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: Liberty Election Systems, LLC

CONTACT PERSON: Jane M. Nieckarz

ADDRESS OF COMPANY: 11 Sand Creek Road, Suite 100, Albany, NY 12205

TELEPHONE NUMBER: 518-489-4573 FAX NUMBER: 518-489-1638

E-MAIL ADDRESS: jnieckarz@libertyelectionsystems.com [redacted]

[redacted]

DESCRIPTION OF VOTING SYSTEM

LibertyMark™ is a full-face ballot marking device (BMD)
which produces a marked ballot on demand.

VOTING SYSTEM HARDWARE INFORMATION

SELECT ONE: Per Solicitation 21231 **LOT I** **LOT II**

(SUBMIT SEPARATE APPLICATIONS FOR EACH SYSTEM)

NAME OF SYSTEM: LibertyMark™ (BMD) with EMS LibertyControl without Accumulation Software

MODEL NUMBER: EPU 1

TYPE OF SYSTEM
(Select one)

DIRECT RECORD ELECTRONIC *(DRE)* **CENTRAL COUNT ABSENTEE**

PRECINCT *(OPITICAL SCAN)* **OTHER:** *(PLEASE DESCRIBE BELOW)*

DESCRIPTION *(IF OTHER)*

BALLOT MARKING DEVICE (BMD)

2008 JAN 10 AM 10: 41

FILED
NEW YORK STATE
BOARD OF ELECTIONS
ALBANY, NEW YORK

FIRMWARE AND SOFTWARE RELEASE INFORMATION

FIRMWARE RELEASE #: 02_00

EMS BALLOT DEFINITION SOFTWARE RELEASE #: V02.10

EMS ACCUMULATION SOFTWARE RELEASE #: NA

(USE ADDITIONAL SHEETS IF NECESSARY)

CONDITIONAL CERTIFICATION

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IF SEEKING CONDITIONAL CERTIFICATION, WHICH LANGUAGES IN ADDITION TO ENGLISH WILL BE ACCOMMODATED BY THIS SYSTEM:

English and Spanish

GENERAL INFORMATION

DO YOU OWN ALL RIGHTS TO THIS EQUIPMENT? **YES** **NO**

IF NOT, PLEASE EXPLAIN:

DATE VOTING SYSTEM AND USER DOCUMENTION WILL BE DELIVERED
TO THE NEW YORK STATE BOARD OF ELECTION FOR EXAMINATION: January 10, 2008

TYPE OF BUSINESS\ORGANIZATION: **CORPORATION** **PARTNERSHIP** **INDIVIDUAL**

IF A CORPORATION, STATE OF INCORPORATION:

1) AUTHORIZED TO DO BUSINESS IN NYS? **YES** **NO**
2) MAINTAIN AN OFFICE IN NYS? **YES** **NO**
3) INDEPENDENTLY OWNED? **YES** **NO**

IF NOT INDEPENDENTLY OWNED, NAME AND ADDRESS OF PARENT COMPANY:

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

IF "YES," NAME & ADDRESS: N.V. Nederlandsche Apparatenfabriek "Nedap"
Parallelweg 2
NL-7141 DC Groenlo
The Netherlands

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 VOING 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.

1/9/08
DATE

SIGNATURE OF APPLICANT

President
TITLE

2008 JAN 10 AM 10: 42
FILED
NEW YORK STATE
BOARD OF ELECTIONS
ALBANY, NEW YORK