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January 18, 2023

County Clerk/Registrar of Voters (CC/ROV) Memorandum # 23008

TO: All County Clerks/Registrars of Voters

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

RE: Voting Systems: OVSTA Monthly Update – January 2023

Each month, the Office of Voting Systems Technology Assessment (OVSTA) provides an update on the United States 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. Pursuant to the requirements of subdivision (c) of Section 11346.8 of the Government Code and Section 44 of Title 1 of the California Code of Regulations, the Secretary of State has provided notice of changes to the text of the proposed regulations originally published on August 5, 2022. Any interested person, or their authorized representative, may submit written comments pertaining to the changes in the text of the proposed regulations. The Secretary of State will accept written comments on the changes from January 4, 2023, to January 20, 2023. The written comment period closes at 5:00 p.m. on January 20, 2023. The Secretary of State will consider only comments received at the Secretary of State's office by that time. 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 technology, 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.

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.

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.

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 Election Assistance Commission (EAC)

The EAC provides updates on voting system that are currently undergoing certification testing to the Federal Voluntary Voting System Standards (VVSG).

The California Secretary of State is legally mandated by California Elections Code section 19006 to certify all voting systems to California's Voting Systems Standards (CVSS), which shall meet or exceed the federal standards. Certification by the EAC is voluntary and not required in California.

Based upon discussions with vendors, none of the systems currently undergoing testing and certification at the EAC are relevant to California.

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

The EAC's Technical Guidelines Development Committee (TGDC) will be hosting its annual meeting on January 26, 2023, to discuss program updates for EAC Testing and Certification and NIST Voting Program. More information on the EAC's TGDC annual meeting can be found here at: <https://www.eac.gov/events/2023/01/26/eac-technical-guidelines-development-committee-annual-meeting>.

The EAC will be hosting a public hearing on February 8, 2023, during which the Commissioners will consider the renewal of the four FACA Board charters, including the Local Leadership Council, the Technical Guidelines Development Committee, the Standards Board, and the Board of Advisors. More information on the EAC's upcoming public hearing can be found here at: <https://www.eac.gov/events/2023/02/08/us-election-assistance-commission-public-hearing-feb-8-2023>.

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 InterCivic	Verity Voting 3.2	Voting System	01/14/22	Full Certification	Withdrawn 1/11/2023
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

Hart InterCivic requested withdrawal on January 11, 2023, of their application for the Verity Voting 3.2 voting system. Hart InterCivic intends to further develop system features and reapply for certification in March of 2023.

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.

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.

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 (RAVBM) System Certification and Approval Requests

No RAVBM system applications were submitted to OVSTA in December.

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

Electronic Poll Book (ePollbook) Certification and Approval Requests

No ePollbook system applications were submitted to OVSTA in December.

A list containing certified ePollbook 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 December.

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 December.

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 December.