REPORT OF EXAMINATION OF DIEBOLD ELECTION SYSTEMS, INC.'S GLOBAL ELECTION MANAGEMENT SYSTEM v. 1.18.22

PRELIMINARY STATEMENT

On January 5, 2005, Diebold Election Systems, Inc. (the "Vendor") presented modifications to its Global Election Management ("GEMS") system 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, which the examiners then thoroughly reviewed. Examiner reports on the system are attached hereto and incorporated herein by this reference.

BRIEF DESCRIPTION OF GEMS

GEMS is a computer program that prepares ballots and reads and tabulates precinct election results recorded on IMATION 120 megabyte floppy disks or transmitted by modem. The modifications were designed to address the proper method of segregating provisional ballots from the total precinct results until post-election review by the early voting ballot board. The version presented for examination was GEMS v. 1.18.22.

Diebold's GEMS v. 1.18.22 was determined to meet federal voting system standards by a nationally recognized independent testing lab on September 21, 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 GEMS v. 1.18.22 meets the standards for certification as prescribed by Section 122.001 of the 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.

CONDITIONS

1. GEMS must be operated on a standalone PC or on a network limited to the central counting station.

2. Political subdivisions using GEMS in their elections shall submit a detailed security plan to the Secretary of State prior to using the system. The plan must indicate how the entity intends to limit physical access to the computer running GEMS, which officials have access to the GEMS access codes and where the access codes are stored, and whether the computer operating GEMS is standalone or networked.

CONCLUSION

Accordingly, based upon the examination, the vendor's submitted materials, and review of the independent examiners, I hereby grant the Vendor's application for certification of the GEMS v. 1.18.22, subject to the above conditions.

Signed under my hand and seal of office, this __29__ day of __JUNE__, 2005.

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BUDDY GARCIA
ASSISTANT SECRETARY OF STATE