1 vendor go back and redo part or all of it.
2 Q. The guidelines were first implemented in
3 1990; is that correct?
4 A. I think it was '92. I'm not positive. I
5 wasn't around then.
6 Q. And then the guidelines were then updated
7 by the Election Assistance Commission in 2002?
8 A. Actually it was still under the guise of
9 the Federal Elections Commission but it was NASED
10 that took the lead along with the computer science
11 and other communities to upgrade them.
12 Q. So we need a term for these guidelines
13 because it seems to be shifting. Could you choose a
14 term for these guidelines?
15 A. Voting system guidelines.
16 Q. Okay. There is the 1990 Federal Voting
17 System guidelines and there is the 2002 Federal
18 Voting System guidelines.
19 A. Right.
20 Q. Prior to the 2002 Federal Voting System
21 guidelines an ITA would qualify a voting software as
22 having met the qualifications of the 1990 Voting

1 System guidelines; isn't that right?
2 A. Correct.
3 Q. And then after 2002 the ITA would qualify
4 the voting software as having met the guidelines of
5 the 2002 Federal Voting System guidelines; isn't
6 that correct?
7 A. Not entirely. And again this is all very
8 high level. It's my understanding from listening to
9 Britt and some of the others talk about this at
10 meetings, is that the systems that were qualified to
11 the 1990 or 1992, I don't remember which is the
12 correct date, were grandfathered in under the --
13 Q. Right. They don't have to be requalified
14 after 2002?
15 A. Correct.
16 Q. But any software that had not yet been
17 qualified after 2002, in order to be used, had to be
18 qualified by an ITA as having met the guidelines of
19 the 2002 Federal Voting System --
20 A. That's my understanding.
21 Q. As long as the Federal Voting System
22 guidelines are met, it's your understanding that the

1 Q. Okay. If there were security or accuracy
2 or other reliability problems associated with the
3 software, but the software technically met the
4 Federal Voting System guidelines, that software
5 could be ITA qualified?
6 A. That's my understanding.
7 Q. The report that the ITA prepares in
8 conjunction with the process by which it qualifies
9 voting software for the Federal Voting System
10 guidelines, is that made public?
11 A. I don't think so. I have never seen one.
12 I think my staff probably has, because they have
13 insisted upon it. It will be or at least a lot of
14 them will be, a lot of portions of them will be
15 public under the new EAC guidelines. And that's
16 been one of the major criticisms in the past, that
17 these reports weren't. Of course, the vendor
18 industry is arguing proprietary information.
19 Q. So you think that your staff has received
20 the report prepared by Ciber Technologies that
21 qualified the voting software on the AccuVote-TS
22 units in the fall of 2003 and early 2004?
Q. What did you do?
A. I talked to my guys and they were not concerned. I talked to Tom Wilke at the EAC. He told me not to be concerned. And I think I talked to Britt Williams.
Q. Do you know if today Ciber Technologies is qualified to conduct this qualification under NIST's new guidelines?
A. I do not know. I have not had time to follow up on it. The decision was supposed to have been made sometime this month. And that only was for the certification for the interim program, not the final one.
But Ciber met the qualifications for certification under the NASED program and everyone assured me that was sufficient.
Q. I would like to show you a document that's been marked as Plaintiff's 85.
(Plaintiff's Exhibit No. 85 was marked for identification.)
BY MR. FLORENZO:

Q. Ms. Lamone, have you seen Plaintiff's Exhibit 85 before?
A. I'm sure. My name is on it.
Q. What is Plaintiff's Exhibit 85?
A. December 23rd, 2005 letter from me to Thomas Swiderski.
Q. Is Plaintiff's Exhibit 85 a fair and accurate representation of your thoughts and impressions at the time the letter was sent?
A. I'm sure it is.
Q. What is it that you're trying to accomplish by sending this letter to Mr. Swiderski?
A. To tell you the truth, I don't know what precipitated this letter other than the State of California's request that Diebold resubmit their software for testing for both the touch screen and the optical scan systems.
Q. Do you recall sending this letter?
A. I do, but I'm trying to remember -- I don't remember what prompted it. It must have been a newspaper report or something that, that I believe we followed up on.
Lamone, Linda H.  
Annapolis, MD  
March 9, 2007

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Q. If you look at number two, you write:
1  Starting today, provide daily telephone briefings by
2  individuals of Diebold who have full knowledge and
3  authority of the status of the review and
4  independent reviews being conducted by other states.
5  Do you recall asking for such a daily telephone
6  briefings?
7  A. I did.
8  Q. Was that a briefing that was made to you?
9  A. Just on occasion. It was made to the
10  voting system team.
11  Q. Do you recall if those daily telephone
12  briefings occurred?
13  A. I think they did for a while.
14  Q. For how long?
15  A. I don't know. I honestly don't.
16  Q. Did you have a point person for this
17  project?
18  A. Well, Joe Torre and Patrick Strauch are
19  the two point people in my office for the voting
20  system. Joe is head of the division and Patrick is
21  the project manager.

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Q. On number three you asked for all current
1  and future documents including all reports generated
2  by the Independent Testing Authorities, and any
3  reports submitted to the State of California related
4  to this issue.
5  This is on the second page of Plaintiff's
6  Exhibit 85. Did you get such reports?
7  A. I think we did, but it was -- they did
8  not come in on the 27th, because I don't think the
9  ITA had finished them. My recollection is that
10  this was something to do with a security issue that
11  California found, and we were responding to it to
12  make sure that Diebold kept us informed.
13  Q. You thought it was important to know what
14  was going on in California?
15  A. Absolutely.
16  Q. To figure out whether these things were
17  impacting Maryland, weren't you?
18  A. Well, anywhere else in the country where
19  Diebold is being used. If there was an issue, I
20  certainly would have hoped to be informed about it.
21  Q. Right. I think I may have misheard you.

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Q. Did you, did you get the report from the Independent
1  Testing Authority?
2  A. I think they did. I don't remember
3  reading it, but it would be something that would
4  probably be too technical for me to read anyway.
5  Q. Right.
6  THE VIDEOGRAPHER: Excuse me. I have to
7  pause to change tapes.
8  MR. FLORENZO: Sure.
9  MR. THOMPSON: This is the end of tape 2.
10  The time is 2:53:23.
11  - - -
12  (There was a pause in the proceedings.)
13  - - -
14  THE VIDEOGRAPHER: This is the start of
15  tape three. The time is 2:54:02.
16  MR. FLORENZO: Shelly, you are off the
17  hook.
18  THE WITNESS: Shelly?
19  MS. MARTIN: Yes.
20  THE WITNESS: Stu just got back here. Do
21  you want to stay on the phone?

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responses to activist claims?
A. I don't know whether it was unsolicited or not.
Q. Do you recall asking for this?
A. No.
Q. Mark Radke is from Diebold, isn't he?
A. Yes.
Q. And Bob Urosevich is the President of Diebold?
A. I think he was.
Q. At the time of this e-mail?
A. This is dealing with the optical scan memory cards, apparently.
Q. Okay. You can put that aside. Okay. I would like to show you a document that's been marked as Plaintiff's Exhibit 87. (Plaintiff's Exhibit No. 87 was marked for identification.)

BY MR. FLORENZO:
Q. Have you seen Plaintiff's Exhibit 87 before, Ms. Lamone?

A. I'm sure I did. It was addressed to me.
Q. Do you recall Plaintiff's Exhibit 87?
A. Vaguely.
Q. Okay. If you look at first sentence -- strike that.
Isn't this a letter from the President of Diebold Systems to you dated March 27, 2006?
A. Yes.
Q. And the first sentence of the letter, the President of Diebold writes: This letter is in response to your request to have Diebold submit the AccuVote-TS system with Ballot Station Version 4.6.4 to the ITA for additional review.
Q. Do you recall making such a request?
A. I must have.
Q. Do you recall why you would have made such a request?
A. I should, it's just a year ago. But I don't really remember. There must have been something going on in California or somewhere that we were pushing Diebold on.
Q. You don't remember what that was?

forwarded on Mr. Shamos's e-mail to you and Joe Torre and Patrick Strauch and Paul Aumayr; correct?
A. Yes.
Q. Okay. And do you recall -- you recall receiving Plaintiff's Exhibit 88; is that right?
A. I can say I received it but I'm not sure. I haven't finished reading it, so.
Q. Are you familiar at all with the issues that are set forth in Plaintiff's Exhibit 88?
A. I think that this is in response to the -- and I'm not sure who did it, maybe the Princeton group, that showed that the system was programmed to automatically receive an update if a card was inserted into the touch screen. And I believe that this -- and this may have been the same thing, this, Plaintiff's Exhibit 87 may have been a reaction to the same thing.
Q. Who is Michael Shamos?
A. Michael Shamos is a distinguished professor at Carnegie Mellon Institute for Software Research International, in computer science.
Q. Do you know him?
A. Oh, yes.
Q. Have you spoken to him before?
A. I have spoken to Professor Shamos many times. I've been on programs with him. But I believe that's what this is talking about.
Q. Is this somebody you rely on in carrying out your job responsibilities?
A. He is probably one of the most knowledgeable people that I know of about this voting system in the country, and I would say, yes, I do respect his judgment very much.
Q. Do you rely on his judgment?
A. Yeah.
Q. I'm just asking.
A. Yeah. He is a brilliant person. He has been a voting system evaluator for, I don't know, 20 years or so.
Q. I would like to show you another document that's been marked as Plaintiff's Exhibit 89.
(Plaintiff's Exhibit No. 89 was marked for identification.)

BY MR. FLORENZO:
Q. Have you seen Plaintiff's Exhibit 89 before?
A. I must have. It was sent from me to several members of my staff.
Q. Is this an e-mail dated May 11, 2006, from you to several members of your staff?
A. Yes.
Q. Is it a fair and accurate representation of your thoughts and impressions on the date that you sent the e-mail?
A. I guess it does. I'm not sure I recall what the story said.
Q. Sure. Well, you see where you wrote, I guess Shamos is not on board yet?
A. Correct.
Q. What did you mean by that?
A. Without seeing the story, I don't think I can answer the question.
Q. Do you recall -- this is less than a year ago --
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<tr>
<th>Page</th>
<th>Query</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>238</td>
<td>Q. And Plaintiff's Exhibit 90 is standard</td>
<td>A. Yes.</td>
</tr>
<tr>
<td>238</td>
<td>Q. Election Recount Procedures for the Optical Scan</td>
<td>A. Yes.</td>
</tr>
<tr>
<td>238</td>
<td>Q. Exhibit 90, it looks like it was reissued in October 2006?</td>
<td>A. Yes.</td>
</tr>
<tr>
<td>238</td>
<td>Q. Plaintiff's Exhibit 30 looks like it was revised in October 2006?</td>
<td>A. That's what it says.</td>
</tr>
<tr>
<td>238</td>
<td>Q. Was Plaintiff's Exhibit 30 ever reissued in 2006?</td>
<td>A. I don't know the answer to that.</td>
</tr>
<tr>
<td>238</td>
<td>Q. Who would be the one responsible for preparing Plaintiff's Exhibit 90?</td>
<td>A. Nicky Trella and her staff are the owners of the recount procedures. Before them, my former deputy, Tim Augustine, who originally developed the process.</td>
</tr>
<tr>
<td>239</td>
<td>Q. okay. All right. Is Plaintiff's Exhibit 90 -- strike that. Do you have any reason to believe Plaintiff's Exhibit 90 is not what it purports to be?</td>
<td>A. I have no reason.</td>
</tr>
<tr>
<td>239</td>
<td>Q. Okay. And the same with Plaintiff's Exhibit 30? Do you have any reason to believe it is not what it purports to be?</td>
<td>A. No. Apparently it's still a draft. It has changes.</td>
</tr>
<tr>
<td>239</td>
<td>Q. It's still a draft version?</td>
<td>A. Yeah.</td>
</tr>
<tr>
<td>239</td>
<td>Q. Now, just looking at the recount procedures for the optical scan, one of the options for a recounting on the optical scan is to recount the ballots; isn't that right?</td>
<td>A. Yes.</td>
</tr>
<tr>
<td>239</td>
<td>Q. By hand? Is that right?</td>
<td>A. Yes.</td>
</tr>
<tr>
<td>239</td>
<td>Q. And for the AccuVote-TS voting system, you would recount by hand under one of the options all the ballot images; is that right?</td>
<td>A. Correct.</td>
</tr>
<tr>
<td>239</td>
<td>Q. In 2004 were there any recounts involving the AccuVote-TS where the option was to count the ballot images?</td>
<td>A. I don't think there was a recount in 2004.</td>
</tr>
<tr>
<td>239</td>
<td>Q. How about 2006, was there any recount in 2006 where the option was selected to recount the ballot images?</td>
<td>A. No. I don't believe so. It was at -- the recount was --</td>
</tr>
<tr>
<td>239</td>
<td>Q. So in 2006 there were no printed ballot images?</td>
<td>A. Not requested in a recount, no.</td>
</tr>
<tr>
<td>239</td>
<td>Q. Well, I mean, you wouldn't print them --</td>
<td>A. No.</td>
</tr>
<tr>
<td>239</td>
<td>Q. -- unless somebody asked for them; right?</td>
<td>A. No.</td>
</tr>
<tr>
<td>240</td>
<td>Q. Was that correct?</td>
<td>A. You are correct.</td>
</tr>
<tr>
<td>240</td>
<td>Q. Let's do it again then. You wouldn't print ballot images unless somebody asked for them in a recount; correct.</td>
<td>A. Correct.</td>
</tr>
<tr>
<td>240</td>
<td>Q. So since nobody asked for them in a recount in 2006, there were no ballot images printed in 2006?</td>
<td>A. As far as I know.</td>
</tr>
<tr>
<td>240</td>
<td>Q. Okay. You can put those two documents aside.</td>
<td>B. MR. FLORENZO: Now I would like to show you a document that's been marked as Plaintiff's Exhibit 91. (Plaintiff's Exhibit No. 91 was marked for identification.)</td>
</tr>
<tr>
<td>240</td>
<td>Q. Do you know what Plaintiff's Exhibit 91 is?</td>
<td>A. I assume it's a printout from a voting unit of a voter's choices for an election.</td>
</tr>
</tbody>
</table>
Q. Is this a ballot image?
A. No.
Q. It's not a ballot image?
A. It is not.
Q. Where would it be printed from?
A. The units are capable of printing this for every voter.
Q. Does each AccuVote-TS unit have a printer?
A. Yes.
Q. Of the things that you need to do before the polls open on Election Day is you need to print out a report of the votes that were cast from each unit; isn't that correct?
A. I'm sorry. I apologize. I was looking at this.
Q. That's all right. You should probably put that down. I'm not going to ask you anymore questions on that.
One of the things that happens before the polls open on Election Day is each unit has to print out the number of votes that had been cast on that unit that day; isn't that correct?
A. Not entirely.
Q. Okay. Why don't you tell me.
A. Our instructions are that when they open the polls in the morning they are to print a zero, two copies of a zero report. The first one is torn off and posted on the wall. The second one remains in the unit, the judges have to sign it, and that's done to show there are no votes on the unit.
Q. It's called a zero report because it shows that no votes have been cast?
A. Right.
Q. But it's the same technique by which you simply print out the number of votes cast?
A. Correct.
Q. It's just that there have been no votes cast so the number that comes up is zero?
A. Right. And it would print out and show a number of votes on the voting unit, that unit would not be used. For example, if they had run L&A and hadn't cleared, then at the end of the day they print out a total of all the votes.
Q. And they do it the same way. You simply print out the number of votes that were cast on that unit?
A. It shows the number for each candidate and then, again, they post one from each unit on the wall and print out the second one and sign it, I think.
Q. The votes that -- strike that.
The printouts that are done in the morning, these are called zero reports; correct?
A. Yes.
Q. What's the term of art that you use for the printouts at the end of the day?
A. The totals reports.
Q. So you print out the total reports. How are those total reports utilized in the voting system?
A. I'm not sure I understand.
Q. How do they fit into the process of determining who wins and loses elections?
A. Well, they have several purposes, as I understand it. The poll watchers, the people that
the candidates have and the press have, they use those reports to get their results information quickly. And it's a procedure that's been used for years and years in Maryland. Try to get an unofficial one and post it on the wall.
We use it as an audit tool, part of the audit tool. Because it's a contemporaneously printed out results from each voting unit.
Q. Can you use the totals reports in recounts?
A. That is a, as I understand it, one of the options that's available to the party seeking a recount, is to have those, have some comparison made with those totals report with other.
Q. Tell me how that process works.
A. This is getting a little bit nitty-gritty for me.
Q. Sure.
A. But as I understand it you could say, take the totals report from each machine and compare it to the, either one of the memories that are available from that machine or unit, or compare it

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to the results that have been downloaded into the
GEMS server.
So you would be making a comparison.
Q. Okay. What results from the comparison?
A. Confirmation that everything matches.
Q. Okay. And is it appropriate to use those
totals reports in a recount?
A. Sure.
Q. And that's -- I mean is it your opinion
that using them is compliant with Maryland law?
A. Sure.
Q. And Federal law?
A. Sure.
Q. Okay. All right. Now I want to show you
a document --
A. In the old days when they had lever
machines, they used to do the same thing. They open
it up and read the numbers off the back of the
machine and write it on a piece of paper and post it
on the wall.
Q. Right. But I mean these, but these -- so
it's perfectly appropriate to use these printouts

that are printed off these printers on these
machines; right?
A. I think so. I have had no one suggest to
the contrary.
Q. All right. I would like to show I a
document that's been marked as, previously marked as
Plaintiff's Exhibit 29.
A. I'm going to stop signing everything.
Q. You didn't sign this one.
A. Oh, to me.
Q. Okay. Have you seen Plaintiff's Exhibit
29?
A. I'm sure I have. It was sent to me.
Q. Do you recall seeing Plaintiff's Exhibit
29?
A. Vaguely.
Q. Is Plaintiff's Exhibit 29 a memorandum
dated December 13, 2002 from Timothy T. Augustine to
you regarding the 2002 Gubernatorial General
Election?
A. Yes.
Q. Do you have any reason to believe that

Plaintiff's Exhibit 29 is not authentic and isn't
otherwise what it purports to be?
Q. Okay. If you could look down under the
section on the first page, it's House of Delegates,
Contest Recount, Subdistrict 1C, Allegany County.
Do you see that?
A. I do.
Q. If you look -- well, you can see that Mr.
Augustine writes: The petitioner for the recount of
the House of Delegates contest in Allegany and
Washington Counties requested a manual recount of
the ballots. Do you see that?
Q. Now, there was a little hiccup in that
recount because Allegany County used the
AccuVote-TS, Washington County used some other
system?
A. Correct.
Q. So they had to have two different kinds
of recount in that particular election; isn't that
right?
<table>
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<tr>
<th>Page</th>
<th>Question/Statement</th>
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<tr>
<td>250</td>
<td>Q. I'm sorry. Does it look like he has a total cost – let me take a step back. Right, he's got 5.4 million for the cartridges. Do you see that?</td>
</tr>
<tr>
<td></td>
<td>A. Yes.</td>
</tr>
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<td></td>
<td>Q. And then he has another $720,000 for scanner capability. Do you see that?</td>
</tr>
<tr>
<td></td>
<td>A. Yes.</td>
</tr>
<tr>
<td></td>
<td>Q. So is the total cost from Mike Curtis's analysis for the paper trail roughly $6.12 million?</td>
</tr>
<tr>
<td></td>
<td>A. Yeah, but he caveats it by saying that there may be more items. And then he also lists the risks that he identified.</td>
</tr>
<tr>
<td></td>
<td>Q. But he doesn't provide any other figure other than the $6.12 million; isn't that right?</td>
</tr>
<tr>
<td></td>
<td>A. No.</td>
</tr>
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<td></td>
<td>Q. Now, did you ever have any conversations with Diebold about adding sort of a printer or some sort of attachment module to the AccuVote-TS for purposes of establishing a paper trail?</td>
</tr>
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<td></td>
<td>A. There have been discussions, yes.</td>
</tr>
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<td></td>
<td>Q. And who have you discussed this with?</td>
</tr>
<tr>
<td>251</td>
<td>A. I must have, it was sent to me.</td>
</tr>
<tr>
<td></td>
<td>Q. What is Plaintiff's Exhibit 31?</td>
</tr>
<tr>
<td></td>
<td>A. It's an e-mail from Mike Curtis dated January 7th, 2005.</td>
</tr>
<tr>
<td></td>
<td>Q. January 7, 2005?</td>
</tr>
<tr>
<td></td>
<td>A. Yes. The subject: Paper trail cost analysis.</td>
</tr>
<tr>
<td></td>
<td>Q. And what does Mr. Curtis say?</td>
</tr>
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<td></td>
<td>A. Here is the cost analysis I did for Linda on the paper trail. There may be a few more items to consider than what I captured.</td>
</tr>
<tr>
<td></td>
<td>Q. And does Mr. Curtis have an attachment to his e-mail?</td>
</tr>
<tr>
<td></td>
<td>A. He does.</td>
</tr>
<tr>
<td></td>
<td>Q. And does that attachment provide a cost estimate for the paper trail.</td>
</tr>
<tr>
<td></td>
<td>A. It does. He has cartridges, one per DRE, 18,000, a unit cost, total cost.</td>
</tr>
<tr>
<td></td>
<td>Q. Does it look like he has a total cost of about $43.2 million for the paper trail?</td>
</tr>
<tr>
<td></td>
<td>A. It looks to me 4.5. Or is that a three?</td>
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<td>5.4 million, 3 times 18.</td>
</tr>
</tbody>
</table>

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A. Various members of the General Assembly, some press.

Q. What have they said?

A. Odd looking, not easy to use.

Q. Nobody likes it?

A. Not that I've heard. But I have not participated in a lot of those conversations.

Q. Okay. I would like to give you a document that's been marked as Plaintiff's Exhibit, what are we up to -- 93,

(Plaintiff's Exhibit No. 93 was marked for identification.)

BY MR. FLORENZO:

Q. Let me just ask have you seen Plaintiff's Exhibit 93 before, Ms. Lamone?

A. I'm sure I have.

Q. Could you look it over and tell me what it is?

A. Well, it's marked draft. Study of Independent Verification Systems, dated March 10, 2005.

Q. Did you create Plaintiff's Exhibit 93?

A. No.

Q. Do you know who did?

A. I think Ross Goldstein did.

Q. Do you know what the impetus was behind Ross Goldstein's preparation of Plaintiff's Exhibit 93?

A. I do.

Q. What of that impetus?

A. We wanted to have the independent verification systems tested from a usability point of view and a technological point of view, and the General Assembly expressed a desire for this to happen in a bill that they passed. And the Governor vetoed it, but we went ahead with it anyway, subsequently with the Governor's approval.

Q. Do you have any reason to believe that Plaintiff's Exhibit 93 is not what it purports to be?

A. Well, it's marked a draft. I don't know whether it's the final copy. But I'm sure it's fairly accurate.
Q. You can put that document aside, Ms. Lamone. Okay.
I show you a document that's been marked as Plaintiff's Exhibit 94.

(Plaintiff's Exhibit No. 94 was marked for identification.)

BY MR. FLORENZO:
Q. I ask you if you have seen Plaintiff's Exhibit 94 before?

A. I'm sure I have.

Q. What is Plaintiff's Exhibit 94?

A. It's a draft document that was created on March 23rd, 2005, and is titled, Comparison of Verification Methodologies.

Q. Did you prepare Plaintiff's Exhibit 94?

A. No.

Q. Do you know who did?

A. No. I would suspect Ross did, but I'm not positive.

Q. Do you know -- strike that.

A. But no. I'm not even sure Ross did it.

It may have -- it's titled under Maryland State Board of Elections, but it may have been one of the academic institutions.

Q. Do you have any reason to believe that Plaintiff's Exhibit 94 is not what it purports to be?

A. No. It's a draft though. So I don't know whether it was changed.

Q. You can put that aside.

I would like to mark this document as Plaintiff's Exhibit 95.

(Plaintiff's Exhibit No. 95 was marked for identification.)

BY MR. FLORENZO:
Q. I ask if you have seen it before?

A. I'm sure I have. It was signed by me.

Q. What is Plaintiff's Exhibit 95?

A. It's a letter from me to the Sheila Hixon dated December 23rd, 2005.

Q. And is this a letter with respect to Maryland Voter Bill of Rights Legislation, LR781?