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November 27, 2018

The Honorable Roy Blunt, Chairman
The Honorable Amy Klobuchar, Ranking Member
Senate Committee on Rules and Administration
305 Russell Senate Office Building
Washington, DC 20510-6325

Dear Chairman Blunt and Ranking Member Klobuchar:

We write to you regarding the hearing on the nomination of Donald L. Palmer and Benjamin W. Hovland to the Election Assistance Commission ("EAC").[1] EAC is an independent, bipartisan commission charged with developing guidance to meet the requirements of the Help American Vote Act of 2002 ("HAVA"), adopting voluntary voting system guidelines ("VVSG"), and serving as a national clearinghouse of information on election administration.[2]

EPIC is a nonpartisan research center established in 1994 to focus public attention on emerging privacy and civil liberties issues.[3] EPIC has a long history of working on voter privacy and election integrity issues, and has previously testified before the EAC.[4] In 2016, EPIC, along with Verified Voting and Common Cause, published *The Secret Ballot at Risk: Recommendations for Protecting Democracy*, a report highlighting the right to a secret ballot and how Internet voting threatens voter privacy.[5]

As threats to U.S. election integrity increase, the role of the EAC is increasingly vital. Without enough Commissioners, the Commission has been unable to take action on Voluntary Voting System Guidelines 2.0 ("VVSG 2.0"), the technical guidelines for voting systems' security. '

EPIC testified before the Election Assistance Commission on the 2007 Voting System

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[1] *Nomination Hearing of Donald L. Palmer and Benjamin W. Hovland*, 115th Cong. (2018), Senate Comm. on Rules and Admin. (Nov. 28, 2018), https://www.rules.senate.gov/hearings/nomination-hearing-for-donald-l-palmer-and-benjamin-w-hovland.
[2] Election Assistance Comm'n, About the EAC, https://www.eac.gov/about-the-useac/.
[3] *See* EPIC, *About EPIC*, https://epic.org/epic/about.html.
[4] *See* EPIC, Voting Privacy, https://epic.org/privacy/voting/; EPIC Comments Regarding the 2009 Voluntary Voting System Guidelines Version 1.1, Election Assistance Comm'n (Sept. 28, 2009), https://epic.org/privacy/voting/epic_eac_comments_10-09.pdf; *Hearing on Proposed Voluntary Guidance to the States on Implementing Statewide Voter Registration Databases Before the U.S. Election Assistance Comm'n.* (2005) (Statement of Lillie Coney, Associate Director, EPIC), https://www.epic.org/privacy/voting/register/eac_testimony42605.html.
[5] Caitriona Fitzgerald et al., *The Secret Ballot at Risk: Recommendations for Protecting Democracy* (2016), http://secretballotatrisk.org.

Guidelines.[6] EPIC urged the Commission to "offer clear and effective guidance to states on issues of functional capability, hardware, software, telecommunication, security, quality assurance, and configuration of voting systems." Over a decade later, that guidance is still needed today.

In September, the National Academies of Sciences released a report "Securing the Vote: Protecting American Democracy," highlighting vulnerabilities in current voting technology.[7] The Academies report includes many recommendations "designed to harden our election infrastructure and safeguard its integrity and credibility," concerning voter registration, ballot design, voting technology, system certification, cybersecurity, online voting, and auditing. The report recommends end-to-end verifiable systems to ensure that votes have been counted as intended.

The drive for perfecting the election process and voting technology is grounded in a fundamental promise of our form of democracy—one vote for each person. The bar for voting technology and election administration should be set high in the final guidance produced by the Commission. Voters need an advocate for their interests before, during, and after public elections. They need voting systems and procedures that reflect the best that human factors, computer science, cryptography, data protection, security, computer architecture, and informatics can produce.

Once the Commission is up to full strength at four commissioners, it must act promptly to finalize the new Voluntary Voting Systems Guidelines. Our democracy depends on it.

We ask that this statement be entered in the hearing record. EPIC looks forward to working with the Committee on these issues of vital importance to the American public.

Sincerely,

/s/ *Marc Rotenberg*   /s/ *Caitriona Fitzgerald*
Marc Rotenberg   Caitriona Fitzgerald
EPIC President   EPIC Policy Director

/s/ *Jeff Gary*
Jeff Gary
EPIC Legislative Fellow

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[6] *Hearing on Proposed Voluntary Voting System Guidelines Before the U.S. Election Assistance Comm.* (2005) (Testimony of Lillie Coney, Associate Director, EPIC), https://epic.org/privacy/voting/eac-8_23.pdf.

[7] National Academies of Sciences, Engineering, and Medicine, *Securing the Vote: Protecting American Democracy* (2018), *available at* https://www.nap.edu/catalog/25120/securing-the-vote-protecting-american-democracy.