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July 20, 2017

The Honorable John Kelly
Secretary of Homeland Security
U.S. Department of Homeland Security
3801 Nebraska Avenue, NW
Washington, DC 20528

Dear Secretary Kelly:

The National Association of Secretaries of State (NASS) would like to submit for the record several requests to the U.S. Department of Homeland Security (DHS), reflecting state requests which have been reiterated since the designation of elections infrastructure as critical infrastructure on January 6, 2017.

First, an expedited method for Secretaries of State to obtain security clearances needs to be established and communicated to state election chiefs as quickly as possible to ensure timely sharing of threat information. State election officials were told at the time of the designation that a new level of DHS engagement would result in such a process. Unfortunately, despite assurances from DHS representatives that this issue is being worked on internally, no Secretary of State has been granted such a clearance, nor has any process for requesting such clearance been communicated with NASS members.

Second, states remain unclear about incident notification processes and cyber incident response as it pertains to the federal government's role. During a call with National Programs and Protectorate Division (NPPD) leadership on June 7, 2017, we were told that that NPPD is working on an "incident response playbook" for elections, which will outline operational steps to occur in the event that the federal government recognizes an incident, or has reports in process. Establishing protocols for sharing information and effective cross-government communication is imperative for the unique characteristics of election systems. However, to date no such guidance has been developed with, or provided to, state election officials.

Finally, it is imperative that Secretaries of State, as chief state election officials, have an accurate understanding of public statements that DHS is making regarding foreign targeting of state and local election



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systems. On June 21, 2017, DHS representatives testified in a hearing before the Senate Select Committee on Intelligence that, “21 states were potentially targeted by Russian government cyber actors.” In a follow up to that testimony, DHS said that all 21 states were notified. The leaders of the Senate Intelligence Committee subsequently wrote a letter to every chief state election official urging them to consider notifying the public of any potential attacks or breaches.

However, it has become clear that chief state election officials did not receive such notification. We have learned that indicators were seen on state networks and thus, Chief State Information Officers and Chief State Information Security Officers were likely the ones notified in this scenario. It is also important to note that in a number of states, the elections infrastructure is NOT connected to the rest of the state network. Therefore, it is imperative that DHS victim entity notification protocols be clearly conveyed to state election officials, hopefully with an opportunity to provide valuable collaboration and input on the process.

NPPD has assured Secretaries of State that a full DHS timeline for all activities related to the implementation of an Elections Subsector under the critical infrastructure designation will be provided as quickly as possible, so that states will be treated as partners in identifying areas of mutual prioritization. Unfortunately, we are still waiting for this timeline. As you are aware, Secretaries of State have been quite vocal in their frustration about the lack of transparency and clarity that has been provided on this new federal designation thus far.

The public has entrusted state and local election officials with securing our election systems. Moving ahead in preparation for upcoming election cycles, we need improved communication and timely information from DHS to ensure the best defenses are in place to protect our systems.

We would appreciate your immediate attention to this matter.

Sincerely,

Hon. Connie Lawson, Indiana Secretary of State
NASS President

cc: NASS Elections Committee Members