Testimony of John Gideon on H.B. 1624, February 6, 2009

Chairman Hunt, Members of the Committee

Thank you for having this hearing.

I am a disabled Viet Nam veteran. I know what it is like to get a ballot in the mail while sitting off the coast of Viet Nam or at a shore station in the Philippines or Guam. I know of the concern that the ballot may not get back stateside in time for it to count.

I would guess that none of you is a computer scientist or network security expert. I'm pretty certain that no one in the Secretary of State's office holds a doctorate in computer sciences or is a world-renowned network scientist.

Yet, this legislation that we are here to discuss allows the Secretary of State to determine that some internet voting scheme is secure and will protect the secrecy of the vote. On what is he to base his opinion? The bill doesn't require any consultation with scientists or security experts. It only requires the Secretary to partner the state of Washington with some company that claims their scheme is secure and good enough. I hope that is not good enough for you.

Let's say that the Secretary, based on the word of some company, institutes a pilot program, and let's say the program is going to be tested in Kitsap County. Then let's say that a concerned voter in the county realizes that there is no way the internet can be made secure enough for votes to be cast. So that citizen goes to court and files for a restraining order against the use of the scheme in the county and the state. Who is the Secretary going to have testify that the internet is secure? The vendor? Someone from his office?

On the other hand the citizen can turn to the Department of Defense, which cancelled their last internet voting scheme because the internet is not secure enough for elections. And the National Institute of Standards and Technology, which has studied the subject and issued a paper that says the internet is not yet secure enough for elections. And the Government Accountability Office, which also issued a report with the same findings. And the words of over 30 of the top computer scientists in our nation; scientists who represent some of the top colleges and universities; scientists whose names include three of the most respected network security minds in the world.

The bill also requires secrecy of the ballot. Is it good enough to require every overseas voter or military voter to waive their right to secrecy? You cannot do FAX or email return of voted ballots without requiring that waiver. Any voter using FAX or email to return a voted ballot must choose between waiving their right to a secret ballot or returning that ballot via other means or not voting at all. Is that what you want? Or do you want what the bill says – security and privacy?

So what do we do to help the overseas and military voters? The solution does not have to be high-tech. You don't need the internet to make voting more available and to ensure ballots are returned in enough time to be counted. Get the ballots out as early as possible.

Provide the blank ballots and voting information over the internet. Partner with FedEx and/or USPS or other carriers for special handling of voted ballots. FedEx did just that last year in a partnership with Overseas Vote Foundation.

In the meantime, the federal Election Assistance Commission was tasked by Congress to develop guidelines for internet voting. Wait until those guidelines are issued and the real experts in internet voting, the scientists and technologists, come to an agreement that the internet is ready. It may be ten years but I have heard from many of them that the day may come.

As a veteran I know that I would rather have my ballot not be counted at all than for it to be sent over an insecure internet or to have to choose to waive my right to a secret ballot.

Lady and gentlemen, this bill needs some big changes. Don't give the Secretary of State a blank-check just because he has asked for it. Listen to the experts.

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