Building a Better Ballot Box

Improving the Regulation of Voting Systems in California

Elissa Barratt, Max Moir Messern, Hiroaki Nose, Peter Ruscitti

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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.
Voting System Regulations

Federal:
- Legal Regulations
- Minimum requirements
- Certification by
  - Election Assistance Commission (EAC)

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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

A wider range of standards

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**

<table>
<thead>
<tr>
<th>Combined EAC + CA Certification Process: Approximately 2 ½ years</th>
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<tbody>
<tr>
<td>EAC Certification: Up to 2 years</td>
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<tr>
<td>CA SOS Approval: 6-9 months</td>
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**Combined Certification Costs**

- **EAC**
- **CA SOS**
- **Total**

- 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.
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

- 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?