

Building a Better Ballot Box

Improving the Regulation of Voting Systems in California

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Policy Problem

1. Are the current certification requirements an **impediment** to the adoption of a new voting system?
2. How can the certification process be structured differently to **achieve better outcomes** while preserving accuracy, security, and flexibility?

Methodology

- Existing public data: previous studies, laws, best practices, and regulations
- Expert interviews: organizations, vendors, testing facilities, other states and counties, and federal agencies.



National Association of
State Election Directors



Voting System Regulations



Federal

HELP AMERICA
VOTE ACT

Legal Regulations

Minimum requirements

VVSG

Certification by
Election Assistance Commission (EAC)

A wider range
of standards



State

California
Elections Code

Legal Regulations

Sec. 19250: DRE used in CA must
receive federal (EAC) certification

Administrative Regulations

**Testing and approval
by Secretary of State**

**Beyond
EAC**

Laws

Criteria

1. Ability to ensure election integrity

- Accuracy, security, accessibility, etc.

2. Cost

- To vendors, to state, and to LA County (client)

3. Legal and political feasibility

Findings



1. California's requirements can **add a costly and time-consuming layer** to the voting system certification process
 - *State testing alone: Roughly \$800,000 and 6-9 months*
 - *Combined federal-state certification costs: Roughly \$2 million and 2.5 years*
 - *2-3 times the system development cost*
2. California **lacks clear policy** on the testing and approval of voting systems
 - *No detailed testing requirements published by Secretary of State*
 - *Uncertainty creates a disincentive for market entry*

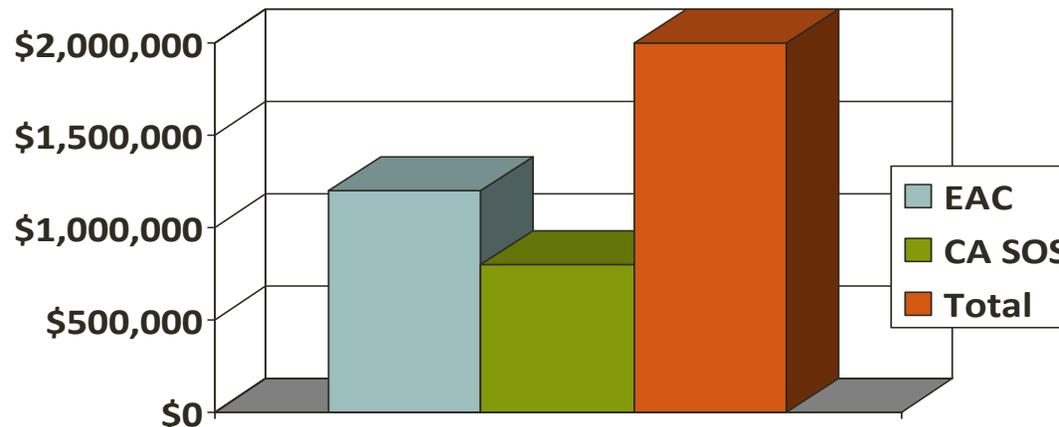
Costly and Lengthy Certification Process

Combined EAC + CA Certification Process: Approximately 2 ½ years

EAC Certification: Up to 2 years

CA SOS Approval: 6-9 months

Combined Certification Costs



- Recent measures enacted by the EAC are likely to reduce the certification testing cycle by 6-12 months, however it remains to be seen whether they will be effective.

Findings



3. The California Secretary of State mostly plays a **role of enforcement, rather than assistance**, toward the state's election administrators in procuring voting systems
 - *Enforcement does not preclude support*
 - *Communicate, apply pressure, consider special needs*

4. The U.S. Election Assistance Commission has been **excessively slow** in adopting new voting system standards, and there is **no outlook** for their adoption in the near future
 - *Wide agreement that current standards are obsolete*
 - *Lack of consensus, lack of quorum, lack of political support*

Findings



5. Voting system manufacturers have been **hesitant to invest** in research and development of new systems due to **uncertainty** over the release of the new standards
 - *Wide agreement among stakeholders*

6. The new standards, when released, are **unlikely to address** all the concerns of the California Secretary of State
 - *Open-ended vulnerability testing*
 - *Possible conflict of interest between test labs and manufacturers*

Policy Option #1: Status Quo

- **No modification** of the federal or state certification processes
- Attempt to **procure** a voting system in the current regulatory environment

Policy Option #2: Non-DRE Procurement

- **Modify** the California Secretary of State policy requiring EAC certification of non-direct-recording electronic (DRE) voting systems.
- Registrar to **procure** non-DRE system

Policy Option #3: Dual Certification, Streamline State

- **Reexamine** California Secretary of State voting system regulations
- **Streamline** the California voting system approval process with federal certification requirements

Policy Option #4: State-Only Testing

- **Modify** the California Elections Code to **remove** the requirement that direct-recording electronic (DRE) voting devices receive federal certification
- The Secretary of State will **test and approve** all California voting systems

Policy Option #5: Federal-Only Testing

- **Add** California-specific certification tests to the federal certification guidelines
- **Remove** those tests from state testing guidelines

Policy Option Summary

Option 1: Status Quo

Option 2: Non-DRE Procurement

Option 3: Dual Certification, Streamline State

Option 4: State-Only Testing

Option 5: Federal-Only Testing

Recommendation: Option #4: The State-Focused Plan

- **Modify** the California Elections Code to no longer require DRE voting devices to receive federal certification
 - Secretary of State to **test and approve all voting systems**
 - **Increase** Secretary of State's office funding and testing capacity
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- Client believes this option is **feasible** due to working relationships with state legislators
 - Will **streamline** California's process, but will not solve some of the larger market inefficiencies

Questions?