



BRUCE McPHERSON | SECRETARY OF STATE | STATE OF CALIFORNIA

ELECTIONS | 1500 11th Street, 5th floor, Sacramento, CA 95814 | tel 916.657.2166 | fax 916.653.3214 | www.ss.ca.gov

December 20, 2005

David Byrd, Vice President
Diebold Election Systems, Inc.
P.O. Box 1019
Allen, Texas 75013

Dear Mr. Byrd:

As you know, Diebold's application for voting system certification in California is currently under review with the Secretary of State's Office (see chart below for components currently under review).

Unresolved significant security concerns exist with respect to the memory card used to program and configure the AccuVote-OS and the AccuVote-TSX components of this system because this component was not subjected to federal source code review and evaluation by the Independent Testing Authorities (ITA) who examined your system for federal qualification. It is the Secretary of State's position that the source code for the AccuBasic code on these cards, as well as for the AccuBasic interpreter that interprets this code, should have been federally reviewed.

Furthermore, we strongly believe it is the duty and responsibility of the Secretary of State and you to make certain that the ultimate users of your products – the voters of California – have a voting system that has been thoroughly and rigorously evaluated. Therefore, we are requesting that you submit the source code relating to the AccuBasic code on the memory cards and the AccuBasic interpreter to the ITA for immediate evaluation.

We require this additional review before proceeding with further consideration of your application for certification in California. Once we have received a report from the federal ITA adequately analyzing this source code, in addition to the technical and operational specifications relating to the memory card and interpreter, we will expeditiously proceed with our comprehensive review of your application.

If you have any questions, feel free to contact me at (916) 657-2166 or via email at cdaniels@ss.ca.gov.

Sincerely,

Caren Daniels-Meade
Chief, Elections Division

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Application under review relates to the following components:
<i>GEMS Software version 1.18.24</i>
<i>AccuVote-TSX with AccuView Printer Module hardware</i>
<i>AccuVote-TSX Ballot Station firmware version 4.6.4</i>
<i>AccuVote-OS (model D) with firmware version 1.96.6</i>
<i>AccuVote-OS Central Count firmware version 2.0.12</i>
<i>Voter Card Encoder version 1.3.2</i>
<i>Key Card Tool software version 4.6.1</i>
<i>VC Programmer software version 1.3.2</i>
<i>AccuFeed</i>