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15 Attorneys for Plaintiff
 ELECTION SYSTEMS &
 16 SOFTWARE, LLC

17 **UNITED STATES DISTRICT COURT**
 18 **SOUTHERN DISTRICT OF CALIFORNIA**
 19

20 ELECTION SYSTEMS &
 21 SOFTWARE, LLC, a Delaware limited
 liability company,

22 Plaintiff,

23 v.

24 UNISYN VOTING SOLUTIONS,
 25 INC., a California corporation,

26 Defendant.

Case No. '18CV0910 AJB WVG

**COMPLAINT FOR PATENT
 INFRINGEMENT**

JURY TRIAL DEMANDED

1 Plaintiff Election Systems & Software, LLC (“ES&S”), for its Complaint of
2 Patent Infringement against Defendant Unisyn Voting Solutions, Inc. (“Unisyn”),
3 hereby alleges as follows:

4 **PARTIES**

5 1. ES&S is a Delaware limited liability company with its principal place
6 of business located at 11208 John Galt Boulevard, Omaha, Nebraska 68137.

7 2. Unisyn is a California corporation with its principal place of business
8 located at 2310 Cousteau Court, Vista, California 92081.

9 **JURISDICTION AND VENUE**

10 3. This is an action for patent infringement under 35 U.S.C. § 271 *et seq.*
11 The Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331
12 and 1338(a).

13 4. The Court has personal jurisdiction over Unisyn because Unisyn is a
14 California corporation and is registered with the State of California to transact
15 business in California.

16 5. Venue is proper in this judicial district under 28 U.S.C. § 1400(b)
17 because Unisyn is incorporated in California and has its principal place of business
18 in this district, and/or has committed acts of infringement and has a regular and
19 established place of business in this district.

20 **PATENT-IN-SUIT**

21 6. On July 13, 2010, the United States Patent and Trademark Office duly
22 and legally issued U.S. Patent No. 7,753,273 (“the ‘273 Patent”), titled “Ballot
23 Marking System and Apparatus Utilizing Multiple Key Switch Voter Interface,” to
24 inventor Eugene M. Cummings. A true and accurate copy of the ‘273 Patent is
25 attached as Exhibit A.

26 7. ES&S is the owner by assignment of the ‘273 Patent, and has rights to
27 sue for past, present, and future infringement of the ‘273 Patent.

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1 8. The application that matured into the ‘273 Patent was filed on June 4,
2 2003. The ‘273 Patent claims priority to provisional patent application No.
3 60/398,919, filed on July 26, 2002.

4 **FACTS RELATING TO THE ‘273 PATENT**

5 9. The ‘273 Patent contains four independent claims and fifteen dependent
6 claims. Independent claims 1 and 13 of the ‘273 Patent follow:

7 1. A method of voting that allows a voter to navigate a plurality of
8 contests and a plurality of options associated with each of said contests, said method
9 comprising:

10 providing a navigation device comprising a center push-button switch,
11 a first pair of push-button switches positioned above and below said center
12 push-button switch, and a second pair of push-button switches positioned left
13 and right of said center push-button switch;

14 presenting said contests and said associated options to the voter,
15 wherein one of said first and second pairs of push-button switches enables the
16 voter to scroll among said contests, and wherein the other of said first and
17 second pairs of push-button switches enables the voter to scroll among said
18 options; and

19 receiving a plurality of voting selections from the voter, wherein said
20 center push-button switch enables the voter to make at least one voting
21 selection for each of said contests by selecting at least one of said options
22 without providing any input on other of said options.

23
24 13. A voting system comprising:

25 a ballot marking device;

26 one or both of a display screen and a set of headphones in
27 communication with said ballot marking device and configured to present a
28 plurality of contests and a plurality of options associated with each of said

1 contests; and

2 a navigation device in communication with said ballot marking device
3 and having a center push-button switch, a first pair of push-button switches
4 positioned above and below said center push-button switch, and a second pair
5 of push-button switches positioned left and right of said center push-button
6 switch, wherein said navigation device is configured such that one of said first
7 and second pairs of push-button switches enables scrolling among said
8 contests, wherein the other of said first and second pairs of push-button
9 switches enables scrolling among said options; and wherein said center push-
10 button switch enables the entry of at least one voting selection for each of said
11 contests by selecting at least one of said without providing any input on other
12 of said options.

13 10. The '273 Patent is generally directed to a voting system and method in
14 which a navigation device allows the voter to navigate through the menus of the
15 ballot.

16 11. Traditionally, elections in the United States were conducted utilizing a
17 paper ballot in which a voter hand-marked his or her votes. Hand-marked selections
18 could be done by pen and paper or by punching holes in a designated space on the
19 ballot.

20 12. A voter using this traditional hand-marked ballot would take his or her
21 marked ballot and insert it into a ballot box to subsequently be counted in the
22 election.

23 13. In the years leading to the date of invention in the '273 Patent, the
24 traditional hand-marked paper-based voting system was improved through the use of
25 a ballot scanner to tally hand-marked ballots.

26 14. Hand-marking paper ballots and using a ballot scanner system had
27 drawbacks, however, as voters with a physical impairment, including visual
28 impairments, were unable to vote by manually marking a ballot. These physically

1 impaired voters required assistance to vote by hand-marking paper ballots, which
2 prevented the voters from voting secretly and independently.

3 15. In an attempt to remedy this drawback with traditional hand-marked
4 paper ballots, certain elections began using electronic voting terminals where voters
5 could electronically enter a vote directly through an electronic terminal and the vote
6 was tallied on the voting terminal.

7 16. The prior art electronic voting terminals also had drawbacks as they
8 proved to be less efficient because voters required more time to electronically vote
9 than they did to vote by hand-marking paper ballots. Voters had to navigate a
10 plurality of races that may have a plurality of candidates, which was time
11 consuming. This required a large number of electronic voting terminals at each
12 polling place.

13 17. The invention claimed in the '273 Patent represents an improvement
14 over the prior art as it provides an improved voting system that utilizes multiple key
15 switches to allow a voter to efficiently navigate menus of a ballot and mark his or
16 her voting selection on a ballot containing a plurality of races with a plurality of
17 candidates without providing input on other options.

18 18. The improved voting system claimed in the '273 Patent includes a ballot
19 marking device, a display screen that is viewable by the voter and/or a set of
20 headphones in communication with the ballot marking device that present a plurality
21 of contests and options associated with each contest, a navigation device in
22 communication with the ballot marking device having a center push-button switch, a
23 first pair of push-button switches above and below the center button, and a second
24 pair of push-button switches to the right and left of the center button, wherein one of
25 the push-button pairs enables scrolling among contests, and wherein the other of said
26 first and second pairs of push-button switches enables scrolling among options, and
27 wherein the center push-button enables the entry of at least one voting selection for
28 each contest by selecting one option without providing input on other options.

1 19. The improved voting system and method claimed in the ‘273 Patent
2 allows a voter to quickly and efficiently navigate a ballot and make voting
3 selections, even if the ballot has multiple races and multiple candidates.

4 20. The improved voting system and method claimed in the ‘273 Patent
5 decreases the costs and physical space burdens that prior voting systems imposed.

6 21. The improved system and method claimed in the ‘273 Patent
7 implements a novel system for allowing visually impaired voters to vote in secrecy.

8 **FACTS RELATING TO UNISYN’S INFRINGEMENT**

9 22. Unisyn makes, uses, imports, offers to sell, and/or sells voting systems
10 and voting equipment such as voting machines and tabulators.

11 23. ES&S directly competes with Unisyn for business relating to the sale of
12 voting systems and voting equipment.

13 24. One of the products that Unisyn makes, uses, imports, offers to sell,
14 and/or sells is its OpenElect Voting Interface. Attached as Exhibit B is a true and
15 accurate brochure depicting Unisyn’s OpenElect Voting Interface available on
16 Unisyn’s website.

17 25. Unisyn’s OpenElect Voting Interface is a voting system that comprises
18 a ballot marking device.

19 26. Unisyn’s OpenElect Voting Interface includes both a display screen
20 and a set of headphones in communication with the ballot marking device and
21 configured to present a plurality of contests and a plurality of options associated
22 with each contest.

23 27. Unisyn’s OpenElect Voting Interface includes a navigation device in
24 communication with a ballot marking device and has a center push-button switch, a
25 first pair of push-button switches positioned above and below the center push-
26 button, and a second pair of push-button switches positioned left and right of the
27 center push-button.

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1 28. The navigation device of Unisyn's OpenElect Voting Interface is
2 further configured such that one of said first and second pairs of push-button
3 switches enables scrolling among contests, wherein the other of said first and second
4 pairs of push-button switches enables scrolling among options.

5 29. The center push-button switch of Unisyn's OpenElect Voting Interface
6 enables a voter to make at least one voting selection for each contest by selecting at
7 least one option without providing input on other options.

8 30. Unisyn provides instructions and/or guidance to its customers and end-
9 users on the proper use of its OpenElect Voting Interface.

10 31. Another of the products that Unisyn makes, uses, imports, offers to sell,
11 and/or sells is its OpenElect FreedomVote Tablet. Attached as Exhibit C is a true
12 and accurate brochure depicting Unisyn's OpenElect FreedomVote Tablet available
13 on Unisyn's website.

14 32. Unisyn's OpenElect FreedomVote Tablet is a voting system that
15 comprises a ballot marking device.

16 33. Unisyn's OpenElect FreedomVote Tablet includes both a display
17 screen and a set of headphones in communication with the ballot marking device
18 and configured to present a plurality of contests and a plurality of options associated
19 with each contest.

20 34. Unisyn's OpenElect FreedomVote Tablet includes a navigation device
21 in communication with a ballot marking device and has a center push-button switch,
22 a first pair of push-button switches positioned above and below the center push-
23 button, and a second pair of push-button switches positioned left and right of the
24 center push-button.

25 35. The navigation device of Unisyn's OpenElect FreedomVote Tablet is
26 further configured such that one of said first and second pairs of push-button
27 switches enables scrolling among contests, wherein the other of said first and second
28 pairs of push-button switches enables scrolling among options.

1 36. The center push-button switch of Unisyn’s OpenElect FreedomVote
2 Tablet enables a voter to make at least one voting selection for each contest by
3 selecting at least one option without providing input on other options.

4 37. Unisyn provides instructions and/or guidance to its customers and end-
5 users on the proper use of its OpenElect FreedomVote Tablet.

6 38. In a letter dated February 7, 2018, counsel for ES&S notified Unisyn of
7 the ‘273 Patent and informed Unisyn that its OpenElect Voting Interface and
8 OpenElect FreedomVote Tablet infringe at least one claim of the ‘273 Patent.

9 39. In a March 8, 2018 letter, counsel for Unisyn indicated that Unisyn had
10 received ES&S’s February 7, 2018 letter, and that Unisyn did not believe its
11 products infringed the ‘273 Patent and that Unisyn believed the ‘273 Patent was
12 invalid.

13 40. On March 23, 2018, counsel for ES&S responded to Unisyn’s March 8,
14 2018 letter, explaining in detail how Unisyn’s OpenElect Voting Interface and
15 OpenElect FreedomVote Tablet products infringe and why Unisyn’s asserted
16 invalidity arguments lack merit.

17 41. After receiving no response to ES&S’s March 23, 2018 letter, ES&S
18 sent a follow-up letter to Unisyn on April 18, 2018, seeking a substantive response
19 from Unisyn.

20 **COUNT I**

21 **Infringement of U.S. Patent No. 7,753,273 by Unisyn**

22 42. ES&S realleges and incorporates by reference Paragraphs 1 through 41
23 above, as if fully set forth herein.

24 43. ES&S is the assignee and owner of the ‘273 Patent.

25 44. Unisyn has directly infringed at least claims 1, 5, 9, and 13 of the ‘273
26 Patent under 35 U.S.C. § 271(a) by making, using, importing, offering to sell, and/or
27 selling its OpenElect Voting Interface and OpenElect FreedomVote Tablet products
28 within the United States. Unisyn’s direct infringement is ongoing.

1 45. Unisyn has also indirectly infringed at least claims 1, 5, and 9 of the
2 ‘273 Patent under 35 U.S.C. § 271(b) by inducing others to directly infringe the
3 claimed methods. Unisyn’s indirect infringement is ongoing.

4 46. Unisyn has actively induced and continues to actively induce
5 infringement of the ‘273 Patent, including by selling its OpenElect Voting Interface
6 and OpenElect FreedomVote Tablet products to election boards and facilitating and
7 supporting the election boards and/or end-users’ infringing use of the OpenElect
8 Voting Interface and OpenElect FreedomVote Tablet products, knowing that the use
9 of the OpenElect Voting Interface and OpenElect FreedomVote Tablet products
10 infringes at least claims 1, 5, and 9 of the ‘273 Patent.

11 47. Unisyn has actively induced and continues to actively induce election
12 boards and their end-users to directly infringe the ‘273 Patent by using the
13 OpenElect Voting Interface and OpenElect FreedomVote Tablet products and taking
14 active steps, directly and/or through contractual relationships with others, with
15 specific intent to cause election boards and/or its end-users to use the OpenElect
16 Voting Interface and OpenElect FreedomVote Tablet products in a manner that
17 infringes at least claims 1, 5, and 9 of the ‘273 Patent.

18 48. Such steps by Unisyn include, among other things, advising or
19 directing election boards and end-users to use the OpenElect Voting Interface and
20 OpenElect FreedomVote Tablet products in an infringing manner, and/or
21 distributing or providing instructions or assistance that guide users to use the
22 OpenElect Voting Interface and OpenElect FreedomVote Tablet products in an
23 infringing manner.

24 49. Upon information and belief, Unisyn possessed and continues to
25 possess specific intent to induce direct infringement of at least claims 1, 5, and 9 of
26 the ‘273 Patent by election boards and/or end-users that use Unisyn’s OpenElect
27 Voting Interface and OpenElect FreedomVote Tablet products.

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1 50. Unisyn has been objectively aware of the ‘273 Patent since at least
2 February 7, 2018, when ES&S sent a copy of the ‘273 Patent to Unisyn and
3 informed Unisyn of ES&S’s belief that Unisyn’s OpenElect Voting Interface and
4 OpenElect FreedomVote Tablet products infringe the ‘273 Patent.

5 51. Unisyn has also contributed to the infringement of the ‘273 Patent
6 under 35 U.S.C. § 271(c) by importing, offering to sell, selling, and/or inducing the
7 use of the OpenElect Voting Interface and OpenElect FreedomVote Tablet products
8 within the United States knowing that these products were especially made or
9 adapted for use in a method of voting in an election that infringes at least claims 1,
10 5, and 9 of the ‘273 Patent.

11 52. Unisyn’s OpenElect Voting Interface and OpenElect FreedomVote
12 Tablet products are not staple articles or commodities of commerce suitable for
13 substantial non-infringing use.

14 53. Unisyn has committed and continues to commit acts of infringement
15 under 35 U.S.C. § 271(a), (b), and (c) by making, using, importing, offering to sell,
16 and/or selling its OpenElect Voting Interface and OpenElect FreedomVote Tablet
17 products. In committing these acts of infringement, Unisyn acted despite an
18 objectively high likelihood that its actions constituted infringement of at least one
19 valid and enforceable claim of the ‘273 Patent, and Unisyn knew or should have
20 known that its actions constituted an unjustifiably high risk of infringement of at
21 least one valid and enforceable claim of the ‘273 Patent.

22 54. Unisyn knowingly and willfully infringed the ‘273 Patent, and
23 continues to knowingly and willfully infringe the ‘273 Patent.

24 55. As a direct and proximate result of Unisyn’s acts of infringement,
25 ES&S has suffered and continues to suffer damages and irreparable harm.

26 56. ES&S has no adequate remedy at law for Unisyn’s acts of infringement
27 and unless Unisyn’s acts of infringement are enjoined, ES&S will continue to be
28 damaged and irreparably harmed.

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JURY DEMAND

Under Rule 38(b) of the Federal Rules of Civil Procedure, ES&S demands a trial by jury of all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, ES&S respectfully requests that the Court enter judgment against Unisyn and respectfully prays that the Court enter an order:

A. Finding that Unisyn has directly and/or indirectly infringed one or more claims of the ‘273 Patent under 35 U.S.C. § 271(a), (b), and/or (c);

B. Enjoining Unisyn and its officers, agents, servants, employees, and representatives, and all others in active concert or participation with it, from further infringing and from any further inducement of infringement of the ‘273 Patent and from further manufacture, use, importation, offer for sale, and sale of the infringing OpenElect Voting Interface and Open Elect FreedomVote Tablet products;

C. Awarding damages to ES&S to compensate ES&S under 35 U.S.C. § 284 for Unisyn’s ongoing infringement of the ‘273 Patent, including compensating ES&S for its lost profits;

D. Finding that Unisyn’s infringement has been willful;

E. Trebling the damage award under 35 U.S.C. § 284;

F. Finding this to be an exceptional case under 35 U.S.C. § 285 and awarding ES&S its reasonable attorney fees and expenses in this action;

G. Awarding ES&S pre-judgment and post-judgment interest;

H. Awarding ES&S its costs in this action; and

I. Awarding such other and further relief as the Court deems just and proper.

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1 Dated: May 10, 2018

SENNIGER POWERS LLP

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By: /s/ Robert M. Evans, Jr.

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ROBERT M. EVANS, JR.

(*Pro Hac Vice* forthcoming)

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MICHAEL J. HARTLEY

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Attorneys for Plaintiff ELECTION

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SYSTEMS & SOFTWARE, LLC

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11 Dated: May 10, 2018

PAUL, PLEVIN, SULLIVAN &
CONNAUGHTON LLP

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By: /s/ E. Joseph Connaughton

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E. JOSEPH CONNAUGHTON

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PAUL BATCHER

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Attorneys for Plaintiff ELECTION

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SYSTEMS & SOFTWARE, LLC

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**EXHIBITS
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EXHIBIT	DESCRIPTION	PAGE NOS.
A	U.S. Patent No. 7,753,273, titled "Ballot Marking System and Apparatus Utilizing Multiple Key Switch Voter Interface"	13 – 55
B	Brochure depicting Unisyn's OpenElect Voting Interface	56 – 58
C	Brochure depicting Unisyn's OpenElect Freedom Vote Tablet	59 – 61

Exhibit A



(12) **United States Patent**
Cummings

(10) **Patent No.:** **US 7,753,273 B2**
(45) **Date of Patent:** **Jul. 13, 2010**

(54) **BALLOT MARKING SYSTEM AND APPARATUS UTILIZING MULTIPLE KEY SWITCH VOTER INTERFACE**

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(75) Inventor: **Eugene M. Cummings**, Lake Forest, IL (US)

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(73) Assignee: **ES&S AutoMARK, LLC**, Omaha, NE (US)

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(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

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(21) Appl. No.: **10/454,345**

(Continued)

(22) Filed: **Jun. 4, 2003**

Primary Examiner—Jamara A Franklin

(65) **Prior Publication Data**

US 2004/0016802 A1 Jan. 29, 2004

(74) *Attorney, Agent, or Firm*—Stinson Morrison Hecker LLP

Related U.S. Application Data

(63) Continuation-in-part of application No. 10/347,528, filed on Jan. 17, 2003, now Pat. No. 7,100,828.

(60) Provisional application No. 60/398,919, filed on Jul. 26, 2002.

(51) **Int. Cl.**
G06K 17/00 (2006.01)
G07C 13/00 (2006.01)

(52) **U.S. Cl.** **235/386**
(58) **Field of Classification Search** 235/386,
235/51; 705/12

See application file for complete search history.

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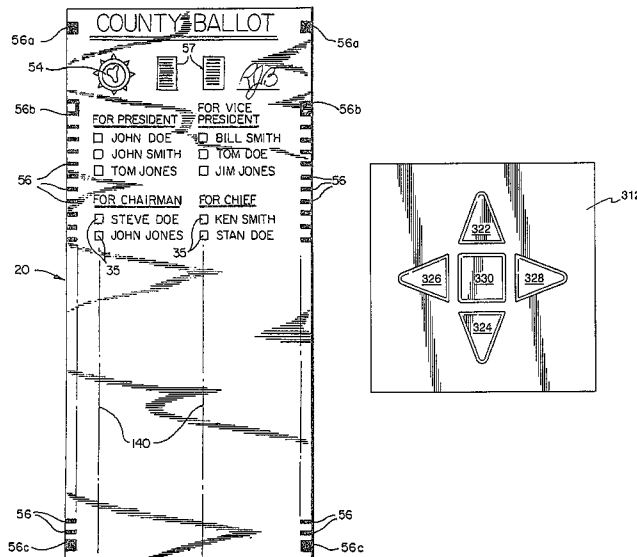
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(57) **ABSTRACT**

A ballot marking system and apparatus for marking a paper ballot listing a plurality of candidates which includes a marking space for each candidate which can be either hand-marked by a voter, or machine-marked by the marking apparatus. The voting station includes a multiple key-switch navigation sub-panel by which the voter enters his or her selections in response to audio prompts. If a ballot is to be machine marked, the ballot is inserted into the marking device and candidate selections are presented to the voter through an audio voting sequence and/or on the touchscreen. Candidate selections entered on the sub-panel or touchscreen are marked on the ballot by a print mechanism which marks spaces corresponding to the selected candidates, and the ballot is returned to the voter in a form which enables the voter to visually confirm that his selections have been marked. The ballot, whether hand-marked or machine-marked, is inserted in a ballot scanning device, wherein it is tallied and deposited in a ballot box.

19 Claims, 30 Drawing Sheets



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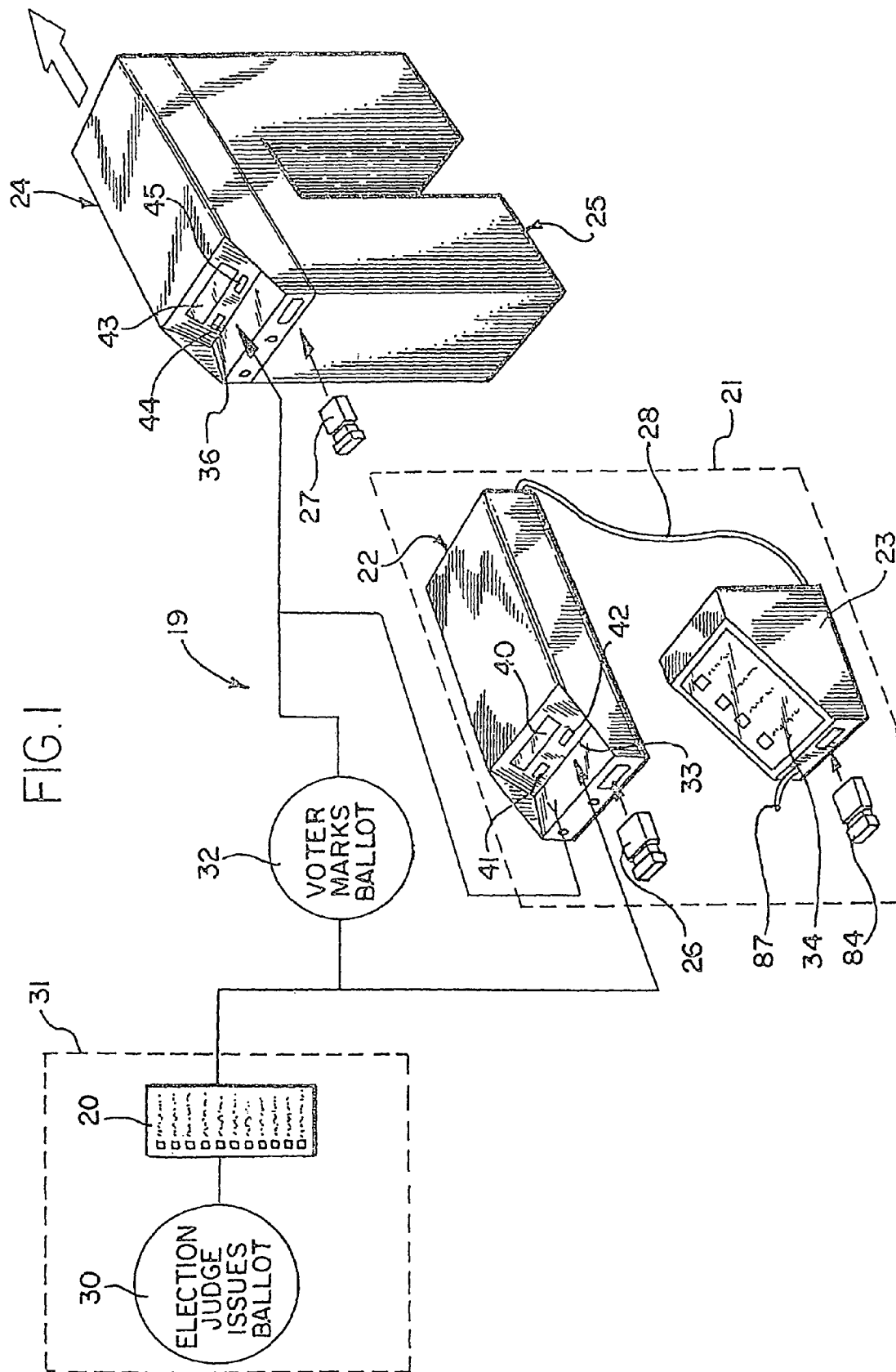
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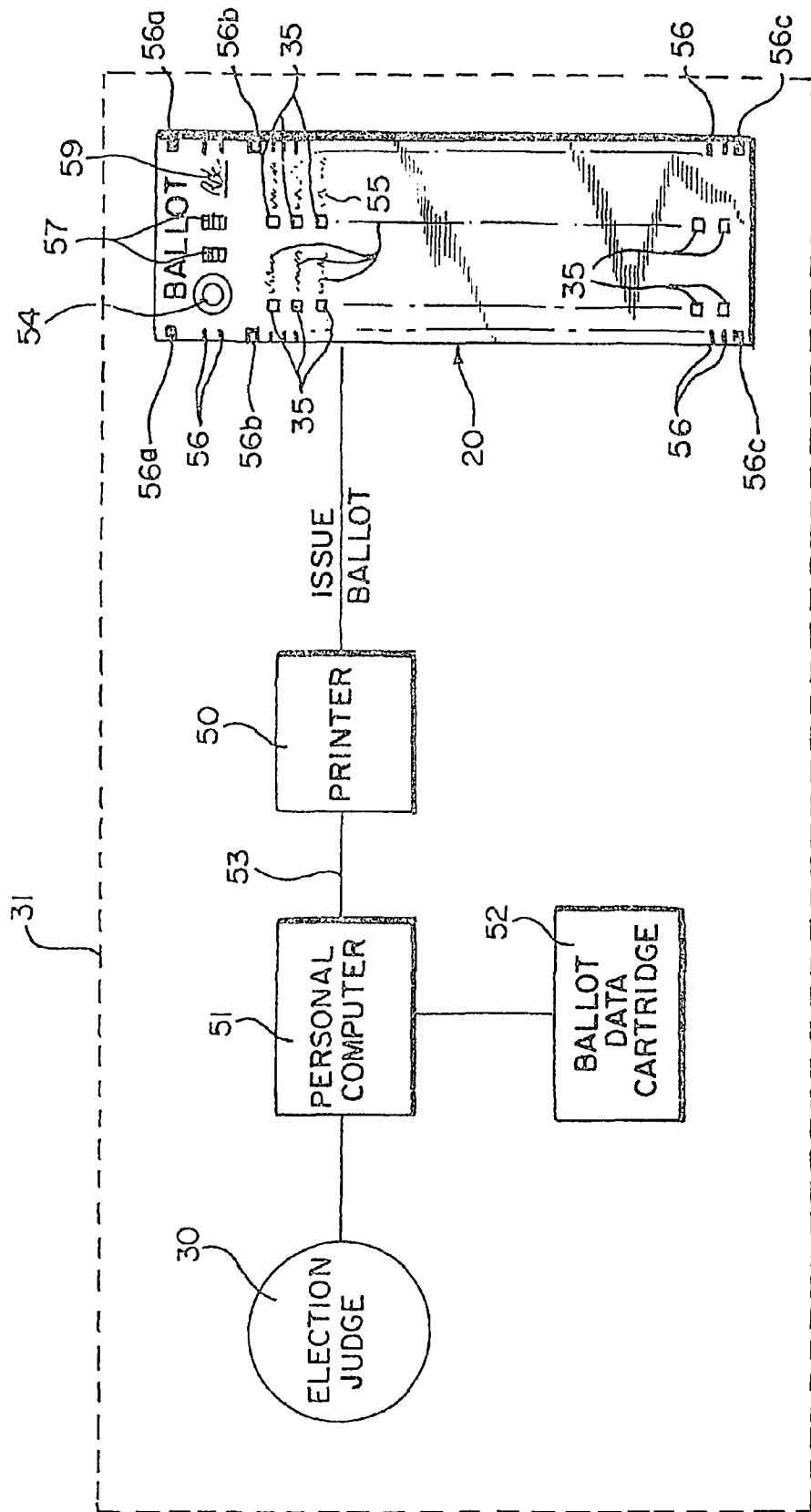


FIG.2

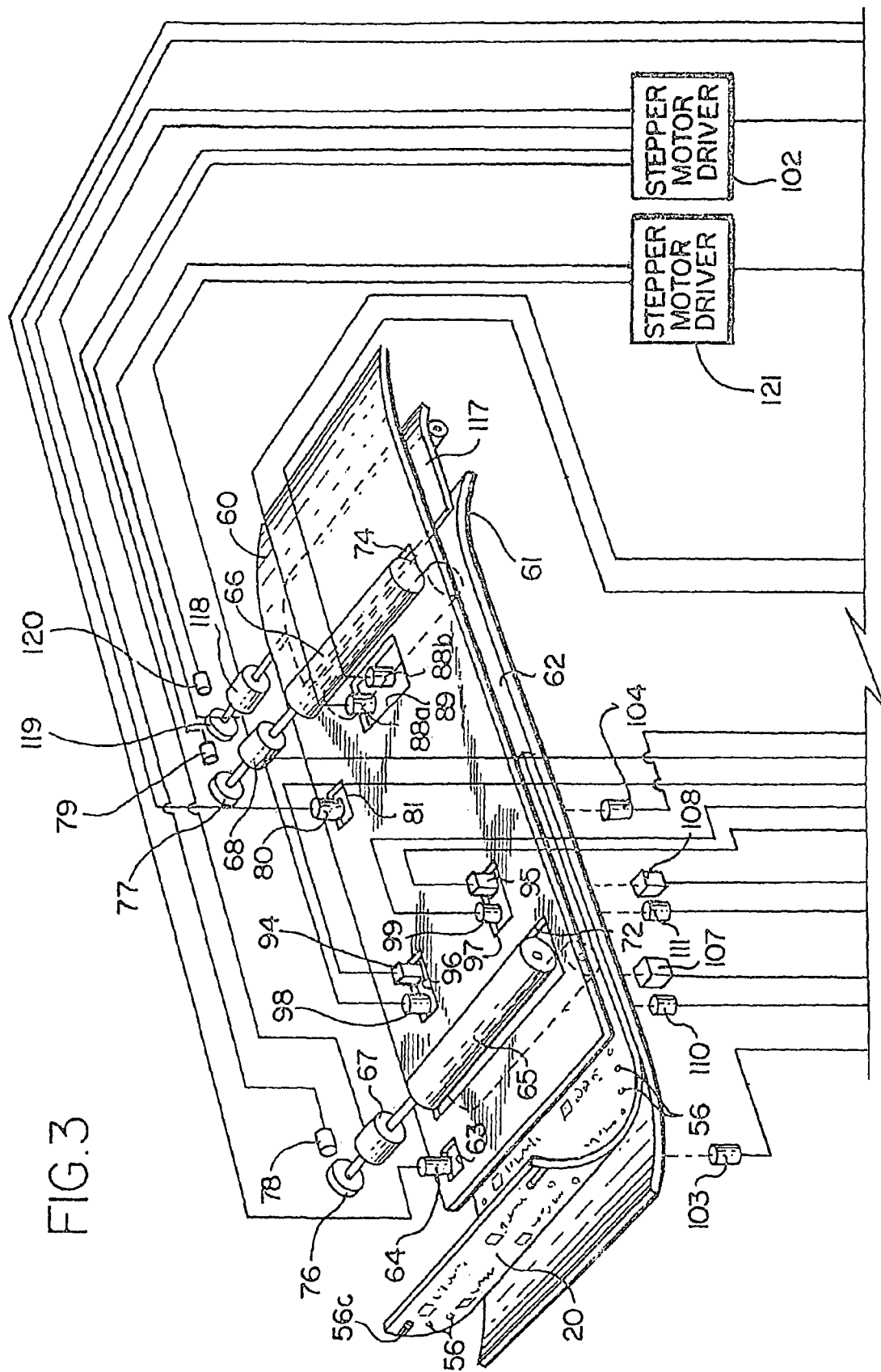
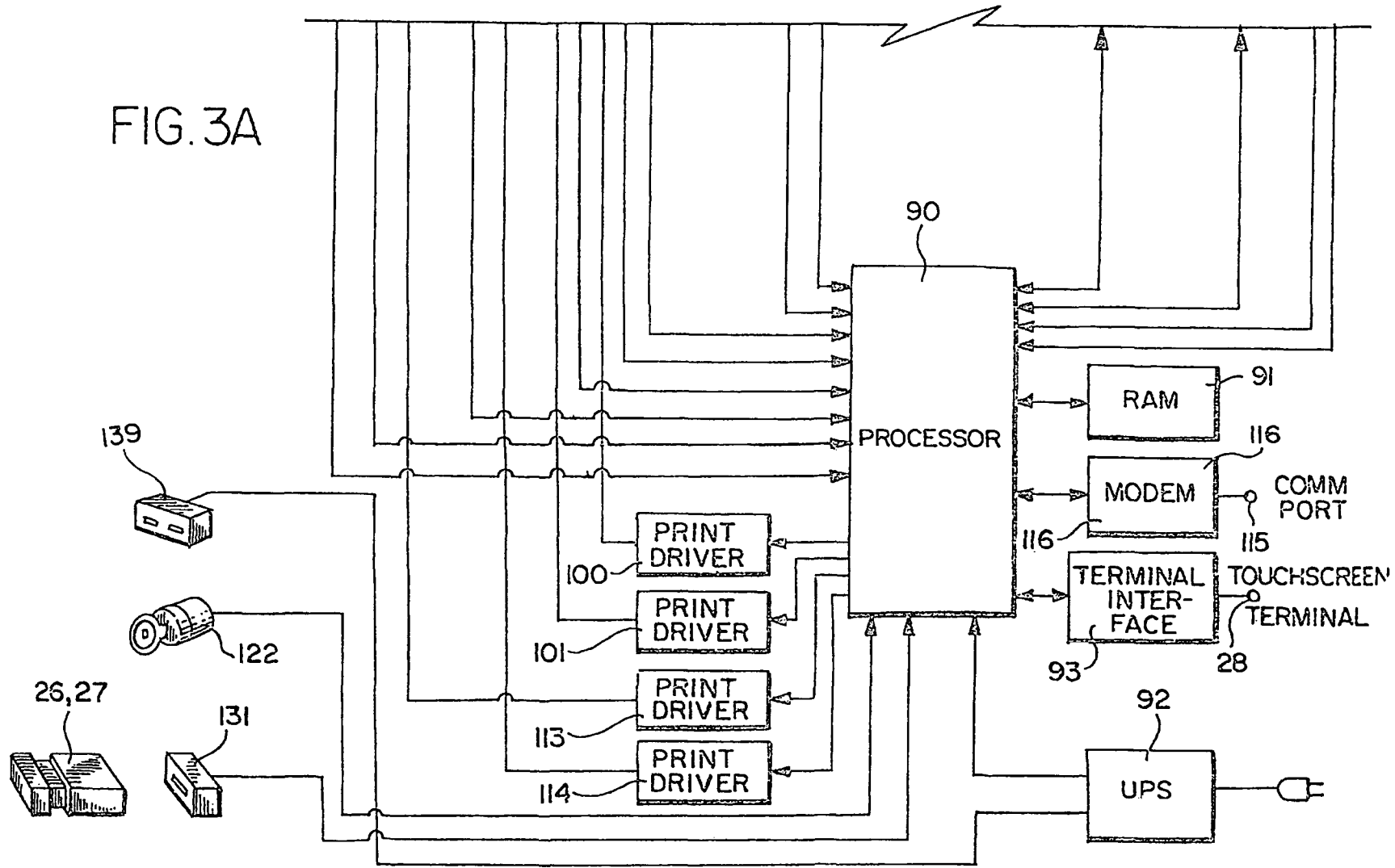


FIG. 3A



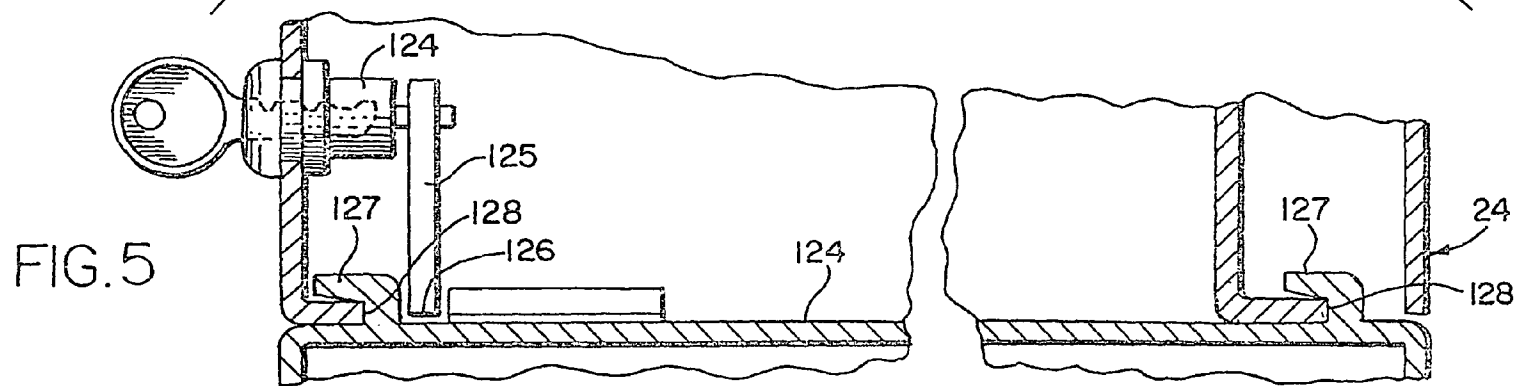
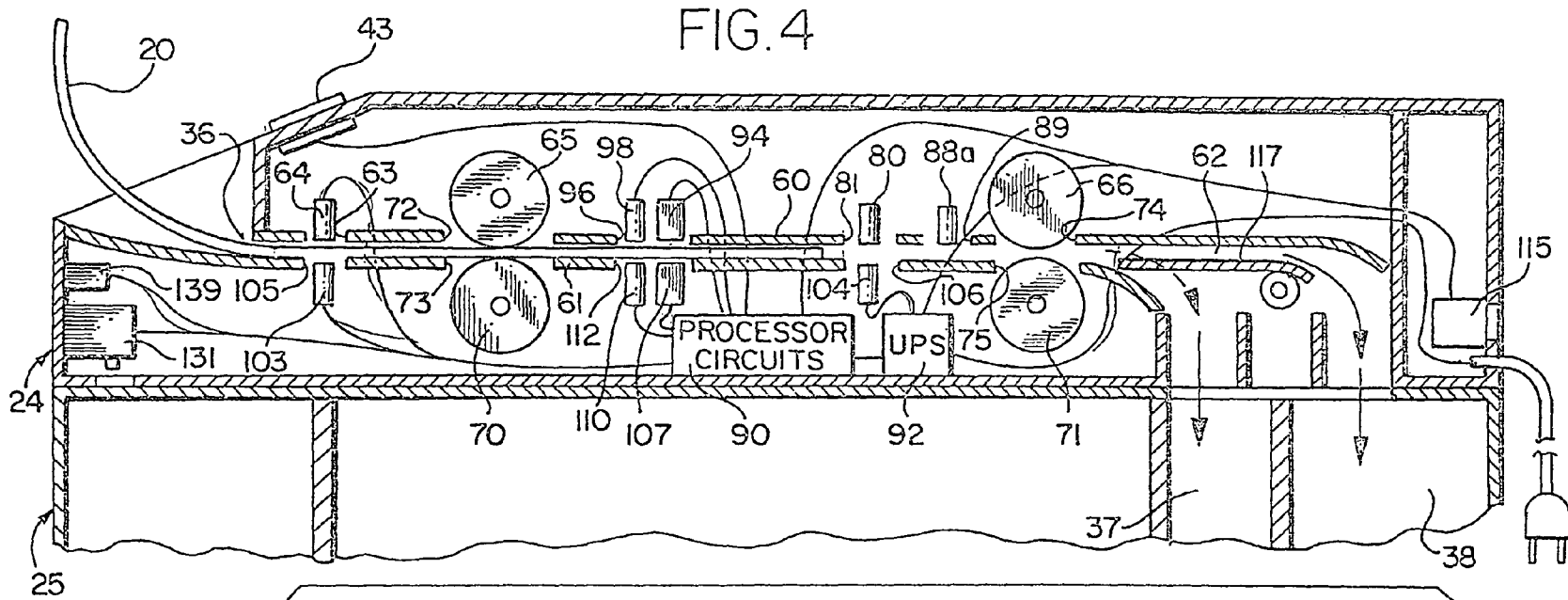
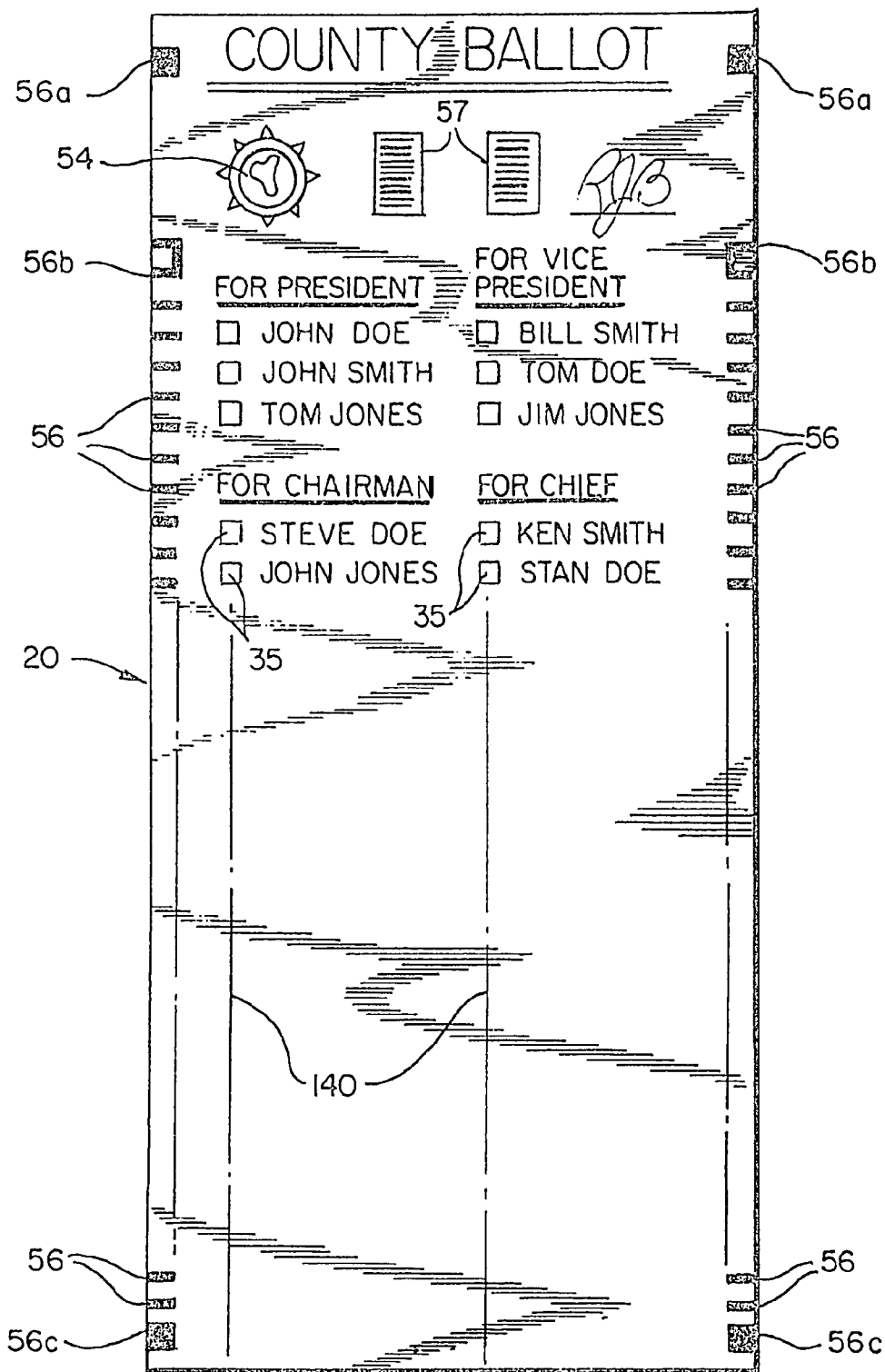


FIG. 6



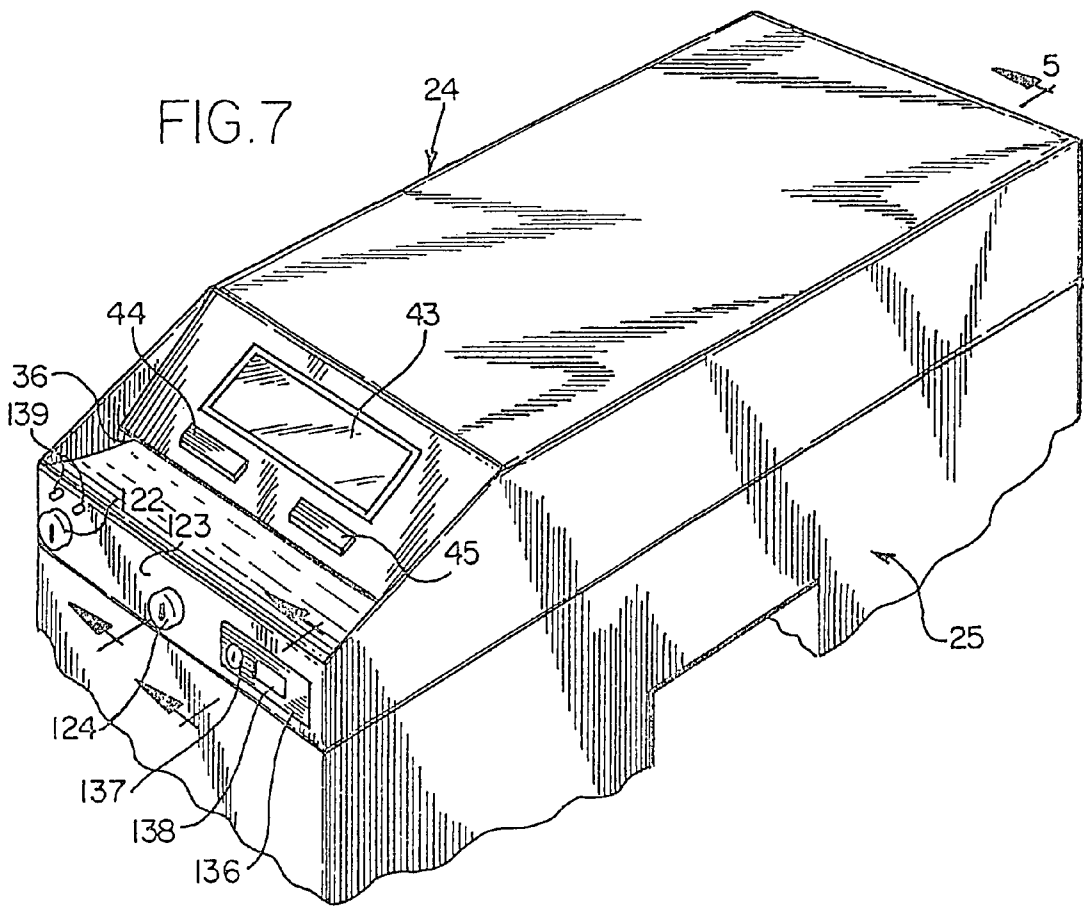
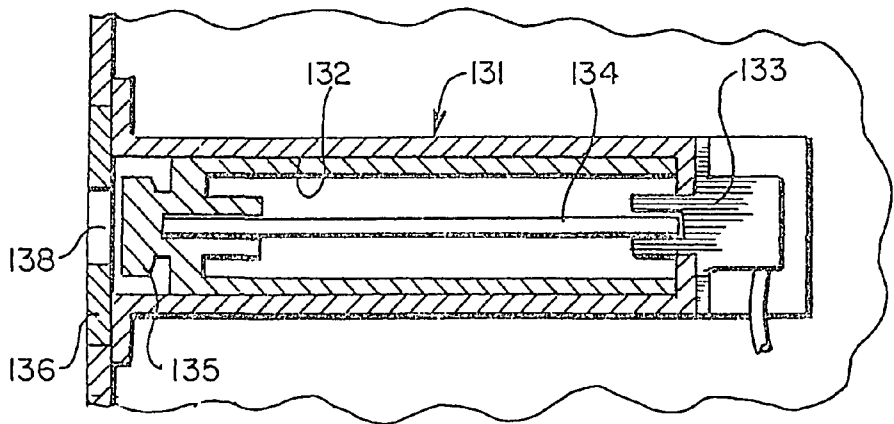
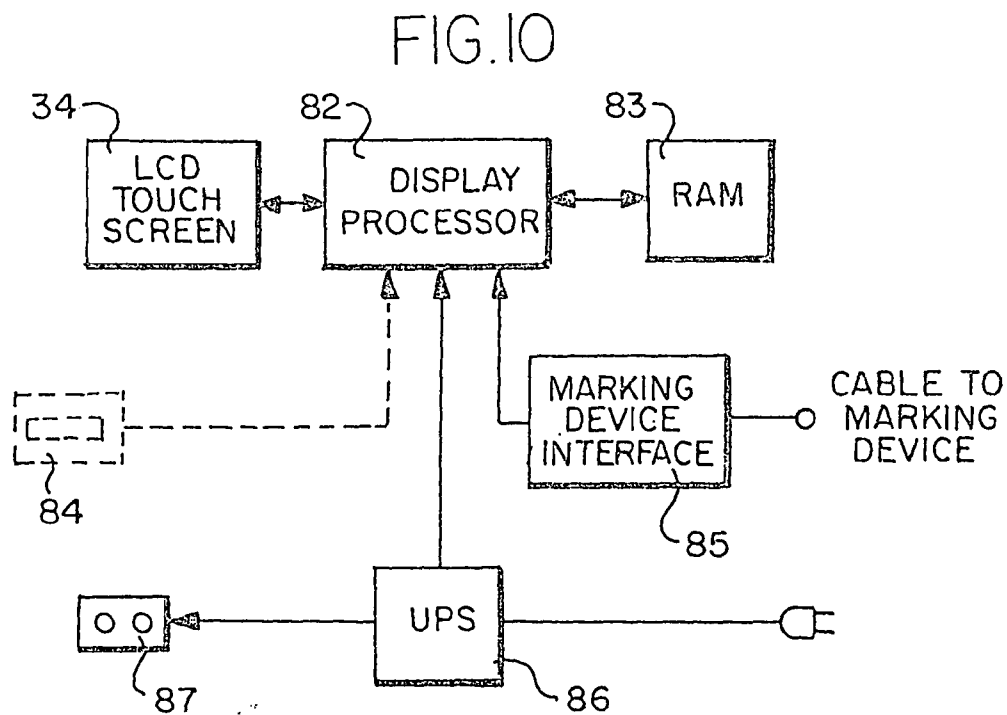
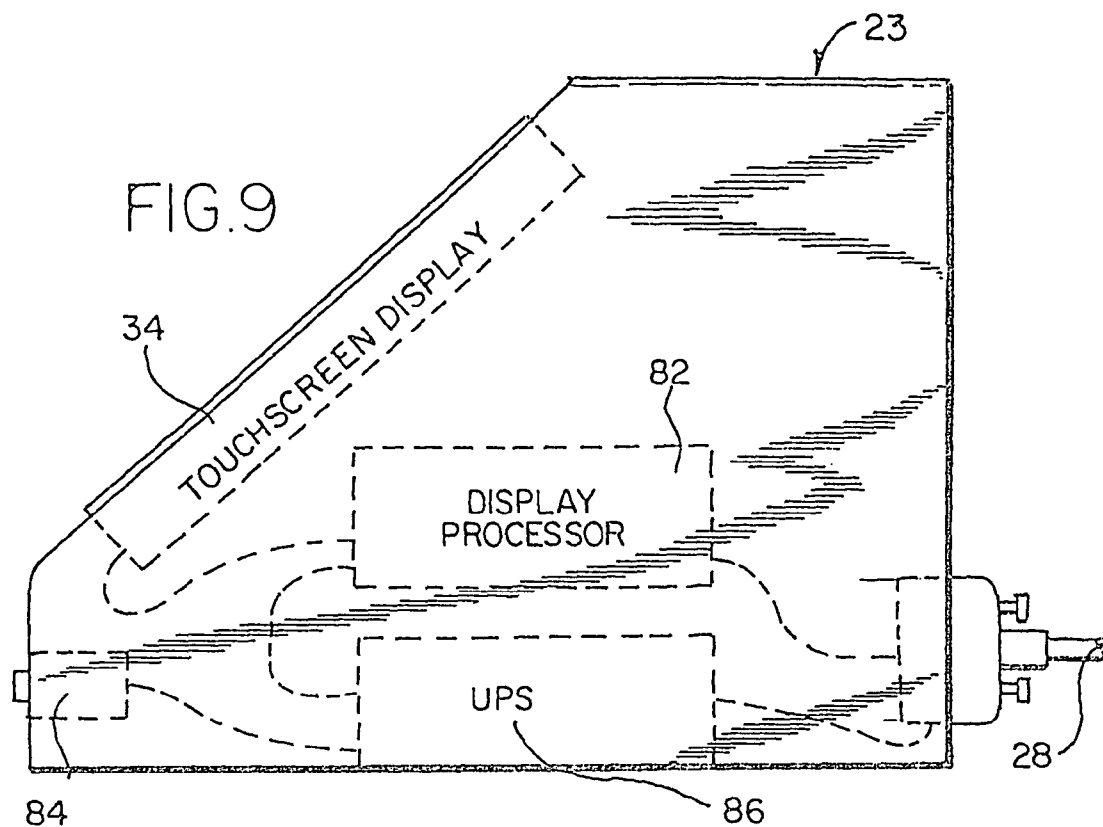


FIG. 8





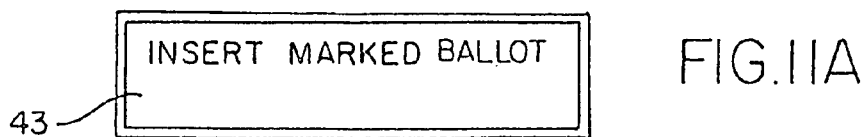


FIG. IIA

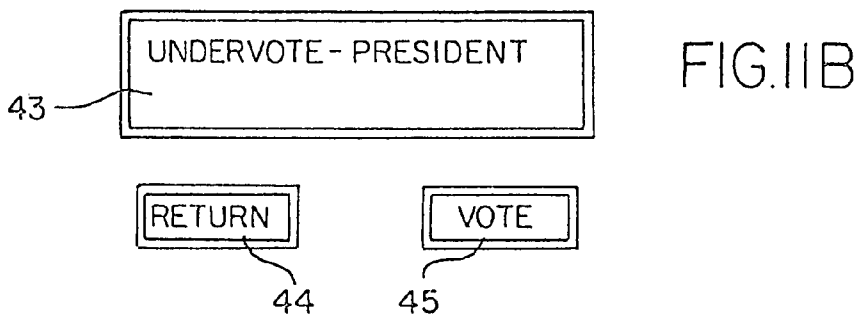


FIG. IIB

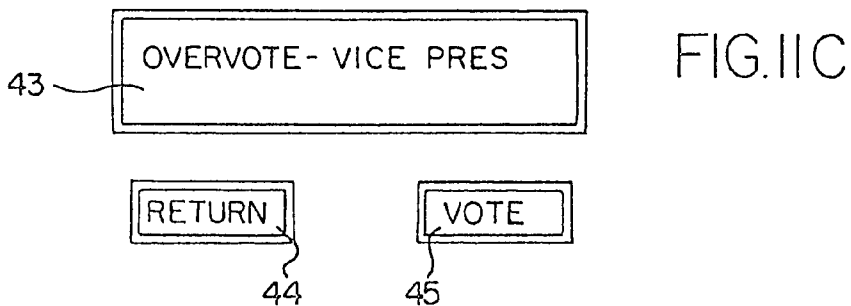


FIG. IIC

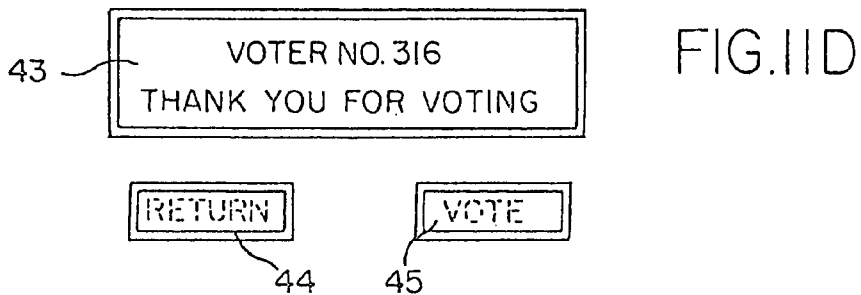


FIG. IID

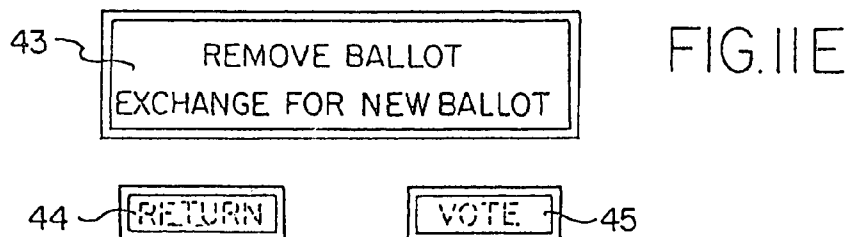


FIG. IIE

INSERT UNMARKED BALLOT
TO USE VOTING TERMINAL

FIG. 12A

RETURN

VOTE

VOTING TERMINAL IN USE

FIG. 12B

RETURN

VOTE

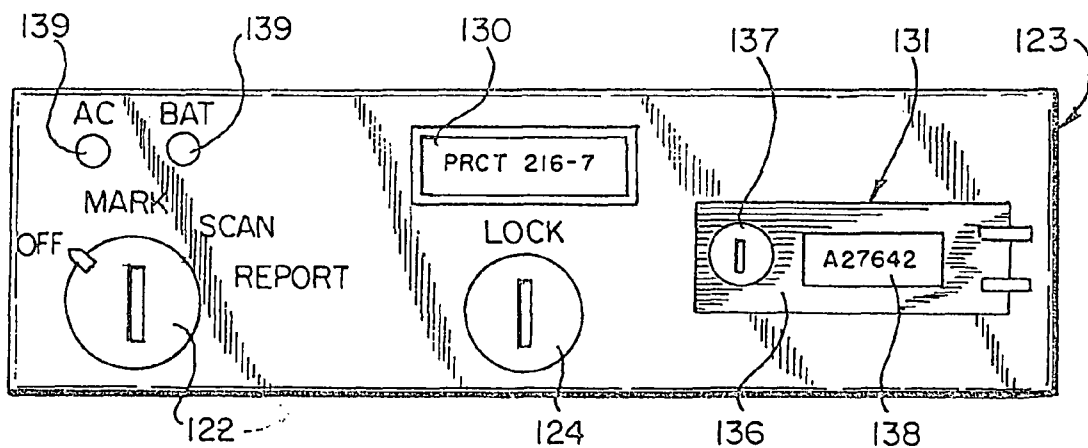
REMOVE MARKED BALLOT
INSERT IN SCANNER

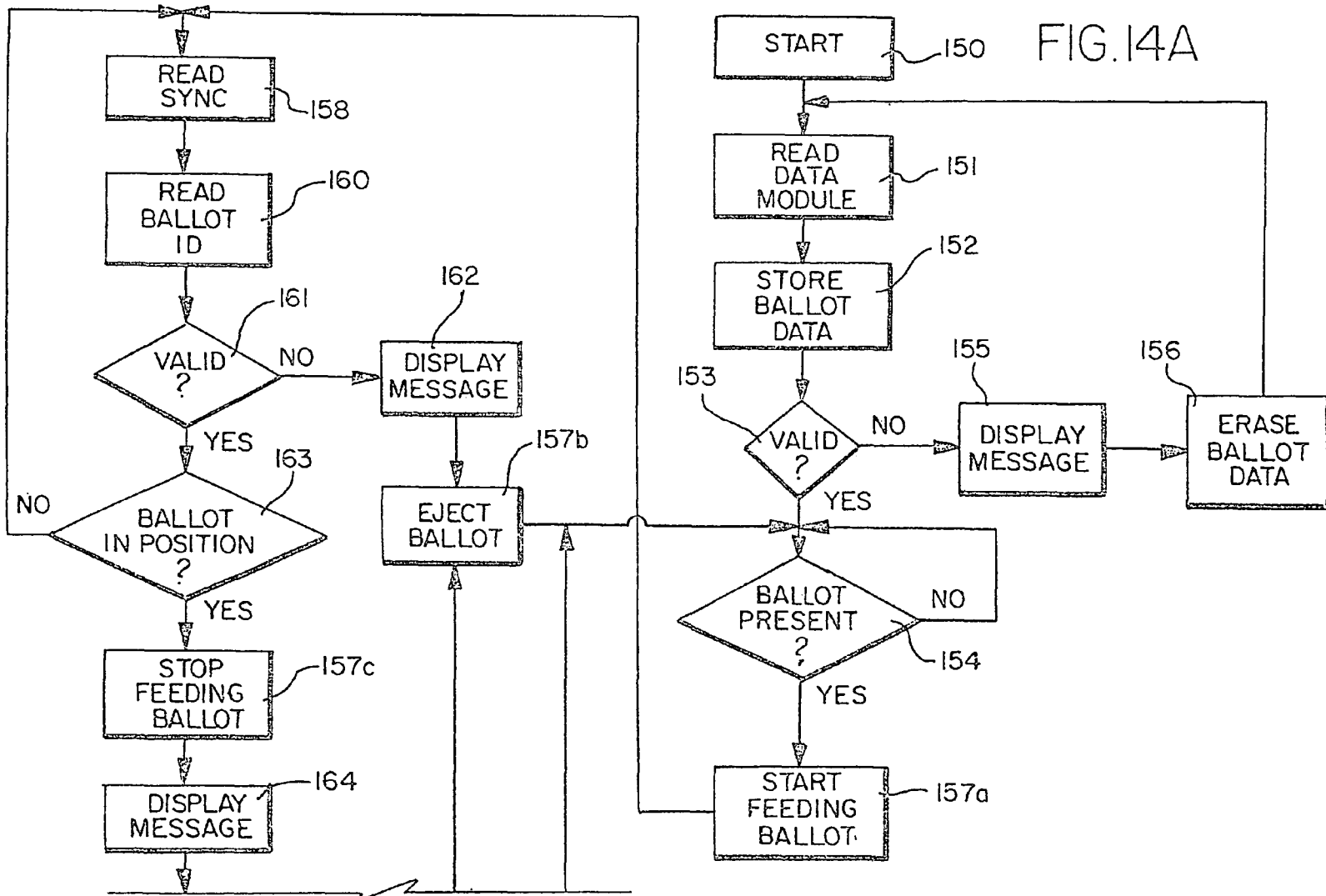
FIG. 12C

RETURN

VOTE

FIG. 13





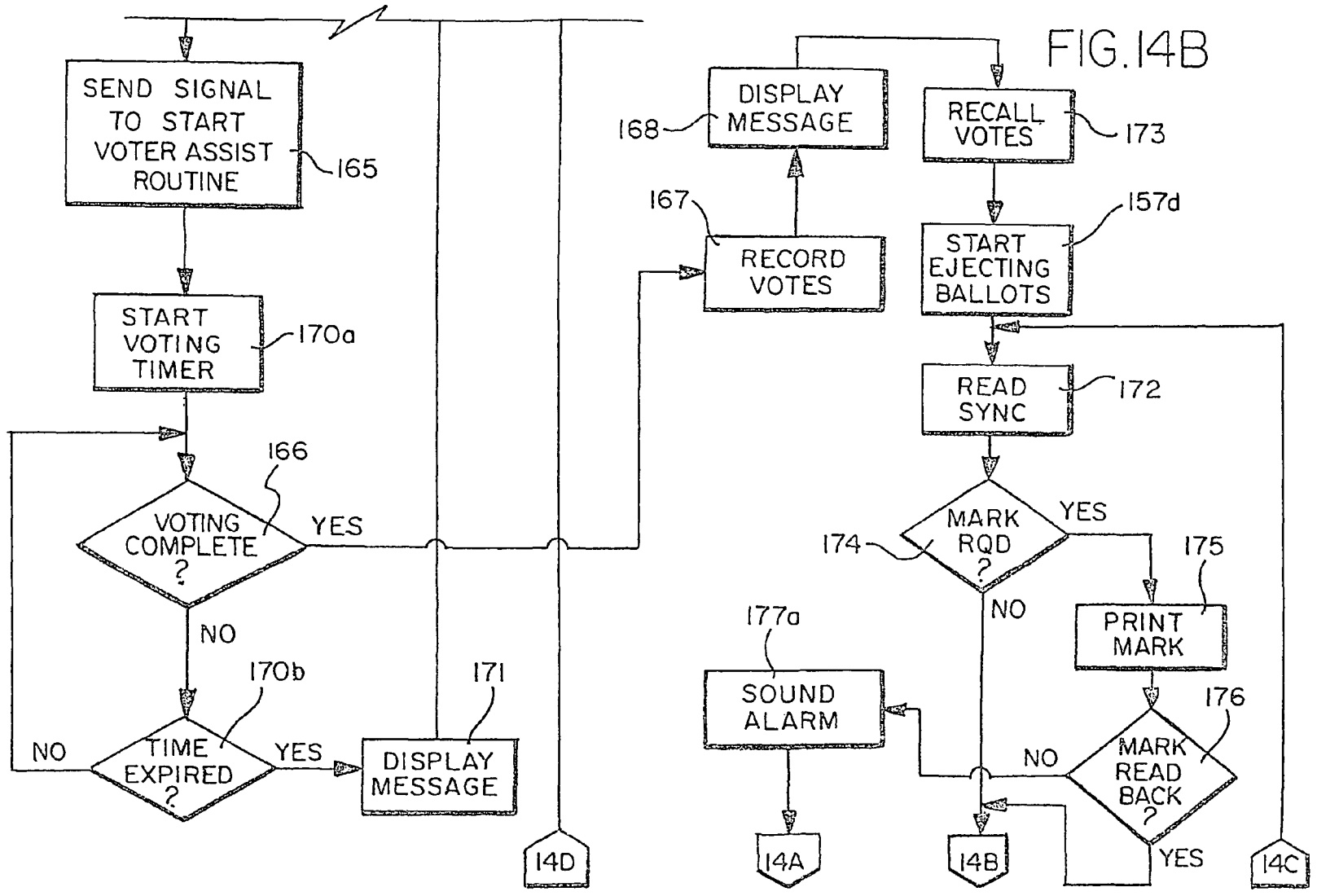
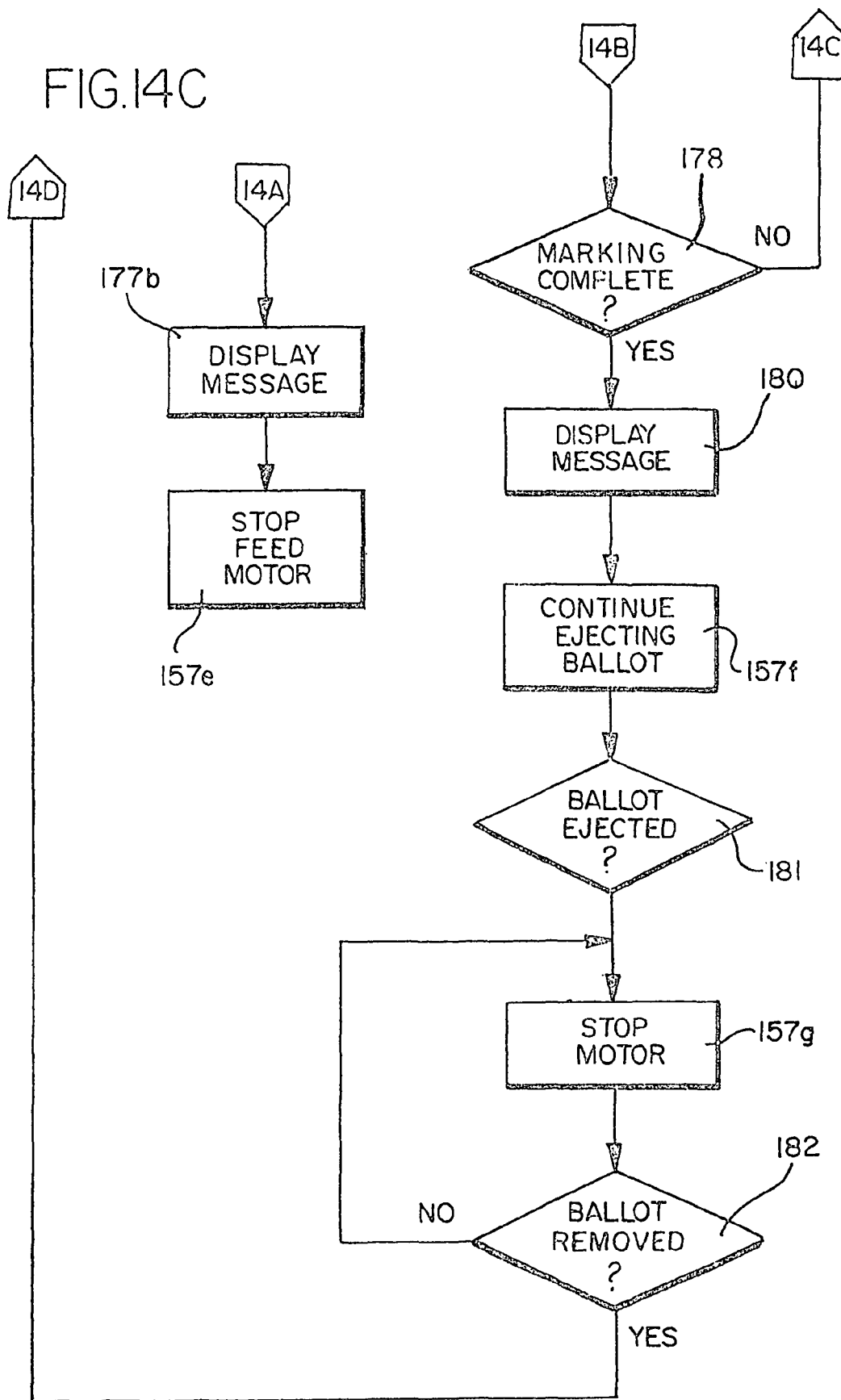


FIG. 14C



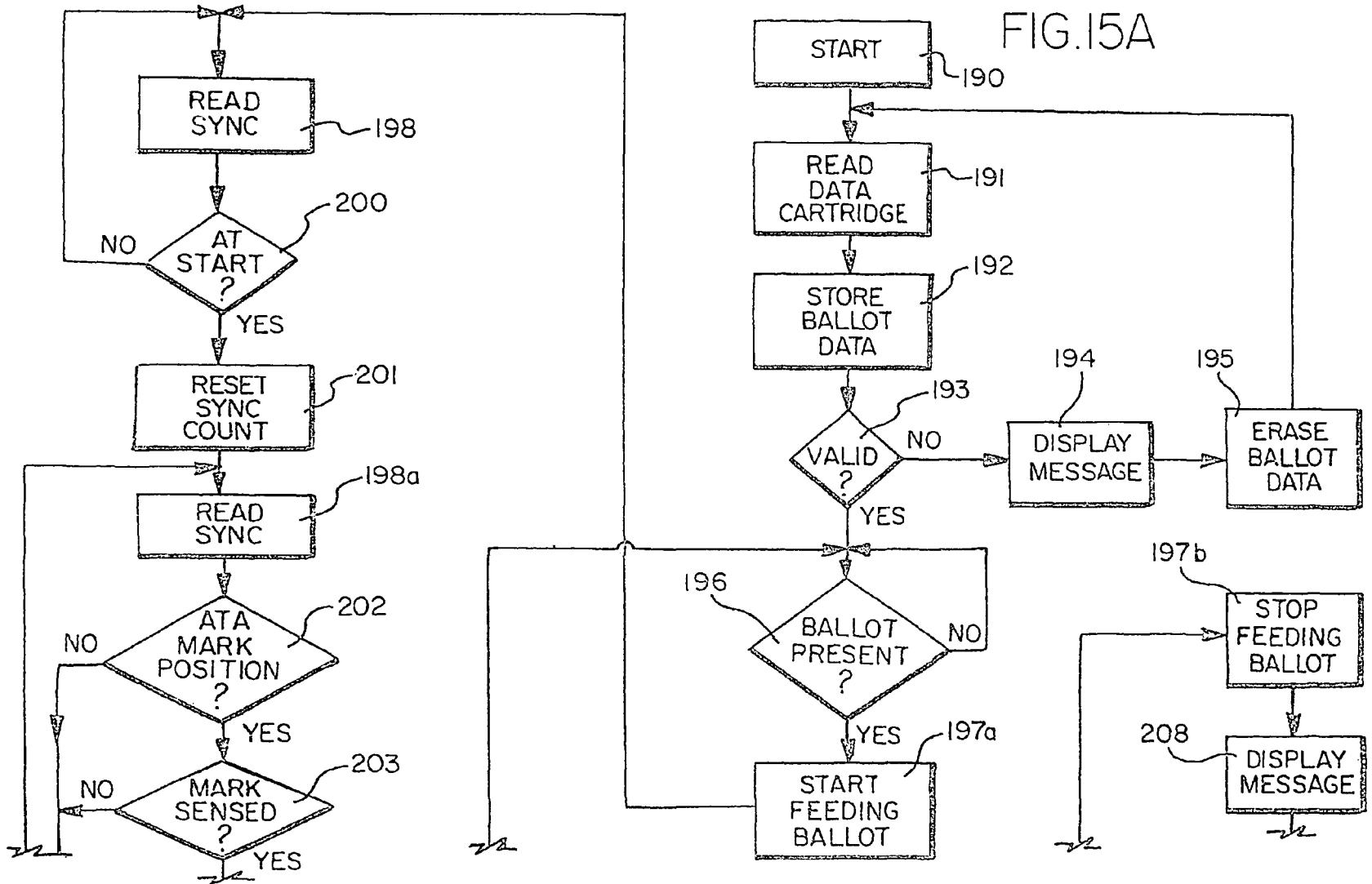


FIG.15A

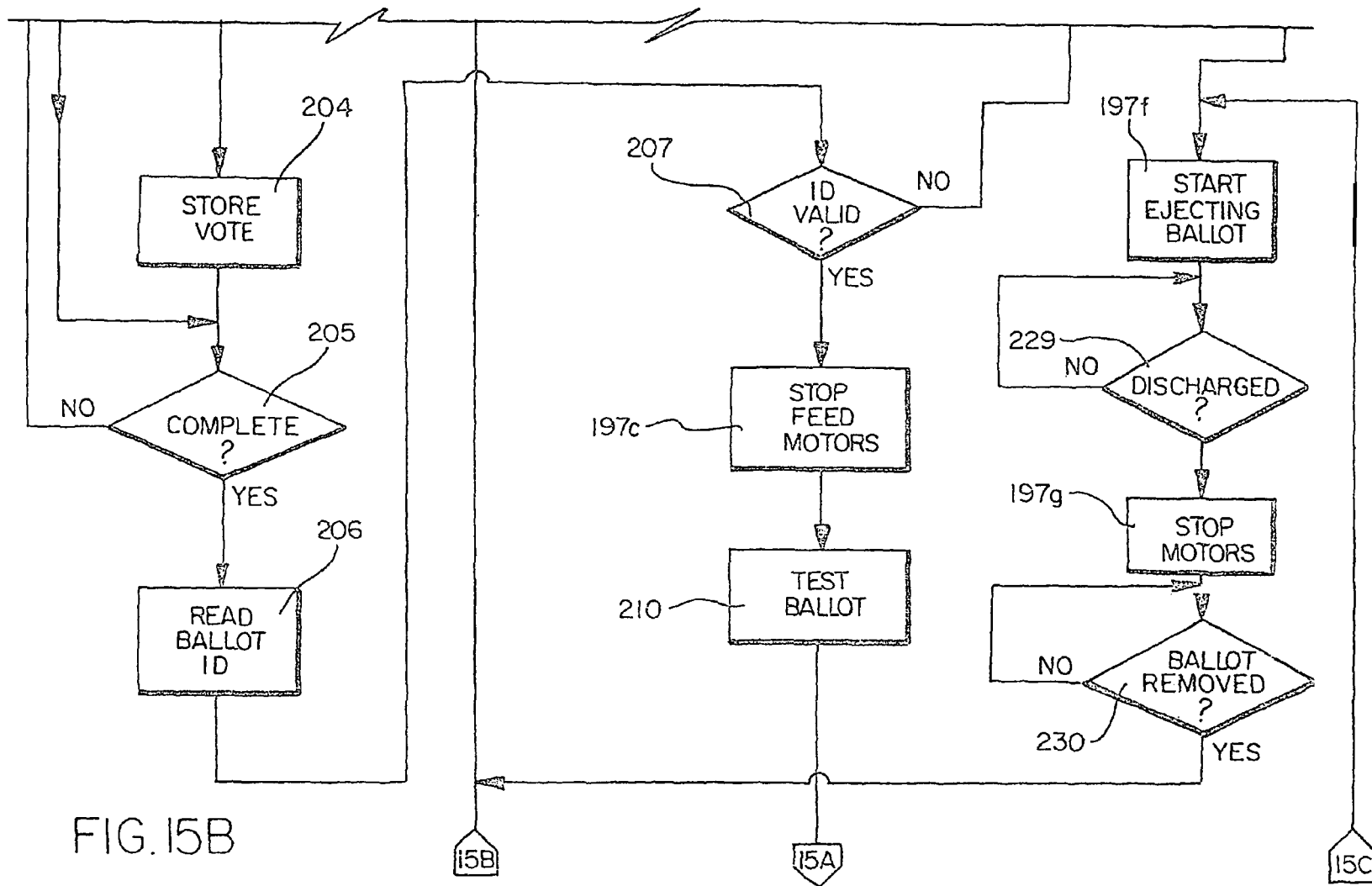


FIG. 15B

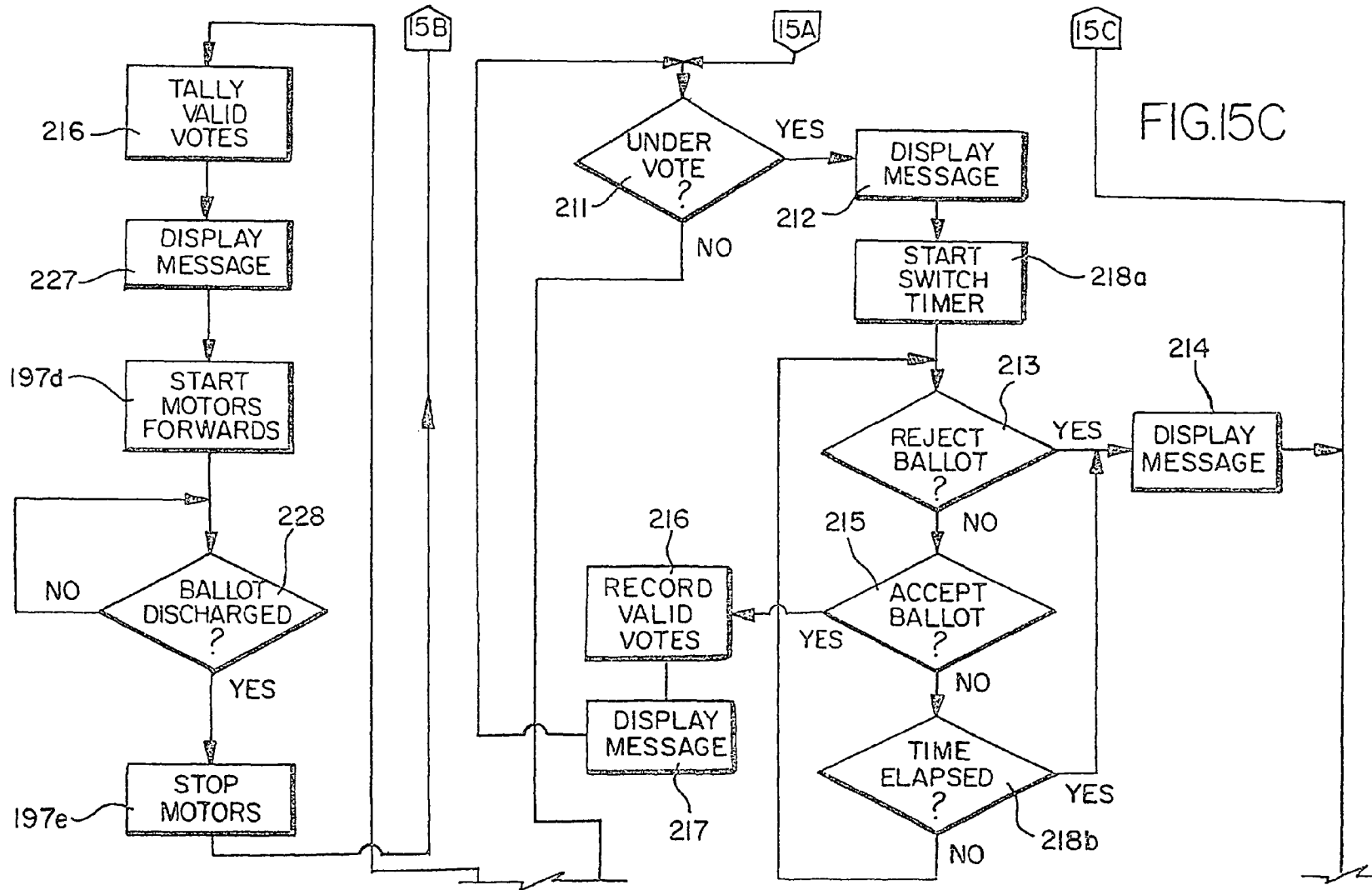
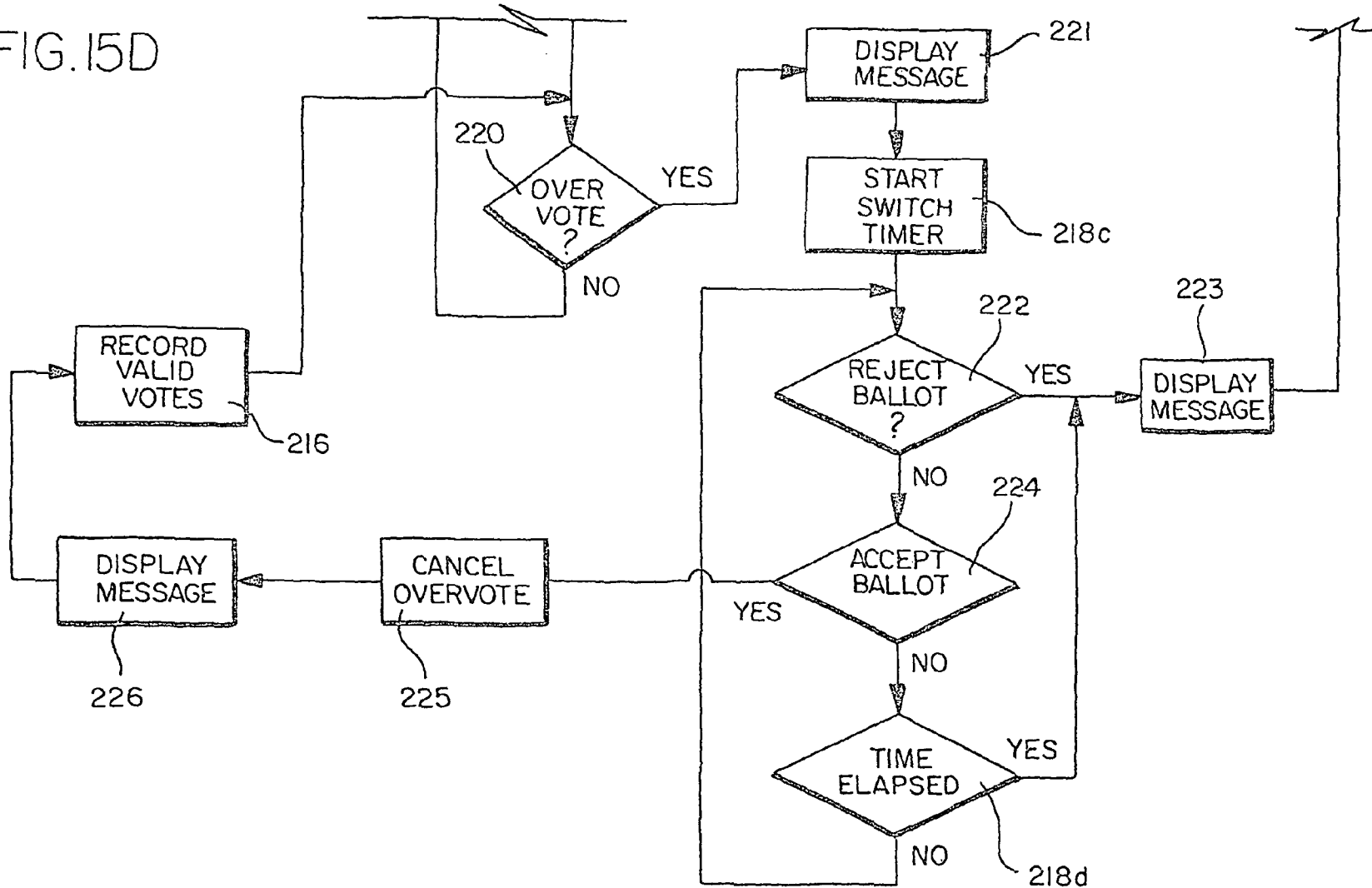
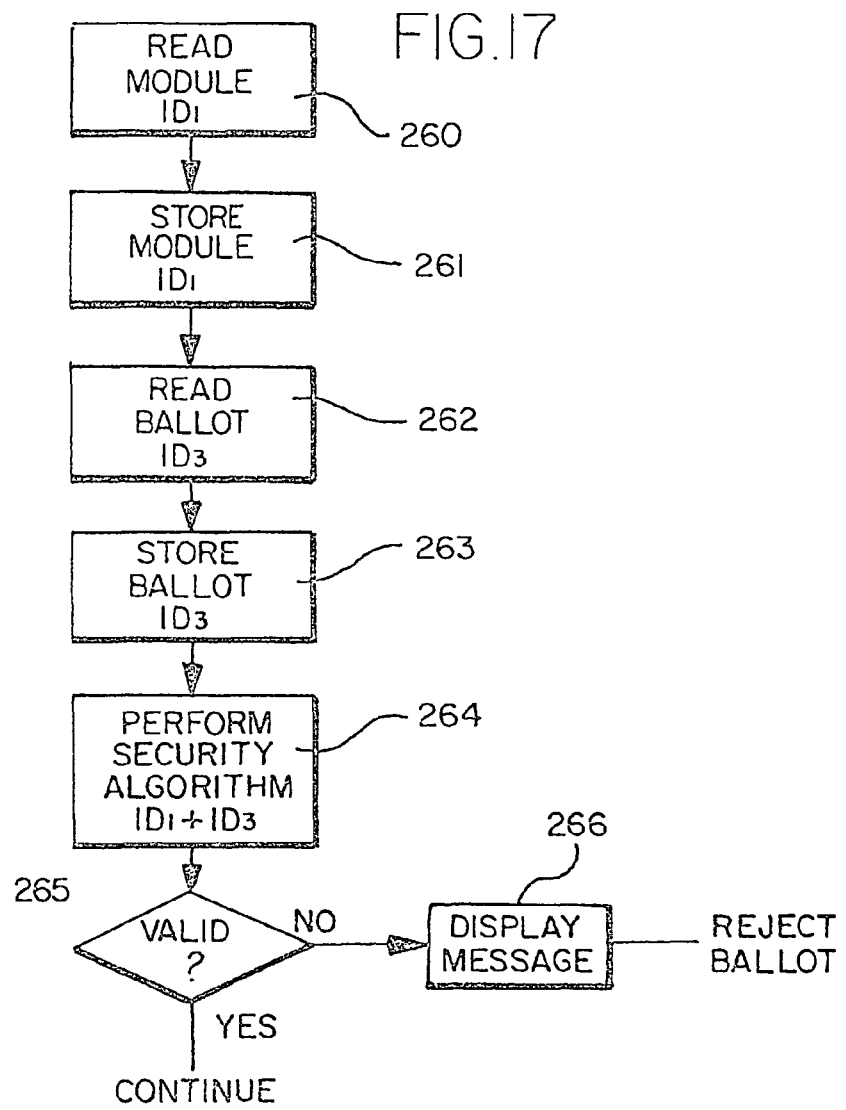
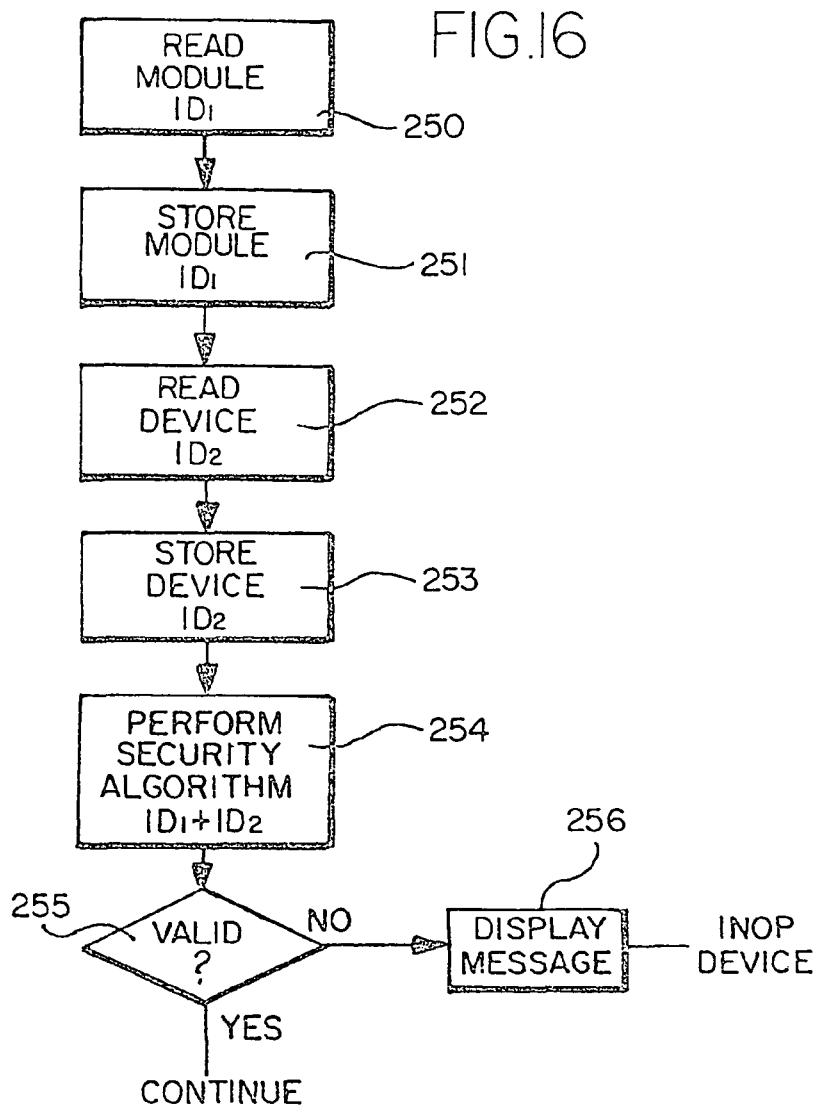
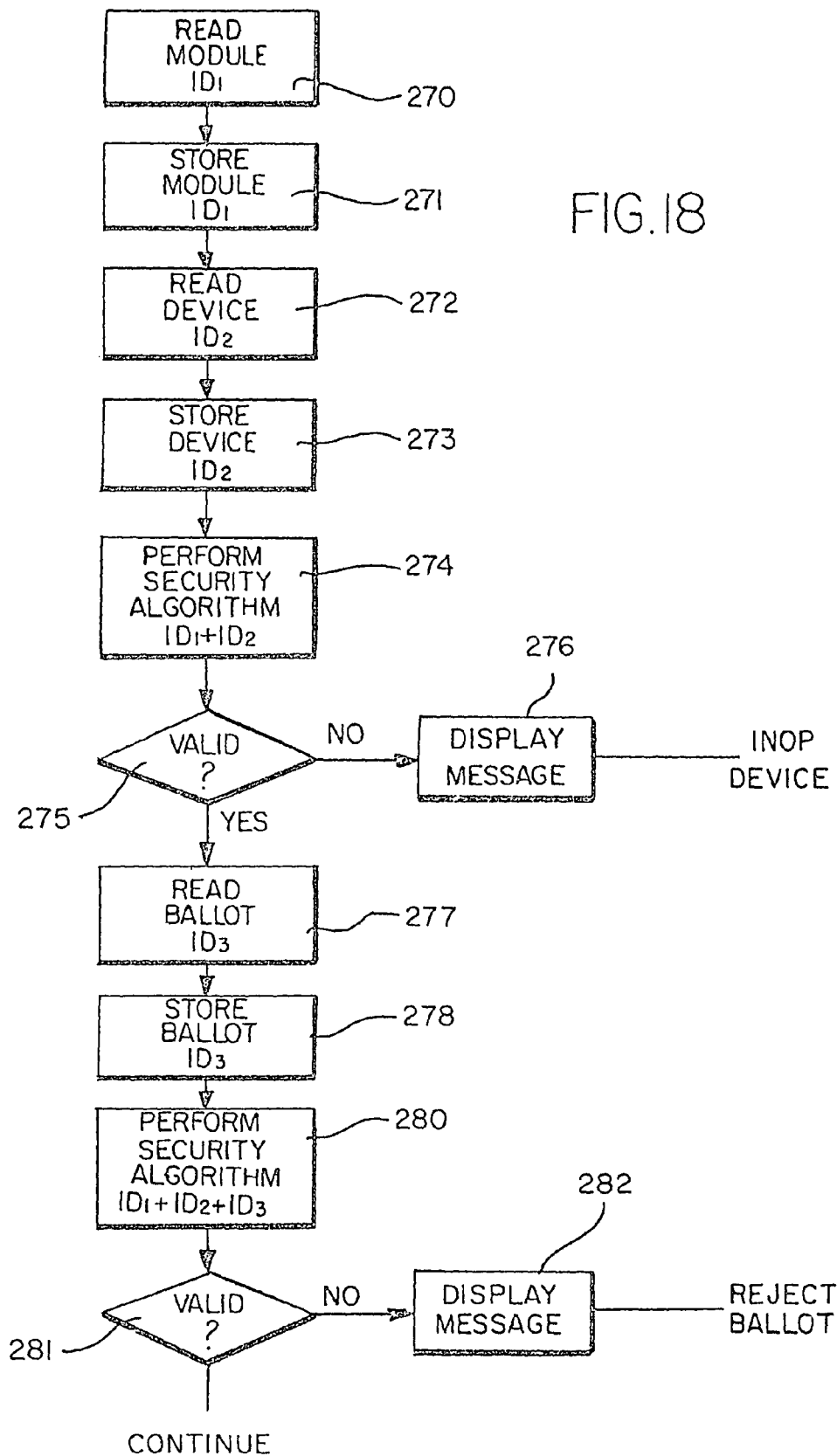


FIG. 15D







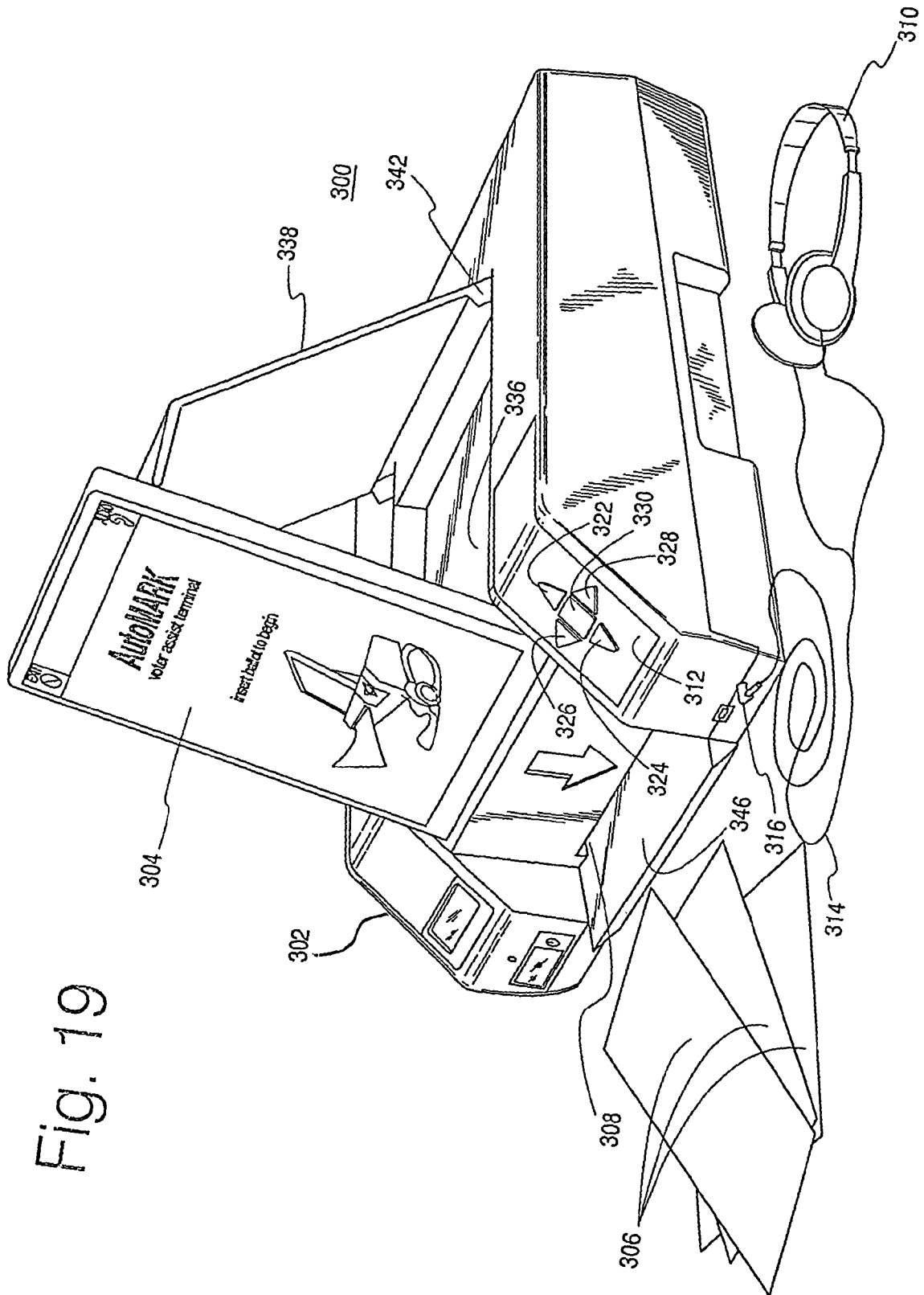


Fig. 19

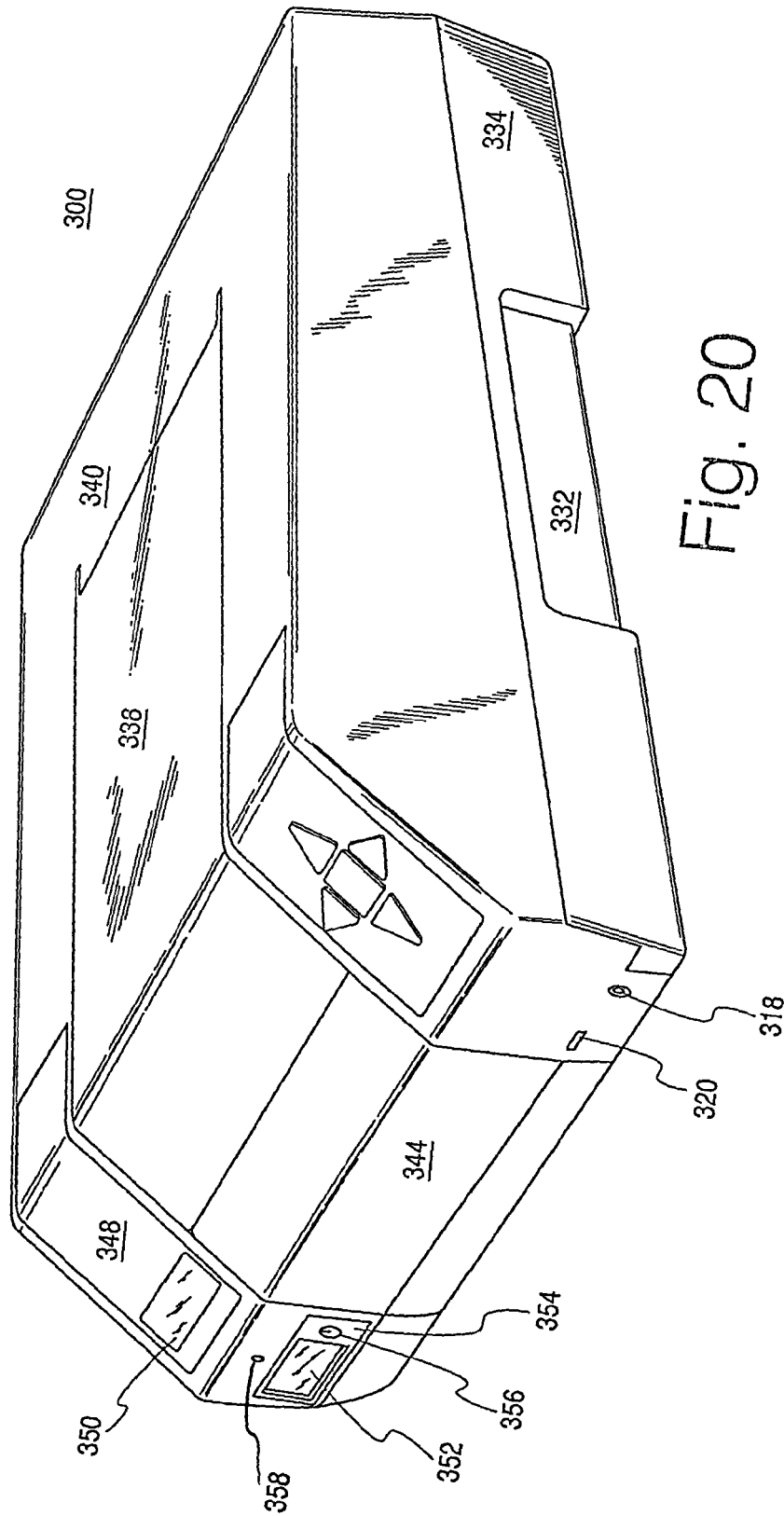


Fig. 20

Fig. 21

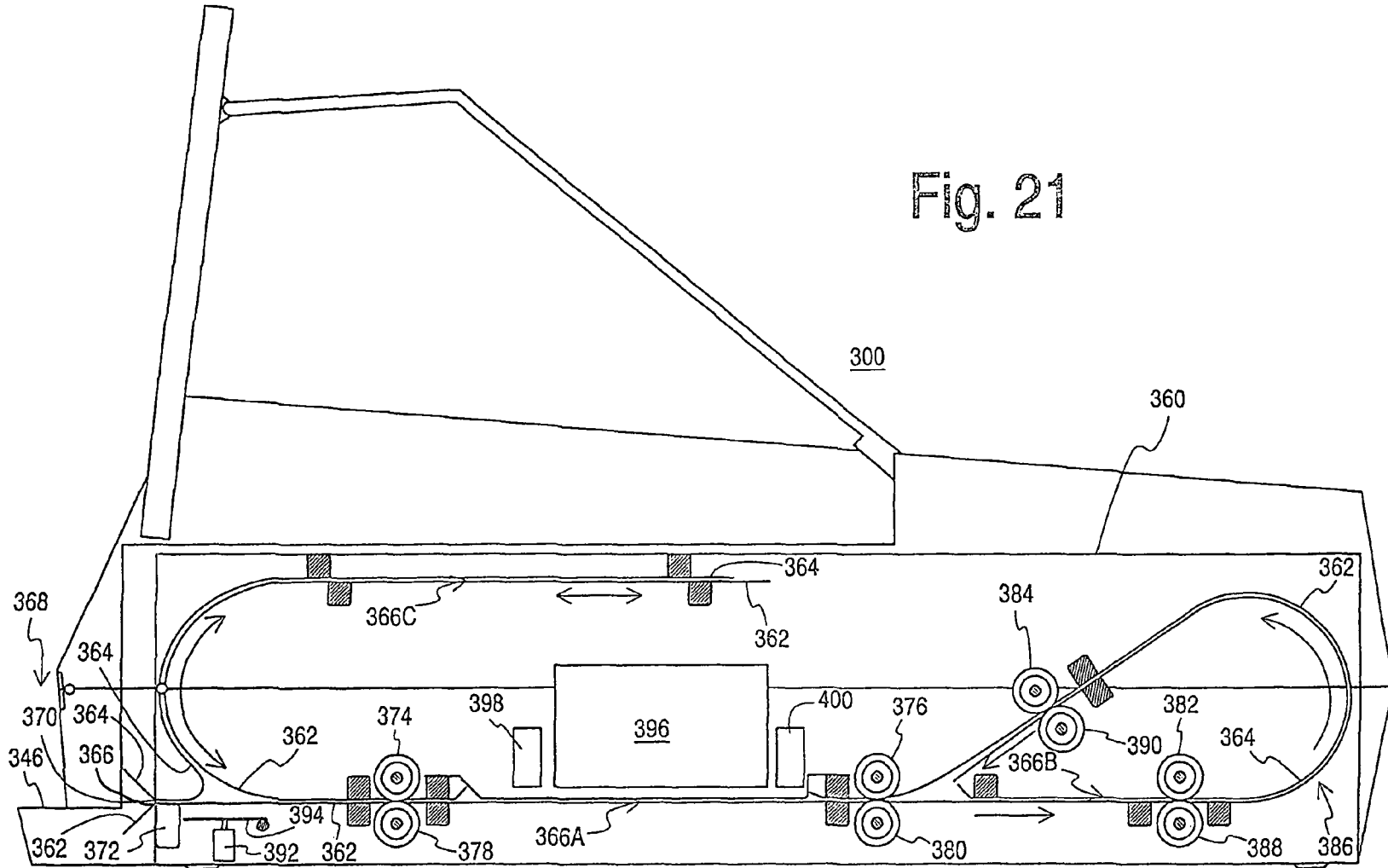


Fig. 22a

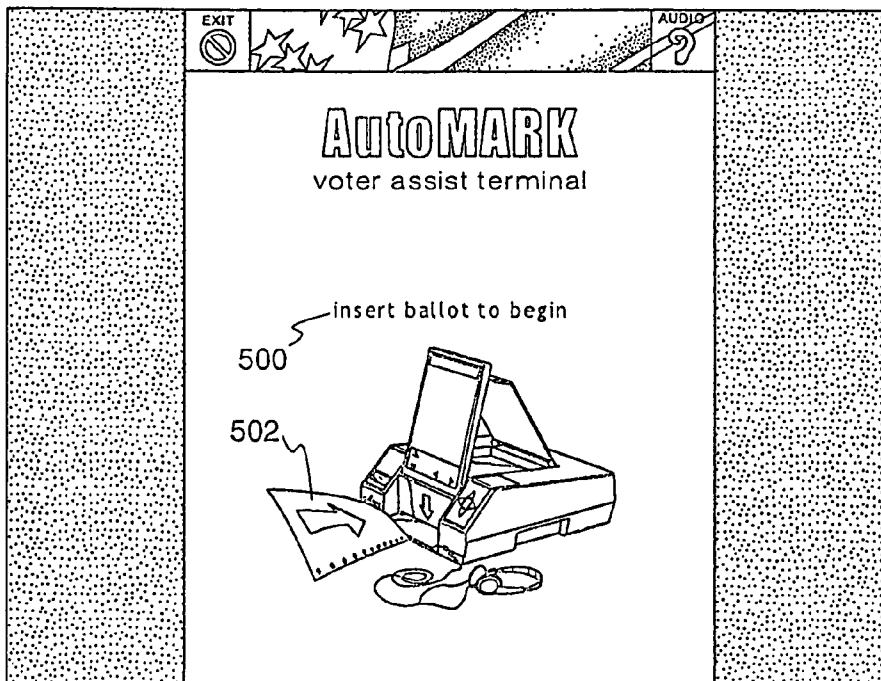


Fig. 22b

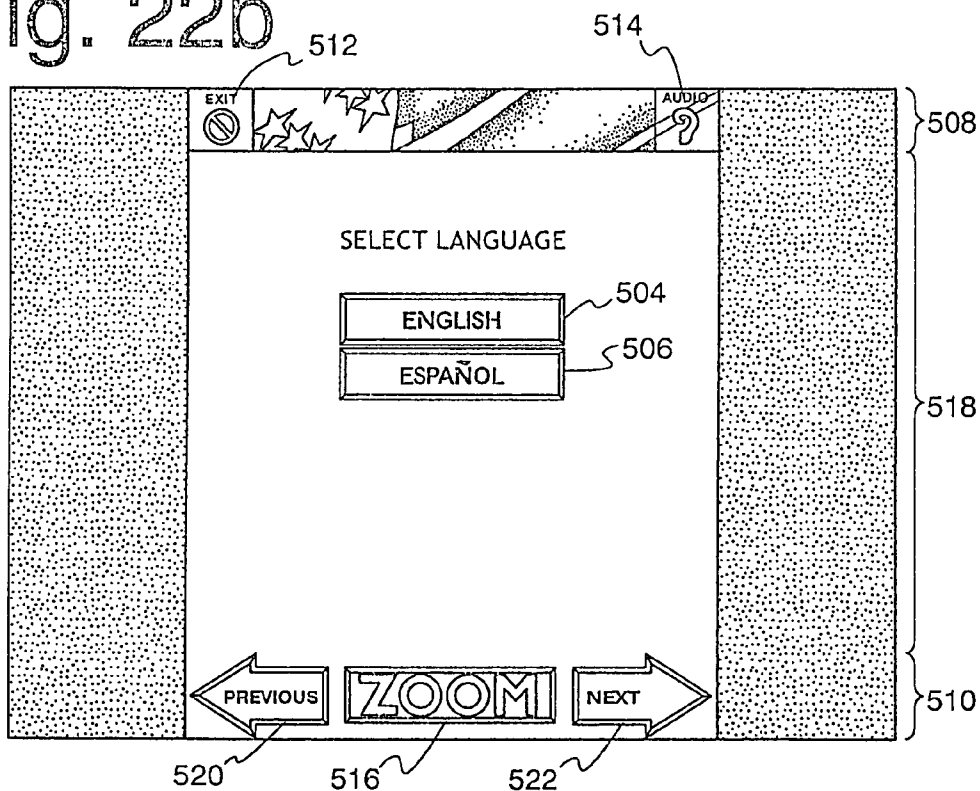


Fig. 23

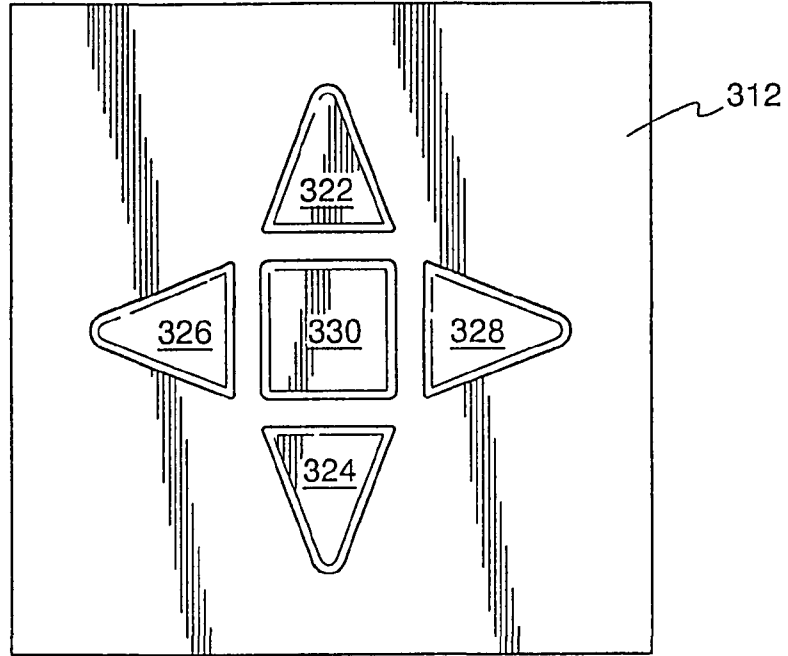


Fig. 24

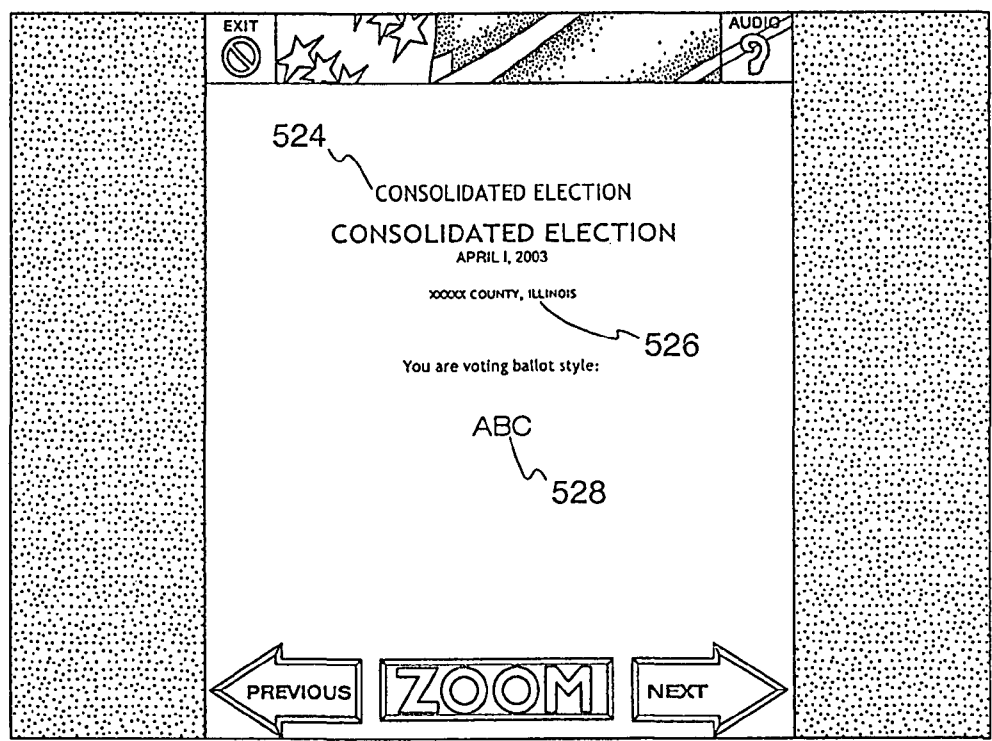


Fig. 25a

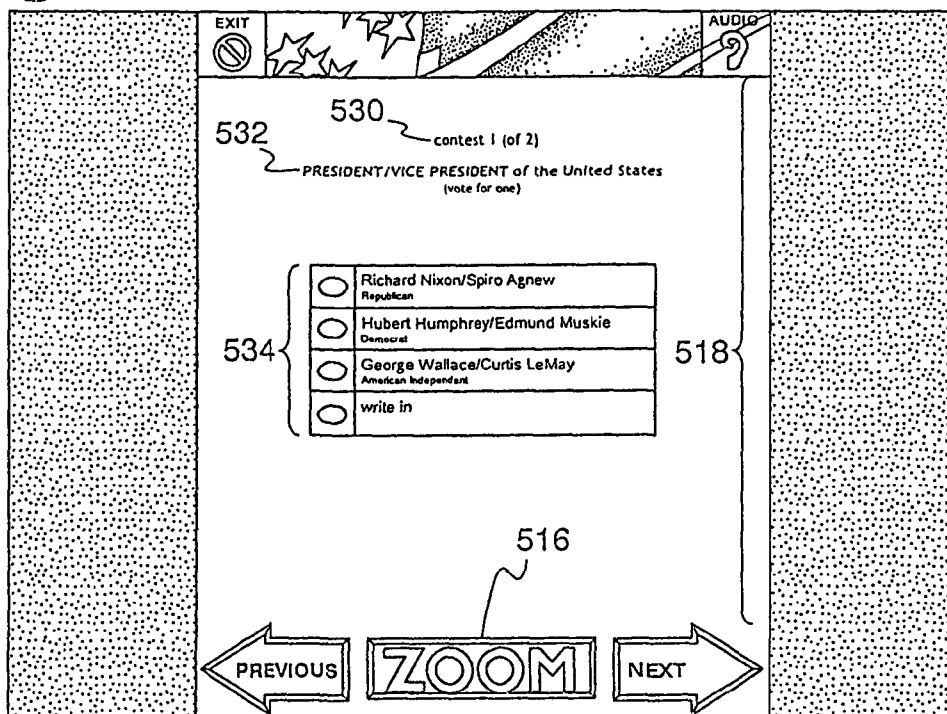


Fig. 25b

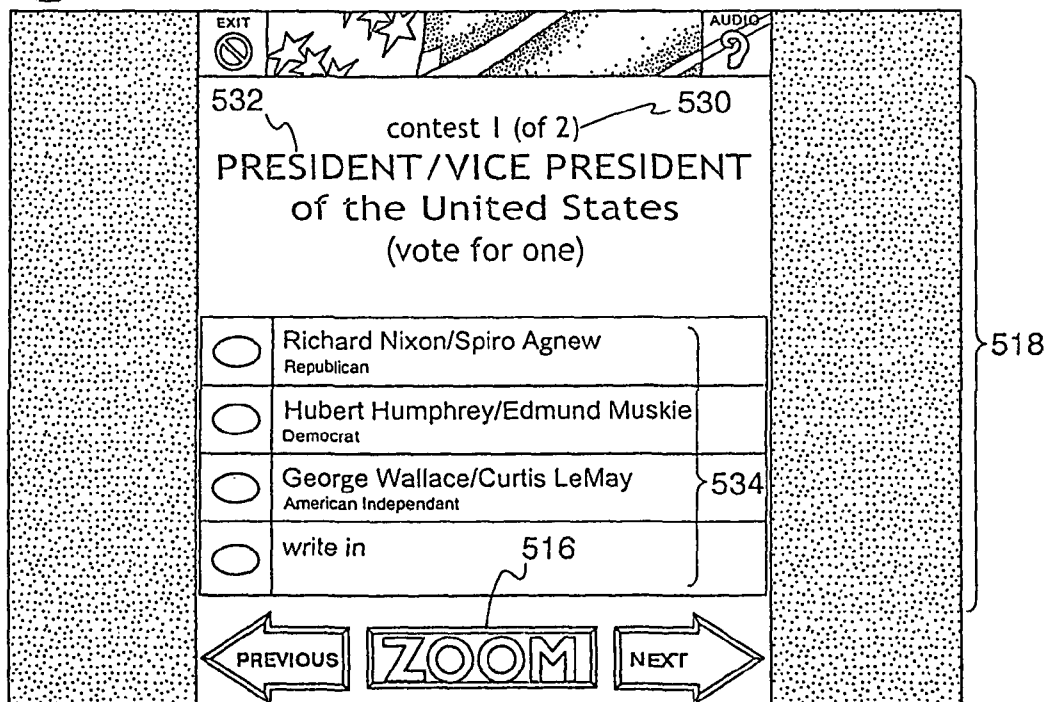


Fig. 25c

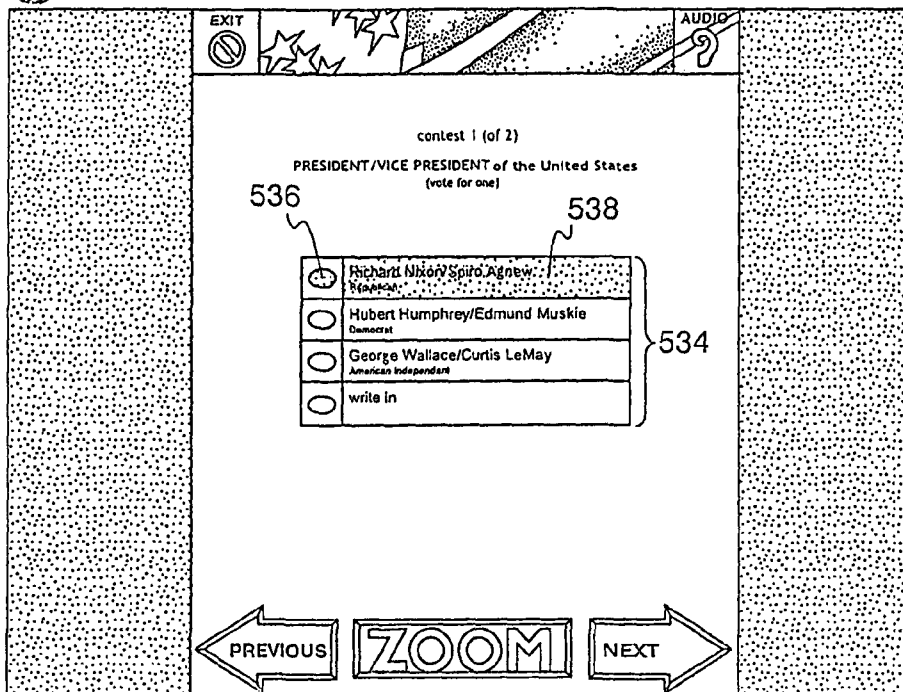


Fig. 25d

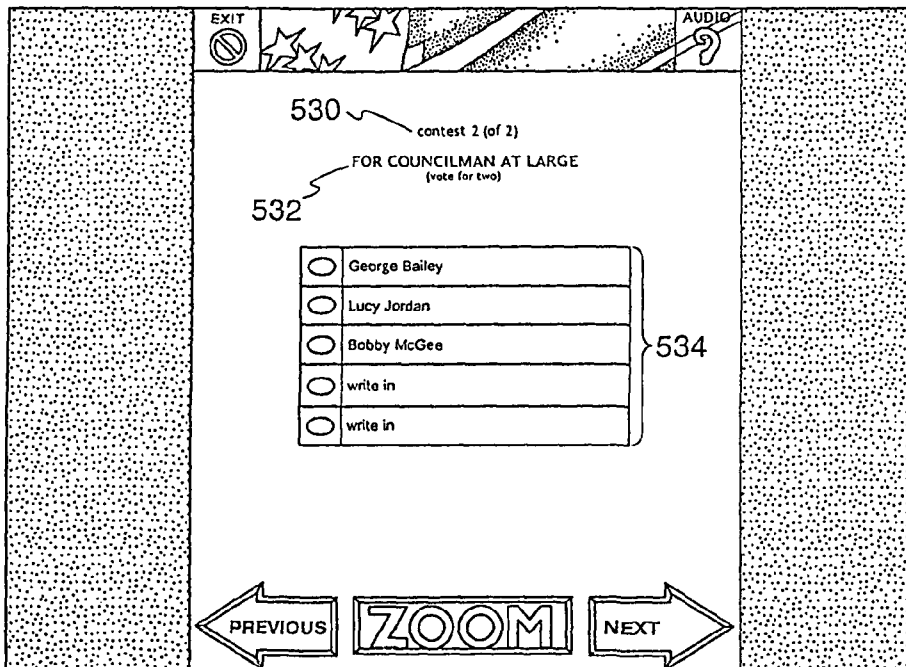


Fig. 25e

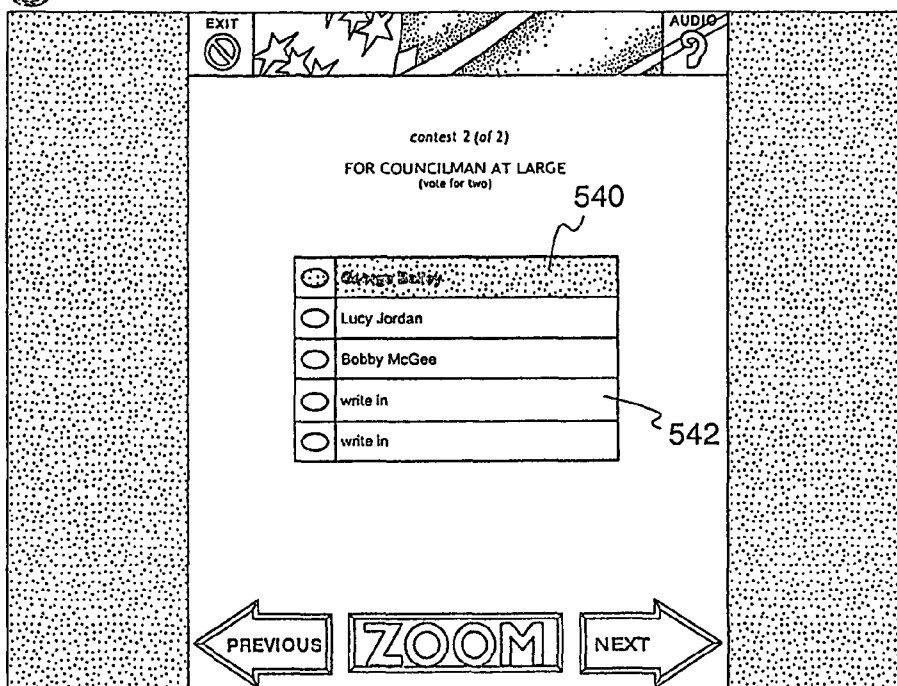


Fig. 25f

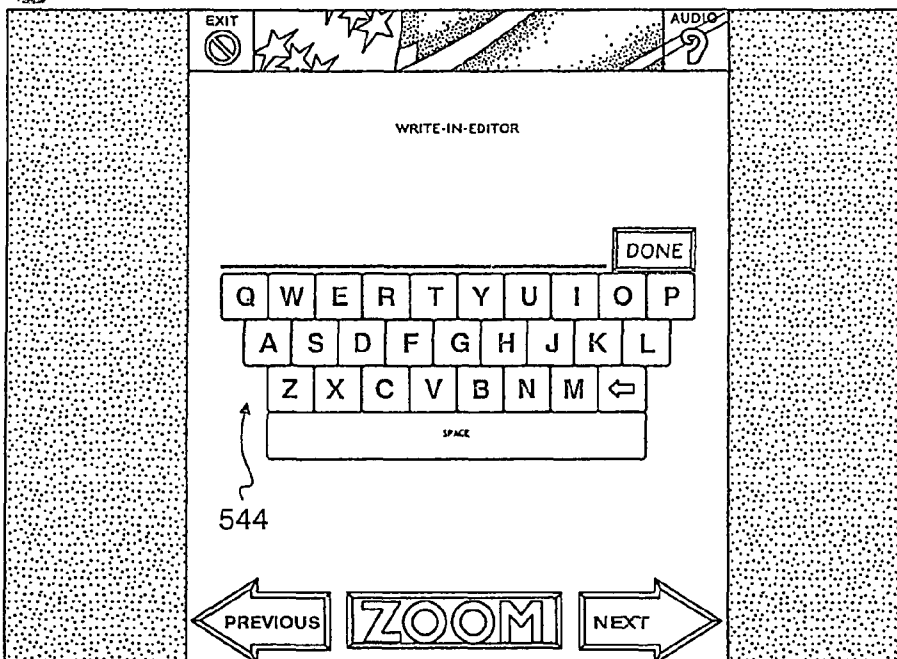


Fig. 25g

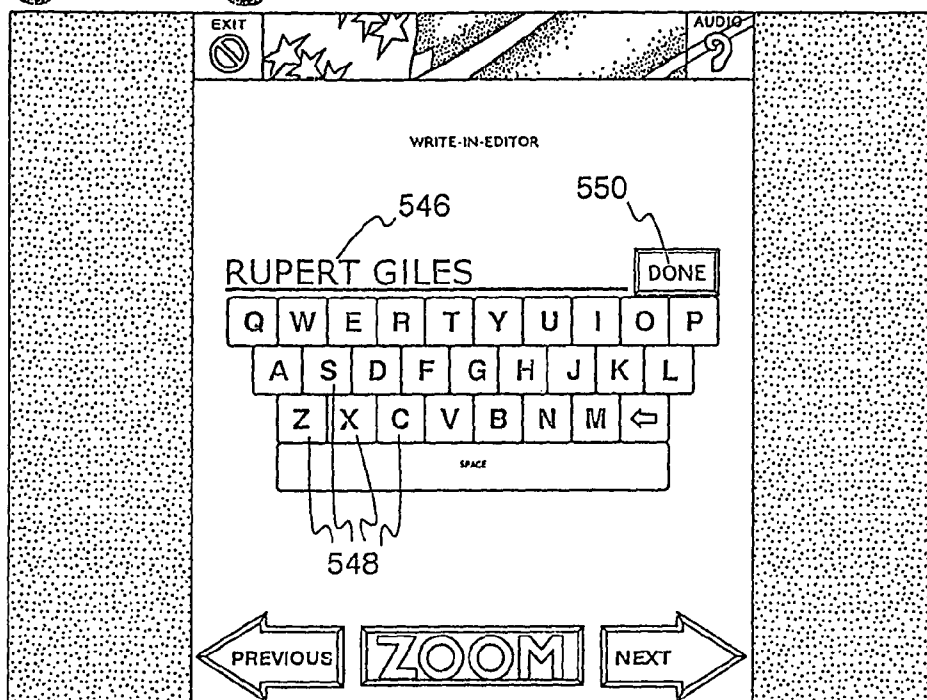


Fig. 25h

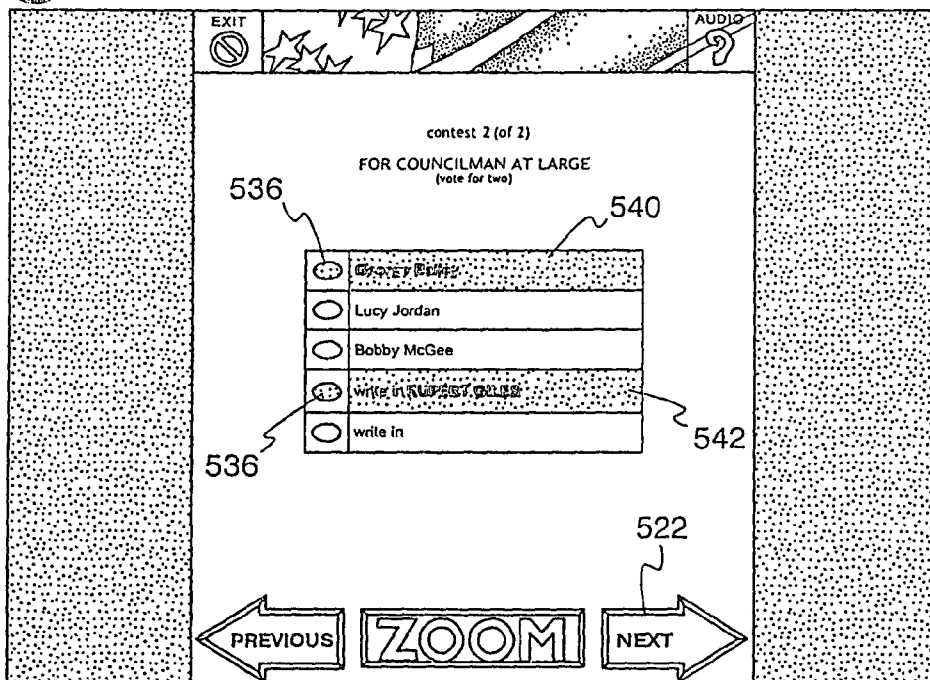


Fig. 25i

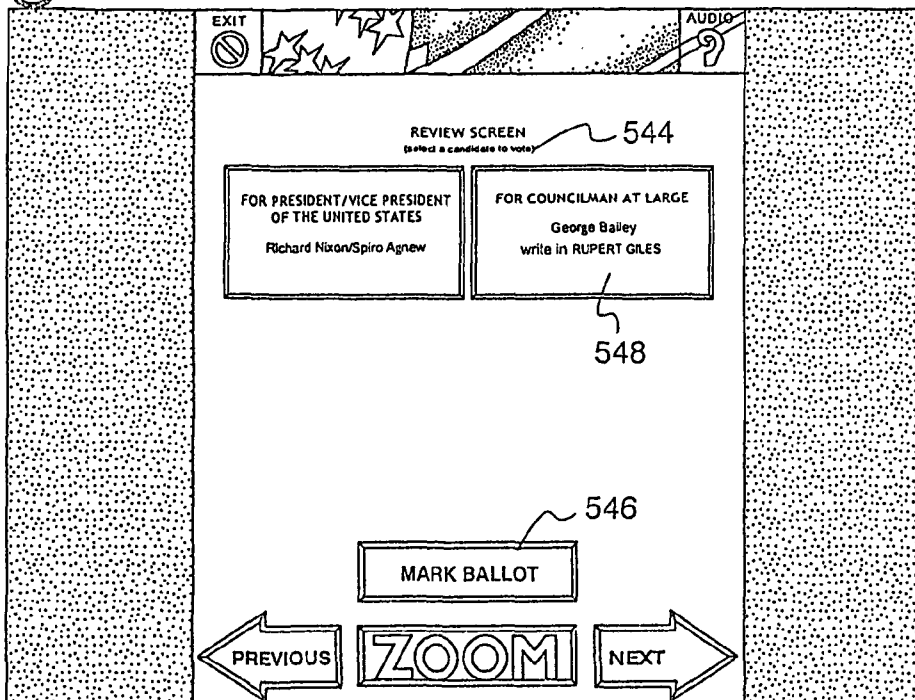


Fig. 25j

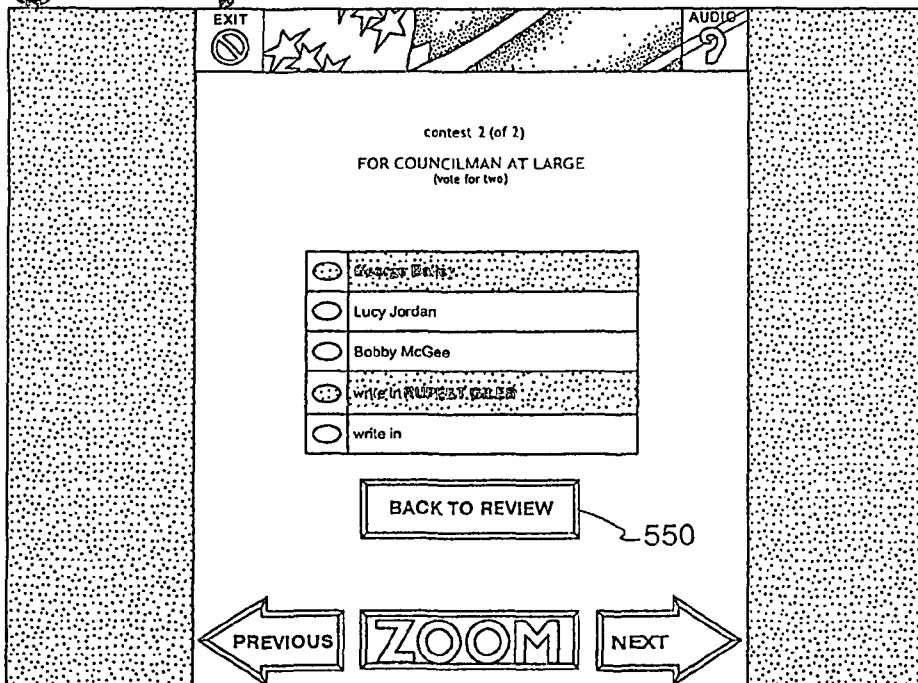


Fig. 25k

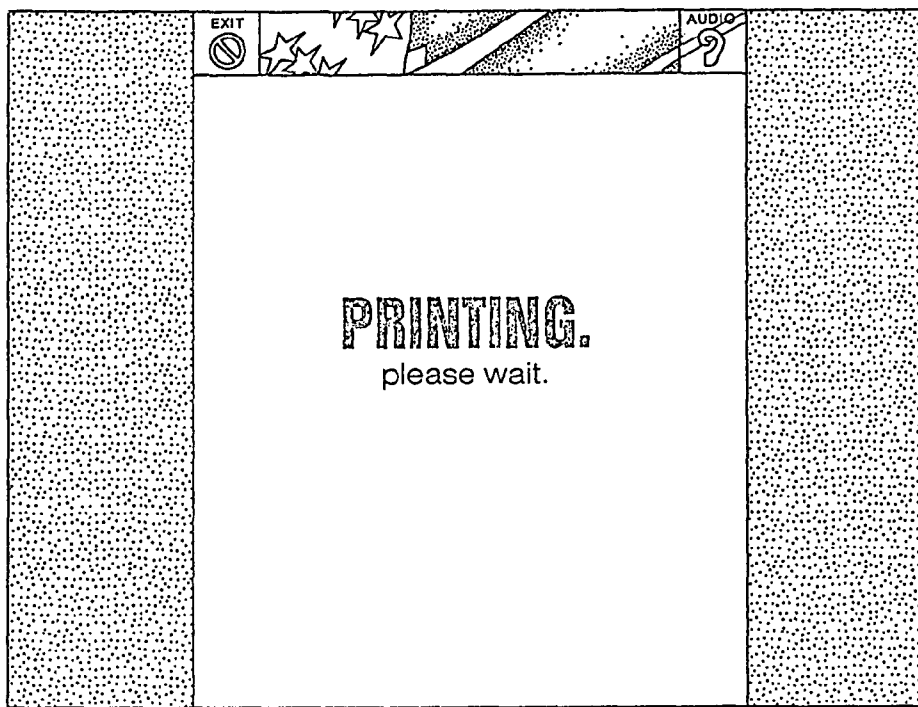
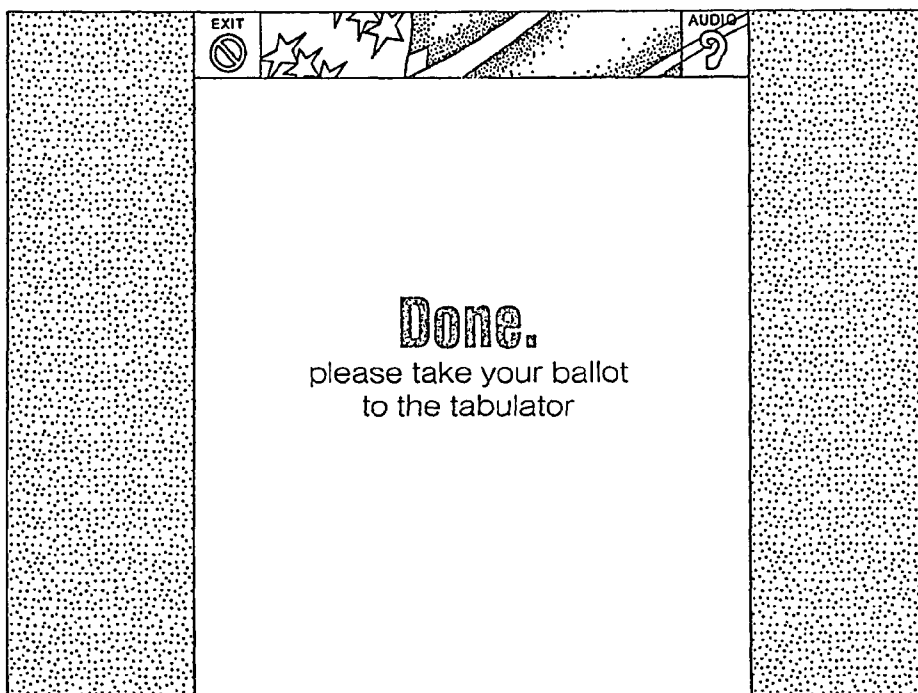


Fig. 25l



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**BALLOT MARKING SYSTEM AND
APPARATUS UTILIZING MULTIPLE KEY
SWITCH VOTER INTERFACE**

CROSS-REFERENCE TO RELATED
APPLICATION

This application claims benefit as a Continuation-In-Part of application Ser. No. 10/347,528 filed Jan. 17, 2003 now U.S. Pat. No. 7,100,828, which claims benefit under 35 U.S.C. §119(e) of U.S. Provisional Application, Ser. No. 60/398,919 filed Jul. 26, 2002, the complete disclosure thereof being incorporated by reference.

BACKGROUND OF THE INVENTION

The present invention relates generally to systems, methods and apparatus for conducting elections, and particularly, to a system, method and apparatus which utilizes a physical ballot, formed of a markable material, such as paper, cardboard, or a thin plastic sheet, or the like, which can be either manually marked by a voter, or electronically marked by an electronic voting station, and then visually or otherwise verified by the voter, electronically scanned and tallied, and preserved in a ballot box for recount purposes.

Traditionally, elections for public office in the United States have been conducted with voting systems utilizing hand-marked paper ballots. Typically, in such systems a paper ballot is issued to a verified voter by an election judge. The voter takes the ballot to a voting booth, where he manually marks his selections by placing marks or punch holes in marking spaces associated with the candidates he or she selects. The marked ballot is then taken by the voter to a ballot box where it is inserted and stored for subsequent hand or machine counting.

In recent years, the traditional system has been improved with the use of a ballot scanner to tally the hand-marked ballots as they are inserted into the ballot box. This has the advantage of making vote tallies immediately available at the close of polling, and, with scanners so-equipped, of preventing unintentional under-votes and over-votes. However, one drawback of the traditional system remains in that there is no provision for assisting voters who have a physical impairment, which would interfere with the manual marking of a ballot. Previous attempts at assisting such impaired voters have utilized electronic voting terminals wherein, instead of presenting candidate choices on a paper ballot, candidate choices are serially presented to the voter on large, easily viewable touch-screen displays. When the voter has made his selections, the results are tallied within the voting terminal, the total votes for each candidate being read from the terminal electronically or by means of a paper tape at the close of the polling place.

One drawback of electronic voting terminals is that there is no satisfactory means for auditing the voting process, i.e. confirming that each vote is tallied as voted, and that no votes are tallied which were not voted. Furthermore, there is no means for an individual voter to confirm for his or herself that his or her vote has actually been counted. Attempts at addressing these deficiencies have centered on the use of a paper tape or slip printed concurrently with each voter's voting. Such tapes and slips, which bear little or no resemblance to a ballot, have proven difficult to interpret by the voter and do not confirm that the vote has been actually tallied.

Another drawback of the use of the electronic voting terminals is that they are inherently less efficient since voters require more time to electronically vote their ballot than is

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required to mark or punch a paper ballot providing the same candidate choices. Consequently, to avoid long lines at a polling place, a large number of electronic voting stations must be provided, if such stations are utilized as the sole means of voting. This imposes an undesirable cost and space burden on voting jurisdictions, since the electronic voting stations are expensive to own and maintain and require additional space in use and in storage.

Accordingly, it is the general object of the invention to provide a new and improved voting system, method and apparatus.

It is a more specific object of the invention to provide an improved voting system which utilizes a voter-readable and machine-readable physical ballot which can be either hand-marked in a voting booth, or electronically marked at an electronic voting station by means of a touch screen voting terminal and associated marking device.

It is a still more specific object of the invention to provide a ballot marking system and apparatus which provides an improved voter interface utilizing multiple key switches.

SUMMARY OF THE INVENTION

The invention is generally directed to a ballot marking apparatus adapted to mark a user-readable ballot containing a plurality of races in accordance with the selections made by a voter, each of the races having a plurality of candidates, the apparatus comprising: a display screen viewable by the voter; an election being presented to the voter one race at a time in a series of screens on the display; a central push-button switch for making a selection; a first pair of push-button switches generally disposed above and below the central push-button for scrolling a cursor up and down in the display to select one of the plurality of candidates; a second pair of push-button switches generally disposed horizontally on either side of the central push-button switch for scrolling between races in the election; and the central selection switch when activated signaling selection of a particular candidate by the voter.

BRIEF DESCRIPTION OF THE DRAWINGS

The features of the present invention which are believed to be novel, are set forth with particularity in the appended claims. The invention, together with the further objects and advantages thereof, may best be understood by reference to the following description taken in conjunction with the accompanying drawings, in the several figures of which like reference numerals identify like elements, and in which:

FIG. 1 is a simplified perspective view of a voting system utilizing hand-marked and machine-marked paper ballots, a ballot issuing station, a ballot marking station comprising a ballot marking device and an electronic voting terminal, a ballot scanner device and a ballot box.

FIG. 2 is a simplified block diagram showing an alternative ballot issuing station for use in the voting system of FIG. 1.

FIGS. 3 and 3A provide a simplified perspective view of a ballot handling, sensing and marking apparatus, and the principal electronic circuits and components utilized therein, for use in the voting system of FIG. 1.

FIG. 4 is an enlarged cross-sectional view of the apparatus depicted in FIG. 3 taken along lines 4-4 of FIG. 7 showing the apparatus operating as a ballot scanning device.

FIG. 5 is an enlarged cross-sectional view taken along line 5-5 of FIG. 7 showing a locking arrangement for preventing unauthorized removal of the scanning device from a ballot box.

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FIG. 6 is a plan view of a voter- and machine-markable, voter- and machine-readable paper ballot adapted for use in the voting system of FIG. 1.

FIG. 7 is a perspective view of the ballot scanning device utilized in the voting system of FIG. 1 showing the scanning device installed on a ballot box.

FIG. 8 is an enlarged cross-sectional view taken along line 8-8 of FIG. 7 showing the receptacle provided in the housing of the ballot scanning device of FIG. 7 for receiving a ballot data module.

FIG. 9 is a side elevational view of the voting terminal utilized in the voting system of FIG. 1 showing the touchscreen display and other major components utilized therein.

FIG. 10 is a simplified block diagram showing the major components of the voting terminal of FIG. 9.

FIGS. 11A-11E are a series of views of the message display provided on the ballot scanner device utilized in the voting system of FIG. 1 showing various messages displayed to the voter during operation of the scanning device.

FIGS. 12A-12C are a series of views of the message display provided on the ballot marking device utilized in the voting system of FIG. 1 showing various messages displayed to the voter during operation of the marking device.

FIG. 13 is an enlarged front elevational view of the control panel provided on the ballot marking and scanning devices utilized in the voting system of FIG. 1.

FIGS. 14A-14C provide a simplified flow chart illustrating the principal operating steps which occur during operation of the ballot marking device utilized in the voting system of FIG. 1.

FIGS. 15A-15D provide a simplified flow chart illustrating the principal operating steps which occur during operation of the ballot scanning device utilized in the voting system of FIG. 1.

FIG. 16 provides a simplified flow chart illustrating the principal operating steps which occur in the implementation of a security system in the voting system of FIG. 1 to assure that only an authorized ballot data module is used in conjunction with a particular marking or scanning device.

FIG. 17 provides a simplified flow chart illustrating the principal operating steps which occur in the implementation of a security system in the voting system of FIG. 1 to assure that only authorized ballots are processed by a marking or scanning device in which a particular ballot data module is installed.

FIG. 18 provides a simplified flow chart illustrating the principal operating steps which occur in the implementation of a security system in the voting system of FIG. 1 to assure that only an authorized ballot data module is utilized with a particular scanning or marking device, and that only authorized ballots are processed by the authorized devices and ballot data modules.

FIG. 19 is a perspective view of an alternate embodiment of the voter assistance terminal for use according to the voting system of the present invention shown in its open and ready to use position.

FIG. 20 is a perspective view of the voter assistance terminal of FIG. 19 shown in its closed position.

FIG. 21 is a cross-sectional side view of the voter assistance terminal of FIG. 19 showing the principal components utilized for the ballot path.

FIGS. 22a-22b are sample start-up touchscreen menus for navigation through the voter selection process according to the present invention.

FIG. 23 is an enlarged top view of the sub-panel of the voter assistance terminal of FIG. 19 showing the preferred key button arrangement thereof.

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FIG. 24 is a sample touchscreen election description screen according to the present invention.

FIGS. 25a-25f are sample touchscreen menus showing the navigation through a complete voter election process according to the present invention.

DESCRIPTION OF THE PREFERRED EMBODIMENT

Referring to the drawings, and particularly to FIG. 1, a voting system 19 constructed in accordance with the invention is seen to basically include a paper ballot 20, an electronic voter-assistance station 21 comprising a ballot marking device 22 and voting terminal 23, a ballot scanning device 24 and a ballot box 25. A first removable ballot data module 26 is preferably provided for configuring marking device 22, and a second removable ballot data module 27 is preferably provided for configuring scanning device 24 to a particular ballot format. Marking device 22 is connected to voting terminal 23 by a flexible cable 28 which may have conventional connectors (not shown) at one or both ends to facilitate disassembly and transport of the voting system.

In use, an election judge at 30, after confirming the identity and registration of a voter, issues a paper ballot 20 at a ballot issuing station 31. The voter, after physically receiving the ballot, has the option either of manually marking the ballot at a conventional voting booth 32, or of inserting the ballot into a ballot receiving slot 33 at the front of marking device 22 of voter-assistance station 21 for electronic marking. In the later event, the ballot is received and positioned within the marking device, and voting choices appropriate to the ballot are presented to the voter on successive viewing screens on voting terminal 23. In particular, the voting selections are preferably presented on a color liquid crystal touch-screen display panel 34, one slate of candidates for an office at a time, under control of processors contained within marking device 22 and voting terminal 23. With each office voted, a check is automatically made to determine if the voter has under-voted (failed to vote for a candidate in that office) or over-voted (voted for two or more candidates for that office). In the event of such an under-vote or over-vote, additional choices are presented to the voter on touch-screen 34 to give the voter an opportunity to correct the voting error. In the event the error is not corrected within a predetermined period of time, or in the event the voter fails to vote within a predetermined period of time, the voting process is terminated and the ballot held in marking device 22 is rejected and returned to the voter through slot 33.

Once the voter has made a selection for each candidate on the ballot, the voter indicates his satisfaction with his choices by actuating a vote option on touch-screen 34, causing marking device 22 to mark ballot 20 with voter-detectable marks in appropriate marking spaces 35 (FIG. 6) associated with the respective candidates listed on the ballot. In accordance with one aspect of the invention, the marking is done such that the same marking spaces 35 are marked as would have been marked by the voter had the voter manually marked the ballot at voting booth 32.

As ballot 20 is being marked, it is discharged from marking device 22 through slot 33. The discharged ballot is physically removed by the voter, visually checked for accuracy, and carried to scanner device 24 wherein it is inserted in a slot 36 provided at the front of the device. In the event that ballot 20 has instead been manually marked at voting booth 32, the ballot is similarly inserted into slot 36. The scanning device, after receiving ballot 20, checks the ballot for under-vote or over-votes. In the event none are detected, the ballot is auto-

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matically deposited in ballot box 25, which is preferably constructed as described in application for Letters Patent, application Ser. No. 10/072,093, filed Feb. 8, 2002, entitled Collapsible Ballot Box. Ballot box 25 preferably includes separate compartments 37 and 38 (FIG. 4) for non-write-in and write-in ballots, respectively.

To assist the voter, marking device 22 may include a message display window 40 utilizing liquid crystal or other known color display technology for displaying marking device status and issuing prompts and instructions to the voter, and a pair of push-button switches 41 and 42 for receiving instructions from the voter. Similarly, scanner device 24 may include a message display window 43 for displaying scanner device status and voter instructions, and a pair of push-button switches 44 and 45 for receiving voter instructions.

Referring to FIG. 2, the voter registration station 31 may alternatively utilize a printer 50 for printing ballots 20. In particular, printer 50, which is preferably a laser-type printer, is driven by a personal computer 51. Computer 51, which may be either a desktop or a laptop, is preferably provided with an input adapted to read a ballot data module 52 containing ballot format data for one or more voting jurisdictions being processed at a polling place. For example, ballot data module 52 may contain formats for each ward in a multiple-ward precinct. Then, once this data has been transferred from data module 52 to computer 51, upon identification of the voter and his or her ward, it is only necessary for the election judge to input the ward identification. Computer 51 refers to the stored ballot format data from ballot data module 52 to print a ballot 20 of correct format, i.e., having the correct candidate choices, for that voter. A further optional function of computer 51 is to store the names of all of the registered voters for each ward, thereby enabling the election judge to merely input a voter's name. The computer then would automatically verify the registration of that voter and print a ballot in a format appropriate for the voter.

Appropriate security provisions in the form of a PIN (personal identification number) entered into computer 51 by the election judge prior to printing the ballot may be provided to prevent voter fraud. Computer 51 may be connected by a cable 53 to laser printer 50, which is preferably pre-loaded with a supply of paper compatible with the ballot format. The paper stock may be preprinted with an official seal 54 and/or with a watermark for additional security. However, it is anticipated that at least the candidates' names, generally designated 55 in FIG. 2, sync marks 56, and associated marking spaces 35, would ordinarily be printed by laser printer 50.

Sync marks 56 may be provided along one or more edges of ballot 20 to assist ballot marking device 22 and ballot scanning device 24 in generating and reading marks in ballot marking spaces 35. In addition, the ballot type, i.e. the particular ward or voting jurisdiction for which the ballot is intended, together with an optional ballot security ID number, may be indicated by one or more printed bar codes 57 at a predetermined location on the ballot. As will be explained, these bar codes are read by marking device 22 and scanning device 24 in processing ballot 20 to identify the type, and hence the format, of the ballot being processed.

The pattern of sync markings 56 may be modified to provide index points along the ballot. In particular, such index marks may include, for example, a start mark 56a at the top of the ballot, a header mark 56b between the ballot header portion and the ballot candidate selection portion of the ballot, and an end mark 56c at the bottom of the ballot. The index marks preferably differ from each other and from non-index sync marks 56 in thickness and/or spacing to enable the index

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marks to be sensed by the same sensors in marking device 22 and scanning device 24 which read the sync marks.

Referring to FIG. 3, the mechanism within marking device 22 for receiving, marking, sensing and discharging ballot 20 may comprise a pair of generally parallel-spaced thin metal plates 60 and 61 which define between their co-facing surfaces a paper channel 62. The plates diverge toward the front end of the printer to define ballot receiving slot 33, the bottom plate 61 providing a surface on which the voter places the ballot prior to sliding ballot 20 into the slot. A slot 63 in top plate 60 allows a first sync detector 64, preferably in the form of a light source and photocell focused on the underlying ballot surface, to detect the presence of index mark 56a (FIG. 6) on the edge of the ballot, thus determining that a ballot has been inserted through slot 33. This causes a pair of ballot-positioning feed rollers 65 and 66, rotatably driven by a pair of ballot feed drive motors 67 and 68, respectively, to advance ballot 20 along paper channel 62. To this end, feed rollers 65 and 66 are paired with opposing feed rollers 70 and 71 (FIG. 4), respectively. Feed rollers 65 and 70 contact the top and bottom surfaces of the ballot through apertures 72 and 73 (FIG. 4), respectively, and feed rollers 66 and 71 contact the top and bottom surfaces of the ballot through apertures 74 and 75, respectively. Feed rollers 65, 66, 70 and 71 may be conventional in design and construction, having a rubber ballot engaging surface and being spring-biased into contact with the ballot in a conventional manner. For reliable paper handling, conventional rotation sensing means in the form of circumferentially segmented discs 76 and 77 (FIG. 3) and optical segment detectors 78 and 79 may be provided to generate signals confirming rotation of feed motors 67 and 68, and hence paper-positioning feed rollers 65 and 66, respectively.

As feed motors 67 and 68 rotate, ballot 20 advances until a second sync detector 80 senses through an aperture 81 the passage of index mark 56b (FIG. 6), signifying that the ballot has advanced to a predetermined stop position between plates 60 and 61. At this point, feed motors 67 and 68 are stopped and the ballot remains stationary.

Referring to FIGS. 9 and 10, the voter is now presented with successive interactive displays on touch-screen 34 of voter terminal 23 which enable him or her to record his or her candidate choices. Communication between marking device 22 and voting terminal 23 coordinates the ballot presentation, the screens being generated by a display processor 82 utilizing data derived from either ballot data module 26 or an optional ballot data module 84, and stored in a Random Access Memory (RAM) 83 associated with display processor 82. Voter selections made by the voter on touch-screen 34 are stored in RAM 83 for subsequent use in marking the ballot. A marking device interface circuit 85 provides communication with marking device 22 to coordinate the voting protocol with the handling of ballot 20 by the marking device. An uninterruptible battery back-up power supply (UPS) 86 within voter terminal 23 assures that the voting process can continue even during an AC line interruption. A pair of status lights 87, indicating AC or battery operation, are provided to confirm the power-up status of the terminal.

To determine which ballot format is to be presented to the voter on touch-screen 34, bar-code readers in the form of optical mark sensors 88a and 88b read ballot bar codes 57 (FIG. 6) through an aperture 89 in top plate 60. Ballot information provided by the bar codes is utilized by appropriate software in a processor 90 (FIG. 3A) to select the correct ballot format from multiple formats stored in a RAM 91 associated with processor 90 utilizing data obtained from ballot data module 26. As will be explained, for protection

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against voter fraud, the bar codes may also provide a ballot ID which is matched with an identification code associated with each ballot format in data module 26 prior to presenting the ballot choices to the voter. In the event there is no match, the ballot is rejected by marking device 22 and returned to the voter without voting terminal 23 being functional. Ballot marking device 22 preferably includes an uninterruptible battery back-up power supply (UPS) 92 for supplying power to processor 90, drive roller motors 67 and 68 and the other components of the marking device to enable the voting process to continue in the event of power interruption.

A voting station interface circuit 93 cooperates with marking device interface circuit 85 to establish communication between processor 82 and processor 90 to coordinate operation of voting terminal 23 with operation of marking device 22, including conveying ballot format data from ballot data module 26 to RAM 83 in the event such data is not provided by a separate data module 84.

To provide voter-detectable marks in appropriate marking spaces 35 (FIG. 6) on ballot 20 following completion of the voter's selection on voting terminal 23, marking device 22 includes a pair of marking heads 94 and 95 (FIGS. 3 and 4) which engage the top surface of the ballot through apertures 96 and 97, respectively. Various types of marking heads may be employed for this purpose, including, for example, ink jet-type and impact-type print heads for producing a visually-detectable mark, or punch-type heads for producing an embossment, dimple or perforation tactilely detectable mark. A pair of mark sensors 98 and 99 are paired with marking heads 94 and 95, respectively, to confirm that each has marked ballot 20 in response to marking signals provided by processor 90 through marking head drive circuits 100 and 101 (FIG. 3A), respectively.

When the voter completes his voting session on terminal 23 by providing an appropriate input on touch-screen 34, ballot feed motors 67 and 68 are caused to operate in reverse to back ballot 20 out of the marking device. As the ballot backs out, processor 90, in response to the ballot position-identifying sync marks 56 on the ballot, causes marking heads 94 and 95 to be actuated as required to mark candidate selection spaces 35 on the ballot in accordance with the voter's selections on touch-screen 34. Mark detectors 98 and 99 independently verify that the print heads have functioned, signaling processor 90 to stop the ballot in position and sound an alarm in the event of a malfunction. The marks made by marking heads 94 and 95 on ballot 20 are user-detectable as well as machine-detectable, allowing the voter to independently verify that the ballot has been marked in accordance with his selections on touch-screen 34.

Ballot feed motors 67 and 68 may in practice be stepper motors driven by a conventional stepper motor drive circuit 102 (FIG. 3). The feedback signals generated by rotation sensing detectors 78 and 79 are applied to drive circuit 102 to verify motor rotation in a manner well known to the art.

A similar arrangement of ballot marking heads and mark detectors may be provided for the bottom surface of the ballot, allowing both sides of a double-sided ballot to be processed simultaneously. In the present embodiment, additional sync detectors 103 and 104 (FIG. 3A) detect sync marks along a bottom edge of the ballot through apertures 105 and 106 in bottom plate 61 (FIG. 4), respectively. A pair of marking heads 107 and 108 (FIG. 3) are paired with mark detectors 110 and 111 to mark and sense marks on the bottom of ballot 20 through aperture 112 (FIG. 4). Conventional marking head driver circuits 113 and 114 (FIG. 3A) provide drive signals to marking heads 107 and 108, respectively.

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The ballot processing mechanism functioning in FIGS. 1-3A as marking device 22 may also function as ballot scanning device 24. When functioning as a scanning device no voting terminal is connected and alternate operating software is provided for processor 90. In operation as ballot scanning device 24, an initial message (FIG. 11A) may be provided on display screen 43 prompting the voter to insert the marked ballot. Upon sync sensor 64 sensing insertion of a ballot, processor 90 causes ballot feed motors 67 and 68 to advance ballot 20 through paper channel 62. As the ballot advances, mark sensors 98 and 99 sense marks in respective columns of marking positions 35 on the ballot as sync marks 56 are read by sync detectors 64 and 80, the sensed mark locations being stored in RAM 91.

When the ballot has been read, as sensed by the passage of index mark 56c (FIG. 6) at sync detector 64, feed motors 67 and 68 are stopped and the ballot is held in position. The sensed mark locations are then compared with the ballot format provided by ballot data module 27 in RAM 91 for the ballot type read by bar-code readers 88a and 88b. In the event of an under-vote or an over-vote, a message is provided on bar-code display 43 (FIG. 7) indicating the under-vote or over-vote, and push-button switches 44 and 45 are illuminated to allow an interactive selection by the voter. Preferably, in the event of an under-vote, a red flashing display may read as shown in FIG. 11B, requiring either 1) the actuation of vote switch 45, which will cause the under-vote to be erased in RAM 91 and, provided no other under-votes or over-votes are present, the ballot to be discharged into ballot box 25, or 2) the actuation of return switch 44, which will cause all votes on that ballot to be deleted in RAM 91, feed motors 67 and 68 to operate in reverse, and the ballot to be returned to the voter for further voting. Print heads 94, 95, 107 and 108 may be optionally operated during the return of the ballot to void the ballot, as by printing over all marking spaces, or by printing over the ballot ID 57 by means of an additional marking head (not shown), requiring the voter to request a new ballot. In the event of a returned ballot, display (FIG. 11E) may appear, prompting the voter to remove and re-mark the ballot.

In the event of an over-vote, a red flashing message (FIG. 11C) prompts the voter to either 1) actuate push-button VOTE switch 45, in which event the over-vote is deleted from RAM 91, and, provided no other under votes or over votes are present, the ballot is discharged into ballot box 25, or 2) actuate push-button RETURN switch 44, in which event the ballot is returned for correction by the voter and message 11E is displayed. The ballot may be optionally voided as previously described, requiring the voter to obtain a new ballot. In the event of an accepted ballot, a steady green display (FIG. 11D) is provided. When no action is required by the voter, push-button switches 44 and 45 remain unlit and preferably display no indicia.

Similar interactive color display messages may be provided on display 40 of ballot marking device 22. Initially, an amber display (FIG. 12A) may prompt the voter to insert an unmarked ballot. When the ballot is in place and while the voter is using terminal 23, a steady red message (FIG. 12B) may be displayed. When voting is complete, a flashing red message may be displayed to prompt the voter to remove the machine-marked ballot and take the ballot to scanner device 24 FIG. 12C. When the mechanism is functioning as a ballot marking device, push-button switches 44 and 45 are preferably inoperative, unlit and display no indicia.

To enable vote tallies to be transmitted to a central processing location upon poll closing, a communication port 115 (FIG. 3A) and modem 116 may be provided which, under control of processor 90, causes an appropriate signal to be

transmitted indicative of the tallies. Various security provisions are possible, including encryption through the use of an embedded electronic serial number (ESN) in processor 90 and ballot data module 26, which serial numbers are required to be transmitted and received at the central processing location before ballot tallies, preferably encrypted, are received as authentic election results.

An additional function which may be required of ballot scanning device 24, but not of ballot marking device 22, is that the ballot, after processing, is selectively discharged into one or two compartments 37 and 38 within ballot box 25, depending on whether the ballot contains write-in votes. To this end, when a mark is sensed in a marking space on a write-in vote line, as indicated by the data provided by data module 27 and stored in RAM 91, a ballot routing gate 117 (FIGS. 3 and 4) is positioned by an actuator motor 118 to a position which will discharge the ballot into the appropriate compartment. A rotation sensor in the form of a circumferentially segmented disc 119 and optical rotation sensor 120, provide a feedback signal to a conventional stepper motor drive circuit 121, which causes gate 117 to be positioned as determined by processor 90.

The operating mode of the marking and scanning devices is controlled by a key-operated mode switch 122 on the front panel 123 (FIG. 13) of the devices. The switch selects one of four operating modes: OFF, MARK, SCAN and REPORT. In the MARK mode, the apparatus functions as a marking device to mark the ballot in accordance with vote selections read at voting terminal 23. In the SCAN mode, the apparatus functions as a scanning device to check marked ballots for under-votes and over-votes and then tally and deposit the ballots in a ballot box. In the REPORT mode, which is normally used following closing of the polls, vote tallies are transmitted as an encrypted message to a central vote-counting location.

Other features provided on front panel 123 include a key-operated locking mechanism 124 for locking the device to a supporting surface, in the case of marking device 22, or to a ballot box, in the case of scanning device 24. As shown in FIG. 5, the locking mechanism 124 may consist of a cylinder-type key lock, having a locking arm 125 which engages a slot 126 in the underlying surface. One or more tabs 127 engage the housing of the printer or scanner through appropriately located slots 128.

The front panel may further include an identification plate 130 (FIG. 13) which may contain a permanent device serial number or other identifying indicia, and/or a user-removable identification card by which the scanning device is identified as the property of a particular jurisdiction. Also, a lockable module receiving receptacle 131 may be provided for receiving ballot data modules 26 or 27.

Preferably, as shown in FIG. 8, receptacle 131 comprises a compartment 132 within which the module is slidably received. A connector 133 at the rear end of the compartment provides connections with a printed circuit board 134 within the module. A handle 135 may be provided integral with the module housing to assist in removing the module. A hinged door 136 (FIGS. 7 and 13) secured by a key lock 137 may be provided to prevent tampering with the data module. A window 138 in door 136 may be provided to enable viewing of a module identification number on the handle of the module. A pair of LED pilot lights 139 (FIGS. 7 and 13) provide a steady indication to indicate whether the unit is operating on AC or battery power, and a blinking indication in the battery mode to indicate a low-battery condition.

As best shown in FIG. 6, the ballot voting spaces 35 are preferably arranged in columns 140 on ballot 20 so as to be in

alignment with the optical marking sensors and marking heads of marking device 22 and scanning device 24. While two columns are shown in FIG. 6, it will be appreciated that a greater or lesser number of columns may be provided to accommodate a greater or lesser number of candidate selections on the ballot. In such cases a like number of mark sensors and marking heads would be provided within the marking and scanning devices.

The basic operation of marking device 22 is illustrated by the simplified flow chart of FIGS. 14A-14C. Initially, upon power up of the printer, a start sequence 150 results in data being read from data module 26 at 151. This data is stored at 152 in RAM 91 within marking device 22. Provided the data from data module 26 tests valid at 153, an inquiry is made at 154 whether a ballot has been inserted into ballot receiving slot 33. In the event the data from data module 26 tests invalid at 153, a message is generated at 155 for display on display screen 40 and the stored data is erased from RAM 91 at 156.

Upon a ballot being sensed at 154, ballot feed motors 67 and 68 are caused to turn in a forward direction at 157a to receive the ballot and ballot sync marks 56 are read at 158 to monitor the movement of the ballot through paper channel 62. As sync pulses are read, the ballot ID is read by bar code readers 88a and 88b at 160. The sensed bar code is tested at 161 for validity against a ballot ID received into memory from data module 26. In the event of an invalid ID, a message is generated at 162 for display on message display 40 and the ballot feed motors are initially stopped and then reversed at 157b to reject the ballot.

If the ballot tests valid at 161 and sync marks 56 indicate at 163 the ballot has reached an initial position for marking, the ballot feed motors are stopped at 157c and a message is generated at 164 for display on message display 40. The voter assistance routine is then performed by voting terminal 23 at 165, in accordance with ballot format stored in RAM 91 and communicated to the voting terminal through cable 28. Upon completion of the voter assistance routine at 166, the voter's candidate selections are recorded in RAM 91 at 167, a message is generated at 168 for display on display 40, and the ballot feed motors are caused to turn in a reverse direction at 157d. In the event that voting is not complete after a period of time starting at 170a and ending at 170b, a message at 171 is displayed on display 40 and the ballot feed motors are caused to turn in a reverse direction at 157b to discharge the ballot.

As ballot 20 backs out of marking device 22 from its initial printing position, sync markings are read at 172, stored user candidate selections are recalled from memory at 173 and, where at 174 a mark is required by the stored selection, marking heads 94, 95, 107 and 108 are actuated at 175 to place voter-readable and machine-readable marks at the marking spaces 35 associated with the voter-selected candidates. Following each marking, the associated one of mark sensors 98, 99, 110 and 111, respectively, test for proper printing at 176. In the event a printing malfunction is sensed, an alarm is sounded at 177a, a message is generated at 177b for display on message display 40 and the ballot feed motors are stopped at 157e.

If all print marks check valid and the printing tests complete at 178, a message is generated at 180 on message display 40 and reverse operation of the ballot drive motors continues at 157f until the ballot is sensed at 181 to be discharged through slot 33. If printing is not complete, then sync marks continue to be read at 172 and the previously described print cycle continues. Once the ballot feed motors have been stopped, further movement of the feed motors is prevented at 157g until the ballot has been removed at 182 by the voter.

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The operation of scanning device **24** is described by the simplified block diagram of FIGS. **15A** and **15D**. Upon initiation of the operation sequence at **190**, data from ballot data module **27** is read at **191** and stored in RAM **91** at **192**. The data supplied by data module **27** is tested for validity at **193**. In the event the data module is found to be invalid, a message is displayed at **194** for display on message display **43** and the stored data is erased at **195** from RAM **91**.

In the event the data from data module **27** is valid, a determination is made at **196** whether a ballot is present at ballot-receiving slot **36**. If a ballot is present, the ballot feed motors **67** and **68** are caused to operate at **197a** to advance the ballot through ballot channel **62** and sync marks **56** are read at **198** as the ballot advances. Upon detection at **200** of the ballot having reached an initial reading position, a counter within processor **90** is reset at **201** to track the progress of the ballot. With each incremental movement of the ballot reference is made at **202** to the data stored in RAM **91** to determine whether the ballot is in a position wherein a valid marking space is positioned under one of the mark sensors. In the event a marking space is so situated and a mark is sensed at **203**, an input is provided to RAM **91** at **204** of the sensed mark and marking space to record a vote for the candidate associated with that marking space. The process continues until all valid marking spaces have been sensed at **205**, at which time the ballot ID code **57** is read at **206** by bar code reading heads **88a** and **88b**. In the event the ballot ID is not valid at **207**, i.e., the ballot is not appropriate to this scanning device in this voting jurisdiction, the forward progress of the ballot is stopped by stopping the ballot feed motors at **197b** and a message is generated at **208** for display on message display **43**.

If the ballot ID tests valid at **207**, the ballot feed motors are stopped at **197c** and the ballot format is read from memory at **210** to determine whether the ballot has been properly marked for the particular candidate selections presented to the voter. If an under-vote is detected at **211**, a display message is generated at **212**. Push-button switches **44** and **45** are now enabled. If switch **44** is actuated by the voter signaling rejection of the ballot at **213**, a message is generated at **214** for display on message display **43** and the ballot feed motors are caused to operate in reverse at **197f** to return the ballot to the voter. If the voter actuates switch **45** indicating acceptance of the under-vote at **215**, the valid votes contained on the ballot are recorded into a cumulative vote tally memory at **216** and a message is generated at **217** for display on message display **43**. In the event the voter fails to actuate either switch **44** or **45** following generation of the under-vote message at **212**, the inaction is treated as a rejection after a predetermined time period starting at **218a** and ending at **218b**.

In the event an over-vote is sensed at **220**, a message is generated at **221** for display on message display **43**. Push-button switches **44** and **45** are illuminated and enabled. If the voter chooses to reject the over-vote by actuation of RETURN switch **44** at **222**, a message is generated at **223** for display on message display **43** and the ballot feed motors are caused to operate in reverse at **197f** to return the ballot to the voter. In the event VOTE switch **45** is actuated at **224** to accept the over-vote, the votes constituting the over-vote, i.e., multiple votes cast for a single office, are cancelled from RAM **91** at **225** and the balance of the ballot is entered into the cumulative vote tally AT **216**. A message is generated at **226** for display on message display **43**. In the event that the voter fails to actuate either push-button switch **44** or **45** following the generation of the over-vote message at **221**, the inaction is treated as a rejection after a predetermined period of time starting at **218c** and ending at **218d**.

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In the event no under-votes or over-votes are present, a message is generated at **227** for display on message display **43** and the movement of ballot **20** is continued at **197d** through paper channel **62** until discharge of the ballot has been sensed at **228**, at which time the ballot feed motors are stopped at **197e**.

When the ballot feed motors have been caused at **197f** to return the ballot to the voter, the feed motors continue to operate until the ballot has been discharged through slot **36** as sensed by index mark **56a** at **229**, at which time the feed motors are stopped at **197g**. Forward operation of the ballot feed motors is prevented at **197** by sensor **64** at **230** to prevent the returned ballot prior to pick up by the voter from being sensed as a newly-inserted ballot.

Various security protocols may be provided in marking device **22** and scanning device **24** to prevent voter fraud. In FIG. **16**, a system is shown for allowing only authorized data modules **26** or **27** to be used with a particular marking device or scanning device. In this system each device is provided with an identification number, ID1, which is preferably embedded within a chip associated with processor **90**. ID1 may, for instance, comprise a unique 8, 16 or 32 bit number. A ballot data module intended for use with the particular printer or scanner is similarly provided with an embedded identification number, ID2. Upon insertion and reading of the data module at **250**, ID1 is stored in RAM **91** at **251**. At the same time, ID2 is read at **252** and stored in RAM **91** at **253**. A security algorithm receives ID1 and ID2 at **254**, validates the numbers at **255**, and generates an enabling signal which enables operation of the device. In the event the IDs do not validate, a message is generated at **256** for display on the device message display and further operation of the device is prevented.

A further security protocol may be provided to prevent a data module **26** or **27** from being used with an inappropriate ballot **20**. In this instance, as shown in FIG. **17**, the module ID1 is read at **260** and stored in RAM **91** at **261**. In subsequent operation, ID3 is read from ballot bar code ID **57** at **262** and stored in RAM **91** at **263**. A security algorithm is performed at **264** whereby ID1 and ID3 are compared to determine whether their combination is valid at **265**. In the event the ballot ID is not appropriate to the module ID, a message is generated at **266** for display on the device message display, and the ballot is rejected. In the event the combination is appropriate, operation of the device continues.

A further security protocol is possible wherein a valid combination of ballot data module, marking or scanning device and ballot is verified. In this routine, as shown in FIG. **18**, the data module ID1 is read at **270** and stored in RAM **91** at **271**. The device ID2 is read at **272** and stored in RAM **91** at **273**. A security algorithm is performed at **274** to verify at **275** that a valid combination of data module and device exists. In the event the module is not appropriate, a message is generated at **276** for display on the device message display and further operation of the device is prevented.

If the ballot data module and device are a valid combination, in subsequent operation the ballot ID3 is read from the ballot at **277** and stored in RAM **91** at **278**. A further security algorithm is performed at **280** which verifies that the ID1 of the data module, the ID2 of the device and the ID3 of the ballot are all valid at **281** for processing of the ballot. In the event that the ballot is inappropriate to the combination, a message is generated at **282** for display on the device message display and the ballot is rejected.

Thus, by controlling the imbedded ID numbers of the ballot data module and the device and the ID number of the ballot, the introduction of an inappropriate element into the voting

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system is prevented. It is anticipated that the ID'S of the data module and marking and scanning devices would be concealed to prevent someone from easily substituting another module or device into the system and thereby achieving erroneous vote tallies.

While a form of marking and scanning apparatus has been described for use with the voting system of the invention, it will be appreciated that such marking and scanning devices may take various forms. For example, a greater or lesser number of rollers may be employed to position the ballot within the device and a greater or lesser number of marking and mark sensing heads may be employed to provide for a greater or lesser number of columns of marking spaces on the ballot. Furthermore, instead of moving the ballot past stationary marking and sensing heads, it would be possible to move the ballot to a stationary position, and then move the marking and sensing heads, preferably arranged horizontally side-by-side on a stepper motor driven carriage, vertically from one end to the other of the ballot, thereby vertically scanning the ballot for markings and marking locations as required.

Furthermore, while data modules have been shown that plug directly into a receptacle in the personal computer, marking device, or scanning device, it will be appreciated that such modules could instead be connected through a cable using a serial data interface, such as, for example, a universal serial bus (USB). Furthermore, while the foregoing description provides that voting data will be stored in RAM memory, it will be appreciated that EEPROM (electrically erasable programmable read-only memory) or flash memory could be used instead.

Furthermore, various types of mark sensing devices can be used in the marking and scanning devices, including one utilizing, a focused light source reflecting from the ballot surface onto a focused detector, and that various known circuits and optical devices can be incorporated to enhance the performance of such mark sensing devices. Furthermore, various forms of print heads can be used as marking heads to mark the marking spaces of the ballot. One form of print head believed advantageous for this purpose and readily available is an impact type involving a single hammer and a replaceable carbon or mylar film ribbon cartridge. However, print heads employing bubble jet or ink jet technology could also be utilized.

It will also be appreciated that various types of alternative media may be used for the physical ballot, including, for example, a thin plastic material, and marking may be accomplished by punching or deforming the material by means of heat, or a mechanical, electrical or magnetic force, it only being necessary for the voter to be able to detect the mark to ascertain that his or her votes have been correctly marked.

Furthermore, while it is recognized that the particular construction illustrated for the apparatus of the marking and scanning devices is advantageous in that it allows the same apparatus to be used for either device, and that the function of the apparatus can be readily changed by selecting different operating systems in processor 90 by a means of a single mode-selecting switch, in practice the construction of the marking and scanning devices need not be identical and can instead be optimized for use in each device.

For example, an alternate embodiment for the construction of a device optimized for marking is illustrated in FIGS. 19-21. Referring to FIG. 19, this voter assistance terminal 300 comprises a ballot marking device 302 and touchscreen or voting terminal 304. The preferred embodiment of this voter assistance terminal 300 provides for the marking device 302 to be connected to the touchscreen 304 via a flexible cable

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(not shown) which may have conventional connectors to facilitate the closing and transport of the voter assistance terminal 300. (See FIG. 20)

The voter assistance terminal 300 constructed in accordance with this alternate embodiment of the present invention is used as previously discussed. In short, an election judge, after confirming the identity and registration of the voter, issues a preprinted paper ballot 306. The voter has the option of manually marking the ballot 306 in the conventional way, or of inserting it into a ballot receiving slot 308 at the front of the marking device 302 of the voter assistance terminal 300 for electronic marking. The terminal 300 draws in the ballot 306 and scans a preprinted code to determine which form or style of ballot has been inserted. It then presents a series of menu-driven voting choices on its preferably color touchscreen 304 corresponding to that particular ballot style.

In the event that the voter is in need of language support, for example he or she cannot read the English language, the voting menus on the touchscreen 304 can be presented in any number of different languages and then the voter can more readily navigate through these menus. Additionally, in the event that the voter has diminished motor skills, is somewhat visually impaired, or is in some other way physically handicapped and cannot vote in the conventional manner, he or she simply navigates through these touchscreen menus. Furthermore, in the event that the voter cannot use the touchscreen 304 due to the severe physical impairment, blindness or any other reason, he or she can navigate through these menus via a headphone 310 and sub-panel 312 combination. More particularly, a blind voter (for example) would wear the headphones 310 which are connected to the marking device 302 via headphone wire 314 and jack 316 into plug 318.

Although the headphones may be used in conjunction with the touchscreen display, the display preferably shuts down (turns black) when the jack 316 is inserted into plug 318 in order to preserve the voter's privacy as he or she navigates through these menus. As such, the sub-panel comprises, preferably four arrow keys, up 322, down 324, left 326, right 328 and an enter key 330, although it has been contemplated that this particular sub-panel 312 be interchangeable with a future sub-panel having a different key configuration. The blind voter then navigates through the menus using these keys in conjunction with pre-recorded, digitized audio prompts heard through headphones 310.

It will be understood that additional means of voter menu navigation have been contemplated, for example, a USB port 320 may be provided that would allow voters to bring in their own input devices, such as a puff-blow or foot pedal. In this implementation, the interface provides single switch access which takes place in the same general manner as the touch screen or sub-panel, but voter responses are limited to YES and NO.

In any event, the voter assistance terminal 300 accumulates the voters choices in its internal memory during this menu driven (visual, audio, or both) navigation. When the voter is finished with his or her choices, he or she is prompted to mark his or her ballot. The preprinted ballot is then marked according to these choices using its internal print mechanism. The ballot is then fed back to the voter through slot 308 for confirmation and insertion into the scanner, where it is validated and tallied.

Referring now to FIG. 20, the voter assistance terminal 300 is shown in its closed or transport state. In this state, it can be easily carried via handles 332 located on both sides of its lower housing 334. The touchscreen is safely located within recess 336 and beneath the protective cover 338 hinged to the top housing 340 via hinges 342 (FIG. 19). The ballot slot 308

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is also safely located behind the lower cover **344** which forms the ramp **346** to aid in the ballot insertion when the voter assist terminal **300** is in the open position.

An additional sub-panel **348** preferably comprises a message display window **350** utilizing liquid crystal or other known color display technology for displaying voter assistance terminal status and issuing prompts and instructions to the voter. As with sub-panel **312**, it has been contemplated that sub-panel **348** be interchangeable within a future sub-panel having a different message display window, or an additional sub-panel utilizing a key configuration.

Other features provided on the voter assist terminal **300** include a lockable module receiving receptacle **352** for receiving ballot data modules (as previously discussed). A hinged door **354** secured by a key lock **356** may be provided to prevent tampering with the data module. An LED pilot light **358** provides a steady green indication to indicate AC power, a steady yellow indication to indicate battery power and a blinking red to indicate a low-battery condition.

The assembly **360** illustrating the ballot path within the voter assist terminal **300** for receiving, marking, sensing and discharging the ballot is shown within the cross-sectional side view of FIG. **21**.

The mechanism within the voter assist terminal **300** for receiving, marking, sensing and discharging ballot **306** may comprise of a pair of generally parallel-spaced thin metal plates **362** and **364** which define between their co-facing surfaces a ballot channel **366**. The plates diverge toward the front end **368** of the terminal **360** to define a ballot receiving slot **370**, the bottom plate extending with the ramp **346** to provide a surface on which the voter places the ballot **306** prior to sliding the ballot into the slot **370**. A small slot in the plates enables a first optical detector **372**, preferably in the form of a light source and photocell, to determine whether a ballot has been inserted through slot **370**. Upon such detection, a pair of ballot-positioning feed rollers **374** and **376** driven by a first drive motor (not shown) advance the ballot along ballot channel **366**. To this end, feed rollers **374** and **376** are paired with opposing feed rollers **378** and **380**, respectively. Feed rollers **374**, **376**, **378** and **380** may be conventional in design and construction, having a rubber ballot engaging surface and being spring-biased into contact with the ballot in a conventional manner through slots in plate **362**. Furthermore, as the ballot needs to travel in both directions within the channel **366a**, either towards the front of the assembly or towards the back of the assembly, feed rollers **374**, **376**, **378** and **380** need to be capable of rotating in both directions.

Conversely, the pair of feed rollers **382** and **384** within the ballot reversal loop **386** of channel **366b** need only rotate in one direction to advance the ballot. To this end, feed rollers **382** and **384** are driven by a second drive motor (not shown) paired with opposing feed rollers **388** and **390**, respectively. Feed rollers **382**, **384**, **388** and **390** may also be conventional in design and construction, having a rubber ballot engaging surface and being spring-biased into contact with the ballot in a conventional manner through slots in plates **362** and **364** of reversal loop **386**.

A solenoid **392** actuated routing gate **394** urges the ballot either towards the receiving slot **380** and ramp **346** when in the down position, in the event marking of the ballot by the print mechanism **396** is complete, or towards the holding channel **366c**, when in the up position, in the event the ballot marking process is not complete. In any event, and as previously discussed in greater detail, all ballot routing positioning and marking is controlled by appropriate software in a pro-

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cessor that ensures correct mark positioning from ballot type and position information continuously obtained by optical detectors **372**, **398** and **400**.

As previously discussed, the voter assistance terminal **300** accumulates the voters choices in its internal memory during a menu-driven navigation scheme. This user-interface can be accomplished through touchscreen navigation only, through key button/touchscreen navigation, through key button/headphone navigation or through any other viable combination thereof.

For example, FIGS. **22a** and **22b** illustrate a preferred start-up touchscreen scheme. FIG. **22a** is prompting the voter to insert his or her ballot into the voter assistance terminal using both a written prompt **500** (multiple languages may be shown here) and an illustrational prompt **502**. Once the ballot is inserted, FIG. **22b** prompts the voter to select an appropriate language to navigate through the voting selection process. When the voter touches the ENGLISH prompt **504** or the SPANISH (ESPAÑOL) prompt **506**, the remainder of the selection process will either be presented in English or Spanish, respectively. Prompts common to most menus and/or screens in the selection process are included on the top **508** and the bottom **510** of each screen. In the preferred embodiment, the top **508** of the screen includes an EXIT prompt **512** which ends the selection process and an AUDIO prompt **514** which toggles the digitized audio voting sequence on and off. The bottom **510** of the screen may include a ZOOM prompt **516** which enlarges the touchscreen's main display area **518**, as well as a PREVIOUS **520** and a NEXT prompt **522** which reverses or advances navigation to the previous or next screens, respectively.

The present invention has been designed such that the voter can not only navigate through the selection process via the touchscreen interface, but can also navigate through the process using the key buttons in combination with the digitized audio voting sequence heard through the headphones.

More particularly, and referring to FIG. **23**, the preferred sub-panel **312** key button engagement is shown. These key buttons allow the voter to navigate through the menus either while watching the touchscreen display or while listening to the audio sequence or both in the same manner that the voter can solely use the touchscreen. For example, referring to the language selection screen (FIG. **22b**), the voter may highlight the ENGLISH **504** or SPANISH (ESPAÑOL) prompt **506** by using the up key **322** and/or the down key **324**. When the proper prompt is highlighted, the voter makes his or her selection by using the select or enter key **330**. If the voter is not using the touchscreen display, but is rather using the audio sequence, the key buttons allow for similar navigation thereof. In other words, upon insertion of the ballot the audio sequence may say, for example, "Select Language", and when the voter uses the up key **322** and/or the down key **324**, the audio sequence will switch to English or Spanish in real-time. When the proper language is heard, the voter uses the select or enter key **330** and proceeds with the rest of the selection process.

The remaining start-up screen may be, for example, an election description screen informing the voter of the type of election **524**, precinct **526**, ballot style **528**, etc., see FIG. **24**.

A sample election selection process is shown and described in FIGS. **25a-25f**. It will be understood that all of the control options accomplished through the illustrated touchscreen user interface can also be accomplished through the sub-panel **312** key buttons (FIG. **23**) and touch screen display and/or audio sequence. For example, the up **322** and down key buttons **324** allow the voter to scroll between candidates in a race such that they are highlighted on the touchscreen display

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and/or heard through the headphones on a real-time basis. Similarly, the left **326** and right key buttons **328** allow the voter to scroll between contests or races such that the previous or next screen is displayed and/or heard on a real-time basis.

That said, the first screen of the sample election is shown in FIG. **25a**. The main display area **518** of this screen informs the voter of the contest **530**, the position **532** and the candidates area **534**. If the voter has difficulty reading the screen, or any other screen, a touch of the ZOOM prompt **516** enlarges the print of the main display area **518**, as shown in FIG. **25b**. Another subsequent touch of the ZOOM prompt **516** reduces the print in the main display area **518** back to standard size (FIG. **25a**).

FIG. **25c** indicates by the darkening of the oval **536** next to the candidates name **538** that the voter has selected the first candidate in the candidates area **534**. This was either accomplished by touching the first candidates name **538** and/or oval **536** or by depressing the select/enter key **330** on the sub-panel **312** during the representative audio sequence. The selected candidate can be unselected by touching the name **538** and/or oval **536** or by selecting a different candidate. Similarly, the sub-panel **312** allows the voter to unselect the candidate by depressing the select/enter key **330** or scrolling up and down the candidates names with the up **322** and down **324** keys to select a different candidate with the enter/select key **330** during the representative audio sequence.

After the voter is finished with the first race, the NEXT prompt **522** (or the right arrow key **328** on sub-panel **312**) is pressed to move to the next race. The next race is illustrated in FIG. **25d** and again displays the contest **530**, the position **532** and the candidates area **534**. Here again, the first candidate **540** was selected either via touchscreen or key buttons. Because this particular race is a so-called "vote for two" race, the voter may select another candidate, and in this case, the write in candidate **542** was selected and the display shows the write in editor **544** of FIGS. **25f** and **25g**.

In the case of straight touchscreen navigation, the write in editor allows the voter to simply enter the write in candidates name **546** by touching the appropriate letters **548** on the editor **544** and touching the DONE prompt **550** when finished. In the case of sub-panel navigation, the up **322** and down **324** key buttons navigate the voter through the displayed (touchscreen display) or audio (headphones) alphabet until the desired letter is highlighted (display) or heard (headphones) and then the select/enter key button **330** is depressed until the name is completed.

Upon the DONE prompt **550** being selected, either by touchscreen or key button navigation, both the first candidate **540** and the write in candidate **542** are shown as selected in FIG. **25h** by the darkening of the ovals **536** next to their respective names. These selected candidates can be unselected as previously discussed with respect to the previous race.

When the voter selects the NEXT prompt **522** or the right arrow key **328** when finished with the last race, the selection review screen of FIG. **25i** is presented. This screen summarizes the voters selections and prompts the voter to either select a race to edit **544** or to mark the ballot **546**. If the second race **548** is selected to be edited, the screen illustrated by FIG. **25j** would be presented. This gives the voter another opportunity to edit his or her selections, as previously discussed, or go back to the review screen by touching the BACK TO REVIEW prompt **550**, which brings the voter back to the screen illustrated by FIG. **25i**. If the MARK BALLOT prompt **546** is selected, the PRINTING screen and the DONE screen

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of FIGS. **25k** and **25l** will be presented respectively. The voter can now take the marked ballot to the appropriate scanning device for tabulation.

While particular embodiments of the invention have been shown and described, it will be obvious to those skilled in the art that changes and modifications may be made therein without departing from the invention in its broader aspects, and, therefore, the aim in the appended claims is to cover all such changes and modifications as fall within the true spirit and scope of the invention.

I claim:

1. A method of voting that allows a voter to navigate a plurality of contests and a plurality of options associated with each of said contests, said method comprising:

providing a navigation device comprising a center push-button switch, a first pair of push-button switches positioned above and below said center push-button switch, and a second pair of push-button switches positioned left and right of said center push-button switch;

presenting said contests and said associated options to the voter, wherein one of said first and second pairs of push-button switches enables the voter to scroll among said contests, and wherein the other of said first and second pairs of push-button switches enables the voter to scroll among said options; and

receiving a plurality of voting selections from the voter, wherein said center push-button switch enables the voter to make at least one voting selection for each of said contests by selecting at least one of said options without providing any input on other of said options.

2. The method of claim 1 wherein at least two of said push-button switches are uniquely shaped.

3. The method of claim 2 wherein said first pair of push-button switches are generally triangularly shaped and point up and down respectively, said second pair of push-button switches are generally triangularly shaped and point right and left respectively, and said center push-button switch is generally rectangularly shaped.

4. The method of claim 1 wherein said navigation device includes one or more auxiliary push-button switches located remote from said first and second pairs of push-button switches and said center push-button switch.

5. A method of voting that allows a voter to navigate a plurality of contests and a plurality of options associated with each of said contests, said method comprising:

providing a display screen;

providing a navigation device comprising a center push-button switch, a first pair of push-button switches positioned above and below said center push-button switch, and a second pair of push-button switches positioned left and right of said center push-button switch;

visually presenting said contests and said associated options to the voter on said display screen, wherein one of said first and second pairs of push-button switches enables the voter to scroll among said contests, and wherein the other of said first and second pairs of push-button switches enables the voter to scroll among said options; and

receiving a plurality of voting selections from the voter, wherein said center push-button switch enables the voter to make at least one voting selection for each of said contests by selecting at least one of said options without providing any input on other of said options.

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6. The method of claim 5 wherein at least two of said push-button switches are uniquely shaped.

7. The method of claim 6 wherein said first pair of push-button switches are generally triangularly shaped and point up and down respectively, said second pair of push-button switches are generally triangularly shaped and point right and left respectively, and said center push-button switch is generally rectangularly shaped.

8. The method of claim 5 wherein said navigation device includes one or more auxiliary push-button switches located remote from said first and second pairs of push-button switches and said center push-button switch.

9. A method of voting that allows a voter to navigate a plurality of contests and a plurality of options associated with each of said contests, said method comprising:

providing a set of headphones;

providing a navigation device comprising a center push-button switch, a first pair of push-button switches positioned above and below said center push-button switch, and a second pair of push-button switches positioned left and right of said center push-button switch;

audibly presenting said contests and said associated options to the voter via said headphones, wherein one of said first and second pairs of push-button switches enables the voter to scroll among said contests, and wherein the other of said first and second pairs of push-button switches enables the voter to scroll among said options; and

receiving a plurality of voting selections from the voter, wherein said center push-button switch enables the voter to make at least one voting selection for each of said contests by selecting at least one of said options without providing any input on other of said options.

10. The method of claim 9 wherein at least two of said push-button switches are uniquely shaped.

11. The method of claim 10 wherein said first pair of push-button switches are generally triangularly shaped and point up and down respectively, said second pair of push-button switches are generally triangularly shaped and point right and left respectively, and said center push-button switch is generally rectangularly shaped.

12. The method of claim 9 wherein said navigation device includes one or more auxiliary push-button switches located remote from said first and second pairs of push-button switches and said center push-button switch.

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13. A voting system comprising:
a ballot marking device;

one or both of a display screen and a set of headphones in communication with said ballot marking device and configured to present a plurality of contests and a plurality of options associated with each of said contests; and

a navigation device in communication with said ballot marking device and having a center push-button switch, a first pair of push-button switches positioned above and below said center push-button switch, and a second pair of push-button switches positioned left and right of said center push-button switch, wherein said navigation device is configured such that one of said first and second pairs of push-button switches enables scrolling among said contests, wherein the other of said first and second pairs of push-button switches enables scrolling among said options; and wherein said center push-button switch enables the entry of at least one voting selection for each of said contests by selecting at least one of said without providing any input on other of said options.

14. The voting system of claim 13 wherein at least two of said push-button switches are uniquely shaped.

15. The voting system of claim 14 wherein said first pair of push-button switches are generally triangularly shaped and point up and down respectively, said second pair of push-button switches are generally triangularly shaped and point right and left respectively, and said center push-button switch is generally rectangularly shaped.

16. The voting system of claim 13 wherein said navigation device includes one or more auxiliary push-button switches located remote from said first and second pairs of push-button switches and said center push-button switch.

17. The voting system of claim 13 further comprising a pre-printed ballot.

18. The voting system of claim 17 wherein said ballot marking device comprises a printing mechanism operable to mark said selection of at least one of said options for each of said contests on said pre-printed ballot.

19. The voting system of claim 18 further comprising a ballot scanning device operable to scan said ballot and tabulate said selection of at least one of said options for each of said contests marked thereon.

* * * * *

Exhibit B



OpenElect[®] Voting Interface (OVI-VC)

The OpenElect Voting Interface (OVI-VC) is a multi-faceted and robust ADA compliant touchscreen voting device which can accommodate early voting, vote centers, Election Day and walk-in absentee voters.



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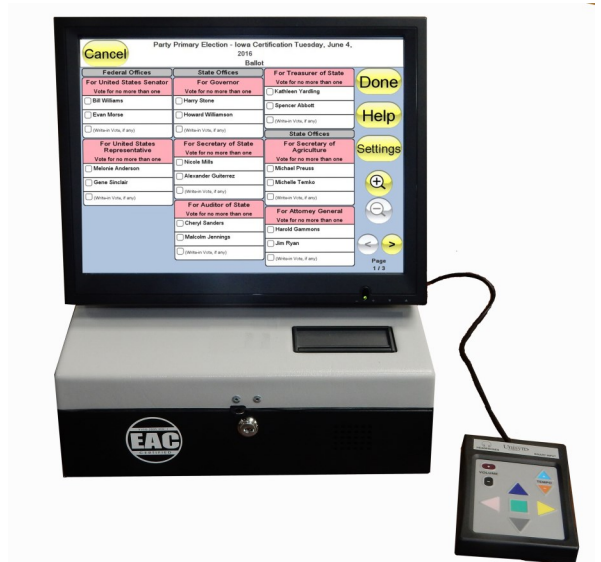


Designed for Ease of Use by Voters

- Complies with the Americans with Disabilities Act (ADA) voting requirements
- Accommodates all languages supported by your jurisdiction on both the displayed and audio ballots
- Produces marked ballots which may be reviewed prior to scanning

Designed for Ease of Use by Poll Workers

- Certified to the Voluntary Voting System Guidelines (VVSG) as adapted by the United States Election Assistance Commission (EAC)
- Easy to Setup and Close
- Place on table or in Privacy Booth
- 15" color touchscreen
- 10 key ADA keypad
- Audio Headphones
- Sip-n-puff
- Provides for write-in candidates
- Produces complete precinct audit logs and reports



Advanced Features of the OVI-VC:

- Printed ballots can be scanned using the OpenElect suite of products:
 - OpenElect Voting Optical Scan (OVO)
 - OpenElect Voting Central Scan (OVCS)
 - OpenElect *mini* Voting Central Scan (*mini*OVCS)
- Allows voters to prepare ballots independently and privately
- Presents voter with second chance comprehensive summary before ballot printout
- Supports all precinct and ballot styles
- High level of physical and software security

Unisyn Voting Solutions, Inc., provides secure election solutions to public and private voting entities.

Unisyn products provide a wide array of choices in selecting a voting system. Contact our Election Specialists today to learn more!

Exhibit C



OpenElect[®] FreedomVote Tablet (FVT) The *freedom* to adapt



The OpenElect FreedomVote Tablet (FVT) is a multi-faceted and robust ADA compliant ballot marking device that empowers voters to vote independently and privately.



Self-contained in its own case

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Email: marketing@unisynvoting.com
Web: www.unisynvoting.com



Designed for Efficiency

- Self-contained voting device contains a touchscreen, barcode scanner, tethered keypad and a printer
- Light-weight, compact, easy to setup and close down
- Reduces the cost of pre-printed ballots by printing a paper ballot with just the push of a button

Designed for the Future

- Barcode initialization
- Touchscreen or keypad navigation
- Population of ballot via personal smartphone or tablet
- Meets the American with Disabilities Act (ADA) voting requirements :
 - Optional: Help America Vote Act (HAVA) compliant keypad, and sip-n-puff
 - Zoom-in ballot and multi-lingual audio functionality
 - An enhanced interface that is intuitive, easy to use and suitable for users of all ages and skill levels
 - Allows voters to prepare ballots independently and privately
 - Allows voters to correct mistakes (second chance voting)
 - Incorporates Screen Reader Mode for individuals that communicate in Screen Reader Mode everyday



Voter checks-in and receives a barcode from pollbook to initialize their ballot

Vote via personal electronic device, touchscreen or keypad

Voter receives a printed ballot to insert into an OVO to cast the vote

Unisyn Voting Solutions, Inc., provides secure election solutions to public and private voting entities.

Unisyn products provide a wide array of choices in selecting a voting system. Contact our Election Specialists today to learn more!

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Election Systems & Software, LLC

(b) County of Residence of First Listed Plaintiff Douglas County, Nebraska (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) Robert M. Evans, Jr., Senniger Powers LLP, 100 North Broadway, 17th Floor, St. Louis, MO 63102, 314-345-7000

DEFENDANTS

Unisyn Voting Solutions, Inc.

County of Residence of First Listed Defendant San Diego County, CA (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District (specify), 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 35 U.S.C. § 271 et. seq. Brief description of cause: Patent Infringement

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ See prayer in Complaint CHECK YES only if demanded in complaint: JURY DEMAND: X Yes [] No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 05/10/2018 SIGNATURE OF ATTORNEY OF RECORD /s/ E. Joseph Connaughton

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE