

THE NEW CENTER

Policy Paper



Think Centered

Securing Our Elections

Securing Our Elections

March 2020

AUTHOR

Aleksandra Srdanovic

Policy Analyst

aleksandra@newcenter.org

ABOUT THE NEW CENTER

American politics is broken, with the far left and far right making it increasingly impossible to govern. This will not change until a vibrant center emerges with an agenda that appeals to the vast majority of the American people. This is the mission of The New Center, which aims to establish the ideas and the community to create a powerful political center in today's America.

THE NEW CENTER

1808 I Street NW, Fl. 5

Washington, D.C. 20006

www.newcenter.org

Introduction

Beginning in 2014 and ending soon after the election of President Donald Trump, the Russian government and its affiliates engaged in a wide-reaching, complex campaign to influence the outcome of the 2016 presidential election and undermine American democratic institutions. Comprehensive investigations from nonpartisan Intelligence Community (IC) agencies and subsequent bipartisan Congressional committees concluded that:

- **Russian President Vladimir Putin ordered a multifaceted influence campaign that included intelligence-gathering operations and propaganda initiatives to sway public opinion in favor of Donald Trump and against Hillary Clinton.**¹
- **Election systems in all 50 U.S. states were targeted.**²

While there is no question that the Russian government interfered in our elections, its targeted attacks did not ultimately result in modified vote tallies or voter registration files.³ Nevertheless, this unprecedented effort raises questions about the resilience of American electoral institutions and warrants a serious response from citizens, policymakers, and election officials alike. Instead, election security has become another polarizing issue for party members to fight over, with the right believing concern over election security is just an excuse to delegitimize President Trump, and the left suggesting President Trump did not fairly win the 2016 election.

It is important to remember, however, that election security issues date back to before the 2016 election and involve more than just foreign adversaries.

During the 2000 election, the country watched as the candidates—neither of whom had secured the 270 electoral votes required to assume the presidency—vied for votes in Florida. Following several recounts mandated by the state of Florida and a divided Supreme Court decision, George W. Bush went on to become the nation’s 43rd president.

In the aftermath, a debate ensued over the reliability of election infrastructure and technologies. Palm Beach County’s “butterfly ballot” designs sowed confusion amongst voters and vote counters alike, leading thousands of votes to unintentionally go to independent candidate Pat Buchanan.⁴ A glitchy memory card for an optical-scan voting machine caused Gore to receive negative 16,022 votes in a Volusia County precinct.⁵

To address these and many other issues, Congress passed the Help America Vote Act in 2002, which provided states with funding to meet new mandatory minimum election administration standards and created the Election Assistance Commission (EAC).⁶ These newly imposed standards modernized voting machines, voter registration databases, election procedures, and cybersecurity capabilities.



However, as evidenced by the events surrounding the 2016 election, there is still work to be done. Our election security is being challenged by:

1. A LACK OF FEDERAL LEADERSHIP

In May 2018, former National Security Advisor John Bolton eliminated the White House Cybersecurity Coordinator position in an attempt to streamline the National Security Council (NSC).⁷ The position not only helped guide an executive response to major cybersecurity threats but managed competing priorities from federal agencies. With the government's top position on cybersecurity eliminated, and agencies having disparate roles and responsibilities in managing election security and assistance, the federal government lacks an overarching inter-agency or executive mechanism that sets clear standards and strategies for addressing election security concerns.

2. TOOTHLESS FEDERAL ELECTION COMMISSIONS

Commissioners on the Election Assistance Commission and Federal Election Commission are appointed by the president and confirmed by the Senate, but like most everything else in Washington, nominations to these commissions have become politicized. Neither the EAC nor the FEC has enough commissioners serving to establish a quorum, rendering them incapable of making meaningful and timely decisions on important issues like voting system guidelines and campaign finance laws.

3. OUTDATED PAYMENT FORMULAS TO STATES

States are currently allocated grants for improving election infrastructure through formula-based payments authorized under the Help America Vote Act (HAVA), which do not account for the broad range of unique state needs and funding gaps.

4. THE GROWING INFLUENCE OF BIG TECH COMPANIES

Increased collaboration between tech companies, social media companies, and U.S. officials to secure elections raises concerns about how data is collected and used.

5. VOTER VERIFICATION AND VOTER DISENFRANCHISEMENT

Verifying the identities of individuals who vote is a vital step towards strengthening election security. However, for many Americans, acquiring photo ID is an expensive and time-consuming process that ultimately disenfranchises large segments of the population.

The New Center believes that if states and the federal government want to work towards long-lasting reforms to strengthen American institutions and election security—without compromising state jurisdiction over elections—they could align behind the following solutions:

- **Restore the Role of White House Cybersecurity Coordinator and Establish an Election Security Coordinating Committee**
- **Amend the Help America Vote Act (HAVA)**
- **Change the Structure of the Election Assistance Commission and Federal Election Commission**
- **Establish a Transparent Big Tech-Federal Government Election Security Coordination Process**
- **Make it Easier for Americans to Obtain Photo ID**



Identifying Foreign and Domestic Threats

Identifying Foreign and Domestic Threats



Source: Harvard Kennedy School Belfer Center for Science and International Affairs⁸

Defending Digital Democracy, a project of Harvard University's Belfer Center, identifies different types of actors who may want to undermine U.S. elections.

Nation-state actors like Iran, China, and Russia, as well as organizations like WikiLeaks, are easily identifiable. However, an often-overlooked threat stems from a lack of voter confidence in election administration and American political institutions.

In the run-up to the 2018 midterm elections, Pew Research Center conducted polling on Americans' perceptions of election security and administration. They found that only 8% of U.S. adults were very confident that U.S. elections were secure from hacking, compared to 37% who were "not too confident" and a startling 17% who were "not at all confident."⁹

Several research studies examining voters in the United States and around the world show that citizens are less likely to vote when they do not trust the integrity of their election systems.¹⁰

Voter Fraud: Fact or Fiction?

After winning the 2016 election, President Donald Trump claimed via Twitter that “I won the popular vote if you deduct the millions of people who voted illegally.”¹¹ President Trump would continue to make claims about voter fraud well into his presidency and even established the Presidential Advisory Commission on Election Integrity (or the Voter Fraud Commission) on May 11th, 2017, via executive order to investigate.¹²

The commission was disbanded less than a year later on January 3rd, 2018, in part because states were unwilling to comply with the White House’s request for extensive voter data.¹³

Debates about voter fraud go back centuries, when women and African Americans were denied the right to vote because they “made our elections disagreeable, contentious, and corrupt,” according to an opinion writer for the Trenton Federalist in the early 19th century.¹⁴ Today, opinions about voter fraud, or a lack thereof, are split across party lines.

Right-leaning groups, like the Heritage Foundation, claim that “the United States has a long and unfortunate history of election fraud.”¹⁵ Left-leaning groups, like the Brennan Center for Justice, claim that “it is more likely that an American will be struck by lightning than that he will impersonate another voter at the polls.”¹⁶

Where does the truth lie?

Voter fraud is a problem, but hundreds of studies conducted on voter fraud over the years suggest it is not nearly as widespread in the U.S. as some imagine.¹⁷

One study, for example, conducted by Justin Levit of Loyola Law School, found only 31 “credible” instances of voter impersonation out of more than 1 billion votes cast between 2000 and 2014.¹⁸





The Current State of Election Security

To Centralize or Decentralize?



The aftermath of 2016 thrust the debate over who should control elections into the national spotlight. In the report of the Senate Select Intelligence Committee on “Russian Active Measures Campaigns and Interference in the 2016 U.S. Election,” Democratic Senator Ron Wyden contributed a minority view, emphasizing that “if there was ever a moment when Congress needed to exercise its clear constitutional authorities to regulate elections, this is it.”²³

No Republicans signed on to Senator Wyden’s view, but Democratic Senators Kamala Harris, Michael Bennet, and Martin Heinrich emphasized that Congress “must take up and pass legislation in order to secure our elections.”²⁴

Democrats consequently passed several election security bills through the House—some bipartisan—yet Senate Majority Leader Mitch McConnell has refused to bring them up for a vote on the Senate floor, saying that “my opposition to nationalizing election authorities that properly belong with the states is not new to anybody who’s followed my career or knows anything about Congress.”²⁵

McConnell’s perspective is not an outlier. When the Department of Homeland Security designated election infrastructure as “critical infrastructure” on January 6th, 2017, the nonpartisan National Association of Secretaries of State passed a resolution opposing this designation, deeming it federal overreach.²⁶

So where does the federal government’s power lie?

To Centralize or Decentralize?



According to Article I, Section 4 of the U.S. Constitution, “the Times, Places, and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such Regulations, except as to the Places of chusing Senators.”²⁷

Article II, Section 1 notes that “each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors” but that “Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.”²⁸

Over the years, the role of the federal government in elections has slowly grown, due in large part to the passing of federal statutes—such as the Voting Rights Act (VRA), the Federal Election Campaign Act (FECA), the Help America Vote Act (HAVA), the National Voter Registration Act (NVRA), and the Uniformed and Overseas Citizens Voting Act (UOCAVA)—governing campaign finance, election administration, voting rights, and other areas.²⁹

The passage of these federal statutes often engendered pushback from states. In the case of the National Voter Registration Act, multiple states including California, Illinois, and Michigan failed to comply with the law, but individual appellate courts upheld its constitutionality.³⁰

Despite the prevalence of lawsuits and compliance issues over these federal statutes, a report from the Government Accountability Office concluded that the Supreme Court affirmed Congress’s authority to override states’ regulations under the Elections Clause. It also noted that Congress’s authority over presidential elections extends beyond simply choosing election times, but that “the precise parameters of Congress’ authority to pass legislation relating to presidential elections have not been clearly established.”³¹

Election Security Funding

In light of election infrastructure issues identified in the 2000 election, Congress passed the Help America Vote Act in 2002.

HAVA established minimum election administration standards, a funding program to help states bolster infrastructure, and the Election Assistance Commission (EAC) to assist states with meeting HAVA requirements.

HAVA grants are awarded to states through formula-based payments. States receive funding for improving election administration based on the state's voting-age population; replacing lever and punch-card voting systems based on the number of precincts using said systems; and meeting new HAVA requirements based on the state's voting-age population.³² States received the most substantial HAVA appropriations in 2003 and 2004 when they were awarded around \$1.5 billion for both years. They were not awarded funding again to meet HAVA requirements under Section 251 until 2008, 2009, and 2010.³³

In 2018, President Trump signed the Consolidated Appropriations Act into law, which appropriated \$380 million in new grants for states under the HAVA Election Security Fund. These marked the first HAVA appropriations to states since FY2010.³⁴

APPROPRIATIONS FOR FORMULA PAYMENTS



Source: Congressional Research Service, from HAVA and annual appropriations acts

Notes: Figures are in millions. They include funds for administrative expenses and do not reflect recessions. The FY2003 act did not specify the distribution of funds between Secs. 101 and 102.

Election Security Funding

Despite being heralded as a welcome chunk of funding, research from the Brennan Center for Justice revealed that the \$380 million grant has left states unable to address all of the gaps in their election security needs.

In a report that examined the election security environment in six states—Alabama, Arizona, Illinois, Louisiana, Oklahoma, and Pennsylvania—the Brennan Center found that states were still having issues addressing needed improvements in cybersecurity infrastructure, post-election audits, and voter registration systems, and other areas of concern.³⁵

The 2018 Election Security Scorecard from the Center for Strategic and International Studies (CSIS) echoes this sentiment, arguing that “current funds are helping to implement basic security practices, but the full cost of robust security is far higher.”³⁶

Many of these problems are also identified in the 2019 Election Administration and Voting Survey Report, which the federal Election Assistance Commission sent to election officials in all 50 states, the District of Columbia, and four U.S. territories, and includes information about election administration, registration, and voting.³⁷

On September 19th, 2019, Senate Majority Leader Mitch McConnell announced that the Appropriations Committee would be allocating an additional \$250 million for election security on top of the \$380 million already approved by Congress in 2018.⁴¹

RESULTS OF THE 2019 ELECTION ADMINISTRATION VOTING SURVEY REPORT³⁸

VOTING MACHINES

A voter-verified paper audit trail (VVPAT) allows voters to ensure that their votes were cast as intended through a hard copy printer system, and is considered “the best safeguard against election hacking.”³⁹ It is estimated that 46 states “will have or be in the process of implementing VVPAT for all voters” by 2020.⁴⁰ But right now, only 38.9% of states use direct-recording electronic (DRE) machines with a VVPAT. Even more concerning, 29.6% of states use DREs without a verified paper trail, and in 2018, less than 2% of districts reported only using DREs without VVPATs. Using fully digital voting machines without an auditable paper trail poses a security threat, as they can be easily rigged or hacked by a malicious party.

ELECTION AUDITS

12 states do not require any type of election audit to ensure that election procedures were followed and that voting equipment functioned properly.

Federal Agency Roles and Initiatives

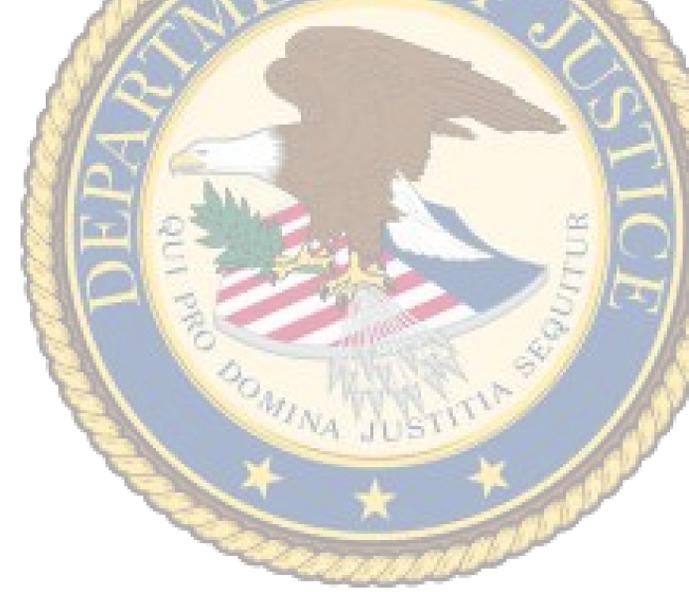
There is no single federal agency that is responsible for election administration, as this mandate falls to the states. Rather, a plethora of agencies have specific responsibilities relating to security measures, laws and statutes, and funding. For some agencies, like the Department of Homeland Security and Department of Justice, election security is just one part of their overall mission. Others, like the Election Assistance Commission and Federal Election Commission, were founded for the sole purpose of providing elections assistance to states and localities.

AGENCY	AGENCY ROLE
<p>Department of Homeland Security</p>	<p>Assists states on cybersecurity; sector-specific agency or elections infrastructure subsector; Secret Service protects major presidential candidates</p>
<p>Department of Justice</p>	<p>Enforces criminal law and civil aspects of some elections statutes; DOJ included in EAC Board of Advisors; Federal Bureau of Investigation investigates election crimes and participates in Intelligence Community</p>
<p>Election Assistance Commission</p>	<p>Distributes HAVA funds and coordinates certain election information with states</p>
<p>Federal Election Commission</p>	<p>Administers and enforces civil campaign finance law</p>
<p>The Intelligence Community</p>	<p>Assesses foreign efforts to influence U.S. campaigns and elections</p>

Source: Congressional Research Service⁴²

On October 7th, 2016, the Department of Homeland Security and the Office of the Director of National Intelligence released a joint statement expressing confidence that the Russian government was responsible for the slew of email hacks and probes of election-related systems leading up to the 2016 presidential election.⁴³

Their findings, outlined in a report by the Central Intelligence Agency, Federal Bureau of Investigation, and National Security Agency, brought election security and cybersecurity to the foreground and sparked a response from multiple federal agencies concerned about protecting America's democratic institutions from malign actors.⁴⁴



Eight U.S. Intelligence Groups Agree

The Russian government attempted to interfere in the 2016 election.⁴⁵

The Department of Homeland Security

The Department of Homeland Security is equipped to assist election security officials and organizations in defending elections infrastructure on a voluntary basis and at the request of states. These responsibilities include sharing threat information, providing assistance for cybersecurity, coordinating between election officials and DHS officials, and deploying sensors that detect “malicious” activity.⁴⁶

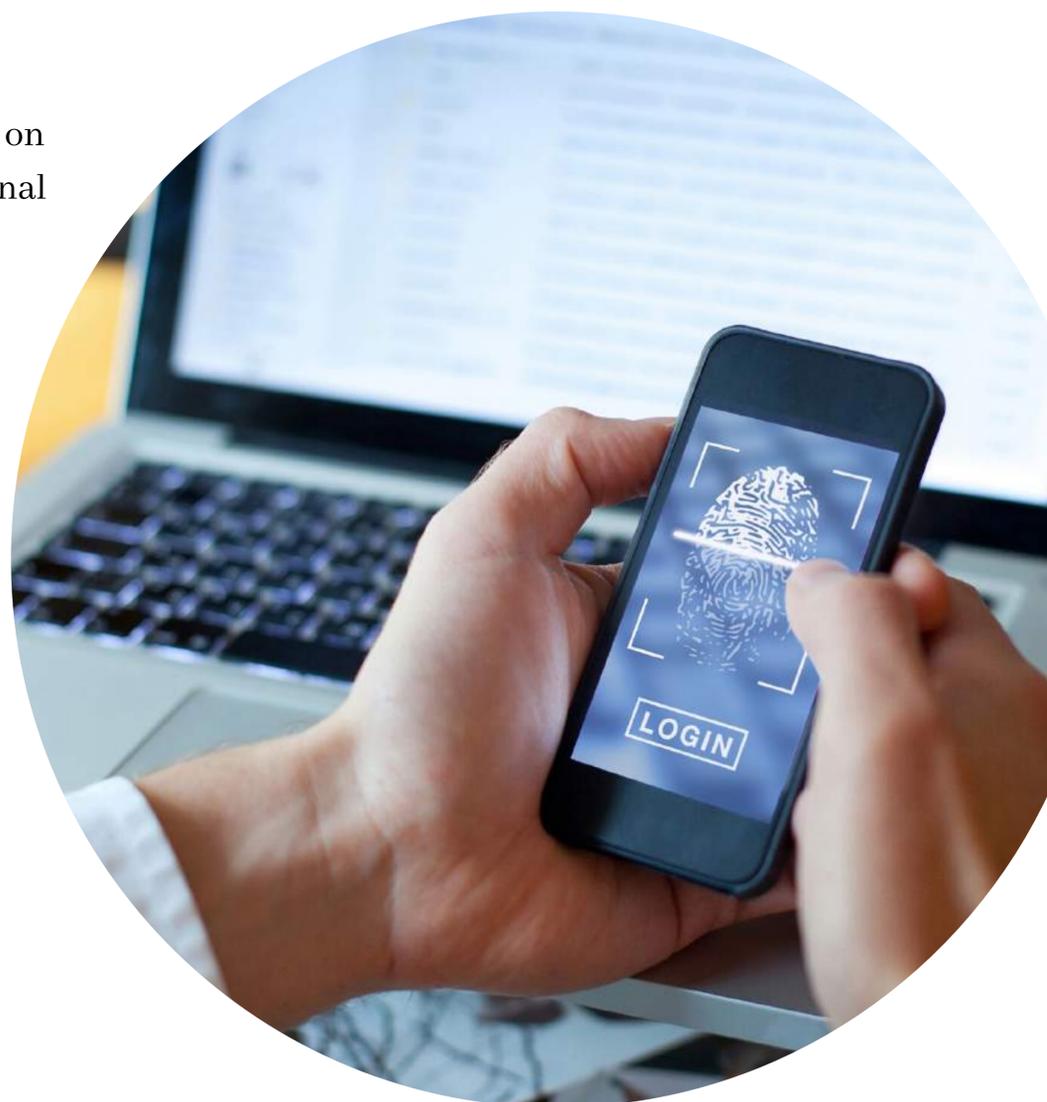
In January 2017, the Department of Homeland Security designated election infrastructure as “critical infrastructure.”⁴⁷ Critical Infrastructure (CI) is defined under federal law as “systems and assets, whether physical or virtual, so vital to the United States that the incapacity of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters.”⁴⁸

Despite fear from state election officials that the CI designation would mean further unwanted federal overreach, it does not give the Department of Homeland Security regulatory authority over election infrastructure. Instead, it prioritizes election security assistance within DHS through voluntary mechanisms that states can request and use, which include assessments and election security plans and established coordination mechanisms such as advisory councils and information-sharing centers.⁴⁹

Some of these information-sharing centers and advisory councils, also established in 2017, include the Election Infrastructure Subsector Government Coordinating Council (EIS-GCC) and the Elections Infrastructure Information Sharing and Analysis Center (EI-ISAC).

Building upon DHS’s CI designation in 2017, President Donald Trump signed the Cybersecurity and Infrastructure Security Agency Act of 2018 on November 16th of that year.⁵⁰ The bill redesignated DHS’s existing National Protection and Programs Directorate as the Cybersecurity and Infrastructure Security Agency (CISA), endowing it with responsibilities that include “leading cybersecurity and critical infrastructure security programs, operations, and associated policy; and carrying out DHS’s responsibilities concerning chemical facility antiterrorism threats.”⁵¹

Still in infancy, the CISA is already experiencing issues. A February 2019 Inspector General report found that CISA and DHS lacked the plans and strategies necessary to identify election security threats or counter them and failed to establish metrics that would successfully define progress in securing elections infrastructure. This, coupled with leadership turnover, a lack of staff, lengthy security clearance processes, and state mistrust of federal government assistance, has left the CISA and DHS ill-equipped to effectively secure election infrastructure.⁵² These assessments by the Office of Inspector General were reiterated in its Semiannual Report to the Congress.⁵³



The Department of Justice



In 2017, FBI Director Christopher Wray announced the creation of the Foreign Influence Task Force (FITF) in response to Russia's attempts to influence the 2016 presidential election. The Foreign Influence Task Force was designed to identify and counter foreign influence operations, but aside from that, not much is known about the Bureau's new unit.

The task force does not have its own landing page on the FBI's website; rather, it is housed under a page on "Combating Foreign Influence."⁵⁴ FBI Director Wray and other officials have declined to comment on the specifics of ongoing investigations and who works for the task force, revealing only that FITF is staffed by individuals pulled from the Counterintelligence, Cyber, Counterterrorism, and Criminal Investigative Divisions. Likewise, the unit has published no reports or assessments to date.⁵⁵

The most recent and detailed update on FITF's work comes from testimony before the House Judiciary Committee by Nikki Floris, the Deputy Assistant Director of the FBI's Counterintelligence Division. In her testimony, Floris notes that the unit had taken lessons from the 2018 midterm elections to widen its scope beyond the Russian threat, focusing on China, Iran, and other adversaries as well. She also outlined FITF's "three-pronged" approach, which includes "investigations and operations; information and intelligence sharing; and a strong partnership with the private sector."⁵⁶

Ultimately, as expressed in the Justice Department's 2018 Cyber Digital Task Force report, the department does "not have the federal government lead for assisting election officials in securing their systems, but we do have primary responsibility for investigating our foreign adversaries' efforts to target election infrastructure."⁵⁷

Nevertheless, in October 2019, the FBI—in coordination with the Department of Homeland Security and the Director of National Intelligence—launched Protected Voices, an online resource center that provides political campaigns, companies, and individuals educational videos on topics relating to cybersecurity and foreign influence.⁵⁸

The Bureau also collaborates closely with agencies like DHS to provide election officials with the information they need to protect their infrastructure and systems. For example, in February 2019, the FBI, DHS, and Office of the Director of National Intelligence (ODNI) hosted a classified election security workshop for state election officials with the goal of enhancing partnerships and providing information on election security threats.⁵⁹

The Election Assistance Commission and Federal Election Commission

The Election Assistance Commission (EAC) was established in 2002 through the Help America Vote Act, in response to the issues surrounding elections infrastructure during the 2000 presidential election. An independent agency led by a bipartisan commission, the EAC serves as a resource for election administration and administers HAVA grant payments to states.

In response to the threats posed by foreign interference in the 2016 election, the EAC was responsible for disseminating new funds from Congress to states via HAVA. It also assisted in setting up inter-agency coordination councils and information technology training for election officials.⁶⁰ While the EAC plays an important role in election assistance, some Republican legislators have condemned it as an agency that has outlived its original mandate, and have tried on multiple occasions over the years to introduce or pass bills that would abolish the EAC entirely.⁶¹

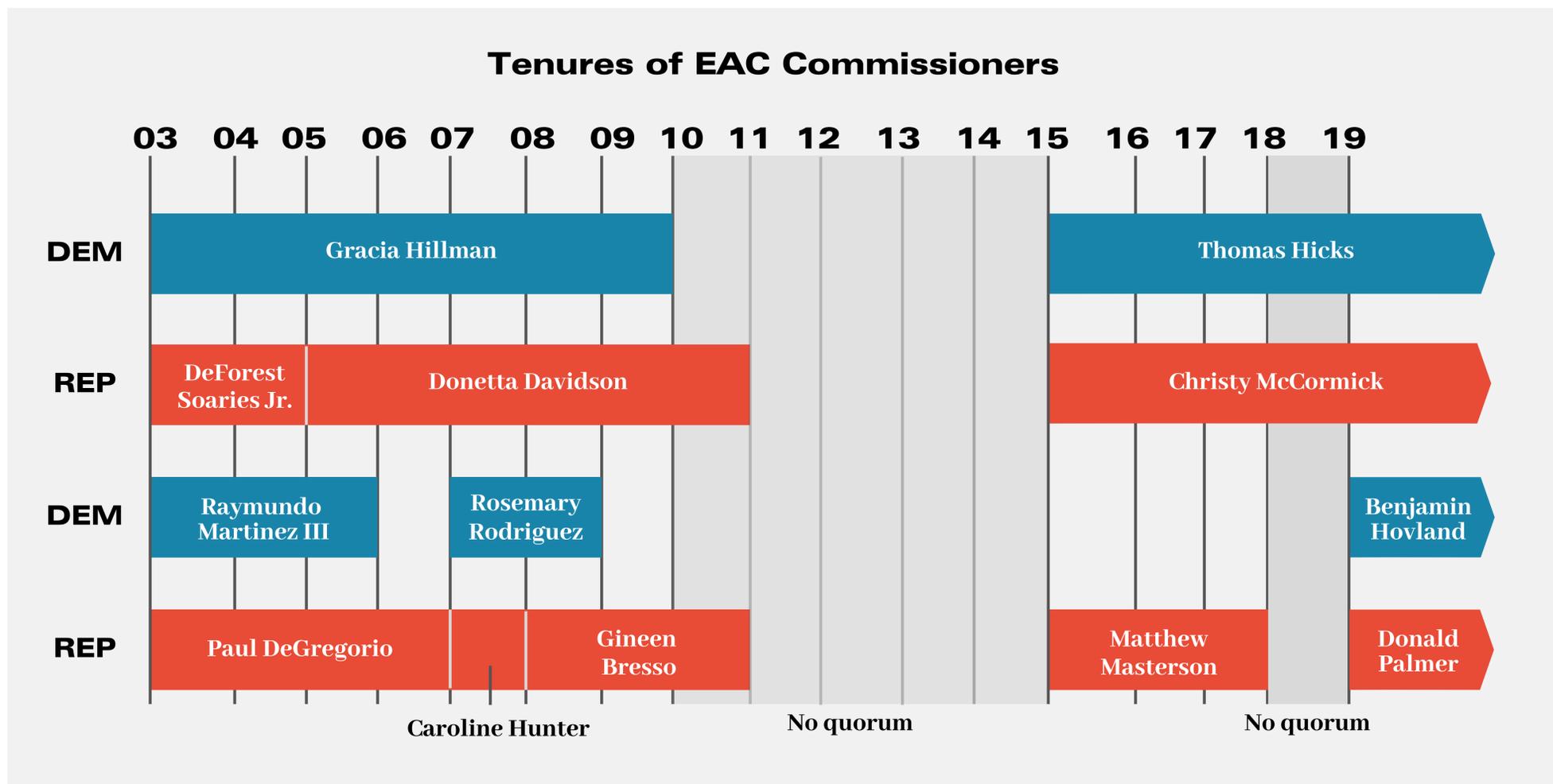
Much of this criticism stems from the Commission's inability to pass meaningful policy updates due to a lack of a policymaking quorum. In order for the EAC to have a quorum, there must be at least three commissioners out of four sworn in at a time.

Quorum is crucial for the EAC because it is responsible for updating Voluntary Voting System Guidelines (VVSG), guidelines for voting system certification.

Yet between December 2010 and December 2014, there were only two active commissioners. This meant that the original voting system guidelines, passed in 2005, were only updated for the first time in 2015 with a full set of commissioners in place.⁶²



The Election Assistance Commission and Federal Election Commission



Source: Congressional Research Service, Based on data from the EAC and Congress.gov.⁶³

Increasing political polarization plays a large role in “no quorum” EAC commissions. Because the President is tasked with nominating commissioners based on recommendations from the minority and majority parties in Congress, political infighting can lead to a lack of both nominations and confirmations. According to the Bipartisan Policy Center, the EAC has only had quorum 68% of the time since it was first created, and it has only had a full set of four commissioners 28% of the time.⁶⁴

The Federal Election Commission (FEC), formed in 1974 and charged with enforcing campaign finance laws for federal elections, faces similar issues as the EAC.

Since the resignation of Commissioner Matthew Petersen on August 31st, 2019, the FEC has lacked a quorum, leaving it unable to hold scheduled meetings or address the approximately 275 cases that are on its enforcement docket. According to the nonprofit group Issue One, “about three dozen of these cases involve alleged illegal foreign interference in U.S. elections.”⁶⁵

Big Tech and the Disinformation Revolution

DOJ Special Counsel Robert Mueller’s “Report On The Investigation Into Russian Interference In The 2016 Presidential Election” informed policymakers and the public of the extent to which the Russian government and its affiliates were using social media platforms to sow discord amongst the American electorate to influence the 2016 election.⁶⁶ Volume I delves into specific detail on how the Russian Internet Research Agency (IRA) used social media accounts, group pages, and political advertisements with the goal of “supporting the Trump Campaign and disparaging candidate Hillary Clinton.”⁶⁷ Targeted advertising amounted to only about \$100,000—pocket change when compared to the \$1.5 billion raised and spent by presidential candidates in the 2015-2016 election cycle.⁶⁸

These findings, alongside revelations like the Cambridge Analytica scandal, put big tech companies on the defensive, with critics claiming that the companies abdicated their responsibility to prevent abuse on their platforms for the purpose of election interference.

In response, several big tech companies have released plans to ramp up security on their platforms and provide assistance to bolster election security:

- On October 21st, 2019, Facebook released a detailed report in which it signaled its commitment to protecting the 2020 elections. Facebook’s new initiatives include the addition of fact-checking labels on posts, funding for media literacy, updated policies to combat inauthentic behavior, increased page transparency, and labeling of content that comes from state-controlled media.
- In March 2017, Google partnered with Jigsaw to launch Protect Your Election, a collection of free tools designed to help protect against digital attacks and provide reliable election information.⁶⁹
- On September 24th, 2019, Microsoft announced that it was making ElectionGuard available to the public. ElectionGuard is an open-source software development kit that, among other things, ensures votes recorded by electronic systems remain secure and allows third-party organizations to verify them.

Beyond rethinking their internal strategies, big tech companies have held multiple meetings with U.S. officials to discuss how they can collaborate on information sharing and threat detection measures ahead of the 2020 election. Yet this information sharing raises concerns about privacy for platform users, as expressed by Joan Donovan, the Director of the Technology and Social Change Research Project at the Harvard Kennedy School, in an article for The New York Times: “We don’t know where the lines are drawn internally,” she said. “We don’t know whether tech companies would consider your inbox or direct messages subject to sharing with the state.”⁷⁰





The Solutions

The Solutions



Restore the Role of White House Cybersecurity Coordinator and Establish an Election Security Coordinating Committee

The National Security Council (NSC) should reinstate the position of Cybersecurity Coordinator in order to demonstrate the federal government’s commitment to countering cyber and election security threats, provide-high level direction on cyber policy, and ensure proper coordination and communication between relevant federal agencies and state officials.

This interagency coordination could occur through a newly established Election Security Coordinating Committee, which would be chaired by the White House Cybersecurity Coordinator. Many other government sectors benefit from coordinating committees, such as the Trade Promotion Coordinating Committee established in 1992 “to provide a unifying framework to coordinate the export promotion and export financing activities of the U.S. government and to develop a government-wide strategic plan for carrying out such programs.”⁷¹



Amend the Help America Vote Act (HAVA)

The Help America Vote Act (HAVA) should be amended in order to both provide states with adequate funding and encourage them to meet critical elections infrastructure standards by including an additional discretionary competitive grant to supplement the current formula non-competitive HAVA funding structure.

This will allow states to receive additional payments based on the merits of their funding needs, and should be predicated on states using funds to meet specific standards such as:

- Acquiring new election infrastructure through short-term leases instead of long-term, locked in purchases. This will prevent equipment from becoming outdated and will allow states greater flexibility in keeping up with new technology updates.
- Implementing election audit standards and procedures.

The Solutions



Change the Structures of the EAC and FEC

Because commissioners on the EAC and FEC are evenly split across party lines, their appointments and subsequent deliberations are subject to increased political polarization. In order to break this gridlock, the structures of the EAC and FEC should be amended to include one independent commissioner who does not have a history of serving in a political capacity as either a Republican or Democrat.



Establish a Transparent Framework for Big Tech-Federal Election Security Coordination

The sensitive nature of cybersecurity warrants some obscurity regarding how big tech and the federal government coordinate on election security. Yet there should be greater transparency from big tech companies regarding what personal user information is shared with government agencies, as well as how that information is used.



Remove Obstacles to Obtaining Photo Identification

While many states that require photo ID to vote offer free voter ID cards, many of the fees that citizens incur actually come from acquiring identifying documents, such as birth certificates, and traveling. The federal government could introduce a new discretionary grant for states and localities to offset the cost of states waiving photo ID fees and identifying document fees for eligible, low-income Americans.

- 1 Background to “Assessing Russian Activities and Intentions in Recent US Elections”: The Analytic Process and Cyber Incident Attribution. (2017, January 6). Retrieved from https://www.dni.gov/files/documents/ICA_2017_01.pdf
- 2 Report of the Select Committee on Intelligence, United States Senate, on Russian Active Measures Campaigns and Interference in the 2016 U.S. Election Volume I: Russian Efforts Against Election Infrastructure With Additional Views. (2019). Retrieved from https://www.intelligence.senate.gov/sites/default/files/documents/Report_Volume1.pdf
- 3 Report of the Select Committee on Intelligence, United States Senate, on Russian Active Measures Campaigns and Interference in the 2016 U.S. Election Volume I: Russian Efforts Against Election Infrastructure With Additional Views. (2019). Retrieved from https://www.intelligence.senate.gov/sites/default/files/documents/Report_Volume1.pdf
- 4 Wand, J., Shotts, K., Sekhon, J., Mebane, W., Herron, M., & Brady, H. (2001). The Butterfly Did It: The Aberrant Vote for Buchanan in Palm Beach County, Florida. *The American Political Science Review*, 95(4), 793-810. Retrieved January 21, 2020, from www.jstor.org/stable/3117714
- 5 Zetter, K. (2018, September 26). The Crisis of Election Security. Retrieved from <https://www.nytimes.com/2018/09/26/magazine/election-security-crisis-midterms.html>
- 6 Help America Vote Act. Retrieved from <https://www.eac.gov/about/help-america-vote-act/>
- 7 Toosi, N., Restuccia, A., & Geller, E. (2018, July 26). Trump to chair National Security Council meeting on election security. Retrieved from <https://www.politico.com/story/2018/07/25/trump-national-security-council-meeting-740424>
- 8 The State and Local Election Cybersecurity Playbook. (2018, February). Retrieved from <https://www.belfercenter.org/sites/default/files/files/publication/StateLocalPlaybook%201.1.pdf>
- 9 Elections in America: Concerns Over Security, Divisions Over Expanding Access to Voting. (2018, October 29). Retrieved from <https://www.people-press.org/2018/10/29/elections-in-america-concerns-over-security-divisions-over-expanding-access-to-voting/>
- 10 Birch, S. (2010, July 8). Perceptions of Electoral Fairness and Voter Turnout. Retrieved from <https://doi.org/10.1177/0010414010374021>
- Alvarez, R., Hall, T., & Llewellyn, M. (2007, August 12). Are Americans Confident Their Ballots Are Counted? *The Journal of Politics*. Retrieved from <https://www.journals.uchicago.edu/doi/abs/10.1017/S0022381608080730>
- Carreras, M. & Irepoglu, Y. (2013, December). Trust in elections, vote buying, and turnout in Latin America. Retrieved from <https://www.sciencedirect.com/science/article/pii/S0261379413001121>
- Gronlund, K. & Setala, M. (2007, November 22). Political trust, Satisfaction and Voter Turnout. Retrieved from <https://link.springer.com/article/10.1057/palgrave.cep.6110113>
- 11realDonaldTrump. (2016, November 27). In addition to winning the Electoral College in a landslide, I won the popular vote if you deduct the millions of people who voted illegally [Tweet]. Retrieved from <https://twitter.com/realdonaldtrump/status/802972944532209664>
- 12 Presidential Executive Order on the Establishment of Presidential Advisory Commission on Election Integrity. (2017, May 11). Retrieved from <https://www.whitehouse.gov/presidential-actions/presidential-executive-order-establishment-presidential-advisory-commission-election-integrity/>
- 13 Stewart III, C. (2018, January 4). Trump’s controversial election integrity commission is gone. Here’s what comes next. Retrieved from <https://www.washingtonpost.com/news/monkey-cage/wp/2018/01/04/trumps-controversial-election-integrity-commission-is-gone-heres-what-comes-next/>
- 14 Lichtman, A.J. (2018, October 22). Voter fraud isn’t a problem in America. Low turnout is. Retrieved from <https://www.washingtonpost.com/outlook/2018/10/22/voter-fraud-isnt-problem-america-low-turnout-is/>
- 15 A Sampling of Election Fraud Cases from Across the Country. Retrieved from https://www.heritage.org/sites/default/files/voterfraud_download/VoterFraudCases_5.pdf

- 16 Levitt, J. (2007, November 9). The Truth About Voter Fraud. Retrieved from <https://www.brennancenter.org/our-work/research-reports/truth-about-voter-fraud>
- 17 Ingraham, C. (2017, January 25). Here are nine investigations on voter fraud that found virtually nothing. Retrieved from <https://www.washingtonpost.com/news/wonk/wp/2017/01/25/here-are-nine-major-investigations-on-voter-fraud-that-found-virtually-nothing/>
- 18 Debunking In-Person Voter Fraud. (2017, February). Retrieved from <http://www.projectvote.org/wp-content/uploads/Debunking-In-Person-Voter-Fraud-Feb-2017.pdf>
- 19 Citizens Without Proof: A Survey of Americans' Possession of Documentary Proof of Citizenship And Photo Identification (2006, November). Retrieved from https://www.brennancenter.org/sites/default/files/legacy/d/download_file_39242.pdf
- 20 Underhill, W. (2020, January 1). Voter Identification Requirements. Retrieved from <http://www.ncsl.org/research/elections-and-campaigns/voter-id.aspx>
- 21 Underhill, W. (2020, January 1). Voter Identification Requirements. Retrieved from <http://www.ncsl.org/research/elections-and-campaigns/voter-id.aspx>
- 22 Sobel, R. (2014, June). The High Cost of "Free" Photo Voter Identification Cards. Retrieved from <https://today.law.harvard.edu/wp-content/uploads/2014/06/FullReportVoterIDJune20141.pdf>
- 23 Report of the Select Committee on Intelligence, United States Senate, on Russian Active Measures Campaigns and Interference in the 2016 U.S. Election Volume I: Russian Efforts Against Election Infrastructure With Additional Views. (2019). Retrieved from https://www.intelligence.senate.gov/sites/default/files/documents/Report_Volume1.pdf
- 24 Report of the Select Committee on Intelligence, United States Senate, on Russian Active Measures Campaigns and Interference in the 2016 U.S. Election Volume I: Russian Efforts Against Election Infrastructure With Additional Views. (2019). Retrieved from https://www.intelligence.senate.gov/sites/default/files/documents/Report_Volume1.pdf
- 25 Marks, J. (2019, July 30). The Cybersecurity 202: Mitch McConnell just made sure election security will be key Senate campaign issue. Retrieved from <https://www.washingtonpost.com/news/powerpost/paloma/the-cybersecurity-202/2019/07/30/the-cybersecurity-202-mitch-mcconnell-just-ensured-election-security-will-be-key-senate-campaign-issue/5d3f697088e0fa1454f80005/>
- 26 NASS Resolution Opposing the Designation of Elections as Critical Infrastructure. (2017, February 18). Retrieved from <https://www.nass.org/node/103>
- 27 Constitution of the United States. Retrieved from https://www.senate.gov/civics/constitution_item/constitution.htm
- 28 Constitution of the United States. Retrieved from https://www.senate.gov/civics/constitution_item/constitution.htm
- 29 Garrett, R.S. (2018, September 4). Federal Role in U.S. Campaigns and Elections: An Overview. Retrieved from <https://fas.org/sgp/crs/misc/R45302.pdf>
- 30 About The National Voter Registration Act. Retrieved from <https://www.justice.gov/crt/about-national-voter-registration-act>
- 31 The Scope of Congressional Authority in Election Administration (2001, March). Retrieved from <https://www.gao.gov/new.items/d01470.pdf>
- 32 State Election Reform Payments: FY2018 Appropriations. (2018, July 9). Retrieved from <https://fas.org/sgp/crs/misc/IF10925.pdf>
- 33 Coleman, K.J. & Fischer, E.A. (2013, October 21). The Help America Vote Act: Overview and Issues. Retrieved from <https://www.hsdl.org/?view&did=746115>
- 34 HAVA Funds State Chart View. Retrieved from <https://www.eac.gov/payments-and-grants/hava-funds-state-chart-view/>

- 35 Deluzio, C.R., Howard, L., Rosenzweig, P., Salvo, D., & Wilson, R.D. (2018, July 18). Defending Elections: Federal Funding Needs for State Election Security. Retrieved from https://www.brennancenter.org/sites/default/files/2019-08/Report_Defending_Elections.pdf
- 36 2018 Election Security Scorecard. (2018, October 29). Retrieved from https://csis-prod.s3.amazonaws.com/s3fs-public/181029_CombinedScorecard%26PathForward.pdf?3xSVKz_bEN9CeK6Zn4m17BK_jJwZdZEU
- 37 EAVS FAQs. Retrieved from <https://www.eac.gov/research-and-data/eavs-faqs/#what-is-the-election-administration-and-voting-sur>
- 38 EAVS FAQs. Retrieved from <https://www.eac.gov/research-and-data/eavs-faqs/#what-is-the-election-administration-and-voting-sur>
- 39 Klaas, B. (2018, February 9). The best safeguard against election hacking. Retrieved from <https://www.washingtonpost.com/news/democracy-post/wp/2018/02/09/why-paper-ballots-are-the-best-safeguard-against-election-hacking/>
- 40 2018 Election Security Scorecard. (2018, October 29). Retrieved from https://csis-prod.s3.amazonaws.com/s3fs-public/181029_CombinedScorecard%26PathForward.pdf?3xSVKz_bEN9CeK6Zn4m17BK_jJwZdZEU
- 41 Sonmez, F. & Werner, E. (2019, September 19). In turnaround, McConnell backs \$250 million in election security funding. Retrieved from https://www.washingtonpost.com/politics/in-turnaround-mcconnell-backs-250-million-in-election-security-funding/2019/09/19/b9f64462-daec-11e9-ac63-3016711543fe_story.html
- 42 Campaign and Election Security Policy: Brief Introduction. (2019, July 9). Retrieved from <https://fas.org/sgp/crs/misc/IF11265.pdf>
- 43 Joint Statement from the Department of Homeland Security and the Office of the Director of National Intelligence on Election Security. (2016, October 7). Retrieved from <https://www.dhs.gov/news/2016/10/07/joint-statement-department-homeland-security-and-office-director-national>
- 44 Background to “Assessing Russian Activities and Intentions in Recent US Elections”: The Analytic Process and Cyber Incident Attribution. (2017, January 6). Retrieved from https://www.dni.gov/files/documents/ICA_2017_01.pdf
- 45 Yourish, K. & Griggs, T. (2018, August 2). 8 U.S. Intelligence Groups Blame Russia for Meddling, but Trump Keeps Clouding the Picture. Retrieved from <https://www.nytimes.com/interactive/2018/07/16/us/elections/russian-interference-statements-comments.html>
- 46 Election Security. Retrieved from <https://www.dhs.gov/topic/election-security>
- 47 Election Security. Retrieved from <https://www.dhs.gov/topic/election-security>
- 48 42 U.S. Code § 5195c. Critical infrastructures protection. Retrieved from <https://www.law.cornell.edu/uscode/text/42/5195c>
- 49 The Designation of Election Systems as Critical Infrastructure. (2019, September 18). Retrieved from <https://fas.org/sgp/crs/misc/IF10677.pdf>
- 50 Cybersecurity and Infrastructure Security Agency Act, H.R. 3359, 115th Cong. (2018).
- 51 Cybersecurity and Infrastructure Security Agency Act, H.R. 3359, 115th Cong. (2018).
- 52 Progress Made, But Additional Efforts Are Needed to Secure the Election Infrastructure. (2019, February 28). Retrieved from <https://www.oig.dhs.gov/sites/default/files/assets/2019-03/OIG-19-24-Feb19.pdf>
- 53 Semiannual Report To The Congress. (2019). Retrieved from <https://www.oig.dhs.gov/sites/default/files/assets/SAR/2019/oig-sar-oct18-mar19.pdf>
- 54 Combating Foreign Influence. Retrieved from <https://www.fbi.gov/investigate/counterintelligence/foreign-influence>
- 55 Floris, N. (2019, October 22). Securing America’s Elections: Oversight of Government Agencies. Retrieved from <https://www.fbi.gov/news/testimony/securing-americas-elections-oversight-of-government-agencies-102219>

- 56 Floris, N. (2019, October 22). Securing America's Elections: Oversight of Government Agencies. Retrieved from <https://www.fbi.gov/news/testimony/securing-americas-elections-oversight-of-government-agencies-102219>
- 57 Report of the Attorney General's Cyber Digital Task Force. (2018). Retrieved from <https://www.justice.gov/ag/page/file/1076696/download>
- 58 Protected Voices. Retrieved from <https://www.fbi.gov/investigate/counterintelligence/foreign-influence/protected-voices>
- 59 ODNI, DHS, & FBI Host Classified Workshop for State Election Officials in Preparation for 2020 Elections. (2019, February 4). Retrieved from <https://www.dni.gov/index.php/ncsc-newsroom/item/1952-odni-dhs-fbi-host-classified-workshop-for-state-election-officials-in-preparation-for-2020-elections>
- 60 Shanton, K.L. (2019, June 14). The U.S. Election Assistance Commission: Overview and Selected Issues for Congress. Retrieved from https://www.everycrsreport.com/reports/R45770.html#_Toc11667076
- 61 Berman, R. (2017, February 13). The Federal Voting Agency Republicans Want to Kill. Retrieved from <https://www.theatlantic.com/politics/archive/2017/02/election-assistance-commission-republicans-congress/516462/>
- 62 Shanton, K.L. (2019, June 14). The U.S. Election Assistance Commission: Overview and Selected Issues for Congress. Retrieved from https://www.everycrsreport.com/reports/R45770.html#_Toc11667076
- 63 Shanton, K.L. (2019, June 14). The U.S. Election Assistance Commission: Overview and Selected Issues for Congress. Retrieved from https://www.everycrsreport.com/reports/R45770.html#_Toc11667076076
- 64 Weil, M. (2018, December 4). Improve Elections, Fully Confirm Election Assistance Commission Before 2020. Retrieved from <https://bipartisanpolicy.org/blog/improve-elections-fully-confirm-election-assistance-commission-before-2020/>
- 65 Beckel, M. (2019, October 1). Four numbers that show how the FEC is M.I.A. Retrieved from <https://www.issueone.org/four-numbers-that-show-how-the-fec-is-mia/>
- 66 Mueller, R. (2019, March). Report On The Investigation Into Russian Interference In The 2016 Presidential Election. Retrieved from <https://www.justice.gov/storage/report.pdf>
- 67 Mueller, R. (2019, March). Report On The Investigation Into Russian Interference In The 2016 Presidential Election. Retrieved from <https://www.justice.gov/storage/report.pdf>
- 68 Statistical summary of 24-month campaign activity of the 2015-2016 election cycle. (2017, March 23). Retrieved from <https://www.fec.gov/updates/statistical-summary-24-month-campaign-activity-2015-2016-election-cycle/>
- Ruffini, P. (2017, November 3). Why Russia's Facebook ad campaign wasn't such a success. Retrieved from https://www.washingtonpost.com/outlook/why-russias-facebook-ad-campaign-wasnt-such-a-success/2017/11/03/b8efacca-bffa-11e7-8444-a0d4f04b89eb_story.html
- 69 Protect Your Election. Retrieved from <https://protectyourelection.withgoogle.com/intl/en/>
- Isaac, M. & Alba, D. (2019, September 4). Big Tech Companies Meeting With U.S. Officials on 2020 Election Security. Retrieved from <https://www.nytimes.com/2019/09/04/technology/2020-election-facebook-google.html>
- 70
- 71 The Trade Promotion Coordinating Committee. Retrieved from https://2016.export.gov/advocacy/eg_main_022762.asp