ADOPTED

RESOLUTION

RESOLVED, That the American Bar Association urges the United States Congress to protect the security and integrity of U.S. federal elections by enacting legislation that authorizes and appropriates necessary funding for the National Institute of Standards and Technology (NIST) to:

(1) Define federal standards for cybersecurity of election systems software, infrastructure, and hardware, whether provided by the government or private sector companies, used in handling, storing, processing, or transmitting data for voter registration, vote tallying, voter polling, vote reporting, or the manufacturing, servicing, or writing of election parameters of voting machines/equipment (“Election Process”).

(2) Develop a certification process for the security and integrity of election systems software, infrastructure, and hardware (and associated components and modules) used in the Election Process.

(3) Analyze the private sector’s role in the Election Process and recommend any functions or roles that should be changed or restricted to public sector election officials to address issues related to the security and integrity of federal elections;

FURTHER RESOLVED, That the American Bar Association urges the U.S. Congress to allocate adequate funding to protect the security and integrity of the federal Election Process and restrict the use of all such funding to only those election jurisdictions that:

(1) Use such funding for the Election Process in a manner
consistent with the NIST federal election standards;

(2) Require annual comprehensive cybersecurity assessments by an independent third party of all systems used in the Election Process in accordance with the NIST federal election standards;

(3) Require annual comprehensive cybersecurity assessments by an independent third party of private sector companies involved in the Election Process in accordance with the NIST federal elections standards and make those assessments available to election officials contracting with them;

(4) Require that only election systems software, infrastructure, and hardware (and associated components and modules) that are certified by an independent third party in accordance with the NIST federal election standards be used in federal elections after October 2022;

(5) Require the deployment of human-readable paper ballots;

(6) Establish requirements for post-election auditing of votes, at least on the level of risk-limiting audits, and make the findings public; and

FURTHER RESOLVED, That the American Bar Association urges state, local, territorial, and tribal legislatures and governments to protect the security and integrity of U.S. election systems by allocating funding for the Election Process consistent with this Resolution.