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


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-1-07-12-12-001, dated February 1, 2005.

3. The request for approval of the voting system as described in Paragraph 1, was considered at a duly noticed public hearing held April 21, 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' EMS/AERO Software Version 3.54.1, Optech 400-C Version 1.10.5, Optech Eagle (HPS 1.30, APS 1.52), Optech Insight (HPX 1.40, APX 2.06, CPX 1.12), Memory Pack Reader (MPR) Version 2.15 and Smart Pack Reader (SPR) Version 1.04 as well as its Procedures for Optech 400-C,*
Optech Eagle and Optech Insight optical scan voting systems, are hereby approved for use subject to the following terms and conditions:

a. No additional software, including but not limited to CVT, CHOICE, and AERO2EDS, developed by the Vendor other than that specifically listed in this certification shall be installed on a computer running EMS/AERO Version 3.54.1;

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 such an agreement has been signed by the vendor. 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. The unvoted contest warning feature shall only be used if both the blank ballot and the overvoted ballot warning features are turned on;

g. For any commercial off the shelf software (COTS) referenced in the procedures, including but not limited to First Security Agent (FSA), the vendor shall provide to any jurisdiction using the system specific instructions and guidelines for configuration and use of such software;

IN WITNESS WHEREOF, I hereunto set my hand and affix the Great Seal of the State of California, this 28th day of April, 2005.

BRUCE McPHERSON
Secretary of State