WordPerfect Document Compare Summary

Original document: C:\MyFiles\machines\machine-cert-6209.wpd
Revised document: @PFDesktop\:MyComputer\C:\MyFiles\machines\cert-amend-1.wpd
Deletions are shown with the following attributes and color:
~~Strikeout~~, Blue RGB(0,0,255).
Deleted text is shown as full text.
Insertions are shown with the following attributes and color:
Double Underline, Redline, Red RGB(255,0,0).
Moved blocks are marked in the new location, and only referenced in the old location.
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The document was marked with 98 Deletions, 100 Insertions, 2 Moves.

Subtitle V of Title 9 of the Official Compilation of Codes, Rules and Regulations of the State of New York is hereby amended by repealing parts 6209, 6210 and 6211, and by adding thereto a new Part, to be Part 6209 and to read as follows:

SUBTITLE V

Part 6209

Voting Systems Standards

Section 6209.1 Definitions. The terms used in this part shall have the significance herein defined unless another meaning is clearly apparent in language or content.

1. Acceptance ~~t~~Test means a test conducted by the county board of elections and the State Board of Elections, to demonstrate that the voting system software and hardware as delivered and installed in the user's environment, meets all of its functional requirements.

2. Audio ~~v~~Voting ~~f~~Feature means a device that allows blind or visually-impaired persons, or persons with limited reach and/or hand dexterity, the ability to cast their vote.

3. Auxiliary ~~c~~Components means any device, materials or equipment which is used to give assistance or aid to the actual voting device but is not a permanent or enclosed part of the voting device.

4. ~~-~~Ballot ~~l~~Layout means the positioning of all political party names and emblems, and names and emblems of all independent bodies, office titles, ballot proposals, and candidate names, in accordance with the requirements of the Election Law as to order and rotation.

~~5~~5. Centrally-Counted System means an optical scan system used for tabulating at the county board of elections, all absentee, emergency, affidavit and other such paper ballots.

6. Certification Test Deck means a pre-audited group of ballots marked with a predetermined number of votes cast for each candidate, write-in position and each voting option which appears on the ballot.

7. County Board means a county's Board of Elections, including the Board of Elections in the City of New York.

~~6~~8. DRE means a direct recording electronic voting system which records votes by means of ballot display provided with mechanical or electro-optical components which are activated by the voter. Styles include bubble switch, ballot overlay and ~~touch-screen~~touch-screen- style machines.

~~7~~9. Election Assistance Commission (EAC) is the commission established by the Help America Vote Act of 2002, which serves as a national clearinghouse ~~of~~for information and the reviews of procedures with respect to the administration of federal elections.

~~8~~10. Election Management Software (EMS) means the software used by the system to execute the layout of the ballots and collect and report election results.

~~9~~11. Encrypted ~~e~~Copy means a scrambling of the programming code ~~in~~ which renders it undecipherable such that only the manufacturer of the program ~~may determine the sequence of such code.~~

~~10. Escrow account means a third party who shall be approved by the State Board for the purpose of taking custody of all materials required to be put in escrow by statute.~~

~~11. Firmware means computer program stored in read-only memory devices embedded in the system and not capable of being altered during system operation.~~

~~12. Hardware means the actual voting or ballot counting device.~~

~~13. Log of maintenance performance means a written and/or electronic record which contains all information relating to performance of scheduled and non-scheduled maintenance requirements recommended by the vendor or manufacturer of such equipment and all service visits performed by vendor or manufacturer.~~

~~14. Modification means any change in either software, firmware or hardware that directly affects the operation of the voting system that will require re-examination of certified equipment by the State Board.~~

~~15. Operational manual means (1) a manual of all procedures used to prepare the equipment and provide proper maintenance procedures including the unpacking and storage procedures to be utilized by county boards of elections personnel and (2) a manual of election day setup and election day operating procedures to be utilized by the inspectors.~~

~~16. Paper-based Ballot Counting Equipment means any electronic or computerized ballot counting system or equipment which tabulates and reports votes cast on all paper ballots.~~

~~17. Precinct-based optical scan is a voting system which uses optical-scan technology and enables voters to cast paper ballots at their respective polling places.~~

~~18. Pre-qualification test means a predetermined set of votes and vote totals prepared by the State Board. Such votes shall be entered upon the voting equipment and the results of the casting of said votes shall be compared to the predetermined results of the test.~~

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~~20. Resident vote tabulation programming means the manufacturer's internal firmware program which shall permanently reside on the voting system's central processing unit, registering, accumulating, and storing votes and ballot images.~~

~~20a. Resident memory means the internal memory of the voting system that stores election results and ballot images.~~

~~21. Sip and puff voting attachment means a device operated by pneumatic switch which allows persons with certain disabilities the ability to cast their vote.~~

~~22. Software means any and all codes for the operation of the vote counting system.~~

~~23. Source code means the assembly language statements or high level language used to program the electronic equipment or vote tabulating system.~~

~~24. Specific environmental conditions mean and shall include~~(possessor of the encryption key) may unscramble the code.

12. Environmental Conditions means the effect of natural environmental conditions such as: temperature, humidity, dust and induced environmental conditions such as handling, storage or transportation which may affect the operation of the equipment.

13. Escrow Account means an account and/or a secure facility held by a third party, which shall be approved by the State Board, for the purpose of taking custody of all materials required to be put in escrow by statute.

14. Firmware means computer program stored in read-only memory devices embedded in the system.

15. Hardware means the actual voting or ballot counting device.

16. Maintenance Log means a written and/or electronic record which contains all information relating to performance of scheduled and non-scheduled maintenance on a voting system, and all service visits performed by vendor or manufacturer, as recommended by the vendor, manufacturer of such equipment, or by the State Board and these regulations.

17. Modification means that any change in either software, firmware or hardware shall require re-examination of certified equipment by the State Board.

18. Optical Scan means a voting system which uses optical-scan technology and enables

voters to cast paper ballots. Styles include precinct-based and centrally-counted systems.

19. Operational Manual means (a), a document containing all procedures involved in every phase of the operation and use of the voting system by board of elections personnel, including the unpacking and storage procedures, and (b), a manual of election day setup and election day operating procedures to be utilized by election inspectors.

20. Paper-based Voting Systems means any electronic or computerized ballot counting system or equipment which tabulates and reports votes cast on all paper ballots.

21. Pneumatic Switch means a device which allows persons with certain disabilities the ability to cast their vote.

22. Pre-qualification test means a predetermined set of tests of the total voting system throughout the election process including votes and vote totals prepared by the State Board. Such votes shall be entered into the voting system and the results of the casting of said votes shall be compared to the predetermined results of the test.

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~~19~~23. Printout means the printed copy of (1) zero totals, candidate names and offices and other information produced by the voting equipment prior to the official opening of the polls and (2) the votes cast for each candidate and question, the names of candidates and the offices for each candidate and other information provided after the official closing of the polls.

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24. Resident vote tabulation means the manufacturer's internal firmware which shall permanently reside on the voting system's central processing unit, registering, accumulating, and storing votes and ballot images.

24a. Resident memory means the internal memory of the voting system that stores election results and ballot images.

25. Software means any and all codes and/or instructions for the operation and/or control of the vote counting system.

26. Source code means the computer program in its original form, as written by the programmer. Source Code is not executed by the computer directly, but is converted into machine language by compilers, assemblers and interpreters.

2~~5~~7. State Board means the New York State Board of Elections.

2~~6~~8. Tactile ~~d~~Discernible eControls means a voting feature which allows persons with limited

reach and/or hand dexterity, the ability to cast their vote.

2~~7~~9. Testing laboratory means a certified private or public laboratory used to perform tests on the voting systems and related equipment.

~~28~~30. Vendor shall include any manufacturer, company or individual who seeks to sell voting systems and/or services for such systems in New York State.

~~29~~31. Voting ~~p~~Position means ~~an area or square on the voting equipment used to place the candidate's name, office or political party or independent body designation, or the placement of ballot amendments and propositions.~~

~~30~~the specific area on the face of the displayed ballot where a selection is made for a candidate or proposal.

32. Voting system means any ~~electronic or computerized~~ voting equipment ~~and~~, any ancillary equipment and all associated software and firmware (if any) supporting such system supplied by the vendor.

3~~1~~3. VVPAT means a voter verifiable paper audit trail.

Section 6209.2 Polling Place Voting System Requirements

A. In order for a polling place voting system to be considered by the State Board for certification, it must comply with the mandates of New York State Election Law, and the Election Assistance Commission's 2002 Voting System Guidelines, and meet the following requirements:

(1) Provide a full ballot display on a single surface.

(2) Provide a device which produces and retains a voter-verifiable permanent paper record, pursuant to statute, which the voter can review and/or correct prior to the casting of their vote.

(3) Provide a device or means by which the votes cast on the machine can be printed ~~or~~, recorded ~~or~~, and visually reviewed after the polls are closed.

(4) Provide a battery power source in the event that the electric supply used to make the voting system equipment function i~~f~~s disrupted. The battery power source shall function for a period not less than 2 hours, to ensure that the system can shut down and preserve the integrity of votes cast prior to the power failure, and can resume functionality when power is provided or restored without significant or intrusive power-up procedures. Such batteries

must be rechargeable and have minimum five-year life when used under normal conditions.

(5) The system shall contain software and hardware required to perform a diagnostic test of system status, and a means of simulating the random selection of candidates and casting of ballots in quantities sufficient to demonstrate that the system is fully operational and that all voting positions are operable.

(6) The system shall ~~be designed to protect against dust and moisture during storage and transportation.~~

incorporate multiple memories, including resident vote tabulation, storage of results and ballot images in resident memory, serving as a redundant means of verifying or auditing election results and ballot images, and further, the system shall be required to alert the election day worker that memory capacity is about to be reached.

(7) The system must prevent voters from overvoting and indicate to the voter when no selection or an insufficient number of selections has been made in a contest.

B. In addition to the requirements of subdivision (~~a~~A) of this section, fully-accessible voting equipment certified by the State Board shall meet the following requirements for usability by voters who are disabled:

(1) The equipment shall be equipped with a voting device with tactile discern~~a~~ible controls, pursuant to statute.

(2) Equipment shall be equipped with an audio voting feature, pursuant to statute.

(3) Equipment must be capable of being equipped with ~~voting device of a sip and puff technology nature~~a pneumatic switch, pursuant to statute.

C. Standards for noise level

(1) Voting equipment to be certified by the State Board shall be constructed in a manner so that noise levels of the equipment during operation will not interfere with the duties of the election inspectors or the voting public.

(2) The noise level of write-in components of the equipment shall be so minimal that it will be virtually impossible under normal conditions for someone at the table used by the inspectors of elections to determine that a write-in vote is being cast or has been cast.

D. Standards for ~~curtain design~~voter privacy

(1) Voting equipment ~~curtains~~ shall be constructed so that no one within the polling site

will be able to see how a voter is casting a vote.

(2) Curtains, screens, shields or other privacy devices shall be ~~so~~ designed so as to allow any voter, either electronically or manually, to open ~~and~~, close or otherwise use the ~~curtain~~device with ease when entering and exiting the equipment ~~without obstruction~~.

E. Environmental Standards

~~Voting systems~~The system shall be designed to protect against dust and moisture during storage and transportation. Testing shall be similar to the procedure of MIL-STD-810D, Method 510.2, Procedure 1 for dust, and MIL-STD-810D, Method 506.2 for moisture. These tests are intended to evaluate exposure to these elements when the equipment or system is in a non-operating configuration and the equipment or system's required protective cover is in place.

F. Voter Verified Paper Audit Trails (VVPAT)

1. The voting system shall print and display a paper record of the voter's ballot choices prior to the voter making the ballot choices final.

(a) The paper record shall constitute a complete record of ballot choices that can be used in audits of the accuracy of the voting systems electronic records, in audits of the election results, and in full recounts.

(b) The paper record shall contain all information stored in the electronic record.

(c) The voting system shall be capable of ~~withstanding reasonable levels of exposure to dust, rain and humidity during storage, transport and use.~~ showing the information on the paper in a font size of 3.0mm, and should be capable of showing the information in at least two font ranges, a) 3.0-4.0 mm and b) 6.3-9.0 mm, under control of the voter.

(d) The paper and electronic records shall be presented and positioned so as to allow the voter to easily read and compare the two records.

(e) If the paper record cannot be displayed in its entirety, a means for moving the paper to show all paper record contents shall be provided.

2. There shall be instructions for performing the verification process made available to the voter in a location on the voting system.

3. The voting system shall display, print, and store a paper record in any of the alternative languages chosen for making ballot selections. Candidate names and other markings not related to the ballot selection on the paper record shall appear in English.

4. The voting system shall allow the voter to approve or reject the paper record, marking the ballot as such in the presence of the voter.

(a) The system shall provide a means to reconcile the number of rejected paper

records with the number of occurrences of rejected electronic records, and procedures shall be in place to address any discrepancies.

(b) Prior to reaching the maximum number of votes allowed, the voting system shall display a warning message to the voter indicating the voter may reject only one more ballot, and that the third ballot shall become the ballot of record.

5. In case of conditions that prevent voter review of the paper record, there shall be a means for the voter to notify an election official, and the voting system shall cause an error message to be displayed and shall prevent the recording of the electronic record.

6. Procedures by which an election official can be notified and prescribed actions can be taken to address discrepancies if a voter indicates that the electronic and paper records do not match, shall be documented.

7. The voting system should not record the electronic record as being approved by the voter until the paper record has been stored.

8. Vendor documentation shall include procedures for returning a voting system to correct operation after a voter has used it incompletely or incorrectly; this procedure shall not cause discrepancies between the tallies of the electronic and paper records.

9. The voter's privacy and anonymity shall be preserved during the process of recording, verifying, and auditing ballot choices.

(a) The privacy and anonymity of the voter's verification of ballot choices and the creation and storage of these choices, both electronically and on paper record, shall be maintained.

(b) The privacy and anonymity of voters whose paper records contain any of the alternative languages chosen for making ballots selections shall be maintained.

(c) Information for the purposes of auditing the electronic or paper records that may permit a voter to reveal his or her ballot choices shall be displayed so as not to be memorable to the voter.

10. The voting system's ballot records shall be structured and contain information so as to support highly precise audits of their accuracy.

(a) All cryptographic software in the voting system shall have been approved by the U.S. Government's Crypto Module Validation Program (CMVP) as applicable.

(b) This information may contain, but not be limited to, the voting site/election district, type of election, ballot style, and whether the system is operating in a "test" mode.

11. The electronic and paper records shall be linked by including a unique identifier within each record that can be used to identify each record uniquely and each record's corresponding record.

12. The voting system shall generate and store a digital signature for each electronic record.

13. The electronic records shall be able to be exported for auditing or analysis on standards based on/or COTS information technology computing platforms.

(a) The exported electronic records shall be in an open, non-priority format and should be in a format that is commonly used by electronic voting system manufacturers.

(b) The voting system shall export the records accompanied by a digital signature of the collection of records, which shall be calculated on the entire set of electronic records and their associated digital signatures.

(c) The voting system vendor shall provide documentation as to the structure of the exported records and how they shall be read and processed by software.

(d) The vendor shall provide a software program that will display the exported records and such software may include other capabilities, such as providing vote tallies and indications of undervotes.

13. The voting system printers shall be physically secure from tampering.

(a) The voting system shall communicate with its printers over a standard, publicly documented printer port using a standard communication protocol.

(b) The paper path between the printing, viewing and storage of the paper record shall be protected and sealed from access except by authorized election officials.

(c) The printer shall not be permitted to communicate with any other system or machine other than the single voting system to which it is connected.

(d) The printer shall only be able to function as a printer: it cannot store information in memory or contain any services (e.g., provide copier or fax functions) or have network capability.

(e) Printer access to replace consumables such as ink or paper shall only be granted if it does not compromise the sealed printer paper path.

(f) The ballot box storing the paper records shall be sealed and secured and no access shall be provided to polling place workers.

(g) Tamper-evident seals or physical security measures shall protect the connection between the printer and the voting machine, so that the connection cannot be broken or interfered with without leaving extensive and obvious evidence.

14. The voting systems printers shall be highly reliable and easily maintained.

(a) The voting system should include a printer port to which a commercial off-the-shelf printer could be attached for the purposes of printing paper records and any additional records.

(b) The voting system shall detect errors and malfunctions such as paper jams or low supplies of consumables such as paper and ink that may prevent paper records from being correctly displayed, printed and stored.

(c) If errors or malfunctions occur, the voting system shall suspend voting operations and shall present a clear indication to the voter and election workers of the malfunctions.

(d) There shall be adequate supplies of consumable items such as paper and printer ink on hand to operate from opening to closing of polls.

(1) Printing devices should contain paper and ink of sufficient capacity so as not to require reloading or opening equipment covers or enclosures and circumvention of security features, or reloading shall be able to be accomplished with minimal disruption to voting and without circumvention of security features such as seals.

(2) Printer consumables shall be stored within the temperature and humidity ranges specified by the manufacturer and shall be stored in approved containers to protect them from sustaining any damage.

(e) A sufficient number of replacement printers shall be available.

15. Vendor documentation shall include procedures for investigating and resolving malfunctions including but not limited to misreporting of votes, unreadable paper records, paper jams, low ink, miss feeds and power failures.

16. Vendor documentation shall include procedures for ensuring, in the case of malfunctions, that electronic and paper records are correctly recorded and stored.

17. Protective coverings intended to be transparent on voting system devices shall be maintainable via a predefined cleaning process. If the coverings become damaged such that they obscure the paper record, they shall be replaced.

18. The paper record shall be sturdy, clean, and of sufficient durability to be used for manual auditing and recounts conducted manually.

(a) The paper record shall be able to be stored without degradation for 22 months within the temperature and humidity ranges specified by the manufacturer.

Section 6209.3 Paper-based Voting Systems

A. In addition to voting system requirements provided for elsewhere in these rules and regulations, paper-based systems must

(1) ~~mechanically or electronically prevent a voter from voting for candidates or ballot proposals for whom or which he or she is not entitled to vote.~~

~~(2) be able to prevent a voter from~~

~~(a) Over voting~~

~~(b) Voting for same person more than once for the same office or position~~

~~(c) Voting for candidates of another party in a primary election~~provide for the secure collection and storage of ballots cast throughout election day.

(2) provide feedback to the voter that identifies specific contests or ballot issues for which an overvote or undervote is detected.

(3) allow the voter, at their choice, to vote a new ballot or submit the ballot 'as is'.

B. The system may not count any votes for an office or ballot proposal which has been over-voted or otherwise improperly voted.

C. An over-vote in one or more office or ballot proposals shall not prevent the counting of all other offices or ballot proposals contained on the ballot.

D. In the case of candidates who appear on one or more party lines, the system must be capable of correctly counting the vote according to provisions of Election Law §9-112.

E. ~~In vote counting,~~The system shall provide a method for write-in voting and shall report the number of votes cast in each contest in write-in voting positions.

F. The system shall provide a means by which the ballot definition code may be positively verified to ensure that it corresponds to the format of the ballot face.

G. The system shall be capable of accumulating and reporting a count of the number of ballots tallied for an election district and shall be capable of separating and tabulating those election district totals to produce a report of the total of ballots tallied by groups of election districts such as legislative districts, wards, etc.

H. The system shall be capable of accumulating and reporting by election district the total votes cast for each candidate and the total vote for or against each ballot proposal. The system shall also be capable of tabulating and reporting the vote cast for each candidate and the vote cast for or against each ballot question by groups of election districts such as legislative districts, wards, etc.

I. Functional tests for paper-based voting systems shall be required for the following types of equipment:

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(1) Standard commercial, off-the-shelf (COTS) production models of general purpose data processing equipment (PC'S, printers, etc.) shown to be compatible with these requirements and with the paper ballot voting system.

(2) Production models of special purpose data processing equipment (scanners, bar code readers, etc.) having successfully performed in elections use and having been shown to be compatible with the paper ballot voting system.

~~K~~J. Ballot specifications:

(1) All ballots shall meet the specifications as to form and content required under section 7-12~~2~~1 of the Election Law.

(2) Ballots shall be printed in black ink on white paper or on paper stock of different colors to identify different types of ballots (i.e., emergency, affidavit, etc) or in the case of a primary, to identify ballots for each political party according to the color assigned to such party pursuant to law.

(3) Coding which is both machine readable and manually readable shall be used to identify different ballot styles.

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(4) Ballots used in the system shall be able to be counted by hand as well as be counted by machine.

(5) The types of ballots used and their form, type size and arrangement must be approved by the State Board of Elections.

K. Where a paper-based system is used for the central counting of absentee, affidavit, emergency and special ballots, the requirements of 6209.2 do not apply, and the system shall ignore any mark on a ballot unless that mark is in a:

(1) voting position for a candidate whose name is on the ballot;

(2) voting position designated for write-in voting for a write-in candidate; or

(3) voting position for a ballot proposal.

~~F. The system shall provide a method for write-in voting and shall report the number of votes cast in each contest in write-in voting positions.~~
~~G. The system shall provide a means by which the software may be positively verified to insure that it corresponds to the format of the ballot face.~~

~~H. The system shall be capable of accumulating and reporting a count of the number of ballots tallied for an election district and shall be capable of separating and tabulating those election district totals to produce a report of the total of ballots tallied by groups of election districts such as legislative districts, wards, etc.~~

~~I. The system shall be capable of accumulating and reporting by election district the total votes cast for each candidate and the total vote for or against each ballot proposal. The system shall also be capable of tabulating and reporting the vote cast for each candidate and the vote~~

~~cast for or against each ballot question by groups of election districts such as legislative districts, wards, etc.~~

~~J. Qualification tests for paper-based voting systems shall not be required for the following types of equipment, and their suitability for elections use shall be determined by functional tests which integrate them with the remainder of the system:~~

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~~(4) Ballots used in the system shall be able to be counted by hand as well as be counted by machine. The system shall provide an audit trail of all ballots cast, making possible the reconstruction of the election, starting with the individual votes of all eligible voters, in the case of a recount.~~

~~(5) The types of ballots used and their form, type size and arrangement must be approved by the State Board of Elections.~~

~~L. Where a paper-based system is used for the central counting of absentee, affidavit, emergency and special ballots, the requirements of 6209.2 do not apply.~~

Section 6209.4 Application Process

A. The Election Operations Unit shall forward an application form, upon request, to any vendor, together with a copy of applicable rules and regulations and a pre-qualification test format for both a general and primary election ballot program.

B. Said vendor shall return completed ballot layouts based upon the pre-qualification test format to the Election Operations Unit. Upon approval of the layouts, the vendor shall program such equipment and complete the pre-qualification tests for both ballot programs provided, and enter the simulated votes upon said equipment for each election program.

C. The completed application shall be returned, with a printout of tabulated votes from the primary and general election pre-qualification tests as cast on the voting system equipment which the applicant requests to have certified. The pre-qualification test programs shall be retained by the applicant for use in the certification process.

D. The application and printouts shall be reviewed to determine if the voting system shall be considered for certification and the applicant shall be notified of such determination.

E. No application shall be deemed to be filed until all documentation required by these rules has been submitted to the State Board or its designee.

F. A certified or bank check in the amount of $5,000 shall accompany such application, and be applied towards the actual cost of the examination.

G. Fees for the examination of a voting system shall be assessed against the vendor by the State Board based upon the cost to the State Board for examination of such voting system by an outside contractor, testing laboratory or other authorized examiner, but the fees assessed shall not exceed the amount permitted by statute.

Section 6209.5 Submission of Voting Systems Equipment.

A. Voting systems considered for certification by the State Board shall be delivered to the State Board or its designee. Such equipment shall include documentation, operation manual(s), auxiliary components and equipment used to program ballot layout, and any other additional equipment used in the operation of said voting system.

B. If the voting systems equipment is certified by the State Board, the specific equipment and components examined by the State Board shall become the property of the State Board for as long as the equipment is in use in the State or for such shorter period as the State Board shall so determine. Voting systems not certified shall be disposed of pursuant to the vendor's direction.

C. The applicant shall provide service and normal maintenance of said equipment after certification and shall supply to the State Board, at no cost, any modification to the equipment for upgrading of any feature during the period that said equipment is offered for sale and use in the State.

Section 6209.6 Examination Criteria

A. The State Board or its designee, as part of its examination, may at its discretion, submit the voting system for ~~a~~analysis by a testing laboratory ~~analysis~~.

B. The State Board may, at its discretion, waive any part of, or all of, the analysis and test requirements contained in subdivision (E) of Section 6209.2 of these regulations, upon submission by the vendor of certified test data and reports which verify system performance in a manner equivalent to the Board's examination requirements.

C. All laboratory testing shall be conducted or verified by independent testing authorities accredited by the EAC. Testing shall be performed in conformity with written procedures adopted by the State Board and such procedures shall be available for public inspection.

1. Software and Hardware Qualification Tests

Qualification of voting system software and hardware shall consist of a series of tests, code analyses, and inspection tests performed at the federal level, to verify that the software and hardware meet design requirements and that characteristics are correctly described in the documentation items. Qualification shall also include a Functional Configuration Audit and a

Physical Configuration Audit.

A. Functional Configuration Audit

A functional configuration audit shall be performed to verify that the software complies with the Software Specification. ~~Vendor~~Federal qualification test data may be used in partial fulfillment of this requirement; however, the State Board or its designee shall perform or supervise the performance of additional tests, or order additional laboratory testing, to verify ~~nominal~~ system performance in all operating modes and to validate, on a sampling basis, the vendor's test data reports. The Functional Configuration Audit shall be performed in a facility selected by the State Board.

(1) Vendor Support

The vendor shall provide a list of all documentation and data to be audited and vendor technical personnel shall be available to assist in the performance of the Functional Configuration Audit.

(2) Technical Data

The vendor shall provide the following technical data:

(a) copies of all procedures used for module or unit testing, integration testing and system testing;

(b) copies of all test cases generated for each module and integration test and sample ballot formats or other test cases used for system;

(c) records of all tests performed by the procedures listed above, including error correction and retest.

(3) Audit Procedure

The State Board or its designee shall review the vendor's test procedures and test results.

This review shall include an assessment of the adequacy of test cases and input data to exercise all system functions and to detect program logic and data processing errors if such be present.

The review shall also include an examination of all test data which is to be used as a basis for qualification.

B. Physical Configuration Audit

(1) The Physical Configuration Audit is an examination of the software configuration against its technical documentation to establish a configuration baseline for approval. The Physical Configuration Audit shall include an audit of all drawings, specifications, technical data and test data associated with the system hardware and this audit shall establish the system hardware baseline associated with the software baseline. All subsequent changes to the software baseline configuration shall be subject to re-examination. All changes to the system hardware which may result in a change in the operation of the software shall also be subject to re-examination.

(2) Vendor Support

The vendor shall provide a list of all documentation and data to be audited and vendor technical personnel shall be available to assist in the performance of the Physical Configuration Audit.

(3) Technical Data

The vendor shall provide the following technical data:

(a) identification of all items which are to be a part of the software release;

(b) identification of all hardware which interfaces with the software;

(c) configuration baseline data for all hardware which is unique to the system;

(d) copies of all software documentation which is intended for distribution to users, including program listings, specifications, operator manual, user manual and software maintenance manual;

(e) user acceptance test procedure and acceptance criteria;

(f) an identification of any changes between the Physical Configuration Audit and the configuration submitted for the Functional Configuration Audit ~~(FCA) and a certification that these differences do not degrade the functional characteristics~~.

(4) Audit Procedure

Required data items include draft and formal documentation of the vendor's software development program which are relevant to the design and conduct of Qualification Tests. The vendor shall identify all documents, or portions of documents, which contain proprietary information not approved for public release. The State Board or its designee shall agree to

use the information contained therein solely for the purpose of analyzing and testing the software and shall refrain from disclosing proprietary information to any other person or agency without the prior written consent of the vendor. At the conclusion of the examination, the State Board or its designee shall return to the vendor all such documentation and shall not retain any copies thereof. The State Board or its designee shall review the vendor's source code and documentation to verify that the software conforms to the documentation, and that the documentation is sufficient to enable the user to install, validate, operate and maintain the voting system. The review shall also include an inspection of all records of the baseline version against the vendor's release control system to establish that the configuration, being qualified, conforms to the engineering and test data.

C. Functional Tests

(1) For all equipment, functional tests ~~should~~shall consist of validation of equipment functional performance by means of procedures under "Laboratory Environmental Test Procedures for Hardware and Software".

(2) Functional tests of voting system software which runs on general purpose data processing equipment shall include all tests similar to those in procedures which are necessary to validate the proper functioning of the software and its ability to control the hardware environment. The tests shall also validate the ability of the software to detect and act correctly upon any error conditions which may result from hardware malfunctions. Detection capability may be contained in the software, the hardware or the operating system. It shall be validated by any convenient means up to and including the introduction of a simulated failure (power off, disconnect a cable, etc.) in any equipment associated with vote processing.

2. Software, Hardware, Operating and Support Documentation

(A) Software Qualification

The following system software and firmware vendor data items shall be submitted as a precondition of certification of acceptability for elections use.

(B) Vendor Documentation

Complete product documentation shall be provided to the State Board for voting systems, their components and all auxiliary devices. This documentation shall be sufficient to serve the needs of the voter, the operator and the maintenance technician. It shall be prepared and published in accordance with standard industrial practice for electronic and mechanical equipment such documentation shall include:

(1) Software Specification

The Software Specification shall contain and describe the vendor's design standards and conventions, environment and interface specifications, functional specifications, programming architecture specifications, and test and verification specifications. ~~Pre-factory material should include~~Vendor must also provide document identification, an abstract of the specification, configuration control status and a table of contents. The body of the specification shall contain the following material:

(a) System Overview

The vendor shall identify the system hardware and the environment in which the software will operate and the general design and operational considerations and constraints which have influenced the design of the software.

(b) Program Description

The vendor shall provide descriptions of the software system concept, the array of hardware in which it operates, the intended operating environment, the specific software design objectives and development methodology and the logical structure and algorithms used to accomplish the objectives.

(c) Standards and Conventions

The vendor shall provide information which can be used as a partial basis for code analysis and test design. It should include a description and discussion of the standards and conventions used in the preparation of this specification and in the development of the software.

(d) Specification Standards and Conventions

The vendor shall identify all published and private standards and conventions used to document software development and testing. Vendor internal procedures shall be provided as attachments to this Software Specification.

(e) Test and Verification Standards

The vendor shall identify any standards or other documents which are applicable to the determination of program correctness and acceptance criteria.

(f) Quality Assurance Standards

The vendor shall describe all standards or other documents which are applicable to the examination and testing of the software, including standards for flowcharts, program documentation, test planning and test data acquisition and reporting.

(g) Operating Environment

The vendor shall provide a description of the system and subsystem interfaces at which inputs, outputs and data transformations occur. It shall contain or make reference to all operating environment factors which influence the software design.

(h) Hardware Constraints

The vendor shall identify and describe the hardware characteristics which influence the design of the software, such as:

(1) the logic and arithmetic capability of the processor,

(2) memory read/write characteristics,

(3) external memory device characteristics

(4) peripheral device interface hardware data I/O device protocols, and

(5) operator controls, indicators and displays.

(I) Software environment

The vendor shall identify the compiler or assembler to be used for the generation of executable code and a description of the operating system or system monitor. This section shall also contain an overview of the compile-time interaction of the voting system software with library calls and linking.

(j) Interface Characteristics

The vendor shall describe the interfaces between executable code and system input-output and control hardware.

(k) Software Functional Specification

The vendor shall provide a description of the overall functions which the software performs in the context of its mode or modes of operation. The vendor shall also describe the capabilities and methods for detecting and handling exceptional conditions, system failure, data input/output errors, error logging and audit record generation and security monitoring and control.

(l) Configurations and Operating Modes

The vendor shall describe the various software configurations and operating modes of the system; such as preparation for opening of the polling place, vote recording and/or vote processing, closing of the polling place and report generation. For each software function or operating mode, a definition of the inputs (characteristics, tolerances or acceptable ranges) to the function or mode, how the inputs are processed and what outputs are produced (characteristics, tolerances or acceptable ranges) shall be provided.

(m) External files

In the event that external files are used for data input or output, the definition of information context and record formats shall be provided. The vendor shall also describe the procedures for file maintenance, access privileges and security.

(n) Security

Security requirements and security provisions of the software shall be identified for each system function and operating mode.

(o) Programming Specifications

The vendor shall provide an overview of the software design, structure and implementation algorithms. Whereas the Functional Specification of the preceding section provides a description of what functions the software performs and the various modes in which it operates, this section should be prepared so as to facilitate understanding of the internal functioning of the individual software modules. Implementation of functions shall be described in terms of software architecture, algorithms and data structures and all procedures or procedure interfaces which are vulnerable to degradation in data quality or security penetration shall be identified.

(p) Test and Verification Specifications

The vendor shall describe the procedures used during software development to verify logical correctness, data quality and security. This description shall include existing standard test procedures, special purpose test procedures, test criteria and experimental design and validation criteria. In the event that this documentation is not available, the Qualification Test agency shall design test cases and procedures equivalent to those ordinarily used as a basis for in-house verification (see below).

(q) Qualification Test Specification

The vendor shall provide a specification for verification and validation of overall software performance, including acceptance criteria for control and data input/output, processing accuracy, data quality assessment and maintenance, exceptional handling and

security. The specification shall identify specific procedures by means of which the general suitability of the software for elections use can be assessed and demonstrated. The vendor's specification and procedure shall be used to establish the detailed requirements of the tests described in "Laboratory Environmental Test Procedures for Hardware and Software" of this Standard.

®(r) Acceptance Test Specification

The vendor shall provide a specification for installation, acceptance and readiness verification. This specification shall identify specific procedures by means of which the capability of the software to accommodate actual ballot formats and format logic, and pre-election logic, accuracy and security test requirements of using jurisdictions may be assessed and demonstrated. The vendor's specification shall be used to establish the detailed requirements of the tests described in "Laboratory Environmental Test Procedures for Hardware and Software" of this standard performed to evaluate the adequacy of the vendor's procedures and it shall be suitable for inclusion in the regulations and procedures of user counties when preparing for the conduct of actual elections.

(s) Appendices

The vendor shall provide descriptive material and data supplementing the various sections of the body of the Software Specification. The content and arrangement of appendices shall be at the discretion of the vendor. Topics recommended for amplification and treatment in appendix form include:

(1) Glossary: Provide a listing and brief definition of all software module names and variable names with reference to their locations in the software structure. Include abbreviations, acronyms and terms which are either not commonly used in data processing and software development or which are used in an uncommon semantic context.

(2) References: Provide a list of references to all related vendor documents, data, standards and technical sources used in software development and testing.

(3) Program Analysis: Provide the results of software configuration analysis, algorithm analysis and selection, timing studies and hardware interface studies reflected in the final software design and coding.

(4) Security Analysis: Provide a detailed description of the penetration analysis performed to preclude intrusion by unauthorized persons and fraudulent manipulation of elections data. Identify security policies and measures and selection criteria for audit log data categories.

(2) Operator Information

This documentation shall include a physical description of the equipment sufficient to identify all features, control and displays. It shall include a complete procedure for energizing the equipment, for testing and verifying operational status and for identifying all abnormal equipment states. It shall include a complete operating procedure for inserting ballots to be tabulated, for controlling the tabulation process, for monitoring the status of the equipment, for recovering from error conditions and for preparing output reports.

(3) Maintenance Information

(a) This documentation shall contain a complete physical and functional description of the equipment and a theory of operation which fully describes the electrical and mechanical function of the equipment, how the processes of ballot handling and reading are performed, how data are handled in the processor and memory sections, how data output is initiated and controlled, how power is converted or conditioned and how test and diagnostic information is acquired and used.

(b) A complete parts and materials list shall be provided which contains sufficient descriptive information to identify all parts by type, size, value or range and manufacturer's designation.

(c) Technical illustrations and schematic representations of electronic circuits shall be provided with indications of all test and adjustment points and the nominal value and tolerance or waveform to be measured. Fault detection, isolation and correction procedures or logic diagrams shall be prepared for all operational abnormalities identified by design analysis and operating experiences.

(4) Logistics, Facilities and Training

The vendor shall identify all operating and support requirements of the system or component. These requirements include material, facilities and personnel, including furnishings, fixtures, and utilities which will be required to support system operation, maintenance and storage.

(5) Maintenance Training and Supply

(a) The vendor shall identify all corrective and preventive maintenance tasks and the level at which they shall be performed. Levels of maintenance shall include operator tasks, maintenance personnel tasks and factory repair.

(b) Operator tasks shall be limited to the activation of controls to identify irrecoverable error conditions and to the replenishment of consumables such as printer ribbons, paper and the like.

(c) Maintenance personnel tasks shall include all field maintenance actions which require access to internal portions of the equipment. They shall include the conduct of tests to localize the source of a malfunction; the adjustment, repair or replacement of malfunctioning circuits or components and the conduct of tests to verify restoration to service.

(d) Factory repair tasks shall be minimized. They shall only include complex and infrequent maintenance functions which require access to proprietary or to specialized facilities and equipment which cannot be obtained by the ~~using agency. They shall not number more than two percent of all maintenance tasks and their frequency shall not exceed five percent of the total frequency for all corrective maintenance tasks.~~county board of elections.

(e) The vendor shall identify by function all personnel required to operate and support the system. For each functional category, the number of personnel and their skills and skill levels shall be specified.

(f) The vendor shall specify requirements for the training of each category of operating and support personnel. The vendor shall prepare all materials required in the training activity and shall provide or otherwise arrange for the provision of qualified instructors.

(g) The vendor shall recommend a standard complement of supplies, spares and repair parts which will be required to support system operation. This list shall include the identification of these materials and their individual quantities and sources from which they may be obtained. The vendor shall supply, at vendor's expense, any special tools required to repair or maintain the equipment.

Section 6209.7 Modifications and Re-examination

A. Any ~~prospective~~ modification to a previously certified voting system shall be submitted to the State Board.

B. No modification of previously certified voting systems equipment shall be used in any election until such modification has been approved by the State Board.

C. Prospective modification shall be reviewed by the State Board or by an examiner or testing laboratory of the Board's choice in accordance with the fee schedule established by section 7-201 of the Election Law.

D. Upon completion of a review of such prospective modification, the State Board may cause a re-examination of the entire voting system, or within its discretion, grant continuation of certification pursuant to the provisions of section 7-201 of the Election Law.

Section 6209.8 Rescission of Certification

A. If at any time subsequent to the State Board's approval of a voting system, the State Board determines that the voting system fails to fulfill the criteria prescribed by statute and these rules, the Board shall notify any ~~users~~purchasers and vendors of that particular voting system that the State Board's approval or certification ~~of that system for future sale~~ of that system in New York State is to be withdrawn.

B. Such notice shall be in writing and shall specify the reasons why the approval or certification of the system is being rescinded. Such notice shall also provide for a 30-day period within which deficiencies may be corrected, and shall further specify the date on which the rescission is to become effective.

C. Any vendor or ~~user~~purchaser of such voting system may request in writing that the State Board reconsider its decision to rescind approval or certification of the voting system.

D. Upon receipt of such request to reconsider, the State Board shall hold a hearing for the purpose of reconsidering the decision to rescind the approval or certification. Any interested party shall be given the opportunity to submit testimony or documentation in support of or in opposition to the Board's decision to rescind approval or certification.

E. The State Board may affirm or reverse its decision.

Section 6209.9 Contracts

A. In addition to complying with all statutory requirements, all contracts for the purchase of voting systems by county boards of elections, herein after to be designated 'purchaser', shall include the following requirements:

(1) Training

Vendors of voting systems shall provide for training of boards of elections personnel in the following:

(a) training prior to delivery of voting systems equipment on procedures for unpacking, assembling and acceptance testing of such equipment;

(b) training for proper use of such equipment including maintenance, storage and transportation procedures;

(c) the vendor shall provide complete operations manuals (including operations manuals for any auxiliary features, programming, hardware, telecommunications systems and central vote tabulating systems) upon delivery of voting systems equipment to a jurisdiction. Such manuals shall include one copy of procedures to be followed by inspectors at polling

places. The vendor shall permit this copy to be reproduced and distributed by the county board of elections at its training school for election inspectors or the vendor shall supply enough copies of the procedures for such distribution;

(d) the vendor shall assist in the training of all elections personnel (including election inspectors) during the first two elections, to include a general election, in which the equipment is used. Such assistance relating to the number of people and the hours of assistance shall be identified in the executed contract.

(e) training county boards of elections personnel in the procedures to be used to accomplish ballot face layout and ballot programming.

(2) Service provisions

(a) The contract shall identify the obligations of the vendor to rectify any problems identified through testing any or all of the voting systems equipment delivered to the purchaser.

(b) The vendor shall, without additional cost, provide to the purchaser a five-year guarantee of parts and service, that such voting systems equipment shall be kept in good working order and that other statutory requirements are met.

(c) The vendor shall provide to the purchaser of said equipment a detailed listing of proper maintenance, storage and transportation procedures to be carried out by each purchaser.

(d) The vendor and the purchaser shall agree in writing as to the proper maintenance procedures to be implemented on each piece of equipment and shall further agree in writing as to the obligations of each party for servicing and maintenance procedures.

(e) An agreement as to the time period in which the vendor must correct any problems or defect in the voting equipment or voting systems.

(f) The vendor shall provide the purchaser with the criteria necessary for the proper operation of the voting equipment at a polling place.

(3) Polling site survey

(a) The vendor, together with the purchaser, shall survey the present polling places in a jurisdiction to which its voting equipment has been sold, to determine whether or not such polling places meet environmental conditions for the proper operation of the voting equipment. This provision shall apply to those polling places which are in use at the time of the proposed sale.

(b) If any polling places are not compatible, the vendor shall advise the jurisdiction purchasing the voting equipment on the methods or procedures that the said jurisdiction may use to remedy any such problem.

(4) Additional Requirements

(a) delivery deadline shall be not less than three months prior to the first election in which said units shall be used or, if the contract is for ten or less units, not less than one month prior to such election;

(b) acceptance testing requirements;

(c) storage and maintenance responsibilities; and

(d) shipping delivery guidelines and requirements.

B. For purposes of the initial purchases of voting machines and systems, pursuant to the federal Help America Vote Act of 2002, and the state Election Reform and Modernization Act of 2005, all contracts entered by the State Board of Elections, or local boards of elections, with vendors, must comply with Office of General Services (OGS) regulations on Purchasing Procedures and Purchases from Preferred Sources, found in NYCRR Title 9, Subtitle G, Subchapter A, Part 250, section 250.0 through and including section 250.11.

Section 6209.10 Acceptance Testing

A. County boards of elections, under the supervision of the State Board, shall conduct an acceptance test on each unit of any voting system purchased by such county. Such acceptance testing shall begin within seventy-two hours of delivery of the equipment from the vendor to the purchaser and shall be completed prior to the use of the equipment in any election.

B. Such testing shall be conducted under the supervision of the State Board in accordance with the testing requirements and formats provided by the State Board. This test may consist in part, of the original certification test deck as utilized by the State Board in the certification of the system.

~~C~~C. Acceptance testing shall include the comparison of software installed on the delivered system to certified software, via the use of a Secure Hash Signature Standard (SHS) validation program, contained in Federal Information Processing Standards Publication 180-2 issued by the National Institute Standards Technology.

D. The results of acceptance testing shall be certified to the State Board and entered into the

maintenance log for each piece of equipment.

~~D~~E. If the acceptance test reveals any impropriety or fault in the ballot counting systems' equipment, the vendor must make corrections to such improper or faulty equipment within 30 days from the date of such acceptance testing.

~~E~~F. The State Board, upon its review of the acceptance testing of such equipment may, at its discretion, ~~suspend~~rescind certification of said equipment ~~for future sales~~ in the State of New York in accordance with the provisions of Section 6209.8 of these regulations.

Section 6209.11 Routine Maintenance Test of ~~DRE Voting Equipment~~

~~A.~~ Voting Systems

A. Complete testing of voting systems shall be conducted before the use of the system in any election.

B. In addition to vendor-prescribed maintenance tasks and diagnostic tests, a test of ~~DRE~~ voting equipment shall be conducted by the county board of elections, on each piece of equipment owned by a county board of elections.

~~B.~~ Such testing shall be administered periodically and be completed during the following periods:

(1) January 15 - April 15
(2) April 16 - July 15
(3) July 16 - September 15
(4) September 16 - November 15

C. Such testing shall consist of the casting of a minimum of 200 ballots on each piece of equipment during each of the prescribed periods outlined~~.~~

~~D. Such tests shall be developed by the State Board,~~ and shall include the comparison of software installed on the delivered system to certified software, via the use a Secure Hash Signature Standard (SHS) validation program, contained in Federal Information Processing Standards Publication 180-2 issued by the National Institute Standards Technology. commercially-available and industry-standard 'check digit' programs.

D. During the period including July 16 - September 15 (and in years when a presidential primary is conducted, during the January 15 - April 15 period), the test ballot format for each piece of equipment shall consist of each primary ballot style as certified by the board of elections, if said equipment is to be utilized in a primary election.

E. For the period between ballot certification and seven days before the general election, the test ballot format for each piece of equipment shall consist of each general election ballot style as certified by the board of elections.

F. The State Board shall provide training to county board personnel responsible for voting systems, and shall develop all tests utilizing a ballot format prepared and programmed by each county board. Each such test shall be approved by the State Board prior to the first periodic test. The State Board shall reserve the right to revise said testing format, based upon its audit and review.

~~E. The test ballot format during the period including July 16 - September 15 shall consist of the primary ballot as it has been certified by the board of elections, if said equipment is to be utilized in a primary election.~~

~~F. The test ballot format for the period between ballot certification and seven days before election shall consist of the general election ballot as it has been certified by the board of elections.~~

G. The result of each periodic test shall be entered upon the maintenance log for each such piece of equipment, together with any other information prescribed in said log by the State Board.

H. The county board of elections shall certify to the State Board, the completion of each periodic maintenance test. Such certification shall be on a form prescribed by and furnished by the State Board, and shall be accompanied by copies of each maintenance log.

~~I~~I. Each county shall keep a detailed log of maintenance performance and testing procedures. Such logs shall be in a format provided by the State Board and same shall have been reviewed by the vendor.

J. Such logs shall be provided regularly to the State Board, for their review and inspection.

K. The State Board may, upon review of the maintenance logs, require further testing of any such piece of equipment or may~~, for sufficient cause,~~ remove a piece of equipment from use in an election until further examination and testing has been completed.

L. The State Board may reinstate the certification based upon review of these procedures and a review of the maintenance logs.

~~J~~M. County boards shall make the equipment available to the State Board for any such additional testing and shall provide such assistance as may be deemed necessary.

Section 6209.12 Operational and Testing Procedures for Centrally-Counted Paper-

based Voting Systems

A. Complete testing of the paper-based voting system shall be conducted before the use of the system in any election.

B. Pre-election Test Deck

Not more than 20 days before the day designated by the county board for the counting of paper ballots, the board shall test the system to ascertain that it will properly count the votes cast for all offices and all questions. The test shall be conducted by processing a test deck for each ballot style. If the system does not accurately count the test deck, the cause for the error or errors shall be ascertained and corrected and an errorless count shall be made before the system is approved for use in the count of actual ballots. The commissioners of the county board shall certify that they have reviewed and verified the results of said testing.

~~C. Public Demonstration~~

~~In addition to the pre-election test, the county board shall conduct a public demonstration of the test utilizing all or a portion of the test deck. Appropriate written notice of the public demonstration shall be sent to the chair of the county committee of each political party and to each candidate whose name appears on the ballot. One representative of each political party and one representative of each candidate whose name appears on the ballot shall be entitled to be present at the test.~~

~~The commissioners of the county board shall certify that they have reviewed and verified the results of the public demonstration testing.~~

~~D~~C. Storage of Test Deck

Following the pre-election testing ~~and public demonstration testing~~, the test deck shall be locked in secure storage until immediately preceding the official tabulation of paper ballots. All copies of test data, including copies of ballot programming, shall be stored with the test deck, in locked secured storage.

~~E~~D. Testing Immediately Preceding Official Tabulation of Paper Ballots

Immediately preceding the official tabulation of paper ballots, the following testing shall be completed:

(1) The paper ballot counting system shall be cleared of all votes and a printed report shall be produced by the system to confirm that all voting positions are at zero.

(2) The test deck shall be run through the system to demonstrate that the system can accurately count votes and the results shall be compared to the pre-election test data. The

commissioners of the county board shall certify that they have reviewed and verified the comparison of the test data before the official tabulation of ballots is conducted.

(3) The system shall again be cleared of all votes and a printed report shall be produced by the system to confirm that all voting positions are at zero.

~~F~~E. Testing During Ballot Tabulation

The system shall be so designed and constructed that, at the discretion of the county board, it shall be possible to halt the ballot tabulation at a point when a portion of the election districts have been counted, and run the test deck to demonstrate, as in the pre-count tests listed in section (~~E~~D) above, the accuracy and dependability of the count without jeopardizing any official tabulation of results that may be on the equipment at that time.

~~G~~F. Testing Following the Machine Tabulation of Ballots

Immediately following the machine tabulation of the ballots from all the election districts and the production of the county-wide totals of votes, the pre-count tests listed in section (~~E~~D) above, shall be run so as to demonstrate the accuracy and dependability of the count.

~~H~~G. System Management

(1) The county board of elections shall have management control over all resources employed during the tabulation process, including the processing of ballots and the testing of equipment.

(2) If it becomes necessary to transfer control of any equipment back to the vendor for repairs, operational tabulation activities may not be carried out on the equipment while it is solely under the vendor's control.

~~I~~H. State Board Support During First Year of Operation

(1) During the first two elections in which such equipment is used, including a general election, the State Board shall assist and supervise the operation of the paper-based voting system. Such supervision shall include but not be limited to:

(a) preparation of test deck

(b) supervision of pre-election~~, public demonstration~~ and pre-tabulation tests

(c) supervision of official tabulation of ballots on the day to be designated by the county board of elections

(2) During successive years, the State Board, whenever it deems necessary, or at the request of a county board of elections, shall assist in the operation of the system.

Section 6209.13 Submission of Procedures for Unofficial Tally of Results of Election

County boards of elections which adopt procedures pursuant to section 9-126(3) of the Election Law shall submit such procedures to the State Board of Elections.

Section 6209.~~14 Routine Maintenance for Paper-based Voting Equipment~~

~~**A. Each county which purchases a paper-based voting system shall keep a detailed log of maintenance performance and testing procedures.**~~

~~**B. Such logs shall be in a format provided by the State Board and same shall have been reviewed by the vendor.**~~

~~**C. Such logs shall be provided regularly to the State Board, for their review and inspection.**~~

~~**D. The State Board, upon the written request of a vendor or any other interested or aggrieved party, may, after a hearing, suspend the use of any paper-based voting system in any county in which proper maintenance procedures or proper servicing by the manufacturer have not been fully implemented resulting in malfunction of such equipment.**~~

~~**E. The State Board may reinstate the certification based upon review of these procedures and a review of the maintenance logs.**~~

~~**Section 6209.1**~~**5~~4~~ **Demonstration Models**

A~~.~~ During the first five (5) years after purchase, any county which purchases voting equipment systems shall provide a model or diagram of such voting system's equipment for each polling place in its jurisdiction.

B. If a model or diagram is used, such model or diagram must meet the following specifications:

(1) be approved by the State Board

(2) may not contain the name of any party or independent body which has been continuously used in New York State.

(3) display a ballot layout which shall consist of at least two party rows and eight voting positions including at least one multiple-candidate office (vote for two).

C. If a model is used, each model must

(1) be no less than 11 inches by 14 inches

(2) be operated by electricity and/or a battery power source

(3) enable the voter to vote for a candidate

(4) enable the voter to negate or change a vote

(5) enable the voter to cast the ballot.

(6) specify how and where to cast a write-in ballot.

D. If a diagram is used,

(1) shall specify how to mark or cast a ballot

(2) shall specify how and where to mark or cast a write-in ballot

(3) shall be no smaller than 11 inches by 17 inches