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TO: Registrar of Voters/County Clerk
FROM: Diebold Election Systems, Inc. 03
DATE: February 15, 2005
RE: Public Records Request of Black Box Voting, Inc.

It has come to the attention of Diebold Election Systems, Inc. (DESI) that your county has received or may receive a Public Records Act request (PRA Request) from Black Box Voting, Inc. As we understand it, the PRA Request optionally asks for copies of ".gbf" and ".mdb" electronic files from the DESI GEMS server used in your county. This request may be included in "Item 1" of the PRA Request.

The PRA Request raises certain serious concerns and also involves certain technical issues concerning the DESI voting system used in your county. DESI also appreciates that the PRA Request may pose an administrative burden on the county. DESI would like to make itself available to the county to answer any questions you may have about the Request.

The PRA Request makes a number of incorrect statements asserting that DESI does not consider the ".gbf" and ".mdb" files to be proprietary. Contrary to the incorrect assertions in the PRA Request, DESI does consider this information to be proprietary. The .mdb file (and therefore the .gbf file since this is a compressed backup of the .mdb) contain the database definitions, i.e., tables, fields, and indexes that reflect DESI's proprietary product design, and which would allow for the "reverse engineering" of our products. Consequently, DESI objects to the production of any ".gbf" and/or ".mdb" files by the county in response to the PRA Request or otherwise. As you know, the county is required under its contract with DESI and under state law to protect proprietary information and not to produce the same in response to a Public Act Request. However, the Item 1 request for a GEMS audit log can be easily fulfilled by providing a printout of the log in paper format or in a .pdf file.

DESI is aware that fulfilling the request requires staff time and can be a burden. While it does not help specifically, these requests, at least previously, have been generated to many jurisdictions in many states. While it is unclear at this time whether other vendor systems are currently the subject of the PRA Request, previous requests have not been specific to DESI counties, but have traditionally included jurisdictions representing all vendor systems.

Please let us know if we can be of assistance in answering questions relative to fulfilling your records request.

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FILED BLACK BOX VOTING DOCUMENT