Hacking Democracy: Elections and Beyond

Presented by the
American Bar Association
Cybersecurity Legal Task Force,
Standing Committee on Law and National Security and
Division for Public Education

Hacking Democracy: Elections and Beyond

ABA Annual Meeting Showcase
Sponsored by the ABA Cybersecurity Legal Task Force and
ABA Standing Committee on Law and National Security

Saturday, July 29, 2020, 10:00-11:30 pm CT

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- **"Understanding Cybersecurity Risks,"** by Lucy L. Thomson, Chapter 2, *The ABA Cybersecurity Handbook: A Resource for Attorneys, Law Firms, and Business Professionals,* ABA Cybersecurity Legal Task Force (2[d] ed. 2018), www.ambar.org/cyber.

- **Cybersecurity/Elections: Report and Resolution 118,** adopted by the ABA House of Delegates at the ABA Midyear Meeting, February 2020, sponsored by the ABA Cybersecurity Legal Task Force. The Resolution identifies essential steps that should be taken by Congress, state and local governments, election officials, and private sector entities to secure the "election process" in federal elections. https://www.americanbar.org/news/reporter_resources/midyear-meeting-2020/house-of-delegates-resolutions/118/

- **U.S. Cyberspace Solarium Commission (CSC)**
  - Report, March 2020, https://www.solarium.gov/report.
  - CSC White Paper #1: "Cybersecurity Lessons from the Pandemic," May 2020, https://drive.google.com/file/d/1wCHVtIFlw84uZIPOTZe2nkdGau15fLAQ/view.

- **Presentation Slides**, presented by Suzanne Spaulding, July 2020 https://www.americanbar.org/content/dam/aba/administrative/cybersecuritylegaltaskforce/showcase-spaulding-slides.pdf#

- **Report: "Beyond the Ballot: How the Kremlin Works to Undermine the U.S. Justice System,"** by Suzanne Spaulding, Devi Nair, and Arthur Nelson, Center for Strategic and International Studies, May 1, 2019, https://csis-website-prod.s3.amazonaws.com/s3fs-public/publication/190430_RussiaUSJusticeSystem_v3_WEB_FULL.pdf.

- **MITRE Advisory Document: "Deliver Uncompromised: A Strategy for Supply Chain Security and Resilience in Response to the Changing Character of War,"** by Chris Nissen, John Gronager, Robert Metzger, and Harvey Rishikof, August 2018, https://www.americanbar.org/content/dam/aba/administrative/cybersecuritylegaltaskforce/deliver-uncompromised-mitre.pdf.

- **National Defense Authorization Act (2019-2020),** https://www.congress.gov/bill/116th-congress/senate-bill/4049/text?q=%7B%22search%22%3A%5B%22NDAA%22%5D%7D&r=1&s=2.

- **Remarks, Defense Secretary Dr. Mark T. Esper, "**Defense Secretary Speaks at Cybersecurity Summit," September 19, 2019, https://www.defense.gov/Watch/Video/videoid/710234/?dvpTag=Defense+on+Demand.

- **Judge Mariano-Florentino Cuéllar**
  - "Preparing for Cyberdelegation and Its Risks," by Judge Mariano-Florentino Cuéllar, https://www.theregreview.org/2016/12/21/cuellar-cyberdelegation-risks/.
  - "Government by Algorithm: Artificial Intelligence in Federal Administrative Agencies," by David Freeman Engstrom, Daniel E. Ho, Catherine M. Sharkey, and Mariano-Florentino Cuéllar, February 1, 2020. Available at SSRN: https://ssrn.com/abstract=3551505 or http://dx.doi.org/10.2139/ssrn.3551505.

- **ABA Cybersecurity Legal Task Force, ambar.org/cyber**

  Established in 2012, the Task Force unites representatives from over 25 ABA entities with cybersecurity expertise and leaders from the public, private, and technical sectors. From this cross-disciplinary vantage point, the Task Force identifies, compiles, creates, and promotes cybersecurity resources; focuses and coordinates the ABA's analyses and assessments of cybersecurity proposals; leads projects and spotlights ABA cybersecurity initiatives; and undertakes a wide range of publishing, programming, and outreach. Ruth Hill Bro and Thomas J. Smedinghoff, Co-Chairs. ***Resources at ambar.org/cyber include:***
  - The Task Force's "Vendor Contracting Project: Cybersecurity Checklist" (FREE). Originally created in 2016 in partnership with the U.S. Department of the Treasury, the 2020 update includes a focus on small firms, adds the topic of privacy, and features big-picture topic introductions.
  - Cybersecurity resources for solo/small law firms and businesses (www.ambar.org/cyberforsmall).
  - The Task Force's latest bestseller: *The ABA Cybersecurity Handbook: A Resource for Attorneys, Law Firms, and Business Professionals, Second Edition (2018)*. Winner of 2018 ACLEA Best Publication Award. Save 30% w/code CYSECHBK30 until 8/31/20 at ambar.org/cybersecurity.
  - The Task Force's cybersecurity webinar series, "Cybersecurity Wake-Up Call: The Business You Save May Be Your Own" (a 5-part webinar series based on the Task Force's 2018 *ABA Cybersecurity Handbook*), at ambar.org/cyberwakeup (recorded programs, including ethics credit).
  - Digital Dangers (a yearlong exploration of cybersecurity and the law), jointly produced by the *ABA Journal* and the ABA Cybersecurity Legal Task Force (2018), see articles at abajournal.com/magazine/cyber (FREE).

- **ABA Standing Committee on Law and National Security (SCOLNS), ambar.org/natsecurity**

  Established in 1962 by then-ABA President and later U.S. Supreme Court Justice Lewis J. Powell, SCOLNS is the oldest Standing Committee in the ABA and has sustained an unwavering commitment to educating the Bar and the public on the importance of the rule of law in preserving the freedoms of democracy and our national security. The Committee conducts studies, sponsors programs, and administers working groups on law and national security-related issues. Activities assist policymakers; educate lawyers, the media, and the public; and enable the Committee to

make recommendations to the ABA. The 11-member Committee is aided by an Advisory Committee, Counselors, and liaisons from ABA entities. Cynthia R. Ryan, Chair. Additional resources, including a link to our weekly podcast, *National Security Law Today*, can be found at ***ambar.org/natsecurity***