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March 5, 2018

Deputy Executive Director  
Little Hoover Commission  
925 L Street, Suite 805  
Sacramento, CA 95814

**RE: LHC Voter Participation**

Dear Terri Hardy:

Thank you for your interest in the California the Secretary of State's office role in elections. As the state's chief elections office, I make every effort to make voting as accessible as possible for eligible citizens, while strengthening the security of our democracy.

**Please describe how the Secretary of State ensures the integrity of California's elections and protects against voter fraud.**

My office approves all voting equipment for security, accuracy, reliability and accessibility in order to ensure that every vote is counted as it was cast. My office ensures election laws and campaign disclosure requirements are enforced, maintains a statewide database of all registered voters, certifies the official lists of candidates for elections, tracks and certifies ballot initiatives, compiles election returns and certifies election results, educates California citizens about their voting rights, and promotes voter registration and participation.

My office promulgates regulations related to election administration, provides guidance and information to county election officials, and shares best practices of election administration with county election officials and the public. For every statewide election, my office operates an election hotline to field complaints and concerns from voters. Additionally, we organize a poll monitoring program to observe polling places.

My office is responsible for compliance with the federal National Voter Registration Act (NVRA) and the federal Help America Vote Act (HAVA). As part of our responsibilities under the NVRA we work with county elections officials conduct regular voter roll maintenance. They are checked against a number of data points including death records from the California Department of Public Health, Social Security Administration, Department of Motor Vehicles, and the Department of Corrections and Rehabilitation.

**Please describe what is being done at the state level to ensure ballots remain secure and protected, particularly as some counties begin to implement new processes for administering elections.**

California's county election officials are responsible for the printing, issuance, collection, and tabulation of ballots. County elections officials are required to abide by the California Elections Code and regulations promulgated by my office that cover use procedures, chain of custody, printing, and security of the ballot.

After each election, county elections officials conduct a manual tally of 1% of the precincts as part of the official canvass of election results. Additionally, elections officials verify that voters' signatures on their vote-by-mail ballot envelopes match their signatures on their voter registration application.

As of 2016, California law allows county elections officials to pick up sealed voted ballots throughout Election Day and deliver them to the county's receiving or ballot counting center. Getting these ballots and processing them before the close of polls may help counties deliver results quicker and more efficiently. Throughout transport, processes are in place to ensure the security and integrity of the ballots and the election at all times.

Ballot safeguards were set for counties participating in the Voters Choice Act pilot program. Regulations specific to unstaffed ballot drop boxes were developed and require them to be fastened to concrete and locked. Ballots are to be retrieved at least every 96 hours and every 24 hours after the 10th day prior to an election.

In addition, vote centers are subjected to the same protocols as polling places for maintaining the secure custody and return of voted ballots.

Voters are also encouraged to take safeguards to make sure their ballots are counted. They can check the status of their vote-by-mail ballots online. County registrars can be contacted to provide answers for invalid ballots.

**Please describe your office's process for certifying and regulating California's voting systems, including new technology needed for implementation of the Voter's Choice Act.**

California has one of the most strenuous voting system testing and certification programs in the country as detailed in California Elections Code and associated regulations. My office is required to test and certify any voting system prior to its sale and use within California. New voting systems applying for certification must undergo months of extensive testing which includes:

- Examination and testing of system software;
- Software source code review and evaluation;
- Hardware and software security penetration testing;

- Hardware testing under conditions simulating the intended storage, operation, transportation, and maintenance environments;
- Inspection and evaluation of system documentation; and
- Operational testing to validate system performance and functioning under normal and abnormal conditions.

The voting systems and equipment that voters use to cast a ballot can neither be connected to the internet at any time, nor shall any part of a voting system electronically receive or transmit election data through an exterior communication network of any type. Ballots cast in California are primarily cast on paper ballots. Voting systems that are direct record electronic systems must have the ability to provide a voter verified paper audit trail (VVPAT) for audit, recount, and manual tally purposes. Further, as a safeguard to ensure votes were accurately read and tallied, county elections officials are required to conduct a manual tally of one percent of the precincts as part of the official canvass of election results.

All voting systems are required to be capable of deployment with dual-installation architecture ("air gapping"). This process physically separates two installations and all associated devices establishing an air gap. The separation of installations aids in protecting against the propagation of viruses.

Voting system vendors, security consultants, and county officials are required to follow a strict chain of custody requirements for voting system software and hardware throughout the testing and certification process. Upon certification of a system, the "trusted build" is held in a secure location and all distributed copies of the trusted build are hand delivered by SOS staff to the recipient county officials. California counties are required to abide by stringent sets of rules and regulations regarding implementation and use of a voting system. Counties perform logic and accuracy testing on voting systems prior to each election. They follow specific procedures for programming, deployment and use of voting equipment during elections to ensure secure and accurate elections.

Ballot on demand systems go through testing and certification by the SOS and cannot be used by counties unless the system has been certified. The certifications of these systems require strict usage procedures and audit logging.

Electronic poll books must also be tested and certified by the SOS prior to being used by counties. The SOS has proposed regulations for the testing and certification of electronic poll books that establish minimum security and usage requirements. These regulations can be found online.

**In your opinion, what more should or could be done to ensure election integrity and what steps are necessary to get there?**

Election integrity and ballot access is a top priority for my administration. I have advocated for funding for new voting systems and consistently called aging voting systems the gravest threat to our democracy.

In a February 2016 I authored a Mercury News Op-Ed with Orange County Registrar Neal Kelley in which we wrote:

“California counties alone cannot bear the financial burden of purchasing the new systems. They need state help. Our voting systems were designed and engineered in the 1990s. We wouldn’t settle for 20-year old technology and reliability in our cell phones and computers; our voting systems should be no different.”

Governor Brown included \$134.4 million in his 2018 state budget proposal for new voting systems. This funding would be a significant first step in investing in modern voting systems to help protect the integrity of our elections and better serve voters.

Additionally, I continue to highlight the need for action by Congress and the White House to fund voting system upgrades. This incorporates new security protocols to provide states and counties the best tools to defend against attempts to compromise our elections. I have been a strong advocate for the need to improve communications and protocols with respect to intelligence about efforts by foreign entities to interfere with our elections.

Altogether, I am committed to ensuring and improving election integrity through various preventive and security measures. I hope the information provided in this letter gives you and the Little Hoover Commission a better insight on California elections.

If you or your staff have further questions please contact my Chief of Policy and Planning, James Schwab at (916) 653-7244 or via email at [James.Schwab@sos.ca.gov](mailto:James.Schwab@sos.ca.gov).

Sincerely,

A handwritten signature in black ink that reads "Alex Padilla". The signature is fluid and cursive, with the first name "Alex" and last name "Padilla" clearly distinguishable.

Alex Padilla  
Secretary of State