

AMENDED IN ASSEMBLY JUNE 23, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

Assembly Concurrent Resolution

No. 242

Introduced by Assembly Member Goldberg

June 3, 2004

Assembly Concurrent Resolution No. 242—Relative to ballot tally software.

LEGISLATIVE COUNSEL'S DIGEST

ACR 242, as amended, Goldberg. Ballot tally software.

This measure would request the Secretary of State to investigate and evaluate the use of open-source software in all ~~electronic~~ voting machines in California and report his or her findings and recommendations to the Legislature by January 1, 2006. The measure would state that the Legislature is committed to exploring and reviewing all available programs and features, including open-source software, that enhance the security of election results and increase voter confidence in the integrity of the voting process.

Fiscal committee: no.

1 WHEREAS, The State of California has a compelling interest
2 to ensure public confidence that election results are complete,
3 honest, and accurate; and

4 WHEREAS, Open-source software is software for which the
5 source code--that is, the human-understandable version of the
6 software--is published and freely available for review; and

7 WHEREAS, Since no component or aspect of open-source code
8 is shielded from public viewing, and all members of the public



1 have complete access to the source code for evaluation purposes,
2 there is transparency and public oversight; and

3 WHEREAS, Open-source software allows the State of
4 California and any interested citizen to review the data so as to
5 understand how ~~electronic~~ voting machines tally votes and
6 determine whether voting records are suitably safeguarded and
7 accurately communicated; and

8 WHEREAS, Open-source software ~~will~~ *could* provide the State
9 of California with a higher degree of security than the use of
10 proprietary software; and

11 WHEREAS, Open-source software ~~improves~~ *could improve*
12 election data security through public scrutiny of the algorithms
13 used to manage, protect, and process the data; and

14 WHEREAS, Open-source software reduces the reliance of the
15 state on ~~a select few~~ commercial vendors that have ~~historically~~
16 ~~refused to make~~ *not made* their systems' source codes available for
17 public review; and

18 WHEREAS, Open-source software ~~allows~~ *could allow* the
19 State of California to customize applications for its own particular
20 needs and allows any enterprising individual or organization to
21 work on improving the source code; and

22 WHEREAS, Current law protects the intellectual property
23 rights of open-source code creators through copyright of
24 open-source software, and such innovators are also free to market
25 their product to interested parties; and

26 WHEREAS, Open-source software has been implemented with
27 success in Australia since 2001, and a consortium is preparing to
28 release a new voting system in California that operates on
29 open-source software; now, therefore, be it

30 *Resolved by the Assembly of the State of California, the Senate*
31 *thereof concurring*, That the Legislature hereby requests the
32 Secretary of State to investigate and evaluate the use of
33 open-source software in all ~~electronic~~ voting machines in
34 California and report his or her findings and recommendations to
35 the Legislature by January 1, 2006; and be it further

36 *Resolved*, That the Legislature is committed to exploring and
37 reviewing all available programs and features, including
38 open-source software, that enhance the security of election results
39 and increase voter confidence in the integrity of the voting process;
40 and be it further



- 1 *Resolved*, That the Chief Clerk of the Assembly transmit copies
- 2 of this resolution to the author for appropriate distribution.

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