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OVERSIGHT OF THE UNITED STATES ELECTION ASSISTANCE COMMISSION

HEARING BEFORE THE COMMITTEE ON RULES AND ADMINISTRATION UNITED STATES SENATE ONE HUNDRED EIGHTEENTH CONGRESS FIRST SESSION

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C O N T E N T S

	Pages
OPENING STATEMENT OF:	
Hon. Peter Welch, a United States Senator from the State of Vermont	1
Hon. Deb Fischer, a United States Senator from the State of Nebraska	3
Christy McCormick, Chairwoman, United States Election Assistance Commission, Washington, DC	4
Benjamin Hovland, Vice Chair, United States Election Assistance Commission, Washington, DC	6
Donald Palmer, Commissioner, United States Election Assistance Commission, Washington, DC	8
Thomas Hicks, Commissioner, United States Election Assistance Commission, Washington, DC	10
PREPARED STATEMENT OF:	
Christy McCormick, Chairwoman, United States Election Assistance Commission, Washington, DC; Benjamin Hovland, Vice Chair, United States Election Assistance Commission, Washington, DC; Donald Palmer, Commissioner, United States Election Assistance Commission, Washington, DC and Thomas Hicks, Commissioner, United States Election Assistance Commission, Washington, DC	25
FOR THE RECORD:	
Testimony Addendum for the United States Election Assistance Commission ..	40
United States Election Assistance Commission Legislative Proposals	52
QUESTIONS SUBMITTED FOR THE RECORD:	
Hon. Amy Klobuchar, Chairwoman, a United States Senator from the State of Minnesota to Christy McCormick, Chairwoman, United States Election Assistance Commission, Washington, DC	57
Hon. Michael Bennet, a United States Senator from the State of Colorado to Christy McCormick, Chairwoman, United States Election Assistance Commission, Washington, DC	60
Hon. Amy Klobuchar, Chairwoman, a United States Senator from the State of Minnesota to Benjamin Hovland, Vice Chair, United States Election Assistance Commission, Washington, DC	62
Hon. Michael Bennet, a United States Senator from the State of Colorado to Benjamin Hovland, Vice Chair, United States Election Assistance Commission, Washington, DC	64
Hon. Amy Klobuchar, Chairwoman, a United States Senator from the State of Minnesota to Thomas Hicks, Commissioner, United States Election Assistance Commission, Washington, DC	66
Hon. Deb Fischer, a United States Senator from the State of Nebraska to Christy McCormick, Chairwoman, United States Election Assistance Commission, Washington, DC and Benjamin Hovland, Vice Chair, United States Election Assistance Commission, Washington, DC	69

OVERSIGHT OF THE UNITED STATES ELECTION ASSISTANCE COMMISSION

WEDNESDAY, JUNE 7, 2023

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

The Committee met, pursuant to notice, at 3:30 p.m., in Room 301, Russell Senate Office Building, Hon. Peter Welch, presiding.
Present: Senators Klobuchar, Fischer, Padilla, Ossoff, Bennet, Welch, Hagerty, and Britt.

OPENING STATEMENT OF HONORABLE PETER WELCH, A UNITED STATES SENATOR FROM THE STATE OF VERMONT

Senator WELCH. Good afternoon. I call to order this hearing on Oversight of the United States Election Assistance Commission. Thank you all for being here. I want to thank you, and I will be giving witness introductions in a moment, but I will start with an opening statement.

First of all, Senator Klobuchar would very much like to be here but cannot, and I am going to be expressing many of her views, as reflected in this opening statement. But I want to say personally on her behalf that she very much appreciates your work and very much appreciates you being here. I want to thank you and acknowledge the EAC was established with broad bipartisan support.

That is good news and that was about 20 years ago, in tasked with the very important responsibility of improving election administration and security, establishing cybersecurity guidelines for voting systems, and promoting accessibility.

We want everyone to have the opportunity, who can, to cast their ballot and for that to be counted. Your resources and the administration of election in all 50 states has been, as well as the District of Columbia and all five of our territories, has been very important.

As we are approaching the 2024 elections, the EAC mission remains important, even more so as officials are now doing the dedicated planning that it takes to administer elections effectively, while also confronting the array of new challenges and threats to targeting election workers, the spread of disinformation, and the use of artificial intelligence, even, to mislead voters in our elections.

We have got to continue to support the election officials on the front lines in our democracy who need to be able to rely on regular and steady federal funding to do their jobs. These vital resources, including the over \$931 million in security grants since 2018, enable state and local officials to do everything from securing our

elections against foreign interference and keeping pace with the evolving technology to recruiting and training poll workers.

One urgent issue that the Commission can help to address is the barrage of harassment that is targeting election workers. These public servants are essential to the administration of our free and fair elections, which is why I joined Chair Klobuchar and a number of our colleagues on this Committee to lead comprehensive legislation to take this issue head-on. It is an area where we do need bipartisan solutions, and I am glad that last year the EAC voted unanimously to allow election officials to use federal funding to protect election workers from threats and harassment.

Since then, states like Washington and Georgia have used EAC funds to improve the physical security of voting and ballot processing centers. I look forward to hearing more on this from you. In addition, the EAC has helped enhance the security of election infrastructure essential for public confidence in the elections, including issuing new guidance to improve security standards for these voting machines.

These efforts and significant investments in election security help ensure that—helped ensure that the 2020 and 2022 elections were secure, as the Department of Homeland Security has repeatedly made clear. The Commission also serves a very important role in combating misinformation.

My home State of Vermont is experiencing the same challenges with disinformation as others across the country. Our Secretary of State has done everything within—the former one, Jim Condos, his power, and now our current one, her power, to combat the spread of false claims about elections.

I am proud to report that an independent audit of the 2022 election in Vermont found no major discrepancies despite having a record turnout. Unfortunately, that has not stopped everyone from making false claims intended to destabilize our state and federal elections.

I am hopeful that the EAC can continue playing a leading role stemming the spread of election disinformation and ensuring that every single state is ready to face this growing challenge in 2024.

Finally, while we must continue investing in our elections, I remain concerned that in many states, voters continue to face laws that make it harder to vote. It is why I and many others support the basic federal standards in the Freedom to Vote Act. It is why I support the John Lewis bill to repair and restore the Voting Rights Act.

It is worth noting that our country has a history of passing federal laws to strengthen our democracy. A few weeks ago, we recognized the 20th anniversary of the National Voter Registration Act or Motor Voter Law that was enacted with bipartisan support. Last October marked 20 years since we passed HAVA or the Help America Vote Act.

That is where this organization was started, and I look forward to hearing about the Commission's efforts to support local and state election officials. Now I want to thank our witnesses, but I will turn it over to our Ranking Member, Senator Fischer. Thank you, Senator Fischer.

**OPENING STATEMENT OF HONORABLE DEB FISCHER, A
UNITED STATES SENATOR FROM THE STATE OF NEBRASKA**

Senator FISCHER. Good afternoon, and thank you very much, Senator Welch, for holding the hearing today. It is a pleasure to sit with you. I told the Senator I would keep him under control.

Senator WELCH. She can do it.

[Laughter.]

Senator FISCHER. I also want to extend my gratitude to our witnesses, the four EAC Commissioners, for joining us today. We look forward to hearing your perspectives, insight, and experiences in guiding the EAC's work as we set our sights on the 2024 elections and beyond.

Today's hearing provides an opportunity for the Committee to obtain a comprehensive understanding of the Commission's operations, noted successes, identify areas for improvement, and address existing and emerging challenges.

The EAC plays an important role. It is the only federal agency with the sole responsibility of helping states improve their administration of federal elections, which in turn helps to ensure the security and legitimacy of the voting franchise.

It collaborates with states and local officials, shares best practices, accredits testing laboratories, certifies voting systems, and provides vital resources to help ensure elections are conducted with integrity.

It is, in my view, the best and most appropriate entity to play this role. In recent years, election officials have confronted an increase in threats to election integrity and cyber security. The EAC stands well-positioned to help election officials respond to emerging challenges in an ever evolving landscape.

To that end, I look forward to hearing about the Commission's recent overhaul of the Voluntary Voting System Guidelines, the technical standards at all voting systems certified by the Federal Government must meet. I understand that these updated standards include significant improvements aimed at preventing attacks on our election infrastructure.

As you all know, states are tasked with the important work of recruiting, training, and retaining election officials and poll workers. It is concerning then, that we continue to hear about difficulties with recruitment and retainment.

Dealing with emerging election security issues has become all the more difficult as those with the most experience retire. However, the EAC has done its part by raising awareness through the valued role of poll workers and inspiring greater civic engagement through the establishment of National Poll Worker Recruitment Day.

I was very pleased to hear that on this day that was so successful—I was very pleased to hear that this day was so successful—that the EAC also designated August 16, 2022, as Help America Vote Day to further encourage more Americans to sign up as poll workers.

While we in the Senate recognize the accomplishments of the EAC, we must remain vigilant in our pursuit of continuous improvements. The public demands and deserves an electoral system that is transparent but secure. Our duty is to ensure that the EAC

is equipped with the necessary tools, resources, and guidance to fulfill its mission effectively.

Once again, I extend my sincere appreciation to our witnesses for their presence today, and their commitment to helping preserve the public's trust. Thank you.

Senator WELCH. Thank you, Senator Fischer. Our first witness is Chairwoman Christy McCormick, confirmed as a Commissioner in December of 2014. Commissioner McCormick previously served as an attorney in the voting section of the Department of Justice and at the United States Embassy in Baghdad, where she oversaw Iraq's national elections. Thank you for that. She received her bachelor's degree from the University of Buffalo and a law degree from George Mason.

Our next witness will be Vice Chair Ben Hovland, who was confirmed in January of 2019. Before joining the Commission, he spent several years working here at the Rules Committee—thank you for that—first for Leader Schumer and then for Senator Klobuchar and served as Deputy General Counsel for the Missouri Secretary of State and received his bachelor's degree from the University of Central Arkansas and a law degree from the University of Oregon.

Our third witness is Commissioner Tom Hicks, who joined the Commission in December of 2014. Prior to his current role, Commissioner Hicks served as Counsel for the Committee on House Administration. I used to be over there, Senator, and worked for Common Cause and for the Office of Personnel Management in the Clinton Administration. He received his bachelor's degree from Clark University, and his law degree from Catholic University of America.

Our final witness is Commissioner Donald Palmer, confirmed to the Commission in January of 2019. Commissioner Palmer previously served as Secretary of the Virginia State Board of Elections, as Florida's Director of Elections, and as attorney with the voting section of the Department of Justice.

He also served for more than two decades as an intelligence officer and judge advocate general in the Navy and received his bachelor's degree from Jacksonville University, master's degree from George Washington, and a law degree from Stetson University.

I will now swear in our witnesses before we proceed to their testimony. Commissioners, if you would, now, please stand and raise your right hand. Do you swear that the testimony you will give before the Committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Ms. MCCORMICK. I do.

Mr. HOVLAND. I do.

Mr. HICKS. I do.

Mr. PALMER. I do.

Senator WELCH. Thank you. You may be seated. We will now proceed to your testimony, and I will recognize you for five minutes, a five-minute statement, and we will start with Chairwoman McCormick.

**OPENING STATEMENT OF CHRISTY McCORMICK, CHAIR-
WOMAN, UNITED STATES ELECTION ASSISTANCE COMMISSION,
WASHINGTON, DC**

Ms. McCORMICK. Chair Welch, Ranking Member Fischer, Members of the Committee, thank you for the opportunity to appear before you today to discuss the work of the United States Election Assistance Commission as we prepare for the 2024 elections. We appreciate the Committee's crucial oversight efforts and close attention to the EAC.

Our nation's elections have faced increased scrutiny in recent years, and this Committee has responded by demonstrating leadership in helping to support election administrators. Whether listening to the needs of election officials, furthering work under the Help America Vote Act, or providing grants for election security, Congress has worked closely with states to reinforce this critical infrastructure.

As an independent, bipartisan agency, the EAC stands in a unique position to work with Congress to further assist states and localities in the efficient and accurate administration of elections. Over the past decade, the field of election administration has faced ever growing challenges and the need for increased technology improvements to our election systems.

Many of these challenges, including questions about adequate funding and security for voting systems, are not new. Others, however, have increased suddenly in recent years. For example, social media continues to evolve with new platforms and generative AI tools, making voter education more challenging. In addition to administering elections and voter education, officials must still prepare for cyber, physical, and personal security threats.

Many election officials have left the field, citing safety, increased requirements and expectations, and a lack of resources. Some local communities have seen their entire election departments resign.

Now, more than ever, election officials need our support. With the help of this Committee, the EAC is determined to do all it can to meet these challenges. Over the past year, Commissioners have redoubled outreach by resuming travel across the country for in-person meetings, presentations, and visits with state and local election officials.

Discussions during these visits underscored not only the outstanding work of election administrators in the 2022 midterms, but also the significant impact of efforts by the Federal Government to provide guidance, monetary resources, and best practice materials.

Election officials have expressed sincere gratitude for recent assistance, especially for resources dedicated to safety and security. This includes over \$900 million in HAVA security grants provided by Congress and administered by the EAC.

With support from Congress in the form of an increased agency, operating budget, and more consistent HAVA funding to the states. The Commission continues to fulfill its mission to improve the administration of federal elections and to help Americans vote. As you are aware, the decentralized nature of United States elections results in a diversity of practices, laws, and regulations. With more than 3,000 counties and thousands of localities, it takes nearly 1 million poll workers to operate election polling sites.

This process supports more than 209 million registered voters. To support the country's diversity of election situations and meet HAVA's charge with developing election guidance, the EAC's newly expanded clearinghouse division has produced more than 60 products since 2021 to assist election administrators.

These documents reflect the need for unbiased, trusted source guidance as election officials navigate the complexities of election administration. Earlier this year, we hired an experienced government leader, Steven Frid, to serve as our new Executive Director. One person does not an agency make, so the EAC has hired needed support staff to assist in the election process and the role it plays as critical infrastructure.

Additionally, the EAC marked the 20th anniversary of HAVA in 2022, commemorating the historic milestone with the launch of Help America Vote Day and the second National Poll Worker Recruitment Day. The EAC continues to strategically promote election worker information on social media and on our website.

We created *helpamericavote.gov* in 2020, in service of the first National Poll Worker Recruitment Day. This permanent outreach platform offers a custom look-up tool with jurisdiction specific information including official contacts, required training, and polling place hours. In 2022, the EAC's poll worker web pages had over 263,000 page views.

We regularly received modifications from election offices, and based on the responses, information is regularly updated on the site. We will continue to offer resources relating to poll worker recruitment, retention, and training leading up to 2024, including National Poll Worker Recruitment Day and Help America Vote Day.

Given the interest that Members of this Committee have shown in these efforts, we welcome your input moving forward. Looking forward to 2024, with ongoing support from Congress, the Commission will provide the necessary assistance to election officials to mitigate challenges and protect the integrity of United States elections.

I would like again to thank the Committee for its oversight and support of the EAC, as well as for the opportunity to speak here. I will now turn the discussion over to Commissioner Ben Hovland to discuss the Commission's internal financial oversight and grants management. Thank you.

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

Senator WELCH. Thank you. Commissioner Hovland.

**OPENING STATEMENT OF BENJAMIN HOVLAND, VICE CHAIR,
UNITED STATES ELECTION ASSISTANCE COMMISSION,
WASHINGTON, DC**

Mr. HOVLAND. Good afternoon. Thank you, Chairman Welch, Ranking Member Fischer. I would also like to thank Chairwoman Klobuchar and the Members of the Committee for inviting us to testify about the work of the United States Election Assistance Commission. My name is Ben Hovland, and I am the current Vice Chair of the EAC.

I look forward to sharing updates about the Commission's grants management, internal controls, and budget. A core component of the EAC's mission is distributing, monitoring, and auditing the use of federal grants for the improvement of election administration and security.

Federal HAVA funds, including the \$955 million provided since 2018, are a key resource for election administrators responding to the increased technology and changing demands of the field. To emphasize the importance and impact of this funding, I would note the election infrastructure sector-specific plan states, "It is impossible to make an honest assessment of the election infrastructure's subsectors risk and the potential to mitigate that risk without an understanding of the chronic resource issues the subsector faces at all levels of Government."

As we look toward 2024, I believe it has never been more challenging to administer elections or more expensive. That is why grant funding in partnership with the states is so crucial, and we value your efforts to address the needs of state and local governments through congressional—through the congressional appropriations process.

As of March 31st, 95 percent of the Fiscal Year 2018 election security funds have been expended. Including additional election security funds from Fiscal Years 2020, 2022, and 2023, states have spent a total of \$529 million in funds awarded between 2018 and 2023, which is approximately 56 percent of the available grant funding.

The spending rate depends on the state's plan to use, with some states allocating the funds for long-term programs or resources. Some states provide these funds to local Governments in the form of sub-grants, while others rely on these funds for staff and materials at the state level.

With each state having their own security needs and differing timetables for significant purchases, such as voting system replacement or new statewide voter registration databases, usage rates have varied across the country.

The next expenditure reports are due to the EAC on July 30th, and we will update you on the continued impact made possible by these much appreciated funds. As set forth under HAVA, audits of election security grants are conducted after a state begins to expend the provided funds.

Alongside distribution and administration efforts, the EAC's Office of Inspector General recently added resources and staff to better monitor state spending of election security grants. With new staff leadership in place, the agency has invested in building up staff capacity strategically across the EAC.

However, the EAC still faces significant attrition challenges. It is essential that we maintain adequate staffing levels and mission critical functions to ensure statutorily mandated requirements are met.

The EAC's Inspector General has raised structural issues related to HAVA that are discussed in her report on management challenges for the United States Election Assistance Commission in Fiscal Year 2023. My colleagues and I concur with those observations and have included them in our legislative recommendations.

Of particular note, the inability to pay competitive wages compared to Congress or other federal agencies hampers our ability to attract and retain talent. We are, however, committed to doing everything we can with the resources we have. The EAC is grateful for the increased funding provided by Congress in recent years.

After facing over a decade of significant fiscal constraints, the EAC returned to pre-2010 budget levels for the first time in Fiscal Year 2023. For Fiscal Years 2021 and 2022, the EAC successfully adapted and executed the operating budget provided by Congress, ending each year with an obligation rate of over 99 percent.

Congressional funding has been fully utilized, enabling the agency to provide much needed assistance to address some of the pressing challenges facing the election community. Thank you for the opportunity to testify before you today and I look forward to answering any questions you may have.

[The prepared statement of Mr. Hovland was submitted for the record.]

Senator WELCH. Thank you very much. We are going to go to Commissioner Palmer next, but I want to welcome Senator Hagerty from Tennessee to join us—who has just joined us. Senator Britt was here briefly. Thank you. Commissioner Palmer.

**OPENING STATEMENT OF DONALD PALMER, COMMISSIONER,
UNITED STATES ELECTION ASSISTANCE COMMISSION,
WASHINGTON, DC**

Mr. PALMER. Thank you, Chairman Welch, Ranking Member Fischer, and Members of the Committee. I echo my fellow Commissioners and our appreciation for the investment you have made in the Nation's elections through continued support of the EAC.

Building on Vice Chair Hovland's comments, I will share with you some of the ongoing work of the Commission to test the security of the Nation's voting systems and assure all Americans their vote will be counted. In 2023, the EAC will advance our testing and certification efforts in several areas.

A voting system certification does not end with a successful test in an accredited laboratory. Rather, the review of these systems continues through the lifespan of the voting equipment. As a result, the agency is preparing to launch an innovative field services program to help election officials strengthen their overall posture and preparedness with EAC certified or tested systems.

This onsite collaboration is important for several reasons. First, implementation of system reviews in the field will ensure that equipment delivered to jurisdictions is equivalent to what was purchased. The effort will also analyze system hardware and software configurations to verify equivalency of the equipment to EAC certifications.

Additionally, there will be jurisdiction site surveys, best practices assessments, collections of systems census information, and analysis of anomaly reports. We recently onboarded the Field Services Program Manager and look forward to building out this initiative. In 2022, the Commission made considerable progress to fully operationalize version 2.0 of the Voluntary Voting System Guidelines, or VVSG.

The new guidelines incorporate technological advancements in cybersecurity, accuracy, accessibility, usability, and audibility of the systems. Adoptions of the VVSG lifecycle policy, along with the accreditation of two voting system laboratories, or VSTLs, are necessary steps to the realization of voting systems that are VVSG 2.0 tested and certified.

The EAC currently has one system that is being tested against VVSG 2.0. We will also take this opportunity to emphasize that VVSG 1.0 and 1.1 certified voting systems will not be decertified by the EAC as a result of migration to the new guidelines.

Voting systems that are currently deployed are still accurate and reliable, may continue to be used, and do not need to be immediately replaced or re-certify the VVSG 2.0. In addition, they will continue to be tested and updated with security patches.

It will take time and significant monetary expenditures for jurisdictions to implement new systems certified under the rigorous 2.0 process, so it is unlikely that systems certified to 2.0 will be used in the 2024 elections. Congress and the American people should have absolute confidence in this process.

The EAC has amplified this message by recently publishing a communications toolkit to assist election officials in communicating about VVSG standards, updates in election security, and helping boost confidence in the critical infrastructure of our election systems. As part of our election technology efforts, the agency launched Election Supporting Technology Evaluation Program, or ESTEP, in 2022.

This technology will include electronic poll books, electronic ballot delivery, election night reporting databases, and voter registration portals. These elections reporting technologies are crucial tools for both election officials and voters. As more states and localities adopt these technologies, officials are looking to the Federal Government for voluntary standards and guidance, similar to what is provided in the VVSG.

Currently, election administrators must rely on a patchwork of state laws, regulations, and certification programs of varying degrees of review. An established EAC program will provide for the development of robust voluntary standards, testing, guidance, and training material covering election supporting technologies.

Attacks from Nation State Actors against our election infrastructure have specifically targeted election assistance in the past, and these attacks are only going to escalate. The first technology pilot for ESTEP is Electronic Poll Books, referred to as EPBs.

Election officials have leveraged EPBs to streamline the check-in process, and automate ballot issuing. We certainly—we currently have five EPB manufacturers participating in the initiative and the expectation of two state programs joining later this month.

As the cybersecurity threat landscape across the election community continues to evolve, the EAC is planning a voluntary, coordinated vulnerabilities disclosure program. The EAC will lead a program to quickly identify and respond to vulnerabilities in our voting systems, along with our federal partners at CISA and the National Institute of Standards and Technology. Development of this program is preliminary and will require staff and resources in the future.

I would like to thank the Committee for allowing us to speak today. I will turn it over to Commissioner Tom Hicks to further expand upon the Commission's wealth of clearinghouse products. Thank you.

[The prepared statement of Mr. Palmer was submitted for the record.]

**OPENING STATEMENT OF THOMAS HICKS, COMMISSIONER,
UNITED STATES ELECTION ASSISTANCE COMMISSION,
WASHINGTON, DC**

Mr. HICKS. Thank you again, Chairman Welch, Ranking Member Fischer, and Members of the Committee for having us here today. In addition to the developments my fellow Commissioners have shared, the agency has also invested in increasing our clearinghouse capabilities.

The EAC's clearinghouse division, composed of former election officials and subject matter experts, helps the agency share and develop resources for both the public and election administrators, including best practices, information for voters, and other resources.

In this role, the EAC serves as a trusted source of nonpartisan information, especially as the field of election administration continues to see high levels of turnover. So far leading up to the '24 elections, the clearinghouse division has released more than 60 products over the past two years to assist election administrators.

These ranged from resources on physical security threats against election officials, to ease data collection and analysis. Further, clearinghouse products offer overall guidance for new election officials in conducting elections such as improving chain of custody procedures, auditing, and better serving voters with disabilities.

This includes our new election management guidelines updated with increased focus on relevant election technologies that have changed since the last iteration 15 years ago. All the products developed by the clearinghouse division are guided by the parameters set forth by HAVA. In the coming weeks, the EAC will publish a 1922 EAVS report.

This will be the 10th survey since the first EAVS in 2004. This biennial report is the agency's flagship research initiative and collects data on Election Administration from nearly 6,500 local election jurisdictions across the 50 states, the District of Columbia, and territories. EAVS data is utilized by countless stakeholders in the election community, including Members of Congress, legislative staff, federal officials, journalists, academics, advocates, and election officials.

The EAVS consists of two surveys collecting quantitative information on state election laws, policies, and practices, and the other collection, quantitative election administration data. The '22 EAVS survey used questions on issues such as drop box usage, mail ballot curing, and more. In addition, the EAC is committed to continuing our support of election officials as they fulfill requirements of both HAVA and the Americans with Disabilities Act to ensure our elections are fully accessible.

We have hired a full-time subject matter expert for accessibility, established an internal accessibility working group, continued

EAVS data election, EAC research on disability related voting issues, and expanded our accessibility, resources, and programs.

The EAC is working on a national study to document the experience of voters with disabilities for the 2022 midterms. The survey results will be finalized this summer and will include key information on voter access. The Commission intends to use these results to produce actionable items that are necessary to meet HAVA's vision of fully accessible elections.

Amongst numerous other resources of voting accessibility, EAC has released a checklist for election officials and accessibility for in-person voting, for registration vote by mail, and assistance for voters with language access needs.

The language access resources were updated following the most recent release of Section 203 of the Voting Rights Act requirements, which required 330 jurisdictions to produce language accessibility resources for voters. This inclusive vision of HAVA calls on the EAC to assist election officials and voters as we embrace the mission wholeheartedly.

Similarly, the nonpartisan approach of the election administrators have continued to promote confidence in elections and voting, while advocating civility throughout the American electoral process.

With the 2024 election cycle already here, election officials face an ever growing list of responsibilities and challenges, including escalation of threats to election officials and poll workers. The EAC is working diligently to help them prepare for the expected and unexpected, in order to provide the best voting experiences for every voter.

Thank you for the opportunity to share some of the work of the EAC, and your commitment to election administrators, poll workers, and voters. There is still work to be done and we look forward to working closely with you on these and other important matters.

I appreciate the chance to testify today and welcome any questions or feedback you may have.

[The prepared statement of Mr. Hicks was submitted for the record.]

Senator WELCH. We have just had an excellent presentation by all the witnesses and——

Chairwoman KLOBUCHAR. I would have them do it again——
[Laughter.]

Senator WELCH. Well, what they—what I wanted to acknowledge was that they clearly sort of spread out the information so that we were getting a comprehensive view of what it is they have been doing, what the challenges are. I just, on your behalf and the Committee's behalf, want to thank all the Commissioners for your good work. Now, Senator Klobuchar, I would like to defer to you.

Chairwoman KLOBUCHAR. Well, that is actually okay, because I just got here. I will let Senator Fischer ask some questions. Go ahead. Okay.

Senator WELCH. Well, thank you. You know, one of the areas of real concern, I think, for all of us is this disinformation and just how that has all escalated. We saw evidence of it in past elections, but now everyone is concerned about AI.

One of the mediums by which bad information, as well as good information, is transmitted is through some of these platforms. These platforms, the large tech companies are, as I understand it, starting to lay—they are doing layoffs and I do not have the information, but I have the apprehension that many of these layoffs are targeted to those functions that had to do with monitoring misinformation.

Just as an example, Twitter, of course, sets a special case. It effectively disbanded its ethical AI team. In January, Meta reported that it ended the contracts of about 200 content moderators and laid off at least 60 members of Instagram's well-being group in more than 100 positions—laid off—that related to trust, integrity, and responsibility. In February, Google laid off about a third of its staff with protecting society from misinformation, radicalization, and censorship.

In Twitch, there are about 50 employees who came out of that division. Since we do rely, so many Americans, on social media for our information, that could be an issue with the capacity of more disinformation to get out.

I will start, Chairwoman McCormick, with you and ask you what kind of challenges have local election administrators seen with the spread of information? Is it a situation where the EAC can provide support or guidance to tech companies to combat misinformation? If not, does it have a plan to do that?

Ms. MCCORMICK. Thank you for the question, Senator. Yes, the EAC has heard from local election officials and state officials on instances where bad information or misinformation, disinformation has been provided on social media platforms.

We continue to urge people to go to a trusted source, such as a local or state elections administrator, to get their information. We also have started an internal AI working group. This is obviously a very new issue that is coming up of great concern.

We have been having discussions with both CISA and our federal partners on how we might combat the mis and disinformation, especially with AI, which is, of course, going to be quite complicated and challenging. We also provide toolkits for election officials.

We have a Communicating Elections Process Toolkit, which includes posters and samples, social media updates, and all kinds of information that we urge the state and local election officials to utilize in communicating with their voters—the actual true information.

The EAC stands by with our facts and our EAVS report, and we are happy to provide that to anybody who asks, including social media platforms.

Senator WELCH. Thank you. Now, one other question. In Vermont, the Secretary of State's office did launch a site called, "Elections Myth versus Fact," and it was a web page intended directly to combat disinformation.

I am going to ask you, Commissioner Palmer, whether you think efforts like that can be effective and do you recommend other states adopt them? That is knowing that it has got to be rigidly non-partisan in order to have credibility.

But voters, whether you are going to vote for a conservative or liberal, I think all of us want to know that the information we are

acting on is accurate. Is that—that step that Vermont has taken, is that anything that you have thoughts about, whether that can be helpful elsewhere?

Mr. PALMER. That is absolutely a best practice, Senator Welch. This goes back decades for election officials, there is all types of rumors out there or incorrect information.

If you have a myth buster or rumor buster, it is important that the election official provide the true information in a very non-partisan, down-the-middle road. Just the facts. That is exactly what, you know, we did when I was in Florida and in Virginia.

It is the same thing that the EAC does with our frequently asked questions and sort of the issues that Chairwoman McCormick brought up is that, you know, we are very much involved in the testing and standard development of voting systems and how those machines work.

We provide the facts on our website, and we also answer questions from reporters and all types of groups that have questions about that process, including the public. We just do the best we can to propagate that message, sir.

Senator WELCH. Okay. Thank you very much. I would like to now yield to Senator Fischer.

Senator FISCHER. Thank you, Senator Welch. Chair McCormick, I wanted to ask some questions about grant funds, and specifically on the HAVA grants. How do you oversee the reporting on the use of those funds? What reports, financial documents does the EAC require of states? What types of issues does the EAC look for in its review as you are going through the reports and documents?

Ms. MCCORMICK. Thank you, Senator Fischer. The EAC requires completion of the federal financial reports and also progress reports no less than twice a year. This recent tranche of money that was provided to the states requires quarterly reports. We require all states who have received grants to fill out those reports to us.

Our grants team looks for incompleteness on those reports. They look for possible increases or decreases in funding that seem odd. We also look for whether there are any uses of the money that are disallowed under HAVA. We look for insufficient information about what they are doing.

There is a number of issues that—a checklist of issues that we look at. We communicate those concerns to the jurisdiction. We give them a chance to update and correct their financial reports. But we also do follow-up with them to make sure that the funds are being used appropriately.

Senator FISCHER. When you find an issue there, and you went through a number of red flags that come up, and you contact them, how much follow-up does it take before you get an answer sometimes, you know, and to try and rectify the problem? What is the kind of process there?

Ms. MCCORMICK. Well, we start with an email, and we email the officials on the findings that we are concerned about, and we give them a chance to respond to that. We follow-up as much as we need to, including in person, if possible. We have had issues where that has not been possible, but that is, you know, we continue to follow-up as much as we need to, either through writing, through telephone calls.

Our grant staff is on, you know—basically they are there to help people work through those issues and fix any issues that may have come up.

Senator FISCHER. You know, if there was a report out from the IG, there were some issues in the Commonwealth of the Northern Mariana Islands with their accounting and reporting on the grants, did you learn any lessons from that? Is there something that could have helped prevent that situation?

Ms. MCCORMICK. Yes, Senator. I think part of the problem was the Northern Mariana Islands had not been traditional recipients of HAVA grants. They had not been through the training and sort of the work that the other states had been through. I think it would have been helpful to have an in-person training with them. They are very new to this.

They are also new election officials themselves. We did follow-up with them numerous times in many different ways.

Obviously, the pandemic precluded anybody from going out to visit the Northern Mariana Islands. But I believe that an in-person training and in-person guidance would have helped that situation.

Senator FISCHER. Do you see an issue there? You know, in my opening statement, I talked about the retirements we are seeing of poll workers and retention issues that we have. How does that affect your job for oversight? You know, I think this is a great example that you are going to have to do a lot of educating, maybe.

Ms. MCCORMICK. Yes. This is where we do a lot of educating, and this is where all of our clearinghouse products have come into play. We have updated what we call the election management guidelines, which is basically a textbook for election officials on the basic issues that they need to know in election administration.

We have got QuickStart guides. We have got numerous products to help the new election officials. As well, we are going out to as many state conferences as we can, and talking to the new officials, and trying to provide them with whatever information we can to help get them up to speed, because we will have somewhere between a third and a half of new election administrators coming up in 2024.

Senator FISCHER. Right. Vice Chair Hovland, we have seen that the GAO—you have told the GAO that the electronic system, it used for states to submit CARES Act progress reports, allowed the states to omit or miscalculate some of their expenditure totals.

In the financial section of the progress report, officials told GAO that the system does not have the capability to automatically calculate a state's total expenditures based on the expenditures listed in different categories. Have you addressed that issue?

Mr. HOVLAND. You know, we were in the process of implementing a new system to help streamline the process in grant reporting.

Of course, you know, with any new system, there are bumps along the way. But we are reviewing all that, and certainly our grant staff can get back to you with any specifics or to your staff.

Senator FISCHER. Yes, I would appreciate that. It seems like a pretty high number that it may involve nearly 20 percent of the total reported nationwide spending for CARES Act grant funds and

just in how they were categorized on that. If we can get you a question in detail, if you could get back to us, I would appreciate that.

Mr. HOVLAND. Absolutely.

Senator FISCHER. Thank you.

Chairwoman KLOBUCHAR. Very good. I want to thank, first of all, Senator Welch for filling in. For a new guy, he is doing pretty well. Only in Congress are you considered new when you have been here for, what, 18 years? Then also my friend, Senator Fischer, thank you.

I just want to briefly say how important the work you do is. As we know, the EAC was established with broad bipartisan support to help states improve election administration security, cybersecurity guidelines—very important in the last few decades—and accessibility for voters. I hear time and time again from Secretaries of State on both sides of the aisle how important the work that you do is.

We know you are confronting new challenges ahead, with everything from artificial intelligence to the challenge I know you have been hearing, as I have heard from our local officials, of harassment of Secretaries of State and volunteers at election places and election officials regardless of party.

I guess I would start with you, Vice Chair Hovland, since you used to work for me. Can you briefly expand on what you see as the most urgent needs of states for additional federal funding?

Mr. HOVLAND. Absolutely. Thank you, Chairwoman Klobuchar. You know, right now, I think the election community really just faces so many challenges. As I said in my opening statement, I think election administration is more challenging, or it is—it is more challenging to administer elections now than it has ever been and more expensive. More than one singular issue, I think it is the totality of issues.

There are the cybersecurity issues. There is the physical threats and harassment, you know, adding to buildings and the security of buildings. Obviously incentivizing recruitment of poll workers. Senator Welch asked about mis and disinformation earlier. You know, one of the things I think about all the time, you know, there is two sides of that coin.

There is the whack-a-mole of the falsehoods that you hear, but there is also the voter education piece. Often voter education falls to the back burner, but that is an integral part of combating misinformation with those debunking pieces.

Getting people money to make sure they have the resources to do that is critical.

Chairwoman KLOBUCHAR. Okay, very good. Commissioner Hicks and Chairwoman McCormick, talk about the importance of steady funding and how that would be helpful for the states when you deal with different threats. It appears in every election.

Mr. HICKS. Thank you, Senator Klobuchar. It is great to see you. Having steady funding ensures that states can allow for an adequate budget each and every election cycle. We know that there is going to be a lot of additional costs that are coming down the pike for election officials who want to replace their voting equipment with 2.0 voting equipment.

That will probably not be ready for 2024, but as they look toward doing their budgets, they will need a significant amount of money to replace those machines. Every election cycle there is something that may come up that they did not budget for, and so they have to look back to see what sort of things they need to pay for as they move forward.

No one saw 2020 coming along with the pandemic, but Congress stepped up and provided additional funding to the states——

Chairwoman KLOBUCHAR. Senator Blunt, as we remember, predecessor to our Ranking Member, also was stepping up at that time.

Mr. HICKS. Exactly——

Chairwoman KLOBUCHAR. Very good. You are talking about election equipment, you do not know what will be needed for each election. Maybe, because I want to give my colleagues time here, we have several of them here, could we just turn to that election threat issue?

We have heard from Kentucky Secretary of State, just the difficulty of attracting volunteers sometimes to work the polls and just where you see this coming out. Rural areas not having the funding for as many law enforcement to help volunteer workers at the polls.

Ms. MCCORMICK. Absolutely, Senator. We—there has been an uptick in safety and security issues across the country. Consistent funding would be quite helpful to the states to be able to provide more security for their election workers.

We also want to make sure that the public trusts where the funds are coming from. I think obviously Congress is a trusted source of funding, so there are many reasons for Congress to continue to provide consistent funding for elections.

Chairwoman KLOBUCHAR. Okay, very good. You want to add anything, Commissioner Palmer?

Mr. PALMER. I agree with my fellow Commissioners and do not have anything to add.

Chairwoman KLOBUCHAR. Oh, wow, that is not what we do around here, so that is very good. Well, I want to thank all of you for your leadership. I know it is a tribute to how important your work is that we have so many Senators here, and I will turn it over to Senator Hagerty.

Senator HAGERTY. Thank you, Chair Klobuchar and Ranking Member Fischer. Thank you, Senator Welch, for getting us started off here today. Vice Chair Hovland, I would like to start with you. The Commission believes transparency with respect to its work is important for voter confidence and nonpartisan election administration. Is that correct?

Mr. HOVLAND. Yes, Senator.

Senator HAGERTY. Thank you. I am sure you are familiar with President Biden's Executive Order number 14019 that directs federal agencies to submit plans to the White House for using taxpayer resources to expand mail-in ballots and voter mobilization. The White House refuses to release these agency plans.

For me, this raises significant concerns about the Biden Administration's voter mobilization plans perhaps being used to help President Biden in his next election. My question for you, you agreed

earlier that transparency regarding election administration is important. For that reason, do you support releasing these plans?

Mr. HOVLAND. We are an independent agency, and so I am not in a position to tell the White House what to do, you know. But I think that a piece of election administration that is critical, and one of the challenges we have seen a lot of, is about——

Senator HAGERTY. Let me come back to this, I sent a letter to President Biden, along with every other Republican Member of this Committee, requesting that they release these plans. A month has passed and there has been no response.

If there is nothing to hide, these plans should be released. It is very disturbing. Let us go to a different topic, though. I would like to change gears and talk about the United States Alliance for Election Excellence. Are you familiar with that?

Mr. HOVLAND. Somewhat.

Senator HAGERTY. Well, for the rest of our Members, this is an \$80 million initiative funded by a web of left-wing entities to, “help local election administrators conduct elections.” It is a new form of Zuckerbucks is what it is.

It is connected with the Democracy Fund and Arabella Advisors. Arabella Advisors heads up a massive network of left-wing non-profits that pulled in nearly \$2 billion per year in 2020 and in 2021. That is a massive amount of dark money influence in our elections.

This network of entities has received tens, if not hundreds of millions of dollars from a foreign billionaire named Hansjörg Wyss. He is not a United States citizen, so he cannot contribute directly to our elections, but he has found a way to be involved in our elections.

Is it concerning to you, Vice Chair Hovland, that a foreign actor is heavily influencing private groups that are, “assisting American local Governments with election administration”?

Mr. HOVLAND. You know, I testified before the House Appropriations Committee in 2021, and I was asked about the Zuckerberg, Chan contributions. At the time, I noted that, you know, I do not believe that elections should be supported, or election funding should be dependent on the charity of billionaires——

Senator HAGERTY. How about foreign billionaires?

Mr. HOVLAND. But I believe——

Senator HAGERTY. Can you answer me that? What about foreign billionaires?

Mr. HOVLAND. I do not think any billionaires should be—our election administrators should not be dependent on any financing from billionaires. But it is a failure of Government if we do not provide them with sufficient funds.

Senator HAGERTY. Let me ask you this——

Mr. HOVLAND. I have talked to so many election——

Senator HAGERTY. Do you support foreign donations for United States election administration?

Mr. HOVLAND. I do not. But it is also not our purview personally——

Senator HAGERTY. That is good to hear.

Mr. HOVLAND. But sir——

Senator HAGERTY. Would it be foreign election interference in your mind?

Mr. HOVLAND. Senator, there were people in 2020 who were using those charitable contributions for their personal safety. They were putting their lives on the line. That was used for PPE and hand sanitizer—

Senator HAGERTY. Foreign donations are okay with you then?

Mr. HOVLAND. Absolutely not. Of course not.

Senator HAGERTY. Okay. I want to be clear of that then because what this is—

Mr. HOVLAND. My point is—

Senator HAGERTY [continuing]. Zuckerberg bucks 2.0—

Mr. HOVLAND [continuing]. that the Government failed to provide that funding.

Senator HAGERTY. Coming from a foreign born billionaire involving themselves in our elections—what I want to make certain is that this Commission—that no Election Assistance Commission dollars are co-mingled in any way with these foreign funds.

Mr. HOVLAND. Of course not, sir. We provide funds—

Senator HAGERTY. You can guarantee me that that will not—these funds will not be co-mingled with our funds?

Mr. HOVLAND. We provide the money that Congress provides to us in formula grants as prescribed by the Help America Vote Act and the appropriations bills that are passed. We follow the law, absolutely.

Senator HAGERTY. I will look forward to seeing a plan from you, and I would like for you to submit that to this Committee, of how you are going to ensure that these foreign funds coming in are in no way co-mingled or supporting the same election activities at the local level.

Mr. HOVLAND. Sir, we do not have—as you know, elections are very decentralized in this country. It is up to each state and locality on the funds that they are able to accept. Our job is to distribute the funds from Congress.

We are proud to do that. We hear regularly from state and local administrators that they need additional funding, that they need regular funding, and we would welcome those dollars from Congress to support those officials adequately.

Senator HAGERTY. Certainly not from foreign billionaires. Thank you, Madam Chair.

Chairwoman KLOBUCHAR. Thank you very much. Just to clarify, Vice Chair, the funding during those 2020 elections was used in both red and blue states, and it was focused on adapting to holding an election during a pandemic. Is that part of this funding?

Mr. HOVLAND. You are referring to the charitable contributions?

Chairwoman KLOBUCHAR. Yes.

Mr. HOVLAND. Yes, that is my understanding.

Chairwoman KLOBUCHAR. Okay. What you are saying here is that if the State Governments had the adequate funding to run elections, that that would be very helpful.

Mr. HOVLAND. Absolutely.

Chairwoman KLOBUCHAR. Okay. Thank you. Senator Padilla.

Senator PADILLA. Thank you, Madam Chair. Also, just to before I get to my questions, clarify, I want to make sure that the Record

accurately reflects Commissioner Hovland's response to whether or not he supports foreign donations into our election administration. Without me interrupting, can you reiterate your answer for the record?

Mr. HOVLAND. I personally do not, though it is not in the purview of the Election Assistance Commission.

Senator PADILLA. Thank you very much. I just want to say hello again to all of you. I had a chance to not just talk but visit with, and ask conferences, or even welcomed you to California in my prior capacity as California Secretary of State.

A lot of timely issues to discuss from. I know that Senator Welch already engaged in the threats of election misinformation, disinformation topic. We have referenced poll worker safety. I know the Chair has been a leader in that regard. Recruitment, retention, and security for volunteer poll workers, elections staff at the state and local levels, and beyond. The need to upgrade our voting systems nationally.

Not just VVSG and setting the standards but helping jurisdictions with those infrastructure improvements. Speaking of infrastructure, I know there is a desire for additional funding for our elections. I support that. Not just one time, not just once in a generation. It has been too long since HAVA.

But ongoing, sustained funding that reflects the fact that our elections infrastructure is now designated as critical infrastructure by the United States Government and has been for several cycles now. But I want to really focus my questions to the Chair—Chair McCormick. You have claimed to have personally witnessed voter fraud and seen data supporting the assertion that voting fraud is threatening our elections.

What data have you seen? It would be great for you to share that with this Committee.

Ms. MCCORMICK. I believe there are several reports out there, Senator. I personally witnessed it while I was observing in an election in Mississippi many years ago. That is not to say that fraud is a huge problem. I think it is probably pretty minimal, but I think it is important that we have accuracy and integrity in our elections.

Senator PADILLA. Okay. When you witnessed that was that reported, was that prosecuted?

Ms. MCCORMICK. Yes, that was recorded by the Department of Justice in the observer reports, and I was with the observers from OPM who witnessed it. It was part of a case in Mississippi, *United States v. Ike Brown*.

Senator PADILLA. Okay. I hope folks are held accountable for that. Chair McCormick, do you view vote by mail as a secure method of voting?

Ms. MCCORMICK. Well, being a new resident of California, yes, sir. I have voted—my last election, I voted by mail for the first time.

Senator PADILLA. Did you sign up for ballot tracking?

Ms. MCCORMICK. I have not signed up for ballot tracking.

Senator PADILLA. I highly encourage you to. Go to www.sos.ca.gov.

Ms. MCCORMICK. Yes. I will give Registrar Logan a call and ask him to sign me up.

[Laughter.]

Senator PADILLA. He cannot do it for you. You have got to do it yourself.

Ms. MCCORMICK. I understand, sir.

Senator PADILLA. Do you view automatic voter registration as a safe method to increase registration and turnout?

Ms. MCCORMICK. Sir, I think that is a good way to do it. However, I think we need to give a good option for people to opt-out if they do not want to be automatically registered. There are groups in this country that do not want to vote.

Some religious groups and others. I believe in automated registration. I think it is a good tool to register folks who have not been registered previously and give them an opportunity to do that.

Senator PADILLA. To the extent that it has been implemented in multiple states, I do believe that is the option. There is a significant difference in opt-in versus opt-out, but it is not mandatory voter registration, just like we do not have mandated voting.

People do deserve the option. We highly encourage people who are eligible to register to maintain their registration record current and to vote in every single election. I just state this because I know there is a tremendous amount of research on this topic that points in the exact same direction.

Voter fraud is exceedingly rare. This includes voter impersonation, mail-in ballots, and more. In fact, mail-in ballots are both secure and essential for secure elections that are as accessible to voters as possible.

I hate to have continue to raise this year after year, cycle after cycle, but the misinformation, disinformation about the integrity of elections, the integrity of election administrators, and elections workers continues to be under attack, and we need to take every opportunity we can to set the record straight. Thank you very much.

Chairwoman KLOBUCHAR. Thank you very, very much, Senator Padilla. Senator Ossoff.

Senator OSSOFF. Thank you, Madam Chair. Vice Chair Hovland, I want to touch on something we have seen, particularly in Georgia over the last few cycles, which is the partisan and malicious and frivolous use of voter challenges to tie up county election boards. These challenges are often filed by groups that are spreading baseless conspiracy theories about widespread voter fraud.

Just a few numbers for the panel. In 2022 across just eight counties of 159 in Georgia, there were 65,000 challenges to voter registration. In Gwinnett County alone in 2022, one group called Voter GA challenged the registrations of 37,500 voters.

In December 2020, Madam Chair, if you can wrap your head around this, one group, and this is during the Senate runoff in which I was elected, one group called True the Vote challenged 364,000 voter registrations across the State of Georgia.

My understanding is that two or three dozen folks who had perhaps moved or change residency may have been disqualified—364,000 challenges to voter registration coordinated by one par-

tisan group during a crucial Senate runoff. I know, Vice Chair, you are not here to comment on policy.

Georgia's state legislature passed a law in their two sessions ago that made it much easier for anyone to bring unlimited challenges of their fellow citizens' voter registration. What I want to ask you is this.

How does it impact a county election board already stretched thin already? I think we can all agree, regrettably, in relying upon funding other than from the state in many cases, just to cover the basics, already perhaps unable to fill enough polling places, already having difficulty dealing with all of their responsibilities.

How does it impact a county election board when they suddenly get tens of thousands of frivolous challenges to the registrations of voters in that county?

Mr. HOVLAND. Thank you, Senator, for the question. I would say I am recently returned from Georgia, where I met with folks from the Secretary's Office, as well as Fulton County and the Athens Clark County Unified Government.

You know, I think when you look at the issues sort of broadly, and again, I will not comment on the Georgia specific issue there, but what we are seeing across the country are, you know, again, based on mis and disinformation, sort of offices being inundated with tasks.

Again, election offices are often very limited in the number of staff they have. You know, when I think about some of the challenges they face when they have this kind of impact, you know, there is only so many hours in the day and that time is such a valuable commodity.

When something that would normally get triple checked only gets double checked, that creates more opportunity for error, and you have the potential to create a self-fulfilling prophecy that you do see these human mistakes that happen in elections, but simply because people were overtaxed based on inquiries around false information.

Senator OSSOFF. A large number of frivolous voter challenges can tie up the resources of a local election board, correct?

Mr. HOVLAND. Certainly.

Senator OSSOFF. They can distract those resources from administering the election, correct?

Mr. HOVLAND. Yes.

Senator OSSOFF. They can make it more difficult, therefore, for voters to access the franchise because the election administrators are tied up dealing with a torrent of frivolous challenges, correct?

Mr. HOVLAND. That is certainly possible.

Senator OSSOFF. I just think, I will just close Madam Chair by sort of making the point, what does it say about where we have come to in terms of the level of polarization in this society and the scorched earth politics of victory by any means that people are reduced for obviously partisan reasons to trying to disenfranchise their own neighbors on false pretenses, or try to tie up already stretched thin election administration resources by saying, you know what we are going to take a blunt instrument here and just say, there might be hundreds of thousands of our fellow citizens,

we want to make it harder for them to vote, with no base for the challenge whatsoever.

It is a deeply immoral practice, and the fact that Georgia's state legislature has explicitly sanctioned it, I think is repugnant. I will yield. Thank you.

Chairwoman KLOBUCHAR. Thank you very much, Senator Ossoff. Do you want to add any other questions? Yes, go ahead, Senator Fischer.

Senator FISCHER. Thank you, Chairwoman Klobuchar. I have some questions on cybersecurity and the preparedness that we are looking at there.

I know that the EAC recently adopted the VVSG 2.0, marking the first major changes to the standards in many years. Could you please elaborate, Chair McCormick, on how the VVSG has been updated to address any cybersecurity threats that we are facing? If you see any risks to the electoral process, if a state decides not to use an EAC certified voting system?

Ms. MCCORMICK. Thank you for the question, Senator Fischer. Yes, with the new VVSG 2.0, we have numerous additional requirements over 1.0 and 1.1 for security measures, including the elimination of transmission by wired or wireless capabilities. We are now going to be requiring penetration testing.

We have more auditability of the machines, more requirements on auditability. We are requiring the use of modern encryption. We are also requiring software independence so that the software cannot change the vote totals on its own without it being detected by the machinery.

Most important is that we try to get as many states as possible using our more secure standards. We are also going to be requiring, I do not know if I mentioned this, penetration testing of our systems.

As far as the risks to the electoral process, most states use some portion of our standards or our laboratories. We do not test for all the states, but we do provide documentation and information for the states that do their own certification.

Obviously, you know, we have scope of conformance products that we will share. We are very willing to provide as much information as we can to the states who do not use our systems to be able to evaluate the security of the systems that they are working on.

Senator FISCHER. You know, and we have seen an increase in those cybersecurity threats over the past several years. In 2020, the EAC launched the Cyber Access and Security Program to help address the issue.

Since the implementation of that program, how have election officials utilized the offerings? Do you see officials having pretty good buy-in for this, and does the program stay up to date when we have this constantly evolving space?

Ms. MCCORMICK. Yes, obviously we need to stay on top of all of the current threats. I mean, it is a never ending project to stay ahead of the bad guys. Our CAS program has been utilized by election officials in 49 states.

We have trained over 1,100 election officials, and we are currently working on producing a security component for e-poll books

and our evaluation pilot. We are working toward guidelines for all of the election supporting technology and the CAS program at the EAC as part of that.

Senator FISCHER. Do you think the electronic poll books, you just brought those up, is going to help further protect election infrastructure? Is it going to be able to enhance that security?

Ms. MCCORMICK. Yes. E-poll books are connected to the internet, so it is important that we have high security measures on them. We do—

Senator FISCHER. But isn't one of the things we do not want is to be connected to the internet?

Ms. MCCORMICK. Well, there is a reason why they are connected, and that is to make sure that voters are not voting in multiple places. We have to be able to be assured that, you know, if somebody is checking in—

Senator FISCHER. Does that put in jeopardy the entire system, or is it—?

Ms. MCCORMICK. No, they are separate from the voting systems. They usually are just checking in to register to get a ballot and to provide the correct ballot. We usually do that by—e-poll books use usually driver's licenses. You know, they swipe those driver's licenses, but there is usually a connection—

Senator FISCHER. But it has nothing to do with the voting machines?

Ms. MCCORMICK. No, they are not connected to it.

Senator FISCHER. I think that needs to be made clear because there is deep concern about anything that is connected to the internet.

Ms. MCCORMICK. Yes.

Senator FISCHER. The possibility that could be hacked in any way.

Ms. MCCORMICK. Yes. We are, you know, we ask election officials to ensure there is an air gap between any kind of system that is connected to the internet, with the voting systems, so that the voting systems are not affected by, you know, any kind of internet connection.

Senator FISCHER. Right. Thank you very much.

Chairwoman KLOBUCHAR. All right. Well, thank you. I am sure we will keep the record open of the hearing for a week for—if our colleagues have other questions. You have all done very, very well. I want to thank Ranking Member Fischer, as well as Senator Welch, the Members of the Committee.

I also want to thank the Commissioners for sharing your testimony on the work that you do. While you may come from different political backgrounds, we see the consistent themes of wanting to make sure that our states' elections are well administered, that there is funding for those state administrators and the administration of elections, and that the elections officials there are protected so that they can do their jobs, in addition to responding to the many new challenges that we are all seeing in many aspects of American life.

But always, elections are kind of the canary in the coal mine when it comes to where you have, whether it is foreign interference or whether it is threats. We want to make sure that the funda-

mental reason we are all here, our democracy. The reason I met with 300 interns for Democratic and Republican Members of Congress today, who are all so eager, some of them may be here, to be part of this democracy. The reason we all get up every morning. You really—I want to thank you for guiding us there.

I look forward to continuing to work with my colleagues on the Committee to support this Commission, the work that you do. The hearing is adjourned. Thank you.

[Whereupon, at 4:45 p.m., the hearing was adjourned.]

APPENDIX MATERIAL SUBMITTED

U.S. Senate Committee on Rules and Administration
Hearing on Oversight of the U.S. Election Assistance Commission

Testimony: United States Election Assistance Commission (EAC)

Christy McCormick, Chairwoman
Ben Hovland, Vice Chair
Donald Palmer, Commissioner
Thomas Hicks, Commissioner

June 7, 2023

Chairwoman Klobuchar, Ranking Member Fischer, and members of the Committee, thank you for the opportunity to appear before you today to discuss the work of the bipartisan [U.S. Election Assistance Commission \(EAC\)](#) as we prepare for the 2024 elections. We appreciate the Committee's crucial oversight efforts and your close attention to the EAC.

Our nation's elections have faced increased scrutiny in recent years, and the Committee has responded by demonstrating leadership in helping to support election administrators. Whether listening to the needs of election officials, furthering work under the Help America Vote Act of 2002 (HAVA), or providing grants for election security, Congress has worked closely with states to support our nation's elections. As an independent bipartisan agency, the EAC stands in a unique position to work with the Congress to further assist the states and localities in the efficient and accurate administration of elections.

Over the past decade, the field of election administration has faced ever-growing challenges and the need for increased technology improvements to our election systems. Many of these challenges, including questions about adequate funding and security for voting systems, are not new. Some date back to the passage of HAVA, if not earlier. Others, however, have increased suddenly in recent years.

During the 2016 election cycle, election officials saw a rise in cybersecurity threats and misinformation spread through social media. This has led to the recognition that election administration must be protected with the same diligence with which we protect other critical infrastructure.

In addition to these concerns, the 2020 election cycle was dramatically affected by the pandemic. Election officials were tasked with navigating considerable challenges, including unprecedented changes to election dates and voting methods – all while purchasing and deploying voting systems, verifying trusted sources of information, combating misinformation, and continually improving their cybersecurity posture.

Immediately following the 2020 election cycle, election officials faced yet another new hurdle - threats to their own personal safety, as well as to the safety of their staff and volunteers. Many administrators have recounted personal stories of intimidation. Not only have they received

personal threats to their lives for serving their community, but these threats have also extended to their spouses and children.

The ever-evolving election environment shows no signs of abating. Social media continues to evolve, with new platforms and generative AI tools making voter education more challenging. In addition to administering elections and voter education, officials must still prepare for all cyber, physical, and personal security threats to the election process.

Many election officials have left the field, citing this change of pace, increased requirements and expectations, and a lack of resources. Some local communities have seen their entire elections departments resign. Now more than ever, election officials need our support.

With the help of this Committee, the EAC is determined to do all we can to meet these challenges. Over the past year, Commissioners have redoubled outreach by resuming travel across the country for in-person meetings, conference presentations, and visits with state and local election officials. These discussions have underscored not only the outstanding work of election administrators in the 2022 midterms, but also the significant impact of efforts by the Federal government to provide guidance, monetary resources, and best practice materials.

Election officials have expressed sincere gratitude for this recent assistance, especially for resources dedicated to safety and security in election administration. This includes \$955 million in HAVA security grants provided by Congress and administered by the EAC. The agency distributes guidance on how grants may be used and offers specific guidance for physical security and cybersecurity protections. With support from Congress in the form of an increased agency operating budget and consistent HAVA funding to the states, the Commission continues to fulfill the agency's mission to improve the administration of Federal elections and help America's voters.

As you are aware, the decentralized nature of U.S. elections results in a diversity of practices, laws, and regulations. Election officials, poll workers, and U.S. voters shepherd this complex process forward across 50 states, five territories, the District of Columbia, encompassing more than 3,000 counties, and thousands of localities. In 2020, the EAC's Election Administration and Voting Survey (EAVS) found a total of 176,933 voting precincts, including 107,457 Election Day polling places and 25,099 early voting locations. Nearly one million poll workers operated these polling sites. This intricate process brings together thousands of election officials supporting more than 209 million registered voters on Election Day and during early and mail voting. The work of running elections is a year-round endeavor, and the EAC's mission is to support this critical work at every stage.

Since 2021, the agency's newly expanded Clearinghouse Division produced more than 60 products to assist election administrators across different jurisdictions. We will further detail these resources later in our testimony and have attached a listing of available material. Earlier this year, the agency hired an experienced government leader, Steven Frid, to serve as our new Executive Director and help fulfill the agency's mission. Additionally, the EAC marked the 20th anniversary of HAVA in 2022, commemorating the historic milestone with the launch of the Help America Vote Day and the celebration of the second National Poll Worker Recruitment Day.

HAVA established the EAC more than 20 years ago. Since that time, the agency has served both election officials and voters as we work to protect the national security of U.S. elections. In 2023, we are doing more. Looking forward to 2024, election officials and poll workers across the country continue to face the challenges we have noted. With ongoing support from Congress, the Commission can provide the necessary assistance to mitigate these challenges and protect the integrity of U.S. elections. We can and must continue to invest in our elections and in our nation's foundation of democracy.

EAC and Election Worker Programs

As previously mentioned, 2022 marked the 20th anniversary of the enactment of HAVA. This presented the agency with an opportune moment to review progress, respond to new developments, and address urgent needs in election administration. In marking this milestone, the EAC undertook new initiatives in 2022 to address ongoing poll worker shortages across the nation.

National Poll Worker Recruitment Day, initially launched by the EAC in September 2020, was the first nationally coordinated event designed to encourage Americans to serve as election workers. Following the success of this event, the EAC held a second National Poll Worker Recruitment Day in January 2022 to bring attention to recruitment needs for primary elections. The timing was intentionally selected to help election officials retain trained and experienced poll workers ahead of the November midterms.

In addition to these efforts, on August 16, 2022, we conducted Help America Vote Day, a second day of action based on feedback from election officials. This event allowed jurisdictions to bring attention once again to the need for volunteers ahead of their scheduled poll worker trainings, or, depending on the needs of the jurisdiction, use it for civic education.

The EAC continues to strategically promote election worker information on social media and our website. We created helpamericavote.gov, a permanent outreach platform in 2020, in service of the first National Poll Worker Recruitment Day. This site offers a custom look-up tool with jurisdiction-specific information sourced directly from election officials. The tool includes such details as official contacts, required training, and polling place hours. Over the course of 2022, the EAC's poll worker webpages had over 263,000 page views. We regularly receive modifications from election offices and, based on their responses, information has been updated for nearly 300 local jurisdictions. The EAC also works closely with the General Services Administration to seamlessly integrate voting-related information at vote.gov.

In 2022, Help America Vote Day and National Poll Worker Recruitment Day helped 41 states and numerous local jurisdictions promote election worker participation. Additionally, the EAC produced comprehensive toolkits to ensure election offices of all sizes could participate in both days regardless of their in-house communications capabilities. These resources remain available for election offices to customize for their ongoing needs.

Looking ahead, the EAC is in the process of selecting future dates in 2023 and 2024 for both National Poll Worker Recruitment Day and Help America Vote Day. Election officials have informed the EAC that these national days of action assist in the planning of recruitment efforts at

the local level. We will continue to offer resources relating to poll worker recruitment, retention, and training leading up to 2024. Given the interest that members of this Committee have shown in these efforts, we would welcome your input moving forward.

Election Security Grants, EAC Operations, and Oversight

A core component of the EAC's mission is distributing, monitoring, and auditing the use of [Federal grants](#) for the improvement of election administration and security. Federal HAVA funds, including the recent appropriations of \$75 million in both FY 2022 and 2023, are a key resource for election administrators dealing with continuing demands of technology advancement. Grant funding in partnership with the states is crucial, and we value your efforts to address the needs of state and local governments through the congressional appropriations process.

The EAC works diligently to advise states on the availability of funds and has an extensive track record with successful and prompt grant administration. Since the agency was established, the EAC has distributed and supported the administration of more than \$4 billion in appropriated HAVA funds. This includes HAVA Section 101 and 251 grants, \$955 million in HAVA election security grants, and \$400 million in Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funds.

Training and technical assistance is a critical service provided by the EAC across all our grant programs to help recipients as they plan and appropriately allocate HAVA funding. In addition to regularly publishing guidance on our website in the form of [frequently asked questions](#), we provide remote technical assistance via email, conference calls, and webinars. We host multiple training sessions throughout the year to support reporting requirements and grants management activities at the recipient level. The EAC has also expanded capacity in the Grants Office by hiring additional staff and adopting a grant management system to enhance the overall grants administration process in support of states.

The agency issued [guidance](#) to the states in June of 2022 regarding the use of HAVA funds for physical security services and social media threat monitoring. This resource outlines how HAVA Section 101 funds can be used to address the current escalation of threats made against Federal, state, and local officials. We stand ready to help as the states endeavor to best apply these funds, but we must do more to protect election official security.

Through a recent congressional appropriation of \$1 million, the EAC will renew a competitive grant program in the fall of 2023. Established under HAVA, this initiative will support the Help America Vote College Program (HAVCP). The proposed HAVCP grant competition includes funding for two grant initiatives: the HAVCP Poll Worker grant and the HAVCP Service Day mini-grant. The purpose of the HAVCP Poll Worker grant is to inspire college students to serve as nonpartisan poll workers or assistants, and to encourage election jurisdictions to take advantage of this pool of young, talented volunteers. The purpose of the proposed HAVCP Service Day mini-grant is to elevate civic participation on college campuses through a day of service and inspire college students to volunteer their time and talents in support of our democracy. Both the poll worker and mini-grant proposal are required to be reviewed and considered by the Office of Management and Budget.

As of March 31, 2023, states have spent a total of \$529 million in Election Security funds appropriated since FY 2018. This represents approximately 56% of available grant funding. The spending rate depends on the state's planned use, with some states allocating the funds for long-term programs or resources. Some states provide these funds to local governments in the form of subgrants while others rely on these funds for staff and materials at the state level. States have also used this funding for materials (like PPE during the 2020 cycle) that were ordered by the states and shipped to local jurisdictions. The EAC remains focused on helping states utilize this vital resource effectively.

We recognize your attention to unspent HAVA Election Security grants and remain deeply committed to the process. With each state prioritizing their own security needs and differing timetables for significant purchases, such as voting system replacement or new statewide voter registration databases, usage rates have varied across the country. The next expenditure reports are due to the EAC on July 30, 2023, and we will update you on the results made possible by these much-appreciated funds.

Grants Oversight

Alongside distribution and administration efforts, the EAC's Office of Inspector General (OIG) recently added resources and staff to better monitor state spending of election security grants. As set forth under HAVA, audits of election security grants are conducted after a state begins to expend the provided funds. Moving forward, the OIG would like to utilize audits more frequently and implement additional oversight checks to increase confidence that grant funding is effective and used appropriately. Agency leadership understands the importance of prudent grants oversight and will continue to carefully implement OIG recommendations.

EAC Operations and Budget

The EAC is grateful for the increased resources provided by Congress in recent years. After facing over a decade of significant fiscal constraints, the EAC returned to pre-2010 budget levels for the first time in FY 2023. The agency has responded by addressing critical needs and providing requested assistance for the election community.

For FY 2020, 2021, and 2022, the EAC successfully adapted and executed the operating budget provided by Congress, ending each year with an obligation rate of over 99%. Congressional funding has been fully utilized and enabled the agency to maximize impact to both the election community and the public. The EAC is well underway in meeting these goals in FY 2023 as we work to meet the expanding needs of election administrators and voters.

With new staff leadership in place, the agency is set to not only continue responsible budget optimization but also continue recent growth. This has a direct impact on improving the security posture of America's elections. For example, the EAC Testing and Certification division is currently in the process of standing up a regional Field Services Program, which will, in consultation with states, bring staff on site to work directly with local election officials on their voting systems. Furthermore, the new director of the Election Supporting Technology Evaluation

Program (ESTEP) has made progress with onboarding technology specialists to further the agency's work on standardizing the security, accessibility, and usability of our nation's innovative election-supporting technologies. Additionally, the agency has facilitated extensive stakeholder engagement with our Federal Advisory Committee Act (FACA) boards through collaborative in-person annual meetings for the first time since the onset of the pandemic.

In April, the Standards Board convened in Phoenix, Arizona followed a week later by the Board of Advisors in Washington, DC. Both forums provided the agency with direct feedback from lawmakers, election officials, and other experts, offering actionable guidance for future actions. The EAC is also looking forward to a meeting of the Local Leadership Council (LLC) in July. As the newest FACA board, the LLC is comprised of county and local election administrators who serve in leadership roles within their state election official associations. We will further discuss the above-mentioned efforts later in our testimony but be assured the agency is carefully utilizing taxpayer dollars and closely adhering to principles of fiscal discipline.

To further enhance collaboration and efficiency, the EAC completed the relocation of our offices to Washington, DC's Judiciary Square. For the first time in almost 10 years, the EAC has been able to host public forums with the elections community in an accessible hearing facility. Our first such meeting occurred on November 15, 2022, where we accredited a Voting System Test Laboratory (VSTL) and discussed lessons learned from the midterms. The offices are designed as an adaptable space that can be used for everything from formal public hearings to roundtable discussions. This facility would not have been created without your support, and we greatly appreciate the funds provided by Congress for moving our offices to a more serviceable location.

We would note that EAC still faces significant attrition challenges, with 20% of agency staff moving to new employment opportunities in FY 2022. It is essential that we regain and maintain adequate staffing levels in mission-critical functions to ensure statutorily mandated requirements are met. Despite these challenges, the agency continues to bolster our services to election officials through strategic growth in staffing across the Commission.

EAC Collaboration with Federal Partners

At the Federal level, we work diligently to improve the lines of communication between agencies, election jurisdictions, and ultimately the public. In 2017, the EAC and Cybersecurity and Infrastructure Security Agency (CISA) established the Election Infrastructure Subsector (EIS) [Government Coordinating Council](#) (GCC). Through this interagency organization, the EAC is able to coordinate our services and communications with both CISA and the Federal Bureau of Investigation (FBI). We continue to work closely with CISA as they provide services and information that support the EAC's mission. The EAC has served as co-chair of the GCC Executive Board and, as such, participates in regular meetings with other Federal entities.

EAC Efforts to Address Office of Inspector General (OIG) Concerns

On June 1, 2023, the EAC OIG issued its semiannual report to Congress covering October 1, 2022, to March 31, 2023. This recent report details OIG analysis of EAC programs and recommendations for improvement.

We are extremely appreciative of the OIG's vital oversight efforts and programmatic assistance. Therefore, as the Commission seeks to further modernize and stay competitive, we remain focused on improvements based on oversight recommendations. The EAC is committed to addressing the specific issues raised in the OIG's report and is currently working to resolve outstanding concerns.

In January of this year, the OIG also issued a report entitled, "[Management Challenges for the U.S. Election Assistance Commission in 2023](#)." The report cited areas to strengthen EAC operations, and the EAC is deeply committed to implementing the recommendations where possible. We appreciate these opportunities to improve overall agency processes in order to further assist election officials, congressional stakeholders, and voters.

EAC Legislative Recommendations

Reviewing the OIG's insight into agency operations has reinforced the agency's consideration of the need to update provisions of the EAC's statutory framework. The Commission recently circulated to our congressional stakeholders an outline of legislative recommendations to enhance agency efforts and improve assistance to state and local election officials. These reforms include suggestions such as the elimination of EAC's burdensome requirements under the Paperwork Reduction Act and updates to HAVA that would codify the work of election-supporting technologies within the agency's mission. In response to feedback from election officials, the EAC also proposes extending the EAVS deadline to September 30th. This would allow election officials more time to prepare their responses and permit the agency to conduct a more thorough analysis of submitted data. We appreciate your consideration and have attached a copy of these recommendations for your convenience.

We recognize that the EAC has received funding increases in recent years to assist in meeting HAVA's promise to election administrators. This funding has been vital in getting the agency on track to appropriate funding and staffing levels to support the mission. The impact is already being felt on the ground. Election security and integrity are strengthened when state and local officials can access the much-needed programs and resources the EAC provides, whether these are modern standards for election technology or sharing best practices across jurisdictions. We would encourage you to continue investing in the agency to increase the security of our voting systems moving forward.

Testing and Certification Division

In 2023, the EAC is advancing our testing and certification efforts in several areas. The certification of a voting system does not simply end with a successful test of the system in an accredited laboratory. Rather, the review of these systems continues during the life span of the voting equipment. As a result, the agency is preparing to launch an innovative Field Services Program to help election officials strengthen their overall posture and preparedness with EAC certified or tested systems. This endeavor will bring EAC staff on site to work directly with local officials monitoring election systems and reviewing anomalies.

The new Field Services Program is important for several reasons. First, implementation of field system reviews will ensure that the equipment delivered to jurisdictions is equivalent to what was purchased. The effort will also analyze system hardware and software configurations to verify equivalency of the equipment to EAC certifications. In addition, our Field Services outreach work will include jurisdiction site surveys of voting systems, best practices assessments, collection of system census information, and analysis of anomaly reports. When fully staffed, the program will have six EAC program experts across the country. We recently onboarded the Field Services Program manager and look forward to building out this initiative.

Election Supporting Technology Evaluation Program (ESTEP)

As a part of our election technology efforts, the agency launched the Election Supporting Technology Evaluation Program (ESTEP) in FY 2022. This includes technology like electronic poll books, electronic ballot delivery systems, election night reporting databases, and voter registration portals. Electronic ballot-marking systems, in particular, are essential for assisting voters with disabilities as we strive to meet HAVA's promise of a private and independent vote. These election supporting technologies are crucial tools for both election officials and voters.

As more states and localities adopt these technologies, officials are looking to the Federal government for voluntary standards and guidance. Currently, election administrators must rely on a patchwork of state laws, regulations, and certification programs of varying degrees of applicability, scope, and completeness. Many states have no program of testing or evaluation and seek the support of the EAC. The EAC looks forward to working with Congress to continue to analyze the practicality of this program to offer potential solutions and efficiencies. An established EAC program will provide for the development of robust voluntary standards, testing, guidance, and training material covering election supporting technologies.

In FY 2023, the EAC is implementing electronic poll books (EPBs) as the first technology pilot for ESTEP. EPBs are central to the in-person voting experience in a growing number of jurisdictions. Election officials have leveraged EPBs to streamline the check-in process, automate ballot issuing, and collect and display critical data. We currently have five EPB manufacturers participating in the initiative. The state of North Carolina, which has an in-house EPB system, is also joining the pilot. The EAC expects a second EPB in-house system from a local jurisdiction to enlist in the pilot this month. The goal of the ESTEP program prior to the 2024 election is to put voluntary standards in place for states and jurisdictions to secure their election supporting technologies and increase voter confidence.

Statutory authorization for the EAC to develop standards for this type of election supporting technology would bolster the EAC's position in this area and be an additional benefit to the agency's ongoing election system cybersecurity work. The security of these systems has never been more important. Attacks from nation-state actors against our election infrastructure have specifically targeted election systems in the past, and these attacks are only going to escalate. The EAC's objective is to establish standards for these critical election supporting technologies like the VVSG, which would enhance the security and accessibility of these systems for all users.

Voluntary Voting System Guidelines (VVSg)

In 2022, the Commission made considerable progress by fully operationalizing [version 2.0](#) of the VVSg. The new guidelines incorporate technological advancements in cybersecurity, accuracy, accessibility, usability, and auditability. Adoption of the EAC's new VVSg lifecycle policy, along with the accreditation of two VSTLs, are necessary steps toward the realization of voting systems that are VVSg 2.0 tested and certified. The EAC currently has one system that is being tested against VVSg 2.0. We are diligently working to ease the transition to this improved iteration of the guidelines.

The EAC's [VVSg Lifecycle Policy](#) details how the standards are updated. According to section three of the policy, 12 months after new major revisions of the standards are ready to use for testing, voting systems must be submitted for certification to that latest version. With the accreditation on November 15, 2022, of the first VSTL to test VVSg 2.0, all new or modified voting systems must be tested to VVSg 2.0, with certain exceptions to allow the maintenance of fielded systems, beginning November 16, 2023. The VVSg Lifecycle Policy also calls for an annual review of the requirements.

We would also like to take this opportunity to emphasize that VVSg 1.0 and 1.1 certified voting systems will not be decertified by the EAC as the result of migration to the new guidelines. They will continue to be tested and updated with security patches. Much like fuel economy standards for motorized vehicles, the updated standards for voting systems will improve future generations of voting equipment. However, voting systems that are currently deployed are still accurate and reliable, may continue to be used, and do not need to be replaced or recertified to VVSg 2.0.

It is unlikely that systems certified to the VVSg 2.0 will be used in the 2024 elections. By necessity, it takes time for testing, procurement and deployment, and time is insufficient for systems to be put in place ahead of the primaries. However, the systems tested to previous iterations continue to be secure and accurate. Congress and the American people should have absolute confidence in this process. The EAC has amplified this message by recently publishing a communications toolkit to assist election officials in communicating about VVSg standards updates and election security. We will keep promoting this trusted source of information throughout 2023 and 2024.

Additionally, the EAC will continue to assist state and local election officials as they communicate with voters and stakeholders about what VVSg migration means in their jurisdictions. It will take time and significant monetary expenditure for jurisdictions to implement new systems certified under the rigorous VVSg 2.0 process. There is still much work to be done and the EAC is doing everything possible to assist states with this key tool for boosting confidence in the critical infrastructure of our election systems.

Other Testing and Certification Initiatives

As the cybersecurity threat landscape across the election community continues to evolve, the EAC is planning a voluntary Coordinated Vulnerability Disclosure Program. The need to quickly identify and respond to vulnerabilities to our voting systems is critical. The EAC will lead the

program alongside our Federal partners at CISA and the National Institute of Standards and Technology (NIST). Development of this program is in its infancy, and it will require staff and resources to fully realize. It is, however, a priority for the Commission.

NIST and the EAC are also developing a research study that will harness interviews with election administrators to better understand which technologies and supportive processes could increase voter trust and confidence in election outcomes. NIST will investigate whether end-to-end verifiable voting systems offer properties that address election officials' concerns. This research will use qualitative interview methodology to explore security, usability, and accessibility prerogatives, including those related to the various properties that end-to-end verifiable voting systems addresses.

Information Security

As the agency strives to bolster election security, we also remain keenly aware of the need to protect the EAC's information technology and security systems. In furtherance of this pursuit, the EAC is engaged in a digital transformation project with the goal of automating existing manual processes to improve operational efficiency, customer experience, and agency scalability.

As the tempo and scope of the EAC's mission continues to increase, leadership recognizes the importance of modernizing the agency's systems and processes. From a customer service perspective, the project will improve communication between our grants division and grantees and facilitate the award and administration of formula and competitive grant programs, such as HAVA Election Security Grants and the HAVA College Program funded by Congress in FY 2023. The project will also ease the burden on jurisdictions participating in the EAVS by streamlining data collection and automating data quality checks. Internally, the effort will improve project management, staff development, budget planning, and process instrumentation.

We also remain on track to meet the zero trust architecture requirements of Executive Order 14028, Improving the Nation's Cybersecurity. Over the past year, the EAC has decommissioned legacy infrastructure and become 100% cloud native. This includes moving to a modern identity management infrastructure providing phishing-resistant multifactor authentication, single sign-on, and conditional access as well as eliminating the agency's reliance on access technologies such as VPN. All EAC data storage is fully encrypted with remaining communications encryption planned for implementation in FY 2023. The EAC is enrolled in CISA's continuous diagnostics and mitigation (CDM) program with automated reporting to the Federal dashboard. In the coming months, the EAC will improve its logging, domain name service (DNS), and data classification capabilities to achieve a mature zero trust architecture.

New and Future Clearinghouse Services

The EAC's Clearinghouse Division, composed of former election officials and subject matter experts, helps the agency share tools for both the public and election administrators including best practices, information for voters, and other resources. In this role, the EAC serves as a trusted source of nonpartisan election information. The Clearinghouse Division also develops materials and meets with stakeholders and state and local officials.

In anticipation of the 2022 and 2024 elections, the Clearinghouse Division has released more than 60 products over the past two years to assist election administrators. These range from resources on physical security threats against election officials, to EAVS data collection and analysis. Furthermore, Clearinghouse products offer overall guidance to new election officials in conducting elections, such as improving chain of custody procedures, auditing, and better serving voters with disabilities. All of the products developed by the Clearinghouse Division are guided by the parameters set forth in HAVA.

2022 Election Administration and Voting Survey (EAVS)

In the coming weeks, the EAC will publish the 2022 [EAVS](#) report. This biennial report is the agency's flagship research initiative, collecting nationwide data on election administration from nearly 6,500 local election jurisdictions across all 50 states, the District of Columbia, and U.S. territories. The EAVS compiles state-by-state, jurisdiction-by-jurisdiction data on a wide variety of election administration topics, including voter registration, military and overseas voting, domestic by-mail voting, polling place operations, provisional ballots, voter participation, and election technology. EAVS data is utilized by countless stakeholders in the election community, including members of Congress, legislative staff, Federal officials, journalists, academics, advocates, and election officials.

This will be the 10th iteration of the survey since the first EAVS in 2004. The EAVS consists of two surveys: (1) the Policy Survey which collects qualitative information on state election laws, policies, and practices; and (2) the EAVS which collects mostly quantitative election administration data. The 2022 Policy Survey included new questions on issues such as drop box usage, mail ballot curing, UOCAVA ballot transmission and return methods, state auditing practices, and more. Questions were also added to the EAVS to request jurisdictions report numbers for: drop boxes used, mail ballots successfully cured, new poll workers recruited, and provisional ballots cast as based on justification.

After the 2022 EAVS report and data are released, the EAC will publish interactive data and one-page briefs for each state. The agency is also conducting an election data summit on July 19th in Washington DC to further discuss EAVS and other relevant elections research. Planning for the 2024 survey will begin in the fall of 2023 and will include revisions to Section A on voter registration and list maintenance data. The EAC released [a report](#) in July 2022 which discusses in further detail many of the anticipated changes.

Election Worker Security

The escalation of threats to election officials and poll workers is of great concern to the EAC. The agency has taken a proactive approach to distributing information on EAC clearinghouse resources and election security grants assistance.

In late 2021, the EAC launched a webpage for security-related concerns: [Security Resources for Election Officials](#). This dedicated landing page serves as a resource for election workers who may face personal threats in the workplace. We regularly update this comprehensive guide to include

information from the FBI and Department of Justice. The site includes best practices specific to the physical security of poll workers, securing personal information online, practical training videos, information on submitting reports to law enforcement, helpful toolkits, and the most recent updates from our Federal partners. The EAC will provide additional clearinghouse products moving forward as the security environment continues to evolve.

Assisting Voters with Disabilities

The EAC is committed to continuing our support of election officials as they fulfill the requirements of both HAVA and the Americans with Disabilities Act (ADA) to ensure elections are fully accessible. We have taken additional steps to serve voters with disabilities by hiring a full-time subject matter expert for accessibility, establishing an internal accessibility working group, continuing EAC research on disability-related voting issues, and expanding our accessibility resources and programs.

Currently, the EAC is working on a national study to document the experience of voters with disabilities in the 2022 midterms. The survey results, which will be finalized in summer 2023, will include key information on voter access. The agency commissioned the study with the assistance of veteran researchers at Rutgers University who have extensive experience conducting similar studies with the EAC. While initial study results indicate progress has been made, we anticipate that a closer analysis will reveal areas of persistent inadequacy. The Commission intends to use these results to produce actionable items that are necessary to meet HAVA's vision of fully accessible elections.

Additionally, the EAC will publish video training materials later this summer related to serving voters with disabilities. The series of brief videos on accessibility and disability awareness will be a valuable resource for election officials and others interested in voting accessibility. The EAC worked with the National Center for Accessible Media (NCAM) to produce these training modules.

Among numerous other resources on voting accessibility, EAC has released checklists for election officials on accessibility for [In-Person Voting](#), [Voter Registration](#), and [Voting by Mail](#). The agency also publishes checklists and best practices pertaining to assisting voters with language access needs. [These resources](#) were updated following the most recent release of Section 203 of the Voting Rights Act requirements, which require 330 jurisdictions to provide language accessibility resources for voters. Moving forward, we will continue to advance voting access across all EAC divisions and seek new opportunities to meet HAVA's promise of a private and independent vote for all Americans.

The EAC has also partnered with the University of Rhode Island to create a video series that allows election officials to learn from the results of thousands of computer simulations of the voting experience. These videos provide visual representations of voting locations, equipment, and the people involved, all with a goal of increasing efficiencies and minimizing wait times for voters. Information about the [Processes Simulations series](#) is available on the EAC's website. The videos address polling place consolidation, polling place line alleviation, and polling place line

interruptions simulations. More simulations will be added in FY 2023 with the goal of addressing other critically important topics, such as the placement of accessible voting technology at the polls.

Additional Clearinghouse Products and Services

To build on existing data and services, the Clearinghouse Division recently released an updated [Election Management Guidelines \(EMG\)](#). This comprehensive resource assists election officials. The updated version covers 19 chapters on topics such as voting system certification, system security, accessibility, ballot building, absentee voting, and recounts, with increased focus on relevant election technologies that have changed since the last EMG from 15 years ago. As the field of election administration continues to see high levels of turnover, the EMG represents an important addition to EAC's growing library of resources for future elections.

Other resources from the EAC include [list maintenance tools and resources](#), a comprehensive [guidebook on chain of custody](#), a detailed overview of [different types of audits](#), and information on the [proper disposal of unused election equipment](#). In addition, as election officials field increasing requests for public records, the EAC has developed a [guide and webpage](#) to highlight best practices in this area. This resource discusses innovative methods that election administrators can use to respond to public record requests efficiently and transparently. We also plan to release an updated Guidebook for Recruiting College Poll Workers to assist potential grantees with the College Poll Worker program in FY 2023.

Recognizing the need for improved list maintenance practices, the EAC is implementing a pilot project on new tools in this field. The agency plans to incorporate resources from a leading credit bureau along with selected state and local jurisdictions to enhance list maintenance practices. The pilot aims to determine "best addresses" for voters who have not responded to notifications or other attempted inquiries on their current registration status. The EAC expects to launch the initiative later this year. In addition to these efforts, the Clearinghouse Division also regularly solicits feedback from stakeholders and the EAC's advisory boards and develops services to meet election official needs.

Online Clearinghouse Network for Election Officials

In anticipation of the 2024 Election, the EAC is also continuing work on the EAC Clearinghouse Network – a collaborative peer-to-peer platform where election officials can find resources, connect with experts and colleagues in other jurisdictions, and discuss emerging issues. To fulfill the mission of the EAC's clearinghouse function, the agency recognizes that election officials must be able to easily communicate with each other on common issues and solutions. This resource offers a secure platform for that important collaboration.

The network is organized by community topics, and individual posts and resources can be tagged. Users can also list their skills and interests on their profiles, making it easy for community members to connect with experts on specific subjects. Election officials themselves are often an excellent source of hands-on experience and direct primary information, and the EAC applies their hands-on experience to facilitate discussions between states and localities on many election administration topics. The Clearinghouse Network will first be used to serve our FACA Board

members who directly advise the EAC. This initial stage of this project will commence over the next few weeks, with an expanded controlled launch of this system occurring throughout the summer and beyond.

EAC Public Forums

To engage the public at large, the agency hosts open meetings on various topics of interest to election administrators and voters. Early this year, we facilitated public forums on poll worker recruitment and list maintenance. Most recently, on April 26th, the EAC hosted an in-person discussion on [serving military and overseas voters with election officials and subject-matter experts](#). This is the fourth public meeting the EAC has hosted since November 2022 when the agency's new hearing room opened in Washington, DC. Previous public meetings have focused on VVSG 2.0, poll worker recruitment, and list maintenance best practices.

As we continue to prepare for 2024, topics for future forums are likely to focus on voter education and civic engagement, accessibility for voters with disabilities, and continuity of emergency operations. The EAC takes a comprehensive approach under our agency's mission to assist state and local election officials and offer innovative tools for their success.

Clearinghouse Awards

In late May, the EAC announced the 24 winners of the 2022 [Clearinghouse Awards](#) recognizing best practices in election administration. Also known as the "Clearies," the awards program celebrates the hard work of election offices across the country by honoring programs implemented in the 2022 midterms. The seven Clearies award categories cover a variety of topics from poll worker training and recruitment to efforts to improve access for voters with disabilities.

The latest awardees include jurisdictions of varying sizes, from states with 6.5 million registered voters to counties with approximately 80,000 registered voters. Now in its seventh year, the Clearies play an essential role in fulfilling the EAC's mission to serve as a clearinghouse for election administration under HAVA.

New EAC Website

To share the EAC's resources more effectively for 2024, the agency is launching an updated version of [EAC.gov](#) that improves the website's usability, accessibility, and organization. The new design ensures a consistently high-quality experience for visitors across all web platforms. Interactive visualizations have been added to highlight key data related to the EAC's mission and resources. Back-end improvements will help staff deliver and maintain information critical to the nation's election administrators, voters, and other key stakeholders.

Conclusion

With the 2024 election cycle quickly approaching, election officials face an ever-growing list of responsibilities and challenges. The EAC is working diligently to help them prepare for the

expected and unexpected. We at the EAC work hand-in-hand with election officials to meet these challenges and help them provide the best voting experience possible to every voter.

More than 20 years ago, HAVA charged the EAC with providing comprehensive assistance to election administrators across the U.S. Since that time, the agency has worked closely to support our nation's elections by distributing grant funds, certifying voting systems, highlighting best practices, publishing clearinghouse resources, and offering additional support. The inclusive vision of HAVA calls on the EAC to assist election officials and voters, and we embrace this mission wholeheartedly. Similarly, the nonpartisan approach of election administrators has continued to promote confidence in voting, while advancing civility throughout America's electoral process.

Thank you for your continued support of the EAC and your commitment to election administrators, poll workers, and voters in localities across the nation. As mentioned previously, the leadership of the Committee has been instrumental to the agency's efforts. Truly, our work would not be possible without your support in investing in the elections process and the men and women who make up the election community. There is still work to be done and we look forward to working closely with you on these and other important matters. We welcome any questions or feedback you may have.

Testimony Addendum
U.S. Senate Committee on Rules and Administration
Hearing on Oversight of the U.S. Election Assistance Commission



U.S. Election Assistance Commission
June 7, 2023

Clearinghouse Resources

The EAC's Clearinghouse Division, composed of former election officials and subject matter experts, helps the agency share tools for both the public and election administrators including best practices, information for voters, and other resources. In this role, the EAC serves as a trusted source of nonpartisan election information. Since 2021, the Clearinghouse Division has released more than 60 products to assist election administrators. Some of these resources are listed below. Among these resources are 26 one to two-page [Quick Start Guides](#), a series of accessibility checklists, and the [Election Management Guidelines \(EMG\)](#), a comprehensive resource that covers 19 chapters on election administration topics. These resources are a critical piece of the EAC's mission to help election officials facilitate secure, accurate, and accessible elections for every voter.

- [Alternative Voting Methods in the United States](#)
 - **Categories:** Alternative Voting Methods; Election Administration
 - This document was created to provide information on the use of alternative voting methods across the country, including the different methods that are currently being considered or used, the ways that alternative voting methods may be adopted, special uses for alternative voting methods, administrative considerations, and case studies of jurisdictions that have conducted elections using alternative voting methods.
- [Best Practices: Accessibility for Voting by Mail](#)
 - **Categories:** Accessibility; Voting by Mail
 - This document highlights the primary barriers to voting by mail and provides best practices to help ensure voters with disabilities have equal access to this crucial voting option. Election officials, policymakers, and advocates can utilize this guide's checklists and best practices to better serve this community.
- [Best Practices: Chain of Custody](#)
 - **Categories:** Election Security; Chain of Custody
 - Chain of Custody refers to the processes, or paper trail, that documents the transfer of materials from one person (or place) to the next. Every state and local jurisdiction has its own controls for ensuring the chain of custody of election materials is properly maintained. This document is intended to provide examples of best practices, checklists, and forms for maintaining a proper chain of custody.
- [Best Practices: Election Technology Security](#)
 - **Categories:** Election Security; Technology
 - Election administration requires careful attention to security to maintain the integrity of the entire voting process. Election officials must develop and follow procedures to ensure the security of all components of the election process—from

voter registration through final results certification. This document highlights security features that are essential for protecting election technology.

- [Best Practices: FAQs](#)
 - **Categories:** Communication; Elections Websites; Toolkits
 - Election administration in the United States is highly decentralized, with each state having a unique set of laws that govern voting procedures. Recognizing the breadth of voting practices throughout the country and that local election officials are the best source of trusted information, this toolkit is designed to assist election officials in creating (or improving) FAQs for their websites. Additionally, the toolkit provides social media guides that election officials can use to quickly promote their FAQs as a trusted source of information.
- [Best Practices for Accessible In-Person Voting](#)
 - **Categories:** Accessibility; In-Person Voting
 - This guide highlights the primary barriers to accessibility during in-person voting and provides best practices to ensure equal access to all aspects of the in-person voting experience.
- [Best Practices for Accessible Voter Registration](#)
 - **Categories:** Accessibility; Voter Registration
 - This guide highlights the primary barriers to accessibility in the voter registration process and provides best practices to help ensure voters with disabilities have equal access to this crucial first step of the voting experience.
- [Best Practices: Public Records Request](#)
 - **Categories:** Public Records Requests; Voter Services
 - This webpage and document highlights the innovative methods that election offices have used to efficiently respond to public records requests, as well as providing more resources for additional information.
- [Best Practices: Unwritten Languages](#)
 - **Category:** Language Access
 - Unwritten languages can provide unique challenges for meeting the requirements of Section 203 of the Voting Rights Act. The unwritten languages currently covered by Section 203 include Aleut, Apache, Inupiaq, Pueblo, and Yup'ik. This document provides a general overview for meeting the language access requirements for these or other unwritten languages.

- [Byrne Justice Assistance Grants \(Byrne JAG\) Memo](#)
 - **Categories:** Election Official Security; Grant Funding; Law Enforcement
 - The U.S. Department of Justice (DOJ) established a task force to address ongoing threats of violence against election workers, administrators, officials, and volunteers. During the [Task Force's](#) work, the DOJ received inquiries regarding grant programs to protect election workers and the voting process. On January 26, 2022, the DOJ issued [guidance](#) that funds from the Edward Byrne Memorial Justice Assistance Grant Program (Byrne JAG) may be used to protect election workers from violence and criminal threats of violence. This three-page memo provides information about the program and how state and local election officials can access or seek more information about these resources.
- [Checklist for Securing Election Night Results Reporting](#)
 - **Categories:** Election Results; Election Security
 - Election officials can use the Checklist for Securing Election Night Results Reporting as a baseline to assess their current Election Night Reporting cybersecurity protocols. These protocols would be in addition to other physical and administrative procedures election officials implement to ensure data reliability, including documented chain of custody, data verification procedures, and using certified technology to tabulate vote totals.
- [Communicating Election and Post-Election Processes Toolkit](#)
 - **Categories:** Communications; Election Observation; Toolkits
 - Use this toolkit to create educational materials about pre- and post-election processes that observers and the public can understand. Election officials in any size jurisdiction can adapt this toolkit to fit their observer and voter education needs. This toolkit includes a full suite of images and document templates to help voters better understand these critical election processes, both in-person and online.
- [Disposal of Election Equipment](#)
 - **Categories:** Election Security; Voting Systems; Technology
 - As election jurisdictions procure new election technologies, they will often need to dispose of outdated election equipment. This document provides guidance and best practices election officials should take prior to the disposal, sale, or destruction of election equipment.

- [EAC Testing and Certification Program](#)
 - **Categories:** Election Security; Voting Systems; Technology
 - The EAC's national voluntary voting system certification program is intended to independently verify that voting systems comply with the functional capabilities, accessibility, and security requirements necessary to ensure the integrity and reliability of voting system operation, as established in the Voluntary Voting System Guidelines (VVSG). The purpose of this document is to provide an overview of the EAC Testing and Certification program.
- [Election Audits Across the United States](#)
 - **Category:** Audits
 - Election audits ensure voting systems operate accurately, that election officials comply with regulations or internal policies and identify and resolve discrepancies to promote voter confidence in the election administration process. There is no national auditing standard, and methods can vary from procedural, traditional, risk-limiting, tiered, or a combination of one or more types. This document provides detailed information about the types of audits conducted in the United States, as well as timing, case studies, and additional state-specific information.
- [Election Certification](#)
 - **Category:** Election Results; Election Certification
 - Election certification refers to the process of election officials attesting that the tabulation and canvassing of the election are complete and accurate and that the election results are a true and accurate accounting of all votes cast in a particular election. After the canvass, election officials certify election results using a variety of methods. Many states authorize a local board to canvass and certify election results. Other states authorize the Chief Election Official to canvass and certify election results. Many states also have state canvassing boards that are responsible for aggregating local results and certifying official results at the state level. Other states authorize a single official, such as the Secretary of State, to aggregate and certify official election results. The timeframe for local election officials to complete the certification process ranges from one day after the election in New Hampshire to 30 days after the election in West Virginia.
- [Election Management Guidelines \(EMG\)](#)
 - **Category:** Election Administration
 - The EMG was created to assist state and local election officials in effectively managing and administering elections. These guidelines complement the technical standards for the Voluntary Voting System Guidelines for voting equipment. Each chapter of the Election Management Guidelines is vetted by recognized election

experts and offers practical discussions of election issues, including examples and helpful tips. The EMG's goal is to familiarize election officials with election processes and challenges they will likely encounter during their tenure and is designed to be accessible to election officials at all levels.

- [Election Official Alert: Paper Supply Chain Risk Management](#)
 - **Categories:** Election Security; Supply Chain; Continuity of Operations Planning
 - This three-page document, from April 2022, provides information about the current risks to the paper supply chain for election officials. This paper also provides a detailed breakdown of these risks by election process type, including possible mitigation strategies election officials can use when planning for this year's elections.
- [Election Official Security](#)
 - **Categories:** Election Security; Election Official Security
 - No one should have to face violent threats at work, but unfortunately, this is the reality for many election officials. There are proactive steps election officials can take to improve their personal security, and it is critically important to document and report every threat and develop a working relationship with federal and local law enforcement. This website provides a quick reference for election officials who may be facing personal threats while at work.
- [Election Results Reporting](#)
 - **Category:** Election Results
 - The election results reported on election night are never the final, certified results. Election officials well know there are various other steps and factors that impact when election results are final. Communicating that information with the public can be a challenge. To help communicate the nuances of this process, the EAC developed several resources to assist election officials as they educate voters.
- [Fact sheet: Disability and Voter Turnout in the 2020 Elections](#)
 - **Categories:** Accessibility; Voter Turnout; Research
 - An estimated 1.95 million people with disabilities had trouble voting in 2020, but according to this report by the Program for Disability Research at Rutgers University and the U.S. Election Assistance Commission, accessibility was significantly improved compared to previous elections. For more information about voter turnout and trends for voters with disabilities during the 2020 election, you can view our roundtable discussion on this topic below:

- [Geo-Enabled Elections](#)
 - **Categories:** In-Person Voting; GIS
 - Many elections offices are integrating geographic information systems (GIS) as a tool to create, manage, and analyze election data. This guide helps election officials identify and secure the resources necessary to create and maintain a GIS database. Election officials can use this guide to learn the basics of using GIS to improve election administration.
- [Glossary of Election Terminology](#)
 - **Category:** Election Administration
 - The Glossary of Election Terminology contains nearly 1,300 terms and phrases used in the administration of elections in the United States. The purpose of the glossary is to provide election officials with a comprehensive resource of common words and phrases used in the administration of elections. This glossary has also been translated into 21 languages.
- [Guide to the Canvass](#)
 - **Category:** Canvassing; Election Administration
 - The canvass is a culmination of all the data generated during an election cycle. More importantly, it is a process that allows election officials to confirm the accuracy of election data and identify areas for improvement. The canvass process aggregates and confirms every valid ballot cast and counted, including mail, uniformed and overseas citizen, early voting, Election Day, and provisional ballots. Election officials can find information about the canvass process in the Guide to the Canvass. This document includes best practices for conducting post-election canvasses, including checklists for key parts of the canvass.
- [How to Work with State Legislators](#)
 - **Categories:** State Legislators; Communications
 - This brief guide outlines five key principles to empower local election officials to embrace an educational mindset and engage with legislators and the legislative process.
- [Incident Response Checklist](#)
 - **Categories:** Election Security; Continuity of Operations Planning; Communications
 - During early voting and Election Day, communications between election officials and voting locations are extremely important. When incidents occur, communication needs to be quick and should convey informed decisions about how to respond. Election officials, poll workers, community leaders, and election

stakeholders should help develop and understand the plan. This EAC checklist aims to make incident response easier to plan, implement, and assess.

- [Language Access and Accessibility](#)
 - **Categories:** Accessibility; Language Access
 - **Summary:** Election officials must communicate information so that voters with disabilities that impact their hearing, seeing, speaking, reading, writing, or comprehension can understand. Recognizing the intersection of language access and disability ensures that election officials produce materials accessible to all voters when meeting language access requirements. This document provides brief case studies and a checklist for video, audio, and image accessibility.
- [Language Access Program Checklist](#)
 - **Category:** Language Access
 - In 2019, 26.9 million people in the U.S. had limited English proficiency, and 67.8 million people spoke a language other than English at home. 331 jurisdictions and 3 states are currently covered by Section 203 of the Voting Rights Act, which requires jurisdictions to provide language access for communities that meet certain criteria. Of these 331 jurisdictions, an additional 68 are newly covered under Section 203 in 2021. This two-page checklist is intended to assist election officials in their role in “enab[ling] members of the applicable language minority groups to participate effectively in the electoral process.” 28 CFR § 55.2(b)
- [Language Access Resources](#)
 - **Category:** Language Access
 - The Voting Rights Act (VRA) requires that certain state and political subdivisions provide language assistance during elections for certain language minority groups who are unable to speak or understand English adequately enough to participate in the electoral process. As of 2021, Federal law requires over 330 jurisdictions to provide some type of language assistance. This webpage provides a variety of resources for federal, state, and local jurisdictions related to language access for voters.
- [Local Election Officials’ Guide to Redistricting](#)
 - **Categories:** In-Person Voting; Redistricting
 - Redistricting applies to all levels of government where district elections are held, although not all jurisdictions will be subject to or require new boundaries to be redrawn. Although election officials share basic responsibilities for updating newly redrawn political districts in their records, there are variations in the size of their offices, technical abilities, budgets, and the resources available to update and

audit precinct and district boundaries. In addition, because redistricting usually only occurs once every 10 years, it is possible the officials responsible for managing redistricting has only overseen the process one or fewer times. The purpose of this document is to provide general guidance to assist election officials when making technical changes to precinct and district information in election systems.

- [National Poll Worker Recruitment Day](#)
 - **Categories:** Communications; Poll Workers; Toolkits
 - Established in 2020 by the U.S. Election Assistance Commission, National Poll Worker Recruitment Day is a day of action with the goal of encouraging potential poll workers to sign up to Help America Vote. This toolkit provides information, sharable graphics, and other resources to help your community participate.
- [Native Americans and Disability Access](#)
 - **Categories:** Accessibility; Native Americans
 - **Summary:** Native American voters face multiple barriers to participating in elections, from language access issues to registering to vote at nontraditional addresses. Additionally, Native Americans have the highest rate of disability among all American ethnicities and racial groups, with nearly 1 in 4 Native Americans having a disability. The intersection of these challenges can make voting especially challenging among Native American communities. This one-page document discusses these challenges and offers solutions to promote equitable access to the ballot.
- [Personal Security for Election Officials Checklist](#)
 - **Category:** Election Official Security
 - This one-page checklist provides a quick reference overview for ways election officials can take proactive steps to improve their personal security.
- [Polling Place Consolidation Simulations](#)
 - **Categories:** In-Person Voting; Polling Places
 - This simulations video series is intended to help election officials develop a polling place consolidation program. It provides visual interpretations of voting locations, equipment, staff, and explores how different strategies may work in practice at a voting location.

- [Polling Place Line Alleviation Simulations](#)
 - **Categories:** In-Person Voting; Lines
 - This simulations video series is intended to help election officials develop strategies for alleviating long lines at polling places. The simulations in this series explore different strategies based on voting processes, available resources, and voter arrival patterns. Through these video simulations, election officials will be able to visualize how these strategies may work in practice at a voting location.
- [Quick Start Guides](#)
 - **Category:** Election Administration
 - The U.S. Election Assistance Commission's 2022 revision of the Quick Start Guides (QSG) series includes 26 guides that summarize and highlight election administration information in the United States. The goal of the QSG series is to provide a collection of helpful tips and practices to assist state and local election officials in effectively managing and administering elections. This series includes updated best practices and new topics to help election officials run efficient elections. The best practices are designed to be practical and applicable to jurisdictions regardless of their size and resources. The suggestions outlined in the QSG series are solely designed to serve as a source of information for election officials and not as requirements by which they must abide.
- [Removing Personal Identifying Information \(PII\) from a Google Search](#)
 - **Category:** Election Official Security
 - Personal information, which is often part of the public record for election officials, administrators, poll workers, and others associated with conducting elections, can be exploited and shared online for the purpose of intimidation and harassment. One option for election officials to remove URLs containing personal information is Google's newly expanded Personal Identifying Information (PII) Removal process. This EAC memo provides information about the program and how state and local election officials can access or seek more information about this process.
- [Supply Chain Considerations for Election Officials](#)
 - **Categories:** Election Security; Supply Chain; Continuity of Operations Planning
 - Election officials are contingency planners and as any election approaches, especially federal elections, the EAC understands the planning that officials are doing to serve voters. In 2022, paper supply chain challenges are a concern for election officials as the midterm primaries and general election near. This page contains resources addressing the paper supply chain issues for election officials and recommendations on how to mitigate the impact of these challenges.

- [UOCAVA Resources](#)
 - **Categories:** Military and Overseas Voters; Voter Services
 - This webpage contains new UOCAVA voter resources, including a quick start guide, pocket guide, fact sheet, as well as an interactive map to see how UOCAVA policies differ by state.
- [Voluntary Voting Systems Guidelines \(VMSG\) Deprecation](#)
 - **Categories:** Election Security; Voting Systems; Technology
 - This webpage and resources were created to support election officials in communicating about the continued security and certification of VMSG 1.0 and 1.1 certified voting systems.
- [Voter List Maintenance](#)
 - **Category:** Voter List Maintenance
 - This webpage was created to assist election officials with maintaining an accurate voter registration list. Keeping voter registration lists up to date is a continual process that includes adding new eligible voters, updating voter registration information when a voter moves and removing ineligible voters.
- [Voting 101: Election Information for New Voters](#)
 - **Categories:** Communications; Voter Education
 - New voters have commonly asked questions on many aspects of voting. While the specifics may vary on the state and local level, there is basic information that is helpful for all new voters. This double-sided flier is a printable resource intended to cover the basic questions new voters have and to share resources to find out more information.
- [Voting Access for Native Americans: Case Studies and Best Practices](#)
 - **Categories:** Native American Voters; Voter Services; Voter Education
 - Native Americans are both citizens of their tribes and citizens of the United States. Native American communities are unique within the American political structure and have equally unique challenges to fully participating in United States elections. This document provides detailed background information, case studies, and best practices for providing voting information and services to these diverse communities.
- [Voting System Security Measures](#)
 - **Categories:** Election Security; Voting Systems; Technology
 - This guide outlines some of the many best practices local election officials follow to secure voting systems through an election cycle. It's important to note this is a

broad list of common security measures and procedures to protect the integrity of an election. The types of security measures may vary based on the voting systems in use in state and local jurisdictions. We hope this will also be a helpful resource for election officials as they work to educate the public on this critical part of election administration. This resource and other information for voter on election security is available [here](#) and resources for election officials on election security is available [here](#).



U.S. ELECTION ASSISTANCE COMMISSION
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**U.S. Election Assistance Commission
Legislative Proposals
May 2023**

Below are the EAC's legislative proposals for improving overall agency operations in order to further assist election officials, congressional stakeholders, and voters.

Provide Election Officials and Congress with Timely and Actionable Information

1) Proposal: Empower the EAC to collect relevant information from states and jurisdictions to quickly disseminate best practices throughout the country. This will allow the EAC to assist election officials by exempting the agency from the mandatory Paperwork Reduction Act (PRA) process.

Justification: When Congress established the EAC through the Help America Vote Act of 2002 (HAVA), it transferred from the Federal Election Commission (FEC) the responsibility of serving as the nation's clearinghouse for information on the administration of elections. To be an effective clearinghouse, the EAC must collect information from state and local election officials in a timely manner so agency guidance and work products are up-to-date and actionable to stakeholders at the time of dissemination.

Compliance with the PRA involves a lengthy process that requires considerable time and resources. The requirements impede the EAC's efforts to collect critical time-sensitive information from state and local election officials. Given that election integrity and cybersecurity play a vital role in our national security, the EAC's ability to respond to evolving threats by quickly distributing alerts and guidance is essential, especially in today's environment of heightened election security concerns. Often clearinghouse work products and election guidance are unique to a given election cycle, and the PRA serves as a serious barrier to the EAC's efforts in quickly providing information to stakeholders. Any burden from voluntarily answering the EAC's questions is outweighed by the benefit of the clearinghouse to these same stakeholders.

When the PRA was originally codified in 1980, the FEC, which had the election administration clearinghouse duties at that time, was made exempt. The PRA of 1995 continued this exemption for the FEC. Congress implicitly recognized the importance of timely collection and dissemination of election information when it granted a PRA exemption for the FEC. Unfortunately, when the EAC was established in 2002 and took over the clearinghouse duties and other election administration related responsibilities from the FEC, the PRA was not amended to grant the EAC the same exemption afforded to the FEC. This issue should be corrected by adding the EAC to the list of agencies exempt from the PRA.

Necessary Legislative Change: Amend 44 U.S.C. § 3502(1) to add section (E) below, adding the EAC to agencies excepted from the requirements of the PRA.

“(1) the term “agency” means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency, but does not include—

- (A) the Government Accountability Office;
- (B) Federal Election Commission;
- (C) the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions;
- (D) Government-owned contractor-operated facilities, including laboratories engaged in national defense research and production activities; or
- (E) Election Assistance Commission.”

2) Proposal: Preserve the independence of the EAC by adding language to HAVA authorizing the EAC to submit budget estimates, legislative recommendations, testimony, or legislative comments to Congress concurrently with the agency’s submissions to the President and the Office of Management and Budget (OMB).

Justification: For the EAC to preserve its independent status, the agency needs to be able to freely communicate with Congress. It is common for other independent commissions, such as the Federal Election Commission, to have language in their enabling statute authorizing the commission to submit budget estimates, legislative recommendations, testimony, or legislative comments to Congress concurrently with the President and OMB. This addition ensures the EAC can work with Congress on the important independent and bipartisan work of election administration regardless of the posture of any given administration.

In addition, the EAC Inspector General (IG) recently issued a comprehensive report entitled, [“Management Challenges for the U.S. Election Assistance Commission in 2023.”](#) The IG noted the importance of this issue in their recent report.

Necessary Legislative Change: Amend section 205 of HAVA (52 U.S.C. § 20925) by adding a new subsection (f) as follows:

“(f) CONCURRENT TRANSMISSIONS TO CONGRESS.—

- (1) Whenever the Commission submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of such estimate or request to the Congress.
- (2) Whenever the Commission submits any legislative recommendation, or testimony, or comments on legislation, requested by the Congress or by any Member of the Congress, to the President or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress or to the Member requesting the same. No officer or agency of the United States shall have any authority to require the Commission to submit its legislative recommendations, testimony, or comments on legislation, to any office or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress.”

Helping EAC Compete for Talented Leaders

3) Proposal: Amend the Help America Vote Act of 2002 (HAVA) to increase EAC Commissioner executive level pay schedule, as well as that of the Executive Director. This will allow for more competitive compensation throughout the agency and improve retention of election expertise.

Justification: The EAC Commissioners' pay is set by HAVA at [Executive Schedule IV and subject to the 2013 Executive Schedule pay freeze on political appointees](#). Unique to the EAC as specified in HAVA, Commissioners are also prohibited from any outside "business, vocation, or employment" while serving as a commissioner, including teaching. These constraints to the Commissioners' pay contribute to agency-wide pay compression issues and difficulty in recruitment and retention of critical positions at the agency. Competitive salaries at the Commissioner and Executive Director level will also assist with retaining a quorum of qualified election experts to lead the EAC, which is key for the agency's continuity and ongoing success. Past periods without a quorum of Commissioners have caused substantial damage to the agency's reputation with stakeholders. This can be prevented by ensuring that the agency can recruit and retain qualified candidates.

Necessary Legislative Changes:

1) Amend section 203(d)(1) of the Help America Vote Act of 2002 (52 U.S.C. § 20923(d)(1)) by striking "level IV of the Executive Schedule under section 5315" and inserting "level II of the Executive Schedule under section 5314."

2) Amend 52 U.S.C. § 20923(d)(2) by striking the paragraph in its entirety.

4) Proposal: Amend the Help America Vote Act of 2002 (HAVA) to modify the pay ceiling that applies to EAC staff salaries.

Justification: EAC staff pay is currently [limited to no more than level V of the Executive Schedule](#). This limitation leads to pay compression and impacts the ability of the EAC to attract qualified staff and offer competitive salaries. Because of the pay ceiling, recruitment and retention of critical positions are adversely impacted. The EAC currently has more than 55 full-time equivalent employees with strategic plans to add additional crucial staff in 2023. Additionally, partly due to competitive salary considerations, senior EAC staff positions frequently remain unfilled for more than one year, which impacts agency operations.

The IG's recent report, "Management Challenges for the U.S. Election Assistance Commission in 2023," emphasized the impact of salary restrictions and detailed a need to address the pay cap and enable the agency to offer a competitive salary. As referenced in the report, "in addition to meeting its obligations in HAVA, as a small agency, EAC still has the responsibilities of a large agency but with fewer resources to address Executive Orders and other federal requirements. EAC's executive salary caps and restrictions on the Commissioners further hamper the ability to recruit and retain employees."

In the past few years, several reports have been released from the U.S. Office of Personnel Management (OPM) and the U.S. Government Accountability Office (GAO) addressing federal workforce and human capital challenges in the federal government. These reports are focused on ways to recruit private-sector employees; however, the salary restrictions placed on the EAC prevent the agency from competing with other federal agencies in recruiting qualified employees from the private sector. GAO-19-181, *Federal Workforce: Key Talent Management Strategies for Agencies to Better Meet Their Missions*, outlines a list of recommendations that are not available to the EAC due to the pay cap limitations. GAO's strategic recommendations to assist with staff retention and the recruitment of qualified personnel include incentivizing and compensating employees, leveraging existing pay authorities, and strategically applying special payment authorities.

These cumbersome mandates have negative implications for the future recruitment efforts required to fulfill and enhance the EAC's mission, advance information technology initiatives, and protect the agency from cybersecurity threats. As the EAC seeks to modernize and stay competitive, we are focused on the efficient and careful use of federal funding. EAC staff serve both election officials and voters, and the Commission pays close attention to the careful expenditure of taxpayer dollars.

Necessary Legislative Changes:

- 1) Amend Section 204(a)(1) of HAVA (52 U.S.C. § 20924(a)(1)) by striking "level V of the Executive Schedule under section 5316" and inserting "level II of the Executive Schedule under section 5315, except in cases where certain positions are difficult to recruit as designated by the Office of Personnel Management."
- 2) Amend 52 U.S.C. § 20924(a)(6) by striking "level II of the Executive Schedule under section 5316" and inserting "level IV of the Executive Schedule under section 5315."

Enhance EAC's Services to Assist Election Officials

5) Proposal: Add developing voluntary standards, guidance, and training materials including security and accessibility best practices for election supporting technology to the list of EAC duties.

Justification: The EAC seeks to implement a new program to develop voluntary standards, guidance, and training material covering election supporting technologies. Examples of election supporting technologies include electronic poll books, voter registration systems, and accessible ballot delivery, marking and return solutions. These technologies are currently outside the scope of a voting system as defined by HAVA (Section 301) but are frequently used by election officials and voters as part of the overall process of voting. The security and accessibility of election technologies are critically important. Voluntary standards, guidance, and training material will help set a national baseline elevating the quality, security, and accessibility of election supporting technologies available to election officials.

Elections involve critical infrastructure. Election supporting technology, therefore, must be

safeguarded to avoid the risks associated with common cyberattacks including denial of service, ransomware, spear phishing, and exploitation of software vulnerabilities. Ensuring election supporting technologies are accessible to voters with disabilities is necessary for the entire voting experience to be truly equitable, private, and independent. As more state and local election officials look to adopt election supporting technologies, federal voluntary standards and guidance are being sought to buttress the current patchwork of state laws, regulations, and certification programs of varying degrees of quality, applicability, and scope. These stakeholders, through roundtable discussions and federal advisory board meetings, have made it clear that a voluntary federal standard for election supporting technology is needed.

Necessary Legislative Change: Amend section 202 of HAVA (52 U.S.C. § 20922) by adding a new subsection (7) as follows: “developing voluntary standards, guidance, and training materials on the security and accessibility best practices for election supporting technology.”

6) Proposal: Extend the deadline by three months for the biannual Election Administration Voting Survey comprehensive report (EAVS Report) to be submitted to Congress.

Justification: The EAVS Report provides the most comprehensive source of jurisdiction-level data about election administration in the United States. The report assists Congress, election officials, and other stakeholders in identifying trends, anticipating and responding to changing voter needs, investing resources to improve election administration and the voter experience, and better securing the nation’s elections infrastructure.

Elections are increasingly complicated for election officials to run and are often not finalized until weeks after Election Day due to the procedures required. This makes it increasingly difficult for election officials to provide the required EAVS data in time, and we have heard feedback reflecting this reality. Additionally, the amount of data being collected from states and territories has expanded over the years, increasing the amount of time needed to gather, verify, analyze, and publish the EAVS Report. Furthermore, as election misinformation and disinformation have grown more prevalent, additional data verification processes have become necessary. Extending the deadline to submit the EAVS Report to Congress by three months will ensure that it continues to be accurate and comprehensive. Moreover, changing the delivery date from June 30 to September 30 aligns the deadline for the report required under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20308(b)).

Necessary Legislative Change: Amend 52 U.S.C. § 20508(a)(3) by striking “June 30” and inserting “September 30.”



U.S. ELECTION ASSISTANCE COMMISSION
633 3rd St. NW, Suite 200
Washington, DC 20001

June 29, 2023

The Honorable Amy Klobuchar
Chairwoman
U.S. Senate, Committee on Rules and Administration
305 Russell Senate Office Building
Washington DC 20510

The Honorable Michael Bennet
U.S. Senate, Committee on Rules and Administration
305 Russell Senate Office Building
Washington DC 20510

Dear Senators Klobuchar and Bennet:

Thank you for the opportunity to testify before the Senate Committee on Rules and Administration at your hearing on June 7, 2023, entitled, "Oversight of the Election Assistance Commission." It was a pleasure to discuss the ongoing work of the agency and your commitment to free and fair elections.

My fellow Commissioners and I greatly appreciate your steadfast support of the Election Assistance Commission (EAC) and election administrators across the nation. We have made great strides in recent years to further serve state and local election officials and voters. Whether administering Help America Vote Act (HAVA) grants provided by Congress, advancing the Voluntary Voting System Guidelines (VVSG) 2.0, or expanding our Clearinghouse products and services, the agency has worked tirelessly to strengthen U.S. elections.

Enclosed please find responses to your recent questions for the record, which I respectfully submit. Unless otherwise noted, I am solely responsible for these answers and this response does not necessarily reflect the views of my fellow EAC Commissioners.

I look forward to our continued work together to help election administrators provide safe, secure, and accessible elections across the United States. Please do not hesitate to contact us if we can be of further assistance.

Sincerely,

A handwritten signature in blue ink, which appears to read "Christy McCormick".

Christy McCormick
Chairwoman
U.S. Election Assistance Commission

Senate Committee on Rules and Administration

Oversight of the U.S. Election Assistance Commission

June 7, 2023

Questions for the Record from Chairwoman Klobuchar and Senator Bennet

Chairwoman Klobuchar

You testified at the hearing that you have seen an “uptick in safety and security issues across the country” targeting election workers.

- *Can you expand on what the Commission is hearing from state and local election officials on the need to combat these threats, as well as how they are impacting the retention and recruitment of workers for future elections?*

During the past few years, many election officials have left the field citing safety, increased expectations, and a lack of resources. They have expressed sincere gratitude for recent assistance provided by Congress, especially resources dedicated to safety and security. This includes over \$950 million in congressionally appropriated Help America Vote Act (HAVA) election security grants administered by the EAC.

I want to assure you that we will continue to conduct extensive outreach to election administrators in response to their needs on security concerns. According to a recent [survey](#), “Election officials worry about their colleagues, with 45 percent of respondents expressing concern for the safety of other election officials and workers in future elections.” While we have heard that election officials reported fewer safety-related issues during the 2022 midterms, they have expressed concern that the 2024 presidential election will see a resurgence in threats directed at them. At the EAC, we will continue to work to serve election officials through various tools and resources to offer support.

In June of 2022, the agency issued [guidance](#) to the states regarding the use of HAVA funds for physical security services and social media threat monitoring. This resource outlines how HAVA Section 101 funds can be used to address threats made against federal, state, and local officials. To date, states such as Georgia and Washington have utilized HAVA election security grants for these critical needs. We stand ready to help as others endeavor to best apply these funds. The agency aspires to do more and would welcome your input on this matter.

We also work closely with state and local officials through our Federal Advisory Commission Act (FACA) Board members. Our recently established Local Leadership Council (LLC), whose members are exclusively local election officials, identified safety and retention-related issues as key topics for our upcoming annual meeting in July. We will keep you updated on the outcomes from this meeting and would welcome your participation.

In addition, the EAC regularly updates our online landing page devoted to matters surrounding election official security. Our [Security Resources for Election Officials](#) page serves as a resource to workers who may be facing personal threats due to their work in elections. This comprehensive

page includes information from the Federal Bureau of Investigation and Department of Justice. The site includes best practices specific to the physical security of poll workers, practical training videos, information on submitting reports to law enforcement, helpful toolkits, and the most recent updates from our federal partners.

The EAC has also provided additional resources for election officials facing safety concerns, including information on how to remove their personal identifying information (PII) from google searches, training on de-escalation techniques, as well as a personal security checklist. In addition, the agency is working on the development of an election training program, which will provide free instruction to new and current election officials on a variety of topics related to federal law and election best practices. It is our hope this training will help support election officials in their ever-growing work. As we move forward with these vital projects aimed at enhancing the safety of election workers, we will be sure to keep you abreast of our efforts. We look forward to working with you on this important endeavor.

When the Election Assistance Commission administers general HAVA grants for infrastructure security, it requires departments of state to “percentage out” this funding. This forces departments of state to differentiate between election and non-election activity when funding general purpose upgrades, like firewalls.

For example, if the voter registration database in Larimer County only makes up 10 percent of the county’s network, only 10 percent of a protective firewall can be federally funded.

This is not a requirement found in HAVA, but a determination made by the Commission. In Colorado, the Department of State has raised concerns that this actually incentivizes counties to weaken the security of their election infrastructure. Counties break off their voter registration systems from the broader network—creating a duplicate security architecture that requires twice as much time and twice as many resources, with twice as many chances for things to go wrong.

- *How can the EAC work with the Colorado Department of State and others to ensure policies don’t actually hurt election security? Will the EAC commit to reevaluating how general HAVA grant funding can be used in the context of system-wide security upgrades?*

When the Colorado Secretary of State’s Office reached out to the EAC, we promptly responded to their request using HAVA and Uniform Administrative Guidance – 2 CFR 200. The requirement for allocation by ratio of benefit to the federal grant is found in the Uniform Administrative Guidance, which governs all federal grants.

This is not a policy-based decision at the EAC. The law and regulations governing federal grant funds limits the use of HAVA funds only to those items that benefit elections and where it benefits non-election items, HAVA funds can only be used for the election share. This same requirement for allocation applies to accessibility improvements. If there is a non-election benefit, then the costs of the improvement to polling places and other items must be charged according to benefit to the federal election grant.

The Grants Office conducts training on allocation between federal and non-federal benefits, as well as election and non-election benefits. EAC staff administered this training as recently as April 2023 ahead of mid-year financial and progress reporting. Other states have also raised concerns about allocation being a barrier for system-wide upgrades that benefit non-election-related projects. We will continue working closely with grantees concerning questions relating to these important issues.

It should be noted that federal legislative changes would be needed to carve out accessibility and security as fully allocable regardless of benefit to non-elections to make elections both fully accessible and secure. Because the allocation requirements are rooted in 2 CFR 200, the EAC does not have authority to make policy decisions determining otherwise. The EAC is mindful that states have limited resources for administering elections, and we are committed to working with them to identify how HAVA funding can be used most effectively and with the greatest impact. I would welcome further input from your office on this matter as we work to fulfill the promise of HAVA across the nation.

Senator Bennet

Last year, I introduced the Voter Choice Act with Senator King, which would provide \$40 million in federal grants to support state and local governments that choose to experiment with ranked choice voting. Ranked choice voting ensures that every candidate for office receives a majority of the vote. It can reduce partisanship, increase participation, and shrink the cost of holding elections by eliminating runoffs.

These grants would be administered by the EAC and could support up to 50 percent of the cost for new voting equipment and tabulation software, appropriate ballot design, educational materials, and voter outreach initiatives.

- *Could you describe the process EAC would undertake to support states choosing to adopt ranked choice voting?*

I appreciate your dedication to election administration and interest in the EAC. Under the Help America Vote Act (HAVA), the agency is charged with providing extensive clearinghouse tools and resources regarding election processes in use across the U.S.

The EAC's Clearinghouse Division strives to make information available to election officials and the public at large regarding these different voting methods. Accordingly, the agency recently published a report on [Alternative Voting Methods in the United States](#). This report includes a section on ranked choice voting practices. It also details information on the use of other alternative voting procedures across the country. Additionally, the report offers context for alternative voting methods, and examines different types of voting systems currently being considered or used, their special uses, administrative considerations, and case studies of jurisdictions that have conducted elections with various types of alternative voting processes. In addition to these efforts, the EAC Testing and Certification Division is focused on administering the testing and certification of election systems and advancing the [Voluntary Voting System](#)

[Guidelines \(VVSG\) 2.0](#), which incorporates some guidance relating to ranked choice voting provisions.

As you may know, voting systems may be tested and certified by the EAC with ranked choice voting as a feature. However, technical aspects of this process are still being considered by election system vendors. Some EAC certified systems support this functionality and are required to include documentation describing how the voting system is implemented. While there are currently no voting systems certified to VVSG 2.0, the new guidelines contain more specific requirements over VVSG 1.0 regarding casting, tabulation, and reporting for ranked choice voting contests.

As the 118th Congress considers potential election-related legislation, the EAC is reviewing measures pertaining to the agency, including legislation specifically referencing EAC programs. We would be pleased to provide your staff with technical assistance on best practices for grant administration and ballot design, as well as other relevant issues.

Thank you for your interest in the EAC and nonpartisan election administration efforts. We look forward to working with you this year.



U.S. ELECTION ASSISTANCE COMMISSION
633 3rd St. NW, Suite 200
Washington, DC 20001

June 29, 2023

The Honorable Amy Klobuchar
Chairwoman
U.S. Senate, Committee on Rules and Administration
305 Russell Senate Office Building
Washington DC 20510

Dear Senator Klobuchar:

Thank you for the opportunity to testify before the Senate Committee on Rules and Administration at your hearing on June 7, 2023, entitled, "Oversight of the Election Assistance Commission." It was a pleasure to discuss the ongoing work of the agency and our efforts to help election officials prepare for the 2024 elections.

The Election Assistance Commission (EAC) has made great strides in recent years to serve state and local election officials and U.S. voters. In addition to administering election security grants provided by Congress, the agency continues to develop new clearinghouse products and services, bolster cybersecurity efforts, share best practices, recruit a new generation of poll workers, and advance the Voluntary Voting System Guidelines (VVS) 2.0. Moving forward, the Commission aspires to further safeguard the integrity of our nation's elections and instill even more public confidence in their outcomes.

I respectfully submit for the record the following responses to the Committee's follow-up questions. This letter responds to questions from Chairwoman Klobuchar and Senator Bennet. Unless otherwise noted, I am solely responsible for the answers to these questions and the responses do not necessarily reflect the views of my fellow EAC Commissioners.

The EAC looks forward to working closely with you this year. Please do not hesitate to contact me if we can be of further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ben Hovland".

Ben Hovland
Vice Chair
U.S. Election Assistance Commission

Senate Committee on Rules and Administration
 Oversight of the U.S. Election Assistance Commission
 June 7, 2023
 Vice Chair Benjamin Hovland

Questions for the Record from Chairwoman Klobuchar

For over a decade the Electronic Registration Information Center, or ERIC, has helped states share data to update their voter rolls.

- *How has ERIC helped states to maintain the accuracy of their voter rolls and administer elections more effectively?*

The Electronic Registration Information Center, or ERIC, is a member-based nonprofit, nonpartisan organization founded by a group of bipartisan election officials from states across the country to respond to the needs they identified to better serve their voters. In particular, election officials needed a better way to maintain more accurate voter rolls, which ultimately reduces the burden on election officials, decreases wait times for voters, and lowers overall costs for the administration of elections. According to the 2020 Election Administration and Voting Survey, during the 2020 election cycle, election officials reported processing 103 million voter registration applications and sending over 28 million confirmation notices to voters who had moved since the last federal election. List maintenance is a constant, on-going effort for election officials, to not only update voter rolls for people who have moved but also for newly eligible voters, such as those who turn 18 years old, new citizens, those who have their rights restored, and those who are no longer eligible, such as those who have passed away, are deemed mentally incapacitated, or are convicted of certain crimes according to state law.

During my time at the Missouri Secretary of State's office, I was fortunate to be able to participate in some of the early meetings, where election officials discussed challenges they were facing, which eventually led to the creation of ERIC. This bipartisan group of election officials were focused on how to better serve their voters and improve the administration of elections.

While there are other databases that election officials can utilize to maintain their voter lists, including the Department of Motor Vehicles, the United States Postal Service's National Change of Address (NCOA) program, and the Social Security Administration, ERIC not only regularly compiles voter registration information submitted by their member states and many of these same sources of information into a comprehensive report at least once every 60 days, but also shares these reports among its membership. Given the number of states who are members of ERIC and the collective number of eligible voters they represent nationwide, ERIC is a unique tool that would be hard to be replaced by any of the currently available resources in the on-going effort to keep voter lists as up to date as possible.

The EAC has not received evidence of election security risks posed by ERIC.

At the EAC, we have continued our work to support election officials in their list maintenance efforts and closely follow state initiatives across the nation. The EAC provides various tools and highlights

best practices to help states with list maintenance efforts, such as Clearinghouse resources and grants administration assistance. Under the Help America Vote Act of 2002 (HAVA), activities related to maintaining accurate voter registration information are allowable grant expenditures. States may use HAVA funds for costs related to ERIC.

The EAC is developing new list maintenance-related initiatives leading up to the 2024 election. As part of a pilot project, we plan to incorporate resources from a leading credit bureau along with selected state and local jurisdictions to enhance list maintenance practices. The pilot aims to determine the “best addresses” for voters who have not responded to notifications or other attempted inquiries on their current registration status. We expect to launch the initiative later this year.

The agency also conducted a public forum on list maintenance best practices early in 2023, in which ERIC participated, and produced a comprehensive election official toolkit. This material is available on the EAC’s [website](#) for use by election officials.

We appreciate your interest in this important work and would welcome your input on developing additional resources to further improve voter rolls across the country.

Questions for the Record from Senator Bennet

In November, the EAC will transition from its existing Voluntary Voting System Guidelines (VVSG) to a new VVSG 2.0 standard. I applaud the EAC’s work on these efforts.

However, this shift opens the door for false attacks against voting systems that continue to use the old standard—which many states will, especially as there are very few 2.0 certified systems available for purchase. The Commission has published a communications toolkit for election officials on this issue, but an ongoing communications strategy is needed.

- *What efforts is the EAC planning to take to continue raising awareness and managing voter expectations? How is the EAC planning on coordinating with state and local officials?*

Enacting the Voluntary Voting System Guidelines (VVSG) 2.0 was a crucial step to enhance our election security, which is a national security imperative. It will take time for new systems to be developed, certified, and fielded for use, so it is unlikely that any will be used in the 2024 elections. VVSG 1.0 certified systems are and continue to be secure and accurate. No voting system will be decertified by the EAC due to VVSG 2.0, and voters and election officials should continue to have confidence in these systems.

The EAC is committed to ongoing strategic outreach with state and local election officials to communicate this process. We want to make sure the transition is as accessible, transparent, and straightforward as possible. We are regularly working with election officials so they understand what this transition to VVSG 2.0 means. The EAC wants to ensure they have the necessary tools and support to respond to questions from voters, legislators, and the press. This also includes other stakeholders across their jurisdictions.

Furthermore, as a trusted federal partner, EAC Commissioners and staff continue to do their part by participating in speaking engagements across the country, engaging with our federal advisory boards,

publishing frequently asked questions and answers, refining fact sheets and digital content, and pursuing proactive media outreach. Communicating information about this transition and encouraging confidence in our voting systems will require proactive approaches on the EAC's part as well as state and local election officials. The Commission will do everything we can to make sure these messages are being heard and properly understood.

In addition, the EAC will help to engage voices at the federal, state, and local levels as well as stakeholder groups, to effectively reach voters and the public at large. The EAC stands at the ready to help election officials answer questions they receive and empower them as trusted sources of information in their communities. It will take time and significant monetary expenditure for states and counties to implement new systems certified under the rigorous VVSG 2.0 process, so these communications will be critical through 2024 and beyond.

We understand that our strategic communication efforts are a crucial component for boosting confidence in the critical infrastructure of U.S. election systems. Congress and the American people should have absolute confidence in the transition process, and we would welcome your assistance on this important endeavor.



U.S. ELECTION ASSISTANCE COMMISSION
633 3rd St. NW, Suite 200
Washington, DC 20001

June 29, 2023

The Honorable Amy Klobuchar
Chairwoman
U.S. Senate, Committee on Rules and Administration
305 Russell Senate Office Building
Washington DC 20510

Dear Senator Klobuchar:

I appreciated the opportunity to testify before the Senate Committee on Rules and Administration at your hearing on June 7, 2023, entitled, "Oversight of the Election Assistance Commission." It was a pleasure to discuss the ongoing work of the agency and our efforts to help election officials prepare for the 2024 elections.

The U.S. Election Assistance Commission (EAC) has made great strides in recent years to further serve state and local election officials and U.S. voters. As discussed at the hearing, the agency continues to administer Help America Vote Act (HAVA) grant funds, develop new clearinghouse products and services, bolster cybersecurity efforts, recruit a new generation of poll workers, and advance the Voluntary Voting System Guidelines (VVSG) 2.0. Moving forward, the Commission aspires to further safeguard the integrity of our nation's elections and instill even more public confidence in their outcomes.

I respectfully submit for the record the following response to the Committee's follow-up questions. This letter responds to your specific question on the impact of disinformation and artificial intelligence in relation to election administration. Unless otherwise noted, I am solely responsible for these answers. This response does not necessarily reflect the views of my fellow EAC Commissioners.

I look forward to our continued work together on assisting election administrators in providing secure and accessible elections across the United States. Please do not hesitate to contact us if we can be of further assistance.

Sincerely,

A handwritten signature in blue ink, which appears to read "Thomas Hicks".

Thomas Hicks
Commissioner
U.S. Election Assistance Commission

Senate Committee on Rules and Administration
 Oversight of the U.S. Election Assistance Commission
 June 7, 2023
 Questions for the Record from Chairwoman Klobuchar

At the hearing we discussed the serious threat posed by the use of artificial intelligence to spread disinformation that misleads voters and undermines trust in our elections.

- *How is the EAC helping to prepare election officials to confront the risks of disinformation in our elections, including from artificial intelligence?*

As you are aware, elections are highly local, decentralized activities, with varying laws and rules in every state. Election officials throughout the nation continue to be the ultimate authority on the election administration process to ensure that voters and candidates can successfully participate. The ability of information to spread near instantaneously, and its potential reach, on the internet have made it more difficult for local election officials to compete for voters' attention and counter disinformation. In today's climate, trusted communication and sources are important tools in clarifying misconceptions about elections. Managing and preparing for any election requires election administrators to pursue continuous communication efforts and build this trust and recognition with their communities, rather than one-off attempts.

A key aspect of this for election officials is transparency of the voting process. While each state has its own laws and procedures specifying when, where, and who can be present, there are opportunities for the public to be involved in and observe how elections are run, including serving as poll workers or election observers, which can include even the testing of voting equipment and observing the canvassing and certification of election results.

During the hearing, we discussed the important issue of disinformation and artificial intelligence (AI) as pertains to election administration. I agree that the malicious use of generative AI technologies represents a considerable risk in increasing the volume and sophistication of disinformation operations. The agency has formed a cross-disciplinary internal working group to examine these emerging issues and develop strategies to help election officials and voters to defend against them. This is a technology area that is rapidly evolving and the EAC will continue to coordinate with our federal partners and Congress to better understand the threats and opportunities posed by it.

The public needs a credible, accurate resource on which they can rely for everything from the most basic election administration information—such as where, when, and how to vote—to more complex issues such as voter eligibility and the pre- and post-election processes themselves. By actively providing factual information, election officials can help mitigate false narratives and give the public the information they need to maintain confidence in the credibility and integrity of electoral systems.

At the EAC, we understand that highlighting and promoting legitimate sources of information about elections and voting, such as hosting rumor control or myth-busting websites and promoting transparency throughout the voting process are best practices to counter mis and

disinformation. EAC Commissioners and staff continually urge voters to go to local or state elections administrators to find trustworthy information about voting in their jurisdictions. We also provide toolkits for election officials to help them better able to communicate with their constituents.

These include our [communicating election processes toolkits](#) which include posters, pocket guides, and other resources that election officials can customize to help them explain processes that can be more complicated, like the process of canvassing and certifying official election results.

The EAC is also developing a comprehensive Communications 101 toolkit to provide guidance to election officials when developing their communication and public relation strategies. Available later this summer, the Communications 101 Toolkit will include:

- Communications 101 Booklet
- Social Media Calendar Template
- Example Press Releases
- EAC Resources

Promoting trusted communication fosters transparency and allows election officials to educate the public about voting requirements, important dates and deadlines, the voting process, and more. In an era of widespread misinformation, election officials play a critical role in dispelling rumors that may undermine public trust in the electoral process and our democratic values.

Thank you for your question following up on this vitally important matter. We would welcome the opportunity for further discussion.



U.S. ELECTION ASSISTANCE COMMISSION
633 3rd St. NW, Suite 200
Washington, DC 20001

June 29, 2023

The Honorable Deb Fischer
Ranking Member
U.S. Senate, Committee on Rules and Administration
305 Russell Senate Office Building
Washington DC 20510

Dear Senator Fischer:

We appreciated the opportunity to testify before the Senate Committee on Rules and Administration at your hearing on June 7, 2023, entitled, "Oversight of the Election Assistance Commission." It was a pleasure to discuss the ongoing work of the agency and our efforts to help election officials prepare for the 2024 elections.

The Election Assistance Commission (EAC) has made great strides in recent years to further serve state and local election officials and U.S. voters. In addition to administering election security grants provided by Congress, the agency continues to develop new clearinghouse products and services, bolster cybersecurity efforts, share best practices, recruit a new generation of poll workers, and advance the Voluntary Voting System Guidelines (VMSG).

In doing so, we maintain close attention to budget responsibilities, fiscal controls, and the careful expenditure of taxpayer dollars. Moving forward, the Commission aspires to further safeguard the integrity of our nation's elections and instill even more public confidence in their outcomes.

We respectfully submit for the record the following responses to the Committee's follow-up questions. This letter responds to your specific questions. Unless otherwise noted, we are solely responsible for the answers to these questions and the responses do not necessarily reflect the views of our fellow EAC Commissioners.

The EAC looks forward to working closely with you this year. Please do not hesitate to contact us if we can be of further assistance.

Sincerely,

Christy McCormick
Chairwoman
U.S. Election Assistance Commission

Ben Hovland
Vice Chair
U.S. Election Assistance Commission

Senate Committee on Rules and Administration
Oversight of the U.S. Election Assistance Commission
June 7, 2023
Questions for the Record from Senator Fischer

The Election Assistance Commission (“EAC”) administered \$400 million in grant funds, appropriated by Congress pursuant to the CARES Act, to assist with planning for and conducting elections in 2020 during the COVID-19 pandemic. In November 2021, the Government Accountability Office (“GAO”) reported on the EAC’s administration of CARES Act grant funds and noted challenges it and the EAC identified regarding administration of those funds.

1. For instance, EAC officials told GAO that the electronic system it used for states to submit CARES Act progress reports allowed states to omit or miscalculate expenditure totals. In the financial section of the progress report, EAC officials told GAO that the system does not have the capability to automatically calculate a state’s total expenditures based on the expenditures listed in the different categories.

- *What actions, if any, has the EAC taken to address this issue?*

The EAC takes the administration and oversight of federal grant funds very seriously. States and ultimately voters rely on these funds for essential programs. As such, the agency works diligently to ensure that funds are used in the most efficient and effective manner possible. Please be assured that although the General Accountability Office (GAO) flagged this particular, pandemic-related grants reporting structure in their 2021 report, all EAC-related Coronavirus Aid, Relief, and Economic Security Act (CARES Act) grant funds are accounted for as of FY 2022. States used this funding for crucial materials like personal protective equipment (PPE) and overall election office preparations during the challenging 2020 primaries and general election.

The GAO report on CARES refers to a temporary electronic reporting procedure that was used by the EAC during the pandemic. The agency quickly set up this reporting format to receive the required 20-day CARES reports (unique to the election funding portion) in time for processing by our small federal grants staff. Prior to 2020, the EAC received all reports via email, as the electronic format was both cost effective and responsive to staffing limitations at the time. Unfortunately, despite EAC requests, the CARES funding did not include supplemental administrative funding to assist the EAC in carrying out the additional responsibilities. The CARES reporting format was always intended as a solution, implemented based on Commission resources, in response to a national emergency and implemented based on the Congressionally mandated timeline.

The form calculated category expenditures on the pre-set categories only, leaving out any expenses included in “Other.” Subaward expenditures were not originally part of the category of expenditures and were added as a new placeholder for identifying the breakdown in spending. Grantees submitted subaward funding in response to a Congressional request for this level of detail. Some provided it as a lump sum and others distributed it across the existing categories. This was refined over time and is now reported in a separate subaward section and then

redistributed across the program categories as applicable. Grantees were responsible for calculating total costs and for providing an accurate representation of subaward activity. Some grantees calculated total costs incorrectly due to the placement of the “Other” category following the “Total” row in the online form setup and entered subaward expenditures either in total or across categories. While these differences and issues resulted in inconsistent reporting, they did not reflect any improper use of funds or lead to unreported expenditures. EAC Grant staff also reviewed these reports and identified the discrepancies prior to approving the report.

In addition, we should note the grants office implemented a new grant administration system that went live on November 1, 2022 to enhance overall grants administration in support of the states. The new system has significantly reduced processing time and fully replaced the temporary pandemic system to better encompass data collection by program category. It automatically and correctly totals category expenditures in the Progress Report, thereby eliminating any grantee user error in calculating totals. After Paperwork Reduction Act clearance, a separate section was added to the Progress Report for subaward expenditures and instructions were provided for distribution of subaward expenses across categories in the collective expenditure table.

2. *In addition, GAO found issues with how states and the EAC categorized expenditures involving nearly 20 percent of the total reported nationwide spending for CARES Act grant funds. GAO noted that, as a result, in the EAC’s annual grant expenditure report to Congress, states’ expenditures for the same items or activities could be included under multiple categories, making it difficult to consistently determine how states spent the grant funds.*

- *What actions, if any, has the EAC taken to address this issue?*

We would emphasize that the financial and narrative reports for CARES grants were thoroughly reviewed by the EAC staff, and all Help America Vote Act (HAVA) CARES funds are accounted for, with States expending 84% of the awarded \$400 million. Due to extenuating circumstances, 16% of CARES funding was unexpended, which have been returned or is in the process for return during closeout to the EAC for deposit to the US Treasury. Of the \$65 million returned funds, 20% (\$13.5 million, which includes interest) were returned from Arizona and Oregon being unable to use the funds due to state legislative issues. Furthermore, while the EAC uses the categorization of expenditures to help identify trends in spending, this should not be taken as a compliance concern or flagged as improper payments.

EAC’s report review process ensured that all expenditures were accounted for by comparing the Federal Financial Report with the narrative and expenditures provided in the Progress Report. Grants staff followed up directly with grantees whenever clarification was needed regarding categorized expenditures or with the narrative and financial reporting.

The GAO identified areas of improvement in the EAC Progress Report and Guidance, particularly around subawards and categorization of funds. In carefully considering these recommendations, the EAC has made updates to grantee trainings as well as the Progress Report form and instructions to provide clearer guidance on budget and program categories. These changes were designed to address any concerns and to improve consistency in all future reporting. Biannual training on grant reporting also includes clear descriptions for each expenditure category to help ensure that states

are consistently reporting expenditures for the EAC's trend analysis. The report reviews conducted by the EAC's grant staff after submission continue to act as a secondary check, providing yet another opportunity to identify any expenditures that may have been miscategorized by grantees.

3. *GAO also recommended that the EAC assess its administration of CARES Act grant funds to identify lessons learned and needed resources, and then implement those lessons learned.*

- *What is the status of the EAC's efforts to implement GAO's recommendations?*

We appreciate the GAO's work on CARES administration and have worked closely with their staff throughout the reporting process. The EAC identified improvements could be made with additional capacity in the Grants Office as well as with a grants administration system. The EAC has been carrying out the implementation of these needed improvements through an expansion of our Grants Office, adding essential personnel to support the administration and oversight of the HAVA grant program. Initially supported by only one Full-Time Equivalent (FTE), the Grants Office now includes six FTEs. As previously detailed, the EAC has also acquired a new grants management system to help with grants administration and reporting. The agency is currently in the process of favorably closing out all GAO recommendations based on the changes discussed above. We expect to receive a favorable acceptance of our submitted response within the year.

- *What remaining challenges does the EAC face in ensuring effective oversight of grant funds it administers?*

The capacity of overall workload under the Grants Office continues to be a challenge. The Grants Division covers financial and programmatic technical assistance and oversight responsibilities. The administration and reporting requirements of federal grants also requires manually sifting through old data, while attempting to align and link new data for agency reporting. The team reviews hundreds of reports annually while documenting countless processes.

Conducting additional in-person training, on-site monitoring, and site visits will require more staff and travel funding. For example, grantees in the Northern Mariana Islands, as discussed at the hearing, and other jurisdictions are currently grappling with compliance matters. These grantees would benefit from enhanced EAC expertise and support. Simply put, we need additional resources to provide additional and ongoing assistance.

Limitations on agency oversight are also a challenge. HAVA does not provide for the agency to conduct pre-award assessments and/or withhold funds for noncompliance. In addition, due to the increase in grant funding in recent years and the potential for more in the future, it would be helpful if Congressional appropriations provided administrative funds for the agency's grants process and legislative support for pre- and post-award compliance for formula funds.

We are appreciative of the GAO's efforts and programmatic assistance. As the agency seeks to further modernize and remain vigilant as a steward of federal funds, we remain focused on improvements based on our internal continuous review and any outside recommendations. The EAC is committed to addressing the specific concerns raised by the GAO. As previously mentioned, all HAVA CARES funds are accounted for, with States expending 84% of the awarded

\$400 million. The balance of 16% has been repaid or is in the process of being returned during closeout to the EAC for the US Treasury.