



**DEBRA BOWEN** | SECRETARY OF STATE | STATE OF CALIFORNIA  
1500 11th Street, 6th Floor | Sacramento, CA 95814 | Tel (916) 653-7244 | Fax (916) 653-4620 | [www.sos.ca.gov](http://www.sos.ca.gov)

May 9, 2007

Mr. Steve Pearson  
Vice President, Certification  
Election Systems & Software  
11208 John Galt Boulevard  
Omaha, NE 68137

Dear Mr. Pearson:

Thank you for your April 20, 2007, letter asking me to recertify the Elections Systems & Software (ES&S) voting system used to conduct Ranked Choice Voting (RCV) elections in San Francisco and to extend that approval through December 31, 2008. This system is comprised of the following components:

- Optech Eagle, APS version 1.52, HPS version 1.30
- Optech IV-C version 1.08(c)
- Unity: EDM, version 7.2.1.3; HPM, version 5.0.3.2; ERM, version 6.4.3.2b; Audit Manager, version 7.0.2.0; Optech Image Manager, version 3.2.0.0; DAM, version 5.0.3.0
- AutoMARK VAT, version 1.0
- AIMS, version 1.09

According to our records, the system that you are once again asking to have certified has already received three certifications on either a "one-time" or "one final time" basis to permit it to be used in California, despite the fact that it has never even been federally qualified to the federal voting system standards.

More specifically:

- This voting system was first certified on April 30, 2004, for use only in San Francisco's November 2004 election. As a condition of that certification, ES&S was required to submit the system for limited federal review by May 10, 2004.

Independent Testing Authorities (ITAs) Wyle and Ciber conducted that limited federal testing, and state certification testing was conducted simultaneously. The testing included a limited source-code review and functional testing to verify the correct application of the RCV algorithm.

Based on that testing, the system was recertified on July 12, 2004, to acknowledge the completion of the testing requirement. The restriction to use the system on a one-time only basis in San Francisco's November 2004 Election remained in place.

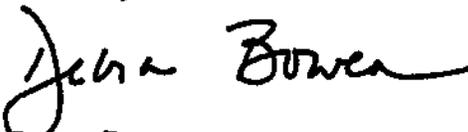
- After a public hearing on February 17, 2005, the Secretary of State's Elections Division Chief re-certified the system on March 7, 2005, to permit the RCV system to be used only through December 31, 2005.
- On August 3, 2006, the prior Secretary of State received an application from ES&S for recertification of the RCV system, requesting approval for "one-time, final use" of the system in the November 2006 Election.

In consideration of this application, OVSTA staff and the state consultants conducted testing of the system in Omaha in August 2006, and again in September 2006. Several anomalies were observed during that testing that were detailed in the Secretary of State's staff report from the examination of the system. Finally, because ES&S had requested only one-time approval, a volume test was not conducted on this system.

- On October 25, 2006, then-Secretary of State McPherson granted one-time approval to this RCV for use only in the November 2006 General Election, with the clear understanding that there would be no more extensions of certification for this system.

The documented problems with the ES&S system and the understanding you had with this office through several administrations that there would be no further extensions lead me to deny your request to administratively recertify this RCV system. You are certainly entitled to resubmit your request should the base Unity/Optech Eagle/Optech V-C system successfully complete the top-to-bottom review.

Sincerely,



Debra Bowen  
Secretary of State

DB:elg:bm:lf

Cc: John Arntz, Director of Elections  
Board of Supervisors, City and County of San Francisco