



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

Committee on House Administration
American Confidence in Elections: State Tools to Promote Voter Confidence

Testimony: United States Election Assistance Commission (EAC)
Donald Palmer, Commissioner

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Chairman Steil, Ranking Member Morelle, and members of the Committee, thank you for the opportunity to appear before you today to discuss the extensive work of the [U.S. Election Assistance Commission \(EAC\)](#) as we help state officials prepare for the 2024 elections. The integrity of U.S. elections, coupled with cybersecurity measures, play a crucial role in our national security. This important hearing demonstrates your commitment to our nation's elections, and I appreciate your attention.

The EAC was established by the Help America Vote Act of 2002 (HAVA). Since that time, the agency has worked closely with election officials by distributing grant funds, certifying voting systems, highlighting best practices, collecting data through the [Election Administration and Voting Survey](#), and developing numerous clearinghouse products and services. Elections are administered by the states and our efforts are vital to this endeavor. As such, we are extremely grateful for the agency funding and close attention to our work from Congress in recent years. Your steadfast support has proven instrumental to the Commission and to election administrators and voters across the country.

The EAC is making significant progress toward fulfilling its mission to improve the administration of federal elections. Over the past year, the agency continued to administer \$955 million in HAVA security grants to the states, territories, and the District of Columbia. In 2022, the EAC marked the 20th anniversary of HAVA, commemorating the historic milestone with the launch of [Help America Vote Day](#) and the celebration of the second [National Poll Worker Recruitment Day](#). Earlier this year, the agency hired Steven Frid, an experienced government leader, as our new Executive Director. With the outstanding work of state and local election officials and assistance from the EAC and our trusted federal partners, the 2022 midterms were administered successfully.

The following are some of the primary approaches the agency employs to raise awareness of election procedures and security measures. We aim to amplify support for the work of election officials, which should all give the American public confidence that our elections are safe, secure, accessible, and accurate.

Collaborative Efforts

Most recently, in keeping closely engaged with state and local election administrators, the EAC held annual meetings of our Federal Advisory Committee Act (FACA) boards. The EAC's [Board of Advisors](#) and [Standards Board](#) are instrumental in helping the agency meet various HAVA responsibilities. This includes review of the Voluntary Voting System Guidelines (VVSG), nonpartisan best practices, and other initiatives. The Board of Advisors is composed of experts from national, state and local governmental agencies and independent organizations. The Standards Board consists of state and local election officials from each state. The [Local Leadership Council](#), made up of local election leaders, serves as a source of unbiased analysis to the EAC on election administration topics including list maintenance, voting system user practices, ballot administration, and other matters. Finally, the [Technical Guidelines Development Committee](#) (TGDC) acts to support the EAC's Executive Director in the development of the VVSG and consists of members across a broad spectrum of technical knowledge and organizations.

The Board of Advisors concluded their meeting yesterday here in Washington, DC, and the Standards Board met last week in Phoenix, Arizona. At these collaborative meetings, the agency shared election security information and tools to increase voter confidence. Both forums provided us with direct feedback from lawmakers, election officials, and other experts, offering actionable guidance for future plans. The EAC is also looking forward to a meeting of the agency's new Local Leadership Council in July.

Introduced in the 117th Congress, the American Confidence in Elections (ACE) Act, would direct guide the bipartisan EAC Standards Board to establish a federal forum that will assist states develop best practices. It focuses on ways states can learn from one another and discuss tools that build voter confidence and election integrity. Recognizing that states are experts in their own election administration, our goal as a federal government agency is to serve as a clearinghouse, facilitating collaboration among states and providing access to voluntary tools that enhance election administration without imposing mandates. This provision would highlight the Standards Board's work with election officials.

As part of ongoing outreach efforts in 2023, EAC Commissioners and staff are conducting frequent in-person meetings with election officials and experts across the country. Commissioners also actively address election official conferences and advocacy organizations. To engage the public at large, the agency hosts open meetings on various topics of interest. Thus far this year we have had discussions on poll worker recruitment and list maintenance. On Wednesday, April 26th, at our new offices in downtown Washington, DC, we hosted an in-person discussion on [serving military and overseas voters](#). Topics for likely future forums include voter education and civic engagement, accessibility for voters with disabilities, EAC's pilot program on election supporting technology, 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 them tools for success.

At the federal level, we work diligently to improve the lines of communication between agencies, election jurisdictions, and ultimately the public. In 2020, the EAC and Cybersecurity

Infrastructure and 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 supports the EAC's mission. The EAC also serves as co-chair of the GCC Executive Board and, as such, participates in regular meetings with other federal entities.

In 2023, we endeavor to do more. Whether piloting new programs, expanding testing and certification services, enhancing grants administration and oversight, or expanding our Clearinghouse Division, the EAC will continue to assist local officials and collaborate with our federal partners.

Election Supporting Technology

As a part of our election technology efforts, the agency launched the Election Supporting Technology Evaluation Program (ESTEP) in FY 2022. As more states and localities adopt technology to assist with election administration, officials are looking to the EAC 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. Congress and the EAC continue to analyze the practicality of this program to offer potential solutions and efficiencies. The ACE Act included a provision related to voluntary standards for election supporting technology, and I appreciate your attention to this matter.

The EAC would benefit from explicit statutory authorization to include several types of election-supporting technologies in our ongoing work relating to cybersecurity. An established program would provide for the development of voluntary standards, guidance, and training material covering election-supporting technologies, such as e-poll books, voter registration systems, and accessible ballot delivery, marking, and return solutions. Accessible ballots 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 help bring additional efficiencies to both election administration and voter and are increasingly vital to our nation's election infrastructure.

Field Services and Voluntary Voting System Guidelines

The agency's Testing and Certification Division is working to launch a Field Services Program to help election officials strengthen their overall posture and preparedness regarding voting systems. This endeavor will bring EAC staff on site across the country to work with local officials on voting system monitoring, best practices, and training. Implementing fielded system reviews will ensure the equipment delivered to jurisdictions corresponds to procurement orders. The program will also analyze hardware and software configurations to verify equivalency to EAC certifications and conduct additional oversight efforts. We recently onboarded the Field Services Program manager and look forward to developing this initiative to directly assist officials with election systems on the front lines.

In 2022, the Commission also made considerable progress by fully implementing [version 2.0](#) of the VVSG. The new guidelines incorporate technology advancements in cybersecurity, accuracy, accessibility, usability, and auditability. Adoption of the EAC's new VVSG lifecycle policy, along with the accreditation of two Voting System Test Laboratories (VSTL), are critical steps toward the realization of voting systems that are VVSG 2.0 tested and certified. The EAC has already received an application for one system to be tested with VVSG 2.0. We are diligently working to ease the transition to this dramatically improved iteration of the guidelines.

The EAC's [VVSG Lifecycle Policy](#) details how old standards are updated. According to section three of the policy, the old standards are to be deprecated, or sunset, 12 months after new standards are implemented. With the accreditation on November 15, 2022 of the first VSTL to test VVSG 2.0, previous versions of VVSG are scheduled to be sunset on November 16, 2023. The EAC will continue to accept applications for voting systems to be tested against VVSG 1.0 and 1.1 until November 15th of this year. After that point, all applications must meet requirements of VVSG 2.0 for newly certified voting systems or have only limited maintenance modifications for existing EAC-certified systems.

I would also 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 VVSG deprecation. VVSG 1.0 and 1.1 certified voting systems are secure, may continue to be used, and do not need to be replaced or certified to VVSG 2.0.

There will likely not be a system certified to VVSG 2.0 deployed in the 2024 elections, but the systems tested to previous iterations continue to be secure and accurate. Congress and the American people should have confidence in that, and the EAC will continue to amplify this message throughout 2023 and 2024. Although it will take time to implement new systems certified under the rigorous VVSG 2.0 process, the groundwork has been laid for future progress. Advancements in this area will help provide states with a key tool for boosting confidence in our election systems.

In addition, as we analyze the serious nature of cybersecurity across the election community, the EAC is planning a voluntary Coordinated Vulnerability Disclosure Program. The need to quickly identify and respond to vulnerabilities to our voting systems that could be possibly exploited is extremely important. The EAC will lead the program alongside our federal partners at CISA and the National Institute of Standards and Technology (NIST). This program is in its infancy but is a priority for the Commission.

Clearinghouse Services for State and Local Officials

The EAC's Clearinghouse Division, made up of former election officials and subject matter experts, helps the EAC share best practices, information for voters, and other resources to improve elections. We serve as a trusted source of nonpartisan election information. The Clearinghouse Division also develops resources and meets with stakeholders and state and local officials. All the while, The Division's work is guided by the Clearinghouse parameters set forth in HAVA.

Over the past year, the Clearinghouse Division has released dozens of products and services to assist election officials. Among our efforts to support integrity in elections, the agency published [list maintenance tools and resources](#), a comprehensive [guidebook on chain of custody](#), detailed material on [different types of audits](#), and information on the [proper disposal of unused election equipment](#). Furthermore, our work on list maintenance has fostered a pilot project relating to new tools in this area. We plan to utilize resources from a leading credit bureau together 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.

Additionally, the EAC recently released a comprehensive set of modernized [Election Management Guidelines \(EMG\)](#). This resource advises local and state election officials on a wide variety of topics in administering elections. As physical security, cybersecurity, and continuity of operations become increasingly important components of national security, the Clearinghouse Division regularly publishes new guidance and solicits feedback from stakeholders.

To this end, the EAC is continuing work on its online 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. We recognize that election officials must be able to communicate with each other on common issues and solutions. This resource offers a secure platform on which to do so.

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 topics. The best source of practical information is the election officials themselves and the EAC wants to facilitate discussions between states and localities. We plan to beta test the network with the EAC’s FACA board members later this summer.

Election Security Grants and Oversight

A core component of the EAC’s mission is distributing, assisting with, monitoring, and auditing the use of [federal grants](#) for the improvement of election administration and security. Federal HAVA funds, including the recent appropriation of \$75 million, are a key resource for election administrators dealing with ever-growing demands. Grant funding in this area is crucial and we value your efforts to address the needs of state and local government through the congressional appropriations process.

The EAC works diligently to advise states on the availability of funds and has an extensive track record with grant administration. We regularly publish guidance in the form of [frequently asked questions](#) regarding how funds may be used. Agency leadership also understands the importance of critical oversight and has adopted a comprehensive grants software tracking system to enhance the overall grants administration process.

Alongside these efforts, the EAC's Office of Inspector General (OIG) has 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 funds. Moving forward, the OIG would like to utilize audits more frequently and implement additional oversight checks to increase confidence that grant funding is used appropriately.

In addition, the OIG recently issued a comprehensive report entitled, "[Management Challenges for the U.S. Election Assistance Commission in 2023](#)." The OIG cited several areas to enhance EAC efforts moving forward. We appreciate these opportunities to improve overall agency operations to further assist election officials, congressional stakeholders, and voters.

Conclusion

As this Committee considers election administration reform legislation, the EAC stands ready to serve as a helpful resource. Insight from election officials and practitioners of election administration will also inform impactful election reform legislation as the EAC seeks to bolster America's confidence in our national elections. I appreciate your work on the ACE Act and, in particular, applaud bill text recognizing the EAC's leadership role and the vital assistance we provide to election officials.

Thank you for your support of the EAC and your tireless commitment to state and local election officials. We look forward to working closely with you on these and other important matters. I would be pleased to respond to any questions you may have.