

Viewing the U.S. Election Process as an Essential Mission

by MICHAEL PRASAD
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As a critical element of democracy, elections need to be a part of the all-hazards planning, organization, equipment, training, and exercising benefiting from the nation's emergency management agencies and departments at all levels of government. Election security, capability, and integrity, as well as the ability for citizens to exercise their constitutional rights through democratic processes are essential to the sustained republic.



As with every threat and hazard that comes to fruition, disasters wait for no one. They do not distinguish between one political party or another, nor do they meet any specific timeline or deadline. The application of emergency management protocols, doctrine, and standards to the “before, during, and after” for elections (the disaster cycle phases of preparedness/protection/prevention, response, recovery, and mitigation activities familiar to all emergency managers) should be applied nationally – for all local, state, and federal primary and general elections.

Emergency Management Needs for Elections & Disasters

During any other disaster (weather event, cybersecurity attack, or even a national pandemic), running an election, verifying and announcing results, and conducting a successful inauguration can be major tasks for government. The consequence management challenges will grow exponentially. Much like a pandemic, the disaster cycle phases for an election run concurrently (not sequentially) across multiple jurisdictions. Government needs to

prepare to inaugurate a newly elected/re-elected candidate while potentially dealing with judicial challenges to the election results and also run-off elections – all at the same time. For emergency managers, this concept is no different from a complex coordinated attack or dueling natural/technological/human-caused disasters in the same geographic footprint. It is effectively standard consequence management planning. The 2020 U.S. national elections cycle experienced all of this. The State of Georgia (https://sos.ga.gov/index.php/elections/judge_rejects_election_lawsuit_based_on_bad_data) suffered through civil unrest (both election and non-election related), election lawsuits, and a run-off election for both U.S. Senate seats – all while dealing with the COVID-19 pandemic.

The National Association of Secretaries of State (NASS (<https://www.nass.org/sites/default/files/Election%20Cybersecurity/report-NASS-emergency-preparedness-elections-apr2017.pdf>)) recognized this concern after Superstorm Sandy impacted at least 15 states and the District of Columbia right before the presidential election of 2012. The NASS recognized the interagency cooperation and coordination needed before, during, and after elections should include the state emergency management department. Their focus was on alternate locations for polling places impacted by a disaster, alternate methods to power voting machines, and communication enhancements between local, county, and state election officials when the traditional communication channels fail during disasters.

These are all standard continuity of operations actions associated with the tactical missions for threats and hazards (<https://www.fema.gov/emergency-managers/risk-management/risk-capability-assessment>). When applied to the states' election operations agency/division/department, these actions can produce collaboration, coordination, cooperation, and communication across multiple departments, not just emergency management. There are two aspects here:

- Connecting the essential activities of the election process to emergency management (and elevating and aligning them to other federal-level emergency management essential activities); and
- Aligning governmental agencies involved in the election process to and through emergency management interagency partnerships.

Many U.S. states now apply the cross-functional and interdependent core capabilities (<https://www.fema.gov/emergency-managers/national-preparedness/mission-core-capabilities>) (such as operational coordination, planning, and public information and warning) of emergency management principles. In the response mission area, for instance, monitoring events and possible incidents on election day could include the possible options (<https://www.ncsl.org/research/elections-and-campaigns/election-emergencies.aspx>) of relocating the polling places and possibly delaying or rescheduling the election.

For example, New Jersey activates its State Emergency Operations Center (SEOC) on election days, including primaries. Part of the reason for this direct connection between election officials and emergency management is that the New Jersey State Police, a Division of the Attorney General's Office, is also the state's lead agency for emergency management. New Jersey and Michigan are the only two states that have this construct. The Attorney General's Office has deputies assigned across all of the counties during elections to act on possible voter fraud, electioneering violations, and voter intimidation. In 2018, New Jersey's governor also made an executive order (<http://ready.nj.gov/governor/news/news/562018/approved/20181101c.shtml>) to protect New Jersey's elections infrastructure from cybersecurity attacks, through its New Jersey Cybersecurity and Communications Integration Cell of the New Jersey Office of Homeland Security and Preparedness.



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Functions, Core Capabilities & Community Lifelines

During an election, the state-level coordination of these entities occurs at the SEOC, where all of the tools and situational awareness capabilities of the state's emergency management partnerships are available. There is already interagency cooperation capability and protocols to support the election process via emergency management, at the state level, even if not formalized through the state's emergency operations plan.

Elections as a Function. One option is to consider elections as a mission essential function, an emergency support function, and/or a recovery support function. The U.S. Department of Homeland Security maintains a list of validated Primary Mission Essential Functions (PMEFs) (https://www.dhs.gov/sites/default/files/publications/list_of_validated_pmefs_by_department) by Department, which is validated by the Federal Emergency Management Agency's (FEMA) national community coordinator. That list is already very wide in scope, including: maintaining the electrical grid, keeping the social security administration functioning, instilling confidence in the nation's banking system, and imposing trade sanctions. There is currently no mention of elections or voting in the PMEFs. Changes to the PMEFs may require federal legislative changes to the Stafford Act (<https://www.fema.gov/disasters/stafford-act>).

Elections as a Core Capability. Elections have been a national security concern as foreign governments have been identified as interfering with the election process. The alignment of the five mission areas from the National Preparedness Goal can certainly apply to elections. There are actions to take in prevention, protection, mitigation, response, and recovery to support free and fair elections, especially during concurrent disasters. Since the current list of 32 core capabilities are more aligned with activities (such as public information and warning, cybersecurity, critical transportation, as well as on-scene security, protection, and law enforcement), adding elections as a core capability does not seem applicable. The actions before, during, and after an election (and subsequent inauguration) are not the election itself – the election is the successful result of applied core capabilities during the mission areas.

The federal government and states should apply current interagency cooperation capabilities and protocols to their emergency operations plans for elections.

Elections as a Community Lifeline. In 2018, FEMA created a new construct – the Community Lifelines (<https://www.fema.gov/emergency-managers/practitioners/lifelines>) – which it uses to measure the continuous operation of critical government and business functions and “is essential to human health and safety or economic security.” FEMA prioritizes the rapid stabilization of Community Lifelines after a disaster, and those currently include: safety and security; food, water, and shelter; health and medical; energy; communications; transportation; and hazardous material. When elections are viewed through the lens of a Community Lifeline, additional stakeholders and partners can be added to the overall

whole-community approach to all of the lifelines. Whether elections are considered to be a Community Lifeline on their own or as part of a more general community support elements lifeline – which could include social, educational, and childcare services – all are remiss in the current construct.

More Than Just Federal Funding – Federal Emergency Management

Congress has reacted in the past to funding needs associated with elections and disasters. For example, reimbursement for damaged voting equipment and costs of rescheduling primaries in New York City during 9/11 (<https://www.gao.gov/new.items/d0472.pdf>) and the CARES Act in 2020 for COVID-19

(<https://www.eac.gov/sites/default/files/paymentgrants/cares/CARESAwardInstructions.pdf>) provided some funding for securing ballot collection boxes, cleaning and sanitizing, and other election polling place security and logistics. It is important to note that, without Stafford Act elements, these funding mechanisms are not guaranteed to be there for every disaster, nor are they managed through an effective emergency management construct across the disaster cycle phases. In 2005, Hurricane Katrina devastated New Orleans (<https://scholarlycommons.law.wlu.edu/cgi/viewcontent.cgi?article=1234&context=crsj>), which caused not only a massive exodus of registered voters but also damage to polling places and voting machines. FEMA did not reimburse those costs or share disaster applicant information with local governmental officials in order to provide election-related consequence management (such as alternate voting via mail-in ballots and alternate polling places – even for those out-of-state).

Further debate and discussion are needed and should be encouraged as part of the inevitable larger scale after-action review and improvement planning that will be conducted (another emergency management construct) by politicians and others in government after both the COVID-19 pandemic wains and the 2020 election cycle has ended. Perhaps then forward movement can be made on the concept of applying emergency management policies and protocols to the national election process.

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