



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

BOARD MEETING

Friday, September 8, 2017
East Reading Room
Patrick Henry Building
1111 E Broad Street
Richmond, VA 23219
2:00PM

SBE Board Working Papers



STATE BOARD OF ELECTIONS AGENDA

*Friday, September 8, 2017
Patrick Henry Building, East Reading Room
1111 E Broad Street
Richmond, Virginia 23219
TIME: 2:00 PM*

I. CALL TO ORDER

James Alcorn, Chair

II. NEW BUSINESS

A. DRE Voting Equipment Review Summary

Edgardo Cortés,
ELECT Commissioner

B. Executive Closed Session

Discussion of voting equipment security matters

C. Public Hearing Regarding Certification Status of DRE Voting Equipment

SBE Board Members

III. ADJOURNMENT



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Memorandum

To: Chairman Alcorn, Vice Chair Wheeler, and Secretary McAllister

From: Edgardo Cortes, Commissioner

Date: September 8, 2017

Re: DRE Decertification Recommendation

DRE DECERTIFICATION RECOMMENDATION SUMMARY

The Department of Elections officially recommends that the State Board of Elections decertify *all* Direct Recording Electronic (DRE or touchscreen) voting equipment. This recommendation is being made for multiple reasons, including the current security environment surrounding election administration, recently released public reports with confidential information related to unauthorized access to DREs at DefCon’s “Voting Machine Hacking Village,” the fact that no DREs in use in Virginia have a voter-verifiable paper audit trail (VVPAT), and the initial security assessment review of various DRE equipment conducted by the Virginia Information Technology Agency (VITA).

In sum, the Department of Elections believes that the risks presented by using this equipment in the November General Election are sufficiently significant to warrant immediate decertification to ensure the continued integrity of Virginia elections.

Background

As security threats against election systems have increased, the Department has grown more vigilant regarding potential threats against voting equipment. In this environment, DefCon, an annual conference of hackers, promoted the “Voting Machine Hacking Village” at which multiple voting machines, mostly DREs, were made available. Multiple types of DREs, some of which are currently in use in Virginia, were hacked according to public reports from DefCon.

Additional troubling reports from DefCon were publicized, including one that expressly stated the password for a DRE that was in use in the Commonwealth, and one that indicated that some DREs in use have a single password shared by all machines from an individual vendor. Shortly after DefCon, ELECT asked VITA to perform a security assessment of the following DREs currently in use in the Commonwealth¹: Accuvote TSX; Edge; Patriot; AVC Advantage.

VITA began their review in August, and, due to the looming deadlines associated with the upcoming November General Election, provided an initial report on the ongoing security assessment. In noting that additional time is necessary to conduct a plenary review, VITA indicated “each device analyzed exhibited material risks to the integrity or availability of the election process.” Further, VITA’s initial review was able to conclude, “In each of the systems the potential

¹ The iVotronic was in use until approximately August 15, 2017; the eSlates are tentatively slated for replacement next week.



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

for loss of vote is significant as none of the machines appear to produce paper audit trails during the voting process.” As VITA’s report contains confidential information related to voting system security, and some of this equipment is currently used in other states, the Department further recommends that VITA’s report remain confidential. While Virginia is at a point where we feel it’s necessary to have new equipment in place to reduce potential risks in our elections, each state has to make those decisions based on their individual circumstances.

Concerns with DREs are not new. The Department has noted that this equipment is long past its expected end of life and has encouraged localities to upgrade for several years. In fact, in response to these concerns, Governor McAuliffe proposed adding \$28 million to the state budget to pay for all localities to obtain new equipment in 2015. Unfortunately, the General Assembly did not approve this proposal.

While recommending decertification in this window prior to an election is less than ideal, Virginia localities have previously proven capable of making the transition in an even smaller time frame. In 2015, the Department recommended that the WinVote (a DRE) be decertified. Fifty-five (55) days prior to the 2015 June Primary Election, the State Board of Elections voted to decertify the WinVote. This decertification affected dozens of localities; however, due to the diligence and care exhibited by the affected general registrars, no voters were negatively impacted - even on this tight timeline. If the Board follows the Department’s recommendation today, then localities currently using DREs will have approximately sixty 60 days prior to the November General Election to transition to new equipment. In addition, all potentially affected localities were notified by the Department of the pending security assessment by VITA and the potential decertification in early August. As the election is quickly approaching, the Department continues to work closely with the potentially affected localities and voting equipment vendors, which have affirmed sufficient inventory and staff to handle all transition needs in a timely manner to ensure a successful election.

Potentially Affected Localities

As of today, approximately twenty-two (22) localities currently use DREs in the Commonwealth. The list of these localities appears below:

Bath	Lee
Buchanan	Madison
Chesapeake	Martinsville
Colonial Heights	Norfolk
Culpeper	Poquoson
Cumberland	Portsmouth
Emporia	Rappahannock
Falls Church	Russell
Gloucester	Surry
Hopewell	Sussex
Washington	Tazewell

Six (6) of the above twenty-two (22) localities have informed ELECT that they have contracted to obtain new equipment for use in the November General Election, and three (3) have



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

indicated pending procurements. The combined remaining thirteen localities include 140 of the 2,439 statewide precincts and 190,452 of the 5,055,780 statewide active voters. Please note that the total number of active voters and total number of precincts are timed snapshots of Virginia data – and these numbers change on an ongoing basis for various reasons, such as the addition of new voters and the consolidation of precincts. Additional detailed information is available on the Department’s website here: <http://www.elections.virginia.gov/registration/voting-systems/index.html>.

List of Certified DRE Voting Systems

Model	Vendor	Equipment Type
Accu-Vote TSR6	Premier Election Solutions	DRE
Accu-Vote TSX	Premier Election Solutions	DRE
AVC Advantage	Sequoia Voting Systems	DRE
Edge	Sequoia Voting Systems	DRE
eSlate	Hart Intercivic	DRE
iVotronic	Election Systems and Software	DRE
Patriot	Unilect Corporation	DRE



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

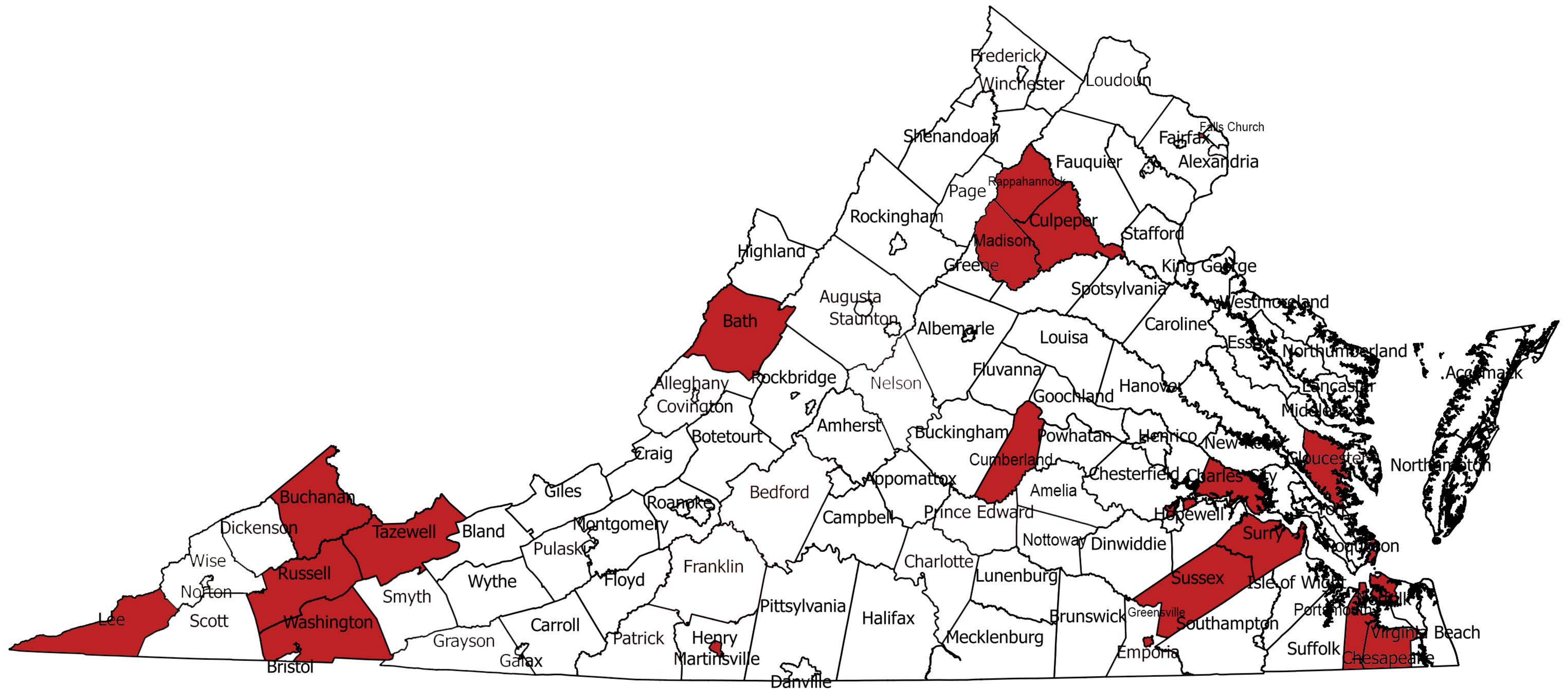
Legend

Voting System Type

■ Direct Recording Electronic (DRE)

□ Optical/Digital Scan

Any DRE Usage v. Fully Optical/Digital Scan



**List of Localities that Have Informed ELECT that They Will Be Using New Equipment in the 2017
November General Election**

LEE COUNTY

NORFOLK CITY

PORTSMOUTH CITY

RAPPAHANNOCK COUNTY

RUSSELL COUNTY

NOTE: The City of Martinsville will be renting new voting equipment for the November General Election.



September 8, 2017

Virginia Board of Elections

Chair Alcorn

Vice-Chair Wheeler

Secretary McAllister

To the Virginia Board of Elections:

Verified Voting is a national, non-partisan, not-for-profit organization dedicated to securing democracy in the digital age. We were founded in 2004 by computer scientists as computers became more widely relied on in the election process. Virginia Verified Voting is a grassroots group of Virginia citizens which has actively worked to encourage the secure application of technology in Virginia elections for over a decade. We write to you today to commend the Department of Elections for its actions and strongly support the recommendation to decertify all Direct Record Electronic (DRE) voting machines in the Commonwealth.

There have countless studies and security reviews over the years which have found the DREs in use in Virginia to have multiple insecurities making them vulnerable to manipulation and tampering.¹²³⁴⁵⁶⁷ The universally accepted evidence that DREs are insecure and untrustworthy drove the legislature to pass a measure to eliminate them by 2020. But there is an imminent threat to the security of our elections that must be faced now.

Perhaps the most notable voting system security review is the comprehensive California Secretary of State's seminal 2007 Voting System Top-to-Bottom Review which found severe security flaws in the Diebold TSx, the Hart InterCivic eSlate, and the Sequoia Edge,⁸ all machines that are currently used

¹ A. Kiayias, L. Michel, A. Russell, and A. A. Shvartsman. Integrity Vulnerabilities in the Diebold TSX Voting Terminal. UConn Voting Technology Research (VoTeR) Center, July 16, 2007

² Press Release. "Secretary of the Commonwealth Decertifies Unilect Patriot Voting System in Pennsylvania," Pennsylvania Department of State, April 7, 2005

³ Appel, Andrew, "Report on the Sequoia AVC Advantage," October 17, 2008, Center for Information Technology and Policy, Princeton University

⁴ Hackett, Robert, "Watch This Security Researcher Hack a Voting Machine," November 4, 2016, Fortune

⁵ Butler, Enck, Hursti, McLaughlin, Traynor, McDaniel, "Systemic issues in the Hart InterCivic and Premier Voting Systems,"

⁶ Ryan Gardner, Alec Yasinsac, Matt Bishop, Tadayoshi Kohno, Zachary Hartley, John Kerski, David Gainey, Ryan Walega, Evan Hollander, and Michael Gerke. Software Review and Security Analysis of the Diebold Voting Machine Software. Security and Assurance in Information Technology (SAIT) Laboratory, Florida State University, For the Florida Department of State, July 27, 2007

⁷ Yasinsac, Alec, et al. "Software Review and Security Analysis of the ES&S Ivotronic 8.0.1.2 Voting Machine Firmware," Oct. 17, 2008, USENIX

⁸ <http://www.sos.ca.gov/elections/voting-systems/oversight/top-bottom-review/>

in Virginia. The findings compelled the California Secretary of State to promptly de-certify those very same machines that Virginia is using today.⁹

California was not alone. Ohio conducted a similar study in 2007, the Evaluation and Validation of Election Related Equipment, Standards and Testing (EVEREST). EVEREST evaluated ES&S iVotronic, Hart InterCivic and Diebold TSx DREs. The alarming security flaws led Ohio to also discontinue use of paperless DREs and switch to voter-marked paper ballots and optical scan voting machines statewide.¹⁰

Optical scan voting systems in which a voter records her vote on a paper ballot provide resilience against digital tampering and auditability of the election process that a DRE cannot. The paper ballot provides a permanent, physical record of voter intent that cannot be altered by a cyber attack and this can be used in a post-election audit to confirm the election tally is correct. In 2011 the U.S. Election Assistance Commission directed the National Institute of Standards and Technology (NIST) to provide guidance on how to audit a DRE voting system to confirm the vote tallies are correct or to catch any potential error or tampering. NIST convened an Auditability Working Group to study the question. **The NIST Auditability Working Group found that any system that does not provide a voter-verified paper record of voter intent will be susceptible to undetectable errors in the vote count.¹¹ Put simply, it is impossible to know for sure that the vote tallies generated from DRE voting machines are correct.**

The studies cited above have mostly been conducted over a decade ago, when the cyber threat to elections was more theoretical than actual, however those days are over. We are in a new paradigm; in the last year the U.S. Intelligence Community has warned us that foreign adversaries have been probing our election infrastructure, looking for weaknesses.¹² In a March hearing before the U.S. House Intelligence Committee, the former director of the FBI testified ominously that “[t]hey’ll be back.”¹³ We must face the chilling reality that our enemies have the will, intention and ability to tamper with our election infrastructure, potentially delegitimizing our elections and destabilizing our government. This a national security issue. We must do everything we can to protect our election infrastructure from cyber terrorism. The Board has the opportunity to act now, to safeguard Virginia’s elections and remove the insecure, untrustworthy DREs in use in the Commonwealth, replacing them with voter-marked paper ballots.

We strenuously support the Department of Election recommendations and urge the Board to immediately de-certify the DREs in use in Virginia.

If you have any questions please don’t hesitate to contact us. We stand ready to assist you in any way.

⁹ Ibid.

¹⁰ <https://votingmachines.procon.org/sourcefiles/Everest.pdf>

¹¹ Report of the Auditability Working Group, Jan. 14, 2011, U.S. Election Assistance Commission

¹² Isikoff, Michael, “FBI says foreign hackers penetrated state election systems,” *Yahoo News*, Aug. 29, 2016

¹³ Washington Post Staff, “Full Transcript: FBI Director James Comey testifies on Russian interference in 2016 election,” March 20, 2017

Thank you for your consideration.

Sincerely,

Barbara Simons

President
Verified Voting

Alex Blakemore

Co-founder
Virginia Verified Voting



September 8, 2017

Virginia State Board of Elections
1100 Bank Street
Richmond, VA 23219

Dear Members of the Board,

Common Cause is a nonpartisan, nonprofit organization dedicated to upholding the core values of American democracy. We work to create open, honest, and accountable government that serves the public interest, and empower all people to make their voices heard in our democracy.

In keeping with our mission, we have studied available information on voting machine technology, worked with distinguished computer scientists and local election administrators across the country, and advocated for best practices concerning election administration, including the best systems associated with vote casting and counting.

On behalf of our more than 18,000 members and supporters in Virginia, we write today to urge the Board to decertify Virginia's Direct Recording Electronic (DRE) voting machines.

Put simply, the Commonwealth's DRE voting machines have multiple security flaws that should render them obsolete. DRE voting machines do not produce a voter verifiable paper record. This deprives voters of an opportunity to verify that their ballot will be counted as cast. The lack of a paper trail makes it impossible to conduct a post-election audit that will confirm that an election outcome is correct. This has always been unacceptable, but is even more untenable given recent national security threats to our elections infrastructure, as confirmed by the United States Intelligence Community.¹

To improve the resiliency of Virginia's election infrastructure, the board must decertify the DRE machines. The Commonwealth should adopt resilient and secure voting systems. New voting systems should use a paper ballot or provide a voter verifiable paper record that renders the systems auditable.

We urge your immediate action to this critical matter of election integrity.

Sincerely,

Susannah Goodman
Director of Voting Integrity

¹ Office of the Director of National Intelligence, "Assessing Russian Activities in Recent U.S. Elections," Jan. 6, 2017, https://www.dni.gov/files/documents/ICA_2017_01.pdf.



CITY OF PORTSMOUTH, VIRGINIA

Established 1752

Electoral Board

(757) 393-8644 • Fax: (757) 393-5415

William H. Watts, Sr., Chairman
Curtis L. Gunn, Vice-Chairman
Carol Summerlynn, Secretary

August 21, 2017

James B. Alcorn, Esq., Chairman
Virginia State Board of Elections
Washington Building
1100 Bank Street, First Floor
Richmond, VA 23219

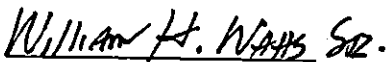
Dear Mr. Alcorn:


Given the changing perception and rhetoric about elections, we want voters in the city of Portsmouth to maintain their confidence in our ability to carry out the electoral process in a satisfactory manner. The alleged hacking of direct-recording electronic (DRE) voting machines at the DEFCON convention last month has raised concerns for the Portsmouth City Electoral Board and the Office of the General Registrar. Our locality uses the TSX, which was part of the hacking experiment, in order to be in compliance with the Americans with Disabilities Act (ADA).

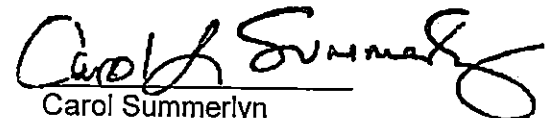
At least 99% of our voters utilize the Accu-Vote Optical Scan voting machine on Election Day. For the last few elections, only one voter has voted on the TSX voting machine option. All voting equipment is safely secured in our office under lock, key, and access code. On Election Day, none of the machines are accessible via Wi-Fi, and all machines are under the constant surveillance of election officers. Furthermore, the board has been proactive in its efforts to abide by the General Assembly's mandate to remove all DRE voting machines by July 1, 2020. The electoral board has voted, and the city council has approved the purchase of the DS200 Precinct Scanner and Tabulator along with the ExpressVote Universal Voting System from Election Systems and Software (ES&S). We anticipate taking delivery of the equipment in January of 2018.

On August 7 and 8, preventive maintenance was performed on both our Accu-Vote optical scan and TSX voting machines at a cost of \$14,000. Procuring additional voting equipment prior to the general election would have an impact on our budget. It would also have to be acquired prior to the start of absentee voting which begins on Friday, September 22 and would require our election officers to be trained on a new system prior to the General Election, November 7, 2017. Though the electoral board was not informed of the conference call held by the Department of Elections on Tuesday, August 8, the members agree that the TSX should be replaced if corruptible. But it must be stressed that security measures are in place to protect the integrity of the voting process.

Sincerely,


William H. Watts, Sr.
Chairman


Curtis L. Gunn
Vice-Chairman


Carol Summerlynn
Secretary



COUNTY OF CULPEPER OFFICE OF THE COUNTY ATTORNEY

306 North Main Street, Culpeper, VA 22701
Telephone: (540) 727-3407 – Fax: (540) 727-3462

URGENT
September 7, 2017

Mr. James B. Alcorn, Esq.
Chairman of the Board
State Board of Elections (SBE)
Commonwealth of Virginia
Washington Building
1100 Bank Street, First Floor
Richmond, Virginia 23219

Re: Culpeper County and Patriot DRE

Dear Chairman Alcorn,

An important and concerning matter regarding the upcoming election has been brought to the attention of the Culpeper County Administrator, the General Registrar of Culpeper County, and the Electoral Board for Culpeper County. I write to you today with a sense of urgency given absentee voting begins on September 22, 2017, and in light of learning of the SBE's meeting scheduled on today for tomorrow at 2pm. We will be unable to participate in any public comment or public hearing afforded tomorrow on such short notice and ask that this letter be included in the public comment/hearing record.

We have learned of information coming from the Virginia Department of Elections (ELECT) that foreshadows eleventh hour decertification of our Unilect Patriot DRE voting equipment for the election process that starts in fifteen (15) days. I write to you today because we believe it is imperative to share with the SBE that it is our belief that the consequences of unnecessarily decertifying our voting equipment, the Unilect Patriot DRE, would have a substantial detrimental impact on Culpeper County voters and the community, and other localities' voters and communities as well.

The Virginia General Assembly, in the best interest of the Commonwealth of Virginia, previously and some years ago, expressed its preference in favor of the use of direct recording electronic machines (DRE) by statute enacted at Section 24.2-626 of the Code of Virginia (1950), as amended. More recently, the Virginia General Assembly by statute has expressed its change in preference with regard to the use of DRE voting systems. However, recognizing no security emergency, the Virginia General Assembly carefully and deliberately provided that

localities would have adequate time, namely until July 1, 2020, to effectuate the significant and costly change in voting systems to be borne wholly by the localities.

As you may be aware, the costs to the County to purchase the newly preferred equipment is expensive and would require approximately a quarter of a million dollar (\$250,000.00) investment to purchase all new machines. Localities were assured by statute that they could plan those expenditures over time and through July 1, 2020. Premature decertification merely days before an election period is to begin imposes a substantial burden and is fiscally unfair to the County and its residents.

Further, rushed procurement with regard to a purchase of this magnitude and importance to the functioning of government, is certain to result in increased transactional costs and lost opportunity to explore diligently the best procurement options in the long-term interest of the County considering the monetary amount of the investment.

I also share with you that switching voting systems without good cause days before an election period begins makes it extremely difficult to conduct voter outreach and education, and will negatively impact the County voter's perception of our local General Registrar, Electoral Board, and regrettably, potentially the election. I understand that some information may have come to the SBE and ELECT concerning certain DRE equipment. I certainly appreciate and expect discussion on the issue. However, I share that the Unilect Patriot DRE is not equipment involved in the information that was brought to your attention.

Humbly, there are three (3) important considerations to which I hope to direct your attention:

(a) Unilect's Patriot DRE does not have Wi-Fi. It does not have USB ports. It does not utilize Ethernet, Infrared (IrDA), or Windows OS. In short, there are no wireless avenues for "hacking" the Unilect Patriot DRE. The machines that are the subject of the information that has come to you are machines that include one or more of the above-referenced elements, which are the avenues that may allow those other systems possibly to be breached. If I can aid in arranging discussion with the SBE, ELECT, and Unilect's Director of Operations, I welcome that opportunity.

(b) The conditions and environments under which those other systems, distinct from the Patriot DRE, were exercised that yielded concern failed to incorporate and had no regard for the legally required security plan approved by ELECT that is in place in Culpeper County and/or other localities. The local Board and the General Registrar are fervently committed to election security and exercise diligence with regard to the implementation and carrying out of the legally required and approved security plan. To decertify the Patriot DRE without a sound basis, in haste, days before an election undermines the integrity of our local election officers.

(c) Again, the Patriot DRE is not equipment involved in the information that was brought to your attention, and is no more susceptible to a security breach than the newer systems recently certified by the SBE.

Given the potential grave effect upon Culpeper County and its voters of decertifying the Patriot DRE hurriedly, unnecessarily, and in contravention of the basis for the sunset provision in the Code of Virginia (1950), as amended, Section 24.2-626, I implore you sincerely and in earnest to

consider the information shared herein. Thank you for your time and thoughtful consideration, always. I remain,

Very truly yours,

BJA / By Bobbi Jo Alexis

Bobbi Jo Alexis
County Attorney

Cc: The Honorable Chairman and Members of the Board of Supervisors
Culpeper County Administrator
Culpeper County General Registrar
Electoral Board for Culpeper County
The Honorable Nicholas J. Freitas, Virginia Delegate
The Honorable Michael J. Webert, Virginia Delegate
The Honorable Emmett W. Hangar, Jr., Virginia Senator
The Honorable Bryce E. Reeves, Virginia Senator
The Honorable Jill H. Vogel, Virginia Senator
Dr. Clara Belle Wheeler, Vice Chair of the SBE
Singleton B. McAllister, Esq., Secretary of the SBE

Virginia Association of Counties

Connecting County Governments since 1934



President
Mary W. Biggs
Montgomery County

President-Elect
William A. Robertson, Jr.
Prince George County

First Vice President
Sherrin C. Alsop
King and Queen County

Second Vice President
Robert Thomas, Jr.
Stafford County

Secretary-Treasurer
Donald L. Hart, Jr.
Accomack County

Immediate Past President
Judy S. Lyttle
Surry County

Executive Director
Dean A. Lynch, CAE

General Counsel
Phyllis A. Errico, Esq., CAE

August 30, 2017

Mr. James B. Alcorn, Esq.
Chairman, State Board of Elections
Washington Building
1100 Bank Street, First Floor
Richmond, VA 23219

Dear Mr. Alcorn:

I am writing on behalf of the Virginia Association of Counties on a matter of serious concern to many of our member counties – the potential decertification of certain voting machines in advance of the upcoming November elections. We would strongly encourage you to proceed with caution in your deliberations on this issue and to give serious consideration to alternative means of ensuring a secure, transparent election in November.

As you know, localities have been operating under a statutory deadline of July 1, 2020, to replace their direct recording electronic (DRE) voting machines with alternative optical scan models approved by the Board. Recently, we were made aware that several DRE models currently certified and in use in several counties are being examined by the Virginia Information Technologies Agency (VITA) for potential security vulnerabilities. It is our understanding that this review could lead to a recommendation for these machines to be decertified in the coming weeks, potentially leaving affected localities in the difficult position of having to make an unanticipated expenditure in the middle of the fiscal year to purchase new machines in time for the November election. Even with the funds readily available, obtaining the machines in time to train staff and election officers in advance of the absentee voting period could be challenging.

We have been in correspondence with many concerned county administrators and members of boards of supervisors across the state on this matter, and it was a topic of extensive discussion at our regional town hall meeting last night in southeastern Virginia. One specific suggestion to address potential security concerns with DREs has been brought forward by Washington County, and we believe it merits your consideration. Under this proposal, voting machines would be sealed with tamper-proof tape before deployment to polling places, and Sheriff's deputies would escort the machines to polling places. As the machines are not connected to the internet, they would not be exposed to cyber-threats through this vector, and the proposed enhanced security measures would ensure the physical integrity of the machines against intrusion. Rather than decertifying the voting machines, we would encourage

1207 E. Main St., Suite 300
Richmond, Va. 23219-3627

Phone: 804.788.6652
Fax: 804.788.0083

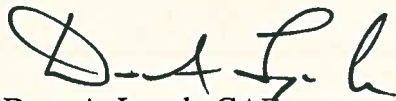
Email: mail@vaco.org
Website: www.vaco.org

you to consider this alternative, which Washington County staff feels confident will ensure a secure voting process for its residents, a goal we know you share. Other localities may be willing to undertake similar security measures.

Should you opt to decertify the DREs in question, we would be most appreciative of any financial assistance the state may be able to offer localities in funding this expense, such as state grants or low-interest loans. We are aware that at least one voting equipment vendor has offered to allow localities to defer payment for new machines until the next fiscal year, and we would be supportive of other creative approaches that would offer localities some temporary relief with a potentially costly, unbudgeted expenditure.

Thank you for your consideration and we look forward to working with you on this critical issue.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. A. Lynch', written in a cursive style.

Dean A. Lynch, CAE
Executive Director

cc: The Honorable Nancy Rodrigues, Secretary of Administration
Members, VACo Board of Directors
Members, Washington County Board of Supervisors
Jason N. Berry, Washington County Administrator



City of
Norfolk
Office of Elections

August 15, 2017

James B. Alcorn, Esq., Chairman of the Board
Virginia State Board of Elections
Washington Building, First Floor
1100 Bank Street
Richmond, VA 23219

Dear Chairman Alcorn:

This letter is regarding a teleconference held on Tuesday, August 8th by the Commissioner of the Virginia Department of Elections in conjunction with several local General Registrar offices. The teleconference discussed the recent DEFCON convention in Las Vegas, Nevada and the ability of hackers exploiting voting equipment that was purchased through EBay. There was concern expressed by the Virginia Department of Elections regarding voting equipment vulnerability and the upcoming November General Election. It was advised that Sequoia & Diebold devices were “hacked” by persons in under 90 minutes. Due to recent press reports, the Virginia Department of Elections was going to have voting equipment tested by VITA and forward their findings and recommendations to the State Board of Elections. There was emphasis to the localities that it was possible that our current touchscreen voting systems would be decertified by the State Board of Elections prior to the November 7, 2017 General Election. Additionally, we were advised that the state approved voting vendors in Virginia would be contacted by the Virginia Department of Elections on a conference call the next day.

The Norfolk Electoral Board and Norfolk Office of Elections are deeply concerned with the allegations of “hacking.” In review of the articles and information provided regarding this conference, none of the models indicated that were “vulnerable” were the same model as our current electronic touchscreen voting machines. Norfolk utilizes the Accuvote TS units. Our voting machines are currently maintained through Dominion Voting Services and are on an extended service contract and warranty. These devices are not hooked up through the Internet. Additionally, there is no downloading of information through the Internet. Security passwords and key codes can be updated prior to an election or annually.



When considering the “hackability” of voting equipment and/or Pollbooks, one must consider access to the equipment. In the real world, Registrar offices have security measures in place to include: alarm systems, cameras, restricted badge access, climate control, and the minimum of 2-person integrity controls. On Election Day, voters are monitored at the voting stations to ensure they have no problems or concerns with voting. If a voter is taking a while to cast his/her ballot, our Officers of Election are instructed to inquire if he/she needs assistance. In the DEFCON conference, these hackers had unlimited access to equipment and no time restrictions. If you provide unlimited access of voting equipment to a person, hacker or not, eventually they will be able to crack or hack your systems and make them vulnerable. It will not matter what type of equipment a locality has if you give the hacker unlimited access to it. Is VITA going to review our security measures? The State Board of Elections needs to consider accessibility and security measures in place before any notion of possible decertification of voting equipment is completed.

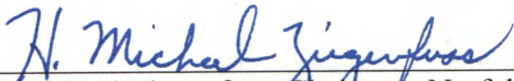
The November 2017 General Election is a highly political Gubernatorial race. We are one of two states having an election in November. All eyes are focused on Virginia with the very close and competitive race of candidates for the Office of Governor. We are aware of the allegations of hacking, the Russians, etc., and we take our security measures and protection of voting equipment, as well as our voter registration rolls, very seriously. We want to ensure that we have free and fair elections in the Commonwealth of Virginia. We are concerned that decertifying voting equipment so close to a Gubernatorial election would instill lack of trust in the electoral system and those who diligently work to ensure the integrity of the voting process. Additionally, we are in the process of submitting ballots for certification for the election this weekend and preparing for absentee voting. We strongly feel, that there is no need to decertify our equipment at this juncture, given the type of equipment and security measures that we have in place.

The Virginia General Assembly has already placed a sunset date of July 1, 2020 on our electronic touchscreen voting equipment. We have been working with vendors to procure equipment, hopefully, after the November General Election, in time to utilize for our May 2018 local General Elections for City Council and School Board. We have been speaking with our Budget Department, Finance, and City Manager about the cost for purchasing, and they are also troubled about this possible decertification that would cause an unfunded mandate of millions of dollars for the locality to which we are not budgeted for. We urge the Virginia State Board of Elections to allow localities to pursue replacement of voting equipment as needed prior to the Virginia General Assembly deadline, rather than moving the deadline forward. When the State Board of Elections decided to decertify the WinVote voting equipment prior to a Special Election, several localities had to scramble to borrow or buy new equipment within a short time frame to complete the election. We do not have this luxury for November. There would be 25 or more localities forced to purchase new voting equipment to satisfy the absentee voting deadline and perform the November General Election.

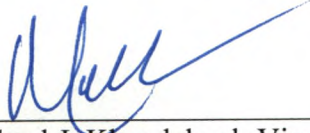
We urge you not to decertify our voting systems prior to the November 2017 General Election. Our specific voting machine model, the Accuvote TS, was not "hacked" at the DEFCON convention. To decertify this equipment prior to this November's election would be like screaming "fire" in a crowded movie theatre. We want a smooth and successful Gubernatorial Election. We do not want to discourage the integrity of our voting process or systems or open the door for litigation.

We thank you for your time and consideration. Should you have any questions or concerns, please do not hesitate to contact our office.

Sincerely,



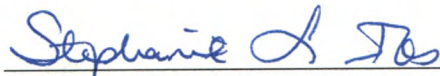
H. Michael Ziegenfuss, Chairman, Norfolk Electoral Board



Michael J. Khandelwal, Vice Chairman, Norfolk Electoral Board



Barbara H. Klear, Secretary, Norfolk Electoral Board



Stephanie L. Iles, Director of Elections & General Registrar



Moira K. Carlson, Deputy Director of Elections & Deputy Registrar