

Electronic Voting

SB 830 (Puller) referred to JCOTS for study

Senate Bill 830 (2013)

- As introduced, would have allowed Secretary of the State Board of Elections to establish a pilot project in connection with a federal agency to allow overseas military members and spouses to vote absentee using secure electronic means

Senate Bill 830 (2013)

- Senate Substitute requires Board of Elections to establish procedures to allow overseas military & spouses to return voted ballots electronically
- Substitute passed Senate unanimously; was tabled in House Privileges and Elections

Federal Background

- Federal Military and Overseas Voters Empowerment Act (MOVE) was adopted in 2009
- States must provide blank absentee ballots to those who fall under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in at least one electronic format – email, fax, or online delivery
- Federal law does not require electronic return of these ballots
- In Virginia, overseas military may receive blank ballot via email, then print it and mail it back; developing technology to allow access to blank ballot online

What Is “Electronic Return”?

- Electronic return can mean several different things:
 - Fax
 - E-mail
 - Web Upload
- E-mail and web upload present different issues
- SB 830 spoke generically to “electronic return” – would allow for e-mail return and/or web upload

Other States

- 20 states do not allow return via any electronic means
- 6 states allow UOCAVA voters to return ballots electronically under certain circumstances
 - Example: Voter in “hostile fire” area
 - Example: Mailed ballot not received within five days of election

Other States (con't)

- Remaining 25 states allow a voted ballot to be returned by some electronic means
 - 18 states allow voted ballots to be returned by e-mail or fax
 - 2 states allow voted ballots to be returned by e-mail, fax, or web upload (Alaska, Arizona)
 - West Virginia conducted a small pilot in 2011 that allowed some ballots to be returned via web upload, but such voting was not allowed in 2012

Data Source: National Conference of State Legislatures

Security Concerns

- In developing standards and practices for return of voted ballots via web upload, security concerns have been raised
 - National Institute of Standards and Technology issued report that highlighted three key concerns about security:
 - Software attacks on personal computers
 - Voter authentication problems
 - Lack of auditability
 - Concluded that additional research and development is needed to overcome these challenges before Internet voting is feasible
- See NISTIR 7770 available at <http://www.nist.gov/itl/vote/upload/NISTIR-7700-feb2011.pdf>
- Additional concern for returning ballots by e-mail is lack of anonymity