

# The State of Texas



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Geoffrey S. Connor  
Secretary of State

## REPORT OF EXAMINATION OF DIEBOLD ELECTION SYSTEMS, INC.'S ACCU-VOTE OS v.1.96.4

### PRELIMINARY STATEMENT

On May 26, 2004, Diebold Election Systems, Inc. (the "Vendor") presented its Accu-Vote OS version 1.96.4 for examination in conjunction with changes to its Global Election Management System ("GEMS"). 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. The version presented for review was 1.96.4. The previously-certified version was 1.9.4w.

Diebold's ACCU-VOTE OS v. 1.96.4 was determined to meet federal voting system standards by a nationally-recognized independent testing lab on May 28, 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. 1.96.4 meets the standards for certification as prescribed by Section 122.001 of the Texas Election Code. 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

Each of the voting systems examiners recommended certification. Accordingly, based upon the forgoing, I hereby certify the AccuVote OS version 1.96.4 for use in elections in Texas.

Signed under my hand and seal of office, this 2 day of December, 2004.



H. S. Buddy Garcia  
Assistant Secretary of State