



Inappropriate and Detrimental Certification Requirements for Electronic Poll Books and Other Election Supporting Software – July 31, 2024

Some 32 years after the first examination and certification of a voting system, the Election Assistance Commission was lulled into agreeing that other election computer systems needed certifying. The EAC formed ESTEP – Election Supporting Technology Evaluation Program. I think it's safe to say they didn't waste a second on "evaluation." Without much experience nor consulting vendors, they started writing.

When you don't know anything about a subject, hurry up and start pretending you do.

Voting systems need examining to verify that they are honest, reliable, and secure from tampering. That's because they must keep secrets. If voting systems were not examined by reputable authorities, the public would rightfully have no trust in such systems.

They could easily, at a minimum, be incorrectly programmed, and possibly worse, fraudulently programmed and/or subject to hacking. Federal guidelines for examining voting systems provide the public a certification, a sworn statement based on credentials, that most people accept as reasonable.

After 32 years of having voting systems examined against evolving guidelines, someone lulled the EAC into agreeing that other election related computers should be subject to examination and certification as well. I say "lulled" because other computerized election systems are uncertifiable to anywhere near the level of trust of voting systems whose source code can be examined and which remain unchanged for their working life or must be re-examined and recertified. Electronic poll book software and voter registration software and election night reporting software will change at least annually with third party software updates. Some of the software they depend on may be updated several times daily.

Electronic poll books, voter registration systems, election night result systems are all dependent on third-party software such as Windows and IOS and imaging libraries and GIS systems and communications software that is updated frequently so that any certification would have more footnotes with exceptions than statements of fact. There will be no meaningful certification, just certification theater. The test protocol matrix is overloaded with meaningless requirements just to impress, not to bring trust. The test matrix often just asks the testing authority to agree that developers got some user opinions during the development process.

That, in a nutshell, is why over 2200 elections offices have purchased electronic poll book systems and depended on their own good sense to make sure they worked. They have worked. Electronic poll book systems are as simple as they sound. The first computerized poll book I ever saw was written by the Dallas County elections IT manager over a weekend in 1995.

Electronic poll book vendors recognize that one failure is the end of their electronic poll book business.

Yet the EAC thinks it can tell the thousands of election administrators who have validated their electronic poll books election after election that the EAC knows better how to judge poll books.

Most EAC members have not managed elections and have no live experience with electronic poll books.

The Voluntary Electronic Poll Book Certification Requirements (VEPBCR) is picky on hundreds of things that make no difference but sound "standards" like, silent about resiliency and recovery, vague on most "requirements" to the point no concrete test could be specified by a conscientious engineer.

And the EAC's mislabeled "Requirements" violate HAVA and the ADA at a minimum. The EAC is about to codify anti-egalitarian treatment of all voters.

To see that the EAC can oversee a conscientious engineering document check out the VVSG 2.0.



The VEPBCR copies and pastes from NIST, from WCAG, and from VVSG 2.0 (the Voluntary Voting System Guidelines 2.0 from 2021) even though those guidelines and standards are for equipment that differs greatly in functionality from electronic poll books.

Also, they are light on accessibility. Their accessibility “requirements” are all optional. Any jurisdiction that purchases will be subject to legal challenges.

If you are an engineer or feel like one, pour a stiff drink and look at the VEPBCR. This is your government at work – a cross between the CDC and Boeing. Elections deserve better. Unlike the CDC, the EAC might be shamed. The Commissioners have a great deal of political staff experience working with elections. An email stating your credentials and your opinion should go a long way.

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Summary of Issues with Voluntary Electronic Poll Book Certification Requirements (VEPBCR)

On arrival, the VEPBCR is obsolete and irrelevant to whether electronic poll books and the public’s trust in same is deserved.

Per the EAC website:

“The current e-poll books in use in over 2,200 jurisdictions are secure and ready for the 2024 elections.” - A Joint Statement from EAC Commissioners on May 21, 2024

The Commissioners may have written this with fingers crossed but that was unnecessary. America’s electronic poll book vendors have year after year lived up to their responsibility. The EAC was not taking much of a chance.

Someone has lulled the EAC into demanding that electronic poll book vendors (with voter registration vendors to be attacked next) sing and dance when they have already performed for over 2200 discerning customers. What an arrogant waste of everyone’s time! This appears to this commentator to be an attempt at empire building.

The EAC has been managing a bang-up job updating the Voluntary Voting System Guidelines to version 2.0 (VVSG 2.0). The VEPBCR will reflect poorly on the EAC and its sterling effort with VVSG 2.0.

The quality difference between VVSG 2.0 and VEPBCR 1.0 is as night and day as it gets. VVSG 2.0 is a document constructed by engineers with respect for clearly defined terms and clearly structured text. The VEPBCR 1.0 is largely cut and paste from VVSG 1.1 and 2.0 and NIST standards for office computers that are mostly inapplicable to the electronic poll book functionality and environment.

Further indications of irrelevance:

From the “Considerations” section of the next to last revision of the VEPBCR:

“Check-in is an assisted task, with no expectation that it is done independently.”

There is not a single person with a disability who would agree with the above.

The ignorance of the authors and of the EAC for not knowing this is insulting to people with disabilities to the maximum degree. We’re talking about elections, the foundational function of government, and the VEPBCR boldly deny accessibility. Unbelievably ignorant or smug.



The EAC is not authorized to write “Requirements.” They are authorized to write “Guidelines.” There’s a difference in the way these might be perceived by the public. We commented to this effect on the first draft of VEPBCR. The EAC declined to correct this misstatement.

This appears to this commentator as an attempt at empire building by deception.

The VEPBCR is rife with undefined terms that the Voting Systems Test Laboratories are supposed to use. How will an honest certification read? Can it state to the public that “certified” electronic poll books are fully secure, reliably available, accessible for people with specific disabilities, functionality complete and accurate when so many “requirements” are non-specific and so much of the software is COTS?

Can a Voting System Test Laboratory (VSTL) be sued for damages if they overstate confidence in electronic poll books they certify? If so, the certification document is likely to be very light weight.

The EAC’s ESTEP program seems to be setting up the VSTLs to take the fall when the vagueness of the program comes to light. The EAC should put their own house in order but maybe they need your help.

If you, like me, find the VEPBCR nearly meaningless, imagine when ESTEP drafts “Requirements” for voter registration and election management systems – systems with many times more functionality.

Will they once again cut and paste from whatever is handy and just say “Do it” with no consideration for the waste of time and creativity that would otherwise be available to benefit election participants much, much more than certification theater?

VOTEC has submitted an FOIA request to the EAC to find out who has led the ESTEP effort. The effort is misguided but it’s possible we can right this ship.

Else what have we got?

Just another federal body like the CDC undeterred by science or common sense.

I’ve asked myself if there might be some financial corruption involved in discouraging innovative smaller companies from taking a shot at producing better poll books. Corruption might be more attractive than incompetence but I don’t believe it’s at work here.

I think we’re watching what Cory Doctorow coined and saw become word of the year in 2023 – “enshittification.” – services degrading because those with monopoly power can’t be made to bother.



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Some genius at the Election Assistance Commission (EAC) has decided that, after 30 years of America doing just fine with states and counties running electronic poll books, they (the EAC) can teach all the ignorant public servants how they should have been evaluating their poll books and assure the public that the EAC, just like the CDC and the FDA, will bring order out of chaos.

"The current e-poll books in use in over 2,200 jurisdictions are secure and ready for the 2024 elections." - A Joint Statement from EAC Commissioners on May 21, 2024

The EAC is schizophrenic.

The EAC spent two years and several million dollars to produce Voluntary Electronic Poll Book Certification Requirements (VEPBCR) when "The current e-poll books ... are secure and ready ..."

Somebody wants to see electronic poll book vendors jump through hoops. This will make somebody feel important. It could also slow or forever block innovation.

VOTEC Corporation has submitted a FOIA request to the EAC to find out who this "somebody" is.

Not only does the crazy part of the EAC want power, they have absolutely no idea what rational requirements should look like. They are crazy in the more profound sense of being out of touch with reality – out of touch with proper engineering practices. The VEPBCR is 51 pages of confusion.

The EAC has been managing the evolution of the Voluntary Voting System Guidelines (VVSG) for twenty-two years. Voting systems need examination by Voting System Test Laboratories (VSTL) and certification that they meet many strict requirements because they must keep secrets (voter's votes) and divulge them only to credentialed authorities. VVSG 2.0 is 326 pages of fine engineering.

Electronic poll books and the EAC's other targets, voter registration systems and election night reporting systems, are about making information available efficiently – almost the opposite of what voting systems are built to do.

The VVSG are a set of carefully constructed engineering documents that the VSTL employees can make perfect sense of. Contributing authors are named and are some of the best engineers in the business.

The VEPBCR documents are so haphazard that they mostly require only superficial attributes of electronic poll books and ignore three essential attributes. The authors are not named.

1. Resiliency – there must be undefeatable fallback plans for any jurisdiction using electronic poll books. The most obvious is paper.
2. Uniformity – respecting the Help America Vote Act.

HAVA calls for "Uniform and Nondiscriminatory Election Technology and Administration Requirements." This can only be offered in a kiosk configuration giving the voter a touch screen to guarantee consistent messaging.

3. Accessibility – respecting the ADA and the National Rehabilitation Act of 1973 as amended and the 28 CFR Part 35 Final Rule Effective June 24, 2024 for services provided via browser or apps.

The VEPBCR makes all accessibility "Requirements" optional.