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**Final Agency Determination
for the Sequoia Voting Systems' AVC Advantage
Voter Verified Paper Record System**

In my capacity as the Chief Election Official for the State of New Jersey, and in accordance with N.J.S.A. 19:48-2, I have reviewed the Title 19 Voting Machine Examination Committee (the "Committee") Report dated August 8, 2007 (the "Committee Report") on the Voter Verified Paper Record System ("VVPRS") for Sequoia Voting Systems' ("Sequoia") AVC Advantage voting machine, and make the following final determination:

I accept and adopt the Committee's recommendation that the VVPRS for the Sequoia AVC Advantage voting machine not be certified for use in New Jersey in its current state; and, therefore, I decline to certify the Sequoia AVC Advantage VVPRS as of this date.


I have also determined that for the Sequoia AVC Advantage VVPRS to be further considered for certification, modifications must be made to address the shortcomings identified, and recommendations made, in the Committee Report. Item seven on page four of the Committee Report requires clarification. The Committee appears to recommend that a VVPRS be able to produce a certain number of ballots before paper replacement occurs. Because ballot-sizes vary, there cannot be a standard requirement for the number of ballots voted before a paper change. In addition, a VVPRS is not required to process a certain number of ballots before a paper change is necessary. Therefore, to the extent that the Committee recommends that the VVPRS "go through 500 ballots before a paper change", this recommendation is rejected.

If Sequoia modifies the Advantage VVPRS to address the recommendations made, and shortcomings noted, in the Committee Report (as clarified herein), the Advantage voting machine and VVPRS must be resubmitted for review and testing by the New Jersey Institute of Technology ("NJIT") and any other testing facility, including voting system laboratories accredited by the United States Election Assistance Commission ("EAC"), deemed necessary by the State.



To expedite the review and testing process, Sequoia must provide to the State the following materials on or before August 15, 2007:

- A detailed, written summary of the modifications it intends to make to the Advantage voting machine with VVPRS to address the shortcomings noted in the Committee Report (as clarified herein). This summary must indicate which deficiency a particular modification addresses and whether the modification involves altering software, source code, hardware, firmware, or any other component of the voting system or VVPRS.
- A written statement indicating whether the source code, firmware, software, hardware, or any other component used to operate the Advantage with VVPRS is currently being tested by a voting system laboratory accredited by the EAC; and, if so, whether this testing involves modifications that address the recommendations made, and shortcomings noted, in the Committee Report (as clarified herein). If such testing is being conducted, Sequoia must indicate when it reasonably anticipates such testing to conclude. If no such testing is being conducted, Sequoia must indicate whether it intends to submit any component or part of the Advantage voting machine with VVPRS to testing by an EAC accredited voting system laboratory.



Anne Milgram
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Dated: August 10, 2007