



Open Voting Solutions Inc.

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Poquott, NY 11733

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June 26, 2007

Anna Svizzero
New York Board of Elections
Albany, NY

Dear Ms. Svizzero:

Open Voting Solutions, Inc. (OVS) wishes to request a waiver of the certification fees charged to and certification bonds levied against vendors of voting systems seeking New York state certification. We make this request because we do not sell software; rather, we make, integrate, and distribute software under the General Public License (GPL), which allows anyone to use or distribute (but not to sell) the software we build. We have no problem with archiving all software in our system as may suit the State up to and including the drivers that interface between the computer and the printer, and the computer and the scanner.

We feel it is right and proper for NY to waive the testing fees beyond our initial \$5,000 (already paid) given that we are unlike other vendors in that we cannot recoup expensive testing fees through charging higher prices for software. We can provide New York with the following benefits, free of charge, given the requested waiver:

- 1) Open publicly available software with known source code under GPL licensing terms that OVS employs with commercial off-the-shelf (COTS) computer equipment. OVS therefore does not require bespoke hardware, and it distributes its software at no charge..
- 2) The services of citizens from the open source community who will be contributing to code review and error detection in support of the certification process as an open public initiative.
- 3) An offset to the cost to NY of underwriting the certification through dramatically cheaper voting solutions. This waiver will enable very substantial overall cost savings for voters in NY.
- 4) Conformance to open public standards (OASIS EML) in the vote processing implemented allows better public oversight and inspection of the actual vote tallying and audit of counting records.
- 5) The ability to save very substantial amounts of money by negotiating hardware contracts directly with COTS hardware companies like HP, Kodak, and Fujitsu, whose products are arguably higher quality and lower price than the dedicated proprietary systems limited only to voting.

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The hardware vendors working with OVS offer support capability exceeding that provided by existing voting system vendors. OVS has partner agreements in place to facilitate this. Also, aging computer equipment can be re-purposed or sold for non-voting applications enabling further potential cost recovery if the SBOE were to deem it appropriate.

The benefit to the State of New York is: no vendor lock-in, best prices for the best equipment, and competition in the voting industry. OVS is willing to provide Open Source code to anyone, even the vendors who compete with us.

The waiver requested, then, is in the interest of the people and the State of New York and not special treatment for a single vendor. We propose that any vendor to offer the State the advantages of COTS hardware and Open Source software should receive such a waiver of certification fees beyond \$5,000 in view of these benefits to the State. Should this waiver be granted, we will contact the SBOE regarding the planned resumption of state testing.

Sincerely,

Richard C. Johnson, Ph.D., CEO