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March 8, 2019

Mr. Douglas A. Kellner
Co-Chair
New York State Board of Elections
40 N. Pearl St., Ste. 5
Albany, NY 12207-2109

Dear Commissioner Kellner:

Thank you for your memo dated March 7th. Dominion is taking all cyber security threats very seriously in the current environment and appreciates the chance to respond.

Before addressing the various safeguards for the ImageCast Evolution (ICE), I would like to comment on a fundamental viewpoint of the IT researcher upon whom you are relying. He states that combining ballot marking capabilities with ballot tabulators into a single system is a “really bad idea.” However, security maximalists often overlook the fact that voting systems are designed to meet a critical balance between security and accessibility.

The ImageCast Evolution (ICE) tabulator was designed as an inclusive response to the needs of States that are both committed to hand-marked paper ballots **and** to private, accessible ballot-casting for voters of all abilities. One of the traditional challenges with the State of New York’s legacy accessible system is that while all ballots look the same, some voters who require ballot marking accessibility also require external help in transporting a marked ballot to a tabulator. This “separate but equal” stance is not acceptable in today’s technology marketplace. A key tenant of accessible solutions is to allow all voters to vote privately and independently, regardless of ability.

As you may know, in the federal 2005 Voluntary Voting Systems Guidelines (VVSG) that were issued after the State’s acquisition of the Plan B machines, a requirement was added to specifically include the case of a voter who had both severe visual and physical limitations. The ICE is the first – and to our knowledge the only – certified solution that meets this requirement within a hand-marked paper system. Notably, the ICE tabulator was designed to be compatible with the current ImageCast tabulator system used in New York. The Plan-B Ballot Marking Device (BMD) tabulator has been end of life for quite some time, and some counties are looking to replace their ten year-old BMDs as needed, while leveraging another ten years of useful life from the rest of the tabulation system.

Following the ICE’s 2018 certification in New York, several counties are in the process of upgrading their ADA capabilities, making them among the most accessible counties in the country.

To be clear, the current speculation of a critical flaw in the ImageCast Evolution tabulator is not based on any technical examination of the device or the firmware and software on the machine. It is based solely on the fact that a printer exists somewhere in the tabulator.

The ImageCast Evolution has gone through multiple federal and state certification campaigns. In addition, this system has been subjected to red team security vulnerability testing campaigns in individual states. No code review, or penetration testing effort, has ever identified the existence of a printer in the Image Cast Evolution as even a low-probability threat vector.

The ICE provides the only truly independent voting experience for voters with disabilities. The ballot marking printer within the system can only mark a ballot during an “accessible” voting session. The printer is located in a completely separate area from the main ballot path that leads to the ballot box. Once a voter with disabilities has marked his/her ballot with the included printer, the ballot is scanned, and a review of the choices selected by the voter with disabilities is provided in both visual and audio formats. Once this review is complete, there is no way for the ballot marking device to make additional marks on the ballot. The ballot does not travel along the path with the printer once the review is complete.

A wholesale replacement of the official, certified firmware would be required to completely change how the device functions. A myriad of physical and procedural processes exist to ensure the integrity of the election. Post-election audits can identify statistical anomalies such as excessive over-votes, which is the only likely outcome of the hypothetical exploit presented on the internet. All ICE machines can also be audited to verify that the official certified firmware is unaltered.

Since its introduction in 2013, the ICE system has been used by election administrators across the U.S. to tabulate hundreds of official elections successfully, as well as to complete required post-election audits. The ICE has never been noted as being deficient or compromised in any state. It is worthy to note that the acquisition of ICE tabulators is adding excess capacity to the ImageCast Precinct tabulators that are already in the polling places across New York state, adding a barrier against theoretical threat vectors.

Dominion Voting takes all cyber threats very seriously and routinely subjects its products to third-party, independent security reviews. It is our position that the exercise of reasonable diligence by the New York State Board of Elections should not give weighted authority to opinions posted to the Internet without the benefit of any actual testing over documented testing reports performed by accredited third-party agencies, which can overwhelmingly demonstrate the company’s conformance to state and federal law.

If you have any additional questions, please feel free to contact me at eric.coomer@dominionvoting.com.

Sincerely,

Eric D. Coomer

Eric Coomer,
Director of Product Strategy
Dominion Voting Systems, Inc.

cc: Peter S. Kosinski
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