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www.essvote.com

July 17, 2006

Ms. Anna E. Svizzero
State Board of Elections
40 Steuben Street
Albany NY, 12207

Dear Ms. Svizzero,

Enclosed, is the original AFFIDAVIT requested by the State of New York to complete the application for Certification. The AFFIDAVIT has been signed by Aldo J. Tesi President and Chief Executive Officer of Election Systems & Software.

If there is anything else that you require from ES&S or myself please let me know.

Sincerely,

Rich Bernstein
cc: Pearson, Steve, Kerrigan, Kevin

NEW YORK STATE BOARD OF ELECTIONS
ELECTION OPERATIONS UNIT
40 STEUBEN STREET
ALBANY, NEW YORK 12207-2109

APPLICATION FOR CERTIFICATION OF VOTING SYSTEM

NAME OF VENDOR Election Systems and Software CONTACT PERSON Rich Bernstein
ADDRESS OF COMPANY 11208 John Galt Boulevard
TELEPHONE NUMBER 402-938-1477 FAX NUMBER 402-970-1275 EMAIL rsbernstein@essvote.com Mobile 402-201-6699
FEDERAL TAX IDENTIFICATION NUMBER 47-0617567

DESCRIPTION OF VOTING SYSTEM

Unity 3.0.1.1 Election Management System, with iVotronic DRE Touch Screen Voting System, M100 Precinct Based Optical Mark Scanner, and AutoMark Voter Assist Terminal

VOTING SYSTEM HARDWARE INFORMATION

TYPE OF SYSTEM

DIRECT RECORD ELECTRONIC PRECINCT O/S ABSENTEE OTHER _____

MODIFICATION TO AN EXISTING NYS CERTIFIED SYSTEM YES NO IF YES, CHECK APPROPRIATE BOX BELOW

MODIFICATION TO HARDWARE MODIFICATION TO SOFTWARE MODIFICATION TO HARDWARE AND SOFTWARE

NAME OF SYSTEM Unity 3.0.1.1 MODEL NUMBER NA

LIST ALL AUXILIARY COMPONENTS iVotronic (Direct Record Electronic, M100 Precinct, AutoMark)

FIRMWARE AND SOFTWARE RELEASE INFORMATION

IF YOU CHECKED YES TO MODIFICATION TO SOFTWARE ABOVE PLEASE ENTER BOTH THE CURRENT CERTIFIED RELEASE # AND THE MODIFIED RELEASE # BELOW

FIRMWARE RELEASE # (DRE) 9.1.6.0

EMS BALLOT DEFINITION SOFTWARE RELEASE # EDM Version 7.4.4.0

EMS ACCUMULATION SOFTWARE RELEASE # ERM Version 7.1.2.1

IS SYSTEM FEDERALLY QUALIFIED? QUALIFICATION # NO

GENERAL INFORMATION

DO YOU OWN ALL RIGHTS TO THIS EQUIPMENT? YES NO

IF NO, EXPLAIN _____

RECEIVED
NEW YORK STATE
BOARD OF ELECTIONS
ALBANY, NEW YORK
2006 JUL -3 AM 10:15

TYPE OF BUSINESS/ORGANIZATION:

CORPORATION PARTNERSHIP INDIVIDUAL

IF A CORPORATION:

STATE OF INCORPORATION _____

AUTHORIZED TO DO BUSINESS IN N.Y.S.? YES NO

MAINTAIN OFFICE IN N.Y.S.? YES NO

INDEPENDENTLY OWNED? YES NO

IF NO, NAME AND ADDRESS OF PARENT COMPANY _____

IS ANY PART OF THE SYSTEM MANUFACTURED OR ASSEMBLED BY ANOTHER COMPANY? YES NO

IF YES, NAME _____

ADDRESS _____

VOTING SYSTEM HISTORY INFORMATION

ALL JURISDICTIONS WHERE PRESENTLY CERTIFIED

ALL JURISDICTIONS WHERE SYSTEM HAS BEEN USED

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APPLICATION REQUIREMENTS

A check made payable to the State Board of Elections in the amount of \$5,000.00 which shall be placed in the State Special Revenue Account. Notice shall be provided to vendor when additional funds are required to be deposited.

Three copies of the operating or instruction manuals pertaining to the voting system are to be included with the completed application.

No application shall be deemed to be filed until all documentation, required under §§6209.4 and 6209.5 of the Rules and Regulations of the State Board have been submitted to such Board or its designee.

ATTESTATIONS

I HEREBY AGREE TO PROVIDE THE VOTING SYSTEM AND TO FURNISH ALL DOCUMENTATION REQUIRED BY PART 6209 OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE BOARD OF ELECTIONS OR ITS DESIGNEE UPON DEMAND AND FURTHER AGREE TO REIMBURSE THE STATE BOARD FOR THE COST OF EXAMINATION WITHIN THIRTY (30) DAYS OF RECEIPT OF NOTIFICATION OF SUCH COST. I UNDERSTAND THAT I MAY BE REQUIRED TO PLACE THE VOTING SYSTEM IN THE STATE BOARD'S POSSESSION FOR AS LONG AS SUCH SYSTEM IS IN USE IN NEW YORK STATE.

I HEREBY ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND MY OBLIGATIONS UNDER §6209.4 (I), REQUIRING DISCLOSURE OF FINANCIAL CONTRIBUTIONS MADE BY ANY OFFICER, CONTROLLING SHARE HOLDER OR THE VENDOR WITHIN THE UNITED STATES OF AMERICA TO ANY POLITICAL PARTY OR CANDIDATE WITHIN 2 YEARS OF SUBMISSION OF THIS APPLICATION, AND HAVE PROVIDED THE SAME.

I HEREBY ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND MY OBLIGATIONS UNDER §6209.5 (G), REQUIRING DISCLOSURE OF ANY PECUNIARY INTEREST IN OR ANY DIRECT OR INDIRECT CONTROL OVER ANY TESTING LABORATORY WHICH MAY BE USED IN CONNECTION WITH THE CERTIFICATION OF THIS VOTING SYSTEM.

SIGNATURE OF APPLICANT Rich Bernstein DATE 6/30/06

TITLE State Certification Manager

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AFFIDAVIT

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

I, Aldo J. Tesi, after being first duly sworn, depose and say:

1. That I am the President and Chief Executive Officer of Election Systems & Software, Inc., (hereinafter "ES&S"), a corporation organized and existing in the State of Delaware, and I have first hand knowledge of the facts set forth herein.

2. That I have not made any contributions within the United States to any political party or candidate for any office, within the two years prior to the application date of June 30, 2006 which such application was submitted to the New York Elections Operation Unit for the certification of ES&S voting systems.

3. That the Chief Operating Officer of ES&S has not made any contributions within the United States to any political party or candidate for any office, within the two years prior to the application date of June 30, 2006 which such application was submitted to the New York Elections Operation Unit for the certification of ES&S voting systems.

4. That there are no controlling shareholders of ES&S.

FURTHER AFFIANT SAYETH NOT

I affirm under the penalties of perjury that the foregoing representations are true.

Aldo Tesi
Aldo J. Tesi

July 11, 2006
Date of Execution

SUBSCRIBED AND SWORN TO before me this 11th day of July, 2005.

Angela D. Janke
Notary Public

My commission expires:

