



ELECTION TECHNOLOGY COUNCIL

*Working Together for Secure and Accurate Elections*

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***For Immediate Release***

**ELECTION INDUSTRY TRADE GROUP ISSUES REPORT EXAMINING OPEN SOURCE VOTING**

***Report points to the current regulatory process for voting technology as an obstacle  
for viability of open source products***

**Houston, TX – April 15, 2009** – The Election Technology Council (ETC), an industry trade association representing providers for over 90% of the voting systems used in the United States, today issued a report examining the viability of open source software products for voting. The report, entitled, “Open Source: Understanding its Application in the Voting Industry” reveals the need for policymakers to continue treating proprietary and open source products as separate and distinct. David Beirne, the ETC Executive Director, had this to say regarding the report’s findings, “Given the unique management structures and contrasting challenges between a commercial and an open source software product, the most prudent course of action for state and federal policymakers is to recognize each option for its uniqueness and avoid mandating policies that could be perceived as instituting unfair trade practices.”

The report points to the following challenges of applying open source requirements to our nation’s voting systems:

- Successful open source projects have benefited from operating in an unregulated environment which can fully incorporate a large number of contributors to update and add to the software project. The voting industry is now subject to strict federal and state certification guidelines which require significant resources to be spent prior to developing a voting system.
- Current contract requirements for voting systems establish a clear line of accountability for supporting voting system products as they are used in the conduct of federal, state, and local elections. In an open source environment, the dependency on volunteer collaborators does not provide a clearly established line of accountability for meeting performance and support requirements for local governments.
- Proposals for mandating open source requirements on voting technology have neglected to address the complexities and challenges surrounding the operation of an open source software project or the potential impact of such a requirement on security and the overall market.

- Mandating open source requirements, or full software disclosure, upon current proprietary products would open the possibility of a government taking in violation of the United States Constitution. The Fifth Amendment to the U.S. Constitution prohibits the taking of private property without just compensation.
- The term “open source” has been mistakenly used to describe a potential model for public disclosure of voting software.

David Beirne added, “The current federal and state certification process for voting systems serves as a significant hurdle for the viability of open source voting systems. More research needs to be done on the challenges of developing an open source voting system and supporting it in the field. The entire election community and our voters benefit from choice. Open source voting systems should be seen as another option, not an overall policy approach.”

The ETC’s full report can be downloaded from [www.electiontech.org](http://www.electiontech.org).

#### **About the Election Technology Council ([www.electiontech.org](http://www.electiontech.org))**

The Election Technology Council (ETC) consists of companies that offer voting system technology hardware products, software and services to support the electoral process. The ETC represents manufacturers of the voting equipment used by over 90% of the population in the United States. These companies organized as an industry association in 2003 to work together to address common issues facing the industry. Membership in the ETC is open to any company in the election systems marketplace. Current members of the Election Technology Council include Election Systems & Software, Hart InterCivic, Premier Election Solutions, Sequoia Voting Systems and Votec, Inc.

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