



Election Systems
& Software

MAINTAINING VOTER CONFIDENCE.
ENHANCING THE VOTING EXPERIENCE.

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June 29, 2010

VIA ELECTRONIC MAIL: bhancock@eac.gov
AND UPS OVERNIGHT DELIVERY

Brian Hancock
Election Assistance Commission
1225 New York Avenue, N.W.
Suite 1100
Washington, DC 20005

RE: Election Systems & Software, Inc. ("ES&S") Required Notification to the Election Assistance Commission ("EAC") Regarding any Known Malfunction of ES&S' Voting System Holding an EAC Certification

Dear Mr. Hancock:

In accordance with Section 2.3.2.7 of the EAC's Testing and Certification Program Manual ("Manual"), ES&S, as an EAC Registered Voting System Manufacturer, is obligated to report to the Program Director any known "malfunction" of a voting system holding an EAC Certification. Specifically, the Manual requires reporting of "any malfunction of a voting system, not caused solely by operator or administrative error, which causes the system to cease operation during a Federal election or otherwise results in data loss. Such report shall identify the location, nature, date, impact and resolution (if any) and shall be filed with the EAC within sixty (60) days of any Federal Election in which such EAC Certified voting system was used." In accordance with the forgoing, ES&S submits the following report to the EAC for its review.

ES&S' EAC certified "ESSUnity3200" voting system was utilized by certain jurisdictions on May 4, 2010. Overall, ES&S' EAC certified voting system performed very well. However, there were a very limited number of issues reported in the State of Ohio. ES&S has included with this report, Attachment 1, which provides a list of those items which occurred during the May 4, 2010 Primary Election held in the State of Ohio. Although ES&S believes the items set forth on Attachment 1 do not need to be reported to the EAC as such items did not, in any way, cause the system to cease operations, nor result in any data loss, in order to provide full disclosure to the EAC, ES&S is notifying the EAC of those items set forth on Attachment 1

As you will note on Attachment 1, all of the issues related to the May 4, 2010 Primary Election in the State of Ohio involved DS200 units. As you are fully aware, ES&S experienced an issue related to the freezing of DS200 units during Logic and Accuracy testing in Cuyahoga County, Ohio. The issue was identified well in advance of the May 4, 2010 Primary Election and ES&S took specific measures in order to ensure this issue would not affect the May 4, 2010 Primary Election. Specifically, ES&S developed procedures to be followed in the event a polling location experienced a DS200 issue on Election Day, as well as provided Cuyahoga County with additional ES&S personnel in order to assist the County in the event it had any issues on Election Day. Further, the issues identified on Attachment 1 involved a very limited number of DS200 units, as ES&S was made aware of only three instances in which the DS200 froze during Election Day. In those cases only one of the three DS200 units was replaced, while the other two DS200 units were rebooted and operated properly for the balance of the

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Election Day. The County did replace two other DS200 units during Election Day, however such replacements were the result of paper jams and it was determined by Cuyahoga County to replace those two units during Election Day instead of trying to remove the paper jams. Once again, the replacement of two units by Cuyahoga County as a result of paper jams did not result in the voting system ceasing operation nor did any issue result in the loss of data and, as such, are not a reportable item in accordance with the terms set forth in the Manual.

ES&S would like to reiterate to the EAC that with respect to all issues set forth on Attachment 1, in no event did any issue result in ES&S' voting system ceasing operation, nor did any issue result in the loss of data. The May 4, 2010 Primary Election in the State of Ohio proceeded as normal with all jurisdictions utilizing ES&S' EAC certified voting system tabulating and reporting their results in accordance with each jurisdiction's rules and regulations.

As this is ES&S' first report submittal to the EAC, we hope this report is satisfactory and contains all of the information requested by the EAC as set forth in the Manual. Please let us know if you require a different submittal format than provided herein or if you require any additional information in any subsequent notifications we may provide.

Please contact me directly if you have additional questions or need any additional information with respect to this matter.

Sincerely,



Timothy J. Hallett
Compliance Manager &
Associate General Counsel

Attachment

cc: John Groh, ES&S
Kathy Rogers, ES&S
Steve Pearson, ES&S
Eric Anderson, ES&S

Attachment 1

**Election Systems & Software, Inc.
Election Assistance Commission Reporting Requirement
For the May 4, 2010 Primary Election**

EAC Certified System	Date of Issue	Location	Issue Reported	Impact on Election	Resolution
ESSUnity3200	May 4, 2010	Cuyahoga County, Ohio	DS200 Froze and would not operate	None	The DS200 was rebooted and operated normally
ESSUnity3200	May 4, 2010	Cuyahoga County, Ohio	DS200 Froze and would not operate	None	The DS200 was rebooted and operated normally
ESSUnity3200	May 4, 2010	Cuyahoga County, Ohio	DS200 Froze and would not operate	None	The DS200 was replaced with a backup unit and operated normally