

**THE CHANGING ELECTION SECURITY LANDSCAPE:
THREATS TO ELECTION OFFICIALS AND INFRA-
STRUCTURE**

HEARING

BEFORE THE

**COMMITTEE ON HOMELAND SECURITY
HOUSE OF REPRESENTATIVES**

ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

JULY 20, 2022

Serial No. 117-67

Printed for the use of the Committee on Homeland Security



Available via the World Wide Web: <http://www.govinfo.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

49-692 PDF

WASHINGTON : 2022

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THE CHANGING ELECTION SECURITY LAND- SCAPE: THREATS TO ELECTION OFFICIALS AND INFRASTRUCTURE

Wednesday, July 20, 2022

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC.

The committee met, pursuant to notice, at 9:31 a.m., in room 310, Cannon House Office Building, Hon. Ritchie Torres [Vice Chairman of the committee] presiding.

Present: Representatives Torres, Jackson Lee, Langevin, Payne, Clarke, Titus, Watson Coleman, Demings, Malinowski, Katko, Higgins, Guest, Bishop, Van Drew, Miller-Meeks, Harshbarger, Clyde, LaTurner, Meijer, Cammack, Pfluger, Garbarino, and Flores.

Vice Chairman TORRES. The Committee on Homeland Security will be in order. Without objection, the Chair is authorized to declare the committee in recess at any point.

Good morning. Free and fair elections are the bedrock of our democracy. As we learned just over 18 months ago, democracy is not something we can take for granted. We must defend it fiercely and protect the institutions that uphold it. So, I commend Chairman Thompson for allowing this important hearing on the threats to our elections.

When I was first eligible to vote in 2006, election offices across the country were in the process of replacing infrastructure to defend against the greatest threat to elections in recent history: The notorious “hanging chad.” Social media was new and largely a way for young college kids to connect. Our adversaries had not figured out how to weaponize our freedom of speech or our technological ingenuity and use it against us.

The notion that an armed crowd would descend upon the United States Capitol to disrupt the peaceful transfer of power would have been beyond anyone’s wildest imagination. Harassing election officials to alter an election result was something relegated to developing democracies or democracies in decline. But the 2016 election ushered in a new era of threats to our democracy.

The Russian government targeted election infrastructure and exploited social media to spread conspiracy theories to tip the scales in favor of one candidate and, more devastatingly, begin to sow doubt among the public about the integrity of our democratic institutions. Committee Democrats recognized the urgent National security threat the Russian government had created and established an Election Security Task Force with Members of the House Ad-

ministration Committee to better understand the threats to elections and how to mitigate against them. Unfortunately, we did not get bipartisan support to implement the task force's recommendations and efforts to enact them into law have languished in the Senate for two Congresses.

In the mean time, our adversaries redoubled their efforts to sow division among us and some desperate politicians latched onto the "Big Lie" and other conspiracy theories. As a result, 3 days after I was sworn into my first term in Congress, a violent mob stormed the Capitol, holding democracy hostage.

Outside Washington, election officials have found themselves victims of harassment and threats in a way that we have never seen before. As a result, election offices across the country are struggling to retain a trained staff, exacerbating the existing challenges associated with administering the 2022 mid-term elections.

When we were sworn in as Members of this chamber, we took an oath to protect and defend the Constitution and the democratic principles enshrined in it. It is incumbent upon all of us to understand the evolving threats to our elections and to defend against them.

I look forward to the testimony today and I thank our witnesses for their participation. Before I recognize the Ranking Member, on behalf of Chairman Thompson and the Members of the committee, I would like to welcome Congresswoman Mayra Flores of Texas to the panel. We look forward to working with you on important matters before this committee.

[The statement of Vice Chairman Torres follows:]

STATEMENT OF VICE CHAIRMAN RITCHIE TORRES

JULY 20, 2022

Free and fair elections are the bedrock of our democracy. As we learned just over 18 months ago, democracy is not something we can take for granted. We must defend it fiercely and protect the institutions that uphold it. So, I commend the Chairman for holding this important hearing on the threats to our elections.

When I was first eligible to vote in 2006, election offices across the country were in the process of replacing infrastructure to defend against the greatest threat to elections in recent history: The notorious "hanging chad." Social media was new, and largely a way for young college kids to connect. Our adversaries had not figured out how to weaponize our freedom of speech or our technological ingenuity and use it against us.

The notion that an armed crowd would descend upon the United States Capitol to disrupt the peaceful transition of power would have been beyond anyone's wildest imagination. And harassing election officials to alter an election result was something relegated to developing democracies or democracies in decline. But the 2016 election ushered in a new era of threats to our democracy.

The Russian government targeted election infrastructure and exploited social media to spread conspiracy theories to tip the scales in favor of one candidate and, more devastatingly, begin to sow doubt among the public about the integrity of our democratic institutions. Committee Democrats recognized the urgent National security threat the Russian government had created, and established an Election Security Task Force with Members of the House Administration Committee to better understand threats to elections and how to mitigate against them. Unfortunately, we did not get bipartisan support to implement the Task Force's recommendations, and efforts to enact them into law have languished in the Senate for two Congresses.

In the mean time, our adversaries redoubled their efforts to sow division among us, and some desperate politicians latched on to the "Big Lie" and other conspiracy theories. As a result, 3 days after I was sworn into my first term in Congress, a violent mob stormed the Capitol, forcing me and my staff to evacuate, and held democracy hostage to a unfounded lie.

Outside Washington, election officials have found themselves victims of harassment and threats in a way we have never seen before. As a result, election offices across the country are struggling to retain a trained staff, exacerbating the existing challenges associated with administering the 2022 midterm elections.

When we were sworn in as Members of this chamber, we took an oath to protect and defend the Constitution and the democratic principles enshrined in it. It is incumbent upon all of us to understand evolving threats to our elections and to defend against them.

Vice Chairman TORRES. The Chair recognizes the Ranking Member of the full committee, the gentleman from New York, Mr. Katko, for an opening statement.

Mr. KATKO. Mr. Chairman, you stole my thunder because I was going to welcome Mayra Flores as well to Congress in general, but for this committee in particular given her proximity to the Southwest Border. Her expertise in that regard will be definitely a value-add to the committee.

So, I want to thank you for holding this hearing today, Mr. Chairman, and I appreciate our witnesses being here to discuss how we can work together to physically protect our State and local election officials while also securing election infrastructure from foreign interference and cyber threats.

The Cybersecurity and Infrastructure Security Agency, or CISA, is charged by Congress with being the Nation's lead civilian cybersecurity agency and it plays a critical role in this endeavor. I look forward to our witnesses' perspectives on ways to improve the physical security of our elections as well the tools and services provided by CISA to shore up our election cyber defenses. They have come a long way for sure.

Our committee remains committed to securing our democratically-run elections from all threats, including physical threats to election workers. Following the 2020 Presidential election, the Department of Justice reported more than 850 incidents of threats and harassment targeting election workers. Issues such as these will not be tolerated and can and should continue to be dealt with by local law enforcement.

In recent years, foreign adversaries, like Russia, Iran, and China, have targeted U.S. elections, both through election influence and election interference. Foreign actors seek to undermine our elections both directly by tampering with our election systems and indirectly by attempting to influence how people think about an election. Let me be clear, the United States will not allow any adversary to sow distrust or chaos in our democratic process.

In addition to these foreign interference efforts, our Nation is seeing a spike in cyber threats across all 16 critical infrastructure sectors, and the election infrastructure sector is no exception. Simply being vigilant is no longer enough. Today's cyber threat environment demands a posture of unwavering resilience.

As we enter the 2022 elections we must keep a keen eye on the midterms and ensure that voters can be confident that their vote will be cast securely. Given the volume and sophistication of the cyber threats we face, we must empower CISA with the tools and resources it needs to support our State and local election officials so that they can carry out their mission to administer free and fair elections.

CISA's election security mission has greatly evolved since election infrastructure was designated as a subsector of our Nation's critical infrastructure in 2017. CISA has gone to great lengths to build trusted relationships with State and local election officials across the country and has provided free and voluntary cybersecurity services, tools, and other guidance in all 50 States.

A key part of securing election infrastructure that is owned and operated by State and local governments, not the Federal Government, is ensuring that CISA has the ability to provide situational awareness about vulnerabilities across digital footprints. I am pleased that we are joined today by Secretary LaRose, who as Ohio Secretary of State serves the State's chief elections officer. The secretary spent years working to ensure Ohio's elections are secure and he was even named Legislator of the Year in 2016 by the Ohio Association of Election Officials for his work to improve the State's election process. I look forward to hearing from the secretary and all our witnesses today about the practical, meaningful steps Congress can take to improve CISA's ability to support State and local officials in protecting the cyber and physical security of our elections.

Cybersecurity is indeed a team sport and now is the time to double down. Protecting the homeland requires partnerships throughout all levels of government and across industries and party lines. Working together we can be prepared not only for the threats of today, but also the emerging risks of tomorrow.

Before I close, briefly, I just want to give you one quick story. Several years ago—2 years ago, we had an Election Security Task Force meeting up in Central New York. We had the election officials there from the counties in my district. One woman told me that she received 1,762 directives from the Election Security Task Force in 1 year. She shares her chief information security officer with 20-something other agencies in her county, and no one has digested that information. That is one of the big concerns I have and that is one of the big things we need to tackle going forward is how do we make actionable the information we are getting from the experts? That is something that I want to hear from you, Ms. Howard, and the other witnesses today.

With that, Mr. Chairman, I yield back. Thank you.

[The statement of Ranking Member Katko follows:]

STATEMENT OF RANKING MEMBER JOHN KATKO

JULY 20, 2022

Thank you, Vice Chairman Torres, for holding this hearing today.

I appreciate our witnesses being here to discuss how we can work together to physically protect our State and local election officials, while also securing election infrastructure from foreign interference and cyber threats.

The Cybersecurity and Infrastructure Security Agency (CISA), charged by Congress with being the Nation's lead civilian cybersecurity agency, plays a critical role in this endeavor.

I look forward to our witnesses' perspectives on ways to improve the physical security of our elections, as well as the tools and services provided by CISA to shore up our election cyber defenses.

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Following the 2020 Presidential election, the Department of Justice reported more than 850 incidents of threats and harassment targeting election workers.

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As we enter 2022 elections, we must keep a keen eye on the midterms and ensure that voters can be confident that their vote will be cast securely.

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The secretary has spent years working to ensure Ohio's elections are secure, and he was even named Legislator of the Year in 2016 by the Ohio Association of Election Officials for his work to improve the State's election process.

I look forward to hearing from the secretary and all our witnesses today about the practical, meaningful steps Congress can take to improve CISA's ability to support our State and local officials in protecting the cyber and physical security of our elections.

Cybersecurity is a team sport, and now is the time to double down.

Protecting the homeland requires partnerships throughout all levels of government, and across industries and party lines.

Working together, we can be prepared not only for the threats of today, but also the emerging risks of tomorrow. Thank you.

Vice Chairman TORRES. Other Members of the committee are reminded that under committee rules opening statements may be submitted for the record.

[The statement of Honorable Jackson Lee follows:]

STATEMENT OF HONORABLE SHEILA JACKSON LEE

JULY 20, 2022

Chairman Thompson and Ranking Member Katko, thank you for convening today's hearing titled "The Changing Election Security Landscape: Threats to Election Officials and Infrastructure."

I thank today's witnesses:

- The Honorable Maggie Toulouse Oliver, secretary of state, State of New Mexico;
- Mr. Neal Kelley, chair, Committee for Safe and Secure Elections, and former registrar of voters, Orange County, California;
- Ms. Elizabeth Howard, senior counsel, Brennan Center for Justice; and
- The Honorable Frank LaRose, secretary of state, State of Ohio (Minority witness).

The Constitution establishes that Congress can set the date of Federal Elections, which they did in 1845 by making it Federal law that Federal Elections will occur on the first Tuesday, after the first Monday in November of even-numbered years.

Constitution, Article I, Section 4, states:

“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”

This election is the first since the “Big Lie” regarding the outcome of the 2020 election led to series of events culminating in the January 6, 2021, attack of the U.S. Capitol Building resulting in loss of life.

The purpose of this hearing is to explore on-going challenges to election security in advance of the midterm elections.

While concerns such as the cybersecurity of voting machines and registration databases remain, the aftermath of the 2020 election highlighted growing threats to the physical security of elections with an increase in threats to election officials and a heightened risk of officials acting improperly due to disinformation.

This hearing will provide an opportunity to hear from experts in election administration and security on the current threat landscape and what actions are necessary to protect elections.

Election officials carry out a vital role in the United States’ democratic system of government, and threats of violence and other forms of intimidation against them represent a major security threat. Addressing this challenge must be a priority for all levels of government and law enforcement.

The root cause of physical threats against election officials is the “Big Lie” and other disinformation about elections that motivate people to try to intimidate election administrators.

All levels of government, political actors, and news and social media companies must promote accurate information about elections to reduce the number of violent threats.

While the 2020 election was the most secure in history, the events during and after the election represent a new threat landscape that risks even greater consequences in future elections if not addressed.

Protecting election officials and the physical security of election infrastructure from all threats must be a vital part of any election security strategy, in addition to on-going cybersecurity efforts.

Threats to election officials are a direct result of the work and integrity of the Republican election offices in the States of Georgia, Arizona, and elsewhere that would not participate in the “Big Lie,” by doing their jobs and telling the truth regarding the outcome of the 2020 election in their States.

The outcome of a public election has two certainties: There will be a winner and there will be candidate or position that lost the election.

Our system of elections requires that all parties that enter the process be prepared to accept the outcome especially should they lose.

Throughout American history, we have had to face difficulties, but our Nation has always held public elections.

From 1861–1865 the United States fought a Civil War, but it also held two Federal Elections, one of which was the Presidential election.

In 1944, the United States was fighting for its survival and that of people resisting the march of Fascism across Europe, and there was Presidential election and America voted.

In 1968, riots occurred across the Nation as social upheaval following the assassination of Martin Luther King, and Americans voted for the office of the President.

In 2020, Americans need our help not just with accessing the most fundamental tool of a democracy—casting a ballot, but they also need our help with unemployment assistance, which ended at the end of July along with eviction protection.

The efforts to ensure that every eligible person can register to vote and cast a vote in a public election have spanned generations.

I have been persistent in my efforts to protect the rights of disenfranchised communities in my district of inner-city Houston and across the Nation.

Throughout my tenure in Congress, I have cosponsored dozens of bills, amendments, and resolutions seeking to improve voters’ rights at all stages and levels of the election process.

This includes legislation aimed at:

1. Increasing voter outreach and turnout;
2. Ensuring both early and same-day registration;
3. Standardizing physical and language accessibility at polling places;
4. Expanding early voting periods;
5. Decreasing voter wait times;
6. Guaranteeing absentee ballots, especially for displaced citizens;
7. Modernizing voting technologies and strengthening our voter record systems;
8. Establishing the Federal Election Day as a National holiday; and

9. Condemning and criminalizing deceptive practices, voter intimidation, and other suppression tactics.

Along with many of my colleagues in the CBC, I was an original cosponsor of H.R. 9, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act, which became public law on July 27, 2006.

I also authored H.R. 745 in the 110th Congress, which added the legendary Barbara Jordan to the list of civil rights trailblazers whose names honor the Voting Rights Act Reauthorization and Amendments Act.

This bill strengthened the original Voting Rights Act by replacing Federal voting examiners with Federal voting observers—a significant distinction that made it easier to safeguard against racially-biased voter suppression tactics.

In the 114th Congress, I introduced H.R. 75, the Coretta Scott King Mid-Decade Redistricting Prohibition Act of 2015, which would prohibit States whose Congressional districts have been redistricted after a decennial census from redrawing their district lines until the next census.

The voting rights struggles of the 20th Century are now joined by voting rights threats posed by the 21st Century.

Russia, an adversary of the United States, engaged in repeated attempts to interfere in the 2016 Presidential election, which prompted an unprecedented all-of-government effort to alert local and State election administrators to be aware of the threat.

Russia targeted our Presidential election according to the report, “Background to Assessing Russian Activities and Intentions in Recent U.S. Elections: The Analytic Process and Cyber Incident Attribution,” provided by the Office of the Director of National Intelligence’s National Intelligence Council.

Russia used every cyber espionage tool available to influence the outcome of the Presidential election by using a multi-faceted campaign that included theft of data; strategically-timed release of stolen information; production of fake news; and manipulation of facts to avoid blame.

In 2016, Russia was blamed for breaching 21 local and State election systems, which they studied extensively.

Following the 2016 election, frustrated by the lack of action by the Republican majority in addressing the intelligence community’s conclusion of Russian interference in the election, then-Ranking Member Thompson, together with former Committee on House Administration Ranking Member Robert Brady, launched the Congressional Task Force on Election Security (Task Force) in July 2017.

The Task Force met with dozens of elections experts, State election officials, and National security experts to assess vulnerabilities in election infrastructure and how to address them.

In February 2018, the Task Force produced a report that included 10 recommendations and then introduced legislation to implement them. H.R. 5011, the Election Security Act, garnered the support of 126 Members—all of them Democrats.

That language is Title III of H.R. 1, the For the People Act. Additionally, building upon earlier proposals, in January, the House passed H.R. 5746, the Freedom to Vote: John R. Lewis Act, which included several election security provisions, including requiring States to switch to voting systems with voter-verified paper ballots, mandating States conduct post-election audits, and authorizing additional election security grants to the States.

In February 2018, special counsel Robert Mueller released indictments of 13 Russians, at least one of whom has direct ties to Russian President Vladimir Putin.

The 37-page indictment details the actions taken to interfere with the U.S. political system, including the 2016 U.S. Presidential election.

Among the charges, which include charges for obstruction of justice, are several especially notable details.

The indictment states that 13 defendants posed as U.S. persons and created false U.S. personas and operated social media pages and groups designed to attract U.S. audiences.

The Russians were not deterred by these indictments and again interfered in the 2020 election.

In September 2019, acting director of national intelligence, Joseph Maguire, told Congress that the greatest challenge that we do have is to make sure that we maintain the integrity of our election system.

The Constitution leaves the administration of elections to the States, but today States must face state-sponsored threats to election integrity.

We must be steadfast in our resolve to have a strong shield to defend civilian and critical infrastructure networks for all threats foreign and domestic.

We must extend the Federal efforts to ensure election integrity to the protection of election workers and that should include poll workers from threats or harm.

In response to the growing number of threats to election officials, the Biden administration has taken several actions to better support State and local governments and to hold perpetrators accountable.

In July 2021, the Department of Justice (DOJ) announced the creation of a task force to address threats of violence against election workers.

The task force is led by Deputy Attorney General Lisa Monaco, along with the Federal Bureau of Investigation; DOJ's Criminal, Civil Rights, and National Security Divisions; and interagency partners such as the Department of Homeland Security (DHS).

As part of this effort, DOJ has created a toll-free hotline for the public to report election threats.

The task force has received over 1,000 reports of threats, it has only achieved one criminal conviction, with two additional active prosecutions.

According to legal experts, achieving convictions in many cases may be difficult, but organizations representing election officials and other advocacy groups have encouraged DOJ to take a more aggressive approach.

The House passed legislation in December 2021 as part of H.R. 5314, the Protecting Our Democracy Act, to codify the task force.

Records of complaints are challenged by election officials who are unfamiliar with the task force, with 42 percent of local election officials reporting not having heard of it, according to the Brennan Center's survey.

Additionally, 89 percent of local officials say they would report threats to local law enforcement, with only 22 percent stating they would report threats to Federal authorities, limiting the Federal Government's visibility.

These are challenges and opportunities to support and engage local and State elections officials in advance of the November election to inform them of resources and tools available to them.

I look forward to the testimony of today's witnesses.

Thank you.

Vice Chairman TORRES. Members are also reminded that the committee will operate according to the guidelines laid out by the Chairman and Ranking Member in our February 3, 2021, colloquy regarding remote procedures.

I now welcome our panel of witnesses. Our first witness, the Honorable Maggie Toulouse Oliver has served as the Secretary of State of New Mexico since 2016. From 2007 until 2016, Secretary Toulouse Oliver served as the county clerk of Bernalillo County, where she oversaw elections in the State's largest county. Secretary Toulouse Oliver is also the past president of the National Association of the Secretaries of States.

Our second witness, Mr. Neal Kelley, is the current chairman for the Committee for Safe and Secure Elections. Mr. Kelley recently retired from serving as the chief election official, the Registrar of Voters, for Orange County, California, a role he held for over 17 years. Mr. Kelley is also a past member of the EAC Voting System Standards Board, a past founding member of the DHS Election Security Task Force, Government Coordinating Council, and a number of other organizations aimed at making elections more assessable and secure.

Our third witness, Ms. Elizabeth Howard, is a senior counsel for elections and government at the Brennan Center for Justice at NYU School of Law. Prior to joining the Brennan Center, Ms. Howard served as deputy commissioner to the Virginia Department of Elections. During her tenure she coordinated many election administration modernization projects, including the adoption of on-line paperless absentee ballot applications for which the department received a 2017 Innovations in American Government Bright Ideas

Award from the Ash Center for Democratic Governance and Innovation at the Harvard Kennedy School.

Our final witness, the Honorable Frank LaRose, has served as the Secretary of State of Ohio since 2019. Prior, Secretary LaRose served two terms in the Ohio State Senate and was named the Legislator of the Year in 2016 by the Ohio Association of Election Officials in recognition of his support and commitment to improving Ohio's election process.

Without objection, the witnesses' full statements will be included in the record. The Chair asks each witness to summarize their statements for 5 minutes beginning with Secretary Toulouse Oliver.

STATEMENT OF MAGGIE TOULOUSE OLIVER, SECRETARY OF STATE, STATE OF NEW MEXICO

Ms. TOULOUSE OLIVER. Thank you very much, Mr. Chairman and Members of the committee. I am very pleased to be here today with these distinguished colleagues. My name is Maggie Toulouse Oliver and I serve as New Mexico's secretary of state, our chief elections official.

Election administration in the United States is conducted at the State, county, and local levels by civil servants who come to work every day to do their duty keeping the engine of our democracy running. This work is not glamorous, but it is vital to how we elect our leaders and how we organize our way of life.

Since 2020, however, lies and misinformation about how elections are run and about the people who run them have proliferated to an unprecedented degree. Among a significant portion of the country the continuous drumbeat of these lies has created an atmosphere of distrust in our elections and our election officials. Many people now believe that our country's highest office is occupied by an illegitimate President. Many people now believe that our entire election infrastructure is corrupted and has been weaponized to exclusively favor one political party. Many people now believe that election administration practices that serve to increase access and security, like secure ballot boxes, air-gapped vote counting systems, vote by mail, and the ministerial certification of election results, to name only a few, are part of a vast conspiracy meant to undermine our entire American way of life.

Of course, these things are not true. No one has ever produced a shred of credible evidence to support these conspiratorial claims. But the consequences of these lies have real-world impacts, especially for election officials. For people who believe their Government is corrupt and their leaders are not legitimate, threats of physical violence and acts of intimidation have, unfortunately, begun to seem like acceptable responses.

In New Mexico, the conspiracies about our voting and election systems have gripped a portion of the electorate here and have caused people to take action. During the 2020 election cycle, I was doxxed and had to leave my home for weeks under State police protection. My office has since had to utilize services for both me and members of my staff that prevent doxxing by removing personal identifying information from the internet. Since 2020, my office has certainly seen an uptick in social media trolling, aggrieved emails

and calls into our office, and other communications that parrot the misinformation circulating widely in the National discourse.

But more recently, especially since our June 2022 primary election, my office has experienced pointed threats, serious enough to be referred to law enforcement. As recently as June, for example, there were 3 threatening phone calls against me that were referred to our FBI field office for investigation.

These threats came on the heels of my office's effort to directly combat election misinformation through a new website and shortly after a Nationally-publicized situation in Otero County, New Mexico, where the county commission, parroting much of the election misinformation we are seeing across the country, initially refused to certify the primary election results. My office then had to seek a court order to compel them to perform their duty under the law.

Growing distrust about our election system leads to either apathy or indignation, both of which will have detrimental effects on our entire system of government. For the election officials and volunteer poll workers that our elections depend on, I fear that threats coupled with the general vitriol on-line and in the media directed at all aspects of our elections will cause them so much stress and uncertainty that they will simply not want to do work anymore. We have already seen this happening in many parts of the country.

For voters, I feel that the flood of misinformation will compel them to lose more and more trust in the system and they will no longer participate in our democracy. I believe both Federal and State law enforcement agencies are taking these threats seriously and diligently and we must show the public that threats against election officials will not be tolerated.

Thank you again. I hope my testimony is helpful and I am happy to answer any questions.

[The prepared statement of Ms. Toulouse Oliver follows:]

PREPARED STATEMENT OF MAGGIE TOULOUSE OLIVER

JULY 20, 2022

Members of the committee, thank you for organizing this important hearing today and for inviting me to testify. My name is Maggie Toulouse Oliver and I serve as New Mexico's secretary of state, our State's chief elections officer.

Election administration in the United States is conducted at the State, county, and local levels by civil servants who come to work every day to do their duty keeping the engine of our democracy running. This work is not glamorous, but it is vital to how we elect our leaders and how we organize our way of life.

Since 2020, however, lies and misinformation about how elections are run and about the people who run them have proliferated to an unprecedented degree. Among a significant portion of the country the continuous drumbeat of these lies has created an atmosphere of distrust in our elections and our election officials.

Many people now believe that our country's highest office is occupied by an illegitimate President. Many people now believe that our entire election infrastructure is corrupted and has been weaponized to exclusively favor one political party. Many people now believe that election administration practices that serve to increase access and security—like secured ballot drop boxes, air-gapped vote counting systems, absentee voting, and the ministerial certification of election results, to name only a few—are part of a vast conspiracy meant to undermine our entire American way of life.

Of course, these things are not true and no one has ever produced a shred of evidence to support these conspiratorial claims. But the consequences of these lies have real-world impacts, especially for election officials.

For people who believe their Government is corrupt and their leaders are not legitimate, threats of physical violence and acts of intimidation have, unfortunately, begun to seem like acceptable responses.

In New Mexico, the conspiracies about our voting and election systems have gripped a certain portion of the electorate and have caused people to act. During the 2020 election cycle, I was doxxed and had to leave my home for weeks under State police protection. My office has since had to utilize services for both me and members of my staff that prevent doxxing by removing personal identifying information from the internet.

Since 2020 my office has certainly seen an uptick in social media trolling, aggrieved emails and calls into our office, and other communications that parrot the misinformation circulating widely in the National discourse.

But more recently, especially since our June 2022 Primary Election, my office has experienced pointed threats serious enough to be referred to law enforcement. As recently as June, for example, there were 3 threatening phone calls against me that were referred to our FBI field office for investigation.

These threats came on the heels of my office's effort to directly combat election misinformation through a new website, and shortly after a nationally-publicized situation in Otero County, New Mexico where the county commission—parroting much of the election misinformation we're seeing across the country—initially refused to certify the Primary Election results. My office then had to seek a court order to compel them to perform their duty under the law.

Growing distrust about our election systems leads to either apathy or indignation, both of which will have detrimental effects on our entire system of government. For the election officials and volunteer poll workers that our elections depend on, I fear that threats, coupled with the general vitriol on-line and in the media directed at all aspects of our elections, will cause them so much stress and uncertainty that they will simply not want to do the work anymore. We have already seen this happening in many parts of the country. For voters, I fear that the flood of misinformation will compel them to lose more and more trust in the system and they will no longer participate in our democracy.

I believe both Federal and State law enforcement agencies are taking these threats seriously and are diligently investigating them. We must show the public that threats against election officials will not be tolerated.

However, legal action is the last line of defense. We will not put a stop to such threats until the rhetoric gets ratcheted down and elected officials, the media, political parties, and others find better ways to educate the public about the realities of how our elections are conducted and secured.

I hope my testimony today is helpful for the committee and your future work. I thank you again for giving me this opportunity to testify on these crucial matters on behalf of New Mexico and our State's election administrators.

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

Vice Chairman TORRES. Thank you for your testimony. The Chair recognizes Mr. Kelley to summarize his statement for 5 minutes. Mr. Kelley.

STATEMENT OF NEAL KELLEY, CHAIR, COMMITTEE FOR SAFE AND SECURE ELECTIONS, FORMER REGISTRAR OF VOTERS

Mr. KELLEY. Yes, I am sorry. Good morning, Chairman Torres, Ranking Member Katko, and Members of the Committee on Homeland Security. Thank you for the invitation to speak today at this important hearing.

"You rigged my election." "We are going to try you and hang you." "We are coming for you." "There will be blood on the ballots and blood on you."

These are just a small example of the type of threats and harassment election officials around the country have experienced, including myself, in recent elections. We also know that many election officials, in addition to personal threats, have also endured threats against their families. As a result, upcoming elections are not very appealing to those that run them. Many have left the profession. The impact is wide-spread.

While the effects on individuals are devastating, the potential blow to democracy should not be dismissed. Throughout my written testimony I talk about the need to engage law enforcement in the election planning process. However, I must make clear that I am not advocating for the presence of armed officers in polling places. This is a sensitive issue and one that should be handled with the seriousness that it deserves.

I believe there are ways to address these growing threats while remaining steadfast in our resolve to recognize that the mere presence of law enforcement in the polls can be viewed as intimidation.

There are steps that can help. As an example, while serving as Orange County's chief election official, I established a task force made up of DHS, the FBI, our State and local law enforcement partners, and our district attorney. Combining my experience as a former police officer, we worked collaboratively long before an election to plan for specific responses. This included local plainclothes investigators prepositioned in the field, not in polling places, reviews of all voting locations, personnel, and intelligence gathering. When we were faced with agitated observers, threats, and protests in 2020, the coordinated response was swift and effective.

Amid these growing threats I believe that we should not lose sight that elections are critical infrastructure, as mentioned by Ranking Member Katko, which was established to support and protect the mechanics of running elections. The protection of our Nation's poll workers, voters, physical locations, ballot counting centers, and voting systems, which are a part of the backbone of our democracy, should be a priority.

I would like to try and thread a needle here. I feel it is important to highlight the very essential right to observe and comment on elections, to be a part of the process, and to engage with your local election administrator. I believe in the fundamental rights that the First Amendment affords our citizens as they exercise their rights to challenge the outcome of an election.

Transparency goes hand-in-hand with a fully audited, accurate, and fair election. These are not mutually exclusive. Nevertheless, as an election official you know when that line has been crossed, when acts of violence, threats to oneself or family, threats to the infrastructure, interference, harassment, or intimidation begins to emerge, then the entire process is at risk.

Over the past several months, a group of election officials and law enforcement personnel from across the country have been meeting to address the protection of the public servants who supervise our elections from intimidation, threats, and violence. Recently organized is the Committee for Safe and Secure Elections, of which I am currently the chair. I mentioned at the outset it is a group of chief of police, elected sheriffs, and former and current election officials Nation-wide coming together to close the gap between law enforcement and election administration.

Our committee is focused on creating tools and developing solutions to combat this problem, such as resources, guides, and training for law enforcement and election officials, creating tools designed to build relationships among partner agencies, and looking at potential policies that might help to reduce the risk.

I don't want to leave this important topic without also noting that we must continue to do work to reduce voters' lack of confidence, which can exacerbate the very issues we are discussing today. For instance, election officials should continue to expand audits, partner with prosecutors on any violations of election law, and improve the voter experience which will continue to build trust and confidence among voters.

This, of course, will not change all hearts and minds, but this is a journey without a finish line. Congress can greatly assist States and counties with these growing threats by raising awareness, increasing funding to enhance physical security of election offices, the associated infrastructure, and supporting collaboration among election officials and law enforcement partners when needed and most appropriate.

Finally in closing, our institutes of democracy are under attack and while many election officials are resilient, it is stretching their capacity to operate while being threatened. I don't mean to overstate this, but the important act of running fair and accurate elections is what holds a fragile democracy together. We just want someone to have our backs.

Thank you and I look forward to your questions.

[The prepared statement of Mr. Kelley follows:]

PREPARED STATEMENT OF NEAL KELLEY

JULY 20, 2022

Good morning, Chairman Thompson, Vice Chairman Torres, Ranking Member Katko, and Members of the Committee on Homeland Security. My name is Neal Kelley, and I am the retired chief election official, registrar of voters for Orange County, California. Before serving in this role, I served as a deputy sheriff and later a police officer in Southern California. I am now the current chair of the Committee for Safe and Secure Elections, a 32-member committee made up of elected Sheriffs, other members of law enforcement and current and former election officials from around the country. Thank you for the invitation to speak at this hearing to address:

- The changing election security landscape, including threats to election officials and infrastructure;
- Barriers States and counties encounter in the pursuit of enhancing election security;
- The best practices used in Orange County, including collaboration with local and Federal law enforcement, development of tools designed to aid local law enforcement, and field operations designed to ensure that no intimidation occurs at the polls;
- The value organizations, such as the Committee for Safe and Secure Elections, can bring to combat this growing problem;
- And how Congress can further assist States and counties with reducing risk and enhancing overall election security.

"You rigged my election"; "We are going to try you and hang you"; "We are coming for you"; "There will be blood on the ballots and blood on you". These are just a small example of the type of threats and harassment election officials around the country have experienced in recent elections. We also know that many election officials received thousands of threatening emails, text messages, had their personal information doxxed on-line, faced protests in front of their homes, and in addition to personal threats have endured threats against their families. As a result, upcoming elections are not very appealing to those that run them. In fact, this has mutated into a real migraine for election officials. Many have left the profession. The impact is wide-spread. While the effects on the individuals are devastating the potential blow to democracy should not be dismissed.

Controversial political statements with inflammatory accusations have the potential to incite continued harassment or violence from the public. Throughout my testimony I talk about the need to engage law enforcement in the election planning process. However, I must make clear that I am not advocating for the presence of armed

officers in polling places. This is a sensitive issue and one that should be handled with the seriousness that it deserves. I believe there are ways to address these growing threats while remaining steadfast in our resolve to recognize that the mere presence of law enforcement in the polls can be viewed as intimidation. To be sure, there are valid reasons that laws exist to protect voters against potential, or actual intimidation.

With this in mind, we must prevent efforts to corrupt our electoral process while continuing to administer elections for an electorate that is increasing in size and complexity. The threats and challenges will continue to grow, and the security of the American elections process will only be achieved through collaboration, cooperation, and the allocation of sufficient resources.

Amid these growing threats I believe that we should not lose sight that elections are critical infrastructure, which was established to support and protect the mechanics of running elections. The protection of our Nation's poll workers, voters, physical locations, ballot-counting centers, and voting systems, which are a part of the backbone of our democracy, should be a priority.

Let me try and thread a needle here—I believe it's important to distinguish against the very fundamental right to observe and comment on elections, to be a part of the process, and to engage with your local election administrator. Research has shown that members of our communities often have higher levels of trust with their local officials, and we should capitalize on that. I believe in the fundamental rights that the First Amendment affords our citizens as they exercise their rights to challenge the outcome of an election. I believe transparency goes hand-in-hand with a fully-audited, accurate, and fair election; these are not mutually exclusive. Nevertheless, as an election official you know when that line is crossed. When acts of violence, threats to oneself or family, threats to the infrastructure, or interference begins to emerge, then the entire process is at risk.

There are many barriers that municipalities, counties, and States face when working to combat these growing threats. Election officials are very good with planning, preparing, and adjusting to changing operational conditions. But that kind of preparation does not prepare them for the increased risks associated with conducting elections in today's divisive environment. I like to say that if you visit one election office, you visit one election office. By this I mean that they are all very different in size and scope based on the disparate nature of how we conduct elections in this country. But the common theme among all of them is a need for funding; I believe the playbook of claiming an election outcome is inaccurate in all close contests will only grow; and it's a real concern that something could trigger an individual, or individuals to react with violence. Funding is an issue for all election officials. While threats and intimidation were exponentially larger in certain parts of the country, this is not just an issue in battleground States or contested races. Funding can continue to improve physical and overall security and help improve preparedness for law enforcement to protect polling locations, poll workers, and election officials.

Disinformation and misinformation will continue to expand and tools and resources to help provide timely and accurate information is essential. While one-time funding has been historically allocated, election security is known to be an on-going challenge that will require on-going efforts to better understand threats and vulnerabilities and develop strategies and solutions to defend and protect America's election infrastructure.

We should not conflate disagreements with laws, regulations, and rules with the outrageous notion that all elections are "rigged". Is there work to be done? Of course. Too often election officials are bound by outdated laws that should be updated. Misunderstandings of legal, or regulatory constraints can and does cause suspicion, rumors and breeds irrational theories. These kinds of disparities only fuel a public hungry for explanations as to why their favored candidate lost an election.

I don't want this to appear that funding is the only solution. As an example, while serving as Orange County's chief election official, I established a task force made up of the Department of Homeland Security, the FBI, our State and local law enforcement partners, and our district attorney. We worked collaboratively long before an election to plan for specific responses. This included local plain clothes investigators pre-positioned in the field, not in polling places, reviews of all voting locations and personnel, and intelligence gathering.

Prior to this approach there were many times I would be called to a polling location due to a sensitive matter and occasionally would meet local law enforcement on scene. Often these were obvious staged events by political operatives, which sometimes crossed the line into potential intimidation. Police officers would ask me "is this even a crime? Isn't this a civil matter?"

As a result, we created a pocket guide for law enforcement officers that they could carry with them and would inform them of criminal violations of election laws, not often used by responding officers. Briefing and informing local law enforcement bridged an important gap and made for a much stronger partnership. Understanding that threats and interference is a real problem can drastically improve collaboration and reduce, not eliminate, the risks.

In addition, we remained closely connected to the Election Assistance Commission (EAC), our local law enforcement fusion center and to Information Sharing and Analysis Centers such as Multi-State Information Sharing and Analysis Center (MS-ISAC) and the Election Infrastructure Information Sharing and Analysis Center (EI-ISAC). Information sharing in both directions is tremendously helpful for maintaining awareness of innovative solutions and security threats or challenges. To increase staff awareness of election security, my staff participated in regular tabletop exercises with government and private partners.

In the weeks following the 2020 election my office was inundated with agitated observers and on one occasion a protest with hundreds of people. Because of our pre-election task force work, there was a rapid response, detailed intelligence, and action items put into place.

I don't want to leave this topic without also noting that we must continue to do work to reduce voters' lack of confidence, which can exacerbate the very issues we are discussing today. For instance, election officials should continue to expand audits, partner with prosecutors on any violations of election law, and improve the voter experience, which will continue to build trust and confidence among voters. If the challenges currently facing our election systems are ignored, we risk continued erosion of confidence in our elections and in the integrity of our election processes. This of course will not change all hearts and minds, but this is a journey without a finish line.

Over the past several months, a group of election officials and law enforcement personnel from across the country have been meeting to address the protection of the public servants who supervise our elections from intimidation, threats, and violence. Recently organized as the Committee for Safe and Secure Elections, which I currently chair, this is a group of chiefs of police, elected sheriffs, and former and current election officials Nation-wide coming together to close the gap between law enforcement and election administration.

But why is there a gap? During the 2016 election cycle discussion around foreign interference in our elections spurred many election offices to build relationships with Federal partners like the FBI, the Department of Homeland Security, and other agencies to enhance cooperation on cybersecurity issues. But what wasn't addressed in large part was physical security, for election officials, staff, voters, and polling places. During the 2020 election cycle it was clear that many local law enforcement agencies and election officials were not communicating in many parts of the country. But 2020 made us think, what should a local official do if he or she receives threats? Whom do you contact? How can the officials and the process be protected from disruption? The committee was created to help address these issues and reduce the risks.

Our committee is focused on a four-part process, some of it very simple. The first part is developing resource materials for law enforcement officials, such as the pocket guides that I spoke about earlier. The committee members agree that this could be a model for developing similar materials for local law enforcement agencies, specifically about elections. Our hope is to make the spread of this material much more efficient across the country. The second is training. One of the challenges is establishing that the need to increase physical election security is a real issue. An effective way to achieve this is by creating and using law enforcement training videos designed to build awareness on threats to election officials and the infrastructure. Identifying steps that can be taken by law enforcement and election offices prepares both for how to respond in certain scenarios and how they can work together to identify examples where a plainclothes response could help deescalate and would be most appropriate. The third step is bridging the gaps. We want law enforcement to proactively reach out to their local election officials and vice versa long before election day. Together, they should establish joint procedures for communication in advance of elections. An election official shouldn't arrive at work on election day, find a threatening situation, and not know what to do. If local law enforcement and local election offices have met in advance and created a plan, knowing how to respond will be much clearer. We hope to provide guidelines that can help election officials through this process. You might ask why this critical planning would not already be in place—in many cases it is because it has never been a part of the playbook for election officials. It's clear that you must get everyone who is involved in the administration of elections to go through a step-by-step process of engaging with law

enforcement at the local level—street officers, beat officers, detectives. Getting everyone on both sides of this equation to know each other and know how to communicate with each other will go a long way with improving response and protection.

The final piece falls in the policy arena. While the committee has not decided how we are going to approach this important element, potential changes in policy or regulations might reduce the risk of certain threats or provide clear direction to law enforcement and election officials on reporting, tracking, and recognizing the warning signs.

During my nearly two-decade tenure as the chief elections official in Orange County, I have seen the election security landscape change dramatically. While in the recent past the focus has been on developing digital defense strategies, it has now sadly morphed into the real and dangerous threats posed to the men and women who run elections.

State and local election officials need broad support to protect America's election infrastructure, its people, and its processes. As I previously noted, and as you are aware, States and counties differ not only in geographic area and population size but also in terms of their access to resources, funding, and information. Yet, the election security challenges that local election officials face has no bearing on the size of their jurisdiction, access to funding and resources, and the ability to mitigate or respond to such threats.

There are hundreds, if not thousands, of election offices where only a handful of dedicated staff are on hand to run their jurisdiction's elections fairly and securely. The lack of personnel in many of these small jurisdictions makes it difficult to add additional responsibilities. Sending staff to trainings or bringing trainings to small or rural voting jurisdictions can be particularly challenging because it reduces the number of staff on hand at the elections' office. The magnitude of what is involved in maintaining election security can be overwhelming to any individual seeking to expand their knowledge and remain abreast of the ever-changing field of election security. We must not lose sight of smaller jurisdictions that could benefit greatly from shared resources.

Congress has a unique ability to address issues affecting multiple States. It is incredibly challenging to coordinate resources and knowledge sharing amongst States and local jurisdictions. Congress can greatly assist States and counties with these growing threats by raising awareness, increasing funding to enhance physical security of election offices and the associated infrastructure, and supporting collaboration among election officials and law enforcement partners when needed and most appropriate.

Our institutes of democracy are under attack and while many election officials are resilient, it is stretching their capacity to operate while being threatened. I don't want to overstate this, but the important act of running fair and accurate elections is what holds a fragile democracy together. We just want someone to have our backs.

Thank you and I look forward to your questions.

Vice Chairman TORRES. Thank you for your testimony. The Chair recognizes Ms. Howard to summarize her statement for 5 minutes.

**STATEMENT OF ELIZABETH HOWARD, SENIOR COUNSEL,
BRENNAN CENTER FOR JUSTICE**

Ms. HOWARD. Thank you, Chairman Torres, Ranking Member Katko, and Members of this committee for the opportunity to speak with you today about the ever-changing election security landscape and one of the biggest concerns facing our elections today: Threats against election officials.

As you know, in 2017, State and local election officials were somewhat suddenly informed about the threats against our election infrastructure by foreign enemies, such as Russia and Iran, and about the types of attacks that they were now responsible for protecting our election infrastructure against. Despite being underfunded and under-resourced, our election officials are rising to the challenge. Just 5 years later, there has been a remarkable improvement in the resiliency of our election infrastructure.

Today, election officials view cybersecurity as a critical component of planning for safe and secure elections. New and more secure voting equipment has been deployed across many States and many counties. Election officials have developed and practiced plans to respond to various cyber threats, such as ransomware. Many officials have taken other important steps to harden their systems against cyber attack.

This significant shift would not have happened without the Federal financial support specifically designated for election security that Congress has provided starting in 2018 and the Federal partners, including the Cybersecurity and Infrastructure Security Agency and the U.S. Election Assistance Commission that have worked closely with our election officials over the past 5 years.

Also critical to the significant improvements that we see today are the election community leaders who have led by example, including the three other witnesses on today's panel. Ohio Secretary of State LaRose has long been a pioneer on the election and cybersecurity front, working to quickly and strategically secure Ohio's election infrastructure against attack and establishing some of the first State-wide standards in the country.

New Mexico Secretary of State Toulouse Oliver has also served as an important election security leader. She was one of the first to quickly distribute the initial tranche of Federal election security funding to those most in need in her State: County election officials.

Neal Kelley, who as a local election official was primarily responsible for administering elections, published one of the first practical election security resources for officials, the 2018 Election Security Playbook.

While we are now on the right track to secure our election infrastructure against cyber attack, new and different threats, many with domestic roots, have arisen, including threats of physical harm to our election officials, their families, and their staff.

"You will f'ing pay for your f'ing lying f'ing remarks. We will take you out. F' you, F' your family, F' your life, you F'er. Watch your f'ing back."

Threats like that left as a voicemail for a Republican election official in Michigan, were received by election officials across the country after the 2020 election and continue today. Not surprisingly, these threats are leading to additional serious concerns, such as an alarming number of election officials leaving the profession, which are contributing to the fragility of our democracy.

Just as they needed your help to protect our technology, election officials now need your help to keep them, their families, and their staff safe. In the Brennan Center's 2022 election officials survey, we found that more than three-fourths of election officials believe that threats against them had increased in recent years. More than half were concerned about the safety of their colleagues and 1 in 6 election officials had been threatened.

Effective mitigation strategies will require tackling not only these threats, but also the barrage of false information about our election administration and our election officials that is fueling these threats.

Of course, Congress alone cannot eliminate these problems. A proper response will require a whole-of-society approach, and we all have a role to play. However, Congress can play a primary role in tackling these issues and spurring on others to do their part. For example, Congress should authorize grants specifically for physical safety training and for security enhancements to election officials' residences. Congress should also work with a number of Federal departments and agencies to ensure that they are effectively working to protect our election officials, including the Departments of Homeland Security and Justice, as I have detailed in my written testimony.

Thank you again for your time today and I look forward to your questions.

[The prepared statement of Ms. Howard follows:]

PREPARED STATEMENT OF ELIZABETH HOWARD

JULY 20, 2022

Chairman Thompson, Ranking Member Katko, and Members of the committee: Thank you for the opportunity to speak about the critical issue of threats against our election officials and our democracy. While the 2020 election is long over, election officials from Alaska to Florida continue to face the scary effects of the on-going barrage of false allegations about their work and our election administration system. These effects include credible death threats against our State and local election officials, which are contributing to other serious concerns, such as the growing number of election officials leaving their positions, that increase the fragility of our democracy.

Effectively combatting these threats will require a whole-of-society approach. While Congress alone cannot eliminate these problems, they play a primary role in mitigating many of these threats and can help to spur on Government agencies, the private sector, non-Governmental organizations and individuals to do their part as well.

For over a decade, I have worked with election officials on election administration issues. In my former position as deputy commissioner of elections in Virginia, I led various election security projects, including the decertification of all paperless voting machines. In my current role, I work closely with State and local election officials across the country on election administration issues, including election security. Unfortunately, today the physical safety of our election officials is an increasingly important component of election security. I have also co-authored multiple reports on election security and policies that will better enable our election infrastructure, including our voting systems, to withstand attack and keep our election officials safe.

The Brennan Center for Justice—a nonpartisan law and policy institute that focuses on democracy and justice—appreciates the opportunity to report on the threats facing our election officials and our democracy and ways to protect against these threats.¹ Election officials also appreciate this committee's work to help protect our democracy and increase awareness of these important issues.

I hope to convey five points in my testimony today: (1) Disinformation is fueling threats against election workers across the country; (2) Many election officials are leaving the profession, citing threats and misinformation as key reasons; (3) The loss of election administration expertise and experience is likely to spur further disinformation; (4) Against these challenges, election officials are not getting the Federal support they need. Congress has a critical role to play in protecting our election officials, including oversight of the Federal agencies and departments currently working on this issue; and (5) A whole-of-society approach is needed to address the problems of election disinformation.

¹ The Brennan Center for Justice at New York University School of Law is a nonpartisan public policy and law institute that works to reform, revitalize, and defend our country's system of democracy and justice. I am a senior counsel in the Brennan Center's Elections and Government Program. My testimony does not purport to convey the views, if any, of the New York University School of Law.

I. DISINFORMATION IS FUELING THREATS AGAINST ELECTION WORKERS ACROSS THE COUNTRY.

Election officials and workers have faced—and continue to face—a barrage of threats, intimidation, and harassment in the wake of the 2020 election. Over the past 2 years, officials have shared experiences of receiving threatening phone calls and on-line messages,² being followed or intimidated at their office,³ and needing to flee their home out of fear for their safety.⁴ And these officials—many with years or decades of experience—have warned that the quantity and severity of these attacks has increased dramatically compared to past election cycles.⁵

These are not rare or isolated incidents. In a Nation-wide survey of local election officials that the Brennan Center commissioned earlier this year, 1 in 6 election officials said that they have experienced threats because of their job, and 77 percent said that they feel these threats have increased in recent years.⁶ More than 1 in 4 election officials are concerned about being assaulted on the job, and over half are concerned about the safety of their colleagues.⁷

As we spoke with election officials about the reasons for this alarming trend, many saw a direct link between the threats they were facing and the increase in disinformation about the election process, specifically the lie that the 2020 election was stolen or that wide-spread fraud affected the outcome.⁸ In many cases, the perpetrators have specifically cited these lies as justification for threats of death, violence, or sexual assault against not only election workers, but their family and children as well.⁹ A Nevada man, for example, was arrested for threatening State election workers with messages that included: “I want to thank you for such a great job you all did on stealing the election. I hope you all go to jail for treason. I hope your children get molested. You are all going to (expletive) die.”¹⁰

Opportunistic political leaders pushed an outrageous lie that election officials and workers directly permitted, at minimum, an election to be stolen, and many of the people we depend on to protect our democracy now face constant fear for their safety.

II. MANY ELECTION WORKERS ARE LEAVING THEIR POSITIONS, CITING THREATS AND DISINFORMATION AS KEY REASONS WHY.

The barrage of threats and disinformation, in combination with political interference and sheer exhaustion, is pushing experienced professionals out of election administration. Our survey earlier this year showed that nearly a third of election officials knew one or more election workers who have left their job at least in part because of fear for their safety.¹¹ In the long term, 60 percent of officials are concerned that threats, harassment, and intimidation will make it difficult to retain and recruit election workers.¹²

Many election officials themselves are leaving their positions. Although election officials broadly find enjoyment in their jobs and are proud of the service they perform for their community, nearly 20 percent of officials surveyed plan to leave their

²Brennan Center for Justice, “Election Officials Are Under Attack (Full-Length Version),” June 16, 2021, <https://www.youtube.com/watch?v=WOCBIiVUBMc>.

³See *Election Subversion: A Growing Threat to Election Integrity*, Hearing Before the H. Comm. on House Administration, 117th Cong. (2021) (Statement of Adrian Fontes, former Recorder, Maricopa County, AZ).

⁴See Linda So, “Special Report: Trump-Inspired Death Threats are Terrorizing Election Workers,” Reuters, June 11, 2021, <https://www.reuters.com/article/usa-trump-georgia-threats-idINL2N2NP1RG>.

⁵Brennan Center for Justice, *Election Officials Under Attack*, June 16, 2021, <https://www.brennancenter.org/our-work/policy-solutions/election-officials-under-attack>; Brennan Center for Justice, *Local Election Officials Survey (March 2022)*, March 10, 2022, <https://www.brennancenter.org/our-work/research-reports/local-election-officials-survey-march-2022> (77 percent of local election officials feel that threats against election officials have increased, decreased, or have stayed about the same as in recent years).

⁶Brennan Center for Justice, *Local Election Officials Survey (March 2022)*, March 10, 2022, 6, 5, <https://www.brennancenter.org/our-work/research-reports/local-election-officials-survey-march-2022>.

⁷Brennan Center for Justice, *Local Election Officials Survey*, 5.

⁸Brennan Center for Justice, *Election Officials Under Attack*, 10.

⁹Linda So and Jason Szep, “U.S. Election Workers Get Little Help from Law Enforcement as Terror Threats Mount,” Reuters, September 8, 2021, <https://www.reuters.com/investigates/special-report/usa-election-threats-law-enforcement/>.

¹⁰U.S. Department of Justice, “Man Charged for Threatening Nevada State Election Worker,” press release, January 27, 2022, <https://www.justice.gov/opa/pr/man-charged-threatening-nevada-state-election-worker>.

¹¹Brennan Center for Justice, *Local Election Officials Survey*, 19.

¹²Brennan Center for Justice, *Local Election Officials Survey*, 19.

positions before the 2024 election.¹³ For these officials, the No. 1 reason cited for leaving was political leaders' attacks on a system they know is fair and honest.¹⁴

This concern isn't hypothetical. "[F]ive of Arizona's 15 counties have new elections directors this cycle."¹⁵ Six of Georgia's most populous counties, representing nearly a third of all active voters in Georgia,¹⁶ have new election directors this cycle.¹⁷ The number of election officials leaving their positions in Michigan, Pennsylvania, and Wisconsin has been described as an "exodus."¹⁸

We don't have to guess why they've left. They've been very clear. In early 2021, Roxanna Moritz, the chief local election official in Scott County, IA, resigned from the position (to which she had just been re-elected), stating, "after a difficult year in 2020 with both the Primary and the General Election, I have decided it is time for me to retire. Not only did we face the constant barrage of lies and innuendos in regards to the security and integrity of elections, but name calling and physical threats."¹⁹ Moritz added, "It was not just me, but my staff faced this abuse as well."²⁰ Rick Barron, the former elections director in Fulton County Georgia shared that threats led to his resignation in late 2021, stating, "I've had to think about my daughter. She gets nervous when I just take the dog outside, and she wants the windows closed in my bedroom, the shades. So those are some of the things that I had to consider."²¹

These departures have continued in 2022. Former Yavapai County, AZ Recorder Leslie Hoffman resigned earlier this month, noting that the local sheriff patrols her house periodically because of threats that she has received.²² "It's getting to be a lot," she added.²³

¹³Brennan Center for Justice, *Local Election Officials Survey*, 18.

¹⁴Brennan Center for Justice, *Local Election Officials Survey*, 18.

¹⁵Mary Jo Pitzl, "It's a very sad day: Across Arizona, Election Officials Leave Office Following Harassment Over 2020," Arizona Republic, July 10, 2022, <https://www.azcentral.com/story/news/politics/elections/2022/07/10/arizona-elections-leaders-leaving-their-posts-early-following-threats/7816106001/>.

¹⁶Georgia Secretary of State, "Georgia Active Voters Report," last updated December 2021, <https://sos.ga.gov/georgia-active-voters-report>.

¹⁷Fulton County, Gwinnett County, DeKalb County, Chatham County, Richmond County, and Macon-Bibb County. Ben Brasch, "Fulton Names Interim Elections Director as Chief Departs," Atlanta Journal-Constitution, March 16, 2022, <https://www.ajc.com/news/atlanta-news/fulton-names-interim-elections-director-as-chief-departs/V75A2AJQDNAERB2WBB3XD6GVFA/>; Curt Yeomans, "Gwinnett Elections Board Hires Zach Manifold, from Ohio, to be County's New Election Supervisor," Gwinnett Daily Post, June 28, 2021, https://www.gwinnettdaily.com/local/gwinnett-elections-board-hires-zach-manifold-from-ohio-to-be-countys-new-election-supervisor/article_80853c90-d853-11eb-adf2-2b0670f5be7b.html; Tyler Estep, "New DeKalb County Elections Director Appointed," Atlanta Journal-Constitution, January 13, 2022, <https://www.ajc.com/neighborhoods/dekalb/new-dekalb-county-elections-director-appointed/LZ5NHGY7SJDEDAWROWLLUFYUJE/>; "Billy Wooten Named Chatham County Board of Elections' Supervisor of Elections," Savannah Business Journal, December 15, 2021, https://www.savannahbusinessjournal.com/news/elections/billy-wooten-named-chatham-county-board-of-elections-supervisor-of-elections/article_3da73a8a-5da6-11ec-bfed-f3c451b45061.html; Miguel Legoas, "Augusta Board of Elections Promoting Assistant Director to Lead," Augusta Chronicle, August 10, 2021, <https://www.augustachronicle.com/story/news/politics/2021/08/10/augusta-board-elections-promoting-assistant-director-lead/5547944001/>; Liz Fabian, "Macon-Bibb Elections Supervisor's Resignation Cites Stress, Workload, New Election Laws," Macon Newsroom, January 10, 2022, <https://macon-newsroom.com/12148/news/macon-bibb-elections-supervisors-resignation-cites-stress-workload-new-election-laws/>.

¹⁸Anthony Izaguirre, "Exodus of Election Officials Raises Concerns of Partisanship," AP News, <https://apnews.com/article/election-officials-retire-trump-2020-threats-misinformation-3b810d8b3b3adee2ca409689788b863f>.

¹⁹Mark Ridolfi, "Moritz Cites Reasons for Leaving: Threats, Lies about Election Security, and Battles with Scott County Supervisors," North Scott Press, March 10, 2021, <https://www.northscottpress.com/stories/moritz-cites-reasons-for-leaving-threats-lies-about-election-security-and-battles-with-scott,80481>.

²⁰Id.

²¹Erin Burnett OutFront (CNN television broadcast November 4, 2021) (interview with Richard Barron), <https://www.facebook.com/cnn/videos/georgia-election-official-resigns-amid-death-threats/3098687650407659/>.

²²Mary Papenfuss, "Arizona Election Officials Are Being Hounded Out of Office with Ugly Threats," Huffington Post, July 4, 2022, https://www.huffpost.com/entry/arizona-election-officials-feeling-jobs-threats_n_62c2653ae4b014f50a33d5cc.

²³Id.

III. THE LOSS OF ELECTION ADMINISTRATION EXPERTISE AND EXPERIENCE IS LIKELY TO SPUR FURTHER DISINFORMATION.

As current officials and workers depart due to disinformation and harassment, the underlying challenges are likely to worsen and in turn create a greater threat for our election professionals and infrastructure.

For one, the departing election professionals will leave in their wake a dearth of knowledge on how best to secure elections and serve voters. As they are replaced by fewer or less experienced workers, we are likely to see more mistakes or less capacity to respond to those mistakes. This is highly dangerous in an environment where conspiracy-driven individuals are prepared to amplify any error that they feel validates their beliefs, even when the error was unintentional or had no impact on the accuracy or outcome of the election. When a single Michigan county with fewer than 20,000 voters initially reported incorrect results for the 2020 Presidential election, the mistake was immediately seized on and eventually amplified into a broad conspiracy that Dominion voting systems had rigged the election.²⁴ Accurate information, including that the mistake was quickly identified and corrected, and that multiple subsequent audits and recounts confirmed the accuracy of the election and voting equipment,²⁵ was no match for the spread of falsehoods by political campaigns and television personalities.²⁶

Worse, current election workers may be replaced by people who have bought into election conspiracy theories themselves and who seek to actively undermine the security and integrity of our election system. The Brennan Center's survey found that more than half of local election officials are concerned that some of their in-coming colleagues might believe that wide-spread fraud occurred in 2020.²⁷

We are already getting a glimpse of what could happen if election offices and polling places are filled with people who are sympathetic to election conspiracies. Since the 2020 election, there have been at least 17 reported incidents where supporters of the Big Lie have gained or attempted to gain access to voting equipment to find evidence of false election claims.²⁸ These incidents were often in coordination with, or at the behest of, some of the most prominent purveyors of election disinformation.²⁹

While election officials have by-and-large resisted such pressure from outside actors, the new class of workers may be more susceptible to these lies or may seek election administration roles simply because they want to abuse their position in pursuit of furthering conspiracy theories. In Michigan for example, a local clerk who took office after the 2020 election and who endorsed election conspiracies refused to allow a vendor to perform routine maintenance on a voting machine, falsely believing that the maintenance would erase old data that could prove the machines were rigged.³⁰

The risk is not only that these individuals will use their positions of influence to spread disinformation, but also that they may place the actual security of our election infrastructure and processes at risk. After one Colorado clerk permitted an activist to access the county's voting equipment—a breach that led to election deniers publicly sharing passwords for the voting system—the Secretary of State was forced to decommission the equipment because the State could not be confident in the in-

²⁴ Mark Bowden and Matthew Teague, "How a County Clerk in Michigan Found Herself at the Center of Trump's Attempt to Overturn the Election," *Time*, December 15, 2021, <https://time.com/6128812/the-steal-antrim-county-michigan/>.

²⁵ Michigan Bureau of Elections, "Post-Election Audit Report Confirms Accuracy and Integrity of Michigan's Election," press release, April 22, 2021, <https://www.michigan.gov/sos/resources/press-releases/2021/04/22/post-election-audit-report-confirms-accuracy-and-integrity-of-michigans-election>.

²⁶ Mark Bowden and Matthew Teague, "How a County Clerk in Michigan Found Herself at the Center of Trump's Attempt to Overturn the Election"; Alec Dent, "Fact Check: Addressing Yet More Claims about Dominion Voting Systems," *The Dispatch*, November 14, 2020, <https://factcheck.thedispatch.com/p/fact-check-addressing-yet-more-claims>.

²⁷ Brennan Center for Justice, *Local Election Officials Survey*, 14.

²⁸ Nathan Layne and Peter Eisler, "Exclusive: Michigan Widens Probe into Voting System Breaches by Trump Allies," *Reuters*, June 7, 2022, <https://www.reuters.com/world/us/exclusive-michigan-widens-probe-into-voting-system-breaches-by-trump-allies-2022-06-06/>.

²⁹ Lawrence Norden, "Illegal Attempts to Access Voting Machines Didn't Stop with Jan. 6 Insurrection," *Brennan Center for Justice*, June 28, 2022, <https://www.brennancenter.org/our-work/analysis-opinion/illegal-attempts-access-voting-machines-didnt-stop-jan-6-insurrection>.

³⁰ Michigan Bureau of Elections, Letter from Jonathan Brater, Director of Elections to Stephanie Scott, Adams Township Clerk dated October 15, 2021, https://content.govdelivery.com/attachments/MISOS/2021/10/25/file_attachments/1976229/Letters%20to%20Adams%20Township%20Clerk.pdf.

tegrity of the systems.³¹ Future insider threat attacks could similarly put the security of voting machines, voter registration databases, and other sensitive election systems at risk, as well as the personal safety of election workers themselves.³²

State and local election offices take many steps—and more can be done—to prevent and detect attempts by workers, vendors, or outside actors to undermine election systems. These measures include limiting digital and physical access to critical systems, keeping detailed chain of custody records, and operating in two-person or bipartisan teams to collect and count ballots.³³ But many election offices do not have the funding needed to make further security upgrades to protect against insider threats, such as camera surveillance or keycard access systems.³⁴ Moreover, even where election offices are sufficiently prepared to detect insider threat attacks and recover from these incidents, the response may not be quick enough to prevent damages to public confidence in elections.

IV. AGAINST THESE CHALLENGES, ELECTION OFFICIALS ARE NOT GETTING THE FEDERAL SUPPORT THEY NEED.

In the face of staffing shortages, threats to their safety, and rampant disinformation, election officials are not getting the support and resources they need. The Brennan Center’s poll found that 80 percent of local election officials think the Federal Government is either doing nothing to support them or are not doing enough.³⁵ The administration and Congress must do more to protect election workers and help them defend elections against security threats and disinformation.

A. Congress should provide more resources and protections for election workers.

Congress can take steps now that will help protect election workers from threats of violence and give comfort to these workers who fear for the safety of themselves, their colleagues, and their families. Specifically, Congress should:

- Authorize grants that can be used for physical safety precautions, including prevention and de-escalation training, personal information protection, and security upgrades to offices and homes;
- Fund CISA to develop and conduct on-line safety training;
- Prohibit individuals from revealing personal identifying information of election workers and election vendors with the intent to threaten or intimidate them; and,
- Provide grant funding to allow States to set up or expand current address confidentiality programs to cover election workers.³⁶

B. Congress should exercise its oversight authority to ensure that Federal agencies are taking steps to help protect election officials and our democracy.

“Congressional oversight is one of the most important responsibilities of the U.S. Congress. Congressional oversight refers to the review, monitoring, and supervision of Federal agencies, programs, and policy implementation, and it provides the Legislative branch with an opportunity to inspect, examine, review, and check the Executive branch and its agencies.”³⁷ The purposes of Congressional oversight include, to: Improve the efficiency, effectiveness, and economy of governmental operations; evaluate program performance; assess an agency or official’s ability to manage and carry out program objectives; review and determine Federal financial priorities; ensure that Executive policies reflect the public interest; and, acquire information useful in future policy making.³⁸

³¹ Justin Wingerter, “Mesa County Must Replace Election Equipment Due to Security Breach, Secretary of State Says,” Denver Post, August 12, 2021, <https://www.denverpost.com/2021/08/12/election-security-colorado-mesa-county-jena-griswold/>.

³² U.S. Cybersecurity and Infrastructure Security Agency, Election Infrastructure Insider Threat Mitigation Guide, https://www.cisa.gov/sites/default/files/publications/election_insider_threat_mitigation_guide_508_0.pdf.

³³ Id.

³⁴ Lawrence Norden, Derek Tisler and Turquoise Baker, “Estimated Costs for Protecting Election Infrastructure Against Insider Threats,” Brennan Center for Justice, March 7, 2022, <https://www.brennancenter.org/our-work/research-reports/estimated-costs-protecting-election-infrastructure-against-insider>.

³⁵ Brennan Center for Justice, *Local Election Officials Survey*, 22.

³⁶ Gowri Ramachandran, “How Congress Can Help Protect Election Workers,” Brennan Center for Justice, March 25, 2022, <https://www.brennancenter.org/our-work/research-reports/how-congress-can-help-protect-election-workers>.

³⁷ U.S. House of Representatives Committee on Rules Majority Office, “The General Principles of Congressional Oversight,” https://rules.house.gov/sites/democrats.rules.house.gov/files/documents/Archives/comm_gp_cong_oversight.htm#:~:text=congressional%20oversight%20refers%20to%20the,executive%20branch%20and%20its%20agencies.

³⁸ Id.

In the context of election security oversight, Congress can play an important role in ensuring that Federal election security programs and policies are prioritized, effective, and properly funded.

1. The Department of Justice (DOJ) and Department of Homeland Security should provide meaningful access to existing Federal grants for election security needs.

In January, DOJ clarified that JAG Byrne grant funds can be used by State and local recipients to “deter, detect, and protect against threats of violence against election workers, administrators, officials, and others associated with the electoral process.”³⁹ Months later, the Federal Emergency Management Agency (FEMA) reinstated “enhancing election security” as a National priority area for its Homeland Security Grant Program (HSGP), encouraging States to spend a portion of funds on election security needs.⁴⁰ Each of these was an important step to direct much-needed resources to State and local election officials.

Yet as we get closer to the 2022 election, election officials are having difficulty accessing these funds. Indeed, a DOJ spokesperson told CNN that as of June 6, the division that oversees the Byrne JAG program “had not reported any use of the funds to protect against threats of violence to election workers.”⁴¹ And election officials in at least one State have already had their request for JAG Byrne funds denied.

2. DOJ should hire a senior advisor with strong relationships in the elections community for the Election Threats Task Force.

Without firm requirements for State and local recipients of JAG and HSGP grants to spend a portion on election security, the State administering agencies that plan how grant funds will be spent are too likely to overlook election needs or to deprioritize those needs due to political pressures. The State agencies—typically law enforcement or public safety departments led by appointees of elected officials—have long-standing priorities attached to these Federal funding streams, while election officials operate as largely new stakeholders that must convince these agencies to divert a portion of funds away from other programs. And that is only where election officials are aware that they can vie for a share of these grants to begin with.

With HSGP funds in particular, election officials are also facing timing issues, as the “enhancing election security” National priority area was announced just weeks before the grant opened and 2 months before the deadline for grant application submissions.⁴² By this time, many State administering agencies had likely already set priorities based on previous years’ requirements.

Going forward, Congress should ensure that election officials have meaningful access to these critical resources by requiring—or urging DOJ and DHS to require—that a portion of funds be spent on election security needs and that State administering agencies consult with the chief State election official before submitting a grant application. Congress should consider similar requirements for future grant programs that are likely to face the same problems in getting resources to election security needs, including the newly-created State and Local Cybersecurity Grant Program that the Infrastructure Investment and Jobs Act established to distribute \$1 billion in new cybersecurity funding over the next 4 years.⁴³ Short of that, Congress should encourage DOJ and FEMA to conduct more extensive outreach with State administering agencies on the need to prioritize physical security for election workers.

³⁹ U.S. Department of Justice, Letter from Vanita Gupta, Associate Attorney General to State Administering Agency Directors dated January 26, 2022, <https://www.justice.gov/opa/page/file/1465931/download>.

⁴⁰ U.S. Federal Emergency Management Agency, “Fiscal Year 2022 Homeland Security Grant Program Key Changes,” May 13, 2022, <https://www.fema.gov/fact-sheet/fiscal-year-2022-homeland-security-grant-program-key-changes>.

⁴¹ Sean Lyngaas, “Election Officials Worry about Their Safety Ahead of Midterms,” CNN, June 17, 2022, <https://www.cnn.com/2022/06/17/politics/elections-midterms-2022-security-threats/index.html>.

⁴² U.S. Federal Emergency Management Agency, “Fiscal Year 2022 Homeland Security Grant Program Key Changes”; U.S. Federal Emergency Management Agency, “The Department of Homeland Security (DHS) Notice of Funding Opportunity (NOFO) Fiscal Year 2022 Homeland Security Grant Program,” May 13, 2022, <https://www.fema.gov/grants/preparedness/homeland-security/fy-22-nofo#d>.

⁴³ Infrastructure Investment and Jobs Act, Pub. L. No. 117–58, § 70612, 135 Stat. 429, 1272 (2021).

In July 2021, DOJ launched a law enforcement task force to address the rise in threats against election workers.⁴⁴ But the Brennan Center's survey found that 42 percent of local election officials have never heard of the DOJ's task force, and another 48 percent said that they have heard of it but did not know much about the effort.⁴⁵ Just 9 percent said that they were very familiar with the DOJ's Election Threats Task Force.

Congress can also address this issue by funding more grants that go directly to State and local election officials.

3. DOJ's Election Threats Task Force should expand to include local law enforcement

These numbers suggest that the task force must expand outreach to local election officials and raise awareness of its efforts. Importantly, DOJ and the Federal Bureau of Investigation have recently made significant and much-appreciated progress in their outreach efforts. Federal agents and DOJ personnel have attended election official meetings and conferences across the country and many election officials have shared stories about personal outreach by in-State Federal officials. However, with more than 8,000 local election officials in the United States, there is more work to do. And there is reason to believe strategic expansion of current outreach efforts would reap results. After hearing an explanation of the task force, 57 percent of respondents said that they were somewhat or very confident that the task force's investigation and prosecution of threats against election officials would make them feel safer in their role as an election official.⁴⁶ Simply learning about the task force will provide a boost in confidence, which is sorely needed in an environment where more than half of local election officials who have been threatened because of their jobs did not even report the threat to law enforcement.

CISA faced similar challenges after former DHS Secretary Jeh Johnson designated election infrastructure as critical infrastructure in 2017.⁴⁷ This designation let CISA provide free cybersecurity services and support to State and local election officials. However, many officials were unfamiliar with CISA and leery of Federal overreach. After what election officials described as a "rocky start,"⁴⁸ CISA hired a former election official with bipartisan long-term relationships in the community to serve as a senior advisor. Today, CISA enjoys wide-spread support and awareness. Former CISA director Christopher Krebs has said hiring the senior advisor was among the most effective steps in CISA's work with State and local election officials.⁴⁹

DOJ should bring on a similar senior advisor to the task force. This person could leverage existing relationships to boost awareness of the task force and its work, help manage election official relationships, and provide information and expertise about election administration. This senior advisor could also help the task force navigate and map the elections community's existing relationships, formal and informal, with other Federal agencies such as the EAC and CISA.

When election officials report threats to law enforcement, the Federal Government is rarely their first call. The Brennan Center's survey found that 89 percent of local election officials who reported a threat to law enforcement contacted local law enforcement, compared to 22 percent who contacted Federal law enforcement.⁵⁰ (A small percentage reported threats to both.)

For this reason, DOJ should expand its Election Threats Task force to formally include local law enforcement. This inclusion would allow the task force to identify threat patterns that individual local law enforcement agencies may not be able to see in isolation. It would likely help local law enforcement (the main contact for most election officials) better respond to such threats. It may enable DOJ to bring criminal actions when there are no possible State actions. It would ease DOJ's referral of cases when charges would be more easily made at the State or local level.

⁴⁴ U.S. Department of Justice, "Justice Department Launches Task Force to Combat Threats Against Election Workers," July 29, 2021, <https://www.justice.gov/opa/blog/justice-department-launches-task-force-combat-threats-against-election-workers-0>.

⁴⁵ Brennan Center for Justice, *Local Election Officials Survey*, 23.

⁴⁶ *Id.*

⁴⁷ U.S. Department of Homeland Security, "Statement by Secretary Jeh Johnson on the Designation of Election Infrastructure as a Critical Infrastructure Subsector," press release, January 6, 2017, <https://www.dhs.gov/news/2017/01/06/statement-secretary-johnson-designation-election-infrastructure-critical>.

⁴⁸ U.S. Election Assistance Commission, Transcript from EAC Election Readiness Summit, October 3, 2018, https://www.eac.gov/sites/default/files/event_document/files/CART_1003-18EAC_Election_Readiness_Summit.pdf.

⁴⁹ *Id.*

⁵⁰ Brennan Center for Justice, *Local Election Officials Survey*, 7.

And it likely would boost awareness of the task force since local election officials are far more likely to have pre-existing relationships with local sheriff or police departments.

V. A WHOLE-OF-SOCIETY RESPONSE IS NEEDED TO ADDRESS THE PROBLEMS OF ELECTION DISINFORMATION.

As discussed above, election mis-, dis- and mal-information are causing and contributing to many serious concerns our democracy currently faces. Effectively addressing these problems, and their effects, will require participation from political leaders, government officials, media platforms, and individuals—a whole-of-society commitment to protecting democracy. Internet and social media companies especially can help thwart the effects of disinformation by boosting content from trusted sources (election officials in particular), limiting the spread of disinformation by delaying the publication of posts from prominent disinformation spreaders, and sending corrective information to users who have interacted with election misinformation.⁵¹

Political leaders—Republican and Democrat alike—are critical to effectively combating election disinformation. They can help “build trust in our democracy by promoting accurate information about our election system from trusted sources. Especially important is elevating the voice of election officials, who have first-hand knowledge of the many safeguards in place to ensure the accuracy, security, and integrity of every election.”⁵²

“Members of the public often take their cues from political leaders. They need to hear that the election system can be trusted and see their representatives standing behind the workers who do the job of securing the right to vote.”⁵³ They too have an important role in identifying and stopping the spread of false information. For example, members of the public “should try to determine the veracity of any election information before sharing or acting on it.”⁵⁴ And if they see suspect information, they should check with a trusted source, such as their State or local election official, for accurate information and report disinformation to the same officials.⁵⁵

Journalists and civil society organizations play key roles in this work as well. One important function they have is to expose shoddy and wasteful work, sometimes paid for with taxpayer funds, by individuals and entities attempting to exploit the doubts held by some with incomplete or inaccurate information about our election administration system for the purpose of personal gain or profit. Many have already joined these efforts, amplifying accurate election information and the voices of election officials, obtaining and sharing relevant public records, and working to prevent bad actors from causing further harm.⁵⁶ For example, on behalf of All Voting is Local Arizona, Arizona Democracy Resource Center, Living United for Change Arizona, and Mi Familia Vota, the Brennan Center sent a letter to Federal officials requesting that Cyber Ninjas—the firm that led the Arizona Senate’s costly sham audit of the 2020 election—and its CEO Doug Logan, be prohibited from contracting with the Federal Government.⁵⁷

⁵¹ Brennan Center, *Election Officials Under Attack*, 10–13.

⁵² See *A Growing Threat: How Disinformation Damages American Democracy, Hearing Before the H. Comm. on House Administration*, 117th Cong. (2022) (Statement of Edgardo Cortes, Election Security Advisor, Brennan Center for Justice at NYU School of Law), <https://docs.house.gov/meetings/HA/HA08/20220622/114910/HHRG-117-HA08-WState-CortesE-20220622.pdf>.

⁵³ *Id.*

⁵⁴ Tim Lau, “Voters vs. Disinformation,” Brennan Center for Justice, September 2, 2020, <https://www.brennancenter.org/our-work/analysis-opinion/voters-vs-disinformation>.

⁵⁵ *Id.*

⁵⁶ Organizations that have done important work on this issue in Arizona and Wisconsin include Advancing Arizona, All Voting is Local, American Oversight, Arizona Democracy Resource Center, Arizona Faith Network, Arizona Wins, Campaign Legal Center, Common Cause, Law Forward, Lucha Arizona, Mi Familia Vota, Progress Arizona, Protect Democracy, Rural AZ Action, Securing Democracy, States United, and Wisconsin Voices. Journalists include Molly Beck (Milwaukee Journal Sentinel), Jeremy Duda (Axios, Arizona Mirror), Jen Fifield (Votebeat, Arizona Republic), Patrick Marley (Washington Post, Milwaukee Journal Sentinel), Henry Redman (Wisconsin Examiner), Brahm Resnick (12 News/KPNX TV (NBC)), Dillon Rosenblatt (AZ Mirror), and Yvonne Wingett Sanchez (Washington Post).

⁵⁷ John J. Martin and Elizabeth Howard, “Cyber Ninjas and Its CEO Should Be Banned from Government Contracts,” Brennan Center for Justice, July 18, 2022, <https://www.brennancenter.org/our-work/analysis-opinion/cyber-ninjas-and-its-ceo-should-be-banned-government-contracts>; Elizabeth Howard and John L. Martin, “Referral Letter for Cyber Ninjas Debarment Consideration,” Brennan Center for Justice, July 18, 2022, <https://www.brennancenter.org/our-work/analysis-opinion/cyber-ninjas-and-its-ceo-should-be-banned-government-contracts>.

Local and State officials also have important contributions to make. In June, a group of local and State election officials joined with law enforcement leaders from across the country and others to establish the Committee for Safe and Secure Elections.⁵⁸ This committee, supported by the Brennan Center, R Street Institute, Protect Democracy and Elections Group, was formed to “support policies and practices that protect election workers and voters from violence, threats, and intimidation.”⁵⁹ Its work includes developing resources for both the law enforcement and election communities, which increase awareness of the threats that election officials and workers face and how to respond to these threats.

VI. CONCLUSION

Election officials from across the country continue to face death threats and harassment for simply doing their jobs. False information about our election administration is a significant contributor to these threats that are leading to numerous other concerns, such as the high numbers of election officials leaving the profession, which increase the fragility of our democracy. Congress has a critical role to play in helping better protect our election officials, including increasing awareness of these threats, providing grant funds designated for targeted assistance to our officials, and spurring on government agencies, civil society, the private sector, and other actors to work together to protect our democracy.

Vice Chairman TORRES. Thank you for your testimony. The Chair recognizes Secretary LaRose to summarize his statement for 5 minutes.

STATEMENT OF FRANK LAROSE, SECRETARY OF STATE, STATE OF OHIO

Mr. LAROSE. Well, good morning, everyone, and thank you so much, Chairman Torres and Ranking Member Katko and really all the members of the House Homeland Security Committee. Thanks for the opportunity to submit my testimony today on the security of our elections, of course something that we all care deeply about.

First, let me set the scene for you. It is May 4, 2021. It is Primary Election Day in Ohio and an individual has plugged an unauthorized laptop into a government network at the Lake County Administrative Building. He was engaging in some sort of effort to capture election data. Presumably, his hope was that he was going to discover or download some sort of election information to prove that election results can be impacted by an outside influence. I am happy to report that that person failed and he failed miserably. Why? Quite simply because we were prepared.

Now, when I served as an Army Green Berets in the Special Forces, we learned to never let our guard down. Our lives were a constant churn of study and preparation and execution. After all, the bad guys only had to be right once. We had to be right every single day.

When I was elected secretary of state, I took that same mindset and adapted it to how we operate in Ohio. In fact, we made it our standard.

So, how did we stop this perpetrator on Primary Election Day in 2021? It actually started in 2019. When I issued as secretary of state our first-ever security directive for all of Ohio’s 88 county boards of elections it was a checklist. I called it our pre-flight checklist for the Presidential election of 2020. It was a 34-point

www.brennancenter.org/our-work/research-reports/referral-letter-cyber-ninjas-debarment-consideration.

⁵⁸ Committee for Safe and Secure Elections, <https://safeelections.org/>.

⁵⁹ Committee for Safe and Secure Elections, “About the Committee,” <https://safeelections.org/about>.

checklist of both physical and cybersecurity requirements that were designed with one purpose: To keep the bad guys out.

Now, I will be honest, when I first announced these requirements at a meeting of all of our county boards of elections there was a groan in the audience and even some laughter in the back. I was asking a lot of them and many thought that it wasn't possible. But our elections are too important and we can't sit on our hands and hope that things are going to be OK. We have to take action, and that is exactly what our county boards of elections did.

From the largest, most populous, and sophisticated county boards of elections in our State to the most rural county boards of elections that had been really administering elections the same way for generations, they all rolled up their sleeves and in concert with the security professionals in our office they got it done. That is why Ohio's bipartisan teams of elections professionals in my opinion are truly the best in the business.

So, when this individual plugged his laptop into a Lake County administrative building, what did he access? Quite simply, nothing. First of all, every single county board of elections' computer system has long been siloed off from every other county office. So, anyone thinking that they could use a county computer system in one county office to somehow infiltrate the county board of elections would find that they would run into an impenetrable brick wall.

Second, even if they had somehow gotten into the Board of Elections building and plugged into their network, they would have immediately been blocked because that computer would have been recognized as an unauthorized user on that network. Again, game over.

These are just two out of dozens of improvements that we made at our county boards of elections since 2019. Naturally, when we talk about cybersecurity we are talking primarily about those elements of election infrastructure which are, of course, connected to the internet. We are talking about email, websites, polling location look-up functions, on-line voter registration, all conveniences that voters, of course, want to have access to.

But it is important to emphasize that voting equipment is never connected to the internet. There is an entire separate parallel set of election infrastructure that is never connected to the internet. Quite simply, anything that touches a ballot can never be connected to the internet. That is scanners, voting machines, tabulators, all of which are very strictly air-gapped.

Since our first directive we have issued two more, again, we can never get complacent or rest on our laurels, with the most recent one just announced last month. We called it our Security Directive 3.0. As the tactics of our enemies change and evolve, we must do the same. That is why we can't rest and we won't rest. A comprehensive, multifaceted security strategy within our county boards of elections is necessary to provide the redundancy required for a strong election system infrastructure.

We also know that our elections are only as successful as the people who run them. In 2020, we recruited a small army of dedicated patriots, Republicans and Democrats, to serve as poll workers. In the face of uncertainty amid the start of the COVID-19 pandemic, we had a record 56,789 Ohioans who stepped up, were

trained, and ready to serve their communities. They provided secure, accurate, and accessible elections, the ones which Ohio voters have, of course, become accustomed.

In light of the pandemic, we knew that we had to get creative about poll worker recruitment. That is exactly what we did. We worked with a whole array of professionals and all sorts of different demographics to recruit patriotic Ohioans from across the State to help us administer an incredibly challenging election. In doing so, we stood up also an army of truth-tellers who could speak firsthand about the lengths to which Ohio goes to ensure the integrity of our elections. You simply can't put a price on that. Integrity matters. That is what our elections are built on. Thomas Jefferson put it very succinctly when he said that our government—

Vice Chairman TORRES. Secretary LaRose, if you can conclude.

Mr. LAROSE. Yes, sir. Government derives its just powers from the consent of the governed. The only way that we convey that is through a free and fair election, and that is what we are going to continue to deliver in Ohio.

Thank you so much, Mr. Chairman. I look forward to your questions.

[The prepared statement of Mr. LaRose follows:]

PREPARED STATEMENT OF FRANK LAROSE

Chairman Thompson, Vice Chair Torres, Ranking Member Katko, and Members of the U.S. House of Representatives Homeland Security Committee, thank you for the opportunity to submit testimony today on the security of our elections system.

Let me set the scene for you.

May 4, 2021. It's primary election day in Ohio, and someone has been granted access into a government office in the Lake County administration building. That individual has plugged an unauthorized laptop into a government network in an effort to capture election data. Presumably, their hope is to discover and download some type of election information to prove election results can be impacted by outside influence.

That person failed, and failed miserably.

Why? Preparation.

When I served as a Green Beret in the U.S. Army Special Forces, we never let our guard down. Our lives were a constant churn of study, preparation, and execution. After all, the bad guys only had to be right once—we had to be right every single time.

When I was elected secretary of state, I took that same mindset and adapted it to how we operate in Ohio. We made it the standard.

So how did we stop this perpetrator on primary election day in 2021? It actually started back in 2019 when we issued our first Security Directive for Ohio's 88 county boards of elections. It was a 34-point checklist of physical and cybersecurity requirements designed with one purpose—keep out the bad guys.

I'll be honest—when I announced these requirements at a meeting of our county board of election teams, there was an audible groan—with even some laughter. We were asking a lot of them—it's true. But our elections are too important. We can't sit back on our hands and hope everything is going to be ok. We have to take action.

And that's what our county boards of elections did. From the largest, most populous, and sophisticated county boards to the most rural counties that had been administering elections their way for generations, they rolled up their sleeves, and in concert with the security professionals in my office, they got it done. Make no mistake, this was a big lift.

But that's why Ohio's bipartisan teams of election professionals are the best in the business.

So when this individual plugged in their laptop at the Lake County Administrative Building, what did they find? Nothing.

First, every single county board of elections computer system had long been siloed off from all other county offices. Right then and there, anyone thinking they can use the county computer system to infiltrate the board of elections would find they had hit a hard brick wall.

Second, even if they had somehow plugged this computer into the county board of elections system, it would be immediately blocked because it would be recognized as an unauthorized computer. Again, game over.

These are just two of dozens of improvements made at our county boards of elections since 2019. Naturally, when we talk about cybersecurity, we're talking primarily about those elements of election infrastructure which are connected to the internet—email, websites, polling location lookups, and on-line voter registration. What this perpetrator may not have realized is that there is a completely separate element of election infrastructure which is never connected to the internet, not even capable of an internet connection, and which is rigorously tested before every election and audited after every election.

Anything that touches a ballot—scanners, voting machines, and tabulators—are 100 percent air-gapped. Simply put, the Lake County attempted breach never had a chance of succeeding because of the forward-thinking cybersecurity protocols we developed in 2019, and the county boards of elections that worked so hard to implement them.

Since our first directive, we've issued two more, with the most recent announced just last month. As the tactics of our enemies change and evolve, we must do the same. That's why we can't and won't rest on our laurels. A comprehensive, multi-faceted security strategy within our county boards of elections is necessary to provide the redundancy required of a strong election system infrastructure.

We also know that our elections are only as successful as the people who run them. In 2020, we recruited a small army of dedicated patriots to serve as poll workers. In the face of uncertainty amid the start of the COVID-19 pandemic, a record 56,789 Ohioans were trained and ready to serve their communities and provide the secure, accurate, and accessible election to which our voters have become accustomed.

In light of the pandemic, we knew we had to get creative about poll worker recruitment. So that's exactly what we did. We worked with lawyers, accountants, and realtors to provide continuing education credit in exchange for serving on election day.

We went into barbershops and salons with our Styling for Democracy recruitment project.

We reached out to veterans who heard a Second Call to Duty and signed them up to defend the constitution once again, but this time as poll workers.

We even went into the high schools to recruit high school seniors to boost their civic education, and hopefully get some extra credit on the side.

It worked. We set records and fully staffed every polling location. But we did something more—we created a legion of Ambassadors—an army of truth-tellers who can speak first-hand about the lengths Ohio goes to ensure the integrity of our elections. You can't put a price on that.

Integrity matters. It's what our elections are built upon. As Thomas Jefferson put it, our Government derives its "just powers from the consent of the governed". We can't maintain that consent if we aren't always moving forward and finding ways to balance election security and accessibility.

Whether it's the post-election audits we require after every election, staffing our county boards of elections with a balanced team of bipartisan election officials working collaboratively and professionally, or new security upgrades that protect our systems from those who would do it harm—we have a duty to maintain. It's an oath I swore to protect, and it's a model I hope we can share with the Nation.

Vice Chairman TORRES. No, thank you, Secretary LaRose. I thank the witnesses for their testimony.

The Chair reminds each Member that he or she will have 5 minutes to question the witnesses. I will not recognize myself for questions.

Ms. Howard, threats to election security vary widely in the United States. There is the threat of a cyber attack on election infrastructure, there is the threat of influence operations that radicalize people with misinformation and disinformation and malinformation, and then there is the threat of violence and harassment and intimidation against election officials themselves. Of all these threats, which one, in your view, has the greatest likelihood of endangering election security in the 2020 Congressional midterm elections? 2022, I apologize.

Ms. HOWARD. Thank you for the question. Right now one of my biggest concerns has to do with threats against election officials, not just because of the threats against the election officials, but because of the cascading effects that result from these threats to election officials. So, what we are seeing across the country are election officials who are deciding to leave the profession.

So, for example, 5 out of Arizona's 15 counties now have new election directors this cycle. Six of Georgia's most populous counties have new election directors this cycle. This creates the potential for more mis- and disinformation because the people taking the retiring election official's place are not going to have the same level of experience, they are not going to know as much, and they are not going to be as prepared as those who had several years of experience who were running elections in their State and their county to combat, right, this ever-growing threat of mis-, dis-, and malinformation.

Vice Chairman TORRES. Ms. Howard, you noted that 1 in 6 election officials have been the target of threats. We have heard from Secretary Oliver and Mr. Kelley that they themselves have been the targets of threats. We know that former President Trump's narrative of a stolen election inspired the Stop the Steal movement which ultimately led to the insurrection on January 6th.

My question is for Mr. Kelley and Secretary Oliver. You know, to what extent, based on your own experience, are the words and ideas of former President Donald Trump at fault for creating what seems to be an unprecedented hostile environment against election officials?

Mr. KELLEY. Thank you, Mr. Chairman, for the question. I will say this, that although these types of discourse were amplified in 2020, I have heard them before. If you go back to 2018 in Orange County, there was a number of similar threats and issues that arose when we had Congressional districts flip from red to blue. We received very similar public statements from local elected officials. So, it is not just at the National level. It can certainly happen at the local level. We see that. I will say this, it is not just in battleground States or contested contests. It is across the country.

So, while I think it certainly had an effect, I have seen it before.

Vice Chairman TORRES. Secretary Oliver.

Ms. TOULOUSE OLIVER. Thank you, Mr. Chairman. I certainly agree with my colleague, Mr. Kelley. But as you noted in my introduction, I have been an election official at the local and State level now for almost 16 years, so, of course, in every single election we see rumors, we see mis- and disinformation. Typically, once we as election officials are able to clarify any questions about how the election is conducted and provide the public or accusers with information, those rumors tend to peter out.

Unfortunately, we are still on a daily basis in my State and across the country living with the reverberating effects of the "Big Lie" from 2020. The recent activities that happened in my State where we almost failed to certify an entire county's worth of votes in a primary election are a direct result of that rhetoric. As we all know, when it comes to leadership, you know, what you say from the very highest echelons of government power in this country do have those reverberating effects.

So, yes, Mr. Chairman, they are impactful and they continue to be impactful on a daily basis in this work.

Vice Chairman TORRES. Ms. Howard, there is a DOJ task force aimed at confronting threats against election workers. It has received well over a thousand reports of threats, but has only secured one conviction, which raises the question why only one conviction? Is the issue one of law, that the law is insufficiently protective of election workers, or is it one of enforcement? What is your assessment of what is going on there?

Ms. HOWARD. So, the DOJ task force has taken important steps, but clearly, what they have done is not enough. We have a couple of recommendations specifically for the DOJ task force.

We think that they need to expand the task force to include State and local law enforcement. As our Brennan Center survey showed, almost 9 out of 10 election officials who had been threatened reported those threats not to Federal officials, but to their local law enforcement. DOJ needs to bring them to the table to help combat this serious threat.

Vice Chairman TORRES. Just before I conclude, do you think Federal law is sufficiently protective of election workers?

Ms. HOWARD. I think there are improvements to be made.

Vice Chairman TORRES. I will now recognize the gentleman from New York, the Ranking Member, for 5 minutes.

Mr. KATKO. Thank you, Mr. Chairman. I, again, want to recognize Ms. Flores. We have recognized her before she got here, but welcome to the committee and welcome to Congress.

Mr. LaRose, I spoke in my opening statement at the end about my concern about the local election officials being able to digest the vast amount of election security information that they are given. I want to ask you just briefly can you tell me what you think about what we can do to make that more digestible for the locals? The information is no good and the security directors are no good if the locals cannot digest it. So, I wonder if you could comment on that for me a second.

Mr. LAROSE. Well, thank you so much, Ranking Member Katko. You know, it kind-of reminds me of my time in the military where we had a saying that you-know-what rolls downhill because somebody's bright idea at the top ultimately comes down to a sergeant or a private that has to implement it and oftentimes there is a lot that they have to deal with other than those kind of directions that are coming from a headquarters somewhere. We have tried to be knowledgeable about that when we deal with our county boards of elections.

Now, of course, I issue directives. I have to do that in order to coordinate the way our county boards of elections operate. But it is important to remember that they are the folks on the ground doing the implementing of all of these things that you are telling them to do. Often that means that they are focused on a variety of different things.

So we also need to recognize that our boards of elections, at least in Ohio and I am sure this is the case around the country, reflect the great diversity of our country. I have boards of elections where it is two people that work in the courthouse basement. They are purposeful and dutiful about their work, but it is just them to run

that county board of elections. I have got county boards of elections that are 150 people with a, you know, very large and sophisticated staff.

So it is important for us to remember the men and women on the ground, these bipartisan groups that are doing the work of running elections. We can't throw too much at them. We have to prioritize what really matters.

Mr. KATKO. That I understand, but how do we fix it? I understand the problem.

Mr. LAROSE. Yes, and again, it is us being mindful. Right? It means that myself as a State administrator, the other 49 that do this work need to be knowledgeable about what we are telling them to do. But it also means that we need to be very careful, you all need to be very careful about not sending down directives or passing laws that would create Federal standards that may be unattainable as well.

One of the other things is far too many times the funding that comes is appreciated, but there are so many strings attached that the work that it takes to comply with all of the different standards attached to that funding make the dollars much less useful because you spend so much time filling out the forms to justify how you are spending the dollars.

Mr. KATKO. Thank you, Mr. LaRose. Ms. Howard.

Ms. HOWARD. Yes, sir. Thank you for the question. I would say that the concerns that you are raising are at the opposite end of the spectrum of the concerns. When I was an election official, again, in 2017 and the beginning of 2018, when we weren't receiving sufficient information—

Mr. KATKO. It went from 0 to 60, right?

Ms. HOWARD. Exactly.

Mr. KATKO. Now we have to figure out how to digest it.

Ms. HOWARD. Exactly.

Mr. KATKO. Right.

Ms. HOWARD. So, I think that Federal officials and CISA officials in particular have recognized that they are trying to calibrate the amount and the quality of information that is being provided to our local election officials. CISA representatives at multiple meetings that I have attended with election officials proactively ask for feedback about, again, the quantity and quality of the content that they are receiving.

I think CISA—this is a—you know, and on-going work is required and CISA is, you know, working to do this. So, they need to continue to listen to the election official community about what is helpful and what is not.

Mr. KATKO. Thank you very much. Ms. Oliver, I understand your testimony and I credit your testimony about what generated some of the personal threats against election care workers, but I also appreciate the candid testimony of Mr. Kelley that it comes from a variety of different sources and not just one, and I think we need to keep that in mind going forward. Election security, I think, and a lot of the problems with election security are generated, it seems like to me, from the internet and the ability of coward to hide behind the internet and foment discontent on-line and then make

that discontent actionable by nut-jobs locally. That is one of my concerns.

So if any of you want to address that, Mr. Kelley, maybe, want to address how we can better try and find and anticipate the threats before they happen. That is finding the proverbial needle in a haystack, but what do you think, sir?

Mr. KELLEY. Thank you, Ranking Member Katko. I think it is a great question. I will tell you that work that I have done with our local law enforcement fusion center in Orange County went a long way with that because the intelligence gathering on the ground is really important, and identifying individuals on social media that might be spreading disinformation and misinformation, but, not only that, may have represented potential signs that they could be triggered into some sort of violent act or something along the lines of threats. I think that that intelligence gathering is critical to reducing the risk up front.

Mr. KATKO. Thank you. I yield back, Mr. Chairman. Thank you.

Vice Chairman TORRES. I will now recognize the gentleman from Rhode Island, Mr. Langevin, for 5 minutes.

Mr. LANGEVIN. Thank you, Mr. Chairman. Can you hear me okay?

Vice Chairman TORRES. We can hear you.

Mr. LANGEVIN. Very good. Well, thank you, Mr. Chairman, for holding this hearing and I thank our witnesses for their testimony today.

As we all know, there is no such thing as perfect cybersecurity. I have said that many times myself, including in our election systems. As such, we should expect that vulnerabilities will continue to be discovered within our election infrastructure moving forward. Yet, amidst a climate of rampant disinformation and outrageous lies about election security, I do fear that the responsible disclosure of and communication about cybersecurity vulnerabilities in election infrastructure is becoming more and more challenging.

So, not all vulnerabilities, of course, would be equal in their severity or ease of exploitation. But their very existence could be manipulated to undermine public confidence in the integrity of election infrastructure and, by consequence, the outcome of an election itself.

So, to all of our witnesses the questions are how are State and local election officials thinking about communicating to the public about cybersecurity vulnerabilities in election systems in a way that preserves trust in those systems? Also, how can elements of the Federal Government, such as CISA, lend their support? Are there opportunities here for Congressional actions that will help address this challenge as well?

Mr. LAROSE. Well, Congressman, I will start, I suppose, if I may. In Ohio, we were the first State in the country to implement what is called a vulnerability disclosure policy. Effectively, we were asking the good guys, the white hat hackers, to find wherever we had a vulnerability and let us know about it. That has resulted in dozens of fixes that we have made. We found where our errors were and we fixed them.

One thing, though, that I have struggled with and have wanted maybe some more help from the Federal Government on is being

able to share our successes. When things go wrong, the public generally will know about it pretty quickly, but we haven't always been able to share our successes, and the public should know when we had a day where the good guys won and the bad guys lost. Oftentimes that means as quickly as possible declassifying what can be declassified without, of course, jeopardizing sources or methods. But giving us the chance to tell the stories of where we stopped the bad guys is something I would like to be able to do more of.

Mr. LANGEVIN. Thank you. Next.

Ms. TOULOUSE OLIVER. Yes, Mr. Chairman, Member Langevin, I agree exactly with what my colleague from Ohio just said. I will say that when I first came into the secretary of state's office in late 2016, obviously we had just gone through an election where many election officials across the country were not aware of what the Federal Government was aware of. I think there has been a tremendous amount of work done along—working alongside CISA and DHS, the work that the Government Coordinating Council has done, to try to figure out what is the right balance.

Obviously, we want to be aware as soon as possible as chief election officials of any potential vulnerabilities. We want to address them immediately. We need that information yesterday, not tomorrow.

I will say that I feel like the Federal Government has done a much better job about quickly declassifying or relaying appropriate directives to our offices. We are getting so much better about sharing that information with each other. But it is a delicate balance because we want to make sure once we have identified a vulnerability, that we have a plan to fix it, to fix it quickly, and that it is going to get the job done.

So a lot of the work we do is that very careful balance. We do need to make the public aware, that is incredibly important, but we also need to make sure we have those plans in place.

Mr. LANGEVIN. Thank you. As a former secretary of state myself, I understand the particular challenges you all have, so thank you for the work you are doing.

Let me shift before my time has expired. Ms. Howard, if I could, in your testimony you noted that despite Federal efforts to make grant funding for programs such as Byrne Justice Assistance Grant program available for election security, none of these funds have yet been used for such purposes and that election officials in at least one State have already had their request for Byrne JAG funding denied.

Could you and other witnesses, with your insights here, speak to some of the difficulties that election officials are experiencing in the application process for these grants? You know, is there more the Department of Justice can do or other departments administering the election security grants to do to help to get this money out? If so, is there opportunity for Congressional action here, too?

Ms. HOWARD. Thank you for the question. Yes, there are—now available to election officials are Homeland Grant Security Program funds. Just recently, the Department of Homeland Security reinstated election security as a priority. However, that prioritization was not accompanied with a minimum spend of those grants on election security. What election officials are seeing and

are concerned about is the fact that their needs are going to be deprioritized.

These funds are not new and many of the——

Vice Chairman TORRES. Ms. Howard, I am going to have to interrupt because we are 30 seconds over. I have to recognize the gentleman from Mississippi, Mr. Guest, for 5 minutes.

Mr. GUEST. Thank you. Thank you, Mr. Chairman. Secretary LaRose, our Constitution, as you are well aware, gives individual States the rights to conduct their own elections. This is a central pillar of our government that Federal authorities I believe must not infringe upon. So my question, very broad in nature, is what can Congress do to make sure that we are providing a secure electoral system without direct interference from the Federal Government in a process that I believe that our Founding Fathers rightfully intended to be controlled at a local and State level?

Mr. LAROSE. Thank you for the question, Congressman. I should say I enjoyed working with your secretary of state through our national association.

You are right. There are 50 different ways of running elections throughout this country. That decentralized nature of the way we run elections is not a bug, it is a feature in the way that American elections are organized and it goes back to our very founding. It must be protected.

As you are well aware, though, the Federal Government has some resources that States just candidly do not have. That is why I think that it is important to continue providing those resources. CISA is just one great example of that. I found it to be a very positive working relationship that we have with them. Then, you know, to resist the temptation, of course, to tinker, for the Federal Government to start intervening and telling States how to run elections.

I do think it is good for States to develop best practices and share those with other States. Candidly, I have worked to share some of the things that we do in Ohio so that other States can learn from them because we have been under the National spotlight for many years in Ohio.

But for the Federal Government to start mandating the way States run elections is a bridge too far in my opinion. I would say, humbly, stick to helping us do our jobs better instead of telling us how to do them.

Mr. GUEST. Mr. Secretary, you do mention about Federal mandates. Recently legislation introduced in the House actually passed out of the House. Two of the things that were in that legislation as it relates to voting, two things that I find very troubling: No. 1, is that we do away with voter identification when individuals go to the polling place, looking to attempt to cast their vote; it would also require same-day voter registration. I know that Ohio is a State that does require advanced registration, as does my State of Mississippi, and also requires voters to present an ID when they are showing up and doing in-person voting.

So, can you talk just a little about the importance of having individuals make sure that they are registered at some period of time before the election? Then also, the importance of voter ID in the integrity process as we are looking at making sure that elections

are both fair and that individuals trust the outcome of those elections.

Mr. LAROSE. Well, yes, thank you, Congressman. It is about finding that balance. I reject this notion and some offer this idea that somehow you have to choose from either convenient elections or secure elections. I think that is a false choice. In Ohio, we have elections that are both convenient and secure. It is easy to vote and it is hard to cheat in the Buckeye State. I know that is the case in many other States as well. But these are policies that we have developed that work in our State, that fit the make-up of our State, and it may not work in other States and other geographies.

For example, as you mentioned, our State constitution requires people to register to vote 30 days before the election. I think it would be a very bad thing for the Federal Government to ignore what our State constitution says and mandate same-day voter registration, for example. Proving that a voter is who they say they are is an important thing, and we do that in Ohio through mandatory photo ID. If you don't have it, you can produce alternative forms of identification because we don't want to leave anyone out of the process, but we do want to know who voters are when they turn up to vote and to make sure that they are actually registered voters.

So these are just important common-sense safeguards. They work for Ohio. They work for Mississippi. If you don't like it in your State, then you work with your State legislature to make those changes. That is the best place to make election law is at the State legislative level and I think we should stick with that.

Mr. GUEST. Thank you very much. A last question. Ms. Howard, I saw in your testimony, it looks like on page 7 of your written testimony, you talked about the need for there to be funding for security upgrades on the homes of election workers. I am kind-of curious as to who that would include, possible funding mechanisms, costs that would be associated. Are you talking about election commissioners or are you talking about poll workers? Who would be eligible for these home security upgrades?

Ms. HOWARD. Thank you so much for the question. As you heard earlier in Secretary Toulouse's opening remarks, she had to leave her home. I am aware of other election officials who had to leave their home. I am aware of election officials who have had local law enforcement do assessments of the physical security of their homes when they are under threat. Some of these election officials simply cannot afford to make the recommended security enhancements to their homes.

I think that certainly that this should, at minimum, cover election officials, so the primary election officials at the local level responsible for administering our elections.

Vice Chairman TORRES. Thank you, Ms. Howard.

Mr. GUEST. Thank you and I yield back.

Vice Chairman TORRES. The gentleman's time has expired. I will recognize the gentleman from New Jersey, Mr. Payne, for 5 minutes.

Mr. PAYNE. Thank you, Mr. Chairman. Thank you for holding this hearing, and to the Ranking Member, thank you very much.

Mr. Kelley, you mentioned in your testimony that after 2016 DHS enhanced its relationships with the State and local election officials on cybersecurity, but there has not been as much engagement in the physical security. Has that changed since the 2020 election, and how can DHS better partner with State and local governments on physical security concerns and enhance information sharing?

Mr. KELLEY. Thank you, Congressman, for the question. I will say that I believe it certainly has improved. I want to give public props to DHS because I took advantage of their services that they had to offer, and it is like a shopping cart of services. That goes a long way to increasing the physical security of our buildings and the physical security of our vote centers.

I will say that I am seeing more of that being done across the country by my colleagues than has been the case in 2016. DHS continues to roll out additional products and services that I think are very valuable for us. So thank you.

Mr. PAYNE. Thank you. This is for all the witnesses. In Ms. Howard's testimony she explained that many elected officials are leaving their positions because of their increase in threats, potentially leaving elections to be run by inexperienced workers. For all witnesses, can you elaborate on the value of experienced election workers in providing an official and secure election process and what type of problems may occur if we are forced to rely on inexperienced work force? How can we better retain election workers in today's environment?

Anyone can start.

Mr. LAROSE. Well, Congressman, I would be happy to start with that. We recognize of course how important experience is. In fact, what I did when I came into this office is created a mentorship program where new election officials, staff, members of the boards of elections can be partnered with someone from their party from a similar size county board of elections, and benefit from that experience. So that mentorship has really been a great program in Ohio and a lot of people are benefiting from it.

But you are right, we have challenges recruiting and retaining election officials, those paid full-time staff. It is not just, of course, that is a big deal, but it is beyond that. It is also just the burn-out of the constant turn of the work that they are having to deal with.

Mr. KELLEY. Congressman, I would just add that I think that as we continue to professionalize this industry we are going to see additional retention as more election officials have resources that they can rely upon and feel that people have their backs. I think you are going to see more retention across the country.

Ms. HOWARD. Sir, I would just also add—

Vice Chairman TORRES. Could you hold on just 1 second, Ms. Howard? Whoever, please mute if you are participating virtually. We need you to mute. I am sorry, Ms. Howard.

Ms. HOWARD. Thank you, sir. I would also add that the typical election official, the typical local election official makes about \$50,000 a year. The reality is that these jobs, as Secretary LaRose hinted at, are unrelenting.

Our election officials, unlike many of us, don't have the luxury of getting an extension regardless of whether a child is having an important moment, a graduation, regardless of whether a loved one or themselves is sick.

I will note that Neal Kelley, who is also here today, in 2020 was in the hospital with COVID and he continued working because there is no extension. There are no excuses when you are an election official.

So I think there are a lot of steps that we can take to help support them, fully staff their offices, and pay them for the work that they do.

Mr. PAYNE. I thank the witnesses for those answers and, Mr. Chairman, I yield back.

Vice Chairman TORRES. I will now recognize the gentleman from North Carolina, Mr. Bishop.

Mr. BISHOP. Thank you, Mr. Chairman. I want to start off consistent with the spirit of this hearing and say I think all elected officials and everybody in our country ought to condemn threats and even the part of what Ms. Howard read, even profane kind-of vehemence directed against election officials and everybody else.

I mean we have seen in recent weeks the same sort of invective and threats and even assassination attempt directed against the U.S. Supreme Court Justices. Sometimes there seems to be some selectivity in terms of the way officials respond and, in fact, official responses.

So we had the controversy last year with the Department of Justice issuing a memorandum about Nation-wide activity concerning threats against school board officials that sort-of turned out to be not so many threats, but even some harsh rhetoric. Yet maybe we haven't seen that kind of reaction in the case of election officials and perhaps we should.

We shouldn't see officials confronted and condemned and hectored and so forth at restaurants. So I think that should be said across the board.

Let me ask Ms. Howard quickly, do you agree with that?

Ms. HOWARD. Yes, I think that political violence is a problem and that we should condemn threats against our election officials.

Mr. BISHOP. And other officials, wouldn't you agree?

Ms. HOWARD. Yes, sir.

Mr. BISHOP. Secretary Oliver, I noted a few weeks ago that the Wisconsin Supreme Court held that ballot drop boxes are illegal under that State law. You spoke about the reasons for distrust, and you attributed them to, you used the term "Big Lie," and of course that has a lot of currency.

But isn't it—I mean there is no recourse for it, but isn't it true by implication that ballots cast in Wisconsin by absentee drop-box deposited ballots were illegal in the 2020 election?

Ms. TOULOUSE OLIVER. Congressman, thank you for the question. You know, I cannot speak to the ins and outs of the specific legality, the constitutional questions that came forth in Wisconsin.

What I can tell you is that in States like mine where we have secure 24-hour monitored systems that are permissible under State law, we do not see the level of concern and, frankly, the alleged

fraud that, you know, has been leveled such ballot collection systems.

I am sorry, Mr.—yes.

Mr. BISHOP. It is sort-of independent, Secretary Oliver, with whether it is legal or, excuse me, whether it is a good policy or bad policy. I am not trying to attribute one or the other. I am just trying to say there were a variety of things that contributed to an atmosphere of distrust about the election, one of which were allegations leveled that things were done illegally in certain places. At least—and I will use the Wisconsin case as an example. That turns out to have been validated at least by a later holding by the Supreme Court, doesn't it?

Ms. TOULOUSE OLIVER. You know, Congressman, I think the challenge is that if we continue to litigate election law after an election has already been certified, after people have already been installed in office, I think this is one of the big challenges that we are dealing with. Now whether Wisconsin can continue to use secured monitor containers or not, of course, is at the discretion of the Wisconsin Supreme Court and the lawmakers there in that State.

It certainly doesn't affect, in retrospect, the outcome of the election and the certification of that election.

Mr. BISHOP. Well, I just think that the use of procedures that are illegal, the executive officials improvising on the election law, which was a big part of the controversy in 2020, now you see. I mean, again, I agree. Once the election is done there is no point in relitigating. I mean you can't, literally can't.

But the determination that it was illegal I think has some implications for people to make, so I am not sure you can then level against people who make comments on that subject responsibility for distrust in elections. It is a shared responsibility at worse.

Let me ask quickly to Ms. Howard. In North Carolina we have got a situation where the partisan board of elections, as I say, we have a partisan majority. The Brennan Center, in fact, advocated for that when that was litigated in North Carolina, just voted 3–2 to kick the Green Party off the ballot. It is a—Democrat-dominated board and they did it over an issue concerning signatures, allegedly. But the same board recently said they refused to verify signatures on ballot applications.

I wonder, doesn't that sort of inconsistency breed distrust? Isn't a partisan board's majority, partisan split rejection of a party from the ballot, doesn't that undermine trust in elections and election officials?

Vice Chairman TORRES. Ms. Howard, time has expired, but please answer as concisely as you can.

Ms. HOWARD. Thank you for the question. I don't have the details about that vote or objections. I will talk to my colleagues that might be more familiar with it and get back to you with information.

Mr. BISHOP. Thank you, ma'am. Mr. Chairman, I would like unanimous consent to submit an article from the *Carolina Journal* dated July 15, entitled "Lawsuit Links Governor's Office to Effort Blocking Green Party from Ballot."

Vice Chairman TORRES. Without objection.

[The information follows:]

LAWSUIT LINKS GOVERNOR'S OFFICE TO EFFORT BLOCKING GREEN PARTY FROM
BALLOT

David Larson, Carolina Journal, July 15, 2022.

In the July 14 lawsuit filed by the N.C. Green Party against the N.C. State Board of Elections (NCSBE), the NCGP pointed to identical language used in public records requests by an Elias Law Group attorney, Elizabeth Poston; and Amelia Brown, an alleged legal intern for Gov. Roy Cooper, as potential evidence that the Governor's office collaborated with Democratic political efforts to exclude the Green Party from the 2022 midterm ballots.

The Elias Law Group is the powerful national Democratic firm that spearheaded the effort to get the NCGP off the ballot in collaboration with the N.C. Democratic Party and the Democratic Senatorial Campaign Committee. But this is the first suggestion that these groups had assistance from fellow Democrat Gov. Roy Cooper.

In the public records request, Brown is not listed as working for Cooper. But her address is given, which is in Carrboro. The Amelia Brown who lists herself on LinkedIn as being a legal intern for Cooper also lives in Carrboro.

"I should clarify that the complaint specifies that we don't know for sure that the Amelia Brown that made the request is the same Amelia Brown that is an intern in the Governor's office; but that's what we believe and that's what we alleged," C. Green Party attorney Oliver Hall told Carolina Journal in a July 15 interview.

The LinkedIn profile referenced in the suit, retrieved by CJ on July 15, is shown in screenshots below. Brown's other recent roles were with Democratic and progressive political campaigns.

On July 15, Carolina Journal called the number and emailed the address listed for Brown in the public records request but did not receive a response by publication. Carolina Journal also reached out to the Elias Law Group for comment on this potential connection with the Governor's office but did not receive a response by publication.

On July 15, CJ also reached out to Gov. Cooper's press office about the Green Party's lawsuit and being linked to the Elias Law Group's efforts, but there was also no response by publication.

At issue is whether Cooper's office worked with the Elias Law Group and the DSCC to try to exclude a possible "spoiler" candidate on the U.S. Senate ballot. The Green Party wants to add Matthew Hoh to the list of Senate candidates, and some Democrats have expressed concern this could draw left-wing voters away from this candidate, former Supreme Court Chief Justice Cheri Beasley.

As evidence of this possible connection with the Governor's office, the Green Party provided Carolina Journal the language from those public records requests from Brown and from Elias Law Group attorney Elizabeth Poston. A few examples of identical language CJ spotted in a brief review of the requests from both Brown and Poston include:

"Pursuant to Chapter 132 of the General Statutes of North Carolina (the North Carolina Public Records Act), I hereby request the following information and data related to the Green Party's petition to become a recognized political party"

"If any part of the record is deemed to be confidential, please produce the portion that is not confidential."

"If you intend to deny this request in whole or in part, please advise me in writing of the particular statutory exemption upon which you are relying or other basis for your denial."

"Please inform me of any charges associated with these requests and the method of payment requested."

"Please produce all records you can provide as they become available on a rolling basis, even if you conclude that you are unable to comply with certain parts of the request."

"If you have any questions or concerns, please do not hesitate to email me"

In other places, the language of the alleged request from Cooper's office and the two from the Elias Law Group is similar but not identical. The information requested differs in all three, but they follow the same format, starting and ending with the identical language.

"You can draw your own conclusions about how these requests ended up being virtually identical in substantial respects, but it speaks for itself," Hall said. "Both requests were for the same material—Green Party petitions and related information and documents. And both requests used verbatim language. They weren't completely identical; they were made at different times a few weeks apart. That seems like more than a coincidence."

Asked if there could be any other explanation for the identical language beyond collaboration between Cooper's office and the Elias Law Group, Hall said, "Not that I know of."

"We don't know what happened," Hall said. "But if it's the case that the office of the Democratic Governor of North Carolina was involved in any way in an effort to remove the Green Party from the ballot, then that raises troubling questions about the role of elected public officials and State resources being dedicated to an effort to suppress voter choice in North Carolina. We are investigating it and we don't know anything more at this point. But we're going to find out."

The Green Party's U.S. Senate candidate Matthew Hoh spoke with Carolina Journal's Mitch Kokai on July 14 about the new lawsuit. In the interview, he mentioned the possible connection with Cooper, saying, "The Elias Law Firm, working with—and we have this in our complaint—we allege working with the Governor's office, an executive agency that's supposed to be non-partisan, has worked to undermine our petition effort by deliberately misleading, I really should say lying, to people about who they are in an effort to get people to remove their names from our petition so they can say the Green Party can't be on the ballot."

Vice Chairman TORRES. I will now recognize the gentlewoman from New York, Ms. Clark, for 5 minutes.

Ms. CLARKE. Thank you, Mr. Chairman, and good morning to everyone. Thanks to all of our witnesses for joining us today to discuss changing the election security landscape.

Before I begin I would like to just offer my well wishes to our Chairman and friend, the gentleman from Mississippi, Mr. Thompson. We wish him a speedy recovery, a full and complete recovery, and hope to see him soon.

I thank the Chairman and Ranking Member for calling this hearing to address threats against election officials and infrastructures. This is an issue that I myself and other Members of this committee have raised for a number of years. The importance of addressing this now has only been underscored by the excellent work done by the January 6th Select Committee.

Protecting the physical safety of the folks responsible for carrying out our most sacred democratic processes, our local election officials and election workers, is of paramount importance. Recognizing this system provides a number of voluntary physical security assessments and training that can help local election officials enhance dangerous dips in security.

Secretary Toulouse, excuse me, Secretary Toulouse Oliver and Mr. Kelley, how effective are citizens' programs on physical election security and what additional assistance from CISA would be most beneficial to you and individuals in your capacity? Then finally, how can CISA's role be expanded to benefit and help States and local governments strengthen their physical election security posture?

Ms. TOULOUSE OLIVER. Thank you, Congresswoman. First and foremost I just want to say that CISA and the DHS have been absolutely incredible partners with election officials like me around the country for the last several years, primarily, of course, for several years on the cybersecurity front. But here in my State and I know in many others, if not most other States across the Nation, we also take advantage of the physical security tools and resources that are provided to us.

I think, you know, the very first piece of that puzzle is to conduct these assessments. We have been working together in my State, and I know many others have, to conduct those assessments because without assessing the situation, we don't know exactly what

we need in order to keep our poll workers safe and our voters safe out in the field, and our election officials as well.

So I think, you know, like everything we have been doing on the cybersecurity front and the physical security front as we go through elections and as we continue to see what we need and what circumstances we are dealing with, CISA has been able to develop and adapt and improve those resources that are available to us.

I don't have a specific recommendation at this point other than we should continue that work, CISA should continue that work in partnership with our offices. As has already been mentioned today, you know, funding is critical, you know, elections are critical National infrastructure. A State like mine, a little bit goes a very long way for us to be able to secure our election environments.

Ms. CLARKE. Very well. Mr. Kelley, anything you'd like to add?

Mr. KELLEY. Thank you, Congresswoman. I will keep it brief. I agree definitely with what Secretary Oliver has said about the services.

Just very quickly on the ground I have a 200,000-square-foot campus that I was responsible for in Orange County. CISA, DHS came in and did a very detailed assessment on that and identified dozens of areas where we can improve physical security. The one thing that I would add is that improving from CISA the use of the same assessments for vote centers and those that work in the vote centers would be very critical and important.

Ms. CLARKE. Thank you, both. Ms. Howard, in your testimony you talk for Congress to fund efforts to develop and conduct on-line safety training. Can you elaborate on how you see this program operating?

Ms. HOWARD. So election officials' personal information is often available on-line. There are consultants who can provide training and information about how to protect your personal information, how to protect against doxing. There are services where they can go out and proactively assist the election official with pulling down and taking down that information and scrubbing it.

There are a variety of steps that election officials can take. Putting together a training that provides a checklist for election officials just about common-sense practices that they can implement on their own would be a step in the right direction.

Ms. CLARKE. I thank you. Mr. Chairman, I yield back.

Vice Chairman TORRES. I will now recognize the gentlewoman from Iowa, Mrs. Miller-Meeks.

Mrs. MILLER-MEEKS. Thank you, Chair Torres. I thank all of our witnesses and Ranking Member for conducting this hearing.

Iowa, over the past 4 years, has passed election integrity laws, and each time we have passed a law we have seen record numbers of people show up at the polls to vote or to vote absentee after an absentee ballot request. So we are finding that people's confidence in the election system does affect their willingness to turn out to vote. So it is an extraordinarily important topic.

Secretary LaRose, you recently confronted the challenge of non-Government entities, the Voter Participation Center and the Center for Voter Information, spreading election misinformation in

your State. The duo sent false, unsolicited mailings and confused voters.

How are you combatting this threat to your State's election?

Mr. LAROSE. Yes. Thank you so much, Congresswoman. The simple matter is that it has been done with information, getting accurate information out to the people of Ohio.

But this concern first came to us from our county boards of elections in a bipartisan way. They were getting concerned phone calls from voters that said they were receiving multiple of these forms that were addressed to people that had not lived at that residence for many years or were deceased. So the real problem with these organizations is that they were using bad data.

Of course there is nothing wrong with getting voter registration forms out or with getting absentee ballot request forms out to make it easier for people to request their absentee ballot, which, of course, we allow in Ohio for any voter that wants to vote absentee.

The problem was these organizations just did shoddy work and it really confused voters. We have encouraged organizations like this, if they want to engage in some sort of a, you know, absentee ballot request, drive, or whatever else, work with us to make sure you have got good data and you are using the right kind of forms and that kind of thing.

Mrs. MILLER-MEEKS. Yes, certainly we know that voter rolls and voter lists are not clean to that point. It also appears that Ohio, like Iowa, is facing a shortage of election workers. One news article claimed that a county in your State has 551 workers but needs 846. Do you believe that this is a threat to your State's election integrity? If so, what, if anything, can Congress or the Federal Government do to help States facing these challenges?

Mr. LAROSE. Yes, thank you. To the last question, we work really hard at maintaining accurate voter lists. These groups were using lists from years ago and that was part of the real problem.

Poll worker recruitment, it is like hygiene, it is like brushing your teeth. We have got to do it every day, right? So this is something we have really focused on. I am happy to report that for this unusual August 2 primary that Ohio has to hold for our State legislative races we are actually seeing strong numbers of poll worker recruiting.

We have implemented all of these creative programs where we have worked with barber shops and beauty salons and the lawyers in the State to get continuing education credit; other professionals, like realtors and librarians as well. So we have really worked hard on poll worker recruitment.

The fact is you can't open 4,000 polling locations across the State of Ohio unless you have got 40,000 poll workers to staff them.

Mrs. MILLER-MEEKS. Thank you for that. Also, after the 2016 election, and I think we have heard part of this already by some of the other witnesses, State and local election officials felt frustrated by the lack of coordination from the Federal Government by not providing enough details regarding the Russian activity and how to respond.

Learning from this, both CISA and the FBI changed their policies regarding incident notification, and now notify chief State elec-

tion officials when the cyber incident occurs and the locality in their State.

Some have previously expressed the need for required reporting of election cyber incidents to CISA and the FBI. Can you briefly discuss why this may be necessary?

Mr. LAROSE. Yes. We need to know things so that we can act quickly. That is the bottom line is when it comes to protecting our elections, time is of the essence. Elections occur on this routine schedule, and the next election is always just right around the corner or we may even be in the midst of conducting an election. So time is always of the essence.

I can tell you where CISA and FBI have vastly improved this is making sure that their State election officials, the secretaries of state in most cases, are immediately notified. If it is a county board of elections that has a vulnerability or problem, of course that county board of elections needs to know. But we as their State partner also need to know immediately. Thankfully, those processes have been improved, but there is always room to continue to improve that.

Again, a notification on a Friday night or a Saturday morning will result in action right then. We are not going to wait until everybody comes back to work on Monday morning. That is why these things are so timely and crucial.

Mrs. MILLER-MEEKS. Yes, we found the same thing in Iowa, and utilizing the resources CISA is providing to us going into a roundtable which includes our election officials in it as well as education and businesses. Thank you so much for your testimony.

Thank you, Chair Torres, I yield back my time.

Vice Chairman TORRES. I will now recognize the gentlewoman from New Jersey, Mrs. Watson Coleman.

Mrs. WATSON COLEMAN. Thank you, Mr. Chairman. Thank you to the witnesses. I want to follow up on Representative Miller-Meek's question.

First of all, let me just say to you, Mr. LaRose, I hope you are sharing information that has been successful to you all in Ohio with the rest of the secretaries of state around the country. I hope that you are connected in a way that they benefit from some of this information because it doesn't seem that you are experiencing the same kind of issues that we seem to be hearing about in other places.

So, Secretary of State Oliver, what do we need to do to be able to recruit poll workers, new election officers? How do we assure them that they are going to be safe and supported? What is it the Federal Government needs to do to be able to help you all do what you need to do to make sure we have enough and we have the appropriate folks working either Election Day or even in, you know, in the offices in general?

Then I would like to have Ms. Howard respond to that question as well.

Ms. HOWARD. Thank you, Congresswoman. First and foremost, Secretary LaRose is one of our most active partners at the national level. He and I are both very active in our National Association of Secretaries of State, which is recently started to be homed by your

secretary of state, Madam Congresswoman, which we are very excited about. We do share best practices with each other.

But to your question, I think we have already—we have seen some signaling both from CISA, DHS, and our other Federal law enforcement partners and the DOJ and FBI task force that election officials at all levels for security is a National priority.

That needs to continue to be a drumbeat and it needs to continue to get louder using all of the platforms that the Federal Government has available to it to make folks aware.

In terms of a recruitment, you know, I think when I grew up, you know, serving as a poll official, working the polls, either that was a typically considered a civic duty, a sense of volunteerism and community was installed. I think we have kind-of gotten away from that and I think the more we can do at all levels of government to send the message that being a part of the election process, particularly if you are somebody who has questions or concerns about the integrity of our election process, is a wonderful way not only to serve your community and to be a good public citizen, but it is also a way to make sure that our elections have integrity.

So I would love to see more public information by all the various platforms we have available to us.

Mrs. WATSON COLEMAN. Thank you. Ms. Howard, I particularly want to know about the resources that are necessary to ensure that the protections that need to exist locally that they are available, that election workers and poll workers in particular, recognize that there is this system that has got their backs and to what extent our local enforcement and State enforcement agencies are participating and recognizing the need to be engaged robustly.

Particularly in this next election, and preparing for the one after.

Ms. HOWARD. Thank you so much for the question. I would highlight the Committee for Safe and Secure Elections, which is chaired by Neal Kelley and supported by the Brennan Center and other organizations that is working closely with State and local law enforcement and State and local election officials to address many of the concerns that you have highlighted.

I will also say that election officials have reported, some of them have reported struggling to access some of the Federal grant funds that are available for election security. So as we talked about earlier, the Homeland Security Grant Program Election Security was recently reinstated as a priority area. However, unlike other priority areas, there is not a minimum spend on election security. It is a similar issue with the JAG Byrne Fund, which are available to help better protect election officials.

There is no minimum spend on election security. What many election officials have reported is they are struggling to actually attain access for a variety of reasons, including the timing of the grant cycle, the notification of when they are identified as a priority area, and other issues that, you know, we believe that requiring the minimum for election security will alleviate many of those concerns and will help get the Federal funding to the election officials that need it.

Mrs. WATSON COLEMAN. Thank you. Mr. Chairman, I yield back.

Vice Chairman TORRES. I will now recognize the gentlewoman from Tennessee, Mrs. Harshbarger.

Mrs. HARSHBARGER. Thank you, Mr. Chairman. A thank you to the witnesses for being here today. I do have a question for Secretary LaRose.

I know that Ohio did a great job in 2020 with election integrity, and not every State did as well as Ohio, OK? I live in Tennessee and I think we did a pretty good job. But you spoke about your Security Directive 3.0 to protect elections in Ohio. Could you explain this measure and how States can implement this in a successful manner to have secure elections?

Mr. LAROSE. Yes, absolutely. Thank you so much, Congresswoman. This built, of course, on our first Security Directive and our second Security Directive, so this is just the third iteration in these checklists that we are giving. This one is a 31-point checklist that we are giving our county boards of election. We are giving them a few months to get this done in, bringing some funding to the table.

What we did is put really strict new standards in place for vendors. Our election officials rely on a lot of vendors, and if they are not secure, then that could harm the integrity of our process as well.

Stronger physical security requirements, working with DHS to do physical security audits. If you have got the best cybersecurity in the world but your server closet is left propped open or unlocked, then that is not going to help you too much.

Better vulnerability disclosure and specifically requiring vulnerability disclosure for our vendors so that they can leverage the power of the private sector of the ethical hackers out there to find where things are wrong.

Then, of course, also prohibiting election equipment provided by foreign vendors that are on the restricted list that the Federal Government maintains.

These are just some of the things that we are doing. You can talk about several other items as well, like better vulnerability scans that are being put in place. But those are the highlights.

Mrs. HARSHBARGER. Yes, tell me about that vulnerability scan. I read that and I am like tell me how this works.

Mr. LAROSE. Yes. So what we are doing now is requiring the boards of elections to let the vulnerability scanners inside the door. It is like a home inspection. If you are buying a new home and the home inspector can only look at the outside of the home, they are going to find a few things, the roof or whatever else. But if you actually let them into the basement, if you let them go up in the attic, that is when they are really going to find if the house is in good shape or not. So this new vulnerability scan that we are requiring the boards of election to do brings the folks that doing those inside so they can get inside of the systems and really take a deeper look at what is going on in them.

Mrs. HARSHBARGER. Well, makes sense to me. I would certainly want them to look in my basement or my attic if I had an issue with my home.

Now you talk about cybersecurity efforts. Can you tell me a little bit about what you are doing in Ohio? Because with that security directive, looks like you are requiring local elected officials or election officials to include cybersecurity terms in their contracts.

Mr. LAROSE. Absolutely. That is how we enforce it with vendors, right? So when our boards of elections engage in a contract with a vendor, in many cases these are boilerplate contracts that have been used for many years. We are now requiring them to include cybersecurity terms in that contract. The simple fact is if you cannot abide by those terms, then you cannot contract with the county board of elections in Ohio. You have got to be able to live up to the terms of that contract.

So that is just another step that we are taking, again, to make sure that these vendors that our boards of election are so relying on can meet the cybersecurity standards that we have set for our boards.

Mrs. HARSHBARGER. You know, you hear about things, and I heard when I went to Nashville and talked to the legislators, I think the early part of the year, there was a problem in one of the counties with the Dominion machine, that every sixth vote it kicked out. They caught that because more people showed up to vote than there were votes.

So, you know, there has to be measures in place in any State and every county to make sure that there is no question about the integrity of any election.

You know, that 31-point checklist, that is something I would like to take a look at honestly, make sure that we are doing that in Tennessee, or anything that we could make do with and implement.

I know that my county where I live in went to paper ballots this year and you have to show your driver's license, paper ballot, it all has to match up. You know, that ensures safe elections, in my opinion.

OK. I thank you for that, and I will yield back, Mr. Chairman.

Vice Chairman TORRES. Thank you. I will now recognize the gentlewoman from Florida, Mrs. Demings.

Mrs. DEMINGS. Well, thank you so much, Mr. Chairman. To all of our witnesses, every one of you, thank you for your testimony today, but also thank you for what you are willing to do under what has grown to be unbelievable challenge and circumstances. Thank you for protecting our democracy. I think we all know, or we should know, that regardless of what State, what your home State is, that every person deserves to be able to cast their vote and have their vote counted.

I have heard, Mr. Kelley, I believe you said you are a former law enforcement officer, and I have also heard, Mr. LaRose, you are a former Army Green Beret. We thank you for that service, but I certainly hope that is not the new criteria these days for election workers.

Your testimony has been so valuable, but believe me it has been quite painful.

Mr. Kelley, you talked about that the level of threat, violent, crazy unbelievable threats have been amplified after 2020. As a 27-year law enforcement officer who certainly had an opportunity to interact with a lot of election workers, I have never heard the stories during my time that I have heard since 2020.

You said the threats have been amplified. I think that is such a politically correct way of putting it. But I would like to hear from you again in that particular area as well as everywhere.

As a matter of fact, let me start. Ms. Oliver amplified in 2020 but you have seen it before, that is what Mr. Kelley said, you have seen it before. Could you just talk about a little bit what you have seen before 2020 compared to post-2020, please, ma'am?

Ms. TOULOUSE OLIVER. Thank you, Congresswoman. So in my experience, again, in almost 16 years of conducting and overseeing elections, first of all I think every elected official at every level in this country knows what it is to have someone harass you, make, you know, even general threats against you. Sometimes individuals, particularly those with mental health issues, get fixated on election officials and from time to time, you know, there are concerns about our personal safety. I don't know a single elected official that hasn't gone through something like that.

However, in my personal experience the level of vitriol, the specificity of threats, again, having my personal private information doxxed and having to fear for my own personal safety and the safety of my family at home during the holidays, those are things that I have never personally experienced in my role as an election official. So I would say it has been amplified significantly since 2020, in my personal experience.

Mrs. DEMINGS. Thank you so much. Mr. LaRose, thank you for the job you are doing in Ohio. But could you answer that question for me, please?

Mr. LAROSE. Yes, Congresswoman. My experience is slightly more limited. I have only been the secretary of state since 2019. But you are right, there have been a lot of folks that have gotten too emotionally exercised about elections administration.

I spoke to our election officials conference last year and what I said to them is that of course elections are political, every aspect of campaigning is. But elections administration must not be politicized. I think that should be our focus.

The nuts and bolts of how we run elections and count the votes and report the results, let us stop politicizing that, keep the politics for the campaigns.

Mrs. DEMINGS. Ms. Howard.

Ms. HOWARD. Thank you for the question. I served as an election official from 2014 to 2018 and I don't ever recall receiving a threat in that period just for doing my job.

However, as you heard from many election officials, that is just not the reality today. Many election officials across the country, in red States, in blue States, in red counties and blue counties, purple counties, are now receiving credible death threats.

Mrs. DEMINGS. Thank you. Mr. Kelley, I will end with you. You also talked about that you are not advocating for armed officers. Yet people are receiving threats for their families, their own personal safety just for protecting our election.

Could you talk a little bit about what you are advocating in terms of working more closely with law enforcement to protect the integrity of our elections?

Mr. KELLEY. Thank you, Congresswoman, for the question. I think it is a great one. I think that there is a couple things that could be done.

First of all, law enforcement in many cases is unaware that issues on Election Day or leading up to the election can be a real threat or a real issue. Not in all cases, but in some.

I found that beat officers, officers on the ground, just are not familiar with criminal codes for election violations or that threat to election officials are occurring in large numbers. So awareness is very critical.

Very quickly, when I was in Orange County I had police officers respond to some scenes and they just thought it was a civil matter. They were not aware that there were actually criminal violations that occurred at a vote center. So making them aware—

Vice Chairman TORRES. Mr. Kelley, I am going to—the time has expired. I will now recognize for 5 minutes the gentlewoman from Texas, Mrs. Flores, and welcome to the committee.

Mrs. FLORES. Thank you. Thank you, Chairman and Ranking Member, for holding this hearing today. Despite recent claims to the contrary, our country has record-high voter turnout. Given this, we must ensure those who are voting are legally permitted to and able to easily continue to do so.

Our role in securing safe, fair, and free elections should be prioritized, making it easy to vote and hard to cheat.

I want to thank all our poll watchers and all our election officials for all the work that they do. We must condemn all threats against our election officials. I know what it is like to be there and I just cannot imagine what they are going through, and I believe that we must provide them with the resources and the funds so they can do their job more effectively.

Despite remarks by the administration implying that Hispanic Americans don't know how to use the internet and, therefore, are incapable of exercising their right to vote, I can speak first-hand about both willingness and the capacity of my community and the Hispanic community around the country to make their voices heard. Voter security, it is a National security.

I am thankful to all the witnesses for taking the time to speak with us here this morning. If I may ask Mr. Kelley, thank you for being here this morning. Can you talk about the physical safety of election workers and officials, specifically in Orange County?

Mr. KELLEY. Thank you very much for the question. Yes, ma'am, I absolutely can. I think vote center employees, as we call them in Orange County, or poll workers, the safety and security of them is paramount in what we do in every election.

There are a number of things that we can do to increase the protections. For instance, plainclothes officers in the field ready to respond very quickly to incidents at polling places. Training that can help our vote center supervisors deescalate issues is very important.

But I can tell you that we were focused on security for those vote center locations and our poll workers and keeping them a priority because they are the back-up of how we operate. It is very important that we protect them.

Mrs. FLORES. Thank you. Secretary LaRose, thank you for being here this morning. I know it has been talked about already this morning but can you go further into details about the organizations such as the Voter Participation Center sending out false information? You know, highlighting what steps is your office taking to stop this and other groups from spreading misinformation?

Mr. LAROSE. Yes, thank you so much, Congresswoman. Appreciate the question.

As I was starting to say earlier, it is really about public information, the voters deserve to know where their trusted source for elections information is. That is why we are constantly promoting, go to the official .gov website that your secretary of state or your county board of elections operates. In our case it is VoteOhio.gov. That is where we want people to make sure that they are getting their trusted source of accurate information.

But as it relates to false information in general, listen, the best antidote to lies is truth, and lots of it. So we work to make sure that Ohioans have access to that accurate information. We partner with community organizations from the diverse communities throughout Ohio to make sure that we get accurate information out there. Social media is another one. So these are all part of the efforts that really every secretary of state engages in so that voters know how to vote and they know that they can trust their vote in the Buckeye State at least, and that is something that we are proud of.

Mrs. FLORES. Thank you for your testimony. I yield my time back.

Vice Chairman TORRES. Thank you. I will now recognize the gentleman from New Jersey, Mr. Malinowski, for 5 minutes.

Mr. MALINOWSKI. Thank you, Mr. Chairman. Thanks to all of our witnesses for the work that you do.

I want to start with you, Mr. LaRose, and say at the outset I was very impressed by your testimony and by the work that you are doing in Ohio to protect the physical integrity of our elections, but also then to defend the integrity of our elections against all of the misinformation that is out there.

That said, it seems we have still got a very, very big problem in terms of public perception when something like 40 percent of Americans believe that the 2020 election was stolen, about 60 to 70 percent of Republicans. I saw a poll that suggested in Ohio 62 percent of Republican primary voters in 2022 believed that the 2020 election was stolen.

I trust you agree with me that is a very dangerous phenomenon. I mean, if I were to believe that a Presidential election were stolen I would be losing faith in my democracy and the system of government in our country. Clearly, that is the root cause of the threats of violence that many nonpartisan election officials across the country are facing.

So I guess my question for you is what more needs to be done? What should elected officials, responsible leaders in our country, be doing to address that false belief out there and to restore the confidence of all Americans that Federal elections have integrity?

Mr. LAROSE. Well, thank you, Congressman. You know, in some ways I guess I find the silver lining to every cloud. The fact is that

folks are interested in this topic right now at a level they wouldn't normally be and so I view this as an opportunity to educate people about the safeguards that exist and to make sure that that information is available in all parts of our State.

I will give you a couple of examples. We have worked with our county boards of elections and had them set up booths at their county fair where people can come and vote on their favorite deep-fried fair food or whatever. That is just the hook to get people to come over because when they do they will see a voting machine and they may be inclined to say, well, hey, is this the one with the secret foreign algorithm in it? Instead of laughing at that person, it is a chance to engage with them and teach them that voting machines are never connected to the internet. They are tested before each election, audited after each election, et cetera.

We have worked with, again, with the diverse communities from throughout the States to help empower those community leaders to be sources of accurate information about election integrity.

You know what, we have put out the challenge. If you believe that there are big problems in our elections, sign up to be a poll worker. Put your money where your mouth is. Spend the long day of doing this work. What we found is that when people do that, they come out of the experience saying, you know what, elections are run honestly and reported accurately.

Those are just a few ideas, and those are things that we are doing here in Ohio.

Mr. MALINOWSKI. Thank you. Thank you so much, and, you know, I am sure you also agree just simply all of us as public officials just need to tell the truth about our elections. Because when we don't, it encourages our constituents to lose confidence.

Ms. Oliver, you know, we have heard a lot about what happened in New Mexico, and I assume that a lot of the lies and misinformation that led to those threats were spreading on the internet on social media platforms. I often say that the Big Lie is the virus, but Facebook is the wind.

It is not just that these things appear on the internet, it is that the large on-line platforms do write these algorithms that basically connect every single person with the propensity to believe in conspiracy theories with conspiracy theories. If you are on the right, it will push you further right; if you are on the left, it will push you further left. These companies design their networks in a way that encourages the spread of information that makes us angry at each other, that increases our divisions from one another.

So I see you nodding, so I assume something that you agree with. We are—a number of us are working in Congress on legislation that would hold the social media platforms more accountable for the way in which they amplify and recommend information to the American people to deal with these kinds of threats. That is something that you think would be helpful?

Ms. TOULOUSE OLIVER. Absolutely, Congressman, thank you. I think that is a worthy effort and I think, you know, just among my secretary of state colleagues, you know, I think we all share that concern, right? Both the misinformation from the right and the misinformation from the left.

In fact, what we know for a fact when we all started heavily engaging in the cybersecurity work about 5 years ago, was that, you know, foreign entities, particularly Russia, Iran, et cetera, were taking advantage of those divisions. And so——

Vice Chairman TORRES. I am going to have to interject. I apologize. I want to recognize the gentleman from Texas for 5 minutes, Mr. Pfluger.

Mr. PFLUGER. Thank you, Mr. Chair, and thank you to all the witnesses for your time today. Nothing is more important than a secure election with integrity. We are and we should be setting the standard, the gold standard around the world.

Secretary LaRose, you talked about how you stopped the perpetrator in 2021 and how that work really began in 2019 with good preparation. I think that is key.

So what actions are States or the Federal Government currently not taking right now that prevent us and protect any threats in the future, 2, 4, 5, 6 years from now?

Mr. LAROSE. Thank you, Congressman. Of course the threats are constantly emerging, the bad guys are always coming up with creative new ways to do things and that is why we can't rest.

The one step that all States should take that we have taken in Ohio is that your chief elections officer should have a CISO, chief information security officer, somebody who focuses solely on that work of cybersecurity. You should have a vulnerability disclosure policy if you don't already. If there is a hole in your fence, you need to know about it and the vulnerability disclosure policy is a way to do just that.

Again, there are a lot of other things, like Albert sensors that are available from our partners with DHS. If you don't have those at your county boards of elections you should do that. That allows for that remote monitoring.

So, again, if something goes wrong on a Saturday morning or a Friday night in the middle of the weekend you can know about it before everybody comes back to work on Monday and you can mitigate the problem right then and there.

Those are just a few of the steps, but, again, it is about constantly monitoring emerging threats. That is why our partnership with CISA is so crucial.

Mr. PFLUGER. Well, thank you for taking those steps and ensuring that we do have faith in the system. Whether it is real or perceived, we have to get to a point where we have faith in our election system.

Ms. Oliver, it is disturbing to read, thank you for your 16 years of work, and it is really disturbing to hear your testimony, to read about the doxxing, to hear about the threats. That should never happen and we should all, as elected officials, and as was eloquently mentioned, condemn that.

I am interested to hear not just how that made you feel, but how does it make you feel to now see Supreme Court Justices being doxxed and groups encouraging people to go to restaurants and intimidate those individuals?

Ms. TOULOUSE OLIVER. Thank you, Congressman. You know, violence has no place in our democracy. Threats of violence and harassment really undermine our democracy. Frankly, it doesn't mat-

ter which party, what level of public official, I think we are seeing this become more prevalent. So that is deeply concerning because as it becomes more prevalent, more individuals who may be inclined to engage in such behavior are looking at these examples and saying, well, if these folks are doing it, we should engage in that, too, it might push folks over the edge to engage.

It has no place in democracy, period, no matter who we are talking about.

Mr. PFLUGER. You are right. It is very disturbing to see those that will not condemn those actions, that won't hold people accountable for trying to use force, the threat of force, or any sort of intimidation, and disturbing to hear your testimony. Thank you very much.

Mr. Kelley, I am interested in your thoughts on, you know, just the verification and knowing who is who, running a good election system and understanding, and how important it is to verify who is voting. Do you believe that it should be a requirement to verify those who are voting in your elections, and would you like to see that centralized at the Federal level?

Mr. KELLEY. Thank you, Congressman, for the question. Of course I was operating under California law, which did not allow for identification to be presented in person. So as an election official I can kind-of see the value in that in terms of showing your ID just like when you fly on an aircraft. It probably wouldn't be a bad idea to show at a polling place.

But that is above my pay grade and a policy discussion that election officials should be making.

Mr. PFLUGER. Well, Mr. Kelley, I think it is incumbent upon all of us, I mean this is a good hearing for us to come together as experts in the field, you guys as experts, us asking the questions. But, you know, I find it hard to believe, I mean those that are getting into the Capitol today most likely have to provide an ID to get into the Capitol building to verify who they are. Yet in States, you know, if we are not able to verify I think your voice matters. I would say it is actually, you know, not above your pay grade. You are the expert in this and need to be, you know, advocating for those policies.

So I find it hard to look at some of the Federal policies and proposals that are coming forward to say that we maybe don't need to have an ID, we don't need to show who we are, we don't need to approve the system and give what my colleague on the other side of the aisle just said, which is the perception of a good system that has integrity and character.

I know I am past my time, so thank you to all the witnesses. With that, Mr. Chairman, I yield back.

Vice Chairman TORRES. I will now recognize the gentleman from Michigan, Mr. Meijer, for 5 minutes.

Mr. MEIJER. Thank you, Mr. Chair, and thank you to our witnesses who are here today.

You know, I think something that has come up in a lot of the questions and testimony is that public trust and confidence in our elections is essential. I think we also saw in the 2020 election that that hinges strongly on having quick and accurate results. The longer it takes for results to be reported, the more time that is

spent on that count, it allows the room for doubt, disinformation, and conspiracy theories to multiply, that then further degrades public faith in our elections.

Secretary LaRose, there are several steps that States can take to make sure those election results are reported quickly and accurately, including the pre-processing of absentee ballots, encouraging early in-person voting if someone is not present to vote in person on Election Day.

Can you describe what steps Ohio has taken to make sure that your election results can be reported as quickly and accurately as possible? Are there other actions that you have taken to improve the timeliness and accuracy of election results?

Mr. LAROSE. Yes, Congressman, thank you for the question. I wrote a mission statement on my chief of staff's dry erase board in the summer of 2020. I said when Ohioans go to bed on election night they will know and they will believe the results of the 2020 Presidential election. We accomplished both of those missions.

It is about logistics and preparation. It is about making sure that you have the procedures in place to quickly tabulate but to never sacrifice accuracy for speed. That is the balance that we have struck here in Ohio.

One of the reasons why we were able to report our results on election night is that we process our absentee ballots ahead of time. I know your State doesn't do that. Candidly, it is something that you all should look at because we don't count ballots until the polls are closed on election night but we do process them ahead of time. We check the identification. Even taking them out of their envelopes and flattening them out so they are ready to go through the scanner. That is a process that takes a while.

Those are the kind of things that we do in Ohio to make sure that we can deliver those results on election night.

Also, again, that decentralized nature of how this is done. It is done at 88 different county boards of elections and making sure that they have the tools necessary to get that job done has been one of our top priorities.

Mr. MELJER. I think the phrase in the Army for that would be slow is steady, smooth is fast.

Mr. LAROSE. Very good, yes, sir.

Mr. MELJER. Did you have any issues establishing and implementing those processes? As you look to other States as you travel around, you talk to the secretaries of state, you know, are other States well-equipped or well-suited to adopt similar best practices, or are there resource constraints along these lines that may require Federal support?

Mr. LAROSE. You know, the thing is if you have seen the way one State runs elections, then you have seen the way one State runs elections, right? They are all different.

So a lot of those would require changes at the State level. But now is the time to do that, well in advance of the next Presidential election. So if your State has laws that prevent the boards of elections from being able to process absentee ballots and get them ready to go and count them immediately as soon as the polls close, then that is something that you should look at.

As far as constraints on resources, some of this stuff isn't expensive. I will give you an example. In 2020, we directed our county boards of elections to consider spending some of their HAVA money or CARES Act money on a simple thousand-dollar machine that cuts open envelopes. Our rural boards have been using the old slicer to cut it open. It is just a process improvement like a thousand-dollar envelope slicing machine can be a big improvement.

But, yes, Federal support is important and we have used it well here in Ohio.

Mr. MEIJER. One last thing. When we were going into the 2020 elections in Michigan and obviously with a large number of absentee ballots. I am not tracking how other States were dealing with this at the judicial level, but we temporarily had a judicial opinion that ballots could be received after the time polls closed so long as they were postmarked, you know, by the date of the election.

Now we have seen similar processes like that in California, in New York. I have colleagues here in the House who had to wait several months in order to learn whether or not they won or lost their primary in some elections or a general election as well.

Can you speak to just what you have seen in terms—I guess if you could just remark on that? I know I have 30 seconds left, so just want your quick thoughts.

Mr. LAROSE. Yes. Some of the worst things that happen in an elections administration happen as a result of crisis opportunism at a court. The things that go wrong in elections generally aren't some sort of cloak-and-dagger secretive operation, it happens in the plain light of day in a courtroom. Those kind-of last-minute decisions are very problematic. Election law should be made at the Statehouse, never at the courthouse.

Mr. MEIJER. Thank you, Mr. Chair. I yield back.

Vice Chairman TORRES. The Chair now recognizes the gentleman from New Jersey, Mr. Van Drew.

Mr. VAN DREW. Thank you, Mr. Chairman and Ranking Member. Thank you for the witnesses for testifying today before the committee.

Ms. Howard, in your written testimony you assert that the loss of election administration expertise and experience is likely to spur further disinformation and use a Michigan county's mistakes in the 2020 election as an example of why having informed and knowledgeable election officials is so very crucial and very critical.

I agree with you, that in order for your people to have faith in elections and for elections to occur smoothly we need to have election officials who are willing and able to correctly do their jobs, it is important.

I also believe that people need to have confidence in their technology and in their equipment that is used to count their votes. You made one mention of Dominion and these Dominion voting machines in your testimony, but did not elaborate on the distrust in those machines. It is important to ensure that election officials are using the very best technology available and possible.

Just last month CISA published a report which highlighted issues with Dominion's technology, with one concern being that the authentication mechanism used is susceptible to forgery. That is

just unacceptable. We can't live with that. We need election integrity.

In addition to having qualified election officials, do you think it is important to have machines and software that are secure and not susceptible to forgery? So that is my first question.

My next question is in my district there were thousands upon thousands of people who received multiple ballots in the mail, ballots for people who used to live at that residence, ballots for people who had passed away. The list goes on and on.

I would like to know what you feel about that. New Jersey carelessly sent out millions of live ballots to people who did not request them, which rightfully caused great concern amongst South Jersey voters. It is no surprise that voters worry and wonder about the validity of voting.

Do you think that States are sending out millions of unsolicited ballots which are often drawn from outdated voter rolls? Do you think that in any way could possibly promote election security?

So those are my two questions. I thank you for your time.

Ms. HOWARD. Thank you so much for your questions. So first, I will say that no system is 100 percent secure.

In the election security sphere we are all endeavoring to make our election systems more resilient. The three main prongs of the election security stool, if you will, are to have paper ballots, post-election audits where you actually go back and review those paper ballots, and solid cybersecurity practices across the board.

Mr. VAN DREW. May I interrupt for a second? I am sorry to do that. When you say "paper ballots," do you mean paper back-up or do you mean that actually you prefer a paper ballot system, period?

Ms. HOWARD. Paper ballot system, period.

Mr. VAN DREW. OK. You were going to explain why.

Ms. HOWARD. So voting on paper ballots ensures that in the event that there are any questions about the accuracy of elections, you can go back to the record the voter voted on and check and confirm the accuracy of the outcome that has been reported.

You saw post-election audits conducted across the country after the 2020 election and again after the 2022 primaries, and you will see more and more audits conducted after the 2022 midterms.

So to your second question, you know, mistakes happen in elections, no election is perfect. However, election officials have a number of safeguards built into all of the processes and all of the cycles in our election system. So they have safeguards built into the voter registration process, they have safeguards built into the absentee ballot process, they have safeguards implemented in voting in person on Election Day.

So even in the event of mistakes or errors these safeguards are put into place to protect the integrity of our elections and to ensure that eligible voters can cast a ballot.

Mr. VAN DREW. Real quick, I know I only have a couple seconds. Vice Chairman TORRES. We do not have any more time.

Mr. VAN DREW. Thank you very much.

Vice Chairman TORRES. I will now recognize the gentlewoman from Nevada, Ms. Titus, 5 minutes.

Ms. TITUS. Thank you, Mr. Chairman. I want to join all of you in wishing Chairman Thompson a quick recovery. We miss him and we hope he is doing okay.

You know, we heard all the testimony, and I agree with it, that election security is a constantly-evolving threat to our whole democratic process. The environment changes from one cycle to the next.

In 2016, we were primarily concerned about Russian interference, then in 2020, it was the former President's Big Lie that kind-of was the biggest threat to elections. Then during the 2022 we need to look at what is in the political environment that can again threaten our elections? I believe it is those domestic threats that are the most serious that we need to worry about.

Last month I wrote a letter to Secretary Mayorkas, many of the Members of this committee signed onto it, to raise concerns about the increased threats and violence as a result of the Supreme Court's decision to overturn the right to abortion.

I cited an analysis from a Southern Nevada Counterterrorism Center that found that domestic violence extremists, motivated by the heightened political environment, could threaten our midterm elections. The report predicted that the threat would increase against our election workers.

In fact, in 2019, the number of attacks in the United States against abortion providers more than doubled. I am afraid that our elections will bear the brunt of that in the coming months and that our election poll workers could be the targets as well.

I would ask Secretary Oliver if she has taken any steps to protect elections in New Mexico against this heightened threat environment post-Dobbs decision, and how this committee can work with DHS to kind-of navigate this threatening environment for our elections as we move toward November.

Ms. TOULOUSE OLIVER. Thank you, Congresswoman. We certainly are. Let me just say this, all of these potential threats that you just cited on the cyber front, you know, resulting from continued unhappiness with the outcome of the 2020 election, you know, in 2020, of course we were dealing with somewhat across the country leading into elections and so, you know, response to the *Dobbs* Decision, you know, potentially could see similar things.

So, yes, to answer your question we very much are reporting very closely with not only our Federal law enforcement but our State police and our local law enforcement partners. We meet with them regularly. We set up virtual situation rooms and the lead-up to and on Election Day to monitor not just the cyber environment to ensure that it is secure, but the physical environment of our polling places and anyplace where voting activity or ballot processing activity is going on around the State.

We continue to learn more and so we continue to develop more tools and plans for how to deal with that more effectively at each election.

Ms. TITUS. Well, it sounds like New Mexico is doing a good job. Some of the rest of us could learn from you establishing these best practices.

Any one thing that you could recommend that we ought to go home and talk about to our own State election departments?

Ms. TOULOUSE OLIVER. One great thing that we are doing here in New Mexico, and I know some other States are doing this as well, is we have also formed a partnership with our New Mexico State Air National Guard. Their Cyber Task Force comes and works on-site with us during the election process as well. So we have added additional eyes and ears and expertise to monitor our cyber environment to ensure that that is safe. It has been a wonderful partnership, I recommend it in every State.

Ms. TITUS. We will certainly do that. Thank you so much. I yield back.

Vice Chairman TORRES. The Chair now recognizes the gentleman from Louisiana, Mr. Higgins.

Mr. HIGGINS. Thank you, Mr. Chairman. I thank our panelists for appearing before us today virtually and in person.

Mr. Chairman, election fraud is a reality throughout the history of modern man across the world. Fraud and criminal behavior is as old as mankind itself. It is as old as mankind's tendency to succumb to failure of spirit. We all failed and fallen since Adam, and our elections are no exception to that.

I read a quote from a political article regarding a University of Pennsylvania research scholar immediately after the Presidential election. He said, how could this be? He researched exit poll numbers that he was familiar with and had been reported on the night of the election. He says he went down a rabbit hole with statistical analysis in search of explanations for the votes that seemed to have magically appeared. A week after the election he shared a draft of his finding with his colleagues, scholars all, and the conclusion was that, I quote, "Fraud was an unavoidable hypothesis."

His analysis wound up spreading widely, drawing thousands of responses from around the country, people who believed, as he did, that the election had been stolen. To quote from a political article, "It is about the 2004 election, Bush and Kerry." This was a Democrat analyst.

Understand, ladies and gentlemen, my colleagues on both sides of the aisle, election fraud and compromised elections is not new, it is old as man itself. What is new now is the digital age.

Nobody had an iPhone in the 2000 election of Bush and Al Gore, highly controversial. In 2004, it's on Facebook. Now we face a digital era where the theatre of engagement has changed and nowhere more so than in our sovereign States' responsibility to carry out solid elections every year that the American people can depend upon.

So the real challenge right now is how will our sovereign States present best models for dealing with the perception amongst the American citizenry that our elections lack integrity, that their votes won't count? This must be addressed at the State level.

I for one do not support the Federalization of our elections we're representative republic of sovereign States, this is a States' role. Therefore, the best practices of those States amongst the sovereign States that have provided solid, secure elections, cycle after cycle, this must be shared and encouraged amongst your State partners across the country.

I ask Secretary LaRose, if you are prepared for a question, sir.

Mr. LAROSE. Yes, sir.

Mr. HIGGINS. As we saw in the 2020 election, due to the COVID pandemic, as Americans were unconcerned, it was quite convenient, the pandemic. Mail-in ballots, it certainly presented challenges State by State about how we deal with this. Millions and millions and millions of mail ballots, mostly unrequested, some arguably outside the parameters of the law of that sovereign State wherein they were delivered. It is a Constitutional question got to be settled ultimately in Article III, adjudicated, and we will learn from our challenges of the 2020 election cycle.

But I ask you, Secretary LaRose, during the COVID pandemic our country had to make a dramatic shift regarding how—or our country was forced to make a dramatic shift, found themselves making that choice on how to conduct elections. What were some lessons learned, sir? How can that be shared with the rest of the country as we move toward this election cycle, to encourage Americans that elections are indeed secure and that actions have been embraced within the sovereign States to make certain that our elections are secure?

Vice Chairman TORRES. The time has expired but you can answer the question concisely, please.

Mr. LAROSE. Yes, I will answer the question briefly. Resist the temptation for crisis opportunism. The way that your State has run elections has been put in place for a reason. Follow your State laws, work with your State legislator to make changes if you need to, don't allow the courts to make last-minute changes in your elections, and mind the logistics. Pay attention to the nuts and bolts of getting ballots to people that should have them and getting them back, and not doing things that are sort-of novel just because you are in a crisis.

Vice Chairman TORRES. Thank you.

Mr. HIGGINS. Thank you.

Vice Chairman TORRES. I will now recognize the gentlewoman from Texas, Ms. Jackson Lee.

Ms. JACKSON LEE. Yes, thank you very much, Mr. Chairman. Good morning to all of the witnesses.

Let me be very clear of the importance of this hearing. I will concisely take the ultimate reason though over the years we have looked at the questions of voter registration, machines, cybersecurity, all important issues for this very focused Committee on Homeland Security.

But the real issue is in the aftermath of the 2020 election, wrapped up in the Big Lie and the continuation of the Big Lie is really the question of threats of the physical security of elections with an increase in threats to election officers and a heightened risk of officials acting improperly due to disinformation. That is simply what we are facing in our ability to really carry legitimate elections that are guided by, as a previous witness said, by the laws of the State. They are not guided by misinformation, disinformation, and violence, that is what we are facing.

I was appalled at the threat of the elections officials in Atlanta, in Georgia, in the last election. Still unchecked to date. I am appalled at the State laws that have criminalized anyone trying to be a good Samaritan with a glass of water.

So Ms. Toulouse Oliver, let me ask you as relates to election officials' protection, funding often does not reach its intended target. What is hindering those funds from reaching the election official? Ms. Oliver.

Ms. TOULOUSE OLIVER. Congresswoman——

Ms. JACKSON LEE. I am sorry, the secretary——

Ms. TOULOUSE OLIVER. That is okay. Just wanted to make sure you meant me.

Congresswoman, I think there is like a couple of issues. I think first and foremost one of the biggest challenges we have, for example in my State, and I know many of my colleagues have shared similar concerns, because the funding that we received so far—which, by the way, we are incredibly grateful for and I will never stop thanking you all for what you have allocated to the State as a whole in our work. Because it has come sporadically in lump sum payments and we don't necessarily know when or if there will be more funding coming, we had to be extremely diligent and thoughtful about making those funds last as long as possible to sustain the programs that we have built around election security and cybersecurity. So often that means we are holding onto funds at the State level, you know, waiting to see what we are going to continue to need in the future because we cannot necessarily count on that additional fund.

Then, Madam Congresswoman, I know that some States, like my colleague in Minnesota for example, when the Federal funding is allocated, he then has to go through the approval of the State legislature. That timing doesn't necessarily align for when those funds are allocated and when the secretary then can get ahold of it.

Ms. JACKSON LEE. Thank you. I have got only a short period of time so I see the logjam that we need to address.

Let me ask Ms. Howard again on the question of election security, in the attack on election workers, I think your testimony mentioned that election workers are simply leaving their positions.

In my time as a public servant and going before the voters, it was an honor to be engaged in the election process.

What are some of the things that we can do immediately to help fill these positions as well as prevent more workers from leaving?

I am now in the midst of a Judiciary Committee hearing, trying to ban assault weapons. I do not know whether with this rise in gun violence, whether someone will think it is important for their position to come to a poll with a gun.

What should we do and how should the Federal Government be involved? I, frankly, believe we should be doing a lot more with persons on the ground. Ms. Howard? Thank you for your work with the Brennan Center.

Ms. HOWARD. Thank you so much for the question.

There are several things that Congress can do. So first, Congress can allocate funding specifically for training for election officials about how to—for their physical safety, and they can allocate funding so that election officials can enhance the security at their personal residences. Congress can also request that CISA provide specific training to election officials to protect their personal security.

In addition, Congress can work with the multiple Federal agencies and departments that are working to help protect our election officials to make sure that their efforts are effective.

Ms. JACKSON LEE. Just very quickly then with the 1 second I have, let me just stick with Ms. Howard about the——

Vice Chairman TORRES. I am sorry, your time has expired and we do have to move on.

Ms. JACKSON LEE. I will submit it in writing. Thank you so very much. I yield back.

Vice Chairman TORRES. We just want to be fair. I now recognize the gentleman from New York, Mr. Garbarino. Is Mr. Garbarino here?

Mr. GARBARINO. Yes, on-line. Thank you, Chairman and Ranking Member, for holding this hearing.

Secretary of State LaRose, I had a question for you. You talked briefly about your partnership with CISA. In 2019, when Russian-connected individuals attempted to hack your State's system, is that where that relationship started with CISA or did you have something going on before with them? How did they help or how did the Federal Government assist you after the attempted hack in 2019?

Mr. LAROSE. Yes, I can tell you that I made it a priority from my first couple of days in office to get to know my counterparts in other States, and we worked closely with the cybersecurity teams in other States as well as my partners at CISA and then down to the county level. So it is about laterally and up and down. So we have been working with them ever since I came into office.

But that partnership paid off, as you mentioned, when our State, like many other States, was the subject of what resulted to—in a ransomware attempt.

Mr. GARBARINO. Okay. So, you know, working with CISA, they are the head, you know, here for cybersecurity and social security agency, and now the election system has been declared as critical infrastructure. So their job is to protect it from cyber and physical threats.

What services does CISA provide now that are most impactful? What are things that they could do better on, you know, what is good, what is bad about your relationship with them?

Mr. LAROSE. Yes. So first of all, information flow has gotten a lot better. At one point in time it was kind-of like we had to pull information out of them. I can tell you that that has gotten better over time. They have been purposeful about that.

There is a whole variety of services that they offer, down to a county level. I have actually required as part of our security directives, that 1.0, 2.0 and 3.30 that I have put out, and we have required our counties to engage in those services.

One question is just one of resources. Sometimes there is a backlog in actually receiving those services. I know CISA has worked to address that, but if there was one helpful thing, it would be working to increase the resources of CISA so that those services can be delivered more quickly without the delay that currently exists.

Mr. GARBARINO. So they are doing a good job, we just need to increase their funding so they can do it better.

Mr. LAROSE. Then the team at CISA is incredibly purposeful, that from the director on down. In fact she took the time to come visit us in Ohio personally just 2 weeks ago and we appreciate the partnership with them.

Mr. GARBARINO. Yes, we have a very good relationship with her, the director. We think she is doing a great job over there. I appreciate that.

I am going to yield to my colleague, Mr. Pfluger, from Texas. I know he had some more questions. So I yield back.

Mr. PFLUGER. Thank you for the time. Nothing is more important than the integrity of our elections right now. There is distrust in the American public, there is a distrust. I'll remind my colleagues, in fact, the former gubernatorial candidates in the State of Georgia still won't concede the election for Governor there.

So, you know, the distrust here, and I will focus my questions with Ms. Howard.

You mentioned safeguards a number of times, safeguards for elections to make sure that they are secure, to make sure that the trust—the public has the trust.

So on the subject of identifications, IDs, would you say that the use of IDs to register, the use of IDs to actually vote and prove who you are, and the use of IDs to then match up when you are counting those votes, would be a safeguard that would enhance that trust in the election integrity in all States?

I want to hear your take on safeguards because you speak with great authority on this.

Ms. HOWARD. Oh, I am so sorry, thank you. Thank you for the question.

I think whether or not a photo ID is critical depends upon the other safeguards that are in the system. You can't just look at one piece without—

Mr. PFLUGER. Sure. So in States like New York or New Jersey, where ballots can be mailed without actually requesting them, wouldn't that be a good safeguard to have, that the ID then matches up the person who is voting, or his signature?

Ms. HOWARD. So in many States the absentee ballot process requires that the voter sign the return envelope. Some States require an additional witness signature on the there. So again, it depends on all the other safeguards that are in the process.

Mr. PFLUGER. So would you say, in your comment previously you said all States have different takes on it. Are you for the Federalization of our election system?

Ms. HOWARD. So I think there have been important Federal laws that protect every citizen's right to vote. So, for instance, in HAVA, which was passed after the 2000 election, it included mandatory provisional ballots be offered to individuals that have issues at the polls on Election Day as a safeguard.

Mr. PFLUGER. I think that the safeguards that we need can be based around an ID that tells you who that person is, especially in States that don't have the signature requirement or that mail ballots to people who might not have asked for them. The American public deserves that. We have to have a system that has integrity and that we trust. Right now there is a great distrust in our election system.

I thank the gentlemen from New York for yielding the time.

Vice Chairman TORRES. The Chair now recognizes Mr. Clyde, the gentleman from Georgia, Mr. Clyde, for 5 minutes.

Mr. CLYDE. Thank you, Chairman Torres. The safety and well-being of election administrators and a robust secure election infrastructure is paramount to a functioning republic. In recent years election security has become an even greater concern because of the radical changes in “flexibilities” that were allowed and attributed to COVID-19. For example, the Supreme Court in Pennsylvania ruled just weeks before the Presidential election, that ballots should be accepted as late as the Friday after Election Day, even ballots without a postmark.

This was, of course, a direct encroachment on the authority of the Pennsylvania State Legislature which enacted strong election integrity regulations and voter ID. This certainly caused much confusion for election administrators and for the voters.

This issue hits right at home with my constituents as our very own secretary of state unilaterally altered Georgia’s statutory requirements, requiring the authentication of absentee ballot signatures with an unlawful consent decree.

Understandably, people are concerned with the administration of the 2020 elections. Because partisan officials bypassed the legislative process, effectively changing the rules of the game as the game was being played. According to the documentary “2000 Mules,” thousands of ballots were illegally harvested by political operatives and placed into drop boxes in at least 5 States, which is a direct violation of State laws, which clearly say that you can only return ballots for immediate family members.

To be sure, our local election administrators are not to blame for the poor decisions of some State elected officials that cast doubt on our election integrity.

I applaud the efforts of election administrators in spite of rapidly-changing guidance to administer elections in accordance with the Constitution and State laws. I agree that their safety is paramount.

Nevertheless, these constantly-changing election laws from left-leaning judges amid a Presidential election rightfully led to voters having questions and frustrations about the integrity of the elections. Strong election laws, like Georgia’s SB202, will do a lot to ensure confidence in elections across the country. But hand recounts of paper ballots by local election officials would go a long way to further the confidence of concerned voters. In fact, I think that in my home State every election should have an automatic 10 percent recount of random counties to act as an audit of the results.

So, Ms. Howard, to your comment. I think that what you said about the need for election audits is absolutely correct. While I believe stronger election laws that restore confidence in our election process will reduce the threats of violence toward election officials, I believe that local law enforcement is the first and best line of defense for these types of threats. We make sure that those who commit unlawful acts of violence are prosecuted at the State level.

It is no secret that my Democrat colleagues have exploited these threats to justify a Federal takeover of elections. Make no mistake,

this hearing will be used as a platform by the Democrat majority to push for total Federal control, like Mr. Sarbanes' Preventing Election Subversion Act of 2021.

With that being said, I will direct my first question to Mr. LaRose. Mr. LaRose, as you know, the Democrats' so-called election subversion bill, H.R. 4064, would set forth burdensome requirements for Federal elections. For example, it prevents meaningful poll observer access by mandating an 8-foot minimum distance in order to observe ballot counts across the country.

I am aware that there have been threats against election administrators in the State of Ohio. Is local law enforcement equipped to investigate and arrest the individuals who made these kind of threats, sir?

Mr. LAROSE. More than adequately equipped, Congressman. In fact, we send a memo to all of our law enforcement partners before each election, making sure that they know not only the rights but the responsibilities that they have to safeguard not only our poll workers but voters, really everybody involved in the process. We have even gotten all of our election officials to now be equipped with police radios through our State's MARKS system in the case of an emergency so that we can communicate directly with law enforcement.

Mr. CLYDE. So local law enforcement is more than adequately equipped to handle this.

Mr. LAROSE. Yes.

Mr. CLYDE. Next question. How would such a Federal regulation imposing an 8-foot observer distance impact your constituents' confidence that the poll observer could do their work effectively?

Mr. LAROSE. Well, observation is crucial, but, really, what that is is micromanagement. For somebody in Washington to think that they need to tell 88 county boards of elections in Ohio and how many hundreds of other county boards of elections across the country how far away observers should stand is the height of Federal Government arrogance, in my opinion.

Mr. CLYDE. Thank you. I believe local control is best when it comes to things like this.

Ms. Howard, as you may be aware, poll workers had a large polling center in Detroit, Michigan, block the windows with cardboard pizza boxes to bar observer access to the 2020 election. Do you believe it is appropriate for windows to be blocked so that the views of observers are obstructed?

Ms. HOWARD. Thank you for your question. I am not familiar with the allegations about what happened in Detroit. But I will say in general there are laws in Michigan and many other States which allow for observers at very different points of the election process. Those observers, authorized under law, should not be obstructed.

Vice Chairman TORRES. The gentleman's time has expired.

Mr. CLYDE. Thank you. I yield back.

Vice Chairman TORRES. I now recognize the gentlewoman from Florida, Mrs. Cammack.

Mrs. CAMMACK. Thank you, Mr. Chairman. Very timely topic as we head into a very important election in this year's midterms. I think it is something that we all have grave concerns about, of course, election integrity is a driving issue. I think as a funda-

mental right to go out and vote, we need to really ensure that peoples' ballots are being counted as they intend them to be counted when they are cast.

So I know folks across the country are really watching this and Members have been coming and going.

So for our witnesses I am just going to ask a couple of questions to make sure that I understand exactly where you all stand on this. So I will start with Ms. Oliver.

Do you believe that a government-issued ID, complete with a photo, should be required to vote? This question will go to all witnesses, but I will start with Ms. Oliver.

Ms. TOULOUSE OLIVER. Thank you, Congresswoman. We do not require that here in New Mexico. It is one option. I think of many—excuse me?

Mrs. CAMMACK. How can you verify the identity of an individual without a photo ID that is government-issued?

Ms. TOULOUSE OLIVER. They are required to provide other identifiable information. Again, a photo ID is an option for voters. They can also provide other forms of documentary ID or give a verbal confirmation of personal/private information to verify their identity.

Mrs. CAMMACK. That doesn't seem particularly secure so we might want to work on that.

Mr. Kelley.

Mr. KELLEY. I remind myself that I am retired so I can give my personal opinion now. I do not believe it would be a bad thing to provide an ID to increase voter confidence. I do not know ultimately what problem it solves in some cases, but I do not think it would be a bad idea.

Mrs. CAMMACK. OK. Ms. Howard.

Ms. HOWARD. I think that it is hard to look at one piece of the election—

Mrs. CAMMACK. Just a yes or no, ma'am. Do you believe that a government ID, complete with a photo, should be required to vote?

Ms. HOWARD. No.

Mrs. CAMMACK. Mr. LaRose.

Mr. LAROSE. Congresswoman, the simple answer is yes, and most Americans believe that as well. We should make sure everybody can get one easily and that we maintain accurate voter rolls.

Mrs. CAMMACK. Absolutely. I think it is very curious that of the four witnesses that we have here today, three have said in some form or fashion that no photo ID should be required to vote, that a verbal confirmation is all that is to suffice that a person is who they say they are. I mean, I can go out and say that I am Jennifer Aniston but that doesn't make me Jennifer Aniston, as much as I would like it to be.

So we need to, I think, one, if we are taking about this issue, start with the basic premise of verification. You need to have a photo ID to cash a check. You need a photo ID to live life. We require driver's licenses with photos to drive a car. There are basic things that we have to do in life that require photo IDs. I do not think this is discriminatory in any shape, way, form, or fashion. I would love to see our local officials work to really make sure that it is as accessible and easy to get a government-issued ID complete with a photo so that we do not have these questions down the road.

I am going to go to my second question for the witnesses. Do you believe that third-party political organizations that are funded by political parties should be prohibited from signature verification? I will start with you, Mr. LaRose.

Mr. LAROSE. Yes, in Ohio that work of signature verification is done by sworn election officials from both parties and observed by the public if they wish to observe that. That is where signature verification should be done. That is how we do it in Ohio.

Mrs. CAMMACK. Excellent. Thank you, Mr. LaRose. Ms. Howard.

Ms. HOWARD. Thank you for the question. You know I think that Secretary LaRose brings up an important point. The signature verification procedures that I am aware of are done by election officials, many of whom are sworn in and sworn to uphold the State—

Mrs. CAMMACK. But not Georgia. Mr. Kelley.

Mr. KELLEY. I believe in the exact same thing Secretary LaRose said.

Mrs. CAMMACK. Thank you. And Ms. Oliver.

Ms. TOULOUSE OLIVER. I agree with Secretary LaRose. I will just quickly add that in my State, and many, we do allow political party observers at that.

Mrs. CAMMACK. I appreciate that. For Ms. Oliver and Mr. LaRose, I am sure you are all aware of the ERIC system, the system that allows States to talk to each other so if a person who is registered to vote in Florida passes away in Ohio, the two States can talk to each other to make sure that those voter rolls are updated.

Do you believe that each State should employ the use of the ERIC system? I will start with you, Ms. Oliver.

Ms. TOULOUSE OLIVER. Absolutely. We use it here and we encourage it everywhere.

Mrs. CAMMACK. Thank you. Mr. LaRose.

Mr. LAROSE. Great tool for fraud prevention and gives us a way to catch people that try to vote in multiple States, even though that is rare, we can catch them now using ERIC. Every State should consider using it.

Mrs. CAMMACK. I appreciate it. My time has expired, so I will submit the remainder of my questions for the record.

Thank you, Mr. Chairman, and I yield back.

Vice Chairman TORRES. Of course. The Chair now recognizes the gentleman from Kansas, Mr. LaTurner.

Mr. LATURNER. Thank you, Mr. Chairman. Mr. LaRose, thank you so much for being with us today. It is good to see you. I want to talk about a couple things with you.

First of all, the vulnerability disclosure policy, I am interested in that. Could you talk about what that is and what that looks like and how it is implemented? Congratulations on being the first State, by the way.

Mr. LAROSE. Yes. Well, thank you. It was written up by a number of publications at the time because it was kind-of a novel thing. I enjoyed being able to stand in front of groups in 2020 and say I am the guy who runs Ohio's elections and I am asking people to hack me. Now, of course, you get gasps and you would have to then explain it to people.

What I am saying is the good guys and gals, the white hacker, white hat or ethical hackers out there, sometimes they call themselves security researchers now, which is a more warm and fuzzy sounding thing.

But the fact is there are folks out there that love to do this, to find vulnerabilities. They are motivated by patriotic purposes to try to find where those vulnerabilities exist and to tell us about them. So you can see our vulnerability disclosure policy if you go to OhioSOS.gov or VoteOhio.gov and go to right to the bottom of our website. It says Vulnerability Disclosure Policy. If you click on that it says, hey, good-guy hackers, if you find something, tell us.

Now you can't vandalize our site, you can't cause some sort of a breach, but if you tell us, we will not only fix the problem, but we will recognize you.

We had a great ethical hacker on our stage at our Election Official Conference and we gave him a big award. That is the kind of thing that other States should be doing as well.

Mr. LATURNER. I appreciate that. As you are aware, CISA offers a vulnerability disclosure policy platform to help Federal agencies. Is this, in your opinion, something that CISA could engage in or should engage in with States and localities as well? Would that be helpful?

Mr. LAROSE. Congressman, anything we can do to encourage and even incentivize this, is good. We work currently with a private-sector provider that helps get the word out to the hacker community that, hey, listen, Ohio wants to use your expertise and we will recognize you for your efforts. But to do that through CISA would be a great tool as well.

Mr. LATURNER. I read that in one of your counties they have 551 workers, but need 846 for the poll watchers. I am curious, how do you plan to close that gap? This is a problem that States across the country are having. What do you think the potential implications are for election integrity and security?

Mr. LAROSE. Yes. So we will close that gap, Congressman. It is something that we have been focused on really from the very beginning. You know we have done creative things like recruit high school seniors through what we call the Youth at the Booth Program. We have worked with my fellow veterans, asking them to answer a second call to duty, right, to continue fulfilling that oath that they took to preserve and protect the Constitution. We have worked with businesses, encouraging them to give their employees a day for democracy. Give them a free day off, an uncharged day off to be poll workers.

So those are the kind-of things we are doing, but we are also holding our boards of elections accountable. The reason you know that number is because we publicly report it now. So those county boards of elections that don't have enough poll workers, they get the scrutiny and the pressure to make sure they get there by Election Day.

Mr. LATURNER. It sounds like you are doing a lot of exciting things there. How many other States are implementing the vulnerability disclosure policy, do you have any idea?

Mr. LAROSE. I believe it is in the single digits at this point, but it is growing.

Mr. LATURNER. OK. What about the ideas that you talked about, the Youth in the Booth and things like that? Are you sharing these in your professional organization or anything so other States have the opportunity to benefit from your experience?

Mr. LAROSE. Yes. For us it is the National Association of Secretaries of States. My friend and colleague from New Mexico is an active participant and former president of that organization. We got together just a couple weeks ago in Baton Rouge and we were exchanging ideas. This is exactly what we do.

So, yes, we love to steal each other's good ideas and hopefully my colleagues around the country steal some good ideas from Ohio.

Mr. LATURNER. I appreciate that. Mr. Kelley, during your tenure in Orange County your department would produce an Election Security Playbook in conjunction with State and local officials, in addition to the FBI and DHS. Can you talk more about this and the emphasis your office put on collaboration and partnerships? Because I think it is really key, as I talked about with Secretary LaRose, that we are all rowing in the same direction, that we are collaborating, we are sharing information so that we can tackle this problem.

Mr. KELLEY. Yes, sir, thank you, Congressman. Collaboration was a big part of what we did in Orange County. In fact, I partnered at the table with DHS, FBI, local, State officials, law enforcement. We came up with a playbook and a design for responses on Election Day and leading up to Election Day. If you don't have that type of collaboration leading up to those important elements, you are going to have gaps, there is no question about it.

One other quick thing I would say as part of that playbook is doing things like list maintenance and increasing that list maintenance effort before ballots go out so that you can improve voter confidence. That is a big part of it.

Mr. LATURNER. I appreciate that. My time has expired. Mr. Chairman, I yield back.

Vice Chairman TORRES. Thank you. We are at the end of our hearing. But before I conclude I do want to ask each witness what is the most important action that we in Congress can take to fundamentally enhance election security? I will start with Secretary Oliver.

Ms. TOULOUSE OLIVER. Thank you again, Mr. Chair, and thank you so much for having me here today. I think it has been a very important discussion and I think that although the major differing political views, I think there have been a lot of consistent threads throughout this conversation and hopefully that gives you all and the American public increased confidence in our election process.

Mr. Chairman, continue to support us as election officials in our States. I think many commenters today have noted the importance of allowing States and indeed the Constitutional requirement to allow States to conduct elections. We do so many things in common to ensure the integrity of our elections. But continue to support us in our efforts and particularly with, it doesn't have to be a lot, but on-going funding so that we can protect our critical election infrastructure which is a part of our National security infrastructure.

Thank you so much, Mr. Chair.

Vice Chairman TORRES. Mr. Kelley, what is the most important thing we can do in Congress?

Mr. KELLEY. Mr. Chairman, I echo Secretary Oliver's comments and thank you very much for today's hearing.

Two quick things. I believe funding is very important, improving physical security at election offices will go a long way and that assistance is badly needed.

Then raising awareness on this issue. It is very important that not only the American public become aware of this, but also local law enforcement leaders and election officials across the country.

Vice Chairman TORRES. Ms. Howard.

Ms. HOWARD. Thank you so much for holding this hearing today. I think the most important thing that Congress can do is to provide additional funding for election officials and to require the currently-available funding to have a minimum spend for election security.

Vice Chairman TORRES. Secretary LaRose.

Mr. LAROSE. Thank you so much, Mr. Chairman. We each have an important responsibility from the county-level election officials to the State officials to you all at the Federal level. So I think that the first thing is, allow us to do our jobs and don't try to do our jobs for us by setting the specific rules surrounding elections administration, but do support us with the great resources that you offer right now from CISA. Consider growing those resources.

One additional thing is that voter list maintenance is probably one of the most important responsibilities we have; maintaining that very dynamic list that is constantly changing is hard. The Federal Government has resources that are not always made available to the States as far as verifying citizenship data, death records, those kind of things. So more data flow as it relates to voter list maintenance would also be very helpful.

Vice Chairman TORRES. I thank the witnesses for their excellent testimony and the Members for their questions. The Members of the committee may have additional questions for the witnesses and we ask that you respond expeditiously in writing to those questions.

The Chair reminds the Members that the committee record will remain open for 10 business days.

Without objection, the committee stands adjourned.

[Whereupon, at 12:06 p.m., the committee was adjourned.]

