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December 23, 2005

Via Facsimile & Electronic Mail

Mr. Thomas Swidarksi
Chief Executive Officer
Diebold, Inc.
5995 Mayfare Road
North Canton, OH 44720

Dear Mr. Swidarksi:

We have recently learned that the State of California has requested that Diebold Election Systems, Inc. submit to an Independent Testing Authority for immediate testing the source code relating to the memory cards for Diebold's touchscreen and optical scan voting systems. Since these systems are used statewide in Maryland, this matter is of great concern to election officials in the State and Maryland voters.

At present, we lack sufficient information to express an opinion on the assertions that have been made. We do, however, wish to inquire further to ensure that the voting systems meet statutory requirements. We request an immediate response because, if corrective action is needed, we have little time within which to act.

In light of the recent reports, I request the following:

1. A full briefing by the appropriate representatives from Diebold, Inc. and Diebold Election Systems, Inc. This briefing must include detailed information about the source code on the AccuVote-TS and OS memory cards, Diebold's plan for addressing the issues raised in recent days, and Diebold's contractual obligations to the State. This briefing must occur on Tuesday, December 27, 2005.
2. Starting today, provide *daily* telephone briefings by individuals at Diebold who have full knowledge and authority on the status of the review by the Independent Testing Authority and independent reviews being conducting by other states. It is imperative that Diebold maintain daily contact with this office and provide complete, up-to-date information during these briefings.

3. All current and future documents, including all reports generated by the Independent Testing Authorities and any reports submitted to the State of California, related to this issue. This office must receive all documents by December 27, 2005, and any future documents immediately upon receipt or completion.
4. A written response to whether the State of California's source code is the same version of source code previously or currently used in Maryland. This office must receive this response by December 27, 2005.
5. We reserve the right to have an independent expert selected by this office conduct a review of the source code at issue.

I look forward to hearing from you today concerning these requests. I can be reached at 410-269-2840.

Sincerely,

Linda H. Lamone

Linda H. Lamone
State Administrator

cc: The Honorable Robert L. Ehrlich, Jr.
The Honorable Thomas V. "Mike" Miller
The Honorable Michael Busch
State Board Members
Local Boards of Elections
David Byrd, Vice President, DESI
Tom Feehan, DESI State Project Manager