

New York State Board of Elections
RESOLUTION – May 12, 2009



A RESOLUTION APPROVING FOR USE IN THE 2009 PILOT PROGRAM, THE SEQUOIA/DOMINION Image Cast and the ES & S DS 200+AutoMark VOTING SYSTEMS

BE IT APPROVED, by the New York State Board of Elections, as follows:

WHEREAS, the New York State Board of Elections (NYSBOE) in consultation with the US Department of Justice, has developed a Pilot Program in which new voting systems will be utilized in numerous counties across the State in both the 2009 Primary and General Elections; and

WHEREAS, NYSBOE remains strongly committed to the completion of certification testing of each voting system named herein; and

WHEREAS, NYSBOE acknowledges that significant testing has been done to date and will continue to be conducted on such systems until final certification is achieved; and

WHEREAS, NYSBOE in consultation with NYSTEC, has developed procedures for the implementation and secure execution of the Pilot Project; and

WHEREAS, a copy of the documents constituting the Pilot Project are attached hereto; and

WHEREAS, in order for the Pilot Project to be effectuated, the New York State Board of Elections must authorize the use of the **SEQUOIA/DOMINION Image Cast and the ES & S DS 200+AutoMark VOTING SYSTEMS**; now therefore be it

RESOLVED, that pursuant to New York State Election Law Section 7-201 (4) and in furtherance of the June 2, 2006 and January 16, 2008 Remedial Orders of the United States District Court for the Northern District of New York in *USA v. State of New York et al* (06-CV-263) and in anticipation of a joint application by NYSBOE and the US Department of Justice for an amendment of the schedule contained in the January 16, 2006 Supplemental Remedial Order, the New York State Board of Elections approves for use, only in 2009, and hereby grants interim authorization to the **SEQUOIA/DOMINION Image Cast as submitted for certification as of May 11, 2009 and the ES&S DS 200+AutoMark VOTING SYSTEMS as submitted for certification as of May 11, 2009 for full use, including vote tabulation, in those**

polling places and within those counties as indentified in the Proposed Pilot/Certification Plan as submitted to the Department of Justice on the 12th day of May, 2009, which Plan is attached hereto and intended thereby to be made a part hereof.