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implemented?
A. That has not, but it's in the works.
Q. It's in the works, but it hasn't been implemented yet?
A. I'm told it's in the software that's going to be submitted to the Federal qualification system as soon as it's ready to accept it.
Q. Do you know who -- that Federal, the submission to the Federal qualifier, that's something referred to as an Independent Testing Authority or an ITA; right?
A. Yes. And it's all been changed.
Q. The Independent Testing Authority has all been changed?
A. The whole process has been changed.
Q. Who is it that Diebold is submitting its software to?
A. The Federal Elections Assistance Commission is now running the program and they will accept the software and farm it out to the ITAs. That's how I understand it.
Q. Is there a particular ITA that Diebold is

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going to use?
A. Yeah. They mentioned it to me. I think it's called Systech. I'm not positive of that.
Q. Okay. If you turn to page 15, the third recommendation down, RABA recommended formal security training of SBE and LBE system administrators such as that provided by SANS. Service security templates should then be applied to GEMS servers. That's a recommendation that has not been implemented, has it?
A. Partially implemented. The security training has been ongoing of the local staff, but we have not implemented formal security training. We don't have the money for it. They are expensive.
Q. But it hasn't happened?
A. No. But we have been doing some, we have been doing security training.
Q. You've been doing security training?
A. Correct.
Q. But you have followed through, excuse me, you have not carried out the recommendation set forth by the RABA Technologies as listed here on

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page 15 of the Freeman, McGregor report?
A. No. We have not been budgeted the money to do that.
Q. You can put that document aside. Okay.
MR. FLORENZO: I would like to mark this document as Plaintiff's Exhibit 74.
(Plaintiff's Exhibit No. 74 was marked for identification.)
BY MR. FLORENZO:
Q. Ms. Lamone, have you seen Plaintiff's Exhibit 74 before?
A. I don't think so.
Q. Okay.
A. It's January 2000. I don't think I've ever seen this. I don't know even what he's talking about.
Q. Well, it looks like it's an e-mail from somebody named Ken Clark, who's e-mail address is ken@GESN.com. Do you see that?
A. Yes.
Q. GES, are those the initials for Global

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Election Systems?
A. I guess it is. I don't know who those people are.
Q. I realize that.
A. Okay.
Q. Global Election Systems was the company that was purchased by Diebold around the time that the State contracted with Diebold for the procurement of the AccuVote-TS voting units; is that right?
A. Correct.
Q. Okay. And are you aware that the AccuVote voting units were a product of Global Election Systems prior to the acquisition by Diebold?
A. I assume that's true.
Q. Okay. And this e-mail mere makes reference to testing of the AccuVote. Do you see that?
A. Yeah.
Q. And it makes reference to a Jeff Dean. Do you see that?

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A. To whom?
Q. A Jeff Dean. Do you see in the first line there, do you think it would be a good idea to get Jeff Dean to send us ten or so precincts by eight parties with pre-printed test decks from one of the California sites for Jane to test AccuVote. Do you see that?
A. Yes.
Q. Okay. You can put that document aside, actually.
The source code that's used on the AccuVote-TS units, do you know when that was first created?
A. I have no idea.
Q. Do you know if the source code existed at the time that the State contracted with Diebold?
A. I assume it did.
Q. Has that source code been changed at all since the time that the State contracted with Diebold to acquire the AccuVote-TS units?
A. I don't know. I would assume it is if they do upgrades, but as I said earlier, I'm not a

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computer scientist, so I don't know how that worked.
Q. Do you have any knowledge as to whether or not Diebold has written a -- strike that.
Do you have any knowledge as to whether Diebold has written and installed on the AccuVote-TS units that are used in Maryland an entirely new source code written from scratch?
A. I don't think so. But I'm not -- I can't -- without knowing enough about it, I don't know.
Q. You can't say with certainty?
A. No, I can't.
Q. I understand that. I understand.
A. I know we have done upgrades, but I don't know whether that means the whole thing is prepackaged.
Q. With the limitations on your knowledge, as far as you know, the source code that was used on the AccuVote-TS units at the time that the State contracted with Diebold is essentially the same source code that's being used today except that there may be some changes and updates?

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MR. DAVIS: Objection. She said she doesn't know.
A. I don't know.
Q. You don't know either way?
A. I really don't. You are going to have to ask somebody that knows about that.
Q. I'm just checking to see if you were the person I needed to ask.
A. Sorry. I would be guessing.
Q. I would like to show you a document that's been marked as Plaintiff's Exhibit 75.
(Plaintiff's Exhibit No. 75 was marked for identification.)
BY MR. FLORENZO:
Q. And just ask you, Ms. Lamone, if you have ever seen Plaintiff's Exhibit 75 before?
A. I assume I have. It was addressed to me.
Q. Okay. And who is the letter -- can you tell me what Plaintiff's Exhibit 75 is?
A. It is a, an e-mail from someone named Pamela Leach to Robin Downs and Hugh Alexander dated

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April 25th, 2002.
Q. And does it have something attached to it?
A. A letter to me dated April 23rd, 2002 from somebody called Kimberly Ellison-Taylor.
Q. Do you know who Kimberly Ellison-Taylor is?
A. No.
Q. Do you know who Robin Downs or Hugh Alexander are?
A. Robin Downs was the Election Director for Prince George's County and Hugh Alexander was an IT-type person.
Q. And do you recall having received a letter that's attached here to Plaintiff's Exhibit 75?
A. Frankly, no. But I must have.
Q. Do you have any reason to believe that you didn't receive Plaintiff's Exhibit, the letter attached to Plaintiff's Exhibit 75?
A. No.
Q. And it looks like Kimberly Ellison-Taylor

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lists nine concerns that she has about the Diebold Election System; isn't that right?
A. Yes.
Q. And then she makes nine recommendations, doesn't she?
A. Yes.
Q. So the concerns that Ms. Ellison-Taylor raises were first made known to you in April 2002; isn't that right?
A. Yes.
Q. And the recommendations that Ms. Ellison-Taylor makes to address those concerns were also first suggested to you in April 2002; isn't that right?
A. Apparently.
Q. You can put that document aside.
Ms. Lamone, I would like to show you a document that's been previously marked as Plaintiff's Exhibit 19. Can you tell me if you have seen Plaintiff's Exhibit 19 before?
A. I'm sure I have.
Q. What is Plaintiff's Exhibit 19?

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A. Minutes of a State Board meeting of November the 20th, 2003.
Q. Okay. I would like you to turn to -- let me step back.
One of the persons in attendance at this November 20th, 2003 State Board meeting was you; correct?
A. Yes.
Q. If you look at page 3, there is a section in the minutes called Administrator's Update. Do you see that?
A. Uh-huh.
Q. And underneath Administrator's Update there is a subsection called BSC Presentation. Do you see that?
A. Yes.
Q. What's BSC?
A. I don't know what the initials stand for but it was a company that we hired to perform third-party independent acceptance testing of the voting system software. One of the security things that we initiated in the State was to ensure that

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the correct software is, in fact, installed on the voting system was to have an independent verification and validation firm, and BSC I think was the first one we used. We now use a different one. But every time we touched the system they come in after us as the trusted agent.
Q. Who is your new ITA?
A. It's, I believe, called RESI at Towson University. I don't know what the initials stand for. But it's a long time.
MR. DAVIS: Research Economic Studies Institute.
BY MR. FLORENZO:
Q. Do you know who Wallie Coy is?
A. He was one of the principals of that company.
Q. Right. Now, the second paragraph under the BSC presentation says, and correct me if I'm reading it incorrectly, Mr. Coy gave an Executive Summary of where SBE is in relation to security of the new voting system. He explained that no system, manual or automated, can be fully secure.

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Did I read that correctly?
A. Yes.
Q. Do you agree that no system, manual or automated, can be fully secure?
A. I think as a general term that's probably true.
Q. Okay. You can put that document aside.
A. He also went on to say some other things.
Q. I will show you a document that's been marked as Plaintiff's Exhibit 76.
(Plaintiff's Exhibit No. 76 was marked for identification.)
BY MR. FLORENZO:
Q. Ms. Lamone, have you seen Plaintiff's Exhibit 76 before?
A. I'm sure I have.
Q. Can you tell me what Plaintiff's Exhibit 76 is?
A. It is a memorandum from Nicky Trella to the Local Election Directors regarding election judges training and procedural manuals for 2004.

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Q. Do you have any reason to dispute that Plaintiff's Exhibit 76 is anything other than what it purports to be?
A. No.
Q. Okay. You can put that document aside.
Now I would like to show you what's been marked as Plaintiff's Exhibit 77.
(Plaintiff's Exhibit No. 77 was marked for identification.)
BY MR. FLORENZO:
Q. And I'm not going to ask you if you have seen Plaintiff's Exhibit 77 before, but I did have a couple of questions. The first is, if you look down at the third e-mail on Plaintiff's Exhibit 77, the one that's dated December 24th, 2003, at 5:39 p.m. I'm sorry. I think -- did I have a mix up? Can I see that?
MR. FLORENZO: Let's take a break. Let's go off the record.
THE VIDEOGRAPHER: Off the record: 1:51:57.

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- - -
(Recessed at 1:51 p.m.)
(Reconvened at 1:53 p.m.)
- - -
THE VIDEOGRAPHER: On the record: 1:53:21.
BY MR. FLORENZO:
Q. Okay. Ms. Lamone, have you ever seen Plaintiff's Exhibit 77 before?
A. Probably. I know about the issue.
Q. What is the issue in Plaintiff's Exhibit 77?
A. We were requiring people to have criminal background checks that had any access to the GEMS servers.
Q. Now, was this a new requirement as of January 2004?
A. It was. Actually, it was in -- we initiated it, started looking at this issue in October or before, 2003.
Q. Okay. So prior to October 2003 there was no requirement that there be background check of

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people who worked with the GEMS server?
A. I don't believe so.
Q. Are you aware of any requirement by the State of Maryland that its vendors only utilize employees who have criminal background checks?
A. By the State of Maryland?
Q. Yeah.
A. I don't know what the State of Maryland does.
Q. Okay. Is there any requirement by the State Board of Elections that employees of its vendors have criminal background checks?
MR. DAVIS: Today as opposed to?
MR. FLORENZO: Let's deal with today first.
A. Today we are requiring them to do criminal background checks on all of their technicians that are in the state, yes.
Q. And how long have you been requiring the vendors to do that?
You really can't look to Mr. Davis for the answer.

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A. Oh. It was certainly for this past election cycle.
Q. For this past election cycle?
A. Yeah.
Q. Was it for the 2004 Election cycle?
A. I don't believe so.
Q. Okay.
A. Generally the technicians aren't allowed to touch the, the run-of-the-mill technicians aren't allowed to touch the system other than set the legs up or something like that.
Q. So for example, for Diebold, any of their employees or technicians who work in Maryland, on the Maryland system, have to have a criminal background check?
A. Yes.
Q. What about Diebold employees who aren't employed in Maryland?
A. I don't know.
Q. Does the State Board of Elections have a requirement that Diebold employees who do not work in Maryland have to have criminal background checks?

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A. It does not.
Q. Okay. You can put Plaintiff's Exhibit 77 aside.
A. At least I don't think so.
Q. Okay. Now I would like to show you a document that's been previously marked as Plaintiff's Exhibit 51.
Ms. Lamone, have you seen Plaintiff's Exhibit 51 before.
A. I have.
Q. You wrote Plaintiff's Exhibit 51, didn't you?
A. I probably did not personally write it, but it was written for me.
Q. It was written for you, you signed off on it?
A. Correct.
Q. This is a fair and accurate reflection of your thoughts and impressions?
A. Yes.
Q. As of the date that the document is dated, January 16th, 2004?

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A. Correct.
Q. This is a memorandum from you to Gilles Burger dated January 16th, 2004, regarding the Diebold voting system; isn't that right?
A. Yep.
Q. We are going to spend some time on this document, so I just ask for your patience.
If you look in the second paragraph, you wrote: In a report dated July 23rd, 2003, entitled Analysis of an Electronic Voting System, the Rubin report, computer scientist from Johns Hopkins University and Rice University stated results of their analysis of source code for a Diebold voting system. Do you see that?
A. Yes.
Q. That's the reference to the Rubin report; correct.
A. Yes.
Q. Okay. And then if you look at the last sentence on the next paragraph, you wrote: Science Application International Corporation, SAIC, performed the analysis. Do you see that?

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A. Yes.
Q. That's a reference to the SAIC report; correct?
A. Correct.
Q. Okay. And then in the next sentence in the next paragraph you wrote: In response to the risk assessment report of the Diebold system, the agency developed the State of Maryland Diebold AccuVote-TS Voting System Security Action Plan.
A. Correct.
Q. Do you see that?
A. Yes.
Q. Okay. And the agency, who is the agency that you were referring to there?
A. My agency.
Q. The State Board of Elections?
A. Correct.
Q. Okay. Now if you look down in the next paragraph, this is going to be the last full paragraph on the page, you wrote: Several of the tasks in the action plan required Diebold to change its source code for GEMS, the touch screen and

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encoder to incorporate better security measures. Do you see that?
A. Yes.
Q. That's changing the source code to three components of the system; right?
A. Okay.
Q. Diebold did not require the ITA to do a complete end-to-end testing of all components of the source code, only the patches were tested. Do you see that?
A. Yes.
Q. What did you mean there when you wrote patches?
A. The changes for GEMS, the touch screen and encoder to incorporate better security measures.
Q. I understand what -- but what are patches?
A. They are amendments, for lack of a better term, to the software.
Q. Just like the patches that you get on your computer at home every time you would shut down your computer; is that right?

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A. I assume. I don't know.
Q. Okay. And then if you look down, if you skip a sentence, it reads, excuse me, you wrote: As a result, the ITA required Diebold to rewrite the modified code to meet the Federal Election Commission 2002 standards that went into effect in 2003. Do you see that?
A. Yes. And, of course, the sentence that preceded that, the State discovered this omission and mandated that Diebold have the entire source code retested.
Q. Sure. That's fine. That's what you wrote?
A. Yeah.
Q. Okay. Now, excuse me, if you turn to the next page, up at the top, the first full sentence, you wrote: However, the retested GEMS code was not received until January 15th, 2004. That's what you wrote; right?
A. Yes.
Q. And then you wrote: And the retested touch screen code could not be deployed until the

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GEMS code was qualified by the ITA. That's what you wrote?
A. Yes.
Q. So that's talking about changes to the code for two of the three components; correct?
A. Correct.
Q. It makes no reference yet to the encoder; correct?
A. Correct.
Q. Then you write: Even with the delays, we are still confident that we can deploy the GEMS and the touch screen code to the counties in time for the March Primary; isn't that right?
A. Yes. Because that's what comprises the voting system, correct.
Q. The encoder, it didn't look like that was going to be ready for the March Primary, did it?
A. No.
Q. Further down you wrote: Dr. Britt Williams, our voting system consultant, and a member of the NASED Voting System Independent Testing Authority Accreditation Board, informed us that the

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encoder that programs the voter access cards should have also been ITA qualified.
A. Correct.
Q. That's what you wrote; right?
A. Correct.
Q. Then you wrote: Based upon a review of the initial ITA test results, Diebold indicated to us that they could not complete the correction until mid-March 2004 at the earliest?
A. Correct.
Q. Then you wrote: Therefore, the ITA has indicated that it cannot complete the qualification testing in time for the March Primary?
A. That's what it says.
Q. Okay. And you stand by all those statements?
A. Yes.
Q. Okay. It's true, isn't it, that the encoder that was used during the March Primary 2004 was not qualified by the ITA?
A. That's my recollection. It was for the General Election.

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Q. Now I would like to show you a document that's been marked as Plaintiff's Exhibit 78.
(Plaintiff's Exhibit No. 78 was marked for identification.)
BY MR. FLORENZO:
Q. And can you tell me, Ms. Lamone, what Plaintiff's Exhibit 78 is?
A. It's a memorandum from me to local election directors dated January the 20th, 2004.
Q. And it's about software improvements to the AccuVote-TS voting unit system, isn't it?
A. Yes.
Q. Is Plaintiff's Exhibit 78 a fair and accurate reflection of your thoughts and impressions on the day it was created?
A. Yes.
Q. January 20, 2004?
A. I assume. The paper speaks for itself.
Q. Now, if you take a look at Plaintiff's Exhibit 78, you make clear to the election directors that there's been improvements affecting the GEMS

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servers; correct?
A. Correct.
Q. And you also made clear that there's been improvements affecting the touch screen units; correct?
A. Correct. The purpose of the memo was to tell them about the implementation of the installation of those improvements.
Q. Did you tell them anything about the changes to the encoder?
A. No. The purpose of the memo was simply to give them a heads up of the schedule for rolling out the new improved software. That's all it was.
Q. So you did tell them about the encoder?
A. I did not. That wasn't the purpose of the memo.
Q. Okay. You can put that document aside.
Ultimately you had to give Diebold a waiver in order for Maryland to use the encoder source code during the March 2004 Primary; isn't that right?
A. Correct.

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Q. Because that encoder wasn't ITA qualified?
A. Correct. Which is, of course, permitted under the rules of the Board.
Q. I wasn't asking about that. I was asking if you gave them a waiver?
A. I did. On the advice of counsel.
Q. Your counsel told you to --
A. That it was permissible to give them a waiver and we had to do it because we had to hold an election and we couldn't do it without the encoder.
MR. FLORENZO: I'm sorry. Could you read that back again, Robert?
- - -
(Whereupon the following portion of the testimony was repeated by the Court Reporter:
ANSWER: That it was permissible to give them a waiver and we had to do it because we had to hold an election and we couldn't do it without the encoder.
- - -
BY MR. FLORENZO:

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Q. So who was it that gave you this advice?
A. I believe it was Judith Armold, the Assistant Attorney General at the time.
Q. And when were you talking to Judy about this?
A. Probably in late January, early February.
Q. Of 2004?
A. Yeah.
Q. And did you initiate those conversations or did she?
A. I probably did.
Q. Okay. What did you ask her?
A. What do we do?
Q. And what did she say?
MR. DAVIS: Just a second. I think we are getting into a sensitive area here of attorney/client privilege. I realize there has been some discussion of it already on the record. I caution the witness.
MR. FLORENZO: Okay. Let's take a look at a document. I would like to show you a document that's been marked as Plaintiff's Exhibit 79.

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(Plaintiff's Exhibit No. 79 was marked for identification.)
BY MR. FLORENZO:
Q. Ms. Lamone, have you seen Plaintiff's Exhibit 79 before?
A. I don't think I've seen this particular document, no.
Q. Do you know who Margaret Jurgensen is?
A. She is the Election Director in Montgomery County.
Q. On the second page of Plaintiff's Exhibit 79 you have written: 172 DREs were reported to have a malfunction of some kind on Election Day. Do you see that?
A. Yes.
Q. And this e-mail is dated March 12, 2004. Do you see that?
A. Yes.
Q. Is that shortly after the date of the Primary Election in Maryland --
A. Yes.

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Q. -- in 2004? Do you have any reason to dispute the statement that 172 DREs were reported to have a malfunction of some kind on Election Day?
A. The document speaks for itself.
MR. FLORENZO: Okay. This is a good time for a break. We have been going for about an hour.
MR. DAVIS: Sure.
THE VIDEOGRAPHER: Off the record at 2:09.
- - -
(Recessed at 2:09 p.m.)
(Reconvened at 2:23 p.m.)
- - -
THE VIDEOGRAPHER: On the record: 2:23:02.
MR. FLORENZO: I would like to now mark this as Plaintiff's Exhibit 80.
(Plaintiff's Exhibit No. 80 was marked for identification.)
BY MR. FLORENZO:
Q. Ms. Lamone, I would like to show you a

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document that's been marked as Plaintiff's Exhibit 80. Have you seen Plaintiff's Exhibit 80 before.
A. I'm not sure. I probably have, but I cannot be certain.
Q. Okay. I'll move on.
I would like you to take a look at Plaintiff's Exhibit 81.
(Plaintiff's Exhibit No. 81 was marked for identification.)
BY MR. FLORENZO:
Q. I would like you to see if you have seen Plaintiff's Exhibit 81 before? It would be helpful if I gave it to you.
A. I think I saw this when it came out. I'm sure I probably read it.
Q. Do you have any reason to believe that this is -- Plaintiff's Exhibit 81 is not what it purports to be?
A. None whatsoever.
Q. Okay. I would like to show you a document marked as Plaintiff's Exhibit 82.

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(Plaintiff's Exhibit No. 82 was marked for identification.)
BY MR. FLORENZO:
Q. Ms. Lamone, have you seen Plaintiff's Exhibit 82 before?
A. I'm sure I have. It has my name on it.
Q. Sure. Can you tell me what Plaintiff's Exhibit 82 is?
A. Let me read it again, please.
Q. Take your time.
A. Okay.
Q. Did you prepare Plaintiff's Exhibit 82?
A. Probably not. It was done for me.
Q. But you signed off on it?
A. I'm sure I did.
Q. This is a fair and accurate reflection of your thoughts and impressions at the time it was created?
A. Yes.
Q. And Plaintiff's Exhibit 82 was created shortly after the State of California decertified

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and withdrew its approval of certain DRE systems?
A. It's not dated but I would assume it was.
Q. And that decertification occurred sometime around late April, 2004?
A. Your Exhibit 81 says 30th day of April.
Q. So it was shortly after April 30th, 2004 Plaintiff's Exhibit 82 was created?
A. I'm sure.
Q. Now I would just like you to go down to the second paragraph, the second sentence. And these are your words. Correct me if I'm wrong. However, as demonstrated by the attached analysis, the Maryland system would meet the criteria for recertification in California due to the improvements and security upgrades that have been or will be made to the system by the General Election in November. Do you see that?
A. Yes.
Q. Is that an accurate description of what you wrote?
A. I'm sure it is.
Q. Okay. You can put that document aside.

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I'd like to show you a document that's been marked as Plaintiff's Exhibit 83.
(Plaintiff's Exhibit No. 83 was marked for identification.)
BY MR. FLORENZO:
Q. I would just like to ask you, Ms. Lamone, if you have ever seen Plaintiff's Exhibit 83 before?
A. I'm sure I have. I apparently signed it.
Q. Okay. Let me just ask you about this format. We've got a lot of documents that have this, sort of this format of a cover to some, it looks like voter correspondence, and the cover says you've got mail.
A. Right.
Q. So it sounds, it appears to me, though I don't know because I wasn't in your offices, it appears to me that there was some sort of a process involved in handling voter correspondence when it came into the State Board of Elections. Do I understand that correctly?
A. No.

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Q. Okay. Could you correct me, please?
A. I would be happy to. It's my understanding that this is the process by which the Governor's office or at least the last Governor, tracked mail to the Governor that was farmed out to the agencies to respond to. And we would either be instructed to respond with a letter for the Governor's signature, and there was a certain format for doing that, or as evidenced in this one, the Governor's office must have sent it over and asked us to respond directly to the incoming letter to the Governor.
Q. So if I see the you've got mail cover, that means it came from Governor Ehrlich's office.
A. Correct. And probably most of the letters that were written in response on the topic would have been exactly the same.
Q. Sure. Sure. All right.
If you could turn to the third page, you can see that's a letter from you to someone named Gladys Connor. Do you see that?
A. Yes.

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Q. And that's a letter dated October 5th, 2004; correct?
A. Correct.
Q. That's shortly before the 2004 Presidential Election; right? Is that right?
A. Yes.
Q. Okay. If you could look -- is -- is the -- she will call back.
Is this letter, dated October 5th, 2004 --
THE WITNESS: Shelly?
MS. MARTIN: Yes.
THE WITNESS: I'm sorry. You got cut off.
Q. Is this letter dated October 5th, 2004, the last page of Plaintiff's Exhibit 83, a fair and accurate representation of your thoughts and impressions at the time that the letter was sent out?
A. I assume it is.
Q. Okay. If you could look at the third paragraph and if you could just read that first

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sentence to me, please?
A. While no election system, voting or otherwise, is without risk, these risks can be mitigated so that the system can be trusted.
Q. Doesn't that actually say while no electronic system?
A. I'm sorry. Yes.
Q. What it reads is, while no electronic system, voting or otherwise, is without risk, these risks can be mitigated so that the system can be trusted. Do you see that?
A. Yes.
Q. So, do you still believe that today?
A. Yes.
Q. You can put that the document aside.
I would like to show you a document that's been marked as Plaintiff's Exhibit 84.
(Plaintiff's Exhibit No. 84 was marked for identification.)
BY MR. FLORENZO:
Q. Ms. Lamone, have you seen Plaintiff's

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Exhibit 84 before?
A. I must have. It was addressed to me.
Q. What is Plaintiff's Exhibit 84?
A. An e-mail from Mark Radke to me forwarding to me documents which are responses to the activist allegations concerning GEMS and wishing me luck on Lou Dobbs.
Q. Is this a -- do you know what the date of this e-mail is?
A. September 22nd, 2004.
Q. The attachment to this e-mail from Mr. Radke at Diebold is documents that respond to activist allegations; is that right?
A. It appears to be.
Q. How often did you get information from Diebold on how to respond to allegations about the Maryland AccuVote-TS voting units?
A. Not very often.
Q. Could you just do your best to the approximate how often?
A. You probably had -- if we got them, you probably have a copy of them, undoubtedly have a

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copy of them and I would doubt that there is more than three or four.
Q. Over what time span?
A. Since the inception of the contract.
Q. About three or four times you've gotten documents from Diebold providing responses to activist allegations?
A. That I have gotten?
Q. Yes. Just you. You can only speak for yourself?
A. Not very many.
Q. Have you ever asked Diebold for such documents?
A. Frankly, no. Not really. I didn't --
Q. Do they just come unsolicited?
A. Well, this one I don't know. I don't remember this one. They all knew I was going on Lou Dobbs on CNN that night and it probably was in order to provide me with some additional information. Whether I had time to read it or not since it didn't come in until 4:30, who knows.
But we didn't really rely on them. We

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preferred to develop our own facts.
Q. How did they know you were going on Lou Dobbs?
A. I think Lou Dobbs was announcing it days before that he was going to have Linda Schade and Linda Lamone on his show.
Q. That's quite a run-up?
A. It was. I won.
Q. I don't know about that. I don't know about that at all. If you could look at -- actually, I'm going to show you a document, but I do want to ask you some questions about the Independent Testing Authorities.
You were very specific to me that we had to use certain terminology in talking about certification and qualification, et cetera, et cetera.
A. Not that you had to use it. Just so you understood that sometimes those words were interchanged and it got confusing.
Q. Sure. Sure. So to clarify that confusion you wanted me to -- you were suggesting

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that we use certain words?
A. Because we have that confusion in the office.
Q. The software used on the AccuVote-TS voting units must be qualified by an independent testing authority; is that right?
A. Yes.
Q. And that's a requirement under Maryland law; is that right?
A. Yes.
Q. And the Independent Testing Authority is not a single entity, is it?
A. No.
Q. There are several companies that qualify as an independent testing authority; isn't that right?
A. Yes. At one time there were, I believe, a long time ago, there were only two. One focused mainly on the hardware side and one focused on the software side.
Q. Do you know -- let me take a step back.
Isn't it true that --

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THE WITNESS: I didn't touch that.
MR. FLORENZO: I didn't say you did.
MR. DAVIS: Guilty.
THE WITNESS: I think I cut her off before.
BY MR. FLORENZO:
Q. Isn't it true that Wyle, W-Y-L-E, was the company that qualified the hardware used on the Diebold AccuVote-TS voting units used in Maryland?
A. I believe so.
Q. And isn't it true that --
THE WITNESS: Shelly, you keep hanging up on us.
MS. MARTIN: You need to talk about something more interesting.
THE WITNESS: Okay.
BY MR. FLORENZO:
Q. Isn't it true that Ciber Technologies is the ITA that qualified the software used by Diebold on the AccuVote-TS voting units in Maryland?
A. I believe you're right.
Q. Okay. Now the software on the

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AccuVote-TS voting units, at the time that Maryland contracted with Diebold back in 2001, was the software on the AccuVote-TS that was going to be used in Maryland qualified by an ITA at that time?
A. I believe it was.
Q. Okay. We know that in the fall of 2003 and in the early part of 2004 there were some changes made by Diebold to the source code for the GEMS server, the touch screen and the encoder that required another qualification by Ciber Technologies; is that right?
A. Yes. I believe so.
Q. Other than that one instance of certification by Ciber Technologies in the fall of 2003, winter of 2004, had there been any other instances in which the software used in the AccuVote-TS units in Maryland was qualified by an ITA?
A. I only remember the one because it had so much discussion around it. That's a Joe Torre question.
Q. Do you know at a high level what it is

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that an ITA qualifies a software program under?
A. A very high level. To take you back a little bit --
Q. Sure.
A. Back in the '80's there was nothing. And the vendors were not accountable to anything. And the National Association of State Election Directors, of which I'm a member, not then, but I am now, convinced the Federal Elections Commission to institute a program of testing and developing standards. So I believe they started in the late '80's. In 1992 they finally came up with a set of standards that the systems had to meet. And NASED, The National Association of State Election Directors, instituted the program of qualifying the ITAs and having the vendor submit their software and their hardware to those qualifying or the ITA entities.
The standards weren't rewritten or anything happened to them at all until new ones were finally adopted in 2002, but it remained a NASED-run system where NASED selected the, and we didn't have

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a whole bevy of labs that wanted to do this, because there wasn't much money in it. We selected the labs through, we had an independent board that did that, and the systems were being tested to whatever standards were in existence.
Q. When an ITA determines that a software is qualified, what that means is that that software meets the NASED guidelines; is that correct?
A. Well, it meets the standards which were first adopted by the Federal Elections Commission and when the Election Assistance Commission came into existence, it transferred over to them.
And the process is, as I understand it, is the stuff goes to the lab, the appropriate lab, and a report is written, and it's then given to a, one or more reviewers, like Mr. Craft or Mr. Freeman, and -- or Mr. Williams I think has been a reviewer. They go over the report and critique it and say, yea or nay on the whole thing or parts of it -- and it's my understanding that there have been numerous instances where the reviewer has rejected or denied recommending qualification and made a