



April 15, 2022

Senate Committee on Elections and Constitutional Amendments
State of California
State Capitol, Room 410
Sacramento, CA 95814
Via email

RE: Senate Bill 1480: Oppose Unless Amended

Dear Chair Glazer and Committee Members:

The California Voter Foundation (CVF) is a nonpartisan, nonprofit organization working to improve the voting process to better serve voters. CVF is a longtime supporter of voter-verified paper ballots, post-election audits and robust election security. Verified Voting is a nonpartisan, nonprofit organization with a mission to strengthen democracy for all voters by promoting the responsible use of technology in elections. Since our founding in 2004 by computer scientists, we have acted on the belief that the integrity and strength of our democracy rely on citizens' trust that each vote is counted as cast. We recommend only allowing voted ballots to be returned through means that do not introduce unmitigatable risks, and unfortunately the technology available today is not capable of enabling secure and private electronic return of voted ballots.

The intent of SB 1480 is of urgent importance: to help resolve some of the issues facing certain voters for whom access—especially in times of pandemic and with reduced numbers of accessible polling locations—is at risk. We understand the profound challenges you face to assure every voter's ability to vote and we strongly support measures to assure voters' equal opportunity and access to cast their vote – securely, privately and verifiably.

Recognizing that no current solution is ideal for all voters, **we respectfully suggest SB 1480 be amended to study, rather than open the door to implement, alternative ballot return methods for voters with print disabilities.** We believe thoughtful consideration must be given to expanding the feasibility of secure and private methods to supplement existing measures, and to improve existing measures so that their implementation better serves voters across all counties. We are not alone in this view: recently, the National Institute of Standards and

Technology (NIST) released “[Promoting Access to Voting: Recommendations for Addressing Barriers to Private and Independent Voting for People with Disabilities](#).” In this report NIST identifies a range of difficulties to be addressed including accessing voter information, voter registration, authentication of identity for marking a ballot, casting a vote and accessing a polling place. To address these challenges, NIST recommended measures for improving vote-by-mail access, expanding accessible options for requesting, receiving, reading and marking blank ballots electronically, continuing research on accessible methods for verifying, signing and returning a ballot for voters with print disabilities, increasing accessibility for completing and returning paper ballots, and changing procedures for signature processing to support voters with disabilities among other suggestions.

California’s existing Remote Accessible Vote by Mail (RAVBM) service allows for electronic delivery of a blank ballot to the voter so they may use their own equipment at home to mark their ballot, print it out and return the paper ballot to their elections office. This is already widely used in full vote-by-mail states like Oregon, and is now mandated in all California counties. It is not perfectly implemented, however – it can and should be improved so that voters do not experience difficulty either in finding or accessing their county’s system or in using it once access is obtained. It could be further improved by making the ballot return part easier – allowing voters to sign anywhere on the envelope flap, for example, or by providing additional means of authenticating voters for whom that portion of the process is challenging.

Another type of supplemental service we support is “go-to-voter” services whereby election officials bring the ballot and secure voting equipment directly to the voter whether at senior centers, retirement facilities or directly to an individual voter wherever they reside. Such services are successfully used in other jurisdictions and do not introduce new risk to security or privacy.

We urge you to amend this bill to remove online (electronic) ballot return and instead create a funded task force to identify all the possible means of improving vote-by-mail access for California’s voters with print disabilities, with an eye toward recommending implementation of those which do not create additional risk to ballot security, election security and voting privacy.

However, internet voting (which includes all forms of electronic ballot return including fax) is not the answer. Internet voting is unsafe, regardless of any vendor claims to the contrary. The National Academies of Sciences, Engineering and Medicine released a report in 2018 stating that the technology to return marked ballots securely and anonymously over the internet does not exist.¹ Additionally, in the lead-up to the 2020 General Election, the Department of Homeland Security, the Election Assistance Commission, the Federal Bureau of Investigation, and the National Institute of Standards and Technology told states and election officials that electronic ballot return “creates significant security risks to the confidentiality of ballot and voter data (e.g., voter privacy and ballot secrecy), integrity of the voted ballot, and availability of

¹ National Academies of Science, Engineering, and Medicine, 2018. “Securing the Vote: Protecting American Democracy.” Washington, DC: The National Academies Press. <https://doi.org/10.17226/25120>.

the system. We view electronic ballot return as high risk. **Securing the return of voted ballots via the internet while ensuring ballot integrity and maintaining voter privacy is difficult, if not impossible, at this time** [emphasis added].² Nothing has changed since 2020; no new internet technology has been created to mitigate this risk.

Voters' own devices are also vulnerable to malware or viruses that could interfere with ballot transmission or even spread that malware to the computer on the receiving end of the online ballot. Unlike other internet transactions, voting must simultaneously maintain ballot secrecy while still providing a verifiable record of the voter's intent. Internet voting does not allow the voter to verify that the record received by the elections office in fact reflects the voter's choices, and thus those ballots are not auditable.

California has reviewed this issue in the past. In 2000, then-Secretary of State Bill Jones convened the "California Internet Voting Task Force" on which one of us participated. The task force's final report states, "Technological threats to the security, integrity and secrecy of Internet ballots are significant."³ Unfortunately this is as true today as it was when written. A new California-based study on remote electronic voting is currently underway at UC Berkeley but results have not yet been published. The NIST report cited above recommends research on accessible methods for verifying, signing and returning the ballot for voters with print disabilities, and we strongly concur. It would be premature to enable methods for returning ballots electronically before first examining all the ramifications.

California law has long protected against connecting voting systems to the internet. At a time when election security and public confidence are under attack, undermining those protections would result in unprovable election results. A Public Policy Institute of California poll conducted last Fall shortly after the 2021 Recall Election found 49 percent - nearly half - of California's likely Republican voters had little or no confidence in California's voting system.⁴ There may be voters who feel that they have no other alternative but electronic ballot return. We believe a concerted and serious effort should be made to accommodate those voters, but not one that requires waiving secrecy, giving up security and losing verifiability.

Sincerely,

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² DHS Memo, 2020. <https://www.politico.com/f/?id=00000172-9406-dd0c-ab73-fe6e10070001>

³ California Internet Voting Task Force, 2000. https://elections.cdn.sos.ca.gov/ivote/final_report.pdf

⁴ PPIC Statewide Survey: Californians and Their Government, 2021.
<https://www.ppic.org/publication/ppic-statewide-survey-californians-and-their-government-september-2021/>