



U.S Election Assistance Commission

Elections as Critical Infrastructure: Background

Purpose of Presentation

Develop a baseline understanding of Critical Infrastructure (CI)

Explain how elections fit within CI

What is Critical Infrastructure (CI)?

- The current definition comes from The Patriot Act

The Patriot Act defines “critical infrastructure” (CI) as:

- systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters (Sec. 1016(e)).

CI is a Patriot Act initiative to protect vital systems and assets

History of Critical Infrastructure

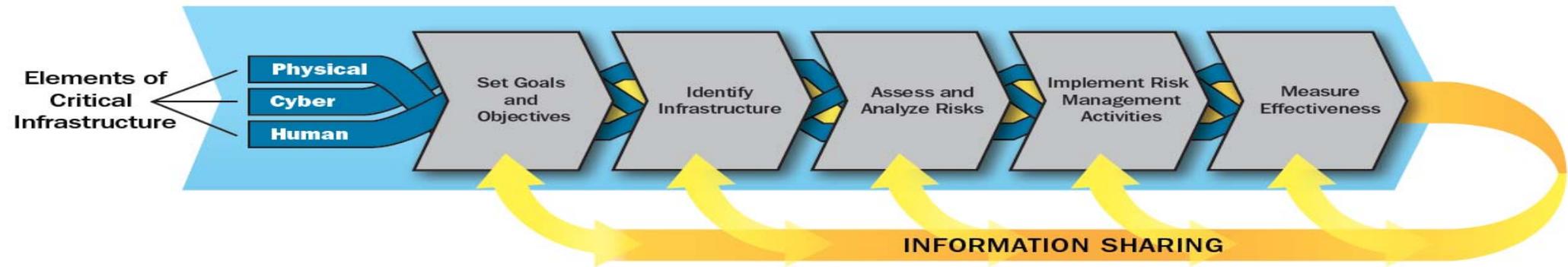
In response to the terror attacks of September 11, 2001, Congress passed the USA PATRIOT Act of 2001(P.L. 107-56).

Purpose: To deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes.

Justification: Private business, government, and the national security apparatus increasingly depend on an interdependent network of critical physical and information infrastructures.

The current definition of CI was a response to 9/11 to protect critical assets

Goals and Framework of CI



Three strategic imperatives shall drive the Federal approach to strengthen critical infrastructure security and resilience:

1) Refine and clarify functional relationships across the Federal Government to advance the national unity of effort to strengthen critical infrastructure security and resilience

2) Enable effective information exchange by identifying baseline data and systems requirements for the Federal Government

3) Implement an integration and analysis function to inform planning and operations decisions regarding critical infrastructure.

Guiding Documents and Framework

These documents establish the mechanisms for collaboration between the private sector and government in protecting CI

Presidential Policy Directive 21 (PPD-21)



National Infrastructure Protection Plan (NIPP)



A structured partnership approach between the government and the private sector for protection, security, and resilience of critical infrastructure

Key Entities and Roles Within a CI Sector

- **Department of Homeland Security** – Leading the national effort by providing strategic guidance, promoting a national unity of effort, and coordinating the overall Federal effort.
- **Sector-Specific Agencies (SSAs)** – Coordinate and collaborate with DHS and other relevant Federal departments and agencies, with critical infrastructure owners and operators.
- **Sector Coordinating Councils (SCCs)** – SCCs serve as principal collaboration points between the government and private sector owners and operators. Consisting of representatives from the private sector.
- **Government Coordinating Councils (GCCs)** – Consisting of representatives from across various levels of government (including Federal and SLTT), as appropriate to the operating landscape of each individual sector.
- **State, Local, Tribal, and Territorial Government Coordinating Council (SLTTGCC)** –SLTTGCC promotes the engagement of SLTT partners in national critical infrastructure.

Sector-Specific Agency (SSA) Definition and Role

Definition:

- Sector- a logical collection of assets, systems, or networks that provide a common function to the economy, government, or society; the *National Plan* addresses 16 critical infrastructure sectors. Additionally, sub-sectors can be created.

SSA Roles:

- Serve as a day-to-day Federal interface for the dynamic prioritization, collaboration, and coordination of sector-specific activities.
- Carry out incident management responsibilities consistent with statutory authority and other appropriate policies, directives, or regulations.
- Provide, support, or facilitate technical assistance and consultations for that sector to identify vulnerabilities and help mitigate incidents, as appropriate.
- Support the Secretary of Homeland Security's statutory reporting requirements by providing, on an annual basis, sector-specific critical infrastructure information.

16 Critical Infrastructure Sectors and Their Corresponding Agencies & Councils

Critical Infrastructure Sector	Sector Specific Agency	Critical Infrastructure Partnership Advisory Council		
		Sector Coordinating Councils (SCCs)	Government Coordinating Councils (GCCs)	Regional Consortia
Chemical	Department of Homeland Security	✓	✓	Regional Consortium Coordinating Council
Commercial Facilities <i>i</i>		✓	✓	
Communications <i>i</i>		✓	✓	
Critical Manufacturing		✓	✓	
Dams		✓	✓	
Emergency Services <i>i</i>		✓	✓	
Information Technology <i>i</i>		✓	✓	
Nuclear Reactors, Materials & Waste		✓	✓	
Food & Agriculture	Department of Agriculture, Department of Health and Human Services	✓	✓	<div style="display: flex; justify-content: space-around;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">Critical Infrastructure Cross-Sector Council</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">Federal Senior Leadership Council</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">State, Local, Tribal and Territorial Government Coordinating Council</div> </div>
Defense Industrial Base <i>i</i>	Department of Defense	✓	✓	
Energy <i>i</i>	Department of Energy	✓	✓	
Healthcare & Public Health <i>i</i>	Department of Health and Human Services	✓	✓	
Financial Services <i>i</i>	Department of the Treasury	Uses separate coordinating entity	✓	
Water & Wastewater Systems <i>i</i>	Environmental Protection Agency	✓	✓	
Government Facilities	Department of Homeland Security, General Services Administration	Sector does not have an SCC	✓	
Transportation Systems <i>i</i>	Department of Homeland Security, Department of Transportation	Various entities broken down by transportation mode or subsector.	✓	

i Indicates that a sector (or a subsector within the sector) has a designated information-sharing organization.

Government Facilities Sector

- **Includes general-use office buildings and special-use military installations, embassies, courthouses, national laboratories, and other critical structures.**
- **In addition, the sector includes cyber elements that contribute to the protection of sector assets as well as individuals who perform essential functions or possess tactical, operational, or strategic knowledge.**
- **The Government Facilities Sector has two subsectors, Education Facilities and Monuments and Icons.**

This is the CI sector in which “Elections” is designated

Education Facility Subsector (EFS)

- **The Partner with DHS on that subsector is the Education Department Office of Safe and Drug-Free Schools.**
- **EFS has human, physical, and cyber assets. However, the EFS assets of primary concern are human and physical.**
- **The predominant characteristics of individual pre K–12 schools vary tremendously within EFS.**
- **Facilities supporting these students and staff are widely dispersed throughout the country and in all geographical regions with differing social and physical environments.**

Elections represent a similarly relevant sector to the education facility subsector (EFS)

Questions Regarding Elections

- The polling places themselves
 - Who is the first responder to polling place incidents?
 - What happens to vote-by-mail tabulation locations?
 - What are the procedures for privately-owned polling places (ex. churches)?
- Election Board Offices
 - Will this designation allow state government entities that are not election offices to alter operations of an election office?
 - Are the office phones and networks secure? If not, what are the back ups?
 - Are administrators and staff properly trained to handle all contingencies? Who makes this call?
- Transport and storage of ballots and voting machines
 - Are vendors and storage facilities secure? Who defines them as secure?

These are illustrative of the many CI questions that come with elections, and must be answered as Elections as Critical Infrastructure is implemented. The EAC has begun an inventory of questions, and requests/welcomes election official questions at clearinghouse@eac.gov.