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September 20, 2022

County Clerk/Registrar of Voters (CC/ROV) Memorandum # 22237

TO: All County Clerks/Registrars of Voters

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

RE: Voting Systems: OVSTA Monthly Update –September 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 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. Any interested person, or their authorized representative, may submit written comments pertaining to the text of the proposed regulations. The Secretary of State will accept written comments on the proposed regulations no later than September 19, 2022. The Secretary of State will consider only comments received at the Secretary of State's office by that date. A public hearing is scheduled for September 20, 2022, at 10:00 a.m. PST, on the Experimental Use of a Voting System in a Pilot Program Regulations. Information regarding the proposed regulations and the public hearing 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 2015. 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. Our office 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.

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 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.

The One Percent (1%) Manual Tally Reporting form can be found at <https://elections.cdn.sos.ca.gov/manual-tally/manual-tally-report-form.pdf> on the Secretary of State's website. The recommended RAVBM User Report and Voting Technology Incident Report forms can be found below. 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.

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.

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.

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 disposition 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, the retention and preservation of election records, 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/>.

Further, pursuant to Elections Code section 15209, any magnetic or electronic storage medium used for the ballot tabulation program and any magnetic or electronic storage medium containing election results shall be kept in a secure location and shall be retained for six months following any state or local election and 22 months following any federal election or so long thereafter as any contest involving the vote at the local, state or federal election remains undetermined.

Testing and Certification at the EAC

The EAC provides updates on voting system testing. The last update was made in April 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](#)".

On September 1, 2022, the EAC hosted, with Pepperdine University, a series of panels in recognition of the 20th anniversary of the signing of the Help America Vote Act of 2002 (HAVA) and the 25th anniversary of Pepperdine's School of Public Policy. The panels consisted of election officials and subject matter experts, who discussed the confidence, security, and technology in elections as well as current issues election administrators face.

More information regarding the EAC's events and meetings can be located on the EAC's website at <https://www.eac.gov/events/2022>.

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:

Applicant	System Version	Voting Technology	Submission Date	Type of Testing	Testing Phase
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	Pre-Testing
Dominion	Democracy Suite 5.10A	Mobile Ballot Production	07/14/22	Admin Approval	Approved 09/09/22
KNOWiNK	PollPad 3.0.1	ePollBook	8/26/22	Admin Approval	Approved 09/12/22

Voting System Certification and Approval Requests

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 pre-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 August.

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

OVSTA received an application for administrative approval to add iOS 15.6.1 to KNOWiNK's Pollpad v3.0.1 electronic poll book system. The administrative approval was issued on September 12, 2022.

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

OVSTA received an application requesting an administrative approval of the Dominion Democracy Suite 5.10A Mobile Ballot Production (MBP) system. The administrative approval request included the additions of a HP M454dn printer and a software update to the MBP printing software. The administrative approval was issued on September 9, 2022.

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 August.

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](#)).

The recommended reporting form can be found below.

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



Remote Accessible Vote by Mail (RAVBM) Reporting Form

For any election that a California jurisdiction uses a remote accessible vote by mail system, the jurisdiction shall provide a report to the Secretary of State, within 30 calendar days of certifying the election results, listing the number of voters that used the system and all technical issues reported (if any), along with any mitigations.

A. Election Official:

Jurisdiction

Name

Title

Contact Phone Number

Contact Email

C. Description of RAVBM Usage:

Election Name

Dates RAVBM was Available

Date of Election

Description of Technical Issues and Mitigations if Any. Attach Additional Sheets if Necessary.

B. Product Description:

RAVBM URL or Online Address

Type of RAVBM

Democracy Live

LA County VSAP ISB

Dominion

Five Cedars Group

RAVBM Technical Assistance Telephone Number

Number of Voters that Registered to use RAVBM

Number of Voters that Voted using the RAVBM



Voting Technology Incident Reporting Form

Use the following form to report any voting technology incident that occurred during use. Voting technology incidents include, but are not limited to, issues such as paper jams, printing errors, or any defect, fault or failure pursuant to Election Code sections 19215 and 19290, and California Code of Regulations section 20161.

A. Election Official:

No Incidents to Report

Jurisdiction

Name

Title

Phone Number

Email

Reported to Vendor

Yes

No

B. Product Description:

Vendor Name

Type of Voting Technology

Ballot Marking Device

Ballot on Demand

Central Scanner/Tabulator

Precinct Tabulator

RAVBM

ePollbook

Other

System Model

Hardware & Software Versions

Unit Serial Numbers

C. Description of Incident(s):

Date of Occurrence

Voting Location

Election Name

Date of Election

Description of Each Incident. Attach Additional Sheets if Necessary.