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## CALIFORNIA SECRETARY OF STATE

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December 7, 2022

County Clerk/Registrar of Voters (CC/ROV) Memorandum # 22268

TO: All County Clerks/Registrars of Voters

FROM: /s/ Susan Lapsley  
Deputy Secretary of State, HAVA and Counsel

RE: Voting Systems: OVSTA Monthly Update – December 2022

Each month, the Office of Voting Systems Technology Assessment (OVSTA) provides an update on Election Assistance Commission (EAC) and Secretary of State (SOS) activities related to voting technology.

Each update provides information on:

- Voting technology related events that may be of interest.
- Administrative approval requests and denials since the prior month's update.
- Voting technology testing and approval at the SOS office.
- Defect, failure, and fault reports issued since the prior month's update.
- Ballot printing certification requests since the prior month's update.

### **Helpful Updates and Reminders**

**Experimental Use of a Voting System in a Pilot Program** - The Secretary of State has submitted proposed regulations to the Office of Administrative Law related to the experimental use of a voting system in a pilot program on August 5, 2022. The regulations provide California jurisdictions a clear, concise path when seeking the experimental use of a voting system in a pilot program. In addition, they provide clear and concise regulations for jurisdictions using an experimental voting system. The time period to submit written comments pertaining to the text of the proposed regulations ended on September 19, 2022. A public hearing on the proposed regulations was conducted on September 20, 2022. The Secretary of State is working to review all comments regarding the regulations. Any substantial changes made to the proposed regulations based upon public comment will be made available for a subsequent public comment period of at least 15 days. Information regarding the proposed regulations can be found at <https://www.sos.ca.gov/administration/regulations/proposed-regulations>.

**Update to the California Voting System Standards** – The California Voting System Standards (CVSS) were officially adopted by the Secretary of State in October of 2014. The standards have been used in the evaluation and testing of all voting systems,

including remote accessible vote by mail systems, certified for use in California. Voting technology has evolved and now is the time to update the standards to match new and emerging voting technology. The Secretary of State has contracted with the Freeman Craft McGregor group to begin the process of updating the CVSS. During the process of updating, our office will interview county, vendor, and other stakeholders, as we update the standards. If you have any questions regarding the process, please contact OVSTA at [votingsystems@sos.ca.gov](mailto:votingsystems@sos.ca.gov).

**Ballot Release Forms-** Any jurisdiction wishing to purchase ballot cards from a ballot printer shall request in writing a ballot release from the Secretary of State per California Code of Regulations sections [20233](#) and [20234](#). To request a ballot release number, email the Secretary of State's office at [ballotrelease@sos.ca.gov](mailto:ballotrelease@sos.ca.gov) for the Ballot Release Form. Once the form is completed and emailed back to our office, a Ballot Release number will be issued.

**Post-Election Reporting-** After every election, California Elections Code requires counties to submit Post-Election reports: One Percent (1%) Manual Tally Report (or risk limiting audit report), Voting Technology Incident Report, and Remote Accessible Vote by Mail (RAVBM) User Report. Reporting forms can be found here:

- [RAVBM Reporting form](#)
- [Incident Reporting Form](#)
- [1% Manual Tally Reporting Form](#)

If your county did not have any voting technology incidents, you may state "No Incidents" in the description portion of the reporting form. Please submit the reports to OVSTA via email at [VotingSystems@sos.ca.gov](mailto:VotingSystems@sos.ca.gov).

**Jurisdictional Use of Ballot On Demand Systems-** As a reminder, California Code of Regulations section [20274](#) requires a jurisdiction to submit an updated application and updated procedures for use of a ballot on demand system any time that any of the approved procedures for use are modified or changed. The Secretary of State will approve the modification(s) and/or change(s) for the jurisdiction to use the ballot on demand system if the Secretary of State determines the jurisdiction's proposed procedures for use meet all the requirements set forth in California Elections Code and the regulations. If applicable to your jurisdiction, please submit an updated application to [Votingsystems@sos.ca.gov](mailto:Votingsystems@sos.ca.gov).

**Tint and Watermark Assignment Requests-** California Code of Regulations section 20280 requires any jurisdiction conducting an election in California to request a ballot tint and watermark from the Secretary of State's Office. Jurisdictions may submit tint and watermark requests to [VotingSystems@sos.ca.gov](mailto:VotingSystems@sos.ca.gov).

When submitting your tint and watermark requests, please provide the following information:

- 1) The name of the jurisdiction conducting the election.
- 2) The date of the election.

- 3) The title of the election.
- 4) The date of the close of candidate filing for the election, if applicable.
- 5) The date on which the ballot order designation will be determined by a randomized alphabet drawing for the election, if applicable.

**Disposal or Sale of Equipment-** Regarding the disposal or sale of equipment:

- In 2012, the California Secretary of State issued guidance regarding the disposal or sale of equipment purchased with HAVA and/or VMB funding. Contact OVSTA for additional guidance, including an archived copy of Secretary of State (SOS) County Clerk/Registrar of Voters (CC/ROV) [Memorandum #12219](#) - Handling the Sale and Funds from the Sale of Voting Systems or Voting Equipment. The document outlines proper disposal or sale procedures of voting systems or voting equipment purchased with HAVA and/or VMB funding. The document also highlights that all equipment must be void of any software or firmware and returned to a condition of a non-functioning piece of hardware prior to its disposal or sale.

See also the US-CERT issued Security Tip (ST18-005) outlining proper disposal procedures for electronic devices.

**Election Record Retention-** As a reminder, pursuant to California Elections Code sections 17301-17306, and section 15209 the retention and preservation of election records, magnetic or electronic storage medium used for the ballot tabulation program and any magnetic or electronic storage medium containing election results which includes digital ballot images, is six months for state or local elections and 22 months for elections for federal offices. Several voting system tabulation components are capable of producing digital ballot images. Additional information regarding how to backup, retain, and preserve the digital ballot images, and whether or not your jurisdiction's voting system has this capability, can be found in the respective Use Procedures at <https://www.sos.ca.gov/elections/ovsta/voting-technology-vendors/>. Jurisdiction should also refer to CCROV#22216 for detailed guidance regarding Election Record Retention.

**Testing and Certification at the EAC**

The EAC provides [updates](#) on voting system testing. The last update was made in October of 2022. Based upon discussions with vendors, no systems currently undergoing testing and certification at the EAC are relevant to California.

Additional information regarding each voting system are available at: "[Voting Systems Under Test](#)" and "[Certified Voting Systems](#)".

The EAC's Local Leadership Council (LLC) will host a virtual meeting on December 14, 2022, that will be live streamed on the [EAC's YouTube Channel](#). More information on the Local Leadership Council meeting is available [here](#).

Information regarding the EAC's events and meetings can be located on the EAC [website](#).

### **Voting Technology Certification and Administrative Approval Requests**

OVSTA receives and reviews applications for certification and administrative approval testing from voting technology vendors on a continuous basis. The status of current applications can be found below:

<b>Applicant</b>	<b>System Version</b>	<b>Voting Technology</b>	<b>Submission Date</b>	<b>Type of Testing</b>	<b>Testing Phase</b>
Hart	Verity Voting 3.2	Voting System	01/14/22	Full Certification	Pre-Testing
ES&S	Version 6.3.0.2	Voting System	02/14/22	Full Certification	Testing
Dominion	Democracy Suite 5.18	Voting System	10/29/2022	Full Certification	Application Review

### **Voting System Certification and Approval Requests**

OVSTA received an application for testing and certification of the Dominion Democracy Suite 5.18 voting system. The system is currently in the application review phase.

OVSTA received an application for testing and certification of the Hart Verity Voting 3.2 voting system. The system is currently in the pre-testing phase.

OVSTA received an application for testing and certification of the Election Systems and Software (ES&S) EVS 6.3.0.2 voting system. The system is currently in the testing phase.

A list containing certified voting technology vendors can be found at <https://www.sos.ca.gov/elections/ovsta/voting-technology-vendors>.

### **Remote Accessible Vote by Mail System Certification and Approval Requests**

No RAVBM system applications were submitted to OVSTA in November.

A list containing certified remote accessible vote by mail system (RAVBMs) vendors can be found at <https://www.sos.ca.gov/elections/ovsta/voting-technology-vendors/>.

### **Electronic Poll Book Certification and Approval Requests**

No Electronic Poll Book system applications were submitted to OVSTA in November.

A list containing certified electronic poll book vendors can be found at <https://www.sos.ca.gov/elections/ovsta/voting-technology-vendors/>.

### **Ballot on Demand Printing Certification and Approval Requests**

No ballot on demand applications were submitted to OVSTA in November.

A list of certified ballot on demand systems can be found at <https://www.sos.ca.gov/elections/ovsta/certification-and-approval/ballot-printerballot-demand-bod-certification/>.

### **Ballot Printing Certification and Approval Requests**

No ballot printing applications were submitted to OVSTA in November.

A list of certified ballot printers can be found at: <https://www.sos.ca.gov/elections/ovsta/certification-and-approval/ballot-printerballot-demand-bod-certification/>.

### **Defects, Faults, Failures and Other Error Reporting**

**Voting Technology Incidents-** As a reminder, California Elections Code, California Code of Regulations, and conditions of certification require jurisdictions to submit the following reports regarding any incidents, which includes the defect, fault, or failure of any voting system, ePollbook, or RAVBM system or ballot printer:

- Notification of any voting system defect, fault, or failure within 30 days of discovery (California Elections Code [section 19210](#)).
- Notification of any RAVBM defect, fault, or failure within 30 days of discovery (California Elections Code [section 19284](#)).
- Notification of any ePollBook breach, attempted breach, defect, failure or fault within 24 hours of discovery (California Code of Regulations [section 20161](#)).
- Notification of any ballot card printing flaw or defect within 2 days of discovery (California Elections Code [section 13004](#)).

There were no defects, faults, or failures reported to OVSTA in November.