

The following is an Email message from Rick Gleim, Vice President of Avante International Technology, Inc. which was sent to all New York State Election Commissioners and officials on June 20, 2007. Avante is hoping to sell its electronic touch screen voting machines to New York State. In this message Mr. Gleim makes his case for weakening New York State's source code escrow and review laws. [Note Statement in Bold - Emphasis Added] –

New Yorkers for Verified Voting

www.nyvv.org

-- Original Message --

From: Rick Gleim
Sent: Wednesday, June 20, 2007 9:47 AM
Subject: Re: Albany, N.Y.: Timesunion.com - Print Story

I read with interest the recent article copied to me by Cathleen Rogers from the Times Union "[Sides Spar Over Voting Machine Rule](#)".

The source code issue has to be resolved before New York can move forward with certification of its voting machines. Why? Because the State Board is not unanimous on how to interpret or how to apply the law leaving vendors in flux as to whether their equipment will be allowed to move forward.

Much of the hullabaloo revolves around statute 7-208 of the NY Election Law. It is copied here:

“Require that the manufacturer and/or vendor of such voting machine system or equipment shall place into escrow with the state board of elections a complete copy of all programming, source coding and software employed by the voting machine, system or equipment which shall be used exclusively for purposes authorized by this chapter and shall be otherwise confidential.”

So what's here? It says, "...shall place into escrow with the state board of elections a complete copy of all programming, source coding and software employed by the voting machine, system or equipment..."

Your state board can't agree on what this means. Some say it means that only the source code for the operating system needs to be placed into escrow. (each voting system is made up of an operating system that is the underbelly of the voting system and an election management system (EMS) that does things like make ballots and run tallies). Others on the board say "read the law", saying that there is no differentiation between the operating system and the EMS. In fact the law says "all programming, source coding and software employed by the voting machine, system or equipment".

So let's assume, if one applies the law, that all source code is required to be placed into escrow with the State of New York. While the focus is on Microsoft, that's only the tip of the iceberg.

The State is aware of but not focusing on another area requiring review that pertains to all voting equipment. §7-208 states in part, "...shall place into escrow with the state board of elections a complete copy of all programming, source coding and software employed by the voting machine..." Even though it says, "all...source coding..." the State (and the public) is ignoring the source code for off-the-shelf hardware modules and subsystems manufactured by outside vendors incorporated into every vendors voting system. There are chip sets, drivers and microprocessors. All of these have embedded programmed instruction. All of these are proprietary to the supplier of the products (Intel, AMD etc.) with source code unavailable to its users or the general public.

How can one supply source code that is not available? Not one of the voting machine vendors manufactures a voting machine without the use of outside proprietary components from companies whose source code is not available!

Vendors voting equipment has been proven worthy around the country. **It is not possible to design new equipment with new operating systems, new EMS and new hardware all with vendor developed software and source code in less than a couple of years. And that is, if the vendors wanted to do this.** The source code solution then, and the way source code is handled in states that I am familiar with, is to require escrow with the State of source code on internally developed voting machine vendor software. The vendors will gladly do that but we can't produce source code from outside agents that make it unavailable.

The point of changing the law is to allow NY to certify new equipment. The current law makes that impossible. There is no intent to reduce the integrity of the vote.

Rick Gleim
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