



NASS
National Association
of Secretaries of State



NATIONAL ASSOCIATION of
STATE ELECTION DIRECTORS

July 8, 2020

The Honorable Bennie Thompson
Committee on Homeland Security
U.S. House of Representatives
H2-176 Ford House Office Building
Washington, D.C. 20515

Dear Chair Thompson:

On behalf of the National Association of Secretaries of State (NASS) and the National Association of State Election Directors (NASED), thank you for your letter dated June 26, 2020, regarding efforts to administer safe, secure elections during COVID-19.

Our associations are diligently working together to support our members as they plan and hold free, fair, accessible elections. As you know, 40 members of NASS and 16 members of NASED serve as their state or territory's designated chief election official. COVID-19 has made this task even more critical, with election officials rapidly adapting and adjusting to meet the numerous challenges created by the pandemic.

Attached to this letter, NASS and NASED have jointly prepared detailed responses to your questions. If you or your staff have further questions or need clarification on our answers please feel free to contact Leslie Reynolds, NASS Executive Director at 202-624-3525, or reynolds@ssso.org, and Amy Cohen, NASED Executive Director at 240-801-6029, or acohen@nased.org.

Sincerely,

Hon. Paul Pate, CERA
NASS President and Iowa Secretary of State

Lori Augino
NASED President and Director of Elections Office of
the Washington Secretary of State



National Association of Secretaries of State (NASS) and National Association of State Election Directors (NASED) Joint Responses to the House Committee on Homeland Security's June 26 Letter

1. Are you involved in updating the website? The CISA and the EAC have shared various iterations of election administration guidance, on a “COVID-19 & Elections” webpage hosted by CISA and linked to EAC and elsewhere.

The Cybersecurity and Infrastructure Security Agency (CISA) COVID-19 & Elections page no longer exists; the resources are provided on the CISA #Protect2020 page. NASS and NASED are not involved in updating the CISA website.

- a) NASS and NASED were listed as stakeholders with whom CISA consulted in the development of the website and guidance it provided. How did you work with CISA to develop this site and its embedded documents? What advice did you provide? Was the feedback reflected in the guidance released?

NASS and NASED worked very closely with CISA on the development of the Election Infrastructure Subsector Government Coordinating Council (EIS-GCC) and the Election Infrastructure Subsector Sector Coordinating Council (EIS-SCC) COVID-19 Joint Working Group documents. Both NASS and NASED members serve on the working group and their input was integral in determining the direction of the working group products. NASS and NASED staff worked with CISA subject matter experts and members of the EIS-SCC on the drafting, development, and finalization of each of the working group products. NASS President Paul Pate, Iowa Secretary of State, and NASED President Lori Augino serve on the EIS-GCC Executive Committee and reviewed and approved each of the documents prior to their publication.

- b) How have these webpages and the guidance documents therein been received by your membership?

The guidance provided by the working group has been positively received by both NASS and NASED members.

- c) Is the format of a new government webpage useful for state and local election officials to locate and reference when developing policies to administer the elections?

These resources are available on many webpages, including [NASS's COVID-19 and Elections page](#), as well as the [NASED COVID-19 resources page](#). We cannot comment on how election officials are leveraging the CISA site specifically and defer to CISA on the engagement levels if tracked.

2. In addition to the “COVID & Elections” website from CISA, nearly every government agency has a COVID website now, including agency-specific guidance and recommendations to follow. How effective and clear has the advice given by the Federal government (i.e. CISA, EAC, and the CDC in particular) been to you and state and local election officials administering elections during COVID-19 pandemic?

CISA's leadership on the EIS-GCC and EIS-SCC Joint COVID-19 Working Group documents was vital. In addition, the guidance CISA provided around essential employees and remote work has provided valuable information to state election offices as they manage employees and cybersecurity during the pandemic.



CISA also scheduled three calls for the election sector with the Centers for Disease Control and Prevention (CDC) to help state and local election officials understand how to manage health risks from COVID-19.

It is important to note that CDC's initial written guidance for elections was not developed with input from election officials or election vendors, which resulted in guidance that did not include critical election-specific information and could have caused damage to voting equipment. CISA served as a liaison between the CDC and the election community to revise the guidance and answer additional questions. This ultimately led to improved guidance, which has been recently updated.

The U.S. Election Assistance Commission (EAC) developed a COVID-19 resource page compiling other resources in the field, hosted a COVID-19 public hearing and has created several videos of election officials sharing information on how they are addressing the pandemic.

3. The spring primary elections have surfaced several election administration challenges, resulting in long lines, shuttered polling places, new social distancing guidelines, and surges in remote voting. How has your membership worked with CISA and the EAC to translate the lessons learned from the spring primary elections into new guidance and best practices to be shared with state and local election officials?

There is no one size fits all approach to voting. States are thinking creatively to address their unique needs, including: increasing voting by mail by proactively mailing absentee ballot request forms to registered voters, expanding early voting opportunities, expanding absentee voting eligibility and more.

In this vein, NASS and NASED members have provided feedback to EIS-GCC and EIS-SCC Joint COVID-19 Working Group documents in light of their own experiences. In addition, the working group reconvened in June to discuss further guidance the group could work on.

The EAC included several NASS members and two NASED members in their information sharing videos on elections in the COVID-19 environment. The EAC is best positioned to answer which state election officials they have worked with.

4. As I indicated earlier, the November 2020 elections may appear different to voters. How are NASS and NASED working together and communicating to election officials, as well as the public, about the implications of expanded vote by mail and on the timeliness of election result announcements?

In November 2019, NASS launched the year-long #TrustedInfo2020 initiative to promote election officials as the trusted sources of election information. By driving voters directly to election officials' websites and social media pages, voters will get accurate and up-to-date election information and minimize the impact election misinformation and disinformation. NASED is proud to partner with NASS on this voter education campaign, which is even more important now given changes related to COVID-19. Both NASS and NASED recently created lists with Twitter handles for all state Chief Election Officials, so members of the media and the public can more easily find official election information on the platform.

Further, since 2008, NASS has hosted canivote.org which is a nonpartisan website that directs voters to their state information on a variety of commonly questions such as where to register to vote, voter registration status, absentee/early voting options and becoming a poll worker. NASED also offers a page where voters can find important election information directly from their state election offices.



NASS and NASED members and staff often conduct discussions with members of the press to answer questions and help them understand the complexity of election administration. States also issue press releases, op-eds, post on social media, conduct speaking engagements with community groups and more to update the public on their state-specific election information.

NASS and NASED work directly with Twitter, Facebook, and Google to address misinformation around the mechanics of voting on their platforms, offer feedback, and update association members on updates to the platforms respective policies, plans and actions.

Both NASS and NASED host weekly calls for members to share information, and allow the states to share experiences and information with each other. NASS and NASED also send regular emails to keep election officials apprised of information from the national level. Both organizations also have COVID-19 public webpages (hyperlinked in question #1.c.) on which we share publicly available resources and highlight state activities around the pandemic.

5. In addition to the “COVID-19 & Elections” website, what has been the level of engagement from CISA and EAC regarding election security and administration amid various stay-at-home orders and social distancing measures in effect across the country?

CISA has gone beyond their mission for state and local election officials. They have provided ample practical resources for essential personnel and remote work and have worked to make sure election officials have access to the information and tools they need to safely and securely administer elections during the pandemic. CISA is also a helpful liaison with other federal entities. For example, when EIS-GCC members expressed the need for information from the CDC, CISA promptly set up calls between the CDC and the election administration community. They did the same with the Deputy Postmaster General for questions about USPS processes.

The EAC has created a website with information from other organizations and created information sharing videos related to elections in the COVID-19 environment. The EAC recently announced a partnership with the Center for Technology and Civic Life to provide essential and complimentary cybersecurity training through May 2021. Many NASS and NASED members see great value in this initiative and are promoting the training to their local election officials, many of whom lack funding and resources to obtain similar training. We hope the EAC will consider extending this effort beyond May of next year.

a) Are your members satisfied with the information and support from EAC and CISA?

We encourage members of Congress to reach out to their state’s election official, as they will be better able to answer this question. However, NASS and NASED members describe CISA’s election security services as valuable and have noted the extent which CISA has built a productive relationship with state and local election officials.

As a part of the EIS-GCC Executive Committee, the EAC has worked closely with CISA and state and local election officials to ascertain their needs. The EAC has also worked diligently to distribute the Coronavirus Aid, Relief, and Economic Security (CARES) Act funds for states to utilize before the end of the calendar year to address unique challenges the virus has played in administering elections.



- b) Has the guidance been sufficiently tailored for each state?

Again, each individual state election official is likely to have a unique opinion on the extent to which guidance has been sufficiently tailored for his or her state.

CISA maintains ongoing communication with election administration stakeholders through the EIS-GCC, NASS and NASED. They often create guidance specifically because election officials have expressed a need for a specific product. The CISA team maintains engagement with election officials as they produce guidance to ensure the products meet their needs, and has offered state-specific training opportunities. They regularly solicit feedback from NASS members, NASED members, and the staff of both organizations.

On a related note, the EAC has produced useful guidance on the use of Help America Vote Act (HAVA) election security funds, as well as recent CARES Act funds, and has been responsive to state questions on these funding opportunities.

- c) Are there sufficient personnel to support increased demands as State and local election administrators prepare for November?

NASS and NASED cannot comment on CISA's personnel levels. We are pleased with our level of access to Director Krebs and members of the Election Security Initiative team.

The EAC has had public challenges with staffing, but they have recently filled key positions and hired new staff, including a former NASED member who will serve as the agency's General Counsel starting later this month.

6. The U.S. Postal Service (USPS) plays an essential role in the administration of vote by mail. Unfortunately, it is predicted that USPS could be insolvent as soon as September, or earlier. That could force USPS to modify its operations, including by modifying routes or delivery schedules.

- a) How do you advise state and local election officials who plan to rely on expanded use of vote by mail to administer the November elections?

NASS and NASED do not issue guidance or best practices. Rather, we serve as a conduit of information between the states.

In general, however, the guidance provided to NASS and NASED by the United States Postal Service (USPS) is for state and local election officials to work closely with USPS to plan for any potential mailing – applications, educational materials, or ballots. USPS offers mail piece design analysts who help election officials design envelopes and mailings, and recently announced that they will offer each state a dedicated mail piece design analyst. In addition, USPS offers Intelligent Mail Barcodes, which allow for greater visibility of pieces in the mail stream. Using these barcodes on all election mail, but especially ballots, allows election officials and USPS to have a clear sense of exactly where in the mail stream an individual piece is. USPS also offers an official election mail logo, only available to election officials, which tells plant workers, postal workers, and voters that a piece is an official piece of mail from election officials; they also provide Tag 191s, which are green tags that election officials can put on their ballot trays when delivering them to the post office, providing a bright green visual reminder to USPS workers that the contents are ballots.



We have also encouraged our members to reach out to their state's USPS leadership to develop a clear plan on any voting by mail changes and establish an open line of communication. Both NASS and NASED have invited USPS leadership to share information on our weekly calls. Further, CISA has organized calls between USPS leadership and state and local election officials.

It is important to note that since both NASS and NASED represent state officials, we do not have a local election official communications channel. Both associations have asked EAC for help in distributing important information like changes to USPS service to local election officials. We have been made aware they have a communications list for local election officials, but we are uncertain of how many local election officials they reach with this list or how frequently they are leveraging it.

- b) How are you monitoring the issues raised by unprecedented surges in vote by mail during the primary elections (i.e. ballot processing and delivery) for your members?

NASS and NASED only know what our members share with the organizations. NASS has five full time staff members and NASED has only one staff member, so we are both very small organizations. That being said, when states experience issues and need assistance, NASS and NASED each work to provide members with contacts in other states or relevant groups/agencies who might be able to provide further guidance or shares resources that may be helpful. Further, each organization holds weekly calls for states to share lessons learned, ask questions of one another, and connect on issues of common interest related to elections in the COVID-19 environment.

NASED's particular concern going into November is that print and mail vendors nationwide will not be able to effectively support election officials. Both Maryland and South Carolina experienced an issue with the same mail vendor during their primaries, and it reinforces our concerns about smaller vendors being unable to handle the increased volume that we expect in November.

7. We have heard from CISA that their Cyber Security Advisors (CSAs) are standing by to support election officials this election season.

- a) What has been the (and has there been enough) engagement with your membership and CISA's Cyber Security Advisors?

NASS and NASED do not track state engagement with the CSA's. CISA would be better equipped to answer that question. We encourage members of Congress to reach out to their state's election official to learn more about state-specific engagements with CSAs.

- b) To the best of your knowledge, have CISA's CSAs been available when requested?

NASS and NASED do not track this information.

- c) Is there sufficient CISA personnel to support increased demands as state and local election administrators prepare for November?

NASS and NASED cannot speak to CISA's state-level staffing. At the national level, NASS and NASED are pleased with the level of engagement from CISA Director Krebs and the entire Election Security Initiative team.

8. The CDC’s “Recommendations for Election Polling Locations”¹⁰ encourage voters to use voting methods that minimize direct contact with other people and reduce crowd size at polling stations. How are your organizations promoting the following health recommendations of the CDC among your membership:

- a. Encourage mail-in methods of voting if allowed in the jurisdiction;
- b. Encourage early voting, where voter crowds may be smaller throughout the day;
- c. Encourage drive-up voting for eligible voters if allowed in the jurisdiction;
- d. Encourage voters planning to vote in-person on election day to arrive at off-peak times;
- e. Encourage relocating polling places from nursing homes, long-term care facilities, and senior living residences, to minimize COVID-19 exposure among older individuals and those with chronic medical conditions; and
- f. Consider additional social distancing and other measures to protect these individuals during voting.

NASS and NASED do not issue guidance nor promote any one particular voting method. Each state must make decisions that make sense for their voters within their legal framework. NASS and NASED distribute guidance from our federal partners to our members, and we provide a platform for states to share practices and exchange information so they can learn from each other. To that end, as previously mentioned, both NASS and NASED each host a weekly call for state election officials. During these calls, each organization has invited guests from CISA and the USPS to answer more specific questions or discuss specific topics of interest.

9. The Committee recently held a virtual forum on the growing spread of misinformation and disinformation during the COVID-19 pandemic—both of which have flooded social media platforms in the last three months. Certain of these campaigns have carried over into discussions of the primary elections and Presidential election.

NASS and NASED agree misinformation and disinformation are a significant threat to the election ecosystem and, especially, to the November General Election.

- a) How are you preparing the public that the November elections will be different than previous elections to prevent bad actors from opportunistically sowing seeds of doubt among voters?

As mentioned in the answer to question #4, in November 2019, NASS launched the year-long [#TrustedInfo2020](#) initiative to promote election officials as the trusted sources of election information. By driving voters directly to election officials’ websites and social media pages, voters will get accurate election information and minimize the impact election misinformation and disinformation. NASED is proud to partner with NASS on this voter education campaign, which is even more important now given changes related to COVID-19.

Individual states are also engaged in public education campaigns to help their voters understand changes to election administration in light of the pandemic and manage expectations for November. Election officials have struggled for decades to educate the public and the media about how elections are administered, and this is an ongoing challenge in the current media environment.

NASS and NASED members and staff often conduct discussions with members of the press to answer questions and help them understand the complexity of election administration.



In addition, in October 2018 CISA hosted an off-the-record briefing for members of the national media to educate them on how elections are administered. NASED's Executive Director participated in this briefing, along with the Executive Director of NASS and representatives from CISA, the FBI, and the EAC. We expect to hold a similar briefing after Labor Day. The goal is to help members of the media set their expectations for November, which they can carry over into their coverage of the election.

- b) How are your organizations actively promoting trust in election systems to counter malicious disinformation or misinformation campaigns, especially on social media?

NASED is proud to be an active member of NASS's #TrustedInfo2020 social media campaign to direct voters to trusted sources – state election officials – for election information. In addition, as mentioned above (question #4), both NASS and NASED recently created Twitter lists of state chief election officials to make it easier for voters and members of the media to find and follow official sources of information.

Further, NASS and NASED work closely with Twitter, Facebook, and Google to address misinformation on those platforms and we have made significant gains since 2018.

In 2018, only NASS and NASED as organizations had access to Twitter's partner support portal to report mis or disinformation; Google offered election officials no mechanism at all to report similar issues on their platforms.

Over 2019, Twitter agreed to allow state Twitter handles to access the portal and Google began working with us to create reporting channels. NASS and NASED regularly engage with all three platforms to discuss issues with content or potential loopholes in their terms of use or election misinformation policies. We are pleased with the progress we've made, but also recognize that challenges remain. For example, Twitter will take down an individual piece of misinformation for violating its policy, but will not remove screenshots of that same post; as a result, a bad actor could deliberately post something that will be removed from one Twitter handle, screenshot it with another, and still see that tweet spread virally.

- c) Are you being adequately advised to report disinformation or misinformation spread on social media to Federal authorities?

We are encouraged to report all misinformation or disinformation to the respective platforms and to the Elections Infrastructure Information Sharing and Analysis Center (EI-ISAC) or the National Cybersecurity and Communications Integration Center (NCCIC).

- d) Are your members receiving sufficient information related to disinformation and misinformation campaigns from Federal entities to react and respond to these campaigns? Do your members have enough resources to react and respond to these threats?

NASS and NASED receive information about disinformation campaigns from the social media platforms and CISA. Much of the information related to these campaigns is useful for understanding broader tactics and techniques but is not directly actionable.

As you are aware, misinformation and disinformation are significant problems, not just for election



officials. The social media company policies specifically exempt political speech, even though remarks from both sides of the aisle can sometimes undercut official information from election officials and negatively impact voter confidence. Election offices in general are vastly under resourced, and we have yet to find a tactic that effectively addresses the vast scope of misinformation online.

10. The COVID-19 pandemic has forced election officials to administer elections differently than in previous years. COVID-19 has also disproportionately hurt minority and elderly populations.

- a) How have you specifically considered or tailored election administration guidance for minority and vulnerable populations (i.e. African American, Latino, elderly, nursing home residents, the disabled)?

NASS and NASED do not issue guidance. However, both organizations provide opportunities for states to share practices related to addressing challenges faced by specific groups of voters.

- b) What specific outreach to these communities have you performed?

NASS and NASED do not conduct outreach. Our members individually conduct outreach to their voters. As with other election administration issues, NASS and NASED provide a platform for the states to share ideas related to voter outreach with each other. In 2018, NASS convened a New Voter Forum which focused on voter outreach, education and shared practices geared towards young people, minorities, active duty military and the disabled communities. The forum's [accessibility panel](#) can be seen in archived C-SPAN footage. NASED will host a panel on accessibility during COVID-19 at our upcoming conference later this week.

- c) How are you modifying your approaches and future work with states to account for the problems (i.e. long lines, closed polling places, social distancing, surges in mail-in voting) seen in primary elections so far?

Since March, both NASS and NASED have been hosting weekly conference calls with our members to discuss solutions and share practices around the pandemic. Neither NASS nor NASED held calls with this frequency in the past.

Both NASS and NASED have virtual conference sessions happening this month. During these events, members will further discuss election administration issues related to poll worker recruitment, voter outreach, COVID-19 related changes, as well as election security.

Additionally, both organizations are working to facilitate relationships with outside organizations like the American Bar Association (ABA) to help recruit poll workers.

NASS also spoken to the National Football League (NFL) to discuss utilizing stadiums and practice facilities to serve as polling locations in light of pre-COVID accessible polling locations, such as senior citizen centers being high-risk for both voters and the population as a whole.

- d) What are your members going to do differently to help make the November elections more resilient?

Each state will make changes and adjust procedures in accordance with their laws and regulatory framework.



11. In Georgia, new voting machines presented an additional challenge to in-person voters. It was reported that certain election officials were confused by the new machines, and voters, too, reported challenges using the new technology. What more have you asked of vendors, such as Dominion Voting Systems, whose machines reportedly malfunctioned and “confused” 11 election officials in Atlanta’s suburbs, to improve and augment training and stand-by support for November’s elections?

Neither NASS nor NASED have discussed the election in Georgia with Dominion Voting Systems. Each state must work with their vendor or vendors to make sure their systems are set up properly and that election officials are trained appropriately.

12. Some poll workers are reluctant to staff polling sites for fear of contracting COVID-19, compounding the challenges of administering elections this primary season. What guidance have you issued to election officials to grow their poll worker workforce, including recruiting back-up poll workers, in case certain volunteers are unable to perform their duties on election day?

NASS and NASED do not issue guidance, but as previously mentioned, we do provide a means for states to share effective practices with each other. For example, at the NASED February conference, prior to the pandemic, the Ohio Secretary of State’s office discussed a program in which lawyers serving as election workers can receive Continuing Legal Education credits from the Ohio State Bar Association. For their May primary, Nebraska’s Secretary of State borrowed that idea from Ohio, and expanded it; they worked with their state accountants’ association to allow accountants who served as election workers to get professional education credits, and they worked with their realtors’ association, which encouraged realtors in the state to serve as election workers. Other states, including West Virginia and Iowa, have borrowed these tactics with positive results. NASS has a link on our canivote.org site to each state’s information on [becoming a poll worker](#). NASED will host a session at our upcoming conference specifically about election worker recruitment later this week.

13. Administering safe, secure, auditable elections as the COVID-19 pandemic persists will inevitably strain state and local election offices and their staffs. Last month, the House passed the *Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act*, which would provide an additional \$3.6 billion to support state efforts to administer elections safely in November, including expanded vote-by-mail. Unfortunately, the *HEROES Act* is languishing in the Senate.

- a) Do states currently have the resources they need to administer safe, secure, auditable elections in November?

NASS, NASED, and our members continue to express our gratitude for the \$400 million in election funding within the CARES Act. The EAC distributed this money quickly and it has already helped address the unique challenges each of our states face conducting elections during the COVID-19 pandemic.

Beyond the CARES Act funding, NASS does not have a position on additional election-related COVID-19 federal funding. We encourage members of Congress to ask their state’s election officials about their specific funding needs.

NASS and NASED appreciated the recent election security funding Congress has provided through HAVA. NASS has a [position](#) which supports stable federal funding to supplement state resources for election security.



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NASED does not take a position on federal funding in general. Anecdotally, however, NASED has heard from states that they have already exhausted their CARES Act funding with their primary expenditures, and many are already experiencing budget cuts as a result of falling state revenues. Election officials in every state will make it work, but elections are chronically under resourced.

- b) What challenges might states experience in November if Congress fails to provide additional resources?

Neither NASS nor NASED have a position on additional federal COVID-19 resources or funding.