



COPY

Cathy Cox
SECRETARY OF STATE

Secretary of State
Elections Division
Suite 1104, West Tower
2 Martin Luther King, Jr. Drive, S.E.
Atlanta, Georgia 30334-1505
www.sos.state.ga.us

Linda W. Beazley
DIRECTOR
(404) 651-2271
FAX (404) 651-9531
lbeazley@sos.state.ga.us

January 30, 2003

Transmitted by Facsimile and U.S. Postal Mail

Steve Moreland
Diebold Elections Systems, Inc.
1611 Wilmeth Road
McKinney, TX 75069

RE: State Certification Testing Events

Dear Steve:

During the course of conducting state level certification testing of the Diebold Election Systems, Inc. BS. v. 4.3.14 and GEMS v. 1.18.15 in conjunction with installation and operations with the operating system WIN CE, 3.0, together with the "0808 patch", certain bothersome events have occurred.

Please be advised of the following:

- (1) On or about January 22, 2003, the Secretary of State through Kennesaw State University (KSU) was performing high volume voting tests on six touch screen units. At approximately 43,000 ballots, five of the six units revealed an error message, "Out of Storage Space". The sixth unit displayed the same message at 44,200 ballots.


With regard to certification, we are of the tentative opinion that the storage space error is not cumulative over the course of multiple elections, is not a practicable concern during normal election operations, and is not a symptom of a larger system issue. Nevertheless, please confirm our impression, and please let us know of any additional problems or concerns that should be tested or repaired that are in direct or indirect relation to storage space or memory issues; and

- (2) On or about January 28, 2003, testing on GEMS v. 1.18.15 and the BS v. 4.3.14 system for the functionality and capacity to appropriately handle "challenged

ballots" revealed that the encoder was not operating correctly in conjunction with the challenged ballot feature when creating a challenged access card. Please be aware that as a required voting system feature, we consider this a certification issue. We have requested and received additional information from you on the use of the encoder. KSU will apply this information in continued testing to confirm the ability of the encoder to "tag" challenged ballots, as well as the voting system to appropriately and accurately process challenged ballots. As of the date of this letter, the issue has not yet been resolved. In the effort to continue moving toward state certification, we will also proceed with testing other performance features of the system. However, until the challenged ballot capabilities are confirmed to perform accurately, the certification decision will be delayed. Any delay due to discussion and resolution of this issue will not be due to fault of the Secretary of State.

We would appreciate any insight and assistance you can provide in addressing the above issues.

Sincerely,



Michael Barnes

c: Honorable Cathy Cox ✓
Bob Urosevich
Karen Gantt
John Ballard