

## Andrea Gyger

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**From:** Cardenas, Pamela <PCardenas@hartic.com>  
**Sent:** Tuesday, December 08, 2015 3:51 PM  
**To:** SoS Rulemaking  
**Subject:** Comments - working draft election rules

Hart InterCivic appreciates the opportunity to provide commentary on the Secretary's proposed rules. We have included our proposed revisions below.

Additions are **highlighted**.  
Deletions are **redlined**.

(From p. 22 of 24):

*Amendments to Rule 21.4.5(f) concerning voting system functional requirements:*

(f) The election management system must ensure that an election setup RECORD may not be changed once ballots are printed and/or election media devices are downloaded without proper authorization and acknowledgement by the application administrative account. The application and database audit transaction logs must accurately reflect the name of the system operator making the change(s) and the date and time of the change(s). **The application and database audit transaction logs shall support a user's ability to examine**, ~~and~~ the "old" and "new" values of the change(s).

(From p. 22 of 24):

*Amendments to Rule 21.4.10(g):*

(g) All voting systems must meet the following minimum requirements for removable storage media with data controls:

(1) All voting data stored that includes, ballot images, tally data, and cast vote records must be authenticated, ~~ENCRYPTED~~ **secured against tampering**, and validated.

~~(2) All non-voting data stored must be authenticated, encrypted, and validated.~~

~~(3) (2) All removable media, upon insertion on server and/or workstations hosting the elections management software, must automatically be scanned by antivirus software~~ **be adequately secured against execution of unauthorized software.**

(From p. 23 of 24):

*Amendments to Rule 21.4.12(c)(7) concerning VVPAT functional requirements:*

(7) ~~Upon spoiling,~~ **The voter must be able to modify and verify selections on the DRE OR BMD from a ballot summary screen, prior to printing or casting a ballot,** without having to reselect all of his or her choices.

Comment: Hart InterCivic recommends the changes described above because we do not believe that 21.4.12(c)(7) can simply be modified by adding the words "or BMD" to a rule that was originally written for DRE devices.

The intent of 21.4.12(c)(7) appears to be to support a voter's ability to easily make changes in the voting selections on a DRE or on a BMD, without having to remark all selections. Accordingly, we believe that the proposed language meets this goal, as it would allow a voter to review all choices before printing or casting a ballot, and by removing the reference to "spoiling" a paper ballot, it removes the implicit contradiction with the BMD's purpose...which is to produce a printed ballot consistent with the voter's selections.

Ballot marking devices are different from traditional DREs with VVPATs insofar as they typically produce entire marked ballots that are not secured by a VVPAT enclosure, and they are designed to print ballots that can be transported to a separate scanning machine. Accordingly, it does not really make sense to include the words, “upon spoiling” when referring to BMDs, because BMDs typically conclude the voting session after printing a ballot. As a result, if a voter has asked to spoil his or her printed ballot, a new voting session/ballot printing session would have to be activated, thereby making it necessary for the voter to mark his or her new choices. This workflow is exactly the same as what would be required of a non-disabled voter who spoiled a hand-marked ballot, and who has to mark a new one after spoiling the first one.

Please let us know if you have questions about our comments and proposed revisions.

Thank you,  
Pam



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