



April 8, 2025

The Honorable Francisco V. Aguilar
Secretary of State
Nevada State Capitol Building
101 North Carson Street, Suite 3
Carson City, NV 89701

Dear Secretary Aguilar,

As organizations committed to protecting and enhancing our democracy, we write regarding our concerns with a specific aspect of Nevada’s Effective Absentee System for Elections (EASE).¹ We have previously sought opportunities to discuss our concerns, and hope that you may be able to find time to speak with us soon.

As currently used, EASE allows voters covered by the Uniformed and Overseas Absentee Citizens Voting Act (UOCAVA),² voters with disabilities, and voters who are tribal members who reside on a reservation, to return their ballots over the internet.³ Electronic ballot return poses an inherently high security risk to Nevada’s elections and is improper under the Department of Defense grant terms that governed the development and use of EASE.

¹ Please note that both the electronic balloting system in use in Nevada, and the federal grants referenced in this letter are referred to by the acronym “EASE,” though both stand for different terms. “EASE,” the system used in Nevada stands for “Effective Absentee System for Elections.” “EASE” grants stands for “Electronic Absentee System for Elections.” We regret the inevitable confusion this may cause.

² Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), 52 U.S.C. §§ 20301–20311, 39 U.S.C. § 3406, 10 U.S.C. § 1566, and 18 U.S.C. §§ 608–609.

³ Nev. Rev. Stat. § 293.269951(1)(b).

We hope that, by sharing the below information and raising these concerns, we may illuminate these serious issues so that your administration will seek alternative absentee voting solutions that do not put these voters' ballots, and Nevada's elections, at risk. Especially as our democratic republic is being actively undermined at the federal level, it's important our elections remain above question. We welcome the opportunity to work together with your office on these solutions.

1. EASE is a "High" Security Risk for Nevada Elections.

Four federal government agencies—the Federal Bureau of Investigation (FBI), the Department of Homeland Security's Cybersecurity Infrastructure Security Agency (CISA), the U.S. Elections Assistance Commission (EAC) and the National Institute for Standards and Technology (NIST)—have concluded in a [risk assessment](#) that “electronic ballot return” is “high” risk, even with security safeguards and cyber precautions in place.⁴ In other words, even with all the security tools and protections deployed with EASE, these ballots are still at high risk for compromise. The agencies specifically warn that electronic ballot return “faces significant security risks to the confidentiality, integrity, and availability of voted ballots,” and that these risks can “**ultimately affect the tabulation and results and can occur at scale,**” and explicitly recommends paper ballot return.⁵

Thus, the ballots of Nevadan UOCAVA voters, voters with disabilities, and voters who are tribal members who reside on a reservation, who use EASE to return their ballots over the internet, and Nevada's elections themselves, incur high risk for cyber incidents, privacy violations, ballot deletion, or election tampering. Especially at a time when the integrity and veracity of election results are continuously called into question, it is not prudent to ignore the significant security warning issued by the four federal government agencies charged with protecting our nation's election infrastructure.

Beyond the four-agency report, there is broad consensus, from both the public and private sector, that electronic ballot return presents severe security risks to the integrity of our elections, because ballots cast over the internet can be intercepted,

⁴ U.S. Cybersecurity and Infrastructure Security Agency, Federal Bureau of Investigation, National Institute of Standards and Technology and the U.S. Election Assistance Commission, *Risk Management for Electronic Ballot Delivery, Marking, and Return 1* (2020), available at https://s.wsi.net/public/resources/documents/Final_%20Risk_Management_for_Electronic-Ballot_05082020.pdf?mod=article_inline.

⁵ *Id.*

deleted and altered at scale—and can therefore change election results.

- In 2019, the bipartisan **U.S. Senate Select Committee on Intelligence** reported on its findings that foreign governments were actively trying to attack American election systems. As part of that report, the Committee determined “**States should resist pushes for online voting**. ... While the Committee agrees states should take great pains to ensure members of the military get to vote for their elected officials, no system of online voting has yet established itself as secure.”⁶
 - In late 2022, experts convened by the University of California’s Berkeley Center for Security in Policy concluded that creating standards for online ballot return so that it can be done securely and privately *was not feasible*. “When internet ballot return is employed,” the Working Group wrote, “**it may be possible for a single attacker to alter thousands or even millions of votes**. And this lone individual could perpetrate an attack from a different continent from the one where the election is being held – perhaps even while under the protection of a rogue nation where there is no concern of repercussions.”⁷
 - Following up on the four-agency report, NIST (the federal agency responsible for issuing cybersecurity standards) conducted research on ways to enhance accessibility for voters with disabilities. Its 2022 report, *Promoting Access to Voting*, notably did not recommend electronic ballot return, instead concluding, “there remain **significant security, privacy, and ballot secrecy challenges**.”⁸
2. Because of the severe and well-documented security risks inherent with online ballot return, the federal grant used to develop EASE explicitly

⁶ Report of the Select Committee on Intelligence, *United States Senate on Russian Active Measures Campaigns and Interference in the 2016 U.S. Election, Volume 1*

(2019), https://www.intelligence.senate.gov/sites/default/files/documents/Report_Volume1.pdf

⁷ R. Michael Alvarez et al., University of California, Berkeley Center for Security in Politics, Working Group Statement on Developing Standards for Internet Ballot Return 10 (2022), <https://csp.berkeley.edu/wp-content/uploads/2022/12/Working-Group-Statement-on-Internet-Ballot-Return.pdf>.

⁸ National Institute of Standards and Technology, *Promoting Access to Voting: Recommendations for Addressing Barriers to Private and Independent Voting for People with Disabilities* 48 (2022), <https://nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.1273.pdf>.

prohibited using grant funds to develop components to enable electronic ballot return.

Starting in 2000, the federal government invested considerable time and resources in studying the security issues introduced by the electronic return of voted ballots. The research was conducted with the aim of developing security standards for an electronic ballot return system for military and overseas voters.⁹ After decades of research and multiple studies determined that there were numerous, insoluble security issues,¹⁰ Congress then repealed a directive to the Department of Defense to develop an electronic ballot return system in 2015.¹¹

As this research was being conducted, Congress authorized funding for grants to be distributed by the Federal Voting Assistance Program (FVAP) to states to improve voting for UOCAVA voters through the EASE Grant programs. According to the FVAP.gov website:

In 2011, 2013, and again in 2023, FVAP offered research grants to states and localities to research improving services provided to military and overseas voters. The Effective Absentee Systems for Elections (EASE) grants have the goal of increasing the percentage of ballots successfully returned by voters covered by the FVAP administered Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). The resulting data from the grant programs will help to identify and improve the true nature of the entire voting experience for military and overseas voters.¹²

The FVAP's description of the EASE grants includes this specific qualification:

*“Please note the electronic transmission of voted ballots is not funded through these grant programs.”*¹³

⁹ See generally Federal Voting Assistance Program (FVAP), *Electronic Voting Demo Project* (2017), <https://www.fvap.gov/info/reports-surveys/evdp-report>.

¹⁰ See National Institute of Standards and Technology (NIST), *NIST Activities on UOCAVA Voting*, (May 12, 2012, updated, January 4, 2023), <https://www.nist.gov/itl/voting/uocava-voting>.

¹¹ See Congressional Research Service, *The Uniformed and Overseas Citizens Absentee Voting Act: Overview and Issues*, 11 (October 26, 2016), <https://crsreports.congress.gov/product/pdf/RS/RS20764>.

¹² Federal Voting Assistance Program (FVAP), *Grant Programs*, <https://www.fvap.gov/eo/grants> (last visited Mar. 6, 2025).

¹³ *Id.*

Congress and the FVAP recognized that we do not yet have the tools to transmit voted ballots securely over the internet, and specifically prohibited using any federal funds for that purpose.

- a. Nevada’s EASE System was developed with an FVAP EASE 2 grant, which explicitly prohibits using the funds to develop a system or components that return voted ballots electronically for the life of the system or components.

Nevada first developed its EASE system with a grant from the Department of Defense’s FVAP and no additional funding. According to the EASE Overview published on the Nevada Secretary of State website: “Without any additional state funding, the Secretary of State’s office developed the system with a grant from the Department of Defense’s Federal Voting Assistance Program (FVAP), which was used to design and develop an application that allows military and overseas voters to access their blank absentee ballot online beginning with the 2014 general election.”¹⁴ In 2013, Nevada received an EASE 2 grant from the FVAP for \$386,500.00 to develop a “uniform statewide UOCAVA ballot delivery system.” According to the state’s proposal, EASE would “seamlessly integrate[] all parts of the UOCAVA process (voter registration, ballot request, and online ballot marking) into a single online system.”¹⁵ Notably, the proposal included nothing about electronic ballot return.

The EASE grant terms and contracts expressly prohibit using the grant funds for a system or components of a system that return ballots electronically, even after the grant term expires. FVAP emphasized this prohibition through multiple channels. Both the Broad Agency Announcement published by the FVAP and the grant contract issued to all recipients (including Nevada) included these terms:

*The grant awards **will not** fund the electronic return of a voted ballot. Applicants will certify prior to award that they **will not** use any grant funds to develop a system for the electronic return of a marked ballot. Further applicants will certify that they **will not** use the system components developed with grant funds, after the award ends, for the electronic return of voted ballots.*¹⁶

¹⁴ Nevada Secretary of State, *EASE - Overview*, <https://www.nvsos.gov/sos/elections/voters/uniformed-overseas-citizens/ease-overview> (last visited Mar. 5, 2025).

¹⁵ Office of the Nevada Secretary of State Ross Miller, *Nevada Effective Absentee System for Elections Technical Proposal 2 (2014)*, https://www.fvap.gov/uploads/FVAP/Grants/Nevada_application_2.pdf.

¹⁶ Federal Voting Assistance Program, *Broad Agency Announcement For States, Territories and Local Governments Effective Absentee Systems for Elections (EASE) 2.0 Grants 4*,

The FVAP further clarified this restriction in its EASE 2.0 Questions and Answers regarding the grant:

*Grant Recipients **are prohibited** from using the system or portion of the system developed with grant funds for the electronic return of a marked ballot for the life of the components developed with the grant funds.*¹⁷

Although the grant terms and contract explicitly prohibited the electronic return of voted ballots, on November 20, 2013, then-Secretary of State Ross Miller gave testimony before the U.S. House of Representatives Committee on House Administration, and admitted that the system Nevada built with its grant would return the voted ballot electronically to the election office.¹⁸

To illustrate how seriously the Department of Defense sought to enforce the grant terms, the Department launched an Inspector General investigation into the use of the FVAP grants in Nevada, prompted by Secretary Miller's testimony. The investigators visited Nevada and were given a demonstration of Nevada's EASE system by the Secretary of State's office.

The investigators reported that the system demonstrated by the Secretary of State's office allowed the voter to save a marked, electronic ballot to the voter's computer that could then be returned as an email attachment. Because the system, as it was demonstrated, did not itself transmit the voted ballot back, the Inspector General's office concluded that Nevada did not violate the terms of the FVAP grants.¹⁹

Subsequently, the Secretary of State's office put a disclaimer on its website that stated, "User must return their completed documents and ballot to their Nevada election office independent of EASE – EASE does not return any documents for a user."²⁰

https://www.fvap.gov/uploads/FVAP/Grants/EASE%202020_BAA.pdf; see also Federal Voting Assistance Program, *Grant Award* ("Terms and Conditions") (2013),

https://www.fvap.gov/uploads/FVAP/Grants/Nevada_H98210-13-1-0006.pdf.

¹⁷ Federal Voting Assistance Program, *EASE 2.0 Questions and Answers*,

<https://www.fvap.gov/uploads/FVAP/Grants/EASE%202020Question%20and%20Answers.pdf>.

¹⁸ See Military and Overseas Voting in 2012: Hearing Before the Comm. on House Administration, 113 Cong. 57–58 (2013) (Statement of Ross Miller), <https://www.govinfo.gov/content/pkg/CHRG-113hrg86539/pdf/CHRG-113hrg86539.pdf>.

¹⁹ "Inspector General, U.S. Department of Defense, *Assessment of the Effective Absentee System for Elections (EASE) Grants 8–9* (2015), <https://media.defense.gov/2015/Jun/30/2001713517/-1/-1/1/DODIG-2015-135.pdf>.

²⁰ <https://web.archive.org/web/20161125054253/http://nvsos.gov/sos/elections/voters/uniformed-overseas-citizens>

However, according to a March 26, 2023 email sent by the Nevada State Election Director, Mark Wlaschin, “EASE offers a means for direct submission [of a voted ballot] (where it goes directly on the SOS server and then is available for the Clerk), but it is not required and they can print & mail it back on their own as well.”²¹ If the election director’s description is accurate, Nevada is violating the terms of the EASE 2 grant awarded to Nevada by the FVAP, which prohibits states from using any component of a system built with federal funds, for the life of the components, to electronically return voted ballots.

We note that as of April 7, 2025, the website no longer states that the voter is required to return the ballot through means other than EASE.

3. Conclusion

EASE should not be used by Nevadans to undertake electronic ballot return. According to the FBI, Department of Homeland Security’s Cybersecurity and Infrastructure Security Agency, National Institute of Standards and Technology and U.S. Election Assistance Commission, Nevada’s EASE system is at “high risk” for cyber attacks that can compromise ballot integrity, security and availability that may affect tabulation and election results, and may occur at scale.

Further, if Nevada’s EASE system operates as it has been described by the state election director, by directly transmitting voted ballots to the Secretary’s server for distribution to the clerk’s offices, it violates the federal grant contract and terms for the grant Nevada was awarded for the development of EASE in 2014.

We hope that this information will prompt your administration to seek alternative voting solutions for eligible voters that do not put their ballots, and Nevada’s elections, at risk—and that may not violate federal contract terms. We welcome the opportunity to work together with your office on these solutions.

Thank you very much for your time and consideration.

Sincerely,

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Free Speech for People

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Public Citizen

²¹ Email from Nevada Election Director Mark Wlaschin to Susan Greenhalgh, Free Speech For People (March 26, 2023).

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