

LEGISLATIVE AUDIT DIVISION

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MEMORANDUM

TO: Legislative Audit Committee Members

FROM: Tyler Julian, Associate Information Systems Auditor

CC: Christi Jacobsen, Secretary of State
Angela Nunn, Chief of Staff
Dana Corson, Director of Elections and Voter Services
Andy Ritter, Operations Manager
Austin Lindsay, Information Security Analyst

DATE: April 2022

RE: Information Systems Audit Follow-Up 22SP-03: *Security and Maintenance of Montana Election Systems* (orig. 19DP-06)

ATTACHMENTS: Original Information Systems Audit Summary

Introduction

The *Security and Maintenance of Montana Election Systems* (19DP-06) report was issued to the Legislative Audit Committee in October 2020. The audit included four recommendations to the Office of the Secretary of State (SOS) and one to the Montana State Legislature. In March 2022, we completed follow-up work to assess implementation of the report recommendations. This memorandum summarizes the results of our follow-up work.

Overview

The Office of the Secretary of State (SOS) is responsible for evaluating the physical security of elections and managing election risks, including the accuracy of the voter registration database. The audit reviewed governance over voter registration accuracy, the physical security of voting systems, and whether SOS is effectively managing risk at the county and state levels. Audit work identified that further definitions are required to identify scope of election security and election security measurements, and that state-level maintenance of the voter registration list can be improved. SOS can also improve success of future security initiatives by updating grant management practices. Overall, our follow-up work indicated that SOS is making positive progress toward implementing the recommendations. The Montana Legislature passed House Bill (HB) 530 (2021 session) to mandate the assessment of election security. SOS is drafting the rules required by HB 530 to define the scope, standards, and security measures to improve election security. SOS has hired an information security manager to conduct required election security requirements. Finally, SOS is improving their grant management and voter registry maintenance programs. The audit contained five recommendations: four that are still being implemented and one that is partially implemented.

Due to the decentralized relationship and necessity for coordination on various aspects of elections, the audit focused on security, grant management, and voter registration integrity. Audit work identified more direction, definition, and staff are needed to effectively secure elections; grant management procedures could implement more best practices to ensure support for election security; and a state-level maintenance program was needed to ensure accuracy and timeliness of voter registration changes. While the SOS has

taken meaningful steps towards implementing the recommendations of the audit, recent legal action has placed a hold on this progress. Due to recent lawsuit, a preliminary injunction was granted to place a hold on several pieces of legislation passed by the 2021 Legislature, including HB 350 which requires the SOS to assess election security and to adopt rules prohibiting people from collecting and submitting other people's voted ballots if they are receiving financial compensation for doing so. Consequently, the work conducted by the SOS for the audit has been paused until the outcome of that legal proceeding has been determined.

Audit Follow-Up Results

Follow-up work included discussions with SOS staff, the review of pertinent documentation, and the review of HB 530 and the drafted rules required by HB 530. Implementing the recommendations are the responsibility of the chief of staff, operations manager, elections director, and the information security analyst.

Democracy and public trust depend on secure elections and it is the responsibility of SOS to ensure the security and integrity of elections. Properly addressing security takes additional work and time, and due to this, SOS is still implementing these recommendations. SOS has made progress in legislation and hiring information security staff and they continue to work on grant management procedures, rule changes, and state-level voter registration maintenance. The following sections summarize the progress toward implementation of the report recommendations.

RECOMMENDATION #1

We recommend the Montana Legislature:

- A. Clearly define the scope of election security using federal election security best practices and NIST security controls to ensure all aspects of elections are secure, and**
- B. Mandate the assessment of election security using defined security standards at the local and state levels.**

Implementation Status – Being Implemented

Our initial audit identified that existing Montana law does not give enough direction for SOS on measures surrounding election security and that consistent assessment of security risks are not mandated. Democracy and public trust depend on accurate and secure elections. By defining the scope of election security and mandating assessments, the State can minimize threats to the election process.

Since the audit, the Montana Legislature has passed HB 530 requiring SOS to adopt rules defining and governing election security. The act mandates the annual assessment of election security at the local and state levels. The act does not clearly define security best practices or the security standards to be used. However, SOS is currently drafting administrative rules intended to define these security practices and standards required by this recommendation. SOS is in the process of rule amendments and plans to have rules adopted on or before July 1, 2022.

RECOMMENDATION #2

We recommend the Office of the Secretary of State develop rules that:

- A. Define voting systems consistently with statute.**
- B. Include detailed security measures that align with statute, election best practices, National Institute of Standards and Technology security controls, and federal recommendations.**

Implementation Status – Being Implemented

Our initial audit identified that the definition of voting systems and associated security measures did not account for all assets necessary to conduct an election. The security of these assets before, during, and

after an election are critical to ensuring fair and secure elections. Detailed security standards and assessment schedules from SOS would provide counties the guidance necessary to improve security around all election assets.

Since the Audit, SOS has started drafting administrative rules to better define voting systems and the security assessment standards and procedures to secure voting systems. The drafted rules currently define and set out expectations for the following aspects:

- Annual security assessment criteria, which define the security standards and controls (National Institute of Standards and Technology (NIST), Center for Internet Security) to be used in the security assessment, the assessment schedule, who is to conduct the assessment, and how the assessment is to be reported and retained.
- Surveillance criteria, which define recording device requirements, when and what areas are to be surveilled, and how the footage is to be retained.
- Security awareness training criteria, which define annual training requirements for election staff and how the training is to be reported and recorded.
- Chain of custody criteria, which define what election assets must be secured, what information related to the assets must be recorded, and what chain of custody information is to be documented, including how this information is to be retained. This list of assets is used to define a voting system consistently with statute by including the components used to tabulate and process ballots.
- Ballot reconciliation criteria, which define how ballots are to be handled and recorded for reconciliation purposes.
- Election equipment connectivity criteria, which define what voting systems assets are not to be connected to a network at any time.
- Election equipment tamper-proof criteria, which define what voting systems assets are to be physically secured to prevent unauthorized tampering or use.

As stated, these rules are currently in draft and SOS intends to refine and add additional requirements to these rules. SOS is making progress toward implementing this recommendation. All rules required by HB 530 are to be adopted on or before July 1, 2022.

RECOMMENDATION #3

We recommend the Office of the Secretary of State implement a detailed grant management program to be applied to future allocated Help America Vote Act funding that include:

- A. Measurable objectives and goals for grant spending.**
- B. Ongoing evaluation and tracking of objectives and goals to ensure success.**
- C. Clear timelines and milestones to ensure funding and expenditures meet objectives and goals of the grant.**

Implementation Status – Being Implemented

Our initial audit identified that SOS did not have a comprehensive grant management program for Help America Vote Act (HAVA) funding. Poor grant management puts SOS at risk of not meeting the objectives and desired outcomes of the grant funding and could lead to the loss of future funding. By adopting grant management best practices that ensure performance metrics are met, Montana can address future risks to the state's election security.

Since the audit, SOS has improved their grant management program for HAVA funding. Measurable objectives and goals have been established for each of the HAVA grants awarded to SOS, as well as

timelines to achieve the goals and objectives. The objectives established by SOS describe how they align with the grant objectives established by the Election Assistance Commission (EAC). For example, SOS has allocated funds for counties to implement suggestions received from the Montana National Guard conducted security risk assessments. This objective aligns with the EAC objective for funding activities that will improve the security of elections for the federal office.

A clear procedure has been outlined for the evaluation and tracking of the grant objectives and goals. Evaluations of grant subrecipients include site visits, regular contact, meetings, and annual audits of the spending of grant funds. These evaluations are to ensure grant funding is being used to meet the objectives and goals of the grant. The SOS Fiscal Division has oversight responsibility for the grant and tracks grant expenditures. The SOS operations manager is responsible for reviewing all documentation related to sub-recipients (counties) of grant funding and that proposed expenditures adhere to the grant objectives. All expenditures are reviewed for accuracy and relevance prior to release of funds and posting to the State's general ledger. A clear procedure has also been outlined that describes how SOS will monitor and report use of grant funding to the EAC and the Governor's Office of Budget and Program Planning.

The HAVA grant management program is close to being finalized. SOS, however, wants to ensure the grant's election security objectives and goals align with the rules required by and being drafted for HB 530. Because of this, SOS intends to have HAVA grant management program completed by July 1, 2022.

RECOMMENDATION #4

We recommend the Office of the Secretary of State fill the Information Security Manager position to:

- A. Conduct all security requirements listed in statute,**
- B. Ensure internal policies and procedures are available and consistently reviewed to reduce election and agency risks,**
- C. Provide independent security oversight for election officials and election systems, and**
- D. Provide ongoing communication channels between election administrators, stakeholders, and agency personnel to address security risks.**

Implementation Status – Being Implemented

Our initial audit identified that the SOS's information security manager (ISM) position had been vacant since 2017 and that key information security duties throughout the agency were not adequately managed. Not having an ISM to address information security risks introduces threats to the integrity of both the agency and election security. It is critical that SOS improve their security posture to establish groundwork for comprehensive agency and election security.

Since the audit, SOS has hired an ISM responsible for conducting security requirements listed in statute, including ensuring an adequate level of security for all data within the agency and developing common information security policies and procedures. The ISM is working with the team that is drafting the rules required by HB 530 and constructing guidelines on how the counties shall conduct annual security assessments. The ISM is currently updating existing security policy and procedure and creating new and additional SOS-specific security policy and procedure (at both the agency and county level), including system security plans, access management, asset management, incident response and disaster recovery, and risk and security assessments. The progress on much of this work is in the early stages of development and some of it is dependent on the implementation of the new ElectMT system and the rules required by HB 530. SOS intends to continue working toward implementation of this recommendation and have the work completed by the end of 2022.

The ISM provides independent security oversight for election officials and election systems by participating in county risk assessments and conducting user access audits. Security risks and security guidance is currently communicated to election administrators, stakeholders, and agency personnel via email. SOS is developing a formal process to communicate risks and guidance, including security documentation and newsletters that will be distributed state-wide. SOS intends to have this process completed by the end of 2022.

RECOMMENDATION #5

We recommend the Office of the Secretary of State implement a state-level maintenance program that addressed issues identified including:

- A. Developing a regular maintenance, communication, and follow-up schedule for the state and counties to follow to ensure timeliness of updates.**
- B. Implementing periodic voter registration data analysis to review controls that ensure voter statuses are current, accurate, and prevent invalid ballots.**

Implementation Status – *Partially Implemented*

Our initial audit identified that updates to the state voter registration list were not being made in a timely manner and there is no way to verify changes are being made at the county level. Accurate and up-to-date voter registration lists are critical to ensure that only valid ballots are counted in an election. A state-level voter registration maintenance program would ensure that the voter registration list is accurate at both the county and state level and will help protect the integrity of Montana elections.

Since the audit, SOS has been working to develop a state-level program to monitor the timeliness of voter status updates in the new election management system called ElectMT. This system was to be deployed in January of 2022; however, SOS stated there were delays implementing the new system (which delayed implementing this recommendation). The new deployment date for ElectMT is January 17, 2023.

There were also some concerns about using the new and untested system for the 2022 elections. Because of this, SOS instead developed metrics and procedures in the current voter registry system (Montana Votes) to accommodate reporting. The metrics include the time between the availability of decedent records, driver license information, and local and federal incarceration records, and when the records are reflected properly in the voter registry system. These reporting metrics have also been implemented in ElectMT and SOS will be conducting parallel tests of both systems in several counties in the upcoming primary election in June.

Having these additional procedures clearly defined by the SOS will help the counties maintain and update their voter registration lists and help protect the integrity of Montana elections. While this work will assist in the analysis of the accuracy of the voter registration list, it is unclear how the work will address the regular maintenance, communication, and follow-up schedule to ensure the timeliness of updates until the new system is fully implemented.