

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA
CIVIL DIVISION

CHRISTINE JENNINGS, a nominee of the
Democratic Party for Representative in Congress
from the State of Florida's Thirteenth Congressional
District,

CASE NO. 2006 CA 2973

Plaintiff,

v.

ELECTION CANVASSING COMMISSION
OF THE STATE OF FLORIDA, et. al.,

Defendants.

ELLEN FEDDER, et. al.,

CASE NO.2006 CA 2996
(Consolidated)

Plaintiffs,

v.

TOM GALLAGHER, et. al.,

Defendants.

**VOTER PLAINTIFFS' MOTION FOR RECONSIDERATION OF
ORDER DENYING MOTION TO COMPEL PRODUCTION**

Based on newly-discovered evidence and what now appear to be misleading statements made to this Court by Defendant ES&S concerning the reliability of the voting machines used in the November 2006 election, the Plaintiffs Ellen Fedder, Lance Jones, Ernest Lasche a/k/a Mike Lasche, Barbara Klein, Lois Harnes, John Minder, Dovie Murray, John McBride, Susan Gaar, Gary Lamer, and Charles Clifton (collectively, "Voter Plaintiffs") hereby move this Court to

reconsider its order of December 29, 2006, denying the Voter Plaintiffs' motion to compel discovery.

At the evidentiary hearing on December 19 and 20, 2006, and in its post-hearing brief, Defendant ES&S represented to the Court that the iVotronic "systems performed as they were designed and accurately recorded the votes which were input into them." ES&S Post-Hearing Brief ("ES&S Brief") at 35.

Contrary to the rosy picture painted by ES&S at the hearing and in its brief, a newly-discovered, and wrongly-withheld, communication from ES&S has surfaced to tell a different story. In August, 2006 – months before the November election – ES&S wrote to Florida election officials, including Sarasota Supervisor of Elections Dent, to warn about a flaw in the firmware of the machines, and to recommend that the machines be fixed. While at least one other county in Florida received this same alert and did not use the defective iVotronics,¹ Dent ignored the warning. Furthermore, Defendants now confirm that they knew about this firmware bug and failed to bring it to this Court's attention, all while Defendant ES&S was assuring the Court that the "election systems utilized in Sarasota County performed their function with 100% accuracy." See Jeremy Wallace, *Voting Machine Maker Warned of "Issue"*, Sarasota Herald-Tribune, March 14, 2007, Exh. "B" attached and ES&S Brief at 1-2. The numerous reports of voting problems and touchscreen failures documented in Defendant Dent's own technical logs confirm that all did not work well on election day.

¹ It was the current Secretary of State, then Pasco County Supervisor of Elections Kurt Browning, who adjusted his procedures in light of the ES&S letter. See Anita Kumar, *Sarasota officials ignored warning about voting machines*, St. Petersburg Times, March 15, 2007, Exh. "A" attached.

This new evidence casts serious doubt on Defendants' claims of perfect function presented to the Court in opposition to the plaintiffs' requested discovery. Therefore, the Voter Plaintiffs respectfully request that this Court revisit its ruling in light of the evidence that was wrongfully withheld from the Plaintiffs and the lack of which allowed Defendant ES&S to give this Court the mistaken impression that the iVotronic systems worked exactly as they should.²

In support of their Motion, the Voter Plaintiffs state the following:

1. On December 11, 2006, the Voter Plaintiffs served Defendant ES&S with Requests for Production seeking, among other things, production of the following:
 - A. "For any election in any jurisdiction, all Documents discussing, relating to, reflecting, or in any manner memorializing any reported voting system malfunction, including but not limited to Documents identifying any components that reportedly malfunctioned and any remedial action taken."
(Voter Plaintiffs' Request for Production #2, Exh. "C" attached.)
 - B. "Any . . . guide, policy rule, procedure or practice provided to any Sarasota County election official or poll worker regarding the administration or use of voting equipment . . ." (Voter Plaintiffs' Request for Production #4, Exh. "C" attached.)
 - C. "For the November 7, 2006, election, all communications between and/or among Defendants (including ES&S) election officials, or poll workers regarding the malfunction of any voting system or component thereof."

² In referring to "Defendants" in this Motion, the Voter Plaintiffs do not include Defendant Buchanan, who is a defendant solely because the statute requires it and not because of any known misconduct with respect to the election. The Voter Plaintiffs are themselves voters of differing political parties.

(Voter Plaintiffs' Request for Production #6, Exh. "C" attached.)

2. Defendant ES&S objected to production of all documents requested by the Voter Plaintiffs, averring repeatedly that "ES&S has no documents showing that the voting system did not record or may not have accurately recorded a voter's vote, that the voting system exhibited anomalous or unexpected behavior or that the voting system failed to properly perform any function for which it was certified under state or federal law." (ES&S Response to Voter Plaintiffs' Request for Production at Responses 2, 3, 5, & 6; Exh. "D" attached.)

3. During the evidentiary hearing, and in its post-hearing brief, ES&S represented to this Court repeatedly that there were no machine malfunctions and that the voting systems worked properly. During the hearing, ES&S's counsel stated that "there is no computer malfunction . . ." (Transcript of Hearing at 26). He represented that the tests run by the Defendants and/or their experts showed that the voting systems were 100% accurate. In its post-hearing brief, ES&S stated:

- "ES&S utilized the hearing time given by this Court to introduce evidence which demonstrated that its election systems utilized in Sarasota County performed their function with 100% accuracy." (ES&S Brief at 1-2) (emphasis in original);
- "the iVotronic machines functioned correctly during the election . . ." (*Id.* at 2);
- "[T]hese systems performed as they were designed and accurately recorded the votes which were input into them." (*Id.* at 35).

4. These representations made in the context of the motion to compel failed to present the whole story. It has just come to the plaintiffs' attention that Defendants failed to disclose a significant communication from ES&S, sent August 15, 2006 to Defendant Dent and other Florida iVotronic users. The ES&S letter warned that the latest version of the firmware

caused the voting-machine touchscreens to delay registering a vote “beyond the normal time a voter would expect to have their selection highlighted.” and stated that an update was “required.” See Aug. 15, 2006 Letter from ES&S to Florida iVotronic users, Composite Exh. “E” attached.

5. So, at least by August 15, 2006, Defendant Dent was informed that the “smoothing filter” used in the iVotronic machines created a time delay for voters. The problem was unpredictable. It varied from terminal to terminal. Not only that, a particular terminal could have the problem sometimes and at other times would work fine. *Id.*

6. Although ES&S included some self-serving verbiage in the letter stating that the voting systems would work accurately despite the flaw, in reality ES&S considered the problem serious enough that it said that updating the systems’ firmware was “require[d]” and “necessary.” *Id.* ES&S also recommended that elections officials train pollworkers to alert voters to the problem, and to post signs notifying voters that they might have to press the screen for **several seconds** before their votes were recorded. See *Sample Sign attached to Aug. 15, 2006 ES&S Letter*, Composite Exh. “E” attached.

7. Defendant Dent and her attorney now claim that Dent filed the letter away on August 22, 2006, forgot about it, and did nothing to fix the problem. See Jeremy Wallace, *Memo on Voting Machines Misfiled*, Sarasota Herald-Tribune, March 17, 2007, Exh. “F” attached. Dent did not install the updated firmware, nor did she put up any signs alerting voters to the lag time problem, as recommended by ES&S. Instead, she posted signs in the polling places stating (misleadingly): “Touch Screen Voting Easy As One, Two, Three.” Her signs completely failed to tell voters that they might have to press the screen for several seconds before the machine captured their selections. See *Dent Display*, Exh. “G” attached.

8. In addition, it appears that Defendant ES&S also did not follow through on what

it deemed “necessary” for Sarasota County voters, and failed to seek certification of the important update that ES&S had recommended be installed in order for the iVotronics to function as they were designed. ES&S apparently failed to seek certification not once (before the September 2006 primary), not twice (before the November 2006 general election), but three times (another election was held on March 13, 2007 – the same day this revelation was made public).

9. Additionally, the State of Florida failed the voters, and made misleading statements in its recent audit of the ES&S firmware. While the auditors stated that the issue with the smoothing filter was merely an “allegation that has been floated on Internet newsgroups” – making no mention that ES&S had identified the flaw itself last August – we now know that the lead auditor knew when conducting the audit that the smoothing filter issue was a real one, and a serious one, originally identified not by Internet newsgroups but rather by ES&S itself. See State Audit Report, Sec. 8.4.9, Exh. “H” attached, and Anita Kumar, *Sarasota Officials Ignored Warning about Voting Machines*, St. Petersburg Times, March 15, 2007, Exh. “A” (“[Chief Auditor Alex] Yasinsac said the team looked into the slow response time after seeing a copy of the company's memo and reviewing logs of poll workers who complained about a delay in votes being recorded.”).

10. Though the August 15 ES&S letter was clearly responsive to the Voter Plaintiffs’ discovery and public records requests, and not proprietary at all, Defendants ES&S and Dent never produced it to the Plaintiffs until yesterday. Indeed, until the last few days, neither ES&S nor Dent produced this document to any of the parties or the Court, nor did they call this flaw to the attention of Sarasota County voters. The Voter Plaintiffs only became aware of this letter, and the defect identified in it, when the existence of the letter became widely known last week.

11. Although Dent and ES&S may attempt to downplay the deleterious effect of this flaw, at least one expert has noted that the problem was important. Avi Rubin, a voting-machine expert from John Hopkins University, stated: “Having this kind of delay is a serious enough problem that you shouldn't have used them in the election.” See Mark K. Matthews, *Elections Officials Warned of Glitch*, South Florida Sun-Sentinel, Mar. 15, 2007, Exh. “I” attached.

And indeed, the turn of events supports Professor Rubin’s conclusion. As one might expect after seeing the August 15, 2006 letter, Sarasota county voters had tremendous problems with touchscreens exhibiting the very flaw that ES&S warned about. See Zone Tech Log Sheets from Nov. 2006 Election, Composite Exh. “J” attached. Election workers noted numerous problems with touchscreens failing to capture votes. Here are merely a few examples:

- “Problem with votes being unchecked on review screen” (Precinct 18);
- “Two voters complained that their selection did not register” (Precinct 18);
- “Touchscreen not working properly, hard to record vote, needed to **push hard and jiggle** to record vote” (Precinct 32) (emphasis added);
- “Touch screen has a **weak spot that is a nuisance to voters**. Misses selections on some pages. **Wait is too long – more than 5 sec.**” (Precinct 46) (emphasis added);
- “One iVo they say seems a little slow to touch. They are very busy and still using it.” (Precinct 71);
- “Terminal S/N 105705B will not register votes, no matter how hard you press screen.” (Precinct 78);
- “iVo #0118359 is still recalcitrant [sic].” (Precinct 87; report indicates they decided not to use it “unless absolutely necessary”);
- Especially troublesome are the reports of problems with machines for disabled voters, for

example: “Screen requires firm/extended touch to record vote . . . Difficult for challenged individuals.” (Precinct 99; it took 3 hours for a replacement ADA-compliant machine to be delivered.) (similar problems were noted in Precinct 3).

12. This Court retains the inherent power to reconsider nonfinal orders, including the discovery order in question. *See, e.g., North Shore Hosp. v. Barber*, 143 So. 2d 849, 851 (Fla. 1962); *Francisco v. Victoria Marine Shipping, Inc.*, 486 So. 2d 1386, 1389 n. 2 (Fla. 3d DCA 1986). Although a motion for reconsideration is not strictly a Rule 1.540 motion, which applies only to relief from an order that is final, *see Wagner v. Bielew, Wagner & Assocs.*, 263 So. 2d 1 (Fla. 1972); *Bennett’s Leasing, Inc. v. First St. Mortgage Ass’n*, 870 So. 2d 93 (Fla. 1st DCA 2003); the policy is similar – allowing the Court to re-visit a ruling when new evidence is discovered or when one side has misrepresented the facts or law to the court. *Cf.* Fla. R. Civ. P. 1.540(b).

13. Both grounds apply here. ES&S knew, at least by August 2006, that the iVotronic machines used in Sarasota County were flawed. Because of a “smoothing filter” used in the system’s firmware, the machines had an unpredictable tendency to fail to record votes within the normal time. ES&S’s own letter admits that the lag time could be several seconds, longer than a voter would normally expect. *See Aug. 15 ES&S Letter*, Composite Exh. “E” attached. ES&S failed to produce this letter to the Voter Plaintiffs, misleadingly stating that no documents showed that the voting systems failed to work exactly as they should have during the November 2006 election. Now that this letter has surfaced, however, this Court has evidence that the iVotronic systems had a problem that frustrated the voters’ rights to cast a vote in a way that counted. That this flaw affected the November 2006 election is amply shown by precinct logs noting numerous problems with touchscreens being slow to capture votes, or even to fail to

record them at all. *See* Composite Exh. “J” attached.

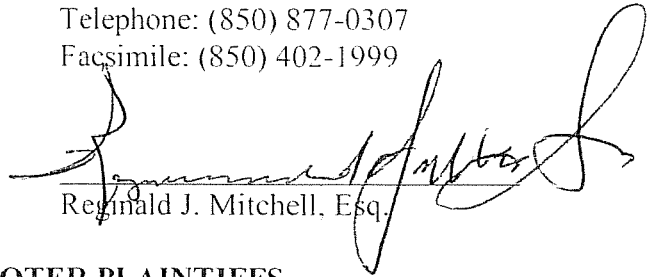
14. Further, ES&S told this Court that the voting systems worked properly and that there was “no evidence” that there were any problems with the iVotronic systems. This misrepresentation was at best an incomplete statement of the facts and cannot be reconciled with its August 2006 statement that the firmware needed to be fixed and that, meanwhile, election officials should prominently call voters’ attention to the potential problem.

15. Defendants now must acknowledge that the machines did not work with “100% accuracy,” by their own admissions. The Voter Plaintiffs are entitled to the discovery they have sought all along – a dynamic analysis of the firmware on Sarasota County’s iVotronic machines to determine exactly what went wrong in the November elections. Such an analysis has yet to be conducted, largely because of ES&S’s misrepresentations and the Defendants’ obfuscations.

For all the above reasons, the Voter Plaintiffs respectfully request that this Court reconsider its December 29, 2006 order denying them discovery, and enter an order allowing the Plaintiffs and their experts access to the evidence necessary to determine what went wrong in the November 2006 election. The Voter Plaintiffs reaffirm their willingness to enter into an appropriate protective order as needed to protect the proprietary interests of ES&S. Because the newly-discovered evidence shows a problem with the iVotronic system, a problem that the Defendants knew about and failed to disclose to either the Plaintiffs or this Court, reconsideration is appropriate.

Respectfully submitted,

Reginald J. Mitchell, Esq.
Florida Bar No.0621293
PEOPLE FOR THE AMERICAN WAY
FOUNDATION
1550 Melvin Street
Tallahassee, FL 32301
Telephone: (850) 877-0307
Facsimile: (850) 402-1999



Reginald J. Mitchell, Esq.

COUNSEL FOR VOTER PLAINTIFFS

John Bonifaz
(Pro hac vice application to be filed)
VOTER ACTION
c/o Demos
27 School Street, Suite 500
Boston, MA 02108
(617) 624-3900, ext. 22
(617) 624-3911 (fax)

Matthew J. Zimmerman
(Pro hac vice)
ELECTRONIC FRONTIER FOUNDATION
454 Shotwell Street
San Francisco, California 94110
Telephone: (415) 436-9333 x127
Facsimile: (415) 436-9993

Judith E. Schaeffer
David J. Becker
(Pro hac vice applications filed)
PEOPLE FOR THE AMERICAN WAY
FOUNDATION
2000 M Street N.W. #400
Washington, D.C. 20036
Telephone: (202) 467-4999
Facsimile: (202) 293- 2672

Rebecca Harrison Steele
Florida Bar No.: 067326
Zeina N. Salam
Florida Bar No.: 653632
ACLU FOUNDATION OF FLORIDA, INC.
West Central Florida Office
P.O. Box 18245
Tampa, FL 33679-8245
Telephone: (813) 254-0925
Facsimile: (813) 254-0926

Reginald J. Mitchell
Florida Bar No.0621293
PEOPLE FOR THE AMERICAN WAY
FOUNDATION
1550 Melvin Street
Tallahassee, FL 32301
Telephone: (850) 877-0307
Facsimile: (850) 402-1999

Muslima Lewis
Florida Bar No.: 0158305
Randall C. Marshall
Florida Bar No.: 181765
Aziza Naa-Kaa Botchway
Florida Bar No.: 017803
ACLU FOUNDATION OF FLORIDA, INC.
4500 Biscayne Boulevard, Suite 340
Miami, FL 33137-3227
Telephone: (786) 273-2729
Facsimile: (786) 363-1448

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above has been furnished by e-mail
and U.S. Mail on this 20th day of March 2007 to the following:

Kendall Coffey, Esq.
Florida Bar No.: 259861
Coffey & Wright, LLP
2665 South Bayshore Dr.
PH-2, Grand Bay Plaza
Miami, FL 33133
Telephone: (305) 857-9797
Facsimile: (305) 859-9919
*Attorney for Plaintiff Candidate Christine
Jennings*

Sam Hirsch, Esq.
Jessie Amunson, Esq.
Donald E. Verrilli, Esq.
(Admitted Pro Hac Vice)
Jenner & Block, LLC
601 Thirteenth Street, NW
Suite 1200 South
Washington, DC 20005
Telephone: (202) 639-6000
Facsimile: (202) 661-4900
*Attorneys for Plaintiff Candidate Christine
Jennings*

Ron Labasky, Esq.
Florida Bar No.: 206326
Young Van Assenderp, P.A.
225 South Adams Street
Suite 200
Tallahassee, FL 32301-1700
Telephone: (850) 222-7206
Facsimile: (850) 561-6834
*Attorney for Defendants Supervisor of Elections
Kathy Dent and Judge Phyllis Galen*

Glenn Thomas Burhans Jr., Esq.
Florida Bar No.: 605867
Hayden R. Dempsey, Esq.
Florida Bar No.: 0014435
Greenberg Traurig, P.A.
101 East College Avenue
Tallahassee, FL 32301
Telephone: (850) 222-6891
Facsimile: (850) 681-0207
*Attorneys for Defendant Candidate Vern
Buchanan*

Mark Herron, Esq.
Florida Bar No.: 199737
Messer, Caparello & Self, P.A.
2618 Centennial Place
Tallahassee, Florida 32308
Telephone: (850) 222-0720
Facsimile: (850) 558-0659
Attorney for Plaintiff Candidate Christine Jennings

Richard T. Donelan, Jr., Esq.
Florida Bar No.: 198714
Chief Counsel
Department of Financial Services
200 East Gaines Street
Tallahassee, FL 32399-4727
Telephone: (850) 413-3010
Facsimile: (850) 413-3029
Attorney for Defendant Tom Gallagher, Chief Financial Officer

Harry O. Thomas, Esq.
Florida Bar No.: 195097
Radey Thomas Yon & Clark, P.A.
Post Office Box 10967
Tallahassee, Florida 32302
301 S. Bronough Street, Suite 200
Tallahassee, FL 32301-1722
Telephone: (850) 425-6654
Facsimile: (850) 425-6694
Attorney for Defendant Election Systems & Software, Inc.

Pete Antonacci, Esq.
Florida Bar No.: 280690
Allen C. Winsor, Esq.
Florida Bar No.: 16295
Gray Robinson, P.A.
300 South Bronough Street
Suite 600
Tallahassee, FL 32301
Telephone: (850) 577-9090
Facsimile: (850) 577-3311
Attorneys for Defendants, Governor Jeb Bush, Secretary of State Sue M. Cobb and State Senator Daniel Webster
Stephen Demarsh, Esq.
Florida Bar No.: 335649
Frederick J. Elbrecht, Esq.
Florida Bar No.: 314609
Office of the County Attorney
1660 Ringling Boulevard, Second Floor
Sarasota, FL 34236-6870
Telephone: (941) 861-7272
Facsimile: (941) 861-7267
Attorneys for Defendant County Commissioner Paul Mercier

Miguel A. DeGrandy, Esq.
Florida Bar No.: 332331
Miguel DeGrandy P.A.
800 S. Douglass Road, Suite 850
Coral Gables, FL 33134-2088
Telephone: (305) 444-7737
Facsimile: (305) 374-8743
Attorney for Defendant Election Systems & Software, Inc.

By:

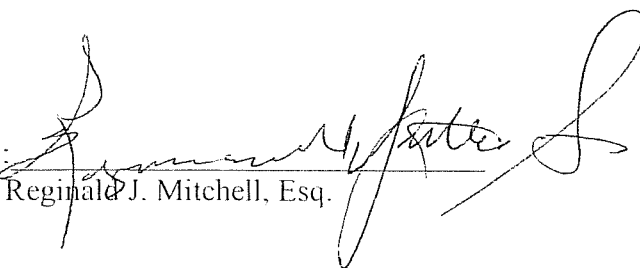

Reginald J. Mitchell, Esq.

Exhibit Index to
Voter Plaintiff's Motion For Reconsideration of Order Denying Motion to Compel Production

A	Anita Kumar, <i>Sarasota officials ignored warning about voting machines</i> , St. Petersburg Times, March 15, 2007
B	Jeremy Wallace, <i>Voting Machine Maker Warned of "Issue"</i> , Sarasota Herald-Tribune, March 14, 2007
C	Voter Plaintiffs' Request for Production
D	ES&S Response to Voter Plaintiffs' Request for Production at Responses 2, 3, 5, & 6
E	Aug. 15, 2006 Letter from ES&S to Florida iVotronic Users
F	Jeremy Wallace, <i>Memo on Voting Machines Misfiled</i> , Sarasota Herald-Tribune, March 17, 2007
G	Kathy Dent Display - <i>Touch Screen Voting Easy As One, Two, Three.</i>
H	State Audit Report, Sec. 8.4.9
I	Mark K. Matthews, <i>Elections Officials Warned of Glitch</i> , South Florida Sun-Sentinel, Mar. 15, 2007
J	<i>Zone Tech Log Sheets</i> from Nov. 2006 Election, Composite Exhibit

Exhibit A

Anita Kumar, ***Sarasota officials ignored
warning about voting machines***, St.
Petersburg Times, March 15, 2007

Sarasota officials ignored warning about voting machines

An alert on glitches came ahead of recent election troubles but no one followed up.

By ANITA KUMAR
Published March 15, 2007

The maker of the voting machines used in last fall's disputed Sarasota area congressional race warned state and county officials that voters might have trouble recording their votes but the company's advice for fixing the problem went unheeded.

And as the controversy swirled into another national debate about another troubled Florida election, state and county officials never told anyone about the company warning that some of its touch-screen machines could produce a seconds-long delay before recording votes.

An Aug. 15 letter from Election Systems & Software told state and county officials about "slow response times" in recording votes on some of its machines. The company said an "update to the firmware" was required and also suggested counties post signs and train poll workers and voters about the need to press firmly for several seconds to ensure that the machine properly recorded the vote.

That never happened in Sarasota County.

And although state, county and company officials insist the accuracy of the vote counting was not in jeopardy, Pasco County got the same letter and chose not to use the 40 affected machines on Election Day in November.

"It wasn't any big deal," Sarasota Supervisor of Elections Kathy Dent said Wednesday.

Letter comes to light

The Election Systems & Software letter made its way into public light this week on a North Carolina-based Web site devoted to election issues. Officials with the Florida Division of Elections and the Sarasota County Elections Supervisor could not explain why the memo had not been previously released, particularly since the losing candidate in the race had filed a lawsuit and a public records request to collect all relevant documents.

"Clearly we should have gotten this letter," said Sam Hirsh, attorney for Christine Jennings, the Democrat who lost. "I think they knew it was a smoking gun. This goes to the very core of the case."

Dent said her attorney advised her not to talk about the lack of disclosure of the letter and the state's attorneys were still reviewing the issue and would not comment.

Rep. Chris Van Hollen, chairman of the group that helps Democrats get elected to Congress, said Wednesday that he was disturbed "that election officials withheld the information about the voting machine problem" before and after the election.

Republican Vern Buchanan was sworn into the U.S. House in January, but Jennings refuses to concede, disputing her loss in the Florida courts and in Congress.

Voters complaints

At issue: More than 18,000 people, or 13 percent of all voters, did not record a vote in the race, a rate higher than in other counties in the congressional district. On election day and afterward many voters complained that they had tried to vote in the race, but said the machine wouldn't take their ballot.

The state examined the machines and paid independent researchers to investigate before concluding that the computers were not faulty.

The letter from Election Systems & Software was sent to the state official responsible for certifying machines used in Florida and to the 11 Florida counties that use the company's touchscreen machines, including Pasco.

The company said it planned to solve the problem before the November election. But in a statement released Wednesday, company spokesman Ken Fields said there was not enough time to make the fix and get the machines recertified by the state before Election Day.

County and state officials said Wednesday they did not question the company when it failed to bring forward an upgrade before the election because, despite the response delay, the machines were working properly.

"We weren't experiencing a problem," Dent said.

"There was no need to go to the vendor to change the systems that close to the election," said Sterling Ivey, spokesman for the state Division of Elections. "The elections were not in jeopardy."

State and county officials said the company was responsible for bringing any necessary machine upgrades to the state to be tested and certified.

Post-election lawsuits

Auditors who conducted a state-funded investigation after the election determined the machines' slow response time did not contribute to the undervote, said Alec Yasinsac, an FSU computer science professor and project leader.

Yasinsac said the team looked into the slow response time after seeing a copy of the company's letter and reviewing logs of poll workers who complained about a delay in votes being recorded.

The company has repeatedly stressed that the delay, which will be fixed later this year, "did not affect any race or the accumulation of votes," Fields said.

But similar undervoting problems occurred in the attorney general's race on machines used in Lee, Charlotte and Sumter counties, though not enough to make a difference in the outcome of the election.

Jennings filed a lawsuit in November, asking for a new vote, as well as access to the disputed machines' hardware and software. A Leon County judge ruled against Jennings with regard to access to the machines, but she has appealed. A decision is expected any day.

Jennings also has taken the extreme measure of asking the U.S. House to intervene.

The case has been tied up in courts for months, and any action by the House - if there is any - will likely wait until the lawsuit is settled.

Calls to Buchanan's attorney were not returned Wednesday.

Times staff writer Rebecca Catalanello and staff researcher Caryn Baird contributed to this report. Anita Kumar can be reached at akumar@sptimes.com or 202 463-0576.

A warning to election officials

Election Systems & Software, which designed the touch screen machines used in Sarasota, sent a letter to elections officials on Aug. 15 warning that voters might have difficulty registering their choices on some machines. An excerpt of the letter is shown below, as well as a sign provided by the company that could have been used to instruct voters. The sign was not used in Sarasota.

Exhibit B

Jeremy Wallace, *Voting Machine
Maker Warned of "Issue"*, Sarasota
Herald-Tribune, March 14, 2007

Article published Mar 14, 2007

Voting machine maker warned of 'issue'
By JEREMY WALLACE

H-T POLITICAL WRITER

jeremy.wallace@heraldtribune.com

A voting machine manufacturer warned state elections officials and Sarasota County's Supervisor of Election of an "issue" with its equipment months before the disputed Nov. 7 election but no changes were made, a new memo shows.

Even though Election Systems & Software recommended in the Aug. 15 memo that all of its Florida customers -- including Sarasota County -- train poll workers and voters to expect slow responses on the touch-screen voting machines when their selections were made, Sarasota Supervisor of Elections Kathy Dent said the state determined it was too close to the election to make any changes.

Dent also said the instructions on how to use the iVotronic machines at polling sites seemed to cover what ES&S recommended.

In addition, ES&S' promised fixes for the problem never were made available before the Nov. 7 election, state officials said.

Democrat Christine Jennings' attorney, Sam Hirsch, said the new memo is significant to Jennings' case for a new election for two key reasons. First, it shows that ES&S acknowledged problems with the equipment despite assurances that there were no problems, Hirsch said.

Secondly, Hirsch said it shows the state, ES&S and Dent have withheld information his team requested months ago. Jennings' legal team requested copies of all correspondence between Dent and ES&S, but the memo only became public after surfacing on an Internet site weeks ago, Hirsch said.

"How could we not have gotten this?" Hirsch asked.

What's troublesome, Hirsch said, is that ES&S said it would need to install a software patch to fix the problem, yet there never was any patch submitted to the state before the now controversial Nov. 7 election.

Republican Vern Buchanan was certified the winner of the Nov. 7 election by 369 votes. But Jennings is challenging the results, saying an abnormally high undervote cost her the election.

About 18,000 Sarasota County voters who went to the polls did not cast a vote in the Congressional race. The 13 percent undervote was substantially higher than in surrounding counties or in other top-of-the-ticket races.

The case is before a state appeals court, which is supposed to rule soon on whether Jennings should have access to ES&S' software codes.

Jennings is also petitioning the U.S. House to overturn the election results. The House is expected to investigate after the Florida courts rule.

A state elections spokesman said a recent state audit of the Sarasota County results determined there was no correlation between the delay ES&S warned about and the undervote. Florida Division of Elections spokesman Sterling Ivey confirmed that no patch was ever submitted to the state for certification.

Hirsh said there is no correspondence showing what happened to the problem or if it was fixed after the primary election on Sept. 5 primary.

In the Aug. 15 letter, ES&S regional account manager Linda Bennett says "after a number of inquiries" ES&S verified that voting machines were showing slow response times. They pinpointed the problem to a "smoothing filter" that delayed selections after a voter touched the screen.

"In some cases, the time lapse on these consistent reads is beyond the normal time a voter would expect to have their selection highlighted," Bennett writes in the letter. "The delayed response to touch may vary from terminal to terminal and also may not occur every single time a terminal is used."

Jeremy Wallace can be reached at 361-4966 or jeremy.wallace@heraldtribune.com.

<http://www.heraldtribune.com/apps/pbes.dll/article?AID=/20070314/NEWS/703140480>

Exhibit C

Voter Plaintiffs' Request for
Production

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA
CIVIL DIVISION

ELLEN FEDDER, LANCE JONES,
ERNEST LASCHE a/k/a MIKE LASCHE,
BARBARA KLEIN, LOIS HARMES,
JOHN MINDER, DOVIE MURRAY,
JOHN MCBRIDE, SUSAN GAAR,
GARY LAMER, CHARLES CLIFTON,

Plaintiffs,

v.

No. 06 CA 2996

TOM GALLAGHER, CHIEF
FINANCIAL OFFICER, STATE OF
FLORIDA, and GOVERNOR JEB
BUSH, and STATE SENATOR DAN
WEBSTER, as members of and as the
FLORIDA ELECTIONS CANVASSING
COMMISSION, and SUE M. COBB,
as SECRETARY OF STATE,
STATE OF FLORIDA,

and

THE SARASOTA COUNTY
CANVASSING BOARD,
SARASOTA COUNTY JUDGE
PHYLLIS GALEN, SARASOTA
COUNTY COMMISSIONER
PAUL MERCIER, and KATHY
DENT, SARASOTA COUNTY
SUPERVISOR OF ELECTIONS,
as members of and as THE
SARASOTA COUNTY
CANVASSING BOARD, and KATHY
DENT, as Supervisor of Elections,

and

VERN BUCHANAN, Nominee of
the Republican Party of Florida for
the 13th Congressional District of Florida,

Defendants.

**VOTER PLAINTIFFS' FIRST SET OF REQUESTS FOR
PRODUCTION AND INSPECTION TO ES&S**

Pursuant to Rule 1.350 of the Florida Rules of Civil Procedure, Plaintiffs request that Election Systems and Software ("ES&S") produce all Documents responsive to the following Requests for Production at the offices of undersigned counsel as soon as practicable and, in any event, within 10 days of the service of these Requests. Plaintiffs also request that ES&S make available for inspection as soon as practicable all things sought in its Requests for Inspection.

INSTRUCTIONS

1. These requests require the production and/or inspection of all responsive materials within the sole or joint possession, custody, or control of ES&S, including, without limitation, any such Documents that lie within the possession, custody, or control of any agents, agencies, departments, attorneys, employees, consultants, representatives, or other persons or entities acting for, or otherwise subject to the control of, ES&S.

2. These requests are continuing in nature and require prompt supplemental responses for any and all responsive Documents that come into ES&S's sole or joint possession, custody, or control after the service of any initial responses.

3. Each of these requests requires a separate answer. For each Document, indicate the Request to which it responds.

4. All responsive Documents are required to be produced either (a) as they are kept in the usual course of business (together with copies of any file labels or binder covers for the files or binders in which they are maintained) or (b) organized and labeled to correspond with the categories of the Requests to which they respond (see Rule 1.350(b)).

5. For any responsive Document or portion thereof that is either redacted or withheld, in whole or in part, on the basis of any assertion of privilege or other asserted exemption from discovery, identify (a) the title or identity of the Document; (b) the date of the Document; (c) the type or nature of the Document; (d) the identity, title or responsibilities, and relationship to ES&S of all persons who either prepared or received the Document; (e) the type and nature of the privilege or exemption asserted; and (f) the contents or subject matter of the Document, with sufficient detail to explain the basis for the privilege or exemption asserted (see Rule 1.280(b)(5)). For any such responsive Document or portion thereof that may not properly be redacted or withheld in its entirety, produce each and every portion thereof to which the claimed privilege or exemption does not apply and specify, on the face of each such page or portion, the fact and reason for the redaction or withholding.

6. Wherever possible or necessary to render a given Request more inclusive than it otherwise might be, the singular should be construed to include the plural, and vice versa; the disjunctive should be construed to include the conjunctive, and vice versa; and any verb tense should be construed to include other tenses.

DEFINITIONS

1. “Defendants” means any and all named Defendants in this action, both individually and jointly, their offices, subordinates, employees, agents and representatives.

2. “Election official” means any employee, agent, or representative of Florida state or local government authorized to take part in (or otherwise participates in) the administration of any election held within Florida.

3. “Document” is used in the broadest sense permissible under the Florida Rules of Civil Procedure to encompass and mean the product of any method of recording information,

whether by writing or otherwise, including without limitation: any written, electronic, or computerized files, data, or software; memoranda; correspondence; communications; records; reports; summaries; studies; analyses; evaluations; notes or notebooks; indices; logs; books, booklets, or binders; pamphlets; calendar or diary entries; press clippings; graphs; tables; charts; drawings; maps; meeting minutes; photographs; transcripts; audio or video recordings or tapes; facsimile transmissions; electronic mail messages; administrative decisions, orders, or rulings; and the like.

The term “Document” should be construed to encompass all responsive Documents and related materials of any nature and each and every copy or draft of a Document that is not identical to the original or to any other copy or draft.

4. The term “DRE” refers to direct recording electronic voting machines.
5. The term “OPSCAN” refers to optical scan voting machines.
6. The term “voting system” refers to the total combination of mechanical, electro-mechanical, or electronic equipment, and any ancillary equipment and software, firmware, and documentation required to program, control, and support the equipment, all of which is used to define ballots, cast and count votes, report and/or display election results, and maintain and produce any audit trail information. Only systems that utilize DRE or OPSCAN voting machines are included in this definition unless otherwise stated.
7. The term “malfunction” refers to any event reported by anyone regarding any voting system or any component thereof indicating (1) that the voting system did not record or may not have accurately recorded a voter's vote, (2) that voters encountered difficulty using the voting system, (3) that voting system exhibited anomalous or unexpected behavior, or (4) that the

voting system failed to properly perform any function for which it was certified under state or federal law.

8. Unless otherwise specified, “November 7, 2006, election” and “election of November 7, 2006” refers to the November 7, 2006, general election in Sarasota County, Florida as well as any corresponding early voting.

REQUESTS FOR PRODUCTION

Request for Production No.1.

Documents sufficient to show the name, address, and job title of all employees that participated in the administration of the November 7, 2006, election.

Request for Production No.2.

For the November 7, 2006, election, all Documents discussing, relating to, reflecting, or in any manner memorializing any reported voting system malfunction, including but not limited to Documents identifying any components that reportedly malfunctioned and any remedial action taken.

Request for Production No.3.

For any election in any jurisdiction, all Documents discussing, relating to, reflecting, or in any manner memorializing any reported voting system malfunction, including but not limited to Documents identifying any components that reportedly malfunctioned and any remedial action taken.

Request for Production No.4.

Any election plan, manual, guide, policy, rule, procedure, or practice provided to any Sarasota County election official or poll worker regarding the administration or use of voting equipment, creating and loading ballots, or tabulating and submitting results.

Request for Production No.5.

For the November 7, 2006, election all data generated by any voting machine that reportedly malfunctioned, including but not limited to ballot images, redundant or backup vote data, and audit data from DRE and OPSCAN voting machines.

Request for Production No.6.

For the November 7, 2006, election, all communications between and/or among Defendants (including ES&S), election officials, or poll workers regarding the malfunction of any voting system or component thereof.

DATED: December 11, 2006

Respectfully submitted,

By _____

Counsel for Voter Plaintiffs

Lowell Finley, Esq.
(Pro hac vice application to be filed)
VOTER ACTION
1604 Solano Avenue
Berkeley, California 94707
Telephone: (510) 318-2248
Facsimile: (415) 723-7141

Cindy A. Cohn, Esq.
Matthew J. Zimmerman, Esq.
(Pro hac vice applications to be filed)
ELECTRONIC FRONTIER
FOUNDATION
454 Shotwell Street
San Francisco, California 94110
Telephone: (415) 436-9333 x127
Facsimile: (415) 436-9993

Elliot M. Mincberg, Esq.
Judith E. Schaeffer, Esq.
(Pro hac vice applications to be filed)
PEOPLE FOR THE AMERICAN WAY
FOUNDATION
2000 M Street N.W. #400
Washington, D.C. 20036
Telephone: (202) 467-4999
Facsimile: (202) 293-2672

Rebecca Harrison Steele, Esq.
Fla. Bar No. 067326
Zeina N. Salam, Esq.
Florida Bar No. 653632
ACLU FOUNDATION OF FLORIDA,
INC.
West Central Florida Office
112 N. Delaware Ave.
Tampa, FL 33606
P.O. Box 18245
Tampa, FL 33679-8245
Telephone: (813) 254-0925
Facsimile: (813) 254-0926

Reginald J. Mitchell, Esq.
Florida Bar No.0621293
PEOPLE FOR THE AMERICAN WAY
FOUNDATION
1550 Melvin Street
Tallahassee, FL 32301
Telephone: (850) 877-0307
Facsimile: (850) 402-1999

Muslima Lewis, Esq.
Director – Voting Rights Project
Florida Bar No. 0158305
Randall C. Marshall, Esq.
Legal Director
Florida Bar No. 181765
Aziza Naa-Kaa Botchway
Florida Bar No.: 017803
ACLU FOUNDATION OF FLORIDA,
INC.
4500 Biscayne Boulevard, Suite 340
Miami, FL 33137-3227
Telephone: (786) 273-2729
Facsimile: (786) 363-1448

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above has been furnished by
facsimile on this 11th day of December 2006 to the following:

Kendall Coffey, Esq.
Florida Bar No.: 259861
Coffey & Wright, LLP
2665 South Bayshore Dr.
PH-2, Grand Bay Plaza
Miami, FL 33133
Telephone: (305) 857-9797
Facsimile: (305) 859-9919
Attorney for Plaintiff Candidate
Christine Jennings

Ron Labasky, Esq.
Florida Bar No.: 206326
Young Van Assenderp, P.A.
225 South Adams Street
Suite 200
Tallahassee, FL 32301-1700
Telephone: (850) 222-7206
Facsimile: (850) 561-6834
Attorney for Defendants Supervisor of
Elections Kathy Dent and Judge Phyllis
Galen

Sam Hirsch, Esq.
Jessie Amunson, Esq.
Donald E. Verrilli, Esq.
(Pro hac vice applications filed)
Jenner & Block, LLC
601 Thirteenth Street, NW
Suite 1200 South
Washington, DC 20005
Telephone: (202) 639-6000
Facsimile: (202) 661-4900
Attorneys for Plaintiff Candidate
Christine Jennings

Glenn Thomas Burhans Jr., Esq.
Florida Bar No.: 605867
Hayden R. Dempsey, Esq.
Florida Bar No.: 0014435
Greenberg Traurig, P.A.
101 East College Avenue
Tallahassee, FL 32301
Telephone: (850) 222-6891
Facsimile: (850) 681-0207
Attorneys for Defendant Candidate Vern
Buchanan

Mark Herron, Esq.
Florida Bar No.: 199737
Messer, Caparello & Self, P.A.
2618 Centennial Place
Tallahassee, Florida 32308
Telephone: (850) 222-0720
Facsimile: (850) 558-0659
*Attorney for Plaintiff Candidate
Christine Jennings*

Pete Antonacci, Esq.
Florida Bar No.: 280690
Allen C. Winsor, Esq.
Florida Bar No.: 16295
Gray Robinson, P.A.
300 South Bronough Street
Suite 600
Tallahassee, FL 32301
Telephone: (850) 577-9090
Facsimile: (850) 577-3311
*Attorneys for Defendants, Governor Jeb
Bush, Secretary of State Sue M. Cobb
and State Senator Daniel Webster*

Richard T. Donelan, Jr., Esq.
Florida Bar No.: 198714
Chief Counsel
Department of Financial Services
200 East Gaines Street
Tallahassee, FL 32399-4727
Telephone: (850) 413-3010
Facsimile: (850) 413-3029
*Attorney for Defendant Tom Gallagher,
Chief Financial Officer*

Harry O. Thomas, Esq.
Florida Bar No.: 195097
Radey Thomas Yon & Clark, P.A.
Post Office Box 10967
Tallahassee, Florida 32302
301 S. Bronough Street, Suite 200
Tallahassee, FL 32301-1722
Telephone: (850) 425-6654
Facsimile: (850) 425-6694
*Attorney for Defendant Election Systems
& Software, Inc.*

Stephen Demarsh
Florida Bar No.: 335649
Frederick J. Elbrecht
Florida Bar No.: 314609
Office of the County Attorney
1660 Ringling Boulevard, Second Floor
Sarasota, FL 34236-6870
Telephone: (941) 861-7272
Facsimile: (941) 861-7267
*Attorneys for Defendant County
Commissioner Paul Mercier*
Miguel A. DeGrandy
Florida Bar No.: 332331
Miguel DeGrandy P.A.
800 S. Douglass Road, Suite 850
Coral Gables, FL 33134-2088
Telephone: (305) 444-7737
Facsimile: (305) 374-8743
*Attorney for Defendant Election Systems
& Software, Inc.*

By: _____
Rebecca Harrison Steele, Esq.

HP LaserJet 3330

ACLU of Florida
8132540926
Dec-12-2006 2:33PM



Fax Call Report

Job	Date	Time	Type	Identification	Duration	Pages	Result
335	12/12/2006	2:30:04PM	Send	18509224310	3:30	9	OK

FAX COVER SHEET

ACLU FOUNDATION OF FLORIDA
P.O. BOX 18245
TAMPA, FL 33679-8245

813.254.0925
813.254.0926 FAX

Recipient's Name	Bob Inzer, Clerk of Court
Organization	Leon County
Fax Number	850-922-4310
Telephone Number	850-577-4170
Date	December 12, 2006
Subject	Fedder et al. v. Gallagher et al. Case No. 2006 CA 2996

Total Number of Pages 9

☐ Urgent ☐ Reply ASAP ☐ Please Comment ☐ For Your Records

Comments:

--

THIS FACSIMILE FROM THE AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF FLORIDA IS INTENDED ONLY FOR NAMED RECIPIENTS. IT CONTAINS INFORMATION THAT MAY BE CONFIDENTIAL, PRIVILEGED, ATTORNEY WORK PRODUCT, OR OTHERWISE EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, ARE NOT A NAMED RECIPIENT, OR ARE NOT THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THIS MESSAGE TO A NAMED RECIPIENT, BE ADVISED THAT ANY REVIEW, DISCLOSURE, USE, DISSEMINATION, DISTRIBUTION, OR REPRODUCTION OF THIS MESSAGE OR ITS CONTENTS IS STRICTLY PROHIBITED. PLEASE NOTIFY US IMMEDIATELY AT 813.254.0925 THAT YOU HAVE RECEIVED THIS MESSAGE IN ERROR, AND DESTROY THE MESSAGE. THANK YOU. ACLU FOUNDATION OF FLORIDA. VISIT US ON THE WEB AT [HTTP://WWW.ACLUFLA.ORG](http://www.aclufla.org)

FAX COVER SHEET

ACLU FOUNDATION OF FLORIDA
P.O. Box 18245
TAMPA, FL 33679-8245

813.254.0925

813.254.0926 FAX

Recipient's Name	Bob Inzer, Clerk of Court
Organization	Leon County
Fax Number	850-922-4310
Telephone Number	850-577-4170
Date	December 12, 2006
Subject	Fedder et al. v. Gallagher et al. Case No. 2006 CA 29916

Total Number of Pages:

11

Urgent

11

Reply ASAP

Please Comment

11

For Your Records

Comments:

--

THIS FACSIMILE FROM THE AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF FLORIDA IS INTENDED ONLY FOR NAMED RECIPIENTS. IT CONTAINS INFORMATION THAT MAY BE CONFIDENTIAL, PRIVILEGED, ATTORNEY WORK PRODUCT, OR OTHERWISE EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, ARE NOT A NAMED RECIPIENT, OR ARE NOT THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THIS MESSAGE TO A NAMED RECIPIENT, BE ADVISED THAT ANY REVIEW, DISCLOSURE, USE, DISSEMINATION, DISTRIBUTION, OR REPRODUCTION OF THIS MESSAGE OR ITS CONTENTS IS STRICTLY PROHIBITED. PLEASE NOTIFY US IMMEDIATELY AT 813 254-0925 THAT YOU HAVE RECEIVED THIS MESSAGE IN ERROR, AND DESTROY THE MESSAGE. THANK YOU. ACLU FOUNDATION OF FLORIDA. VISIT US ON THE WEB AT [HTTP://WWW.ACLUFL.ORG](http://www.aclufl.org)

Exhibit D

ES&S Response to Voter Plaintiffs'
Request for Production at Responses
2, 3, 5, & 6

IN THE CIRCUIT COURT FOR THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA
CIVIL DIVISION

CHRISTINE JENNINGS, nominee of the
Democratic Party for Representative in
Congress from the State of Florida's
Thirteenth Congressional District,

Plaintiff,

CASE NO. 2006-CA-2973

Consolidated with Case No. 2006-CA-2996

vs.

ELECTIONS CANVASSING COMMISSION
OF THE STATE OF FLORIDA, consisting of
Governor Jeb Bush, Chief Financial Officer
Tom Gallagher and State Senator Daniel Webster,
et al.,

Defendants.

**DEFENDANT ELECTION SYSTEMS & SOFTWARE, INC., RESPONSE TO VOTER
PLAINTIFFS' FIRST SET OF REQUESTS FOR PRODUCTION AND INSPECTION**

Defendant, Election Systems & Software, Inc., ("ES&S") responds to Voter Plaintiffs' First Set of Requests For Production and Inspection ("Discovery Request") as follows:

GENERAL OBJECTIONS

1. ES&S objects to the Discovery Requests to the extent they seek information that was prepared for or in anticipation of litigation, that constitute work product, that is protected by the attorney-client privilege, that is protected by the trade secret privilege or that is otherwise privileged or protected against discovery.
2. ES&S objects to providing information called for by the Discovery Requests that is publicly available or that is already or should be in the possession, custody, or control of Voter Plaintiffs or that was provided or will be provided to the Voter Plaintiffs by other Defendants.
3. ES&S objects to the Discovery Requests to the extent they purport to require ES&S

to provide information not presently in its possession, custody, or control, or to make unreasonable inquiries of persons or other entities.

4. ES&S objects to the Discovery Requests to the extent that they are vague, overly broad, unduly burdensome, harassing, and/or not reasonably calculated to lead to the discovery of relevant or admissible evidence.

5. ES&S' responses to the Discovery Requests are made without in any way waiving or intending to waive, and ES&S expressly preserves:

- (A) all objections it may have as to the competence, relevance, materiality, and admissibility as evidence for any purpose of the information to be produced, or the subject matters thereof;
- (B) the right to object on any ground to the use of the information in any aspect of this or any other court action or judicial or administrative proceeding or investigation;
- (C) all applicable privileges, exemptions, and protections from discovery; and
- (D) the right at any time to supplement their responses to the

Discovery Requests.

6. ES&S objects to the Discovery Requests to the extent that they seek documentation which is confidential and exempt trade secrets as defined by §§ 688.002, 812.081 Florida Statutes (2006). Voter Plaintiffs have moved to compel production of privileged trade secret documentation from the State Defendants and Sarasota County Defendants. ES&S will not produce any such documentation unless and until ordered by the Court.

7. ES&S objects to the Discovery Requests to the extent that they are continuing in nature and require prompt supplemental responses. *See* Rule 1.280(e), Fla.R.Civ.P.

8. ES&S objects to the Discovery Requests to the extent that they require separate answers and for each document to indicate the response to which it responds. ES&S has the option to produce any responsive documents as they are kept in the usual course of business. *See* Rule 1.350(b), Fla.R.Civ.P.

9. ES&S objects to the Discovery Requests to the extent that they seek documents to which Plaintiff Jennings is not entitled to seek through discovery. The Voter Plaintiffs have no greater rights in this action than Plaintiff Jennings.

RESPONSE TO REQUESTS FOR PRODUCTION

Subject to the objections below and the general objections which are incorporated by reference into each specific response below, ES&S will produce the requested documents as detailed below.

RFP NO. 1:

Documents sufficient to show the name, address, and job title of all employees that participated in the administration of the November 7, 2006, election.

RESPONSE TO RFP NO. 1:

ES&S objects to RFP No. 1 because it is vague and ambiguous with regard to what is meant by the words: “participated in the administration of the November 7, 2006, election.” As ES&S understands such words, no ES&S employees participated in the administration of the November 7, 2006, election.

RFP NO. 2:

For the November 7, 2006 election, all Documents discussing, relating to, reflecting, or in any manner memorializing any reported voting system malfunction, including but not limited to Documents identifying any components that reportedly malfunctioned and any remedial action taken.

RESPONSE TO RFP NO. 2:

ES&S objects to this request as vague, and also as overbroad based on Voter Plaintiffs' definition of the term malfunction. RFP No. 2, similar to other requests, presumes the existence of a malfunction as that term is defined in the Discovery Requests. Since becoming a party to this litigation, ES&S has been made aware that certain voters provided affidavits relating to the operation of the voting machines to Plaintiff Jennings. These affidavits have now been provided to ES&S and ES&S understands that these affidavits have also previously been provided to Voter Plaintiffs. Accordingly, ES&S objects to producing the voter affidavits since they are already in the possession of Voter Plaintiffs. Other than the voter affidavits, ES&S is currently unaware of any other documents currently in its possession relating to or memorializing voting system malfunction as that term is defined in the Discovery Requests. ES&S has no documents showing that the voting system did not record or may not have accurately recorded a voter's vote, that the voting system exhibited anomalous or unexpected behavior or that the voting system failed to properly perform any function for which it was certified under state or federal law. Should ES&S subsequently discover any such documents, ES&S will produce for inspection any responsive non-privileged documents in its possession that are not duplicative of documents already produced by another party to Voter Plaintiffs. To date, all the documents that have come into the possession of ES&S demonstrate that a malfunction did not occur. See the Secretary of State's Parallel Test Summary Report issued December 18, 2006.

RFP NO. 3:

For any election in any jurisdiction, all Documents discussing, relating to, reflecting, or in any manner memorializing any reported voting system malfunction, including but not limited to Documents identifying any components that reportedly malfunctioned and any remedial action taken.

RESPONSE TO RFP NO. 3:

ES&S objects to this request as vague, and also as overbroad because it seeks documents not related to the November 7, 2006 general election in Sarasota County or not related to the iVotronic voting system utilized in the November 7, 2006, general election in Sarasota County which is the election at issue in this lawsuit. To the extent this request also refers to malfunctions of voting machines in the November 7, 2006, general election in Sarasota County, ES&S adopts and incorporates by reference its response to RFP No. 2, above.

RFP NO.4:

Any election plan, manual, guide, policy rule, procedure, or practice provided to any Sarasota County election official or poll worker regarding the administration or use of voting equipment, creating and loading ballots, or tabulating and submitting results.

RESPONSE TO RFP NO.4:

ES&S objects to this request as calling for the production of privileged confidential trade secret documents. Documents that may be responsive to RFP No. 4 are currently the subject of pending motions to compel filed by Voter Plaintiffs and Plaintiff Jennings directed to the State Defendants and the Sarasota County Defendants. ES&S objects to producing any documents responsive to this request unless the Court, in ruling on the pending motions to compel, orders the production of such documents.

RFP NO. 5:

For the November 7, 2006, election all data generated by any voting machine that reportedly malfunctioned, including but not limited to ballot images, data stored in redundant or backup memory, and audit data from DRE and OPSCAN voting machines.

RESPONSE TO RFP NO. 5:

ES&S objects to this request as vague, overbroad, and calling for the production of privileged confidential trade secret materials and information. Documents that may be responsive to RFP No. 5 are currently the subject of pending motions to compel filed by Voter Plaintiffs and Plaintiff Jennings directed to the State Defendants and the Sarasota County Defendants. ES&S objects to producing any documents responsive to this request unless the Court, in ruling on the pending motions to compel, orders the production of such documents. In addition, RFP No. 5, similar to other requests, presumes the existence of a malfunction as that term is defined in the Discovery Requests. Other than the voter affidavits described in response to RFP No. 2 above, ES&S is currently unaware of any other documents currently in its possession relating to or memorializing voting system malfunction as that term is defined in the Discovery Requests. ES&S has no documents showing that the voting system did not record or may not have accurately recorded a voter's vote, that the voting system exhibited anomalous or unexpected behavior or that the voting system failed to properly perform any function for which it was certified under state or federal law. To date, all the documents that have come into the possession of ES&S demonstrate that a malfunction did not occur. See the Secretary of State's Parallel Test Summary Report issued December 18, 2006. Furthermore, ES&S is currently unaware of any non-privileged documents currently in its possession related to ballot images, redundant or backup vote data or audit data. ES&S also objects because discovery responses served by Defendant Dent, indicate that ballot images and audit logs have previously been produced to Voter Plaintiffs.

RFP NO. 6:

For the November 7, 2006, election, all communications between and/or among Defendants (including ES&S), election officials, or poll workers regarding the malfunction of any voting system or component thereof.


RESPONSE TO RFP NO. 6:

ES&S objects to this request as vague and also overbroad to the extent that it seeks documents not related to the November 7, 2006, general election in Sarasota County and presumes the existence of a malfunction as that term is defined in the Discovery Requests. See response to RFP No. 2 above regarding the voter affidavits provided to ES&S by Plaintiff Jennings which are documents regarding voters who claim they encountered difficulty using the voting system. ES&S has no documents showing that the voting system did not record or may not have accurately recorded a voter's vote, that the voting system exhibited anomalous or unexpected behavior or that the voting system failed to properly perform any function for which it was certified under state or federal law. In fact, all the documents that have come into the possession of ES&S demonstrate that a malfunction did not occur. See the Secretary of State's Parallel Test Summary Report issued December 18, 2006. ES&S also objects to production of the requested documents because a discovery response served by Defendant Dent states that any responsive documents to this request will be produced.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent by electronic transmission and U.S. Mail on this 26th day of December, 2006, to all counsel of record on the attached mailing list.

RADEY THOMAS YON & CLARK, P.A.


HARRY O. THOMAS (Florida Bar #195097)
JEFFREY L. FREHN (Florida Bar #817562)
Post Office Box 10967 (32302)
301 S. Bronough Street, Suite 200
Tallahassee, Florida 32301-1722
Telephone: (850) 425-6654
Facsimile: (850) 425-6694

Miguel A. De Grandy (Florida Bar #332331)
Miguel De Grandy P.A.
800 S. Douglas Road, Suite 850
Coral Gables, Florida 33134-2088

COUNSEL FOR DEFENDANT
ELECTION SYSTEMS & SOFTWARE, INC.

MAILING LIST

Kendall Coffey, Esq.
Coffey & Wright, LLP
2665 South Bayshore Drive
PH-2, Grand Bay Plaza
Miami, FL 33133
and

Mark Herron, Esq.
Messer, Caparello & Self, P.A.
2618 Centennial Place
Tallahassee, FL 32308

Counsel for Plaintiff Jennings

Stephen E. DeMarsh
County Attorney
Frederick J. Elbrecht
Deputy County Attorney
Office of the County Attorney
1660 Ringling Blvd., 2nd Floor
Sarasota, Florida 34236

Attorneys for Defendant, Sarasota County
Canvassing Board, Sarasota County Judge
Phyllis Galen, Sarasota County Commissioner
Paul Mercier and Kathy Dent, Sarasota
County Supervisor of Elections, as members
of and the Sarasota County Canvassing Board

Peter Antonacci, Esq.
Allen C. Winsor, Esq.
Gray Robinson, P.A.
301 S. Bronough St., Ste. 600
P.O. Box 11189
Tallahassee, FL 32301

Attorneys for Defendants, Elections
Canvassing Commission of the State of
Florida, Sue Cobb, Secretary of State and
Dawn K. Roberts, Director, Division of
Elections and Defendants, Tom Gallagher,
Chief Financial Officer, State of Florida, and
Governor Jeb Bush, and Senator Dan
Webster, as members of and as the Florida
Elections Canvassing Commission

Hayden R. Dempsey, Esq.
Glenna Burhans, Esq.
Greenberg Traurig, P.A.
101 East College Avenue
Tallahassee, FL 32301

Attorneys for Defendant, Vern Buchanan

Ronald A. Labasky, Esq.
Young Van Assenderp, P.A.
225 South Adams Street
Tallahassee, FL 32302

Attorneys for Defendant, Kathy Dent

Lowell Finley, Esq.
1604 Solano Avenue
Berkeley, CA 94707

Elliot M Mineberg, Esq.
Judith E. Schaeffer, Esq.
2000 M. Street N.W., #400
Washington, D.C. 20036

Reginald J. Mitchell, Esq.
1550 Melvin Street
Tallahassee, FL 32301

Muslima Lewis, Esq.
Randall C. Marshall, Esq.
4500 Biscayne Boulevard, Suite 340
Miami, FL 33137-3227

Rebecca Harrison Steele, Esq.
Seina N. Salam, Esq.
ACLU West Central Florida Office
P.O. Box 33679-8245
Tampa, FL 33679-8245

Cindy A. Cohn, Esq.
Matthew J. Zimmerman, Esq.
454 Shotwell Street
San Francisco, CA 94110

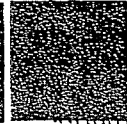
Counsel for Plaintiffs in Fedder lawsuit

Exhibit E

Aug. 15, 2006 Letter from ES&S to
Florida iVotronic Users



Election Systems
& Software, Inc.



11208 John Galt Boulevard Omaha, NE 68137 USA
Phone: 402.593.0101 • Toll-Free: 1.877.377.8683 • Fax: 402.970.1285
Election Systems & Software, Inc.
ELECTIONS
SARASOTA COUNTY FL

2006 AUG 22 A 8 52

August 15, 2006

Dear FL Users:

FILED FOR RECORD
KATHY DENT

It has come to our attention after a number of inquiries from several of our iVotronic 12 inch screen users that some of your screens are exhibiting slow response times. After receiving some of these terminals in our Omaha, NE facility we were able to replicate a slow response during our testing.

After further analysis of the issue it has been determined that touchscreens on units with previous versions of firmware did not exhibit this condition. Therefore, our Engineering and Development Teams reviewed the differences in firmware code for versions 8.0.1.2 and 7.4.5.0 to establish the possible cause of this condition.

We have determined that the delayed response time is a result of a smoothing filter that was added to iVotronic firmware versions 8.x and higher. This smoothing filter waits for a series of consistent touchscreen reads before a candidate name is highlighted on the ballot. In some cases, the time lapse on these consistent reads is beyond the normal time a voter would expect to have their selection highlighted. This delayed response to touch may vary from terminal to terminal and also may not occur every single time a terminal is used.

The improvement will require an update to the firmware, and state-level certification. We have already taken steps to make the necessary changes to the firmware. Our plans are to certify this in the state of Florida in time for use for the November, 2006 General Election. This firmware upgrade would not involve any Unity software changes or upgrades to any other component of your voting system. This firmware change is only necessary for the 12" size iVotronic screens.

In order to avoid any potential issues at the polls on September 5th, it is our recommendation that you train your poll workers and voters to expect this slightly delayed response time for their highlighted selections. We have included with this mailing a sample voting booth instruction sign for your review and use.

It is important to note that this delayed response time in no way affects the integrity or reliability of the iVotronic voting system. All votes will be recorded securely and accurately as they always have been. No other functionality within the iVotronic system is compromised or affected by this issue.

It is our goal and focus at ES&S to provide secure, accurate and reliable voting systems to all of our clients worldwide. On behalf of ES&S, I can assure you that we are working with the Florida Division of Elections to rectify this situation and to prevent it from being an issue in all other future elections.

We will keep you posted on our developments as we work through the necessary phases of implementing this firmware in our 12" iVotronic screen counties in Florida.

Thank you for continued support.

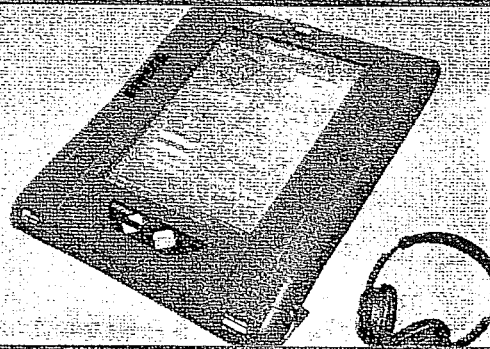
Sincerely,

Linda Bennett
Regional Account Manager

Cc: David R. Drury, Chief, Bureau of Voting Systems Certification

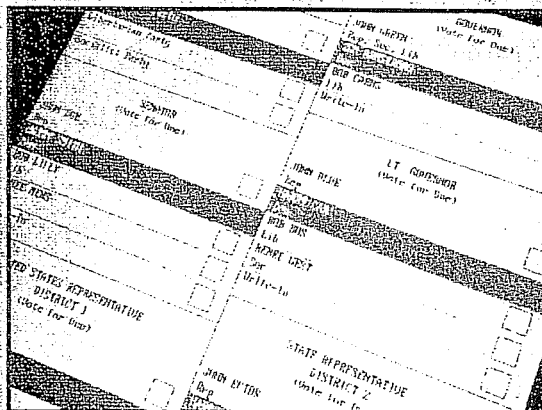
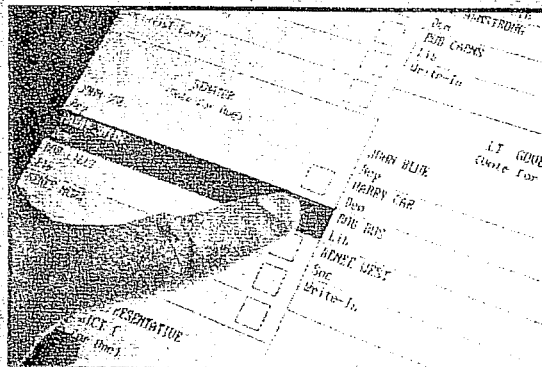
ATTENTION VOTERS

Take Care When Voting!



PLEASE REVIEW YOUR BALLOT BEFORE PROCEEDING TO THE NEXT SCREEN

- ✓ Make your selections by pushing firmly on the touch screen.
- ✓ Hold down your selection until it is highlighted. This may take several seconds.
- ✓ Take the time to review your selections. Ensure that all of your intended selections are reflected on the summary screen.



If you have any questions about voting, please ask a poll worker before you have cast your ballot.

The **ES&S iVotronic** represents the leading-edge of voting technology. All votes cast on the iVotronic are recorded securely and accurately.

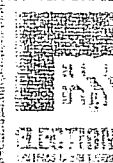


Exhibit F

Jeremy Wallace, *Memo on Voting
Machines Misfiled*, Sarasota Herald-
Tribune, March 17, 2007

Article published Mar 17, 2007

Memo on voting machines misfiled

Letter to Sarasota County officials put in file of "proprietary" papers.

By JEREMY WALLACE

H-T POLITICAL WRITER

jeremy.wallace@heraldtribune.com

SARASOTA COUNTY -- A filing error caused a memo alerting Sarasota County election officials about an "issue" with voting equipment last August to be hidden from the public for the last seven months, an attorney for Supervisor of Elections Kathy Dent said.

The letter was accidentally put into a file of documents that county staff thought was for protecting "proprietary" information for the voting machine company Election Systems & Software, attorney Ron Labasky said Friday night.

That prevented Dent's office from turning over the memos about the voting machine issue to Democrat Christine Jennings, who is challenging the Nov. 7 election results.

In the memo, ES&S describes a problem with a "smoothing filter" that sometimes would delay responses on the iVotronic touch-screen machines.

Republican Vern Buchanan was certified the winner of the Nov. 7 election by 369 votes. But Jennings is challenging the results, saying an abnormally high undervote cost her the election.

A spokesman for Jennings said it is an unbelievable coincidence that Dent, the state Division of Elections and ES&S all failed to provide the memo when asked for it.

But Labasky said it was not intentional, just human error.

"If we had found it before, we would have sent it to them," Labasky said.

Labasky said the memo -- now widely available on the Internet -- was sent to Jennings' attorneys on Friday.

Attorneys for Jennings say the memo goes to the exact point they have been trying to make in court: that the voting machines had glitches that cost Jennings the 13th Congressional District election.

Jennings has sued the county in state court and has filed a challenge to the election in Congress, hoping to either overturn the results or be granted a new election.

Dent, ES&S and a state Division of Elections spokesman all say the delay referred to in the memo had nothing to do with the 13 percent undervote in the disputed Nov. 7 elections.

A state-funded audit of the voting machines considered the possibility of a delay resulting in the undervote, but ruled it out, said Alec Yasinsac, a Florida State University professor of computer science who participated in the review.

In addition, new e-mails obtained by election reform groups and posted on the Internet show Dent thought the delay issue may have been happening in some of the 1,400 voting machines in Sarasota.

"I think that has happened in at least one of our machines," Dent wrote in an e-mail to elections workers on Aug. 24, 2006.

Nine days before that e-mail, ES&S officials sent a memo to all county elections officials in the state that use their equipment, warning them that "beyond normal" waiting times were being reported by "a number" of users of its iVotronic touch-screen voting machines.

The company included a sample poster to Dent and other supervisors of elections, meant to warn voters that it "may take several seconds" for their selected candidate to be highlighted.

In the e-mail exchange with her employees, Dent questioned whether to display the new posters at polling sites during the Sept. 5 primary election, but ultimately decided that the county's existing instructions were sufficient.

"Make your selection by touching your choice on the screen until it becomes highlighted," read the poster used by the county during the primary and the Nov. 7 election.

Dent said earlier last week that she vaguely remembered the letter, but thought it was "much ado about nothing."

Other counties took a different approach. Pasco County election officials chose to not use 40 machines of the type ES&S warned about, said Brian E. Corley, that county's supervisor of elections.

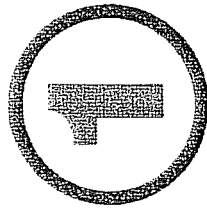
Jeremy Wallace can be reached at 361-4966 or jeremy.wallace@heraldtribune.com.

Exhibit G

Kathy Dent Display - *Touch Screen*
Voting Easy As One, Two, Three.

Touch Screen Voting

Easy As One, Two, Three



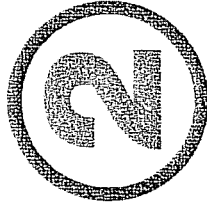
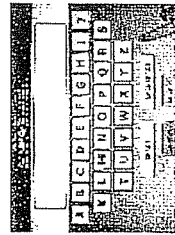
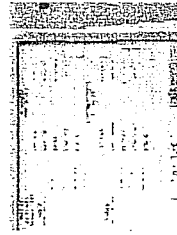
Make your selections

Make your selection by touching your choice on the screen until it becomes highlighted. If you change your mind, touch the new choice and the highlight will appear on your new choice or touch the same choice again to undo the highlight, as appropriate.

Touch "Next Page" at the bottom right of the screen to move to the next ballot page.

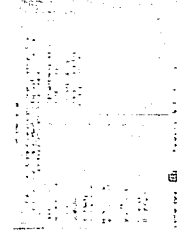
Touch "Previous Page" at the bottom left of the screen to move back one page.

To vote for a candidate whose name is not printed on the ballot, touch "Write-In" and a touch keyboard will appear. Type the candidate's name and touch "Accept."

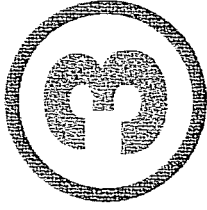


Review your selections

Touch "Review Ballot" on the last ballot page to review your selections.

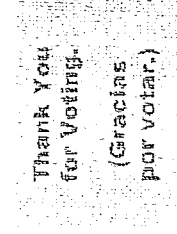
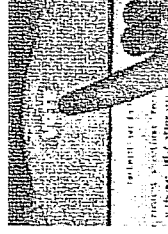


To change vote, touch the name or issue on the "Review Ballot" page or step back through the ballot using "Previous Page" in the lower left corner of the screen.



Push the flashing red "VOTE" button

Press the flashing red "VOTE" button at the top of the screen to cast your ballot.



"Thank you for Voting" means your vote has been cast.



Easy • Precise • Secure

Kathy Dent
Supervisor of Elections, Sarasota County
101 South Washington Blvd., Sarasota, FL 34230-4194
telephone: 941-861-8600 www.srquelections.com

Exhibit H

State Audit Report, Sec. 8.4.9

8.4.6 Some dynamic error not easily visible in the source code, e.g. buffer overflow or data left from previous voters caused the anomalous undervote.

Contraindications: (see Section 7)

- TEST CONFIRMATION. The error did not occur in testing, but would have had to occur with great frequency during voting.
- CHARLOTTE and LEE UNDERVOTE. Why did the problem occur in Sarasota, Charlotte, and Lee Counties, but nowhere else?
- FLORIDA UNIQUENESS

8.4.7 The touch screens were miscalibrated to prevent voting in the District 13 race.

Contraindications:

- TEST CONFIRMATION
- CVR CORRESPONDENCE
- A very large number of machines would have exhibited the problem, and could not have been recalibrated before post-election testing. Thus, the problem would have been observed in testing.
- The undervote would have been much higher.
- Other races on other screens would have been affected but were not.

8.4.8 The touchscreens were miscalibrated so that the hotspot and corresponding candidate box were misaligned.

Contraindications:

- TEST CONFIRMATION
- CVR CORRESPONDENCE
- A large number of machines would have exhibited the problem and could not have been recalibrated before post-election testing. Thus, the problem would have been observed in testing.
- Other races on other screens would have been affected but were not.

8.4.9 The touchscreen smoothing filter caused the undervote.

A smoothing filter is a mathematical procedure for damping transient touch screen effects such as the voter altering the position of her finger or changing the pressure exerted by the finger on the screen. The allegation has been floated on Internet newsgroups that the iVotronic touch screen filter could have caused the undervote. No explanation has been offered how the effect would confine itself to a single race on a single screen. The touch screen filter does not act differently on different screens.

Contraindications:

- TEST CONFIRMATION
- CVR CORRESPONDENCE
- FULL RECORDING
- FLORIDA UNIQUENESS
- Other races would have been affected but were not.

8.4.10 A “controlling contest” specification linked CD-13 to a vote in a different race, thus affecting the voter’s selection in CD-13.

Contraindications: (see Section 6.2.1.3)

Exhibit I

Mark K. Matthews, *Elections
Officials Warned of Glitch*, South
Florida Sun-Sentinel, Mar. 15, 2007

<http://www.sun-sentinel.com/news/local/florida/orl-votemachine1507mar15,0,5704211.story?coll=sfla-news-florida>

Election officials warned of glitch

A voting-machine maker told them users might see a delay -- adding to controversy.

Mark K. Matthews
Washington Bureau

March 14, 2007

WASHINGTON -- Months before the 2006 general election, a top voting-machine manufacturer sent a written warning to elections officials in Florida about a glitch in its equipment.

That letter has reignited debate over the results of a contested Sarasota area congressional race in which Republican Vern Buchanan won by only 369 votes.

But election officials said Wednesday that the defect did not have an impact on the results.

In the Aug. 15 memo, a representative from Election Systems and Software wrote that people using its touch-screen voting machines might notice a slight delay between the time they voted and when that choice actually appeared on-screen.

The company recommended a patch to fix the time-lapse problem -- estimated to be about two to three seconds -- but the update was never installed on the machines because there wasn't enough time before the election, state and company officials said.

"We were not alarmed by the delay because we knew it was not jeopardizing the votes being cast or the votes being counted," said Sterling Ivey, spokesman for the state Division of Elections.

That decision caused an outcry from Democrat Christine Jennings, who has contested her loss to Buchanan on grounds that ES&S machines in her race malfunctioned.

"It's shameful and shocking that our election system was not fixed," said Jennings, who ran last fall to represent Florida's House District 13. As part of her lawsuit, Jennings wants to see the inner workings of the ES&S equipment -- a request now under the consideration of a state appeals court.

In that race, almost 18,000 electronic ballots in Sarasota County registered no choice, also known as an "undervote." The undervote rate there was about six times greater than in the rest of the district.

After the election, the state examined the machines and found nothing wrong with

Source: <http://www.sun-sentinel.com/news/local/florida/orl-votemachine1507mar15,0,5704211.story?coll=sfla-news-florida>

the equipment. Included in this examination were questions about the time delay, lead investigator Alec Yasinsac said.

Yasinsac said the lapse was "irritating" but noted that his team never found an instance where the delay led to a vote not being recorded. He said the system had safeguards to protect the machines from lost votes.

Yasinsac also dismissed concerns that the time lapse could cause some voters to continually press their choice -- potentially causing them to "uncheck" their initial, first selection.

He said the machine's software prevented any action during the time lapse, including the potential to uncheck a candidate choice.

Still, at least one computer expert has questioned whether these machines should have been used in the first place.

"Having this kind of delay is a serious enough problem that you shouldn't have used them in the election," said Avi Rubin, a voting-machine expert at Johns Hopkins University.

Mark K. Matthews can be reached at mmatthews@orlandosentinel.com or 202-824-8222.

Exhibit J

Zone Tech Log Sheets from Nov.
2006 Election, Composite Exhibit

ZONE TECH LOG SHEET

PRECINCT

3

Tech's Name:

Charlie Bentley

November 7, 2006

Harvest Tabernacle

First Visit Time:

6:45 AM

Checklist:

- ☒ Time & Date Zero Tape was Created 626 11/7
- ☒ Number of Terminals Opened matches the number of Terminals in the Polling Room
- ☒ OPENED Times and Dates are reasonable and Dates are accurate & no units show a closed Time or Date
- ☒ PRECINCT: displays the appropriate precinct
- ☒ All races and contests show ZERO
- ☒ ADA unit has been opened and is on a table ready for use
- ☒ Cell phone has been turned on and is ready to use
- ☒ All iVotronics are plugged in and have been propped up on their stands

☐ Use checklist

Explain any opening problems:

VO105987-B would not open; terminal opening failed. All other 8 Ivo opened okay. Zero tape shows 8 Ivos. Closed lid on Ivo that would not open and reported unopened Ivo to Scott Farrington.

Visit Time:

9:15 AM

Check here if there was nothing to report



Visit Time:

12:30

Check here if there was nothing to report



Visit Time:

4:55

One of the ADA Ivo has a "minor" problem. ~~the~~ Voter must press harder ~~to~~ in order for vote to register. Clerk will note this in her log book

Check here if there was nothing to report



Visit Time:

Check here if there was nothing to report



ZONE TECH LOG SHEET,

PRECINCT

18

Tech's Name:

RICK JARROLD

November 7, 2006

First Visit Time:

2:00

Checklist:

- ☒ Time & Date Zero Tape was Created 6:32:31/07/2006
- ☐ Number of Terminals Opened matches the number of Terminals in the Polling Room
- ☒ OPENED Times and Dates are reasonable and Dates are accurate & no units show a closed Time or Date
- ☒ PRECINCT: displays the appropriate precinct
- ☒ All races and contests show ZERO
- ☒ ADA unit has been opened and is on a table ready for use
- ☒ Cell phone has been turned on and is ready to use
- ☒ All iVotronics are plugged in and have been propped up on their stands

Explain any opening problems:

Visit Time:

10:45

2 machines out of service

Check here if there was nothing to report ☐

CLARK CALLED IN PROBLEM WITH VOTES BEING UNRECORDED ON REVIEW SCREEN. HAVE BANK TOLD HIM TO TAKE THEM OUT OF SERVICE.

Visit Time:

2:15

Check here if there was nothing to report ☒

Visit Time:

Check here if there was nothing to report ☐

Visit Time:

Check here if there was nothing to report ☐

ZONE TECH LOG SHEET

PRECINCT

18

Tech's Name:

ANTOINE HENRY

November 7, 2006

First Visit Time:

8:00

Checklist:

- ☒ Time & Date Zero Tape was Created 6:15
- ☒ Number of Terminals Opened matches the number of Terminals in the Polling Room
- ☒ OPENED Times and Dates are reasonable and Dates are accurate & no units show a closed Time or Date
- ☒ PRECINCT: displays the appropriate precinct
- ☒ All races and contests show ZERO
- ☒ ADA unit has been opened and is on a table ready for use
- ☒ Cell phone has been turned on and is ready to use
- ☒ All iVotronics are plugged in and have been propped up on their stands

Explain any opening problems:

TWO IVOS HAD THE LIDS CLOSED DOWN BECAUSE THE CLERK SAID THE ~~VOTERS~~ TWO VOTERS COMPLAINED THAT THEIR SELECTION DID NOT REGISTER SO, SCOTT AND MYSELF LOOKED AT THE MACHINES AND FOUND NO PROBLEM WITH IT. SO WE LEFT THE LIDS BACK UP (THE CONGRESSIONAL RACE)

Visit Time:

12:00

Check here if there was nothing to report ☒

Visit Time:

1:45

Check here if there was nothing to report ☒

Visit Time:

Check here if there was nothing to report ☐

Visit Time:

Check here if there was nothing to report ☐

ZONE TECH LOG SHEET

PRECINCT

19

Tech's Name: NICK CLIFFE

November 7, 2006

First Visit Time: 3:30

Checklist:

- ☐ Time & Date Zero Tape was Created
- ☐ Number of Terminals Opened matches the number of Terminals in the Polling Room
- ☐ OPENED Times and Dates are reasonable and Dates are accurate & no units show a closed Time or Date
- ☐ PRECINCT: displays the appropriate precinct
- ☐ All races and contests show ZERO
- ☐ ADA unit has been opened and is on a table ready for use
- ☐ Cell phone has been turned on and is ready to use
- ☐ All iVoltronics are plugged in and have been propped up on their stands

Explain any opening problems:

Clerk reports several complaints that voters make selections that do not appear on the summary screen. The election would be highlighted in blue two or three times before the summary page reflected the selections.

Visit Time: 6:10

Check here if there was nothing to report ☐

Visit Time:

Check here if there was nothing to report ☐

Visit Time:

Check here if there was nothing to report ☐

Visit Time:

Check here if there was nothing to report ☐

ZONE TECH LOG SHEET

PRECINCT 32

Tech's Name: POLLY CLARKE

November 7, 2006

CHURCH OF THE PALMS - BEE RIDGE

STEPHANIE

First Visit Time: 9:10

Checklist:

- ☒ Time & Date Zero Tape was Created 6:39 11/07/06
- ☒ Number of Terminals Opened matches the number of Terminals in the Polling Room 8
- ☒ OPENED Times and Dates are reasonable and Dates are accurate & no units show a closed Time or Date
- ☒ PRECINCT: displays the appropriate precinct
- ☒ All races and contests show ZERO
- ☒ ADA unit has been opened and is on a table ready for use
- ☒ Cell phone has been turned on and is ready to use 702-4207
- ☒ All iVotronics are plugged in and have been propped up on their stands

Explain any opening problems: VOID 6951-B NOT ACCEPTING VOTES - UNIT
TAKEN OFF LINE

Visit Time: 9:10 SEE ABOVE

Check here if there was nothing to report ☒

Visit Time: 3:00 NO NEW EQUIPMENT PROBLEMS

Check here if there was nothing to report ☒

Visit Time: 7:30 DUE CALLED - CLOSED OK

Check here if there was nothing to report ☐

Visit Time: _____

Check here if there was nothing to report ☐

ZONE TECH LOG SHEET

PRECINCT 32

Tech's Name: DAVID FOSS

November 7, 2006

STEPHANI SIMMONS
941-702-4207

First Visit Time: 6:15

Checklist:

- ☒ Time & Date Zero Tape was Created 6:39.43 11-7-2006
- ☐ Number of Terminals Opened matches the number of Terminals in the Polling Room
- ☒ OPENED Times and Dates are reasonable and Dates are accurate & no units show a closed Time or Date
- ☒ PRECINCT: displays the appropriate precinct
- ☒ All races and contests show ZERO
- ☒ ADA unit has been opened and is on a table ready for use
- ☒ Cell phone has been turned on and is ready to use
- ☒ All iVoltronics are plugged in and have been propped up on their stands

Explain any opening problems: _____

Visit Time: 6:15

Check here if there was nothing to report ☒

Visit Time: 9:15

Check here if there was nothing to report ☐

NOT USING
V106951 - CLOSED AFTER RECORDING SOME VOTES.
TOUCHSCREEN NOT WORKING PROPERLY, HARD TO RECORD
VOTE, NEEDED TO PUSH HARD AND JIGGLE TO RECORD
VOTE.

Visit Time: 3:58

Check here if there was nothing to report ☒

Visit Time: 5:25

Check here if there was nothing to report ☒

ZONE TECH LOG SHEET

PRECINCT

46

Tech's Name:

Porter Anderson

November 7, 2006

First Visit Time: 6:33A

Checklist:

- ☒ Time & Date Zero Tape was Created 6:49:11 11/07/2006
- ☒ Number of Terminals Opened matches the number of Terminals in the Polling Room
- ☒ OPENED Times and Dates are reasonable and Dates are accurate & no units show a closed Time or Date
- ☒ PRECINCT: displays the appropriate precinct
- ☒ All races and contests show ZERO
- ☒ ADA unit has been opened and is on a table ready for use
- ☒ Cell phone has been turned on and is ready to use
- ☒ All iVotronics are plugged in and have been propped up on their stands

Explain any opening problems:

Visit Time: 6:33A

Check here if there was nothing to report ☒

Visit Time: 7:28A Went through checklist.

Check here if there was nothing to report ☐

Visit Time: 8:30A Re start TV Demo.

Check here if there was nothing to report ☐

Visit Time: 11:04A Had issues with laptop program explained "Finished Transaction" button.

Check here if there was nothing to report ☐

Pct 46

Visit Time: 1:40P Assisted with
propping ADA unit for voter.

Check here if there was nothing to report ☐

Visit Time: 3:44P

Check here if there was nothing to report ☒

Visit Time: 5:30P Touch Screen has weak
spot that is a nuisance to voters. Misses selections
on some pages. Wait is too long - more than 5 sec.
is reported by Precinct Tech.

Check here if there was nothing to report ☐

VO103565-B

Visit Time: 6:27P

Check here if there was nothing to report ☒

Visit Time: _____

Check here if there was nothing to report ☐

Visit Time: _____

Check here if there was nothing to report ☐

ZONE TECH LOG SHEET

PRECINCT

66

Tech's Name:

Berg

November 7, 2006

Jewish Community Center

First Visit Time: 10:20

Checklist:

- ☒ Time & Date Zero Tape was Created 6.29
- ☒ Number of Terminals Opened matches the number of Terminals in the Polling Room
- ☒ OPENED Times and Dates are reasonable and Dates are accurate & no units show a closed Time or Date
- ☒ PRECINCT: displays the appropriate precinct
- ☒ All races and contests show ZERO
- ☒ ADA unit has been opened and is on a table ready for use
- ☒ Cell phone has been turned on and is ready to use
- ☒ All iVotronics are plugged in and have been propped up on their stands

Explain any opening problems:

PGB. PS0117435 faulty
"error processing"
slow & steady

Visit Time: 2:20

Checked with Clerk after
Call From phone bank, Clerk remembers voter
saying that "Christine Jennings" vote did not register
went back and seen a no vote during review, went
back and selected.

Visit Time: 6:45

Check here if there was nothing to report ☐

Close OK

Visit Time: _____

Check here if there was nothing to report ☐

Visit Time: _____

Check here if there was nothing to report ☐

ZONE TECH LOG SHEET

PRECINCT 71

Tech's Name: JS D

November 7, 2006

ST. RAPHEAL'S

First Visit Time: 0835

Checklist:

- ☒ Time & Date Zero Tape was Created 11/07/2006 0648
- ☒ Number of Terminals Opened matches the number of Terminals in the Polling Room 11
- ☒ OPENED Times and Dates are reasonable and Dates are accurate & no units show a closed Time or Date
- ☒ PRECINCT: displays the appropriate precinct 71
- ☒ All races and contests show ZERO
- ☒ ADA unit has been opened and is on a table ready for use
- ☒ Cell phone has been turned on and is ready to use
- ☒ All iVotronics are plugged in and have been propped up on their stands

Explain any opening problems: One iVo they say seems a little slow to touch. They are very busy & still using it. I gave them the option of me looking at it or waiting till later. Since they had a line they opted for me to look at later.

Visit Time: 0617

Check here if there was nothing to report ☐

Delivered Voted packet to Norma Jean

Visit Time: 1406

Check here if there was nothing to report ☐

All OK

Visit Time: 1739

Check here if there was nothing to report ☐

Reviewed closing procedures with Norma Jean.

Visit Time: _____

Check here if there was nothing to report ☐

ZONE TECH LOG SHEET

PRECINCT

72

Tech's Name:

CHARIS BURRUS

November 7, 2006

First Visit Time: 8:45 AM

Checklist:

- ☒ Time & Date Zero Tape was Created 7:52 AM
- ☒ Number of Terminals Opened matches the number of Terminals in the Polling Room
- ☒ OPENED Times and Dates are reasonable and Dates are accurate & no units show a closed Time or Date
- ☒ PRECINCT: displays the appropriate precinct
- ☒ All races and contests show ZERO
- ☒ ADA unit has been opened and is on a table ready for use
- ☒ Cell phone has been turned on and is ready to use
- ☒ All iVotronics are plugged in and have been propped up on their stands

Explain any opening problems:

PRINTER PROBLEMS -

ADA MACHINE V-0106676-B

MACHINE TAKES LONG TIME TO REGISTER TOUCH

Visit Time: 1:45 PM

Check here if there was nothing to report ☒

Visit Time: 3:45

Check here if there was nothing to report ☒

Visit Time: 6:00 PM

Check here if there was nothing to report ☒

Visit Time:

Check here if there was nothing to report ☐

ZONE TECH LOG SHEET

PRECINCT

78

Tech's Name:

JERRY DENNIS

November 7, 2006

First Visit Time: 9:05 AM

Checklist:

- ☐ Time & Date Zero Tape was Created
- ☐ Number of Terminals Opened matches the number of Terminals in the Polling Room
- ☐ OPENED Times and Dates are reasonable and Dates are accurate & no units show a closed Time or Date
- ☐ PRECINCT: displays the appropriate precinct
- ☐ All races and contests show ZERO
- ☐ ADA unit has been opened and is on a table ready for use
- ☐ Cell phone has been turned on and is ready to use
- ☐ All iVotronics are plugged in and have been propped up on their stands

Explain any opening problems:

Clerk said they were delayed in getting access to the building to set up this AM. Made them run late. (People were voting as they ran their steps.)

Visit Time:

9:05 AM

Check here if there was nothing to report ☐

Terminal S/N 105705B will not register votes, no matter how hard you press screen. Told Clerk to take machine off line, per Karen's decision in Precinct 124 (they have plenty of machines)

Visit Time:

They have a real parking problem, causing cars to jam up close to building.

Check here if there was nothing to report ☐

Would suggest a "parking" sign directing people to the overflow lot, which still has easy access to building. That would keep people from driving around loop up close to entrance, where congestion ~~often~~ occurs.

Visit Time:

5:10 PM

Check here if there was nothing to report ☒

Visit Time:

Check here if there was nothing to report ☐

ZONE TECH LOG SHEET

PRECINCT

78

Tech's Name:

John Kennedy

November 7, 2006

First Visit Time: 6:46

Checklist:

- ☐ Time & Date Zero Tape was Created 7:24 # 11/07/06
- ☒ Number of Terminals Opened matches the number of Terminals in the Polling Room
- ☒ OPENED Times and Dates are reasonable and Dates are accurate & no units show a closed Time or Date
- ☒ PRECINCT: displays the appropriate precinct
- ☒ All races and contests show ZERO
- ☒ ADA unit has been opened and is on a table ready for use
- ☒ Cell phone has been turned on and is ready to use
- ☒ All IVotronics are plugged in and have been propped up on their stands

Explain any opening problems:

Good Job

Visit Time: 10:20

IND SN# V0105705-B

Check here if there was nothing to report ☐

SLOW SCREEN ON TWO, REALIZED TWO, DID NOT
RESOLVE ISSUE, CLOSED TWO, REMOVED FROM CARD,
REMOVE TWO FROM LINE.

Visit Time:

Check here if there was nothing to report ☐

Visit Time:

Check here if there was nothing to report ☐

Visit Time:

Check here if there was nothing to report ☐

ZONE TECH LOG SHEET

PRECINCT

83

Tech's Name:

Rick Jansine

November 7, 2006

First Visit Time:

9:45

Checklist:

- ☒ Time & Date Zero Tape was Created 6:19:21 11/07/2006
- ☒ Number of Terminals Opened matches the number of Terminals in the Polling Room 9
- ☒ OPENED Times and Dates are reasonable and Dates are accurate & no units show a closed Time or Date
- ☒ PRECINCT: displays the appropriate precinct
- ☒ All races and contests show ZERO
- ☒ ADA unit has been opened and is on a table ready for use
- ☒ Cell phone has been turned on and is ready to use
- ☒ All iVotronics are plugged in and have been propped up on their stands

Explain any opening problems:

Visit Time:

9:45

V010 6453 B

Check here if there was nothing to report ☐

WOULD NOT LET VOTER SELECT A BALLOT. CALL CANCELLED
BALLOT & VOTER VOTED ON ANOTHER MACHINE THE NEXT
VOTER HAD NO PROBLEMS

Visit Time:

Check here if there was nothing to report ☐

Visit Time:

Check here if there was nothing to report ☐

Visit Time:

Check here if there was nothing to report ☐

ZONE TECH LOG SHEET

PRECINCT

85

Tech's Name:

BOB CLARK

November 7, 2006

First Visit Time:

Checklist:

- ☐ Time & Date Zero Tape was Created
- ☐ Number of Terminals Opened matches the number of Terminals in the Polling Room
- ☐ OPENED Times and Dates are reasonable and Dates are accurate & no units show a closed Time or Date
- ☐ PRECINCT: displays the appropriate precinct
- ☐ All races and contests show ZERO
- ☐ ADA unit has been opened and is on a table ready for use
- ☐ Cell phone has been turned on and is ready to use
- ☐ All iVotronics are plugged in and have been propped up on their stands

Explain any opening problems:

Visit Time:

0905 TROUBLE P.E.P. RED.

Check here if there was nothing to report ☐

• TROUBLE w/ 1 IVO... TOUCH PROBLEM
4 VOTERS - 4 PROBLEMS - 100%?

Visit Time:

1115 "POWER PROBLEM" TEXT MSG.

Check here if there was nothing to report ☐

IVO NON-RESPONSIVE. POWER (120VAC)-OK. POWER, LO VOLTAGE OK.
REPLACED IVO BATTERY - IVO OK.

Visit Time:

Check here if there was nothing to report ☐

Visit Time:

Check here if there was nothing to report ☐

ZONE TECH LOG SHEET

PRECINCT

87

Tech's Name: Brian Outrow

November 7, 2006

First Visit Time: 7:05

Checklist:

- ☒ Time & Date Zero Tape was Created 6:35
- ☒ Number of Terminals Opened matches the number of Terminals in the Polling Room
- ☒ OPENED Times and Dates are reasonable and Dates are accurate & no units show a closed Time or Date
- ☒ PRECINCT: displays the appropriate precinct
- ☒ All races and contests show ZERO
- ☒ ADA unit has been opened and is on a table ready for use
- ☒ Cell phone has been turned on and is ready to use
- ☒ All iVotronics are plugged in and have been propped up on their stands

Explain any opening problems: Looks Good!!

Visit Time: 11:30 Ivo, which other tech reset was check here if there was nothing to report ☐
 it was working fine. Clerk said it wasn't propped up on legs
 a few minutes prior, which is probably why it froze. Clerk cancelled
 vote and will continue to use machine. Will contact me if another
 problem occurs

Visit Time: 4:00 Lid was down on some IVO - Freezer then on Freezer.
 Took out of circulation. Check here if there was nothing to report ☐

Visit Time: _____

Check here if there was nothing to report ☐

Visit Time: _____

Check here if there was nothing to report ☐

ZONE TECH LOG SHEET

PRECINCT

87

Tech's Name:

M. BAUMANN

November 7, 2006

First Visit Time:

CLERK =

MARILYN

Checklist:

- ☐ Time & Date Zero Tape was Created
- ☐ Number of Terminals Opened matches the number of Terminals in the Polling Room
- ☐ OPENED Times and Dates are reasonable and Dates are accurate & no units show a closed Time or Date
- ☐ PRECINCT: displays the appropriate precinct
- ☐ All races and contests show ZERO
- ☐ ADA unit has been opened and is on a table ready for use
- ☐ Cell phone has been turned on and is ready to use
- ☐ All iVotronics are plugged in and have been propped up on their stands

Explain any opening problems:

Visit Time:

9:50AM RESET 1 IVOTRONICS MACHINE #0118359

Check here if there was nothing to report ☐

REPLACED SEAL #001730 W/ SEAL #000644

Visit Time:

7:20 PM CLERK REPORTS IV #0118359

Check here if there was nothing to report ☐

IS STILL RECALTRANT. ELECTED NOT TO USE IT UNLESS ABSOLUTELY NECESSARY.

Visit Time:

Check here if there was nothing to report ☐

Visit Time:

Check here if there was nothing to report ☐

ZONE TECH LOG SHEET

PRECINCT 98

Tech's Name: DAVID FOSS

November 7, 2006

DON MARSHALL
941-102-0262

First Visit Time: 8:55

Checklist:

- ☒ Time & Date Zero Tape was Created 7:13:43 11-7-2006
- ☒ Number of Terminals Opened matches the number of Terminals in the Polling Room
- ☒ OPENED Times and Dates are reasonable and Dates are accurate & no units show a closed Time or Date
- ☒ PRECINCT: displays the appropriate precinct
- ☒ All races and contests show ZERO
- ☒ ADA unit has been opened and is on a table ready for use
- ☒ Cell phone has been turned on and is ready to use
- ☒ All iVotronics are plugged in and have been propped up on their stands

Explain any opening problems: _____

Visit Time: 8:55 V115832 TOUCHSCREEN WAS NOT WORKING EFFICIENTLY. WAS REPORTED. Check here if there was nothing to report ☐

Visit Time: 2:38 Check here if there was nothing to report ☒

Visit Time: 4:20 Check here if there was nothing to report ☒

Visit Time: 5:50 Check here if there was nothing to report ☒

ZONE TECH LOG SHEET

PRECINCT

98

Tech's Name:

Polly Clarke

November 7, 2006

BEE RIDGE PARK - LOCKWOOD

WILKINSON

DON

CHERIE

First Visit Time: 9:35

Checklist:

- ☒ Time & Date Zero Tape was Created 7:13 11/07/06
- ☒ Number of Terminals Opened matches the number of Terminals in the Polling Room 12
- ☒ OPENED Times and Dates are reasonable and Dates are accurate & no units show a closed Time or Date
- ☒ PRECINCT: displays the appropriate precinct
- ☒ All races and contests show ZERO
- ☒ ADA unit has been opened and is on a table ready for use
- ☒ Cell phone has been turned on and is ready to use 702-0262
- ☒ All iVotronics are plugged in and have been propped up on their stands

Explain any opening problems: V0115832=C TOUCH SCREEN NOT RESPONDING WELL

UNIT NOT BEING USED

ADA MACHINE NOT PLUGGED IN. RUNNING ON BATTERY ONLY

Visit Time: 3:00 NO NEW EQUIPMENT PROBLEMS

Check here if there was nothing to report ☐

Visit Time: 7:30 DAVE CALLED CLOSED OK

Check here if there was nothing to report ☐

Visit Time: _____

Check here if there was nothing to report ☐

Visit Time: _____

Check here if there was nothing to report ☐

ZONE TECH LOG SHEET

PRECINCT

99

Tech's Name:

J. Winger

November 7, 2006

First Visit Time:

7:45

Checklist:

- ☐ Time & Date Zero Tape was Created
- ☐ Number of Terminals Opened matches the number of Terminals in the Polling Room
- ☐ OPENED Times and Dates are reasonable and Dates are accurate & no units show a closed Time or Date
- ☐ PRECINCT: displays the appropriate precinct
- ☐ All races and contests show ZERO
- ☐ ADA unit has been opened and is on a table ready for use
- ☐ Cell phone has been turned on and is ready to use
- ☐ All iVotronics are plugged in and have been propped up on their stands

Explain any opening problems:

- Could not print zero tape - Printer n.g.d.
 (#201128) SCGN-40048043 Delivered new printer
 to John McKenzie

Visit Time:

10:00

Per text message / Traci

Check here if there was nothing to report ☐

ADA machine difficult to use. Called up ballot
 ran through process w/ Clerk Screen requires
 firm / extended touch to record vote* Contacted
 Tracy to ask about replacement ADA unit.

Visit Time:

12:30

* Difficult for challenged individuals

Check here if there was nothing to report ☒

Visit Time:

1:00

New ADA machine delivered

Check here if there was nothing to report ☐

ADA #

removed from service

ADA #

activated

Printed / posted new zero tape

Visit Time:

report

Slow response screen See 10am

Check here if there was nothing to report ☐

Pct 99

Visit Time: _____

Check here if there was nothing to report ☐

Visit Time: _____

Check here if there was nothing to report ☐

Visit Time: _____

Check here if there was nothing to report ☐

Visit Time: _____

Check here if there was nothing to report ☐

Visit Time: _____

Check here if there was nothing to report ☐

ZONE TECH LOG SHEET

PRECINCT

99

Tech's Name:

Jon McKenzie

November 7, 2006

First Visit Time:

7:13

Checklist:

- ☒ Time & Date Zero Tape was Created \$ 7.50 11/7
- ☒ Number of Terminals Opened matches the number of Terminals in the Polling Room
- ☒ OPENED Times and Dates are reasonable and Dates are accurate & no units show a closed Time or Date
- ☒ PRECINCT: displays the appropriate precinct
- ☒ All races and contests show ZERO
- ☒ ADA unit has been opened and is on a table ready for use
- ☒ Cell phone has been turned on and is ready to use
- ☒ All iVotronics are plugged in and have been propped up on their stands

Explain any opening problems:

Printer malfunction (orange light)
would not print. brought in back up printer
from other ZoneTech

Visit Time:

10:43

got email message on
county phone at 10:34 (delayed)
to look at slow ADA machine
works a little slow but OK

Check here if there was nothing to report ☐

Visit Time:

1:30

Donna Wiegler was here swapping out
ADA machine. Already brought up new
machine + printed zero tape. I assisted
in closing "bad" machine. copy of voucher in pouch.

Check here if there was nothing to report ☐

Visit Time:

6:50

Check here if there was nothing to report ☒

closed OK

Visit Time:

Check here if there was nothing to report ☐

ZONE TECH LOG SHEET

PRECINCT 101

Tech's Name: DAVID FOSS

November 7, 2006

RAY MACAULAY

First Visit Time: 9:50

941-702-9906

Checklist:

- ☒ Time & Date Zero Tape was Created 7:06:51
- ☐ Number of Terminals Opened matches the number of Terminals in the Polling Room
- ☒ OPENED Times and Dates are reasonable and Dates are accurate & no units show a closed Time or Date
- ☒ PRECINCT: displays the appropriate precinct
- ☒ All races and contests show ZERO
- ☒ ADA unit has been opened and is on a table ready for use
- ☒ Cell phone has been turned on and is ready to use
- ☒ All iVotronics are plugged in and have been propped up on their stands

Explain any opening problems: _____

Visit Time: 9:50 V106735 WAS NOT BEING USED Check here if there was nothing to report ☐
DUE TO DIFFICULTY WITH THE TOUCH SCREEN. IT WAS
OPENED AND SOME VOTES RECORDED.

Visit Time: 1:05 V0115748-SCREEN BEGAN Check here if there was nothing to report ☐
FLASHING SHOWING AN INTERFERENCE PATTERN AND VOTER WAS
UNABLE TO CAST VOTE, SCREEN FROZE ON REVIEW SCREEN.
UNPLUGGED FROM POWER AND SCREEN WENT DEAD. REPLUGGED
POWER AND NORMAL OPERATION RESUMED. ORIGINAL VOTER
VOTED ANOTHER MACHINE. TWO MORE VOTERS CAST BALLOTS
WITH NO PROBLEM, UNPLUGGED AND REMOVED IVO. WILL R & R
BATTERY WHEN POLY CLARKE BRINGS IT PER JOHN KENNEDY.
R & R'D BATTERY @ 1:35 PM

Visit Time: 5:05 Check here if there was nothing to report ☒

Visit Time: 6:25 Check here if there was nothing to report ☒

ZONE TECH LOG SHEET

PRECINCT 108

Tech's Name: CHAD BURNUS

November 7, 2006

First Visit Time: 7:45 AM

Checklist:

- ☒ Time & Date Zero Tape was Created 6:33 AM
- ☒ Number of Terminals Opened matches the number of Terminals in the Polling Room
- ☒ OPENED Times and Dates are reasonable and Dates are accurate & no units show a closed Time or Date
- ☒ PRECINCT: displays the appropriate precinct
- ☒ All races and contests show ZERO
- ☒ ADA unit has been opened and is on a table ready for use
- ☒ Cell phone has been turned on and is ready to use
- ☒ All iVotronics are plugged in and have been propped up on their stands

Explain any opening problems: _____

Visit Time: 11:05 AM

Check here if there was nothing to report ☐

NON-SENSITIVE
 MACHINE

VO105061-B

REMOVED FROM SERVICE - PER JOHN KENNEDY
 -CLOSED EARLY-

Visit Time: _____

Check here if there was nothing to report ☐

Visit Time: _____

Check here if there was nothing to report ☐

Visit Time: _____

Check here if there was nothing to report ☐

ZONE TECH LOG SHEET

PRECINCT 116

Tech's Name: CHRIS BURRUS

November 7, 2006

First Visit Time: 6:45 AM

Checklist:

- ☒ Time & Date Zero Tape was Created 6:44
- ☒ Number of Terminals Opened matches the number of Terminals in the Polling Room
- ☒ OPENED Times and Dates are reasonable and Dates are accurate & no units show a closed Time or Date
- ☒ PRECINCT: displays the appropriate precinct
- ☒ All races and contests show ZERO
- ☒ ADA unit has been opened and is on a table ready for use
- ☒ Cell phone has been turned on and is ready to use
- ☒ All iVotronics are plugged in and have been propped up on their stands

Explain any opening problems:

Visit Time: 9:40 am

Check here if there was nothing to report ☒

MACHINE V0106454-B SLOW RESPONSE TO VOTE ~~IN~~ ~~DATA~~
~~GOOD~~ ~~DATA~~ ~~DATA~~
 ONE MACHINE UNPLUGGED - I PLUGGED IT BACK IN - NO PROBLEM

Visit Time: 9:20 pm

Check here if there was nothing to report ☒

Visit Time: 6:35 p.m.

Check here if there was nothing to report ☒

Visit Time: 7:30 pm

Check here if there was nothing to report ☒

POLL WATCHER. ~~UNPLEASANT~~ Jeanne Dunn
 WAS VERY ~~UNPLEASANT~~ WITH ME AND STAFF CURSING AT
 POLL WORKERS. (SML)

ZONE TECH LOG SHEET

PRECINCT 124

Tech's Name: John Kewley

November 7, 2006

First Visit Time: _____

Checklist:

- ☐ Time & Date Zero Tape was Created _____
- ☐ Number of Terminals Opened matches the number of Terminals in the Polling Room
- ☐ OPENED Times and Dates are reasonable and Dates are accurate & no units show a closed Time or Date
- ☐ PRECINCT: displays the appropriate precinct
- ☐ All races and contests show ZERO
- ☐ ADA unit has been opened and is on a table ready for use
- ☐ Cell phone has been turned on and is ready to use
- ☐ All IVotronics are plugged in and have been propped up on their stands

Explain any opening problems: _____

Visit Time: 9:49 J - 0106351-B. Check here if there was nothing to report ☐
Slow screen response
closed IVotronic (4) votes on unit. removed
from line. PE calibrated for BUE issue still
exists.

Visit Time: _____ Check here if there was nothing to report ☐

Visit Time: _____ Check here if there was nothing to report ☐

Visit Time: _____ Check here if there was nothing to report ☐

ZONE TECH LOG SHEET

PRECINCT 124

Tech's Name: JERRY DENNIS

November 7, 2006

First Visit Time: 5:55 AM

Checklist:

- ☒ Time & Date Zero Tape was Created 6:30 AM - 11/7/06
- ☒ Number of Terminals Opened matches the number of Terminals in the Polling Room
- ☒ OPENED Times and Dates are reasonable and Dates are accurate & no units show a closed Time or Date
- ☒ PRECINCT: displays the appropriate precinct
- ☒ All races and contests show ZERO
- ☒ ADA unit has been opened and is on a table ready for use
- ☒ Cell phone has been turned on and is ready to use
- ☒ All iVoltronics are plugged in and have been propped up on their stands

Explain any opening problems: ~~One machine~~ As requested this Precinct
received 2 extra large direction signs which helped greatly
to mark the path for voters around to the back of
the church. Need to always provide these extra signs.

Visit Time: 7:10 AM

Check here if there was nothing to report ☐

One machine (5/WV106351) is requiring excess
pressure on all screens to activate - will try pencil
erasers (need to go buy some pencils) Karen decided
to take machine out of commission instead

Visit Time: 7:38

Check here if there was nothing to report ☐

Observed printing of Totals Tapes

Visit Time: _____

Check here if there was nothing to report ☐

Visit Time: _____

Check here if there was nothing to report ☐