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 PUBLIC SUBMISSION

## Class\_10\_Opp'n\_North Dakota Secretary of State

Posted by the **U.S. Copyright Office** on Feb 13, 2018

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As Secretary of State for the State of North Dakota and its chief election officer, I oppose approval of the class 10 petitions submitted by the Center for Democracy & Technology to modify the security research exemption codified at 37 C.F.R. 201.40(b)(7).

As I understand it, the current exemption includes voting machines among the devices or machines for which circumvention is permitted for good-faith security research. Apparently, this exemption for voting systems was included in a 2015 decision. Had I known about it, I would have opposed it at that time. Access to the voting systems used by my state is my responsibility and not for others under the pretext of research.

The submitted class 10 petitions are requesting to remove the current controls adopted in 2015. This is unacceptable. There is no credible reason as to why researchers need access to critical election infrastructure. At worst, it would be too easy for perpetrators posing as "researchers" to gain access to the election equipment used to preserve our nation's democracy. At best, it opens the door to the possibility of perpetrators having an additional target for a cyber-attack to learn about and manipulate election equipment and systems.

As it is, the Department of Homeland Security has designated elections as part of the nation's critical infrastructure. Therefore, to loosen up access for research purposes for no gainful purpose would be determinantal to the overall goal of election cybersecurity. It is my responsibility to ensure the integrity of elections in North Dakota. Nothing positive is achieved by researchers having unconstrained access to voting equipment used in this state.

I am opposed to anything that may weaken the public's confidence in the election process. Because of that, it is with strong conviction that I implore you to not approve any further copyright modifications to the existing exemption.

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