



# **U.S. Election Assistance Commission**

## **Compliance Plan for OMB Memorandum M-24-10**

August 2, 2024

Version 1.0



## REVISION HISTORY

Date	Name	Description of Change	Version
08/30/2024	SD	DRAFT	DRAFT1
9/10/2024	SD	Revised Draft	DRAFT2
9/20/2024	SD	Changes Accepted	FINAL



## **PURPOSE**

The AI in Government Act of 2020 and OMB Memorandum M-24-10, Advancing Governance, Innovation, and Risk Management for Agency Use of Artificial Intelligence, direct each agency to submit to OMB and post publicly on its website either a plan to achieve consistency with M-24-10 or a written determination that the agency does not use and does not anticipate using covered AI.

This document outlines the minimum information required for U.S. Election Assistance Commission (EAC) compliance plans that will satisfy the requirements of Section 3(a)(iii) of M-24-10 and Section 104(c) of the AI in Government Act. EAC will report compliance with the individual use-case-specific practices mandated in Section 5(c)(iv) and (v) of M-24-10 separately through the annual AI use case inventory.

## **SCOPE**

This AI Compliance plan applies to the EAC, including their employees and all third parties (such as consultants, vendors, and contractors) that use or access any Information Technology (IT) resources under the administrative responsibility of the EAC or its IT services. This encompasses systems managed or hosted by third parties on behalf of the agency. While an organizational unit may adopt a different policy, it must abide by the compliance policies outlined in this document.

This policy covers all technology systems that deploy AI technology, hereinafter called "AI systems." AI is a machine-based system that can make predictions, recommendations, or decisions influencing real or virtual environments for a given set of human-defined objectives. AI systems use machine- and human-based inputs to perceive environments, abstract perceptions into models through automated analysis, and use model inference to formulate options for information or action. The definition includes systems using machine learning, large language models, natural language processing, computer vision technologies, and generative AI. Still, it excludes basic calculations, basic automation, or pre-recorded "if this, then that" response systems.

This policy applies to all new and existing AI systems developed, used, or procured by the EAC, which could directly impact the mission or security of the EAC. It does not govern Commission guidance or other actions regarding non-agency uses of AI.

## **STRENGTHENING AI GOVERNANCE**



The EAC is currently evaluating its policies and guidelines with regard to the use of AI technologies to ensure consistency with OMB Memo M-24-10. To date, these efforts have consisted of:

- Designation of an agency Chief AI Officer (CAIO)
- Establishment of an agency AI Governance Board
- Development of guidance for staff regarding the use of AI tools
- Acquisition of AI tools as part of existing products and services utilized by the EAC

A full description of the AI tools in use by the agency will be included as part of the EAC's full AI Use Case Inventory and updated annually.

### **AI Governance Bodies**

Establishing AI Governance Bodies within the EAC is a critical component of our commitment to ensuring AI technologies' responsible and ethical use. These bodies are designed to oversee the implementation and operation of AI systems and ensure compliance with relevant laws, regulations, and internal policies.

#### ***Composition of AI Governance Bodies***

The AI governance body at the EAC comprises representatives from various key offices, ensuring a comprehensive and multidisciplinary approach to AI oversight. In addition to the agency's Executive Director and the EAC's CAIO, the offices represented on the EAC AI Governance Board include:

- Office of the Chief Information Officer (OCIO)
- Office of General Counsel (OGC)
- Office of the Chief Election Information Officer (OCEIO)
- Office of the Chief Financial Officer (OCFO)

#### ***Expected Outcomes***

The AI governance body aims to achieve the following outcomes:

- **Ethical AI Deployment:** Ensure all AI systems are developed and deployed consistently with ethical standards and organizational values.
- **Risk Mitigation:** Identify and mitigate potential risks associated with AI, including biases, unfair outcomes, and other harms.
- **Transparency and Accountability:** Maintain transparency in AI operations and hold stakeholders accountable for their roles in AI governance.



- **Continuous Improvement:** Foster a culture of constant improvement in AI governance practices, keeping pace with technological advancements and emerging best practices.

### ***Consultation with External Experts***

The AI governance body will consult with external experts as appropriate and consistent with applicable laws to enhance the robustness of our AI governance framework. These consultations may include:

- **Academic Institutions:** Collaborating with researchers and experts from universities and research institutions.
- **Industry Leaders:** Engaging with industry experts to gain insights into cutting-edge AI technologies and practices.
- **Civil Society Organizations:** Consulting with NGOs and other civil society organizations to understand the societal impact of AI and incorporate diverse perspectives.
- **Interagency Collaboration:** Coordinating with other federal agencies to share knowledge and align on best practices for AI governance.
- **Agency Stakeholders:** Consult with members of the EAC's Federal Advisory Committee Act (FACA) boards to solicit recommendations on the EAC's use of AI and incorporate feedback into future EAC guidance and work products.

### ***Operational Framework***

The AI governance body will operate under a defined framework that includes regular meetings, a structured review process for AI projects, and transparent reporting lines to senior leadership. Key activities include:

- **Review and Approval:** Evaluating AI projects and use cases to ensure they meet ethical, legal, and policy requirements before deployment.
- **Monitoring and Oversight:** Continuously monitoring AI systems for compliance and performance, with mechanisms in place for regular reviews and audits.
- **Policy Development:** Developing and updating internal AI principles, guidelines, and policies to reflect the evolving AI landscape and regulatory requirements.
- **Stakeholder Engagement:** Ensuring active engagement with internal and external stakeholders to foster a collaborative approach to AI governance.

### ***AI Use Case Inventories***

The creation and maintenance of AI use case inventories are essential to ensuring that the EAC comprehensively understands how AI technologies are utilized across the agency. This inventory process allows us to manage AI deployments effectively, ensuring alignment with our ethical standards and regulatory requirements.



Process for Soliciting and Collecting AI Use Cases The EAC will establish a systematic process for soliciting and collecting AI use cases across the agency. This process includes:

- **Idea Collection Sessions:** Organizing workshops and brainstorming sessions to encourage staff at all levels to submit AI use case ideas.
- **Technology Review Intake Process:** Integrating AI use case collection into the existing technology review process to capture new AI initiatives at the proposal stage.
- **Continuous Monitoring:** Implementing ongoing monitoring mechanisms to identify emerging AI use cases and update the inventory accordingly.

### ***Ensuring Comprehensive and Complete Inventory***

To ensure that our AI use case inventory is comprehensive and complete, the EAC will employ several strategies:

- **Internal Stakeholder Engagement:** Engaging with key stakeholders, including the Executive Director, Chief Information Officer, Chief Election Information Officer, Chief Election Technology Officer, and the Office of General Counsel.
- **Cross-functional Collaboration:** Collaborating across various departments ensures that all potential AI applications are captured and evaluated.
- **Documentation and Tracking:** Maintain detailed documentation and track all AI use cases to ensure they are accurately represented in the inventory.

Criteria for Excluding Use Cases from Inventory While the EAC aims to maintain a transparent inventory of AI use cases, certain use cases may be excluded based on specific criteria:

- **Confidentiality Agreements:** Use cases subject to confidentiality agreements with other agencies, customers, employees, or stakeholders.
- **Security Concerns:** Use cases that involve sensitive or classified information that cannot be publicly disclosed.

### ***Process for Periodic Review and Validation***

The EAC is committed to periodically revisiting and validating the AI use cases in our inventory to ensure accuracy and relevance. This process includes:

- **Quarterly Reviews:** Conducting quarterly reviews of the AI use case inventory to identify any changes or updates needed.
- **Validation Criteria:** Predefined criteria are used to reassess use cases and determine whether previously excluded cases should be included or whether any new cases meet the exclusion criteria.



- **Approval and Oversight:** The Chief AI Officer (CAIO), AI governance body, and senior leadership should be involved in the review and validation process to ensure accountability and transparency.

### ***Use Cases and Transparency***

In line with our commitment to transparency, the EAC will make the AI use case inventory publicly available on our website. The inventory will be updated regularly to reflect new AI use cases and any changes to existing ones. This public inventory will include:

- **Descriptions of AI Use Cases:** Provide clear and concise explanations of each AI use case, including its purpose, scope, and expected outcomes.
- **Compliance Information:** Highlighting how each AI use case aligns with ethical standards, regulatory requirements, and internal policies.

## **ADVANCING RESPONSIBLE AI INNOVATION**

At the EAC, we are committed to fostering an environment where AI technologies can be developed and deployed responsibly. Leveraging AI's potential to enhance our operations and ensuring that such advancements align with ethical standards and regulatory requirements is one way of advancing responsible AI innovation.

### **AI Strategy**

The development of a robust AI strategy is essential for the EAC to leverage artificial intelligence's full potential while ensuring alignment with our mission, values, and regulatory requirements. Our AI strategy focuses on integrating AI into our operations responsibly and effectively, driving innovation, and managing associated risks.

### ***Vision and Goals***

Our AI strategy is guided by a clear vision and specific goals that align with our agency's mission:

- **Vision:** Strengthening American elections by harnessing AI's transformative power to enhance operational efficiency, improve decision-making, and deliver better outcomes for election officials, voters, and the public.
- **Goals:**
  - **Innovation:** Foster a culture of innovation by integrating AI into critical areas of our operations.
  - **Responsibility:** Ensure the ethical and responsible use of AI in all applications.
  - **Efficiency:** Improve operational efficiency and effectiveness through AI-driven solutions.



- **Customer Service:** Engage with AI tools to better meet the needs of the agency's external stakeholders, including election officials and voters.
- **Transparency:** Maintain transparency in AI development and deployment processes.

### ***Strategic Pillars***

The AI strategy of the EAC is built on three main pillars, as outlined in OMB Memorandum M-24-10:

#### **1. Strengthening AI Governance**

- **Governance Framework:** Establish a robust governance framework to oversee AI initiatives, ensuring compliance with ethical standards and regulatory requirements.
- **AI Principles and Policies:** Develop and update internal AI principles, guidelines, and policies to guide the responsible use of AI.
- **AI Governance Bodies:** Form AI governance bodies comprising representatives from key offices to provide oversight and ensure alignment with strategic goals.

#### **2. Advancing Responsible AI Innovation**

- **Removing Barriers:** Identify and mitigate barriers to AI adoption, including technical, organizational, and regulatory challenges.
- **Talent Development:** Invest in AI talent development through targeted recruitment, training programs, and career development opportunities.
- **Collaboration and Sharing:** Promote collaboration and knowledge sharing within the agency and with external stakeholders to drive AI innovation.

#### **3. Managing Risks from the Use of AI**

- **Risk Assessment:** Implement comprehensive risk assessment processes to identify and mitigate potential risks associated with AI applications.
- **Compliance Monitoring:** Establish mechanisms for continuously monitoring and auditing AI systems to ensure compliance with ethical standards and regulatory requirements.
- **Incident Response:** Develop and maintain incident response plans to promptly address any issues arising from AI deployments.

### ***Implementation Plan***

The successful implementation of our AI strategy requires a structured plan that includes the following components:

- **Roadmap Development:** Create a detailed roadmap outlining the key milestones, timelines, and responsibilities for implementing the AI strategy.





- **Resource Allocation:** Allocate the necessary resources, including budget, personnel, and technology, to support AI initiatives.
- **Stakeholder Engagement:** Engage with internal and external stakeholders, including employees, partners, and the public, to gather input and build support for AI initiatives.
- **Performance Metrics:** Establish performance metrics to measure AI initiatives' effectiveness and ensure they deliver the desired outcomes.

### ***AI Strategy Document***

As part of our commitment to transparency and accountability, the EAC will develop and release a comprehensive AI Strategy document. This document will:

- **Articulate the Vision:** Clearly articulate our vision for AI and how it aligns with our agency's mission.
- **Detail the Goals and Pillars:** Provide detailed descriptions of our strategic goals and the three main pillars of our AI strategy.
- **Outline the Implementation Plan:** Present the roadmap, resource allocation, stakeholder engagement strategies, and performance metrics for implementing the AI strategy.
- **Public Availability:** Make the AI Strategy document publicly available on our website to ensure transparency and accountability.

### **Removing Barriers to the Responsible Use of AI**

One of the EAC's primary goals is to identify and mitigate barriers to the responsible use of AI. The EAC will implement several initiatives to achieve this:

- **Barrier Identification:** Conduct comprehensive reviews to identify barriers to AI adoption, including issues related to data access, technical infrastructure, and organizational readiness.
- **Mitigation Strategies:** Develop and implement strategies to address these barriers, such as enhancing data governance frameworks, investing in AI infrastructure, and providing targeted staff training.
- **Resource Allocation:** Ensuring necessary resources, including software tools, open-source libraries, and deployment and monitoring capabilities, support responsible AI use.

### **AI Talent**

Building and maintaining a skilled AI workforce is crucial for advancing responsible AI innovation. Our initiatives in this area include:



- **Internal Training Programs:** Developing tiered training programs to enhance AI skills within our existing workforce. These programs will cover various topics, from basic AI literacy to advanced machine learning techniques.
- **Training for External Stakeholders:** A core mission of the EAC is to serve state and local election officials, and the agency has developed trainings and resources to increase knowledge of AI tools among the election official community.

## AI Sharing and Collaboration

The EAC recognizes the importance of collaboration and knowledge sharing in advancing responsible AI innovation. The EAC's efforts in this area include:

- **Custom-Developed AI Code:** If custom AI code is developed, including models and model weights, it must be shared consistent with Section 4(d) of M-24-10.
- **Incentivizing Sharing:** Encouraging the sharing of AI code, models, and data with the public and other agencies by providing incentives and support for such initiatives.
- **Coordination Efforts:** Coordinating with relevant offices within the EAC to facilitate sharing and collaboration, ensuring that best practices are disseminated and adopted across the organization.

## Harmonization of Artificial Intelligence Requirements

To ensure a consistent and unified approach to AI governance, innovation, and risk management, the EAC will take the following steps to harmonize AI requirements across the agency:

- **Documentation of Best Practices:** Document and share best practices regarding AI governance, innovation, and risk management to ensure they are consistently applied.
- **Interagency Coordination:** Engaging in interagency coordination efforts to align our AI strategies and policies with other federal agencies, promoting a coherent and collaborative approach to AI use.
- **Continuous Improvement:** Continuously update the EAC's AI practices and policies to reflect emerging trends, technological advancements, and evolving regulatory requirements.



## MANAGING RISKS FROM THE USE OF ARTIFICIAL INTELLIGENCE

### Determining Which Artificial Intelligence Is Presumed to Be Safety-Impacting or Rights-Impacting

To ensure the responsible deployment of AI, the EAC has established a rigorous process for determining which AI use cases are considered safety-impacting or rights-impacting:

- **Review Process:** Each current and planned AI use case undergoes a thorough review to assess whether it matches the definitions of safety-impacting or rights-impacting AI defined in Section 6 of OMB Memorandum M-24-10.
- **Criteria for Assessment:** The EAC's assessment criteria includes the potential for physical harm, the impact on civil rights, and the degree of automation in decision-making processes.
- **Supplementary Criteria:** The EAC may develop additional criteria tailored to our specific operations to guide safety and rights-impacting AI decisions.

### Implementation of Risk Management Practices and Termination of Non-Compliant AI

Implementing effective risk management practices is essential to mitigate the risks associated with AI:

- **Comprehensive Risk Assessments:** Conduct comprehensive risk assessments for all AI applications, identifying potential hazards, vulnerabilities, and impact on stakeholders.
- **Minimum Risk Management Practices:** Document and validate the implementation of minimum risk management practices, including data privacy, security measures, and ethical considerations.
- **Risk Management Framework:** Develop and maintain a risk management framework that outlines the procedures for identifying, assessing, mitigating, and monitoring risks throughout the AI lifecycle.

### Minimum Risk Management Practices

In certain circumstances, it may be necessary to issue waivers for one or more of the minimum risk management practices. The EAC has established a straightforward process for this:

- **Criteria for Waivers:** Develop criteria to guide the decision to waive risk management practices, ensuring that waivers are granted only when necessary and justified.
- **Issuance and Revocation:** Establish procedures for issuing, denying, revoking, tracking, and certifying waivers, with oversight from the Chief AI Officer (CAIO) and the AI governance body.



- **Documentation and Transparency:** Maintain detailed records of all waiver decisions to ensure transparency and accountability.

### Implementation of Risk Management Practices

Ensuring the effective implementation of risk management practices is crucial to safeguarding against potential harms from AI:

- **Preventive Controls:** Put in place preventive controls to ensure that non-compliant safety-impacting or rights-impacting AI systems are not deployed to the public.
- **Monitoring and Auditing:** Implement continuous monitoring and auditing mechanisms to ensure ongoing compliance with risk management practices and promptly detect deviations.
- **Termination Procedures:** Develop clear procedures for terminating non-compliant AI systems, including immediate deactivation and remediation steps.

### Incident Response and Redress Protocols

Preparedness for potential incidents involving AI is vital to managing risks effectively:

- **Incident Response Plans:** Develop and maintain incident response plans tailored explicitly for AI systems, outlining the roles and responsibilities, communication protocols, and remediation actions.
- **Redress Mechanisms:** Establish mechanisms for redress to address any harms caused by AI systems, ensuring that affected individuals or entities can report issues and seek resolution.
- **Continuous Improvement:** Regularly review and update incident response and redress protocols based on lessons learned from past incidents and emerging best practices.

## APPENDIX A: TERMS AND DEFINITIONS

**Artificial Intelligence (AI)** is a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments. AI systems use machine and human-based inputs to perceive real and virtual environments, abstract such perceptions into models through analysis, and use model inference to formulate options for information or action.

**Chief AI Officer (CAIO):** A senior executive responsible for overseeing the agency's development and implementation of AI strategies, policies, and governance. The CAIO ensures compliance with ethical standards and regulatory requirements and coordinates AI initiatives across the organization.



**AI Governance is the** framework, processes, and policies implemented to ensure the ethical, legal, and responsible use of AI within an organization. It includes establishing governance bodies, principles, and guidelines to oversee AI applications.

**AI Governance Body:** A multidisciplinary committee comprising representatives from key offices within the agency, this committee is responsible for overseeing the implementation and operation of AI systems. The governance body ensures that AI initiatives align with ethical standards, regulatory requirements, and the agency's strategic goals.

**AI Use Case Inventory:** A comprehensive list of all AI applications and use cases within an organization, detailing their purpose, scope, and compliance with ethical and regulatory standards. The inventory is used to manage AI deployments effectively and ensure transparency.

**Safety-Impacting AI:** AI applications that have the potential to cause physical harm or pose significant safety risks. These use cases require rigorous risk assessments and compliance with stringent safety standards.

**Rights-Impacting AI:** AI applications that can potentially affect individuals' civil rights, privacy, or other fundamental rights. These use cases require careful consideration of ethical implications and compliance with legal and regulatory requirements.

**Generative AI:** A class of AI models that emulate the structure and characteristics of input data to generate derived synthetic content, such as images, videos, audio, text, and other digital content.

**Risk Management Framework:** A structured approach for identifying, assessing, mitigating, and monitoring risks associated with AI applications. The framework includes preventive controls, monitoring mechanisms, and procedures for managing incidents and non-compliance.

**Incident Response Plan:** A formalized set of procedures and protocols outlining the steps to respond to cybersecurity or operational incidents involving AI systems. The plan includes roles and responsibilities, communication protocols, and remediation actions.

**Redress Mechanism:** Processes and procedures established to address and resolve any harms or issues caused by AI systems. These mechanisms ensure that affected individuals or entities can report problems and seek remediation.

**Bias Mitigation:** Strategies and techniques aimed at identifying and addressing bias in AI applications to ensure fairness, equity, and inclusivity in decision-making processes and outcomes.



**Transparency and Accountability:** Principles ensuring that the development and deployment of AI systems are open and transparent, with clear documentation and oversight to hold stakeholders accountable for their roles in AI governance.

**Ethical AI Use:** The application of AI in a manner that aligns with ethical standards, respecting privacy, fairness, transparency, and accountability while avoiding harm to individuals and society.

**Continuous Monitoring:** Ongoing surveillance and assessment of AI systems to ensure they operate as intended and remain compliant with ethical standards, regulatory requirements, and performance expectations.

**AI Talent Development:** Initiatives and programs that aim to build and maintain a skilled AI workforce through targeted recruitment, training, and career development opportunities.

**AI Ethical Use Policy:** A set of guidelines and procedures that govern the use of AI within an organization, ensuring that AI applications align with ethical standards and organizational values.

**AI Center of Excellence:** An internal hub dedicated to advancing AI initiatives, providing expertise, guidance, and support to staff, and promoting knowledge sharing and collaboration across the organization.

**Secure by Design:** An approach to system design and development that integrates security considerations throughout the entire software development lifecycle, ensuring that AI applications are built with robust security measures from the outset.

**Technology Review Process:** A formal procedure for evaluating technology requests, including AI applications, to ensure they meet technical, ethical, and regulatory standards before approval and implementation.