



New Yorkers for Verified Voting

NYVV Response to the Proposed Final Voting System Standards February 22, 2006

The proposed Final Voting Systems Standards do very little to improve the many serious weaknesses present in the Draft Standards. It is troubling that the detailed technical commentary the State Board received from our organization and other experts was simply ignored in this latest revision.

We acknowledge that there were some changes in response to the specific commentary received, but these tend to be minor adjustments or clarifications that, while welcome, do nothing to address the substantive problems in the original version of the Draft Standards.

As did the Draft version, the proposed Final Standards suffer from the following serious weaknesses:

- The certification process remains exceptionally weak and vendor driven. Procedures and tests must not be vendor-managed but based rather on a fully independent evaluation of the system.
- The State Board should not be allowed to “waive” any testing at its discretion.
- Essential and explicit security standards and specifications are absent.
- No provision for manual testing of machines to exercise all pushbutton and/or touchscreen interfaces, use all devices to be used by voters with and without disabilities, and use all languages intended for voters with minority languages, or exercise of VVPAT printers.
- No requirement for comprehensive testing including “Mock Election Tests”, which demonstrate the usability and accuracy of the system in real world conditions.
- No requirements for a professional “Red Team” test, such as the RABA Technologies test commissioned by the Maryland Department of Legislative Services.
- Lack of any comprehensive source code requirements or means for independent experts to evaluate source code for vulnerabilities and flaws.
- Does not establish a challenge system under which independent security experts may petition the Board to perform tests.
- Does not impose a penalty for the vendor and de-certify any system if, upon delivery or after vendor access to systems, one or more systems are found to be corrupt or different from the state-certified version of that system.
- Does not prohibit wired networked connections to any devices inside or outside of the polling place.
- Most egregiously, the entire process is hidden from the public. There must be requirements that written procedures used to conduct testing, the tests themselves, and the results of such testing are readily available to the public. Indeed, there should be no reason to conceal any part of this process from the public, the primary stakeholders in our elections.

New Yorkers for Verified Voting finds the proposed Final Standards in their present form to be unacceptable. Approving these standards as written will jeopardize the integrity of our vote in New York. It is incumbent upon the New York State Board of Elections to guarantee each citizen’s right to vote, and to prove to the public that they can be confident that their votes will be accurately counted. The Final Standards fail in this regard. We need to do better.

Specific Comments

Because so few changes were made to the draft regulations, we feel the only adequate response to the Final Standards is to resubmit our original commentary to the Draft Standards. This original commentary to the Draft Standards follows and its recommendations should be adopted.

The following sections did not address any of NYVV's concerns or the concerns of other technical experts. We call for these following sections to be re-examined and improved. The paragraph numbers refer to the new numbering in the proposed Final Standards.

Comments on the new Section 6209.2 F, Voter Verified Paper Audit Trails (VVPAT), follow these notations.

Section 6209.1 Definitions

Paragraphs 8, 11, 14, 18, 19, 22, 23, 24, 25, 28, 33

Section 6209.2 Polling Place Voting System Requirements

Paragraphs A1, A2, A3, A4, A5, A6, A7, B2, B3, E

Section 6209.3 Paper-based Voting Systems

Paragraphs B, E, I1, K

Section 6209.4 Application Process

This entire section should be rewritten to incorporate technical comments.

Section 6209.6 Examination Criteria

Paragraphs B, C, C1, C1A, C1A1, C1A3, C1B, C1B4, C1C, C2, C2B1, C2B1n, C2B1p, C2B15, C2B1s4, C2B1/5d, C2B1/5f,

Section 6209.7 Modifications and Re-examination

This section is slightly improved but could use further clarification.

Section 6209.8 Rescission of Certification

Paragraphs A, B, C, D

Section 6209.9 Contracts

Paragraphs A1C, A2, A4

Section 6209.10 Acceptance Testing

Paragraphs A, B, E, F

Section 6209.11 Routine Maintenance Test

Paragraph K

Section 6209.12 Operational and Testing Procedures for Centrally Counted Voting Systems

The only requirement that existed for public testing was in this section. Remarkably, it has been removed. This and other sections must call for full public visibility as noted in the introduction.

Comments on the new Section 6209.2 F, Voter Verified Paper Audit Trails (VVPAT)

The addition of this section is welcome, and we applaud the State Board for adding this section explicitly describing the VVPAT. However, the new section has two significant failings which must be addressed:

1. It does not specify that *ballot selections on the touchscreen or pushbutton screen on a DRE must remain visible while the voter is verifying their VVPAT*. The purpose of the verification step is to double check that all selections are correct. But it is unreasonable to expect a voter to remember precisely all of their selections without being able to refer to the highlighted section on the DRE screen. This is important because some versions of the machines demonstrated thus far in New York blank out the DRE screen while the VVPAT is printed, making it impossible to refer to the original vote.
2. This section must specify that the *VVPATs must be separated from each other when stored, and not be stored on a continuous paper roll*. In polling places or election districts with only a single voting machine, individual votes could be determined after the election by comparing the poll book and the VVPAT roll, as there is a direct correspondence between the position in the poll book and the position on the VVPAT roll.