

**NYS BOARD OF ELECTIONS DECISION CONCERNING REQUEST FOR INTERPRETATION**

<b>Requestor(s)</b>	Ed Smith, Sequoia Voting Systems
<b>Request Date</b>	June 13, 2008
<b>NYS Election Law, Guideline, or Other Issue to be Clarified</b>	<p>§ 7-202. Voting machine or system; requirements of.</p> <p>1. A voting machine or system to be approved by the state board of elections shall:</p> <p>t. not include any device or functionality potentially capable of externally transmitting or receiving data via the internet or via radio waves or via other wireless means.</p>
<b>Proposed Interpretation</b>	<p>None – Requestor asks:</p> <p>Can the counties use the EMS system as a client/server based system (multiple workstations and/or servers), or must the EMS system be configured as a standalone unit?"</p> <p>Sequoia's Election Management System (EMS) can be configured in two ways:</p> <p>1. As a single "standalone" unit (i.e. the server and workstation is a single computer).</p> <p>2. As a standard client/server based system with multiple workstations and/or servers. In this configuration the closed (local area) network would be physically isolated and not connected to the Internet in any way.</p>

<p><b>NYSBOE Response Date</b></p>	<p>7/18/08</p>
<p><b>Conclusion or Additional Information Provided by the Requestor</b></p>	<p>The standalone system does not rely on external means for communication. However, since it uses COTS hardware that is configured with standard Ethernet ports, extra costs will be incurred and quoted if the system is required to have these ports physically removed/rendered inactive.</p> <p>Additionally, when configured as a standalone system, only one person at a time can access the system, meaning that thousands of memory cards and security keys will have to be handled one at a time during creation or tally, which has significant time ramifications.</p> <p>The client/server configuration does not have the time issues as tasks can be done in parallel. However, in order for this configuration to work, a closed network (that can be physically controlled by the counties as to not allow for communication to the internet) needs to be present to communicate between COTS computers. County system administrators can provide more information to the State Board as to implementation concerns.</p>
<p><b>NYSBOE Response</b></p>	<p>The State Board of Elections maintains its original interpretation of this requirement and will therefore be testing the EMS system as a “standalone system”. However in order to provide this functionality in the future, vendors are welcome to submit all materials and documents to SysTest, now, for use in parallel testing. Parallel testing will be done such that it does not interfere with the court mandated timeline and might therefore not be completed until the end of the primary test schedule. In this manner,</p>

	<p>the letter and spirit of the order of the Federal Court can be met, while still allowing consideration of an accommodation which enhances election administration tasks, especially in New York's larger Boards of Elections.</p>
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