

Regulations of Connecticut State Agencies

TITLE 9. Elections

Agency

Secretary of the State

Subject

Standards for Approval of Direct Recording Electronic Voting Machines

Inclusive Sections

§§ 9-241-1—9-241-36

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Standards for Approval of Direct Recording Electronic Voting Machines

Sec. 9-241-1. General standards

The secretary of the state may approve only those direct recording electronic voting machines which have been certified by an independent test authority, accredited by the National Association of State Election Directors, as meeting the voluntary performance and test standards for voting systems adopted by the Federal Election Commission on January 25, 1990, as amended from time to time, and which meet the standards specified in Sections 9-241-1 to 9-241-36, inclusive, of these regulations and the requirements of the Connecticut constitution and the general statutes.

(Effective January 21, 1994)

Sec. 9-241-2. Definition

As used in sections 9-241-1 to 9-241-36, inclusive, of these regulations, a direct recording electronic (DRE) voting machine is a machine or system that records votes by means of a ballot display provided with mechanical or electro-optical devices which can be actuated by the voter, that processes the data by means of a computer program, and that records voting data and ballot images in internal memory devices. It produces a tabulation of the voting data at the individual machine or system level in the polling place in both hard copy and on a removable memory device. These memory devices are removed at the completion of voting and individually read into a special device which is capable of tallying the results contained on all removable memory devices to provide voting district and town-wide election totals.

(Effective January 21, 1994)

Sec. 9-241-3. System functions not required in Connecticut

The secretary of the state may approve a direct recording electronic voting machine which does not accommodate rotation of candidate positions within an office and which does not accommodate straight party voting. No voting machine used at any election shall be equipped with a straight ticket device.

(Effective January 21, 1994)

Sec. 9-241-4. Hardware standards. Electrical supply

(a) All voting data shall be maintained regardless of power surges and outages.

(b) The system shall have a back-up power source in the event of commercial power failure. The equipment shall be capable of operating for a minimum of 16 hours on this back-up power supply. The system shall perform as specified in sections 9-241-1 to 9-241-36, inclusive, of these regulations regardless of its power source, except that the back-up power supply need not illuminate the voting area. That is, the system shall be capable of pre-election set-up, vote casting, vote tallying, and post-election close down operations while on commercial power and/or backup power. The system shall be provided with a

moderator control panel which indicates its current power source.

(c) The manufacturer shall specify what, if any, special equipment is necessary for storing the DRE voting system. This includes the provision for access to commercial electrical power in the storage facility for regular recharging of the back-up power supply. A recharge indicator is required for those systems which require recharging of the back-up power supply. Additionally, the manufacturer shall provide information on the time required to perform the recharge process and the life expectancy of the back-up power supply.

(Effective January 21, 1994)

Sec. 9-241-5. Hardware standards. Height

The ballot display shall be at a convenient height for the average voter and be adjustable so that it is easily reached by those voters confined to wheelchairs. The DRE voting system shall be designed and constructed to enable a voter in a wheelchair to reach all voting positions. The equipment shall allow moderators to place the voting device in a wheelchair accessible position with a minimum of effort and provide proper safeguards for the safety of the voter during operation in this position. The vote activator device shall be easily accessible to those voters confined to wheelchairs.

(Effective January 21, 1994)

Sec. 9-241-6. Hardware standards. Weight

Each component of the equipment shall require no more than two persons to move it from its storage location to the polling site. It may require a lifting mechanism to be used to load it onto a truck for transport to and from the polling site.

(Effective January 21, 1994)

Sec. 9-241-7. Hardware standards. Environment

The equipment shall operate as required after prolonged exposure to uncontrolled humidity levels.

(Effective January 21, 1994)

Sec. 9-241-8. Quality assurance. User documentation. Manufacturer support

The manufacturer shall supply, at the manufacturer's expense, any special tools required to repair or maintain the equipment. The manufacturer shall ensure that trained personnel are available to assist the purchasing town in the event the election officials and/or the local technicians/mechanics are unable to resolve a problem with the DRE voting system. Factory engineers shall be reachable by telephone during normal business hours in non-election periods and be on 24 hour call during election periods. Election periods are defined as the eight calendar days prior to the conduct of a general election, special election, primary or referendum as well as election day. In the first primary and first election in which the DRE voting system is used in each municipality, a qualified manufacturer's representative shall

be present, in person, in the municipality to respond to requests for assistance.

(Effective January 21, 1994)

Sec. 9-241-9. Quality assurance. Manufacturer training

(a) **Town clerks and registrars of voters.** The manufacturer shall provide training, including written documentation and other training materials, to the town clerk and the registrars of voters of the purchasing town. The training shall include: (1) how to design and produce the ballot, (2) how to set up the system for an election, (3) how to prepare the system and the removable memory devices for an election, (4) how to test the system and related components prior to the election, and (5) any other tasks essential to ensure a correct and efficient operation of the system.

(b) **Moderators.** The manufacturer shall provide training, including written documentation and other training materials, to the moderators. The training shall include: (1) how to correctly set up the DRE system in the polling place, (2) how to admit voters to the system and enable them to cast a correct ballot, (3) how to close down the system at the end of the election day, and (4) how to produce the election tally reports required by law.

(c) **Technicians/Mechanics.** The manufacturer shall provide full and detailed written instructions for use by the local technicians/mechanics to perform the following: (1) system set-up, (2) system operation, (3) system close-down, (4) system maintenance, and (5) system service. The instructions shall include an in-depth review of the system-produced diagnostic messages which identify system malfunctions. Each message shall be fully explained along with the steps necessary to correct the problem encountered. Instructions shall include photographs and/or detailed schematics with narrative text describing each procedure. After the purchase and delivery of the equipment, but prior to the preparation for the first election, the manufacturer shall provide a training course for local technicians/mechanics which shall include a presentation of the steps necessary to perform system set-up, maintenance and service. This course shall provide the technicians/mechanics with a hands-on opportunity to participate in the demonstration of such functions. The manufacturer shall test and certify to the secretary of the state those technicians/mechanics who are competent to set up, program, test and close down the DRE machine.

(d) **Voters. Demonstrator Machine.** The manufacturer shall provide a hands-on voter training device that can be set up at each polling place. This device shall closely resemble the electronic voting system in appearance and be suitable for use by the voters as a demonstration unit. The device shall replicate the actual voting system as much as possible so that the vote casting function is easily understood by the voter.

(Effective January 21, 1994)

Sec. 9-241-10. Quality assurance. Warranty provisions

The warranty for the DRE voting system shall provide that the system and all supporting materials are free from defects for a period of five years following the conduct of the first general election or first primary in which the system is used. The equipment shall conform

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to its published specifications and all the promotional materials and literature that were given to the purchasing jurisdiction. Additionally, the equipment shall conform to the specifications required in sections 9-241-1 to 9-241-36, inclusive, of these regulations. The manufacturer shall give a lifetime license to use the software and shall provide, free of charge, any updates to the software, hardware and firmware necessary to correct defects in the voting system for the life of the system. The DRE voting system shall have an anticipated useful life expectancy of at least 20 years.

(Effective January 21, 1994)

Sec. 9-241-11. Hardware standards. Ballot

In a primary, the ballot shall be capable of including the contests for all parties conducting a primary. In an election, the ballot shall be able to accommodate at least nine political parties as required by Conn. Gen. Stat. § 9-242. Political party and candidate names shall be printed in the style and type size as required by Conn. Gen. Stat. § 9-250 and federal law. The DRE shall be able to provide for bilingual presentation of offices, questions and instructions to the voter. The ballots prepared for certification testing by the state shall be of such size and complexity to represent the maximum conditions encountered in Connecticut elections, and shall include at least one for each kind of election conducted in Connecticut—presidential election; gubernatorial election; municipal election, including nonpartisan offices, questions, and multiple vote on liquor permit question; presidential preference primary; town committee primary; delegate primary; primary before gubernatorial election; primary before municipal election; special election; adjourned election between two candidates of one party; and referendum. In an election, the ballot shall be clearly displayed in the proper format, so that the names of the parties are listed, as required by Conn. Gen. Stat. § 9-250, with identifiable buttons or other markings associated with each candidate's name, the office for which he is running and the political party or organization which nominated him. In a primary, the names of candidates shall appear on the ballot in accordance with Conn. Gen. Stat. § 9-437. The order of the parties, offices and candidates on the ballot shall be in conformance with law. The ballot shall also provide for voting in referenda. The system shall indicate to the voter those contests and referenda which have not been voted. If the system uses printed ballots, it shall be capable of accepting printed ballots from different sources. This includes the current method of employing the services of a printing firm, or alternatively, the use of a computer graphics package and a plotter. An optional automatic ballot formatting subsystem which can be linked to the DRE system software would be advantageous. The manufacturer shall provide the direction and assistance that will be required by the purchasing town in formatting its ballots for the first primary and the first general election using the new DRE voting system.

(Effective January 21, 1994)

Sec. 9-241-12. Hardware standards. Voter capacity

Each DRE voting device shall be capable of processing the ballots cast by at least 999

voters. The system shall shut down prior to exceeding its maximum capacity and provide a warning prior to implementing the shut down process.

(Effective January 21, 1994)

Sec. 9-241-13. Hardware standards. Security. Machine access

As required by Conn. Gen. Stat. § 9-266 the voting system shall be safeguarded while in storage. The design and construction of the system shall permit the equipment to be secured so as to prevent any tampering. Recharging of the back-up power supply shall not result in the destruction of any seals or locks provided to prevent tampering. As specified in Conn. Gen. Stat. §§ 9-244 and 9-246, the DRE voting system shall provide machine access devices to lock and seal the machines after they have been prepared for voting prior to opening the polls and to lock and seal the machines from additional voting after the polls are closed and the votes have been recorded. Firmware shall be secured in an independent and anti-magnetic compartment. In addition, the system shall be constructed so that in the event tampering does take place, it will be visibly noticeable. This shall be accomplished by providing protective seals, covers and locks with keys with the system. In order to gain access to the machine it would require that such a seal or lock be destroyed. Additionally, provisions shall be made by the manufacturer to ensure the security of the removable memory devices. These devices record the vote selections made on the DRE device and store the results of the device tally.

The removable memory devices shall be protected from tampering at all times including the following: (1) pre-election testing, (2) after pre-election testing; prior to the election, (3) in transit to and from the storage, testing and polling place areas, (4) in the DRE device itself, and (5) in storage after the conduct of the election. The manufacturer shall provide the procedure and equipment necessary to ensure that the removable memory devices used in the primary, election or referenda are secured from tampering. A protective case or container shall be provided for the transport of the removable memory devices after the election. The removable memory devices shall be secured in this case while in transit and in storage for ten days after the election. The case shall be equipped with a locking mechanism to prevent unauthorized access.

(Effective January 21, 1994)

Sec. 9-241-14. Hardware standards. Security. Voter access

The DRE voting system shall be designed and constructed so as to permit voters' access to only those areas of the device used by the voter for the casting of votes. Additionally, the device shall be capable of being locked or otherwise secured so as to prevent voting at any time other than during voting hours in an election or when the system is being tested.

(Effective January 21, 1994)

Sec. 9-241-15. Hardware standards. Security. Moderator access

Moderators shall not be capable of gaining access to any internal compartment of the

equipment that controls the casting of votes or the manipulation of vote counters. The electronic voting equipment shall be designed and constructed so as to limit moderator access to the control panel and supply compartments. The system shall be provided with a visual control panel or other means that provides the moderators with equipment operational status and identifies irrecoverable error conditions. This display shall indicate if the equipment has malfunctioned and the services of the technician-mechanic are required. The control panel shall also provide diagnostic error messages to the technician-mechanic that will enable the technician-mechanic to identify the source of the problem in the minimum amount of time. Supplies which will require interim replenishment should be limited to hard-copy paper, printer ribbons, ink cartridges, batteries, light bulbs and seals. Following an election the moderator shall be able to lock and seal the machine against further voting, print the voting results, remove the removable memory device, close the machine, lock it with a key, seal it with a numbered seal and return it to its storage container.

(Effective January 21, 1994)

Sec. 9-241-16. Hardware standards. Security. Technician/mechanic access

The electronic voting equipment shall be designed and constructed in a manner which permits the technician/mechanic to perform routine service as well as all field maintenance and repairs. The equipment shall be constructed so as to allow the technician/mechanic access to the internal compartments and mechanisms of the equipment with the exception of those parts of the equipment which are categorized by the manufacturer as proprietary. Field service shall include the testing necessary to identify the source of a malfunction; the adjustment, repair or replacement of malfunctioning circuits or components; and the testing necessary to verify that repairs were performed correctly. Prior to an election the technicians/mechanics shall be able to open the machine from its storage container, install a properly programmed removable memory device in the machine, test the machine and otherwise prepare the machine for the ballot to be voted, close the machine, lock it with a key, seal it with a numbered seal and prepare it for transport to the polling place. The machine may not be opened for voting without damaging the seal so that it is evident that the machine has been opened.

(Effective January 21, 1994)

Sec. 9-241-17. Hardware standards. Security. Factory engineer access

The factory engineer shall be provided with access to all components of the electronic voting equipment. However, the local election officials may designate one or more watchers trained in the operation of the system to oversee the work of the factory engineer. Factory engineer maintenance tasks shall be limited to complex and infrequent maintenance functions which require access to proprietary firmware or specialized facilities and equipment which cannot be obtained by the purchasing municipality. The DRE voting system shall be designed and constructed so as to minimize factory service. Factory maintenance tasks shall number not more than two percent of all maintenance tasks and

their frequency shall not exceed five percent of the total frequency of all preventive maintenance tasks.

(Effective January 21, 1994)

Sec. 9-241-18. Hardware standards. Overvote protection

In accordance with Conn. Gen. Stat. § 9-242 the DRE voting system shall permit each voter to vote in an election: (1) for all the persons and offices for whom the voter is lawfully entitled to vote, (2) for as many persons for an office as the voter is entitled to vote, and (3) on any ballot referenda on which the voter is entitled to vote. In accordance with Conn. Gen. Stat. § 9-242 the DRE voting system shall be designed and constructed in a manner which prevents the voter from casting more than the number of votes to which he or she is legally entitled. This includes: (1) the casting of more than one ballot in an election, (2) the casting of more than one vote for a candidate for a single position office, (3) the casting of a vote for more than the permitted number of candidates in a multiposition office, (4) the casting of more than one vote for a candidate who is nominated by more than one party for the same office, (5) the casting of a vote (including a write-in vote) for the same candidate more than once for the same office, (6) in a primary, the casting of a vote on more than one party ballot, and (7) in a referendum, the casting of a vote on a question on which the voter is not legally entitled to vote.

(Effective January 21, 1994)

Sec. 9-241-19. Hardware standards. Undervote identification

The DRE voting system shall visually identify an undervoting condition to the voter. Undervoting occurs in the following situations: (1) voter does not cast any votes on the entire ballot, (2) voter does not cast any votes in a contest on the ballot, (3) voter does not vote for the maximum number of candidates in a multiposition office, (4) voter does not vote for referenda on the ballot. If the voter chooses to cast the ballot without voting the maximum number of votes permitted, the system shall accept the ballot after proper identification of the undervoting, so long as one vote is cast on the ballot. Additionally, the system shall tally the number of undervotes, as defined above, by contest. The system shall be optionally equipped to identify to the moderator that the system will not accept the ballot because the voter has not cast any votes on the entire ballot.

(Effective January 21, 1994)

Sec. 9-241-20. Hardware standards. Write-in

The DRE shall be equipped with a means for voters to cast write-in votes at elections and to be set to prohibit write-in votes at a primary. The write-in procedure shall be easy to perform and made possible through the use of a pencil or pen or a keyboard device. It shall enable the recording of as many names of candidates as the voter is legally entitled to select for each contest. The write-in shall be captured as hard-copy so that it may be reviewed by the election officials in the vote tally process. The vote tally mechanism in the equipment

shall provide a total of write-in votes cast for each contest on the ballot in order that a full accounting may be performed.

(Effective January 21, 1994)

Sec. 9-241-21. Hardware standards. Enclosure

The DRE device shall be provided with a curtain or some other means of enclosing the voter while the ballot is cast. Curtains or other privacy enclosures used to conceal the voter while in the voting booth shall be designed and constructed, either electronically or manually, to open and close with ease. Curtains or other privacy enclosures shall permit the disabled voter and those voters in wheelchairs to easily enter and exit the equipment without obstruction. Such an enclosure shall be constructed so that no one in the polling place will be able to see for which candidates or questions a voter, including a voter in a wheelchair, is casting his vote.

(Effective January 21, 1994)

Sec. 9-241-22. Hardware standards. Noise restriction

The DRE voting system shall not produce any sounds or audible noises that would serve to indicate how an elector has voted. This applies to noise associated with the write-in voting process. An audible tone indicating to the voter and the moderators that the vote has been recorded by the equipment and that preparations for the next voter need to be made is permissible.

(Effective January 21, 1994)

Sec. 9-241-23. Hardware standards. Vote recordation

A minimum of three means of vote recordation shall be provided with each DRE voting system. Votes shall be recorded within the equipment's internal memory, on hard-copy output and on a removable memory device. In addition to the printed report of vote totals, the system shall be capable of producing a printed report of individual selections made by all voters on the DRE device so that a separate manual tally may be made. This physical accounting of vote selections allows a cross check between the results computed from the removable memory device and the results computed from the hard-copy. Additionally, there shall be a randomization of the voters' selections on this output so that it is not possible to determine how any particular voter cast his ballot. The DRE voting system shall be capable of consolidating voting district totals electronically and in written report into a single consolidated report at the polling place. This voting system shall also output on hard-copy and removable memory device the town-wide election results in a single consolidated report. The system shall optionally provide a means for consolidating the data of all voting machines and absentee ballots for each voting district of the municipality, for each political subdivision of the municipality and for the entire municipality into one report.

(Effective January 21, 1994)

Sec. 9-241-24. Software standards. Design and coding

As used in sections 9-241-1 to 9-241-36, inclusive, of these regulations, the term “software” shall subsume the term “firmware.” The voting system software shall make extensive use of high-level languages. It is mandatory that a high level programming language be used for that segment of the ballot tabulation software associated with the logical and numerical operations on vote data. The use of assembly or machine languages for device controllers and handlers is acceptable, but assembly language code shall also adhere to modularity and structured programming methods.

(Effective January 21, 1994)

Sec. 9-241-25. Software standards. Configuration management

All changes to the baseline software submitted for evaluation shall be subject to testing at the discretion of the secretary of the state. The manufacturer shall maintain the following technical documentation for the voting system software: (1) system overview, (2) program descriptions, (3) standards and conventions, (4) operating environment, (5) functional specifications, (6) program specifications and (7) testing specifications.

(Effective January 21, 1994)

Sec. 9-241-26. Software standards. Vote recording accuracy

The manufacturer shall be capable of demonstrating provisions for accuracy within the software. The system shall detect an attempt to cast a ballot when no voting selections have been made or when no selection or less than the legally entitled number of selections have been made (undervoting). The system shall be able to be adjusted to accommodate both of the following two alternatives: (1) a completely blank ballot shall not be accepted when attempted by the voter but shall be accepted when attempted by a technician-mechanic testing the machine, or (2) a completely blank ballot shall be accepted only after a warning message has been clearly displayed to the voter and the intention to cast a blank ballot has been acknowledged by the voter. For partially cast ballots, the system shall differentiate between intentional undervotes and failure to register one or more selections as the result of hardware or software malfunction. The system shall be capable of interpreting any and all undervotes existing when the ballot is cast as the correct number of “no votes” in the offices and referenda in which they occur. As part of the vote-tally process, the system shall compare the sum of all vote selections and of “no votes” with the total number of votes which can be legally made on the entire ballot and produce an error message to the polling place official if any discrepancy is detected.

(Effective January 21, 1994)

Sec. 9-241-27. Software standards. Audit trails

The system shall be capable of the following: (1) detecting and reporting its status and degree of operability by means of diagnostic software and hardware, (2) detecting and reporting the identification of the election and polling place for which it has been

programmed and the identification of the specific ballot which has been installed in it, (3) detecting, monitoring, and reporting the proper execution of initialization procedures performed prior to the opening of the polling place and the initiating of ballot counting operations, (4) detecting and reporting the procedure associated with the opening and closing of the polling place, (5) detecting and reporting the enabling of a ballot, the selection of a party in a primary, the exclusion of a portion of the ballot according to jurisdictional entitlement of a specific voter, other functions required for compatibility with the voter's affiliation and residence location, and (6) detecting and recording significant events such as the casting of a ballot, submitting a ballot for counting in a voting district count device, starting and completing a central count in the voting district and an error condition which cannot be disposed of by the system itself.

(Effective January 21, 1994)

Sec. 9-241-28. Functional requirements. Programming and software installation

Each DRE device shall be provided with the means of ensuring that the correct removable memory device has been connected to it.

(Effective January 21, 1994)

Sec. 9-241-29. Functional requirements. System readiness tests

The DRE system shall contain provisions for generating data reports for the town.

(Effective January 21, 1994)

Sec. 9-241-30. Functional requirements. Pre-election tests and verification

(a) Prior to the primary, election or referenda, representatives of the parties shall attend the pre-election test that exercises the hardware, software and firmware of each DRE device and removable memory device to be used in the election. This test requires that the DRE systems and the removable memory devices be tested independently of each other to ensure that they are functioning as required and that their circuitry and logic have not been altered.

(b) To ensure that the removable memory devices are in proper working order and have been protected throughout their storage period and in transit, the manufacturer shall supply a written test procedure and mechanism that records votes for a set of pre-selected offices and candidates on the removable memory devices. The removable memory devices shall then be read by a device separate from the DRE system and a vote tally taken. This tally shall be compared against the known result for any discrepancies. Removable memory devices failing this test procedure shall be retested. Upon failing a second time, the removable memory devices shall be properly marked and secured from use in the election.

(c) To ensure that the DRE devices are functioning correctly and have been protected from tampering while in storage and transit, the manufacturer shall provide a written test procedure and mechanism that tests buttons and records votes for a set of predetermined offices and candidates on the DRE systems. The removable memory devices shall not be connected to the DRE systems during this phase of the pre-election test. The vote tally

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process shall then be performed on each device and the result compared against the known result.

(d) Any deviation in the results shall require the DRE device to be retested. A second failure to produce the required results shall require the machine to be secured against further use until the registrars of voters have been notified and instructions issued.

(e) Each DRE device and removable memory device to be used in the election shall then be tested together.

(f) After verification of the results of the pre-election test is completed the counters of the DRE systems and the removable memory devices shall be reset to zero, except for the protective counter. Proper verification of the counters shall be made by producing the tally on each device. After the completion of the pre-election test, the DRE systems and the removable memory devices shall be secured from access until such time as they are to be moved to the polling place.

(Effective January 21, 1994)

Sec. 9-241-31. Functional requirements. Verification at the polling place

The manufacturer of the DRE system shall provide written instructions and procedures for verifying at the polling place that the removable memory devices have been installed into the correct DRE devices and that the proper ballot formats have been programmed into the DRE devices and removable memory devices.

(Effective January 21, 1994)

Sec. 9-241-32. Functional requirements. Opening the polling place

The DRE system may provide for the use of a key in readying the equipment for casting of ballots.

(Effective January 21, 1994)

Sec. 9-241-33. Functional requirements. Provision for recanvass

To provide the capability for recounting the results of a contested election, the DRE voting system shall be capable of performing the following: (1) the removable memory devices shall be capable of being reread on a different DRE tally device than was used originally and a comparison made of the recount totals to the original totals, (2) the system shall be capable of re-running the vote-tally process on all DRE voting devices producing new removable memory devices which then are used to produce new voting district tallies and a new town tally, and (3) the system shall produce hard-copy output containing the selections made by each voter to be used to manually count the votes cast for each candidate for each office in each contest and arrive at a manual tally of the election.

(Effective January 21, 1994)

Sec. 9-241-34. Escrow

Prior to submitting any system to qualification testing, the manufacturer shall deposit the

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source code, operating systems, specialized compilers and documentation materials with an escrow agent acceptable to the secretary of the state and under conditions acceptable to the secretary of the state.

(Effective January 21, 1994)

Sec. 9-241-35. Voting machines approved prior to regulations

Nothing in sections 9-241-1 through 9-241-36 of these regulations shall affect voting machines approved prior to the adoption of said sections of these regulations.

(Effective January 21, 1994)

Sec. 9-241-36. Acceptance testing

A municipality shall perform acceptance testing prior to contractual acceptance of a DRE voting system. The object of this testing is to determine if the hardware and software delivered comply with state and municipal requirements and perform in accordance with the same equipment's performance in state qualification and certification testing.

(Effective January 21, 1994)