



ALEX PADILLA
CALIFORNIA SECRETARY OF STATE

August 20, 2018

The Honorable Senator James Lankford
United States Senate
Washington, D.C. 20510

Re: S. 2593 "Secure Elections Act"

Dear Senator Lankford:

As California's Chief Elections Officer, I write to express my concerns regarding the latest markup of the Secure Elections Act (the Act). The Act would, among other things, require post-election audits. As defined, however, the audits allowed would fail to provide the security needed in election administration to confirm the accuracy and the integrity of election results. Additionally, the lack of ongoing funding means elections officials will be severely limited in their ability to adopt new standards, technologies, and staff training.

The United States Election Assistance Commission worked with experts to compile a list of actions election officials can take to help secure and inspire confidence in elections. The list includes the recommendation that election officials conduct post-election audits before the certification of final results and that these audits should compare the voting system totals to a set of paper ballots. I strongly agree.

For over a decade, California has required a voter verifiable paper audit trail (VVPAT) for each ballot cast. The VVPAT is used during our post-election audit where county election officials compare a percentage of our paper ballots to the machine count. The manual hand count of paper ballots provides the public and election officials confidence that the voting systems correctly counted every ballot. Given modern cyber threats to our voting systems, only required audits of physical, paper ballots can provide security and confidence in the outcome of an election.

The latest markup of the Act inexplicably removes the requirement for a manual tally of paper ballots during a post-election audit. The Act, as amended, would allow post-election audits of a machine by another machine. We are right to be concerned about the potential hacking of voting systems and that concern should extend to any machine that would audit another machine. As now written, the Act undermines one of the most important election safeguards. To be an effective check on voting machines, post-election audits must use a hand count of paper ballots.

Election officials in the United States are underfunded and understaffed. In California, there are county election offices that do not have their own Information Technology staff. County election offices are often staffed by only a handful of year-round employees, who often have other, non-election related responsibilities. Stronger measures for election security are meaningless without

adequate resources. The Act does not contain any additional or ongoing funding for election administration or security. This means that the burden of funding the defense of our nation's democracy, against enemies foreign and domestic, falls on the strained budgets of local governments.

The Secure Elections Act is the first significant effort to improve and strengthen election administration since Congress acted in a bipartisan manner to pass the Help America Vote Act over fifteen years ago. While I applaud the leadership of the sponsor and co-sponsors, the Act - as written - falls short of its stated goal to better secure the administration of federal elections. I urge the sponsor and co-sponsors and the committee to require post-election audits that use only a hand count of paper ballots and provide ongoing, adequate funding for election officials.

Thank you for your time and attention to these concerns. If you have any questions or need additional information, please feel free to contact me, or my Chief of Legislative Affairs, Tiffany Mok, at (916) 653-6774 or by email at Tiffany.Mok@sos.ca.gov.

Sincerely,

A handwritten signature in black ink that reads "Alex Padilla". The signature is fluid and cursive, with the first name "Alex" and last name "Padilla" clearly distinguishable.

ALEX PADILLA
California Secretary of State