



December 13, 2019

Hon. Damon Circosta, Chair (*via email Damon.Circosta.Board@ncsbe.gov*)
Hon. Stella Anderson, Secretary (*via email Stella.Anderson.Board@ncsbe.gov*)
Hon. Ken Raymond, Member (*via email Ken.Raymond.Board@ncsbe.gov*)
Hon. Jeff Carmon, III, Member (*via email Jeff.Carmon.board@ncsbe.gov*)
Hon. David C. Black, Member (*via email David.Black.board@ncsbe.gov*)

North Carolina State Board of Elections
430 N. Salisbury Street, Third Floor
6400 MSC
Raleigh, NC 27603

RE: Security of Voting Systems
State Board of Elections Meeting December 13, 2019 12 pm EST

Dear Members of the North Carolina Board of Elections

I am writing to you in my capacity as President of Verified Voting. Please forgive the lateness of the communication as I only recently learned of your meeting today. I am writing to urge the State Board of Elections to proceed with caution and decline to waive certification requirements for the ES&S EVS 5.2.4.0 to allow Mecklenburg County to purchase uncertified ExpressVote HW2.1 ballot marking devices (“BMDs”) for all voters. Not only would such a decision run contrary to North Carolina statutory law, but the failure to carefully examine the differences between this system and the certified system could needlessly expose Mecklenburg County to increased security risks in the upcoming election. Because Mecklenburg County insists on buying computerized ballot marking devices for all voters, the increased risk to North Carolina voters is grave indeed.

As we discuss more fully below, the differences between the two systems in both software and hardware are substantial. We believe elevating the security risk is needless because Mecklenburg County has other options in two certified systems by two other vendors. Additionally, in our view, there is time for Mecklenburg to institute a more secure system in which voters primarily mark paper ballots with a pen and the county also supplies sufficient operable ballot marking devices for voters who need or wish to use them. According to the Board, a prerequisite to use of the certified ES&S system in Mecklenburg County is the use of the system in at least one precinct in the November 2019 election. That has apparently already occurred with ExpressVote HW1.0 ballot marking device. To avoid waiving any legislative requirements, Mecklenburg could institute hand-marked paper ballots that are scanned by the DS 200 and BMDs with the vendor’s existing supply of BMDs. If the vendor represents that it does not have enough systems to even supply a small number of BMDs for each precinct, the State Board of Elections should consider the vendor’s presentation of the system for certification as offered in bad faith,

especially if the vendor knew it would no longer manufacture that version of its equipment and would be unable to adequately supply counties that chose it.

Based on Verified Voting's review of the differences between EVS 5.2.2.0 and EVS 5.2.4.0, the differences are not minimal but substantial. While EVS 5.2.2.0 includes the ExpressVote HW1.0, EVS 5.2.4.0 includes ExpressVote HW2.1. Unlike the ExpressVote HW1.0, HW2.1 includes an internal scanner that allows the equipment to function as a ballot marker or as a hybrid marker and tabulator. In this tabulator mode, the ExpressVote HW2.1 allows voters to bypass the review of their ballot, sending it directly to the scanner for tabulation within the ExpressVote unit. The use of this "auto-cast" function eliminates a critical component of evidence-based elections: the opportunity for the voter to verify that the marked paper ballot accurately reflects her choices. Without that essential component of election security, jurisdictions run the risk that reported outcomes are incorrect and that such errors will be undetected.

Some of the confusion regarding systems may stem from the vendor's version numbering protocol. The substantial configuration and hardware differences are detailed in the certification documents for the 5.4.1.0 which are available on the EAC's website:

<https://www.eac.gov/voting-equipment/evs-5410/>. EVS 5.2.4.0, unlike EVS 5.2.2.0 includes the ExpressVote HW2.1. For unknown reasons, the capability of the ExpressVote HW2.1 to function as a tabulator are not detailed in the EAC's certification documents for the 5.2.4.0, while they are detailed in documents for EVS 5.4.0.0 and EVS 5.4.1.0. *See* documents here: <https://www.eac.gov/voting-equipment/evs-5240/>. This is a compelling reason why North Carolina should not waive its certification requirements in this instance.

In light of the pervasive security vulnerabilities of all electronic voting systems, including Ballot Marking Devices (BMDs), the considerable cost of BMDs, the necessity for a deliberate verification of the paper ballot, Verified Voting endorses the use of paper ballots, marked primarily with a pen or pencil, and supplemented with BMDs for voters who need or wish to use them, as the best method for recording votes in public elections. This method of voting has been used by the majority of North Carolina for over a decade. Mecklenburg County has a viable option to deploy such a system for the 2020 elections without contravening North Carolina law.

The North Carolina legislature has established a mandatory certification process for voting systems. The policy reasons for such a process are obvious: to ensure the functionality and security of voting systems used in the state. We urge the North Carolina State Board of Elections to decline to waive the certification requirements for EVS 5.2.4.0.

Respectfully submitted,



Marian K. Schneider, President
Verified Voting

Verified Voting is a national, non-profit non-partisan organization. Verified Voting's mission is to strengthen democracy for all voters by promoting the responsible use of technology in elections. Since our founding in 2004, we have acted on the belief that the integrity and strength of our democracy relies on citizens' trust that each vote is counted as cast. We bring together policymakers and officials who are designing and implementing voting-related legislation and regulations with technology experts who comprehend the risks associated with election technology. Ms. Schneider formerly served as Deputy Secretary for Elections and Administration in the Pennsylvania Department of State and oversaw Pennsylvania's certification process. Verified Voting has no financial interest in the type of equipment used. Our goal is for every jurisdiction in the United States to have secure and verifiable elections.