IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

AMERICAN CIVIL LIBERTIES UNION
OF OHIO, et al.

Plaintiffs,

vs.

JENNIFER BRUNNER et al.,

Defendants.

)    )

)    )

)    )

)    )

)    )

CASE NO. 1:08 CV 145

JUDGE O‘MALLEY

DECLARATION OF TODD UROSEVICH

TODD UROSEVICH, being of sound mind, hereby declares:

1. I am an employee of Election Systems & Software, Inc. [“ES&S"], holding the position
   of Vice President of Sales.

2. ES&S provides election equipment and related software and services to approximately
   1,900 county jurisdictions in 43 states, including 14 state-wide clients. ES&S provided
   voting supplies, services and equipment to Cuyahoga County for over two decades prior
   to Cuyahoga County’s recent switch of vendors to Diebold.

3. Late in 2007, ES&S began working with personnel and election records at the Cuyahoga
   County Board of Elections in order to be prepared in the event that Cuyahoga County
   converted to a new voting tabulation system for the March 4, 2008 election.
4. ES&S and Cuyahoga County have entered into a contract under which fifteen (15) Model 650 Central Ballot Counter and vote tabulator devices ["Model 650"] are leased to the County for the March 4, 2008 election. A copy of the Model 650 Central Ballot Counter product overview is attached hereto as Exhibit A.

5. The Model 650 devices have already been delivered to the Cuyahoga County Board of Elections for initial testing and preparation for the March 4, 2008 election.

6. Conducting an election through use of the Model 650 devices for a central vote count approach is simpler and requires less time for preparation in a large voting jurisdiction like Cuyahoga County, compared to use of a precinct-based vote count approach, primarily because of the following three factors: (1) the central count approach significantly reduces the amount of election worker training required; (2) the central count approach reduces the number of vote tabulation devices that must be acquired, tested and prepared for the election; and (3) the central count approach does not require as high a level of resources as that required to support decentralized tabulation on election day.

7. A central vote count system using the Model 650 does not include automated questioning of the voter's intent in overvote or undervote situations at a point that the voter can choose to revise his or her ballot or obtain a new one from the election official. Jurisdictions that use a central vote count system can employ voter education to alert voters to the proper way to cast a vote using an optical scan ballot and to the importance of examining their ballots for errors.

8. ES&S's Model 100 Precinct Ballot Counter ["Model 100"] is a precinct vote counter and tabulation device. A copy of the Model 100 Precinct Ballot Counter product overview is attached hereto as Exhibit B.
9. When a ballot is inserted into the Model 100 to be cast, the Model 100 can alert a voter that he or she has submitted a blank ballot, has overvoted in a race, or has undervoted in a race. However, in my experience, voting jurisdictions do not program the Model 100 to include querying of undervotes, because of the frequency with which voters intentionally undervote in one or more races on their ballot.

10. To query a single overvote or undervote (assuming that election jurisdiction has chosen to have the device programmed to notify for both), the Model 100 will notify the voter by emitting an alerting sound and displaying the race in which an overvote or an undervote is detected on the device’s LCD screen. If the ballot has more than one overvote or undervote, then the screen will display the number of races in which they have been detected. The voter must then choose between pushing a button instructing the device to “Accept” the ballot as presented, or pushing a button instructing the device to “Return” the ballot. If the voter chooses to have the ballot returned, the voter then has the opportunity to privately revise the ballot then recast the ballot, or to exchange a spoiled ballot for a new one. If the voter chooses “Accept,” the ballot will be cast as is.

11. As of approximately December 20, 2007, ES&S advised the Cuyahoga County Board of Elections Director, Jane Platten, that with respect to Ohio’s March 4, 2008 election, ES&S believed it could provide Cuyahoga County with approximately six hundred (600) of the Model 100 Precinct Ballot Counter devices. I have recently learned that the actual number of unallocated machines then available in inventory was approximately 550 units.

12. At the present, ES&S could not provide Cuyahoga County with a quantity of Model 100 devices equal to the number of voting locations that I am told that Cuyahoga County has (576).
13. Furthermore, if the Cuyahoga County Board of Elections is anticipating a voter turnout for the March 4, 2008 election of 314,000 to 420,000 voters, and if it is correct that over 100 voting locations serve four or more precincts, then it is my opinion that having only one Model 100 in each voting location would be inadequate.

I declare under penalty of perjury that the foregoing is true and correct.

2/4/08

TODD UROSEVICH
PRODUCT OVERVIEW

Model 650™ Central Ballot Tabulator

The ES&S Model 650™ is an easy-to-use, high-speed central paper ballot counter and vote tabulator that supports a full range of jurisdiction sizes and ballot complexities. The Model 650 is also ideal for the tabulation of absentee ballots. Its advanced optical mark read (OMR) scanning technology securely processes a variety of ballot lengths—14", 17", and 19"—all at a speed of more than 300 ballots per minute.

Ideal for Large Jurisdictions
The Model 650 is ideal for large jurisdictions with a high number of precincts and multiple ballot types per voter. It supports up to:
- 1,640 precincts
- 30 parties
- 300 candidates per contest
- 500 contests
- 30 districts per precinct

Supports Multiple Ballot Lengths
The adjustable, straight-path design of the Model 650 central ballot counter flexibly supports 14", 17", and 19" ballot lengths. The Model 650 ballot hopper holds up to 400 ballots. Visible red light read-heads accurately scan all oval ballots with up to six columns and a total of 408 oval positions.

Easy-to-Use Display Panel
The user-friendly push-button control panel features a two-line, 40-character per line LED message window display that easily walks the operator through system operation.

Ensures Ballot Integrity
To ensure voter intent and ballot integrity, the Model 650 automatically alerts the operator of overvotes, blanks, write-ins, or damaged ballots.

Simple Report Generation
The Model 650 reporting system enables you to print Grand Total, Precinct-level, and Audit record reports with just the push of a button. The Model 650 is also equipped with a backup and recovery subsystem that provides for the reliable retention of data in the event of a power failure or mechanical malfunction. For more customized reports, the Model 650 can be used with Unity Election Report Manager.

Solid State Design
Zip-drive-equipped for the efficient transfer of large data files, the Model 650 has a 128 MB solid state hard drive and 133 MHz CPU to handle your most complex elections. Its octagon card cage enables convenient service access and rapid circuit board exchange.
PRODUCT OVERVIEW

Model 100 Precinct Ballot Counter

The ES&S Model 100 is a precinct-based, voter-activated paper ballot counter and vote tabulator. Utilizing advanced Intelligent Mark Recognition (IMR) visible light scanning technology, the Model 100 Precinct Ballot Counter is a proven mainstay for jurisdictions worldwide employing precinct level vote tabulation.

Ensures Ballot Integrity
To ensure voter intent and ballot integrity, the Model 100 has the ability to alert voters to overvoted races and undervoted or blank ballots. In the event of overvoted and undervoted situations, the Model 100 can immediately return the ballot to the voter, displaying the specific race in question in the LCD display. Voters may then instruct the Model 100 to “Accept” or “Return” the ballot through the simple push of a button. Returned ballots provide voters the opportunity to privately revise and then recast their ballot.

Security and Reliability
The Model 100 with its rugged, stainless steel chassis features two independent, lockable ballot containers that provide a separate storage location and optional electronic divoter for ballots containing write-ins. An emergency ballot compartment is also included to securely store ballots in the unlikely event of unit failure or ballot disputes. Up to six hours of continuous precinct counter operation is delivered by a maintenance-free, sealed battery charged by an internal power supply. An internal thermal printer is provided in order to print election results and document an audit log of all unit transactions.

State-of-the-Art Flexibility
Driven by an Intel processor, the Model 100 utilizes QNX operating software that provides real-time resource management, true multi-tasking capability, and unparalleled election accuracy. Dual Contact Image Sensors enable both sides of the ballot to be accurately scanned simultaneously. The Model 100 efficiently processes right-hand or left-hand oval and arrow response-area ballots, and ballots may be inserted without any orientation restrictions.

Fast Election Reporting
Immediately upon poll closing, the Model 100’s internal thermal printer prints out vote totals and enables election officials to immediately transmit results to election central. The Model 100 comes equipped with dual PCMCIA slots, an optional wireless modem for transmitting results, two external serial ports and one parallel port allowing the connection of a wide array of external components. All election definition programs, actual vote tallies, and audit logs are retained securely on the PCMCIA memory card within each Model 100 unit.

Tested, Certified, Proven
The Model 100 has been fully tested by an independent testing authority, certified to meet or exceed the rigorous government standards, and proven through use in thousands of actual elections worldwide.