



Statement from the  
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Coordinating Council (EIS-GCC)

Before the U.S. House of Representatives Committee on  
Oversight and Government Reform

Open Hearing on “Cyber-securing the Vote:  
Ensuring the Integrity of the U.S. Election  
System”

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My name is Maggie Toulouse Oliver, and I am the New Mexico Secretary of State. I am also the Treasurer of the nonpartisan National Association of Secretaries of State (NASS), and a founding member of the Election Infrastructure Subsector Government Coordinating Council (EIS-GCC).

Thank you for the chance to appear before you today to address some of the things happening at the national level, some work specific to New Mexico and also with NASS.

The 2018 Primary elections across the country are well underway, with states administering elections in a secure, fair manner. Also, the General Election in November is less than 4 months away.

## **I. STATE AND FEDERAL PARTNERSHIP EFFORTS TO SECURE ELECTION INFRASTRUCTURE**

During the NASS Summer Conference, held recently in Philadelphia, Pennsylvania, over 80 percent of our sessions, workshops and discussions revolved around elections cybersecurity. Election officials, like myself, are taking the possible threat of foreign actors meddling in our elections very seriously. In addition, during the conference Department of Homeland Security (DHS) Secretary Kirstjen Nielsen delivered remarks to members of NASS and the National Association of State Election Directors (NASED), during which Secretary Nielsen emphasized the fact that election security is national security. Also, Sec. Nielsen highlighted the positive progress and working relationships between DHS and the states to protect elections infrastructure. While state and local officials have always been focused on election security, the focus of our national organizations and the federal government has increased significantly since the summer of 2016. It is clear that election security will be a priority for state, local and federal officials as well as the general public moving forward.

State and local election officials and the federal government have worked diligently to create a productive relationship since former DHS Secretary Jeh Johnson announced the “critical infrastructure” designation for election systems in January 2017. As you may know, NASS and its members raised many questions and expressed serious concerns about the potential federal overreach into the administration of elections – a state and local government responsibility.

While we will remain vigilant about possible federal overreach, we have worked together to ensure that the “critical infrastructure” designation functions in a positive and effective way. Thus, we have chosen to actively focus on improving communication between the states and the federal government to achieve our shared goal of securing elections. In particular, we have utilized the Election Infrastructure Subsector Government Coordinating Council (EIS-GCC), to open communications channels and guide future collaborative election security endeavors. At the EIS-GCC meeting on July 13, 2018, we approved a communications protocol document that my colleagues and I worked on for months. This document outlines the way that communications should flow between federal, state and local officials regarding threats, incidents, responses and recovery. It was some of our most important work to date and addresses the biggest challenge faced in 2016.

For instance, within the EIS-GCC’s Subsector Specific Plan, which was also approved at our July 13<sup>th</sup>



meeting, there are many short and long-term goals and projects to support election officials, federal partners and stakeholders. These include deploying an online training environment for election officials, identifying resource gaps at the state level, and establishing a digital portal to increase communication between all levels. During our July 13<sup>th</sup> meeting, we also began important discussions with the Elections Infrastructure Sector Coordinating Council (EI-SCC). This is the Council representing the private sector and non-profit sector stakeholders that support election officials. I encourage members of this distinguished committee to call on the EI-SCC for more information on what is being done in the private sector to safeguard elections equipment and technology.

However, I would be remiss if I did not point out many of the organizations that have eagerly stepped up to help state and local governments with their election security efforts. NASS focuses a great deal on election security and our meetings are replete with shared practices from our colleagues around the country, along with presentations by security and auditing experts. We also hold forums twice a year for our office CIO/CISOs to come together to discuss challenges and solutions. The Belfer Center has developed a Tabletop Exercise that we can implement in our states to train both state and local election officials on addressing challenges leading up to and on Election Day. The Center for Internet Security has developed a handbook of election cybersecurity best practices and a checklist for states to monitor their progress. The Democracy Fund is supporting convenings of state and local officials to improve communication and governance between state agencies and between state and local governments. And private sector companies like Google and Cloudflare have stepped up to provide free resources to state and local governments to assist with preventing distributed denial-of-service (DDoS) attacks and protecting our data and websites. The list truly goes on, but my time is limited.

## **II. STATE SPECIFIC EFFORTS TO SECURE 2018 AND 2020 ELECTIONS**

In regards to specific state preparations for 2018 and beyond, I would like to thank you and your colleagues for appropriating the remaining Help America Vote Act (HAVA) funds to states in the recent omnibus bill. According to the U.S. Election Assistance Commission (EAC), as of July 16, 2018 all of the funds have been requested by the states and eligible U.S. territories. Election officials truly appreciate this money and it will go a long way in helping states strengthen and improve our elections systems. While our upgrades to equipment and cybersecurity improvements will be an ongoing challenge, and for many states the federal funding received will regrettably be insufficient to do all that they want and need, we are grateful for the boost these federal funds provide.

In New Mexico, we recently requested our portion of over \$3.6 million in HAVA dollars from the U.S. Election Assistance Commission. We plan to use these funds to ensure that New Mexico's election systems continue to be resilient and secure. Some of the funds will be used to purchase more robust voting systems that provide for additional security features for our counties. We have also launched a brand-new Election Security Program within our Bureau of Elections with a portion of the HAVA funds earmarked to fund a full-time staff position to manage this program through 2023. The program administrator is responsible for implementing security best practices to safeguard New Mexico's sensitive election data and systems at the state and county level and to provide training, support and resources to county clerks and their staff on cybersecurity issues. This is particularly important in New Mexico's



smaller, more rural counties that may have limited technical support available to assist with security issues. We will also allocate some of the funds to assist counties with priority system upgrades that they cannot afford on their own.

In addition, some of the funds will be used to hire a Native American Election Liaison to assist with voter education and outreach in tribal communities which exist in one third of New Mexico's counties. Providing specialized outreach on voting procedures, voting rights, and voting technology all while addressing the unique language and cultural requirements of the voters living in these communities will work to make it easier for Native American voters to cast a ballot so we can finally close that gap in election participation.

New Mexico is a leader in election best practices. We utilize paper ballots in all elections and have robust pre- and post-election testing, accuracy and auditing processes just to name a few. These practices are important election security safeguards that are now being adopted by states all across the country. These enhancements are in addition to what we are already doing, including using a 100 percent paper ballot system that allows for votes to be recounted as needed to ensure the vote count is correct. We are also proud to be one of the first states to implement post-election risk limiting audits to ensure that the results of our elections are accurate. While my state has utilized these auditing processes since 2010, they are now being touted by election experts as essential to ensure voting systems are tallying accurately. Additionally, the vote tabulation systems that we use are never connected to the internet and include other important security mechanisms that reduce the ability for a bad actor to change votes.

A major component that is necessary to securing our elections is communication and collaboration across all levels of government. I am one of eight Secretaries of State serving on the EIS-GCC, which, as I said, has developed effective communication protocols between local, state and government officials on election security issues. I also served as the Co-Chair of the Elections Committee for the NASS, where the other committee members and I share best practices on protecting the integrity of every vote cast in our states.

I would be glad to elaborate during the question and answer portion of this hearing or anytime in the future.

### **III. THE FUTURE OF ELECTIONS AND VOTER CONFIDENCE**

Much of the national attention over the past year and half has focused on election security issues – especially cybersecurity - which are of course, extremely important. If people are confident that the voting process is secure, they will be much more likely to participate. This is why we need members of this committee, DHS and our other federal partners to share with Americans that our elections are secure and indeed fair. The risks to our election system are real, and we have and will continue to address them appropriately. However, it is important to understand that those systems with the highest risk – online voter registration systems and election night reporting – are removed from the process of casting a ballot. If our protections to our voter registration system are breached, we can address that and the vote count is not impacted. If our protections election night reporting website are breached, we can address that

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and the vote count is not impacted. Our voters' confidence may be impacted, and that is not insignificant, but they should be aware of the fact that the casting of a vote is separate from all these other parts of the system. While we all need to work together to combat misinformation – intentional and accidental - to maintain voter confidence, I also encourage those citizens watching today to get involved in the process by becoming a poll worker, reaching out to their state and local election officials with questions and ultimately voting in November.

In the meantime, please know that state election officials will continue to work to increase cybersecurity and run elections with the utmost integrity. The 2018 election will be a test on what we learned in 2016, but I feel that we are ready for 2018 and will continue to improve as time marches forward.

Thank you again Members of this Committee for inviting me and my peers to testify before this hearing and for giving me the opportunity to speak about this important matter on behalf of NASS and New Mexico.

I look forward to answering any questions you may have for me.