



SECRETARY OF STATE
KEVIN SHELLEY
STATE OF CALIFORNIA

February 11, 2004

TO: County Clerk/Registrar of Voters
(Kern, San Diego, San Joaquin, Solano Counties)

/s/

FROM: _____
KEVIN SHELLEY
Secretary of State

SUBJECT: USE OF ACCUVOTE TSx VOTING SYSTEM IN MARCH

We have received from Wyle Laboratories the Final Letter Report of the ITA Qualification Testing of the AccuVote TSx DRE Voting Machine (Wyle Letter No. 48619B-015A) and an accompanying source code report. In addition, we have received a report from Steven V. Freeman, the state's certification and technical expert, who tested the Diebold Election Systems Global Election Management Systems (GEMS) Version 1.18.18 software in conjunction with AccuVote Touch Screen (AV-TSx), Firmware 4.4.3.27-Cal to determine whether they meet California's standards for accuracy and security.

These reports indicate that although the AccuVote TSx voting system is not federally qualified, in the words of the state's certification and technical expert, the "system may be used with some confidence for the upcoming election" provided that some "specific procedures and attention to procedural security" are in place for this election. Therefore, you are authorized to install and utilize for the March 2, 2004 statewide primary election the Version 4.4.3.27-Cal Firmware to be used in conjunction with GEMS Version 1.18.18 software. However, additional procedural security steps need to be instituted for this election.

I have already provided a list of requirements that need to be taken to increase the security of DRE voting systems generally (CCROV 04043 dated February 5, 2004). However, in light of the reports from Wyle Laboratories and Steven V. Freeman regarding AccuVote TSx, additional steps need to be taken in those counties utilizing that voting system to enhance the security of the system and to address issues of voter confidence. As my staff has already indicated in telephone conversations with you, these steps include:

1. Printing out on paper during the official canvass an image of each of the voted ballots cast on each of the units at the March 2, 2004 statewide primary election; and

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2. Providing the option to voters of casting a paper ballot on election day at a conveniently-situated location within the county. You are strongly encouraged to provide the option of casting a paper ballot at additional locations within the county as well. You should publicize the availability of this option.

We are continuing to work with our technical experts to determine whether additional procedures are necessary to ensure that the AccuVote TSx voting system is accurate and secure. Should additional procedures be required or recommended, I will discuss them with you.

Please do not hesitate to let me know if you have any questions in these regards.

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