# AB 1784 (Santiago, Chiu and Gonzalez)
# Secure the VOTE Act

## Bill Summary

AB 1784, also known as Secure the VOTE Act[1], would establish an Open-Source Paper Ballot Voting Systems program to authorize the Secretary of State to award up to $16 million in matching funds to counties to speed the development, certification, governance, and distribution of open-source paper ballot voting systems that all counties would be able to freely use and modify based on their needs.

## Existing Law

The Secretary of State has given notice that effective August 27, 2019 it is withdrawing certification of all California voting systems not tested and certified to meet the *California Voting System Standards.* Many counties will have to upgrade to new certified voting systems at great cost.

## Background

The cost of replacing California's obsolete voting machines with new proprietary voting systems is astronomical. Last year's budget included $134.3 million in General Funds to help counties replace aging voting systems, but in 2017, AB 668 (Gonzalez) contemplated the need for at least $600 million in total spending for new voting systems overall. Worse, proprietary voting systems lack transparency and have proven vulnerable to security threats. At the 2017 DEF CON security conference, every piece of equipment was breached in some manner. Their report concluded it was a *"national security threat".[2]*

In contrast to the secret, proprietary software created and controlled by private vendors, open-source paper ballot voting systems would be openly licensed and therefore transparent and open to public inspection.

Former CIA director James Woolsey said:

> *"If we are to properly defend against outside (and possibly inside) interference, or "hacking," the software can not remain private and secret. <u>For national security, the election system software must be what is used by NASA, the Air Force, and the Department of Defense. It must be open-source.</u>"[3]*

The Department of Defense Open-Source Software FAQ states why it uses open-source for security:

> *"<u>Making source code available to the public significantly aids defenders and not just attackers</u>. Continuous and broad peer-review, enabled by publicly available source code, improves software reliability and security through the identification and elimination of defects that might otherwise go unrecognized by the core development team. Conversely, where source code is hidden from the public, attackers can attack the software anyway."[4]*

An open-source paper ballot system would be freely available to any county to use and modify. Experts estimate it would cut the overall cost of new voting systems in half.[5] This would save the state and counties hundreds of

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[1] **V**oter-verified **O**pen-source paper ballot **T**ransparent **E**lections
[2] "DEFCON 25 Voting Machine Hacking Village: Report on Cyber Vulnerabilities in U.S. Election Equipment, Databases, and Infrastructure", 9/2017.

[3] "Securing US election systems: Why a paper ballot isn't enough", by R. James Woolsey and Brent Turner, Op-Ed in the San Francisco Examiner, February 14, 2018.
[4] DoD Open-Source Software (OSS) FAQ, http://dodcio.defense.gov/Open-Source-Software-FAQ
[5] "Publicly-owned voting systems could reduce costs by 50%", California Association of Voting Officials, 1/2015.

millions of dollars, make elections more secure, and increase confidence in their reliability and transparency.

A February 2018 California Clean Money Campaign poll of 772 likely voters found that by a 4-1 margin they supported "having the California state budget provide matching funds to help counties develop and certify publicly owned, open-source paper ballot voting systems" (66% Yes, 17% No, 17% Undecided).

As Secretary of State Padilla said, *"Open-source is the ultimate in transparency and accountability for all."*

## Need for AB 1784

Secure the VOTE Act would establish an Open-Source Paper Ballot Voting Systems program to authorize the Secretary of State to administer a matching funds program to two or more counties to speed their development, certification, governance, and distribution of open-source voting systems.

Any county that receives matching funds must license the voting system's software under an OSI approved open-source license to ensure other counties can use and modify it for free. All votes must be recorded and tabulated using voter verified permanent paper ballots.

After a county has allocated their own funds, they immediately receive the matching funds, up to a maximum of $8 million. The county must return to the state any funds that have not been expended by the end of 2026. All funds to the county must be returned if no open-source system for tabulating vote-by-mail ballots has been certified by the end of 2026.

Counties receive matching funds on a 1-1 basis, but a county may receive matching funds on a 2-1 or 3-1 basis if it meets additional requirements, including that any portion of the

software developed using county or state funds is licensed exclusively under the GNU General Public License 3.0 (or later) to keep it permanently open-source to the public.

This modest investment will save California and its counties tens of millions of dollars after systems have been certified because every county will be able to use and build on them for free.

Open-source paper ballot voting systems will increase transparency of vote counting, earn voters' trust, and help California lead the nation to more secure elections.

## Support
California Clean Money Campaign (Sponsor)

## Opposition
None on file.

## For More Information
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