



COMMONWEALTH OF PENNSYLVANIA
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June 26, 2008

Richard King, Ph.D.
1236 Malvern Avenue
Pittsburgh, PA 15217

RE: Electronic Voting Systems

Dear Dr. King:

Thank you for your email correspondence of June 13, 2008. I appreciate your continued interest in the mechanics of the election process. You requested that I submit "something in writing ... clearly stating that the counties are responsible for software verification, not the Office of the Secretary of the Commonwealth." Allow me to address that seemingly narrow question in a more comprehensive fashion.

As you know, certification of electronic voting systems in Pennsylvania must meet two testing requirements. First, Section 1105-A(a) of the Election Code, 25 P.S. § 3031.5(a), requires testing by a "federally recognized independent testing authority and [which] meets any voting system performance and test standards established by the Federal Government." Second, Section 1107-A of the Election Code, 25 P.S. § 3031.7, lists seventeen separate points that must be examined by Pennsylvania before certification may occur. This two-staged process has been altered slightly at the federal level as the Election Assistance Commission refines its guidelines; however, the overall goal of the process, to ensure thorough testing before certification of all systems, remains the same.

Following the examination and certification by the Department, the baton is passed to the counties for the purposes of determining which certified system to purchase. As you are probably aware, of the 13 systems that have been certified in the Commonwealth, 10 are used by the counties. The counties not only selected their systems, but also determined the quantity of machines that would be needed. Upon receipt of the machines, the counties and vendors conducted acceptance testing to ensure, among other things, that the machines were loaded with the appropriate version. Finally, pursuant to Section 1110-A of the Election Code, 25 P.S. § 3031.10, the counties are required to conduct logic and accuracy testing on the machines prior to each election.

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Given the magnitude and diversity of the systems purchased by the counties, it would not be feasible for the counties to pass the baton back to the Commonwealth for the purpose of verifying the version numbers of the machines in their possession; however, it would be inaccurate to say that the Commonwealth is no longer part of the relay team. In fact, the Department remains in close contact with the counties and the vendors throughout the process to increase the likelihood that the Department becomes aware of any irregularities, including unauthorized changes in version numbers.

As you can appreciate, changes that would result in a new version number would also require a new examination. Because of this, vendors have been repeatedly advised to make no such changes without notifying the Department. To do otherwise would jeopardize the certification and use of the system in the Commonwealth – not a result that a vendor would desire. Furthermore, serious, intentional violations could result in debarment from the ability to contract with the Commonwealth.

I trust that this response provides the proper context not only for your particular question, but also for the multi-level process that ensures the fairness and accuracy of our elections. Please feel free to contact me if you have any further questions.

Sincerely,

[Pedro A. Cortès]

Pedro A. Cortés