The State of Texas

Roger Williams
Secretary of State

REPORT OF EXAMINATION OF DIEBOLD ELECTION SYSTEMS, INC.'S VOTER CARD PROGRAMMER v. 4.1.11

PRELIMINARY STATEMENT

On January 5, 2005, Diebold Election Systems, Inc. (the "Vendor") presented its Voter Card Programmer for initial certification. 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 demonstrated the program, which the examiners reviewed through their examination of GEMS and the AccuVote R6 and AccuVote TSX. Examiner reports are attached hereto and incorporated herein by this reference.

BRIEF DESCRIPTION OF THE VOTER CARD PROGRAMMER

The Voter Card Programmer is software used by election officials to create voter access PCMCIA cards for use with the Vendor's AccuVote TSX and R6 DRE voting systems. The version of the Voter Card Programmer presented for examination was 4.1.11.

The Voter Card Programmer v. 4.1.11 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 Voter Card Programmer v. 4.1.11 meets the standards for certification as prescribed by Section 122.001 of the Texas Election Code, subject to the conditions stated below.
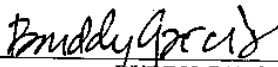
Specifically, the program:

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

The Voter Card Programmer operated properly at examination. Each of the voting systems examiners recommended certification. Accordingly, based upon the examination, review of the examination reports, and materials submitted by the vendors, I hereby certify the Voter Card Programmer version 4.1.11 for use in elections in Texas.

Signed under my hand and seal of office, this __21__ day of __MARCH__, 2005.

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BUDDY GARCIA
ASSISTANT SECRETARY OF STATE