



**Cyber Security Advisory Committee
Delegate Tom D. Rust, Chairman
Wednesday, September 18, 2013 1:00 p.m.
House Room C, General Assembly Building**

The JCOTS Cyber Security Advisory Committee held its third and final meeting of the 2013 Interim on Wednesday, September 18, 2013. Delegate Tom Rust, chair of the Advisory Committee, called the meeting to order.

The first item for discussion was the draft legislation concerning electronic return of ballots by overseas military. Matt Davis, Information Service Manager with the Virginia State Board of Election, updated the committee on the State Board's plans to implement the electronic return of ballots should the bill become law. He indicated that they intend to convene a working group to develop security and implementation measures, and that the State Board intends to bear all of the costs associated with the electronic returns so as not to burden the localities. He noted that the percentage of ballots that might be returned electronically via the program set forth in the bill would be less than .05% of all ballots cast, based on the number of overseas ballots requested in previous elections.

Staff presented the draft bill, which incorporated the provisions discussed at the previous meetings. Four additional amendments were adopted by the committee at the recommendation of staff and the State Board of Elections: the bill was amended to allow return of electronic ballots via electronic mail or via fax; language was added to clarify that the State Board of Elections would provide all services necessary for the electronic return of the ballots; language was added to clarify that in developing security measures, the State Board of Elections would consult - at the local level - with both local electoral boards and general registrars; and an enactment clause was added that would require the State Board of Elections to convene a working group to discuss the implementation of the program.

The committee received public comment regarding the proposed legislation. Alex Blakemore with Virginia Verified Voting cautioned the committee that the risks of electronic voting are real, and that elections and voting are fundamentally different than other transactions conducted electronically. He noted that he was pleased to see the addition of a working group, although he would like to see more outside membership required, and noted that many procedures and processes were still up the air. He would also like to see language added to the bill that does not have a specific date in place for implementation in place, but instead is based on approval of the security measures by the Commonwealth's Chief Information Officer. Jeremy Epstein, also with Virginia Verified

Voting, questioned how the localities would deal with spam and votes returned via e-mail, and also asked how the votes would be reported in order to protect the privacy of the voter. He also said that the committee needs to consider the costs of implementing this type of program.

Stu Williams and Don Kaiserman with the Joint Leadership Council that advises the Department of Veteran Services thanked the committee for looking at the issue. They shared that the development of a program to allow electronic return of ballots by overseas military members was one of their top legislative priorities this year, and they thought that this bill would serve military voters well.

Senator Puller, patron of SB 830 (2013) that referred this issue to JCOTS, thanked the committee for their work on the bill.

Committee members discussed various aspects of the bill. A question was raised as to whether implementing the program for elections on or after January 1, 2015 provided adequate time for the development of the required security measures. Senator Martin said that leaving a firm date in the bill was the best approach, but if the 2015 Session of the General Assembly learns that the security measures are not in place, it can change the implementation date at that time.

Senator Martin moved that the bill, as amended by the committee, be adopted and recommended to JCOTS for consideration. Fred Norman seconded the motion. The bill was recommended to JCOTS, where it will be considered for recommendation to the 2014 Session of the General Assembly.

Next on the agenda, Dr. Diana L. Burley, a member of the committee, presented an overview of a just-released report by the National Academies entitled "Professionalizing the Nation's Cybersecurity Workforce? Criteria for Future Decision Making." Dr. Burley co-chaired the research, which was sponsored by the Department of Homeland Security. A link to the report is available on the JCOTS website.

With no other items on the agenda, Delegate Rust thanked the committee members for their work this year. Members expressed interest in continuing the advisory committee during the 2014 Interim. Delegate Rust said that JCOTS would take that into consideration in setting its 2014 work plan. The meeting was adjourned.
