

It is critically important that the NIST report acknowledges the true nature of the difficulties in providing secure electronic ballot return systems. While some private entities claim to have solved, or partially solved, security questions related to electronic ballot return, there is widespread consensus among the scientific community that studies this very issue that no such technology presently exists - nor is it likely to exist in the near future.

On balance, it is important that increased resources at the federal, state, and local level continue to be allocated to improve accessibility and voting experiences for voters with disabilities, as the draft report details. However, those resources can and should be effectively allocated to strengthen proven, existing means of voting, and should not be invested in questionable technologies that are being pushed by several start-up, for-profit companies that possess little experience in elections administration. Field-tested electronic ballot return systems have been studied and repeatedly found to be inherently insecure, even when promised to be fully "secure" by the vendors awarded contracts in some jurisdictions to explore them. And while many states do presently allow limited forms of electronic ballot return, particularly for overseas and military voters, the security of that process itself merits further review and changes to protect the elections system from attacks by increasingly sophisticated hostile actors.

The same worthy goals of improving access to the democratic process for all voters can be achieved without jeopardizing that very process through the exploration of technologies that involve the internet, mobile devices, or email to transmit voted ballots. Many states, including Rhode Island, look to the NIST to provide guidance on what secure, trustworthy systems should be deployed to improve the voting process for all. Recently proposed legislation in this state, which passed one of two legislative chambers, would have provided for the adoption of an electronic ballot return system, provided it met a cybersecurity framework established by NIST as a central parameter, prior to implementation.

While NIST does not expressly instruct states how to conduct elections, many states do turn to NIST's guidance to help determine an equitable path forward that balances cybersecurity and voter needs. As such, NIST has a critical role, which it can partially fulfill with this report, in pointing out the inherent dangers of adopting voting technologies that ostensibly solve some known issues in election administration, while simultaneously creating new problems that violate basic principles of cybersecurity and ballot chain of custody. In other words, it's vital that NIST includes language that discourages states from further opening the door of electronic ballot return, until such time as a demonstrably proven technology is unveiled that would make existing concerns moot.

Given that reality, and that states such as my own rely heavily on the NIST's recommendations for important policy decisions such as electronic ballot return, I am hopeful the NIST's "Promoting Access to Voting: Recommendations for Addressing Barriers to Private and Independent Voting for People With Disabilities" report can include additional, strong language warning of the dangers of expanding electronic ballot delivery, and instead offer solutions that involve reinvesting in and redoubling efforts in existing, proven election administration practices to remove barriers to voting for people with disabilities.

All voters deserve a secure, accessible, trustworthy election system, and while some individuals and corporate entities are proposing "quick fixes" to solve problems in election administration via mobile and electronic voting technology, it is a fact that these unproven new technologies are vastly inferior to auditable paper ballots and other existing means of voting. In many respects, the draft report does a good job of identifying existing accessibility solutions that can be improved upon; however, I am hopeful its accompanying language regarding electronic ballot return can more accurately reflect the dangers of increased adoption of that process. While the report is certainly not intended to be a cybersecurity document, it provides an overtly sparse mention of the topic, and as currently drafted does not go far enough in illustrating the drawbacks and well-known dangers of electronic ballot return - affecting voters with disabilities, the auditability of elections, and the integrity of the election process in general. This omission could be misleading for states and election administrators seeking NIST guidance on the topic of improving voting processes.

Thank you for considering these comments.

Sincerely,  
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