

REQUEST FOR INTERPRETATION BY THE NYS BOARD OF ELECTIONS

<p>Requestor(s)</p>	<p>Election Systems & Software Eric Wall – Director of Software Development</p>
<p>Request Date</p>	<p>August 6, 2008</p>
<p>Requestor Contact Information <i>(Name, telephone, fax, mailing address, & email address)</i></p>	<p>Eric Wall Director of Software Development Election Systems & Software erwall@essvote.com</p>
<p>NYS Election Law, Guideline, or Other Issue to be Clarified <i>(cite specific reference)</i></p>	<p>2005 VVSG Volume 1 Section 5.2.2 Self-modifying, dynamically loaded or interpreted code is prohibited, except under the security provisions outlined in Subsection 7.4. This prohibition is to ensure that the software tested and approved during the certification process remains unchanged and retains its integrity.</p>
<p>Statement of Ambiguity</p>	<p>The source code for the Texas Instruments MSP-430 micro-controller used in the Power Management Board of the DS200 contains the application of a patch mandated by the microcontroller manufacturer to fix a bug in the 1.10 and earlier versions of the Texas Instruments boot loader. This is a COTS part and the patch is unmodified and obtained directly from the manufacturer. ES&S does not believe that a mandatory, factory supplied COTS patch is subject to the VVSG and regardless of jurisdiction the patch does not in any way compromise the integrity of the power board or the DS200 system.</p>
<p>Facts Supporting Ambiguity</p>	<p>The New York VSTL (SysTest Labs) has verified the patch as applied by the ES&S code is unmodified from the patch offered on the Texas Instruments web site.</p> <p>The patch does not change and does not modify anything. Rather, it fixes a flaw in the original boot loader that, when applied, allows the microcontroller to update its firmware.</p>

	<p>The power management board itself has no connection whatsoever to the accumulation, storage or tabulation of the election data. It is an ancillary device that is completely separate from the main board.</p>
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<p>Proposed Interpretation</p>	<p>ES&S does not believe the application of a COTS patch from a microcontroller manufacturer violates the intent of the cited section of the VVSG. The VSTL has verified the contents of the patch do not change and ES&S asserts it has no effect on the integrity of the machine.</p>
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Please submit "Request for Interpretation" to:

NYS BOARD OF ELECTIONS
 ELECTION OPERATIONS UNIT
 ATTN: P. JORCZAK
 40 STEUBEN ST
 ALBANY, NY 12207

OR:

election_ops@elections.state.ny.us

NOTE: Interpretations by SBOE will be provided in a separate, attached, document.