

State of California



SECRETARY OF STATE

CONDITIONAL APPROVAL OF Los Angeles County's Interactive Sample Ballot (ISB) 1.2 REMOTE ACCESSIBLE VOTE BY MAIL SYSTEM

Whereas, Elections Code sections 3016.5(a) and 3116.5(a) require a county elections official to permit a voter with a disability or a military or overseas voter to cast his or her ballot using a certified remote accessible vote by mail system; and

Whereas, pursuant to California Elections Code section 19281, no remote accessible vote by mail system, in whole or in part, may be used unless it has received the approval of the Secretary of State; and

Whereas, a remote accessible vote by mail system, in whole or in part, may be used for the sole purpose of marking an electronic vote by mail ballot remotely, outside a polling location, for a voter with a disability or a military or overseas voter who is required to print the paper cast record to be submitted to the county elections official; and

Whereas, Los Angeles County submitted an application for certification of the Interactive Sample Ballot (ISB) 1.2 remote accessible vote by mail system on or about February 5, 2019; and

Whereas, during a series of tests conducted by the Secretary of State's office, the remote accessible vote by mail system performed in a manner consistent with California law; and

Whereas, the remote accessible vote by mail system was able to successfully and accurately execute all test cases, scenarios, and scripts developed by the Secretary of State's office; and

Whereas, the request for approval of the remote accessible vote by mail system as described above was considered at a public hearing held January 10, 2020, in Sacramento, California; and

Whereas, written public comment was considered for the request for approval of the remote accessible vote by mail system as described above through January 20, 2020.

Therefore, I, Alex Padilla, Secretary of State for the State of California, find and determine, pursuant to Division 19 of the Elections Code, as follows:

For the reasons set forth above, Los Angeles County's ISB 1.2 remote accessible vote by mail system is hereby conditionally approved.

Use of Los Angeles County's ISB 1.2 remote accessible vote by mail system is subject to the following terms and conditions:

1. Los Angeles County shall allow voters using the system to return the paper cast record in an envelope of the voter's choosing or in an accessible "two-hole punched signature guide" envelope supplied by the jurisdiction, however the voter must sign the sealed envelope as required by law.
2. Los Angeles County shall configure the following attestation language within the remote accessible vote by mail system landing page in substantially the following form:

Under California law, only voters in the military, overseas voters, and voters with disabilities are eligible to use this accessible vote by mail system.

- I am either a voter with a disability or a military or overseas voter, and therefore I am eligible to use this accessible vote by mail system.
- I understand that my selections marked by this system and submitted to [insert local election jurisdiction name] will be transferred onto a ballot by an election official to be tabulated.
- I understand that my selections marked by this system must be printed by me and submitted to [insert local election jurisdiction name], no later than 8:00 p.m. Pacific Standard Time on Election Day.

I certify that all of the above are true.

3. Los Angeles County shall only make the system available within the allowed voting period for any election, including any early voting and vote by mail periods.
4. Los Angeles County shall make available a dedicated accessible toll free telephone line and/or email box for technical assistance to voters using the system. The accessible toll free telephone line and/or email box must be available and regularly monitored while the system is available for use, including early voting and vote by mail periods.
5. Within five business days of this conditional approval, Los Angeles County shall provide for publication on the Secretary of State's website its final Use Procedures, entitled "Los Angeles County ISB 1.2 Use Procedures," which the Secretary of State hereby approves. Compliance with the Use Procedures by the county is a condition of the approval of this remote accessible vote by mail system. Compliance with all requirements set forth in the Use Procedures is mandatory, whether or not a particular requirement is identified in this approval document.
6. ISB 1.2 is for the exclusive use of Los Angeles County.
7. Within five business days of this conditional approval, Los Angeles County shall produce accessible instructions in compliance with all state and federal language accessibility requirements, including but not limited to, a closed-captioned video for voters using the system. Such information shall also include standard instructions for voters to verify that they have the minimum system requirements to use ISB 1.2.
8. Pursuant to Elections Code section 19290(a), if a remote accessible vote by mail system has been certified or conditionally approved by the Secretary of State, the county shall notify the Secretary of State in writing of any defect, fault, or failure of the hardware, software, or firmware of the system or a part of the system within 30 calendar days after the county or jurisdiction learns of the defect, fault, or failure.
9. Los Angeles County shall provide a report to the Secretary of State, within 30 calendar days of certifying the election results, listing the number of voters that used the system and all technical issues reported (if any), along with any mitigations.
10. Pursuant to Elections Code section 19291, no substitution or modification of the remote accessible vote by mail system shall be made with respect to any component of the remote accessible vote by

mail system, including the Use Procedures, until the Secretary of State has been notified in writing and has determined that the proposed change or modification does not impair the accuracy or efficiency of the remote accessible vote by mail system sufficient to require a re-examination and approval. This includes, but is not limited to, the hosting environment, which shall be kept current with security and anti-malware updates applicable to each component of the environment.

11. Pursuant to Elections Code section 19295, the remote accessible vote by mail system shall not have the capability, including optional capability, to allow a remote server to mark a voter's selections transmitted to the server from the voter's computer via the internet. The remote accessible vote by mail system shall not have the capability, including optional capability, to store any voter identifiable selections on any remote server, and shall not have the capability, including optional capability, to tabulate votes. All systems and transmission of data shall be configured, maintained and monitored to protect the system in a manner commensurate with the risk that would result from unauthorized access, use, disclosure, disruption, modification, or destruction of such information.
12. The Secretary of State reserves the right, with reasonable notice to the county, to modify the Use Procedures and this certification to impose additional requirements with respect to the use of the system if the Secretary of State determines that such modifications or additions are necessary to enhance the accessibility, accuracy, reliability or security of the remote accessible vote by mail system. Such modifications or additions shall be deemed to be incorporated herein as if set forth in full.
13. Los Angeles County shall notify the Secretary of State immediately upon discovery of a breach or attempted breach in the security or information relating to the remote accessible vote by mail system.
14. The Secretary of State reserves the right to monitor activities before, during and after the election at any registrar of voters' office or county hosted entity, and may, at his or her discretion, test and perform security scans or audits of the remote accessible vote by mail system.
15. Remote accessible vote by mail systems certified for use in California shall comply with all applicable state and federal requirements, including, but not limited to, those remote accessible vote by mail system requirements as set forth in the California Elections Code. Further, remote accessible vote by mail systems shall also comply with

all state and federal voting technology guidelines, standards, regulations and requirements that derive authority from or are promulgated pursuant to and in furtherance of the California Elections Code or other applicable state or federal law when appropriate, including but not limited to Section 508 of the Americans with Disabilities Act.

16. Remote accessible vote by mail system manufacturers or their agents shall assume full responsibility for any representation they make that a remote accessible vote by mail system complies with all applicable state and federal requirements, including, but not limited to, those remote accessible vote by mail system requirements as set forth in the California Elections Code. In the event such representation is determined to be false or misleading, remote accessible vote by mail system manufacturers or their agents shall be responsible for the cost of any upgrade, retrofit or replacement of any remote accessible vote by mail system or its components found to be necessary for certification or otherwise not in compliance.

IN WITNESS WHEREOF, I hereunto set my hand
and affix the Great Seal of the State of California,
this January 29, 2020.



A handwritten signature in black ink, appearing to read 'Alex Padilla', is written over the printed name.

ALEX PADILLA
Secretary of State