

State of California



SECRETARY OF STATE

CONDITIONAL APPROVAL OF USE OF *SEQUOIA VOTING SYSTEMS* DIRECT RECORDING ELECTRONIC VOTING SYSTEM

I, KEVIN SHELLEY, Secretary of State of the State of California, do hereby certify that:

1. *Sequoia Voting Systems* of Oakland, California (“Vendor”), has requested approval for use in California elections of its WinEDS Version 3.0.134 to be used in conjunction with AVC Edge Version 4.3.320 (Direct Recording Electronic), Card Activator Version 4.3.320 and VeriVote (Voter Verified Paper Audit Trail) as well as its Procedures for AVC Edge Direct Recording Electronic voting system, submitted on or about October 21, 2004.
2. The voting system described above has been federally qualified as evidenced by the federal Independent Testing Authority reports and the assigned NASED Number # N-1-07-12-11-006, dated October 20, 2004.
3. The request for approval of the voting system as described in Paragraph 1, was considered at a duly noticed public hearing held January 20, 2005, at Sacramento, California.
4. The Voting Systems and Procedures Panel has recommended that the request for approval be granted, with certain conditions.
5. Sequoia Voting Systems’ WinEDS Version 3.0.134 to be used in conjunction with AVC Edge Version 4.3.320 (Direct Recording Electronic), Card Activator Version 4.3.320 and VeriVote (Voter Verified Paper Audit Trail) as well as its Procedures for AVC Edge Direct Recording Electronic voting system, are hereby approved for use subject to the following terms and conditions:

- a. No substitution or modification of the voting system described in Paragraph 1 shall be made with respect to any component of the voting system, including the Procedures submitted on or about October 21, 2004, until the Secretary of State has been notified in writing and has determined that the proposed change or modification does not impair the accuracy and efficiency of the voting system sufficient to require a re-examination and approval;
- b. The voting system is only certified for use in English and Spanish;
- c. WinEDS Version 3.0.134 shall not be used in a California statewide direct primary election;
- d. No additional software developed by the Vendor, including but not limited to Report Viewer, other than that specifically listed in this certification, shall be installed on a computer running WinEDS Version 3.0.134;
- e. The write-in resolution function in WinEDS Version 3.0.134 shall not be used;
- f. Sequoia Voting Systems agrees in writing to provide, and shall provide, to the Secretary of State, or to the Secretary of State's designee, within 30 (thirty) days of the Secretary of State's demand for such, a working version of the voting system as described in Paragraph 1, including all hardware, firmware and software of the voting system, as well as the source code for any software or firmware contained in the voting system as described in Paragraph 1, including any commercial off-the-shelf software or firmware that is available and disclosable by the vendor, provided that the Secretary of State first commits to Sequoia Voting Systems, in writing, to maintain the confidentiality of the contents of such voting system or source code so as to protect the proprietary interests of Sequoia Voting Systems in such voting system or source code. The terms of the commitment to maintain confidentiality shall be determined solely by the Secretary of State, after consultation with Sequoia Voting Systems. The voting system described in Paragraph 1 shall not be installed in any California jurisdiction until such an agreement has been signed by Sequoia Voting Systems and has been received by the Secretary of State;
- g. Before the voting system described in Paragraph 1 shall be used in any California jurisdiction, Sequoia Voting Systems shall agree, in writing, that

any reasonable costs associated with the review of the source code for any software or firmware as described in Paragraph 5(f) that may be undertaken by the Secretary of State or at the Secretary of State's direction, after reasonable notice to Sequoia Voting Systems, shall be paid for by Sequoia Voting Systems;

- h. The Procedures submitted on or about October 21, 2004 shall be modified by the Secretary of State, after consultation with Sequoia Voting Systems and any applicable counties, to ensure the secrecy and privacy of the voter specifically as related to the paper record produced by the VeriVote AVVPAT system before the voting system described in Paragraph 1 shall be used in any California jurisdiction;
- i. The Secretary of State reserves the right, with reasonable notice to Vendor and to the counties using the voting system, to modify the Procedures used with the voting system and to impose additional requirements with respect to the use of the system if the Secretary of State determines that such modifications or additions are necessary to enhance the accuracy, reliability or security of the voting system. Such modifications or additions shall be deemed to be incorporated herein as if set forth in full;
- j. Any county using any voting system described in Paragraph 1 shall, prior to such use, file with the California Secretary of State a copy of its Election Observer Panel plan.

IN WITNESS WHEREOF, I hereunto set my hand and affix the Great Seal of the State of California, this 21st day of January, 2005.



Kevin Shelley
KEVIN SHELLEY
Secretary of State