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**ADVISORY 2014-02**

February 27, 2014

To: All County Boards of Elections  
Directors, Deputy Directors, and Board Members

Re: Electronic Pollbooks

**SUMMARY**

This purpose of this Advisory is to:

1. Alert boards of elections that any electronic pollbook (e-pollbook) acquired by a board of elections must be approved by the Ohio Board of Voting Machine Examiners and certified by the Ohio Secretary of State;
2. Inform boards of elections that precinct elections officials must seal an e-pollbook, any removable data storage unit, and any paper record produced by the pollbook on election night just as traditional, paper pollbooks are sealed prior to transport; and
3. Remind boards of elections of the retention period for records produced by an e-pollbook and of the requirements for evaluating e-pollbooks and conducting acceptance testing.

This Advisory supersedes Advisory 2013-04.

**EXPLANATION**

**Testing and Certification of Electronic Pollbooks**

Am.Sub.S.B.109, which became effective on February 25, 2014, requires that any e-pollbook used in an Ohio election must be approved by the Ohio Board of Voting Machine Examiners and certified by the Ohio Secretary of State. The approval and certification of e-pollbooks is conducted in accordance with R.C.3506.05 and standards adopted by the Ohio Board of Voting Machine Examiners.

Pursuant to these standards, each e-pollbook must undergo testing by an independent testing authority recognized by the National Institute of Standards and Technology (NIST). Once the e-pollbook has completed testing, the vendor may submit an application for examination of the e-pollbook to the Ohio Board of Voting Machine Examiners. The Ohio Board of Voting Machine Examiners then reviews the results of the testing completed by the independent testing lab and examines the functionality of the e-pollbook. If the Ohio Board of Voting Machine Examiners is

satisfied with its review of the testing results and the functionality of the pollbook, it votes whether to recommend that the Secretary of State certify the e-pollbook for use in Ohio elections. The Secretary of State's Office notifies boards of elections and the vendor whether the e-pollbook is certified.

The standards for the testing and certification of e-pollbooks are attached to this Advisory. Questions regarding these standards and certification may be directed to Brandi Seskes at [bseskes@OhioSecretaryofState.gov](mailto:bseskes@OhioSecretaryofState.gov).

### **Sealing of Electronic Pollbooks**

Each e-pollbook must be sealed by the precinct election officials with a tamper-evident seal before being returned from the polling location to the board of elections' office. If the e-pollbook uses a removable data storage unit or produces a paper record, the data storage unit and the paper record must also be sealed with a tamper-evident seal in an appropriate storage container before being returned to the board office.

E-pollbooks, any removable data storage unit, and any paper record produced by the e-pollbook must be transported to the board office in the same manner in which all other election materials are transported to the board office.

For additional guidance on the secure transport of election materials, please see [Secretary of State Directive 2012-46](#).

### **Retention of Records or Images Produced by Electronic Pollbooks**

As previously advised, all audit and transaction records generated by an e-pollbook must be retained by the board of elections for at least six years. The image of an electronic signature captured by an e-pollbook must be archived by the board of elections for at least six years.

### **Evaluation of Electronic Pollbooks**

Prior to procuring an e-pollbook, a county board of elections must evaluate that e-pollbook. Such evaluation must include the following:

- A review of any repair and maintenance policies;
- A review of the training materials and user manuals;
- An explanation of the availability and cost of all consumables necessary to use the e-pollbook, along with a declaration of its supply chain;
- A demonstration of the e-pollbook's compatibility with any hardware used with the pollbook; and
- A demonstration of how the e-pollbook receives, processes, and transmits a voter record between other systems employed by the board of elections.

## Acceptance Testing by a Board of Elections

Upon procuring an e-pollbook, a county board of elections must conduct acceptance testing of the e-pollbook. The acceptance testing must include the following:

- The system should be delivered with end-user documentation, system-level documentation, and a clear model of the system's architecture.
- The source code and related documentation, together with any periodic updates as they become known or available, but not including variable codes created for specific elections or dates from the county's voter registration system, must be placed in escrow with an independent escrow agent.
- Training materials should be reviewed as part of the procurement process. As part of acceptance testing, the county must provide a copy of the training materials to the testers for use in testing.
- Acceptance testing of the e-pollbook should demonstrate its compatibility with any hardware that may be attached to it: network cards, barcode scanners, ballot-on-demand printers, etc.
- Acceptance testing of the e-pollbook should demonstrate the correct handling of every record in the list of electors and how the record's contents are used, transformed, stored, and transmitted by the e-pollbook.
- The e-pollbook must demonstrate that it correctly processes all activity regarding each voter registration record included on the list, including the use, alteration, storage, and transmittal of information that is part of the record. Compliance with this must include the mapping of the data lifecycle of the voter registration record as processed by the e-pollbook.
- Acceptance testing should validate all of the vendor's assertions regarding functionality, usability, security, accessibility, reliability, and sustainability.

**Finally, any board of elections that acquires e-pollbooks must notify the Secretary of State's Office of the make/model and vendor of the e-pollbooks selected by the board. The notification should be sent to Brandi Seskes at [bseskes@OhioSecretaryofState.gov](mailto:bseskes@OhioSecretaryofState.gov).**

If you have any questions concerning this Advisory, please contact the Secretary of State's elections counsel assigned to your county at (614) 466-2585.

Sincerely,

  
Jon Husted

## **Standards Governing the Examination and Certification of Electronic Pollbooks for Use in Ohio Elections**

**Adopted by the Ohio Board of Voting Machine Examiners on February 6, 2014**

### **I. Definitions**

- a. "Electronic pollbook, " as used in these rules, means "an electronic list of registered voters for a particular precinct or polling location that may be transported to a polling location." Ohio Revised Code §3506.05(A).
- b. "Ohio Board of voting machine examiners " or "Board of Voting Machine Examiners," as used in these rules, is the public body created by and defined in Ohio Revised Code §3506.05(B).
- c. "Vendor," as used in these rules, means "the person that owns, manufactures, distributes, or has legal right to control the use of equipment, or the person's agent. Ohio Revised Code §3506.05(A)(3).

### **II. Testing Requirements**

- a. Each electronic pollbook must undergo testing by an independent testing authority recognized by the National Institute of Standards and Technology (NIST).
- b. The results of the testing by the testing authority must demonstrate that the electronic pollbook meets or exceeds the requirements set forth in the attached Testing Matrix, adopted by the Ohio Board of Voting Machine Examiners.
- c. Neither the Ohio Secretary of State nor the Ohio Board of Voting Machine Examiners will cover any costs associated with the testing.

### **III. Application for Use in Ohio Elections**

- a. A vendor that seeks to have its electronic pollbook approved and certified for use in Ohio elections must submit an application package to the Ohio Board of Voting Machine Examiners via the office of the Ohio Secretary of State, c/o Elections Division, 180 East Broad Street, 15<sup>th</sup> Floor, Columbus, Ohio 43215. The application package must include:
  - i. The examination fee required by Ohio Revised Code §3506.05(C) in the form of a check or money order made payable to the state treasurer of Ohio – board of voting machine examiners fund.
  - ii. A paper or electronic copy of any and all documentation produced by the testing authority during the testing of the electronic pollbook, including the results of all testing.

- iii. A letter or other document (in paper or electronic form) from the testing authority certifying that the electronic pollbook meets or exceeds the minimum requirements set forth in the testing matrix.
- iv. A paper or electronic copy of all procedural, instruction, and/or training manuals, including a polling location “how to” guide, that are provided with the electronic pollbook upon purchase and/or delivery.
- v. A letter or other document (in paper or electronic form) certifying that the source code and related documents have been placed in escrow with an independent escrow agent.
- vi. A paper or electronic copy of all support, repair, and/or maintenance policies that are provided by the vendor to a purchaser of the electronic pollbook.
- vii. A paper or electronic copy of a list of any and all customers who have purchased the electronic pollbook. This list must identify any and all known anomalies experienced with the use of the electronic pollbook and a description of the resolution of each anomaly.
- viii. If the documentation from the testing authority does not contain the following information, it must be provided in paper or electronic form:
  - 1. End user documentation, system-level documentation, and a model of the system’s architecture;
  - 2. A list of all consumables (and the supply chain for each) required for the continued operation of the electronic pollbook;
  - 3. A list of the patents and copyrights relevant to the operation of the electronic pollbook; and
  - 4. A description of the construction and method of operation of the electronic pollbook.
- b. A vendor that needs additional information or clarification of the requirements of set forth above may contact the office of the Ohio Secretary of State, Elections Division, at (614)466-2585.

#### IV. Examination by the Ohio Board of Voting Machine Examiners

- a. Upon receipt of the application package and within the timeframe set forth in Ohio Revised Code §3506.05(D), the Ohio Board of Voting Machine Examiners shall meet in an open meeting to review the application package, examine the electronic pollbook and any related equipment, and, consistent with the provisions of Ohio Revised Code §3506.05(D), make a written recommendation to the Ohio Secretary of State regarding the use of the electronic pollbook in Ohio elections.
- b. The aforementioned examination of the electronic pollbook and any related equipment shall be conducted using the standards set forth in the attached Examination Matrix, adopted by the Ohio Board of Voting Machine Examiners.

V. Certification of Electronic Pollbook

- a. In accordance with Ohio Revised Code §3506.05(D), after receiving the written recommendation from the Board of Voting Machine Examiners, the Secretary of State shall notify all boards of elections of any such certification.
- b. The vendor shall notify the Secretary of State of any enhancement and/or significant adjustment to the electronic pollbook. Upon such notification, the vendor may be required to submit the electronic pollbook to another examination by the Board of Voting Machine Examiners in accordance with Ohio Revised Code §3506.05(E) and as outlined by these rules.
- c. The Secretary of State may withdraw certification of an electronic pollbook by following the procedures prescribed by Ohio Revised Code §3506.05(F)-(G).

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