

AMENDED IN ASSEMBLY APRIL 30, 2013

AMENDED IN ASSEMBLY APRIL 16, 2013

AMENDED IN ASSEMBLY MARCH 20, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 19

Introduced by Assembly Member Ting

December 3, 2012

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. *Before a county may conduct a pilot program, this bill would require the county to test the program, as specified.*

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

26 4501. (a) Notwithstanding Section 19217 or any other
27 provision of law, in order to test the viability of conducting a public
28 election via the Internet a county may conduct an Internet Voting

1 Pilot Program under which the county may offer Internet voting
2 as an additional method of voting in a local election held within
3 the county, provided that all of the following are satisfied:

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

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

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

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

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

19 (c) *A county shall not conduct a program until after a test*
20 *program is successfully completed in accordance with Section*
21 *4504.*

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

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

32 (1) Review and analysis of the Internet voting system's
33 documentation and specifications, security features, and source
34 code for its software and firmware.

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

1 (3) Testing and observation of the Internet voting system to
2 evaluate whether it is accessible to voters with disabilities and to
3 voters who require assistance in a language other than English, if
4 the language is one in which a ballot or ballot materials are required
5 to made available to voters.

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

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

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

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

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

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

29 4504. (a) *Before conducting a program, a county shall conduct*
30 *a test program on a smaller scale in one or more local jurisdictions*
31 *within the county to test the program. In order to participate in*
32 *the test program, the governing board of the local jurisdiction*
33 *shall, by a vote of the governing board, elect to participate in the*
34 *test program. The participating local jurisdiction shall notify the*
35 *voters of that jurisdiction that a test program will be conducted.*

36 (b) *The test program shall permit a voter of a participating*
37 *local jurisdiction, in addition to casting his or her official ballot,*
38 *to cast a test ballot on an Internet voting system that is monitored*
39 *by the county elections official. The test ballot shall be counted*
40 *only for purposes of testing the program and shall not be counted*

1 *in the election results. The county elections official, without*
2 *compromising the secrecy of the ballot, shall determine whether*
3 *the votes tabulated by the Internet voting system are consistent*
4 *with votes cast on the voters' official ballots. If the county elections*
5 *official determines that the test program is successful, the county*
6 *may conduct a program in accordance with Section 4501.*

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