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OUR FILE NO. 006174 -

**Via Email**

State of New Jersey  
Office of the Attorney General  
Department of Law and Public Safety  
25 Market Street  
Trenton, New Jersey 08625-0080

Attention: Donna Kelly, DAG  
Jason Orlando, Esq.

**Re: New Jersey Institute of Technology Reports Concerning  
Sequoia Advantage and Edge Voter Verified Paper Record Systems**

Dear Ms. Kelly and Mr. Orlando,

Reference is made to that certain Nondisclosure and Limited License Agreement dated June 13, 2007 between the State of New Jersey, Department of Law and Public Safety, Office of the New Jersey Attorney General (the "State") and Sequoia Voting Systems, Inc. ("Sequoia") (the "Agreement"). Reference is also made to (i) that certain Report to the Office of the Attorney General concerning Sequoia AVC Advantage Voter-verified Paper Record System Assessment prepared by the New Jersey Institute of Technology dated July, 2007, as supplemented by Addendum dated July 19, 2007 (the "Advantage Report"), and (ii) that certain Report to the Office of the Attorney General concerning Sequoia AVC Edge Voter-verified Paper Record System Assessment prepared by the New Jersey Institute of Technology dated July, 2007 (the "Edge Report"). The purpose of the Advantage Report and Edge Report (sometimes collectively referred to as the "Reports") is to assess compliance of the Sequoia

*Thirty-Seven Years of Service*

products described in the Reports with the State of New Jersey Criteria for Voter-Verified Paper Record for Direct Recording Electronic Voting Machines (the "Regulations").

Pursuant to paragraph 10B of the Agreement, this letter will describe factual inaccuracies noted during Sequoia's review of the Reports. The Reports were received by our office and forwarded to Sequoia on the afternoon of Tuesday, July 17, 2007. At the request of the Attorney General's office, Sequoia's review of and comment on the Reports has been expedited to the maximum extent possible. Under these circumstances, Sequoia must reserve the right of further comment.

The comments set forth below are limited in accordance with the Agreement, and do not constitute all of Sequoia's comments or responses to the Reports. Sequoia reserves in all respects its right to supplement or revise the responses set forth below, and to otherwise respond to the Reports.

**I. Advantage Report:**

Sequoia notes the following factual inaccuracies in the Advantage Report:

1. View of Observer (exception 1, Page 5): To the extent this exception is intended to constitute a violation of the Regulations, it is inaccurate. The Regulations contain no express requirement in this area. Moreover, this is a situation that would occur with any voting equipment and is addressed by the use of appropriate partitions or curtains. As standard voting procedures prohibit loitering near the voting machine, this situation is very unlikely to occur during an actual election.

2. Third Vote Verification (exception 2, Page 5): To the extent this exception is intended to constitute a violation of the Regulations, it is inaccurate. Section IV(C)(5)(a)(1) and (2) specify that a voter will be permitted to amend the voter's choices a maximum of three times. Since no further amendment of the vote is possible under the Regulations, an opportunity to confirm the third choice is irrelevant and superfluous.

3. Audio Prompt (exception 3, Page 5): To the extent this exception is intended to constitute a violation of the Regulations, it is inaccurate. An audio instruction can be recorded by the jurisdiction. Sequoia was not requested to do this in connection with the testing.

4. Paper Identifier (exception 4, Page 6): To the extent this exception is intended to constitute a violation of the Regulations, it is inaccurate. The criteria stated in Section IV(B)(1) of the Regulations have been fully met as there is no specific prescription as to how a link between ballot image and paper record is made.

5. Paper Replacement (exception 5, Page 6): This exception, to the extent it alleges a violation of the Regulations, is inaccurate. The Regulations do not mandate use by 750 voters before change of a paper roll.

6. Printer Security (exception 6, Page 6): To the extent this exception alleges a violation of the Regulations, it is inaccurate. The mechanism makes provision for locks and seals on the interface between the ballot box and print unit to address this issue. The locks and seals were apparently not installed during testing, although tamper evident seals were provided by Sequoia.

7. Digital Signature (exception 8, Page 7): To the extent this exception alleges a violation of the Regulations, it is inaccurate. Sections IV(B)(2) and (3)(b) are permissive and not mandatory. Moreover, the electronic record refers to the complete set (file) of cast electronic ballot image records recorded between opening and closing of the polls and therefore complies with the Regulations. The State of New Jersey has not expressed any contrary intention.

8. Indication of Malfunction (exception 9, Page 7): To the extent this exception alleges a violation of the Regulations, it is inaccurate. The equipment provides a clear indication of malfunction through both the operator panel and voter write-in LCD, and also suspends voting operations as required by the Regulations.

9. Fleeing Voters (exception 11, Page 7): To the extent this exception alleges a violation of the Regulations, it is inaccurate. Neither the Regulations nor current federal voluntary standards impose any time limit on a voter to perform any specific action, such as casting of the ballot. A "fleeing voter" indication is neither required nor practical.

10. Paper Jam (exception 12, Page 7): To the extent this exception alleges a violation of the Regulations, it is inaccurate. Sequoia suspects that the equipment was in vote simulation mode rather than in election mode at the time of this event, which would impact the ability of the equipment to address any paper jam. This is confirmed by the last sentence to the Addendum to the Advantage Report which states "This phenomenon will not occur during the "official election" mode, since the poll worker has to activate the machine for each voter to cast his or her vote."

## **II. Edge Report:**

Sequoia notes the following factual inaccuracies in the Edge Report:

1. View of Observer (exception 1, Page 5): To the extent this exception is intended to constitute a violation of the Regulations, it is inaccurate. The Regulations contain no express requirement in this area. Moreover, this is a situation that would occur with any voting equipment and is addressed by appropriate partitions or curtains. As standard voting procedures

prohibit loitering near the voting machine, this situation is very unlikely to occur during an actual election.

2. Third Vote Verification (exception 2, Page 5): To the extent this exception is intended to constitute a violation of the Regulations, it is inaccurate. Section IV(C)(5)(a)(1) and (2) specify that a voter will be permitted to amend the voter's choices a maximum of three times. Since no further amendment of the vote is possible under the Regulations, an opportunity to confirm the third choice would be superfluous.

3. Paper Identifier (exception 3, Page 5): To the extent this exception is intended to constitute a violation of the Regulations, it is inaccurate. The criteria laid down in Section IV(B)(1) of the Regulations have been fully met as there is no specific prescription as to how a link between ballot image and paper record is made.

4. Paper Replacement (exception 4, Page 5): This exception, to the extent it alleges a violation of the Regulations, is inaccurate. The Regulations do not mandate use by 750 voters before change of a paper roll. Longer paper rolls are available for use with the Edge VVPRS if desired.

5. Paper Access (exception 5, page 6): This exception, to the extent it alleges a violation of the Regulations, is inaccurate. Handling of the VVPRS paper and its associated security measures are procedural in nature. The Edge VVPRS is designed so that the entire printer unit can be changed, thus avoiding exposure of the VVPRS paper.

6. Paper Access (exception 6, page 6): See response to item 5 above.

7. Digital Signature (exception 7, Page 6): To the extent this exception alleges a violation of the Regulations, it is inaccurate. Sections IV(B)(2) and (3)(b) are permissive and not mandatory. Moreover, the electronic record refers to the complete set (file) of cast electronic ballot image records recorded between opening and closing of the polls and therefore complies with the Regulations. The State of New Jersey has not expressed any contrary intention.

8. Security of Cable Connectors (exception 8, page 6): To the extent this exception alleges a violation of the Regulations, it is inaccurate. A tamper evident security seal can be added by the jurisdiction to both ends of the printer cable to address this issue.

9. Indication of Malfunction (exception 9, Page 6): To the extent this exception alleges a violation of the Regulations, it is inaccurate. The equipment provides a clear indication of malfunction through the suspension of voting operations as required by the Regulations.

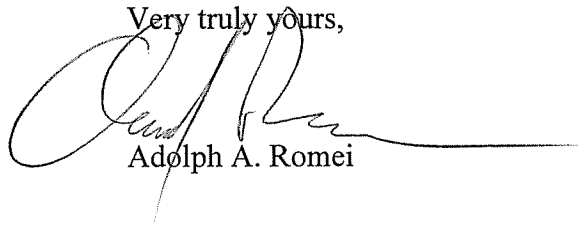
10. Fleeing Voters (exception 11, Page 6): To the extent this exception alleges a violation of the Regulations, it is inaccurate. Neither the Regulations nor current federal

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Page 5

voluntary standards impose any time limit on a voter to perform any specific action, such as casting of the ballot. A "fleeing voter" indication is neither required nor practical.

Unfortunately Sequoia was prohibited from answering questions or providing guidance to NJIT during testing of the equipment, which may have resolved these issues at that point.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Adolph A. Romei', with a long horizontal flourish extending to the right.

Adolph A. Romei

AAR:per  
CC: Sequoia Voting Systems, Inc.