

Short Comment Regarding a Proposed Exemption Under 17 U.S.C. 1201

Item 1. Commenter Information

Verified Voting Foundation

Item 2. Proposed Class Addressed

Proposed Class 25: Software—Security Research

Item 3. Statement Regarding Proposed Exemption

The Verified Voting Foundation supports the proposal of Professors Bellovin, Blaze, Felten, Halderman, and Heninger (the “Security Researchers”) and strongly urges the Copyright Office to establish their proposed exemption to Section 1201 of the Digital Millennium Copyright Act under Proposed Class 25.

All computer code is likely to suffer from malfunctions, security flaws, or vulnerabilities. While companies and developers strive to write error-free code, code is written by humans, and all humans make errors. Security researchers in general function as auditors. Their goal is to find, disclose, and help correct errors before malicious attackers exploit these defects to harm society. When the software and hardware at issue run critical infrastructure, social systems, and democratic decision-making tools, such as our voting infrastructure, finding these defects is crucial to the national security interests of the United States.

In particular, security researchers believe that the DMCA currently prevents them from conducting in depth investigations of voting system software. Without a security research exemption, the DMCA threatens to undermine our national electoral system by preventing independent audits of the safety and integrity of the code that runs our voting systems and tabulates our votes. The inability of security researchers to check and verify the code that runs our elections means that the outcome of a local, state, Congressional, or Presidential election could be wrongly reported because of either software bugs or hidden election-rigging malware.

We would expect no negative repercussions to arise with respect to the safety or security of software from granting this exemption. Indeed, to the contrary, if the exemption is granted, security researchers will be better able to find those flaws that currently exist and may already have been detected or exploited by attackers. In this way, security researchers defend our country. Granting this exemption would be a significant step toward strengthening our national security in general and – something that should be of concern to us all – defending the integrity of our elections in particular.

