

COUNTY ELECTIONS OFFICIALS

November 21, 2003

Ann Reed, President
California Association of Clerks and Election Officials
P.O. Box 990880
Redding, CA 96099

Dear Ann:

As you are aware, in February 2003, I formed the Secretary of State's Ad Hoc Touch Screen Task Force in response to concerns over the security of Direct Recording Electronic (DRE) voting machines and the issue of whether to require each machine to include a voter verified paper trail.

I have reviewed the Task Force report, and considered the views of the over 6,000 people who offered their opinions on this issue during the 30 day public comment period. Enclosed is my position paper outlining how I intend to proceed on this issue.

In brief, I am requiring that as of **July 1, 2005**, all local jurisdictions acquiring new DRE voting systems may only purchase certified DRE voting systems that contain a VVPAT feature which is fully accessible and allows every voter—including disabled voters and those speaking English as a second language—to vote privately and independently. Accessible means that the information provided on the paper printout from the VVPAT mechanism is provided or conveyed to voters via a non-visual method, such as through an audio component.

As of **July 1, 2006**, DRE systems already in use on that date will have to be replaced or modified to incorporate an accessible VVPAT feature, if they do not already contain one.

As such, my office and the Voting Systems and Procedures Panel will establish standards for voting machine manufacturers to follow in developing VVPAT for their systems. These will be outcome-based standards that provide direction without limiting innovation in the development of systems with accessible VVPAT. These will be consistent with the rules and regulations staff is currently drafting governing voting technology and systems that provide access to blind and visually impaired individuals, required pursuant to AB 2525 (Jackson, Chapter 950, Statutes of 2002).

I am also directing manufacturers of voting systems that all DRE systems purchased after July 1, 2005 include electronic verification as a means to assure that the information provided for verification to disabled voters accurately reflects what is recorded by the machine and what is printed on the VVPAT paper record. Any electronic verification method must have open source code in order to be certified for use in a voting system in California.

While I am convinced that the voting systems certified for use in California are secure, I recognize that security can always be improved. Therefore, in order to augment current security procedures, I am adopting stricter state standards for certification and security of DRE voting systems consistent with the recommendations in the Task Force report.

I look forward to working with you to augment security protocols and procedures at the local level. The following are the key recommendations that I am implementing that have the most direct effect on the counties:

1. **Printout** - I intend to adopt the recommendations of the Task Force in interpreting Proposition 41 and the Help America Vote Act of 2002 as requiring all jurisdictions using touch screen systems to print out a paper copy of the ballots upon the closing of the polls. This can be done either at the polling place, or at the county elections office. But, either way, a record must be printed up and kept for manual audit purposes.
2. **Only Certified Software** - Local jurisdictions must not utilize systems that are not certified equipment or software. This means no one may alter software that has not been certified for use by the State, and the distribution of qualified voting system software must be tightly controlled. Therefore, the State, and not a vendor, must control the distribution of object code to every local jurisdiction. Local jurisdictions must be aware of this so that untested software is not inserted or added to their system without state oversight.
3. **System Security** - To ensure that intruders cannot enter a live system during the voting or tabulating process, local jurisdictions must be on an isolated network. Furthermore, local jurisdictions must refrain from connecting voting machines to the Internet at any time
4. **Logic & Accuracy Testing** - The Logic and Accuracy process conducted at the local level must be as reliable as the Federal and State tests. As such, the system vendor must not conduct these public tests, but rather, they must be conducted by county elections personnel.

In addition, a recent report by Science Applications International Corporation (SAIC) for the State of Maryland's Department of Budget and Management, Office of Information Technology analyzed the Diebold system currently in use in two California counties. Based on a review of the report by my office's independent voting systems expert, I am urging several additional steps beyond what the Task Force has recommended:

- **Training on Access Cards** - As part of poll worker training, poll workers in counties using DRE systems with voter access cards must be trained to be alert for the type of activity indicating someone is potentially tampering with the access cards, and know how to respond.

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- **Local Procedures** - Local election procedures will be reviewed to ensure that appropriate procedures are in place should a voting system device stop or fail before polls close or the election count is completed for that device. This is already done for initial certification of systems, but it will also be considered in reviewing new procedures or updates.

There will also be new state certification and testing standards and protocols created by my office (see attachments). I will seek the input of county election officials in the creation of many of these procedures.

Thank you for your continuing commitment to the fair and efficient conduct of elections in California.

Sincerely,

KEVIN SHELLEY
Secretary of State

Attachments

(This letter was sent to all county elections officials.)