

Summary -- Meeting July 19, 2005

SJR 371 (2005) HJR 174 (2004)

Joint Subcommittee to Study the Certification, Performance, and Deployment of Voting Equipment

Kirk Showalter, General Registrar, City of Richmond, provided a demonstration of the City's Winvote (Advanced Voting Solutions) touch screen voting system showing how the equipment is programmed and then used. This is a direct recording electronic (DRE) system. The system does not produce a voter-verified paper ballot or audit trail (VVPAT) but can produce a paper print-out of each ballot image. Subcommittee members used the equipment in a test election and asked questions on security issues. She later demonstrated the optical scan equipment used for absentee ballots.

Linda Lamone, Maryland Elections Administrator, reported on the Maryland decision to use a DRE system, the Diebold AccuVote TS Electronic Voting System, on a statewide basis with optical scan equipment for absentee ballots. She outlined their treatment of security issues. While they were in the procurement process, on July 23, 2003, the Hopkins report was released that pointed out security weaknesses in another Diebold DRE system.

The Hopkins study was followed by executive and legislative branch studies and a series of steps taken to address the security concerns raised by the studies: a state security action plan; a disaster recovery and incident management plan; an independent verification and validation expert to review any program or software change in certified equipment; three security personnel on the elections staff; background checks on elections equipment personnel; training on security for local officials; changes required to be made by Diebold to Maryland equipment; use of Maresware software to verify server software; physical security for equipment; parallel monitoring; and other steps.

They are contracting with the University of Maryland for a study of VVPAT and various verification methods, including usability, to be completed in the first part of December. In response to the questions whether Maryland would consider a paper or other ballot audit feature, Lamone said no because of the complexity of the paper ballot feature -- at least at this time and absent future testing and improvements.

Jean Jensen, Secretary of the State Board of Elections, spoke in response to the Chairman's request for background on candidate filing deadlines and on the State Board's authority to extend the deadline for filing statements of qualification and economic interests under Code § 24.2-503. She outlined the legislative history dating back to 1980 and the Board's practice on granting limited extensions under that section. Members expressed an interest in limiting the extension possibilities and working with the Board and staff on suggested revisions to be reviewed at a later meeting.

Staff reviewed background materials on the proposed Voluntary Voting System Guidelines (VVSG) that the Election Assistance Commission released for public comment in June. The comment period will end September 30, 2005, and there will be a period for reviewing comments and revising the VVSG before they become final. States are free to follow or reject the guidelines and to adopt more stringent standards for equipment.

A public comment period followed with 15 speakers representing a variety of opinions:

- Eight speakers (including four representatives of Virginia Verified Voting) were critical of DRE equipment. There were various viewpoints expressed: (i) a preference for optical scan equipment because it is less expensive and provides a paper ballot for recount purposes; (ii) advocacy for VVPAT for DRE equipment to assure voters that their vote is properly recorded and to provide an audit trail; and (iii) assertions that VVPAT equipment can be made to be accessible.
- Three local elections officials opposed a VVPAT requirement for the certified DRE equipment already in use in their localities. They cited the proven track record of their equipment, the costs of VVPAT equipment, the added time and complexity that a VVPAT requirement would bring to the election process, and the lack of any proven instance of tampering with DRE equipment.
- Two speakers addressed concerns of the disabled community and the need to assure that any requirement for a VVPAT be proven to be accessible for visually and physically disabled voters. One speaker cautioned that if there is only one voting station for the disabled, it should be used by multiple voters to assure that ballot secrecy is preserved for disabled voters.
- A voting equipment (Elections Systems and Software) spokesman cautioned that the HAVA deadline for replacing punch card and lever equipment is firm -- January 1, 2006. Any new requirement such as a VVPAT must allow time for development, manufacture, and certification. The reel-to-reel VVPAT equipment developed to date may not meet final federal standards now out for comment and not expected to be final before the end of this year.
- Robert Ostergren, General Registrar of Hanover County, reported that the county expects to purchase optical scan equipment with AutoMark equipment to meet HAVA accessibility requirements. AutoMark equipment is now in process for state certification.

The Chairman thanked all the participants, and the meeting adjourned.

Chairman:
The Hon. Timothy D. Hugo

For information, contact:
Mary Spain
Division of Legislative Services
Website: <http://dls.state.va.us/votingequipment.htm>

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