

Securing the Privacy and Integrity of Military and Overseas Voting

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Fueled by an understandable desire to improve military and overseas voting, many states across the nation have proposed internet voting as a solution. On January 11, 2010, Washington Secretary of State Sam Reed introduced legislation in the Washington House of Representatives and Washington State Senate (HB 1624 and SB 5522) pursuing the implementation of an internet voting pilot program for military and overseas voters. Reed's proposal would allow for military and overseas voters to cast their votes through a website using their own laptops, which would mark the first such voting system in the country. Reed previously introduced internet voting in the 2009 legislative session, however the bills eventually died in the House because of the significant financial impact the program would have on counties and individual taxpayers that was not reflected in the original fiscal note.

In addition to the internet voting bills, House Bill 2483 and its companion Senate Bill 6238, seek to put into place a voting system allowing for ballots to be sent and *returned* via electronic transmission (fax and email). These bills were introduced allegedly to comply with the Military and Overseas Voters Empowerment Act (MOVE), which was established to provide voters with an efficient means to receive blank ballots and sidestep delays created by mailing a ballot via postal mail. MOVE only requires that blank ballots be made available by fax or email and does not necessitate ballots be returned via electronic transmission. By emailing or faxing blank ballots, military and overseas voters are able to receive voting materials in a significantly expedited manner. This is a process already employed in Washington State to positive effect; the Secretary of State's office recently reported that Washington State has one of the highest military voter participation rates – over 76%, with 99% of the ballots being counted. However, the return of ballots via email or fax could create serious problems for overseas and military voters and the integrity of elections due to the inherent insecure environment of the internet, the lack of voting privacy and the opportunity for voter coercion. Pew Research also came to this conclusion in a January 2009 report titled *No Time to Vote: Challenges Facing America's Overseas Military Voters*ⁱ, commenting that there is no current way for voters to have the ability to cast a secure and secret ballot via fax or email. For example, fax transmissions cannot be adequately secured outside of the United States and email, which is sent through the internet, has insurmountable documented security and privacy vulnerabilities.

Voter Action and other major election integrity organizations have joined leading computer scientists in expressing deep concern about the threat posed to our democracy by the introduction of a voting system that creates serious election and voter vulnerabilities. We believe that there are safer and more secure ways to address the issues facing military and overseas voting without undermining the integrity of the very votes that we are hoping to protect.

Internet voting is unreliable. With Internet voting, it would be impossible to ensure the accurate counting of votes as cast. Given the absence of any voter-marked paper ballots, an Internet voting system would prevent any meaningful recount or audit from being conducted while still preserving the secret ballot, a fundamental tenet of our democracy.

Internet voting is insecure. An Internet voting system presents serious security concerns. Such security concerns led the Pentagon, in 2004, to cancel Internet voting for as many as 100,000 military and overseas voters from seven states, including Washington. There is now overwhelming evidence that electronic voting machines do not meet basic security standards. Top computer security experts across the country agree that the security

problems associated with Internet voting would be exponentially greater than the current concerns with electronic voting machines. Online threats, such as worms, viruses, and hacking, are constantly evolving making it difficult to ensure security in a digital, shared environment with so many variables. Two examples of this are the recent hacks into the Google infrastructure in an attempt to steal intellectual propertyⁱⁱ and the attack on the US electrical grid system originating in Russia and Chinaⁱⁱⁱ.

Internet voting undermines the secrecy of the ballot. The Washington State Constitution makes clear that voters have the right to "absolute secrecy" of their votes. Washington State Constitution, Article VI, Section 6. Under the proposed legislation, military and overseas voters would be issued pin numbers to access a website for casting their votes, thereby creating unique and identifiable markers on ballots cast via the Internet. Such markers could be traced back to the individual voters either by the state or by a private party hacking the system, erasing the state constitutional guarantee of absolute secrecy of the vote.

There is an alternative way to improve the voting system for military and overseas voters that does not compromise the integrity of our elections. Military and overseas voters could apply electronically for a printable paper ballot from a government website. This would expedite access to such ballots and would address the problem military and overseas voters face when their ballots do not arrive on time in the mail. While such voters would still need to return their ballots via postal mail, the concerns around reliability, security, and ballot secrecy associated with internet voting would not be presented.

To date, Washington State has one of the strongest voting systems for military and overseas voters. Voter Action encourages legislators to continue moving this legacy forward by increasing accessibility, while maintaining security. Military and overseas voters should be offered the same reverence and assurances as those who are voting within the country.

ⁱ http://www.pewtrusts.org/uploadedFiles/wwwpewtrustsorg/Reports/Election_reform/NTTV_Report_Web.pdf

ⁱⁱ <http://googleblog.blogspot.com/2010/01/new-approach-to-china.html>

ⁱⁱⁱ <http://online.wsj.com/article/SB123914805204099085.html>