

**U.S. Senate Committee on Homeland Security and Governmental Affairs
Examining Irregularities in the 2020 Election**

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United States Election Assistance Commission (EAC)
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Good morning Chairman Johnson and members of the committee. I'm thankful for the opportunity to testify before you this morning on the 2020 general election and the efforts of the United States Election Assistance Commission (EAC) to secure the nation's voting systems. Election officials, the Commissioners, and staff at the EAC have a duty to ensure the accuracy and integrity of the voting systems used throughout our nation. Our mission is to support the chief election officials, directors of elections, and administrators in all localities across the country.

As the only federal agency completely dedicated to election administration, the EAC is charged with facilitating secure, accurate, lawful, and accessible elections. As prescribed by the Commission's enabling legislation, the Help America Vote Act of 2002 (HAVA), the EAC is focused on assisting state and local election officials across the United States. We are a bipartisan agency that recognizes that the authority of states to conduct federal elections is a cornerstone of our representative democracy.

The 2020 general election has underscored the vital importance of comprehensive oversight of voting technology and the companies who manufacture these systems – that oversight is an overlapping process of voluntary federal standards, state certification or approval, and local logic and accuracy testing prior to each election.

We work to bolster confidence in democracy by adopting voluntary voting system guidelines, testing voting systems, accrediting test laboratories, and serving as a national clearinghouse of information on election administration. The EAC aspires to do more. Adequate funding is necessary to safeguard the integrity of our nation's elections and instill public confidence in election outcomes.

Let me be clear, the EAC has confidence in the voting systems we certify and in the state and local election administrators who ran the 2020 election; first and foremost, due to the process voting system manufacturers must undergo to receive federal certification.

Before voting machines and election management systems are used in elections, the systems undergo rigorous hardware and software testing by laboratories accredited by the EAC and the National Institute of Standards and Technology (NIST). There are currently two accredited voting system test laboratories: Pro V&V and SLI.

The testing encompasses security, accuracy, functionality, accessibility, usability, and privacy based on requirements in the EAC's voluntary standards. The full testing cycle, from test plan creation to final determination of a system's suitability for federal certification, is managed by

the EAC's Testing and Certification program, and closely monitored for adherence to all applicable standards.

Currently, the EAC's quality monitoring program includes auditing voting system test laboratories and manufacturing facilities, conducting field reviews of EAC-certified voting systems, and gathering information on voting system anomalies on EAC-certified voting systems. I strongly support additional auditing, field reviews, and resolutions of any anomalies discovered.

To apply for EAC certification of a voting system, a company must first apply to register with the agency as a registered manufacturer. Registration requires manufacturers to provide details on their ownership structure, names of officers and/or members of the board of directors and any individual or organization with a controlling interest in the company.

Additionally, a list of all manufacturing and/or assembly facilities used by the manufacturer and the name and contact information of a person at each facility responsible for quality management must be provided.

Finally, a set of technical and management contacts must be provided with the application. Technical and program staff working in the Testing and Certification program office review the application for correctness and sufficiency before a decision is reached regarding a company's application to the program. When any information on the application for registration changes, manufacturers are required to submit an updated application within 30 days.

There are currently eight active manufacturers registered with the EAC's Testing and Certification program. Please note, it is not a requirement to be an EAC registered manufacturer to develop and sell voting systems to election jurisdictions in the United States. Joining the program requires that manufacturers voluntarily agree to the program's requirements as outlined in the EAC's Testing and Certification program manual.

Requirements include complying with EAC inquiries and investigations into the usage and status of fielded EAC-certified voting systems. Under our quality monitoring program, these investigations may arise due to technical failures experienced in the field by election administrators, misrepresentations made in regard to the certification status of a voting system, and deviations in quality in regard to systems submitted to testing versus what is actually being fielded.

In 2020, the EAC Testing and Certification program conducted investigations into voting systems deployed in various jurisdictions. The investigations sought information about the alleged use of uncertified firmware, factual inaccuracies in marketing materials, and improper installation of firmware in certified systems.

The EAC staffed an Election Day war room to gather information from registered manufacturers on issues reported by media or election officials. Five of the eight manufacturers participated in these calls (Dominion, ES&S, Hart InterCivic, MicroVote, and Smartmatic). Additionally, the program is following up with election officials and voting system manufacturers to obtain

information on claims of irregularities reported in the media during the general election. This effort is ongoing.

Jurisdictions across the United States perform a series of tests, including logic and accuracy testing, prior to operating voting machines in polling places. The EAC supports these efforts through technical assistance, grant initiatives, and best practices. Election officials conduct post-election audits to verify the completeness and accuracy of tabulated votes. These audits also help ensure voting equipment is functioning properly. The EAC provides resources and direct assistance to jurisdictions looking to improve their auditing capabilities. We aim to expand our current efforts to provide a comprehensive election audit program. In the future, the EAC would like to formalize its election audit program that would assist election administrators with conducting pre-election and post-election audits, compliance audits (e.g., ADA and security), and developing best-practice guides and white papers.

As we work to support election officials and voters, the EAC recognizes the need to do more than ever to strengthen confidence in the integrity of our elections. Through its clearinghouse mission, the EAC seeks to combat misinformation and disinformation by providing a centralized, trusted source of election administration resources for election officials and voters alike. The EAC seeks to improve voter-facing information on our website and engage in extensive campaigns to combat disinformation.

While we have increased protection of our voting systems, we are very concerned with the vulnerability of other election systems that have access to the internet. We also seek to bolster these election defenses for states through the review and testing of non-voting election systems including voter registration systems, electronic poll books, and election night reporting. The EAC has already undertaken a pilot in partnership with the Center for Internet Security (CIS) to develop an evaluation program for this technology. Continuation of the program will improve risk mitigation of vulnerabilities, usability, and accessibility assessments for all types of non-voting election technology. The program would emphasize disclosure of information to states and localities to better inform their acquisition decisions.

HAVA set forth an ambitious agenda for the EAC, one rooted in protecting the very foundation of our nation's democracy. Despite very real challenges in recent years, the EAC has faithfully fulfilled its obligations and even expanded the support it provides to election administrators and voters. We look forward to working with Congress as we continue our efforts to help America vote. I am happy to answer any questions you may have following today's testimony.