



PROPOSED RESOLUTION 26-05 – May 12, 2026
CERTIFICATION OF THE ES&S EVS 6.5.2.1 VOTING SYSTEM

WHEREAS, Title II of Article 7 of the Election Law inter alia provides for the examination of and process for approving voting systems and their components for use at elections in the State of New York; and

WHEREAS, Election Systems and Software, LLC (ES&S) has submitted a voting system which contains new hardware and software components in addition to modifications to hardware and software from the previously certified ES&S voting system; and

WHEREAS, the New York State Board of Elections (NYSBOE) on August 6, 2025 passed resolution 25-11 authorizing the testing for such system; and

WHEREAS, SLI Compliance (SLI) has conducted certification testing of said system, to ascertain compliance with the provisions of the U.S. Election Assistance Commission's 2005 Voluntary Voting System Guidelines, the State Board's Regulations, 9 N.Y.C.R.R. Part 6209, and the applicable sections of New York State Election Law; and

WHEREAS, the reports and testing documentation of SLI was provided to the Board for consideration and has been duly considered; and

WHEREAS, the New York State Technology Enterprise Corporation (NYSTEC) has performed an independent review of the work conducted by SLI; and

WHEREAS the reports and testing documentation of NYSTEC was provided to the Board, for consideration and has been duly considered; and

WHEREAS, all identified issues, as discovered and reported during testing, have been resolved to the satisfaction of SLI, NYSTEC and the Election Operations staff through the provision of additional documentation, revisions to existing documentation and/or the application of NYSBOE voting system procedures as compensating controls; and

WHEREAS, the Voting System Security Policy and all additional procedures referred to therein, as

promulgated by the New York State Board of Elections, are required to be implemented by County Boards of Elections as applicable to ensure the security and integrity of the voting process; and

WHEREAS, public comments were duly received and considered by the Board; and

WHEREAS, having duly considered the aforesaid materials and reports, functional and security testing, staff analysis and recommendations, applicant submissions, and public comments, the Election Operations Unit of the New York State Board of Elections recommends the certification of certain components of said system, to wit:

- ES&S EVS 6.5.2.1 Voting System hardware components:
 - DS200 v1.2 3.2.2.0 optical scan tabulator
 - DS200 v1.3 3.2.2.0 optical scan tabulator
 - DS300 3.2.2.0 optical scan tabulator
 - ExpressVote XL 4.4.3.0 ballot marking device
 - DS450 4.4.0.0 central count tabulator
 - DS850 4.4.0.0 central count tabulator
 - DS950 4.4.0.0 central count tabulator
 - AutoMark 2 4.4.2.1 ballot marking device
- ES&S EVS 6.5.2.1 Voting System software components:
 - Electionware 6.5.2.0 Election Management Systems (EMS); and

WHEREAS, NYS Election Law § 7-104 (26) requires that “All paper ballots of the same kind for the same polling place shall be identical”; and

WHEREAS, the ballot card format produced by the ExpressVote XL is not identical to the alternative full-face ballot format, requiring that all voters use the ExpressVote XL to mark their ballot in order to comply with NYS Election Law § 7-104 (26); and

WHEREAS, NYS Election Law § 7-203 authorizes the State Board of Elections to establish the minimum number of voting machines required in each polling place and the maximum number of voters that can vote on one voting machine; and

WHEREAS, such minimum number of voting machines shall be based on the voting machine in use, taking into account machine functionality and capability, including the ability to tabulate multiple official ballots and the need for efficient and orderly elections; and

WHEREAS, notwithstanding the numbers of machines required according to the above-described calculations, the obligations of County Boards under the State Board's Regulations, 9 N.Y.C.R.R. Part 6210.19 (d)(1) to deploy sufficient voting equipment, election workers and other resources so that voter waiting time at a poll site does not exceed 30 minutes remains;

NOW THEREFORE BE IT RESOLVED, that having considered the Usability Test documentation provided by ES&S (attached hereto), the following requirement of usage shall be adopted:

- (a) For Election Day, an ExpressVote XL machine shall not be assigned to serve more than 450 registered voters (excluding voters in inactive status); provided however, if more than one such ExpressVote XL serves the same voters at a poll site, each additional device may be assigned to serve no more than 550 registered voters (excluding voters in inactive status), and
- (b) Notwithstanding (a) herein, if a single ExpressVote XL machine is assigned to a poll site on Election Day and the number of voters served is 450 or less, there must be at least two ExpressVote XL machines if more than two voters have used the Ballot Marking Device at such poll site within the past four years; and
- (c) During the Early Voting period, each ExpressVote XL machine shall not be assigned to serve more than 2,900 registered voters (excluding voters in inactive status); provided however, no early voting site shall have less than two ExpressVote XL machines; and

BE IT FURTHER RESOLVED that the Commissioners of the New York State Board of Elections do hereby certify certain components of said system, to wit:

- ES&S EVS 6.5.2.1 Voting System hardware components:
 - DS200 v1.2 3.2.2.0 optical scan tabulator
 - DS200 v1.3 3.2.2.0 optical scan tabulator
 - DS300 3.2.2.0 optical scan tabulator
 - ExpressVote XL 4.4.3.0 ballot marking device
 - DS450 4.4.0.0 central count tabulator
 - DS850 4.4.0.0 central count tabulator
 - DS950 4.4.0.0 central count tabulator
 - AutoMark 2 4.4.2.1 ballot marking device
- ES&S EVS 6.5.2.1 Voting System software components:
 - Electionware 6.5.2.0 Election Management Systems (EMS); and

BE IT FURTHER RESOLVED that the Commissioners of the New York State Board of Elections do hereby certify the ES&S EVS 6.5.2.1 voting system.