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Attn: Debra Bowen
California Secretary of State
1500 11th Street, 6th Floor
Sacramento, CA 95814
Email: votingsystems@sos.ca.gov

VIA ELECTRONIC TRANSMISSION

Re: Response to Draft of Top-to-Bottom Review Document dated 3/22/2007

Dear Secretary Bowen:

Thank you for providing an opportunity to provide public comment on the draft criteria for the state to perform a top-to-bottom review of electronic voting systems certified for use in California elections. Diebold Election Systems, Inc. (DESI) is providing comments in the following pages based on input we received from a variety of stakeholders within our organization. It is hoped that DESI's response is helpful in producing the final criteria.

If you or your staff has any questions regarding DESI's comments, please contact me at your convenience.

Sincerely:

Dave Byrd
President
Diebold Election Systems, Inc.

Cc: Kathy Rogers (DESI)
Tab Iredale (DESI)
Don Vopalensky (DESI)

Public Comment By Diebold Election Systems, Inc.
To Draft Criteria for
the Top-to-Bottom Review of
Electronic Voting Systems Certified for Use in California Elections

Diebold Election Systems thanks Secretary Bowen for providing the opportunity to comment on the draft criteria for the state to perform a top-to-bottom review of electronic voting systems certified for use in California elections.

Diebold fully supports and endorses Secretary Bowen's efforts to further enhance voter confidence in electronic voting systems through this top-to-bottom review. We, at Diebold Election Systems (DESI), recognize there is always room for improvement and are committed to working with our customers and other stake holders to achieve a better, more robust, and transparent voting system. We have spent the past year implementing and certifying improvements to our systems that were recommended as the result of full system and source code reviews by various states and independent reviewers, including reviews by the University of California, Berkley.

Unfortunately, due to changes in the federal certification process over the past year, the enhancements to the system have not yet completed certification and so the system that would be reviewed is the same system that has been reviewed in the past. We are working closely with the EAC to ensure the enhanced system completes certification in a timely manner.

In terms of the time line Secretary Bowen has outlined, we are concerned that if the findings of the review are not published until August 2007 there will be insufficient time to make and test any recommended modifications, have them federally and state certified, and then deployed to the counties in time for a February election.

As for the basic criteria for the top-to-bottom review, we believe that they are reasonable if the review is done with the intent to determine if there are any realistic issues, as compared to purely theoretical issues. There are a few items that we do believe should be changed to help clarify the intent and scope of the review and to ensure a realistic test environment.

The comments below are numbered and also referenced to the relevant document sections of the Draft Criteria document.

Item 1.
Section I.1
Security Standards

For the definition of “untraceable vote tampering”, it is believed that the word “preventing” contradicts the meaning of “untraceable vote tampering”. It appears clear that the intent is to have voting systems “prevent” untraceable vote tampering, however the definition for this phrase should not mean the “prevention” but rather define the act that voting systems are meant to prevent.

Suggested Change: Replace the word “preventing” with the word “affecting”.

Item 2.
Section I.1
Security Standards

In the introduction paragraph, the definition of “untraceable vote tampering” limits the traceability to “electronic record of tampering”. We believe that traceability should include any record of tampering and so suggest the word “electronic” be removed.

Suggested Change: In the first sentence, remove the word “electronic” in reference to the “record of tampering”.

Item 3.
Section I.1., Subsections (a), (b) and (c)
DREs, Vote Tabulating Devices, Ballot Tally Computers and Ballot Tally Software

In these subsections, it is understood that these products are meant to prevent “unalterable vote tampering” or “denial of service attacks”, however these voting systems are used within an environment of people and procedures. Prevention and detection of tampering and attacks is dependent on those persons and procedures. An important example is the oversight of multi-party interaction which is a critical element of the implementation of every election, and has been for many years. As these human factors and security protocols are part of any voting systems design, we respectfully request that they be incorporated in the test criteria language.

If that specific language cannot be changed, then an alternative would be to change the criteria “effectively secure” to read “effectively and reasonably secure”, for with the absence of “procedures” from the criteria, a voting system’s features can only reasonably secure the products from tampering and attacks. Not even bank vaults are secure without people and procedures surrounding them.

Suggested Change: In each subsection, reword the list of features to read as follows:
“must incorporate, as part of its design, hardware, firmware, procedures and/or software program features”.

or

Alternative Change: Replace the phrase “effectively secure” with the phrase “effectively and reasonably secure”.

Item 4.

Section II.2(a)

Disability Access Testing – Sip and Puff

DESI is not aware of a requirement in HAVA that specifically requires sip and puff interfaces for voting systems in order to be ADA compliant. We recognize that the State of California may apply these additional requirements and DESI is pleased to provide a recently developed Universal Accessibility Interface Device (UAID™) for testing. It must be noted, however, this device is capable of accommodating a three switch device as well as a two switch device. It is unclear as to whether the State’s criteria only allows two switch inputs or would also allow a three switch input. A three switch device provides advanced accessibility device interfaces for current and future accessibility components. As an example, three jelly switches can be used to provide full system accessibility with one switch used to move forward through the ballot, one switch to move back and one switch to make selections, enabling the voter to make all selections and cast their ballot without assistance. The three switch UAID also supports two switch accessibility devices.

Suggested Change: Please clarify if the criteria would allow a fuller featured three switch accessibility interface.

Item 5.

Section II.2(b)

Disability Access Testing – Audio Video Interfaces

In this requirement, it is unclear as to whether these described interface options are meant to be selected by the voter directly on the voting device or through a voting device activation method provided by the poll worker. While a Diebold DRE unit allows both the touch screen/video to be used simultaneously with the keypad and/or audio, the ability to select the option of turning on the disable/enable of the video or audio is, upon the voter’s request, programmed onto the Voter Access Card by the Poll worker.

Suggested Change: Please clarify whether the voting system must have the capacity for the voter to directly select, on the voting device, all of the described options or whether these options (or some of them) can be activated by the poll worker upon the voter's request.
