



# Center For Internet Security

FEDERALIZATION OF TEXAS ELECTIONS

- No cost to the entity. DHS/CISA incentivizes compliance in exchange for “free” services.
- Ironically, this is “contingent on the availability of funds for this purpose
- In return for the incentive of “no cost” DHS receives access to all of the following:

- Network diagrams to facilitate analysis, network monitoring.
- In-band access via a secure Internet channel.
- Outbound access via a secure Internet channel.
- Enable CIS to deliver and perform the CSS for the benefit of the county
- Public and Private IP address ranges including servers being monitored



BRAZOS COUNTY  
BRYAN, TEXAS

|                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |         |
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| DEPARTMENT:            | Information Technology                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | NUMBER: |
| DATE OF COURT MEETING: | 3/13/2018                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |         |
| ITEM:                  | Request from the Information Technology Department to approve the membership agreement with Multi-State Information Sharing and Analysis Center.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |         |
| TO:                    | Commissioners Court                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |         |
| FROM:                  | Eric V. Caldwell, CGCIO                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |         |
| DATE:                  | 03/02/2018                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |         |
| FISCAL IMPACT:         | False                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |         |
| BUDGETED:              | False                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |         |
| DOLLAR AMOUNT:         | \$0.00                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |         |
| SOURCE OF FUNDS:       | There is no cost to join MS-ISAC.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |         |
| NOTES/EXCEPTIONS:      | <p>The Multi-State Information Sharing and Analysis Center (MS-ISAC) is a voluntary and collaborative effort based on a strong partnership between the Center for Internet Security and the Office of Cybersecurity and Communications within the U.S. Department of Homeland Security (DHS). The MS-ISAC has been designated by DHS as the key resource for cyber threat prevention, protection, response and recovery for the nation's state, local, territorial and tribal (SLTT) governments. Through its state-of-the-art 24/7 Security Operations Center, the MS-ISAC serves as a central resource for situational awareness and incident response for SLTT governments. <i>There is no cost to be a member.</i></p> <p>Membership in the MS-ISAC will give us access to several important benefits such as:</p> <ul style="list-style-type: none"> <li>• Cybersecurity advisories &amp; daily tips</li> <li>• Cyber event notifications</li> <li>• Awareness/education materials</li> <li>• Network monitoring</li> <li>• Vulnerability assessment services</li> <li>• Secure portals for communication &amp; document sharing</li> <li>• Malicious Code Analysis tools</li> <li>• Assistance with cybersecurity incident emergency response</li> </ul> <p>Sharing information with MS-ISAC is completely voluntary</p> |         |

SOURCE OF FUNDS:

There is no cost to join MS-ISAC.

The Multi-State Information Sharing and Analysis Center (MS-ISAC) is a voluntary and collaborative effort based on a strong partnership between the Center for Internet Security and the Office of Cybersecurity and Communications within the U.S. Department of Homeland Security (DHS). The MS-ISAC has been designated by DHS as the key resource for cyber threat prevention, protection, response and recovery for the nation's state, local, territorial and tribal (SLTT) governments. Through its state-of-the art 24/7 Security Operations Center, the MS-ISAC serves as a central resource for situational awareness and incident response for SLTT governments. *There is no cost to be a member.*

Membership in the MS-ISAC will give us access to several important benefits such as:

- Under this contract all information is considered voluntarily submitted and may be shared with the Federal Government.

- These Federal Government Agencies to this date have included the following:

- Federal Bureau of Investigations (FBI)
- Department of Justice (DOJ)
- Office of Director of National Security (ODNI)
- Cybersecurity and Infrastructure Security Agency (CISA)

paragraph 316 (c).

**Category C** information which is shared with the MS-ISAC and does not need to be cleansed and may be shared within the MS-ISAC and outside the MS-ISAC as appropriate

MS-ISAC members acknowledge that Primary Custodian has certain cyber and/or critical infrastructure information and material that is exempt from disclosure to the public or other unauthorized persons under federal or state laws including the Homeland Security Act of 2002 (6 U S C § 133) MS-ISAC members may provide access to this information and material in order to facilitate interstate communication regarding cyber and/or critical infrastructure readiness and response efforts These efforts include, but are not limited to, disseminating early warnings of physical and cyber system threats, sharing security incident information between U S states, territories, the District of Columbia, tribal nations and local governments, providing trends and

The EI-ISAC was conceived as a means of leveraging the many capabilities and the infrastructure of the MS-ISAC. The integration of the two continued after the EI-ISAC's formal launch in March. Both the MS-ISAC and EI-ISAC benefit by operating under the auspices of CIS. This allows them to work together to educate and protect SLTT governments from the myriad cyber threats that are aimed at both the traditional government IT systems and those specific to elections.

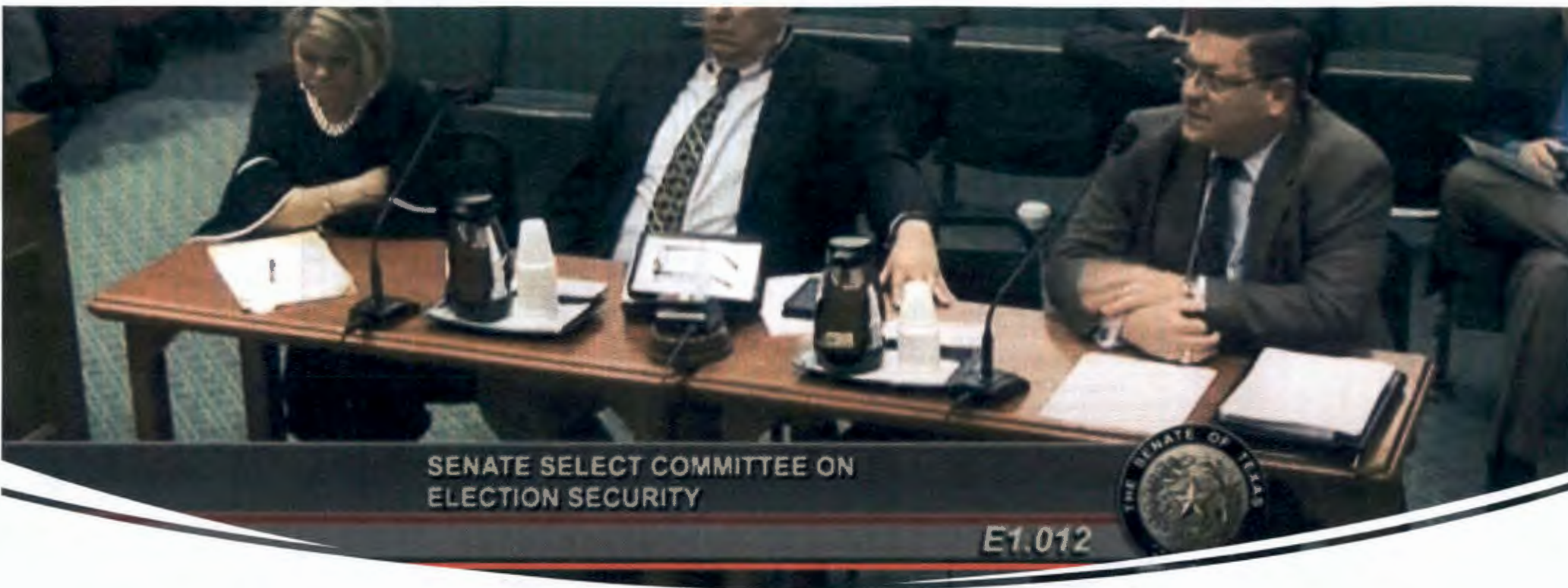


Both ISACs continue to utilize centralized, and in many cases shared, resources to enable a greater level of visibility and information sharing across the elections and the SLTT government sector to benefit the constituencies of both organizations. Furthermore, everything from webcasts to workgroups to in-person meetings integrate the needs of both ISACs, offering efficiency and consistency for the Membership. The support structure behind the ISACs includes:

- Security Operations Center (SOC) to provide 24/7/365 incident triage and immediate response.
- Computer Emergency Response Team (CERT) to provide incident response and forensic services.
- Cyber Intelligence Team to provide forward-leaning analysis, written products, and presentations.
- Engineering Team to provide sensor deployment and technical assistance.
- Stakeholder Engagement Team to provide member support and engagement.



**MS-ISAC®**  
Multi-State Information  
Sharing & Analysis Center®



## Texas Secretary of State

- "We also have working relationship with the Department of Homeland Security as well as the MSI-ISAC multi-state information sharing and analysis center and have since 2016...as well as the fact that we've got an Albert sensor on our registration database."
- Director of Elections Keith Ingram

## Texas Legislature Acted Texas Election Code § 279 Cybersecurity

### Protecting Election Infrastructure

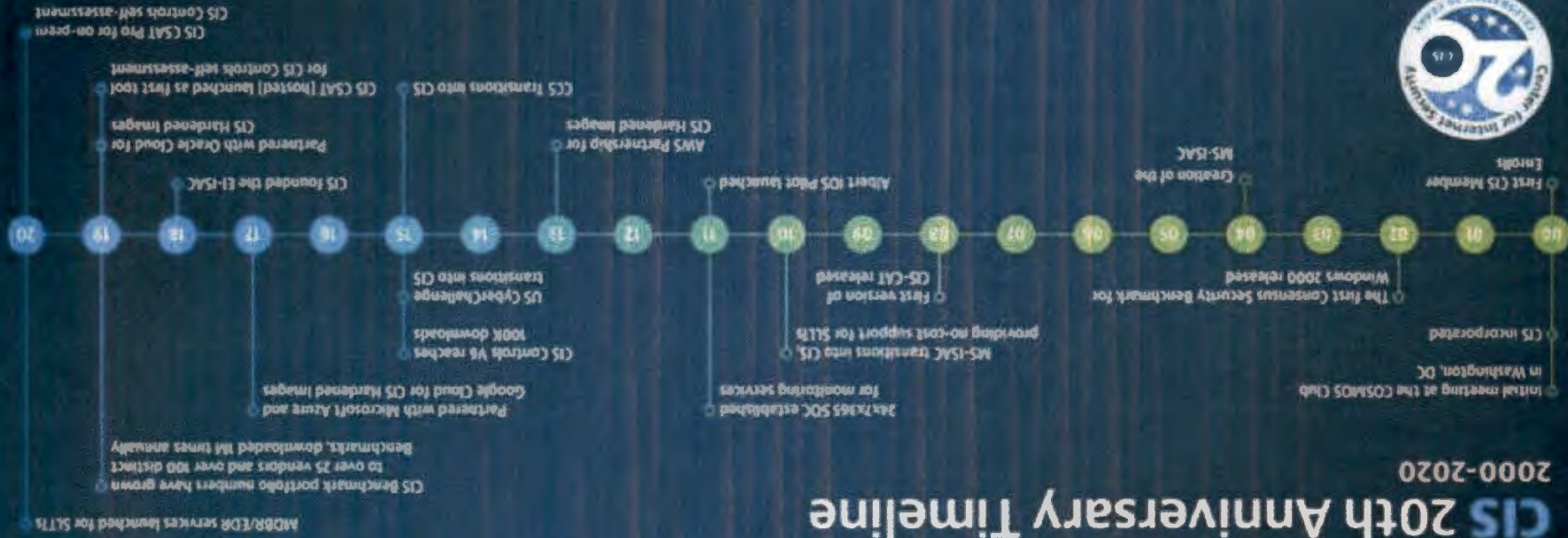
- The Texas Secretary of State's office has also taken the following steps to further strengthen election infrastructure security in the State of Texas:
- Established effective communication protocols with the Department of Homeland Security (DHS), the Federal Bureau of Investigations (FBI), the Department of Public Safety (DPS), and the Department of Information Resources (DIR) to coordinate cybersecurity monitoring and response.
- Engaged in a pilot program with DHS and the Multi-State Information Sharing & Analysis Center (MS-ISAC), which helped develop and improve information sharing protocols between the federal government and the states in the realm of election security.
- Instituted multi-factor authentication for election officials to ensure that only those who are authorized to do so can gain access to the statewide voter registration database.
- Installed an active Albert sensor on our voter registration database that alerts our agency when any suspicious cyber-activity occurs.
- Submitted Texas' [proposal to the U.S. Election Assistance Commission \(EAC\) \(PDF\)](#) for implementing new cybersecurity and election security measures – both at the state and local levels – using funds from the 2018 HAVA disbursement to states for election security.
- Informed and encouraged Texas counties to take advantage of free cybersecurity services and physical security assessments available from DHS, MS-ISAC, and EI-ISAC.
- Removed legal roadblocks that prevented counties from upgrading to newer, more secure systems.

### Working with Federal and Local Partners

- The SOS along with our county election officials have participated in numerous tabletop exercises on election security provided by the Department of Homeland Security.
- The SOS has provided on-going training opportunities for county election officials at our annual seminars, and on an individual basis, as needed, to county election officials.
- Most Texas counties participate in the [Elections Infrastructure Information Sharing and Analysis Center \(EI-ISAC\)](#) to ensure that the elections community is effectively sharing relevant information with respect to safeguarding our elections and being aware of potential cyber threats.

# CIS 20th Anniversary Timeline

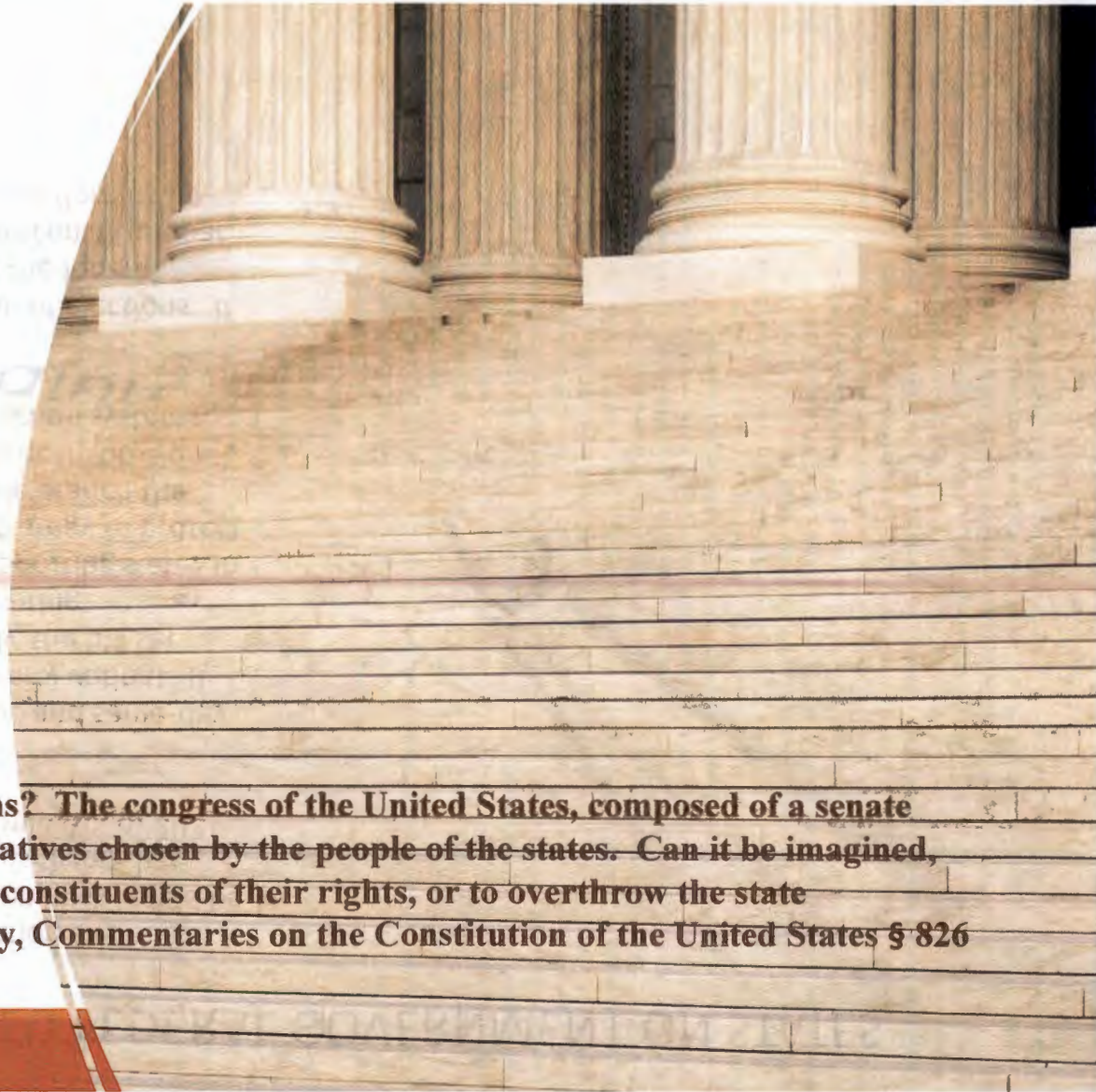
2000-2020



DHS cannot nor by Presidential executive order; impose election laws or enforce a “federal” authority on the states regarding elections.

- DHS may claim “extraordinary circumstances” or necessary to [the U.S. government’s] safety however the fact remains that only Congress would likely involve itself in congressional elections.

**“Who are to pass the laws for regulating elections? The congress of the United States, composed of a senate chosen by the state legislatures, and of representatives chosen by the people of the states. Can it be imagined, that these persons will combine to defraud their constituents of their rights, or to overthrow the state authorities, or the state influence?” Joseph Story, Commentaries on the Constitution of the United States § 826 (1833)**



## CONGRESS' REJECTION OF IMPOSED FEDERAL GOVERNMENT ON STATES

- Judge Story's commentary echoes Hamilton's expectation as representatives of states and their people, Members of Congress would be reluctant to impose election laws on objecting states. This theory has been tested as recently as last year in H.R. 1: For the People Act of 2021.
- H.R. 1 was to expand voter registration (e.g. automatic and same-day registration), and voting access (e.g., vote-by-mail and early voting). It also limits removing voters from voter rolls. Additionally, the bill set forth provisions related to election security, including sharing intelligence information with state Election Officials, supporting states in securing their election systems, developing a national strategy to protect U.S. democratic institutions, establishing in the legislative branch the "National Commission to Protect United States Democratic Institutions", and other provisions to improve the cybersecurity of election systems.
- Congress rejected this encroachment of federalization of elections. If Congress did not enact election cybersecurity law, then the federal government by way of DHS invading Texas' elections is unconstitutional and Election Officials that have imposed such intrusion are derelict in their duty violating Texans' privacy and voting rights.

Signature



# UNITED STATES CONSTITUTION - ARTICLE I SECTION 4

- Art. I Sec. 4 of the Constitution makes clear that only the legislatures of the States have authority to amend or nullify election statutes. *Bush II*, 531 U.S. at 104 (quoted *supra*). Texas legislatures did not authorize the Department of Homeland Security to monitor our elections. Non-legislative changes to State election law by SoS or County Election Officials are in violation of Art. 1 Sec. 4 of the U.S. Constitution.
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# Personal Identifiable Information

- The private information acquired by CIS via DHS is not widely available in Texas, but instead may be released only under certain circumstances and conditions imposed by Texas' voting laws. Tex. Elec. Code § 18.066. Seeking large scale voter information are only permitted to access certain data contained in Texas' computerized voter registration files and only upon certain conditions. Tex. Elec. Code § 18.066(d).

## **Disclosure of private voter data enables**

- Widespread abuse of that information to the detriment of Texans.
- Neither the SoS Election Officials nor the County Election Officials can possibly provide assurances as to the voter data's use once it is collected by federal agencies and their third-party vendors.
- Voter birthdates threatens the privacy interest of Texans
- Texas courts have acknowledged, a citizen has an inherent privacy interest in his or her birthdate, given that such date, in combination with other information can result in identity theft.

*Texas courts have held that the disclosure of birth information constitutes a "clearly unwarranted invasion of personal privacy."*





The Federal  
Government  
Monitoring Our  
Elections raises  
more questions  
than answers.

How many government  
agencies have access to  
the voter rolls and voting  
machines?

How many private  
owned companies have  
access to the voter rolls  
and voting machines?

How many non-profit  
organizations (NGO)  
have access to the voter  
rolls and voting  
machines?

Who has access to the  
tabulators, election  
night reporting, election  
management system,  
the poll books.....

Who has ACCESS  
to our ballot  
IMAGE?