee Director of Elections Lieutenant Governor of the State of Utah	Sherrie Swensen County Clerk Salt Lake County, Utah
VERMONT	William Senning Director of Elections and Campaign Finance Vermont Secretary of State	Sandra “Sandy” Pinsonault, MMC Town Clerk Dorset, Vermont

Standards Board Members

STATE OR TERRITORY	STATE ELECTION OFFICIAL	LOCAL ELECTION OFFICIAL
VIRGIN ISLANDS	Lisa Harris Moorhead Member Virgin Islands Board of Elections	Keevermay Douglas Deputy Supervisor of Elections Virgin Islands
VIRGINIA	Christopher E. "Chris" Piper Commissioner Virginia Department of Elections	Brenda Cabrera Director of Elections City of Fairfax, Virginia
WASHINGTON	Stuart Holmes Election Information Services Supervisor Washington Secretary of State's Office	Jerry Pettit County Auditor Kittitas County, Washington
WEST VIRGINIA	Brittany Westfall SVRS Coordinator of Elections West Virginia Secretary of State	Brian Wood County Clerk Putnam County, West Virginia
WISCONSIN	Meagan Wolfe Administrator Wisconsin Elections Commission	Barbara K.D. Goeckner Deputy Clerk/Treasurer/ Administrator Village of Cambridge, Wisconsin
WYOMING	Kai Schon Wyoming State Election Director	Jackie R. Gonzales County Clerk Albany County, Wyoming

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 Administration each appoint two members representing voter interests.

EAC Commissioner Thomas Hicks serves as the Designated Federal Officer (DFO) for the Board of Advisors. Commissioner Hicks was appointed DFO on February 22, 2019. The EAC organized the Board of Advisors' annual meeting virtually on June 16, 2020. The meeting was livestreamed on the EAC's YouTube page and open to the public. The Board of Advisors was comprised of the following members at the end of 2020.



Board of Advisors Chairman Michael Yaki

BOARD OF ADVISORS MEMBERS

MEMBER	POSITION	APPOINTING ENTITY
JEFFREY MCLEOD	Director Center for Best Practice's Homeland Security and Public Safety Division	National Governors Association
SHAUN RAHMEYER	Administrator Nevada Office of Cyber Defense Coordination	National Governors Association
SENATOR KATHY BERNIER	Senator Wisconsin State Legislature	National Conference of State Legislatures
SENATOR DANIEL IVEY-SOTO	Senator New Mexico State Legislature	National Conference of State Legislatures
THE HONORABLE PAUL PATE	Iowa Secretary of State NASS Immediate Past President	National Association of Secretaries of State
THE HONORABLE JIM CONDOS	Vermont Secretary of State serving on behalf of NASS President	National Association of Secretaries of State

BOARD OF ADVISORS MEMBERS

MEMBER	POSITION	APPOINTING ENTITY
KEITH INGRAM	Director Elections Division Texas Secretary of State	National Association of State Election Directors
LINDA LAMONE	Administrator of Elections Maryland State Board of Elections	National Association of State Election Directors
RICKY HATCH	Clerk/Auditor Weber County, Utah	National Association of Counties
ALYSOUN MCLAUGHLIN	Deputy Election Director Montgomery County Board of Elections, Maryland	National Association of Counties
TINA BARTON	City Clerk City of Rochester Hills, Michigan	U.S. Conference of Mayors
ELIZABETH (LIZ) HOWARD	Counsel Brennan Center for Justice Democracy Program	U.S. Conference of Mayors
TIM MATTICE	Executive Director The Election Center	The Election Center
DEAN LOGAN	Registrar-Recorder/County Clerk Los Angeles County, California	The Election Center
MICHAEL WINN	Director of Elections Harris County, Texas	International Association of Government Officials
NEAL KELLEY	Registrar of Voters Orange County, California	International Association of Government Officials
MICHAEL YAKI	Commissioner U.S. Commission on Civil Rights	U.S. Commission on Civil Rights
DAVID KLDADNEY	Commissioner U.S. Commission on Civil Rights	U.S. Commission on Civil Rights
MARC GUTHRIE	Public Member U.S. Access Board	Architectural and Transportation Barrier Compliance Board

BOARD OF ADVISORS MEMBERS

MEMBER	POSITION	APPOINTING ENTITY
SACHIN PAVITHRAN	Public Board Member U.S. Access Board	Architectural and Transportation Barrier Compliance Board
RICHARD PILGER	Director Election Crimes Branch, U.S. Department of Justice	Chief, Office of Public Integrity, U.S. Department of Justice
CHRIS HERREN	Chief Civil Rights Division Voting Section, U.S. Department of Justice	Chief, Voting Section Civil Rights Division, U.S. Department of Justice
DAVID BEIRNE	Director Federal Voting Assistance Program, U.S. Department of Defense	Director, Federal Voting Assistance Program, U.S. Department of Defense
PHILIP B. STARK	Associate Dean, Professor of Statistics University of California Department of Statistics	Speaker of the House
ELLIOT BERKE	Managing Partner Berke Farah LLP	House Minority Leader
SARAH BALL JOHNSON	City Clerk Colorado Springs, Colorado	Senate Majority Leader
DR. BARBARA SIMONS	Association for Computing Machinery	Senate Minority Leader
GREGORY MOORE	President GTM Consulting Services, LLC	House Committee on Administration - Chair
LAWRENCE NORDEN	Deputy Director Brennan Center for Justice Democracy Program	House Committee on Administration - Chair
JOHN FOGARTY	Senior Counsel Government and Regulatory Affairs Practice Group, Clark Hill PLC	House Committee on Administration - Ranking Member

BOARD OF ADVISORS MEMBERS

MEMBER	POSITION	APPOINTING ENTITY
DON GRAY	County Clerk Sangamon County	House Committee on Administration - Ranking Member
JAMES DICKSON	Co-Chair Voting Rights Task Force, National Council on Independent Living	Senate Committee on Rules and Administration - Chair
MARK RITCHIE	President Minnesota World's Fair Bid Committee	Senate Committee on Rules and Administration - Chair
LINDA NIENDICK	County Clerk Lafayette County, Missouri	Senate Committee on Rules and Administration - Ranking Member
SHANE SCHOELLER	County Clerk Greene County, Missouri	Senate Committee on Rules and Administration - Ranking Member



APPENDIX




Election Security Federal Expenditures as of 9/30/20

STATE	AWARD	EXPENDITURES	PERCENT EXPENDED
ALABAMA	\$13,088,416	\$3,353,653	26% <div></div>
ALASKA	\$6,000,000	\$4,370,858	73% <div></div>
AMERICAN SAMOA	\$1,200,000	\$451,170	38% <div></div>
ARIZONA	\$15,860,974	\$8,483,595	53% <div></div>
ARKANSAS	\$9,503,000	\$9,503,000	100% <div></div>
CALIFORNIA	\$73,502,386	\$5,535,494	8% <div></div>
COLORADO	\$13,476,843	\$919,265	7% <div></div>
CONNECTICUT*	\$10,876,298	\$919,703	8% <div></div>

* The total expended is based on 2019 data. FY2020 data had not been received as of 1/6/2021.

** There was no award in 2019 for Northern Mariana Islands. FY2020 data had not been received as of 1/6/2021.

















Election Security Federal Expenditures as of 9/30/20

STATE	AWARD	EXPENDITURES	PERCENT EXPENDED
DELAWARE*	\$6,036,503	\$3,000,000	50% 
DISTRICT OF COLUMBIA	\$6,000,000	\$4,487,398	75% 
FLORIDA	\$40,800,785	\$21,257,468	52% 
GEORGIA	\$21,907,178	\$7,918,749	36% 
GUAM	\$1,200,000	\$474,223	40% 
HAWAII	\$6,642,675	\$196,885	3% 
IDAHO	\$6,854,176	\$2,282,864	33% 
ILLINOIS	\$28,132,930	\$3,944,493	14% 
INDIANA	\$16,140,537	\$8,816,793	55% 
IOWA	\$9,786,087	\$2,060,619	21% 
KANSAS	\$9,308,516	\$19,200	0% 
KENTUCKY*	\$12,265,189	\$3,612,874	29% 
LOUISIANA	\$12,512,099	\$0	0% 
MAINE	\$6,643,743	\$277,290	4% 
MARYLAND	\$15,010,079	\$3,916,466	26% 
MASSACHUSETTS	\$16,769,740	\$3,624,331	22% 
MICHIGAN	\$22,760,697	\$2,441,648	11% 
MINNESOTA	\$14,014,282	\$1,101,579	8% 
MISSISSIPPI	\$9,521,137	\$2,707,333	28% 
MISSOURI	\$15,365,191	\$2,549,269	17% 
MONTANA	\$6,133,535	\$1,397,056	23% 

* The total expended is based on 2019 data. FY2020 data had not been received as of 1/6/2021.

** There was no award in 2019 for Northern Mariana Islands. FY2020 data had not been received as of 1/6/2021.










Election Security Federal Expenditures as of 9/30/20

STATE	AWARD	EXPENDITURES	PERCENT EXPENDED
NEBRASKA	\$7,422,268	\$1,534,553	21% 
NEVADA	\$9,083,287	\$1,698,658	19% 
NEW HAMPSHIRE*	\$6,582,633	\$821,841	12% 
NEW JERSEY	\$20,740,675	\$1,398,513	7% 
NEW MEXICO	\$7,853,131	\$1,572,204	20% 
NEW YORK	\$41,431,856	\$11,836,838	29% 
NORTH CAROLINA*	\$22,050,678	\$0	0%
NORTH DAKOTA	\$6,000,000	\$0	0%
NORTHERN MARIANA ISLANDS**	\$600,000	\$0	0%
OHIO	\$25,907,133	\$15,467,638	60% 
OKLAHOMA	\$11,036,835	\$1,001,673	9% 
OREGON	\$11,392,029	\$1,252,542	11% 
PENNSYLVANIA	\$28,651,723	\$25,640,601	89% 
PUERTO RICO	\$7,818,846	\$815,165	10% 
RHODE ISLAND	\$6,216,180	\$2,807,362	45% 
SOUTH CAROLINA	\$12,833,985	\$3,558,045	28% 
SOUTH DAKOTA	\$6,000,000	\$2,949,445	49% 
TENNESSEE	\$16,077,418	\$3,934,283	24% 
TEXAS	\$49,449,807	\$19,691,460	40% 

* The total expended is based on 2019 data. FY2020 data had not been received as of 1/6/2021.


** There was no award in 2019 for Northern Mariana Islands. FY2020 data had not been received as of 1/6/2021.

Election Security Federal Expenditures as of 9/30/20

STATE	AWARD	EXPENDITURES	PERCENT EXPENDED
U.S. VIRGIN ISLANDS	\$1,200,000	\$872,961	73% 
UTAH	\$8,714,983	\$1,305,161	15% 
VERMONT	\$6,000,000	\$1,112,883	19% 
VIRGINIA	\$19,301,044	\$4,727,727	24% 
WASHINGTON	\$16,805,723	\$5,818,635	35% 
WEST VIRGINIA	\$7,666,930	\$3,673,459	48% 
WISCONSIN	\$14,828,442	\$7,106,064	48% 
WYOMING	\$6,000,000	\$2,541,606	42% 
Total	\$804,978,602	\$232,762,593	29% 

Section 101 Federal Expenditures as of 9/30/2020

Data is from 24 states with active grants. Thirty-one state grants are closed.

STATE	AWARD	EXPENDITURES	PERCENT EXPENDED
ALABAMA	\$4,989,605	\$4,823,431	96.7% 
ALASKA	\$5,000,000	\$5,000,000	100.0% 
ARIZONA**	\$5,451,369	\$2,095,600	38.4% 
CALIFORNIA	\$26,804,708	\$26,804,708	100.0% 
DELAWARE**	\$5,000,000	\$5,000,000	100.0% 
GEORGIA	\$7,816,328	\$7,816,328	100.0% 
HAWAII	\$5,000,000	\$5,000,000	100.0% 
ILLINOIS	\$11,129,030	\$10,984,970	98.7% 

* The total expended is based on 2019 data. FY2020 data had not been received as of 1/6/2021.

** There was no award in 2019 for Northern Mariana Islands. FY2020 data had not been received as of 1/6/2021.

Section 101 Federal Expenditures as of 9/30/2020

STATE	AWARD	EXPENDITURES	PERCENT EXPENDED	
INDIANA**	\$6,230,481	\$6,230,481	100.0%	<div></div>
KANSAS	\$5,000,000	\$3,959,832	79.2%	<div></div>
KENTUCKY	\$4,699,196	\$4,699,196	100.0%	<div></div>
MAINE	\$5,000,000	\$5,000,000	100.0%	<div></div>
MICHIGAN	\$9,207,323	\$9,207,323	100.0%	<div></div>
MONTANA	\$5,000,000	\$5,000,000	100.0%	<div></div>
NEW HAMPSHIRE*	\$5,000,000	\$2,463,272	49.3%	<div></div>
NEW JERSEY**	\$8,141,208	\$8,141,208	100.0%	<div></div>
NEW YORK	\$16,494,325	\$13,257,473	80.4%	<div></div>
NORTH CAROLINA	\$7,887,740	\$7,882,129	99.9%	<div></div>
PUERTO RICO	\$3,151,144	\$3,151,144	100.0%	<div></div>
SOUTH CAROLINA	\$4,652,412	\$4,652,412	100.0%	<div></div>
SOUTH DAKOTA	\$5,000,000	\$5,000,000	100.0%	<div></div>
TENNESSEE	\$6,004,507	\$5,933,099	98.8%	<div></div>
TEXAS	\$17,206,595	\$17,069,299	99.2%	<div></div>
WYOMING	\$5,000,000	\$5,000,000	100.0%	<div></div>
Total	\$184,865,971	\$174,171,905	94.22%	<div></div>

* The total expended is based on 2019 data. FY2020 data had not been received as of 1/6/2021.

** There was no award in 2019 for Northern Mariana Islands. FY2020 data had not been received as of 1/6/2021.

Section 251 Federal Expenditures as of 9/30/2020

Data is from 41 states with active grants. Fourteen state grants are closed.

STATE	AWARD	EXPENDITURES	PERCENT EXPENDED	
ALABAMA	\$40,247,219	\$40,227,898	100.0%	<div></div>
ALASKA	\$13,021,803	\$12,724,036	97.7%	<div></div>
ARIZONA**	\$45,516,688	\$45,516,688	100.0%	<div></div>
ARKANSAS	\$24,245,457	\$24,245,457	100.0%	<div></div>
CALIFORNIA	\$296,305,593	\$276,695,564	93.4%	<div></div>
COLORADO	\$38,767,048	\$38,253,371	98.7%	<div></div>
CONNECTICUT*	\$31,109,847	\$31,095,157	100.0%	<div></div>
DELAWARE**	\$13,021,803	\$12,298,302	94.4%	<div></div>
DISTRICT OF COLUMBIA	\$13,028,257	\$13,028,257	100.0%	<div></div>
FLORIDA	\$148,633,048	\$148,633,048	100.0%	<div></div>
GEORGIA	\$72,641,827	\$68,140,405	93.8%	<div></div>
GUAM**	\$2,319,361	\$2,319,361	100.0%	<div></div>
HAWAII	\$13,028,257	\$12,971,881	99.6%	<div></div>
IDAHO	\$13,021,803	\$13,021,803	100.0%	<div></div>
ILLINOIS	\$110,597,147	\$109,436,204	99.0%	<div></div>
INDIANA	\$54,440,282	\$54,277,323	99.7%	<div></div>
KANSAS	\$24,033,425	\$24,033,425	100.0%	<div></div>
KENTUCKY	\$36,919,261	\$30,406,135	82.4%	<div></div>
MAINE	\$13,028,257	\$13,028,257	100.0%	<div></div>
MASSACHUSETTS	\$58,589,549	\$37,766,703	64.5%	<div></div>
MICHIGAN	\$88,575,455	\$88,575,455	100.0%	<div></div>

* The total expended is based on 2019 data. FY2020 data had not been received as of 1/6/2021.

** There was no award in 2019 for Northern Mariana Islands. FY2020 data had not been received as of 1/6/2021.

Section 251 Federal Expenditures as of 9/30/2020

STATE	AWARD	EXPENDITURES	PERCENT EXPENDED	
MINNESOTA	\$43,962,194	\$43,962,194	100.0%	<div></div>
MISSISSIPPI	\$25,164,294	\$25,152,465	100.0%	<div></div>
MISSOURI	\$50,394,880	\$50,394,880	100.0%	<div></div>
NEW HAMPSHIRE*	\$13,028,257	\$10,410,561	79.9%	<div></div>
NEW YORK	\$172,076,865	\$169,354,678	98.4%	<div></div>
NORTH CAROLINA*	\$73,460,046	\$71,755,810	97.7%	<div></div>
OKLAHOMA	\$31,043,081	\$31,043,081	100.0%	<div></div>
OREGON	\$31,243,106	\$31,243,106	100.0%	<div></div>
PENNSYLVANIA	\$112,821,809	\$112,140,337	99.4%	<div></div>
PUERTO RICO	\$5,868,252	\$5,649,494	96.3%	<div></div>
RHODE ISLAND	\$13,028,257	\$13,021,803	100.0%	<div></div>
SOUTH CAROLINA	\$36,384,617	\$36,384,617	100.0%	<div></div>
SOUTH DAKOTA	\$13,028,257	\$13,028,257	100.0%	<div></div>
TENNESSEE	\$51,877,745	\$25,711,600	49.6%	<div></div>
U. S. VIRGIN ISLANDS**	\$2,319,361	\$2,319,353	100.0%	<div></div>
UTAH	\$18,491,597	\$17,857,518	96.6%	<div></div>
VERMONT	\$12,453,257	\$10,084,337	81.0%	<div></div>
WASHINGTON	\$52,955,253	\$52,955,253	100.0%	<div></div>
WEST VIRGINIA	\$17,184,961	\$16,771,183	97.6%	<div></div>
WYOMING	\$13,028,257	\$13,028,257	100.0%	<div></div>
Total	\$1,940,905,731	\$1,848,963,515	95.3%	<div></div>

* The total expended is based on 2019 data. FY2020 data had not been received as of 1/6/2021.

** There was no award in 2019 for Northern Mariana Islands. FY2020 data had not been received as of 1/6/2021.



EAC.gov

- Year

- Employer

- Name

- Annual Wages ~~\$0~~\$434,312

Results: 42 salaries found.

<u>Year</u>	<u>Employer</u>	<u>Name</u>	<u>Title</u>	<u>Annual Wages</u>
2020	Election Assistance Commission	Harrington Mona M	Miscellaneous Administration And Program	\$160,100.00
2020	Election Assistance Commission	Rayburn Kevin Michael	General Attorney	\$160,100.00

2020	Election Assistance Commission	Layfield Patricia L	Miscellaneous Administration And Program	\$160,100.00
2020	Election Assistance Commission	Hicks Thomas Nmn	Miscellaneous Administration And Program	\$158,500.00
2020	Election Assistance Commission	Hovland Benjamin Weiss	Miscellaneous Administration And Program	\$158,500.00
2020	Election Assistance Commission	Palmer Donald L	Miscellaneous Administration And Program	\$158,500.00
2020	Election Assistance Commission	Mccormick Christy A	Miscellaneous Administration And Program	\$158,500.00

2020	Election Assistance Commission	Wang Billy D	Information Technology Management	\$145,000.00
2020	Election Assistance Commission	Forgy Mia Monique	Auditing	\$142,701.00
2020	Election Assistance Commission	Repak Paul W	Financial Management	\$142,000.00
2020	Election Assistance Commission	Franklin Joshua Michael	Information Technology Management	\$140,000.00
2020	Election Assistance Commission	Olaya Phillip A	General Attorney	\$135,000.00

2020	Election Assistance Commission	Mills Courtney Lynn	Miscellaneous Administration And Program	\$133,000.00
2020	Election Assistance Commission	Bowers Jessica Marie	Information Technology Management	\$130,000.00
2020	Election Assistance Commission	Herrmann Tyler James	General Attorney	\$130,000.00
2020	Election Assistance Commission	Ghaznavi Kinza Mansoor	Grants Management	\$130,000.00
2020	Election Assistance Commission	Williams Nichelle S	Miscellaneous Administration And Program	\$123,913.00

2020	Election Assistance Commission	Botchway Henry M	Information Technology Management	\$123,906.00
2020	Election Assistance Commission	Lovato Jerome C	Miscellaneous Administration And Program	\$123,614.00
2020	Election Assistance Commission	Joiner Amanda Stevens	General Attorney	\$120,000.00
2020	Election Assistance Commission	Sargent Robin I	Miscellaneous Administration And Program	\$119,700.00
2020	Election Assistance Commission	Muthig Kristen A	Miscellaneous Administration And Program	\$119,700.00

2020	Election Assistance Commission	Leahy Patrick R	Miscellaneous Administration And Program	\$112,222.00
2020	Election Assistance Commission	Lassetter George C	Information Technology Management	\$110,000.00
2020	Election Assistance Commission	Williams Ashley R	Financial Management	\$108,858.00
2020	Election Assistance Commission	Benavides Bertha A	Miscellaneous Clerk And Assistant	\$105,766.00
2020	Election Assistance Commission	Reed Alona Maria	Miscellaneous Administration And Program	\$105,000.00

2020	Election Assistance Commission	Uyak Stephen Gregory	Information Technology Management	\$99,379.00
2020	Election Assistance Commission	Aumayr Paul H	Miscellaneous Administration And Program	\$98,344.00
2020	Election Assistance Commission	Jones Simona M	General Arts And Information	\$87,992.00
2020	Election Assistance Commission	Williams Raymond Thomas	Miscellaneous Administration And Program	\$84,038.00
2020	Election Assistance Commission	Sweeney Robert M	Miscellaneous Administration And Program	\$81,210.00

2020	Election Assistance Commission	Thompson Julie Christine	Miscellaneous Clerk And Assistant	\$75,000.00
2020	Election Assistance Commission	Fall Jordan Tate	Public Affairs	\$75,000.00
2020	Election Assistance Commission	Roberson Rebecca Danielle	Public Affairs	\$75,000.00
2020	Election Assistance Commission	Burton Eugene Lamont	Miscellaneous Administration And Program	\$72,500.00
2020	Election Assistance Commission	Anderson Lida Yvette	Miscellaneous Clerk And Assistant	\$69,000.00

2020	Election Assistance Commission	Long Charlene Renee	Miscellaneous Clerk And Assistant	\$69,000.00
2020	Election Assistance Commission	Bowles Peter Gilbert	Information Technology Management	\$67,288.00
2020	Election Assistance Commission	Fleming Jessica Elizabeth	Miscellaneous Administration And Program	\$55,000.00
2020	Election Assistance Commission	Lee Emma D	Financial Management	\$45,000.00
2020	Election Assistance Commission	Kelliher Camden Patrick	General Legal And Kindred Administration	\$31,305.00



Cyber Crisis Management for Elections Officials

UNITED STATES ELECTION ASSISTANCE COMMISSION

1335 EAST WEST HIGHWAY, SUITE 4300

SILVER SPRING, MD 20910

DATE: 7.3.2020

Table of Contents

Version Control	3
Introduction & Purpose	4
I. Election Ecosystem Process and Key Risks.....	5
Electoral Register Maintenance	5
Vote Capture	6
Vote Tabulation	7
Results Dissemination	7
II. Threat Landscape, Actors, and Motivations	7
Introduction	7
Threat Categories and Targets	8
Adversary Categorization and Motivations.....	9
III. Incident Response and Crisis Management.....	10
Introduction: Three-Phased Approach.....	10
Pre-Election	11
People	11
Election Stakeholder Onboarding and Training	11
Cyber Crisis Action Team (CCAT).....	12
Election Support Partnerships	14
Process	15
Policies & Plans	15
Vendor Management.....	16
Threat Intelligence	16
War Room Location	16
Risk Analysis	17
Technology	18
Hardening Election Infrastructure	18
Voter Registration	18
Vote Capture	18
Vote Tabulation: Election Management Systems.....	18
Results Dissemination	18
Internal and Public Communications	19

Technology Solutions	19
Communications Platforms (including out-of-band)	19
Threat Hunting Platform	19
Security Monitoring Solution	20
Social Media Platforms	20
Crisis Tracking and Management.....	20
Evaluation and Feedback Solution	20
Lessons learned / Hotwash Solution	20
During Election	21
War Room Logistics.....	21
1: Ongoing Monitoring.....	22
Threat Hunting and Security Monitoring	22
Monitor Media	23
Knowledge Sharing.....	23
Endpoint Security Maintenance.....	23
2: Incident Intake	23
3: Activate the CCAT	24
4: Assess Incident Severity	24
4.1: Invoke Standard Incident Response Process	24
4.2: Execute Response Activities.....	24
Technical Remediation.....	25
Business Continuity and Disaster Recovery	26
Crisis Communication	26
5: Assess Incident Resolution.....	29
Post-Election	29
Cyber Crisis Action Team	29
Election Support Partnerships	30
Process Overview	30
1: Review & Close Crisis Ticket.....	30
2: Evaluation and Feedback	30
3: Lessons Learned / Hotwash	30
4: Create Crisis Report	31
5: Crisis Briefing.....	31

6: Knowledge Sharing.....	31
7: Update Security Tools and Continue Monitoring	31
8: Update Documentation and Processes.....	31
9: Implement Strategic Recommendations	31
Iowa 2020 Case Study	32
IV. Appendix	34
Incident Tracking Form.....	34
References	35
Glossary of Terms.....	36

Version Control

Version	Date	Description	Created By	Approved By
1.0	7/3/2020	Initial Version	External Consultant	

Introduction & Purpose

Elections are critical to the ideal operation of a representative democracy. At the core of this tenet lies the notion that a government represents the will of the people. Trust in the government requires trust in the election process and, more importantly, the integrity of its outcome. This entails being confident that the process is procedurally and substantively fair, that campaign representatives neglect foreign interests, and that the media abstains from misinformation that attempts to impact voter perceptions.

Numerous global events, notably including the 2016 U.S. presidential election influence campaign, have exposed numerous vulnerabilities in the election process, mostly involving the use of technology and social media manipulation. The COVID-19 pandemic and widespread social unrest present a unique set of challenges for the 2020 U.S. presidential elections and beyond.

Traditional manual voting processes and procedures provided a fundamentally trustworthy method to determine state, local, and national representatives. The adoption of technological advancements within the election process has increased efficiency, but concurrently presents an increase in cybersecurity challenges. The expansion of the digital ecosystem has directly influenced the cybersecurity landscape, which is rapidly changing as attackers continue to grow more adept at working across a range of operating systems and device types, as well as in both on-premises and cloud architectures. As a result, traditional barriers to attacker success continue to lessen over time. This has highlighted the importance of addressing and managing risks that emerge with the increasing prevalence of information and communication technologies.

Due to the inherent importance of the electoral process, threat actors will continue to target election entities. Targeting the electoral process is almost certainly viewed by state-sponsored actors as a relatively inexpensive and effective means of exerting influence and obtaining critical intelligence, while the continuous expansion of the social media landscape will likely encourage various actors to increase the use of fabricated or misleading news to promote preferred narratives.

Cybersecurity risks span the entirety of the process from voter registration to dissemination of results and must inform a critical component of the nation's crisis management strategy. In the event of a cybersecurity incident, effective coordination and alignment of various election stakeholders is necessary to promote and maintain voter confidence during times of crises. Previous occasions have demonstrated the impact that the use of social media can achieve towards attempts to delegitimize the electoral process. As a result, the creation of a crisis communications plan, as part of the overall crisis management strategy, is crucial as officials aim to maintain public confidence in the process' integrity. This document is intended to bring light to the threat landscape and enable key election stakeholders, acting as frontline defenders, to be best prepared for a cyber crisis situation by increasing the effectiveness and agility of their response, lessening impact, and allowing for continuation of election activities and operations.

Cybersecurity Incident:

"An occurrence that results in actual or potential jeopardy to the confidentiality, integrity, or availability of an information system or the information the system processes, stores, or transmits or that constitutes a violation or imminent threat of violation of security policies, security procedures, or acceptable use policies." ¹

I. Election Ecosystem Process and Key Risks

The decentralized structure of elections in the U.S. gives local and state jurisdictions the responsibility of administering elections, including the associated data and technology infrastructure. As a result, the scope of risks across the nation are multi-faceted; county and municipal officials can administer anywhere from a few dozen to several million eligible voters. This reinforces the importance of federal-level guidance that can be tailored to unique environments, with varying degrees of resources.

Independent of the size of local jurisdictions, the election lifecycle can be simplified into four phases, shown in the figure below. These phases contain varying levels of associated risk. From a cybersecurity lens, maintaining integrity of data within each of these processes is a top priority.



Figure 1: Phases of the election lifecycle

Electoral Register Maintenance

The electoral register contains a list of individuals eligible to vote in a particular electoral district. The registration process varies by state and is managed by local authorities. Voter registration is often conducted through one of two ways:



Voter registration is an integral part of the electoral process and helps streamline election day procedures by pre-determining voter eligibility, providing sample ballots, and often assigning voters to the correct polling locations.

Actors who gain unauthorized access to voter registration databases can delete or modify voter information, insert misleading information to deter voters, force them to use provisional ballots, or allow individuals to vote multiple times under false identities.

Threat Intelligence Spotlight

In 2016, the state of Arizona had to shut down its voter registration system for nearly a week after adversaries targeted the systems. Similarly, in June of 2016, the state election agency in Illinois discovered that their voter registration database was infiltrated, and thousands of voter records were suspected to have been viewed by the adversaries. ²

Vote Capture

Votes are recorded through capture devices. To accommodate administrative logistics and voter differences, the method by which votes are captured can significantly vary across local jurisdictions. Most commonly used are Optical Scanners that scan marked paper ballots, or Direct Recording Electronic systems that present a digital ballot image to voters.

Regardless of the method, the primary input to this phase of the process is the voter ballot, and the output is the cast vote record. Adhering to core democratic principles involves ensuring that no ballot can be traced to a particular individual, revealing what they voted for, or against. This requires maintaining both the integrity and confidentiality of the vote throughout its capture and into the tabulation process.

Election officials, poll workers, or any others who can access a voting machine before election day can introduce malware by inserting infected removable media (e.g., USBs) or otherwise alter the voting machine. This raises the risk of tampered vote counts, DoS attacks, and/or corrupt security and audit logs. Similarly, voters can introduce malware or other malicious functionality as they interact with the voting machines.

Experimentation in Internet-based voting in the United States expanded in 2016, with some states and localities implementing online voting for niche populations (e.g., voters stationed abroad for military duty, individuals with disabilities, and homebound individuals). Potential future threats may include efforts to disrupt election infrastructure service, alter votes, or unmask user anonymity to change or influence the outcome of elections, call the results into question, or otherwise disrupt the democratic process.

2020 Presidential Election: Online Voting

Mandiant Threat Intelligence anticipates that the threat of COVID-19 and need for social distancing will likely prompt additional jurisdictions to consider some form of internet-based voting. The risk remains that these efforts could be rushed and poorly executed, which could expose election infrastructure to a variety of weaknesses and potential threat activity. Any perceived damage to the integrity of the voting process could have a significant political and institutional impact, and this is only exacerbated with political polarization and closely contested races.

From a technology perspective, the increased pressure to expand to online voting platforms introduces increased operational complexity and a widened attack surface. The implementation of online voting, in addition to traditional means of voting in person or by mail, could lead to confusion and service outages. For instance, improperly implemented online voting or a cyber-attack on election day could lead to a surge in phone calls from users requesting assistance and troubleshooting. This could in turn degrade the service for in-person voting if poll workers are diverted or distracted.

As demonstrated by the debate over the extent of Russian interference in the 2016 U.S. election, basic cyber threat activity may be sufficient to cast doubt on the veracity of the election outcome, particularly in contentious and close elections. Additionally, losing candidates might seize upon cyber threat activity to justify a revote. It is essential that election officials ensure that any internet-based voting is secure and well-administered.



Vote Tabulation

Tabulation of votes involves aggregating results across various networks and devices throughout the U.S. using Election Management Systems (EMS). These are software systems that set up, control, and tabulate the ecosystem of voting machines. Depending on the local setup, tabulation can either occur at the polling station once votes are captured, or at centralized county facilities. In the latter, local polling stations are required to provide county stations with tabulated totals, using various media such as email, USB drives, phone calls, wireless remote uploads, and other methods.

EMS systems are a high-value target for threat actors and are prone to man-in-the-middle attacks. Attackers that gain access to these systems could flip votes, delete data, crash systems, or infect machines for future elections.

Results Dissemination

Arguably, the most awaited part of the electoral process is the reporting of results. This involves communicating tabulated results to internal and external stakeholders, including the public. The output of the results can be represented across different media including online media, broadcast television, and printed media. Election reporting consists of systems that aggregate and communicate results. Many counties and states will partake in delivering results through social media, which requires significant consideration of maintaining secure communication channels.



Threat Intelligence Spotlight

In Ukraine's 2014 presidential and parliamentary elections, adversaries launched several attacks disrupting the transmission and reporting of results by district electoral commissions. A series of simultaneous attacks included phishing, defacing websites, and launching a Distributed Denial of Service (DDoS) which overwhelmed sites with more traffic than they could handle. ³

Systems used to report results are closely tied to vote tabulations systems previously discussed. In turn, the threat landscape remains similar with the risks of manipulation of transmitted data, or Denial of Service attacks on public-facing or internal communication sites, which can cause a delay in the reporting of results.

II. Threat Landscape, Actors, and Motivations

Introduction

Adversaries have attempted to disrupt the electoral process since the founding of the first democracies. As information technology now permeates every aspect of an election—from voter registration to vote tallies—adversaries can also conduct technological attacks to achieve their goals. The vast number of information systems present in the election process results in vulnerabilities that are spread across the environment. A threat actor's motives often aim to undermine the integration of the voting process, diminish public confidence in the integrity of the process or, ultimately, both. Regardless of the motive, malicious actors will utilize techniques with attack vectors that exploit technical vulnerabilities and rely on psychological manipulation of humans to obtain confidential information such as credentials.

Commonly observed threat activities include claims of successful targeting of voting machines and election management systems, dissemination of fabricated news, defacements, Distributed Denial of Service (DDoS) attacks, as well as targeted intrusions of election commissions and polling organizations via spear-phishing and strategic website compromise.

Threat Categories and Targets

Cyberthreats against the integrity of the electoral process can often be categorized by one of two ways:

**Targeting
election-related
technologies**

**Disinformation
campaigns targeting
the perceived
process integrity**

The main targets of hacking attacks against election-related technology include electoral register database technologies, vote counting technologies, result aggregation and transmission technologies, result publication websites, and private email accounts and communication systems. Attacks can also be targeted towards broader national infrastructure including e-government systems, power grid, and telecommunication networks. Accessing and manipulating data on internal systems with private data is significantly more difficult than attacking online public resources, due to the increased protection of internal systems. Highly skilled adversaries, often state-sponsored, execute tactics over long periods of time before achieving their goal. As such, successful risk mitigation requires ongoing vigilance.

Apart from technical vulnerabilities, adversaries often circumvent security measures through social engineering, which includes exploiting human psychology to gain access to internal systems and data, and to elicit passwords and other access credentials from users. There are various forms of execution (e.g., direct contact, phone calls, and phishing emails) that serve as a starting point for further compromise. Another human-initiated compromise involves insider threats leading to system breaches of election-related technologies and systems. This often presents a risk towards integrity of online election-related services, result transfers, aggregation systems, and publicly accessible election devices, such as voting machines or voter identification systems.

On the other hand, disinformation involves influencing public opinion by spreading inaccurate or misleading information to harm an individual, social group, organization, or country. Disinformation within the context of elections can undermine public confidence in the process through the spread of misinformation. Disinformation can also seek to suppress voter turnout, for example, by spoofing a website claiming that polling stations are closed due to inclement weather, and that voters should phone in their votes instead.

Adversary Categorization and Motivations

Cyber adversaries are often categorized based on their capabilities and perceived motivations. Politically motivated actors, such as foreign nation state-backed actors, are often the most well-resourced, persistent, and skilled as they engage in cyber-enabled espionage. Most notably, state-sponsored actors, hacktivist collectives, and individuals routinely seek to influence or delegitimize election outcomes, collect intelligence, or cause disruption to the electoral process. These adversaries and their motivations are shown in the figure below.

Adversary		Motivation
Nation-State		Geo-Political
Hacktivists		Ideological
Organized Criminals		Financial
Terrorist Groups		Ideological Violence
Political Actors		Political Power
Thrill-Seekers		Personal Satisfaction

Figure 2: Adversaries and their motivations

- **Nation-states** are motivated by economic, strategic, and/or geopolitical interests and often operate with the full support of a national government or military.
- **Hacktivists** are ideologically motivated and seek to make a political or social statement through cyber network operations.
- **Organized cybercriminal actors** conduct computer network operations in search of data they can monetize, such as credit card track data, personally identifiable information, or insider information.
- **Insiders** are individuals within the security perimeter of an organization who are granted authorized access to systems and can leverage that potential privileged access and knowledge to cause damage.
- **Terrorist groups** are motivated by violent extremist ideologies.
- **Political actors** are motivated by winning political power domestically.
- **Thrill-seekers** are individuals seeking reputational or personal satisfaction from successful hacking.

Vulnerabilities are present in every component of the election process and have a wide range of attack vectors. The associated risks span technology, management and human risks, and external risks and dependencies. Managing the associated risk requires a comprehensive cross-government risk assessment, which considers the likelihood and potential impact of risks materializing. Organizations should have adequate incident response and crisis management strategies in order to act swiftly and mitigate the impact that an incident incurs on the process.

III. Incident Response and Crisis Management

Introduction: Three-Phased Approach

In order to adequately prepare for the growing threat landscape and minimize the potential impact of an incident, election organizations must develop **security-focused crisis management strategies**, including the associated people, processes, and technology requirements. The approach presented in this document follows three phases, beginning with **pre-election preparedness**, shifting to **election day War Room activities**, and finishing with **post-election wrap-up and improvement** in order to prepare for the next rounds of election activities.

A similar three-phased approach can be adapted for other crisis categories, including natural disasters, pandemics, and other similar crisis situations.

Crisis management builds on foundational incident response procedures, with a more strategic communications-oriented approach, in order to mitigate reputational impact that can disrupt the core activity and/or credibility of an organization. A high-level overview of the NIST incident response process is described below, followed by a mapping to the proposed three-phased crisis management process.

- **Preparation:** Establishing and training the Cyber Crisis Action Team (CCAT), acquiring necessary tools and resources, and assessing risks
- **Detection and Analysis:** The process through which potentially adverse events are brought to Information Technology or the CCAT's attention. The initial response, action, and potential impact, whether technology or non-technological incidents, will be determined. Impacted systems will be investigated to determine the facts of a security incident, including potential impact to election operations, voters, systems, and public safety.
- **Containment, Eradication, and Recovery:** Planning and executing activities to contain and eradicate the threat and recover from the incident in the most efficient manner, while mitigating adverse media attention and maintaining voter confidence.
- **Post-Incident Activity:** Assessing and documenting lessons learned and improving capabilities to enhance the ability to prevent, detect, and respond to future crises.



Figure 3: Three-phases of election crisis management

Pre-Election

Pre-election efforts involve preparing election officials for a crisis, in addition to completing preventive cyber hygiene activities, such as patching election systems. Election stakeholders must be informed about the threat landscape and trained on escalation processes in order to be prepared for a crisis. Preparation involves adequately preparing, maintaining, and monitoring technology systems to gain overall network visibility. Insufficient preparation during times of heightened pressure can contribute to increased risk and disorder.

People

Election Stakeholder Onboarding and Training

Humans are often the weakest link in environments with a perceived strong security posture. Establishing a proactive security culture requires leadership to demonstrate and enforce the importance of election security. For election organizations that have adequate resources, establishing a Security Governance committee can be instrumental in achieving behavior change toward a culture that promotes good security practices and policy compliance.

Election stakeholders, which range from election poll workers to technology specialists, should be formally vetted and educated about the cybersecurity threat landscape and their respective roles and responsibilities regarding crisis management. This education should involve the following efforts:

- **Conduct adequate background checks** on critical election officials, particularly those accessing sensitive information, and privileged systems.
Hiring managers should be diligent in selecting election administration; the information systems qualify as critical infrastructure, justifying the security expectations of those accessing or facilitating the use of systems.
- **Enforce a training and awareness program for election officials.**
Delivery of Information Security training should be specifically tailored to the role of the employee, with consideration to their roles as they pertain to both regular operation and crisis management. A campaign manager may benefit from phishing awareness, while a poll worker may benefit from training on identifying suspicious voter behavior.

In addition to role-based training, election officials, election staff, and poll workers should receive general training on phishing and other social engineering techniques to help protect the confidentiality, integrity, and availability of election information and assets.

- **Conduct periodic tabletop exercises (TTXs)** with relevant stakeholders to validate crisis management capabilities.
Tabletop exercises enable election organizations and their key stakeholders to analyze potential emergency situations in an informal environment. TTXs are designed to foster constructive discussions among participants as they examine existing operational plans and determine where they can make improvements.

The [Cybersecurity and Infrastructure Security Agency \(CISA\)](#) has developed an Elections Cyber Tabletop Exercise Package to be used as a resource for state, local, and private sector election partners. The package involves election-specific scenarios that include those listed below and provides sufficient coverage of potential threat to election infrastructure.

- Vote-by-Mail
- Early Voting/Same Day or Election Day Registration
- Election Day/Voting Machine

Cyber Crisis Action Team (CCAT)

Effective crisis management and response for significant cybersecurity incidents requires the coordination of individuals with different capabilities and job functions. Those skills are often provided by a variety of individuals, both inside and outside the teams formally tasked with security functions. IT, Legal, Communications, and other key third-party stakeholders may all contribute to a response effort. An ideal structure to provide sufficient coverage across all response domains is outlined below, followed by an overview of respective responsibilities:

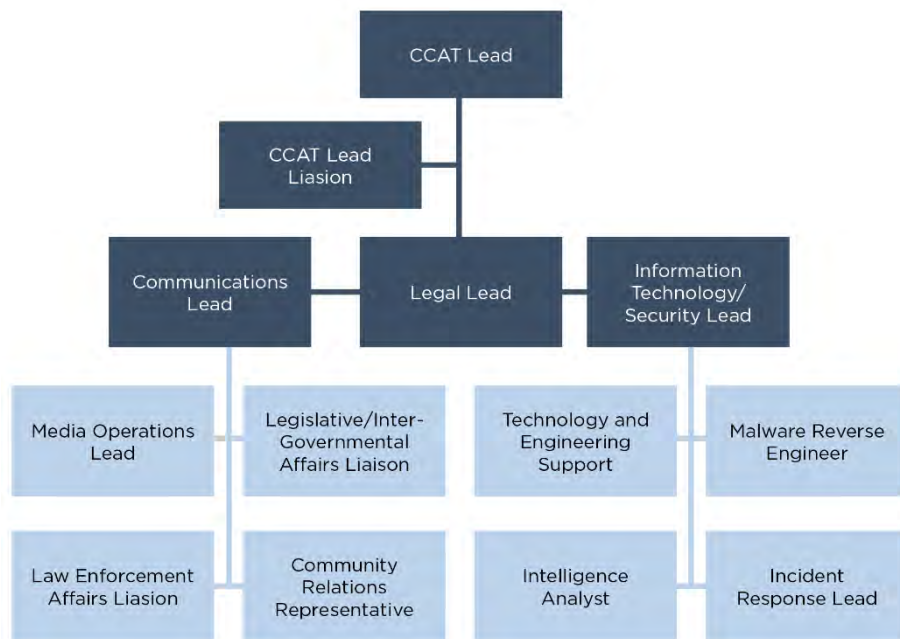


Figure 4: Incident management and response structure

Note: Local jurisdictions should adapt accordingly for their organizational structure. This may require seeking outside support for the specialized IT / Security functions, in addition to having one individual playing multiple roles.

Role	Responsibilities
CCAT Lead	<ul style="list-style-type: none"> • Activate and lead the CCAT • Oversee cybersecurity incident response activities • Provide periodic status updates to executive management and others as required • Report on incident impact and post-incident lessons learned • Provide authority and guidance for cybersecurity detection, response, and containment activities
CCAT Lead Liaison	<ul style="list-style-type: none"> • Activate the CCAT on behalf of the CCAT Lead • Lead cybersecurity incident response activities • Provide communications input for the CCAT Lead and Communications Lead • Facilitate coordination and information sharing between the technical and executive members of the CCAT • Provide input for periodic status updates to the CCAT Lead

July 3, 2020

Cybersecurity Crisis Management

Role	Responsibilities
	<ul style="list-style-type: none"> • Ensure clear notes and action items are captured in each meeting and circulated as necessary • Prepare a written summary of the cybersecurity incident, corrective action taken, and post-election lessons learned
Information Technology / Security Lead	<ul style="list-style-type: none"> • Provide authority and guidance for Information Security detection, response, and containment activities <ul style="list-style-type: none"> ○ Provide cybersecurity subject matter expertise ○ Lead cybersecurity incident identification and response ○ Ensure that evidence gathering, chain of custody, and log preservation is appropriate, in consultation with Legal • Ensure that appropriate security event and threat monitoring capabilities are implemented to facilitate the rapid detection of a cybersecurity incident • Work with Communications and Legal to develop drafts of communications to customers/employees, regulators, and credit reporting agencies, if required
Incident Response Lead	<ul style="list-style-type: none"> • Lead the technical response as an "Incident Commander or Triage Lead" • Monitor alerts from security tools or escalations and initiate hunts for threat actor behavior • Act as an expert in using tools deployed within the network
Technology and Engineering Support	<ul style="list-style-type: none"> • Provide support with troubleshooting of technology deployed in the election environment
Intelligence Analyst	<ul style="list-style-type: none"> • Support the response team with threat hunting activities including threat modelling, threat analysis, and research • Cover multiple platforms and facets including, but not limited to, social media, dark web, third-party intelligence parties, legitimate news media, and others
Malware Reverse Engineer	<ul style="list-style-type: none"> • Serve as the subject matter expert (SME) on malware detection, analysis, and mitigation
Legal Lead	<ul style="list-style-type: none"> • Provide legal, regulatory, and risk management guidance • Work with Communications Lead to create drafts of communications to the public/employees, regulators, and credit reporting agencies if required • Review relevant third-party agreements
Communications Lead	<ul style="list-style-type: none"> • Provide guidance on internal and external communications for significant cybersecurity incidents • Assist with and facilitate the preparation of external and internal communications regarding the cybersecurity incident • Respond to press inquiries with press statement that has been approved by Legal • Advise on overall communications/public relations (PR) strategy

Role	Responsibilities
Media Operations Lead	<ul style="list-style-type: none"> Communicate with media officials (including social media stakeholders, news outlets, etc.) Monitor social media and traditional media sources with guidance from the Information Technology / Security Lead
Legislative/Inter-Governmental Affairs Liaison	<ul style="list-style-type: none"> Coordinate governmental briefings for members of state legislatures, county commissioners, or other elected officials Interface with key state / federal election and local election stakeholders (e.g., National Association of Secretaries of State [NASS], International Association of Government Officials [IGO], the National Association of State Election Directors [NASED], and the National Governors Association [NGA])
Security and Law Enforcement Affairs Liaison	<ul style="list-style-type: none"> Coordinate communication with law enforcement and public safety officials as appropriate
Community Relations Representative	<ul style="list-style-type: none"> Provide front-line perspective of incident-related information (e.g., local auditors, local party officials, clerks)

Table 1: Roles and responsibilities for incident management and response

Election Support Partnerships

Crisis management requires effective collaboration from numerous bodies, including many third parties. During election crises in particular, internal communications and public relations individuals and teams can easily be overwhelmed as they try to maintain voter confidence in election integrity. Securing additional surge capacity and expertise at fixed service level agreements via a retainer can ensure that external communications remain clear, timely, and controlled during an incident.

Forming partnerships with these key external bodies allows both parties to establish trust and a working relationship in preparation for potential crises. Key partnerships for election officials are summarized below based on potential areas of support:

- **State and Local Intelligence Counterparts**

Identifying state and local counterparts is key to planning and response actions. The task force should maintain a list of intelligence officials with up-to-date contact information, in the event that these individuals need to be immediately engaged.

- US Department of Homeland Security, Election Infrastructure Information Sharing and Analysis Center (EI-ISAC)
- State Intelligence Services (State Level)

- **Law Enforcement**

In the event of a cyber crisis, federal, state, and/or local law enforcement will need to be engaged in the response. Creating and maintaining relationships with key law enforcement officials and/or their dedicated communication personnel ensures seamless coordination and information sharing before, during, and after a crisis.

- Federal Bureau of Investigation (FBI)
- Local law enforcement

- **Federal/State/Local Lawmakers**

Federal and state lawmakers play an important role in authorizing and overseeing election and cybersecurity measures. They are also likely to speak publicly about an election-related cyber crisis, so establishing communication channels with them is critical before, during, and after a crisis. Not only are

law makers beneficiaries of a safe and secure elections system, but they also have a vested interest in maintaining the public's trust in that system. Communicators should build relationships with key figures in Congress and statehouses, including their respective communications staffs, in advance.

- U.S. Cyber Command
- Election Infrastructure Government Coordinating Council (EI-GCC)
- State Board of Elections
- State and local officials

- **Media**

The media is a key information conduit to voters, providing news and commentary that shapes and defines public opinion and influences belief in the election system's integrity. Social media, in particular, is playing an increasing role throughout election process. Disinformation is often magnified through its use and. As a result, establishing ongoing relationships with key reporters and social media companies (e.g., Twitter, Facebook) who cover both cybersecurity and election-related issues at the national, state, and local level will be important in shaping accurate coverage throughout all phases of cyber-related preparation and response. Election bodies should focus on two categories of media:

- **Traditional Media** — Mainstream outlets and reporters
- **Influencer Media** — Influential bloggers, outlets, and commentators, as well as outlets likely to reach them

- **Incident Response**

Establishing retainers or, at minimum, grounded relationships with firms will enable the CCAT to leverage incident response expertise for more specialized knowledge, such as technical, legal, and/or public relations matters.

- Third-party incident response firm (e.g., Mandiant)
- Third-party public relations firm
- External counsel
- State DHS and emergency services

- **Interested Parties**

Election bodies should develop relationships with voting advocacy and other third-party groups as they play a role in maintaining the public's confidence in elections. Political parties and campaigns are a critical group with which election bodies should develop a trusted relationship in advance. Third-party groups may also include vendors, researchers specializing in elections, technology service providers, or other industry service providers. Election bodies should develop an initial list of key groups, which should be maintained and updated by the CCAT lead. This list could include:

- Political parties and campaigns
- Election groups
- Think tanks
- Academics
- Internet service providers
- Technology infrastructure vendors (e.g., KNOWiNK, Cisco)

Process

Policies & Plans

A number of interrelated planning documents will dictate and enable divisional response to a crisis, depending on the nature and extent of a cybersecurity crisis. At minimum, the following documents should be developed in alignment with the strategy proposed by an Information Security Program with a broad focus that includes election issues:

- A **Business Continuity and Disaster Recovery Plan** to manage and, where possible, mitigate the risks associated with a significant business disruption. The objectives of this plan are to manage the risk of loss and/or reputational damage due to the unavailability of critical people, premises, and systems.
 - Refer to the following EAC [resource](#) for further guidelines around Disaster Recovery.
- A **Cyber Crisis and Incident Response Plan** to ensure a consistent and systematic framework and methodology for detecting and responding to cybersecurity incidents.
- A **Corporate Crisis Communications Plan** that defines communications and disclosures that are required, describes communication strategies, and provides related communication templates to facilitate communications during a significant cybersecurity incident.

Vendor Management

Vendors play a critical role in supporting a functioning election system and are valuable targets for malicious threat actors. As a result, vendors must contribute towards addressing key cybersecurity risks. Technology provided by vendors (e.g., such as voter registration databases, and voter registration and capture devices) increases the attack surface for threat actors; election officials must be vigilant in vetting vendors. The request for proposal (RFP) process should involve a rigorous security risk assessment process that entails assessing their security posture and understanding how risks associated with their technology is actively mitigated.

Establishing a vendor management security strategy to formalize the overall management of security risks from using vendors and third parties will foster a systematic and consistent approach across vendors. A comprehensive vendor security management strategy will contain the following:

- **Mission statement of the vendor management security strategy**
The mission statement should reflect the goal of managing cyber risks to the election ecosystem.
- **Process for analyzing vendors and categorizing them by risk**
Vendors should be ranked and categorized according to their criticality to business functions. Typically, these categories are Critical, High, Medium, and Low. A Critical vendor is one where loss of confidentiality, integrity, or availability of the vendor's provided products or services will result in immediate and severe business disruption. These risk categorizations will influence the security controls applied to that vendor.
- **Process for determining appropriate controls for vendors of each risk category**
For each risk category of vendors, appropriate security controls should be enforced. Higher vendor risk ratings should result in more stringent security controls.
- **Processes and technology for ongoing validation of vendor security controls**
Vendors should be subject to periodic security control reviews conducted according to a schedule determined by their vendor risk rating. For example, a vendor may be subject to a yearly self-assessment questionnaire, or subject to more frequent audits based on their risk rating.

Threat Intelligence

Threat intelligence can be used to develop a comprehensive threat profile, which allows for better identification of relevant threats, assets most likely to be targeted, various motivators, and specific tactics that may be used to exploit the processes, people, and assets associated with election activities. Specific criteria should be developed based on the established threat profile, that can be leveraged for open source intelligence relating to the threats, motivators, targeted assets, and techniques used throughout the election cycle. These criteria will inform the searches made throughout the Internet, social media, and news articles for indications of potential exploit. By doing this, early indicators can be discovered, allowing for a proactive response in the "During Election" phase, and form a key component of the threat monitoring conducted in the War Room.

War Room Location

All local jurisdictions should identify and designate primary and backup locations to serve as the crisis management operations rooms, further designated as "War Rooms", in advance of any potential crisis situation. In the event

July 3, 2020 Cybersecurity Crisis Management

that the primary location cannot be used for any reason, members of the CCAT are to meet at the secondary location as soon as possible. Ideally, each location would have two rooms, which would allow for separation of the technical and executive parties of the CCAT.

- **Location One:** The primary location must be identified and prepared onsite at or nearby local polling sites, in a location such as a central boardroom or general manager's office.
- **Location Two:** The secondary, or backup, location must be located offsite at a close, safe, and accessible space, such as a hotel or community center.

Location	Executive War Room	Technical War Room
Primary	<i>Boardroom #1</i> Acme, 1 Main Street, 26th Floor, Rockafeller Place Pleasantville	<i>Boardroom #2</i> Acme, 1 Main Street, 26th Floor, Rockafeller Place Pleasantville
Backup	<i>Contoso Pleasantville,</i> Pleasantville, State, Country C	

Table 2: Example War Room locations

When preparing the War Room(s) upon notification of an incident, the room(s) should be equipped with the following items:

- A minimum of two computers with Internet access
- One computer-compatible printer with paper and toner supplies
- A minimum of two separate telephone lines; note that these can be mobile phones, but the phones must remain onsite and be used only for their designated purpose
 - **Telephone one** – Used only as a contact point between the Cyber Crisis Action Team and external parties. This line is not to be used for any other reason.
 - **Telephone two** – Used by the CCAT Team Lead Liaison to maintain contact with members of the Technical War Room.
- A minimum of two copies of the current Corporate Crisis Communication Plan, Cyber Crisis and Incident Response Plan, Business Continuity and Disaster Recovery Plans, appropriate Emergency Response Manuals, and up-to-date contact information of key stakeholders.

A process will need to be developed to determine if the War Room is in a physical location to be held in person, or virtually, with the CCAT leveraging communications platforms. The preferred method is to meet in person during a cyber crisis, but there can be other extenuating circumstances that prevent this, such as a natural disaster or a pandemic. In the event that the CCAT cannot physically meet, it is crucial to have a plan and process to meet virtually.

Risk Analysis

Risk management helps information systems management strike a balance between the impact of risks and the cost of protective measures. The goal is to identify, measure, control, and minimize or eliminate the likelihood of an attack. Prior to elections, officials should conduct an in-depth risk analysis and consider the frequency and magnitude of impact due to cyber threat activity. Election agencies may employ a range of risk analysis techniques, in alignment with the "Cybersecurity Risk Management for Elections Officials" document published by the EAC. The document references the methodology described in The Homeland Security Operational Analysis Center (HS-OAC) Election System Risk Profile Tool (ESRPT), which provides a paper-based tool for analyzing potential impact to election agencies.

Technology

Preparing technology involves hardening the ecosystem of devices used within the elections process, in addition to acquiring technology solutions to equip the War Room and enable visibility into the ecosystem of devices.

Hardening Election Infrastructure

Securing election technology is an integral component of establishing a strong security posture and reducing risk to an acceptable level, while minimizing the impact if a compromise occurs. Infrastructure must be managed, maintained, and operated in a secure and risk averse fashion, and consider vulnerabilities introduced through the supply chain of technology solutions. This involves implementing and utilizing technical measures that span data protection, proactive services such as penetration tests, access control, and vulnerability and patch management.

Voter Registration

- Regularly create backups of the voter database and keep backups in a secure location
- Monitor for large-scale changes to voter databases
- Maintain and regularly patch operating systems and software used by voter registration systems and websites
- Prepare to deploy secondary voter registration websites
- Procure Denial of Service mitigation services
- Enforce and manage access restrictions for privileged database administrators
- Separate environments for development, staging, and production

Vote Capture

- Ensure that exposed voting machine ports are secured with seals and visible to poll workers at all times during voting
- Implement video surveillance of voting machine hardware ports
- Maintain auditable chain of custody for voting machines and removable media
- Ensure that voting machine vendors disclose software vulnerabilities
- Ensure that voting machines run up-to-date software versions
- Implement poll worker training to maintain vigilance against odd behavior and overt tampering with the machines
- Require paper verification for each electronic vote

Vote Tabulation: Election Management Systems

- Ensure that the systems and software, including the EMS, are fully patched and up to date
- Create and enforce policies for connecting EMS computers to any network
- Lock down ports and services on EMS computers
- Employ host-based intrusion detection software (IDS)
- Enable auditing and logging of security events
- Maintain separate paper record per voting machine and polling location
- Ensure that these critical systems are segmented within their own network to limit or prohibit network traffic between network zones of varying risk

Results Dissemination

- Monitor the uptime and integrity of elections websites
- Maintain and regularly patch election information websites
- Enforce least privilege and access for election officials administering the results sites

- Create a plan for DDoS mitigation
- Create a contingency communications plan for the release of results
- Verify and monitor the integrity of published results versus reported results
- Monitor for anomalous traffic or unauthorized access throughout reporting night
- Conduct social media and web searches for fake or misleading sites and social media accounts and posts

Internal and Public Communications

- Configure and enforce email security protocols (e.g., SPF in hard fail mode, DKIM, DMARC)
- Enforce two-factor authentication for all campaign and election official email accounts
- Enforce two-factor authentication for official and public social media accounts
- Limit access to official public social media accounts
- Secure private social media accounts of party officials and key election stakeholders

Technology Solutions

The War Room is dependent upon several key technology solutions in order to properly manage a crisis as well as properly communicate during the election process. All technology used by the CCAT during this phase should leverage multi-factor authentication and encryption in transit and at rest where possible.

Communications Platforms (including out-of-band)

Communications within the CCAT should be encrypted to ensure they remain confidential and secure. Encryption can help conceal the identity of the participating individuals, as well ensure that only the intended recipients can access the communications. Should the integrity and confidentiality of corporate communications become compromised, it is critical that alternative channels are quickly available and completely isolated from being intercepted by attackers. Out-of-band communications is a critical tool to maintain control of the incident response process for collaboration and record of events.

Acceptable communication methods that should be acquired are defined below:

- Legacy
 - Land-line phone
- Modern
 - Mobile phone
 - Encrypted email and client (e.g., Outlook, Gmail)
 - Encrypted text messaging (e.g., iMessage, WhatsApp)
 - Encrypted mobile emergency communications apps (e.g., OnSolve, Red Messaging)
 - Encrypted virtual conference systems (e.g., Teams, WebEx); refer to National Security Agency guidance on [Selecting and Safely Using Collaboration Services for Telework](#)

If one of the modern communication methods becomes untrusted, the team should fail over to the legacy land line phone communications, as that is the most trusted platform available.

Threat Hunting Platform

In order to properly conduct threat hunting, election officials should outsource to a qualified and vetted service provider; this is very specialized and requires unique skill sets and tools. When working with a service provider, ensure that they have specific experience with detecting threats for elections and have a deep understanding of the threat actors relevant to elections.

If the decision is made to perform this activity internally, procure the platform from only the most qualified vendors; this solution will have access to very sensitive data and the security of this solution is critical.

Security Monitoring Solution

Similar to the threat hunting platform, election officials should outsource security monitoring of the environment including, but not limited to, critical infrastructure, web proxies, and privileged users. This should be outsourced to a highly vetted and qualified service provider that has specific experience with election environments and use case development for elections systems.

Security monitoring is only as good as the data being sent and the use case rules that leverage the data. As a result, it is very important to design and tune the use cases for elections and the local environment.

When choosing a vendor or internal solution, a decision must be made regarding whether it will be on-premise, or cloud-based. A risk assessment should be performed on the two designs to properly understand what risks each design carries, and what makes the most sense for the implementation and situation.

Social Media Platforms

In order to deliver critical communications and updates during the election, access to appropriate news and social media platforms is necessary. Typically, access to these platforms can be via a smart phone/tablet app or using a web browser. These all rely on having Internet access, either using a cellular network or an active WIFI/LAN connection.

It is important that these connection methods are protected with encryption and leverage multi-factor authentication to log into the various platforms, to aid in keeping attackers out of the official accounts used to access the platforms. It is also important to implement individual accounts to access the platforms instead of shared accounts, to make sure any posts can be attributed to a specific account or individual.

Crisis Tracking and Management

Being able to document and track elements of the crisis, such as decisions made and supporting evidence and documentation, is vital to being able to successfully navigate a crisis. A dedicated case management system will facilitate the investigation of security incidents across individuals, teams, and the overall enterprise individuals and teams, in addition to maintaining the confidentiality of incident details.

The organization should procure a cloud-based solution that is accessible remotely, supports multi-factor authentication, and enforces encryption in transit and at rest, to ensure the confidentiality of all the sensitive data it will contain. Election bodies should also consider which countries the data will be stored in by the vendor; this should also include where they back up this data. Many organizations leverage a help desk or ticket tracking style of application for this purpose, as they typically cover all the necessary functionality.

For smaller jurisdictions, the tracking can be conducted within a simple Word document template (refer to Incident Tracking Form). Similar to the access controls enforced for a technology solution, adequate measures should be taken to protect the completed forms.

Evaluation and Feedback Solution

Some key considerations for the evaluation and feedback platform, whether it be a simple email template or a full-fledged service, is to ensure the confidentiality of the information being provided back to the CCAT. This can be accomplished by ensuring that the data is encrypted while in transit and at rest within the solution. If the decision is made to use a third-party service, the organization and service should be fully vetted from a cybersecurity perspective, in order to fully understand any risks to the sensitive data the system will be responsible for.

Lessons learned / Hotwash Solution

Due to the sensitive nature of the data that will be contained within this system, it is very important that the system be able to use multi-factor authentication and leverage encryption in transit and at rest. It is also important that the vendor selected is properly vetted from a security perspective. All users of the system must have their own unique username and password and multi-factor authentication profile to ensure only the intended users of the system are able to see and access the information.

During Election

During election, security efforts can be as specific as ensuring that supply chain vulnerabilities continue to be monitored so that voting devices are not compromised and ensuring that all endpoints within the environment remain secure. Opening lines of communications with key stakeholders to ensure they are prepared to react in the event of a cyber crisis is critical. Sharing and receiving threat intelligence with stakeholders and key external security partners, and actively hunting for threats throughout the environment, enables informed identification of malicious activity within the environment. Additionally, ensuring continued network and system visibility is crucial.

War Room Logistics

The goal of the War Room is to maintain real-time coordination across key stakeholders and facets of the security apparatus charged with ensuring the integrity of the electoral process in case a crisis unfolds. To do so, the War Room must have onsite representation from a large number of these key stakeholders and immediate outreach capability to the rest of the players who have a hand in protecting the event. A high degree of coordination is required between the stakeholders of the War Room, in order to enable informed decision making from both technical and executive groups.

The **technical group** (i.e., those under supervision of the Information Technology / Security Lead) should focus on Incident Monitoring, Triage, and Response using key security tools and log sources. This is typically done through a unified Security Information and Event Management (SIEM) platform. The group should provide updates and escalations if/when they are needed. It is vital that all events be thoroughly triaged to avoid false alarms and unnecessary escalations. The status of key security technologies should be closely tracked, and outages or issues dealt with rapidly. On a steady cadence, the team should report the status of the threat environment that all of the various facets cover throughout the day. The reporting structure should be in place in the event of a cyber incident, if the need arises.

The other members of the CCAT, further designated as the **executive group**, should focus on non-technical remediation, with a significant focus on crisis communication and legal matters. The CCAT Lead Liaison should be responsible for conveying status updates between the two groups as per the defined meeting cadence. This will allow for pragmatic decision-making informed by ongoing threat intelligence.

It is vital to have a defined meeting and/or call cadence (early voting, write-in ballots, and election day) to set expectations within the CCAT. There should be two defined schedules: one for during the early voting phase, and one for the actual election day. For early voting and election day, there will also need to be predefined meeting cadence for active crisis situations and steady-state operations.

During the early ballot write-in / early voting phase, meeting cadence can be less rigorous (twice per day) due to the extended duration of this phase, lower voter volume, and lesser risk. During this phase, if a crisis event occurred, the meeting frequency will be increased appropriately based on the plan (e.g., an hourly touchpoint with the team).

On election day, meeting cadence will also be determined by whether there is an active crisis or not. If there is no active crisis, meeting cadence can be every 2-3 hours. If a cyber crisis occurs, then the meeting cadence would need to be escalated to an appropriate schedule, such as hourly.

Event Response

Below is a high-level process flow for managing the War Room response to a detected event that engages the CCAT.

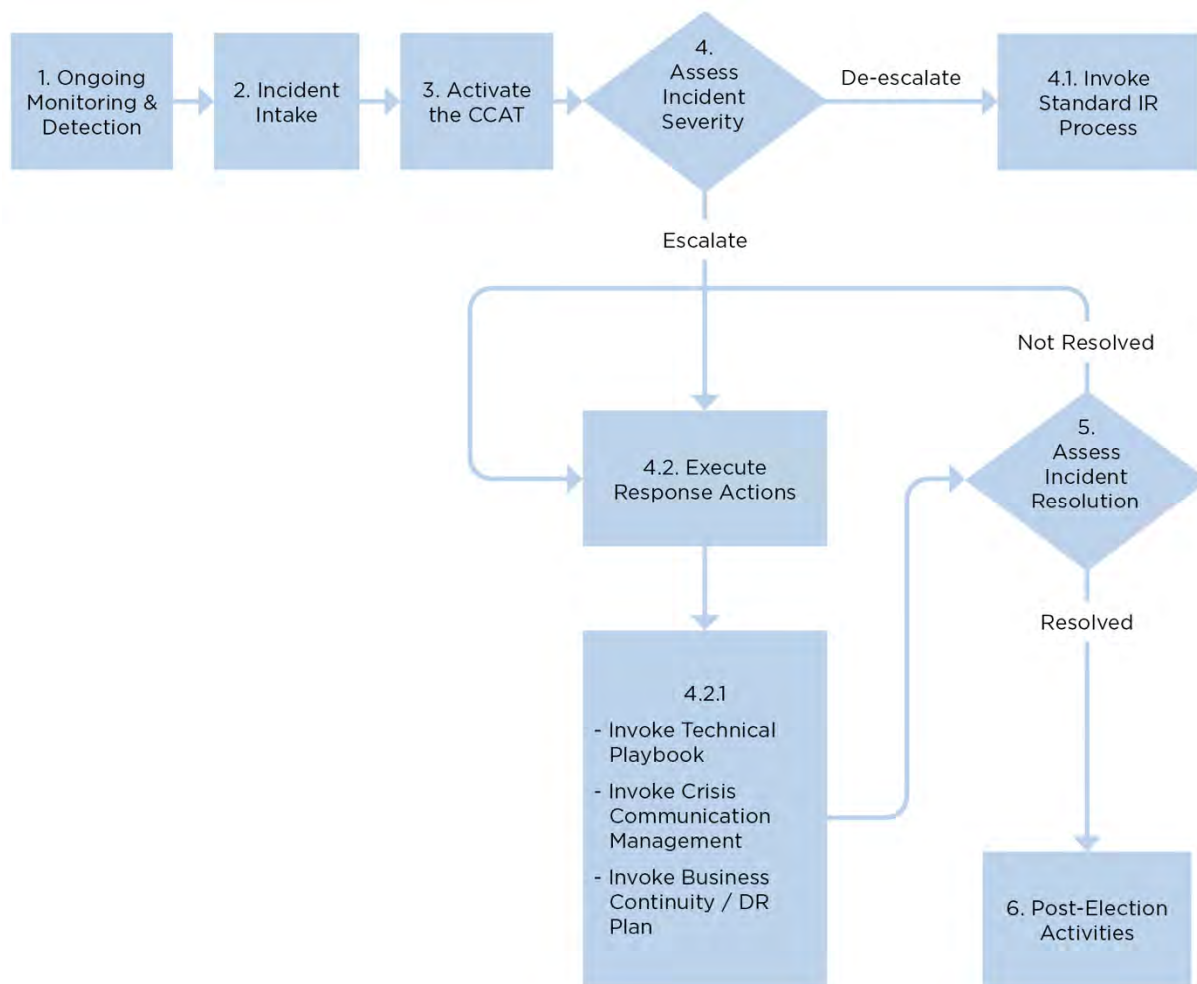


Figure 5: Process flow for managing the War Room response

1: Ongoing Monitoring

The ability to detect malicious activity within the environment and externally is the first step towards effective response. Crises can often be avoided if events of interest are detected early enough and responded to appropriately. In addition to maintaining endpoint security tools, the CCAT should engage in knowledge sharing with various stakeholders and monitor social media as other sources of intelligence of potential threats. Such information will inform key decisions throughout the entire response lifecycle.

Threat Hunting and Security Monitoring

The Information Technology / Security Lead should ensure that their team is continuously threat hunting and monitoring security through tools throughout the election in order to effectively detect and respond to a cyber crisis.

Active threat hunting and continual security event monitoring are key activities that can increase an election organization's ability to detect a cyber event. Threat hunting assumes that adversaries are already in the

environment, and investigations aim to detect anomalous behavior that may indicate the presence of associated malicious activity. This also consists of having a solid understanding of relevant threat actors, and their typical behavior, and looking for similar types of activity to find potential events that can be further investigated. Security monitoring, on the other hand, is a more traditional approach to detecting potential security events, triggered from predefined alerts for activities such as password attacks or account lockouts.

Monitor Media

The scope of monitoring should include various media outlets to identify potential indicators of an emerging issue, in addition to reactions to a crisis, if one unfolds. This should include traditional media as well as social media, with a focus on influential bloggers who specialize in cybersecurity and elections.

Adversaries often use social media for information operations, particularly during campaigning efforts, such as disseminating manipulated images and videos and to generate fictitious social media accounts using others' identities. In the event that adversaries successfully gain unauthorized access to election systems, material from hack and leak operations may be amplified on social media using false personas; similarly, information collected during ongoing espionage operations can inform future activity, such as defining targets for future compromise attempts.

Election bodies may consider leveraging a third party to assist and perform the actual monitoring, with a feedback process in place to the CCAT, and an established War Room.

Knowledge Sharing

Knowledge sharing of threat intelligence with various stakeholders (e.g., federal, state and local law enforcement, and cybersecurity and threat intelligence organizations) is a valuable process that enables the CCAT to receive the latest and most relevant data available. The CCAT should combine information from external sources, internal events, and specific industry-related threats to provide a comprehensive threat intelligence repository. This combined information would increase detection capabilities to stop attackers earlier in the attack lifecycle.

For instance, if valuable information relating to a compromised voter database was found on the dark web or on a hacker forum, this information could be discovered by either law enforcement or a cybersecurity company and could be shared with the CCAT. This new information can then be reviewed and responded to by the CCAT.

Endpoint Security Maintenance

During the election phase, it is expected that targeted threat activity will increase. It is important to maintain security of the technology ecosystem used for the election to ensure that the tools themselves do not pose a risk to the election environment. The Technology and Engineering Support role should ensure that vulnerability scanning, system patching, anti-malware updates, and endpoint detection and response updates are continuously performed.

2: Incident Intake

The War Room response can be activated through various sources utilized within the monitoring phase. Based on the expertise required to triage a security-related event, the process is most likely to be triggered by the Information Technology / Security team identifying a potential incident and activating CCAT members.

Non-cyber related events, such as natural disasters, are most likely to be triggered through overarching Crisis Management Plans. Regardless of how the team is notified, the CCAT team member who first learns of an incident (or potential incident) must begin steps to initiate the CCAT.

During this phase, the CCAT Lead Liaison should collect as much information as possible without interfering with the incident response. All information should be tracked within the Crisis Tracking and Management solution.

3: Activate the CCAT

If a crisis is underway, or there is a potential for a crisis, the CCAT must be engaged. The team member who is first notified is responsible for notifying the core members of the team. Based on the technical nature of cyber incidents, an Information Technology / Security Lead will likely already be engaged, as this was likely the source of original notification.

The Cyber Crisis Action Team (CCAT), along with associated roles and responsibilities, should have been defined in the Pre-Election phase. During the election, they will convene in an established War Room in order to properly respond in the event of a crisis. The CCAT will actively communicate with the Information Security team in order to maintain optimal visibility to potential incidents that could evolve into a crisis.

The table outlined below should be used, maintained, and distributed to key stakeholders to record contact information of core members of the CCAT and their backups.

Role	Primary	Backup	Second Backup
CCAT Lead			
CCAT Lead Liaison			N/A
...

Table 3: Contact information for CCAT members

4: Assess Incident Severity

In order to determine the scope of response needed, the CCAT must assess the incident severity. The Information Technology / Security Lead should lead the initial assessment, with potential involvement of external third-party incident response firms to determine the scope of compromise. The impact to key stakeholders should be analyzed with a focus on voters and political party officials. Using this information, the CCAT will analyze the incident from a corporate perspective to determine the required scope of response. Based on the collected information, validate what category of threat this is (e.g., unauthorized access).

General guidance on categorization of incident severity is as follows:

- **High-Severity Incident:** Cyber-related incident that is destructive to election operations, potentially undermining integrity of the voting process, or affecting large amounts of voter data
- **Medium-Severity Incident:** Cyber-related incident resulting in the loss or compromise of the data or systems, but no formal reporting obligations are triggered. However, there may be some awareness of the incident that would prompt proactive communication.
- **Low-Severity Incident:** Cyber-related incident resulting in minor disruptions that may not be visible to public

An incident deemed to be High-Severity should lead to the formulation of a CCAT Response Plan. In a Medium-Severity incident, the CCAT lead will need to make the final verdict about activation of a CCAT Response plan, based on perceived impact. Key considerations should be made about whether the incident is likely to become public or raise concerns about the integrity of the election process.

4.1: Invoke Standard Incident Response Process

A low-severity cyber incident should engage the standard incident response procedure, led by the Information Security team. The CCAT should stay vigilant and remain mindful that further investigation by the Information Security team may result in sudden escalation, which will require re-invoking crisis management procedures.

4.2: Execute Response Activities

The Response phase comprises containment, eradication, and recovery activities that encompass technical, operational, and communication-focused efforts.

Technical Remediation

The goal of technical remediation lead by the Information Technology / Security Lead is to remove the threat from the environment and restore systems to normal operational condition. For a majority of incidents, Remediation activities will involve quickly disconnecting the compromised system from the network (containment) and re-imaging it (eradication and recovery).

Depending on the incident category (e.g., Social Media Poisoning, Insider Threat, Denial of Service, System Compromise), invoke the respective incident playbook for the incident-specific Investigation, Remediation, and Post-Incident phases. The figure below highlights the high-level process flows for common threat scenarios for election bodies.

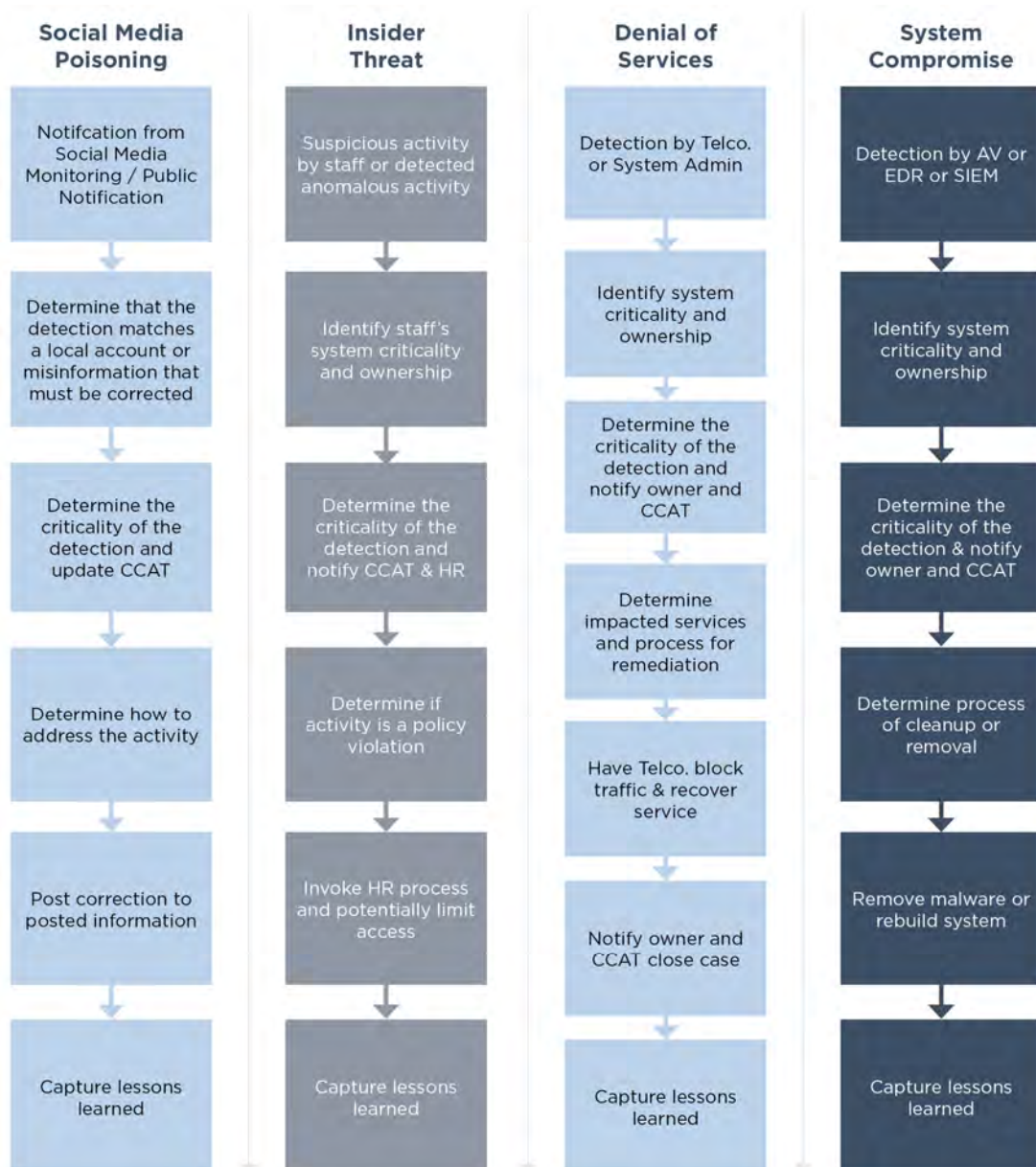


Figure 6: Common cyber threat scenario playbooks

If no incident playbook exists to help guide the investigation and response of the specific threat category, perform an ad hoc investigation. This will often entail escalating and engaging an incident response firm who will use their experience and forensic knowledge on how to approach the investigation and remediation of the security incident.

Business Continuity and Disaster Recovery

The objective of this component of remediation is to ensure the continuity of critical business functions within the election process, such as capturing votes and limiting the impacts on operations. Election administrators must ensure that elections are still conducted without impacting voter integrity, and often, do so without any budgetary or scheduling adjustments.

At a high level, the remediation entails:

- Recovery to restore temporary election operations
- Reconstitution phase to restore system processing capabilities to normal operations

Crisis Communication

This phase of remediation involves developing and executing a communication strategy. Being able to control the narrative and ensure the public continues to trust the election process is of utmost importance.

Non-affiliated third parties and press will try to investigate these incidents and discuss them in the public domain; the cyber communications priorities should be:

- Establish Communications Lead as the credible source of information on the incident by gathering as much conclusive information as quickly as possible, and filtering it to share relevant information with key stakeholders
- Prevent, or at least minimize, ongoing and speculative news cycles that contain false or misleading information

Phased Crisis Communications Strategy

As outlined below, the crisis communications strategy should be approached in four phases as information regarding the incident continues to unfold. The process flow for specific actions to be performed during each of these phases is highlighted in the Crisis Communications Process Flow.

- **Phase 1**
 - Issue is brought to election organization's attention, with few facts available
 - Internal message to key stakeholders outlining the situation
 - If there is broad impact, determine if a message to all employees and appropriate key stakeholders is required
 - Holding statement: Media, websites, social media
 - Timing: Within 1 hour of a media call, and/or within 2-3 hours of an issue identified internally
- **Phase 2**
 - Impact of issue identified, time to resolve unknown
 - Tone and content to be determined based on extent of issue / impact to audiences
 - If action required, include in messages (e.g., how to contact us, internal process)
 - Timing: Depending on severity of issue and media interest, within 4-8 hours
- **Phase 3**
 - Continued updates as available
 - Updates to be developed based on the situation
 - Timing: As new information is confirmed and/or every few hours to key impacted audiences
- **Phase 4**
 - Once the issue is resolved
 - Successful recovery, resuming business as usual
 - Emphasize what the organization is doing to enhance process to help stop this in the future
 - Timing: Debrief and document immediately

Crisis Communications Process Flow

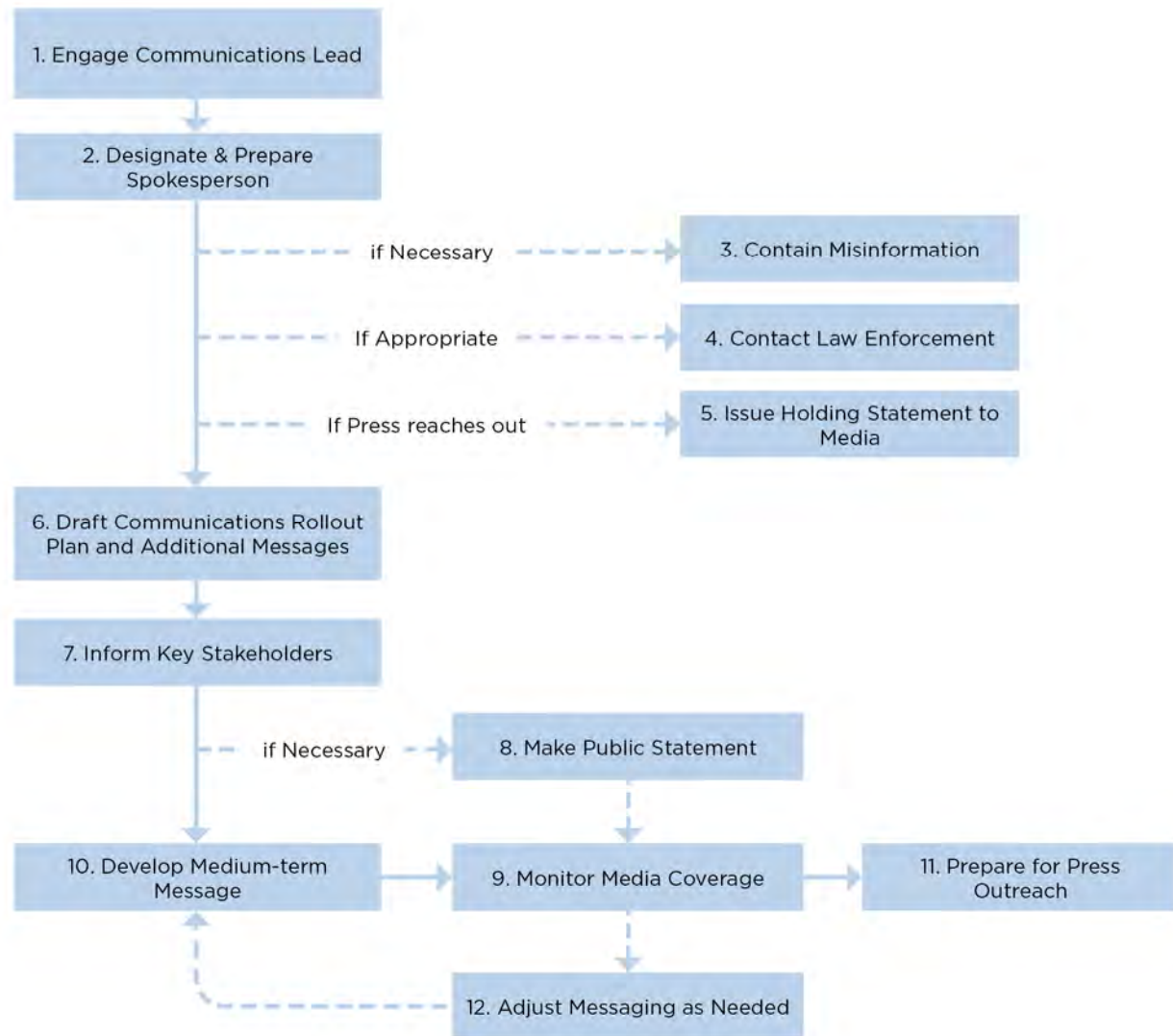


Figure 7: Crisis communication process workflow

Step 1: Engage the Communications Lead and obtain a technical briefing from the Information Technology / Security Lead. Based on the 4-phased approach, determine a communications strategy and plan with consideration to the context of the current incident. With this, define a communication schedule based on incident severity.

Step 2: Designate one or more spokespersons based on type of incident, geographies affected, and scope. The spokesperson role may include several people, including an affected community spokesperson at the local level to share information at a field level. This individual can be engaged by the Communications Lead.

Prepare the designated spokesperson for media engagement, which includes a review of relevant facts and messaging as well as a peer review session.

Step 3: Determine necessary containment measures for misinformation, in the event of:

1. **Website compromise / defacement:** Disable the website and launch a microsite outside of the election network. Notify key staff members. If the website remains active, a message on the website may need to be posted.
2. **Incorrect social media posts:** Perform social media take-down requests. Notify key staff members. If a social media post remains active, a corrective post may be needed to show correct information. If an official account has been compromised, review what permissions it has granted to third-party applications and reset them to prevent further access by potential threat actors.

Step 4: If necessary, contact law enforcement or federal authorities.

Step 5: If media are calling, a designated spokesperson responds to reporters. If needed, the Communications Lead can prepare and issue a holding statement, with consideration to General Talking Points (For External & Internal).

Step 6: Draft additional communications required to execute the plan, including a communications rollout plan.

Step 7: Notify key stakeholders such as state and local communications counterparts, law enforcement, federal/state lawmakers, media, and interested parties, with consideration to General Talking Points (For External & Internal).

Step 8: If not already completed, consider the necessity of informing the media/public about the incident. Establish a plan for traditional and social media monitoring. Make sure the media is informed only of confirmed facts where there is confidence that they will not change (very few facts will fall into this category).

Step 9: Establish media and social media response protocol and begin monitoring media coverage.

Step 10: Develop a medium-term message, with consideration to General Talking Points (For External & Internal).

Step 11: Prepare for press outreach/briefing and media schedule.

Step 12: Develop feedback loop from media monitoring or polling and incoming queries from media to determine if messages need to be recalibrated.

General Talking Points (For External & Internal)

The following talking points should be considered when drafting both internal and external statements, focused around maintenance of public confidence in the integrity of the election process.

- The organization takes the protection of voter data very seriously.
- Cybersecurity is a top priority. The organization has a commitment to earning and maintaining the trust of the public, and that is a critical part of its culture. They take extensive measures to protect the election infrastructure, and other members of the community are an important part of that commitment.
- The organization employs a dedicated team to efficiently manage and respond to cyber risks.
- The organization work closely with regulators, law enforcement, and national intelligence agencies.
- If asked for specific details of cybersecurity operations, state that the organization does not share information on the specific measures they have in place.

The following are additional talking points that aim to increase public confidence around the implemented security controls and measures. Based on the maturity of the local jurisdictions, the following statements can be modified:

- 24/7 threat monitoring of systems and networks is in place, including monitoring for the servers that host the voter database file.
- Election-related social media monitoring is in place and ongoing. Monitoring is intended to identify and flag false accounts and bots attempting to impersonate local candidates, elected officials, government agencies, or voters.
- Incident response processes and situation rooms are in place for election night.
- Vulnerability scans are being conducted to identify remediation items.
- Ongoing work is being performed to uplift systems, infrastructure, and assets to further meet industry best practices.
- DDoS protection is in place.
- Cyber awareness training continues with the cooperation of the CCAT, including poll workers.

5: Assess Incident Resolution

In collaboration with response personnel engaged by collective response plans, the CCAT should assess the resolution of the crisis based on criteria defined in the Business Continuity and Disaster Recovery Plans. This is normally done once critical operations resume to a state of normalcy. If the crisis is ongoing, the CCAT should strategize their response efforts and continue to execute response activities as defined in 4.2: Execute Response Activities.

Most importantly, once containment and recovery controls have been implemented, technology owners with the impacted systems will need to validate the newly implemented controls to ensure they have been implemented correctly and that a threat actor would not be able to re-enter using the same tactic initially identified.

This should involve demobilization of resources used to manage the incident and notice to members of the CCAT to stand down, as appropriate. All forms, plans, documents, correspondence, and communications used by the CCAT should be collected for post-mortem review, proper cataloguing, and the preparation for any potential legal proceedings.

Once controls have been validated, refer to the Post-Election phase, which involves conducting a post-mortem to identify areas of improvement for future crises.

Post-Election

Using a structured and methodical approach to continually mature and be prepared for any threat and situation is a crucial last step in the election process. Post-election activities should include after-action reviews of the hourly updates from the election day War Room activities. After-action items should be addressed as soon as possible and tracked formally to ensure that any missteps or near misses are not repeated in the next election.

Additionally, technology gaps identified (e.g., network visibility or asset management challenges) should be assigned an owner, prioritized, and addressed well in advance of the next election. Furthermore, in the event of a compromise, the infection vector (or patient zero) should be determined, and actions taken to prevent future infections.

Cyber Crisis Action Team

The CCAT will need to be maintained until the election fully closes, and all disputes and run-off votes have been finalized. As this could take some time, use the meeting cadence defined for the write-in ballot phase of the election; maintaining the meeting cadence intensity of the election phase will cause significant fatigue for CCAT members.

Election Support Partnerships

After the election has completed, it is important to continue to maintain relationships with key stakeholders for future elections. The threat landscape is always changing, so it is important to keep the relationships active and engaged to ensure a seamless and more secure transition to the next election.

Process Overview

The following figure displays the process flow for the Post-Election phase of the crisis response process.

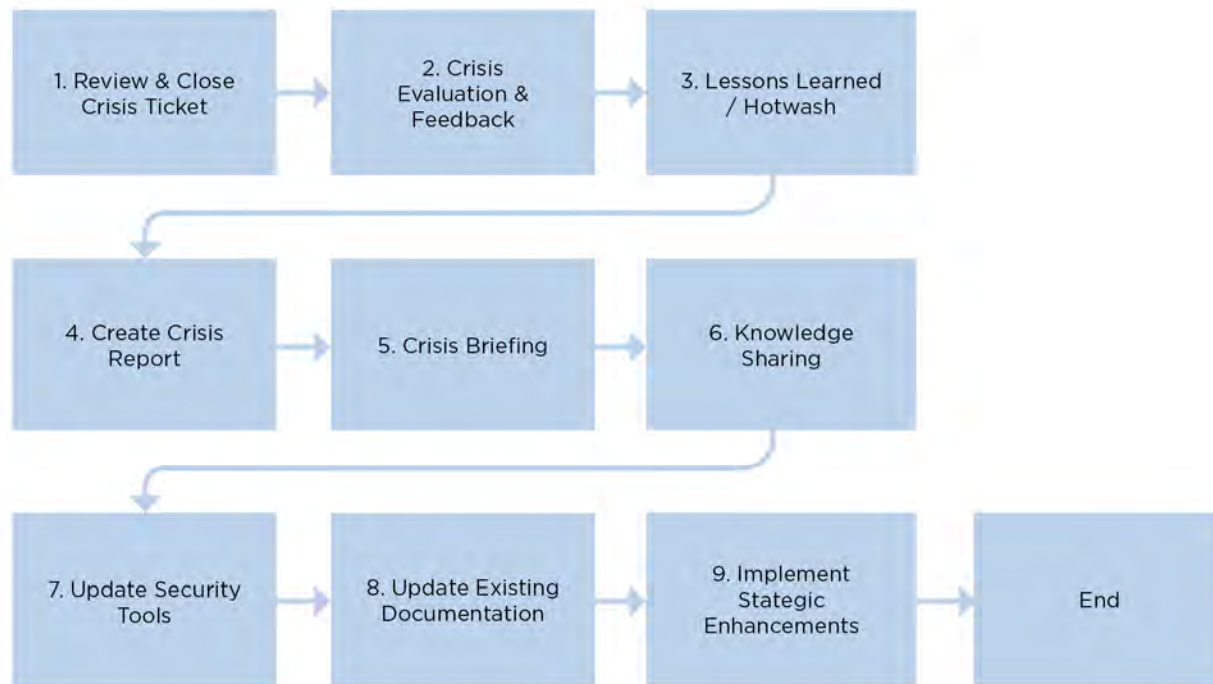


Figure 8: Post-Election phase process flow

The following sub-sections detail the steps within the Post-Election phase. The actions within this phase are primarily performed by the CCAT, with some support from various security and technology groups.

1: Review & Close Crisis Ticket

Review the crisis ticket related to this crisis incident. Ensure that all information is included and up to date in the record. This information is important for historical purposes, as well as developing a report for crisis events. Once all information has been collected, close the crisis ticket.

2: Evaluation and Feedback

After any crisis, it is important to gather feedback, not only from the members of the CCAT, but also from key stakeholders who were involved in the crisis. A process should be developed to engage with the identified stakeholders to have them evaluate the CCATs performance and to provide overall feedback.

3: Lessons Learned / Hotwash

A key component to any crisis strategy is to perform a lessons-learned review or Hotwash to identify areas where there were challenges or concerns with the existing processes. The lessons-learned process should incorporate the evaluation and feedback results from the key stakeholders, as well as feedback from the CCAT members. It is very important that an action plan be created out of the lessons-learned process to ensure that all identified issues and concerns are addresses and resolved prior to the next election.

4: Create Crisis Report

For crisis events, it is necessary to develop a report and provide a briefing to the appropriate stakeholders. Ensure that the report is reviewed by all members of the CCAT prior to submitting to the key stakeholders.

5: Crisis Briefing

Internal Reporting

For crisis events, it is necessary to provide a briefing to the key internal stakeholders. The CCAT Lead will provide a briefing based on the Post-Crisis Report, developed by the CCAT along with the Incident Responder Lead and reviewed by the Security Lead. The briefing will occur during a predetermined time.

External Reporting

Reporting to outside entities and/or key stakeholders will be subject to the decision of the CCAT. During an active crisis, the CCAT may need to coordinate with external entities such as law enforcement or regulatory agencies. These communications will be guided in accordance with organizational policies.

6: Knowledge Sharing

Continuing to share knowledge and information with key stakeholders (e.g., law enforcement and threat intelligence organizations) is key to ensuring that future elections are designed and implemented leveraging current threat intelligence and profiles, and not operating on the assumption that nothing has changed in the threat landscape. A process should be implemented to actively work with key stakeholders and to continue to learn and update the cybersecurity posture of the election environment.

7: Update Security Tools and Continue Monitoring

Gather all Indicators of Compromise (IOCs) from the investigation from the Crisis Ticket. Create IOC-based use cases or signatures within the SIEM platform and other security tools (e.g., IDS/IPS) for proactive monitoring and threat detection.

As part of the greater Security Monitoring program, continue to monitor for any potential alerts relating to IOCs identified as part of this incident. Any detections or alerts related to security events of interest (EOIs) should kick off the appropriate playbook(s).

8: Update Documentation and Processes

If any processes defined within any of the playbooks, the Incident Response Plan, or other security standards and procedures documents require updating based on any gaps identified as a result of responding to this cyber crisis, follow the appropriate process to update these documents. This will likely require providing feedback to the document owner. The implementation of the changes will be owned by the document owner.

9: Implement Strategic Recommendations

If any major security gaps are identified as a result of responding to this cyber crisis that require mitigation that may take a long period of time, document these findings and communicate them to the Security Lead. Plans should be put together in collaboration with management to budget for these enhancements and eventual implementation.

Iowa 2020 Case Study

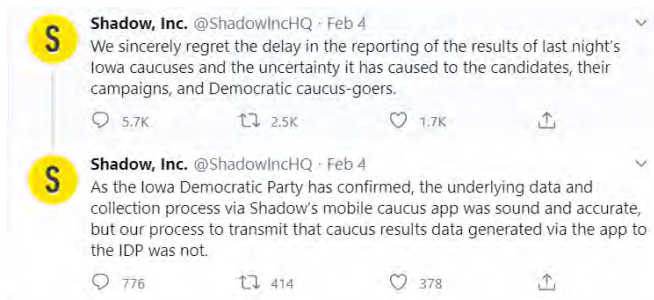
The 2020 Iowa caucus provides a rough outline of how operational and technology failures disrupted the voting process and led to accusations, recrimination, and speculation of malfeasance.

The caucus used a smartphone app intended to simplify the complex caucus voting process for volunteer administrators. However, many volunteers had difficulty installing the app, operating it, and understanding the instructions. This led many to call the phone hotline, which was quickly overwhelmed. These complications led to a several-day delay in finalizing the caucus results.

Many voters felt disenfranchised, leading to accusations that the process was deliberately botched to benefit specific candidates. The situation came down to rapid deployment and inadequate testing of vendor technology, inadequate training and coordination of operation election officials, and insufficient crisis management measures, many of which could have been avoided. The response from election officials entailed several key strengths, in addition to notable opportunities for improvement, as highlighted below.

Key Strengths

1. **Designated a consistent party spokesperson to providing key messaging**
 - Troy Price, Iowa Democratic Party chair ⁴
2. **Reiterated state level messaging provided by an authoritative federal agency**
 - "At this time, we have no reporting of any malicious cyberactivity. We encourage our election partners to build resilience into their planning and execution procedures, to prepare for issues that may come up during election processes."
Spokesperson, Department of Homeland Security Cybersecurity Agency ⁴
3. **Consistently communicated the importance and focus on the "accuracy and integrity" of voter data**
4. **Developed a contingency plan independent of voter technology to conduct checks and balances to ensure the accuracy and integrity of the votes**
 - "I am glad to hear they have a paper trail for their votes"
Paul Pate, Iowa Secretary of State ⁴
5. **Engaged third-party technology provider, Shadow, Inc., to deliver messaging through social media ⁵**



Key Takeaways

1. **Conduct adequate testing of all technology solutions on all viable device types, in collaboration with third-party vendors.**
2. **Deploy technology well in advance of election day and train election officials on installation, basic debugging, and crisis management responsibilities.**
3. **Quickly gather facts from multiple sources including third-party vendors, poll workers, and threat intelligence to ensure that accusations or potential crises are legitimate before issuing public statements.**

- 4. Carefully plot a communications strategy and ensure consistent messaging across spokespersons, and release messaging on multiple media, including traditional media outlets and social media.**
- 5. Acknowledge shortcomings and focus messaging on maintenance of integrity and mitigating controls.**
- 6. Develop a strategy to rapidly scale call center / hotline capacity in the event of a crisis.**

July 3, 2020

Cybersecurity Crisis Management

IV. Appendix

Incident Tracking Form

CCAT Lead Name:	
Phone Number:	
Impacted Division:	Location (site):
Date:	Time:
Emergency Details	
What happened? How did it happen?	
When? (date and time)	
Where? (Be precise)	
Cause (if known / don't speculate):	
Who is in charge?	
Known Impacts	
Injuries	
Community	
Environment	
Operations/Production	
Status	
Is there potential danger to human health or the environment?	
What external parties have been contacted?	
Is the situation under control? Escalating?	
What actions have been taken so far?	
What is the estimated resolution time?	

References

¹ *NIST Information Technology Laboratory, Computer Security Resource Center,*
[https://csrc.nist.gov/glossary/term/Computer Security Incident](https://csrc.nist.gov/glossary/term/Computer%20Security%20Incident)

² *Cyber Threats to Canada's Democratic Process,* <https://www.cse-cst.gc.ca/sites/default/files/cse-cyber-threat-assessment-e.pdf>

³ *Cybersecurity in Elections, Models of Interagency Collaboration,*
<https://www.idea.int/sites/default/files/publications/cybersecurity-in-elections-models-of-interagency-collaboration.pdf>

⁴ *What We Know About The App That Delayed Iowa's Caucus Results,*
<https://www.npr.org/2020/02/04/802583844/what-we-know-about-the-app-that-delayed-iowas-caucus-results>

⁵ <https://twitter.com/ShadowIncHQ/status/1224773797380837377>

Glossary of Terms

Advanced Threat – In the context of computer security, this term is sometimes considered synonymous to APT (Advanced Persistent Threat). It is applied to any attacker that has the resources and capability to penetrate a network or computer system with limited to no detection, operate unimpeded within that environment for a significant period of time, and to be able to maintain a persistent presence even after the defender has detected the attacker and actively tried to respond.

Breach – See *compromise*.

Business Continuity – The aim of Business Continuity is to reduce the negative impact of an event that disrupts normal business operations by developing plans and capability to recover critical business functions in a timely fashion.

Business Continuity Crises – An operational or non-operational crisis that impacts essential functions required to maintain operations, including IT system failure; loss of access to a facility; mass employee absenteeism due to illness; labor disagreements; significant disruption in the supply chain; etc.

Compromise – In the context of computer security, this is the system state when the host is no longer under the control of the authorized user or organization.

Crisis – Any unforeseen or unanticipated incident, emergency, or combination of circumstances that could have a significant negative impact on the public, the environment or employees, operations, financial position, or reputation.

Crisis Management – The process by which an organization responds to a major event that threatens to harm the organization, its stakeholders, or the general public.

Criticality – The criticality level of an incident is defined based on its functional, information, and recoverability impact to the election process.

Cybersecurity Incident – “An occurrence that results in actual or potential jeopardy to the confidentiality, integrity, or availability of an information system or the information the system processes, stores, or transmits or that constitutes a violation or imminent threat of violation of security policies, security procedures, or acceptable use policies.”¹

- **High-Severity Incident:** Cyber-related incident that triggers reporting obligations, or one that is highly visible, requiring response.
- **Medium-Severity Incident:** Cyber-related incident resulting in the loss or compromise of the data or systems, but no formal reporting obligations are triggered. There may be some awareness of the incident that prompts proactive communication.
- **Low-Severity Incident:** Cyber-related incident resulting in minor disruptions that may not be visible to public.

Denial of Service Attack – An attack in which a website is overwhelmed with more traffic than it can handle. Victim websites may go offline for just seconds or up to several days, depending on the attack's scale and the victim's preparedness.

Disaster Recovery (DR) – A Disaster Recovery Plan documents actions required to limit the destruction in the wake of a disaster. A Disaster Recovery Plan consists of actions intended to minimize the negative effects of an incident (or disaster) and allow the organization to maintain or quickly resume mission-critical functions.

Emerging Threat – A term used to describe an attacker or organization with newly formed capabilities to disrupt legitimate operations and/or compromise systems using previously unknown tools or methods.

Event of Interest – An event of interest (EOI) is any security event that indicates potential threat activity and warrants further investigation to confirm the impact. By their definition, EOIs could indicate that the security of an information system, service, or network has been breached or compromised, an IT Security policy has been violated, a safeguard has failed, or a threat was successfully contained by existing controls, or is a false positive.

Incident A natural or human-induced event that requires a response to protect life, property, or the environment. The severity level of an incident dictates the level of response required.

Incident Response (IR) – Act of providing a coordinated, systematic response to a computer system intrusion or compromise.

IT Service (or Service) – An IT service is made up of a combination of informational technology, people, and processes. A customer-facing IT service directly supports the business processes of one or more customers and, therefore, may have an impact on business services.

Major Incident – An incident causing serious interruptions of business activities; must be solved with greater urgency and has been assigned a priority of Critical.

Non-Operational Crises – Events not directly related to operations, but may affect the ability to operate and/or have significant impact on the organization's reputation, such as:

- Negative public attention caused by adversarial media coverage
- Political or stakeholder opposition such as protests or petitions
- Security risks, such as kidnapping, extortion, bomb threats, sabotage, political or civil unrest, disgruntled employees, illegal detention by authorities and insurgent or guerilla activity

Operational Crises – A high-severity incident that takes place at or directly impacts an operating facility, including:

- Natural disaster that threatens employee safety or jeopardizes operations

Security Event – A security event is any observable occurrence in an information resource and / or network (for example, a system crash).

Subject Matter Expert (SME) – An individual considered to have mastered a subject through work experience and/or formal education.

Third Party – Used to represent product or service vendor for IT systems/services used by the organization