



OPEN VOTING CONSORTIUM

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RE: California Secretary of State hearing on top-to-bottom review

You have wrestled the patient to the operating table and cut her open. Diseased organs have been exposed.

You cannot stop now. You cannot simply sew the patient back up and be done with it.

Can you repair the organs with the instruments you have? Perhaps a few band-aids will work. Or perhaps one or more organs will have to be removed.

You made the incision. You must tell us what you are going to do. You must decide. You must do it right. The patient on your operating table is democracy herself.

In February of last year, at our behest, Senator Bowen held the first-ever public hearing on open source software for elections. When people ask, what was the conclusion of the hearing, I have to say there was no conclusion. While some good information was heard and it was generally positive for open source, no analysis was issued. The only bill in the state legislature relevant to this issue, AB 2097, died in the Appropriations Committee in May of last year.

At one point in the hearing, Senator Bowen said "disclosure to experts is a non-starter for me." One of the panelists from ACCURATE replied, "it may be a non-starter for you, but it is going to be a non-starter for the vendors." So here we are: we have disclosure to experts. At least four of your well-paid reviewers are experts from ACCURATE. Fine for them. Not fine for advocates of public disclosure.

We want to know the details, and they say, "but we have signed nondisclosure agreements to do this work." Advocates of full public disclosure are not satisfied with this. The public has a right to all the information about how the voting system works. I doubt the vendors are happy with this review, either. You have a lot of unresolved unhappiness to deal with.

The vendors and the election officials say, "these are laboratory tests. These problems are not seen in the real world." Your expert reviewers say, "it depends."

Should we continue with a voting system that protects trade secret methods? Or should we move to a public system with no secrets? You need to decide. Maybe you already have enough information to decide. Maybe we need a new public hearing that will be conclusive on this question. If the Secretary of State is going to proceed moving toward a public system, as she has indicated in the past, she needs to tell us exactly how she plans to get there. If she has a plan for this, that is a secret too, at this point.

He said, she said. We need to finish this operation. We are done with secrets. We need a solution.