



California Public Hearing on Voting System Decertification
Testimony of Kim Alexander, President, California Voter Foundation
March 19, 2019

The California Voter Foundation welcomes Secretary of State Alex Padilla's decision to decertify voting systems that do not meet the 2015 California Voting System Standards. California has long required voter-verified paper ballots and post-election audits, and has been at the forefront of election security for many years. This decision ensures our state continues its strong track record of providing voters with a high degree of confidence in the reliability and accuracy of our election outcomes. Voter confidence is the cornerstone of free and fair elections.

We know it will be challenging for all 58 counties to transition to a new voting system in time for the March 2020 Presidential Primary and understand there may be as many as 22 counties that will seek an extension to continue using legacy systems in 2020. This challenge is compounded by the fact that there are few choices on the market currently that meet the stronger standards from which counties can choose.

We don't want counties to rush their decisions to acquire new voting systems - this happened the last time around, when we replaced punch card voting machines, and we ended up with tens of thousands of electronic voting machines used by many counties that produced results which could not be verified and were later retrofitted or replaced with paper-based systems.

While we don't want counties to rush, we are also concerned that voters in those "exception" jurisdictions may be wondering if their ballots will be secure. Given that some number of counties will still be using legacy systems in 2020, the California Voter Foundation recommends that the Secretary of State and legislative leaders mitigate this risk by requiring these counties to take extra steps to secure their election process, such as:

- Participating in the SoS' Department of Election Cybersecurity and the Department of Homeland Security's Critical Infrastructure protection services, such as system penetration testing, staff email and computer security training, and security drills.
- Public reporting of the results of post-election audits that can be easily located online so that voters can easily learn how their counties' election results were verified.

Such steps would likely require additional staffing and access to technology experts that may not be available locally in some counties; somehow the state needs to help counties access the talent and expertise they need to secure our votes.

We are appreciative of the careful work the Secretary of State's office is conducting in certifying new voting systems to the new, rigorous standards, as well as the agency's establishment of the Department of Election Cybersecurity and the Legislature's support for creating it, as well as the

Secretary of State and Legislature's support for funding in last year's state budget to help counties' acquire new systems.

But we also need to get out of this crisis funding mode for elections. Election equipment and election administration are fundamental government resources and services that must be supported by the state on an ongoing basis, not just one-time responses to crises. Election funding can and should be used as an incentive to help improve all counties' election security practices and performance and provide increased state oversight and guidance in equipment procurement, secure balloting procedures and post-election audits. Additional state government agencies such as the Bureau of State Audits or the State Controller's Office could be beneficial in providing some assistance and oversight to counties and help ensure our investments in election infrastructure are sound.

Another area where California can and should provide more leadership is in the open source election system movement. We need to stop fighting the last battle and look ahead, and be prepared for the future.

Providing an alternative model for acquiring voting systems that is not dependent on private companies and proprietary software could serve to make secure voting technology more affordable and more reliable. Fortunately, several efforts to develop a new voting system model are underway, from the Los Angeles county Voting Systems for All People project to the San Francisco's Open Source voting initiative, to the new Department of Defense DARPA project just announced to develop an open source voting platform, the relatively new nonprofit business startup, VotingWorks, based in Redwood City, and the OSET Institute, also California-based. San Francisco and other counties' open source efforts could benefit from a state investment, which advocates sought in last year's budget but were not successful.

The California Voter Foundation urges our states' leaders to build support for election administration, election funding, and open source election research and development, into the state budget on an ongoing basis so that counties can provide all voters they serve with a high degree of confidence in the reliability of election outcomes not just from election to election, but from generation to generation.