

2008 Election Security Contingency Planning: **A Template for States**

September 2008

I. INTRODUCTION

The right to conduct free elections is one of the most cherished of all the liberties that we enjoy as Americans. It is imperative that state and local preparedness efforts be well coordinated to prevent, protect, respond and recover from any attempt to disrupt elections.

The responsibility for elections rests with state and local governments. It is incumbent on those governments to protect the integrity of the process. State and local officials have already developed contingency plans for handling disasters that might have disrupted an election in years past. However, the threat of terrorism brings a new set of circumstances that should also be considered and planned for with new insights and a different level of coordination than has traditionally been utilized.

II. BACKGROUND

A coalition of relevant national associations, working through their members as the National Election Security Task Force, has led an effort to develop a common framework for planning. To ensure that a comprehensive approach was taken, national associations representing governors, election officials, homeland security advisors, emergency managers and other public safety organizations were included. The Task Force began discussing possible issues within the framework of the current threat environment. The result was the development of a planning process template and a suggested timeline during which this template should be completed in each state. Its purpose is to utilize the expertise of the diverse group of experts to ensure that issues identified as critical to the election process are reviewed and coordinated.

In each state, a partnership should be formed among those who share the responsibility for safe elections:

- *The governor, whose duty is to protect the citizens of his/her state, should be prepared to use all of a state's assets to protect the election environment and to mitigate the consequences of an emergency. Actions that might interfere with the normal electoral process will require close coordination with election officials and others to secure a safe and effective election;*

- *The secretary of state and local elections officials* will continue their traditional duties such as providing secure, viable election sites. They should also continue to provide for alternative polling sites or provide for alternate methods for casting ballots, should the need arise;
- *The director of public safety/state homeland security advisor* should coordinate with state and local officials to provide information on threats and to develop policies for managing or responding to all emerging threats. It is important to note that this in no way is meant to diminish the authority of the state and local election officials to conduct the elections;
- *The U.S. Department of Homeland Security* should provide state and local officials with timely, relevant information on threats to the election process; and
- *Other entities* with a role in the election process, as stipulated by state code or municipal ordinance.

III. COORDINATION

All of the activities described above require close coordination among election officials, the governor, and homeland security and public safety professionals. It should be noted that most election officials do not fall under the administrative management of the governor, so security strategies should respect those separations of power while promoting unity of effort for the common goal of safeguarding the electoral process.

In the current security environment, many things can occur that require a new approach to election security. It is critically important that states balance the need for security with the need to provide for an accessible elections process. The citizens of the United States should have confidence that the elections process is safe and results in the voice of the people being heard across the country.

The Task Force recommends this framework for planning, the template and accompanying timeline, as a tool to ensure that issues identified as critical to the election process are addressed in a coordinated fashion.

IV. ACTIONS

The Task Force has suggested several steps that states should use in the election protection process. These steps are outlined below, with enough detail provided so that each state can adapt the general process to its own particular political and structural system.

A. Identify Key Players

States are encouraged to create a *policy-level planning group* to serve as the leading body for the statewide effort. The key is to have a group that encompasses a wide range of policy-makers with the authority to direct policy relating to the conduct of an election, security measures, and response activities and for making legal determinations for the entire state. The policy direction of this group should drive the operational decisions, rather than the reverse. The following participants are recommended as essential participants in any state-level planning group:

- Governor or designee
- Secretary of State
- Director of Public Safety/Homeland Security
- Emergency Management
- State law enforcement
- Adjutant General
- Attorney General

While all relevant state agencies should be included in planning group discussions, the size of the group should be kept small enough to optimize decision-making.

B. General Environments

Four general security environments exist in which decision-making may occur regarding the election process and activities.

- Status Quo – there is no change in the current threat level;
- Threat Level Increase – there is an increase in the threat level prior to or on Election Day;
- Pre-Election Day Incidents – events occur prior to Election Day that may or may not specifically target the electoral process but drive the need for increased security measures; and
- Election Day Incidents – events that occur on Election Day that may raise public concern.

These four general environment descriptions were determined to be the most usable framework for macro-level policy discussions.

C. Identify Key Issues

The state *policy level-planning group* should identify issues to be addressed across the four security environments. The following issues are suggested as a starting point for discussion:

- Connectivity/communications among state and local election, homeland security and public safety officials;
- Achieving situational awareness for all individuals with a role in conducting elections or supporting increased security measures or response activities;
- Public messaging;
- Coordination
 - Intrastate - how will relevant coordination be handled within a state; and
 - Interstate - how should any necessary coordination be handled with other states;
- Understanding the role of federal government;
- Understanding the role of local governments; and
- Clarity of authorities and responsibilities for all involved to ensure unity of disparate efforts towards a common goal.

D. Elaborate upon Decision Support Matrix

The Task Force recommends that the state outline the broad actions and concerns that should be addressed for each of the issue areas in the election process and for each of the four environments identified in Section B. Given the timeframe, the goal should be to address broad issues and not get into specific tactical issues. A decision-support matrix was developed as a tool to assist with this process. State officials are encouraged to adapt the matrix to meet their specific needs.

Issue Areas in Election Process:

- Legal - issues requiring legal research, opinions or pre-development of executive order language;
- Policy - issues requiring guidance from the governor, state board of elections or other executive branch agencies;
- Operational - issues affecting state or local government execution of electoral process likely to result from noted scenarios;
- Perception - issues requiring reassurance from local and state leaders (public affairs); and
- Leadership - key activities of legislative and executive leaders (state and local) under noted scenarios.

**SAMPLE DECISIONAL SUPPORT MATRIX
(IDENTIFY TOP FIVE ISSUES IN EACH CATEGORY)**

Scenario	Legal	Policy	Operational	Perception	Leadership	Notes
STATUS QUO	<p>1. Nexus between governor's role as Commander and Chief for emergencies & election officials</p> <p>2. Electoral college failures</p>	<p>1. Consistent security posture</p>	<p>1. Increased need for security</p> <p>2. Consistent security posture</p> <p>3. ID special contacts * US Attorney * Postal Service</p> <p>4. Complacency between election - security crisis mgt. Effort state level</p> <p>5. Electoral college security</p>	<p>1. Reassurance of voting safety</p> <p>2. Governor /Chief Election Official reassures voter safety (low key)</p> <p>3. Knowledge for local officials</p> <p>4. Front end discussion w/ party exec. Directors ~ mid-Oct. (Political party reps.)</p>		
THREAT LEVEL INCREASE	<p>1. Acceptable methods for security</p> <p>2. Evaluate legal authority to expand prohibited area</p>	<p>1. Guidelines for acceptable security measures</p> <p>2. Restrict articles brought into polls</p>	<p>1. Demands for security at each voting precinct.</p> <p>2. Rapid flow of info. to election officials</p> <p>3. Rumor Control</p> <p>4. Comm process w/ parties for security actions taken real time</p> <p>5. Web site survivability</p> <p>6. Security of vote total data</p>	<p>1. Message about how process will be safe</p> <p>2. More direct governor message w/ CEO, local election boards, bipartisan Lt Gov, AG, legislative leaders w/ THEME being "vote safe & secure"</p>	<p>1. Clarifying roles and authorities (state and local)</p>	
PRE-ELECTION DAY INCIDENTS			<p>1. Adjustment in voting locations</p> <p>2. Interruption of telecomms or electricity</p> <p>3. Staffing</p> <p>4. Attempt to disrupt election</p>	<p>1. Promoting planned voting</p> <p>2. Countering rhetoric</p>		
ELECTION DAY INCIDENTS			<p>1. Attack on polling location - alternate site</p> <p>2. Threats to sites</p> <p>3. Evidence needs v. counting votes</p>	<p>1. Ensuring continuation of voting process</p>		

E. Develop an Internal Timeline

The state *policy level-planning group* should develop an internal timeline for completing each action in preparation for the election.

- START
 - Develop an internal timeline
 - Pre-Election Phase / Through November 2, 2008
 - Comprehensive threat briefing
 - Identify key issues;
 - Review Decision Support Matrix
 - Identify additional issues
 - Identify leads for additional issues
 - Work unresolved issues
 - *State policy level-planning group* meetings/conference calls
 - National Election Security Task Force conference calls/briefings
- Election Phase / November 3-5, 2008
 - ELECTIONS OCCUR: November 4, 2008
- Post Election Phase / November 6, 2008 - January 20, 2009
 - December 15, 2008: Electors meet in the Electoral College (1st Monday after the 2nd Thursday in December)
 - Inauguration Day

The timeline should reflect the unique needs of each state within the context of the national security situation.

V. DESIRED END STATE

The desired end state is an election protection effort in all 55 states and territories which is based upon a common, coordinated structure. Critical to the effort will be ensuring the development of robust communications between key stakeholders with responsibilities for addressing terrorist threats or actual events. This communication effort must extend to applicable local officials who are charged with comparable functions within their communities. The actions of any one element will impact on the activities of others.

There continues to be a need for a coordinated message process and a common voice for elections and public safety & security. The underlying goal is to produce unified and coordinated decision-making in the electoral process among local and state officials in the implementation of security measures and in any potential response to an electoral process related incident.

It is anticipated that the dialogue in each of the states and territories will lead to identifying any necessary support structures, beyond those already in place at the national level, which can help achieve unity of effort in the electoral process.

The primary goal remains helping states and communities maintain their independence in executing the electoral process while providing an overarching framework for a nationwide transparency among states in balancing security needs with conducting open elections.

2008 National Election Security Task Force Members

Tim Manning (Chair)

Homeland Security Director
State of New Mexico

Matthew Bettenhausen

Director
Office of Homeland Security
State of California

Michael Balboni

Deputy Secretary for Public Safety
State of New York

Pedro A. Cortés

Secretary of State
Commonwealth of Pennsylvania
President
National Association of Secretaries of State

Robert P. Crouch, Jr.

Assistant to the Governor
for Commonwealth Preparedness
Commonwealth of Virginia

Nancy Dragani

Executive Director
Emergency Management Agency
State of Ohio

Carl E. (Ted) Filer

Plans Branch Chief
Emergency Management Agency
State of Ohio

Henry Guzman

Director
Department of Public Safety
State of Ohio

Tara Hardiman

Division Director
Office of Intelligence and Analysis
U.S. Department of Homeland Security

Terry Hastings

Special Advisor
Office of Homeland Security
State of New York

Sherry Kamali

Senior Policy Analyst
Dept. of Homeland Security and Emergency
Management

Richard Kermond

Chief
Operational Planning Branch
Disaster Operations Directorate
FEMA

John Lindback

Elections Division Director
Office of the Secretary of State
State of Oregon

Maj. Gen. Timothy J. Lowenberg

Director
Washington Military Department
State of Washington

David Maxwell

Director
Department of Emergency Management
State of Arkansas

John Milhofer

Policy Analyst
National Association of Secretaries of State

Ken Murphy

Director
Office of Emergency Management
State of Oregon

Leslie D. Reynolds

Executive Director
National Association of Secretaries of State

Todd Rokita

Secretary of State
State of Indiana

Robert Samaan
Deputy Director
Office of Homeland Security
State of California

Lt. Gov. Rick Sheehy
State of Nebraska

Trina R. Sheets
Executive Director
National Emergency Management Association

Kay Stimson
Director of Communications
National Association of Secretaries of State