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**Testimony Before The
New York State Assembly
Standing Committee on Election Law
Subcommittee on Election Day Operations and Voter
Disenfranchisement**

November 28, 2017

While we must be constantly vigilant to protect the integrity of our voting system, I want to take a moment to remind the committee how New York State has been a leader in implementing the most secure voting system in the nation.

When Congress enacted the Help America Vote Act in 2002, they put the cart before the horse by distributing substantial federal funds for new voting equipment before establishing new standards for that equipment. The result was that many states acquired voting equipment that was unverifiable and insecure. To its credit, New York resisted that temptation and waited to enact the Election Modernization and Reform Act of 2005 in order to implement the Help America Vote Act. New York may have been one of the last states to come into compliance with HAVA, but I still argue that New York was the first state to implement HAVA in a manner that provides New Yorkers with secure and verifiable elections.

There are several key security features mandated for New York's voting system:

- We require thorough certification and testing of all voting equipment before it can be purchased by the counties. This certification and testing includes the software as well as the hardware. State Board of Elections regulations provide a further safeguard that there must be an independent review of the software certification testing process. (Indeed that independent review process in 2007 resulted in the discovery of substantial omissions in the federal certification process that the US Election Assistance Commission remedied in 2008.)

- New York requires that the master and source code for all voting equipment be escrowed with the State Board of Elections, and has stringent rules to insure that only certified software is used in the voting system.
- New York prohibits any wireless or other connections to the Internet for our voting equipment. Computers used by the county boards of elections for programming the scanners must be single purpose, stand-alone devices that may not have wireless or Internet connectivity, which substantially reduces the possibility for the introduction of malware into our voting machines.
- New York is one of the few states that prohibits the county boards of elections from contracting with outside vendors to program the voting machines for a particular election.
- New York requires logic and accuracy testing of the voting machine setup before each election.
- New York requires that there be an audit of three percent of the voting machines used in each county after each election.

While New York should be proud of these accomplishments, we should never forget that a security chain is only as strong as its weakest link.

Many people inquire why we do not provide for voting over the Internet. After all, if we can bank and shop online, why can't we vote online. While Internet voting may be a convenience, the best technical minds around the world have not solved the problem of maintaining a secret ballot while at the same time assuring that the ballot is cast and counted in the manner intended by the voter. Banks suffer substantial losses from computer fraud, which they must absorb as a cost of doing business. Furthermore, when there is electronic bank fraud, the money is missing and the victimized party can report the loss. But when a vote is stolen electronically, because of the need to preserve voter secrecy there is no way to learn that the vote was stolen. Therefore, there is still a strong bi-partisan consensus that supports New York's prohibition of connecting our voting system to the Internet.

The State Board of Elections is ever conscious of the need for security of the other information networks that it maintains. These include the voter registration database, the unofficial election night reporting system, the system for providing ballots for military and overseas voters, and the campaign finance disclosure system. The testimony of our Co-Executive Directors explains the State Board's efforts to enhance security and our needs for further information technology support.