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"The Impact of COVID-19 on Voting Rights and Election Administration:
Ensuring Safe and Fair Elections"

Chairperson Fudge, Ranking Member Davis, and members of the Subcommittee, thank you for the opportunity to speak about the impact of Covid-19 on Voting Rights and Election Administration. The Brennan Center for Justice — a nonpartisan law and policy institute that focuses on democracy and justice — appreciates the opportunity to discuss the critical issue of how to ensure that the Covid-19 crisis does not interfere with the ability of any American to participate in safe and fair elections this year.

There is no question that the Covid-19 pandemic presents a difficult and, in many ways, unprecedented challenge to elections in 2020. Given that we do not know when the pandemic will end or even how pervasive it will be this fall, we must take steps now to ensure that every American can vote freely and safely this year. The Brennan Center has offered a detailed plan (attached as **Appendix A**) to do that, and many states have begun to adopt our recommendations. Unfortunately, this plan requires additional resources, at a time when states and localities are facing cratering budgets. It is for this reason that the Brennan Center has urged Congress to provide $4 billion in support to states, and in particular the local election jurisdictions who will bear the brunt of the cost associated with protecting our democracy this fall.

Ensuring fair and safe elections this year requires five steps: (1) preparing for changes in the way voters register, including expanding the capacity of on-line voter registration systems; (2) increasing the capacity and security of the mail ballot system, and providing every voter with the option of using that system; (3) taking additional steps to ensure that all Americans can vote safely in person; (4) implementing cybersecurity measures made necessary as a result of

changes caused by the pandemic; and (5) educating voters about all of the above changes so they can cast their ballots with confidence.

Since it became apparent that Covid-19 was likely to upend American elections in 2020, the Brennan Center has spoken to dozens of election officials around the country. Without exception, and regardless of political party, these officials are working to make the changes necessary to ensure their voters can participate in free, fair and safe elections. But more often than not, they do not have the resources to do so.

While Congress has provided $400 million to help states and localities make these changes, this is a drop in the bucket compared to what is needed. Indeed, based on our interviews with election officials and vendors, we estimate that approximately ten times that amount is necessary.[1] While the election is still a few months away, that money is needed now. We urge Congress to provide additional support immediately.

Below, I detail some of the most important items needed to ensure fair and safe elections this fall.

I. Preparing for Changes in Voter Registrations, Especially Increased Use of On-line Voter Registration

In the months and weeks before every presidential election, millions of Americans update their voter registration information or register to vote for the first time. Covid-19 will severely disrupt this process, creating barriers for Americans to submit timely registration applications and updates, threatening the ability of millions of Americans to cast a ballot that will count, and preventing our voter rolls from being as accurate as possible.

A large percentage of registration activity happens at government offices or through registration drives.[2] But with both of these options severely limited by social distancing requirements, several states have already seen a large decline in voter registration activity.[3]

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[1] Elizabeth Howard and Derek Tisler, *Ensuring Safe Elections*, Brennan Center for Justice, Apr. 30, 2020, https://www.brennancenter.org/our-work/research-reports/ensuring-safe-elections.

[2] Pam Fessler, "Pandemic Puts A Crimp On Voter Registration, Potentially Altering Electorate," *NPR*, May 26, 2020, https://www.npr.org/2020/05/26/860458708/pandemic-puts-a-crimp-on-voter-registration-potentially-altering-electorate?station=KXJZ_FM.

[3] Ronald Brownstein, "New-Voter Registration is Plummeting," *Atlantic*, Apr. 30, 2020, https://www.theatlantic.com/politics/archive/2020/04/pandemic-crushing-voter-registration-efforts/610927/ ("In several states, the number [of registrations in March] fell by about half [compared to 2016], including in Texas, North Carolina, Maryland, Missouri, Virginia, and Kansas."); see also Fessler, "Pandemic Puts a Crimp on Voter Registration, Potentially Altering Electorate".

As we get closer to the presidential election, more citizens will turn to on-line voter registration ("OVR") systems or mail applications to register or update their information. In both cases, states will need to invest to handle the additional volume of registrations that come through these methods.

In particular, to accommodate the surge in OVR activity, many states will need to expand the capacities of their existing systems, and some states will need to create an online option for voters for the first time.[4] While some states such as Pennsylvania are already making some of these needed upgrades,[5] others may require more resources before this is feasible — full upgrades with proper load and security testing could easily run in the tens of millions of dollars nationwide.[6] It is urgent that states begin to take these steps as soon as possible; building or increasing capacity for online systems can take months, and jurisdictions can expect registration rates to begin increasing around August and peak in early to mid-October, in advance of state voter registration deadlines.[7] In 2016, Virginia's online voter registration crashed due to a surge in traffic on the last day to register to vote.[8] With more people relying on online voter services this year than ever before, failure to bolster and test voter registration systems will likely result in more system crashes and lost registration information, potentially disenfranchising voters.[9]

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[4] Eight states do not have online voter registration and two have yet to implement it. See Brennan Center for Justice, "Preparing Your State for an Election Under Pandemic Conditions," last updated May 29, 2020, https://www.brennancenter.org/our-work/research-reports/preparing-your-state-election-under-pandemic-conditions.

[5] Howard and Tisler, *Ensuring Safe Elections*, 12.

[6] We estimate that proper load and vulnerability testing for online voter registration systems nationwide would cost $82.2 million. Lawrence Norden et al., *Estimated Costs of Covid-19 Election Resiliency Measures*, Brennan Center for Justice, last updated Apr. 18, 2020, https://www.brennancenter.org/our-work/research-reports/estimated-costs-covid-19-election-resiliency-measures.

[7] See e.g., Cook County Clerk's Office, "Voter Registration Activity, by Month and Year," accessed Jun. 1, 2020, https://stage-drupal.cookcountyclerk-test.com/service/voter-registration-activity-month-and-year; and Matthew Haag, "Voter Registrations Spike as Deadlines Loom. Taylor Swift Had Something to Do With It," *New York Times*, Oct. 9, 2018, https://www.nytimes.com/2018/10/09/us/politics/taylor-swift-voter-registration.html ("In October 2016, 405,000 people registered on Vote.org,..., said Raven Brooks, the website's chief operating officer…Mr. Brooks said that the site typically sees a spike in voter registrations in October.").

[8] Laura Vozzella, "Voter registration system crashed in Va., preventing some from signing up on time," *Washington Post*, Oct. 18, 2016, https://www.washingtonpost.com/local/virginia-politics/voter-registration-system-crashes-in-va-preventing-some-from-signing-up-in-time/2016/10/18/5336f1ae-9558-11e6-9b7c-57290af48a49_story.html; In 2018, Georgia also experienced a system failure that prevented voters from registering at Department of Driver Services locations in the final days before the registration deadline. Arial Hart, "Days to go before deadline, Georgia DDS voter registration crashes," *Atlanta Journal- Constitution*, Oct. 5, 2018, https://www.ajc.com/news/state--regional-govt--politics/days-before-deadline-georgia-dds-voter-registration-crashes/XYJRsTgzG2jbiZ6qOkfgTI/.

[9] Florida has already experienced issues with online voter services during the pandemic. See e.g., Allison Ross, "Florida's voter registration system experienced 'intermittent issues'," *Tampa Bay Times*, Mar. 30, 2020, https://www.tampabay.com/news/health/2020/03/30/floridas-voter-registration-system-experiences-intermittent-issues/; Marc Caputo, "'A mess': Florida's online voter-registration system panned," *Politico*, Oct. 9, 2018, https://www.politico.com/states/florida/story/2018/10/09/a-mess-floridas-online-voter-registration-system-panned-641953.

II.   Increasing the Capacity and Security of Mail Voting

As debate over the merits of mail voting has raged in some corners of Washington DC, an important fact has been lost: the vast majority of states already have no-excuse absentee voting, and Americans have already chosen to vote by mail in record numbers this year. Even before Covid-19 hit the United States, 34 states allowed voters to cast a mail ballot without an excuse.[10] Of the 16 states that normally require an excuse to cast a mail ballot, at least 12 have relaxed restrictions for upcoming elections due to Covid-19.[11] This means that in total, 46 states will allow all voters to cast their ballot by mail for at least one election in 2020.

And, in the midst of the Covid-19 pandemic, unprecedented numbers of voters are choosing this option. In Wisconsin's primary, 62% of all voters cast their ballot by mail during the April primary.[12] In total, close to a million ballots were cast by mail — more than five times the number of ballots cast in the 2016 general election and the most mail ballots ever cast in any Wisconsin election.[13] In Nebraska, around 85% of all voters cast a mail ballot during the May primary election.[14] Despite being held in the middle of a pandemic, the 2020 Nebraska primary broke a 48-year-old record for most ballots cast in a primary election.[15] In Pennsylvania, around 1.8 million voters requested an absentee ballot before the deadline for the June 2 primary — more than 16 times as many requests as the primary four years ago.[16] In Georgia, voters had already requested more than 1.5 million absentee ballots three weeks prior to election day,[17] "a more than five-fold increase over 2016."[18]

Of course, the fact that the vast majority of Americans will have the right to cast a ballot by mail does not mean they will be able to do so. Particularly in states that have not historically had high

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[10] Brennan Center for Justice, "Preparing Your State for an Election Under Pandemic Conditions," last updated May 29, 2020, https://www.brennancenter.org/our-work/research-reports/preparing-your-state-election-under-pandemic-conditions.

[11] Edward Perez, *The Bipartisan Truth about By-Mail Voting*, OSET Institute, May 27, 2020, https://trustthevote.org/wp-content/uploads/2020/05/27May20_BipartisanTruthAboutByMailVoting_v3.pdf.

[12] Wisconsin Elections Commission, *April 7, 2020 Absentee Voting Report*, May 15, 2020, 6, https://elections.wi.gov/sites/elections.wi.gov/files/2020-05/May%2020%2C%202020.Final_.pdf.

[13] Wisconsin Elections Commission, *April 7, 2020 Absentee Voting Report*, 4–5.

[14] Office of Secretary of State Robert B. Evnen, "Nebraska's Historic Primary Election," May 14, 2020, https://sos.nebraska.gov/sites/sos.nebraska.gov/files/doc/news-releases/Media%20Release%20Nebraska%27s%20Historic%20Primary%20Election.pdf.

[15] Office of Secretary of State Robert B. Evnen, "Nebraska's Historic Primary Election".

[16] Tierney Sneed, "Four Charts that Show How Absentee Voting is Skyrocketing in the Pandemic," *Talking Points Memo*, May 27, 2020, https://talkingpointsmemo.com/news/absentee-voting-data-pennsylvania-new-mexico-indiana-dc.

[17] Office of Secretary of State Brad Raffensperger, "Raffensperger Encourages Absentee Ballot Voting as COVID-19 Precautions Result in Long Wait Times at the Ballot Box," May 20, 2020, https://sos.ga.gov/index.php/general/news.

[18] FOX 31 Staff, "Secretary of State to Hold Election Press Conference," *WFXL Fox 31*, May 28, 2020, https://wfxl.com/news/local/secretary-of-state-to-hold-election-press-conference.

mail turnout, there are many challenges to ensuring a free and fair election that is largely conducted by mail.

These challenges were on display in recent elections. In Wisconsin, election offices were forced to work around the clock to process absentee ballot requests, and some offices had to recruit four to five times as many staff members as they would normally have for this task.[19] But even with these efforts, some voters reported delays in receiving ballots or never receiving ballots at all.[20] In Ohio, Secretary of State LaRose reported that first-class mail was taking seven to nine days to deliver election-related mail rather than the expected one to three days,[21] meaning that some applications were not received or processed soon enough for voters to receive their ballots in time for the election.[22]

Perhaps the biggest question we face this November is not whether voters will be allowed to vote by mail (the vast majority will), but whether states and localities will have the resources to ensure that an election where so many vote by mail is conducted freely and fairly. The good news is we have decades worth of experience in the United States conducting elections with high mail ballot turnout. Indeed, approximately one-quarter of voters cast mail ballots in the last two federal elections, with mail ballots representing the majority of ballots in several states.[23] These states point the way to ensuring that elections with high mail balloting can be conducted fairly and securely.

The measures that must be put in place to ensure success include: (1) implementing or improving online absentee ballot application tools, as states like Kentucky, Ohio and Pennsylvania are doing or hoping to do in the near future;[24] (2) purchasing, printing and mailing sufficient numbers of absentee ballot applications, as well as multi-part envelope "kits" which include mail

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[19] Wisconsin Elections Commission, *April 7, 2020 Absentee Voting Report*, May 15, 2020, 13–15, https://elections.wi.gov/sites/elections.wi.gov/files/2020-05/May%2020%2C%202020.Final_.pdf.

[20] Wisconsin Elections Commission, *April 7, 2020 Absentee Voting Report*, 12.

[21] Ohio Secretary of State Frank LaRose, Letter Re: "Conflicting information from the USPS related to Election Mail," Apr. 23, 2020, https://www.ohiosos.gov/globalassets/media-center/news/2020/2020-04-24.pdf.

[22] Josh Sweigart, "9K Local Voters Didn't Get Requested Ballots," *Dayton Daily News*, May 3, 2020, https://www.daytondailynews.com/news/local/local-voters-didn-get-requested-ballots-changes-called-for-november/tfn0q4MUbxoHEAVNrXY2nL/.

[23] U.S. Election Assistance Commission, "EAVS Deep Dive: Early, Absentee and Mail Voting," Oct. 17, 2017, https://www.eac.gov/documents/2017/10/17/eavs-deep-dive-early-absentee-and-mail-voting-data-statutory-overview; U.S. Election Assistance Commission, *Election Administration and Voting Survey, 2018 Comprehensive Report, A Report to the 116th Congress*, Jun. 2019, 21, https://eac.gov/sites/default/files/eac_assets/1/6/2018_EAVS_Report.pdf.

[24] Governor Andy Beshear, "Executive Order 2020-296: State of Emergency Relating to Kentucky Elections," Commonwealth of Kentucky, Apr. 24, 2020, https://governor.ky.gov/attachments/20200424_Executive-Order_2020-296_SOE-Relating-to-Elections.pdf; Karen Kasler, "Ohio Secretary Of State: Voters Should Be Able To Request Absentee Ballots Online," *WOSU Public Media*, May 6, 2020, https://radio.wosu.org/post/ohio-secretary-state-voters-should-be-able-request-absentee-ballots-online#stream/0; Sam Ruland, "Pa. will now let voters apply for absentee ballots online: Here's what you need to know," *York Daily Record*, Sept. 10, 2019, https://www.ydr.com/story/news/2019/09/10/pa-voters-can-apply-absentee-ballots-online-heres-how/2272391001/.

ballots, return envelopes and instructions; (3) purchasing high speed scanners to count mail ballots, where needed (particularly in larger jurisdictions); (4) hiring additional staff to process mail ballot applications and mail ballots; and (5) conducting absentee ballot education and outreach for the many voters who will be using this voting method for the first time.

Some have raised concerns about whether we can trust elections where a high percentage of Americans vote by mail. We know from history that we can. Members of our military have been voting by mail since at least the Civil War, proving that this option can effectively prevent disenfranchisement in times of disruption.[25] In more recent years, mail voting has expanded and even become the primary means of voting in parts of the country. Since 2000, more than 250 million votes have been cast via mailed-out ballots in all 50 states.[26] Over that time fraud rates have remained infinitesimally small.[27]

States that conduct elections primarily by mail use multiple tools to ensure the security and integrity of their systems, and we should provide all states with the resources to ensure they can implement these effectively nationwide. These tools include identity verification, adoption of secure electronic absentee ballot request technology, use of ballot tracking software, bar codes, postal tracking and secure drop boxes, postelection audits, and using polling places as failsafes for voters who have not received their ballots on time. A fuller discussion of the methods used to secure mail balloting is attached (**Appendix B**).

III.   Taking Steps to Ensure In-person Voting Can Be Conducted Safely

Of course, many American will need or want to vote in person this fall.[28] We must ensure that these voters can do so freely and safely, while also protecting the workers who operate the polls. Among other costs associated with ensuring polling places are as safe as possible, jurisdictions will need to (1) supply personal protective equipment for poll workers, along with hand sanitizer, gloves and cleaning supplies for the polling places; (2) provide supplies such as plexiglass sneeze guards, floor markings, and single-use pens to minimize contact between voters and workers, and (3) arrange for curbside voting for voters who cannot safely enter the polling place.

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[25] Alex Seitz-Wald, "How do you know voting by mail works? The U.S. military's done it since the Civil War," NBC News, Apr. 19, 2020, https://www.nbcnews.com/politics/2020-election/how-do-you-know-voting-mail-works-u-s-military-n1186926.

[26] National Vote at Home Institute, "VAH Intro Flyer," May 2020, https://www.voteathome.org/wp-content/uploads/2019/08/VAH-intro-flyer.pdf.

[27] Wendy R. Weiser and Harold Ekeh, "The False Narrative of Vote-by-Mail Fraud," *Brennan Center for Justice*, Apr. 10, 2020, https://www.brennancenter.org/our-work/analysis-opinion/false-narrative-vote-mail-fraud.

[28] Raúl Macías and Myrna Pérez, "Voters Need Safe and Sanitary In-Person Voting Options," *Brennan Center for Justice*, Mar. 31, 2020, https://www.brennancenter.org/our-work/research-reports/voters-need-safe-and-sanitary-person-voting-options.

Jurisdictions will also need to hire additional poll workers and in some cases pay them more than they have in the past to overcome day-of-absences due to Covid-19 and fear of the virus.[29] Some states have already taken measures to ensure this does not happen in upcoming elections. For example, Secretary Merrill of Alabama has allocated CARES Act money for poll worker pay increases in Alabama.[30] Many other Secretaries, including Secretary Pate of Iowa, have launched extensive poll worker recruitment efforts to guard against poll worker shortages in the fall.[31]

Election officials will face many additional costs as they implement measures to reduce polling place density and assist voters who cannot safely enter polling places. These measures include expanding early voting, as Texas has done ahead of its July primary runoffs;[32] replacing and modifying current polling places to allow for social distancing;[33] and implementing or expanding curbside voting, especially for voters with disabilities or illnesses who may not be able to leave their vehicles.[34]

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[29] Poll worker shortages have already led to substantial polling place closures in many states. See e.g., "Local Consolidated Polling Locations Announced For Pennsylvania Primary Election," *CBS Pittsburgh*, May 15, 2020, https://pittsburgh.cbslocal.com/2020/05/15/where-to-vote-allegheny-county/; Jonathan Lai, "Philly will have way fewer polling places for next month's primary because of coronavirus. Find yours here.," *Philadelphia Inquirer*, May 12, 2020, https://www.inquirer.com/politics/election/philadelphia-new-polling-places-2020-primary-20200512.html; Carl Hessler Jr., "Montgomery County officials reduce polling places under 'pandemic election plan'," *Mercury*, May 12, 2020, https://www.pottsmerc.com/news/montgomery-county-officials-reduce-polling-places-under-pandemic-election-plan/article_925f3e3e-93a8-11ea-8c91-2369be893bb1.html; John Mccormack, "Why Were Only Five Polling Places Open in Milwaukee This Week?," *National Review*, Apr. 10, 2020, https://www.nationalreview.com/2020/04/wisconsin-election-milwaukee-did-not-have-enough-polling-places/; Hal Dardick, "Chicago-area election judges dropping out, polling places closing amid coronavirus fears," *Chicago Tribune*, Mar. 14, 2020, https://www.chicagotribune.com/news/breaking/ct-coronavirus-chicago-cook-suburbs-election-judges-20200314-x3l24gcuyra3djtgnm6uvsl7oe-story.html.

[30] Alabama Secretary of State, "Congress Appropriates $400 Million to Prepare States for Election Day amid Coronavirus Concerns," Mar. 30, 2020, https://www.sos.alabama.gov/newsroom/congress-appropriates-400-million-prepare-states-election-day-amid-coronavirus-concerns.

[31] Office of the Iowa Secretary of State, "MEDIA RELEASE: Secretary Pate launches statewide poll worker recruitment for June primary," Apr. 29, 2020, https://sos.iowa.gov/news/2020_04_29.html.

[32] Alexa Ura, "Texas Doubles Early Voting Period for July Primary Runoff Elections," *Texas Tribune*, May 11, 2020, https://www.texastribune.org/2020/05/11/texas-2020-july-primary-runoffs-coronavirus-early-voting/.

[33] See e.g., Larry Stanford, "Social distancing guidelines in place for primary election; advanced voting begins May 18," *Jackson Progress-Argus*, May 14, 2020, https://www.jacksonprogress-argus.com/news/social-distancing-guidelines-in-place-for-primary-election-advanced-voting-begins-may-18/article_cce0444a-9466-11ea-921c-2beedaf64074.html; New Mexico Department of Health, "Public Health Emergency Order Clarifying that Polling Places Shall be Open as Required in the Election Code and Imposing Certain Social Distancing Restrictions on Polling Places," Apr. 30, 2020, https://www.krqe.com/wp-content/uploads/sites/12/2020/05/DOH-PHO-4-30-polling-places-fv.pdf; State of Texas Secretary of State, "Health Protocols for Elections," May 26, 2020, https://www.sos.texas.gov/elections/forms/health-protocols-for-voters.pdf#page=4.

[34] "S.C. House, Senate unanimously vote to expand absentee voting for June primaries," *WMBF News*, May 12, 2020, https://www.wmbfnews.com/2020/05/12/sc-house-senate-unanimously-vote-expand-absentee-voting-june-primaries/ (mentioning that one of the items the South Carolina Elections Commission is spending the CARES Act funding on is "curbside carts to allow for social-distancing when poll managers service curbside voters (voters who due to age or disability are allowed to vote curbside at their polling place"); Andrea J. Tobias, "Ohio offering curbside voting, loosening absentee voting rules for quarantined and hospitalized due to coronavirus," *Cleveland.com*, Mar. 16, 2020, https://www.cleveland.com/open/2020/03/ohio-offering-curbside-voting-loosening-absentee-voting-rules-for-quarantined-and-hospitalized-due-to-coronavirus.html; Libby Denkmann, "Drive-Thru Democracy? California May Expand Curbside

IV.   Implementing Additional Cybersecurity Measures

Amidst all of the changes that election officials must make over the next five months to ensure that Americans can vote safely this fall, the United States still faces the threat of hostile nation state actors who seek to undermine the integrity of American elections. Indeed, Federal intelligence agencies continue to warn that "Russia, China, Iran, and other foreign malicious actors all will seek to interfere in the voting process or influence voter perceptions."[35] As the recent chairman of the Senate Select Committee on Intelligence noted after that committee put out its April 2020 assessment of Russian interference in American elections, "With the 2020 presidential election approaching, it's more important than ever that we remain vigilant against the threat of interference from hostile foreign actors."[36] Meanwhile, last week, the National Security Agency warned that a Russian intelligence unit that partook in attacks against our elections in 2016 is once again engaged in an e-mail hacking campaign this year.[37]

Unfortunately, as state and local election officials have faced new, unexpected expenses related to running safe elections during the Covid-19 pandemic, many have been forced to redirect funds that should have been used for election security improvements.[38]

At the same time, there are *new* security vulnerabilities that we face as a result of having to modify the way we run elections this year. Many election officials' work must continue despite social distancing recommendations, limits on nonessential travel, building closures, and public health concerns. To do so, many local election officials have staff who need to work at home or in temporary office space for periods of time throughout the election cycle. Working remotely presents significant security risks as malicious actors seek to exploit weaker networks and

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Voting For November," *Laist*, Apr. 13, 2020, https://laist.com/latest/post/20200413/california-curbside-voting-november-election-absentee-ballots-coronavirus.

[35] Federal Bureau of Investigation, "Joint Statement from DOJ, DOD, DHS, DNI, FBI, NSA, and CISA on Ensuring Security of 2020 Elections," Nov. 5, 2019, https://www.fbi.gov/news/pressrel/press-releases/joint-statement-from-doj-dod-dhs-dni-fbi-nsa-and-cisa-on-ensuring-security-of-2020-elections.

[36] Richard Burr, U.S. Senator for North Carolina, "Senate Intel Releases New Report on Intel Community Assessment of Russian Interference," Apr. 21, 2020, https://www.burr.senate.gov/press/releases/senate-intel-releases-new-report-on-intel-community-assessment-of-russian-interference.

[37] Kevin Collier, "The NSA has a warning: Russia's most infamous hackers are still active," *NBC News*, May 28, 2020, https://www.nbcnews.com/tech/security/nsa-has-warning-russia-s-most-infamous-hackers-are-still-n1216541.

[38] Matthew Vann, "Some cash-strapped states turn to election security funds to fight COVID-19," *ABC News*, Apr. 6, 2020, https://abcnews.go.com/Politics/cash-strapped-states-turn-election-security-funds-fight/story?id=69940136.

general disruption in routine. Around the country, officials are investing in measures and calling for additional resources to ensure that this activity is conducted as securely as possible.[39]

In addition to these measures, we should be taking extra steps to bolster the security of new and expanded on-line voter registration, mail ballot application and other information systems, which we will rely upon far more than we could have expected a mere three months ago.[40]

Finally, it will be even more critical to take steps to secure state and local voter registration databases. The Department of Homeland Security reported that Russia likely performed reconnaissance on voter registration databases in all 50 states to identify vulnerabilities in 2016.[41] While a resilient voter registration database is always important, it is especially crucial when large numbers of voters receive their ballots by mail. The accuracy of address lists and other voter registration data impacts whether voters receive their mail ballot request forms, mail ballots, and notices from the election offices, as well as whether they can effectively use tools such as online mail ballot requests. Furthermore, once ballots are mailed in, these lists are used for signature matching and other verification mechanisms. If the data is incorrect, voters could show up at the polling place only to be told they have already voted by mail and must cast a provisional ballot

There are many more cybersecurity steps election officials will need to take in the coming weeks and months. The Brennan Center will provide a detailed list of these steps in a report we plan to issue later this week, entitled "Preparing for Cyberattacks and Technical Failures During the Covid-19 Pandemic."

V.   More Resources Are Needed

In March, as part of the CARES Act, Congress gave states $400 million to protect the upcoming presidential and federal elections from any Covid-19 related disruptions.[42] While this was an important start, it is insufficient, given the massive changes that are necessary to ensure free, fair and safe elections this year.

Based on interviews with election officials and vendors, the Brennan Center has estimated the national cost of implementing its full set of recommendations for running safe and secure

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[39] National Governors Association, "Coalition Letter Addressing Cybersecurity And IT Infrastructure Needs Due To COVID-19," Apr. 28, 2020, https://www.nga.org/policy-communications/letters-nga/coalition-letter-cybersecurity-it-covid19/.

[40] See forthcoming report *Preparing for Cyberattacks and Technical Problems During the Covid-19 Pandemic: A Guide for Election Officials*, Brennan Center for Justice, Jun. 5, 2020.

[41] Sean Gallagher, "DHS, FBI say election systems in all 50 states were targeted in 2016," *Ars Technica*, Apr. 10, 2019, https://arstechnica.com/information-technology/2019/04/dhs-fbi-say-election-systems-in-50-states-were-targeted-in-2016/.

[42] Coronavirus Aid, Relief, and Economic Security (CARES) Act, Public Law No: 116-136 (2020).

elections in 2020 at approximately $4 billion. (**Appendix C**). Working in conjunction with the R Street Institute, Alliance for Securing Democracy and the University of Pittsburgh Institute for Cyber Law, Policy and Security, we separately interviewed election officials in five states — Georgia, Michigan Missouri, Ohio and Pennsylvania — as a case study to determine the steps they were taking, and would like to take, to ensure free, fair and safe elections in 2020 during the Covid-19 pandemic. (**Appendix D**). Based on those interviews, we calculated the cost of these additional steps and found in the aggregate that the federal funds represented just 12% of the minimum amount these states would need to implement those steps. It is clear that more resources are needed.[43] And election officials agree, as multiple states associations,[44] plus 139 individual local election officials from both parties have signed letters urging Congress to provide them with more resources to run safe and fair elections this fall (**Appendix E**).

Just as importantly, time is running out to ensure those needed resources can make a difference. As detailed in a report issued by the Brennan Center called "Deadlines for Running A Safe Election" (**Appendix F**), states implementing new online voter registration and on-line mail ballot application systems should have begun that process in May if they want them to be effective by late summer, when demand for them is likely to increase. For ballot printing and mail ballot "envelope kits," orders should be made this month, and certainly no later than July. And even though some items — such as extra election workers to process mail ballot applications or personal protective equipment for poll workers — can wait to be paid for until later in the year, having the money now will allow election officials to plan appropriately and reduce work and stress during what is going to be an exceptionally challenging summer and fall.

Conclusion

While there is no question that COVID-19 presents new and difficult challenges to administering fair and safe elections this year, these challenges are not insurmountable. The United States has managed to administer elections during difficult times before, from the Civil War to the Great Depression to Hurricane Katrina. The Brennan Center's extensive conversations with election officials around the country over the past two months have left me confident they know what needs to be done to ensure their voters can vote freely and safely this fall. It is critical that Congress act now to ensure that they have the resources to do so.

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[43] See Howard and Tisler, *Ensuring Safe Elections.*

[44] Brennan Center for Justice, "Election Officials' Support for Additional Federal Funding," May 11, 2020, https://www.brennancenter.org/our-work/research-reports/election-officials-support-additional-federal-funding.