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April 16, 2004

Mr. John Mott-Smith  
Chief, Elections Division  
Secretary of State  
1500 11<sup>th</sup> Street, Sixth Floor  
Sacramento, CA 95814

Subject: State Certification and Federal Qualification of  
County Voting System Components

Dear Mr. Mott-Smith,

This letter is in response to your request to develop findings regarding the certification and/or qualification status of county voting system components based on our on-site county reviews, review of information made available to us at the Secretary of State Election's office and information available on the NASED website.

I have included information in the report that is related to voting system equipment in Riverside County as reported by Registrar of Voters, Ms. Mischelle Townsend. As we discussed, since Riverside is conducting a recount of the March 2, 2004 election, we will conduct a review in that county once the recount is complete and submit an addendum to our report with the review information.

I will preface my findings below by stating that the specific information used is from four sources. The first is a document titled Voting Systems and Procedures Panel, Office of the Secretary of State, Systems and Equipment Approved for Use in California Elections. The document, provided by Ms. Dawn Mehlhaff on April 9, 2004, is undated, however, the last date of entry is February 26, 2004. The second source is the NASED

website (print date of April 2, 2004). The third source is the inventory of voting system components resulting from our on-site reviews and the fourth source was Ms. Dawn Mehlhaff, Deputy Chief of Elections.

It is my understanding that the Secretary of State anticipates receiving extensive historical documents relating to past State certification activities. These documents may provide information related to specific versions of software that were certified by the State.

## **I. Project Overview**

- All 58 counties were reviewed
  - 17 counties were reviewed as a part of Phase I
  - 41 counties were reviewed as a part of Phase II
- 7 counties were reviewed twice during Phase II because of new equipment acquisition or because the county has two systems (e.g. Los Angeles uses Diebold for early voting and MTS Inkavote for precinct voting) or because key voting system components were not all available for review at the time of our initial visit

## **II. Findings Specific to Election Management Software**

- 23 counties operate with election management software that is federal qualified and is State certified (1 Hart, 18 Diebold, 4 Sequoia)
- 24 counties operate election management software that is not federally qualified and is State certified; however, records to date are unable verify if the version number that is being used is the version that was certified (3 DIMS, 9 DFM, 12 Sequoia)
- 1 county operates with election management software that is not federally qualified and is State certified (InkaVote MTS Los Angeles)
- 9 counties operate election management software that is not federally qualified or State certified (8 ES&S, 1 Webb)
- 1 county leased election management software and did not know the name or version of the software that they used (1 Sequoia)

### **III. Findings Specific to Voting System Components (other than Election Management Software)**

- 1 county operates with voting system components that are federally qualified and State certified (1 Hart)
- 38 counties operate with voting system components that are not federally qualified and are State certified (3 DIMS, 9 DFM, 1 InkaVote MTS, 8 ES&S, 17 Sequoia)
- 19 counties operate with voting system components that are not federally qualified and are not State certified (18 Diebold (excludes Los Angeles), 1 Webb)

### **IV. Findings Specific to Individual Vendors**

#### ***Data Information Management System (DIMS)***

- All 3 DIMS counties operate election management software that is not federally qualified and is State certified; however, records to date are unable verify if the version number that is being used is the version that was certified
- Ballot/card readers in these counties are not federally qualified and are State certified
- The counties are El Dorado, Monterey and Yolo

#### ***DFM Associates***

- All 9 DFM counties operate election management software that is not federally qualified and is State certified; however, records to date are unable verify if the version number that is being used is the version that was certified
- Ballot/card readers in these counties are not federally qualified and are State certified
- The counties are Butte, Contra Costa, Lake, Madera, Sacramento, Santa Cruz, Sonoma, Sutter and Ventura

### ***Diebold Elections Systems***

- All 18 Diebold counties (and Los Angeles for early voting) operate election management software that is federally qualified and State certified (or State conditionally certified)
- The precinct count optical scan equipment and firmware is federally qualified but is not State certified
- The central count optical scan equipment and firmware is not federally qualified or State certified
- The DRE equipment and firmware is not federally qualified and is State certified; however, records to date are unable verify if the version number that is being used is the version that was certified
- The counties are Alameda, Fresno, Humboldt, Kern, Lassen, Los Angeles, Marin, Mendocino, Modoc, Placer, Plumas, San Diego, San Joaquin, San Luis Obispo, Santa Barbara, Siskiyou, Solano, Trinity and Tulare

### ***Election Systems and Software***

- All 8 ES&S counties operate election management software that is not federally qualified or State certified
- Optical scan and touch screen equipment in these counties is not federally qualified and is State certified; however, records to date are unable verify if the version number that is being used is the version that was certified
- The counties are Amador, Colusa, Merced, Nevada, San Francisco, San Mateo, Stanislaus and Tuolumne

### ***Hart InterCivic***

Orange County operates election management software along with voting system components that are both federally qualified and State certified.

### ***InkaVote MTS***

Los Angeles operates the InkaVote MTS voting system that includes election management software and ballot/card readers. The election management software is not federally qualified and is State certified. The ballot/card readers are not federally qualified and are State certified.

### ***Sequoia Voting Systems***

- 8 counties operate election management software that is not federally qualified and is State certified; however, records to date are unable verify if the version number that is being used is the version that was certified. Ballot/card readers in these counties are not federally qualified and are State certified. The counties are Alpine, Calaveras, Del Norte, Glenn, Imperial, Inyo, San Benito, Sierra
- 6 Sequoia counties operate election management software and optical scan equipment firmware that is federally qualified and State certified. The DRE equipment firmware is not federally qualified and is State certified. The counties are Napa, Riverside, San Bernardino, Santa Clara, Shasta and Tehama
- 2 counties (Mariposa and Kings) are operating election management software that is not federally qualified and is State certified; however, records to date are unable verify if the version number that is being used is the version that was certified. The optical scan memory pack firmware version is not federally qualified however it is State certified
- 1 county (Mono) contracts with Sequoia to run their elections and had no record of the election management software used. The optical scan memory pack firmware is not federally qualified however it is State certified

### ***Webb Development Systems***

Yuba County is operating election management software and a ballot/card reader that is not federally qualified or State certified.

I would be happy to discuss any of the above findings with you at your convenience.

Sincerely,

R&G Associates LLC  
Jocelyn B. Whitney  
Engagement Manager

Cc: KHG, file