Many thanks. If there is any difficulty in opening the document, please let me know.

--Candice Hoke

Candice Hoke
CH@electionexcellence.org

--> Please update my email address from lily@dexterworks.com to the address noted here.

April 12, 2010

U.S. Election Assistance Commission
1201 New York Ave, NW., Suite 300
Washington, DC 20005

RE: UOCAVA Pilot Program Testing Requirements Comments

Dear Commissioners and Staff:

Thank you for providing an opportunity to comment on the proposed *UOCAVA Pilot Program Testing Requirements*.

This document demonstrates a great deal of care and expert knowledge about the technical aspects of election security. If its guidelines were followed, the pilots would constitute an advance on prior voting pilot projects. Yet, given the range of cyber security threats to this nation that have recently been documented, and the vulnerabilities of Internet voting as demonstrated in the superb NISTInternet Voting risk assessment, I hope you will amend the *UOCAVA Pilot Testing Requirements* document to include substantially more protections to achieve election accuracy, reliability, and security.

The specific recommendations that I would offer to the EAC for improving the proposed UOCAVA pilot testing standards track those that the Verified Voting organization is offering in its comments to the EAC. I strongly endorse Verified Voting's submission in its entirety.

One of these points, *"Federal election security is a fundamental component of U.S. national security,"* is so critical that it could be inscribed over the EAC's doors as well as included in all of its policy considerations, including the *UOCAVA Pilot Testing Requirements*. The EAC can help achieve election security and transparency simultaneously, if we seriously commit to both principles, and thereby greatly augment both electoral administrative success and voter confidence in the election system.

I also would like to underscore the importance of the EAC's *Pilot Testing Requirements to* include a graduated approach to pilot programs that begins with mock elections and prohibits initial Internet voting pilot project testing in the midst of a real election. The comments Verified Voting is filing elaborate vital reasons for mock as opposed to real election testing of Internet voting systems. At base, we should not be experimenting with election technologies in real elections until their systems and software have been studied and approved as reaching minimum standards for accuracy, reliability, security, and voter privacy. Real votes in real elections warrant more than mere *belief* in the vendor's representations -- which may be nothing more than puffery. To protect election legitimacy, we need proof of these asserted voting system achievements in accuracy, reliability security and more. Competent proof can be supplied through independent testing of scientists and technologists who are unrelated to the vendor and project managers. Since the MOVE Act does not mandate pilots in real elections, the EAC should not press for that testing context until and unless the pilots have proven themselves worthy.

These recommendations for how the UOCAVA pilots should proceed parallels that of the Food & Drug Administration, which generally requires a series of graduated tests of proposed drugs,

often using animals, before any human testing. The FDA requires the drug developer/vendor must set forth evidence of prior tests and evaluations, including of animal testing, before human testing is permitted. Testing on live human beings is the last step in the normal process of drug testing before permission is granted to market the drug. By following this type of graduated approach in Internet voting, the EAC can help safeguard elections and voting rights while also fulfilling the duty to investigate new technologies that might improve elections.

in addition to endorsing the Verified Voting recommendations, I would also like to underscore the importance of auditing and full forensic assessments of all UOCAVA pilots. This point also receives a great deal of attention in the Verified Voting letter. As a co-author of a guide for election officials to election forensics, I would emphasize the need for the *UOCAVA Testing Requirements* to elaborate the components of these evaluative steps, the qualifications of evaluative personnel, and their work structures/relationship to the Internet voting pilot contractor, so that conflicts of interest can be avoided and the public fully protected.

Thank you for soliciting public comment on this proposal. I hope you find this letter and the Verified Voting submission useful in guiding amendments to the proposed *UOCAVA Pilot Testing Requirements.*

SIncerely,

/s/

Professor Candice Hoke

Founding Director, **Center for Election Integrity**
(also former EAC Contractor for the *College Poll Worker Guidebook*); Election Law Professor)

ch@electionexcellence.org