VOTING SYSTEMS AND PROCEDURES PANEL

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January 15, 2004

Mr. Robert Urosevich, President
Diebold Election Systems, Inc.
1611 Wilmeth Road
McKinney, TX 75069

Dear Mr. Urosevich:

At the November 10th meeting of the VSP panel, the Diebold TSx direct recording electronic (DRE) voting system was state certified with three conditions. Among these were your appearance at the panel's December 16th hearing, paying for the audit of the 17 counties using Diebold software or hardware, and coopering with our investigation.

In light of the requirement to cooperate, the Voting Systems Panel at today's hearing approved a motion formally requesting the following items, which will assist us in our continuing investigation:

1. Information requested previously by our technical consultant, Steve Freeman, to determine the magnitude and importance of changes indicated in the software release notes to assist us with the evaluation of the successive versions of GEMS software installed in California counties.

2. Documentation regarding the software modifications made to GEMS and the DRE systems in each client county.

3. All federal qualification and state certification documentation of each version of software, hardware, and firmware that was installed in each client county.

4. Documentation of material control procedures, including inventory and security controls, when units are recalled from county service for maintenance at a Diebold facility.

5. All information available which clarifies the implementation of software which was neither federally qualified or state certified when it was used for an election. This may include internal and external paper or electronic correspondence that

was written since January 2001 by a Diebold employee or agent, regarding the installation of uncertified software or regarding the need (or lack thereof) to submit hardware, firmware, or software for state certification or federal qualification.

6. Written documentation of Diebold's internal software development security procedures, from product development through client maintenance.

7. Copies of all contracts signed with California jurisdictions since January 2001.

8. Documentation regarding any modification to the Windows CE program for use on the TS/TSx platforms.

9. Documentation regarding any modifications to the Smart Card hardware or software for use on the TS/TSx platforms.

10. Any further information which we might request in writing at a future time to further facilitate our investigation of the installation of uncertified software.

In addition, we would require Diebold to designate a contact person to deal with the VSP and the Secretary of State's Office for all technical issues, and who will direct all software modifications to the our office for distribution to client counties.

Since this is an extensive list, we recognize it will take some time to collect and forward this information to us. As such please forward the information as it becomes available. We request receipt of all of this information within 30 days from today, and thus, no later than Friday, February 15, 2004.

Thank you for your cooperation in this matter.

Sincerely,

Mark Kyle
Chair