



The U.S. Election Assistance Commission

Sample/Possible Questions Concerning Elections as Critical Infrastructure

Last Revised February 10, 2017

Elections as Critical Infrastructure

Elections as Critical Infrastructure is a distinction that requires definition. The EAC is compiling and developing questions so the election administration community can understand the operational impact of this distinction. Questions on the following pages are only illustrative and can be categorized into three aspects:

Structural

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

Operational

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

Technical

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



Structural

DHS



Other
Government
and
Information-
Sharing
Entities

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

General Questions:

1. Why is CI needed?
2. What difference does the CI designation make in the relationship between the public and private sectors?
3. Who leads each sector's involvement?
4. What is the vendors' role in CI?
5. What vendors are impacted?
6. How can the private sector influence CI?
7. What government agencies now have a role in local elections?



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

Timeline

1. What is the timeline for implementing CI?
2. What's the criteria for the timeline?
3. Once a timeline is established is it binding?
4. Is there a deadline for implementation?
5. Are there reporting requirements?
6. What's the ongoing meeting and resource requirement for industry participation?
7. Does this timeline cover all elections, or just federal elections?

Operational

The diagram consists of three teal circles. The largest circle at the top is labeled 'Operational'. Below it, to the left, is a smaller circle labeled 'Timeline'. To the right of the 'Timeline' circle is a plus sign. To the right of the plus sign is another smaller circle labeled 'Roles/Responsibilities'. This visualizes the equation: Operational = Timeline + Roles/Responsibilities.

Timeline

Roles/
Responsibilities

Technical

Cyber Security



Physical Security

Technical: Elections-specific categories, including the procedures to enable voters to register, cast votes, and have their votes counted and reported.

Cyber Security

1. What election technology is affected by CI?
2. What protocols will be put in place to protect this technology?
3. How does DHS interact with election technology?

Physical Security

1. Who retains control over election office and polling location physical security?
2. Will DHS be able to dictate physical security standards or requirements?





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Appendix

Running list of questions provided by election administrators and EAC staff (send yours to clearinghouse@eac.gov)

Structural Questions (Page 1 of 2)

1. Are there any other possible candidates for Sub-Sector Agency?
2. Would the Federal government have a greater role in elections administration or reporting of results under the new system?
3. Would any greater Federal role involve a burden on stakeholders regarding time, deadlines for action, or equipment purchase decisions?
4. Would stakeholders need to attend any more meetings?
5. Would stakeholders need to designate contact persons for CI issues?
6. Would EAVS data be used for any reporting or sector plans?
7. If EAVS data were used, would modifications be made to EAVS?
8. How secure from public disclosure would any data disclosed regarding CI issues be, if not covered by PCII status?
9. Would CI status provide better access to grants for strengthening security?
10. If yes on #9, who would provide help applying for grants?
11. Would EAC be available to act as an intermediary in the events of problems with DHS?
12. If States do “volunteer,” will they be able to decide on the scope of the Federal Government’s access?



Structural Questions (Page 2 of 2)

1. Will States that “volunteer” be able to ask the Federal Government to leave?
2. Will States be required to provide uniformity or consistency in order to participate in DHS’s efforts?
3. Will DHS or other Federal agencies require States to conform to a new security standard?
4. If the DHS instructs a State to take a particular course of action and the State declines to do so, will the State be opening itself up to lawsuits requiring it to conform to the Federal standard?
5. If DHS recommends a particular course of action, who will pay for it?
6. Will the States who “volunteer” be required to participate in DHS activities? Who will pay for the costs?
7. Will the States be required to monitor and report to the Federal Government on their activities or activities of others?
8. Will States be able to make the decision to handle a situation on their own, or will the critical infrastructure designation trigger a flood of additional reporting responsibilities?
9. Will States be open to lawsuits from the Federal Government for not responding to their information requests as they already are for the EAVS information requirements?



Operational Questions (Page 1 of 3)

1. What are the deadlines for action by Homeland Security implied in statute or regulation?
2. Does EAC have to officially indicate willingness to serve as the Sub-Sector Specific Agency, or SSA?
3. Are any of the duties and conditions imposed by SSA status negotiable?
4. Does being an independent commission affect our role if that status is granted?
5. If EAC is designated as the SSA, do we have the option of refusing if the Commissioners don't want the status?
6. What response deadlines would SSA status impose on the designated agency?
7. When and how would we know that the designation was official and irrevocable?
8. Would there be any new reporting requirements imposed on EAC or our stakeholders?
9. How soon would we have to create the Sub-Sector Specific Plan?
10. What are requirements and expectations for the length and coverage of the Plan?
11. How soon would the Sector and Government Coordinating Committees need to be created?
12. If stakeholder groups are involved in the Committees, what is their role?



Operational Questions (Page 2 of 3)

1. How willing are EAC's stakeholders to serve on the Sector Coordinating Committee?
2. What are the requirements for stakeholders to serve on the Sector Coordinating Committee, and what guidance is there for running the SCC?
3. If, as suggested by a DHS official, SCC meetings can be run in conjunction with regular stakeholder meetings, how is any extra cost handled?
4. In the event that SCC meetings are added to regular meetings, how soon do we need to adjust our calendar?
5. What communication campaign would be needed to explain the new status and any obligations to our stakeholders?
6. How and when are the stakeholders informed of any decision?
7. Do stakeholders have a say in who their SSA is?
8. Given that some stakeholders are opposed to the status, what would the relationship with them be like if EAC becomes the SSA?
9. Would EAC be expected to develop a Sub-sector R&D plan, as the Education Sub-Sector was?
10. What would our relationship be with GSA in the event of designation?
11. Would we have a designated representative or office to contact at DHS?



Operational Questions (Page 3 of 3)

1. Would we have to designate a contact person or section at EAC for this status?
2. How would any cost imposed by the new status be handled?
3. Would there be new funding for this status?
4. What would the relationship be between EAC and the Sector and Government Coordinating Committees?
5. What adjustments to EAC communications and website would be needed for public display, as well as any restricted information channels for stakeholders?
6. If restricted channels of critical infrastructure communications are set up, how is access handled?
7. Who do stakeholders call with CI questions?
8. Would stakeholders have to sign up for some official status to access the benefits of the new designation?
9. Would the Sector Coordinating Committee be organized by state?
10. Would there be an attempt at regional balance on the SCC?
11. Would SCC membership be balanced by level, such as state versus local election officials?
12. In the event access to grants is increased, is technical assistance available from DHS or EAC?



Technical Questions (Page 1 of 9)

1. In the event of an incident, would we be expected to staff or respond to it?
2. In the event of an incident, who would our stakeholders be expected to call first?
3. How would we handle the meetings and operations of the Sector and Government Coordinating Committees?
4. What would the role of Testing and Certification be in the new environment, given its relevance to cyber security?
5. Given that EAC has a small regulatory role, how is the wall between that function and the protection of Protected Critical Infrastructure Information, or PCII, to be managed?
6. Would EAC need to designate staff or section to handle the physical security side, given we already have a section that handles cyber security?
7. In the event of a jurisdictional conflict over who should handle an issue, such as a public school system that views security of polling held on its sites as solely a school system or Education Sub-Sector issue, are EAC or DHS able to intervene?
8. What guidance can stakeholders expect regarding what risk and threat assessments to use?
9. Can EAC and DHS point stakeholders toward suitable training?



Technical Questions (Page 2 of 9)

1. Can EAC help stakeholders develop partnerships with entities that are eligible for grants that the stakeholders themselves cannot get?
2. Will training and grants specific to the election space be developed?
3. What role will stakeholders have with EAC in developing goals and milestones for CI security?
4. Would any CI discretionary grants be administered for the Sub-sector by EAC?
5. If yes, would the process be substantially different from the usual grant process?
6. Would any paperwork and reporting burden and process for CI discretionary grants administered by EAC be different from the current grants it administers?
7. Would any CI grants administered through EAC be handled by the same office?
8. Is the distinction between cyber and physical security seen in the DHS documents going to create issues during the actual conduct of an election?
9. To what extent would Testing and Certification be using information protected by the PCII exemption from FOIA, regulation and lawsuits?



Technical Questions (Page 3 of 9)

1. How will all stakeholders receive information about threats to their elections systems (voting systems, VRDBs, EPBs, polling places, etc.)?
2. Will EAC T&C receive information about potential threats or risks to systems currently certified or in the process of attaining certification?
3. What impact will this have on our VVSG?
4. What impact does this have on EAC accredited VSTL?
 - A. What additional testing, experience, training will they need to have/conduct?
 - B. What information will be shared with them, so that issues or concerns can be addressed during test campaigns?
5. Who will receive information about threats or attacks on election systems?
6. What information can be made public about the handling of threats or attacks?
7. How can stakeholders maintain transparency in the election administration process without violating rules imposed based on critical infrastructure determination?
8. Is there information shared by election officials currently that they will no longer be able to publicly share?



Technical Questions (Page 4 of 9)

1. How does this designation impact pilot projects for various types of election systems or processes?
2. Who is responsible for offering guidance related to CI on best practices for blank ballot delivery and electronic ballot return process, which is currently outside of the EAC T&C program?
3. Who will develop best practices/guidance related to securing VRDBs and EPBs?
4. Have all stakeholders been identified and is there a plan in place for what information will be communicated to each of those stakeholders? For example, stakeholders = election officials at state, local and federal level (including those with responsibilities/duties to update/implement/use VRDB, election day processes/prep, testing & certification, etc.), election system manufacturers, test laboratories or examiners, USPS, ballot printers, those hosting polling places, etc.
5. How will physical security requirements related to CI impact election offices, polling places, election system equipment storage facilities, election system equipment manufacturing and business facilities, voting system test laboratory facilities, etc.?



Technical Questions (Page 5 of 9)

1. Can a state volunteer to implement the suggestions/requirements without Federal assistance?
2. Would the States that apply for grants have to volunteer for the Federal CI assistance?
3. To what portions of the election process will CI apply?
4. How does the CI designation impact the auditing and validation of results?
5. Will vendors and other partners be defined, designated and/or recommended by DHS?
6. Will vendors be held to the same standards as election jurisdictions?
7. Who determines the stakeholders?



Technical Questions (Page 6 of 9)

1. Who falls within the designation of election officials: State agencies/employees, County agencies/employees, Municipality agencies/employees, Other elected local agencies/employees, and Precinct workers?
2. What is entailed in physical security: Physical security of the voting equipment, Physical security of the ballots, Physical security of ballot transportation, Physical security of the voting locations, and Physical security of the election offices?
3. In order to secure the location and equipment, will there be requirements restricting access to processes that are currently required to be transparent/open to the public, such as Logic and Accuracy Testing, Opening ballots, Sorting ballots, Ballot tabulation, Ballot duplication, Audits, and Recounts?



Technical Questions (Page 7 of 9)

1. Who is a vendor?

Ballot printer

Sample ballot vendors

Ballot pamphlet providers

Election mailer providers

Parties

NGOs

Voting System Manufacturer

COTS providers; and

EAC Registered Manufactures

Electronic ballot delivery systems

Military and overseas voters

Voters with disabilities

Email providers

Fax machine companies

Home computers, printers, & scanners

Voter Registration Database manufacturers

Polling Place lookup systems

Electronic poll book manufacturers, continued



Technical Questions (Page 8 of 9)

Election night reporting manufacturers
Ballot duplication system companies
Adjudication/ballot reconciliation companies
Archival companies
Data backup locations
Ballot delivery companies
 USPS
 UPS
 FedEx
 Other drayage companies
Candidate filing system manufacturers
GIS software providers
Polling place providers
 Churches
 Schools
 Private residences
 Private businesses, continued



Technical Questions (Page 9 of 9)

Other governmental agencies that provide checks and balances against registration?

SSA

Courts

Department/Bureau Motor Vehicles

Local agencies maintaining birth/death records
(County Clerk/Recorder)

