



## **New York City Campaign Finance Board**

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### **Testimony of Eric Friedman**

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City Council Committees on Government Operations and Technology  
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Good morning, Chairs Cabrera and Brewer. My name is Eric Friedman, Director of External Affairs for the New York City Campaign Finance Board. Thank you for the opportunity to testify today.

Fewer than 24 percent of registered Democrats voted in the September primary. In November, for the fourth consecutive election, voter turnout hit a new all-time low for a general mayoral election in New York City; barely 25 percent of all registered voters cast a ballot. To address this downward trend, our voting system must be modernized.

Today's consumer technology has made access to the Internet widely—though not universally—available. According to surveys conducted by the Pew Research Center, 85 percent of American adults (over 18) use the Internet<sup>1</sup>; 57 percent of American adults use a cell phone to go online.<sup>2</sup> Many of us go online to research and read news, purchase goods or services, connect with colleagues and friends, or manage our personal finances.

In an ideal world, our voting system would allow New Yorkers to connect with government and participate in the democratic process with the same ease and convenience they have come to expect in their everyday lives.

A system that allows voters to cast their ballot from a remote location, using any device with an Internet connection, is sometimes discussed as a cure to low voter turnout. Make voting easier and more convenient, the thinking goes, and more people will do it. It could be a money-saver as well; holding elections by Internet would reduce or eliminate the cost of administering poll sites, as well as printed ballots.

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<sup>1</sup> <http://www.pewinternet.org/Reports/2013/Non-internet-users/Summary-of-Findings.aspx>

<sup>2</sup> <http://www.pewinternet.org/Reports/2013/Cell-Internet/Summary-of-Findings.aspx>

But serious challenges remain to be addressed before any reliable, broadly-used system of Internet-based voting is ready for adoption.

In a conventional system, a handful of ballots may be compromised through fraud, but an online, networked voting system may be vulnerable to more widespread manipulation. There are multiple entrance points for mischief: malware on the voter's personal computer could subvert the voter's intent without his or her knowledge; ballots could be intercepted in transit over the public Internet; servers or back-end systems controlled by election administrators could be compromised by remote attacks.

In 2010, the District of Columbia Board of Elections and Ethics conducted a test, inviting hackers to find vulnerabilities in a system they created as a pilot program for military and overseas voters to cast their ballots online. A team from the University of Michigan broke into the system within 36 hours, found a document containing every voter's name and password, and changed the voting results.<sup>3</sup> A subsequent report from the National Institute of Standards and Technology stated that ensuring the integrity of remote electronic voting "remains a challenging problem, with no current or proposed technologies offering a viable solution."<sup>4</sup>

It may be more difficult to preserve the secrecy of ballots cast over the Internet. Our current system requires that we authenticate each voter's eligibility to cast a ballot and guarantee the voter's privacy. In a system of online voting, these imperatives may contradict each other. An October 2013 report on Internet voting commissioned by the province of British Columbia, Canada notes that unlike in-person voting, "the connection between the voter's identity and the content of the ballot cast electronically is fundamentally and necessarily linked for both technological and policy reasons."<sup>5</sup>

Lastly, the lack of access to high-speed Internet in many communities represents a real concern. Nationwide statistics show that lower-income communities do not have the same access to broadband Internet at home as their better-off neighbors, and computers in libraries or work environments may not be private. Certain New Yorkers may simply not have equal access to the potential benefits of an Internet voting system.

Currently, none of the 50 states provide Internet-based voting for the general public. Thirty-two states (and the District of Columbia) allow voters serving in the armed services or living abroad to return voted absentee ballots electronically, via email or

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<sup>3</sup> <http://www.nytimes.com/2010/10/09/us/politics/09vote.html>

<sup>4</sup> <http://www.nist.gov/itl/vote/upload/NISTIR-7770-feb2011.doc>

<sup>5</sup> <http://internetvotingpanelca.blob.core.windows.net/internetvotingpanelca/ipiv-prelim-rpt-20131023.pdf>

through a web portal, under limited circumstances.<sup>6</sup> For instance, Missouri allows only military voters serving in a “hostile fire area” to return ballots via email or fax. In the wake of Superstorm Sandy, New Jersey allowed some voters to email their ballots, an experiment that at least one official described as a “catastrophe” due to overwhelming demand.<sup>7</sup>

New York State does not allow citizens serving abroad to return their ballots electronically. If we are to move forward in this area, we should consider changes to State Election Law that would allow administrators to explore Internet voting for the narrow purpose of helping more New Yorkers abroad or serving in the military to cast valid, timely votes, if the challenges described above can be addressed.

There are several ways, however, that available technology can improve the in-person voting experience in New York right now, in significant and measurable ways.

- All New Yorkers should be able to register to vote and update their information online. The state has done a useful and important thing by establishing electronic voter registration through the Department of Motor Vehicles—but only for New Yorkers who possess a state ID. Allowing all voters to register and update their records online will help ensure New Yorkers who change addresses receive the information they need to stay engaged.
- We can also create smart, linked databases that automatically share information between government agencies and ensure the voter rolls are kept up to date. The Voter Empowerment Act, sponsored in the state legislature by Assemblyman Brian Kavanagh and Senator Michael Gianaris, would accomplish some of these important objectives.
- We have been voting with electronic ballot scanners for three years, but we still use ballots that are designed with the mechanical lever machines in mind. We should have ballots reflect the best practices of modern design. The Board of Elections is making efforts to increase the font size, but Assemblyman Kavanagh’s Voter Friendly Ballot Act would do even more to make ballots easier to read and use.
- We can continue making voter information available in more convenient and accessible ways. The New York City Board of Elections made poll site locations

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<sup>6</sup> <http://www.ncsl.org/research/elections-and-campaigns/internet-voting.aspx>

<sup>7</sup> <http://usnews.nbcnews.com/news/2012/11/06/14974588-new-jerseys-email-voting-suffers-major-glitches-deadline-extended-to-friday?lite>

and sample ballots available through their website and a mobile app. Our own NYC Votes app provided information about candidates and poll site locations to thousands of New Yorkers during this election season. Our Voter Guide, in print, in video, and online gave every registered voter access to comprehensive, nonpartisan information about the candidates and the voting process.

- We can make better use of technology to collect data about activity at the poll sites, and learn more about voters' experiences. Collecting better data across the entire system in real time would ensure problems at the poll sites are addressed more quickly and efficiently, and help optimize the allocation of resources on Election Day. We will also be soliciting voter feedback through our own online survey, which will provide information that can help improve the voter experience.
- Jurisdictions in at least 27 states use some form of electronic pollbooks, according to research by the Brennan Center for Justice.<sup>8</sup> They can streamline check-in at poll sites. If they are linked to the statewide voter registration database, they can be used to determine a voter's correct address, and correct or update voter registration records at the polls—making affidavit ballots practically obsolete.

The technology to make these improvements is available now. Each would make voting quicker and easier, could save us money, and improve the health of our democracy. For these reasons and many others, State Election Law must be overhauled to provide administrators more flexibility, and more fully reflect the ways technology has evolved since the bulk of the law was written in the 1970's.

Thank you for the opportunity to testify today.

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<sup>8</sup> <http://www.brennancenter.org/analysis/testimony-presidential-voting-commission-can-modernize-elections>