



**Election Systems
& Software**
MAINTAINING VOTER CONFIDENCE.
ENHANCING THE VOTING EXPERIENCE.

EXPERIENCE
RELIABILITY
SECURITY
INNOVATION

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- No statements discussing relevance of any discoveries made in this review to any elections or contests outside the 2006 Sarasota General Election, U.S. House of Representative District 13 race
- No statements discussing the use or manner in which system passwords are used, constructed or stored
- No statements regarding conformance to source code standards of any type or kind.
- No statements regarding use of desirable or undesirable style, techniques, instructions, logic, architecture, or implementation
- No statements regarding the use of preferred or non-preferred data structures, data types, data formats, databases, storage methods
- No statements regarding the fit and applicability of electronic technologies or this class of voting machines (i.e., Direct Record Electronic, Touch Screen Systems) for elections in general.
- No statements regarding ES&S hardware or software engineering practices or design methods.

The review is not a search for doubt, but rather needs to be a search for conclusive evidence of error or fraud. If no conclusive evidence is found then all other statements are not necessary.

The review must also be confined to the source code that supports ballot presentation, vote capture, vote data storage and collection only. Review of source code that is not involved in these functions is outside the bounds of this source code review.

In addition, any analysis will be conducted, any report (preliminary or final) must be written, and any conclusion must be drawn based upon with the following foundational basis and underlying assumptions:

- Physical security of all voting system equipment and materials is and has been maintained.
- Physical chain of custody for all materials and equipment has been not been broken or compromised.
- Best election system administration practices and procedures have been used.

Any drafts, statements, reports or conclusions (disclosure) must first be reviewed by ES&S, prior to finalization, distribution, publication or entry into the case or public record. Any draft, statement, report, or conclusion that violates this agreement will be destroyed (all copies hard of soft), and rewritten so as to not include such information/statements and not violate the agreement. ES&S will also have the opportunity to provide commentary to be interspersed into the report or to be attached to the report.

Prior to any disclosure, any hypothesis or conclusion must be proven by a live demonstration of the undervote condition or error, under the following conditions:

- Physical security controls are maintained, intact and not compromised
- Solid election equipment management and election administrative practices intact
- Seals and physical locks are maintained and not broken
- If tampering is detectable or audit logs reflect any required system tampering to effect the undervote condition or error, than such hypothesis is deemed detectable and not relevant