

## VOTING SYSTEMS AND PROCEDURES PANEL

November 21, 2003

Mark Kyle, Chair  
Marc Carrel, Vice-Chair  
Voting Systems and Procedures Panel  
1500 11<sup>th</sup> Street, 6<sup>th</sup> Floor  
Sacramento, CA 95814

Dear Mr. Kyle and Mr. Carrel:

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. As chair and co-chair of that Task Force, you did a terrific job of bringing a diverse group of individuals together on a difficult issue.

I have reviewed the Task Force report, and considered the views of many 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 purchasing 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, I am directing the VSP to establish standards by December 31, 2003, for voting machine manufacturers to follow in developing VVPAT for their systems. These should be outcome-based standards that provide direction without limiting innovation in the development of systems with accessible VVPAT. These should also 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).

Specific issues that need to be addressed include, but should not be limited to, the following:

- Establishing design criteria for the paper ballot copies such as being easy for the voter to read, being in a format that lends itself to easy counting after the election, specifications on the paper required, specifications on the ink required, and determining the specific information to be included on the paper ballot copy.
- Assuring randomized out-stacking of the paper ballot copies in order to assure the privacy of voters.
- Requiring adequate storage space and paper supply in each voting unit in order to accommodate the large number of ballots cast (and spoiled ballots) by the maximum number of voters allowed for each voting unit.
- Requiring adequate viewing space to assure voters can easily view their ballot choices.
- Determining the format of the paper ballot copies for voters who cast ballots in a foreign language.
- Establishing procedures that allow voters to reject or "spoil" their paper ballot copies.
- Establishing procedures to enable voters who notice discrepancies to alert the precinct's poll workers. Such procedures would also need to stipulate under what conditions a voting machine would have to be taken offline.
- Establishing requirements regarding the storage of paper ballot copies.
- Clarifying how to assure that disabled voters who are not verifying on the paper ballot printout can be assured no others can view the printout of their selections.
- Assuring that voters can inspect, but not physically handle, the paper ballot copy.

In addition, I am directing manufacturers of voting systems that all new DREs purchased after July 1, 2005 include electronic verification as the 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. Please work with your staff to prepare the appropriate direction to local elections officials and voting system manufacturers so that new standards can be adopted by December 31, 2003 and implemented on a workable timeline.

Most importantly is to begin preparations to implement Parallel Monitoring for the March 2, 2004 Statewide Primary Elections, and the creation of a Technical Oversight Committee comprised of technical experts who can improve current testing and code-

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review standards, provide expert guidance throughout the certification process, and serve as a panel to review software and hardware issues that might arise. I hope to have this committee in place within 60 days. I am also directing the VSP to work with the members of this Technical Oversight Committee to establish standards for electronic verification.

I am certain that additional certification standards and procedures to comply with the numerous security recommendations in the report will also be necessary. I urge you to move quickly on this effort so that local elections officials and voting system manufacturers receive as much clarity on these issues as soon as possible.

Thank you for your timely attention to this matter.

Sincerely,

KEVIN SHELLEY  
Secretary of State

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