

California State Public Policy



April 10, 2006

The Honorable Tom Umberg
Chair, Assembly Elections and Redistricting Committee
State Capitol, Room 2196
Sacramento, CA 95814

RE: AB 2097 (Goldberg) Open Source Requirements in Voting Systems: OPPOSE

Dear Assemblymember Umberg:

On behalf of AeA, I am writing to express our opposition to AB 2097 that would in part prohibit the Secretary of State from approving a voting system for use in an election until its operation and specifications are publicly disclosed.

AeA is concerned primarily with the aspect of the legislation that would require software vendors to disclose technical details when applying for state certification for a voting system. This intellectual property, including trade secret, trademark, copyright and patent information is a technology company's lifeblood and requiring this type of disclosure would create an economic crisis for many technology companies. This impact could easily and most likely impact the California economy. We believe policy should be encouraged to promote innovation for an environment for sustainable businesses, and one that provides incentives to encourage firms to invest substantial resources to create new products.

This legislation on the other hand would create a situation where achieving a voting systems procurement would be difficult, if not impossible, as vendors would be unable, and legally not allowed access to proprietary software to provide the state with access source code for most of the third-party software incorporated in their systems.

Technology can be used by the state to provide new voting systems and technologies, however the flaws in this proposal will create serious challenges for the local entities that are required to implement the systems, and ultimately and most importantly, it will be the California voter that has the most at stake.

We appreciate your attention to this critical issue and would like to work with you and your staff to find alternative solutions if possible. Please feel free to contact me if you have questions.

Sincerely,



Katherine Hatch
Manager, California State Government Affairs

Cc: Assembly Elections and Redistricting Committee Members
Assemblymember Jackie Goldberg
Republican Office of Policy