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Robert A. Brehm  
Co-Executive Director

May 11, 2018

Brian Newby, Executive Director  
U.S. Election Assistance Commission  
1335 East-West Highway, Suite 4300  
Silver Spring, MD 20910

Dear Mr. Newby:

The purpose of this letter is to certify that the State of New York will use the funds provided under the Notice of Grant Award, Agreement # NY18101001, for activities consistent with the laws described in Section 906 of HAVA and will not use the funds in a manner that is inconsistent with the requirements of Title III of HAVA.

I further certify that I have reviewed and accept the terms of the award as specified in the Notice of Grant Award. Our UEI number (formerly DUNS) is 617252317 and the signed Certification Regarding Lobbying is enclosed.

New York State is requesting \$19,483,647 at this time. Having worked extensively with federal, state, local and other important partners New York has developed and is implementing a cybersecurity plan to: Assess the risk to State and County election systems; Remediate the vulnerabilities; Monitor ongoing Operations; and Respond to incidents (**ARMOR**). A copy of the plan is attached for your reference.

If you have any questions about this request, please contact Robert Brehm at 518-474-8100 or [robert.brehm@elections.ny.gov](mailto:robert.brehm@elections.ny.gov).

Sincerely,

A handwritten signature in blue ink that reads "Robert A. Brehm". The signature is fluid and cursive.

Robert A. Brehm  
Chief Election Official and Co-Executive Director  
NYS Board of Elections

Cc. Todd Valentine, Co-Executive Director  
Mark Abbott, Director of Payments and Grants

To: US Election Assistance Commission

**Certification Regarding Lobbying**

**Certification for Contracts, Grants, Loans, and Cooperative Agreements**

The undersigned certifies, to the best of his or her knowledge and belief, that: (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement. (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions. (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Robert A. Brehm  
NAME

Chief Election Official and  
Co-Executive Director  
TITLE

New York State  
Board of Elections  
ORGANIZATION

  
SIGNATURE

Date: May 11, 2018

ii) Recipient integrity and performance matters. If the total Federal share of the Federal award may include more than \$500,000 over the period of performance, the Federal awarding agency must include the term and condition available in Appendix XII—Award Term and Condition for Recipient Integrity and Performance Matters. See also 2 C.F.R. §200.113 Mandatory disclosures.



18-07

**New York State Board of Elections  
APPROVED RESOLUTION – May 3, 2018**

**RESOLUTION APPROVING THE CYBERSECURITY PLAN PURSUANT TO THE  
SFY 2018-19 BUDGET.**

**WHEREAS** the New York State Board of Elections (State Board) has been closely monitoring the ever-growing threat posed to information and elections systems by nation-states, terrorist organizations and independent criminal actors; and

**WHEREAS** the State Board has been working extensively with federal, state, local and other important partners (the Elections Assistance Commission (EAC), the federal General Services Administration (GSA), the federal Department of Homeland Security (DHS), the Federal Bureau of Investigation (FBI), the Center for Internet Security (CIS), the Multi-State Information Sharing and Analysis Center (MS-ISAC), the Elections Infrastructure Information Sharing and Analysis Center (EI-ISAC), NYS Office for Information Technology Services (OITS), Governor’s Cybersecurity Advisory Board (CSAB), the Belfer Center for Science and International Affairs at Harvard University, and the University at Albany’s Center for Technology in Government (CTG)) to develop a comprehensive plan to ensure the security of New York State’s elections infrastructure; and

**WHEREAS** the SFY 2018-19 budget allocates \$5 million dollars for “services and expenses related to securing election infrastructure from cyber-related threats including, but not limited to the creation of an election support center, development of an elections cybersecurity support toolkit, and providing cyber risk vulnerability assessments and support for local board of elections(;)” and

**WHEREAS**, per the SFY 2018-19 budget, expenditures of such funds shall be approved by a vote of the State Board of Elections Commissioners pursuant to subdivision 4 of section 3-100 of the election law;

**WHEREAS** the State Board staff through their work with the federal, state, local, and other partners mentioned above, have drafted an allocation plan.

**WHEREAS** the State Board staff has been leveraging existing Federal and State resources, such as attending the Belfer Center of Science and International Affairs Cybersecurity Tabletop Exercise “Train the Trainer” program; and

**WHEREAS** the State Board staff has partnered with the federal Department of Homeland Security both have an internal risk assessment conducted and to execute six regional cybersecurity table top exercises across New York State; and

**WHEREAS** the State Board has been leveraging existing technological and security resources by partnering with the federal Department of Homeland Security, MS-ISAC and EI-ISAC; and

**WHEREAS**, the federal Elections Administration Commission (EAC) has allocated New York State \$19,483,647 (19.5 M) dollars subject to a State 5% match of cybersecurity related funds;

**WHEREAS**, the \$5 million dollar State cybersecurity funds will be leveraged to meet the federal 5% match requirement to secure federal Cybersecurity grant funding;

**NOW THEREFORE BE IT RESOLVED** the state cybersecurity plan, attached hereto, is hereby approved and the State Board of Elections is authorized to implement such plan;

**NOW THEREFORE BE IT FURTHER RESOLVED** that the State Board staff is authorized to expend up to \$1.25 million in State cybersecurity funds in the implementation of the state cybersecurity plan; and

**NOW THEREFORE BE IT FURTHER RESOLVED** that the State Board staff is authorized to expend federal HAVA cybersecurity funds at a limit to not exceed \$5 million dollars in the implementation of the state cybersecurity plan.

**Approved May 3, 2018  
VOTE 4-0**

# **New York State Board of Elections Cybersecurity Plan**

The New York State Board of Elections (NYSBOE) has been closely monitoring the ever-growing threat posed to information and elections systems by nation-states, terrorist organizations and independent criminal actors.

## **Collaboration and Consultation**

NYSBOE has been working extensively with federal, state, local and other important partners (the Elections Assistance Commission (EAC), the federal General Services Administration (GSA), the federal Department of Homeland Security (DHS), the Federal Bureau of Investigation (FBI), the Center for Internet Security (CIS), the Multi-State Information Sharing and Analysis Center (MS-ISAC), the Elections Infrastructure Information Sharing and Analysis Center (EI-ISAC), NYS Office for Information Technology Services (OITS), Governor's Cybersecurity Advisory Board (CSAB), the Belfer Center for Science and International Affairs at Harvard University, and the University at Albany's Center for Technology in Government (CTG)) to develop a comprehensive plan to ensure the security of New York State's elections infrastructure.

## **Funding (See Attachment A)**

State funds are coming from the SFY 2018-19 executive budget which allocates \$5 million dollars<sup>1</sup> for "services and expenses related to securing election infrastructure from cyber-related threats including, but not limited to the creation of an election support center, development of an elections cybersecurity support toolkit, and providing cyber risk vulnerability assessments and support for local board of elections." In addition, federal funding is available through the 2018 HAVA (Help America Vote Act) Election Security Grant allocates \$19,483,647 dollars to the State of New York "to improve the administration of elections for Federal office, including to enhance election technology and make security improvements."<sup>2</sup> In order to be eligible for newly allocated federal cybersecurity funds, the State must provide a 5% match. The \$5M State funding would meet the match requirements. NYSBOE is confident that the current State HAVA plan would not require any update to accept additional federal funding.

## **The Plan**

Our comprehensive allocation plan is to:

- Assess the risk to the State and County election systems;**
- Remediate the vulnerabilities;**
- Monitor ongoing Operations; and**
- Respond to incidents.**

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<sup>1</sup> State Operations Budget Bill (S7500-A / A9500-A) 2018-19, page 130.

<sup>2</sup> 2018 Help America Vote Act Elections Security Grants Award Packet, April 17, 2018, page 1.

# **New York State Board of Elections Cybersecurity Plan**

## **Assess the Risk**

### **Comprehensive Risk Assessment for the New York State Board of Elections**

The New York State Board of Elections has entered into a partnership with the federal Department of Homeland Security to have a free comprehensive Risk and Vulnerability Assessment conducted on the State's elections infrastructure. This one-on-one engagement will combine national level threat and vulnerability information with data collected and discovered through the assessment from which DHS will provide NYSBOE with specific risk analysis reports and strategic remediation recommendations prioritized by risk.

### **Comprehensive Risk Assessment for all County Board of Elections**

NYSBOE will contract for professional services to conduct a comprehensive, uniform and verified risk assessment at every County Board of Elections (CBOE). NYSBOE has already conducted a CBOE elections risk survey to gain an understanding of the security posture of each county board. County Boards are responsible for procuring, inventorying, securing and training staff on elections infrastructure and technologies. A uniform and verified third party risk assessment is critical in ascertaining a security baseline for our statewide elections infrastructure.

## **Remediate Vulnerabilities**

### **NYSBOE Remediation**

NYSBOE has identified several areas of remediation to implement concurrently with the risk assessment.

### **County Board Remediation**

CBOE Risk Assessment findings will identify any potential vulnerabilities in the New York State's elections system and infrastructure. Vulnerabilities will need immediate remediation to ensure the security of our systems and a secure architecture of CBOEs. The Secure Elections Center would receive, analyze and evaluate, and set priorities to address identified vulnerabilities.

## **Monitor Operations**

### **Cybersecurity Regulation**

As part of monitoring ongoing operations, NYSBOE will develop, implement and evaluate a comprehensive cybersecurity regulation designed to set uniform regulatory standards. To do this, NYSBOE will procure information advisory services to assist in the development of cybersecurity regulations, setting standards for the state and county boards to monitor their ongoing cybersecurity. The regulation will be designed to promote the protection of election systems while not being overly prescriptive so that cybersecurity programs can match relevant risks and keep pace with technological advances. NYSBOE has started this process and has engaged and collaborated with relevant state partners.

# **New York State Board of Elections Cybersecurity Plan**

## **Creation of a NYSBOE Secure Elections Center**

The NYSBOE Secure Elections Center is tasked with assisting all Counties with the formulation, implementation and evaluation of security measures, regulations and policies relative to elections infrastructure. The Center is responsible for collecting, reviewing, consulting and evaluating all elections security policies and regulations and ensure continuity of election administration and operations. The Secure Elections Center would work closely with the existing executive management of the Board and report directly to the Chief Information Officer. The Secure Elections Center would require the addition of the following: one (1) NYSBOE Elections Chief Information Security Officer (CISO) to oversee the State Board's cybersecurity policy, patching, internal log review, incident management, security software management and to oversee the county liaison program; one (1) IT Specialist 3 to support security of NYSVOTER, the state voter registration list; two (2) Election Security Specialists to provide assistance and coordinate the delivery of services of the Center to the County Boards. one (1) Elections Security Clerk to manage the Secure Elections Center help desk function and assist with routine questions, coordination, monitoring and logging of activity; one (1) Website Secure Access Specialist to manage the Board's website and ensure the accessibility of documents; one (1) Senior Assistant for Elections Continuity to focus on risk assessment and mitigation strategies as part of the evaluation of election systems technology; and two (2) Elections Security Specialists to act as liaisons and coordinate with CBOEs relative to policy implementation, improved audits of election results, risk analysis coordination and connection support.

## **Network Monitoring at CBOEs**

Federal, State and other stakeholders (EAC, CSAB and EI/MS-ISAC) recommend that network monitoring be immediately implemented at each County Board of Elections, if not already in place. Monitoring, Distributed Denial of Service (DDOS) protection and site scanning will provide a baseline of security for elections systems and infrastructure. County Board of Elections infrastructure may be networked with County infrastructure which increases the scope and cost of network monitoring. The State Board plans to provide interim monitoring services to CBOEs through December 2020.

## **County Cybersecurity Training and Toolkit**

The NYSBOE will develop a series of training tools for CBOEs, based on recognized industry standards, in relation to cyber hygiene best practices, access management protocols and recommendations for incident handling. Comprehensive cybersecurity training will be provided to all CBOEs on a continuous basis. This is required to ensure a consistent level of cyber hygiene and combat vulnerabilities raised by staff turnover as well as to stay current with the latest trends and developments in cybersecurity.

## **Respond to Incidents**

NYSBOE will establish the Secure Elections Center to increase the cybersecurity of the State and County Boards of Elections. The Center's focus on training and preparedness will prevent some incidents from occurring. The Center will also develop a comprehensive incident response plan for the State and County Boards to triage, coordinate and respond to cyber incidents. The incident response plan requires:

## **New York State Board of Elections Cybersecurity Plan**

- personnel to staff and respond to cyber incidents;
- technology to facilitate the intake, coordination and tracking response to cyber incidents;
- the development of a comprehensive cyber incident plan which includes the review and updating of State and County Board of Elections current emergency security and response plans; and
- procedures for incident identification, containment, eradication, recovery and post-response assessment will be fully developed.

NYSBOE will conduct a series of regional tabletop exercises in conjunction with the US Department of Homeland Security, NY State Police, the FBI and County Boards of Elections to discuss hypothetical cyber events that may impact a Board's ability to administer an election. These exercises are used to identify additional mitigation strategies, preparedness needs and enhance collaboration between stakeholders.