

# Advisory Committee on Standards for Voting Technologies

## *Committee Meeting*

### **Meeting Minutes**

September 20, 2023, 9:00am – 11:01 am

Microsoft Teams

---

#### **Committee Attendees:**

- Jean-Pierre Kingsley, Committee Chair
- Dr. Nicole Goodman, CEO Appointee
- Michael Crase, Political Party Appointee – Progressive Conservative Party of Ontario
- Dan Duncan, Political Party Appointee – Progressive Conservative Party of Ontario
- Donald Eady, Political Party Appointee – New Democratic Party of Ontario
- Karla Webber-Gallagher, Political Party Appointee – New Democratic Party of Ontario
- Milton Chan, Political Party Appointee – Ontario Liberal Party
- Christine McMillan, Political Party Appointee – Ontario Liberal Party
- Craig Cantin, Political Party Appointee – Green Party of Ontario
- Fiona Mackintosh, Executive Director of the Advisory Committee
- Stephanie Lowe, Project Manager for the Advisory Committee
- Danjeza Danglli, Policy & Strategic Planning Advisor for the Advisory Committee
- Jennifer MacLean, Administrative Assistant for the Advisory Committee
  
- **Absent:** Dr. Mkabi Walcott, Standards Council of Canada Representative
  
- **Guests:** Darryl Kingston, Executive Director, Digital Governance Standards Institute

#### **Opening Remarks and CEO Appointee Comments**

- The Chair, Jean-Pierre Kingsley, outlined the agenda.
- The Chair noted that the purpose of this meeting is for DGSi to provide overview of the balloting process for both sets of Product Standards.
- The Committee observed the technical briefing provided by DGSi on the Vote Tabulator Product Standards and the process of collecting the feedback.
- The Chair remarked on the status update on the Electronic Poll Book Product Standard provided by DGC including outstanding definitions and the balloting process.
- The Advisory Committee members reviewed and discussed the Management Standard.
- The Advisory Committee members reviewed and provided feedback on the other recommendations of the Final Report.
- In addition, the Executive Director provided information on the two final ACSVT upcoming meetings.
- An Advisory Committee Member had comments on the July 18<sup>th</sup> minutes.
  - Recommendation #6 correction of the terminology by replacing “risk mitigation audit” with “risk limiting audit”; and,
  - Recommendation #4 suggested that legislation to provide consideration on MEA.
- Changes proposed to the July 18<sup>th</sup> meeting minutes. Minutes will be brought back for further discussion and approval on October 25<sup>th</sup> meeting.

## **Technical Briefing by DGSi on the Vote Tabulators and E-Poll Books (Progress Report)**

- DGSi provided a technical briefing on 119-1: Vote Tabulators and 119-2: Electronic Poll Books, and an overall project review from 2022 including:
  - The development of the Technical Committee (TC14) with balanced representation comprised of over 90 stakeholders;
  - The seed document for the draft standards as instructed by the ACSVT committee;
  - TC14 has reviewed and provided input through commenting cycles and public review (including 60-day public review period);
  - Three TC14 meetings were held to address public review comments for each of 119-1 and 119-2;
  - Approval ballot for DGSi 119-1, Vote Tabulators initiated September 6<sup>th</sup>; and,
  - Approval ballot for DGSi 119-2, E-Poll Books to be initiated September 25<sup>th</sup>.
- Balloting Approval Process.
- DGSi Technical Committee 14 canvassed for participation on the Balloting Approval Committee.
- Final draft open for review, comment and vote, September 6-20.
- Voting Requirements (for approval):
  - Simple majority cast votes in favor;
  - Minimum 2/3 majority of votes cast in favor; and,
  - Comments submitted addressed.

### Next Steps

- TC Ballot Approval Stage to be completed September 2023.
- DGSi Technical Committee to disposition comments received during Ballot Approval Stage (if required).
- Final editing and translation.
- Technical Briefing on DGSi 119-1 (Vote Tabulators) September 20<sup>th</sup>, DGSi 119-2 (E-Poll Books) October 25<sup>th</sup>.
- Publication of the final approved standards at DGC website (after committee's vote and recommendation to CEO).
- Press Release.
- Committee completion (December 2023).

### Summary of content discussions 119-1: Vote Tabulators

- Hardware producer: clarification of accountability between hardware and software vendors.
- Additional clauses were added to the standard pertaining to governance and lifecycle security engineering.
- Additional requirements for security controls, specific to dual authorization (two-person control), tamper-evident chain of custody, and consistency with FIPS 140-2 for dual digital signatures.
- Allowance in the design of vote tabulators to enable or disable individual voter alerts.
- Clarification on vote counting to take into consideration that it could be a physical action.
- Assurance that vote tabulators can detect multiple ballots being processed.
- Recommendation to ensure tabulators are designed to be interoperable with a wide range of commercially available printers.
- Vote tabulators required to support both official languages of Ontario.
- Better definition for the normal state of operation.
- Requirement added to simplify instructions for use in operational mode.
- Cast vote records modified to allow option to disable vote cast record (low turnout situation).
- Review for consistency the terms and definitions used across all documents.
- Ballot paper security feature content added.

### **The Executive Director provided an update on the e-poll books**

- The Technical Committee reviewed and disposed 64 comments.
- Disposition of new definitions and ensuring definitions on electronic poll book hardware/software aligned with our documentation.
- Ensure that draft e-poll book certification requirements are implementable by the vendors. Explained the “engineering lifecycle” issue.
- Provided Technical Committee briefing on the definitions.
- Technical Committee to review and provide feedback.
- Standard will move into the balloting stage in the next two weeks.
- September 21– October 4: Balloting period for the *Electronic Poll Book Product Standard*.
- October 25: *Electronic Poll Book Product Standard* will be brought back to the ACSVT for review with a technical briefing by the Digital Governance Standards Institute.
- Summary provided of administrators’ meeting with the Election Supporting Technology Evaluation Program (ESTEP, an EAC pilot program) to discuss the *Voluntary E-Poll Book Certification Requirements Version 0.9*.

### **The Executive Director provided an update on the Management Standard**

- Modification to the scope section explaining that the standard drafted for Elections Ontario could be applicable to other jurisdictions – if other jurisdictions adopt the standard, they will have to adjust it to ensure that it adheres to their own policies, processes, and legislation.
- Modifications to the language to assure the public that technology in voting has been regulated since its implementation in Ontario.
- An ACSVT member raised the issue of inconsistency of directives issued by CEO with the legislation in the use of the technology are not widely accessible.
- An ACSVT member recommended that general election directives should be made easily accessible to the public.
- The Executive Director suggested incorporating into the report that the general election directives be made for easily accessible for the public.
- The Executive Director confirmed that adding conformance language for “should” v. “shall” will be distinguished in a chart and an explanatory note added to an appendix.
- Regarding terms and definitions, clarification was provided on the hardware and software issue in the e-poll book and ensuring the consistency between the management standard, the e-poll book standard, and the tabulator standard.
- Confirmed final check will be provided on the terms and definitions prior to the final November 30<sup>th</sup> meeting.
- Members discussed re-adding “risk limiting audit” to the Management Standard in addition to it being included as part of the Other Recommendations included in the ACSVT Final Report.

### **Member Roundtable: Management Standard**

- **Members suggested the following editorial changes:**
  - “cast vote record” to revert to the previous version;
  - “electronic poll book” definition shortened;
  - “electronic poll book manufacturer” definition shortened;
  - “electronic poll book software developer”;
  - “vote tabulator system” definition stays and adding “firmware” definition;
  - Sec. 6.3 “Usability” reference to the definition that includes all potential users affected by the technology;
  - Sec. 5.1.1 to add “Elections Ontario”, reverting to previous version of the Management Standard;
  - Sec. 7.4.13 adding additional collaboration with other Provincial and Federal Government Agencies and other security stakeholders;

- Discussion regarding the deletion of the “risk limiting audit” for reconsideration;
- “ballot” definition to specify the physical presentation of options for the physical voter;
- Sec. 7.8.1 to specify and include “cast ballot”;
- Under section 1.3, suggested additional language to clarify the same or enhanced level of reporting and transparency as in the 2014 Ontario Provincial General Election;
- The Executive Director suggested including the level of reporting prior to the introduction of the election technology to address the concern of an Advisory Committee member;
- Suggested that the Standards reflect the role of the scrutineers and participation of political parties under section 7.7.2;
- Revision of the rights and duties of scrutineers and participation of the political parties;
- An Advisory Committee member expressed a concern that the implementation of voting technology had directly impacted the rights and duties of scrutineers, such as:
  - counting the number of ballots that are available to a poll clerk; and,
  - the ability for a scrutineer to show up before the polling location is open to count ballots has been explicitly removed.
- Suggestion for stronger and pervasive language in the Standards to reflect the right of political representatives to exercise their scrutineer functions (the technology should not alter the rights of political party representatives or candidate representatives to exercise their functions);
- The Executive Director advised that changes to the legislation enabling the introduction of technology could impact the rights and duties of scrutineers;
- Discussion was held regarding sec. 4.4 (4) and sec. 4.4 (2) of the *Election Act* as to whether the voting process can be modified by the Chief Electoral Officer affecting the rights and duties of scrutineers;
- The Executive Director committed to follow up with members with an analysis of the authority of these sections and their impacts on scrutineer rights and duties;
- Advisory Committee members expressed the view that since the amended legislation in 2016, EO was provided with new unrestricted rights to issue directives that modify the process and have curtailed scrutineer rights;
- Chair suggested receiving comments from the Advisory Committee members before the October 25<sup>th</sup> meeting and incorporating such comments about scrutineer rights in the text.
- An Advisory Committee member queried whether the scrutineer rights issue could be referred to EO legal counsel;
- Under scope to add: this standard was developed for Elections Ontario by the ACSVT with the support of DGSI;
- Reflecting the work of other management bodies in a standard i.e., VVSG;
- Conformance language to be easily accessible for the public and suggestion to be removed from the Appendix and locate it under the scope.
- “contest” definition – suggestion to remove the last sentence;
- Suggested to list some examples of assistive voting equipment under ‘accessibility for people with disabilities’;

- Incorporating the word “system” under sec. 7.1.5 for consistency and for maintaining the integrity of the full system;
- The Executive Director confirmed the next steps for Management Standards and the official sign-off by the ACSVT members at the final November 30<sup>th</sup> meeting.

### **Update on the ACSVT Final Report**

- The Executive Director confirmed that the final report will be submitted to the CEO;
- Executive Director provided an overview of the new sections added to the ACSVT Final Report for members to review;
- The Final Report will provide an overview of the committee's activities along with broad context and scope pieces on other recommendations being made;
- The report will highlight the process that was used for developing the Standards including the work with DGC;
- Under New Table of Contents: Phase 2: Product Standards Development, Phase 3: Management Standards Development and the Advisory Committee Recommendations that are outside of the general scope of the standard itself;
- The highlighted sections on the background context were briefly discussed;
- The foundation used from other jurisdictions such as the EAC and the Council of Europe;
- New context added assuring electors that policies and procedures have been implemented since the voting technology was introduced;
- Ensuring in the recommendations that it is stated that EO has been operating the voting technology with guardrails all the time;
- As previously discussed, the recommendation on the legal context has been removed by including a general statement on pg.12;
- Appendix 4 (statistic breakdown) has been added to the Final Report as an overview of the commenting process (ex. The number of meetings and comments received etc.);
- Removal of recommendation #3 related to the Permanent Register of Electors and the protocol in place for protecting the integrity of permanent registered voters:
  - Following discussion with other members, the Executive Director suggested to leave recommendation #3 for further discussion at the next ACSVT meeting;
- Members asked to re-consider the recommendation in the “Other Recommendations” section requesting to amend the *Municipal Election Act* to direct municipalities to comply with standards as adopted by Elections Ontario when using vote tabulators and/or e-poll books;
- Parties represented in the legislature will be consulted in the discussion of the amendments of the *Municipal Elections Act*.

### **Closing Remarks**

- Biographies to be submitted by members to be included as part of the Final Report;
- ACSVT members to provide final comments on the recommendations prior to October 25<sup>th</sup> to be integrated for the October 25<sup>th</sup> ACSVT meeting;
- Integrate feedback from the committee into the ACSVT Final Report;
- Final version of the ACSVT Final Report to be reviewed at the October 25<sup>th</sup> meeting for approval;
- The ACSVT will approve all the official sign-off documents at the November 30<sup>th</sup> meeting;
- The Committee were reminded that they are the final arbiters of the approval of all ACSVT documents being submitted to the CEO.

**[The meeting of the Advisory Committee adjourned at 11:01 a.m.]**