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WHITE PAPER

Safeguarding Elections through Emergency Preparedness and Contingency Planning

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Safeguarding Elections through Emergency Preparedness and Contingency Planning

Executive Summary

Fair, open, transparent, and accessible elections can be threatened by unexpected disasters, whether natural, environmental, or man-made. Thoughtful plans need to be in place to prepare for natural disasters, health-related outbreaks (e.g., influenza), poll worker or ballot shortages, power failures, bomb threats, technology failures, and other issues that could impede the voting process. In an era of close and controversial races, elections can be highly scrutinized by the media. In this context, the potential impacts of such disruptions can have a significant effect on voter confidence in the electoral process. Examples of such disruptions in recent memory include:

- September 11, 2001 terrorist attacks in New York City
- Hurricane Katrina in August 2005
- Superstorm Sandy in October 2012
- 2006 bomb threat at a polling place in Madison, WI

Effective contingency and disaster planning is a vital tool in the Election Day planning process. CALIBRE has over 25 years of expertise providing strategic and logistical planning tools to government and commercial entities, at the local, state, and national level. CALIBRE's solution to emergency preparedness provides state and local election officials with:

- A review of state and local election emergency statutes, provisions, and directives

- Coordination with key stakeholders, including the U.S. Election Assistance Commission (EAC), the Federal Emergency Management Agency (FEMA), and state and local governments
- Recommendations for the creation and maintenance of election contingency plans

Many states do not have adequate statutes and provisions to protect voters against unexpected threats to the electoral process. CALIBRE's approach leverages our experience working with federal, state, and local election agencies to provide a thorough examination of current emergency statutes; analyze the election environment; assess federal recommendations for best practices; provide contingency planning recommendations; and test the contingency plans once in place.

*Let our advance worrying
become advance thinking
and planning.*

– Winston Churchill

The Need for Analysis

Mo Other than 3 U.S.C. §1, et seq., which dictates the time for appointing the President and Vice President of the United States, there is no uniform federal law regarding the delay of congressional or presidential elections in case of emergencies, nor does federal law mandate contingency planning to address emergencies or other system breakdowns that affect elections. Article 1,

Section 4 of the Constitution delegates this power to the states and dictates that the "Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof."

Currently, at least 12 states have 'state of emergency' statutes. Of these 12, at least nine states have statutory and administrative provisions to guide officials in the event of unpredictable disruptions. These states' statutes and provisions typically provide powers to either the Governor, the Secretary of State, or the State's Board of Elections to take measures necessary to delay or cancel elections and safeguard the integrity of the voting process.

Current statutes and provisions adopted by several states provide a first line of defense, but not a real safety net, to protect the democratic process against unpredictable disasters that can occur during an election. Clearly defined, maintained, and rehearsed contingency plans are needed at the state and local levels to prepare for and avoid the disenfranchisement of voters by disrupting events. The EAC assists states in ensuring that they provide fair and equal access to voting for all citizens. In order to meet the EAC's voluntary guidance on contingency planning, as well as recent recommendations from the National Association of the Secretaries of State (NASS) Task Force on Emergency Preparedness for Elections, the following analytical tasks should be performed:

- A review of the state's statutes and provisions for state of emergency and election emergency

- An analysis of the efficacy of the state's directives that modify normal election operations and procedures as a result of an emergency
- An analysis of the impact (positive or negative) of existing state and local legislation on emergency measures for holding elections
- An analysis of state triggering mechanisms for emergency procedures
- An analysis of the effectiveness of state and local emergency measures and actions for each step of the voting process
- An analysis of which legislative or policy changes may be required at the state and local level to implement clearly defined contingency plans for elections, and a time frame for implementing these changes

As a result of these analyses, state and local election officials would be able to develop contingency plans which take into account recent experiences and best practices.

CALIBRE

Founded in 1989, CALIBRE Systems, Inc. (CALIBRE) is an employee-owned management consulting and technology services company that provides government and industry with management analysis, technology solutions, and program support. CALIBRE is a preferred, trusted advisor to executive-level decision makers: we provide our customers with enduring solutions that make a difference.

CALIBRE's history of identifying and quantifying risks and issues related to voting legislation, policies, practices, and technology provides a strong base to conduct a study to improve state contingency plans for elections. CALIBRE understands the election environment and has demonstrated analytical and management processes required to develop collaborative solutions that are customized, integrated, and adaptable to state and local jurisdictions.

As a choice contractor for the Federal Voting Assistance Program (FVAP) and large election

jurisdictions, CALIBRE continues to support voting modernization research, analysis, and testing. CALIBRE's previous efforts for FVAP included extensive data collection (survey/interview); federal and state statute and policy analysis; online voting system functionality, accessibility, and security testing; and research, testing, and modification of software assurance tools to mitigate security weaknesses and vulnerabilities and validate the integrity of software source code from online voting system manufacturers. Our ongoing security assessments for local election jurisdictions include an initial review of current election processes and documentation, as well as interviews with key personnel and in-depth, on-site assessments of physical and cyber security processes, procedures, equipment, and facilities.

Additionally, our staff have conducted extensive accessibility research, analysis, and testing, including:

- The challenges of absentee and online voting for persons with disabilities
- Section 508 compliance of voting-related websites and online wizards
- Usability redesign of voting forms
- Privacy, usability, and accessibility testing of voting systems

Importantly, CALIBRE has extensive experience managing cyber security research, analysis, and testing efforts, including:

- Physical and cyber security risk assessments for large U.S. election jurisdictions
- Research and analysis of software assurance tools, intrusion detection and prevention systems, and intrusion recovery tools and techniques
- Risk comparison of mail-based and online absentee voting
- Operational and security testing of online voting systems
- Penetration security testing of online voting systems

Approach

To meet the threats associated with potential disruptions to our election process, CALIBRE provides an approach to safeguard elections through emergency preparedness, including all personnel and management support services necessary to develop and implement an effective and actionable contingency plan for elections at the state or local level. CALIBRE provides qualitative and quantitative research services to explore first-hand experiences with voting in the aftermath of recent disasters. The major activities supporting these requirements are:

- Identifying state and local state of emergency and election emergency statutes and provisions, and their associated triggering mechanisms
- Analyzing the efficacy and impact of the jurisdiction's election emergency directives on voter behavior, voter turnout, and election operations at the state and local levels, for each step in the voting process
- Facilitating coordination with appropriate stakeholders across federal, state, and local governments and support agencies
- Conducting public opinion research among voters and stakeholders
- Developing recommendations to assist state and local election officials in creating and maintaining clearly defined and customized contingency plans for elections, including the potential modification of existing emergency measures, and a timeframe for implementing necessary legislative and operational changes
- Implementing and maintaining a Quality Control Plan (QCP) and a Risk Mitigation Plan (RMP) to ensure that work performed conforms to the project's scope, requirements, and timelines
- Delivering a comprehensive final report incorporating each requirement listed above, reflecting the study methodology, results, and final recommendations



Including public opinion research in this effort is important to understanding the environment surrounding emergency planning. CALIBRE proposes conducting qualitative and quantitative research among voters to explore attitudes and priorities related to contingency planning. We also suggest conducting research among key stakeholders, including emergency responders, state and local agencies that coordinate disaster relief, state election officials, local election officials, and others. In addition to conducting research to help inform the development of state and local disaster planning, CALIBRE also conducts research once a preliminary plan is in place to test collateral materials and messaging.

In coordination with state and local election officials, CALIBRE will develop and maintain a schedule of key events over the plan's execution time frame to guide workload priorities and project deliverables. CALIBRE uses the schedule to ensure that all tasks are fully integrated to meet mission objectives while identifying and mitigating risks. Key workload and schedule drivers include:

- The proactive role of election officials in reviewing each deliverable to ensure compliance with project objectives and to provide comment and/or guidance to direct the work effort
- The engagement of state and local election officials in territories whose election activities are most prone to emergency or disaster
- An adherence to approved work schedules and achievement of project milestones on time

The following is a representative list of tasks that can be customized to guide project completion. The results of these actions form the basis for developing guidance and recommendations for an actionable contingency plan at the state and/or local level.

Task #	Task
1.0	Review state of emergency and election emergency statutes
1.1	Conduct an analysis of state and local emergency statutes
1.2	Conduct an analysis of election emergency statutes
1.3	Examine how jurisdictions without state of emergency or election emergency statutes address emergencies with regards to elections
2.0	Examine the efficacy of emergency statutes and procedures in safeguarding elections
2.1	Examine the triggering mechanisms for activating emergency statutes and procedures
2.2	Examine which official or official body is vested with powers to implement election emergency measures
2.3	Analyze time and resources allotted for the implementation of election emergency actions
2.4	Analyze the communication channels and associated efficacy in delivering election emergency information to local election officials and the public during recent disasters
2.5	Analyze how election emergency measures were received/perceived by the local election officials and the public during recent disasters or disruptions in voting events
2.6	Analyze the effect of election emergency measures and actions on voter turnout during recent disasters or disruptions
2.7	Analyze how existing local, state, and federal legislation impacted the implementation of election emergency measures during recent election issues or disasters
2.8	Analyze the effects of election emergency measures and actions on each step of the voting process during recent election issues or disasters
2.9	Analyze the legislative or policy changes required and/or recommended at the state level to implement an election contingency plan, and the associated timeframe for amending existing legislation
3.0	Provide recommendations for election contingency planning
3.1	Environment Analysis: Provide guidance on how to analyze the election environment, associated disaster vulnerabilities, and relevant potential threats at the state and local level
3.2	Risk Analysis: Provide guidance on building a model to assess the level of risk that state and local election environments face with respect to disasters
3.3	Solution and Design: Provide guidance on the development of a comprehensive and customized contingency plan to safeguard elections at the state and local level
3.4	Implementation: Provide guidance on how to implement the contingency plan, including preferred communication channels and voting methods
3.5	Testing and Acceptance: Provide guidance on how to test the contingency plan and obtain buy-in from stakeholders
3.6	Maintenance: Provide guidance on how to maintain the contingency plan, including training, drills, and educational outreach
3.7	Comprehensive Report: Compile all recommendations in a comprehensive report
4.0	Facilitate testing of the contingency plan
4.1	Create and conduct test scenarios of contingency plans once in place
4.2	Analyze test scenario to determine how election emergency measures could affect the voting process
4.3	Provide recommendations on how emergency planning can be improved and/or provide documentation as to the success of contingency plans

Conclusion

CALIBRE understands the diverse requirements of local jurisdictions, varying state environments and cultures, and the need for innovative efforts to ensure accessible, secure, and transparent elections in the face of unexpected disruptions. CALIBRE's interdisciplinary team of experienced professionals is known for pioneering approaches and recommendations, and will apply their

significant election industry experience to solving our customers' challenges. Our proven record developing collaborative, customized, integrated, and adaptable management solutions for complex projects, and our management and analytical processes will ensure the effective development of contingency procedures that suit specific state and local needs.