



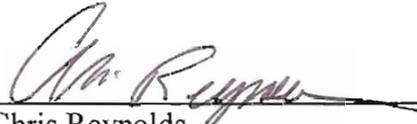
**DEBRA BOWEN** | SECRETARY OF STATE  
STATE OF CALIFORNIA | ELECTIONS

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September 14, 2007

TO: All County Clerks/Registrars of Voters (07117)

FROM:

  
Chris Reynolds  
Deputy Secretary of State, HAVA Activities

SUBJECT: **ES&S Public Hearing Notice**

Attached please find a copy of a notice, which moves to **October 15, 2007**, the public hearing originally scheduled for September 20, 2007, to give ES&S and interested persons an opportunity to express their views regarding the Secretary of State's intention to seek relief against Election Systems & Software, Inc. (ES&S) for selling and deploying modified AutoMARK devices without prior written notice to the Secretary of State, as required by law, and without a determination having been made by the Secretary of State that the change or modification does not impair the accuracy and efficiency of the AutoMARK sufficient to require a reexamination and re-approval of the AutoMARK or the voting system of which it is a part.

Although the public notice makes note of specific forms of relief available under Elections Code Section 19214.5, the notice of public hearing should not be read as a decision by the Secretary of State as to which form or forms of relief to seek.