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| 42 | <p>1 document and mark this as 59. 2 (Plaintiff's Exhibit No. 3 59 was marked for 4 identification.) 5 BY MR. FLORENZO: 6 Q. Plaintiff's Exhibit 59. And I want to 7 the ask you, Ms. Lamone, if you have seen 8 Plaintiff's Exhibit 59 before? 9 A. I'm sure I have. It's the, entitled 10 Maryland Certification Evaluation of the Global 11 Election Systems, Inc., AccuVote-TS R6 voting system 12 prepared by Brit Williams, October 4th, 2001 and 13 revised October 21st, 2001. 14 Q. Okay. Who is Brit Williams? 15 A. Brit Williams is a Professor Emeritus at 16 Kennisaw State University in Georgia, and he was our 17 evaluator for the procurement. 18 Q. And did Mr. Williams draw any conclusions 19 that are reflected here in Plaintiff's Exhibit 59? 20 A. I would have to reread the document 21 before I can answer that. I haven't looked at it in 22 six years.</p> | 44 | <p>1 Q. Do you know who in your office managed 2 it? 3 A. No. It was not managed by my office. 4 Q. Oh, it was not managed by your office. 5 I'm sorry. I misunderstood you. 6 Okay. And if you can see that the first 7 page of Plaintiff's Exhibit 16 is a letter from four 8 people to Mr. William Bowser of the Department of 9 Budget Management? Do you see that? 10 A. I do. 11 Q. And you can see that these four people 12 attach a recommendation to their letter; isn't that 13 right? 14 A. It appears to be, yes. 15 Q. If you could read for me the last 16 paragraph of the recommendation on page 2 of 17 Plaintiff's Exhibit 16? 18 A. Therefore, the Committee, pursuant to a 19 motion to adopt by a majority of the members, 20 recommends that the procurement officer exercise the 21 State of Maryland's right under Section 1.11 of the 22 RFP to reject all proposals in order to serve the</p> |
| 43 | <p>1 Q. Okay. I'll withdraw that question then. 2 I would like to show you a document 3 that's been previously marked as Plaintiff's Exhibit 4 16, and ask you if you've seen Plaintiff's Exhibit 5 16 before? 6 A. I'm sure I have. It's a document dated 7 October 24th, 2001. 8 Q. What is Plaintiff's Exhibit 16? 9 A. It is addressed to William Bowser, who 10 was the procurement officer for this procurement at 11 the Department of Budget and Management, signed by 12 four people. 13 Q. Okay. And those four people are members 14 of the Election System Evaluation Committee; is that 15 right. 16 A. That's correct. 17 Q. Do you know what the Election System 18 Evaluation Committee is? 19 A. My recollection is that the procurement 20 team put this team together to assist them in 21 evaluating the bids that were received. It was not 22 something that was managed by my office.</p> | 45 | <p>1 best interests of the State of Maryland. 2 Q. Okay. Now I would like to show you a 3 document that will be marked as Plaintiff's Exhibit 4 60. 5 (Plaintiff's Exhibit No. 6 60 was marked for 7 identification.) 8 BY MR. FLORENZO: 9 Q. Ms. Lamone, have you seen Plaintiff's 10 Exhibit 60 before? 11 A. I'm sure I have. It's a document dated 12 November 26, 2001. 13 Q. Could you just briefly look it over and 14 then tell me what you think it is? 15 A. It's a memo from me to the State Board 16 members recommending that the Diebold/Global Voting 17 System be certified by the State Board. 18 Q. And this is a package of materials that 19 you prepared to send to the State Board members; is 20 that right? 21 A. I did not prepare this. 22 Q. This is a package of materials that you</p> |

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| <p style="text-align: right;">46</p> <p>1 sent to the State Board members; is that right?</p> <p>2 A. That's correct. It was sent under my</p> <p>3 signature.</p> <p>4 Q. I mean did -- what do you mean, it sent</p> <p>5 under your signature?</p> <p>6 A. Well, because it's from me to the State</p> <p>7 Board.</p> <p>8 Q. Do people in your office just send things</p> <p>9 under your signature without you knowing about it?</p> <p>10 A. No. But I did not prepare these</p> <p>11 documents.</p> <p>12 Q. You didn't physically collect them</p> <p>13 together?</p> <p>14 A. No.</p> <p>15 Q. But presumably this would have gone out</p> <p>16 under your signature after had you taken a look at</p> <p>17 it; is that right?</p> <p>18 A. I would assume so.</p> <p>19 Q. Because the way things worked at the</p> <p>20 State Board Elections Office, people just don't send</p> <p>21 things out under Linda Lamone's signature without</p> <p>22 Linda having a chance to look at it; is that right?</p> | <p style="text-align: right;">48</p> <p>1 you knew, was that there of going to be a voting</p> <p>2 system procurement discussion; is that right?</p> <p>3 A. Yes.</p> <p>4 Q. Now, if you could turn to page SBE 2679?</p> <p>5 It's the third page. Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. Now, that's a document that appears to</p> <p>8 have five pages on it?</p> <p>9 A. So it says.</p> <p>10 Q. And it's entitled: Direct Recording</p> <p>11 Electronic Voting System and Optical Scan, Absentee</p> <p>12 Ballot Voting System, Final Technical Rankings,</p> <p>13 10/25/01. Do you see that?</p> <p>14 A. Yes.</p> <p>15 Q. Do you know who prepared pages SBE 2679</p> <p>16 through 2683?</p> <p>17 A. No.</p> <p>18 Q. Do you have any idea who may have done</p> <p>19 them?</p> <p>20 A. I would assume that it was the</p> <p>21 procurement team, which consisted of several people</p> <p>22 from the Department of Budget and Management, my</p> |
| <p style="text-align: right;">47</p> <p>1 A. I would say that's pretty generally true.</p> <p>2 Q. That's a pretty good way of doing things.</p> <p>3 Okay. Now, these materials were sent to State Board</p> <p>4 members because they had a monthly State Board of</p> <p>5 Elections meeting coming up; isn't that right?</p> <p>6 A. I don't know that.</p> <p>7 Q. Do you see what the date of the document</p> <p>8 is, November 26, 2001?</p> <p>9 A. Correct.</p> <p>10 Q. And the Re line says: Voting system</p> <p>11 procurement discussion at 12/3/01, just beneath</p> <p>12 that. Do you see that?</p> <p>13 A. Yes. I do know.</p> <p>14 Q. So let's just go over that again so we</p> <p>15 can get it down. So Plaintiff's Exhibit 60, was a</p> <p>16 package of materials that were sent to the State</p> <p>17 Board members under your signature in anticipation</p> <p>18 of an upcoming meeting of the State Board of</p> <p>19 Elections; is that right?</p> <p>20 A. It indicates that, yes.</p> <p>21 Q. And one of the topics that was going to</p> <p>22 occur at the State Board of Elections meeting as far</p> | <p style="text-align: right;">49</p> <p>1 staff, Joe Torre in particular, and I don't know</p> <p>2 whether Brit Williams was involved in this or not.</p> <p>3 Q. Are the five people that are listed on</p> <p>4 Plaintiff's Exhibit 16, is that the procurement</p> <p>5 team --</p> <p>6 A. No.</p> <p>7 Q. -- that made the findings as reflected in</p> <p>8 SBE 2679 through 2683?</p> <p>9 A. Say that again.</p> <p>10 Q. The five people that are listed on</p> <p>11 Plaintiff's Exhibit 16, is that the procurement team</p> <p>12 that made the findings that are reflected here in</p> <p>13 SBE 2679 through 2683?</p> <p>14 A. I don't know. I don't think so, but I</p> <p>15 don't know for sure.</p> <p>16 Q. When you were describing who you thought</p> <p>17 the procurement team was, you were not making</p> <p>18 reference to the five people listed on Plaintiff's</p> <p>19 Exhibit 16?</p> <p>20 A. I was not.</p> <p>21 Q. I'm going to ask if you could wait for me</p> <p>22 to finish my question. I know you've probably</p> |

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| 50 | <p>1 anticipated what the question is going to be, but if</p> <p>2 you could just wait for me to finish my question</p> <p>3 before you answer, it will make things a lot easier</p> <p>4 on Robert.</p> <p>5 Okay. Now, if you could turn now to the</p> <p>6 page that begins with the Bates Number 2686 on</p> <p>7 Plaintiff's Exhibit 60. Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. That's also one of the materials</p> <p>10 that you presented to the State Board members;</p> <p>11 correct?</p> <p>12 A. Correct. And it's been previously</p> <p>13 identified as a document.</p> <p>14 Q. That document there, that's part of</p> <p>15 Plaintiff's Exhibit 60, is Plaintiff's Exhibit 59;</p> <p>16 isn't it?</p> <p>17 A. I don't know.</p> <p>18 Q. If you could just take a look at</p> <p>19 Plaintiff's Exhibit 59, which is right here, and</p> <p>20 just let me know whether those two documents are the</p> <p>21 same. I would appreciate it.</p> <p>22 A. They appear to be.</p> | 52 | <p>1 of Maryland. Do you see that?</p> <p>2 A. That's what it appears to be.</p> <p>3 Q. Okay. Did the AccuVote-TS voting units</p> <p>4 need to comply with Maryland laws?</p> <p>5 A. To get certified, of course.</p> <p>6 Q. If the voting units didn't comply with</p> <p>7 Maryland laws, they couldn't be certified; is that</p> <p>8 right?</p> <p>9 A. That's correct.</p> <p>10 Q. Now, if you can see that under Section 3,</p> <p>11 Compliance with the Election Laws of Maryland, Mr.</p> <p>12 Williams breaks that section down even further and</p> <p>13 has a section titled: 3.1, Article 33, Section</p> <p>14 9-102, Certification of Voting Systems. Do you see</p> <p>15 that?</p> <p>16 A. Yes.</p> <p>17 Q. And Mr. Williams makes an evaluation as</p> <p>18 to whether the AccuVote-TS voting units comply with</p> <p>19 the requirement set forth in Article 33, Section</p> <p>20 9-102; isn't that right?</p> <p>21 A. It appears to be.</p> <p>22 Q. And that's because in order for the</p> |
| 51 | <p>1 Q. Okay. Now if you can turn to page --</p> <p>2 strike that.</p> <p>3 This part of Plaintiff's Exhibit 60 is</p> <p>4 the report by Brit Williams dated October 21st,</p> <p>5 2001. Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. And Mr. Williams breaks up his report</p> <p>8 into a series of numbered sections. Do you see</p> <p>9 that?</p> <p>10 A. Yes.</p> <p>11 Q. And the first section is titled:</p> <p>12 Introduction?</p> <p>13 A. Yes.</p> <p>14 Q. The second section is titled: System</p> <p>15 Description?</p> <p>16 A. Yes.</p> <p>17 Q. The third section is titled: Compliance</p> <p>18 with Election Laws of Maryland. Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. And Mr. Williams goes through and appears</p> <p>21 to certify that the AccuVote-TS voting units, voting</p> <p>22 systems from Diebold comply with the election laws</p> | 53 | <p>1 voting unit to be certified it would have to comply</p> <p>2 with the requirements of Article 33, Section 9-102;</p> <p>3 correct?</p> <p>4 A. Yes.</p> <p>5 Q. Now, if you look further down on page SBE</p> <p>6 2690 of Plaintiff's Exhibit 60, there is a Section</p> <p>7 3.2. Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. And that's entitled: Code of Maryland</p> <p>10 Regulations; correct?</p> <p>11 A. Correct.</p> <p>12 Q. And Mr. Williams certifies that the</p> <p>13 AccuVote-TS voting units comply with the Code of</p> <p>14 Maryland regulations, isn't that right?</p> <p>15 A. It appears.</p> <p>16 Q. And that's because the AccuVote-TS voting</p> <p>17 would have to comply with the Code of Maryland</p> <p>18 Regulations in order for them to be certified; is</p> <p>19 that right?</p> <p>20 A. Correct.</p> <p>21 Q. Okay. Now, in the voting material --</p> <p>22 strike that.</p> |

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| <p style="text-align: right;">54</p> <p>1 In Plaintiff's Exhibit 60, the materials 2 that you presented to the State Board in 3 anticipation of their upcoming Board meeting, did 4 you include Plaintiff's Exhibit 16? 5 A. Apparently. 6 Q. Okay. Could you look through Plaintiff's 7 Exhibit 60 and show me where Plaintiff's Exhibit 16 8 is? 9 A. Oh, no, I'm sorry. It doesn't appear to 10 be in here. 11 Q. So you didn't include Plaintiff's Exhibit 12 16 in the materials that you sent to the State Board 13 on November 26, 2001, as reflected in Plaintiff's 14 Exhibit 60; is that right? 15 A. It doesn't appear to be in the document. 16 Q. If you look at the second page of 17 Plaintiff's Exhibit 60 with the Bates Number SBE 18 2678, in the memorandum from you to the State Board. 19 Do you see that? 20 A. Correct. 21 Q. Okay. Did you prepare this memorandum. 22 A. I doubt it.</p> | <p style="text-align: right;">56</p> <p>1 of the regulations required. Do you see that? 2 A. I see that. 3 Q. And the implication would be that if 4 those regulations aren't adopted, then the 5 contingency required for the certification to be 6 valid would not have occurred; is that right? 7 A. Right. We couldn't use the equipment 8 until the regulations were adopted. 9 Q. Okay. Okay. You can put all those 10 documents aside. 11 So then the State Board of Elections 12 certified the AccuVote-TS voting units, didn't they? 13 A. Yes. 14 Q. And how did that certification occur? 15 Let me withdraw that question and ask it in a 16 different way. 17 How is it that the conclusion was drawn 18 that now the State Board of Elections has certified 19 this AccuVote-TS voting units? 20 A. I assume, without looking at the minutes, 21 that a motion was made, seconded and voted on. 22 Q. So the certification occurred during a</p> |
| <p style="text-align: right;">55</p> <p>1 Q. Did you read and sign off on this 2 memorandum? 3 A. I'm sure I did. 4 Q. If you look at the second sentence, it 5 reads: The certification will be contingent upon 6 the adoption of the regulations required under 7 Article 3, Section 9-102(e)(3). Do you see that? 8 A. Yes. 9 Q. Okay. What did you mean by that? 10 A. Under the scheme of voting system 11 certification, and this is probably a question that 12 Joe Torre is better able to answer than I am, there 13 is a, the law, then the Code, and then once the 14 system is certified, then there has to be 15 regulations to actually implement it. 16 Q. So if those regulations aren't 17 implemented, then the certification is invalid? 18 A. I would think probably -- that's a legal 19 question, but I think probably so. I'm not sure 20 invalid is the right word. 21 Q. One of the things that you say here is 22 this certification is contingent upon the adoption</p> | <p style="text-align: right;">57</p> <p>1 meeting of the State Board of Elections? 2 A. Yes. 3 Q. And that was a meeting that would have 4 occurred in December of 2001? 5 A. I assume. 6 Q. Okay. Do you have those minutes at the 7 State Board of Elections? 8 A. I'm sure we do. 9 Q. Okay. If I were to ask Mr. Davis if he 10 could provide me those minutes, and if he were to 11 ask you if you can provide him those minutes, would 12 there be any problem with you providing them to him? 13 A. They are a public document. 14 Q. I looked at the Website and I couldn't 15 find them. They only go back to 2003. But, Mark, I 16 will talk to you at a break. I certainly would like 17 to get those. 18 MR. DAVIS: Sure. We will endeavor to 19 look for them. And if they are available, we will 20 certainly provide them. 21 BY MR. FLORENZO: 22 Q. Okay. Now I would like you to take a</p> |

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| <p>1 look at a document that's been marked Plaintiff's</p> <p>2 Exhibit 18.</p> <p>3 Have you seen Plaintiff's Exhibit 18</p> <p>4 before?</p> <p>5 A. I don't think so. Huh-uh.</p> <p>6 Q. Did you prepare Plaintiff's Exhibit 18?</p> <p>7 A. No.</p> <p>8 Q. Do you know what Plaintiff's Exhibit 18</p> <p>9 is?</p> <p>10 A. Well, it appears to be from the State</p> <p>11 Board of Elections Website, so if it is, I know I've</p> <p>12 read it at some point, and it's entitled Voting</p> <p>13 System Procurement, and the subtitle is State Board</p> <p>14 of Elections Selects Voting System Vendor.</p> <p>15 Q. This is a press release, isn't it?</p> <p>16 A. I don't know. It would appear to be</p> <p>17 couched in that terms.</p> <p>18 Q. Is part of your -- strike that.</p> <p>19 Are some of the things that you do in</p> <p>20 your job is issue press releases on behalf of the</p> <p>21 State Board of Elections?</p> <p>22 A. On the rare occasion that they are</p> | <p>1 world's largest manufacturer, installer of</p> <p>2 electronic voting systems, as the vendor for the new</p> <p>3 direct recording electronic, (DRE) voting systems in</p> <p>4 Maryland.</p> <p>5 Q. Okay. If you could turn now to the third</p> <p>6 page of Plaintiff's Exhibit 18. If you look down at</p> <p>7 the last paragraph, beginning with the words</p> <p>8 "updating." If you could read along with me and</p> <p>9 make sure I read this correctly.</p> <p>10 John Willis says: Updating Maryland to a</p> <p>11 direct recording electronic voting system will not</p> <p>12 only improve the accuracy of capturing voter intent,</p> <p>13 will also bring to the election process the modern</p> <p>14 technology used in many facets of the daily lives of</p> <p>15 Marylanders, close quote, said Secretary of State</p> <p>16 John T. Willis, who served as Chair of the</p> <p>17 Governor's Special Committee on Voting Systems and</p> <p>18 Procedures.</p> <p>19 Did I read that correctly, Ms. Lamone?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. And then Mr. Willis goes on to</p> <p>22 say, quote: Billions of transactions occur every</p> |
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| <p>1 issued, yes.</p> <p>2 Q. I understand that. You were the</p> <p>3 Administrator of the State Board of Elections State</p> <p>4 Board of Elections on this date, December 7, 2001;</p> <p>5 isn't that right?</p> <p>6 A. I was.</p> <p>7 Q. Would you have been involved in the</p> <p>8 preparation and issuance of a press release</p> <p>9 announcing the certification of the AccuVote-TS</p> <p>10 voting units?</p> <p>11 A. Probably.</p> <p>12 Q. Would you have reviewed the press release</p> <p>13 before it was issued?</p> <p>14 A. Probably.</p> <p>15 Q. Would you have had to approve the press</p> <p>16 release before it was issued?</p> <p>17 A. Probably, along with others.</p> <p>18 Q. And if you could read for me the first</p> <p>19 sentence of Plaintiff's Exhibit 18?</p> <p>20 A. The Maryland State Board of Elections</p> <p>21 State Board of Elections announced today the</p> <p>22 selection of Global/Diebold Election Systems, the</p> | <p>1 day at ATM machines, service stations, restaurants,</p> <p>2 car dealers, department stores, bridal registries</p> <p>3 and with delivery services using touch screen</p> <p>4 technology. Did I read that correctly?</p> <p>5 A. Yes.</p> <p>6 Q. I just want to go over some of these</p> <p>7 things for you. Have you ever used an ATM machine</p> <p>8 before?</p> <p>9 A. I think I used one once.</p> <p>10 Q. Did you get a receipt when you used your</p> <p>11 ATM machine?</p> <p>12 A. I have no idea.</p> <p>13 Q. Do you dispute that when bankers use ATM</p> <p>14 machines, they can get a receipt from the</p> <p>15 transaction?</p> <p>16 A. They can. But it's not really worth</p> <p>17 anything.</p> <p>18 Q. So they can't get a receipt if they go to</p> <p>19 an ATM machine?</p> <p>20 A. They can, but it's not evidence of a</p> <p>21 transaction under Federal law. Electronic records</p> <p>22 are, the bank records are.</p> |

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| 62 | <p>1 Q. So if I, you know, put \$300 in a deposit 2 in an ATM machine and I get a receipt back that says 3 I only deposited \$200 -- strike that. 4 If I deposit \$300 in a ATM machine and I 5 get a receipt that says that I deposited \$300, and 6 then I get a bank statement a month later that says 7 I only deposited \$200, I'm just out of luck? There 8 is nothing can I do? 9 A. Not with the receipts. It's the 10 electronic records that control the transaction. 11 Q. My receipt isn't any evidence that maybe 12 the bank got it wrong? 13 A. Uh-huh. 14 Q. And you're certain of that. 15 A. I'm pretty certain. 16 Q. How do you know that? 17 A. Because I've read the Federal law that 18 governs commercial transactions in the UCC. 19 Q. So my ATM machine receipt isn't going to 20 be worth anything? 21 A. You can talk to the bank and try to argue 22 with them, but they'll rely on their electronic</p> | 64 | <p>1 your transaction with the auto dealership? 2 A. Yes. 3 Q. I will save the rest. We don't need to 4 go through all of them. 5 A. Good. 6 Q. You can put that document aside. 7 MR. FLORENZO: I would like to mark this 8 document as Plaintiff's Exhibit 61. 9 (Plaintiff's Exhibit No. 10 61 was marked for 11 identification.) 12 BY MR. FLORENZO: 13 Q. Ms. Lamone, have you seen Plaintiff's 14 Exhibit 61 before? 15 A. I'm sure I have. 16 Q. Do you know what Plaintiff's Exhibit 61 17 is? 18 A. It is a letter dated December 20th, 2001, 19 from William Bowser, who was the procurement officer 20 for the procurement of the voting system, to Robert 21 Urosevich, President of Global Election Systems. 22 Q. This is the contract with Diebold?</p> |
| 63 | <p>1 records to determine what the transaction really 2 was. 3 Q. Now, if I go to a service station and 4 pump gas, have you ever -- let me strike that. Have 5 you ever gone to a gas station and put gasoline in 6 your car and used a credit card on the machine. 7 A. Absolutely. 8 Q. Have you ever gotten a receipt from the 9 gas pump? 10 A. I used to. But I don't anymore. 11 Q. Have you eaten out at a restaurant? 12 A. Yes. 13 Q. And have used a credit card when you paid 14 for a meal at the restaurant? 15 A. Yes. 16 Q. And have you gotten a receipt for when 17 you purchased a meal? 18 A. Yes. 19 Q. Have you been to a car dealership to 20 purchase an automobile? 21 A. Yes. 22 Q. And have you gotten a paper record of</p> | 65 | <p>1 A. It is. 2 Q. Plaintiff's Exhibit 61? 3 A. It is my recollection it is. 4 Q. Okay. You can put that aside. 5 MR. FLORENZO: Can you mark these as 62, 6 63, 64 and 65? 7 (Plaintiff's Exhibit No. 8 62 63, 64 and 65. 9 Were marked for 10 identification.) 11 BY MR. FLORENZO: 12 Q. Ms. Lamone, could you take a look at 13 Plaintiff's Exhibit 62? 14 A. Yes. 15 Q. Is that Modification Number 1 to the 16 Diebold contract? 17 A. It appears to be. 18 Q. Could you take a look at Plaintiff's 19 Exhibit 63? Is that Modification Number 2 to the 20 Diebold contract? 21 A. It appears to be. 22 Q. Could you take a look at Plaintiff's</p> |

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| 66 | <p>1 Exhibit 64? Is that Modification Number 3 --</p> <p>2 A. It appears to be.</p> <p>3 Q. -- to the Diebold contract? And if you</p> <p>4 could take a look at Plaintiff's Exhibit 65, is that</p> <p>5 Modification Number 4 to the Diebold contract?</p> <p>6 A. It appears to be.</p> <p>7 Q. Do you have any reason to believe that</p> <p>8 these are not the authentic modifications to the</p> <p>9 Diebold contract?</p> <p>10 A. No, I have not.</p> <p>11 MR. FLORENZO: You can put those</p> <p>12 documents aside. Why don't we take a break.</p> <p>13 THE VIDEOGRAPHER: Off the record:</p> <p>14 10:40:38.</p> <p>15 - - -</p> <p>16 (Recessed at 10:40 a.m.)</p> <p>17 (Reconvened at 10:53 a.m.)</p> <p>18 - - -</p> <p>19 THE VIDEOGRAPHER: On the record:</p> <p>20 10:53:21.</p> <p>21 BY MR. FLORENZO:</p> <p>22 Q. Ms. Lamone, the AccuVote-TS voting unit</p> | 68 | <p>1 training, adequate support. The one thing about it</p> <p>2 that's fabulous is it's incredibly easier and</p> <p>3 intuitive for the voters to use.</p> <p>4 Q. The software that's used, that's</p> <p>5 manufactured by Diebold on the AccuVote-TS voting</p> <p>6 units, that's not perfect, is it?</p> <p>7 A. Well, I can't answer that question. I'm</p> <p>8 not a software engineer. There are some people that</p> <p>9 say it's not.</p> <p>10 Q. Do you know of anybody who says that it</p> <p>11 is perfect?</p> <p>12 A. No. But I don't know anybody that said</p> <p>13 that any of the voting systems, regardless of the</p> <p>14 type, and they all run on software, is perfect.</p> <p>15 Q. The contract that the State of Maryland</p> <p>16 has with Diebold allows for an upgrade of the</p> <p>17 software for every election; is that right?</p> <p>18 A. I believe so. I'm not intimately</p> <p>19 familiar with the contractual terms.</p> <p>20 Q. Are you at all familiar with that</p> <p>21 provision?</p> <p>22 A. I know there is a provision on upgrades.</p> |
| 67 | <p>1 voting system, you would agreed with me, it's not</p> <p>2 perfect, is it?</p> <p>3 A. No voting system is.</p> <p>4 Q. So this one is not perfect either?</p> <p>5 A. No voting system is.</p> <p>6 Q. It's got problems?</p> <p>7 A. I'm not sure I would characterize it as</p> <p>8 problems, but --</p> <p>9 Q. What would you characterize the things</p> <p>10 that make it not perfect?</p> <p>11 A. It tends to be somewhat complicated for</p> <p>12 the poll workers to set up, so that requiring us to</p> <p>13 provide additional technical support. I think</p> <p>14 that's one of the main -- and then shutting it down,</p> <p>15 taking it down, making sure that the poll workers</p> <p>16 understand all of the physical steps that have to be</p> <p>17 taken and that they follow them.</p> <p>18 But that again is true for a lot of</p> <p>19 different kinds of voting systems.</p> <p>20 Q. Right.</p> <p>21 A. They all have issues that you have to</p> <p>22 deal with. And a lot of it requires adequate</p> | 69 | <p>1 That's about the extent of my knowledge.</p> <p>2 Q. What would be the need for an upgrade?</p> <p>3 A. They make things new, better. I think,</p> <p>4 for example, with reference to the blind and the</p> <p>5 visually impaired voters, the last upgrade allowed a</p> <p>6 voter to enlarge -- one of the upgrades allowed the</p> <p>7 voters to enlarge the print on the screen. It</p> <p>8 allowed the voter to select a different contrast on</p> <p>9 the screen. Those are some of the -- we are always</p> <p>10 looking to make things better for the voters. So</p> <p>11 that would be an example of why we installed an</p> <p>12 upgrade.</p> <p>13 Q. Is the State of Maryland periodically</p> <p>14 examining the software used on the AccuVote-TS</p> <p>15 voting units?</p> <p>16 A. Yes.</p> <p>17 Q. Why does the State of Maryland</p> <p>18 periodically conduct such examinations?</p> <p>19 A. Well, from a couple of different view</p> <p>20 points. Excuse me. We control the software very</p> <p>21 rigorously. And we want to make sure, for example,</p> <p>22 that for the election management software that's on</p> |

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| 70 | <p>1 the servers in each of the Local Election Boards, 2 that they don't put anything else on those servers, 3 for example. And software is hashed on a periodic 4 basis. So we want to make sure that no one has gone 5 in there to do anything to it. 6 Q. Because that could be a problem? 7 A. Well, from a security point, absolutely. 8 And I don't think we have done any upgrades to the 9 voting systems, to the voting units themselves. 10 It's been maybe a year ago. 11 Q. That you did an upgrade? 12 A. I'm not sure. You need to ask the team. 13 Q. Isn't one of the reasons why you conduct 14 periodic investigations of the software used on the 15 AccuVote-TS units is because the State is looking to 16 see if there are any problems that are going to have 17 to be corrected? 18 A. Well, no, that's not really true. But, 19 again, you'd have to ask the experts on my staff 20 about this. It's my understanding that we are 21 mainly interested to make sure nobody is messing 22 with it, especially on the GEMS server. But we do</p> | 72 | <p>1 is that correct? 2 A. You would have to ask someone else. I'm 3 sure they did, but I don't know what they are. 4 Q. Weren't there problems in 2002 with 5 screen freezes in Montgomery County? 6 A. Was that 2002 or 2004? 7 Q. I think it was 2002. Wasn't there a 8 problem with screen freezes in 2002 in Montgomery 9 County? 10 A. I don't know. I don't remember. 11 Q. Was there ever a problem with screen 12 freezes -- 13 A. Yes. 14 Q. -- on some of the AccuVote-TS voting 15 units? 16 A. Yes. 17 Q. Was there ever a problem with AccuVote-TS 18 voting units not booting up properly? 19 A. Yes. 20 Q. Were there problems with the AccuVote-TS 21 voting units in the 2006 election? 22 A. I'm sure there were. I don't recall</p> |
| 71 | <p>1 such rigorous tests on the software when we receive 2 it before it's installed, that that's where the main 3 examination occurs. 4 Q. And so there as -- you're going to state 5 unequivocally that there are absolutely, positively, 6 with certainty, no problems with the software used 7 on the AccuVote-TS voting units? 8 MR. DAVIS: Objection. 9 A. I can't say that about -- 10 MR. DAVIS: Go ahead. 11 A. -- about any software on any voting 12 system. 13 Q. And that's the reason why you need to 14 look and see if there are problems. 15 A. Yeah. I mean, and that's -- we do that. 16 Q. Fair enough. I understand. Do you 17 have -- let me rephrase that. 18 Do things go wrong with the AccuVote-TS 19 voting units? 20 A. I think that's fair to say. Things go 21 wrong with anybody's system. 22 Q. Things went wrong in the 2002 election;</p> | 73 | <p>1 seeing -- I don't remember what the report said. 2 I'm not sure. 3 Q. But it's a fair assumption that there 4 were problems? 5 A. As there are with any voting system. 6 Q. There are thousands AccuVote-TS voting 7 units in the State of Maryland, aren't there? 8 A. Yes. 9 Q. There are bound to be some problems with 10 at least some of them; aren't there? 11 A. Yeah. I would assume so. 12 Q. Do you have a computer at work? 13 A. I do. 14 Q. How long have you had a computer at work? 15 A. Since July 1st, 1997. 16 Q. Your current computer, does it have a -- 17 does it use Microsoft? 18 A. Yes. 19 Q. Do you know what version of Microsoft it 20 uses? 21 A. I do not. 22 Q. Do you ever have problems with your</p> |

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| 74 | <p>1 computer at work?</p> <p>2 A. I have not, no.</p> <p>3 Q. Never?</p> <p>4 A. No.</p> <p>5 Q. Have you ever had a screen freeze on your</p> <p>6 computer at work?</p> <p>7 A. I don't think so.</p> <p>8 Q. Since all the time that you have worked</p> <p>9 at the State Board of Elections since '99, you've</p> <p>10 never had a screen freeze?</p> <p>11 A. I don't think so.</p> <p>12 Q. Have you ever had to -- strike that.</p> <p>13 Have you ever been in a situation where</p> <p>14 in order to get your computer to work properly you</p> <p>15 had to turn it on, turn it off and then turn it on</p> <p>16 again?</p> <p>17 A. I have never personally done that, no.</p> <p>18 Q. Have you ever had a situation where one</p> <p>19 of the softwares on your computer like Adobe or your</p> <p>20 e-mail program just didn't work properly?</p> <p>21 A. Perhaps. I don't know. If I get a</p> <p>22 message on the screen I don't do anything. I call</p> | 76 | <p>1 A. Yes.</p> <p>2 Q. Have you ever had trouble opening up a</p> <p>3 Word document that you created?</p> <p>4 A. Only because I couldn't find it in the</p> <p>5 files.</p> <p>6 Q. If you have found the right file, have</p> <p>7 you ever had a problem opening up a Word document?</p> <p>8 A. No.</p> <p>9 Q. Your computer experience is wonderful.</p> <p>10 Do you have a computer at home?</p> <p>11 A. I do.</p> <p>12 Q. Do you -- how old is it?</p> <p>13 A. Four years.</p> <p>14 Q. Does it run Microsoft?</p> <p>15 A. Yes.</p> <p>16 Q. Do you ever receive updates from</p> <p>17 Microsoft?</p> <p>18 A. When it shuts down it updates it.</p> <p>19 Q. What do you mean?</p> <p>20 A. When you go to click turn off computer,</p> <p>21 I'll see a message that it's updating.</p> <p>22 Q. Does that happen every time you turn off</p> |
| 75 | <p>1 somebody in the office to come and look at it.</p> <p>2 Q. What kind of message?</p> <p>3 A. Any kind of message.</p> <p>4 Q. Like an error message?</p> <p>5 A. Any kind of message.</p> <p>6 Q. What is the nature of the messages you</p> <p>7 get on your computer?</p> <p>8 A. Your password is about to expire in ten</p> <p>9 days, and I call the IT department and say, it says</p> <p>10 my password is about to expire in 10 days, change</p> <p>11 it.</p> <p>12 Q. Does it prompt you to issue a -- does it</p> <p>13 prompt you to type up a new password?</p> <p>14 A. No. It just says your password is about</p> <p>15 to expire.</p> <p>16 Q. Have you ever tried to open up a document</p> <p>17 and had trouble opening it up on your computer?</p> <p>18 A. Yeah. There's -- some people send</p> <p>19 documents that we don't recognize and it will say</p> <p>20 that it's not capable of opening the document.</p> <p>21 Q. How about a document that you've -- do</p> <p>22 you use Word on your computer?</p> | 77 | <p>1 your computer?</p> <p>2 A. I don't know, because I don't look at it</p> <p>3 that often.</p> <p>4 Q. How often do you look at it?</p> <p>5 A. When I turn it off? I, maybe one out of</p> <p>6 five times.</p> <p>7 Q. And you frequently see that it's</p> <p>8 updating; is that correct?</p> <p>9 A. I'm not sure frequently would be the</p> <p>10 correct characterization, but sure.</p> <p>11 Q. What's being updated?</p> <p>12 A. I have no idea.</p> <p>13 Q. I mean is your computer hooked up to the</p> <p>14 Internet?</p> <p>15 A. Yes.</p> <p>16 Q. So are the updates being received via the</p> <p>17 Internet?</p> <p>18 A. I would assume so.</p> <p>19 Q. Is it your understanding that those</p> <p>20 updates are being received from computer software</p> <p>21 companies like Microsoft who would be updating some</p> <p>22 of the software on your computer?</p> |

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| <p style="text-align: right;">78</p> <p>1 A. I would assume so.</p> <p>2 Q. And that happens at least with some</p> <p>3 regularity, doesn't it?</p> <p>4 A. That's your characterization, not mine.</p> <p>5 I don't know how often it does it. And so I can't</p> <p>6 answer your question.</p> <p>7 Q. But it wasn't an isolated incident?</p> <p>8 A. No.</p> <p>9 Q. The updating of your computer?</p> <p>10 A. No.</p> <p>11 Q. It happened more than once?</p> <p>12 A. Correct.</p> <p>13 Q. We can't pinpoint a time period where it</p> <p>14 happens periodically, but you would agree with me</p> <p>15 that -- this is something that going to continue to</p> <p>16 happen in the future and has happened several times</p> <p>17 in the past; correct?</p> <p>18 A. Sure.</p> <p>19 Q. Do you have frequent communications with</p> <p>20 the people who work at Diebold?</p> <p>21 A. No.</p> <p>22 Q. Do you have communications with people</p> | <p style="text-align: right;">80</p> <p>1 isn't that right?</p> <p>2 A. Sure.</p> <p>3 Q. They can always make that software</p> <p>4 better.</p> <p>5 A. As you can any software.</p> <p>6 Q. Because it's not perfect, is it?</p> <p>7 A. No software is perfect.</p> <p>8 Q. Exactly. All right.</p> <p>9 Do you think it's possible to know every</p> <p>10 possible vulnerability that might exist in the</p> <p>11 AccuVote-TS voting units?</p> <p>12 A. I'm not capable of answering that</p> <p>13 question.</p> <p>14 Q. So you think it is possible that you</p> <p>15 could know of every possible vulnerability on the</p> <p>16 AccuVote-TS voting units?</p> <p>17 MR. DAVIS: Objection. Go ahead.</p> <p>18 A. That's your characterization, not mine.</p> <p>19 Q. I'm not trying to characterize it at all.</p> <p>20 I'm just trying to figure out -- I'm just asking you</p> <p>21 a question.</p> <p>22 And I think you are capable of answering</p> |
| <p style="text-align: right;">79</p> <p>1 who work at Diebold at all?</p> <p>2 A. Yes.</p> <p>3 Q. Have you ever had conversations with the</p> <p>4 people who work at Diebold regarding the software</p> <p>5 used on the AccuVote-TS voting units?</p> <p>6 A. That's a very broad question.</p> <p>7 Q. I know.</p> <p>8 A. I'm sure I have.</p> <p>9 Q. Have the people at Diebold ever</p> <p>10 communicated to you that they are constantly</p> <p>11 examining and testing the software that is used on</p> <p>12 the AccuVote-TS voting unit?</p> <p>13 A. I would say they have not communicated</p> <p>14 that to me on a frequent basis, no.</p> <p>15 Q. Would you hope that the folks at Diebold</p> <p>16 are continuously looking at their software use on</p> <p>17 the AccuVote-TS voting units?</p> <p>18 A. I'm sure they are.</p> <p>19 Q. And why would they be?</p> <p>20 A. Because they are trying to improve their</p> <p>21 product and sell more of it.</p> <p>22 Q. You can always improve that product;</p> | <p style="text-align: right;">81</p> <p>1 it. Do you think that it is possible to know of</p> <p>2 every security vulnerability on the AccuVote-TS</p> <p>3 voting units?</p> <p>4 A. I'm sure there is somebody that's capable</p> <p>5 of doing that, yes.</p> <p>6 Q. Has anyone told you that they have found</p> <p>7 every security vulnerability on the AccuVote-TS</p> <p>8 voting unit?</p> <p>9 A. No.</p> <p>10 Q. On what basis do you say that you're sure</p> <p>11 that somebody could know every vulnerability, every</p> <p>12 security vulnerability on the AccuVote-TS voting</p> <p>13 unit?</p> <p>14 A. People say it in the press and other</p> <p>15 places that they've examined the source code.</p> <p>16 Q. People say what? That they've examined</p> <p>17 the -- you have seen in the press, people have said</p> <p>18 they've examined the source code for the AccuVote-TS</p> <p>19 voting unit and they have identified every possible</p> <p>20 security vulnerability in that source code?</p> <p>21 A. No. I didn't say that.</p> <p>22 Q. I'm trying to figure out what you did</p> |

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| 82 | <p>1 say. So what did you read?</p> <p>2 A. There are computer scientists who claim</p> <p>3 to have examined the source code for various voting</p> <p>4 system vendors.</p> <p>5 Q. And have any of those computer scientists</p> <p>6 said either to you or in an article that you've read</p> <p>7 that they have found every possible security</p> <p>8 vulnerability in the AccuVote-TS voting unit?</p> <p>9 A. Probably not.</p> <p>10 Q. Because it wouldn't make sense for them</p> <p>11 to say that, would it? Because the system is not</p> <p>12 perfect?</p> <p>13 A. I don't know what would make sense to</p> <p>14 them or not.</p> <p>15 Q. I'm asking if it would make sense to you.</p> <p>16 It wouldn't make sense to you for anyone to say we</p> <p>17 have found every security vulnerability in the</p> <p>18 AccuVote-TS voting unit; would it?</p> <p>19 A. I don't know how to answer that question.</p> <p>20 I don't -- I don't know what source code examination</p> <p>21 entails and I'm not a computer scientist. So I</p> <p>22 really can't answer your question. I don't know</p> | 84 | <p>1 A. Well, it says on the first page, except</p> <p>2 for the numbers that are written in there, it's a</p> <p>3 chief judge's election day log for the 2004</p> <p>4 Election.</p> <p>5 Q. Have you seen a blank version of</p> <p>6 Plaintiff's Exhibit 66 before?</p> <p>7 A. I'm not sure I have.</p> <p>8 Q. Is the blank version of Plaintiff's</p> <p>9 Exhibit 66 something that the State Board of</p> <p>10 Elections would have prepared?</p> <p>11 A. Probably, but I'm not positive.</p> <p>12 Q. Do you know for what purpose it would</p> <p>13 have been prepared?</p> <p>14 A. Yes.</p> <p>15 Q. What is that purpose?</p> <p>16 A. Exactly what it says it's for; election</p> <p>17 day log.</p> <p>18 Q. And what is the process by which the</p> <p>19 blank version of Plaintiff's Exhibit 66 is utilized</p> <p>20 in an election?</p> <p>21 A. Well, I can only assume by reading what</p> <p>22 it says it is, that it's use in the polling place</p> |
| 83 | <p>1 whether it makes sense or it doesn't.</p> <p>2 Q. Okay. I'm going to show you a document</p> <p>3 that's been marked as Plaintiff's Exhibit 66.</p> <p>4 (Plaintiff's Exhibit No.</p> <p>5 66 was marked for</p> <p>6 identification.)</p> <p>7 BY MR. FLORENZO:</p> <p>8 Q. Ms. Lamone, have you seen Plaintiff's</p> <p>9 Exhibit 66 before?</p> <p>10 A. No, I don't think so.</p> <p>11 Q. Do you know what it is?</p> <p>12 A. I can tell you what it says it is.</p> <p>13 Q. Well, what I would like to know is have</p> <p>14 you ever seen anything similar to Plaintiff's</p> <p>15 Exhibit 66 before?</p> <p>16 A. I don't believe so.</p> <p>17 Q. This --</p> <p>18 A. I may have seen a blank form but I have</p> <p>19 never seen this.</p> <p>20 Q. Let's talk about the blank version of</p> <p>21 Plaintiff's Exhibit 66. What would be the blank</p> <p>22 version of Plaintiff's Exhibit 66?</p> | 85 | <p>1 for the chief judges to log events on Election Day.</p> <p>2 Q. And would it be a fair characterization</p> <p>3 that Plaintiff's Exhibit 66 is descriptions made by</p> <p>4 chief judges in various precincts in a General</p> <p>5 Election for what happened at their precincts during</p> <p>6 the election on the voting day?</p> <p>7 A. Yes.</p> <p>8 Q. Ms. Lamone, I would like you to take a</p> <p>9 look at a document that's been previously marked --</p> <p>10 you can put that document aside.</p> <p>11 A. I just note that most of them don't have</p> <p>12 any entries at all, which is interesting.</p> <p>13 Q. Ms. Lamone, have you seen Plaintiff's</p> <p>14 Exhibit 1 before?</p> <p>15 A. I don't know.</p> <p>16 Q. Does Plaintiff's Exhibit 1 look in any</p> <p>17 way familiar to you?</p> <p>18 A. Probably.</p> <p>19 Q. How does it look familiar to you?</p> <p>20 A. Well, I know that they keep logs of all</p> <p>21 the calls that come in on Election Day at various</p> <p>22 levels.</p> |