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## STATE BOARD OF ELECTIONS

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### ADOPTED RESOLUTION

#### **CERTIFICATION OF ELECTION SYSTEMS & SOFTWARE AutoMARK VOTER ASSIST TERMINAL (BMD)**

Whereas, Election Systems & Software Inc. (ES & S) has submitted an application for certification of the AutoMARK Voter Assist Terminal ballot marking device including the following components:

*AutoMARK v.1.6.0.0 and VAT Previewer v.1.6.0.0*

*Unity Suite 3.0.0.0: EDM v.8.2.0.0, Electionware v.2.0.0.0, Event Log Service v.1.0.0.0,  
Removable Media Service v.1.0.0.0*

Whereas, such voting system was delivered to SysTest Labs Inc. which has been designated the independent testing authority for the New York State Board of Elections; and

Whereas, SysTest Labs Inc. has conducted certification testing of said system, to ascertain compliance with the provisions of the applicable sections of New York State Election Law, the State Board's regulations, 9 NYCRR Part 6209, and the U.S. Election Assistance Commission's 2005 Voluntary Voting System Guidelines, including a thorough review and testing of any electronic or computerized features of the system; and

Whereas, NYSTEC (New York State Technology Enterprise Corporation), having been selected as the New York State Board of Elections' independent security reviewer, and has conducted an independent security review of said system; and

Whereas, the reports of both SysTest and NYSTEC have been provided to the Board; and

Whereas the Citizens' Election Modernization Advisory Committee has met and reviewed the AutoMARK Voter Assist Terminal and the findings of both SysTest and NYSTEC, and has provided its Resolution recommending system certification for the consideration of the Board; and

Whereas, the Election Operations Unit has reviewed the findings and compensating controls for the AutoMARK Voter Assist Terminal submitted by SysTest and NYSTEC, and has provided a summary report for the consideration of the Board which reports that said voting system meets the requirements of Election Law § 7-202, with minor findings; and

Whereas, the Election Operations Unit reports that the system so examined, with the recommended compensating controls, can safely and properly be used by voters and local boards of elections at elections under the conditions prescribed in the Election Law and the requirements of the federal Help America Vote Act; and

Whereas, the AutoMARK Voter Assist Terminal has been successfully used in prior elections conducted in New York State since 2006 and in many jurisdictions throughout the United States; and

Whereas, having considered the totality of certification test artifacts, summary reports, findings logs with corresponding compensating controls, the on-site evaluations of pilot project county and poll site operations, and the results of functional testing conducted by the Election Operations Unit, and the Elections Operations Unit having recommended the certification of said system as herein defined; now, therefore

Be it resolved, that the Commissioners of the New York State Board of Elections do hereby certify in accordance with Election Law § 7-201 that the AutoMARK Voter Assist Terminal ballot marking device with the recommended compensating controls can safely and properly be used by voters and local boards of elections at elections under the conditions prescribed in the Election Law and the requirements of the federal Help America Vote Act.

Adopted by unanimous vote 12-15-09.

NEW YORK STATE BOARD OF ELECTIONS