

Butler County Board of Elections

THOMAS W. ELLIS
Chairman

315 High Street, Suite 1050
Hamilton, Ohio 45011-6056

BETTY L. MCGARY
Director

JOHN M. HOLCOMB

JUDITH A. SHELTON

JACK A. ZETTLER

LYNN EDWARD KINCAID
Deputy Director

ECOPY

April 4, 2008

Mr. Dave Byrd, President
Premier Election Solutions
3570 Forest Lake Drive
Uniontown, OH 44685

Dear Mr. Byrd,

We are writing this letter to you by direction of our Board with a copy to Jennifer Brunner, Ohio Secretary of State. The Butler County Board of Elections has discovered a serious problem in the GEMS program provided by Premier Elections Solutions.

On election night, March 4, 2008, during our Unofficial Run, all 1599 memory cards were uploaded properly in our TSX units and tabulated without incident into the GEMS server. We had received Premier's Product Advisory #PAN2008-003 of February 12, 2008, and were in full compliance with the recommended resolutions to the notice regarding "GEMS Intermittently Terminating During Results Uploads." We used twenty Accu Vote-TSX's as recommended, and no more. All of the cards appeared to have uploaded properly, according to Keir Holeman of Premier Election Systems. Mr. Holeman was responsible for verifying the number of uploaded cards vs. the number downloaded and was physically present during the entire uploading procedure.

On Thursday, March 6, while collecting information for the Secretary of State regarding optical scan polling, it was discovered that Memory Card 8 from Lakota Freshman School, was not showing as uploaded, even though nothing seemed out of the ordinary on election night. We attributed the missing card to human error and made note to be certain to include that card in the Official Run. Mr. Holeman was immediately notified that a card was overlooked and it appeared that a card had not been uploaded on election night.

Our Official Run took place on April 1, 2008. Again, all 1599 memory cards were uploaded without incident and the number of uploads were verified by two members of our I.T. staff, as well as by Mr. Phil Schmidt from Premier. The data of Memory Card 8 from Lakota Freshman, previously missing from the Unofficial Run, was now in the report.

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On the evening of April 2, 2008, we discovered the omission of Memory Card 6 when we printed a report to provide data for a certification document required by the Ohio Secretary of State document. Once in the database gathering information for the report, we noticed that the votes cast from Memory Card 6 of Adena Elementary were now missing.

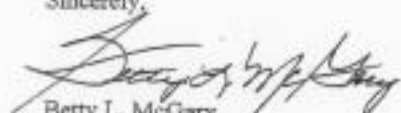
The Board of Elections Systems Manager, Jason Bunch, notified Mr. Holeman of this discovery. Mr. Holeman speculated that the problem could stem from the size of a database being larger than 2 gigs. Mr. Holeman explained that the central count server used for scanning and uploading Absentee and Optical Scan Ballots was taking up too much space in the database and outlined a procedure for backing up, deleting and compressing data before continuing with the uploading of memory cards. He went on to say that Premier was aware of this problem and that they would be issuing a product advisory. To date, we have not received such notification. Mr. Bunch then reviewed the size of our database and found it to be an acceptable size (245mb), causing our office to question Mr. Holeman's conclusion of too large of a database causing the problem.

Mr. Bunch and his colleague, Mary Kay Kowalski, our Database Manager, viewed the posting log of our database. Searching through the file, they located the entry for the missing card, and an error message was found that stated, "a sharing violation has occurred." Simply stated, the card count on election night was 1599, but when the database was reopened, the count was 1598.

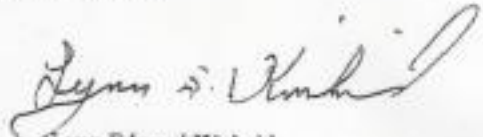
All of this information was shared with our Board yesterday during the Certification of Election Results Meeting. The Board reacted strongly to such distressing news, and requested that we write to you immediately demanding immediate attention to this issue. It is simply unacceptable for errors of this kind to be occurring. A situation of this nature could impact any election. It may appear that every vote has been counted when cards indicate they are being properly uploaded, when in fact votes cast on a memory card(s) are not tabulated in the results.

We wish to commend our excellent staff for detecting this problem and bringing it to the attention of us all. It is unimaginable how serious this situation could have been should the problem be undetected, or ignored. Please issue an immediate reply as to how Premier Election Solutions intends on remedying this situation.

Sincerely,



Betty L. McGary
Director



Lynn Edward Kinkaid
Deputy Director

Cc: Honorable Jennifer Brunner, Secretary of State
Chairman and Members, Butler County Board of Elections