

10/26/04 - Remarks By George W. Foresman On Security Issues Related To The November Election

Remarks By George W. Foresman

Governor's Assistant for Commonwealth Preparedness, Commonwealth of Virginia

Before the United States U.S. Election Assistance Commission

October 26, 2004

Mr. Chairman and members of the U.S. Election Assistance Commission thank you for the opportunity to spend a few minutes with you this morning to discuss security issues as they relate to the upcoming national election.

I am privileged to serve as the Assistant for Commonwealth Preparedness for Virginia Governor Mark Warner. As you may know Governor Warner is current Chair of the National Governors' Association. I am joined this morning by representatives of the National Association of Secretaries of State one of the partners in the state led initiative on election security discussions.

This Summer, it became apparent to us in Virginia and others around the nation that balancing the goals of the electoral process and securing our communities and states required in-depth thought provoking discussion in advance. It was not something that the federal government could or should lead for the states. Just as conducting the electoral process is primarily the province of local and state officials so should be the discussions about security. This does not imply there is not a federal role. It simply means that states should take the lead and coordinate as appropriate with our federal partners.

With the blessing and at the suggestion of Governor Warner we reached out this summer to partner state organizations – the National Governors' Association, National Association of Secretaries of State, Council of State Governments, National Association of State Election Directors and the National Association of Emergency Managers to initiate discussions about how to better ensure that all states were working in a manner that would help them achieve balance in addressing security for the electoral process within the context of the publicly stated concerns about the threat of terrorism. The initial discussions underscored what we already knew. This election will be a sensitive political issue and that may be an understatement.

To the credit of these groups they all saw the value of a coordinated planning process and they also understood that it must transcend politics and be focused on the values of good governance. A secure homeland must support our core national values and not weaken them. With the assistance of elections officials, homeland security, emergency management and public safety representatives from Maryland, New Jersey, Utah, Colorado, Mississippi, New Mexico and Virginia we discussed the issues at length. The

end result was the staff development of planning guidance that all states could use to guide their discussions about what factors should, as a responsible course of action, be considered in the terms of the nexus between the electoral process and security of the homeland.

The guidance development process reinforced that the vast majority of state and local election officials have developed solid plans for the full spectrum of contingencies affecting the electoral process. And as one might expect local and state law enforcement, homeland security, emergency management and other public safety officials have solid plans for the full spectrum of potential contingencies that they might respond to. These plans, however, have not always been coordinated or shared among all players – election officials and public safety agencies.

There were several assumptions that served as primary influences in the work of the group.

First, the election must occur as planned. It has never been a matter of if it would happen but rather what issues needed to be discussed ahead of time to ensure the election can proceed under a variety of scenarios.

Second, efforts taken by local and state officials should in no way directly or indirectly – either by statements or the public's perceptions of actions -- impede the confidence or ability of registered voters to freely cast their ballots.

Third, all states are unique in the manner and processes by which they conduct elections. This effort has always focused on preserving each state's unique attributes while attempting to place a consistent level of transparency on discussions about addressing security issues.

Fourth, state and local officials needed to develop and maintain close coordination and communication among all key officials – elections, homeland security, public safety including law enforcement, legal counsels etc. The time to begin discussions was not in the hours or days in advance of the election when one might be constrained by time and tension.

Finally, because of the unpredictable nature of the threat, consideration was needed of scenarios that included a continuation of the current vague threat environment, the possibility of increases in the national threat level and possibly events in advance of or on Election Day.

An unintended but welcome collateral benefit to this effort has been the wide- ranging discussion by scholars and others in the press during the past several weeks about the issues surrounding the electoral process and security concerns. This has helped inform officials at all levels about the full scope of legitimate considerations that must be addressed during the planning process.

I have no state-by-state analysis to provide to you about progress of coordination and discussions in each state. I can offer you some anecdotal evidence to suggest, however, that the effort has done as it was intended. One of the more populous states and one of the least populous states used the guidance as a mechanism – a neutral tool so to speak -- to bring the breadth of key officials to the table for a series of discussions. In both cases they identified a number of planned but uncoordinated actions that would have possibly resulted in conflict near or on Election Day. These have now been resolved.

The states are working to provide adequate security measures that will not intimidate voters. For example, poll workers in some states will have a readily available phone list that includes contact information for police and other security officials should the need arise. In other areas, poll workers have been better trained and will be positioned to watch for potential problems. Plain-clothed police officers will be stationed in and around polling places in one Western state, while unmarked cars patrol the area. Chief state election officials across the country have told us that they will consult with their state homeland security officials and will use traditional security approaches for poll security. It is fair to say, however, under the current situation you are not likely to see major additions of visible armed security at polling places where that has not been the norm in the past. There will of course be some exceptions.

Two weeks ago, at the request of our working group, the Department of Homeland Security hosted a “Sensitive But Unclassified” threat briefing for all states including homeland security, elections, law enforcement and any other officials that have a role in conducting or protecting the electoral process. It was a good briefing and in my estimation was balanced and absent rhetoric. It is important that decision makers have direct access to information to support their individual and collective deliberations. At the end of the day, the decisions made locally and at the state levels must be based on facts and not simply reaction to the reaction of others. We have been assured that if the current risk environment changes normal channels will be used to communicate that change to state and local officials. I am much more confident today than a month ago that election officials will be among the first to receive any updates.

Our own analysis in Virginia tells us that the traditional approaches to Election Day security when combined with the added blanket of community wide security that has been layered on since 9-11 represents the right benchmark for determining security measures. We believe the traditional approach balances the goals for open and free elections while addressing the full spectrum of risks that have and should be considered in any election -- past or future. If the current environment changes we will have to adjust. I am confident that any adjustments will have been well analyzed and will continue to preserve the right balance between both goals previously discussed.

None of us can escape the charged environment that we now find ourselves in - in the midst of today. I personally believe that those responsible for fulfilling the requirements of the electoral process along with those responsible for the security of the homeland – irrespective of their discipline – remain committed to their individual goals and are today placing finishing touches on uniting those individual goals into a singular shared goal.

We are indeed better prepared than we would have been if the discussions had not occurred.

Homeland security in the context of the electoral process is not simply about gates, guards and guns. It is about balance. It is the balance of securing the nation – but not at the cost of individual liberties or our uniquely American way of life. I think we are well in line to achieve the balance.

In closing let me offer several comments about the nexus between homeland security and the electoral process. There has been much concern expressed about either over or under reaction. We must be reminded that our initial national reactive approach immediately after the 2001 attacks has been transformed into a deliberate and proactive decision-making. Leaders are much better equipped today to make well informed and balanced decisions in the current environment, including with regard to election security.

We also should not underestimate or under-value the increased awareness of all Americans to the wide range of risks that confront the nation, including terrorism. When coupled with our daily executed public sector capabilities to address crisis of any magnitude – whether a crime or fire affecting a few or a natural disaster affecting many – both the awareness and our proven existing capabilities represent added security for communities. This added security supports the electoral process by extension and probably negates the need for major adjustments on Election Day under the current threat environment.

The message is direct. Registered voters should plan to go to the polls and rest assured that there are thousands of men and women working to make that experience both possible and safe.

I am happy with my colleagues from NASS to address any questions. Thank-you.