

Testimony of Paul Ziriaux

Secretary, Oklahoma State Election Board

Before the House Committee on Science, Space, and Technology
Subcommittee on Investigations and Oversight
Subcommittee on Research and Technology

June 25, 2019

Chairwoman Sherrill, Chairwoman Stevens, Ranking Member Norman, Ranking Member Baird, Chairwoman Johnson, Ranking Member Lucas, and distinguished Members of the Subcommittees:

Thank you for the opportunity to testify today. My name is Paul Ziriaux. I am the Secretary of the Oklahoma State Election Board and the State of Oklahoma's chief election official, and have served in this capacity for more than a decade.

Established under the Constitution of the State of Oklahoma in 1907, the Oklahoma State Election Board is the administrative agency for the conduct of state elections and the oversight of the state's 77 county election boards.

Our mission statement is, "To achieve and maintain uniformity in the application, operation, and interpretation of the state and federal election laws with a maximum degree of correctness, impartiality, and efficiency."

In the early 1990s, the State of Oklahoma first implemented a uniform, statewide voting system using paper ballots that were hand-marked by voters and counted by accurate, reliable precinct-based optical scan tabulators.

Oklahoma was one of the last states to use its Help America Vote Act of 2002 (HAVA) funding to upgrade our voting system. The voting system in use today was deployed in 2012, and it continues our tradition of utilizing paper ballots that are hand-marked by voters and counted by accurate, reliable precinct-based optical scan tabulators. We believe we made the correct decision to use HAVA funds to stick with a paper-based, optical scan system.

The citizens of our state take great pride in our voting system. It is one of the most reliable, most accurate, most secure, most efficient, most cost-effective, and speediest voting systems in the entire world.

Representatives of both major political parties play a role in the administration of elections in Oklahoma – from our bipartisan county-level absentee voting boards, to our bipartisan pollworkers, to our bipartisan county election boards and State Election Board. Voters who are Independents or members of recognized minor political parties also serve as pollworkers.

In our state legislature, leaders and members of both major political parties trust the work we do at the State Election Board, and work with election officials to ensure that nonpartisan statutes and procedures are in place that instill public confidence in our state’s election system.

We also run a lot of elections in our state. In odd-numbered years there are local elections every month except December. In Presidential election years, there are four state and federal elections in March, June, August and November, as well as local elections in January, February and April.

Although participation in early voting (officially known as “in-person absentee voting” in Oklahoma) and “no excuse” mail absentee voting has increased in recent years, Oklahomans still by-and-large vote on Election Day. While nationwide about 40 percent of voters voted before Election Day at the 2018 General Election, in Oklahoma more than 85% of votes were cast *on* Election Day.

OKLAHOMA’S UNIFORM STATEWIDE VOTING SYSTEM

Different from many states, Oklahoma’s voting system is a truly uniform, truly statewide voting system.

No matter where you are in our state, voting is the same for the more than two million Oklahomans who are registered voters. Voters mark the same style of ballots, during the same hours, subject to the same standards and regulations, and tabulated by the same optical scanners.

The State Election Board owns the voting devices and election computers, owns the software used to program voting devices and tabulate votes, owns the voter registration system, and owns the network used to securely communicate with county election boards.

We do not contract out election programming or tabulation to private vendors. Our own State Election Board staff programs and tests every election database for every county for every election. County election board personnel use those databases to program voting devices, test ballots, and tabulate election results.

State Election Board staff conduct routine maintenance of voting devices annually, make most repairs to our voting equipment, and oversee major repairs that are covered by the manufacturer's warranty.

Prior to each election, state and county election officials conduct extensive pre-election testing of voting devices, software and ballots.

For every election, no matter how large or small, the State Election Board staff prepare the ballot files. All ballot printing vendors are certified and subject to the supervision of the State Election Board. The State Election Board contracts with printers for federal and state ballots, while each county election board has a contract printer for ballots for local elections.

Under Oklahoma state law, the Secretary of the State Election Board has direct supervisory authority over county election boards, and has the statutory responsibility to develop the election procedures and training used by county election boards. This helps to ensure that our state's uniform procedures and policies are followed.

It is my opinion that Oklahoma's uniform voting system helps to make our system more secure, easier to maintain, more efficient and cost effective, and more equitable to voters across our state.

* * * * *

In Oklahoma, our state laws require elections to be completed speedily.

At the November 2018 General Election, every ballot that was cast by mail, during early voting, and on Election Day was counted and the unofficial election results posted on our website by 10:30 p.m. on Election Day. That's every vote out of nearly 1.2 million ballots cast for Governor and eight other statewide officers, U.S. Representative, both houses of the State Legislature, district judge and associate district judge, district attorney, numerous county officers, retention races for four

Supreme Court justices and eight appellate judges, and five state questions, and even local offices.

By 2:00 p.m. on the Friday following the General Election nearly 1,200 provisional ballots statewide were approved by county election boards for counting. Three hours later, at 5:00 p.m., those provisional votes were added to the vote totals and final results were certified by the 77 county election boards.

At 5:00 p.m. on Tuesday, November 13 – just one week after the 2018 General Election – the State Election Board officially certified the results of all state and federal elections and the State Election Board Secretary issued official certificates of election to all state and federal candidates for office. Members of the Oklahoma State Legislature officially took office a week later.

Oklahoma’s voting devices are known and trusted in our state for their accuracy. While hand recounts are occasionally requested by candidates, the initial outcome of an election has not been changed as the result of a recount.

I believe the speed with which Oklahoma election officials are able and required to tabulate and certify results helps instill confidence in our system.

* * * * *

Because of our system’s efficiencies, we are able to conduct elections relatively inexpensively in Oklahoma. For example, the State Election Board expended a *total* of \$3.4 million to conduct three statewide elections in 2018 (Primary, Runoff Primary, and General Elections), and another \$546,000 on election supplies, overtime, and training for the entire 2018 election cycle. Most of the 77 county election boards have extremely limited budgets, and we estimate that they spent less than \$900,000 *combined* to conduct the 2018 General Election.

Our State Election Board staff consists of 23 full-time and 2 part-time personnel. Most county election boards are staffed by the secretary and one assistant. (The largest at any county election board is Tulsa County, which currently has 19 fulltime personnel.)

The efficiency of Oklahoma’s voting system is by design. Dates and deadlines are staggered so that the limited number of state and county personnel can complete one set of tasks, and then move on to the next. For example, prior to the voter registration deadline county election boards can focus on processing voter

registration applications. They then move on to processing absentee ballot applications, and after the absentee ballot request deadline the early voting period begins. After the early voting period ends, they can process incoming mail absentee ballots and finalize preparations for Election Day.

These specific stages of Oklahoma’s election process allow our state and county election staff to accomplish a great deal with limited funds and limited staff, yet with a maximum amount of security and accuracy.

* * * * *

In Oklahoma we have made significant improvements in services to voters in recent years.

- **Online Voter Registration Updates**: In 2018 we launched the first phase of our online voter registration system, which allows registered voters to update their addresses and party affiliations online. Though submitted electronically, these updates must be processed and approved individually by county election board personnel. Foreign IP addresses are automatically blocked from using this system, and election officials and the state cyber command monitor the system and its logs.
- **Oklahoma Election Results (OKER)**: Also in 2018, Oklahoma launched an enhanced, accessible election results platform that allows end-users to receive real-time election results in a variety of formats for every race down to the precinct level. These results, however, are not the official results, and if the public platform were to go down, the election results themselves would not be impacted.
- **Oklahoma Military and Overseas Ballots Online (OMOBO)**: To comply with the Military and Overseas Voter Empowerment (MOVE) Act, the State Election Board developed this module to securely deliver absentee ballots and materials to UOCAVA-eligible voters who request it. (For security reasons, voted absentee ballots must be returned by traditional means, not electronically.)
- **Online Voter Information Request System (VIRS)**: This system allows authorized users to download publicly available voter registration lists. Only

information required to be made public under Oklahoma’s Open Records Act is available through this system.

- **Online Voter Tool (OVT)**: Voters can confirm their registration, find their polling place, track the status of their absentee ballot, check the status of a provisional ballot, and view a sample ballot for their precinct.
- **Online Absentee Ballot Application**: A registered voter may use this portal to electronically apply for an absentee ballot. Though submitted electronically, these requests must be processed and approved individually by county election board personnel. Like voter registration updates, election officials monitor logs and other back-end activity.
- **Electronic Voter Notifications**: Voters can sign up to receive notifications by email or text message about elections that are scheduled in their county, voter registration deadlines, absentee ballot request deadlines and more. This helps election officials directly communicate with voters, reducing the risk of misinformation being distributed.
- **eScan A/T with Audio Tactile Interface (ATI)**: Each precinct-based optical scanner is equipped with an Audio Tactile Interface (ATI) for use by voters with disabilities so they can vote privately and independently. A paper ballot is used to activate an ATI session, at which time a voter casts votes using an audio version of the ballot. Voters may use the provided interface or a variety of other tools, such as a sip-and-puff or paddle interface. An ATI voter receives an audio confirmation of his or her votes prior to casting the ballot.

There are many more improvements for voters that are currently in development in Oklahoma:

- **Oklahoma Voter Services Portal (OVSP)**: This is a “one-stop-shop” that will bring several current individual services into a single enhanced application. It will allow voters to confirm their voter registration, update their voter registration address or party affiliation, apply for an absentee ballot, track the status of an absentee ballot, find their polling place, view a sample ballot for their precinct, check the status of a provisional ballot, find contact information for their county election board, and more.

- **Precinct-based Electronic Voter Check-in**: Oklahoma currently uses paper-based pollbooks. This system would allow voters to check in electronically at their polling place. Paper pollbooks will continue to be available as a backup.
- **Online Voter Registration**: When fully implemented, Oklahoma’s online voter registration system will allow citizens to register to vote for the first time, transfer their registration to another county, and make updates to the current voter registration. For security reasons, the system will be required to confirm that an applicant’s information matches the information on their Oklahoma driver license or Oklahoma state identification. All activity will be monitored on the back-end by election officials for anomalies.

SECURITY OF OKLAHOMA’S ELECTION SYSTEM

In Oklahoma we take seriously the need to protect the security and integrity of our elections. Here are some examples, though not an exhaustive list, of how we protect elections in Oklahoma.

- Oklahoma uses paper ballots and our system is auditable and verifiable. We conduct extensive pre-election testing of voting devices, software and ballots at both the state and county level, and a new law enacted this year authorizes post-election audits beginning in 2020.
- Oklahoma’s voting devices, voting system software, computers used to program voting devices, and computers used to tabulate results are never connected to the Internet.
- The voting system has numerous built-in safeguards. For example, if any part of the system is tampered with – from the tabulation computer to the voting device to the ballots – it is designed to “break” and will fail to work with the system’s other components.
- Although we have a “uniform” election system, the various system components and applications are contained within their own silo so that an incident in one does not spread to the others.

- Network connections with county election boards are secured and require multi-factor authentication. The voting system, election management system, and voter registration system require multiple layers of authentication.
- We maintain a strict chain of custody for voting devices and ballots, from before an election until that election is certified.
- Members of both major political parties are required to be members of absentee voting boards, precinct voting boards, county election boards, and the State Election Board.
- Candidates in any race can contest the results of an election by requesting a recount or by filing a petition alleging election irregularities.
- To utilize online services, such as updating a voter registration or requesting an absentee ballot, a voter must confirm his or her identity prior to being allowed to use the service. Though submitted electronically, updates and requests using these online services must be processed and approved individually by county election board personnel.
- The identity of an absentee voter is confirmed prior to the submission of a voted absentee ballot through the notarization or witnessing of an absentee ballot affidavit.
- Our statewide system makes it much easier to secure at the state level than having to secure different systems at all the counties separately.
- Additional security improvements are described in the next section of this testimony.

As Oklahoma’s chief election official, I want to make voting and voter registration as convenient and accessible as possible. However, I know we must seek the proper balance between convenience and accessibility on the one hand, and election security and integrity on the other. Election administrators and policy makers must be cautious about sacrificing too much security in the name of convenience.

STATE AND FEDERAL COOPERATION

Under our Constitution and federal system, election administration is and should be the responsibility of the states. However, given the potential threats to our elections, there is an important support role federal officials should play.

I was skeptical in January of 2017 when then-Homeland Security Secretary Jeh Johnson announced that election systems would be added to the list of the nation's critical infrastructure. This skepticism was largely due to the lack of information provided to me as an election administrator.

However, things began to change when I was told by Homeland Security in 2017 that Oklahoma had been one of 21 states "targeted" in 2016. The good news for my state is that these probes were not successful, and were not direct probes of our state's election or voter registration systems, but rather to the broader state government network. This brought home to me the need for additional cooperation and communication between the State Election Board and federal and state security and intelligence officials.

Since that time we have taken a number of steps in Oklahoma to improve election security.

Our election systems are actively monitored and protected by the state cyber command. We are members of the ISAC. We have created a partnership with numerous federal and state agencies as part of an election security working group.

We work closely with NASED and social media companies to help protect against misinformation campaigns. For major elections, our state cyber command monitors social media and alerts election officials to any possible issues.

Under a new state law, county election boards are required to notify the State Election Board if physical intrusions or cyber incidents occur.

State election officials are working with the state cyber command and state security officials to further enhance cyber security and physical security for our elections.

Our election security working group has grown to include officials from the State Election Board, U.S. Department of Homeland Security, Oklahoma Office of

Homeland Security, Oklahoma Cyber Command, Oklahoma Department of Emergency Management, Oklahoma National Guard, and the FBI.

This group took steps in advance of the 2018 elections to enhance communication and information sharing among our various agencies. We met regularly to discuss risks and plan for contingencies. We arranged for unclassified briefings and security training for county election officials, and shared “best practices” with state and county election employees.

I want to take a moment to commend the U.S. Department of Homeland Security for reaching out to me and expediting a security clearance so relevant intelligence related to election security can be shared as needed. I also cannot say enough good things about the local DHS officials in Oklahoma, as well as the FBI field office, and how helpful they have been in their efforts to share intelligence and services.

RECOMMENDATIONS

Speaking only for myself as Oklahoma’s chief election official, I offer the following recommendations to policy makers, federal agency personnel, academia, and other interested stakeholders:

- Oklahoma’s representatives on the EAC Standards Board have advised me that NIST and the EAC are making significant progress with the development of VVSG 2.0. To be successful and to encourage maximum cooperation by state and local election officials, the VVSG must remain voluntary and should contain broad-based goals that states can determine how best to implement. These standards also must be flexible to adapt to changing threats and technology.
- When developing proposals for election administration or election security, academia should work closely with current election administrators so that recommendations are viable in the real world of elections. The National Academies made some good recommendations in 2018, for example, but not all are viable or applicable in every jurisdiction.
- When conducting hearings, performing studies or releasing recommendations, academia, policy makers and others should take great care so as not to unnecessarily alarm the public and cause distrust in

America's elections. This is especially true when discussing "theoretical" threats while failing to note real world protections against such threats.

- Under our federal system, the states must continue to administer elections in this country. Election administration should not be federalized, nor should mandatory federal standards and certification procedures be forced on the states.
- The federal government should make technical assistance, best practices, voluntary standards, and intelligence available to states.
- Continue to expand and improve communication between federal agencies and state election officials.
- Additional federal funding for election security or for upgrading election systems could be helpful, provided that it is sustained and not one-time only. However, if too many conditions or mandates are required to receive such funding, many states may refuse to accept federal grants.
- When possible, intelligence regarding election security threats should be declassified quickly and shared broadly with state and local election officials.
- Federal and state security officials should promote election security awareness with election officials and the public.
- Federal and state officials should continue to work continue together to improve public confidence in America's electoral system.
- States should use voting systems that are auditable and verifiable, but states should be the ones to determine the best methods for auditing their elections.

IN CLOSING

My biggest concern as an election official is protecting the public's faith and confidence in our elections. If citizens begin to lose faith in the accuracy and validity of vote counts, then we risk our very representative republic itself.

With that in mind, I believe the potential for the spread of misinformation about election policies and procedures through social media or other means is likely the most serious near-term threat. Physical security and cyber security are also a concern, but the easiest way to disrupt our elections – and what we have already observed – is for our adversaries to sow discord and spread misinformation.

I encourage federal policy makers to keep in mind that each state is different. Imposing “one size fits all” mandates on the states for election policies or election security procedures will be disruptive and expensive, will risk setting up state and local election officials for failure, and will likely create an adversarial relationship at a time when a cooperative partnership is needed.

Oklahoma election officials know more about running elections in our state than a federal employee in Washington or an out-of-state college professor ever could. Laying out broad-based goals and best practices – and allowing states to determine how to meet these goals – is the best way to proceed.

#####