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Representing Chief Information Officers of the States

Briefing Paper

About NASCIO

- NASCIO is a non-partisan, non-profit national association representing the 50 state chief information officers (CIOs).
- NASCIO's mission is to shape national IT policy through collaborative partnerships, information sharing, and knowledge transfer across jurisdictions and disciplines.

About HAVA:

- HAVA is the Help America Vote Act of 2002
- Enacted to assist states in replacing punch card voting systems
- Establishes minimum administrative standards for federal elections
- Requires each state to create a statewide, uniform voter registration database
- Requires states to verify voter registration information.

About NASCIO's Role in HAVA

- Facilitating the flow of information to states on HAVA best practices and lessons learned
- Monitoring developments in HAVA and electronic voting at the federal level
- Serving as a resource on technology-related HAVA and voting issues.

HAVA (The Help America Vote Act of 2002)

Overview of HAVA

The Purpose of HAVA

Congress enacted the Help America Vote Act of 2002 (HAVA) after concerns over the voting process that came to light during the 2000 Presidential election. HAVA provides funds to states in order to replace punch card voting systems and to establish minimum administrative election standards for federal elections administered by state and local governments. HAVA also established the Election Assistance Commission (EAC) to provide assistance with the administration of federal elections.

Major Technology-Related Provisions of HAVA

HAVA seeks to improve the technology that is used in federal elections by state and local governments. HAVA's major technology provisions require:

- Each state to implement a centralized, uniform voter registration database
- States to meet minimum voter verification standards
- Voting systems in federal elections to produce a permanent paper record with an audit capacity that can be manually audited in the event of a recount
- At least one accessible voting device per polling place for disabled individuals through either a direct recording electronic voting system (for example, a touch screen voting system) or other voting system equipped for disabled individuals
- A process at each polling place to allow an individual to cast a provisional vote even if he or she is not on the official voter registration list.

An important aspect of HAVA's centralized voter registration database and minimum voter verification requirements is that HAVA does not specify a technology or method of compliance that states must use.

HAVA and Electronic and Internet Voting

HAVA's enactment has sparked interest in and debate regarding electronic voting systems. Two primary types of electronic voting systems are:

- Optical scan systems, which have a paper ballot that is marked by a voter and then read electronically.
- DREs, direct recording electronic voting systems (such as touch screen voting systems), which do not produce paper ballots.[1]

[1] "Electronic Voting: Overview and Issues," Institute of Governmental Studies Library, University of California, Berkley, February 2004, <http://www.igs.berkeley.edu/library/htElectronicVoting2004.html>.

Another facet of voting in the Age of Information Technology is Internet voting, which involves voting remotely from a personal computer and sending votes via the Internet to the elections office. At present, Internet voting has not been generally implemented due to security and verifiability concerns that are magnified within the Internet environment, although pilot projects for Internet voting are currently underway.[2] For example, Michigan voters could use the Internet to cast their votes in the 2004 Democratic primary. However, the U.S. Department of Defense cancelled use of its Internet voting pilot, SERVE (Secure Electronic Registration and Voting Experiment), for uniformed service members and citizens living overseas in the 2004 elections due to security concerns.[3]

The Role of NASCIO

NASCIO recognizes that the debate surrounding technology's use in the voting process will continue in the coming years. As this debate takes shape, NASCIO recognizes the impact of the debate on citizens' trust in government and the government's ability to implement technologies that will improve the voting process. NASCIO will monitor developments in this area for its members. While the role of each State CIO may vary, specific steps NASCIO plans to take regarding HAVA and technology and voting issues include:

- Establishing the State CIO as a critical resource for HAVA implementation
- Educating the State CIOs, state elected officials and other related parties on HAVA technology implementation
- Educating federal officials on the technology implications of future voting-related legislation
- Providing unbiased and impartial technical expertise on current and future voting technologies
- Facilitating the flow of information among the states regarding best practices and lessons learned in HAVA compliance and implementation
- Monitoring developments regarding HAVA and electronic voting at the federal level.

NASCIO Voting Technology Resources

SMART (Strategic Materials and Resources Tool): SMART is NASCIO's new online resource library that is accessible by NASCIO's state and corporate members on our website at https://www.nascio.org/. It contains a variety of resources on HAVA and other technology-related voting issues and is organized by topical category, such as Digital Democracy (including E-Voting and Voter Registration). Other topical categories include:

- *Architecture*
- *Budget and Finance*
- *Information and Communications Technology*
- *Privacy*
- *Procurement*
- *Security*
- *Usability and Accessibility.*

NASCIO's Privacy Committee Webpage: This webpage contains information about the Privacy Committee and other privacy-related information. You can view the website at: https://www.nascio.org/hotIssues/privacy/.

For more information, please contact Mary Gay Whitmer, NASCIO Issues Coordinator, at (859) 514-9209 or mwhitmer@amrinc.net.

[2] "Electronic Voting: Overview and Issues," Institute of Governmental Studies Library, University of California, Berkley, February 2004, <http://www.igs.berkeley.edu/library/htElectronicVoting2004.html>.
[3] Ibid.

NASCIO-Identified HAVA Challenges & Success Factors

NASCIO's Privacy Committee recognizes that HAVA is an important issue for the State CIOs and has identified the following two HAVA provisions as being relevant to the State CIOs.

Centralized Voter Registration Database: *Each state's database must contain the name and registration information of every legally registered voter in the state and must assign each legally registered voter a unique identifier. State or local election officials must perform regular maintenance regarding the accuracy of their voter registration list. Those officials also must provide adequate security measures to prevent unauthorized access to the voter registration list. However, states can establish provisions that are stricter than HAVA's provisions regarding computerized voter registration lists.*

Voter Registration Database Challenges: *Under HAVA, voter registration applicants must either provide their valid driver's license number or, for those applicants without a valid driver's license, the last four digits of their Social Security Number (SSN). For individuals who do not possess either a valid driver's license or SSN, then the state is required to assign them a unique identifier. HAVA also requires states to make a determination as to the sufficiency of the information provided by a voter registration applicant. The state chief election official and the state department of motor vehicles (DMV) must enter into an agreement to match information in the statewide voter registration database with the DMV's information database to the extent required to verify the accuracy of voter registration information. The state DMV also must enter into an agreement with the Social Security Administration (SSA) to verify the name, date of birth and SSN of voter registration applicants. A significant issue with HAVA is that there currently is no method to verify the last four digits of an individual applicant's Social Security Number.*

A Word About Security & Electronic Voting: The debate surrounding electronic voting systems has involved concerns regarding the reliability of voting system hardware and software, including voting system mechanical failures or glitches in the software code. A second area of debate concerning touch screen voting systems is whether there should be a paper record for each vote that could be verified by the voter before being cast. A third concern is securing electronic voting systems against unauthorized access.[4]

HAVA Challenges: NASCIO has identified the following potential challenges associated with HAVA:

- *State coordination with local governments to create the statewide database (particularly for states in which voter registration historically was handled at the local level)*
- *State coordination among state agencies and with the federal government to verify voter information*
- *Limited time and resources to devote to HAVA implementation*
- *Logistics of assigning unique identifiers & verifying the last four digits of a voter's Social Security Number*
- *Measures to ensure the privacy and security of voter registration information*
- *Identifying which executive branch IT resources will be leveraged to support the voting process and whether they meet HAVA's security requirements.*

Success Factors for HAVA Compliance: Potential success factors for implementing HAVA are:

- *Existence of a statewide voter registration database prior to HAVA's enactment*
- *Involvement of the necessary stakeholders in the implementation process*
- *High-level of cooperation among state agencies to coordinate the verification of voter information*
- *Guidance from state elections officials (including a well-articulated vision for implementation)*
- *Consultation with state technology officials on the technology-related aspects of HAVA.*

[4] "Electronic Voting: Overview and Issues," Institute of Governmental Studies Library, University of California, Berkley, February 2004, <http://www.igs.berkeley.edu/library/htElectronicVoting2004.html>.

HAVA and Other Voting Technology-Related Resources

For more on HAVA, please see the following resources:

HAVA Text (on the Library of Congress' Thomas Website):
http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=107_cong_public_laws&docid=f:publ252.107.pdf.

Summary of HAVA (on the Library of Congress' Thomas Website):
http://thomas.loc.gov/cgi-bin/bdquery/z?d107:HR03295:@@@D&summ2=m&|TOM:/bss/d107query.html|.

HAVA Compliance Timeline (on the Federal Election Commission's Website):
http://www.fec.gov/hava/timeline.htm.

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For additional HAVA and voting technology information, please see the following resources:

National Association of Secretaries of State (NASS) HAVA Webpage:
http://www.nass.org/electioninfo/HAVApage.htm.

National Conference of State Legislatures (NCSL) Election Reform Webpage:
http://www.ncsl.org/programs/legman/elect/taskfc/03billsum.htm.

NCSL Election Reform Legislation Database:
http://www.ncsl.org/programs/legman/elect/elections.cfm.

National Association of State Elections Directors (NASED) Website:
http://www.nased.org/.

American Association of Motor Vehicle Administrators (AAMVA) Website:
http://www.aamva.org/.

Federal Election Commission (FEC) HAVA Webpage:
http://www.fec.gov/hava/hava.htm.

National Institute of Science and Technology (NIST) HAVA Webpage:
http://vote.nist.gov/.

Secure Electronic Registration and Voting Experiment (SERVE) Website:
http://www.serveusa.gov/public/aca.aspx.