State of California

SECRETARY OF STATE

APPROVAL OF USE OF
SEQUOIA VOTING SYSTEMS, INC.
DRE & OPTICAL SCAN VOTING SYSTEMS

I, BRUCE McPHERSON, Secretary of State of the State of California, do hereby certify that:

1. *Sequoia Voting Systems, Inc.* of Oakland, California ("Vendor"), has requested approval for use in California elections of its voting system, comprised of WinEDS, version 3.1.012, AVC Edge Model I, firmware version 5.0.24, AVC Edge Model II, firmware version 5.0.24, VeriVote Printer, Optech 400-C/WinETP, firmware version 1.12.4, Optech Insight, APX K2.10, HPX K1.42, Optech Insight Plus, APX K2.10, HPX K1.42, Card Activator, version 5.0.21, HAAT Model 50, version 1.0.69L, Memory Pack Reader (MPR), firmware version 2.15, submitted on or about January 19, 2006.

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-1-07-22-22-001 & N-1-07-22-22-002, dated March 17, 2006.

3. The request for approval of the voting system as described in Paragraph 1, was considered at a duly noticed public hearing held March 1, 2006, at Sacramento, California.

4. Sequoia Voting Systems, Inc.'s voting system, comprised of WinEDS, version 3.1.012, AVC Edge Model I, firmware version 5.0.24, AVC Edge Model II, firmware version 5.0.24, VeriVote Printer, Optech 400-C/WinETP, firmware version 1.12.4, Optech Insight, APX K2.10, HPX K1.42, Optech Insight Plus, APX K2.10, HPX K1.42, Card Activator, version 5.0.21, HAAT Model 50, version 1.0.69L, Memory Pack Reader (MPR), firmware version 2.15, is hereby approved for use subject to the following terms and conditions:

a. No additional software developed by the Vendor other than that specifically listed in this certificate shall be installed on a computer running any Sequoia Voting System, Inc. software;

b. No substitution or modification of the voting systems shall be made with respect to any component of the voting systems, including the Procedures, 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 systems sufficient to require a re-examination and approval;

c. The Secretary of State reserves the right, with reasonable notice to Vendor and to the counties using any of the voting systems, to modify the Procedures used with any of the voting systems and to impose additional requirements with respect to the use of any of the systems if the Secretary of State determines that such modifications or additions are necessary to enhance the accuracy, reliability or security of any of the voting systems. Such modifications or additions shall be deemed to be incorporated herein as if set forth in full;

d. Any county using any voting system shall, prior to such use, file with the California Secretary of State a copy of its Election Observer Panel plan;

e. The vendor 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, 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, 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 the vendor in writing to maintain the confidentiality of the contents of such voting system or source code so as to protect the proprietary interests of the vendor 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 the vendor. The voting system shall not be installed in any California jurisdiction until the vendor has signed such an agreement. Any reasonable costs associated with the review of the source code for any software or firmware contained in the voting system shall be born by the vendor;

f. A final version of use procedures must be submitted to and approved by the Secretary of State prior to sale or use of the system in California. These procedures must include the following additional security measures:

- Each memorypack or memory cartridge shall have a permanent serial number assigned and securely affixed to it.
- Each memorypack or memory cartridge must be programmed in a secured facility under the supervision of the registrar of voters or the registrar of voters' staff. Once a memorypack or memory cartridge is programmed for the election, it must be immediately inserted into its assigned unit and sealed with a serialized, tamper-evident seal by the registrar of voters or the registrar's staff, and have its serial number logged into a tracking sheet designed for that purpose.
- The county must maintain a written log that records which memorypack or memory cartridge and which serialized tamper-evident seals are assigned to which units. Any breach of control over a memorypack or memory cartridge before an election shall require that its contents be zeroed, in the presence of two election officials, before it can be used.
- On Election Day, prior to any ballots being cast on any unit, the integrity of the tamper-evident seal must be verified by the precinct officer. The serial number of the seal must also be verified against the log provided the Precinct Inspector. This procedure must be witnessed by at least one other precinct officer or staff of the registrar of voters.
- If it is detected that the seal has been broken or if there is a discrepancy between the log and the serial number, the condition must be confirmed by one or more of the remaining members of the precinct board, documented, and immediately reported to the county elections official for the jurisdiction. The elections official shall immediately investigate and determine appropriate action. If the unit involved is an Edge DRE it must undergo a full manual reconciliation of the electronic votes cast and captured on the memory card against the paper audit record for that unit. If the unit involved is an Insight Optical Scan unit it must undergo a full manual reconciliation of the counts in the memorypack against the paper ballots which were scanned by the unit.
- The county must maintain a written log that accurately records the chain of custody of each memorypack or memory cartridge and unit from the point of programming for use in the election through the time of completion of the official canvass.

g. The above additional security measures are conditions for use in the State of California.
h. Pursuant to this application and by order of the Secretary of State, voting systems certified for use in California shall comply with all applicable state and federal requirements, including, but not limited to, those voting system

requirements as set forth in the California Elections Code and the Help America Vote Act of 2002 and those requirements incorporated by reference in the Help America Vote Act of 2002. Further, voting systems shall also comply with all state and federal voting system guidelines, standards, regulations and requirements that derive authority from or are promulgated pursuant to and in furtherance of California Elections Code and the Help America Vote Act of 2002 or other applicable state or federal law when appropriate.

i. Voting system manufacturers or their agents shall assume full responsibility for any representation that a voting system complies with all applicable state and federal requirements, including, but not limited to, those voting system requirements as set forth in the California Elections Code and the Help America Vote Act of 2002 and those requirements incorporated by reference in the Help America Vote Act of 2002. In the event such representation is determined to be false or misleading, voting system manufacturers or their agents shall be responsible for the cost of any upgrade, retrofit or replacement of any voting system or its component parts found to be necessary for certification or otherwise not in compliance.

j. Any voting system purchased with funds allocated by the Secretary of State's Office shall meet all applicable state and federal standards, regulations and requirements, including, but not limited to, those voting system requirements as set forth in the California Elections Code and the Help America Vote Act of 2002 and those requirements incorporated by reference in the Help America Vote Act of 2002.

k. The vendor must establish a California County User Group and hold at least one annual meeting where all California users and Secretary of State staff are invited to attend and review the system and ensure voter accessibility.

1. In addition to depositing the source code in an approved escrow facility, the vendor must deposit a copy of the system source code and binary executables with the Secretary of State. The Secretary of State reserves the right to perform a full independent review of the source code.

IN WITNESS WHEREOF, I hereunto set my hand and affix the Great Seal of the State of California, this 20th day of March, 2006.

BRUCE McPHERSON
Secretary of State