



State of New York
STATE BOARD OF ELECTIONS

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Chair
Helena Moses Donohue
Commissioner
Todd D. Valentine
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Evelyn J. Aquila
Commissioner
Stanley L. Zalen
Executive Director

January 29, 2008

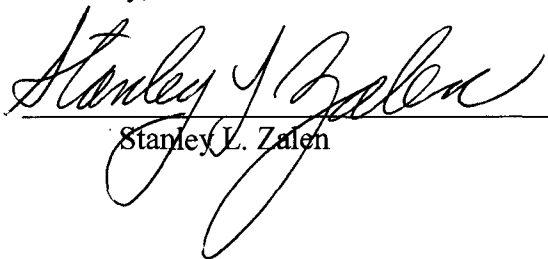
Dear County Boards of Election,

As you are aware, on January 24, 2008, the State Board met and pending the result of testing, voted to authorize the use of voting machines as ballot marking devices. The Sequoia Image Cast (aka Dominion) was approved by the Commissioners present. The Co-Executive Directors reviewed to determine if the ES&S and Premier AutoMark portion of their voting systems were modified so that they comply with the ballot display provisions. We have reviewed the modifications to those machines as offered by ES&S and Premier. We are constrained to find them to be non-compliant by a split determination, Stanley Zalen voting that the modification is compliant and Todd Valentine voting that the modification is not compliant.

It is also significant for you to take note of the fact that Liberty has sued us with regard to the determination made by the Board that their machine was non-compliant. A hearing on that matter is scheduled for Thursday January 31st. We will do our very best to keep you apprised of the developments with regard to this lawsuit as they occur.

At this time, the Counties' sole choice for purchase of a ballot marking device is the Sequoia Image Cast.

Sincerely,


Stanley L. Zalen


Todd D. Valentine