



Testimony of Brian J. Hancock

EAC Public Meeting September 2, 2009

Update on EAC UOCAVA Related Activities

I am here today to provide you with an update on the activities of the Certification Division and the EAC's partners to assist uniformed and overseas citizens voting by absentee ballot. As a reminder to those listening who may not be familiar with all of our Acronyms, UOCAVA is how we generally reference those voters covered under the provisions of the Uniformed and Overseas Citizens Absentee Voting Act. It is important to remember that uniformed service personnel are not the only individuals covered by this act but their dependents, U.S. government employees and contractors, and all U.S. citizens temporarily living abroad are also considered UOCAVA voters.

This is a particularly timely topic given that we have current legislation (S.1415, The Military and Overseas Voter Empowerment Act, introduced by Senator Schumer) which, if passed, would provide additional assurances that UOCAVA voters are made aware of their voting rights, have an increased opportunity to register to vote, and have additional guarantees that their absentee ballots are counted as cast. This legislation includes a Section entitled "Technology Pilot Programs." The language of this section allows the Presidential designee (who is the Secretary of Defense, operating through the Director of FVAP) to establish 1 or more pilot programs under which the feasibility of new election technology is tested for the benefit of UOCAVA voters. In conducting a pilot program established under this subsection, the Presidential designee is permitted to consider the following issues:

- (1) The transmission of electronic voting material across military networks.
- (2) Virtual private networks, cryptographic voting systems, centrally controlled voting stations, and other information security techniques.
- (3) The transmission of ballot representations and scanned pictures in a secure manner.
- (4) Capturing, retaining, and comparing electronic and physical ballot representations.
- (5) Utilization of voting stations at military bases.
- (6) Document delivery and upload systems.
- (7) The functional effectiveness of the application or adoption of the pilot program to operational environments, taking into account environmental and logistical obstacles and State procedures.

In addition to current legislative efforts, we should remember that the **National Defense Authorization Act for Fiscal Year 2005** repealed the requirement on FVAP to conduct an electronic voting demonstration project for the 2004 General election **until** the first regularly scheduled general election which occurs **after the Election Assistance Commission notifies the Secretary that the Commission has established electronic absentee voting Guidelines and certifies that it will assist the Secretary in carrying out the project**'.

In 2006, Congress required DoD to report ... on plans for expanding its use of electronic voting technologies and required GAO to "assess efforts by the EAC to develop Internet voting guidelines **and** by DoD to develop an Internet-based demonstration project." Finally, in 2007 GAO issued a report entitled: "*Action Plans Needed to Fully Address Challenges in Electronic Absentee Voting Initiatives for Military and Overseas Citizens.*" Among other recommendations, GAO charged the EAC to: "Develop and execute, in conjunction with major stakeholders ... a results-oriented action plan that specifies, among other things, goals, tasks, milestones, time frames, and contingencies that appropriately address the risks found in the UOCAVA voting environment - especially risks related to security and privacy."

With these recent and current action items outlined, the EAC is working with its partners at NIST and FVAP on a number of projects.

EAC

The EAC along with NIST and FVAP, are just beginning to explore concepts, potential implementations, the development of testable system requirements, and the development of special certification requirements to assist State and/or local jurisdictions who wish to pursue pilot projects to allow various methods of remote electronic voting for UOCAVA voters. The initial concept is to develop a manageable, small scale effort that would be usable for UOCAVA voters, perhaps as early as the 2010 Federal general election, with further larger scale pilot projects in the 2012 Federal election.

The most likely initial system implementation would be a manned, kiosk-type system similar to that used in the Okaloosa County, Florida pilot project undertaken last year.

NIST

At the present time, NIST is working on three separate documents related to UOCAVA :

The first document is entitled: “*Security Considerations for Remote Electronic UOCAVA Voting Systems.*” This document will characterize systems which use telecommunications lines to return voted ballots to election officials, including Internet voting via web sites or e-mail. It will consider both at-home and kiosk-based systems, with a discussion of the security issues related to each type of system. This document is scheduled for delivery in December and will be a high level discussion and will not contain specific, testable requirements.

NIST is also working on two other documents; one on electronic blank ballot delivery, the other on best practices for IT security. These were originally combined into one document in our project plan, although we’ve since split it into two.

The first of these documents is tentatively titled: “*Best Practices on Electronic Transmission of Election Materials*” This document will provide best practices for using fax, e-mail and web sites to allow voters to request blank absentee ballots, and to delivery blank ballots to overseas voters. It

will also include election procedures aimed at handling and processing these materials, and security controls for these systems.

The second document is tentatively titled: “*IT System Security Best Practices for UOCAVA Supporting Systems.*” The goal of this document is to take the vast information already in NIST computer security documents, and summarize the important information for people making decisions about UOCAVA voting systems. This will include material for election officials, as well as for voting system manufacturers.

These two documents are currently scheduled for delivery to the EAC in the first half of 2010.

We know that numerous States are planning to initiating remote electronic or internet based pilot programs over the next several years to allow their UOCAVA voters to more easily and efficiently cast their ballots. EAC and its partners are in the very early stages of conducting some important work to explore the best ways we can assist these States and their UOCAVA voters. As the various aspects of this work progress, I will keep the Commissioners updated on the EAC’s work in this area, and perhaps at some point we will also be able to hear testimony from our partners at NIST and most importantly, at the Federal Voting Assistance Program on the efforts of those agencies in this area.