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IN
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October 29, 2009

Mr. Todd Valentine
Co-Executive Director
New York State Board of Elections
40 Steuben Street
Albany, NY 12207-2108

Mr. Robert Brehm
Co-Executive Director
New York State Board of Elections
40 Steuben Street
Albany, NY 12207-2108

Dear Mr. Valentine and Mr. Brehm:

At the direction of the Commissioners of Elections in the City of New York, I am writing to communicate a security-related discovery by staff at our office concerning the two new voting systems on which the State Board of Elections is currently conducting certification testing.

As you know, the Board of Elections in the City of New York has been performing generic tasks throughout the year to plan and prepare for the deployment of an entirely new voting system next year following State Board of Election certification. During a staff exercise last week to test various poll site flows for these new systems, the staff inadvertently discovered that both the Dominion and ES&S scanners that we currently have at our office accepted and counted ballots that the staff photocopied from original test ballots and then used to mark votes.

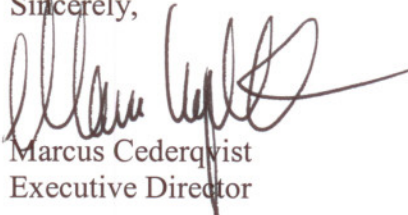
Specifically, for each system the staff made four photocopies of the respective ballots and successfully voted and cast them in both scanners. The potential ability to use photocopies of ballots and have votes on those copies raises obvious and serious ballot security concerns regarding the integrity of the potential new voting system that the city's 4.6 million registered voters will use in future elections.

The Commissioners asked that I relay this troubling account to you and inquire how the certification testing will ensure that the systems will not accept and count ballots that are reproduced from originals. Please let me know how the State Board will address this important security concern as quickly as possible so I can communicate this information to our Commissioners, staff, and interested members of the community.

Please do not hesitate to contact me at (212) 487-5412 if you have any questions concerning this matter.

With best wishes.

Sincerely,



Marcus Cederqvist
Executive Director

cc: Commissioners of Election in the City of New York
George González, Deputy Executive Director
Pamela Perkins, Administrative Manager
Steven Ferguson, Director, Management Information Systems
Steven H. Richman, General Counsel
Lucille Grimaldi, Director, Electronic Voting Systems
John P. O'Grady, Chief Voting Machine Technician