

Committee on House Administration
2022 Midterms Look Back Series:
Government Voter Suppression in Luzerne County, Pennsylvania

Testimony: United States Election Assistance Commission (EAC)
Donald Palmer, Commissioner

March 28, 2023

Chairman Steil, Ranking Member Morelle, and members of the Committee, I appreciate the opportunity to appear before you today to address the ongoing work of the U.S. Election Assistance Commission (EAC) as part of your series on the 2022 midterms. Today, I would like to discuss the role of the EAC's testing and certification program in protecting the integrity of voting equipment and materials recently used during the general election in Luzerne County, Pennsylvania. Our testing and certification program was successfully administered in the 2022 midterms and will continue to be instrumental as we support the states and help election officials prepare for the 2024 elections.

Election integrity and cybersecurity of our election systems play a vital role in our national security. Every lawfully cast vote counts, and I share your concern for these issues. Thank you for conducting this hearing.

In order to provide background into the issues impacting the recent midterms in Luzerne County, I would like to discuss the role of the EAC's Testing and Certification Division. Guided by the Help America Vote Act of 2002 (HAVA), this program continues to ensure the security, accessibility, and accuracy of voting equipment which helps strengthen America's confidence in elections. Toward this goal, the Commission made considerable progress by fully implementing the [Voluntary Voting System Guidelines \(VVSG\) 2.0](#) in 2022. This was made possible by the ongoing support of Congress, the dedication of EAC staff, industry experts, election officials, and the diligence of our Testing and Certification Division. The new VVSG 2.0 incorporates technology advancements in cybersecurity, accuracy, accessibility, usability, and auditability.

In April 2022, the EAC approved the VVSG Lifecycle Policy, which facilitates migration to new standards and establishes a prescribed schedule for periodic review of the federal standards going forward. This progress, along with the accreditation of two Voting System Test Laboratories (VSTL) in late 2022, are critical steps toward the realization of voting systems that are VVSG 2.0 tested and certified. The EAC has already received an application for one system to be tested with VVSG 2.0.

In 2023, the EAC is advancing our testing and certification efforts in several areas. Most recently, the agency is working to launch an innovative Field Services Program to help election officials strengthen their overall posture and preparedness. This endeavor will bring EAC staff on-site to work with local officials on the quality monitoring of election systems.

The new program will help in several ways. First, implementation of field system reviews will ensure that the equipment delivered to jurisdictions corresponds to the procurement orders. The effort will also analyze the system hardware and software configurations to verify equivalency of the equipment to EAC certifications. In addition, our Field Services outreach work will include jurisdiction site surveys of voting systems, best practices assessments, collection of system census information, and analysis of anomaly reports. When fully staffed, the program will have six EAC program experts located across the country. We recently onboarded the Field Services Program manager and look forward to building out this initiative.

Another effort of note is our pilot program to evaluate election-supporting technology systems, which is currently in progress. The EAC is also looking at areas of research in coordination with the National Institute of Standards and Technology (NIST) for the use of end-to-end verifiable (E2E) protocols in voting systems. In addition, the EAC is working on modernizing access to certified voting machine information.

Regarding the issues that occurred in Luzerne County, Pennsylvania, the EAC-certified configuration utilized by the county requires the use of ballot paper that is specified by the manufacturer and tested within the EAC's program. Approved ballot paper stock information for the Dominion Democracy Suite 5.5-A system used in Luzerne County is contained in the technical data package for the system and specifies paper manufacturer, type, weight, and color/finish. Although election officials must occasionally make difficult ballot supply decisions in a natural disaster or interruption of supply, we encourage employing other means to the extent possible, such as appropriate planning and procuring a sufficient supply of machine-appropriate paper and using provisional ballots when necessary.

EAC-accredited VSTLs conduct compliance testing using a range of paper weights, sizes, and finishes which are all within the manufacturer specifications. To be certified, all tested systems must adhere to the VVSG accuracy and reliability performance standards.

The apparent decision to use an alternative to the specified paper stock was possibly necessitated by an unacceptable situation on the ground, and we at the EAC stand ready to help. While guidelines and election law pertaining to paper ballot ordering are determined at the state level, there are areas where we can provide guidance moving forward, particularly in the event of an emergency. In addition, states may use HAVA election security grant funding for procuring ballot stock that has security features such as watermarks or unique ballot identifiers. We recently issued [guidance](#) on this matter.

It should be noted that the EAC has closely monitored the paper stock issue and released [an alert](#) in the summer of 2022 pertaining to the nationwide paper shortage. The notice included guidance on how to plan for depletions of ballot inventory on Election Day. The EAC also hosted and participated in roundtable discussions regarding ballot paper shortage risks and worked with the Election Infrastructure Subsector Coordinating Council to create additional guidance regarding this issue. All of the resources related to supply chain risks can be found on the [EAC website](#), which is regularly updated. The EAC is also launching a portal that will facilitate communication among election officials that can be used to connect jurisdictions that are close by, have similar voting systems, and can potentially share excess ballot stock in the event of a shortage.

Occasionally there will be an election where a locality or a precinct will run out of ballots for voters. This is an extremely unfortunate and avoidable situation. The ability to offer a ballot to a voter is fundamental to any free and fair election. Every election official I meet is dedicated to facilitating the right to vote for their citizens. Unfortunately, mistakes and miscalculations periodically occur and need to be remedied.

The EAC pays close attention to all input from jurisdictions across the U.S. and did not receive reports of equipment malfunctions related to paper stock during the 2022 midterm election. Furthermore, there were no issues concerning paper weight reported during certification testing for the system used in Luzerne County. Additional details on the system's certification and any discrepancies found during testing are available on the EAC's website:

- [Dominion Democracy Suite 5.5-A Certification Documentation](#)
- [Dominion Democracy Suite 5.5-A Discrepancy Report](#)

There are potential strategies that can be undertaken at the EAC to help address these types of problems and uphold each citizen's right to cast their ballot and have it accurately counted. We have carefully reviewed this matter and would like to offer action items in support of election officials who need our assistance.

To specifically address the VVSG 2.0 guidelines regarding paper stock used in voting systems, an update would be necessary to require detection mechanisms for ballot paper specifications. The EAC will work through the HAVA-mandated process to carefully consider standards relating to these issues in a future revision of the VVSG. As part of the VVSG Lifecycle Policy, we are currently accepting public comments on [Regulations.gov](https://www.regulations.gov) through June 7th for proposed changes to the VVSG as part of the annual standards review process. The EAC is happy to add any input members of the committee may wish to provide and welcome your input on these matters.

The EAC's Clearinghouse division also produces additional resources that may serve to better inform election officials facing supply issues or best practices to prepare for election day to ensure adequate supply of paper ballots. Staffed by former election officials and subject matter experts, the Clearinghouse division continues to publish numerous best practices and resources. These range from best practices on list maintenance to resources on physical security threats against election officials to overall guidance in conducting elections.

To that end, EAC recently released a comprehensive set of modernized [Election Management Guidelines \(EMG\)](#). This resource assists local and state election officials in administering elections. The updated version covers 19 chapters on topics such as voting system certification, system security, accessibility, ballot building, absentee voting, and recounts. Across the election landscape, physical security, cybersecurity, and continuity of operations have become essential components of national security. The EMG represents a fitting addition to EAC's growing library of resources, which will assist in 2023 and beyond.

In November 2024, citizens of the United States will administer and take part in the nation's sixtieth presidential election. Our preparations are already well underway. Election officials, voting system manufacturers, and voters have a trusted partner in the EAC. Together, we must work to improve elections at all levels of government and ensure that issues like those that occurred in Luzerne County do not happen again.

Thank you for your continued support of the EAC and your unwavering commitment to election administrators, poll workers, and our nation's public servants. We look forward to working closely with you on these and other important matters. I would be pleased to address any questions you may have.