

130	<p>1 highly unlikely that somebody is going to vote 2 twice? 3 A. This document is several years old. 4 Q. So this document is not fully accurate 5 today? 6 A. That's correct. 7 Q. Fair enough. Now, let's move onto myth 8 number four. Paper receipts solved the concerns 9 regarding electronic voting system fraud. Do you 10 see that? 11 A. Yes. 12 Q. Okay. And then you wrote in fact number 13 four, paper receipts provide a false sense of 14 security because they do not guarantee that the 15 results recorded in the machine are the same results 16 printed on the receipt. Do you see that? 17 A. Yes. 18 Q. Why is it a false sense of security? 19 A. For the reason that it states in the rest 20 of the sentence. 21 Q. Okay. So in other words, I cast a vote 22 for candidate A and the machine provides -- strike</p>	132	<p>1 A. And what I wrote speaks for itself. 2 Q. You wrote that the paper receipts 3 provides a false sense of security. 4 A. They do. 5 Q. And the reason for that is because it's 6 possible that while the paper receipt can accurately 7 reflect what a voter voted, the machine did not; 8 isn't that right? Isn't that why the paper receipt 9 provides a false sense of security? 10 A. That's a possibility. 11 Q. Okay. Now, let's move on to myth number 12 six. A person could intercept the electronically 13 transmitted unofficial and incomplete election 14 results. Do you see that? 15 A. Yep. 16 Q. And you wrote in the third fact, final 17 reconciliation of official and unofficial results 18 would immediately uncover discrepancies. Do you see 19 that? 20 A. Yes. 21 Q. Now, I'm going to ask you the same 22 question: What do you do when there is a</p>
131	<p>1 that. 2 I cast a vote for candidate A and the 3 machine provides a receipt indicating that I voted 4 for candidate A? 5 A. It's not a receipt. 6 Q. Well, you used the word paper receipts 7 here? 8 A. Paper receipts. Okay. 9 Q. I'm trying to use the words you used 10 here. 11 A. Okay. That's fine. 12 Q. So what you're trying to say here in a 13 false sense of security is that if I vote for 14 candidate A and I get a paper receipt that says I 15 voted for candidate A, I cannot be secure that the 16 result recorded in the machine is the same on my 17 paper receipt because that machine may have recorded 18 that I voted for candidate B; isn't that right? 19 A. That's what the advocates say. 20 Q. I'm not asking what the advocates say 21 because the advocates didn't write Plaintiff's 22 Exhibit 5. I'm asking about what you wrote.</p>	133	<p>1 discrepancy? 2 A. The official results are the controlling 3 factor. 4 Q. Okay. 5 A. That's why the other ones are called 6 unofficial. 7 Q. Do you know who Michael Wertheimer is? 8 A. Yes. 9 Q. Who is he? 10 A. He is the person who was the lead on the, 11 from RABA on the second risk assessment that was 12 done. 13 Q. And when did that occur? 14 A. That started I think in December of the 15 same year that SAIC report came out. 16 Q. Who hired RABA? 17 A. The Legislative Branch of State 18 Government. 19 Q. Okay. I'm going to show you a 20 document -- what are we up to, what are we up to, 21 Robert. What will be marked as Plaintiff's Exhibit 22 68.</p>

134	<p>1 (Plaintiff's Exhibit No. 2 68 was marked for 3 identification.) 4 BY MR. FLORENZO: 5 Q. Ms. Lamone, have you seen Plaintiff's 6 Exhibit 68 before? 7 A. I'm sure I have. My name is on it. 8 Q. This is an e-mail from Pamela Woodside to 9 you and several other people on the State Board of 10 Elections staff; is that correct? 11 A. Yes. 12 Q. Who is Pamela Woodside? 13 A. She is the former chief information 14 officer for the agency. 15 Q. If you could look at the second line off 16 towards the right, there's a sentence there. Ms. 17 Woodside writes: He, meaning Mr. Wertheimer, wants 18 to provide with us a favorable report on the voting 19 system. Do you see that? 20 A. Yes. 21 Q. Did that strike you as odd? 22 A. No.</p>	136	<p>1 Q. I'm not asking if you hired him or if you 2 had any control over him. You're the Administrator 3 of the State Board of Elections; right? 4 A. Correct. 5 Q. And you knew that RABA Technologies was 6 doing an assessment of the voting systems; right? 7 A. Yes. 8 Q. And you wanted that to be a fair and 9 complete and accurate assessment, didn't you? 10 A. I did. 11 Q. You didn't want it to have any bias or 12 anything like that, did you? 13 A. No. 14 Q. You didn't want any preconceived notions 15 of how the report ought to look prior to the 16 investigation to somehow influence what the final 17 words were, would you? 18 A. I don't understand your question. 19 Q. I will withdraw that question. I realize 20 that it was long. 21 You didn't want somebody's preconceived 22 notions of how they wanted the report to look to</p>
135	<p>1 Q. That -- did that indicate to you that Mr. 2 Wertheimer may have had some preconceived notions 3 before he even began the assessment of the voting 4 system? 5 A. I don't have any idea what his 6 preconceived conceptions were. His report speaks 7 for itself. 8 Q. His report certainly does speak for 9 itself. I wouldn't dispute that. But why is it 10 that he would want to provide the SBE with a 11 favorable report on the voting system? 12 MR. DAVIS: Objection. 13 A. I don't know. 14 Q. Did you ask Ms. Woodside why he wanted to 15 provide a favorable report on the voting system? 16 A. I don't remember. 17 Q. You wouldn't have wanted Mr. Wertheimer 18 to in any way spin his report in a way that's 19 favorable to the State Board of Elections, would 20 you? 21 A. I had no control over his report. I 22 didn't hire him.</p>	137	<p>1 influence what the final report looked like, did 2 you? 3 A. I doubt it. 4 Q. Okay. Now I would like to show you a 5 document that's been previously marked as 6 Plaintiff's Exhibit 7. Plaintiff's Exhibit 7 is the 7 RABA report, isn't it? 8 A. It is. 9 Q. Have you seen Plaintiff's Exhibit 7 10 before? 11 A. I have. 12 Q. And Plaintiff's Exhibit 7 was prepared by 13 RABA Technologies; is that correct? 14 A. I think you pronounce it RABA. 15 Q. Plaintiff's Exhibit 7 was prepared by 16 RABA Technologies; is that correct? 17 A. Yes. 18 Q. If you could look at page 3? Do you see 19 at the top it says Executive Summary? 20 A. Yes. 21 Q. Do you see that? 22 A. Yes.</p>

138	<p>1 Q. And if you could look down look down at</p> <p>2 the second full paragraph under Executive Summary,</p> <p>3 if you could just read the first two sentences,</p> <p>4 please?</p> <p>5 A. What does it start with?</p> <p>6 Q. The key findings.</p> <p>7 A. The key findings of this report are</p> <p>8 twofold. State of Maryland Election System</p> <p>9 (comprising technical, operational and procedural</p> <p>10 components) as configured at the time of this</p> <p>11 report, contains considerable security risks that</p> <p>12 can cause moderate to severe disruption in an</p> <p>13 election.</p> <p>14 Q. Now if you could look down at the last</p> <p>15 sentence of that paragraph and read that out loud,</p> <p>16 too, please?</p> <p>17 MR. DAVIS: I object to selective reading</p> <p>18 of the paragraph.</p> <p>19 A. It goes on: However, each of these</p> <p>20 vulnerabilities has a mitigating recommendation that</p> <p>21 can be implemented in time for the March 2004</p> <p>22 Primary.</p>	140	<p>1 doesn't he?</p> <p>2 A. That's what he just said.</p> <p>3 Q. And immediate recommendations are those</p> <p>4 that have to be implemented prior to the March 2004</p> <p>5 Primary?</p> <p>6 A. Correct.</p> <p>7 Q. And it is the, is the RABA Technologies</p> <p>8 finding that with the near term recommendations in</p> <p>9 place -- strike that.</p> <p>10 It's the finding of RABA Technologies</p> <p>11 that only with the near term recommendations in</p> <p>12 place will the system accurately render the</p> <p>13 elections and is worthy of voter trust; isn't that</p> <p>14 right?</p> <p>15 A. That's what they said.</p> <p>16 Q. Okay. And they recommended that the</p> <p>17 State Board of Elections creates security key cards</p> <p>18 with computer-generated passwords by precinct,</p> <p>19 didn't they?</p> <p>20 A. They did.</p> <p>21 Q. That recommendation was not immediately</p> <p>22 implemented, was it?</p>
139	<p>1 Q. If you would like to read the whole</p> <p>2 paragraph, you may go ahead and do that.</p> <p>3 A. Thank you. With all these near term</p> <p>4 recommendations in place, we feel for this Primary</p> <p>5 that the system will accurately render the election</p> <p>6 and as worthy of voter trust.</p> <p>7 However, between the March and November</p> <p>8 elections we strongly feel that additional actions</p> <p>9 must be taken to mitigate increasing risks incumbent</p> <p>10 on a system that will receive broad scrutiny.</p> <p>11 Q. And then the last sentence?</p> <p>12 A. Ultimately, we feel there will be a need</p> <p>13 for paper receipts at least in a limited fashion.</p> <p>14 Q. And those are the findings of the RABA</p> <p>15 report; correct?</p> <p>16 A. Yes.</p> <p>17 Q. Now let's take a look at some of these</p> <p>18 recommendations. Now, if you could turn to page 17?</p> <p>19 And there is a section there entitled, Immediate</p> <p>20 Recommendations?</p> <p>21 A. Yes.</p> <p>22 Q. And he characterizes those as immediate,</p>	141	<p>1 A. I thought it was, but not by precinct but</p> <p>2 by county.</p> <p>3 Q. So the recommendation that they made that</p> <p>4 this be done by precinct was not implemented</p> <p>5 immediately.</p> <p>6 A. By precinct, no, and it still has not.</p> <p>7 Q. It still hasn't been implemented, has it?</p> <p>8 A. It's impossible to do. That's the</p> <p>9 problem with having companies like this do the</p> <p>10 analyses because they don't know enough about the</p> <p>11 process to know whether what they are recommending</p> <p>12 is doable or not.</p> <p>13 Q. There is a lot out there that they don't</p> <p>14 know?</p> <p>15 A. Oh, absolutely.</p> <p>16 Q. They can't know everything?</p> <p>17 A. They could if they asked, but they don't</p> <p>18 often do that.</p> <p>19 Q. So they try and correct problems and</p> <p>20 sometimes those problems create other problems,</p> <p>21 don't they?</p> <p>22 A. Absolutely. Yeah.</p>

<p style="text-align: right;">142</p> <p>1 Q. Sometimes when you try and correct things</p> <p>2 you end up just creating additional problems; isn't</p> <p>3 that right?</p> <p>4 A. Sure. I mean take this recommendation as</p> <p>5 an example. If you created password by precinct, I</p> <p>6 don't know how many precincts we have in the State</p> <p>7 of Maryland, but it's hundreds, and somehow those</p> <p>8 passwords get mixed up, the system is not going to</p> <p>9 work because unless the right password is provided,</p> <p>10 it's not going to turn on and it won't allow people</p> <p>11 to vote. And if that happens, the polls don't open.</p> <p>12 Q. The problem is you have a gigantic system</p> <p>13 and different parts of that system affect other</p> <p>14 parts of that system; isn't that right? I realize</p> <p>15 that's general, but isn't that right?</p> <p>16 A. I know.</p> <p>17 Q. And you may change one part of the</p> <p>18 system, but unless you have a complete understanding</p> <p>19 of the whole system, you may not realize that you're</p> <p>20 creating a problem for another part of the system?</p> <p>21 A. Well, that's generally true in any</p> <p>22 system.</p>	<p style="text-align: right;">144</p> <p>1 you go in and try and fix something, you just create</p> <p>2 problems in other parts of your system; isn't that</p> <p>3 right?</p> <p>4 A. Yeah. I mean you need to think out what</p> <p>5 you are going to do.</p> <p>6 Q. But it's more than just thinking out what</p> <p>7 you are going to do. What you were trying to tell</p> <p>8 me was with RABA Technologies the problem was they</p> <p>9 were focused on a particular part of the voting</p> <p>10 system without an understanding of the voting system</p> <p>11 in its entirety; isn't that right?</p> <p>12 A. Yeah, and they didn't -- we look at</p> <p>13 things and do a cost/risk/benefit analysis.</p> <p>14 Q. What's that mean?</p> <p>15 A. An assessment like you just said.</p> <p>16 Q. What do you mean a risk/benefit analysis?</p> <p>17 A. A cost/risk/benefit, whatever the term</p> <p>18 is. What is the risk of creating computer-generated</p> <p>19 passwords by precinct, and I just explained to you</p> <p>20 that if you do it that way and the implementation of</p> <p>21 it results in a bad result, you can't open the</p> <p>22 polls.</p>
<p style="text-align: right;">143</p> <p>1 Q. And that's what you're trying to say</p> <p>2 happens with the RABA Technologies report; isn't</p> <p>3 that right?</p> <p>4 A. Correct.</p> <p>5 Q. That in order to address problems in a</p> <p>6 system without creating more problems you've got to</p> <p>7 have a complete and full understanding of the system</p> <p>8 in its entirety; isn't that right?</p> <p>9 A. Well, that would be the ideal situation,</p> <p>10 yeah.</p> <p>11 Q. And when you are suggesting the fixing of</p> <p>12 a problem in a particular area, you have to have the</p> <p>13 ability to know what the ramifications of fixing</p> <p>14 that problem are going to be is, don't you?</p> <p>15 A. Sure.</p> <p>16 Q. And you have to, you have to be able to</p> <p>17 have enough comprehension of the entire system to</p> <p>18 know that if I try and fix this, well, that's going</p> <p>19 to happen over here; isn't that right?</p> <p>20 A. Well, that's generally true in the world,</p> <p>21 yeah.</p> <p>22 Q. That just because -- that sometimes when</p>	<p style="text-align: right;">145</p> <p>1 So do you adopt a security measure</p> <p>2 because RABA says it's a good one to do and possibly</p> <p>3 jeopardize conducting the election on Election Day</p> <p>4 for the 2.1 million people who turned out in this</p> <p>5 General Election? And you have to weigh those</p> <p>6 factors.</p> <p>7 Q. In other words, if, if somebody suggests</p> <p>8 a problem fix for you, the analysis as to whether</p> <p>9 you are going to implement that problem fix includes</p> <p>10 an assessment of what other problems might be</p> <p>11 created and then you compare the new problem that's</p> <p>12 created with the existing problem that you're trying</p> <p>13 to fix; isn't that right?</p> <p>14 A. Yes.</p> <p>15 Q. And then you make up risk analysis of</p> <p>16 those two problems?</p> <p>17 A. Yes.</p> <p>18 Q. And that risk analysis reflects the idea</p> <p>19 that you can't fix every problem because in fixing</p> <p>20 problems you may create new ones and you have to do</p> <p>21 a risk analysis comparing the two problems and which</p> <p>22 one is more severe? Isn't that right?</p>

146	<p>1 A. Well, it depends. You are using the word</p> <p>2 problem. I'm not sure I would characterize it as a</p> <p>3 problem. It may be an incident, an issue, an event,</p> <p>4 but in anything that you are doing, your job, my</p> <p>5 job, you do that all the time.</p> <p>6 Q. Well, these were identified as problems</p> <p>7 by RABA Technologies, weren't they? The fact that</p> <p>8 there were no passwords -- excuse me, the fact that</p> <p>9 the passwords, excuse me, the fact that the security</p> <p>10 key cards all had the same computer generated</p> <p>11 password?</p> <p>12 A. I think that was identified by SAIC, and</p> <p>13 that Diebold, by the time this study began SAIC was</p> <p>14 correcting them -- I mean Diebold was correcting</p> <p>15 them.</p> <p>16 Q. My point is that, is that the fact that</p> <p>17 there were security key cards that all had the same</p> <p>18 password throughout the entire voting system, that</p> <p>19 was a problem that was identified by either RABA</p> <p>20 Technologies and/or SAIC; isn't that right?</p> <p>21 A. And I think we had identified it, too.</p> <p>22 Q. Okay. And the recommendation listed as</p>	148	<p>1 understand what you are trying to characterize here,</p> <p>2 but --</p> <p>3 Q. I'm trying to understand what you mean</p> <p>4 by, by risk analysis.</p> <p>5 A. Well, I think you summarized it pretty</p> <p>6 well.</p> <p>7 Q. Okay. If you could take a look now at</p> <p>8 page 20? Page 19 instead. If you look down at the</p> <p>9 bottom? There's another section there titled</p> <p>10 Immediate Recommendations. Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. And number one is the first</p> <p>13 recommendation?</p> <p>14 A. Yes.</p> <p>15 Q. And if you could go to page 20 and look</p> <p>16 at the last sentence, recommendation number one. It</p> <p>17 says: Ultimately it would be recommended to place</p> <p>18 alarms on the bay doors. Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. That is not a recommendation that was</p> <p>21 implemented by the State Board of Elections prior to</p> <p>22 the Primary Election in March 2004?</p>
147	<p>1 number one was an attempt to fix that problem,</p> <p>2 wasn't it?</p> <p>3 A. Yes.</p> <p>4 Q. And what you're telling me is that in</p> <p>5 attempting to fix that problem, RABA Technologies</p> <p>6 was suggesting something that was going to create</p> <p>7 another problem?</p> <p>8 A. Yes.</p> <p>9 Q. And what you're telling me is that then</p> <p>10 the State Board of Elections has to do a risk</p> <p>11 analysis as a, comparing the two problems, the</p> <p>12 problem of the security key cards using the same</p> <p>13 password throughout the -- I'm sorry. I was just --</p> <p>14 A. Throughout the state.</p> <p>15 Q. Throughout the state.</p> <p>16 A. Right.</p> <p>17 Q. The risk analysis that the State Board of</p> <p>18 Elections was doing was comparing the problem of</p> <p>19 having security key cards for with the same password</p> <p>20 throughout the state with the problem that would be</p> <p>21 created by trying to fix that problem?</p> <p>22 A. I guess. I don't know. I don't</p>	149	<p>1 A. It's not a recommendation that the State</p> <p>2 Board had any control over. It would have required</p> <p>3 hardware change by Diebold.</p> <p>4 Q. So Diebold went in and they put alarms on</p> <p>5 the bay doors prior to the March 2004 Primary?</p> <p>6 A. It would have been impossible for them to</p> <p>7 have done that.</p> <p>8 Q. Have they done it since?</p> <p>9 A. I don't think so.</p> <p>10 Q. So that recommendation was not</p> <p>11 implemented by anyone?</p> <p>12 A. No. And I don't think anybody thought it</p> <p>13 was particularly a viable one to do anyway, though.</p> <p>14 Q. RABA Technologies thought it was?</p> <p>15 A. Sure.</p> <p>16 MR. FLORENZO: Break for lunch?</p> <p>17 MR. DAVIS: It's the appointed time.</p> <p>18 MR. FLORENZO: Yeah.</p> <p>19 THE VIDEOGRAPHER: Off the record at</p> <p>20 12:16:20.</p> <p>21 ---</p> <p>22 (Recessed at 12:16 p.m.)</p>

<p style="text-align: right;">150</p> <p>1 (Reconvened at 1:07 p.m.)</p> <p>2 - - -</p> <p>3 THE VIDEOGRAPHER: On the record. The</p> <p>4 time is 1:07:07.</p> <p>5 BY MR. FLORENZO:</p> <p>6 Q. Ms. Lamone, we were before the break</p> <p>7 talking about the SAIC report. Strike that.</p> <p>8 Before the break we were talking about</p> <p>9 the RABA report. I would like to show you a</p> <p>10 document now that's been marked as Plaintiff's</p> <p>11 Exhibit 11 and ask you if you could take a look at</p> <p>12 that? Have you seen Plaintiff's Exhibit 11 before?</p> <p>13 A. I have.</p> <p>14 Q. What is Plaintiff's Exhibit 11?</p> <p>15 A. It's the State Board of Elections</p> <p>16 response to the RABA report.</p> <p>17 Q. And do you know who drafted Plaintiff's</p> <p>18 Exhibit 11?</p> <p>19 A. I think various members of the staff</p> <p>20 worked on it.</p> <p>21 Q. Did you have a hand in drafting</p> <p>22 Plaintiff's Exhibit 11?</p>	<p style="text-align: right;">152</p> <p>1 I would like to mark as -- what are we up</p> <p>2 to, Robert?</p> <p>3 MR. FLORENZO: Plaintiff's Exhibit 69, an</p> <p>4 article.</p> <p>5 (Plaintiff's Exhibit No.</p> <p>6 69 was marked for</p> <p>7 identification.)</p> <p>8 BY MR. FLORENZO:</p> <p>9 Q. Ms. Lamone, have you seen Plaintiff's</p> <p>10 Exhibit 69 before?</p> <p>11 A. I'm not sure.</p> <p>12 Q. Okay. Do you know what Plaintiff's</p> <p>13 Exhibit 69 is?</p> <p>14 A. It looks like it's a press report, a</p> <p>15 press release.</p> <p>16 Q. From who?</p> <p>17 A. Diebold.</p> <p>18 Q. Diebold. Okay. Could you look down at</p> <p>19 the third sentence in the first photograph and read</p> <p>20 that for me, please?</p> <p>21 A. What does it start with?</p> <p>22 Q. The findings.</p>
<p style="text-align: right;">151</p> <p>1 A. I probably had a hand in drafting some of</p> <p>2 the introductory statements.</p> <p>3 Q. Sure. Okay. I would like you to look</p> <p>4 down look down at the fifth paragraph there in the</p> <p>5 introduction on page 2.</p> <p>6 Do you see where it says: To this date</p> <p>7 there has never been an election compromised. Do</p> <p>8 you see that?</p> <p>9 A. Yeah, I do.</p> <p>10 Q. And then it looks like you wrote: The</p> <p>11 findings in the SAIC and RABA reports both confirm</p> <p>12 the accuracy and security of Maryland's voting</p> <p>13 system and procedures as they exist today.</p> <p>14 Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. Are those your words?</p> <p>17 A. They're our words.</p> <p>18 Q. You and your staff drafted those words?</p> <p>19 A. Correct.</p> <p>20 Q. Did Diebold help you draft those words?</p> <p>21 A. No.</p> <p>22 Q. No. Okay.</p>	<p style="text-align: right;">153</p> <p>1 A. The findings in the SAIC and RABA reports</p> <p>2 both confirm the accuracy and secrecy of Maryland's</p> <p>3 voting procedures and our voting systems as they</p> <p>4 exist today, said Bob Urosevich, President of</p> <p>5 Diebold Systems, Inc.</p> <p>6 Q. That quotation from Bob Urosevich is</p> <p>7 almost word for word from what we just read from</p> <p>8 Plaintiff's Exhibit 11, isn't it? That would be the</p> <p>9 fifth paragraph down, second sentence.</p> <p>10 A. It looks basically similar, yes.</p> <p>11 Q. Is -- other than the words, and our</p> <p>12 voting systems, it's word for word the same; isn't</p> <p>13 it?</p> <p>14 A. I guess so.</p> <p>15 Q. Is it just a coincidence that these words</p> <p>16 are so similar, Ms. Lamone?</p> <p>17 A. I have no idea.</p> <p>18 Q. Are you certain that Diebold did not help</p> <p>19 draft Plaintiff's Exhibit 11?</p> <p>20 A. I'm almost fairly -- I'm fairly certain</p> <p>21 they did not.</p> <p>22 Q. Do you see the date of Plaintiff's</p>

154	<p>1 Exhibit 69?</p> <p>2 A. January the 29th, 2004.</p> <p>3 Q. For both of them; right?</p> <p>4 A. Correct.</p> <p>5 Q. Was there any sort of coordination</p> <p>6 between the State Board of Elections and Diebold as</p> <p>7 to how to respond to the RABA Technologies report?</p> <p>8 A. This document was written by my staff.</p> <p>9 MR. DAVIS: You mean Exhibit 11.</p> <p>10 A. Exhibit 11. I don't know who wrote the</p> <p>11 Plaintiff's Exhibit 69.</p> <p>12 MR. FLORENZO: Could you repeat my</p> <p>13 question?</p> <p>14 - - -</p> <p>15 (Whereupon the following portion of the</p> <p>16 testimony was repeated by the Court Reporter:</p> <p>17 QUESTION: Was there any sort of</p> <p>18 coordination between the State Board of Elections</p> <p>19 and Diebold as to how to respond to the RABA</p> <p>20 Technologies report?)</p> <p>21 - - -</p> <p>22 A. I really honestly don't know.</p>	156	<p>1 A. Well, the first paragraph is about</p> <p>2 various press contacts and others.</p> <p>3 The second paragraph he's complaining</p> <p>4 that we were too busy to participate.</p> <p>5 Q. In the red team exercise?</p> <p>6 A. Correct. And I'm not sure how to</p> <p>7 characterize the third paragraph.</p> <p>8 Q. Let's start at the top, the first</p> <p>9 sentence. Mr. Wertheimer says, I had some time to</p> <p>10 think over our conversation last night.</p> <p>11 Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. Do you recall having a conversation with</p> <p>14 Mr. Wertheimer on or around February 3rd, 2004,</p> <p>15 shortly after the RABA Technologies report came out?</p> <p>16 A. I do not.</p> <p>17 Q. Do you ever recall talking to Mr.</p> <p>18 Wertheimer?</p> <p>19 A. I talked to him maybe a handful of times</p> <p>20 during this process.</p> <p>21 Q. Were any of those conversations tense?</p> <p>22 A. Tense? I honestly don't remember.</p>
155	<p>1 Q. You can put those two documents aside.</p> <p>2 MR. FLORENZO: I would like to show you a</p> <p>3 document we have marked as Plaintiff's Exhibit 70.</p> <p>4 (Plaintiff's Exhibit No.</p> <p>5 70 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 70 before?</p> <p>10 A. I assume I have since my name is on it.</p> <p>11 Q. What is Plaintiff's Exhibit 70?</p> <p>12 A. It is an e-mail from Michael Wertheimer</p> <p>13 to me and various members of my staff.</p> <p>14 Q. And what's it about?</p> <p>15 A. Thoughts. That's the subject matter.</p> <p>16 Q. I realize that's the subject matter that</p> <p>17 Mr. Wertheimer wrote in the Re line, but do you have</p> <p>18 an understanding of what this February 4th, 2004</p> <p>19 e-mail from Mr. Wertheimer to you and others is</p> <p>20 about?</p> <p>21 A. Once I read it I may.</p> <p>22 Q. Okay.</p>	157	<p>1 Q. Were any of those conversations filled</p> <p>2 with disagreements?</p> <p>3 A. I disagreed with some of his conclusions,</p> <p>4 sure. So if they were part of a conversation, they</p> <p>5 would have been expressed.</p> <p>6 Q. Now, if you look in paragraph 3, in the</p> <p>7 last sentence, Mr. Wertheimer writes to you and</p> <p>8 others, quote, I will not allow RABA to be used as a</p> <p>9 shield for Diebold for their outlandish statements</p> <p>10 that we are vindicating their software.</p> <p>11 Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. Did you think that the RABA Technologies</p> <p>14 report was vindicating Diebold's software?</p> <p>15 A. I thought more that it was vindicating</p> <p>16 the processes that we had put in place to have a</p> <p>17 secure, reliable and accurate election.</p> <p>18 Q. Did you think Diebold was characterizing</p> <p>19 the RABA report as vindicating their software?</p> <p>20 A. Well, the only document you've shown me</p> <p>21 is their press release. It would seem to say that.</p> <p>22 Q. Yeah. Did you make any communications</p>

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1 with Diebold to say, hey, I think you're
 2 mischaracterizing the RABA Technologies report?
 3 **A. I don't remember.**
 4 Q. Is it possible that you did?
 5 MR. DAVIS: Objection.
 6 **A. I don't remember.**
 7 Q. Well, I know you don't remember. I mean,
 8 but what I want to know is, could it go either way
 9 or do you not -- do you know that it didn't happen?
 10 **A. I -- it probably did not happen, because**
 11 **at this point we were less than four weeks from a**
 12 **major election and we were focusing on things that**
 13 **we needed to get done for the election as well as**
 14 **deal with the General Assembly and our budget and**
 15 **all other issues.**
 16 Q. And did you think Diebold's statements
 17 were outlandish?
 18 **A. All I have is this Plaintiff's Exhibit 69**
 19 **and I don't think there's anything particularly**
 20 **outlandish in that. I don't know what else they**
 21 **said.**
 22 Q. Do you recall ever telling Mr. Wertheimer

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1 that you didn't think the Diebold statements were
 2 outlandish at all?
 3 **A. I don't recall one way or other.**
 4 MR. FLORENZO: Okay. I would like to
 5 take a look at a document that's been marked as
 6 Plaintiff's Exhibit 71.
 7 (Plaintiff's Exhibit No.
 8 71 was marked for
 9 identification.)
 10 BY MR. FLORENZO:
 11 Q. I just want to ask you, Ms. Lamone, if
 12 you have seen Plaintiff's Exhibit 71 before?
 13 **A. I have.**
 14 Q. What is Plaintiff's Exhibit 71?
 15 **A. It is a review of recent information**
 16 **security issues involving Maryland's voting**
 17 **technology. It was done for the Maryland Office of**
 18 **the Attorney General by Glenn Newkirk.**
 19 Q. Who is Glenn Newkirk?
 20 **A. Glenn Newkirk is President of InfoSENTRY**
 21 **Services.**
 22 Q. What is InfoSENTRY Services.

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1 **A. It's a company.**
 2 Q. I realize that. What kind of company is
 3 it?
 4 **A. I guess among other things, it's a**
 5 **company that reviews information security issues.**
 6 Q. Is the only thing that you know about the
 7 review of information security issues just from
 8 Plaintiff's Exhibit 71?
 9 **A. I don't understand your question.**
 10 MR. DAVIS: Are you asking about the firm
 11 InfoSENTRY?
 12 BY MR. FLORENZO:
 13 Q. I'm just asking her what she knows. She
 14 keeps talking off the document. And I just want to
 15 know what you know. I mean, this report was issued
 16 in March 2006, which is less than a year ago. And,
 17 you know, I just want to know what you know about
 18 this report and about this company. That's all.
 19 Do you know what InfoSENTRY Services is?
 20 **A. I don't know how to answer the question.**
 21 **It's a company that we have used in Maryland on**
 22 **several, I think at least two occasions, to look at**

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1 **processes and procedures that the State of Maryland**
 2 **has put in place to conduct secure and accurate**
 3 **elections.**
 4 Q. Now, who was it that initiated
 5 contracting with InfoSENTRY Services to conduct this
 6 review?
 7 **A. I assume it was the Attorney General's**
 8 **Office.**
 9 Q. Okay. Was the State Board of Elections
 10 at all involved in this review that's set forth in
 11 here Plaintiff's Exhibit 71?
 12 **A. I'm sure we were.**
 13 Q. Were you at all involved?
 14 **A. I'm sure I was.**
 15 Q. Okay. How were you involved in the
 16 review that ultimately resulted in Plaintiff's
 17 Exhibit 71?
 18 **A. I probably directed the staff to provide**
 19 **to Mr. Newkirk the information they needed -- he**
 20 **needed to do this study.**
 21 Q. Why was it -- let me withdraw that.
 22 Do you know why it was that the Attorney

162	<p>1 General's Office contracted with InfoSENTRY Services</p> <p>2 to conduct this review?</p> <p>3 A. Not without refreshing my memory, no.</p> <p>4 Q. Did anybody at the Attorney General's</p> <p>5 Office convey to you why it was they were</p> <p>6 contracting with InfoSENTRY Services to conduct this</p> <p>7 review?</p> <p>8 A. I'm sure they did.</p> <p>9 Q. Do you recall what that communication</p> <p>10 was?</p> <p>11 A. I do not.</p> <p>12 Q. Do you have any understanding at all as</p> <p>13 to whether there was an event that precipitated the</p> <p>14 Attorney General's Office to eventually contract</p> <p>15 with InfoSENTRY to conduct this review?</p> <p>16 MR. DAVIS: You want her to read the</p> <p>17 document? That might help refresh her recollection.</p> <p>18 MR. FLORENZO: No. I don't need her to</p> <p>19 read the document.</p> <p>20 A. Could you repeat your question?</p> <p>21 Q. Sure. Was there an event of some kind</p> <p>22 that caused the Attorney General's Office to reach</p>	164	<p>1 report from Leon County, Florida, and then he is</p> <p>2 analyzing the California certification efforts.</p> <p>3 Q. Does it look like he, meaning Mr. Newkirk</p> <p>4 and his company, ever look at the Maryland voting</p> <p>5 system?</p> <p>6 A. It doesn't look like he was asked to. It</p> <p>7 looks like he was asked to look at other reports.</p> <p>8 Q. Right. So does it look like Mr. Newkirk</p> <p>9 ever looked at the Maryland voting system?</p> <p>10 A. Not in this report.</p> <p>11 Q. Okay.</p> <p>12 A. At least not what I've seen so far.</p> <p>13 MR. FLORENZO: Okay.</p> <p>14 MR. DAVIS: And again you don't want the</p> <p>15 witness to read the document.</p> <p>16 THE WITNESS: It does say on page 8 that</p> <p>17 he is looking at Maryland's Voting Security Plan.</p> <p>18 Q. Maryland's Voting Security Plan, that's a</p> <p>19 paper document; right?</p> <p>20 A. Yeah.</p> <p>21 Q. Okay. So other than this paper document</p> <p>22 plan, is there any indication that you can see where</p>
163	<p>1 out to InfoSENTRY Services to conduct this review?</p> <p>2 A. I don't recall. I'm trying to look</p> <p>3 through the document to see if it says. But I don't</p> <p>4 remember.</p> <p>5 Q. Okay. So with respect to Plaintiff's</p> <p>6 Exhibit 71, you don't know why it was prepared and</p> <p>7 you really don't know what it was about?</p> <p>8 A. Oh, I've read it, just not recently.</p> <p>9 Q. I just want to know now about Plaintiff's</p> <p>10 Exhibit 71. Do you know why it was prepared and do</p> <p>11 you know what it's about?</p> <p>12 A. I don't, no. I know what it's about</p> <p>13 because I've read it at some point.</p> <p>14 Q. What is it about?</p> <p>15 A. Well, they are looking at, going through</p> <p>16 a general discussion of some reports that have been</p> <p>17 issued, namely, the 2005 CalTech/MIT Residual Vote</p> <p>18 report from the 2004 Election, which, of course,</p> <p>19 contradicts their earlier 2001 report.</p> <p>20 And then he is looking at the RABA -- he</p> <p>21 cites the RABA report and then he looks at something</p> <p>22 that he did from Ohio. And he is looking at some</p>	165	<p>1 Mr. Newkirk and InfoSENTRY Services actually looks</p> <p>2 at the Maryland voting system, including the actual</p> <p>3 AccuVote-TS units, the GEMS server or anything like</p> <p>4 that?</p> <p>5 A. I can't say that it does or doesn't</p> <p>6 because I haven't had a chance to read it and I</p> <p>7 haven't read it in a long time.</p> <p>8 Q. But as far as you know it doesn't?</p> <p>9 A. I don't know.</p> <p>10 Q. I mean sitting here right now --</p> <p>11 A. I just said I haven't had a chance to</p> <p>12 read it lately and therefore I can't answer your</p> <p>13 question one way or the other.</p> <p>14 Q. I think you can answer my question, but</p> <p>15 the one that I asked, not the one that you think I</p> <p>16 asked. My question was: Do you have knowledge as</p> <p>17 to whether or not Mr. Newkirk, at InfoSENTRY</p> <p>18 Services, looked at the Maryland voting system other</p> <p>19 than the security plan in preparing this report? If</p> <p>20 you don't have knowledge that they did so, all you</p> <p>21 need to do is say no.</p> <p>22 A. No.</p>

166	<p>1 Q. I would like to mark this as Plaintiff's</p> <p>2 Exhibit 72.</p> <p>3 (Plaintiff's Exhibit No.</p> <p>4 72 was marked for</p> <p>5 identification.)</p> <p>6 BY MR. FLORENZO:</p> <p>7 Q. Ms. Lamone, if you could take a look at</p> <p>8 Plaintiff's Exhibit 72, please?</p> <p>9 A. All right.</p> <p>10 Q. Have you seen Plaintiff's Exhibit 72</p> <p>11 before?</p> <p>12 A. I have, I have seen it. I have not read</p> <p>13 it.</p> <p>14 Q. Okay. Can you affirm that this is what's</p> <p>15 commonly referred to as the Princeton report from</p> <p>16 September 2006?</p> <p>17 A. That's what it says, the Center for</p> <p>18 Information Technology Policy, Department of</p> <p>19 Computer Science, Princeton University.</p> <p>20 Q. Okay. If you could look at number one,</p> <p>21 Introduction?</p> <p>22 A. All right.</p>	168	<p>1 Plaintiff's Exhibit 73.</p> <p>2 (Plaintiff's Exhibit No.</p> <p>3 73 was marked for</p> <p>4 identification.)</p> <p>5 BY MR. FLORENZO:</p> <p>6 Q. I would just like to ask you, Ms. Lamone,</p> <p>7 if you have seen Plaintiff's Exhibit 73 before?</p> <p>8 A. I have. It has my name on it.</p> <p>9 Q. What is Plaintiff's Exhibit 73?</p> <p>10 A. It is an e-mail from me and it has - it</p> <p>11 says attached is the Princeton Customer Response</p> <p>12 Final PDF, that I forwarded to several members of my</p> <p>13 staff.</p> <p>14 Q. Okay. Let's break this down. The</p> <p>15 original e-mail is from someone named Brenda Sandler</p> <p>16 at Diebold; is that right, at the bottom?</p> <p>17 A. Yes. Yes.</p> <p>18 Q. And she sends it to three people, Dave</p> <p>19 Byrd, Mark Radke, and David Bear. Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. She attaches three documents, excuse me,</p> <p>22 four documents to the e-mail, something called the</p>
167	<p>1 Q. And if you could look at the second full</p> <p>2 sentence in there that says, This paper reports. Do</p> <p>3 you see that?</p> <p>4 A. Okay.</p> <p>5 Q. Could you read that paragraph for me,</p> <p>6 please, out loud?</p> <p>7 A. This paper reports on our study of an</p> <p>8 AccuVote-TS which we obtained from a private party.</p> <p>9 We analyzed the machines' hardware and software,</p> <p>10 performed experiments on it and considered whether</p> <p>11 real election practices would leave it suitably</p> <p>12 secure.</p> <p>13 We found that the machine is vulnerable</p> <p>14 to a number of extremely serious attacks that</p> <p>15 undermine the accuracy and credibility of the vote</p> <p>16 counts it produced.</p> <p>17 Q. Now, you've said this is not a document</p> <p>18 that you've read before today?</p> <p>19 A. No.</p> <p>20 Q. That's fine. You can put that document</p> <p>21 aside.</p> <p>22 MR. FLORENZO: Let's mark this document</p>	169	<p>1 Princeton Customer Response, something called The</p> <p>2 Princeton Statement, something called Rolling Stone</p> <p>3 and something called ESI Rebuttal? Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. And then one of the persons who receives</p> <p>6 this, Sandra Steinbach, from Iowa, she forwards it</p> <p>7 on to, among other people, you; is that right?</p> <p>8 A. Yes.</p> <p>9 Q. And that's on September 28th, 2006. Do</p> <p>10 you see that?</p> <p>11 A. Yes.</p> <p>12 Q. And then the next day you forwarded it on</p> <p>13 to members of your staff; correct?</p> <p>14 A. Correct.</p> <p>15 Q. Along with the attachments; correct?</p> <p>16 A. Correct.</p> <p>17 Q. Okay. And are you familiar with the</p> <p>18 Rolling Stone reference in Plaintiff's Exhibit 73?</p> <p>19 A. I might have glanced at it. I didn't pay</p> <p>20 a lot of attention to this document.</p> <p>21 Q. Do you know who Chris Hood is?</p> <p>22 A. Yes.</p>

170	<p>1 MR. DAVIS: I'm sorry. What was the 2 name?</p> <p>3 MR. FLORENZO: Chris Hood. 4 BY MR. FLORENZO: 5 Q. Who is Chris Hood? 6 A. Chris Hood is a former employee of 7 Diebold that was hired to do voter outreach in 8 Maryland and elsewhere. 9 Q. Do you recall when he did that for 10 Maryland? 11 A. It was during the initial roll-out. So 12 it must have been 2002-ish. I don't know how long 13 he was around. I eventually insisted that Diebold 14 fire him. 15 Q. Okay. You can put that document aside. 16 A. Is this all four of them one thing? 17 Q. They are. They are all the attachments. 18 Do you know what the Freeman, Craft, 19 McGregor Group is? 20 A. Yes. 21 Q. What are they? 22 A. Well, I've only met the McGregor person I</p>	172	<p>1 A. It appears so. 2 Q. Okay. If you could take a look at page 3 9. It says: Review of the implementation of the 4 recommendations in the RABA report. 5 Do you see that? 6 A. Yes. 7 Q. Is that one of the tasks of the Freeman, 8 Craft, McGregor Group? 9 A. It was. 10 Q. Okay. So let's take a look at some of 11 those recommendations in the RABA report. 12 Now, if you look to page 14, the second 13 bullet point down, there is a recommendation to 14 remove weighted ballot code from GEMS and AccuVote 15 touch screen because weighted ballots are not used 16 in Maryland elections. Do you see that? 17 A. Yes. 18 Q. And Freeman, McGregor reports that that 19 recommendation of the RABA report has not been 20 implemented? 21 A. That's correct. 22 Q. And it hasn't been implemented, has it?</p>
171	<p>1 think once or twice. 2 Q. Paul Craft? 3 A. No. McGregor. I'm not sure I remember 4 her first name. And I don't remember where she came 5 from. Paul Craft used to work for the Secretary of 6 State's Office in Florida and I believe he was head 7 of their voting systems certification process. 8 Steve Freeman is from Texas, and he used to be, and 9 maybe it still is, one of the reviewers for the 10 voting system qualification process. 11 Q. Did Freeman, Craft, McGregor conduct a 12 review of the voting system in Maryland in 2006? 13 A. They did an evaluation primarily of the 14 processes and procedures in place in Maryland, 15 security processes and procedures, at my request. 16 Q. Why, what was the genesis of your request 17 that they conduct such appear review? 18 A. Part of it was because we hadn't been 19 able to do the full risk assessment and I just 20 wanted to get a benchmark as to where we were. 21 Q. Take a look at Plaintiff's Exhibit 27. 22 Is this the Freeman, Craft, McGregor report?</p>	173	<p>1 A. No, because Diebold would have to do a 2 complete design change to the system and get it back 3 through Federal Certification and then have it re -- 4 just make sure we don't confuse things. We often 5 interchange these words. The Federal system is a 6 qualification, and a lot of people refer to it as 7 certification but it really is a qualification, the 8 system meets the Federal standards, it qualifies. 9 The State of Maryland certifies it for use. That's, 10 so that you understand the difference. People tend 11 to mix those words up. 12 But to do that, what this recommendation 13 would be, there would be a major change for Diebold, 14 and they haven't done that. 15 Q. And then if you look at two 16 recommendations down from that it says, employ a 17 database system with more advanced features than 18 Microsoft Access so that the password and audit log 19 are stored separately from the database. Do you see 20 that? 21 A. Yeah. 22 Q. That's another recommendation that wasn't</p>