January 22, 2024

County Clerk/Registrar of Voters (CC/ROV) Memorandum # 24040

TO: All County Clerks/Registrars of Voters

FROM: /s/ NaKesha Robinson
               Deputy Secretary of State, HAVA Director

RE: Voting Systems: OVSTA Monthly Update – January 2024

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.

<u>**Helpful Updates and Reminders**</u>

Ballot Counting Regulations – The Secretary of State submitted proposed regulations to the Office of Administrative Law related to the counting of ballots on May 9, 2023. The regulations provide California jurisdictions a clear, concise path for conducting a manual counting of ballots. The 45-day written comment period for the proposed text was May 19, 2023, through July 5, 2023. On July 3, 2023, the Secretary of State's Office held a public hearing for the proposed regulations. The proposed regulations went out for an additional 15-day public comment period July 7, 2023, through July 24, 2023. The Secretary of State is working with the Office of Administrative Law on updates to the proposed regulations and will notice the public for an additional 15-day review period once all updates have been made. 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 November 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. 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 can produce digital ballot images. Additional information regarding how to backup, retain, and preserve the digital ballot images, and whether the voting system for your jurisdiction does or does not have this capability, can be found in the respective Use Procedures at https://www.sos.ca.gov/elections/ovsta/voting-technology-vendors. Jurisdictions 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 systems 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 meet or exceed the federal standards. Certification by the EAC is voluntary and not required in California.

Additional EAC information regarding each voting system is available at: "Voting Systems Under Test" and "Certified Voting Systems".

The U.S. Election Assistance Commission held its 2024 EAC Local Leadership Council (LLC) annual meeting for the 2024 EAC Local Leadership Council on January 8, 2024. During the meeting, the EAC's LLC discussed EAC updates and upcoming programs and preparations for the 2024 elections. More information regarding the meeting can be found here: https://www.eac.gov/events/2024/01/08/2024-eac-local-leadership-council-annual-meeting

The U.S. Election Assistance Commission will host its 2024 Elections Summit on January 30, 2024, with the University of Maryland. During the meeting, the EAC Commissioners, elections officials and key stakeholders will hold an in-depth discussion on election security, accessible voting, and challenges new election officials face. More

information regarding the meeting can be found here: https://www.eac.gov/events/2024/01/30/2024-elections-summit-january-30

Information regarding EAC public meetings can be found at https://www.eac.gov/events.

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
Tenex	Precinct Central Touchpad Version 6.0.1	ePollBook	02/27/2023	Full Certification	Post-Testing
Runbeck	Novus v6.3	Ballot Duplicator System	08/01/2023	Full Certification	Approved 12/27/2023
Dominion	Democracy Suite 5.19	Voting System	08/29/2023	Full Certification	Testing
Dominion	Democracy Suite MBP 5.19	Ballot On Demand System	08/30/2023	Full Certification	Approved 12/11/2023
Dominion	Democracy Suite RAVBM 5.19	RAVBM	08/30/2023	Administrative Approval	Application Review
ES&S	Balotar 3.0.5.1 and BOD 1.0	Ballot On Demand System	08/30/2023	Full Certification	Withdrawn 12/22/2023
Hart InterCivic	Verity Voting 3.2 RCTab	Voting System	09/22/2023	Administrative Approval	Testing
KNOWiNK	Poll Pad 3 Version 3.4.8	ePollBook	10/26/2023	Full Certification	Testing
ES&S	EVS 6.3.0.2	Voting System	10/23/2023	Administrative Approval	Approved 12/12/2023

Voting System Certification and Approval Requests

OVSTA received an application for administrative approval of the Election Systems & Software's EVS 6.3.0.2 voting system to add a standalone driver for the Dell desktop Model XE4. The system was approved on December 12, 2023.

OVSTA received an application for administrative approval of the Hart InterCivic Verity Voting 3.2 voting system to add their RCTab (Rank Choice Voting) Module. The system is currently in the testing phase.

OVSTA received an application for testing and certification of the Dominion Democracy Suite 5.19 voting system. Dominion withdrew the application for Democracy Suite 5.17 and replaced it with Democracy Suite 5.19. 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 (RAVBM) System Certification and Approval Requests

OVSTA received an application for testing and certification of the Dominion Democracy Suite 5.19 RAVBM system. The system is currently in the application review phase.

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

OVSTA received an application for testing and certification of the KNOWiNK Poll Pad 3 Version 3.4.8. The system is currently in the testing phase.

OVSTA received an application for testing and certification of the Tenex Precinct Central Touchpad Version 6.0.1. The system is currently in the post-testing phase.

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

OVSTA received an application for testing and certification of the Dominion Mobile Ballot Print (MBP) 5.19 system. The system was approved on December 11, 2023.

OVSTA received an application for testing and certification of the ES&S Balotar 3.0.5.1 and BOD 1.0 systems. The application was withdrawn on December 22, 2023.

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

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.