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CHRIS CHRISTIE
Governor

LT. GOVERNOR KIM GUADAGNO
Secretary of State

MEMORANDUM

TO: County Boards of Election
County Superintendents of Elections

FROM: Robert F. Giles, Director *R.F.*

DATE: November 16, 2010

SUBJECT: Seal-Use Protocol Training and Anticipated Sequoia AVC Advantage
Firmware Upgrade

As you have been advised, by way of the March 8, 2010 Order in the matter of Gusciora, et al. v. Corzine, et al., the State is required to implement a seal-use protocol for the security enhancements used on all voting machines in the 21 counties. This protocol must include training, which will be conducted as follows. First, any individual whose job duties encompass access to the internal components of a voting machine is mandated to attend training. This requirement applies to any individual employed by a county, whether on a full-time or part-time basis, and it also applies to any individual employed by a vendor who is contracted for voting machine purposes. To be clear, even if an individual is hired only for the day of an election to perform voting machine duties, that person is subject to training. There will be no exceptions to this requirement. Any person who is not so trained cannot perform any voting machine duties that require or may entail access to the internal components of the voting machines. This requirement does not apply to district board workers.

The classes will be held at the Ocean County Voting Technology Center, 110 Lehigh Avenue, Lakewood, New Jersey. The class dates are as follows: January 11, 12, 13, 18, 19 and 20. Each class will be limited to 20 attendees and choice of class will be honored on a first-come/first-serve basis. Please notify the affected individuals in your office to send an email or fax to Madeline Rodriguez of the Division of Elections to provide the following information: name, home address, telephone number, email address and class preferences. The fax number is (609)777-1280 and the email address is Madeline.Rodriguez@sos.state.nj.us. You are further reminded that all attendees will be subject to criminal background checks.

The training will encompass the security enhancements that are currently on the voting machines throughout the State: Avante, ES&S, Sequoia AVC Advantage and Edge. For the counties with the Sequoia AVC Advantage the training will also include future enhancements that will be used after the anticipated installment of new firmware. On that point, you are advised that Dominion Voting Systems, which recently purchased the rights to the Sequoia AVC Advantage voting machine, has recently proposed the development of new firmware, 9.0K to address the following concerns: the primary election "option switch issue"; the ability to overwrite the audio firmware with no warning or evidence which was the basis for the claim that "viruses can propagate the audio firmware"; "between voter switch module test mode" issue which was claimed to possibly cause voters to think they voted on a machine that was not activated; the buffer overrun error in the communication to the audio subsystem; the return-oriented programming attack; and improve how the random number generator works. In addition, Dominion is also working towards making WinEDS 4.0 available as part of this upgrade. Assuming these upgrades are implemented, it is anticipated that installation will commence after the June 2011 primary election, and to be completed by September 2011. Each affected county will be responsible for installation of the new firmware, including all associated labor and budget requirements. Upon installation of the new firmware, the new security enhancements and computerized asset tracking system will be put in place in the affected counties.

Thank you for your anticipated cooperation and please do not hesitate to contact this office if you have any questions.

c: Assistant Attorney General Donna Kelly
County Clerks