

CAROLYN B. MALONEY
14TH DISTRICT, NEW YORK

2331 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-3214
(202) 225-7944

COMMITTEES:
FINANCIAL SERVICES

GOVERNMENT REFORM

JOINT ECONOMIC COMMITTEE



Congress of the United States
House of Representatives
Washington, DC 20515-3214

August 31, 2006

DISTRICT OFFICES:
 1651 THIRD AVENUE
SUITE 311
NEW YORK, NY 10128
(212) 860-0606

28-11 ASTORIA BOULEVARD
ASTORIA, NY 11102
(718) 932-1804

WEBSITE: www.house.gov/maloney

The Honorable Donald Rumsfeld
Secretary
The Pentagon
Washington, D.C. 20301

Dear Mr. Secretary,

It was with great interest that I read the press release issued on August 25, 2006, *Web Site to Outline Voting Options for Troops Overseas*, by Sgt. Sara Wood, USA, American Forces Press Service (<http://www.defenselink.mil/News/NewsArticle.aspx?ID=578>) which announced that, "A new Web site being developed by the Defense Department will provide information on electronic voting options for service members and other U.S. citizens living overseas." The release later mentions that "...IVAS will have an electronic Federal Post Card Application - the form citizens use to request an absentee ballot - that can be filled out and submitted to the state officials via a secure site." This is certainly welcome news. I have advocated for some time that both military and overseas civilians need easier access to the voting process while they are overseas, and I am glad that DOD is taking steps to achieve that, especially at a time when so many of our servicemen and women are overseas facing combat.

However, I am very concerned that similar to previous attempts in this vein, this DOD/FVAP effort may be overly ambitious, executed with insufficient planning and coordination prior to launch, and that it will cause military voters and states unforeseen problems for this election, and in the end, do more harm than good. Hopefully, you can prove my fears groundless and demonstrate to me that adequate measures have been taken to ensure our servicemen and women have an easier time voting. In light of the above, I have a few questions:

- Was Congress briefed on the details, the mechanics, the costs and the expectations of this new program?
- It appears that the scope of the project encompasses both military and overseas voters but to what extent is unclear. Like the SERVE project, is the emphasis with the IVAS system only on military voters? Please explain what is proposed for DOD contractors and Americans overseas generally.
- The timing of the project, a little more than 60 days prior to the election, would seem to make it very challenging to achieve broad acceptance or use of a new system. It is unclear from this release whether this is a pilot program or if IVAS is fully functional and

ready for general use by all UOCAVA voters. When were the plans for this system laid out and who was involved in its definition? Is there a system specification or a complete project description available, including functional requirements? Was it purely an internal project, or were external consultants or companies hired to work on the project? If so, who and which companies? How long was the development cycle? Was or is there a “beta test” program? If so, who participated in the testing and what were the results of such a beta test? Have any features been dropped or development steps skipped to make the system was available for the 2006 election?

- With SERVE, a committee was formed and a security analysis report was published on January 20, 2004 (<http://www.servesecurityreport.org/>). It would be useful to have the security aspects of this new IVAS system clarified and a relief to know that such a study has been executed *prior* to embarking on this project and expenditure, rather than after. What security aspects of the new IVAS system were considered before the project was initiated and by whom? Has there been any effort made to “...identify potential vulnerabilities the system might have to various kinds of cyber-attack, to evaluate the degrees of risk they represent to the integrity of an election, and to make recommendations about how to mitigate or eliminate those risks,” as per the referenced report? It would be reassuring to know that the system is so simple that it does not undertake security risk of any type. Perhaps it avoids entirely the inherently insecure nature of regular email transmission and no security measures are needed?
- The press release contends that IVAS allows for online completion and submission of FPCA forms. What remains unclear is exactly how the FPCA is to be transmitted to the local election official (LEO). Does the FPCA get sent to the LEO via the FVAP? Or is it sent directly to the LEO? Is the voter still required to submit a posted copy of the original signed form to his election official? The latter would indeed effectively render the electronic expedition nearly meaningless. What happens if the paper copy FPCA fails to arrive? Similarly, with regard to voted ballots, will a signed paper ballot be required to follow the electronically transferred ballot? If so, what is the advantage of electronic transmission? And, like the FPCA, what happens if the voted paper ballot never arrives. Does the vote still count?
- If sensitive identity and location information found on completed FPCA forms is moving over the Internet with the assistance of the IVAS program, how exactly does IVAS protect that information? If this information is stored somewhere, it is imperative that the locations and identities of service members and Americans living overseas are under strict security control and these security measures must be explicit. How are the receiving servers secured to protect against hacking and other unwanted system access? If the FVAP is the centralized distribution point for registration and ballot data, what steps has the FVAP taken to insure that FVAP employees and contractors can't disrupt or manipulate election data?
- Regarding vote confidentiality, further questions arise. As you know, there are already unresolved issues about the loss of UOCAVA voter confidentiality with ballot faxing. What level of voted ballot confidentiality is maintained and how? Will the FVAP store

FPCA and voted ballot data or just relay the data to the LEO? If the FVAP does not store the data, what happens if the LEO fails to receive it properly or loses it? Is the registration or voted ballot lost? If registration and ballot data is stored by the FVAP, how long will the data be retained and what specific security measures are in place to protect such sensitive personal data? And further, who has authorized the FVAP to store voter information including actual voter choices?

- As New York represents one of the top two states in volume of overseas voters, it is important to know that the State Board of Elections was briefed in a timely fashion, hopefully prior to the announcement. Are the state election offices prepared and equipped to implement this new system? Since the system is being launched less than three months prior to the election, the busiest time for election officials, I am assuming that any new system operations that may affect the impending election have been examined carefully in advance. To that end, I would like to know which states have been consulted. How many states will be officially integrating IVAS into their 2006 election process?
- It would be logical that the IVAS program is related to the execution of HAVA and coordinated with the efforts of the Election Assistance Commission. Was the EAC consulted and involved in the development of this system; and if so, how were they involved?
- As this will be a new effort by the FVAP to modernize their operations, a complete third party audit of the system during and after its use would be in order with results of the audit to be made available to Congress in a prompt manner after the 2006 election. Are there any plans to for such an audit? What are the FVAP's benchmarks for success with IVAS and have these goals been published or in any way been made available to Congress or the public?

I am encouraged that the FVAP is making this effort to do everything it can to streamline its system for our military and overseas civilian voters, but I am deeply concerned that so many questions surrounding the IVAS project remain unanswered this close to launch and this close to a general election. We may not have enough time to inform the UOCAVA voters themselves before the election. Is there is a backup plan in place in case the new system fails? I trust and hope that your answers to my questions will put me at ease, and that DoD's efforts will work as advertised.

Thank you for your attention to this matter. I look forward to your timely response.

Sincerely,


CAROLYN B. MALONEY
Member of Congress

Cc:

Tom Wilkey, Executive Director, U.S. Election Assistance Commission
Deb Markowitz, President, National Association of Secretaries of State
Kevin Kennedy, President, National Association of State Election Directors

Summary of questions within this letter:

- 1) Were Members of Congress briefed on the details, the mechanics, the costs and the expectations of this new program?
- 2) A. Like the SERVE project, is the emphasis with the IVAS system on military voters only? B. Please explain what is then proposed for DOD contractors, other overseas contractors, and Americans overseas generally.
- 3) When were the plans for this system laid out and who was involved in making them?
- 4) Is there a system specification or a complete project description available, including functional requirements?
- 5) Was it purely an internal project, or have other consultants or companies been involved? If so, who and which companies?
- 6) How long was the development cycle?
- 7) Was there a "beta test" program? If so, who were the participants and what were the results?
- 8) Have any features been dropped or development steps skipped to make the system was available for the 2006 election?
- 9) What security aspects of the new IVAS system were considered before the project was initiated and by whom?
- 10) What is the use of email transmission and what security measures are in place?
- 11) A) How is the FPCA submitted to the LEO? B) Who handles it and how in that process? C) Is the voter is still required to submit a posted copy of the original signed FPCA form to his election official? D) What happens if the paper copy FPCA fails to arrive?
- 12) Similarly, with regard to voted ballots: A) Will a signed paper ballot be required to follow the electronically transferred ballot? B) If so, what is the advantage of electronic transmission? C) Like the FPCA, what happens if the voted paper ballot never arrives. Does the vote still count?
- 13) If sensitive identity and location information found on completed FPCA forms or ballots are moving over the Internet with the assistance of the IVAS program, how exactly does IVAS protect that information?

- 14) A) How are the receiving servers secured to protect against hacking and other unwanted system access? B) If the FVAP is the centralized distribution point for registration and ballot data, what steps has the FVAP taken to insure that FVAP employees and contractors can't disrupt or manipulate election data?
- 15) What level of voted ballot confidentiality is maintained and how?
- 16) A) Will the FVAP store FPCA and voted ballot data or just relay the data to the LEO? B) If the FVAP does not store the data, what happens if the LEO fails to receive it properly or loses it? C) Is the registration or voted ballot lost?
- 17) A) If registration and ballot data is stored by the FVAP, how long will the data be retained and what specific security measures are in place to protect such sensitive personal data? B) If applicable, who has authorized the FVAP to store voter information including actual voter choices?
- 18) Are the state election offices prepared and equipped to implement this new system?
- 19) How many states will be officially integrating IVAS into their 2006 election process?
- 20) Was the EAC involved in the development of this system, and if so, how were they involved?
- 21) Will there be a complete audit of the system during and after its use?
- 22) What are the FVAP's benchmarks for success with IVAS and have these goals been published or in any way been made available to Congress or the public?
- 23) How will UOCAVA voters be informed about the system in such a short time before the actual election?
- 24) What are your backup plans in case the system fails?

REF:

To: <DEFENSE-PRESS-SERVICE-I@DTIC.MIL>

Subject: Web Site to Outline Voting Options for Troops Overseas

By Sgt. Sara Wood, USA

American Forces Press Service

WASHINGTON, Aug. 25, 2006 - A new Web site being developed by the Defense Department will provide information on electronic voting options for servicemembers and other U.S. citizens living overseas.

The Integrated Voting Alternative Site, which is scheduled to be accessible Sept. 1, will include information from all 55 states and territories on the various electronic ballot request and delivery alternatives available to U.S. citizens living overseas

covered under the Uniformed and Overseas Citizens Absentee Voting Act, said Scott Wiedmann, deputy director of the Federal Voting Assistance Program. The IVAS will be found on the Federal Voting Assistance Program Web site, and will be updated to reflect changes to state laws, he said.

The by-mail ballot system is still the preferred, and most used, voting method for troops and citizens overseas, Wiedmann said, but it isn't always available, so DoD developed electronic alternatives starting in 1990.

"Servicemembers, just like any other American citizen, have the right to participate in the electoral process," he said.

Different states have different electronic voting options, but they almost all allow overseas citizens to use fax machines for at least part of the voting process, Wiedmann said. About 30 states offer blank ballot delivery by fax, and 24 states allow citizens to return ballots by fax, he said.

Ballots cannot be filled out or submitted online because of security concerns, Wiedmann said, but the IVAS will have an electronic Federal Post Card Application - the form citizens use to request an absentee ballot - that can be filled out and submitted to the state officials via a secure site. The state officials can then post a blank ballot to the same site, and the citizen can print it out and mail it back when completed, he said.

"Where states are able to participate, either through their state laws or procedures, to use electronic capabilities, we encourage that," he said. "That helps to cut down part of the process."

State governments are responsible for the voting process, and DoD does not register any voters or send in ballots, Wiedmann said. The department simply acts as an intermediary, ensuring citizens covered under the Uniformed and Overseas Citizens Absentee Voting Act have a chance to vote, he said.

"It's our job to carry out that act and do whatever we can to facilitate that process and that communication between the individual member and their local election official," he said.

It's important for servicemembers to participate in this year's election, Wiedmann said, because members of Congress make many decisions directly affecting the military. Decisions about military pay, housing, and base closure go through Congress, he noted.

"In that regard, (servicemembers) should always be electing the people who they feel represent them best," he said.

[Web Version: <http://www.defenselink.mil/News/NewsArticle.aspx?ID=578>]