



**Cyber Security Advisory Committee  
Delegate Tom D. Rust, Chairman  
Monday, July 15, 2013 1:00 p.m.  
House Room C, General Assembly Building**

The JCOTS Cyber Security Advisory Committee held its second meeting of the 2013 Interim on Monday, July 15, 2013. The focus of the meeting was continued discussion of legislation that would allow military voters deployed overseas to return absentee ballots electronically.

The first agenda item was an update from the State Board of Elections regarding the proposed legislation. Secretary of the Board of Elections, Don Palmer, addressed the advisory committee and fielded questions. He noted that he did not consider the proposal to be "online voting" as online voting would mean that ballots were being tabulated online. The proposal at hand is looking at the means of how the ballots are returned. He said that he envisioned that ballots returned via email would be returned to each locality.

Delegate Rust asked if the issue at hand was really about whether the security of ballots sent back and forth electronically could be guaranteed. Secretary Palmer replied that its questionable whether the security of ballots being returned currently can be guaranteed, with threats such as lost, intercepted, or slow mail. Senator Martin indicated that he is very concerned about voting integrity, but that he feels like electronic return of ballots can be done and needs to be done -- it's just a matter of figuring out how to do it.

Jeremy Epstein, a senior computer scientist with SRI International, shared some of his concerns about the electronic return of ballots. In his opinion, the return of ballots via email does constitute online voting, because it is using the Internet to vote. He also said that other computer scientists are very concerned about online voting, and that the issue needs additional research before it can be implemented. He also expressed concern that because it is so easy to send a virus via email, the electronic return system could be used as a means to infect local election boards. Mr. Epstein also indicated that, in his opinion, the advisory committee was not the forum in which such a decision should be made.

Bob Carey, a former director of the Department of Defense's Voter Assistance Program and the current director of the National Defense Committee, offered comments to the committee via phone. He said that the current system's reliance on postal mail is disenfranchising military voters, and that taking a step such as proposed by the legislation is important. He suggested that CAC cards issued by the Department of Defense could be

---

used for return of ballots electronically, or that Virginia National Guard servers could be used.

After these comments, staff presented a working draft of the bill, based upon comments and suggestions received at and after the last advisory committee meeting. A copy of the draft bill is available on the JCOTS website. Delegate Rust opened the meeting to public comments regarding the draft. Alex Blakemore with Virginia Verified Voting voiced several concerns. He noted that transparency is important in the current voting process and needs to be kept in mind when developing any new system. He also indicated the importance of keeping secret ballots safeguards in place. Finally, he reminded the committee that even a ".mil" address can still be compromised. Anne Sterling, the president of the League of Women Voters of Virginia, echoed Mr. Blakemore's concerns. She expressed interest in working with Senator Puller, the patron of the bill referred to JCOTS, to address issues faced by overseas military voters, but said that the proposed legislation was too broad. Finally, Carrie Anne Alford, legislative assistant to Senator Toddy Puller, shared comments forwarded to her by a Naval Officer, suggesting that using military email in conjunction with CAC cards for the return of ballots is something that should be pursued.

Delegate Rust led the committee into discussion about the bill. He first asked the committee if it was interested in continuing to work on the draft. The committee unanimously agreed that it would like to move forward.<sup>1</sup> In light of the vote, the committee turned its discussion to specific elements of the bill

- The committee generally agreed that the program should be limited only to military members deployed overseas, and not to spouses, as was currently set forth in the bill. While several members thought that spouses ultimately should be included, it was decided to go forward with a very narrow program, being mindful that it could be expanded in the future. The committee also decided to allow all overseas military to participate, and not just those members in combat zones, as that distinction could change very quickly and without much warning. It was also generally agreed that voters returning ballots electronically should have Department of Defense-issued CAC cards.
- The committee also conceptually agreed that the legislation should specifically allow ballots to be returned via email, as opposed to be returned "electronically" as this might open the door to establishing an Internet portal for voting.
- It was agreed that the State Board of Elections, and not VITA, should be tasked with developing the security guidelines, although they would need to be approved by the Chief Information Officer of the Commonwealth annually. It was also suggested that the Board be required to consult with local boards of election in developing the guidelines.
- State Board of Elections offered suggested language for the audit component of the bill. Committee members added the suggestion that the bill require the audit to be conducted for each election.

---

<sup>1</sup> Jim Kane, a member of the committee and Vice President of the VITA Program for Northrop Grumman, abstained from voting because VITA will likely be involved in implementing any recommended program.

---

- The bill should be effective for elections occurring on or after January 1, 2015.
- A few committee members expressed concern as to how this would be implemented by each local board of elections, and what the local costs of implementing such a program would be.

The committee will meet again on September 18, 2013 at 1:00 to review a revised version of the proposed bill and to continue discussions. The meeting was adjourned.

