Elections As Critical Infrastructure

Standards Board

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San Antonio, Texas
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Critical Infrastructure – Where did it come from?

Critical Infrastructure:

- Modern definition created by the Patriot Act in 2001
- A designation made by DHS that affects how resources are allocated to certain fields

Elections As Critical Infrastructure:

- DHS designated Elections to be part of the Nation's Critical Infrastructure on January 6, 2017
  - Secretary Jeh Johnson signed the order

Jan. 6

U.S. Department of Homeland Security

Press Release

January 6, 2017

STATEMENT BY SECRETARY JEH JOHNSON ON THE DESIGNATION OF ELECTION INFRASTRUCTURE AS A CRITICAL INFRASTRUCTURE SUBSECTOR

I have determined that election infrastructure in this country should be designated as a subsector of the existing Government Facilities critical infrastructure sector. Given the vital role elections play in this country, it is clear that certain systems and assets of election infrastructure meet the definition of critical infrastructure, in fact and in law.

I have reached this determination so that election infrastructure will, on a more formal and enduring basis, be a priority for cybersecurity assistance and protections that the Department of Homeland Security provides to a range of private and public sector entities. By "election infrastructure," we mean storage facilities, polling places, and centralized vote tabulations locations used to support the election process, and information and communications technology to include voter registration databases, voting machines, and other systems to manage the election process and report and display results on behalf of state and local governments.

Elections as Critical Infrastructure

Elections as Critical Infrastructure is a distinction that requires definition. Questions can be categorized into three aspects:

Structural

Why is CI needed, what exactly does the distinction mean and what does Elections as Critical Infrastructure mean long-term?

Operational

What steps must happen, and when, for DHS/States to implement Elections as Critical Infrastructure?

Technical

How does this impact voters? What will change at election offices and at polling places? How does this impact vote-by-mail? What other processes are impacted?

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CI—What is it?

- Designation made by Department of Homeland Security
  – Shapes how the Federal Government views and interacts with a sector
  – Establishes priority for certain entities to get security resources

- Definition: "Sectors whose assets, systems, and networks, whether physical or virtual, are considered so vital to the United States that their incapacitation or destruction would have a debilitating effect on security, national economic security, national public health or safety, or any combination thereof. "   - 42 U.S. Code Section 5195c

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Key Terms

- Sector: a distinctive group of entities that are cohesive in purpose
  - Here: **Elections**
- Sector Specific Plan: the document that establishes and governs the sector and the information sharing protocols within it
- Sector Specific Agency (SSA): the federally agency charged with crafting and administering the sector specific plan.
  - Typically DHS. When a subsector is created often DHS and another agency
- Coordinating Council: a group of people and entities, both private and public sector, that help communicate stakeholder perspectives, information, and interests to the SSA.

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Government Facilities Sector

Government Facilities
Sector-Specific Plan

An Annex to the NIPP 2013

2015

We Are Here

This is the sector to which Elections have been assigned.

- Includes:
    – General-use office buildings
    – Special-use military installations
    – Embassies,
    – Courthouses
    – National laboratories

- Currently contains two subsectors:
    – Education Facilities
    – Monuments and Icons

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The EAC and DHS

- Started working together before the election
  - To help DHS understand elections
  - To communicate security information to election officials and administrators
  - To help DHS understand election administrators' feedback and represent them
- Has continued working together to represent election administrators in the critical infrastructure process
  - Acted as the federal agency helping DHS understand what will and will not help election administrators
  - Acting as a microphone for election officials and administrators to ask questions and get answers about critical infrastructure

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The Process

DHS declares a sector to be critical infrastructure

The SSA crafts the sector specific plan

The Sector creates its coordinating counsels

The SSA and the coordinating counsels work to establish an information sharing network

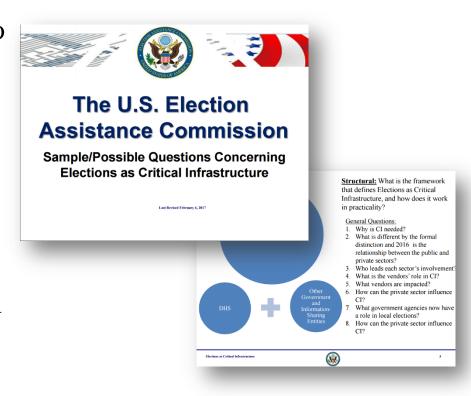Sector Entities Get Priority Access to DHS Resources

EAC Starts Producing Critical Infrastructure Tools and Resources

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Current EAC Efforts

- The EAC is:
  - Currently working with DHS to help election administrators understand the impacts of the designation
  - Dedicating staff to best be able to help you
  - Facilitating the conversation between election officials and DHS
  - Starting to produce toolkits and other products to help you navigate critical infrastructure

The U.S. Election Assistance Commission

Sample/Possible Questions Concerning Elections as Critical Infrastructure

Last Revised February 6, 2017

Structural: What is the framework that defines Elections as Critical Infrastructure, and how does it work in practicality?

General Questions:
1. Why is CI needed?
2. What is different by the formal distinction and 2016 is the relationship between the public and private sectors?
3. Who leads each sector's involvement?
4. What is the vendors' role in CI?
5. What vendors are impacted?
6. How can the private sector influence CI?
7. What government agencies now have a role in local elections?
8. How can the private sector influence CI?

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Resources Already Available

- **Security Checklists**
  - Securing Voter Registration Data
  - Securing Election Night Reporting Systems
- **Reference Materials**
  - Security Planning
  - Contingency Planning
  - Selecting voting systems
  - Managing aging voting systems
- **Machine Testing and Auditing Information**
  - Clearinghouse of state practices and information
  - Guidance Documents

U. S. ELECTION ASSISTANCE COMMISSION
Voting System Testing and Certification Program
1335 East West Highway, Suite 4300
Silver Spring, MD 20910

Checklist for Securing Voter Registration Data

The Help America Vote Act (HAVA) requires that each State, acting through the chief State election official, shall implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level that contains the name and registration information of every legally registered voter in the State and assigns a unique identifier to each legally registered voter in the State...

State requirements for registration differ greatly, but every State maintains personally identifiable information associated with the voter's name to determine eligibility and precinct information. Due to the sensitive nature of this personal information, there is a natural concern on what security protocol has been used to secure the data.

This list is intended to provide election officials information on best practices to protect their voter registration data. State and local election officials have already implemented many of these items. Election officials may use it to provide assurance to members of the public who may question the security measures that have been implemented in their State.

☐ **Access Control** – only authorized personnel should have access to the voter registration database. Each person with authorization to the database should only

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Moving Forward

The EAC's perspective moving forward:

– The EAC is pursuing a formal role in the sector establishment process

– The EAC will start producing Critical Infrastructure products for election officials and administrators and will start to send them out soon

- Tool kits
- Guidance Documents
- Presentations
- Regular Updates

– The EAC intends to be the election administrator's go-to resource on this issue

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Learn More

- Reach out to us with any questions that you have concerning Critical Infrastructure
- Send an email to:
  - Mark Listes at mlistes@eac.gov
  - Bob Sweeney at rsweeney@eac.gov
- We have more information and resources about Critical Infrastructure on our website:
  - Public Hearing between EAC, election officials, and DHS
  - Educational Presentations
  - Presentations by others
  - Running list of questions from election officials that we continually communicate to DHS

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