Elections As Critical Infrastructure

Standards Board

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Critical Infrastructure – Where did it come from?

Critical Infrastructure:

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

Elections As Critical Infrastructure:

• DHS designated Elections to be part of the Nation’s Critical Infrastructure on January 6, 2017
  – Secretary Jeh Johnson signed the order
Elections as Critical Infrastructure is a distinction that requires definition. Questions can be categorized into three aspects:

**Structural**

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

**Operational**

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

**Technical**

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

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

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

- **Sector**: a distinctive group of entities that are cohesive in purpose
  - Here: Elections

- **Sector Specific Plan**: the document that establishes and governs the sector and the information sharing protocols within it

- **Sector Specific Agency (SSA)**: the federally agency charged with crafting and administering the sector specific plan.
  - Typically DHS. When a subsector is created often DHS and another agency

- **Coordinating Council**: a group of people and entities, both private and public sector, that help communicate stakeholder perspectives, information, and interests to the SSA.
This is the sector to which Elections have been assigned.

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

- Currently contains two subsectors:
  - Education Facilities
  - Monuments and Icons
The EAC and DHS

• Started working together before the election
  – To help DHS understand elections
  – To communicate security information to election officials and administrators
  – To help DHS understand election administrators’ feedback and represent them

• Has continued working together to represent election administrators in the critical infrastructure process
  – Acted as the federal agency helping DHS understand what will and will not help election administrators
  – Acting as a microphone for election officials and administrators to ask questions and get answers about critical infrastructure
The Process

1. DHS declares a sector to be critical infrastructure
2. The SSA crafts the sector specific plan
3. The Sector creates its coordinating counsels
4. The SSA and the coordinating counsels work to establish an information sharing network

Sector Entities Get Priority Access to DHS Resources

EAC Starts Producing Critical Infrastructure Tools and Resources
Current EAC Efforts

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

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

The EAC’s perspective moving forward:

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

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

  • Tool kits
  • Guidance Documents
  • Presentations
  • Regular Updates

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