

Testimony of Alysoun McLaughlin
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Committee on the Judiciary

Spotlight Hearing - Protecting Democracy: Defending the Right to Vote
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Ranking Member Raskin, Ranking Member Scanlon, and Members of the Committee:

Thank you for the opportunity to testify today. My name is Alysoun McLaughlin, and I served as a local election official from 2009 through 2024. For more than a decade, I was the Deputy Election Director for Montgomery County, Maryland, managing election operations in one of the 50 largest counties in the United States. I also had the privilege of leading the staff as Acting Election Director for more than a year, as we conducted the 2022 election.

During my time as an election administrator, I served as a member of the Board of Directors and as Vice President of the Maryland Association of Election Officials, as Co-Chair and Secretary of the Metropolitan Washington Council of Governments' Election Officials Technical Committee, as Chair of the Board of Advisors for the U.S. Election Assistance Commission, and as an officer of various committees for the National Association of Counties and the National Association of Election Officials. I serve on the Editorial Board of the Journal of Election Administration Research and Practice and am honored to be an honorary lifetime member of the National Association of County Collectors, Treasurers and Finance Officers.

Prior to becoming an election official, I spent more than a decade as a staff member with bipartisan organizations representing state and local government officials in Washington, D.C. During that time, I had the opportunity to work with election officials from across the country on a variety of issues at the intersection of federal, state and local government responsibility. After the 2000 presidential election, I provided staff support for the National Conference of State Legislatures' Election Reform Task Force and participated on their behalf in the negotiations that

shaped the Help America Vote Act. In total, I have more than 25 years of experience navigating the dynamics of federalism in election management and policy.

In my current role, I hold a faculty appointment in the Department of Government and Politics at the University of Maryland, as a Senior Fellow with the Center for Democracy and Civic Engagement and as Director of the Election Resilience Lab.

The Election Resilience Lab is a hub for research that identifies and demonstrates what works to strengthen the people and workplaces of democracy. Our goal is to build evidence that election officials can rely on in managing their work, and that policymakers at all levels of government can use to strengthen election staffing, management and infrastructure.

During the 2024 election, with funding from the U.S. Election Assistance Commission, we conducted a nationwide study of election staffing. This testimony draws in part on that research, which is described in a report titled *The HR of Democracy: Understanding the Election Workforce*. A copy of that report is provided for the hearing record.

Otherwise, my testimony today draws on my own experience as a former election administrator and my knowledge of the work performed by election officials across the country. All views expressed are my own, and do not necessarily reflect those of my coauthors, funders, or the University of Maryland.

I was asked to address how election officials will perform their duties in the face of extraordinary events or circumstances during the 2026 election. And my answer is this: They will do what election officials do in every election. They will follow the law. They will maintain custody and control of election materials. They will follow existing contingency plans. They will apply their expertise, and they will leverage their relationships with law enforcement, emergency management, and others in their own local jurisdiction for such manpower, expertise, and other resources they need. They will seek guidance from legal counsel. And if they need to go to court to preserve access to the ballot or the accuracy and integrity of the election, they will.

Who Conducts Elections

To explain my response above, I think it is helpful to clarify who has responsibility for conducting elections and that the responsibility does not lie with any department or agency of the federal

government. There is no such thing as a nationally administered election. The federal government plays many important roles, of course. But it does not print our ballots, staff our polling places, count our votes, or certify precinct returns. In risk management terms, this decentralization means there is no single point of national failure.

In most states, county governments bear that responsibility. In New England, Michigan, and Wisconsin, elections are administered by cities, towns, villages, or townships. Delaware and Alaska primarily administer elections at the state level. Some states have a hybrid arrangement, with duties divided among different levels of government.

The person who bears legal responsibility may be a County Clerk, Recorder, or other constitutional officer. An election administrator may be hired by a commission or a bipartisan board. Titles and responsibilities differ from state to state, and sometimes county to county. Their responsibilities vary widely. In larger counties serving many people, work is divided among staff within large departments. In smaller counties and municipalities, the work may be largely performed by a single constitutional officer who is responsible for multiple functions of government. The duties may be prescribed in state law or a county charter.

The people in counties, cities and towns who are responsible for conducting elections, and the staff that they hire to support them in that work, take very seriously the oaths they swear, and the legal duties they assume, to faithfully administer election laws. It is quite literally their job.

The Election Is Already Underway

As we participate in this hearing today, voters are already casting ballots in the 2026 general election. This past Saturday was the deadline, under federal law, for transmitting ballots to military and overseas voters who had filed a valid request. In many states, ballots have been mailed to domestic voters as well, and officials may already be accepting returned ballots and verifying that they can be counted and results released on election night.

Preparations are also underway for in-person voting. In some states, like Virginia, it has already begun. Many voters will cast their ballots before Election Day, which election officials are increasingly describing as “the last day to vote” due to the popularity of early voting. Election officials are multitasking, serving voters who are currently casting their ballots while also training poll workers and preparing equipment and supplies for those who will vote on Election Day.

And they are meeting with law enforcement and emergency management, with counsel, and with board members and department heads to review how they will respond to any number of difficult scenarios that may arise in the weeks and months ahead.

Preparing for Extraordinary Circumstances

Whether the threat is an impending storm or a lawsuit, misinformation or a power outage, political pressure or outright threats of violence, election officials prepare beforehand. They know that they can't predict every issue that may arise, but they can establish contingency and communication plans, clarify roles, responsibilities, and resources available in the event of an emergency, and build the relationships they will need to respond when something unexpected occurs.

Tabletop exercises, where election officials rehearse various threat scenarios alongside law enforcement and emergency managers, have become a routine part of election preparations. For most of the people who do this work, it is not their first rodeo. They have faced more than a few worst-case scenarios in real life, in recent years, from hurricanes and bomb threats to a nationwide pandemic. And where turnover means that new officials or appointees are conducting elections for the first time, their colleagues in statewide associations and other peer networks are stepping up to offer support.

But in a crisis, the resources and support that election officials most immediately rely on are typically right down the hall. Election administrators serve as part of the same county or municipal government that provides services and responds to crises even when there is not an election. Election officials work not only with emergency managers and law enforcement, but also with their departments of public works and transportation for vehicles and logistical support; with their libraries, recreation facilities and schools to arrange for backup voting locations; with finance and human resources for funding and personnel; and with local counsel when legal action is required.

A Sudden Change in Regulations or a Court Order

Others on this panel are best qualified to address the legal concerns surrounding any change to an election after voting has begun. I can speak to what such a change means operationally for an election office.

By this point, ballots have been finalized and issued, voting systems have been programmed and tested, staff and poll workers have been trained, instructions have been written and distributed, and voters have already cast ballots under the existing rules. Even a change that seems minor can have unintended consequences and create confusion for voters. It can also distract staff and poll workers from other important responsibilities as they focus on getting the implementation right.

Election officials will make changes while continuing to process ballots, answer voters' questions, train poll workers, and do all the other tasks involved in running the election. They will balk at change. Staff who are already working long hours risk exhaustion, which can make mistakes more likely. But election officials will do whatever the law requires.

Unexpected Demands for Access or Custody

Election officials have detailed processes for documenting the chain of custody for election materials and strict controls govern who has access to them and where they are stored. They are legally responsible for securing those materials.

Legal disputes over election results, including litigation over the process of counting ballots and access to that process, are not unusual. It is essential for election officials to work with legal counsel immediately if a dispute arises, to ensure that access, storage, and transfer of custody are clearly authorized and documented, and that all handling of those materials is conducted in accordance with the law.

Recent highly publicized transfers of ballots have involved elections that were already certified. A demand for custody while voting is underway would be a very different situation and would certainly go to court. Election officials must have custody of those materials to count the votes, conduct the canvass and perform other duties they are legally required to perform.

Threats or Physical Disruption

Threats against election officials and polling places have become an all-too-frequent occurrence. Public safety is the specialty of our local law enforcement partners. Election officials rely on them to assess the threat, protect voters and workers, and pursue criminal prosecution of those responsible.

The election official, however, remains focused on the election. They will secure and account for ballots and equipment and determine how voters can best continue to be served. If a polling place or other facility cannot be used, they will work with legal counsel and with other state and local government partners to carry out contingency plans and communicate any changes to voters.

Insider Threats

Election officials have important responsibilities, but election administration does not depend on trust alone. The specific procedures vary by state, but access controls, public observation, canvassing and audits provide multiple opportunities to identify errors or misconduct.

If someone with authorized access violates that trust, election officials will investigate what occurred, in cooperation with counsel and with law enforcement as appropriate. It is important for election officials to apply customary information security practices to ensure that temporary staff and others supporting the election process do not have more access than they need to perform their duties. But our system is designed for transparency and bipartisan oversight. It is part of the job.

A Cyberattack or System Disruption

Election officials rely on technology, and those systems face cyber threats just like any other part of government. But election officials are also among the best prepared to face those threats. We have spent a lot of time hardening our defenses against cyberattacks in the last decade, beginning with the return to paper ballots. The early 2000s saw a shift toward the use of direct recording electronic voting machines, followed by a wholesale return to paper ballots and touch screen devices that produce a paper record. Election officials have spent a large part of the federal funds that Congress has appropriated for election security grants on hardening their voter registration and public-facing systems. We use human rosters and runners as a backup for electronic communication systems, in cases of a widespread outage. And systems and responsibilities are dispersed across thousands of state and local offices, so there is no single network whose intrusion could compromise the election nationwide.

Cyberattacks are among the most common scenarios we rehearse in tabletop exercises with vendors, law enforcement and other partners. The staff of the U.S. Election Assistance

Commission and the Elections Infrastructure Information Sharing Analysis Center, through the Center for Internet Security, continue to offer information and assistance, but the primary responsibility falls as it always has on state and local governments. A cyber incident could disrupt an office on Election Day or interfere with the timely reporting of unofficial results on a website. It would not erase the paper ballots or the legal processes and human beings who are responsible for counting, canvassing, auditing and certifying them.

Mail Disruption

Election officials work with the U.S. Postal Service before and during every election to coordinate the handling of election mail, monitor problems and escalate delays. Many election officials use intelligent mail barcodes and software that monitors the status of ballots in the mail, so that they can identify patterns in mail delivery and track individual ballots that are not making it to their destination.

If mail service is disrupted, election officials will let voters know what other options they have to cast their ballot. Drop boxes, early voting and over-the-counter requests and return of absentee ballots are also popular alternatives for those voters who choose to avoid using the U.S. Postal Service.

When Something Goes Wrong

Election officials do not claim that nothing can go wrong. But when a problem occurs, the redundancies built into the system are designed to make it possible to identify what happened and remedy the situation. Sometimes, the courts have to determine an appropriate remedy.

Election officials also operate under a great deal of scrutiny. State laws provide for multiple forms of oversight, from observation by candidates and political parties to public canvassing and post-election audits. The details vary, but the processes make election administration observable, documented, and subject to independent review.

I have participated in tabletop exercises where we have explored extreme what-ifs, and I have lived through a few of them. I have hunkered down with the ballots through a hurricane and worked diligently to get voting up and running again as swiftly as possible. I stood shoulder to shoulder with my colleagues during the pandemic and purchased hand sanitizer by the truckload. I have faced rumors of everything from voting equipment that was supposedly

hacked, which turned out to be a screen calibration issue, to reports of ICE agents at a voting location, which turned out to be normal police activity at a nearby intersection.

When something goes wrong, voters are conditioned in this day and age to believe the worst. But those who administer elections in this country are some of the most hardworking, dedicated people I know. They monitor their phone lines and social media for reports of problems at the polls and they keep in touch with their poll workers in the field, who should be the first line of reporting. If you see something, say something directly to them on Election Day. Because most problems that occur are the result of human error that can be remedied onsite immediately by the person in charge.

But extraordinary events do occur. And with each new challenge, election officials have proven that they will rise to the occasion, not by acting alone but by following the law, relying on established procedures, and turning to their relationships and systems that they built long before a crisis occurs.

No matter what challenges we face, the election will be conducted and certified this fall by election officials in more than 10,000 different jurisdictions around the country, who will count every vote and certify the results so that members of this body can be sworn in next January. And so that county commissioners, and state legislators, and school board members, and the many other office holders at the state and local level whose service relies on the election can be sworn in as well.

Thank you again for the opportunity to testify. I am happy to answer any questions.