

*Statement of Positions, Principles and Recommendations
of the Ohio Association of Election Officials
in response to the EVEREST Report and Recommendations*

Overview

The Ohio Association of Election Officials (OAE) is a bipartisan organization representing Ohio's 88 county boards of elections. The bylaws of the organization establish the duties of the legislative committee, officers and trustees. Section 4 of the bylaws empowers the trustees to vote on positions of the association. They have done so with regard to this paper, and have agreed to its contents without a dissenting vote. While we understand that the views and opinions of our association vary greatly by both board and individual, this document represents the *official* position of the organization in response to the EVEREST report and recommendations as voted on by the board of trustees. We value the right of each of our members to express their opinions but respectfully request that this document be cited by policy makers, media, and stakeholders as the officially sanctioned positions of this organization.

These positions, principles and recommendations are made by Ohio's election professionals who bring to the table hundreds of years of collective experience in administering elections. The opinions presented seek to create an elections system that is transparent and user friendly. While ease of administration is always a concern as it impacts the ability of election officials and voters to implement and understand their voting systems, it is not at the heart of this document. The document lays forth our thoughts and recommendations for how to best achieve the underlying goal of our association, which is *servicing our voters*. With them in mind, we submit this document.

Response to the EVEREST report and findings

- ✓ **Position:** The OAEO believes that the EVEREST report and findings have accomplished their original intent by exposing weaknesses and vulnerabilities in the voting systems used in Ohio. Accordingly it is a useful starting point for discussions on how to respond to, remediate and mitigate those vulnerabilities. Because the report only points out the *possibility* and not the *probability* of an attack, the Secretary of State has pointed out that the task of determining probability falls to that office, local election administrators, state policy makers and other interested parties.
- ✓ **Position:** The OAEO believes that many of the findings in the EVEREST report can be mitigated through enhanced and consistent application of security procedures by local boards of elections. Those that cannot be addressed by such procedures should be discussed with the long-term goal of providing stability and reliability to the elections systems in Ohio. This discussion must include the multitude of interested parties who have a vested interest in Ohio's elections.
- ✓ **Position:** The EVEREST report must be considered in the context of the first federally-approved testing and accreditation procedures as laid forth in the Help America Vote Act. Recently the U.S. Elections Assistance Commission adopted

new voting system standards, and only began testing equipment in 2006. Local election officials should carefully consider the new testing guidelines and balance them against the EVEREST report.

*Principles of the OAEO in consideration
of the EVEREST report and recommendations*

- ✓ **Principle:** The OAEO has long held the belief that decisions regarding the type of equipment used in each county should be made by those individual counties. While we recognize that certification of voting systems is within the purview of the Board of Voting Machine Examiners, the Ohio Revised Code is clear that the purchase and selection of equipment for each county resides with that county.
- ✓ **Principle:** In keeping with the above stated principle, any county that wishes to change voting systems as a result of the EVEREST report should have the ability to do so while working through the necessary processes at the local level.
- ✓ **Principle:** Decentralization of voting systems in Ohio not only affirms local control, it also acts as a de facto security system. Ohio's counties run five different voting systems provided by three different vendors. Thus, the ability for malicious groups and individuals to wreak havoc on our elections is stymied by the variety of machinery and multitude of technologies employed.
- ✓ **Principle:** We are encouraged that the Secretary of State is leaning less and less towards central count optical scan voting. The OAEO believes central count optical scan voting should not be used as the primary voting system in Ohio. We believe offering a second chance to voters is one of the great advantages of both precinct count optical scan and DRE machines. The Help America Vote Act made clear that second chance voting is paramount to our voting process, and we believe that central count optical scan denies Ohio's voters that benefit.
- ✓ **Principle:** Costs must be accounted for when recommending any changes to the voting system. In recent years, Ohio's elections officials and county commissioners have been assailed by unfunded and underfunded mandates from both the state and federal governments. This has caused a critical erosion of local resources available to fund elections. Any and all changes mandated by the state in the wake of the EVEREST report must be *fully* funded by the state. In light of increased state mandates, ongoing state support for elections should be considered. Furthermore, a cost/benefit analysis should be undertaken to determine the extent to which proposed solutions to security issues solve the problems they seek to fix.
- ✓ **Principle:** Changes to the elections system should be made incrementally and in a manner that is as least disruptive to the system as possible. The OAEO *does not* believe that the status quo is acceptable when it comes to increasing the security of our elections processes and systems. To the contrary, EVEREST has lain before us numerous and real concerns that must be addressed as quickly as possible. We do not object to reasonable and well-timed changes to the elections system. However, radical change, implemented in a way that does not account for the numerous deadlines that must be met in running elections can do more harm

than good. Any changes must be considered in the context of maintaining the continuity of the elections planning already taking place for future elections.

Recommendations by the OAE0

- ✓ **Recommendation:** The Secretary of State should convene an elections security forum in conjunction with the summer conference of election officials. The forum should include members of the Secretary of State's staff, local election officials, representatives of voting rights groups, computer experts, academics, county commissioners, legislators, and other groups that have a stake in Ohio's elections. The goal should be to create a round table environment where security issues can be discussed and vetted.
- ✓ **Recommendation:** The Secretary of State should immediately form a work group of local election officials to discuss best practices and procedures for securing the various voting systems in Ohio. This work group should use the EVEREST report to prioritize security flaws in both voting technology and elections procedures. No later than May 15, 2008, the Secretary of State should issue a report to election officials outlining the findings of the group and recommending security practices and procedures to be employed for risk mitigation strategies.
- ✓ **Recommendation:** After issuing the best practices and procedures report, and before July 31st, 2008, the Secretary of State should require boards of elections to submit security and risk mitigation plans to the Secretary of State's office. These plans should be reviewed and implemented prior to the 2008 General Election.
- ✓ **Recommendation:** Legislation should be considered to allow counties to pilot Colorado-style vote centers or super precincts in the May 2009 primary. We wholeheartedly agree that vote centers hold much promise in some counties. However, Ohio's demographic make-up dictates that one size does not fit all when it comes to implementing vote centers. Thus, the legislation should lay out general guidelines for their use and make their implementation permissive on a county-by-county basis. It is important that any legislation maintain uniformity of rights while providing maximum flexibility to boards with regard to the placement and location of voting centers.
- ✓ **Recommendation:** Legislation should be considered allowing for in-person early voting to be piloted in limited counties in the May 2009 primary election. The OAE0 has long believed that expanding voting beyond election day, when done in a way that is cost effective and well planned, can be of tremendous benefit to Ohio's voters. The legislation should lay out general guidelines for early voting while leaving some discretion to counties in its implementation. It is critical that the Secretary of State, local election officials and county commissioners have a say in the formation of the legislation, as it will take a cooperative effort of all three groups to successfully implement early voting in Ohio.
- ✓ **Recommendation:** Legislation allowing all mail special elections should be passed. The OAE0 has worked for many years to craft legislation to allow this to take place. Ohio Senate Bill 182 should be the vehicle for accomplishing this goal. We urge the General Assembly to pass this legislation in its current form.

Conclusion

Elections are at the heart of our democracy and as such evoke strong emotional reactions from those who administer them, those who evaluate and observe them, and those who participate in them. We anticipate and urge that this document will be viewed as a good faith effort to improve the confidence and trust that we all place in our elections system.