SECRETARY OF STATE

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

I, MARK L. KYLE, Chair of the Voting Systems and Procedures Panel 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 October 22, 2004, 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 may only be used in one precinct selected by the Registrar of Voters in San Bernardino County;

c. The voting system may only be used on Election Day in the November 2, 2004 General Election;

d. A representative from the Secretary of State’s Office must observe the election in which the system is used;

e. The county must submit, and receive approval for, a plan for the use of the voting system by October 29, 2004. The plan must include information on which precinct the voter system will be used, must require that no fewer than three and no more than five AVC Edges equipped with the VeriVote be used in the precinct, must specify for the rotation of the printers during the day to preserve the secrecy of the vote, must specify that professional elections staff from the county will be at the polling place during all hours when the voting system is in use and must provide for a comparison between the electronic record and the paper record shall be completed by December 15, 2004;

f. Both the vendor and the county must submit a report to the Voting Systems and Procedures Panel on the use of the voting system by December 15, 2004;

g. The voting system is only certified for use in English and Spanish;

h. 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;

i. The write-in resolution function in WinEDS Version 3.0.134 shall not be used;
j. The Voting System described in Paragraph 1 can be used only if the requestor complies with the security measures that apply to it that are contained in the directive of the Secretary of State dated April 30, 2004, entitled Decertification and Withdrawal of Approval of Certain DRE Voting Systems and Conditional Approval of the Use of Certain DRE Voting Systems, as further clarified by the Secretary of State's memorandum dated May 14, 2004, and any other agreement between the county, the vendor and the Secretary of State;

k. *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;*

l. 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 29th day of October, 2004.

[Signature]

MARK L. KYLE
Chair, Voting Systems and Procedures Panel