



**DEBRA BOWEN** | SECRETARY OF STATE | STATE OF CALIFORNIA  
OFFICE OF VOTING SYSTEMS TECHNOLOGY ASSESSMENT  
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June 16, 2010

County Clerk/Registrar of Voters (CC/ROV) Memorandum #10190

TO: All County Clerks/Registrars of Voters

FROM:

  
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Lowell Finley

Deputy Secretary of State, Voting Systems Technology and Policy

RE: Emergency Regulations: Expired - Post Election Manual Tally Emergency Regulations

This is to confirm that the Post Election Manual Tally (PEMT) requirements expired on July 14, 2009, and are not in effect for the June 8, 2010, Statewide Primary Election or any other election conducted in California.

Following the 2007 Top-to-Bottom Review of voting systems, a condition requiring county elections officials to conduct a PEMT in close contests was included in every voting system approval document. Below is a list showing the section in the approval document for each approved California voting system containing the PEMT requirement.

ES&S Unity 3.0.1.1 – Section 12  
Hart InterCivic 6.2.1 – Section 17  
MicroTally System (MTS) – Section 5  
Premier GEMS 1.18.24 – Section 20  
Sequoia WinEDS 3.1.012 – Section 20  
Sequoia WinEDS 4.0 – Section 12

After a court invalidated the original PEMT requirements, the Secretary of State issued PEMT Emergency Regulations, which were approved by the Office of Administrative Law (OAL) on October 20, 2008. On April 13, 2009, the OAL approved the Secretary of State's readoption of the emergency regulations, and they remained in effect until July 14, 2009, when they expired by operation of law. As a result, there are currently no PEMT requirements in effect. The one percent manual tally requirement in Elections Code section 15360 remains in effect.

We are preparing the necessary revisions to each of the approval documents listed above. You will be notified when the revisions are finalized, and the revised approval documents will be available on our website at [www.sos.ca.gov/voting-systems/](http://www.sos.ca.gov/voting-systems/).

If you have any questions please do not hesitate to contact the Office of Voting Systems Technology Assessment at (916) 653-7244.