The Potential for Kiosk Voting in Nine States

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Executive Summary

As part of the Federal Voting Assistance Program's (FVAP) ongoing efforts to examine innovative pilot programs for *Uniformed and Overseas Citizens Absentee Voting Act* (*UOCAVA*) voters, FVAP is conducting research into kiosk voting for overseas U.S. citizens. As part of this research, FVAP selected a research team to review the Okaloosa Distance Balloting Pilot (ODBP), a 2008 kiosk voting pilot project that was instituted in three overseas locations by Okaloosa County, Florida. This report uses the lessons learned from the review of the ODBP project as a baseline to develop an operational framework for *UOCAVA* voting based on the kiosk approach with a paper record.

To examine how kiosk voting could be implemented in nine states—California, Florida, Hawaii, New York, North Carolina, Pennsylvania, South Carolina, Texas, and Washington—the research team worked with FVAP to develop a set of questions to determine whether the factors that had been a part of the success of the ODBP project were reflected in the laws, policies, and procedures of other states. These questions were then sent to state and local election officials in the identified states. Questions asked of the state officials fell into four categories:

- The amenability of each state to pilot programs or demonstration projects
- Testing and certification complexity
- The amenability of each state to electronic voting processes
- Polling place access

The local election official survey addressed three issues related to kiosk voting:

- Security requirements for a remote voting location
- Chains of custody
- Requirements to be an election worker

After developing the questionnaires, the research team reviewed each state's election codes and election administration regulations. Memos containing the questions and the relevant election codes identified by the researchers were sent to nine local election officials and seven state officials on December 18, 2012.[1] The election officials were asked to confirm that the elections codes identified were relevant and to add additional information. Responses were received in January 2013 from six local election officials (from California, New York, North Carolina, Pennsylvania, South Carolina, and Washington) and five state officials (from Florida, Hawaii, South Carolina, Texas, and Washington).

[1]The Washington State representative was contacted in January 2013. No California State officials were contacted.

The responses provided by the state and local election officials highlighted several issues that appear to be potential barriers that will need to be addressed in order for a kiosk pilot to be implemented in these states:

- States tended to view the kiosk system as an early voting location—under state laws, the kiosk appears to be considered more like early voting than absentee voting.
- Given this view, the biggest barrier is that most responding states do not allow people from outside of their own state to be in a voting location. For example, most states do not allow individuals in a polling place unless they are registered to vote in the state and are there for the purpose of voting. Likewise, there are strict limitations in the laws of many of these states on the number of observers or watchers who can be in a polling location and those laws could be violated in a multistate pilot.
- States would likely require legislative approval for any pilot.
- States would likely want the project to meet the U.S. Election Assistance Commission (EAC) Voluntary Voting System Guidelines (VVSG) standards, or the EAC standards for Internet-based *UOCAVA* pilots.
- Some states have laws and regulations in place to allow e-voting, but those laws and regulations limit the use of networks or ballot transmission over the Internet.
- Finally, some states raised general reservations with participating in such a future pilot study.

Data received from local election officials also underscored the hurdles that might be faced regarding future kiosk pilot projects. Issues of particular concern include:

- Many states have the explicit requirement that their election workers be registered voters in the state. This could create complications for multistate implementations.
- Some states require partisan balance among election workers.

Some of the logistical issues associated with implementation of future kiosk-style Internet voting systems might be addressed by considering the use of the U.S. Military's Installation Voter Assistance Offices (IVA Offices) for kiosk terminals. Per Department of Defense Directive 1000.04,[2] IVA Offices must be established on each military installation in a well-advertised, fixed location accessible by anyone on the installation, and must be staffed by personnel who are designated as IVA Office staff and trained to provide direct assistance in registration and voting procedures. Using these offices and their staff in a kiosk voting project would help address the biggest challenge identified in the first report—finding, staffing, and equipping kiosk locations. However, there are

[2]http://www.dtic.mil/whs/directives/corres/pdf/100004p.pdf

issues of access, facilities, and staff capability that should be considered when determining whether IVA Offices could be potential voting kiosk locations.

A multistate kiosk voting project would face a number of challenges. If FVAP chooses to move forward in advocating such an effort, we recommend two further steps. First, FVAP should communicate with representatives of key *UOCAVA* states on two issues: the feasibility of these states obtaining the necessary authorizations required to implement pilot projects such as kiosk voting, and how kiosks might be positioned as absentee voting in a common location rather than as early in-person voting. These conversations are necessary because it will be critical to understand the level of interest within the states in developing kiosk voting, and because if the kiosks are viewed as a form of absentee voting, many of the potential obstacles described in this report can be avoided. Second, if the two issues discussed with the states are resolved favorably, FVAP should work with the Services, specifically the Service Voting Action Officers, to understand the issues associated with potential use of IVA Offices for kiosk-style Internet voting. This could include gathering additional information on the state of current IVA Offices and Service responses to the idea of using of IVA Offices as kiosk locations.

Introduction

As part of the Federal Voting Assistance Program's (FVAP) ongoing efforts to examine innovative pilot programs for *Uniformed and Overseas Citizens Absentee Voting Act* (*UOCAVA*) voters, FVAP is conducting research into kiosk voting for overseas citizens. In this method of voting, *UOCAVA* voters located overseas would have the opportunity to visit a physical, staffed location where they would cast an absentee ballot electronically, while the voting system also would generate a paper record. As part of the research examining this voting method, FVAP selected the team of Drs. R. Michael Alvarez and Thad E. Hall, in collaboration with Kinsey Gimbel and Brian Griepentrog of Fors Marsh Group, to review the Okaloosa Distance Balloting Pilot (ODBP), a 2008 kiosk voting pilot project that was instituted in three overseas locations by Okaloosa County, Florida. An initial report provided an overview of the ODBP and described how the lessons from that project could be applied to other pilot projects.

This report uses the lessons learned from the ODBP as a baseline to develop an operational framework for *UOCAVA* voting based on the kiosk approach with a paper record. Using the foundation developed by the research in our first report, this report examines how well these lessons can be applied in nine states of interest identified by FVAP: California, Florida, Hawaii, New York, North Carolina, Pennsylvania, South Carolina, Texas, and Washington.[3]

To examine how kiosk voting could be implemented in these states, the research team worked with FVAP to develop a set of questions to determine whether the factors that had been a part of the success of the ODBP project were reflected in the laws, policies, and procedures of other states. Two separate and distinct surveys were created: (1) a survey of state election officials that reflected state-level legal and policy issues associated with a distance balloting project, and (2) a survey of local election officials that examined local-level operating procedures and implementation factors associated with distance balloting. These surveys were sent to state and local officials in late 2012; this report uses those responses to assess the overall viability of an operational deployment of a kiosk Internet voting system for overseas voters from these nine states.

At the outset, we should emphasize that one critical issue related to any kiosk voting project will be how states view and define kiosk voting. If kiosk voting is defined as being an extension of the UOCAVA absentee voting process, then the rules that govern implementation of kiosk voting will be relatively simple, as most states have clear laws and guidelines related to UOCAVA voting. However, if kiosk voting is defined as a form

[3]Due to restrictions on time and data collection activities, state and local election officials from only nine states were contacted. While this small number of states does not represent the country as whole, these states are among those with the largest UOCAVA voter populations.

of in-person early voting (or even “in-person absentee voting”), then implementation would be more complicated. State laws governing in-person voting are highly prescriptive and create complications for implementing a kiosk system. We note here that many states viewed the kiosk system described in the questionnaire sent to them as resembling, on first consideration, an in-person voting process. The states may have viewed the ODBP project—which provided some of the context for the questionnaire—as resembling a precinct or polling place more than would be the case if voting were conducted more closely to the traditional UOCAVA absentee process.

The way in which a kiosk system is classified is a legal and conceptual question. It would be incumbent on FVAP to work with states to determine what characteristics of a kiosk system would need to be present or absent in order for the kiosk system to be classified as an absentee voting system rather than an in-person voting system. One complexity that could arise is that different states may deem different characteristics as being important, thus limiting the scope of any given pilot. Therefore, a key step in moving forward with consideration of a kiosk voting system for UOCAVA voters would be to meet with several states regarding these basic definitional concepts and determine how any legal and political constraints could be addressed.

Restatement of Lessons Learned from the ODBP

This project's initial report, *The 2008 Okaloosa County Distance Balloting Project,* was delivered to FVAP in November 2012. This report reviewed the technical, logistical, and administrative issues surrounding the ODBP project, and identified nine lessons learned during the course of that effort. These nine lessons, which address all aspects of deploying a kiosk-based Internet voting project, are restated below.

1. **Legal Structure**: For any similar future project to be successful, the state must have a legal structure that allows for kiosk Internet voting. In Florida, there were clear rules in place that allowed for experimentation with certain aspects of absentee voting for overseas voters. Having a state law that allows for this experimentation is critical for facilitating programs like Okaloosa's. At a minimum, such a statute must (1) allow ballots to be transmitted electronically, (2) address how paper records are to be secured and if such records can be considered the ballot of record should a problem occur with the electronic ballots, and (3) address the chain-of-custody requirements. Having a state law that allows for this experimentation is critical for facilitating programs like Okaloosa's.

2. **Testing and Certification**: The testing and certification process for ODBP was challenging, particularly because of the unique nature of the system used and because of time pressures. However, as each state has a different process and requirements, a future multistate kiosk voting project will need to have a well-structured plan for testing and certification. The process for testing and certification should begin well before the election that the kiosk Internet voting system deployment is planned for—our interviews with project stakeholders indicate perhaps as much as 16 to 24 months in advance.

3. **Advertising:** An effective system is a system that is used by voters. It is imperative that a comprehensive campaign for advertising the availability of the kiosk Internet voting option is conducted so that system use is maximized. Given the usage of the ODBP kiosks, it is especially important that the availability of the kiosk system is made known to younger potential voters—especially enlisted military personnel. A kiosk Internet voting system has a certain set of fixed costs: the kiosk sites must be found, equipped, and staffed. Once those investments are made, the number of voters who take advantage of those investments should be maximized.

4. **Logistics:** From virtually every person we talked with, we heard a common refrain: the technology wasn't the issue, but the logistics were. Implementation of a kiosk system for *UOCAVA* voters in overseas locations takes one of the most

difficult tasks election officials in the United States face—finding, staffing, and equipping polling places—to a different level. For overseas kiosk Internet voting to work, kiosk sites need to be located in other nations, materials for those kiosks need to be shipped to those locations and returned, and kiosk workers must be recruited and sent to these locations. An important question for future overseas kiosk Internet voting projects will be how these logistical issues might scale if more ambitious projects are implemented (for example, involving more kiosk locations, more overseas nations, and possibly a larger number of *UOCAVA* voters).

5. **Auditing:** Post-election ballot audits are becoming an increasingly important mechanism for verification of the integrity of an election, and for ensuring stakeholder and voter confidence. A post-election vote comparison between the votes cast over the Internet and the paper records that were produced at the kiosk location and placed into the secure receptacle was conducted for ODBP. This comparison was conducted at a public meeting, and the two records matched completely. By having a paper backup, it ensured that the election officials could have counted the votes even if a decryption or downloading problem had arisen. Future projects should be designed and implemented to ensure post-election ballot auditing.

6. **Chain of Custody:** Given the issues related to logistics and auditing, it is also critical that any kiosk system have clear procedures for managing the chain of custody of the election process. All aspects of the electoral process need to be documented and procedures need to be in place for securing the critical functions of the kiosk systems—the electronic ballots, the paper records, the voter registration function, and the list of voters who used the system. A system that has a strong chain-of-custody process will ensure that fewer opportunities for failure will occur and that any violations of the integrity of the process can be identified.

7. **Kiosk Workers:** Successful implementation of any election requires that those who staff poll sites and interact with voters are well trained and that they have adequate means to address the many unforeseen contingencies that might arise. This is a basic issue of delegation of authority, and this issue becomes more profound when voting locations are moved overseas (thousands of miles and multiple time zones away from the election jurisdiction). Future implementations of kiosk Internet voting—in particular, those that might have a larger scope and scale than ODBP—will need to consider carefully how to recruit, staff, and train kiosk workers for overseas kiosk operations. Any kiosk system will also need to examine state requirements for workers—such as a balance of partisans or the

number of individuals required to staff a location—to ensure that the kiosk system does not violate some set state law requirements in this regard.

8. **System Support:** One of the objectives of a pilot study is to uncover the "unknown–unknowns" and develop remedies and contingencies prior to full implementation. When ODBP was implemented in 2008, a variety of technical administration issues came up and were resolved by the technology vendors' support staff. In one case, a technician flew in-country to replace a piece of hardware the next day. Given the amount of equipment and time sensitivity of this process, it is clear that 24/7 tech support was important for the success of ODBP and the extent of technical support will be an important consideration for future kiosk Internet voting projects.

9. **User and Kiosk Worker Feedback:** The technology and the procedures utilized in the ODBP were seen by the users (both the kiosk workers and voters) as easy to use and inspiring confidence. Design issues are important for any voting system, but they take on additional importance for overseas kiosk voting situations. Voters participating in an overseas kiosk Internet voting project will likely be encountering a new voting system, and having a well-designed and accessible voting system will make the process easier for them, reduce errors and mistakes, and should provide an enjoyable voting experience. It will be critical to design an effective evaluation for implementation of the system that includes effective user and kiosk worker feedback components.

Note that in this context, the term "kiosk-based Internet voting project" is intended to mean "Internet voting conducted from a voting platform provided by a sponsor."[4] Any such pilot project would provide a paper record of votes, and would meet the *UOCAVA* Pilot Program Testing Requirements (2010).[5]

[4]U.S. Election Assistance Commission, "A Survey of Internet Voting," September 14, 2011, Testing and Certification Technical Paper #2, Washington, D.C., Section 1, page 11.
[5]*UOCAVA Pilot Program Testing Requirements*, Uniformed and Overseas Citizens Absentee Voting Act Pilot Program Testing Requirements, March 24, 2010, http://www.eac.gov/assets/1/AssetManager/UOCAVA_Pilot_Program_Requirments-03.24.10.pdf

Survey Content and Methodology

After completion of the first report, the research team and FVAP used these lessons learned to design two sets of questionnaires to gather information on how a project like ODBP might be designed and implemented in a small number of other states. The questionnaires for state and local election officials were intended to confirm how each state's laws, regulations, and procedures were structured as it pertains to electronic voting and, given that no states currently use any sort of Internet voting on an ongoing basis, to identify the challenges each state may have in adopting kiosk-style Internet voting and how to address those challenges. This section details the general topic areas as well as the specific questions that were asked of state and local election officials.

State Election Official Questionnaire

The questions asked of the state officials fell into four categories:

1. **The amenability to pilot programs.** Some states have laws that facilitate the establishment of or participation in voting pilot projects, especially for *UOCAVA* voters. These states are likely to have an easier time being a part of any FVAP kiosk voting pilot, as they will have fewer initial legal barriers to participation. Questions to determine pilot amenability included:
    a. Is there a special consideration in State law for pilot projects or experiments in general, or specifically for *UOCAVA* voters?
    b. Does your state specifically require state authorization for consideration of a new election-related pilot project for *UOCAVA* voters?
    c. Does your state election office possess adequate administrative rule-making authority to promulgate rules needed to support such a pilot program?

2. **Testing and certification complexity.** These questions were designed to identify the procedure the states follow for testing and certifying new voting systems. A kiosk voting system would be considered a new voting system in all states; those states with similar processes and procedures for system testing and certification may be easier to work with than states with disparate requirements. Questions on testing and certification included:
    a. What are the rules and regulations for testing and certifying new voting systems?
        i. Are the standards tied to the Voluntary Voting System Guidelines (VVSG) standards or does the State have its own standards?
        ii. Does the State use its own test lab or a national test lab?
        iii. What is the State's process for testing and certification?

iv. What is the typical timeline?

3. **The amenability of each state to electronic voting processes.** We consider a state to be open or amenable to electronic voting efforts if it has flexible or permissive rules related to electronic voter registration, electronic ballots, the transmission of ballots over a network, and securing a paper ballot (or paper record of a ballot cast). For example, a state with very restrictive rules on the use of the Internet in electoral activities or that bans/highly restricts even polling place voting using direct recording electronic (DRE) voting systems would not be considered open to a kiosk Internet voting pilot. A kiosk Internet voting pilot would be most effective in states that have flexible rules related to e-ballots and ballot transmission. In addition, if states do require having a paper record of such e-votes, finding states with common procedures for handling ballots would allow for uniform voting procedures in a kiosk pilot.

    a. Registration of *UOCAVA* voters
        i. Does the State have electronic voter registration for *UOCAVA* or regular voters?
        ii. What is the typical turnaround time for verifying and processing an electronic registration?
    b. Does the State have specific requirements or prohibitions for e-voting systems and e-ballots?
        i. Do they allow/prohibit electronic casting of ballots?
        ii. Do they allow/prohibit electronic transmission of ballots across any network?
        iii. What are the requirements for securing paper ballots?
        iv. What are the requirements for securing a voter-verified paper record? If they have a voter-verified paper audit trail (VVPAT), is it the official ballot of record?
        v. What are the requirements for securing an electronic ballot memory record (e.g., the memory cards from a precinct direct-recording electronic voting machine)?
        vi. Does the State have post-election audit requirements for ballots? If so, what are those requirements?

4. **Polling place access.** What rules govern access to a polling place within a state? States vary in the strictness of their rules for accessing a polling location during voting. For example, some ban anyone who is not a registered voter or an approved observer from being in a polling place. If a kiosk location were to serve voters from multiple states within a single kiosk, involving a state with strict rules governing access to polling places could pose a problem.

a. What rules would govern individuals who were within a kiosk location? Specifically:
    i. Would election observers be allowed in the location? If so, under what conditions?
    ii. Could election observers be excluded from such a location? If so, under what conditions?
    iii. Would party poll watchers be allowed in the location? If so, under what conditions?
    iv. Could party poll watchers be excluded from such a location? If so, under what conditions?
    v. Are there other limitations on who could possibly enter a kiosk location?
        1. Media
        2. Non-residents of the state

Finally, the state questionnaire also asked about the willingness of the state to work with FVAP on a kiosk pilot and what concerns the state would have with such a pilot.

a. Would your State be willing to enter into a cooperative agreement with FVAP for the conduct of a pilot program? If not, would you support your local jurisdictions with authorization of a separate cooperative agreement between FVAP and those targeted jurisdictions?
b. What are the most significant concerns you would have in terms of your State being part of a FVAP project that utilized remote kiosk voting?

Local Election Official Questionnaire

The local election official survey was intended to address three specific sets of issues related to kiosk voting in the states: security issues, chains of custody, and poll workers.

1. Security requirements for a remote voting location

a. What are the security requirements for ballots, voting machines, and related material during early voting or absentee voting?
b. What are the security requirements for cast ballots (e.g., absentee ballots that have been returned or cast early voting ballots)?
c. Are certain types of facilities not allowed to be polling locations?
d. What are the signage requirements for voter education in a polling location?
e. What are the restrictions on campaigning near a polling location (e.g., a distance boundary)?

2. Chains of custody

a. What are the ballot security requirements and chain-of-custody requirements?
b. What has to be sealed/signed/locked?
c. What are the personnel requirements associated with maintaining chains of custody? (E.g., two people signing a form or performing an activity.)
d. Does the State have specific rules for post-election ballot audits or the use of paper ballots?
e. What materials are required for you to have in order to do your canvass of a specific polling location?

3. Requirements to be an election worker

a. What amount and type of training is required?
b. How many workers are required in each location?
c. Are there rules governing the need for balance—especially political balance—among poll workers in a polling location?
d. Could a non-state resident work as a kiosk worker in this type of pilot if your State participated?

After developing the questionnaires, the research team reviewed each state's election codes and election administration regulations. The relevant codes and regulations identified were then added to the questionnaires for state and local election officials. Memos containing the questions and the election codes identified by the researchers were sent to nine local election officials and seven state officials on December 18, 2012; California State officials were not contacted and the Washington State representative was contacted in January 2013. The election officials were asked to confirm that the election codes identified were relevant and to add additional information. This report includes responses from six local officials[6] and five state officials[7] that were received in January and February 2013.

[6]Responses were received from local election officials in California, New York, North Carolina, Pennsylvania, South Carolina, and Washington.
[7]Responses were received from state officials in Florida, Hawaii, South Carolina, Texas, and Washington.

Results: Election Official Context for Kiosk Voting

One overarching issue that arose in the survey responses and should be addressed at the outset is the way in which the states view kiosk voting. States often view voting through the lens of voters participating in elections. This results in an understanding of two possible voting options: remote voting, typically absentee; and in-person voting, typically on Election Day or during pre-election in-person early voting. Using this dichotomy, remote Internet voting—Internet voting from a computer of the voter's choosing—is analogous to absentee voting. The voter can vote from anywhere there is a computer with remote Internet voting, just as the paper ballot absentee voter can vote from anywhere where there is a suitable surface for marking the ballot and a postal box where the ballot can be mailed. However, kiosk voting is somewhat different from absentee voting, since it does rely on voters coming to a fixed location. From the survey results, it would seem that states view a kiosk voting system as having the attributes of in-person early voting or in-person absentee voting. Viewing kiosk voting through this lens creates complications, which are described in more detail in the following sections, because state laws that govern in-person voting are often state-specific and do not contemplate multiple states being involved in joint activity.

One potential location for overseas voting kiosks is the Installation Voter Assistance (IVA) Offices established on military installations in accordance with the 2009 *Military and Overseas Voter Empowerment* (*MOVE*) *Act*. More detail on the offices and their potential role in kiosk voting will be provided in the Conclusions/Policy Recommendation section, but it should be noted at this point that, in order for IVA Offices to work as kiosk locations, it will be necessary for states to view these locations as places where voters are casting absentee ballots. One state, South Carolina, did note that operating under an absentee framework would affect implementation of such a process. However, at first glance, these survey results indicate that most states' initial response to kiosk voting was to view the kiosks through the lens of a polling location. As a result, the data that we review below discusses how this assumption would impact a kiosk voting pilot.

Results: Summary by State and Locality

The responses received from state and local election officials were analyzed with regard to the seven dimensions identified in the questionnaires. The analysis was focused on identifying the issues that would exist for the state if it were to participate in a kiosk voting pilot, either as the sole participating state or as part of a multistate pilot.

Table 1 provides an overall summary of state-level findings. The bold text indicates the states that responded to the data request—Florida, Hawaii, South Carolina, Texas, and Washington—while the remainder of the data was identified by the research team in initial reviews of state laws.

Table 1. State Summary

	Pilot Amenability	Level of Testing Complexity	Amenable to E-voting Processes	Amenable to Multi-State Accessible Voting Location
California	Not Amenable	State Standard	Not Amenable	Somewhat Amenable
Florida	**Amenable**	**State Standard**	**Amenable**	**Not Amenable**
Hawaii	**Not Amenable**	**EAC Standard**	**Somewhat Amenable**	**Not Amenable**
New York	Somewhat Amenable	State Standard	Somewhat Amenable	Not Amenable
North Carolina	Somewhat Amenable	EAC Standard	Somewhat Amenable	Not Amenable
Pennsylvania	Amenable	EAC Standard	Somewhat Amenable	Not Amenable
South Carolina	**Somewhat Amenable**	**State Standards**	**Somewhat Amenable**	**Not Amenable**
Texas	**Somewhat Amenable**	**EAC Standard**	**Somewhat Amenable**	**Not Amenable**
Washington	**Amenable**	**State Standard**	**Somewhat Amenable**	**Not Amenable**

Note: The research team classified states as amenable if they had a set of laws/regulations that would be more or less conducive to the development and implementation of an ODBP-like project in the state. Not amenable states were those with laws/regulations that are not conducive to the development and implementation of such a project. Somewhat amenable states have some laws and regulations that might be conducive to participating in a kiosk pilot program, but others that may not. Unbolded rows represent author-populated data fields that were not reviewed by state representatives.

The local government surveys were analyzed with a focus on the issues that might exist in a kiosk pilot project for: (1) the security for the kiosks, (2) the chain of custody needed to have in a pilot that would meet state standards for election integrity, and (3) the individuals who would work in kiosk locations. In addition to the three subjects addressed in questions, local election officials also provided information on their requirements for actual polling place locations, so the facilities in which kiosks could be located, if they are to be treated as polling places, have also been included as a dimension in analysis.

Table 2 provides an overall summary of the local election official data; findings from the local surveys are assumed to reflect the policies and procedures associated with other counties in the state. The bold text indicates the localities that responded to the data request—counties in California, New York, North Carolina, Pennsylvania, South Carolina, and Washington—while the remainder of the data was identified by the research team in initial reviews of state laws.

Table 2. Local Election Official Summary

State	Security and Chain of Custody	Poll Workers	Polling Places
California	**Standard Requirements for Seals/Securing Ballots**	**Must Be State Resident**	**Americans with Disabilities Act (ADA) Compliant and HAVA Signage Requirements**
Florida	Standard Requirements for Seals/Securing Ballots	Must Be State Resident	ADA Compliant and HAVA Signage Requirements
Hawaii	Standard Requirements for Seals/Securing Ballots	Must Be State Resident	ADA Compliant and HAVA Signage Requirements
New York	**Standard Requirements for Seals/Securing Ballots**	**Must Be State Resident**	**ADA Compliant and HAVA Signage Requirements**
North Carolina	**Standard Requirements for Seals/Securing Ballots**	**No Residency Requirement***	**ADA Compliant and HAVA Signage Requirements**
Pennsylvania	**Standard Requirements for Seals/Securing Ballots**	**Must Be State Resident**	**ADA Compliant and HAVA Signage Requirements**
South Carolina	**Standard Requirements for Seals/Securing Ballots**	**Must Be State Resident**	**ADA Compliant and HAVA Signage Requirements**
Texas	Standard Requirements for Seals/Securing Ballots	Must Be State Resident	ADA Compliant and HAVA Signage Requirements
Washington	**Standard Requirements for Seals/Securing Ballots**	**No Residency Requirement**	**ADA Compliant and HAVA Signage Requirements**

*All early voting locations are staffed by members or full-time employees of the county board of elections or a part-time employee of the county board of elections. Unbolded rows represent author-populated data fields that were not reviewed by state representatives.

These findings raise significant questions about the ability of FVAP or any entity to conduct a multistate pilot of a kiosk Internet voting system under the legal framework that currently exists in most states. In reviewing these requirements, there are several points that stand out for consideration, and which will need to be addressed prior to the implementation of a kiosk system.

- **Amenable to Multistate Accessible Voting Locations:** The biggest barrier is that most states do not allow people from outside of their own state to be in a voting location; in fact, most states do not allow individuals in a polling place unless they are registered to vote in the state and are there for the purpose of voting. Likewise, there are strict limitations in the laws of many of these states on the number of observers or watchers who can be in a polling location. A multistate pilot in which many individuals are in any given kiosk location could violate these laws. This finding is true whether a location is an early voting location or a traditional Election Day voting location.
- **Amenable to Pilots:** States would likely require legislative approval for any pilot.
- **Testing and Certification:** States would likely want the project to meet the EAC VVSG standards, or the EAC standards for Internet-based *UOCAVA* pilots.[8]
- **Amenability to Electronic Voting Processes:** Some states have laws and regulations in place to allow e-voting, but those laws and regulations limit the use of networks or ballot transmission over the Internet.
- **Poll Workers and Polling Places:** Some states require partisan balance among election workers, meaning that workers in a kiosk location may need to exhibit such a balance. All states require that polling places be ADA compliant. If kiosks are considered polling places, this requirement might present problems when locating a kiosk in a facility that is in a foreign country that does not have the same ADA considerations as the United States or it might impose significant expenses if potential polling places in overseas locations need to be examined and certified as ADA complaint prior to use. This would only be relevant to the extent the state views the kiosk-style voting as in-person absentee voting.

When state officials were asked about the willingness of states to participate in the pilots, all expressed reservations. Key sticking points included concerns about getting state legislative approval, whether a pilot system would use a Commercial Off-The-Shelf (COTS) technology, security, and whether a pilot system could meet EAC voting system standards.

[8]Released in August 2010, the EAC's UOCAVA Pilot Program Testing Requirements can be accessed at http://www.eac.gov/assets/1/Documents/UOCAVA_Pilot_Program_Testing%20Requirements%20August%208%202010.pdf

Below is a listing, for each of the nine states, of more specific findings identified in their responses; these findings include more nuanced information that could not be easily condensed in a table. This section only reflects the findings received from the states, which in some cases were documents provided by officials rather than targeted answers.

California

- A poll worker working in a California election must be a registered voter in the State, 16 years of age for the student program or 18 years of age for general volunteer programs, and not currently on parole for a felony conviction or a registered sex offender.
- The polling location must be ADA compliant.

Florida

- Florida expressed some interest in participating in a pilot, depending on the scope of the pilot and its implementation plan.
- Florida has laws conducive to pilot programs; the State has a law that allows for *UOCAVA* pilots, including pilots that would have electronic ballot transmission.
- Florida law is relatively restrictive on who can be in a polling location. Only registered voters are allowed to be election observers and these observers must be appointed by parties or candidates. It is possible that non-State residents would be allowed to be in a multistate kiosk in which Florida participated; this issue would have to be clarified.
- Florida has state standards for voting systems and uses its own labs for testing. It is not clear whether, in a multistate implementation, Florida would accept the results of an EAC compliance review that used the VVSG.
- Florida allows for the electronic transmission of *UOCAVA* ballots if there is a secure remote electronic system being used.

Hawaii

- Hawaii would be unlikely to participate in a pilot. The State expressed concern about whether a pilot kiosk project can fully meet the EAC VVSG. In addition, the State is concerned about the issues that might exist with modifying existing state law so that it would mesh with a pilot.
- Hawaii does not have a law that allows for election pilot projects. Any pilot project would have to be approved by the State legislature and this authorization would have to include granting the State election office rule-making power associated with the pilot.
- Hawaii has some important restrictions on who can enter a polling place. Only one observer from each party can be in each precinct. There are restrictions on

media access to a polling place and it would have to be legislated for residents of other states to be in a multistate kiosk pilot that included Hawaii.

- Hawaii requires an EAC-compliant review of a voting system that uses the VVSG. It is unclear if this test has to be conducted by an EAC-certified lab.
- Hawaii allows for the email transmission of an unvoted ballot to *UOCAVA* voters but not the return by email. Any electronic ballot system would have to be accompanied with a voter-verified paper audit trail that met the security requirements of such a system as laid out in Hawaii law.

New York

- A poll worker working in a New York election must be a registered Democrat or Republican in the State. There must be party balance across poll workers.
- The polling location must be ADA compliant.

North Carolina

- All early voting locations are staffed by members or full-time employees of the county board of elections or a part-time employee of the county board of elections.
- The polling location must be ADA compliant.

Pennsylvania

- A poll worker working in a Pennsylvania election must be a registered voter in the State. There must be at least five poll workers at a precinct.
- The polling location must be ADA compliant.

South Carolina

- Poll workers are selected from lists submitted by each party.
- The polling location must be ADA compliant.
- South Carolina's survey response did note that if kiosk were done inside the absentee framework, no legislative authorization would be necessary, but the kinds of people who could be in the polling place would be limited.

Texas

- Texas would potentially participate in a pilot, but its participation would be contingent on legislative approval for such a pilot. This approval is made more difficult because the Texas legislature does not meet annually; it meets every two years (in odd numbered years).
- Texas does not have a law that allows for election pilot projects. Any pilot project would have to be approved by the State legislature and this authorization would have to include granting the State election office rule-making power associated with the pilot. For example, the creation of "vote center" pilots in counties required specific authorizing legislation.

- Texas has a very restrictive set of laws governing who can be in a polling location. Only registered voters in Texas can be in a voting location in which Texans vote. They also only allow for election observers that are registered voters in Texas and are appointed by the parties or candidates.
- Texas requires an EAC compliance review of a voting system that uses the VVSG. The vendor must use an independent lab.
- Texas does not allow for the electronic transmission of ballots. *UOCAVA* ballots have to be returned via mail and the law does not allow for any electronic transmission of a cast ballot (ballots to the voter can be emailed).

Washington

- Currently UOCAVA voters may only transmit their voted ballot back to their county via email or fax.
- Washington does allow for online voter registration.
- Washington is a vote-by-mail state, but does have accessible voting centers available for persons with disabilities to privately and independently vote on accessible voting units.
- The locations must be ADA compliant.

Results: Summary of Findings by Issue Area

It is also informative to examine the responses across the dimensions that have been identified as potential problem areas that should be addressed when considering a kiosk voting project.

State Findings (includes only states responding to survey request)

Pilot Program-Amenable

As seen below, states would require legislative authorization for an election-related pilot for *UOCAVA*. In addition, most responding states do not have the authority in the central election office to promulgate the rules and regulations needed to support a pilot program.

Table 3. State Authorization for Pilot Projects

	Florida	Hawaii	South Carolina	Texas	Washington
Is there a special consideration in State law for pilot projects or experiments in general, or specifically for *UOCAVA* voters?	Yes. The Department of State shall determine whether secure electronic means can be established for receiving ballots from overseas voters.	No	No	No	No. A pilot project would have to be specifically authorized by state law.
Does your State specifically require State authorization for consideration of a new election-related pilot project for *UOCAVA* voters?	Yes	Yes	State law allows for electronic transmission of absentee ballots. It's unclear whether the kiosk model would fit into this allowance. This would depend largely on exactly how the kiosk model works. If it is done inside the absentee framework, no authorization would be necessary.	Yes	No, unless it requires something that is not currently authorized in state law.
Does your State election office possess adequate administrative rule-making authority to promulgate rules needed to support such a pilot program?	Yes	No	The SEC possesses some authority to promulgate regulations.	No	Yes

Testing and Certification

The states vary in terms of the standard used for testing and certification of voting systems. However, it would likely be the case that a multistate pilot would have to meet the standards for voting systems that have been developed by the EAC through its Voluntary Voting System Guidelines (VVSG).[9] The timeline for such a certification would likely be at least one year.

[9]Additional information on the Voluntary Voting System Guidelines can be found on the EAC's website at http://www.eac.gov/testing_and_certification/voluntary_voting_system_guidelines.aspx

Table 4. State Testing and Certification Requirements

	Florida	Hawaii	South Carolina	Texas	Washington
What are the rules and regulations for testing and certifying new voting systems?	Public notice of bid. Cannot be assessed within 45 days before Election Day.	Must comply with (1) State standards and (2) Federal Election Commission (FEC) or VVSG standards.	Section 7-13-1620: A voting system may not be approved for use in the State unless certified by a testing laboratory accredited by the EAC as meeting or exceeding the minimum requirements of federal voting system standards.	EAC certification; examination at Secretary of State (SOS).	All voting systems, voting devices, and vote tallying systems must be certified and approved by the Secretary of State.
Are the standards tied to the VVSG standards or does the State have its own standards?	State standards	Comply with (1) State standards and (2) FEC or VVSG standards.	VVSG standards	Comply with State standards and VVSG.	The standards are tied to the VVSG, as voting systems must be tested and certified by an independent testing authority designated by the EAC.
Does the State use its own test lab or a national test lab?	Own labs	Not clear.	The State requires that every voting system must be certified by a testing laboratory accredited by the EAC.	Vendors provide final reports on their systems from independent testing labs accredited by the EAC. Examination at SOS.	National test lab.
What is the State's process for testing and certification?	The Department of State's underlying authority for certification and implementation of the testing, review, and certification are found in sections 101.015, 101.294, 101.5602, 101.5605, and 101.5607, Florida Statutes.	See FEC and EAC requirements.	A vendor must field test the voting system in at least two precincts, using both State voters and elections officials. The source codes must be placed in escrow with the manufacturer. The State Election Commission must approve any change.	Vendors are required to provide final reports on their systems from independent testing labs accredited by the EAC. Examination at SOS.	System must meet EAC standards for voting systems, which includes submitting the hardware and software systems to the appropriate independent test authorities or laboratories.
What is the typical timeline?	May be provisionally approved for up to two years. Supervisor applies for permission at least 120 days before election.	See FEC and EAC requirements.	The last approval came in 2004. This is a rare event so there is no typical timeline.	3-12 months	After the vendor applies, it usually takes one to two months to test and certify.

State E-Voting Restrictions

A key question for any Internet-based kiosk pilot is what limits states have on the electronic transmission of ballots. The states examined do allow for direct-recording electronic (DRE) voting, but only Florida has an explicit allowance for secure electronic ballot access. States also exhibit variation in how they would do any auditing of electronic balloting. Finally, for those states with strong DRE linkages for e-voting, it is not clear if there would need to be a paper record of kiosk voting, for auditing or other purposes.

Table 5. State E-Voting Restrictions

	Florida	Hawaii	South Carolina	Texas	Washington
Does the State have specific requirements or prohibitions for e-voting systems and e-ballots?	Yes. Specific requirements in statutes and rules. Ballots can be returned by secure remote electronic access but not by email.	No Response Provided	Section 7-13-1655. State law allows for electronic transmission of absentee ballots.	E-voting not approved. Only emailing a ballot to voter, who will then return by mail, is allowed.	Yes
Do they allow/prohibit electronic casting of ballots?	Allow. Ballots can be returned by secure remote electronic access but not by email.	DRE machines	State law allows for only electronic transmission of absentee ballots.	Only DRE	Yes, the State allows electronic casting of ballots on certified electronic voting machines.
Do they allow/prohibit electronic transmission of ballots across any network?	Not at this time.	Yes	No	Allow email of blank ballot. No transmission of cast ballot.	The state allows electronically transmitted ballots to the voter across any network. Voted ballots sent back to the county are a different matter. The State allows *UOCAVA* voters only to transmit their voted ballot back to the county via email or fax.
What are the requirements for securing paper ballots?	Section 101.5614, Florida Statutes. Additional procedures for absentee ballot security are set out in Florida Administrative Code.	Authorized representative collects everything.	Section 7-15-385: The board must securely store the envelopes in a locked box within the office of the registration board.	Two locks, each with a different key. Numbered seals.	Ballots are to be in secure storage when they are not being processed.
What are the requirements for securing a voter-verified paper record? If they have a VVPAT, is it the official ballot of record?	N/A	Authorized representative collects everything including VVPAT. Unclear if VVPAT is the ballot of record.	None	N/A	The VVPAT is the official ballot of record, and it is secured subject to the same security guidelines as regular paper ballots.

	Florida	Hawaii	South Carolina	Texas	Washington
What are the requirements for securing an electronic ballot memory record?	Uniquely identified tamper-resistant or tamper-evident seals.	Authorized representative collects everything.	Retain data for at least 22 months.	Varies depending on the particular voting system used.	These must be secured at all times.
Does the State have post-election audit requirements for ballots? What are those requirements?	Yes. Public manual tally of 1%–2% of precincts.	Yes. Manual audit of at least 10% of total precincts.	SC currently has audit requirements with nothing forcing counties to comply. Cooperation is good, but SC is drafting regulations to compel compliance.	Yes. Manual count of 1% of precincts (not less than 3) within 21 days. Does not apply to DRE machines.	Yes. The county auditor must randomly sample and audit up to 4% of electronic voting machines.

Online Voter Registration

Most of the states surveyed do not have online voter registration. However, given the current trends, this may change.

Table 6. State Online Voter Registration

	Florida	Hawaii	South Carolina	Texas	Washington
Does the State have electronic voter registration for ***UOCAVA*** or regular voters?	No	Just passed, but has not yet implemented, legislation that allows online registration.	South Carolina just implemented online voter registration.	No	Yes
What is the typical turnaround time for verifying and processing an electronic registration?	N/A	N/A	Within minutes but no longer than 24 hours.	N/A	Depending on the election cycle, the turnaround time is typically about 1 hour. Registrations past an election deadline may be held until after the election, but if the registration is completed before an election deadline, it is sent to the county to process in real time.

Observers and Others in Polling Places

One difficulty that could arise in any kiosk pilot would be determining how the issue of access to the kiosk location would be handled. Most responding states indicated that it would be likely that, for the purposes of a pilot, state election laws pertaining to polling place access would apply. States typically have very strict rules regarding who can and cannot be in a polling location; for example, the states specify who can or cannot be a poll watcher or election observer and the number that can be in a location. If multiple states wanted to have watchers in a kiosk, the laws of each state regarding the number of observers allowed in a polling location would be violated. Likewise, most states restrict access to a polling place to the individuals who are from that state or polling precinct. Having individuals from multiple states in a kiosk location might likewise cause the laws of one or more states to be violated. Again, the positioning of kiosks as absentee voting in a common location rather than early in-person voting can help address these issues.

Table 7. Polling Place Restrictions

	Florida	Hawaii	South Carolina	Texas	Washington
Would election observers be allowed in the location? If so, under what conditions?	Only those appointed by parties or candidates. Must be registered electors of the county.	Yes, if approved for educational purposes.	Not if it was done inside the absentee framework.	No bystanders allowed. Only those appointed by parties or candidates. They must have a certificate of appointment.	Yes. No specific conditions.
Could election observers be excluded from such a location? If so, under what conditions?	Only those appointed by parties or candidates. Must be registered electors of the county.	Only observers approved for educational purposes are allowed.	Yes, if done inside of absentee framework.	No bystanders allowed. Only those appointed by parties or candidates. They must have a certificate of appointment.	Only if there are too many and space is limited, or if they impede the voting process.
Would party poll watchers be allowed in the location? If so, under what conditions?	Only those appointed by parties or candidates. Must be registered electors of the county.	One poll watcher per party per precinct. Must meet precinct official qualifications.	Not if done inside the absentee framework.	No bystanders allowed. Only those appointed by parties or candidates. They must have a certificate of appointment.	Yes. No specific conditions.
Could party poll watchers be excluded from such a location? If so, under what conditions?	Only those appointed by parties or candidates. Must be registered electors of the county.	Must meet precinct official qualifications.	Not if done inside the absentee framework.	No bystanders allowed. Only those appointed by parties or candidates. They must have a certificate of appointment.	Only if there are too many and space is limited, or if they impede the voting process.
Are there other limitations on who could possibly enter a kiosk location?	Only those appointed by parties or candidates. Must be registered electors of the county.	The applicable statute would be HRS § 11-132.	Not if done inside the absentee framework.	No bystanders allowed. Only those appointed by parties or candidates. They must have a certificate of appointment.	No
[Are there limitations on] Media?	If the kiosk location is deemed a polling location, then media would be restricted as would any person not falling within the list of persons authorized to be there.	No	Not if done inside the absentee framework.	No bystanders allowed. Only those appointed by parties or candidates. They must have a certificate of appointment.	No
[Are there limitations on] Non-residents of the State?	If the kiosk location is deemed a polling location, then media would be restricted as would any person not falling within the list of persons authorized to be there.	If approved	Not if done inside the absentee framework.	Only voters from the precinct allowed in a polling place.	No

Willingness to Participate

Each of the states expressed concerns about participating in a pilot. The primary concerns centered on having the appropriate legal authority for the pilot, the technology used in such a pilot, and the certification of the system.

Table 8. Initial Willingness to Participate in a Kiosk Pilot Project

	Florida	Hawaii	South Carolina	Texas	Washington
Would your State be willing to enter into a cooperative agreement with FVAP for the conduct of a pilot program?	Maybe. Depends on the scope of the program and plan for implementation.	No. Would only consider if EAC certifies as meeting VVSG standards.	Possibly.	If legislature authorizes agreement.	Yes, if the State legislature approves it if it requires a change in State law. We would support local jurisdictions, but they would be subject to State law also.
What are the most significant concerns you would have in terms of your State being part of a FVAP project that utilized remote kiosk voting?	COTS equipment, cloud environment and/or data center, cryptography techniques.	Legal concerns regarding statutes and administrative rules.	Security, allocation of staff resources, and funding.	If legislature authorizes agreement.	In order: security, State law, public perception, and a paper audit trail.

Local Government Responses (includes only localities responding to survey request)

This section summarizes the results of the local government responses for each of the four categories of interest.

Security of Locations and Ballots

Most state requirements for security related to *UOCAVA* absentee balloting, as well as polling place voting for in-person early voting and precinct-based Election Day voting, center on having seals on any voting machines and having absentee ballots in a secured location. It is unlikely that the security requirements that undergird the voting process across states would interfere with the implementation of a pilot kiosk voting initiative that included multiple states.

Table 9. Local Jurisdiction Security Requirements (LEO Response for State Listed)

	New York	South Carolina	California	Washington	Pennsylvania	North Carolina
What are the security requirements for a remote voting location?	Location must be "monitored" during voting hours and locked otherwise.	Envelopes in locked box within registration board office. Machines are kept locked and numbered seals are used. Number of voters tracked.	Voting machines must be secure, not connected to the Internet or other network, and have serialized, tamper-evident seals.	No Response Provided	No Response Provided	No Response Provided
What are the security requirements for ballots, voting machines, and related material during early voting or absentee voting?	None for early voting. For Election Day voting, ballots counted at poll opening and closing. Certified absentee ballots obtained from office and MOVE site. Returned absentee ballots are file-dated and secured at Board of Elections (BOE).	Envelopes in locked box within registration board office. Machines are kept locked and numbered seals are used. Number of voters tracked.	Voting machines must be secure, not connected to the Internet or other network, and have serialized, tamper-evident seals.	Washington is a vote-by-mail State, but we do have accessible voting centers available for persons with disabilities to privately and independently vote on our accessible voting units.	Voted absentee ballots are locked in a safe before Election Day.	No Response Provided
What are the security requirements for cast ballots (e.g., absentee ballots that have been returned or voting ballots that have been cast early)?	Voter signs absentee ballot envelope. BOE file-dates and secures in locked cabinet at BOE. After polls close, with Democrats and Republicans observing, the cabinet and envelopes are opened.	No Response Provided	Cast ballots must be secure and confidential.	Unclear.	Voted absentee ballots are locked in a safe before Election Day.	No Response Provided

Chain of Custody

The chain-of-custody rules for elections are relatively similar across states. However, some states, such as New York, do have bipartisan requirements for handling ballots and other election-related materials. Under these requirements, all materials have to be handled by poll workers of opposite parties.

Table 10. Local Chain-of-Custody Requirements (LEO Response for State Listed)

	New York	South Carolina	California	Washington	Pennsylvania	North Carolina
What are the ballot security requirements and chain-of-custody requirements?	Ballots are inventoried and sealed in district bags with inventory report until Election Day. After voting, Democratic and Republican inspectors inventory ballots and seal in bags. Sheriff's deputy or Democratic/Republican team transport to county BOE. Stored in locked room until Democratic/Republican team opens for audit and re-canvass.	No Response Provided	Inspector and one clerk deliver supplies to collection center. Chain-of-custody form tracks verification of tamper-evident seals (4 checks). Signed form must be turned in at the Collection Center and then delivered to the Registrar with all the supplies.	Chain-of-custody and ballot security requirements for an Accessible Voting Center are included in the Accessible Voting Center Procedures.	The Judge of Elections picks up the ballots either the Saturday or Monday prior to election	No Response Provided
What has to be sealed/signed/ locked?	For voting machines, 2–4 of the 7–9 seals need to be opened/resealed on Election Day. Ballot box is locked and sealed (except during the opening/closing of the machine or in case of a ballot jam). Equipment and returns are sealed when not in use. Absentee ballots are in a locked cabinet. Voted/unused ballots are in a locked room.	No Response Provided	The Voted Ballot Container and Unused Ballot Bag are sealed and signed by all poll workers. The Supply Box is sealed and delivered to the Collection Center. The electronic voting equipment is locked in a caddy.	Unclear.	The optical scan M100 is sealed and the returned ballots are in ballot box.	No Response Provided

	New York	South Carolina	California	Washington	Pennsylvania	North Carolina
What are the personnel requirements associated with maintaining chains of custody? (E.g., two people signing a form or performing an activity.)	Always a Democrat and a Republican working as a team.	No Response Provided	The inspector first signs the JBC Chain of Custody document when picking up the supplies from his/her distribution center before Election Day. It is also signed when the JBC is delivered to the Polling Place on the morning of Election Day. At four points throughout the day, the inspector and one clerk check the tamper-evident seals to verify their placement and integrity, and they initial the form.	Unclear.	The Judge of Elections and Minority Inspector sign all forms and are present for each action of the election.	No Response Provided
Does the State have specific rules for post-election ballot audits or the use of paper ballots?	Within 15 days of the general election, the Board of Elections shall manually audit the voter verifiable audit records from 3% of the voting machines.	No Response Provided	No Response Provided	Unclear.	Two ballot boxes are hand-counted after the election.	No Response Provided
What materials are required for you to have in order to do your canvass of a specific polling location?	Unclear.	Poll lists, voting machine tallies, electronic voter registration lists.	The canvass is based on precincts, not on specific polling locations. The materials required are: tally sheets, writing instruments, rolls of voted VVPATs, copies of voted paper ballots, instructions to board members, write-in-candidate list, and results reports.	Unclear. Accessible Voting Center procedures say ballots will be audited.	Boards are supplied with necessary forms to balance figures and write-in sheets to tally the write-in votes.	No Response Provided

Election Workers

Election workers are another area in which viewing kiosks as polling places could create barriers. Election official responses indicate that states generally require that election workers be registered to vote in the state. This would likely cause implementation issues for a multistate collaboration in which kiosk workers were considered polling place workers. Likewise, some states have requirements for partisan balance among election workers, as well as for the level of polling place staffing. In addition, training requirements vary widely in terms of the amount of training required; in a multistate effort, training content could also be problematic, as training would need to accommodate the (possibly contradictory) rules and procedures of multiple states.

Table 11. Local Election Worker Requirements (LEO Response for State Listed)

	New York	South Carolina	California	Washington	Pennsylvania	North Carolina
What are the requirements to be an election worker?	Must be registered in county as Democrat or Republican. Must speak, read, and write in English, and be unrelated to candidates.	No Response Provided	Registered in CA. Citizen. Minimum 16 years old (student program) or 18 years old (general volunteer programs). No parolees or sex offenders.	No Response Provided	Must be a registered voter.	No Response Provided
What amount and type of training is required?	Three-hour training on election procedures, how to operate the voting machines, completing the required inventory and security reports, and ADA compliance.	No Response Provided	Varies. Online and/or in-class training available. Must learn how to open and close the polls, process voters, and securely return supplies.	3 days	2-hour training session	2–3 hours
How many workers are required in each location?	Varies. At least one Democrat and one Republican.	No Response Provided	Varies. CA minimum is one inspector and two clerks.	Varies	5	No Response Provided
Are there rules governing the need for balance—especially political balance—among poll workers in a polling location?	Yes. One Democrat and one Republican.	For primary elections, one manager per party per precinct. Commission selects from party-submitted list.	No. Only language requirements.	No. All poll workers are temporary employees.	Try to get both parties represented at each poll.	Poll workers at early voting locations are employees of the Board of Elections. No early voting site will be staffed by individuals who are all of the same party affiliation.
Could a non-state resident work as a kiosk worker in this type of pilot, if your State participated?	Unclear. New legislation would be needed.	No. Must be registered resident of county or adjoining county.	No. Must be registered in CA.	Yes	No Response Provided	No

Polling Locations

There are two consistent issues related to the location of a kiosk voting location it if is considered a polling place: it would need to be compliant with the Americans with Disabilities Act (ADA) and it could not be a bar or liquor store. Most states also have rules and regulations that govern the location of political signage outside of a polling place, with the common requirement being that political activity is not allowed within 100 feet of a polling place.

Table 12. Polling Place Requirements (LEO Response for State Listed)

	New York	South Carolina	California	Washington	Pennsylvania	North Carolina
Are certain types of facilities not allowed to be polling locations?	No bars. Must be in district or contiguous district. Must be ADA compliant.	Must be ADA compliant.	No bars or liquor stores.	Polling places for persons with disabilities must be ADA compliant.	No bars.	No Response Provided
What are the signage requirements for voter education in a polling location?	Flag, district maps, poll worker name badges, How to Vote, Notice to Voters (information for voters not listed in poll books), forms of ID, Voters' Bill of Rights, Vote Here signs, distance markers, and a sample ballot.	Sample ballots and posters must be posted in conspicuous area at wheelchair-eye level.	Voter Bill of Rights in required languages, Precinct Street Indexes, HAVA Notice, Voter Instructions, Polling Place Guidelines, Vote Signs, Precinct Map, Wheelchair Access Sign, and the Polling Place 100 Feet Sign.	Accessible Voting Center a-frame signs, voter information poster, vote arrow signs, election information and assistance poster, Accessible Voting Center hours of operations poster, Identification requirements poster, returning-your-mail-ballot instructional poster, do-not-enter signs, lap paddle instructions, AVU voting instructions poster, provisional AVU voting instructions poster.	Unclear. Some postings seem to be required.	No Response Provided
What are the restrictions on campaigning near a polling location (e.g., a distance boundary)?	100-foot boundary, marked with sign.	No Response Provided	100 feet	Electioneering is prohibited within an Accessible Voting Center.	10 feet	No Response Provided

Feedback from Voting Technology Vendors

To better understand the legal and administrative issues that might affect the ability of multiple states to be involved in a kiosk-based voting pilot, we posed the following questions to three voting system vendors regarding future possible implementations of this sort of pilot. Representatives of two of the vendors were able to provide their perspectives to these questions, and we summarize those perspectives below. The full text of the memo sent to these vendors can be found in Appendix 3.

We first asked the vendors: *"[B]ased on your experiences working with states on other voting service implementations what legal, administrative, or cultural factors do you think would: (a) facilitate multiple states working together, and (b) inhibit multi-state collaborations?"* The vendors raised a number of issues that could be potential factors in enhancing or limiting state collaborations. One important issue was that state election administrators have limited resources; they may not have the funding or staff to allow for the development of new projects—in particular, collaborations across states. A second important issue is the basic difficultly of coordinating activities between a set of states. The vendors noted that states take pride in administering elections in their own ways, and that there is no obvious entity that might serve to lead states in a coordinated effort to engage in the implementation of new voting systems. Finally, the vendors discussed the difficulties of testing and certification. They suggested that centralizing the testing and certification process for a kiosk-style remote voting system in a small number of testing and certification entities could facilitate the development of a multistate effort.

Next, we asked the vendors: *"For kiosk voting with a paper record, do you have guidance as to how the paper record should be treated?"* The vendors agreed that the paper record should be treated as the "official" record. Their response was motivated by the observation that this is the policy in a number of states, and that it would likely constitute the best standard for how to handle the paper record for kiosk voting. They also noted that treating the paper record as the official record might heighten the confidence of voters, administrators, and stakeholders in the kiosk voting system.

We then asked: *"When you think about system certification and testing requirements across states for a kiosk voting system, have you encountered any legal requirements in one state that would conflict with the legal requirements in other states, so that the same voting system could not be used in both states?"* In response, the vendors noted many different requirements and procedures that might make certification and testing difficult across the states. First, simple administrative differences in state ballot requirements might make certification and testing difficult across states; for example, ballot rotation, layout, party voting, and electoral rules specific to primary elections could greatly complicate the logistical task of ensuring that a multistate voting system is

prepared for certification and testing, as it produces a large array of conditionals that need to be tested and certified. Also, the vendors pointed out that states require different types of testing at different stages in the process. In particular, the vendors noted that some states (Virginia) require the use of live elections in the certification process, while other states (California) require volume testing. These differences would complicate the process of testing and certification across states.

Finally, we asked the vendors: *"What types of technical support (pre-deployment, during use, and post-deployment) would be needed for a kiosk voting deployed system, especially for remote voting location workers and central administrators?"* The vendors both stressed the need for both on-site and remote technical support. They noted that the exact extent to which technical support might be necessary is dependent on the engineering of the voting system itself, on the technical capabilities of the jurisdiction deploying the system, and on the overall need of the jurisdiction for vendor support, suggesting that some jurisdictions require a higher level of technical support than others. The vendors noted that a combination of remotely deployed troubleshooters and a well-trained "Help Desk" would be needed to support kiosk site workers. The vendors also noted that the central administrators would need technical support before, during, and after the election.

Conclusion/Policy Recommendations

This second report builds on the foundation provided by our earlier analysis of the 2008 Okaloosa Distance Balloting Pilot, and presents the results of the information gathered from state and local election officials in a small number of states. These data were collected in order to understand the potential legal and administrative barriers that might make kiosk-style Internet voting in these jurisdictions challenging to pursue in the future.

It should be noted that responses were not received from four state election offices and three local election offices. These results, therefore, are not complete for the nine states identified. However, initial findings have been established, and several issues appear to be critical barriers to be addressed for a kiosk pilot to be implemented:

- As noted earlier, the states tended to view the kiosk system as an early voting location—under state laws, the kiosk is more like early voting than absentee voting. This causes the biggest potential barrier to kiosk voting: most states do not allow people from outside of their own state to be in a voting location. For example, most states do not allow individuals in a polling place unless they are registered to vote in the state and are there for the purpose of voting. Likewise, there are strict limitations in the laws of many of these states on the number of observers or watchers who can be in a polling location and those laws could be violated in a multistate pilot.
- States would likely require legislative approval for any pilot.
- States would likely want the project to meet the EAC VVSG standards, or the EAC standards for Internet-based *UOCAVA* pilots.
- Some states have laws and regulations in place to allow e-voting, but those laws and regulations limit the use of networks or transmission of voted ballots over the Internet.
- Finally, some states raised general reservations with participating in such a future pilot study.

While states with regulations and procedures that are amenable to pilot programs might find it easier to pursue future kiosk-style remote Internet voting, other states could consider the use of special authorizations or other procedures that might give them an opportunity to engage in a pilot project, especially one to facilitate *UOCAVA* voting. Where state regulations or procedures present large hurdles to state participation, it may be possible for states to utilize special procedures to minimize such hurdles. While states will have different means by which they obtain special authorizations, they might be able to streamline or speed the process of testing and certification to enable their potential participation in any potential future project.

Data received from local election officials also underscored the hurdles that might be faced regarding future kiosk pilot projects, assuming that kiosks are considered polling places. Issues of particular concern include:

- Many states have the explicit requirement that their election workers be registered voters in the state. This would create complications for multistate implementations.
- Some states require partisan balance among election workers.

Clearly, a significant hurdle to implementing a kiosk project would be the identification of a kiosk as a voting place. Although, in a kiosk, ballots would be transmitted electronically and not maintained at the facility as with a traditional polling place, the key issue appears to be that the kiosk looks like a polling place and inspires the same concerns about staffing and security.

Potential Use of IVA Offices as Kiosk Locations

Some of the logistical issues associated with implementation of future kiosk-style Internet voting systems might be addressed by considering the use of IVA Offices for kiosk terminals. As was mentioned earlier, the 2009 *MOVE Act* and Department of Defense Directive 1000.04[10] required each military branch to establish voter assistance offices on military installations, and FVAP reports that, as of March 2013, IVA Offices had been established on more than 250 military installations around the world, both in the United States and overseas.[11] These offices provide absent uniformed Service personnel and their family members, civilian Federal employees, and all qualified voters who have access to such installation offices with information and assistance on voter registration and absentee ballot procedures. During the establishment of these, FVAP provided guidance on how to establish and operate IVA Offices. This guidance directed that IVA Offices must:

- Be in a well-advertised, fixed location accessible by anyone on the installation. Offices should be physically co-located with an existing office that receives extensive visits by Service personnel, family members, and DoD civilians, but IVA Offices do not have to be in a dedicated room.
- Be staffed by personnel who are designated as IVA Office staff and trained to provide direct assistance in registration and voting procedures.
- Have personnel staffing the office during the hours the installation office is open; note that this does not require continuous staffing, but personnel should be on call and in close proximity.

[10] http://www.dtic.mil/whs/directives/corres/pdf/100004p.pdf. Retrieved on March 25, 2013.
[11] http://www.fvap.gov/contact/ivaoffice/. Retrieved on March 25, 2013.

Using these offices and their staff in a kiosk voting project would help address two of the major issues that were identified in the lessons learned from the first report: logistics and kiosk workers. IVA Offices are in established locations and have trained staff, which could significantly streamline the kiosk process. However, there are a number of factors unique to the office that should be considered when determining whether IVA Offices could be potential voting kiosk locations:

Access IVA Offices are required to be in a public location on each installation (preferably in high-traffic areas), so that family members, DoD civilians, and any other individuals with access to the installation can visit the office. However, civilians with no access to a military installation may not be able to access the IVA Office.

Facilities While IVA Offices must be in a fixed location, they are not required to be in a dedicated building or room; an IVA Office may consist of a desk within a larger office (e.g., In & Out Processing Center). Also, while it is recommended that each IVA Office have a computer with Internet access available for voters to use to complete forms online, this is not required; it is only required that IVA Office staff have some access to a computer to print forms. The amount of space in an office, the level of equipment available to IVA Office staff, and the level of security in the office vary across installations.

Staffing IVA Office staff must be designated and trained in order to work in the office[12], so these personnel will have experience with voting forms. However, these staff members are not full-time voting assistance officers; working in the IVA Office is a collateral duty and staff members will have other responsibilities. Further, the office is not required to be continuously staffed, so current staffing schedules may not have an individual assigned to the office during all hours. This could also affect chain-of-custody issues, which were raised by some states as a concern about a kiosk voting effort.

Based on the information gathered from state and local election officials, in order to be considered an acceptable voting location, the IVA Offices would also likely need to be ADA accessible. Further, DoD guidance released in 2008 directed installation commanders not to allow the use of installation facilities as polling places[13]; this

[12]The training that IVA Office staff must complete can be accessed on the FVAP website: http://www.fvap.gov/vao/office-training.html

[13] http://www.dod.mil/dodgc/defense_ethics/resource_library/2008_campaigns_elections.pdf. Retrieved on March 29, 2013.

guidance makes the identification of kiosk voting as absentee voting in a common location even more critical.

Recommendations

As this report has made clear, a multistate kiosk voting project would face a number of challenges. If FVAP chooses to move forward in advocating such an effort, we recommend two further steps. First, FVAP should communicate with representatives of key *UOCAVA* states on two issues: the feasibility of these states obtaining the necessary authorizations required to implement pilot projects such as kiosk voting, and how kiosks might be positioned as absentee voting in a common location rather than early in-person voting. These conversations are necessary because it will be critical to understand the level of interest the states have in developing kiosk voting, and because if the kiosks are viewed as a form of absentee voting, many of the potential obstacles described in this report can be avoided. Second, if the two issues discussed with the states are resolved favorably, FVAP should work with the Services, and specifically the Service Voting Action Officers, to understand the issues associated with potential use of IVA Offices for kiosk-style Internet voting. This could include gathering additional information on the state of current IVA Offices and Service responses to the idea of using IVA Offices as kiosk locations.

Appendix 1: Survey of State Election Officials

December 18, 2012

To: *State Election Official*

From: Brian Griepentrog, Fors Marsh Group, on behalf of the Federal Voting Assistance Program

Thru: David Beirne, Acting Deputy Director, Technology Programs Federal Voting Assistance Program

Subject: Questions Exploring Kiosk Voting for *UOCAVA* Voters

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The Federal Voting Assistance Program (FVAP) is examining the barriers that may exist if it were to provide *UOCAVA* voters at overseas military bases with the opportunity to cast an absentee ballot electronically while capturing a paper ballot record at the same time. This research is part of FVAP's ongoing efforts to examine innovative pilot programs for *UOCAVA* voters pursuant to the Military and Overseas Voter Empowerment Act.

In the questions below, we refer to the term "kiosk location." FVAP envisions this sort of kiosk voting to be a form of in-person absentee voting for *UOCAVA* voters within a manned environment. Voters would be able to cast a ballot in-person at a kiosk location and the location would primarily serve to facilitate the traditional absentee voting process, but in an in-person environment. This kiosk location would allow state and local jurisdictions to receive an electronic ballot in near real time – overcoming the ballot transit issues that *UOCAVA* voters face – and have a paper record of the ballot as well, for either official tabulation or for post-election auditing. The kiosk envisioned adheres to the definition expressed in the EAC's *UOCAVA* Pilot Program Testing Requirements.

As a part of this study, we have conducted background research on your State's election code and election regulations in an attempt to answer a basic question: What legislative or regulatory changes might be necessary in your State for future implementation of *UOCAVA* kiosk-style voting? Your State was one of nine states selected for this initial study because it has a large *UOCAVA* voting population. Please know that this initial examination of states is being done with an understanding that a pilot project of such a system would not occur before 2016 or 2018, if such a pilot were done at all.

On the next page, we present the results of our initial examination of your State's election code related to the potential for overseas kiosk voting. We would like you to

examine the answer we found and provide us with feedback regarding whether this is the best answer for your State. If it is not, we would appreciate your feedback as to the more correct legal or administrative citation.

If you have any questions, do not hesitate to contact me at (571) 858-3798, bg@forsmarshgroup.com, or David Beirne, Acting Deputy Director, Technology Programs at Federal Voting Assistance Program, (571) 372-0740, David.Beirne@fvap.gov

Questions

1. Is there a special consideration in State law for pilot projects or experiments in general, or specifically for *UOCAVA* voters?

2. Does your State specifically require state authorization for consideration of a new election-related pilot project for *UOCAVA* voters?

3. Does your State election office possess adequate administrative rule-making authority to promulgate rules needed to support such a pilot program?

4. What are the rules and regulations for testing and certifying new voting systems?

    a. Are the standards tied to the VVSG standards or does the State have its own standards?

    b. Does the State use its own test lab or a national test lab?

    c. What is the State's process for testing and certification?

    d. What is the typical timeline?

5. Does the State have specific requirements or prohibitions for e-voting systems and e-ballots?

    a. Do they allow/prohibit electronic casting of ballots?

    b. Do they allow/prohibit electronic transmission of ballots across any network?

    c. What are the requirements for securing paper ballots?

    d. What are the requirements for securing a voter-verified paper record? If they have a VVPAT, is it the official ballot of record?

e. What are the requirements for securing an electronic ballot memory record (e.g., the memory cards from a precinct DRE)?

f. Does the State have post-election audit requirements for ballots? What are those requirements?

6. What rules would govern individuals who were within a kiosk location? Specifically,

   a. Would election observers be allowed in the location? If so, under what conditions?

   b. Could election observers be excluded from such a location? If so, under what conditions?

   c. Would party poll watchers be allowed in the location? If so, under what conditions?

   d. Could party poll watchers be excluded from such a location? If so, under what conditions?

   e. Are there other limitations on who could possibly enter a kiosk location?
      i. Media
      ii. Non-residents of the State

7. Registration of *UOCAVA* Voters
   a. Does the State have electronic voter registration for *UOCAVA* or regular voters?

   b. What is the typical turnaround time for verifying and processing an electronic registration?

8. Would your State be willing to enter into a cooperative agreement with FVAP for the conduct of a pilot program? If not, would you support your local jurisdictions with authorization of a separate cooperative agreement between FVAP and those targeted jurisdictions?

9. What are the most significant concerns you would have in terms of your State being part of a FVAP project that utilized remote kiosk voting?

Appendix 2: Survey of Local Election Officials

December 18, 2012

To: *Local Election Official*

From: Brian Griepentrog, Fors Marsh Group, on behalf of the Federal Voting Assistance Program

Thru: David Beirne, Acting Deputy Director, Technology Programs
Federal Voting Assistance Program

Subject: Questions Exploring Kiosk Voting for *UOCAVA* Voters

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The Federal Voting Assistance Program (FVAP) is examining the barriers that may exist if it were to provide *UOCAVA* voters at overseas military bases with the opportunity to cast an absentee ballot electronically while capturing a paper ballot record at the same time. This research is part of FVAP's ongoing efforts to examine innovative pilot programs for *UOCAVA* voters pursuant to the Military and Overseas Voter Empowerment Act.

In the questions below, we refer to the term "kiosk location." FVAP envisions this sort of kiosk voting to be a form of in-person absentee voting for *UOCAVA* voters within a manned environment. Voters would be able to cast a ballot in-person at a kiosk location and the location would primarily serve to facilitate the traditional absentee voting process, but in an in-person environment. This kiosk location would allow state and local jurisdictions to receive an electronic ballot in near real time – overcoming the ballot transit issues that *UOCAVA* voters face – and have a paper record of the ballot as well, for either official tabulation or for post-election auditing. The kiosk envisioned adheres to the definition expressed in the EAC's *UOCAVA* Pilot Program Testing Requirements.

As a part of this study, we have conducted background research on your State's election code and election regulations in an attempt to answer a basic question: What legislative or regulatory changes might be necessary in your State for future implementation of *UOCAVA* kiosk-style voting? Your State was one of nine states selected for this initial study because it has a large *UOCAVA* voting population. Please know that this initial examination of states is being done with an understanding that a pilot project of such a system would not occur before 2016 or 2018, if such a pilot were done at all.

We are interested in how your State, and the local jurisdictions in your State, address key issues in election administration such as ballot security, chains of custody, training

of election workers, and the security of polling locations. We have identified the baseline legal requirements in your state related to these issues. If you can also provide us with information about the additional procedural requirements that your local jurisdiction utilized in this regard, we would be most appreciative.

If you have any questions, do not hesitate to contact me at (571) 858-3798, bg@forsmarshgroup.com, or David Beirne, Acting Deputy Director, Technology Programs at Federal Voting Assistance Program, (571) 372-0740, David.Beirne@fvap.gov

Questions

1. What are the security requirements for a remote voting location?
    a. What are the security requirements for ballots, voting machines, and related material during early voting or absentee voting?
    b. What are the security requirements for cast ballots (e.g., absentee ballots that have been returned or cast early voting ballots)?
    c. Are certain types of facilities not allowed to be polling locations?
    d. What are the signage requirements for voter education in a polling location?
    e. What are the restrictions on campaigning near a polling location (e.g., a distance boundary)?
2. What are the requirements to be an election worker?
    a. What amount and type of training is required?
    b. How many workers are required in each location?
    c. Are there rules governing the need for balance – especially political balance – among poll workers in a polling location?
    d. Could a non-state resident work as a kiosk worker in this type of pilot if your State participated?
3. Chains of Custody
    a. What are the ballot security requirements and chain-of-custody requirements?

b. What has to be sealed/signed/locked?

c. What are the personnel requirements associated with maintaining chains of custody? (E.g., two people signing a form or performing an activity.)

d. Does the State have specific rules for post-election ballot audits or the use of paper ballots?

e. What materials are required for you to have in order to do your canvass of a specific polling location?

Appendix 3: Questions Sent to Voting System Vendors

The Federal Voting Assistance Program (FVAP) is examining the barriers that might arise if it were to provide UOCAVA voters at overseas military bases with the opportunity to cast an absentee ballot electronically, while capturing a paper ballot record at the same time. This research is part of FVAP's ongoing efforts to examine innovative pilot programs for UOCAVA voters pursuant to the Military and Overseas Voter Empowerment Act.

In the questions below, we refer to the term "kiosk location." FVAP envisions this sort of kiosk voting to be a form of in-person absentee voting for UOCAVA voters within a manned environment. Voters would be able to cast a ballot in-person at a kiosk location and the location would primarily serve to facilitate the traditional absentee voting process, but in an in-person environment. This kiosk location would allow state and local jurisdictions to receive an electronic ballot in near real time – overcoming the ballot transit issues that UOCAVA voters face – and have a paper record of the ballot as well, for either official tabulation or for post-election auditing. The kiosk envisioned adheres to the definition expressed in the EAC's UOCAVA Pilot Program Testing Requirements.

1. Thinking in terms of kiosk voting as defined above, based on your experiences working with states on other voting service implementations what legal, administrative, or cultural factors do you think would:

    a. Facilitate multiple states working together and

    b. Inhibit multi-state collaborations?

(That is, what types of state laws, regulations, or political/election culture issues would keep two states from being part of the same pilot and what factors might allow two states to easily collaborate? For example, states with different requirements for ballot styles or for security of voting locations, etc.).

2. For kiosk voting with a paper record, do you have guidance as to how the paper record should be treated?

3. When you think about system certification and testing requirements across states for a kiosk voting system, have you encountered any legal requirements in one state that would conflict with the legal requirements in other states, so that the same voting system could not be used in both states? Please elaborate as to the type of requirement.

4. What types of technical support (pre-deployment, during use, and post-deployment) would be needed for a kiosk voting deployed system, especially:

a. For remote voting location workers?

b. For central administrators?