

## **Securing 2024**

### **Defending US Elections through Investment and Reform**



**13 Policy Recommendations for Federal and State** Lawmakers to Meet 2024 Administrative Challenges

> David Levine and Gideon Cohn-Postar March 27, 2023

### About the Alliance for Securing Democracy at GMF

The Alliance for Securing Democracy (ASD) at the German Marshall Fund of the United States (GMF) is a nonpartisan initiative that develops comprehensive strategies to deter, defend against, and raise the costs on autocratic efforts to undermine and interfere in democratic institutions. ASD has staff in Washington, DC, and Brussels, bringing together experts on disinformation, malign finance, emerging technologies, elections integrity, economic coercion, and cybersecurity, as well as Russia, China, and the Middle East, to collaborate across traditional stovepipes and develop cross-cutting frameworks.

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### **About Issue One**

Issue One is the leading crosspartisan political reform group in Washington, DC. We unite Republicans, Democrats, and independents in the movement to fix our broken political system and build a democracy that works for everyone. Issue One educates the public and works to pass legislation on Capitol Hill to increase transparency, strengthen ethics and accountability, reduce the corrosive influence of big money in politics, and bolster U.S. elections.

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## Introduction

As a result of the 2020 and 2022 federal elections, the job of administering elections has dramatically changed in the United States, and the demands on the dedicated officials that run our elections have also increased. The people who run US elections are still largely living in the world that the 2020 elections made—a world shaped by conspiracy theories, threats, and attacks on the people and processes that guarantee election integrity.

The <u>2022 midterms</u> were free and fair. And, due in part to election officials' dedication to public communication and transparency, trust in the administration of elections <u>is higher now</u> than it was following the 2020 general election. Policymakers at the local, state, and federal levels should seize this moment and take action to protect our election infrastructure against new threats from autocratic actors, and they should make commonsense changes to strengthen our elections and improve the voter experience. This report presents 13 specific recommendations for election security reforms responsive to the current threat environment that can be advanced at both the federal and state level.

### **The Current Threat Environment**

The 2022 midterms went surprisingly well in many respects. Thanks in part to the work of election officials and their partners, the midterms were not only administered in a free and fair manner but perceived as such across the political spectrum. The vast majority of the candidates who lost, including those who said they would not have certified the 2020 presidential election or were <u>election deniers</u> vying for positions that would have overseen future elections, also <u>conceded</u> in a clear, timely manner.

However, a relatively quiet 2022 does not mean we can assume the same in 2024. The United States must take steps to ensure that this diverse array of potential threats—including ongoing cyber threats from foreign adversaries like China, Russia, and Iran—does not derail future votes. Congress recently took an important first step by <u>updating the Electoral Count Act</u>, closing a loophole governing how Congress counts electoral votes in presidential elections. But, while it is now harder for Congress or rogue state officials to overturn legitimate election results, more action is needed to secure our democracy.

The threat posed by false narratives about election administration and election denialism <u>has not</u> completely vanished—<u>far from it</u>. During the midterms, bad actors questioned voters' eligibility <u>using flawed methods</u>, <u>intimidated voters</u> at ballot drop boxes, and threatened to disrupt <u>vote counting efforts</u>. Election disinformation <u>escalated</u> as some <u>well-funded</u> candidates for secretary of state focused an increasing percentage of their social media posts on false election narratives as Election Day approached. Threats targeting election officials <u>increased</u>. Local officials in <u>Arizona, Nevada, and Pennsylvania</u> attempted to stop the certification of election results on little more than conjecture. And some of the election deniers who did win office have already begun <u>to undermine</u> long-standing election administration processes based on <u>conspiracy theories</u>. All of these actions further erode trust in US elections and democracy.

### **Overview**

This report outlines additional steps that Congress and state legislatures can take to mitigate existing electoral vulnerabilities and prevent threats from undermining future elections. Federal laws to protect election workers, for example, are urgently needed and are clearly the role of Congress. At the same time, states should lead by passing needed protections and playing their historic role as laboratories of innovative democracy. The laws recently passed at the state level that improve protections, expand funding, and increase penalties for those who

threaten election workers serve as demonstrations of these programs' effectiveness that will hopefully build support for federal action.

Nearly all the recommendations in this report connect to the persistent lack of sufficient federal funding for local and state election administration. Our election infrastructure is chronically underfunded, forcing creative election officials to scramble every year to run safe, smooth, and secure elections. Ensuring robust annual appropriations for election funding is a critical step to help state and local election officials meet basic modernization, staffing, and security needs, as well as implement many of the other reforms listed below. Chris Krebs, the former director of the Cybersecurity and Infrastructure Security Agency (CISA), <u>explained</u> to the Senate Committee on Homeland Security and Governmental Affairs in December 2020 the central role that federal funding plays in securing US elections: Although election officials "had the will" to tackle security challenges, he stated, they "lacked the resources to replace aging or out-of-date systems and hardware". Krebs called on Congress to "authorize and appropriate election-security grants on an annual basis to provide election officials consistent and dependable funding by which they can make appropriate infrastructure and personnel investments". Unfortunately, in the more than two years since his testimony, Congress has failed to regularize or increase election funding.

## **Recommendations for Federal Election Funding**

## **1.** Provide consistent, sustainable funding to protect the nation's election infrastructure, including its election officials.

A more reliable, steady stream of funding for elections is essential to ensure that every jurisdiction in every state can secure its elections from an increasingly complex set of threats. <u>A bipartisan coalition</u> of state and local officials recently estimated that \$53 billion is needed to modernize and administer the nation's election infrastructure over the next decade. President Joe Biden's <u>2024 budget</u> called for \$5 billion in election funding from the federal government over ten years.

**Federal:** Federal funding of elections is one of the few election issues that has enjoyed bipartisan congressional support in recent years. From 2018-2022, in response to cyber threats and the COVID-19 pandemic, Congress appropriated nearly \$1.3 billion in election funding on a largely bipartisan basis. Members of both parties have regularly introduced bills increasing and regularizing election security grant funding. Congress provides funding to states to help run federal elections through election security grants, originally authorized under the 2002. Help America Vote Act (HAVA). Generally referred to as HAVA grants, these funds are administered by the Election officer. However, these appropriations have been irregular, insufficient, and often enacted too late in an election cycle for optimal effect. Because Congress must currently appropriate election grant funding each year, election officials are perpetually uncertain whether or how much federal funding they will receive. Moreover, the two most recent appropriations, in fiscal year 2022 and 2023, were for just \$75 million in grants each. Election officials are saddled with the unfunded mandate of tackling myriad new challenges, including dramatically increased cybersecurity expenses, and they need federal funding that matches the need.

**State:** Increasing election funding at the state level is a necessary stopgap to help state and local election officials better protect themselves from personal threats, expedite the replacement of antiquated election technology, and combat mis- and disinformation. For example, last year Pennsylvania enacted a budget that included <u>\$45 million</u> in funding to help Pennsylvania county election offices address the rising costs of holding elections—a step that is even more imperative in states like <u>Pennsylvania</u>, <u>Arizona</u>, <u>and Georgia</u>, where local election offices cannot accept funding from private groups.

### **Recommendations for Protecting Election** Workers and Improving Public Confidence

## **2.** Ensure legal protections against harassment and intimidation of election workers cover all individuals involved in the elections process, including election officials, observers, workers, voters, and candidates.

Since 2020, many election officials and workers have been repeatedly <u>threatened and harassed</u>, and this behavior <u>persisted</u> through the midterms. More recently, a Republican candidate for the New Mexico state House, who had refused to accept his loss in the midterms, <u>was arrested</u> for allegedly hiring four people to shoot at the homes of four Democratic lawmakers, two state lawmakers, and two county officials.

**Federal:** While <u>federal law</u> already appears to protect voters and election workers in a general sense, Congress should clarify that federal laws against harassment and intimidation of election workers cover all individuals involved in the elections process, including election officials, observers, workers, candidates, and voters, so that it is unmistakably clear that those involved in the elections process are off-limits. Several bills addressing this issue have been introduced in Congress in recent sessions, but they have not been passed. The <u>Election Worker</u> <u>Protection Act of 2022</u>, for example, defined who qualified as an "election worker" for purposes of prosecuting intimidation, but it did not make it out of committee.

**State:** States should enact laws that explicitly prohibit threatening those involved in the elections process. Some states have already led in this area. For example, in April of 2022, Maine <u>enacted a law</u> that added threatening an election official to the state's criminal code and requires the Maine secretary of state to provide an annual report to a legislative committee on threats or harassment of public officials.

## **3.** Impose effective and deterrent penalties on those who threaten or harm anyone involved in the elections process, including elections officials, poll workers, observers, and candidates running for elected office.

Many of the aforementioned individuals who take part in the elections process live in communities that do not have the resources to watch over them. And neither they nor their communities usually have the funds to pay for private security to guard them around the clock. If the United States wants to ensure that more people feel safe enough to participate in the elections process, more must be done to hold accountable those seeking to target them.

**Federal:** Congress should explicitly criminalize threats or attacks against those involved in the elections process and enact strong penalties for any related violations. During the 117th Congress, members introduced <u>several</u> <u>proposals</u> that would increase criminal penalties for threats to election workers, including a provision of the <u>Enhanced Election Security and Protection Act</u>, a bipartisan Senate bill that emerged from the Electoral Count Act Reform bipartisan working group.

**State:** States can and should take similar action. For example, last year Colorado enacted the <u>Election Official</u> <u>Protection Act</u>, which created new criminal penalties for threatening and intimidating election officials. In January 2023, Michigan Secretary of State Jocelyn Benson and state lawmakers <u>announced plans</u> to protect election officials and workers, including the reintroduction of legislation increasing penalties for threatening, harassing, or doxxing election workers. Additionally, Benson has called for <u>banning firearms</u> at polling places and election venues, a prohibition already in place in states such as <u>Texas, California, and Florida</u>.

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# 4. Enact privacy protections for the personal information of all individuals involved in the elections process, including election officials, workers, observers, and candidates for office, by prohibiting doxxing and giving at-risk individuals the ability to remove covered information from public searches.

Election officials and their families now expect harassment and potential threats to their lives simply for doing their jobs. While these threats were most widely covered during the 2020 election, doxxing and intimidation have continued. For example, on Election Day in 2022, Maricopa County Supervisor Bill Gates <u>was moved</u> to an undisclosed location due to specific threats made against him on social media. He also received additional protection from the sheriff's office to ensure his safety. This happened just weeks after the FBI<u>identified</u> Arizona as one of the top states for threats against election workers.

**Federal:** At the end of 2022, Congress passed the <u>Daniel Anderl Judicial Security and Privacy Act</u> with broad bipartisan support. The bill protects federal judges' personal identifiable information from resale by data brokers; allows judges to redact personal information displayed on federal government internet sites; and prevents the publication of personal information by others where there is no legitimate news media or other public interest. The Anderl Act also included funding for a federal grant program intended to enable state and local agencies and governments to proactively protect personal information of covered individuals. Congress could mirror this legislation to ensure similar protections are put in place for the personal information of individuals involved in the elections process. Any similar program focused on election officials should also include a grant program.

**State:** States should enact laws to protect the personal information of those involved in their election process. For example, last year, Oregon <u>passed a law</u> that not only criminalizes election worker harassment but also allows the election worker's address to be shielded from public view.

### 5. Give election officials more resources to counter cyber threats.

Top state election and cybersecurity officials recently <u>reiterated</u> that the United States' decentralized election system remains vulnerable to threats, including those from foreign adversaries. This is particularly true for jurisdictions that have insufficient funding to replace antiquated equipment, properly staff their offices, and/ or update their training. Adversaries' capabilities vary greatly, but many have the ability to cast doubt on the legitimacy of an election through disinformation, cyber attacks, malign finance, economic coercion, and/or other means, and their capabilities continue to evolve at a rapid clip. It is critical that election officials have the resources they need to keep up.

**Federal:** To help prepare election offices for cybersecurity threats, including the harassment and abuse many have received since 2020, Congress should appropriate election security grant funding. Recently, the Department of Homeland Security <u>designated</u> \$30 million for election security in a nod to the important role US elections play in national security, but more is needed. Additional funds could be used by entities that still have antiquated equipment, insufficient staffing, and/or outdated election worker training to counter any potential threats on an ongoing basis. Congress can also buttress the critical infrastructure of US elections by extending and increasing funding for pre-existing federal programs that seek to improve cyber resilience more broadly, including CISA's state and local cybersecurity grant program and cybersecurity assessment program, as well as the Department of Justice's Edward Byrne Justice Assistance Grant Program.

**State:** Those states that are not already providing consistent cyber funding for their elections should do it, particularly in the absence of reliable federal support. One of the report's co-authors is also a <u>former state and</u>

<u>local election official</u>, who knows firsthand the challenge of setting an election budget when there is uncertainty over funding. A consistent cash flow could, for example, enable election offices to more easily hire and plan to hire staff that have the technical know-how to protect systems from cyber threats on a long-term basis.

## 6. Improve election officials' ability to counter election-related mis- and disinformation, including on social media platforms.

As the House Oversight Committee <u>documented</u> in August 2022, the spread of conspiracy theories and mis- and disinformation about election processes poses a direct threat to the integrity of US elections and the safety of the people who administer them. Much of the false information about elections is spread via social media platforms. While its findings were <u>omitted</u> from the final report, the January 6 committee wrote a 122-page memo that detailed how social media platforms, especially Twitter, ignored internal warnings about violent rhetoric and disregarded their own policies ahead of the attack on the Capitol.

**Federal:** Effectively countering election mis- and disinformation will require increased funding for election officials, whether through HAVA grants or dedicated cybersecurity funding. Providing resources to ensure that as many election offices as possible have professional communications outfits could go a long way towards ensuring that important, accurate election information is provided to the public in a timely manner. As the House Oversight Committee's report <u>on election mis- and disinformation</u> last year concluded, "The federal government must do much more to support election administrators in their fight against election lies, including through reliable, robust grant funding to ensure local election officials have sufficient resources to administer elections and counter damaging election lies." Additionally, Congress should enact legislation requiring social media companies to disclose how information (and misinformation) is sorted and amplified on their platforms and empowering independent, verified researchers to analyze these powerful technologies.

**State:** States must continue to seek innovative ways to provide timely, accessible, accurate information that prepares the public for an election while preempting untrue narratives that are likely to emerge. For example, shortly before the 2022 midterm elections, the Ohio secretary of state produced an <u>informative video</u> about how mail ballots are printed, delivered, and processed. The video served as a reminder that elections are conducted by people's family, friends, and neighbors in a time-intensive, detail-oriented manner to ensure the will of the people is reflected.

### **Recommendations for Securing Election Administration**

### 7. Facilitate the replacement of remaining paperless voting systems.

Paperless voting systems have been largely phased-out, but they <u>are still used</u> in at least some jurisdictions in six states: Indiana, Louisiana, Mississippi, New Jersey, Tennessee, and Texas. These systems not only leave no trace of a voter's intent, they enable conspiracy theorists to leverage any minor change or error during vote counting <u>to</u> <u>make claims</u> of rigging and hacking.

**Federal:** Congress should make available sufficient funding for all states and jurisdictions that still have paperless voting systems to be able to remove them as soon as is practical, and no later <u>than the 2028 presidential elections</u>. Appropriating federal funds for election offices will be essential to this process, as replacing and updating voting technology is expensive and requires a lengthy procurement process. Prior to the 2020 election, there were a number of states that had statewide or significant use of machines without paper ballots, including Delaware, Georgia, Indiana, Louisiana, New Jersey, Pennsylvania, South Carolina, Tennessee, and Texas. After Congress provided grant funding in 2018, 2019, and 2020, many of these states <u>were able to replace</u> their paperless machines and procure auditable paper-based systems. Between 2016 and 2020, votes cast with a paper audit trail increased nationally from approximately 80% to more than 90%. This <u>enhanced nationwide paper trail</u> allowed for more post-election audits to confirm the outcome of races and identify potential anomalies.

**State:** Regardless of federal action, states should ensure the replacement of these systems by the 2028 presidential election. Following the 2020 election, when false narratives about rigged voting machines <u>spread</u> among the public, Georgia hand-counted more than 5 million ballots to validate the accuracy of its machine-counted results. This was an action Georgia could not have taken as recently as 2018, when the state used paperless systems that produced no independently auditable records.

### 8. Enable post-election audits nationwide.

Post-election audits of the equipment and procedures used in an election are well-established tools to ensure that the election was not marred by error or fraud. There are several approaches to audits, including <u>percentage-based</u> <u>audits</u>, which review a certain percentage of the total voted ballots cast in a jurisdiction, and <u>risk-limiting audits</u>, which review a certain percentage of ballots in relation to the margin of victory in the contest. The latter can provide voters with greater confidence that a counting error or malicious attack <u>did not change</u> the outcome, but they <u>can also take more time</u> for state and local election officials to successfully implement.

**Federal:** Congress should encourage all states to conduct a post-election audit of some of their paper ballots no later than the 2028 presidential election. One avenue for congressional action in this regard would be for Congress to explicitly authorize the use of EAC election grants for post-election audits. This provision was included as <u>Section 127 of the ACE Act</u> proposed by Rep. Rodney Davis (R-IL) in the 117th Congress. Additionally, funding for and oversight of post-election audits could be routed through CISA, an agency with <u>extensive election cybersecurity knowledge</u> and strong connections to state election officials.

**State:** While <u>most states</u> already require audits of one form or another, strengthening or clarifying audit plans is a necessary step to prevent vigilante "audits" and increase public confidence in election processes and reported results. In 2022, Idaho adopted a law that <u>required</u> officials from the Idaho secretary of state's office to check

some of the state's paper ballots to verify the results, as well as the equipment and procedures used to count votes across Idaho's 44 counties. A state audit of more than 19,000 ballots cast in Idaho's 2022 general election identified only six variations, none of which impacted any of the state's races, according to a report from the secretary of state's office.

## 9. Encourage states to defend and join the Electronic Registration Information Center (ERIC) program.

The non-profit ERIC was initially created in 2012 by election officials from seven states to improve the accuracy of state voter registration rolls and boost access to voter registration. For voters who move <u>among or within</u> <u>ERIC states</u>, their voter registration rolls and driver licenses can be safely shared to facilitate removal from their former states' voter rolls and addition to their new states' rolls. ERIC now includes the majority of states, <u>improving the accuracy</u> of the nation's voter rolls. However, there has been a move by some states to withdraw from ERIC. In the last few months, <u>Alabama</u>, <u>Florida</u>, <u>Iowa</u>, <u>Louisiana</u>, <u>Missouri</u>, <u>Ohio</u>, and <u>West Virginia</u> all left or announced their intention to leave the ERIC program.

**Federal:** Considering its importance and the recent misinformation <u>spreading</u> about it, Congress should adopt a bipartisan resolution supporting the use of ERIC that builds on the <u>bipartisan support</u> it already enjoys at the state level. Consistent, sustainable federal elections funding could also help the minority of states that aren't <u>current members of ERIC</u> to join (or rejoin) the consortium, which in turn would help ensure the development of accurate and up-to-date voter registration lists. Since the United States does not maintain a list of registered voters at the national level, joining a secure multi-state voter list maintenance system <u>is key</u> to developing and maintaining an accurate voter list, and Congress should consider providing funding to help facilitate such efforts.

**State:** The states that already participate in interstate exchanges of voter registration information should make an affirmative case for others to join. As the 2014 bipartisan <u>Presidential Commission on Election Administration</u> and others have noted, state programs that share data and synchronize voter lists with other states offer the best chance to create an accurate database of the eligible electorate.

### **10. Adopt online voter registration nationwide.**

Currently, 42 states and Washington, DC, offer online voter registration (OVR). This makes the voter registration process more accessible, more secure, and <u>less costly</u>. As Election Assistance Commission Commissioner Donald Palmer and others <u>have noted</u>, OVR is accessible to voters 24 hours a day, seven days a week; it enables voters to make fewer mistakes in the process (because it is generally programmed to flag certain errors, such as blank fields in the voter registration application); and it can make the registration process more secure by interacting with databases, such as those at the Department of Motor Vehicles (DMV), which can verify the identity and eligibility of potential registrants.

**Federal:** OVR has played a critical role in <u>upgrading</u> the nation's election administration system. It is a proven tool for managing the accuracy of the voter rolls and lessening the costs associated with voter registration and list maintenance. If Congress appropriates reliable, dedicated federal funding, the eight states that have yet to adopt OVR would undoubtedly be in a better position to do so.

**State:** In the meantime, the remaining states should adopt OVR because it can make their election processes more convenient, safer, and less expensive. For example, in March of 2020, North Carolina <u>expanded</u> its use of online voter registration as the COVID-19 pandemic thwarted in-person registrations. Previously, North Carolina only offered online voter registration as an extra option to people completing an online, paid

transaction through the Department of Motor Vehicles (DMV), such as applying for a driver's license, while all other registrations had to be submitted on paper. But when the state's response to the pandemic prompted the closure of most county boards of elections and many DMV offices, in-person voter registration efforts all but halted, leading North Carolina to become the 40th state to adopt OVR.

### **11. Ensure all states can track their mail ballots.**

At a time when many Republicans and Democrats <u>are embracing</u> mail voting for future elections, one of the best ways to increase confidence in mail ballot voting is to enable all voters who use it to track their ballot, from when they request it to when it is counted. Ballot tracking also reduces voter confusion and decreases the possibility that a voter <u>will accidentally attempt to vote</u> twice in the mistaken belief that their mail-in ballot was not received.

**Federal:** Nearly every state offers <u>online ballot tracking</u>. Providing states with regular, dedicated federal funding to operate elections will make it easier for the remaining few states to create programs that allow voters to track and confirm the status of their mail ballots. Additionally, <u>Democratic</u>, <u>Republican</u>, and <u>bipartisan</u> bills have been introduced in Congress that, with varying degrees of specificity and potential for passage, seek to standardize and improve mail ballot systems, including by improving ballot tracking. These bills generally seek to standardize mail ballot design and processes, speeding the delivery of election mail and making ballot tracking systems easier to enact, but they do not mandate that states adopt a particular voting method.

**State:** Those states that do not already have a ballot tracking program should adopt one to combat uncertainty, counter mis- and disinformation, and improve their voters' confidence. Virginia successfully implemented a ballot tracking program at the height of the COVID-19 pandemic when election officials across the country were seeking to boost confidence in election integrity amid a nationwide shift to voting by mail; in August 2020, the state's board of elections voted unanimously to adopt a regulation requiring all Virginia voters who were voting by mail to send their ballots back in envelopes marked with tracking codes. The regulation required local election officials to print a US Postal Service intelligent mail barcode on both the outgoing envelopes sent to voters and the included return envelopes voters used to mail completed ballots back, so that voters and election officials alike could keep track of the ballots.

### **12.** Expand mail-in ballot pre-processing to all states.

Processing mail-in ballots that have been received before Election Day is a <u>widely accepted</u> best practice. By giving election workers time before Election Day to conduct tasks such as verifying mail ballot signatures, opening envelopes, and flattening and preparing ballots to run through scanners in a timely manner, election officials are able to report results more quickly, in addition to allowing for efficiencies in staffing. However, <u>12</u> <u>states</u> currently do not permit the processing of ballots before Election Day. This has caused substantial delays in reporting unofficial results, which <u>has created openings</u> for the spread of mis- and disinformation about the integrity of the vote count and further threats against election officials. As the Bipartisan Policy Center has previously noted in <u>2022</u> and <u>2020</u> reports, states that allow for pre-processing are more likely to release results quickly, which can increase public confidence in elections. Pre-processing can also <u>mitigate disinformation</u> spread by <u>foreign adversaries</u> seeking to undermine the legitimacy of US elections since it increases the likelihood of unofficial election results being known on, or shortly after, election night.

**Federal:** Congress should use its bully pulpit to draw attention to the states that lack pre-processing, which often delays the reporting of unofficial election results. The relevant committees should conduct field hearings with election officials and state legislators to discuss the dangers caused by the lack of pre-processing and learn what

forms of federal support would be most effective in assisting states in making that transition. Enacting ballot preprocessing is also a perfect example of a state reform that could be assisted by the provision of federal election funds. If more funding is available for states to use to secure their elections, they will be better able to afford expanding pre-processing.

**State:** States that have yet to adopt mail-in ballot pre-processing should do so. Maryland, the only state that currently prohibits mail-in ballots from being processed until after <u>Election Day</u>, is now <u>considering legislation</u> to allow for pre-processing to ensure quicker reporting of election results, greater confidence in election outcomes, and more support for election officials. Other states should follow Maryland's lead.

### **13. Expand in-person voting options.**

Currently, <u>46 states and Washington</u>, <u>DC</u>, offer in-person early voting. It is critical that voters continue to have a reasonable right to participate in the voting process, including in cases when a natural disaster, public health epidemic, or other kind of crisis could upend the elections process. In-person early voting, combined with mail ballots for those who cannot vote in person, would ensure a sufficient floor for participation.

**Federal:** All but four states already offer their voters the option of casting their ballot in person prior to Election Day. Congress should consider setting a requirement for the remaining four states to offer in-person early voting, while also allowing for smaller municipalities to join together to offer shared early voting locations. Early voting is a national security issue. As former CISA Director Chris Krebs <u>noted</u> during the 2020 election, early voting stretches out the opportunity for law enforcement, intelligence officials, and election workers to identify and resolve potential election issues earlier, rather than having to try and deal with them all at once on Election Day, which is inherently more risky.

Shortly before Election Day in 2020, for example, Iranian cyber actors <u>targeted American voters</u> in an attempt to cast doubt on the legitimacy of the election. The intelligence was quickly analyzed, downgraded, and shared with election officials and the public, so that Americans could make informed judgments about what to do in response to this highly targeted operation. High early voting turnout <u>meant</u> that this challenge, which might have otherwise appeared for the first time on Election Day, was detected earlier, when there was still time to address it before many voters had cast their ballots. Judging by the <u>record-breaking turnout</u> in the 2020 election, the operation seemed to have little, if any, impact on US participation.

**State:** Many states already offer <u>extensive early voting options</u>, but requiring a minimum number of options could help ensure that all eligible voters have adequate access to the ballot. In the absence of federal action, states should seek to expand in-person voting opportunities. This not only helps make Election Day <u>more accessible</u>; it can also help make the election <u>easier to administer and more secure</u>.

## Conclusion

The <u>recent update</u> to the Electoral Count Act is the latest indicator that there is bipartisan agreement that improving the security of the US election system before 2024 is essential. However, our nation's work to secure our democracy more broadly—from ongoing efforts from both foreign and domestic actors to undermine it—has only just begun. It is critical that federal and state lawmakers continue to address the vulnerabilities in the US electoral system, both at the federal and state levels. Cyber and physical attacks, threats to and intimidation of election workers, mis- and disinformation, and insider threats continue. If election officials are to succeed in rebuilding the public's trust in future elections, it is critical that they and their legislative partners show a united front through year-over-year federal election funding and the adoption of evidence-based election policies like those in this report. Doing this gives the United States the best chance to continue conducting free and fair elections going forward.