



**Board of
Elections**

2020 General Election Preparedness

Robert Brehm and Todd Valentine
Co-Executive Directors
State Board of Elections

2020 New York State Association of Counties (NYSAC) Conference
September 15, 2020



Ryan Gregoire

NYSAC Legislative Director

Join the conversation online!

Follow your association on Twitter, Facebook and Instagram for the latest news and updates from NYSAC.



@nyscounties



nyscounties



@NYSCounties

Virtual Contests

1 - Virtual Fall Seminar Tweet-Off

2 - #CountiesForwardTogether Instagram Photo Contest

3 - Perfect Attendance Award drawing

nysac.org/contests

NYSAC Thanks our Workshop Sponsor

NTS Data Services



www.ntsdata.com

Speakers



Todd Valentine & Robert Brehm

Co-Executive Directors

NYS Board of Elections

Agenda

- Changes due to legislation and Executive Orders
- Grant Programs
- Cyber Security Directives
 - Backups of Election Data
 - Incident Response
 - Continuity of Operations
 - Security Awareness Training
- Credential Management & Access Review
- Cyber Incident Reporting Procedure
- Questions

Executive Orders – Legislation - Litigation

1. **Absentee Applications** (Phone (EO 202.58) Fax, Email, Web (Chapter 91))

Effective immediately

Absentee applications may now be accepted via phone, fax, email and the web portal. When applying through these electronic means, the voter does not have to put a wet signature on an application. The voter must still put a wet signature on the oath envelope when they return the ballot. Statute that still requires the county board's to compare the ballot (aka oath) envelope signature to the voter's registration record. (EL 9-209(2)(a)(i)(C)).

Executive Orders – Legislation - Litigation

2. Illness Definition Expanded (Chapter 139)

Effective immediately

Statute expanded to defines the term "illness" for the purposes of absentee voting to include instances where a voter is unable to appear personally at the polling place of the election district in which they are a qualified voter because there is a risk of contracting or spreading a disease causing illness to the voter or to other members of the public.

Executive Orders – Legislation - Litigation

3. Accessible Absentees Applications and Ballots (court case – Hernandez v NYSBOE)

Effective immediately

Persons with disabilities may now apply for an absentee ballot through the web and have the absentee ballot emailed to them. Per settlement, CBOE's will convert all their ballots to accessible ballots (unlike a regular PDF ballot sent to military, an accessible ballot can be “read” by and marked by computer software the voter has). Upon request, CBOE's will email out ballot package and at same time mail out return envelopes which are postage paid. Voter will print and mail back completed ballot.

Executive Orders – Legislation - Litigation

4. Uniform Absentee Envelopes (EO 202.58)

Effective September 8.

State Board developed a uniform envelope for absentee ballots for use by county boards. Such envelope shall establish where a voter must sign to be valid. All CBOE's must use such uniform envelope for absentee ballots.

Executive Orders – Legislation - Litigation

5. Curing Absentee Ballots Envelopes (Chapter 141 and EO 202.58 and court case League of Women Voters and Palmer v Kosinski et al.)

Effective Immediately

This will require county boards to review all returned absentee ballots when they are received and to provide notice to any voter whose ballot has a deficiency that can be cured like failing to sign the oath envelope, or the signature doesn't match the one on file. For notices made before election day, voters will have 7 days from date notice is sent to return the affirmation correcting the deficiency. For notices sent after Election day, CBOEs will have 24 hours from the date of identifying the deficiency to send notice and voters will have 5 days to cure. Notices after Election day to be made via phone or email. Regular mail only when not possible. Cures still have to come back by mail.

Executive Orders – Legislation - Litigation

6. Receipt of Absentee Ballots (Chapter 140)

Effective immediately

Absentee ballots can be postmarked up through Election Day. Absentee ballots received after Election day that do not have postmark to be presumed to have been timely mailed or delivered if such ballot was received by such board on the day after the election. Absentee ballots must still be received no later than 7 days after the Election and for UOCAVA voters 13 days.

Executive Orders – Legislation - Litigation

7. Mailing Informational Notice (EO 202.58)

Effective September 8.

County boards must mail out a notice to all voters stating:

- a. The dates, hours, and locations for early voting in such voter's county, including the early voting location for which the voter is assigned, if applicable.
- b. Information regarding how to apply for an absentee ballot, including the opportunity to apply online or by phone, and including the deadline for requesting an absentee ballot.
- c. Information regarding the date and hours for the November 3, 2020 general election, and the voter's election day polling place location.
- d. Information regarding how the voter can look up their registration status.
- e. An explicit reminder or communication of the opportunities to vote prior to Election Day, including application for an absentee ballot and early voting options.
- f. Expected mail times, if a voter chooses to request an absentee ballot. I would suggest strongly urging the voter to have a 15 day complete turn around time.

Executive Orders – Legislation - Litigation

8. Reporting List of Affidavit Ballots (EO 202.58)

Effective immediately

County boards shall report list of affidavit ballots to SBOE to compare against absentee ballots must be completed 48 hours after the election.

9. List of Staffing Needs (EO 202.58)

Effective 9/20/20

County boards must submit staffing plans and any staffing needs for early voting and election day poll site operations, as well as post-election canvass of results, to the SBOE no later than September 20, 2020, to provide adequate time for the state Board of Elections to assist “as feasible”.

Executive Orders – Legislation - Litigation

10. Return of Ballots to Boards and Poll Sites (EO 202.61)

Effective 9/21/20

County boards shall develop a plan to allow a registered voter to drop off a completed absentee ballot at a board of election, early voting location, or election day voting location, without requiring they wait in line with in-person voters, to help minimize delays during in-person voting and promote contactless voting. Plans must be submitted to the State Board of Elections by September 21, 2020 and made publicly available in the county board office and on their website when submitted.

Grant Programs

The informational mailer, that is required to be sent to all voters by September 8 ,2020 per Executive Order 202.58, is an eligible expense under the federal SHOEBOX grant, the federal 2020 HAVA CARES grant, and the NYS Early Voting Aid to Localities grant program. For your convenience, attached an excel sheet detailing your SHOEBOX, HAVA CARES, NYS Aid to Localities and other grant balances.

Grant Programs

- HAVA CARES (COVID 19) federal grant. This grant of \$24.6 M is to cover the costs of running 2020 federal elections during the COVID-19 pandemic. The eligible expense period is March 28, 2020- November 16, 2020.
- NYS Early Voting Aid to Localities grant. This \$10 M grant is to reimburse CBOES for eligible expenses related to the implementation of early voting.

Grant Programs

- NYS Capital Project Early Voting Grant. This \$14.7 M grant is to reimburse CBOES for eligible expenses for capital items such as e-poll books and on-demand printer systems and related cyber security software to implement early voting.
- Election Cybersecurity Remediation Grant. This is a \$9M dollar grant.
- SHOEBOX – State HAVA Operating Expenses for Boards of Elections. This grant has a balance of \$6.7 million (this is down from \$9M in January).

Grant Programs

- HAVA Education and poll worker training. This grant program has a balance of \$1.4 Million (down from \$2.6 M in January).
- NYS Poll Site grant. This grant has a balance of \$1 million dollars. (This is down from \$1.6 in January).

A.R.M.O.R. Phase II – What's Happening

- Incident Response (IR) Plan template
- Continuity of Operations (COOP) template
- Communications Plan
- Education & Training – Tabletop Exercises
- Cyber Navigator / Remediation Services
- Cyber Security Directives



Cyber Security Directives

- Written Risk Remediation Plan
- Backups of Election Data
- Incident Response
- Continuity of Operations
- Removable Media
- Security Awareness Training
- Continuous Monitoring and Reporting
- Credential Management and Access
- Email Protections

Backups of Election Data

- Back up Election Data at weekly intervals.
- Store at least one full backup securely offsite and offline (non-addressable)
- Utilize a separate service account that is prevented from interactive logon of workstations and servers
- Test your backups at least once 30 days prior to the general election
- Restore critical systems and verify that the data and information systems are useful, accessible, and fully functional to meet operational requirements.
- Report results to the Secure Elections Center no later than 30 days prior to the general election

Incident Response

- A written Incident Response Plan must be maintained and designed to promptly respond to, and recover from, any cyber security incident materially affecting the confidentiality, integrity or availability of the Board's information systems...
- Update your contact lists and notify the State Board of Elections upon any changes
- Submit a copy of the incident response contact list to the Secure Elections Center
- No later than 30 days prior to the general election.

Continuity of Operations Plan (COOP)

- Must create or update and maintain a Continuity of Operations Plan.
- Ensure that the County Board is able to perform essential functions under a broad range of circumstances
- Submit a copy to the Secure Elections Center annually, but no later than 30 days prior to the general election.
- At a minimum, the plan must address the following domains:
 - (1) recovery,
 - (2) contingency processes,
 - (3) communication plans, and
 - (4) process for operational data availability

System Administration, Network, and Security (SANS) Training

- We're on year 3!
- This year, 1,094 State and CBOE, including IT, staff were credentialed.
- 606 have completed the training.

Credential Management & Access Review

- Password Policy: Ensure that a complex password management policy is implemented in all information technology systems
- All passwords shall be changed on a regular basis but no less than annually.
- Access Control Review: Reviews of all users who have data entry access or change privileges, based on the principle of least privilege, should occur whenever an employee's status changes and users who are no longer employed by the Board of Elections shall have their accounts disabled.
- Periodic reviews of all user accounts shall be conducted at least annually but no later than 30 days prior to the general election.

New York State Elections Cyber Incident Reporting Procedure

What to Report?

The State and County Board of Elections must report all cyber incidents affecting or potentially affecting elections systems to the New York State Division of Homeland Security and Emergency Services (DHSES) and to the New York State Board of Elections (NYSBOE).

Cyber incidents that require notification:

- There is a cyber incident or threat that impacts, or has the potential to impact, personally identifiable information (PII).
- There is a cyber incident or threat that impacts, or has the potential to impact, election systems, infrastructure or election administration.
- A cyber incident that receives significant media attention.

Examples include: Unusual system behavior, unauthorized access attempts, web page compromise, credential compromise, unauthorized use of systems, denial of service, unauthorized or malicious software (malware).



First call: NYS Division of Homeland Security and
Emergency Services Cyber Incident Response
Team (CIRT):

1 (844) OCT-CIRT or 1 (844) 628-2478.

Staffed 24x7.

Second call: NYSBOE Secure Elections Center at:

1 (833) CYBERNY or 1 (833) 292-3769.

DHSES and the NYSBOE Secure Elections Center will coordinate State resources for election-related cyber incidents in New York State.



If You See Something Say Something
Be Observant and Report Suspicious Cyber Activity



Any incident that results in, or has potential for, an operations impact.

Speaker



Kelly Penziul

President

NYS Election Commissioners Association

Steuben Co. BOE Commissioner



NYSAC Thanks our Workshop Sponsor

NTS Data Services



Jeff Weber, IT & Security Specialist

NTS Data Services, LLC

2079 Sawyer Dr., Niagara Falls NY 14304

Email: Jeff.Weber@ntsdata.com

Website: www.ntsdata.com

New York State based, NTS Data Services works in close partnership with 50 counties and over 70 school districts across the Empire State to develop and apply election technology applications. These applications include, voter registration solutions, critical supporting modules and cyber security expertise to aide our counties in securing their critical data from adversarial entities.

If your County is looking for cost effective resources to aid in protecting your critical data from outside intrusion look no farther than in your own back yard. NTS Data Services here to serve.