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DEPARTMENT *of* ELECTIONS

To: Members of the State Board of Elections

From: Edgardo Cortés, Commissioner of Elections

Date: April 1, 2015

Re: Interim Report on Voting Equipment Performance, Usage & Certification

As Commissioner of Elections and chief state election official of the Commonwealth, I requested authorization from the State Board of Elections (SBE) to conduct the first comprehensive review of voting equipment in response to the widely-reported issues experienced by some voters during the November 2014 General Election. SBE unanimously approved this request on November 24, 2014. The Department of Elections (ELECT) contracted Pro V&V labs, a federally certified voting system test lab, to assist ELECT in conducting the post-election review. ELECT has engaged with many experts throughout our review, including the U.S. Election Assistance Commission's (EAC's) Testing and Certification Program staff.

Based on our review, the Department believes local election officials are generally following industry best practices for storing and maintaining voting equipment. However, the Department of Elections has identified several areas of concern that require immediate consideration and action by the State Board of Elections to ensure that we continue to promote and support accurate, fair, open, and secure elections for the citizens of the Commonwealth. ELECT and SBE must protect the integrity of Virginia elections and maintain public faith in our democratic process.

Based on our interim findings, I urge SBE to move forward with the following recommendations:

1. Hold a public hearing within 7-10 days to discuss available options to address significant system vulnerabilities identified in the AVS WinVote and encourage public participation and input into your final decision. This should include consideration of decertifying the WinVote system and prohibiting its use in all future Virginia elections pursuant to the Board's authority in Virginia Code § 24.2-629(I).
2. Authorize, pursuant to Virginia Code § 24.2-629(I), Department staff and consultants to access any voting equipment across the Commonwealth necessary to complete the Department's comprehensive voting equipment review.



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3. The Board should conduct vulnerability or other testing on any and all voting equipment certified by SBE more than 2 years ago and require updates to recommended practices for optimum security and functionality of all DREs pursuant to the Board's authority in Virginia Code § 24.2-629(H).
4. Consider and adopt regulations, pursuant to Virginia Code § 24.2-103(A), mandating certain pre-election and post-election reporting by localities to allow SBE and ELECT to assess voting equipment in use in the Commonwealth.
5. Consider changes to the current certification program to provide for periodic review of certified voting systems to ensure compliance with current law and administrative requirements pursuant to Virginia Code § 24.2-629(H).

In support of the recommended Board actions, the Department of Elections plans to take the following actions:

1. Work collaboratively with localities holding primaries that also utilize WinVote equipment to determine the impact of decertification on the administration of the upcoming election. This information will be provided to SBE at the requested public hearing.
2. Communicate with all WinVote localities to assess the practical implications of decertification on their preparation for the November election. This information will be provided to SBE at the requested public hearing.
3. Communicate with all four voting system vendors to assess their capacity to assist WinVote localities in transitioning to new voting equipment prior to the November 2015 election. This information will be provided to SBE at the requested public hearing.
4. Communicate with county and city administrators of WinVote localities to ensure they are aware of the system vulnerabilities identified through our review and inform them of the potential for decertification of the WinVote system.
5. Make documents publicly available on the Department of Elections website to assure the public a transparent process and an opportunity to review all pertinent information prior to the requested public hearing.



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6. Submit our report and findings to the EAC for inclusion in the Voting System Reports Collection so election officials around the country can understand the process we used to conduct our review.

Finally, it is critical to note the current and future fiscal impact of this process on the Department of Elections and the need to provide sufficient funding to carry out essential agency functions such as this. ELECT has already spent approximately \$18,000 on conducting this review. This process has proven exceptionally beneficial and important to meeting the Department and the Board's legal mandate to obtain "legality and purity in all elections." ELECT recommends a similar review process be undertaken on a periodic basis going forward but the ability to proceed will be determined by funding availability.