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February 20, 2007

The Honorable Jeff Stone
Member, Board of Supervisors
County of Riverside
29995 Evans Road, Suite 103
Sun City, CA 92586

Dear Supervisor Stone:

Thank you for your January 3, 2007, letter to former Secretary of State Bruce McPherson concerning your proposal to invite a programmer into Riverside County to test the security of a Sequoia Edge II voting unit with a VeriVote printer.

I am not aware of any state law that would prohibit the type of security test that you described in your letter. While California Elections Code Sections 18564 and 18564.5 prohibit tampering with voting equipment, these provisions only apply to voting equipment used in the context of an actual election, which would not be the case in the exercise you are proposing. I cannot provide formal legal advice, however, so you should seek the advice of your County Counsel if you have questions about the legality of your proposal.

As to your request that the Secretary of State's office participate in this demonstration, I must respectfully decline. While I appreciate and applaud your goal of increasing the voters' confidence in the systems they use to cast their ballots, an overly narrow test such as the one you have constructed would, at best, prove very little and, at worst, give voters a false sense of security. Your demonstration, if the results are as you expect, can prove only that it is difficult to successfully tamper with voting equipment in a limited time frame in a polling place setting if poll workers have the ability to preclude voters from taking certain actions (e.g., reaching around the back of the machine) and/or bringing certain items (e.g., tools) into the voting booth with them.

As you know, voting equipment is subject to tampering in a wide range of settings.

This test you have proposed wouldn't address the issue of whether someone who can reach around the back of the machine undetected or can bring a tool into the voting booth without being noticed by a poll worker will be able to gain access to the machine.

More significantly, as I understand the test that you've constructed, it wouldn't address the larger issue of whether someone who has access to the voting equipment before the polls opened or after they closed could interfere with the proper use of the equipment.

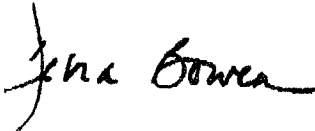
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As Secretary of State, I intend to begin a thorough review of all voting systems currently certified for use in the State of California. I have asked county elections officials for their help as I develop the protocols for this review, and the public will also have the opportunity to review and comment on the proposed protocols before they're formally adopted. I will make as much of the review public as possible. Unfortunately, given that much of the voting system software is proprietary in nature, that portion of the review will not be opened to the public.

I believe this review will benefit not only the voters of California, but all election administrators who rely on voting system technology as well, and I invite you to participate in the process.

I appreciate your interest in reassuring voters about the integrity of the election process, and I welcome your help in furthering this goal.

Sincerely,



Debra Bowen
Secretary of State

DB:elg