

OFFICERS 2006-2008

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CALIFORNIA ASSOCIATION OF CLERKS AND ELECTION OFFICIALS

May 29, 2007

Assembly Member Paul Krekorian
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0043

Dear Assembly Member Krekorian:

The Elections Legislative Committee of the California Association of Clerks and Election Officials (CACEO) has reviewed **AB 852** (as amended April 11, 2007). This bill would require voting system computer source code and hardware schematics to be made available to the public, as well as require counties to make a sample of any voting system used available for public inspection.

While these measures may appear to be in the best interests of democracy, in reality, making source code public and allowing public inspection of voting systems makes the systems more vulnerable to manipulation, and compromises the security of voting systems. Security in elections is provided by a combination of software and hardware controls, physical access controls, and the process and procedures followed by election officials.

Currently, source code is analyzed by independent software testing companies working under the guidance of the Election Administration Commission and the National Institute of Science and Technology. Voting systems are inspected at the time of certification by the Secretary of State, and the source code is deposited in escrow, where it is available to the Secretary of State for a multitude of purposes, including investigation and verification of vote counting equipment and procedures. This ensures the security of the ballot tally software, and minimizes the possibility for manipulation. Perhaps the existing protection could be broadened to allow an independent review of the source code, if there was reason to believe there was an issue with the tabulation of votes.

Depriving vendors of their proprietary rights in their work products will slow the introduction of improved technology into California, due to the exposure of their property to competitors. Election officials have already seen the reluctance of vendors to improve their products, or to correct outstanding issues, due to the cost and time necessary for federal and state certification.

Requiring counties to make voting systems available for public inspection is not feasible for "central count" systems used by some counties for tabulating all ballots, and by all counties for tabulation of absentee ballots, as each county only has one such system, and were it made available for public inspection, it could not be used to tabulate the votes in the election. Counties do invite the public to participate in the Logic and Accuracy testing that is performed on the equipment prior to each election, and to observe all proceedings.

The Committee has taken a position of **Oppose** in regard to this bill. Should you have any questions in this regard, please do not hesitate to contact me at the Sonoma County Clerk-Recorder-Assessor's Office (707) 565-1877.

Very truly yours,

Janice Atkinson,
Correspondence Secretary
Elections Legislative Committee
California Association of Clerks
and Election Officials

c: Senator Ron Calderon, Chair, Elections, Reapportionment and Constitutional Amendments Committee
Assembly Member Curren Price, Chair, Committee on Elections and Redistricting
Deborah Seiler, Co-Chair, CACEO Elections Legislative Committee
Jill Lavine, Co-Chair, CACEO Elections Legislative Committee