

The State of Texas



Elections Division
P.O. Box 12060
Austin, Texas 78711-2060
www.sos.state.tx.us

Phone: 512-463-5650
Fax: 512-475-2811
Dial 7-1-1 For Relay Services
(800) 252-VOTE (8683)

Roger Williams
Secretary of State

REPORT OF EXAMINATION OF DIEBOLD ELECTION SYSTEMS, INC.'S ACCU-VOTE OS v. 2.0.12

PRELIMINARY STATEMENT

On January 5, 2004, Diebold Election Systems, Inc. (the "Vendor") presented modifications to its Accu-Vote OS version 2.0.12 for examination. The examination was conducted in Austin, Texas. Pursuant to Sections 122.035(a) and (b) of the Texas Election Code, the Secretary of State appointed the following examiners:

1. Mr. Nick Osborn, an expert in electronic data communication systems;
2. Mr. Tom Watson, an expert in electronic data communication systems;
3. Mr. Barney Knight, an expert in election law and procedure; and
4. Mr. Glenn Glover, an expert in electronic data communication systems.

Pursuant to Section 122.035(a), the Texas Attorney General appointed Dr. Jim Sneeringer, an expert in electronic data communication systems.

The Vendor first demonstrated the system; the examiners thoroughly examined the system. Examiner reports on the system are attached hereto and incorporated herein by this reference.

BRIEF DESCRIPTION OF THE ACCU-VOTE OS

The AccuVote OS is a mark sense optical scan ballot reader for use at the central counting station. The previously-certified device was modified to add a bin and allow use of header cards to batch counting of votes. The version presented for review was 2.0.12

Diebold's AccuVote OS v. 2.0.12 was determined to meet federal voting system standards by a nationally recognized independent testing lab on September 17, 2004.

FINDINGS

The following are the findings, based on oral evidence presented at the examination to our examiners, written evidence submitted by the Vendor in support of its application for certification, and the findings of our voting system examiners as set out in their written reports.

The Accu-Vote OS v. 2.0.12 meets the standards for certification as prescribed by Section 122.001 of the Texas Election Code, subject to the conditions stated below.

Specifically, the system:

1. Preserves the secrecy of the ballot;
2. Is suitable for the purpose for which it is intended;
3. Operates safely, efficiently, and accurately;
4. Is safe from fraudulent or unauthorized manipulation;
5. Permits voting on all offices and measures to be voted on at the election;
6. Prevents counting votes on offices and measures on which the voter is not entitled to vote;
7. Prevents counting votes by the same voter for more than one candidate for the same office or, in elections in which a voter is entitled to vote for more than one candidate for the same office, prevents counting votes for more than the number of candidates for whom the voter is entitled to vote;
8. Prevents counting a vote on the same office or measure more than once;
9. Permits write-in voting;
10. Is capable of permitting straight-party voting; and
11. Is capable of providing records from which the operation of the system may be audited.

CONCLUSION

Accordingly, based upon the examination, review of the examiners reports, and materials submitted by the vendors, I hereby grant the Vendor's application for certification of the Accu-Vote OS v. 2.0.12.

Signed under my hand and seal of office, this 21 day of MARCH, 2005.



BUDDY GARCIA
ASSISTANT SECRETARY OF STATE