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STATE BOARD OF ELECTIONS

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ADOPTED RESOLUTION

REGARDING REMEDIATION OF MINOR ISSUES

Whereas, Election Systems & Software Inc. (ES & S) has submitted applications for certification of its Unity Suite 3.0.0 Voting System and DS-200 v.2.1.0.0 precinct-based scanner and the AutoMARK Voter Assist Terminal ballot marking device; and

Whereas, Dominion Voting Systems has submitted an application for certification of Dominion's Democracy Suite 3.0.3 Voting System, including the ImageCast precinct-based scanner; and

Whereas, the findings of SysTest Labs, Inc., the independent testing authority designated by the Board, and of NYSTEC, the independent security reviewers designated by the Board, contain several findings of non-compliance with provisions of the State Board's regulations, 9 NYCRR Part 6209, that do not affect the ability to use the systems safely and accurately with the recommended compensating controls; and

Whereas, the contracts for the sale of such voting systems require that such systems comply in all respects with the provisions of the State Board's regulations; and

Whereas, the State Board, NYSTEC and SysTest have discerned that some of the requirements contained in the State Board's regulations are inapplicable or immaterial to the voting systems; now, therefore

Be it resolved, that the Commissioners of the New York State Board of Elections direct that the Election Operations Unit review with Election Systems & Software, Inc., and Dominion Voting Systems, Inc. the findings of non-compliance and where applicable prepare a schedule for their prompt remediation; and

Be it further resolved that the Election Operations Unit shall notify each county board of elections and the Board of Elections in the City of New York of the compensating controls for each voting system used by that board.

Adopted by unanimous vote 12-15-09.

NEW YORK STATE BOARD OF ELECTIONS