September 24, 2010

Aldo Tesi
President & CEO
ES&S Corporate Headquarters
11208 John Galt Blvd
Omaha, NE 68137

Delivery via U.S. Post Office

Dear Mr. Tesi:

We are pleased to enclose a copy of our latest publication, *Voting System Failures: A Database Solution*. We hope that you will find it useful. This report reviewed hundreds of reported instances of voting machine malfunctions and closely analyzed fourteen cases where previously reported malfunctions reappeared in subsequent elections. In each of these instances, a centralized database containing information of could have helped election officials mitigate the problems of temporary or permanent miscount or loss of votes.

We recognize that advances in technology have reduced many of the errors that bring back memories of the Florida 2000 election. However, headlines of failed voting machines, frustrated voters and lost votes still remain a constant following every election cycle. The reality is that with even the most sophisticated technologies, malfunctions still occur. Based on conversations and interviews with election officials nationwide, our research indicates that a database available to election officials would help them be better prepared to deal with a malfunction.

While the creation of a national centralized database recommended in the report will take time, vendors are in the unique position to significantly reduce the risk of repetition of past problems with their systems in time for this fall's elections by voluntarily creating their own databases. We would like to take this opportunity to encourage you to do so.

Our report notes that because there is such a high turnover among election officials, a new county director might not be aware of product advisories or software patches sent by a voting system vendor to her predecessor several years earlier. Nor is she likely to be aware of problems reported by election officials in other counties. Those problems could have been caused by poll worker error, a misuse or misprogramming of the system, or a host of other reasons that are not related to a software or hardware malfunction – but that could still easily be repeated in other counties in future elections.

A publicly available voluntary database along the lines we recommend would create for election officials a central, easily accessible and searchable site where they could review all

previously issued product advisories, software patches and workaround, and a list of all election official complaints, warranty claims and lawsuits about their systems. The database should also contain the results of any vendor investigation, explanations, and actions taken to address these complaints.

A voluntary database would provide election officials with an opportunity to be more fully appraised of potential problems and safeguards that could be taken ahead of each election.

We would be delighted to discuss these recommendations with you and hope you will support our efforts to improve the electoral process.

 Respectfully,

Lawrence Norden
Senior Counsel, Democracy Program