



State of New Jersey
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**Final Agency Determination
for Sequoia Voting Systems' AVC Edge
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 on the Voter Verified Paper Record System ("VVPRS") for the Sequoia AVC Edge Voting Machine dated August 8, 2007 (the "Committee Report"), and make the following final determination:

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

I have also determined that for the Sequoia AVC Edge VVPRS to be further considered for certification, modifications must be made to address the shortcomings identified, and recommendations made, in the Committee Report. I am, however, deferring at this time on the issue of the number of printer cartridges that should be allocated for each Edge VVPRS.


Item number eight on page four of the Committee Report requires clarification. The Committee suggested that this Office consider what constitutes a sufficient "dwell time" before the third and final paper record automatically advances to the storage reel. Rather than establishing an acceptable "dwell time", a more effective procedure is to require the voter to take affirmative action, such as pushing the "cast vote" button, to demonstrate verification of his or her third and final paper ballot. Performing an affirmative act allows the voter, rather than the machine, to determine how much time is necessary to verify the third and final paper record.

If Sequoia modifies the Edge VVPRS to address the recommendations made, and shortcomings noted, in the Committee Report (as clarified herein), the Edge voting machine with VVPRS must be resubmitted for review and testing by the New Jersey Institute of Technology ("NJIT") and any other testing facility, including voting system testing 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 Edge voting machine with VVPRS to address the shortcomings noted, and recommendations made, 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 Edge voting machine 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 Edge voting machine with VVPRS to testing by an EAC accredited voting system laboratory.



Anne Milgram
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Dated: August 10, 2007