

Assembly California Legislature

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CHAIR, ASSEMBLY EDUCATION COMMITTEE

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FACSIMILE TRANSMISSION

To: Alan Docht From: Bob Reed
Fax: 772-5360 Phone: 319-2144
Phone: _____ Date: 9/6/05
Re: Ltrs of opposition CC: _____

Urgent For Review Please Comment Please Reply

• **Comments:**

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TOTAL NUMBER OF PAGES (including this page) 8

CALIFORNIA ADVOCATES, INC.

August 2, 2004

The Honorable Jackie Goldberg
Member of the Assembly
State Capitol, Room 2003
Sacramento, CA 95814

772-5360

Ralph F. Simoni

Michael D. Belote

Mark Rakich

*Robert G. Walters
of Counsel*

Subject: ACR 242 -- OPPOSE UNLESS AMENDED -- Senate Elections and Reapportionment Committee -- August 4

Dear Assemblywoman Goldberg:

On behalf of our client, the Computing Technology Industry Association (CompTIA), I regret to inform you that we are opposed to ACR 242 unless it is amended to eliminate technology preferences when it is heard before the Senate Elections and Reapportionment Committee on Wednesday, August 4.

CompTIA is a national and international association representing all facets of the high-tech industry from major hardware and software producers to retailers and white box converters that customize computer technology for their clients. CompTIA has 19,000 members worldwide and over 600 members in California.

As we testified before the Assembly policy committee on June 15, we do not take issue with the core principle intended by ACR 242 that would ensure accurate and verifiable electronic voting systems. However, the provisions of ACR 242 referenced, and continue to reference, a preference for one form of technology over another. Notwithstanding recent amendments, the ACR continues to reference open-source software to the exclusion of other software platforms. Specifically, the two "Resolved" clauses on page 2 at lines 7 and 12 refer to "open-source software."

In our opinion, the goal of ACR 242 should be to ensure accurate and secure elections, regardless of the software platform that is used. The resolution should not establish a preference for either open-source software or proprietary software for e-voting or any other state procurement project. Indeed, it would be wise public policy and in furtherance of accurate and verifiable e-voting for the state to adopt a technology neutral policy to ensure that all options are fully evaluated. After thorough evaluation, the best software platform should be adopted based upon security, cost, and complexity of deployment.

Therefore, CompTIA is requesting that the references to "open-source software" appearing on page 2 at lines 7 and 12 of the July 1 amended version of ACR 242 be stricken and replaced with the technology neutral term of "regardless of software platform."

Again, CompTIA must oppose ACR 242 unless it is amended to become technology neutral.

Sincerely,

Ralph F. Simoni
Ralph F. Simoni

cc: Chair and Members, Senate Elections and Reapportionment Committee
Darren Chesin, Chief Consultant
Senate Elections and Reapportionment Committee
Richard Paul, Consultant, Senate Republican Caucus

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California State Public Policy

June 14, 2004

Honorable Jackie Goldberg
California State Assembly
State Capitol, Room 2003
Sacramento, CA 95814

Dear Assemblymember Goldberg:

On behalf of the American Electronics Association (AeA) and our nearly 1,400 high technology member companies in the State of California, we must regretfully oppose your Assembly Concurrent Resolution 242.

It is AeA's position that the State should study all options available in the procurement of technology. At a minimum, ACR 242 appears to favor the use of "open-source software" (OSS) in electronic voting machines, at the expense of a thorough and fair evaluation of all software options available to the State. The Assembly cannot know in advance which software solution will best assure the public's interest in complete, fair, and accurate election results, and its adoption of an implicit preference for software based on a particular method of development — in this case, OSS — could inadvertently lead the state to use software that is less than optimal.

The State would be better served by adhering to a policy of technology neutrality and evaluating software products on a case-by-case basis, regardless of development model.

Sincerely,

Roxanne Gould
Vice President, California Public Affairs

JUN 15 '04 11:19 FR

TO 19163192162-36 P.02



June 15, 2004

The Honorable Jackie Goldberg
California State Assembly
State Capitol, Room 2003
Sacramento, CA 95814

RE: ACR242 - OPPOSE

Dear Assemblymember Goldberg:

I am writing today to express our opposition to Assembly Concurrent Resolution 242. I write on behalf of the Information Technology Association of America (ITAA), representing over 350 companies in the information technology (IT) industry -- the enablers of the information economy. Our members, located throughout the United States, including many in California, range from the smallest IT start-ups to industry leaders in the custom software, services, systems integration, hardware, Internet, telecommunications, and IT services fields. Our members offer solutions that feature both proprietary and Open Source software. In addition, a group of leading election systems companies has aligned with ITAA to form the Election Technology Council, a group committed to addressing security concerns with electronic voting, developing a code of best practices for companies in the electronic voting sector, and making recommendations in the areas of election system standards and certification.

We are in full agreement that the State of California has a compelling interest to ensure complete, fair, and accurate election results, and to do so in an efficient, reliable, and economical fashion. We also fully agree that the security and integrity of the electronic voting software and the verifiability of votes processed through electronic voting machines are essential to achieving these objectives.

ACR 242 wrongly assumes, however, that "transparency and public oversight" of a software system cannot be assured unless the code is Open Source. This is simply not true. Many governmental systems that handle the most sensitive and highly classified data utilize proprietary software. There are numerous ways to insure "public oversight" without the necessity of having access to the source code of software. ACR 242 also assumes that Open Source software, without exception, offers a "higher degree of security." This, too, is not a reasonable assumption. The security features of software are largely a function of well-written code, which can be accomplished either in an open source or a proprietary environment; there is nothing inherently more secure in open source code. Further, ACR 242 wrongly assumes that full public inspection of the software source code is the only way to enhance the State's ability to assure that "voting records are suitably safeguarded and accurately communicated." Those individuals who can understand the human readable version (source code) of the software, however, would also have the ability to manipulate or infect the code. Absent proper maintaining procedures and

Information Technology Association of America
1401 Wilson Blvd. - Suite 1100, Arlington, Virginia 22209-2318 ■ Phone: (703) 522-5055 Fax: (703) 525-2279

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TO 19163192162-36 P.03

The Honorable Jackie Goldberg
June 15, 2004
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safeguards, reliability of the information processed (in this case, votes) can be decreased – rather than augmented.

We believe the State would be far better served by adopting a policy of technology neutrality. Evaluation of software products, systems and solutions on a case-by-case basis, regardless of whether the code was developed in an Open Source or proprietary environment, is a far better way to go, and is currently provided for under California law.

Thank you for considering our views. If we can be of any assistance, please contact me at (703) 284-5340, or Carol Henton, ITAA Vice President in our San Mateo office at (650) 357-7728.

Sincerely,



Harris N. Miller
President, ITAA

cc: Members of the Assembly Committee on Elections, Redistricting and Constitutional Amendments

JUN 15 2004



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Hon. John Longville
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0082

Dear Assemblyman Longville:

I was recently alerted to the fact that ACR 242 is being considered in the Assembly Elections committee tomorrow, and I urge you to vote against this resolution.

By essentially endorsing an "open source" consortium, ACR 242 will create a biased marketplace that expresses a preference for open source software solutions to electronic voting machine designs. That is not something that our State Legislature should be doing.

I believe that we should let the marketplace work and let the best technological solutions prevail, whether they be open source or proprietary. Please vote no on this resolution and let the competitive marketplace work.

Respectfully Yours,

Mike Wyman
Owner, Wyman Design & Computer Graphics

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JUN 15 2004



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Hon. John Longville
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0062

Dear Assemblyman Longville:

I am taking the time to write you a letter to ask you to vote no on ACR 242, a resolution introduced by Assemblymember Goldberg, asking the Secretary of State to study using open source software in electronic voting machines.

There are many false assumptions about open source software. When it comes to voting, everyone is concerned about ensuring that every vote is counted and counted correctly. This concern is even greater with implementation of a system of electronic voting.

There is debate about whether open source software is the best way to maintain security – or if it will only make it harder to protect not only the integrity of the individual vote, but of the entire program on which electronic voting across the state would rely.

ACR 242 attempts to give preferential consideration to open source software and a consortium that would like to see it implemented across the state. I for one would hope that an issue as important and far-reaching as this would be decided based on the only criteria that matter: reliability, demonstrated technological expertise, and the greatest possible guarantee of security on all levels.

A no vote on ACR 242 would ensure an unbiased marketplace and allow our brightest minds the opportunity to compete fairly. I respectfully ask that you vote no on ACR 242.

Sincerely,

Matthew Zellmer

Matthew Zellmer

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JUN 15 2004

AD Consulting

1106 Harbert Ln. ♦ Modesto, CA 95350 ♦ 916-834-8831

June 14, 2004

Assemblymember John Longville
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0062

Dear Assemblymember Longville:

Please vote no on ACR 242, a resolution authored by Assemblymember Goldberg to request that the Secretary of State to investigate and evaluate the use of open source software for electronic machines.

I am very leery of this resolution. Although it says that the Legislature is committed to exploring all solutions, by singling out open source it seems that the Legislature is giving that choice its blessing over other alternatives.

Our economic system is based on competition. By skewing the system to favor one form of software, the Legislature is unfairly gaming the system in favor of open source solutions.

Leave the marketplace open. *Vote no on ACR 242!*

Sincerely,



Andrew S. Drabkin
AD Consulting