

NEW YORK STATE BOARD OF ELECTIONS
ELECTION OPERATIONS UNIT – ATTN: TARRY A. BREADS
40 STEUBEN STREET
ALBANY, NEW YORK 12207

APPLICATION FOR CERTIFICATION OF VOTING SYSTEM

NAME OF VENDOR: Election Systems & Software, Inc.
CONTACT PERSON: Sue Munguia or Tucker Omel
ADDRESS OF COMPANY: 11208 John Galt Blvd, Omaha, NE, 68137
TELEPHONE NUMBER: (402) 970-1100 FAX NUMBER: (402) 970-1275
E-MAIL ADDRESS: slmunguia@essvote.com
tjomel@essvote.com

DESCRIPTION OF VOTING SYSTEM

The AutoMARK 1.3 voting system is a Ballot Marking Device that allows voters with special needs to vote a paper ballot privately and independently. The system includes two components – the AutoMARK Voter Assist Terminal, firmware version 1.3.2904, and the AutoMARK Information System, software version 1.3.57.

VOTING SYSTEM HARDWARE INFORMATION

SELECT ONE: Per Solicitation 21231

LOT I

LOT II

(SUBMIT SEPARATE APPLICATIONS FOR EACH SYSTEM)

NAME OF SYSTEM: AutoMARK 1.3

MODEL NUMBER: AutoMARK Voter Assist Terminal, Hardware revision A200,
Firmware version 1.3.2904

TYPE OF SYSTEM
(Select one)

DIRECT RECORD ELECTRONIC (DRE)

PRECINCT (OPTICAL SCAN)

CENTRAL COUNT ABSENTEE

OTHER: (PLEASE DESCRIBE BELOW)

DESCRIPTION (IF OTHER)

The AutoMARK 1.3 voting system is a Ballot Marking Device that allows voters with special needs to vote a paper ballot privately and independently. The voter inserts the paper ballot into the machine and uses the touchscreen, keypad, or an external ADA device to make their selections. When finished, the terminal prints their selections on the paper ballot.

2008 JAN -8 PM 12: 02

FILED
NEW YORK STATE
BOARD OF ELECTIONS
ALBANY, NEW YORK

APPLICATION REQUIREMENTS

A check made payable to the STATE BOARD OF ELECTIONS in the amount of \$5,000 to cover the cost of certification shall be deposited in a State Special Revenue Account. Notice shall be provided to vendor when additional funds are required to be deposited. Vendor must submit full face ballot with the application: For a DRE submit a screen shot showing the ballot layout; for Op-Scan submit a paper ballot. Vendor shall also submit all attestations on their company letterhead. The attestations shall meet the following requirements of New York regulations: 6209.4(H) 1-4, 6209.4(J) and 6209.5(G).

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 AFFIRM THE FOLLOWING OBLIGATIONS UNDER SECTION 6209.4:

THE SUBMITTED VOTING SYSTEM COMPLIES WITH ALL APPLICABLE RULES ADOPTED BY THE STATE BOARD, AND WITH ALL APPLICABLE 2005 VOTING SYSTEM GUIDELINES NOT INCONSISTENT WITH STATE LAW OR THESE REGULATIONS, AND IS SUITABLE FOR USE BY VOTERS.

THE VENDOR WILL QUOTE AND PROVIDE A STATEWIDE, UNIFORM PRICE FOR EACH UNIT OF THE VOTING SYSTEM'S EQUIPMENT.

THE SUBMITTED VOTING SYSTEM'S SOFTWARE DOES NOT CONTAIN ANY CODE, PROCEDURES OR OTHER MATERIAL WHICH MAY DISABLE, DAMAGE, DISARM OR OTHERWISE AFFECT THE PROPER OPERATION OF THE VOTING SYSTEM, ANY HARDWARE, OR ANY COMPUTER SYSTEM OR OTHER PROPERTY OF THE STATE BOARD OR COUNTY BOARD.

ANY SUBMITTED VOTING SYSTEM PROVIDES METHODS THROUGH SECURITY SEALS OR DEVICE LOCKS TO PHYSICALLY SECURE AGAINST ATTEMPTS TO INTERFERE WITH CORRECT SYSTEM OPERATIONS. SUCH PHYSICAL SECURITY SHALL GUARD ACCESS TO MACHINE PANELS, DOORS, SWITCHES, SLOTS, PORTS, PERIPHERAL DEVICES, FIREWARE AND SOFTWARE.

ALL VENDORS SHALL SUBMIT WITH THEIR APPLICATION FORMS, INFORMATION REGARDING PAST OR PENDING COURT CASES INVOLVING THEIR VOTING SYSTEMS OR ITS MAJOR COMPONENTS, ANY EVIDENCE OF FRAUD, FAULTY SYSTEMS, OR FAILURE TO CORRECT PAST PROBLEMS.

I HEREBY AFFIRM ALL OBLIGATIONS UNDER SECTION 6209.5, INCLUDING THE REQUIREMENT FOR 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 OR ACQUISITION OF ANY VOTING SYSTEM.

January 4, 2008

DATE

Tucker J. Onal

SIGNATURE OF APPLICANT

Certification Services Specialist

TITLE

2008 JAN -8 PM 12: 03

FILED
NEW YORK STATE
BOARD OF ELECTIONS
ALBANY, NEW YORK