

State of California



SECRETARY OF STATE

CONDITIONAL APPROVAL OF USE OF ACCUVOTE-OS VOTING SYSTEM

I, KEVIN SHELLEY, Secretary of State of the State of California, do hereby certify that:

1. Diebold Election Systems, Inc. of McKinney, Texas, has requested approval for use in California elections of its AccuVote-OS voting system consisting of GEMS v. 1.18.19, AccuVote-OS v. 1.94w and AccuVote-OS v. 1.96.4, as well as its Procedures dated July 30, 2004, which will be used in conjunction with the AccuVote-OS voting system as described in this paragraph;
2. The voting system described above has been federally qualified as evidenced by the assigned NASED Number N-1-06-12-12-001, dated February 3, 2004.
3. The voting system has been determined to be in compliance with California law by the State's Voting System Technical Expert, with the addition of certain security enhancements as indicated below;
4. The request for approval of the AccuVote-OS voting system as described in paragraph 1, was considered at duly noticed public hearings held August 11, 2004, at Sacramento, California.
5. The Voting Systems and Procedures Panel and the State's Voting System Technical Expert have recommended that the request for approval be granted, with certain conditions.
6. The use of Diebold Election Systems, Inc.'s GEMS v. 1.18.19, AccuVote-OS v. 1.94w and AccuVote-OS v. 1.96.4 and the accompanying Procedures dated July 30, 2004, ("Voting System") which will be used in conjunction with this voting system, are hereby approved for use subject to the following terms and conditions:
 - a. The AccuVote-OS v. 1.94w is only certified for use with ABO file 194 US;
 - b. The AccuVote OS v. 1.96.4 is only certified for use with ABO file 195/196 US;
 - c. Diebold Election Systems, Inc. shall submit the Secretary of State's office a report detailing the function of ABO files 194 US and 195/196 US by August 25, 2004;

- d. Diebold Election Systems, Inc. shall submit the Secretary of State's office a copy of the source code for ABO files to 194 US and 95/196 US by August 25, 2004;
- e. Section 3.7.11 of the Procedures dated July 30, 2004, ("Voting System") which will be used in conjunction with this voting system shall be amended to read: "After printing the final results tape, the precinct board will immediately transmit, by telephone, the final results to the Election Central Gems Server unless otherwise directed by the Election Official. The AccuVote-OS unit shall be turned off and unplugged from the power outlet and immediately moved, or transported to another location as directed, to a designated telephone jack for transmitting results. The telephone number to the Election Central Gems Server shall already be programmed into the Memory Card.";
- f. No further substitution or modification of any component of the voting system described in paragraph 1 shall be made, including, but not limited to the Procedures dated July 30, 2004, and no component shall be added to the voting system until the Secretary of State has been notified in writing and has determined that the proposed substitution, modification or addition does not impair the voting system's accuracy and efficiency sufficient to require a re-examination and approval;
- g. The Secretary of State reserves the right, with reasonable notice to the requestor and to the counties using the Voting System, to modify the Procedures used with the Voting System and to impose additional requirements with respect to the use of the system if the Secretary of State determines that such modifications or additions are necessary to enhance the accuracy, reliability or security of the Voting System. Such modifications or additions shall be deemed to be incorporated herein as if set forth in full;
- h. Any county using the Voting System described in paragraph 1 shall, prior to such use, file with the California Secretary of State a copy of its Election Observer Panel plan.

IN WITNESS WHEREOF, I hereunto set my hand and affix the Great Seal of the State of California, this 17th day of August, 2004.



Kevin Shelley

KEVIN SHELLEY
Secretary of State