

**DIRECTIVE 2008-104**

October 30, 2008

TO: COUNTY BOARDS OF ELECTIONS USING PREMIER ACCUVOTE-TSX DREs  
MEMBERS, DIRECTORS, AND DEPUTY DIRECTORS

RE: Guidelines for Identifying and Rectifying Sharing Violation Errors During Upload

This directive and its addenda provide extremely important information for boards of elections to identify and correct the occurrence of “sharing violations,” a type of computer error that may occur during the upload of votes using Premier AccuVote-TSX DRE voting machines.

Through extensive testing done in collaboration with Premier and local boards of elections, this office has proven that these sharing violations may occur at any time in any county using multiple AccuVote-TSX voting machines during an upload. More importantly, this office has proved that such sharing violations consistently result in the failure of vote data to properly upload from the affected memory card to the GEMS server. This results in the temporary failure of the affected board of elections to include those votes in its election totals.

After the completion of the testing referenced above, Premier issued a letter to this office identifying the cause and result of these sharing violations. That letter is attached to this directive as Addenda 3. In it, Premier admits that these sharing violations are caused by a logic error in the programming of the GEMS software itself. This inherent flaw in the design of the system means that there is no way to immediately prevent these sharing violations from occurring. This directive and your cooperation with its demands are therefore necessary to ensure that the reported results of this historic election are accurate. While some Ohio counties have not experienced sharing violations to date, we know that they do occur and must take every step possible to identify and correct them when they do.

It is important to note that since the deployment of Premier AccuVote-TSX voting machines in Ohio, the boards of elections that have experienced such sharing violations have, in every instance, identified and corrected the discrepancy in the vote totals caused by such sharing violations. However, it is equally important to note that, until recently, neither this office nor boards of elections understood that errors in the programming of the GEMS software used by Premier’s AccuVote-TSX voting system cause sharing violations, which, in turn, cause the GEMS server to drop vote data (votes) during the transfer from certain memory cards to the GEMS server during an upload. Rather, boards of elections have consistently attributed the data discrepancies caused by these sharing violations to human error, rather than a system malfunction.

That fundamental misunderstanding of the cause of data discrepancies resulting from sharing violations poses a significant risk to the security of elections. While the exceedingly thorough

and conscientious work of Ohio's bipartisan boards of elections have prevented these discrepancies from going uncorrected thus far, we must recognize the problem for what it is and act accordingly.

Following the procedures in the addenda attached to this directive should make it significantly faster and easier for boards of elections to identify both whether such data discrepancies exist and whether such discrepancies were caused by a sharing violation. Thus, the correction of such data discrepancies prior to certification should also become significantly faster and easier.

This directive **must** be followed for the unofficial canvass. This office will issue additional, more detailed instructions prior to the official canvass to ensure that the official count for Ohio's November 4, 2008, general presidential election is complete and accurate.

If you have any questions about this directive or its implementation, please contact the Secretary of State IT Regional Liaison assigned to assist your county.

Thank you for your cooperation in this matter.

Sincerely,

Jennifer Brunner