

LAA's REVIEW OF US H.B. 466

(Legislation to require a study of open source voting equipment and mandating the use of paper ballots)

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THE VOTER INTEGRITY PROJECT

Background of US H.B. 466

United States Congress Representative of Arizona and Republican Paul Gosar introduced US House Bill 466 on January 24, 2023.¹ The bill aims to address the issues with voting machines brought to the public forefront after the 2020 and 2022 General Elections.

Open Source vs. “Black Box” Voting Machines

“Black Box” voting equipment uses proprietary, non-public software and hardware designs, and according to a study by Princeton University, are susceptible to undetected hacking and manipulation.

The alternative is to mandate that all election equipment use open-source software and design that is available for inspection and review by the public and technology organizations to ensure the validity and accuracy of vote counting.

Open-source election software and hardware, paired with paper ballots, will remove the potential for tampering as well as the suspicion of tampering.²

For answers to frequently asked questions about Black Box Voting, please visit <https://lookaheadamerica.org/blackbox/>

Summary of US H.B. 466

The 13-page bill aims to amend the Help America Vote Act (HAVA) of 2002 by requiring voting systems used for Federal office to produce a paper ballot of each vote cast. The title of the bill is “Securing America’s Elections Act of 2023.”

The bill requires the production of a voter-verified paper ballot of the voter’s vote. Voter-verified means a paper ballot marked by the voter or produced by an electronic voting machine and made available for inspection by the voter before the voter casts it to be counted.

If the voter finds that the ballot does not reflect what they voted, or should they change their mind prior to casting, they have an opportunity to correct. Should there be a dispute due to paper ballots being compromised then the state will resolve the dispute over the results of the election under regulations by the commission. (Note: no such regulations have yet been proposed as the bill is introduced, but it states that the deadline for such regulations would be no later than November 1, 2023.)

¹ <https://legiscan.com/US/text/HB466/id/2683420>

² <https://lookaheadamerica.org/integrity/>

The voting system will not preserve the ballots in any such way to associate the voter with a record of their vote.

Each paper ballot will be suitable for manual audits equivalent to a paper ballot system. Machines used for such an audit will not be connected to the Internet. If no such machine is available, then a hand count must be used.

The cost of such a proposal would be designated by Congress as for an emergency requirement in order to assist states that need to purchase or adapt equipment to meet such requirements. The costs “shall be equal to the State’s estimate of the reasonable costs the State expects to incur to meet the requirements.” Any state that receives payments from funds appropriated for the year 2020 [sic 2023] shall agree to repay the commission any overpayments. States are eligible to receive payments for 2023 if: (1) the chief executive officer of the state files a statement describing how the use of the payment will meet the requirements put forth relating to ballot verification and audit capacity, (2) provides an estimate of reasonable costs, and (3) certifies that the state will file a statement with the actual costs incurred upon completing the replacement or upgrade of the voter systems.

For states that require state legislation to carry out any activity covered by any certification in this act, the state shall be permitted to make the certification so long as the legislation has not been enacted at the time the certification is submitted. Any such states shall submit an additional certification once such necessary legislation is enacted. Everything outlined above regarding funding would apply to fiscal year 2023.

The bill also requires that the Secretary of Homeland Security and the Election Assistance Commission to act jointly and perform a study on the feasibility and desirability of using open source software based on information from Federal elections from 2020 – 2022. The report would be due no later than July 1, 2025 which would include recommendations and considerations of open-source software for voting systems used to administer elections for Federal office held in 2024.

Should the study recommend the use of open-source software in voting systems, then the commission should enter into a partnership with private entities engaged in maintaining open-source software for Federal elections to be held in 2028 and beyond. Additionally, such software will be available to state election officials without cost.

Analysis of US H.B. 466

This is a big step in the right direction. The idea of having a voter-verified paper ballot is so that the voter can have confidence in knowing that their ballot reflects what they voted. No votes should be cast digitally where the voter has to hope and trust that the machine captured and recorded their vote correctly. Look Ahead America 100% endorses US H.B. 466.

This is not a right-wing issue nor one championed by “election deniers” as both US Senators Gary Peters (D-MI) and Rob Portman (R-OH) introduced a bipartisan bill in late 2022 advocating for the use and protection of open source software.³ TechCrunch.com praised the bill as taking a step in the right direction.⁴ Therefore, the same logic and support should apply to voting machines. Additionally, the bill provides the financial means to support states that need to replace and upgrade its (frankly outdated and vulnerable) voting equipment.

The only slight recommendation for improvement would be that the paper ballots do not use machine readable items such as QR codes and barcodes, as those are not human readable. Use of open source material such as ScanTron style ballots that reflect the marked contests would ensure that the machines read what the humans read without any intermediary. Hopefully, when the legislators are discussing the bill and the costs associated with it, this can be introduced into an amended version of US H.B. 466.

To reiterate the importance of this bill, we emphasize that if this bill mandates paper ballots for all voting machines, that would be a vastly huge improvement over the current system in place.

Bill Sponsor Contact Information

If you wish to voice your support for this bill, then please contact Mr. Gosar’s office and thank him for introducing it and voice your opinion:

(202) 225-2315 DC
(623) 707-0530 District

We also recommend sending this report to your own US Representatives and Senators to encourage their support on the matter.

How to Help

Volunteer with Look Ahead America at <https://LookAheadAmerica.org/volunteer>.

Support LAA by making a financial contribution at <https://LookAheadAmerica.org/donate>.

Join our Guided community server at <https://guilded.gg/Look-Ahead-America> (learn how to use Guided at <https://LookAheadAmerica.org/Guided>).

³ <https://www.congress.gov/bill/117th-congress/senate-bill/4913/text>

⁴ <https://techcrunch.com/2022/11/18/the-us-securing-open-source-software-act-of-2022-is-a-step-in-the-right-direction/>