State of California

SECRETARY OF STATE

SUSPENSION OF "AIR-GAP" CONDITION FOR
JURISDICTIONS CONDUCTING MULTIPLE ELECTIONS
AFTER MARCH 3, 2009, AND BEFORE AUGUST 4, 2009

Whereas, on October 25, 2007, I issued Additional Conditions for Use of the Election Systems & Software, Inc. Optical Scan Voting System with UNITY Election Management System version 2.4.3.1 and Hart InterCivic System 6.2.1 Voting System; and

Whereas, on December 6, 2007, I issued Additional Conditions for Use of the Premier Election Solutions, Inc. GEMS version 1.18.24 Voting System and Sequoia Voting Systems, Inc. WinEDS version 3.1.012 Voting System; and

Whereas, Items 2, 2, 5, and 4, respectively, of the Additional Conditions attached to each of the four systems described herein also require the vendor to present a plan and jurisdiction Use Procedures to the Secretary of State that will prevent future viral propagation of malicious software from one system component to another, such as from a voting system component located in one precinct to voting system components located in other precincts. The plan and Use Procedures must incorporate, or employ methods at least as effective as, a configuration of parallel central election management systems separated by an "air gap" where (1) a permanent central system known to be running unaltered, certified software and firmware is used solely to define elections and program voting equipment and memory cards, (2) a physically-isolated duplicate system, reformatted after every election to guard against the possibility of infection, is used solely to read memory cards containing vote results, accumulate and tabulate those results and produce reports, and (3) a separate computer dedicated solely to this purpose is used to reformat all memory devices before they are connected to the permanent system again; and

Whereas, all vendors fulfilled the requirements described above and submitted plans and jurisdiction Use Procedures to the Secretary of State; and

Whereas, in 2009, certain California jurisdictions using one of the voting systems described above must conduct elections, in addition to the May 19, 2009, Statewide Special Election on dates that do not allow sufficient time to fulfill the "air gap" requirement; and

Whereas, Items, 40, 38, 42, and 41, respectively, of the Additional Conditions attached to each of the four systems described herein provide that, where circumstances require it, the Secretary of State may adjust or suspend any of the conditions of reapproval for a vendor or a jurisdiction, as the Secretary of State deems prudent and necessary to facilitate successful elections; now

Therefore, **I, Debra Bowen, Secretary of State of the State of California, find and determine, pursuant to Division 19 of the Elections Code, as follows:**

For the reasons set forth above, Items 2, 2, 5, and 4, respectively, of the Additional Conditions attached to each of the four systems described herein are suspended for the May 19, 2009, Statewide Special Election for any jurisdiction that must also conduct another election after March 3, 2009, and prior to May 19, 2009. The Additional Conditions are also suspended for any election that a jurisdiction must conduct after May 19, 2009, and before August 4, 2009. Any jurisdiction affected by the suspension, must notify the Secretary of State's Office of Voting System Technology Assessment, in writing, of all elections that will be affected.

IN WITNESS WHEREOF, I hereunto set my hand and affix the Great Seal of the State of California, this 3rd day of March, 2009.

Debra Bowen

DEBRA BOWEN
Secretary of State