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April 22, 2019

Hon. Zoe Lofgren

Chairperson

House Committee on Administration

U.S. House of Representatives

1309 Longworth House Office Building

Washington, D.C. 20515

Dear Chair Lofgren:

The National Association of Secretaries of State (NASS) has forwarded your April 10, 2019 letter to the Secretaries of State who serve as their chief state election official, and provided contact information for House Administration Elections Counsel, Tanya Sehgal.

On behalf of NASS, I want to provide some general information on \$380 million in Help America Vote Act (HAVA) funds appropriated in late-March 2018. The U.S. Election Assistance Commission (EAC) contacted states on April 17, 2018 with instructions on how to apply for these funds. NASS has been urging Congress to appropriate these remaining HAVA funds since 2010.

The willingness of Congress to work with the Secretaries of State, election directors and local election officials is imperative for the success of our country's elections—a state and local responsibility.

The EAC moved quickly to disburse these funds; some states received their funds as soon as the end of April 2018. However, other states needed to convene stakeholders, to include local election officials, voter groups, disability advocates, cybersecurity advocates and the general public to solicit input on how these funds should be spent. Other states needed to secure approval from state legislatures and governors before money could be applied for or spent. At least one state, Minnesota, is still working with their legislature to be able to spend these funds.

Procurement rules and processes vary by state and add a layer of complexity to states' purchasing decisions. It is in no one's best interest to rush the spending of these funds without a complete and thoughtful request for proposal and contracting process.

In order to receive these HAVA funds, states had to submit plans to the EAC on how they planned to spend these funds. Many have immediate needs that can be addressed with these funds; others were looking at spending that involves long-term planning.



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For example, some states have included the purchase of new voting equipment in their plans to the EAC and have expressed a desire to purchase systems that comply with the newest Voluntary Voting System Guidelines (VVSG) 2.0 which have yet to be approved. The VVSG 2.0 is currently out for public comment, which will close May 29, 2019.

As reported by the EAC, FY18 expenditures by states were utilized for a variety of significant efforts including, but not limited to: cybersecurity best practices, training to local election officials, implementing post-election audits, and increasing cybersecurity and information technology staff. States were able to accomplish the planning and, in some cases, spending within four months of receiving these funds, at the same time they were preparing for the 2018 mid-term elections. I also must remind you that states were provided a five-year timeline for expending these needed funds.

States understand the importance of spending federal dollars wisely and will continue to take steps to ensure the utmost security of election systems as we approach the 2020 election.

While you have asked for future federal funding figures from each state, that will likely be difficult for most to provide. NASS recently passed a resolution in support of federal funding and resources to supplement state-funded and state-led election cybersecurity efforts.

Importantly, the resolution says if new federal funding is allocated, federal law must make it clear that HAVA Section 209 applies to all aspects of such appropriations and cannot be circumvented with the imposition of rules, regulations, or requirements by federal agencies.

The purpose is to ensure states have the flexibility essential to making effective use of these funds. The states' diverse election systems require diverse cybersecurity strategies. NASS and its members call on Congress to apply these principles as it considers stable federal funding that allows states to plan and implement election security enhancements to counter emerging cybersecurity threats.

Again, NASS and its members appreciate our continued positive working relationship with your committee and Congress as a whole. In the interim, if you or your staff have any questions please feel free to contact Leslie Reynolds, NASS Executive Director at 202-624-3525, or reynolds@sso.org.

Sincerely,

Hon. Jim Condos

NASS President and Vermont Secretary of State