

INITIAL STATEMENT OF REASONS
April 11, 2018
ADDENDUM

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SECTION 20152 – This section sets forth the requirements for the application for certification of an electronic poll book system. Subsection (a) is necessary to properly identify the applicant. Subsection (b) is necessary to provide a high level overview of the system being submitted for certification and to provide the Secretary of State with enough information to properly understand the breadth that will be required to adequately evaluate the system. Subsection (c) is required to ensure all parties associated with the certification understand the sensitivity of the work to be performed. Subsection (d) is necessary to ensure adequate documentation, referred to as the Technical Data Package is submitted for the identification of the full system configuration submitted for evaluation and to aid in the development of an appropriate test plan for conducting system certification testing. Subsection (e) through (h) are necessary to ensure any known system defects, failures or pertinent security vulnerabilities are identified during previous testing and implementations in other elections jurisdictions are provided to the Secretary of State to ensure the known defects, failures or pertinent security vulnerabilities have been addressed. Without the system being properly defined and documented, the Secretary of State cannot effectively review and test the system.

Section 20153 – This section sets forth the requirements for a completed Technical Data Package and its contents. Subsection (a)(1) is necessary to identify any maintenance that the vendor recommends be performed by a customer to ensure proper documentation is provided to the customer to perform the tasks. Subsection (a)(2) is necessary to ensure adequate operations manuals will be supplied to the customer for use by the persons who will operate the equipment. Subsection (a)(3) is necessary to ensure adequate use procedures will be supplied to the customer to provide adequate election administration procedures for use with the system. Subsection (a)(4) is necessary to ensure software system design documentation is provided to indicate the various modules of the software, their functions, and their interrelationships to allow for the development of an appropriate test plan to conducting system certification testing. Subsection (a)(5) is necessary to ensure any known and pertinent information from testing and implementation in other elections jurisdictions is provided to aid the Secretary of State in adequately evaluating the system. Subsection 20153(a)(6) is necessary to ensure appropriate security procedures

documentation containing the recommended security procedures and system hardening setting to ensure the optimum security and functionality of the system are available to the customer. Subsection 20153(a)(7) is necessary to ensure adequate training manuals will be supplied to the customer for use by the persons who will conduct staff and poll worker trainings. The systems are utilized by counties throughout California and technical documentation from the vendor is essential to them for system assessment and use.

Section 20154 – This section establishes that the applicant must pay for the costs associated with testing. This language is consistent with the text of regulatory requirements for voting systems in the California Code of Regulations, Title 2, Division 7, Chapter 6.1, Section 20702. The process of making a deposit into the Agency Trust Account, etc., is the same process utilized for voting systems, therefore the processes and procedures as well as the infrastructure needed are already in place to support the process. Specific prices cannot be designated in regulation as the costs associated with certification testing are determined on a case by case basis and are dependent on system complexity.

Section 20157 – This section establishes the equipment that must be submitted in order to test the electronic poll book system. Subsection (a) requires applicants to provide the software source code, firmware source code, directory structures, mapping to show how the source code was built into final install files, build environment information, necessary compiler(s) and any commercial-off-the-shelf software necessary to create the trusted build software in an encrypted form on standard machine-readable media. Subsection (b) requires the equipment provided be identical in fit, form, and function as the production units that will be sold to California jurisdictions. Subsection (c) requires the Secretary of State maintain one working copy of the electronic poll book, in its certified configuration, until such time as it is not used in any California county. Subsections (a) through (c) are necessary to ensure proper testing of all electronic poll book system equipment. This language is consistent with the text of the regulatory requirements for voting systems in the California Administrative Code, Title 2, Division 7, Chapter 6.1, Section 20704. To accurately assess a system, the system must be reviewed in its entirety. This is to include all source code, software, hardware and ancillary devices. The software, hardware and source code items identified for submittal in this section are standard industry practice for conduct source code and security testing.

Section 20158 – This section establishes the requirements to be met in order for an electronic poll book to be certified for use in California. The Secretary of State worked closely with the California counties that will use this technology and the

respective vendors of these systems to identify appropriate security requirements. In large part, they are based on industry best practices for security and are common knowledge for the regulated public. Subsections (a) through (q) set parameters regarding connectivity, functionality, compatibility, content, security, data transmission, memory and auditing. These requirements are necessary to guide the development, testing, acquisition and use of electronic poll books in California. Specifically, subsection (a) prohibits electronic poll books from being connected to a voting system. This is a restatement of California Elections Code. Subsections (b), (d) and (h) through (k) are necessary to ensure electronic poll books have the capability to process all activity in accordance with the California Elections Code. Subsection (c) and (m) outline backup power and voter activity transmission requirements, which is necessary to ensure continuation of operation in the event of a power outage or interruption in network connectivity. Subsection (e) defines the voter registration data collection requirements mandated by statute. This is a restatement of the California Elections Code. Subsections (f), (n), (p) and (q) outline data transmission, electronic signature, wireless local area network and wide area network security standards to ensure that the electronic poll books and the security of the election is not compromised. Subsections (g), (l) and (o) are necessary to ensure electronic poll books safely and accurately transmit all voter registration and election information.

Section 20163 – This section establishes that jurisdictions shall wipe all equipment within thirty (30) days from the end of canvas of an election unless the voter data present on the equipment is determined to be of necessity for litigation or recount purposes. The decision to retain data within the equipment beyond thirty (30) days from the end of canvas of an election is to be made on a case by case basis by the jurisdiction and their legal counsel. The requirement is necessary to ensure that no voter data is recoverable from the equipment should a malicious actor gain access to the equipment.