Marion County Election Board
VOTER EXPERIENCE PROJECT

VOTING TECHNOLOGY & SECURITY (PART 2)

AGENDA
1. WELCOME
2. FOLLOW-UP FROM LAST MEETING
3. VSTOP
4. STATE CERTIFICATION
5. AVAILABLE & FUTURE TECHNOLOGY
6. DISCUSSION

Welcome

MARION COUNTY DEMOCRATIC PARTY
MARION COUNTY REPUBLICAN PARTY
MARION COUNTY LIBERTARIAN PARTY
MARION COUNTY BOARD OF VOTER REGISTRATION
INDIANAPOLIS-MARION COUNTY CITY-COUNTY COUNCIL
MARION COUNTY OFFICE OF FINANCE & MANAGEMENT
MARION COUNTY INFORMATION SERVICES AGENCY
GREATER INDIANAPOLIS NAACP
LEAGUE OF WOMEN VOTERS OF INDIANAPOLIS
CENTRAL INDIANA COUNCIL ON AGING
BALL STATE UNIVERSITY BOWEN CENTER ON PUBLIC AFFAIRS

Follow-Up from Last Meeting

RECOUNTS & CONTESTS
CONSENSUS POINTS ON VOTING EQUIPMENT NEEDS FROM LAST MEETING
STATE-LEVEL ELECTION ADMINISTRATION

Recounts/Contests

- Indiana Code 3-12 outlines the recount and contest procedures depending on the type of election (local, school board, referendum and federal elections)
- Legal action requiring a candidate or a party chair to file a petition within a specific time period after Election Day requesting a court order for a recount OR a contest

Recounts/Contests

- Recount
  - Court order requires a physical review of ballots in specific precincts within the legislative district by a recount commission where members are appointed by the judge
  - Election Board does NOT oversee this process; rather, staff pulls together materials requested by the order or commission
  - Generally relates to issues of human error
    - Giving voter wrong ballot, missing clerk’s initials from ballot, etc.
- Contest action
  - Rare legal action challenging the legality and/or validity of the outcome of an election
  - Judge enters an order relating to the outcome of an election, including but not limited to requiring a new election

What reasons are needed for a recount/contest?

- State law requires the petitioner must, in good faith, believe that one or more of the following occurred:
  - The person declared nominated or elected does not comply with a specific constitutional or statutory requirement
  - A mistake was made in the printing or distribution of ballots used in the election that makes it impossible to determine which candidate received the highest number of votes cast in the election
  - A mistake occurred in the programming of an electronic voting system, making it impossible to determine the candidate who received the highest number of votes
  - An electronic voting system malfunctioned, making it impossible to determine the candidate who received the highest number of votes cast in the election.
How could a voting system impact a recount/contest?

- Parties involved in a recount need to have access to ballots cast
  - Ballot images available on a Direct Recording Electronic (DRE)
  - Paper ballots used in an optical scan system or a hand count
- Voting system failure or error – if material – could be reasons to contest an election outcome
  - Voting system needs to be secure and reliable to avoid issues that might result in a contest action

Top Requirements of New Voting System

- Accessible/HAVA compliant
- Secure & reliable
  - Confidence in system
  - Accuracy of results
- Simple for poll workers & voters to use
  - Easy to understand, set-up and break-down
- Flexibility to adapt to future business needs
- Able to process voters quickly & efficiently
- Reasonable cost

State-Level Election Administration

Secretary of State (SOS)
- Indiana’s Chief Executive Officer
  - Governor
  - Chief administrative officer for state government
  -打架 Adam’s executive branch

Indiana Election Commission (IEC)
- 2 Co-Directors (1 Dem, 1 Rep)
  - State source for information on precincts and voter registration
  - Day-to-day support for local election administrators, election boards, public

Indiana Election Division (IED)
- All Indiana counties have an election board with bipartisan representation
  - Similar functions as the IEC, but on a local level rather than state or federal

Local Election Boards
- State law and/or IEC approves procedures and forms for local bodies to use
- IEC also approves voting systems, though the county selects which type it uses

State Certification of Voting Systems: The Role of VSTOP

DR. JAY BAGGA, COMPUTER SCIENCES, BALL STATE UNIVERSITY

DR. JOSEPH LOSCO, POLITICAL SCIENCE, BALL STATE UNIVERSITY

DR. RAYMOND SCHEELE, POLITICAL SCIENCE, BALL STATE UNIVERSITY

VSTOP

- Established by P.L.221-2005, SEC.95.
- Duties outlined in IC 3-11-16
- Secretary of State enters into contract with entity to:
  - Make recommendations to the Indiana Election Commission (IEC) on the certification of voting systems.
  - Track changes to voting systems (Engineering Change Orders (ECOs and advisories)
  - Create an inventory database of voting systems in the 92 counties.

VSTOP

- Ball State responded to Request For Proposals (RFP) and won contract in 2009
- Originally funded by fees and penalties on vendors
- Currently part of Biennium budget (2013-14)
Part I: Certification

- **Purpose:** Conformity to Indiana Code
- **Method:** Protocol
  - Prepared by VSTOP in conjunction with Indiana Election Division (IED)
  - Vendor comments solicited and incorporated
  - Approved by IED

Certification

- Application
  - IEC 11 (state form)
- Document Review
  - Technical Data Package (TDP)
  - Voting System Testing Lab (VSTL) Reports
  - Election Assistance Commission (EAC) Certification (if applicable)
- Functional on-site testing
  - Follows careful Protocol script to confirm all components and conformity to Indiana Code
  - Mock election
  - Accessibility and disability testing
  - Videotaped and archived
- Presentation of Findings to Indiana Election Commission (IEC)
- IEC Action

Certification

- Engineering Change Orders
  - De Minimis
  - Modification
    - Undergoes closer scrutiny
    - May involve additional testing

Electronic Voting Systems

(2005 VVSG Vol. 1)

In addition, a voting system includes the practices and associated documentation used
- to identify system components and versions of such components;
- to test the system during its development and maintenance;
- to maintain records of system errors and defects;
- to determine specific system changes made after initial certification;
- to make available any materials to the voter (such as notices, instructions, forms, or paper ballots).

Electronic Voting Systems

(2005 VVSG Vol. 1)

“... all types of voting systems must provide these capabilities:
- vote privately as voter intends
- opportunity to revise
- overvotes and undervotes
- accessible for individuals with disabilities"
Types of Voting Systems
(2005 VVSG Vol. 1)

- **Paper-Based Voting System**
  - Records votes, counts votes, and produces a tabulation of the vote count from votes cast on paper cards or sheets.

- **Direct-Recording Electronic Voting System**
  - Records votes by means of a ballot display provided with mechanical or electro-optical components that can be activated by the voter and records voting data and ballot images in memory components.

- **Public Network Direct-Recording Electronic Voting**
  - Uses electronic ballots and transmits vote data from the polling place to another location over a public network.
  - Vote data may be transmitted by individual ballots, periodically in batches or one batch at the end of voting day.

- **Precinct Count Voting System**
  - Tabulates ballots at the polling place typically as they are cast and results are printed after the close of Election Day.

- **Central Count Voting System**
  - Tabulates ballots from multiple precincts at a central location.

Voting Systems Technologies

- **Direct Record Electronic (DRE)**
- **Optical Ballot Scanner (OpScan)**
- **Combinations**
- **Levels of Accessibility**

OpScan (Optical Scanner)

DRE (Direct Record Electronic)

Combinations

Technologies across United States
**Overall System Capabilities of Voting Systems** (2005 VVSG)

- Security
- Accuracy
- Integrity
- System auditability
- Election management system
- Vote tabulation
- Ballot counters
- Telecommunications
- Data retention

**Integrity** (2005 VVSG)

- Prevent failure
- Protect against the interruption of electrical power
- Protect against environmental hazards
- Protect against the failure of any data input or storage device
- Protect against any attempt at improper data entry or retrieval
- Record and report the date and time of normal and abnormal events

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**Voting Systems Certified in Indiana**

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Voting System(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>ES&amp;S</td>
<td>AutoMARK, AccuVOTE, Assure, Unity 3.1.0, Unity 3.2.1.0</td>
</tr>
<tr>
<td>Hart InterCivic</td>
<td>Electronic Voting System 6.2.1</td>
</tr>
<tr>
<td>MicroVote</td>
<td>Infinity Model VP-1, EMS 4.0B (Modification)</td>
</tr>
<tr>
<td>Unisyn</td>
<td>OpenElect 1.0, 1.1</td>
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</tbody>
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**ePoll Books**

- Replaces physical, printed poll books
- Maintains complete county voter rolls
- Allows instantaneous voter identification and verification of voting status
- Facilitates county and Voter Registration System (VRS) updates
- Makes vote centers possible

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**ePoll Books**

- Currently used in 24 states, but Indiana will be first in nation to certify ePoll books
- Verify voter eligibility
- Confirm vote
- Transmit information securely to every other polling place
- Must be secure
- Update Statewide Voter Registration System (SVRS)

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**ePoll Book System Requirements**

- Must be programmed so that the coordinated action of two (2) election officers who are not members of the same political party is necessary to access the electronic poll list.
- May not be connected to a voting system.
- May not permit access to voter information other than information provided on the certified list of voters prepared under IC 3-7-29-1.
- Information must be encrypted and placed on a dedicated, private server to secure connectivity between a precinct polling place or satellite absentee office and the county election board.
Future of Voting Systems?
- Los Angeles County’s Voting Systems Assessment Project (VSAP)
- Internet Voting
- Uniformed & Overseas Citizens Absentee Voting Act (UOCAVA)
  - Federal law to assist military and civilian voters residing out of the country to access their right to register and vote
- PRIME III Voting System
  - Touch or voice recognition
- Certification Changes
  - Certificate of conformance

Discussion

Given what you have learned, should Marion County purchase new equipment?

YES – WHY?
- Equipment is outdated
- Given advances in technology, especially security, would be beneficial
- SB621 requires a change in voting system given current equipment parameters
- Limited availability of replacement parts for current system
- Democratic society can’t afford to vote, are we still a democratic society?

NO – WHY?
- Technology is moving forward, changing and what we purchase now may not be workable in the future
- Budget $$ may not be available; availability of funding difficult

NOT SURE – WHY?
- Advancements in newer equipment may not justify the expense
- Political parties should fund their own primaries, which may help fund new equipment or advancements in voting technology

What are your concerns about using a primarily paper ballot focused system?
- Printing ballots can be tedious & complicated
- Time consuming process to collate ballot information (before to create them, to distribute to precincts & pull together when polls close)
- Physical storage
- Impede process to other technologies, especially as it limits voters to one location to vote on Election Day
- Less accessible for voters with disabilities
What are your concerns about using a primarily electronic (paperless) focused system?

- Distrust of the technology may lead to less confidence in system by voters
- How would provisional ballots be segregated/implemented in a totally paperless system
- System fails – then what?
- Lack of a paper trail
  - System is hacked or somehow infiltrated then paperless system more difficult to validate election results
- Older voters may have limited exposure to technology and be unsure of using
- Electronic system may be more expensive to purchase, maintain
- Software and other back-end systems may be impacted, too
- Does a recount exist in an all electronic environment?

If a combination system is purchased, would you prefer use a paper ballot read by a scanner or an electronic ballot with a paper record "receipt", or log?

- Big brother
- Random ‘save’ features of an electronic ballot to not be able to identify the voter’s selection
- Some voters may not be comfortable with touchscreen – familiarity of paper ballot
- Potential for a touchscreen system to print a paper ballot and hold internally without voter touching it
- Intelligent systems can produce a paper trail without a paper ballot
- How do you define a paper trail?
  - Some states perform post election audits submitted to state and reviewed as to official count on the machine on Election Day and later confirming the machine has same number many months after the election
- Not enough information to answer this question?

What should be the MCEB’s primary concerns when evaluating voting systems for purchase?

- Security
- Ease of use
- Accuracy
- Cost

Reminder:
- Your feedback is critical to this process
- If you have additional questions or feedback that you weren’t able to share during our scheduled meetings, please email our office
- Comments and feedback will be used to draft the VEP Study Group report to the Election Board

Next Meeting

COST & ELECTION ADMINISTRATOR ROUNDTABLE
MONDAY, JUNE 24 | 5:30PM
PUBLIC ASSEMBLY ROOM
CITY-COUNTY BUILDING

Voter Experience Group Members:
Deadline to submit additional comments is Friday, June 28
Email: myla.eldridge@indy.gov