

AMENDED IN ASSEMBLY APRIL 16, 2013

AMENDED IN ASSEMBLY MARCH 20, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 19**

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**Introduced by Assembly Member Ting**

December 3, 2012

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An act to add Division 4.5 (commencing with Section 4500) to the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 19, as amended, Ting. Internet Voting Pilot Program.

Existing law provides for voting at polling places, by vote by mail ballot, and in mail ballot elections. Existing law prohibits a voting system from being connected to the Internet, electronically receiving or transmitting election data, or receiving or transmitting wireless communications or wireless data transfers.

This bill would establish an Internet Voting Pilot Program under which a county may offer Internet voting as an additional method of voting in a local election held within the county, provided that specified conditions apply. The pilot program would be required to test the viability, accuracy, security, integrity, efficacy, accessibility, and public acceptance of an Internet voting system.

This bill would require the Secretary of State to certify an Internet voting system before it may be used by a county in conducting a pilot program. In order to certify the Internet voting system, this bill would require the Secretary of State to conduct a top-to-bottom review of the system and report on the system's accuracy, security, integrity, efficacy, and accessibility.

If a county conducts a pilot program, this bill would require the county to evaluate the program and the county’s experience with the Internet voting system and report thereon to the Legislature and the Secretary of State.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Division 4.5 (commencing with Section 4500)  
2 is added to the Elections Code, to read:

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4 DIVISION 4.5. INTERNET VOTING

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6 CHAPTER 1. INTERNET VOTING PILOT PROGRAM

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8 4500. For purposes of this chapter, the following terms have  
9 the following meanings:

10 (1) “Internet voting” means the casting of a secure and secret  
11 electronic ballot that is transmitted to the appropriate elections  
12 official using the Internet.

13 (2) “Internet voting system” means a voting system that uses  
14 electronic ballots and allows a voter to transmit his or her voted  
15 electronic ballot to the appropriate elections official over the  
16 Internet.

17 (3) “Program” means the Internet Voting Pilot Program  
18 authorized by this chapter.

19 (4) “Red team or penetration testing” means a method of  
20 evaluating the security of an Internet voting system, including its  
21 hardware, storage devices, or software, by simulating unauthorized  
22 access to the Internet voting system.

23 ~~(4)~~

24 (5) “Top-to-bottom review” means a comprehensive and  
25 scientifically rigorous examination and analysis of an Internet  
26 voting system.

27 4501. (a) Notwithstanding Section 19217 or any other  
28 provision of law, in order to test the viability of conducting a public  
29 election via the Internet a county may conduct an Internet Voting  
30 Pilot Program under which the county may offer Internet voting

1 as an additional method of voting in a local election held within  
2 the county, provided that all of the following are satisfied:

3 (1) The county board of supervisors authorizes the county to  
4 conduct the program.

5 (2) The election is a regularly scheduled or special county,  
6 municipal, or district primary or general election. A local election  
7 that includes a candidate for a federal or state office or a state  
8 measure on the ballot is not eligible to be included in the program.

9 (3) The program uses an Internet voting system that was certified  
10 by the Secretary of State prior to the election in the county at which  
11 the system is to be first used.

12 (4) The Internet voting system is offered as an additional and  
13 supplemental method of voting, but does not replace any other  
14 method of voting or voting system in place within the county.

15 (b) The program shall test the viability, accuracy, security,  
16 integrity, efficacy, accessibility, and public acceptance of an  
17 Internet voting system certified by the Secretary of State.

18 4502. (a) A county, person, or corporation owning or being  
19 interested in an Internet voting system may apply to the Secretary  
20 of State to examine and certify the Internet voting system. The  
21 applicant shall submit to the Secretary of State all relevant  
22 documentation and information requested by the Secretary of State.

23 (b) Upon receiving an application to examine and certify an  
24 Internet voting system, the Secretary of State shall conduct a  
25 top-to-bottom review of the Internet voting system and report on  
26 its accuracy, security, integrity, efficacy, and accessibility.  
27 ~~Notwithstanding~~ *The top-to-bottom review shall include all of the*  
28 *following:*

29 (1) *Review and analysis of the Internet voting system's*  
30 *documentation and specifications, security features, and source*  
31 *code for its software and firmware.*

32 (2) *Red team or penetration testing to interactively analyze the*  
33 *function and performance of the Internet voting system and identify*  
34 *and document any part of the Internet voting system that may be*  
35 *vulnerable to tampering or error that could cause incorrect*  
36 *recording, tabulation, tallying, or reporting of votes or that could*  
37 *alter critical election data.*

38 (3) *Testing and observation of the Internet voting system to*  
39 *evaluate whether it is accessible to voters with disabilities and to*  
40 *voters who require assistance in a language other than English,*

1 *if the language is one in which a ballot or ballot materials are*  
2 *required to made available to voters.*

3 *(4) Review of reports and available data from any independent*  
4 *examination of the Internet voting system.*

5 *(5) Review and analysis of any available data relating to the*  
6 *deployment, implementation, and use of the Internet voting system*  
7 *in other jurisdictions.*

8 *(c) Notwithstanding any other provision of law, if the Secretary*  
9 *of State's report states that the Internet voting system meets the*  
10 *standards of accuracy, security, integrity, efficacy, and*  
11 *accessibility, the Internet voting system shall be deemed certified*  
12 *by the Secretary of State and may be used by a county in*  
13 *conducting a program.*

14 *(e)*

15 *(d) The Secretary of State shall make public the top-to-bottom*  
16 *review process and the results of each review.*

17 4503. *(a) If a county conducts a program, the county shall*  
18 *evaluate the program and the county's experience with the Internet*  
19 *voting system and shall report thereon to the Legislature and the*  
20 *Secretary of State. The report shall include a summary of the*  
21 *demographic information of voters who chose to use traditional*  
22 *voting methods compared to those who chose to use Internet*  
23 *voting.*

24 *(b) A report to be submitted pursuant to subdivision (a) shall*  
25 *be submitted in compliance with Section 9795 of the Government*  
26 *Code.*