

Diebold

Diebold Election Systems, Inc.
1611 Wilmett Road
McKinney, TX 75069
972 542-6000
fax: 972 542-6044
www.dieboldes.com

COPY

June 8, 2005

Mr. Ion Sancho
Supervisor of Elections
Leon County, Florida
301 South Monroe Street Suite 301
Tallahassee FL 32301

Dear Mr. Sancho,

We have been advised based on certain reports from internet websites that you have willfully and intentionally allowed the manipulation of memory cards related to your elections. You may also have allowed the Diebold Election Systems, Inc. (DESI) GEMS software, which is installed at your site, to be used in an unauthorized manner and in doing so, appear to have intentionally and negligently allowed unauthorized personnel to make modifications to your system that are not discernable by you or your IT staff. Aside from potential violations of our licensing agreements and intellectual property rights, we believe this to have been a very foolish and irresponsible act.

As you are acutely aware, basic security practices are required in the operation of any voting system. And it is your responsibility to ensure that your computing equipment is protected from unauthorized access. In this case, at a minimum, the room where the system is used should be locked with access control given only to trusted individuals; the password is never shared with others. During elections and at all other times, all memory cards should be under the control and supervision of authorized personnel performing official duties for the County and responsible enough to protect the integrity of the citizen's voting system.

Your improper actions, Mr. Sancho, are equivalent to leaving your car unlocked, with the windows down and keys left in the ignition and then acting surprised when your car is stolen or the interior vandalized. Other examples would be acting surprised if anomalies were discovered after you left paper ballots exposed in an unsecured area and invited individuals of questionable character to visit the room, or asked some unknown person to deliver paper ballots to a central counting location without a trusted escort. Like paper ballots, the memory cards and other parts of the voting system must be kept secure to protect their integrity. I am sure that Florida State law mandates such a duty on your part and that the voters and citizens of Leon County would expect such a responsibility from you as well.

While we welcome authorized testing and examination of our products by qualified professionals and are confident that our products are the most secure and accurate products available, actions such as yours only serve to undermine the public's confidence in the security and accuracy that good systems can provide when used with the proper procedures and by authorized personnel.

The damage you may have allowed to be caused to your system has nothing to do with the safety and security of the products you have purchased from DESI or its predecessors. You have chosen not to operate your voting system in accordance with the processes and procedures recommended by DESI and the industry's best practices.

We are investigating whether your actions may have violated your responsibilities under our licensing agreements or voided any extended warranty. Clearly, at a minimum, the efforts required to determine if any anomalies remain in your system are not covered by the system's extended warranty.

As your system has now been compromised by your acts, DESI cannot confirm at this time whether you can conduct any future elections reliably. Due to your seemingly gross negligence, Diebold recommends that no elections be conducted using your GEMS computer and memory cards until the system has been evaluated by qualified professionals and the software completely reinstalled.

We have indicated to the State Division of Elections authorities that we will gladly review this matter with them if they wish. If the County Commissioners wish DESI to review this matter with the personnel responsible for the overall IT security in Leon County, we will also be glad to do so. Please contact our Support Department if you wish to make arrangements for us to attempt to identify and/or remedy the existence or extent of any damage you have caused to your system.

Respectfully,



Michael E. Lindroos
Senior Corporate Counsel

cc: Paul Craft, Bureau Chief, Florida Department of State, Division of Elections,
Bureau of Voting System Certification
Mr. Bill Proctor, Leon County Commissioner
Mr. Bob Rackleff, Leon County Commissioner
Ms. Jane G. Sauls, Leon County Commissioner
Mr. Cliff Thaell, Leon County Commissioner
Mr. Dan Winchester, Leon County Commissioner
Mr. Ed DePuy, Leon County Commissioner
Mr. Tony Grippa, Leon County Commissioner