



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
HARRISBURG, PENNSYLVANIA
17120

OFFICE OF THE
SECRETARY OF THE COMMONWEALTH
717-787-7630

BUREAU OF COMMISSIONS,
ELECTIONS & LEGISLATION
717-787-5280

January 15, 2008

Paul O'Hanlon, Esquire
Disability Rights Network of PA
1901 Law & Finance Building
429 Fourth Avenue
Pittsburgh, PA 15219

Dear Mr. O'Hanlon,

I am writing in reference to your questions on behalf of the Allegheny County Citizens' Election System Advisory Panel. The Department has compiled answers to your questions, based on information gathered within the Department and from ES & S representatives.

In your first question, you asked about whether ES & S is actively developing a cut-and-drop paper audit trail for the iVotronic. ES & S told the Department that they do not have plans to submit any such attachment for certification prior to November 2008.

In reference to your second question, representatives of ES & S were not entirely sure what was being asked; however, they stated that they believe the enhancements you ask about (sip and puff, paddle attachment, etc.) would be contained in the latest Unity, version 4.0 release. This release includes new iVotronic firmware. This technology is currently in the EAC certification process.

Question three requires a combined response from the Department and the vendor. The system currently in the EAC certification process will be required to meet the 2002 standards when it comes to Pennsylvania for certification. If that version attains a certification, any modifications after that certification would require the system to return to the EAC for certification to the 2005 standards. If the system gains certification, it would then come to the Department. At this point, ES & S is working on completing certification with the EAC to 2002 standards and the vendor finds it difficult at this time to pinpoint when they might introduce the next upgrade; however, all vendors are informed of the certification process at both the federal and state level and work with both entities to comply with all requirements as quickly and efficiently as possible.

In response to your fourth question, we are currently re-evaluating our certification process to expand our examination. We are only in the beginning stages of this redesign and are keeping an open mind to all of the areas which will potentially require adjustments or changes over the next several years. As you know, best practices are continually being reassessed and adapted to fit changes within legislation and other developments within this field. We plan to continue to address these items as they arise and adjust or strengthen our process as necessary, based on our own perceptions and guidance from our consultants and the federal government.

Finally, ES & S assures the Department that the Factory Test PEB vulnerability is addressed in the Unity, version 4.0, and iVotronic, version 9.2.0.0. This is the system currently in EAC testing.

Hopefully, these responses adequately address your questions. Thank you for your thoughts and concerns on these matters. I have shared them with the appropriate people at the Department and we will keep them in mind as we continue to work on our certification process and voting systems management. If I can provide you with any further assistance on this matter or any other election issue, please free to contact me at (717) 787-5280

Sincerely,

Harry A. VanSickle
Commissioner, Bureau of Commissions, Elections and Legislation

Cc: Timothy Johnson

Responses to Questions Submitted on Behalf of
the Allegheny County Citizens' Election System
Advisory Panel

1) Is ES&S actively developing a cut-and-drop paper audit trail attachment for the iVotronic, or any voter-verifiable paper record accessory which meets the current Pennsylvania requirements for voter anonymity? If such a device is possible availability in terms of the earliest and latest plausible dates for the device's submission to the Secretary of the Commonwealth for certification. In particular, to the Secretary's knowledge, is it likely that such a device will be certified in time for the November 2008 election?

A. ES&S does not have plans to submit such an attachment for certification in advance of November 2008.

2) Is ES&S actively developing a binary switch accessibility attachment for the iVotronic? If such a device is under development, we request characterization of its possible eventual availability in the same fashion as we requested above for the voter verifiable paper audit trail device.

A. While ES&S is not entirely sure what the group is referring to in this matter, we believe they may be referencing our sip n' puff or a paddle attachment. This enhancement is included in the latest Unity 4.0 release, and includes new iVotronic firmware. This technology has been submitted to the U.S. Election Assistance Commission for certification. We cannot predict the length of the U.S. EAC certification process.

3) We request a statement on when a version of the iVotronic system meeting the 2005 Voluntary Voting System Guideline is expected to be presented to the Secretary of the Commonwealth for certification.

A. ES&S has a long history of providing jurisdictions with voting technology that meets established standards for security, accuracy, reliability and durability. ES&S will continue to work with election officials in Pennsylvania to provide them with updated voting solutions that comply with applicable requirements.

The 2005 Voluntary Voting System Guidelines (VVSG) published by the EAC have just become effective at the federal level in the past month. That set of guidelines was developed over a 2-year period and is very different than the 1990 and 2002 Voting System Standards (VSS) requirements published by the National Association of State Election Directors (NASED) - which were specifically used in designing the current iVotronic DRE voting technology purchased and used in Pennsylvania. In addition, another new set of federal voluntary voting system guidelines is already in development through the U.S. EAC's process.

Ultimately, it will be up to each state to determine which set of federal Voluntary Voting System Guidelines is most appropriate for use in that state. We will work with election officials in Pennsylvania and other states to provide information they can use in determining which set of guidelines best meets the needs of their jurisdiction.

4) What process will be followed to evaluate the compliance of machines submitted in the future with the 2005 VVSG? For example, will voters with disabilities cast votes on machines as part of the certification process?

A. That question is best answered by the U.S. EAC and/or the Commonwealth of Pennsylvania.

5) We request a statement on when a version of the iVotronic system without the Factory Test PEB vulnerability is expected to be presented to the Secretary of the Commonwealth for certification?

A. That issue was addressed in the Unity 4.0 iVotronic version 9.2.0.0 that has been submitted for certification by the U.S. EAC. We can submit it to the state after that certification process is complete.