

To: Allison Hunn (Sen. Merkley),  
Tommy Walker (Sen. Klobuchar),  
Chuck Ackman (Sen. Klobuchar)

4/19/2021

Thank you for meeting with us to discuss our suggestions for improving election administration portions of S.1. Last Thursday, we promised you additional information with suggested language to clarify some of the issues discussed:

1. In §1503(b) accessibility research grants, we recommend:
  - a. Increasing recipients from 3 to 7 to ensure participation beyond the largest voting system companies to include other types of organizations.
  - b. Adding specific criteria to guide research on internet voting.
  - c. Adding testing of existing and proposed systems.
2. We understand grants under §1105 of S.1 for new equipment will be consistent with the undiluted voter-verified paper ballot requirement. If any electronic return is allowed, the electronic return systems must meet the criteria in our amended version of S.1 §1105, HAVA§261(b)(1), below.
3. We recommend adding drop boxes and signature verification devices to §3021 infrastructure research grants.

Luther Weeks, Moderator, State Audit Working Group, Connecticut

Neal McBurnett, Election integrity consultant, Colorado

Paul Burke, VoteWell.net, California

Harvie Branscomb, electionquality.com, Election transparency and technology specialist, Colorado

John L. McCarthy, retired computer scientist, Lawrence Berkeley National Laboratory

Celeste Landry, Boulder, Colorado, MS in Operations Research, voting methods researcher

**Grants for research: S.1 §1503(b) creates new HAVA §247 Study and report on accessible voting options**

(a) Grants To study and report

The Commission, in coordination with the Access Board and the Cybersecurity and Infrastructure Security Agency, shall make grants to not fewer than 7 ~~3~~ eligible entities:

- (1) To study, test, and develop accessible and secure remote voting systems and voting, verification, and casting devices to enhance the accessibility of voting and verification for individuals with disabilities. Any proposed method for electronic return of completed ballots must meet the criteria in (3)
- (2) To independently study and test existing and proposed remote voting systems to identify flaws, limitations and security weaknesses. Testing must incorporate criteria in (3)
- (3) Criteria for testing and development:
  - (a) The system is secure from hacking and malware, including on the client, on the server, and man-in-the-middle attacks
  - (b) The system includes effective voter authentication
  - (c) The system protects ballot secrecy. The system creates no information that can be used to associate a voter with their choices
  - (d) An undetected change or fault in the system cannot cause undetectable errors in election outcomes. This includes Software Independence as defined in VVSG 2.0: “a previously undetected change or fault in software cannot cause an undetectable change or error in election outcome.”
  - (e) Each voter can verify their vote selections were correctly received by the election office.
  - (f) The design of the system and methods of verification are publicly disclosed, including source code or other implementation of any tools required for verification, so that anyone can actually conduct verifications.

**Grants for buying equipment now:** §1105 of S.1 expands grants to states and local governments to cover variations in accessibility.

*Existing words in HAVA §261 in italics, and addition by S1 §1105, not in italics:*

*52 U.S. Code § 21021 [HAVA §261] (a) In general -The Secretary of Health and Human Services shall make a **payment** to each eligible State and each eligible unit of local government (as described in section 21023 of this title).*

*(b) Use of funds - An eligible State and eligible unit of local government shall use the payment received under this subpart for—*

HAVA §261(b)(1) making absentee voting and voting at home accessible, secure, and private, while authenticating voters and protecting ballot secrecy so that a voter's selections cannot be associated with the voter, and independently testing whether the system is accessible, secure and protects ballot secrecy; for ~~to~~ individuals with the full range of disabilities (including impairments involving

vision, hearing, mobility, or dexterity) through the implementation of accessible absentee voting systems that work in conjunction with assistive technologies for which individuals have access at their homes, independent living centers, or other facilities; Any grants for accessible in-home voting must be certified by the EAC/CISA to meet these criteria:

- a) The system is secure from hacking and malware, including on the client, on the server, and man-in-the-middle attacks
- b) The system includes effective voter authentication
- c) The system protects ballot secrecy. The system creates no information that can be used to associate a voter with their choices
- d) An undetected change or fault in the system cannot cause undetectable errors in election outcomes. This includes Software Independence as defined in VVSG 2.0: “a previously undetected change or fault in software cannot cause an undetectable change or error in election outcome.”
- e) Each voter can verify their vote selections were correctly received by the election office.
- f) The design of the system and methods of verification are publicly disclosed, including source code or other implementation of any tools required for verification, so that anyone can actually conduct verifications.

**Drop boxes and signature verification devices:** S.1 §3021(b) adds definition in Section 2 of the Homeland Security Act of 2002

(6) Election infrastructure

The term election infrastructure means storage facilities, polling places, smart drop boxes capable of tracking items deposited and tampering, and centralized vote tabulation locations used to support the administration of elections for public office, as well as related information and communications technology, including voter registration databases, systems used to determine the eligibility of voters or ballot packets, including signature verification systems, voting machines, electronic mail and other communications systems (including electronic mail and other systems of vendors who have entered into contracts with election agencies to support the administration of elections, manage the election process, and report and display election results), and other systems used to manage the election process and to report and display election results on behalf of an election agency.