

# The State of Texas



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Roger Williams  
Secretary of State

## REPORT OF EXAMINATION OF MODIFICATIONS TO DIEBOLD ELECTION SYSTEMS, INC.'S ACCU-VOTE TSX v. 4.5.2

### PRELIMINARY STATEMENT

On January 5, 2005, Diebold Election Systems, Inc. (the "Vendor") presented its Accu-Vote TSX system 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 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 TSX

The Accu-Vote TSX is a Direct Record Electronic (DRE) voting machine. The TSX differs from the originally-certified AccuVote TS in that the voter activates the machine with a card provided by the election official and carries a lighter weight to facilitate curbside voting. The version presented for examination was version 4.5.2.

Diebold's ACCU-VOTE TSX v. 4.5.2 was determined to meet federal voting system standards by a nationally recognized independent testing lab on September 29, 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 TSX v. 4.5.2 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.

CONDITION

Due to the continued problem of not being able to prevent the issuance of duplicate provisional ballot I.D. numbers at a given precinct, provisional voting may not be conducted electronically on the Accu-Vote TSX v. 4.5.2, and jurisdictions using this system shall conduct provisional voting by the paper or optical scan ballot method.

CONCLUSION

The examiners noted that while the same provisional vote authorization number could not be used on the same machine, the same authorization number could be used on a different machine. This has the potential to confuse officials making the post-election determination as to whether a provisional vote should be counted, making the condition necessary.

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 TSX v. 4.5.2, subject to the above condition.

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

  
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BUDDY GARCIA  
ASSISTANT SECRETARY OF STATE