

1 Cindy A. Cohn, Esq. (SBN 145997)  
Wendy Seltzer, Esq.  
2 ELECTRONIC FRONTIER FOUNDATION  
454 Shotwell Street  
3 San Francisco, CA 94110  
Telephone: (415) 436-9333 x108  
4 Facsimile: (415) 436-9993

5 Alan Korn, Esq. (SBN 167933)  
LAW OFFICE OF ALAN KORN  
6 1840 Woolsey Street  
Berkeley, CA 94703  
7 Telephone: (510) 548-7300  
Facsimile: (510) 540-4821

8 Attorneys for Plaintiff  
9 ONLINE POLICY GROUP

10 Jennifer Stisa Granick, Esq. (SBN 168423)  
STANFORD LAW SCHOOL  
11 CYBERLAW CLINIC  
559 Nathan Abbott Way  
12 Stanford, CA 94305-8610  
Telephone: (650) 724-0014  
13 Facsimile: (650) 723-4426

14 Attorneys for Plaintiffs  
NELSON CHU PAVLOSKY and LUKE  
15 THOMAS SMITH

16 **UNITED STATES DISTRICT COURT UNITED STATES DISTRICT COURT**  
17 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

18 ONLINE POLICY GROUP, NELSON CHU )  
PAVLOSKY, and LUKE THOMAS SMITH )

19 )  
20 Plaintiffs, )

21 v. )

22 DIEBOLD, INCORPORATED, and DIEBOLD )  
ELECTION SYSTEMS, INCORPORATED, )

23 )  
24 Defendants. )  
25 )

No. C-03-04913 JF

**SUPPLEMENTAL DECLARATION OF  
BENNY NG**

26 I, Benny Ng, declare under penalty of perjury that the following is true and correct:  
27

28 1. I am Director of Marketing of Hurricane Electric Internet Services.



# **EXHIBIT A**

Subject: Copyright Infringement: Second Notice  
Date: Mon, 17 Nov 2003 04:39:11 -0500  
From: Nancy Reeves <nlr@walkerandjocke.com>  
To: copyright@he.net

November 17 2003

Benny Ng  
copyright@he.net

Re: Copyright Infringement Notification: Second Notice

Mr. Ng,

Please see the attached second notification of infringing activity associated with the Online Policy Group.

Respectfully,

Nancy L. Reeves

--  
--

Walker & Jocke  
<http://www.walkerandjocke.com>

The information contained in this e-mail message is confidential and intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited and will be considered as a tortious interference in our confidential business relationships. If you have received this communication in error, please immediately notify us by telephone at (330) 721-0000 and destroy all copies of the e-mail.

Thank you.

[Attachment]

Ralph E. Jocke  
Patent  
&  
Trademark Law



November 17, 2003

Benny Ng , Marketing Manager  
Hurricane Electric, LLC  
760 Mission Court  
Fremont, CA 94539

[Copyright@he.net](mailto:Copyright@he.net)

**Re: Copyright Infringement: Second Notice**

Dear Mr. Ng:

We represent Diebold, Incorporated and its wholly owned subsidiaries Diebold Election Systems, Inc., and Diebold Election Systems ULC (collectively "Diebold").

On October 21, 2003, you were notified that a web site to which you provide services through the Online Policy Group contained infringing material and/or activity. The Online Policy Group has not terminated the infringing activity by its subscriber, and additional infringing material and information location tools have been added to the web page.

The web site currently contains Diebold Property posted without Diebold's consent, as identified in the first attached chart. In addition, the web site currently contains information location tools that refer or link users to one or more online locations containing Diebold Property, also posted without Diebold's consent, as identified in the second attached chart.

The purpose of this letter is to advise you of the additional infringing activity occurring at a site to which you provide services through the Online Policy Group. Please either assist in terminating the infringing activity or take whatever steps you are required to take pursuant to your 17 U.S.C. 512(i)(1)(A) policy in response to a second notification of infringing activity.

330 • 721 • 0000  
MEDINA

330 • 225 • 1669  
CLEVELAND

330 • 722 • 6446  
FACSIMILE

rej@walkerandjocke.com  
E-MAIL

---

231 South Broadway, Medina, Ohio U.S.A. 44256-2601

Our clients reserve their position insofar as costs and damages caused by the unauthorized reproduction, public display, or distribution of Diebold Property and by the provision of information location tools with respect to online locations engaged in infringing activity with respect to the Diebold Property on the web site identified in the attached charts. Our clients also reserve their right to seek injunctive relief to prevent further unauthorized reproduction, public display, or distribution of Diebold Property or provision of information location tools with respect to online locations engaged in infringing activity with respect to Diebold Property, pending your response to this letter. We suggest you contact your legal advisors to obtain legal advice as to your position.

Very truly yours,

/s/ Ralph E. Jocke

Ralph E. Jocke

INFRINGING MATERIALS POSTED ON:  
<http://www.indybay.org>

Web site/page	Infringing material/activity at site/page
<a href="http://www.indybay.org/news/2003/09/1649419_comment.php">http://www.indybay.org/news/2003/09/1649419_comment.php</a>	<p>The material between the sentence: <i>“Without further commentary, judge for yourself whether Diebold has been following certification requirements:”</i> and the sentence: <i>“(There are dozens more memos like this, and hundreds that document the use of uncertified versions of the voting system, spanning a period from 1999 to 2003).”</i> consists of reproductions of documents which are Diebold Property and which were reproduced, placed on display, and distributed without Diebold’s consent.</p>
<a href="http://www.indybay.org/news/2003/09/1649419_comment.php">http://www.indybay.org/news/2003/09/1649419_comment.php</a>	<p>The material between the phrase: “MEMO EXCERPTS” and the phrase: “LEARN MORE” consists of reproductions of excerpts from the Diebold Property, which are reproduced, placed on public display, and distributed without Diebold’s consent.</p>

INFORMATION LOCATION TOOLS THAT LINK OR REFER USERS TO ONLINE LOCATIONS CONTAINING INFRINGING INFORMATION OR ACTIVITY, WHICH INFORMATION LOCATION TOOLS ARE POSTED AT <http://www.indybay.org>

Web Page/Site	Textual appearance of online location tool	Guidance as to location	Online location containing infringing information or activity
<a href="http://www.indybay.org/news/2003/09/1649419.php">http://www.indybay.org/news/2003/09/1649419.php</a>	<p>Nice Site  Links to Internal Memos  Diebold Memos Posted Here  MS Addition  Current Links to Full Memo Archives  Re: memos Current List Archives  Links down  Permanent mirror URL</p>	<p>In box captioned, "Latest Comments about this Article"</p>	<p><a href="http://www.indybay.org/news/2003/09/1656465_comment.php">http://www.indybay.org/news/2003/09/1656465_comment.php</a>  <a href="http://www.indybay.org/news/2003/09/1656401_comment.php">http://www.indybay.org/news/2003/09/1656401_comment.php</a>  <a href="http://www.indybay.org/news/2003/09/1656052_comment.php">http://www.indybay.org/news/2003/09/1656052_comment.php</a>  <a href="http://www.indybay.org/news/2003/09/1655555_comment.php">http://www.indybay.org/news/2003/09/1655555_comment.php</a>  <a href="http://www.indybay.org/news/2003/09/1654914_comment.php">http://www.indybay.org/news/2003/09/1654914_comment.php</a>  <a href="http://www.indybay.org/news/2003/09/1654775_comment.php">http://www.indybay.org/news/2003/09/1654775_comment.php</a>  <a href="http://www.indybay.org/news/2003/09/1654774_comment.php">http://www.indybay.org/news/2003/09/1654774_comment.php</a>  <a href="http://www.indybay.org/news/2003/09/1654773_comment.php">http://www.indybay.org/news/2003/09/1654773_comment.php</a>  <a href="http://www.indybay.org/news/2003/09/1654738_comment.php">http://www.indybay.org/news/2003/09/1654738_comment.php</a>  <a href="http://www.indybay.org/news/2003/09/1654631_comment.php">http://www.indybay.org/news/2003/09/1654631_comment.php</a>  (Each of the above expands the comment page to show all comments, which comments</p>

			in the expanded page contain numerous hypertext links to online locations containing Diebold Property that were posted without Diebold's.)
--	--	--	--



<p><a href="http://www.indybay.org/news/2003/09/1649419.php">http://www.indybay.org/news/2003/09/1649419.php</a></p>	<p><a href="http://centipede.provocation.net/diebold/">http://centipede.provocation.net/diebold/</a></p>	<p>Following the caption, "Mirroring Frenzy"</p>	<p><a href="http://centipede.provocation.net/diebold/">http://centipede.provocation.net/diebold/</a></p> <p>Contains multiple versions of files containing Diebold Property that were posted without Diebold's consent</p>
<p><a href="http://www.indybay.org/news/2003/09/1649419.php">http://www.indybay.org/news/2003/09/1649419.php</a></p>	<p><a href="http://localh.kicks-ass.org/bbv/">http://localh.kicks-ass.org/bbv/</a></p>	<p>Following the caption, "Yet Another Mirror" and "Update"</p>	<p><a href="http://localh.kicks-ass.org/bbv/">http://localh.kicks-ass.org/bbv/</a></p> <p>Site is asserted to mirror the Diebold Property (lists.tgz.torrent), and also appears to contain Diebold software (GEMISIS) that was posted without Diebold's consent.</p>
<p><a href="http://www.indybay.org/news/2003/09/1649419.php">http://www.indybay.org/news/2003/09/1649419.php</a></p>	<p><a href="http://www.why-war.com/memos/s/lists">http://www.why-war.com/memos/s/lists</a></p> <p>10 links that follow beginning <a href="http://www.why-war.com/memos/s/lists">http://www.why-war.com/memos/s/lists</a></p> <p><a href="http://why-war.com/memos/cgi-bin/search.pl">http://why-war.com/memos/cgi-bin/search.pl</a></p>	<p>Following the caption, "Excerpts"</p>	<p>Each hypertext link refers users to the why-war.com page which, in turn contains numerous hypertext links that link users to online locations containing Diebold Property, posted without Diebold's consent</p>
<p><a href="http://www.indybay.org/news/2003/09/1649419.php">http://www.indybay.org/news/2003/09/1649419.php</a></p>	<p>Electronic civil disobedience</p> <p><a href="http://why-war.com/memos">http://why-war.com/memos</a></p> <p><a href="http://why-war.com/">why-war.com/</a></p>	<p>Following caption, "Permanent link"</p>	<p>Each hypertext link refers or links users to the why-war.com page which, in turn contains numerous links to pages containing Diebold Property, posted without Diebold's consent</p>



<a href="http://www.indyba.com/news/2003/09/1649419.php">http://www.indyba.com/news/2003/09/1649419.php</a>	<a href="http://www.why-war.com/features/2003/10/diebold.html">http://www.why-war.com/features/2003/10/diebold.html</a>  <a href="http://www.why-war.com/memos">http://www.why-war.com/memos</a>  Current Links to FULL Memo Archives	Follows caption, "Current List Archive" and also follows caption, "Current Links to FULL Memo Archives"	Each hypertext link links users to the why-war.com page which, in turn contains numerous links to pages containing Diebold Property, posted without Diebold's consent
<a href="http://www.indyba.com/news/2003/09/1649419.php">http://www.indyba.com/news/2003/09/1649419.php</a>	<a href="http://eddie.ratm.net/johnkimble/lists/lists.tgz">http://eddie.ratm.net/johnkimble/lists/lists.tgz</a>	Follows caption, "Current List Archive" and also follows caption, "Current Links to FULL Memo Archives"	<a href="http://eddie.ratm.net/johnkimble/lists/lists.tgz">http://eddie.ratm.net/johnkimble/lists/lists.tgz</a>  Contains the Diebold Property, posted without Diebold's consent
<a href="http://www.indyba.com/news/2003/09/1649419.php">http://www.indyba.com/news/2003/09/1649419.php</a>	<a href="http://www3.telus.net/swix/list.tar.bz2">http://www3.telus.net/swix/list.tar.bz2</a>	Follows caption, "Current List Archive" and also follows caption, "Current Links to FULL Memo Archives"	<a href="http://www3.telus.net/swix/list.tar.bz2">http://www3.telus.net/swix/list.tar.bz2</a>  Contains the Diebold Property, posted without Diebold's consent
<a href="http://www.indyba.com/news/2003/09/1649419.php">http://www.indyba.com/news/2003/09/1649419.php</a>	<a href="http://suprnova.lagalot.com/torrents/469/lists.tgz(1).torrent">http://suprnova.lagalot.com/torrents/469/lists.tgz(1).torrent</a>	Follows caption, "Current List Archive" and also follows caption, "Current Links to FULL Memo Archives"	<a href="http://suprnova.lagalot.com/torrents/469/lists.tgz(1).torrent">http://suprnova.lagalot.com/torrents/469/lists.tgz(1).torrent</a>  Asserted to contain Diebold's Property. Diebold has not consented to the posting of the Diebold Property at supernova.lagalot.com
<a href="http://www.indyba.com/news/2003/09/1649419.php">http://www.indyba.com/news/2003/09/1649419.php</a>	<a href="http://www.provocation.net/diebold/">http://www.provocation.net/diebold/</a>	Follows caption, "Addition"	<a href="http://www.provocation.net/diebold/">http://www.provocation.net/diebold/</a>  Contains multiple files containing Diebold Property, posted without Diebold's



			consent.
--	--	--	----------

330 • 721 • 0000  
MEDINA

330 • 225 • 1669  
CLEVELAND



330 • 722 • 6446  
FACSIMILE

rej@walkersndjocke.com  
E-MAIL

---

231 South Broadway, Medina, Ohio U.S.A. 44256-2601

## **EXHIBIT B**



sf.indymedia.org



[About Us](#)

[Contact Us](#)

[Subscribe](#)

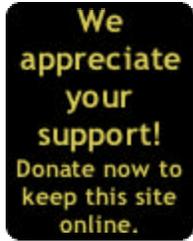
[Calendar](#)

[Publish](#)



[features](#)  
[links](#)  
[donate](#)  
[s/active](#)  
[imc network](#)

[enemy combatant radio](#)



[anti-war feature](#)

[make media](#)  
[participate](#)  
[archives](#)  
[chat](#)

español

Translate

[links](#)  
[donate](#)  
[s/active](#)  
[imc network](#)

[printable version](#) - [email this article](#)

[View article without comments](#)

### Link To The Full Stash Of Diebold Memos...

by Anon. *Monday September 29, 2003 at 09:45 PM*

The following is a link to the incriminating stash of Diebold Election Systems memos... please take copies of this data and redistribute...

<http://www.sentry.nu/s/lists/>

This set of emails has been posted all over the place and shut down all over the place. Webmasters - especially those out of the reach of the DMCA - are encouraged to take a full copy of the memos at the above link.

For background.... the following summary was posed on DU when the Italian set of files was posted...

"In the support link, check out October 2001 for the "alter the audit log in Access" memo, April 2000 for memos that refer to transmitting vote data from optical scan machines by cell phone, April 2002 for a Tab Iredale (senior programmer) memo that urges folks to avoid getting Windows CE certified by anyone, and January 2001 for a memo from Ken Clark (principal engineer) talking about how pointless it is to attempt a recount on a touch screen.

Then, bear in mind that GEMS programs 1.11.14 and 1.17.17 are certified -- and check out how many times they are installing 1.14.xx and 1.15.xx series and using them in elections! (Totally illegal: what this means is the software used in these elections was never looked at by ANYONE except a handful of programmers in Canada.) Pretty much throws the whole certification and testing argument out the window.

There are a few "gems" (pardon the pun) about blaming problems on the customer; one where they find that they upgraded software for the optical scan and now it won't work on some optical scan machines in Virginia. They discuss giving them new optical scans, but decide to instead find a way to blame it on the customer and make them pay for new machines.

Also look for one in Colorado Springs (El Paso County Colorado) where they discuss the fact that they can't pick up a check until they do a demo of what they sold, but they don't have software that does what they sold, so they discuss a way to fake the demo, mentioning they've faked it before...

Boring reading, but productive for anyone who wants to head directly into your attorney general's office and demand that we put a stop to using Diebold optical scan and touch screens."

[www.sentry.nu/s/lists/](http://www.sentry.nu/s/lists/)

[add your comments](#)

### New location

by anon *Monday October 06, 2003 at 02:21 PM*

Diebold keeps knocking these servers down, here's a link - download and mirror!

<http://d176.whartonab.swarthmore.edu/>

or get it directly:

[http://d176.whartonab.swarthmore.edu/diebold\\_internalmemos.pdf](http://d176.whartonab.swarthmore.edu/diebold_internalmemos.pdf)

[add your comments](#)

### Another mirror

by Anonymous *Thursday October 09, 2003 at 10:43 PM*

Another <http://noisebox.cypherpunks.to/~visible/vote/vote.htm> mirror.

[add your comments](#)

[add your comments](#)

**heres**

by some *Tuesday October 14, 2003 at 10:23 AM*

Internal Memos: Diebold Doing End-Runs Around Certification

Friday, 12 September 2003 (PDT)

By Bev Harris – blackboxvoting.org

<http://www.blackboxvoting.com>

\*\*\*\*\*

If certification isn't being done properly, the whole house of cards falls. Below are actual copies of internal Diebold memos which show that uncertified software is being used in elections, and that Diebold programmers intentionally end-run the system.

Quick backgrounder first, scroll down to see the memos.

**BACKGROUND**

Our voting system, which is part of the public commons has recently been privatized. When this happened, the counting of the votes, which must be a public process, subjected to the scrutiny of many eyes of plain old citizens, became a secret.

The computerized systems that register voters, will soon sign voters into the polling place using a digital smart card, record the vote we cast, and tally it are now so secret they are not allowed to be examined by any citizens group, or even by academics like the computer scientists at major universities.

The corporate justification for this secrecy is that these systems adhere to a list of "standards" put out by the Federal Election Commission, and that an "ITA" (Independent Testing Authority) carefully examines the voting system, which is then provided to states for their own certification.

As it turns out, the states typically do not examine the computer code at all, relying instead on a "Logic and Accuracy" test which will not catch fraud and has frequently missed software programming errors that cause the machines to miscount.

A Diebold message board has been used since 1999 to help technicians in the field interact with programmers to solve problems. The contents of this message board were quietly sent to reporters and activists around the world, most likely by a Diebold employee. In a letter to WiredNews, Diebold has acknowledged that these memos are from its own staff message boards.

Without further commentary, judge for yourself whether Diebold has been following certification requirements:

From Nel Finberg, Technical Writer, Diebold Election Systems

(Note: Metamor/Ciber is the ITA assigned to certify the software)

alteration of Audit Log in Access

To: "support"

Subject: alteration of Audit Log in Access

From: "Nel Finberg"

Date: Tue, 16 Oct 2001 23:31:30 -0700

Importance: Normal

Jennifer Price at Metamor (about to be Ciber) has indicated that she can access the GEMS Access database and alter the Audit log without entering a password. What is the position of our development staff on this issue? Can we justify this? Or should this be anathema?

Nel

Reply from Ken Clark, principal engineer for Diebold Election Systems

RE: alteration of Audit Log in Access

To:

Subject: RE: alteration of Audit Log in Access

From: "Ken Clark"

Date: Thu, 18 Oct 2001 09:55:02 -0700

Importance: Normal

In-reply-to:

Its a tough question, and it has a lot to do with perception. Of course everyone knows perception is reality.

Right now you can open GEMS' .mdb file with MS-Access, and alter its contents. That includes the audit log. This isn't anything new. In VTS, you can open the database with progress and do the same. The same would go for anyone else's system using whatever database they are using. Hard drives are read-write entities. You can change their contents.

Now, where the perception comes in is that its right now very \*easy\* to change the contents. Double click the .mdb file. Even technical wizards at Metamor (or Ciber, or whatever) can figure that one out.

Metamor (or Ciber, or whatever) can figure that one out.

It is possible to put a secret password on the .mdb file to prevent Metamor from opening it with Access. I've threatened to put a password on the .mdb before when dealers/customers/support have done stupid things with the GEMS database structure using Access. Being able to end-run the database has admittedly got people out of a bind though. Jane (I think it was Jane) did some fancy footwork on the .mdb file in Gaston recently. I know our dealers do it. King County is famous for it. That's why we've never put a password on the file before.

Note however that even if we put a password on the file, it doesn't really prove much. Someone has to know the password, else how would GEMS open it. So this technically brings us back to square one: the audit log is modifiable by that person at least (read, me). Back to perception though, if you don't bring this up you might skate through Metamor.

There might be some clever crypto techniques to make it even harder to change the log (for me, they guy with the password that is). We're talking big changes here though, and at the moment largely theoretical ones. I'd doubt that any of our competitors are that clever.

By the way, all of this is why Texas gets its sh\*t in a knot over the log printer. Log printers are not read-write, so you don't have the problem. Of course if I were Texas I would be more worried about modifications to our electronic ballots than to our electron logs, but that is another story I guess.

Bottom line on Metamor is to find out what it is going to take to make them happy. You can try the old standard of the NT password gains access to the operating system, and that after that point all bets are off. You have to trust the person with the NT password at least. This is all about Florida, and we have had VTS certified in Florida under the status quo for nearly ten years.

I sense a loosing battle here though. The changes to put a password on the .mdb file are not trivial and probably not even backward compatible, but we'll do it if that is what it is going to take.

Ken

Reply by Nel Finberg

RE: alteration of Audit Log in Access

To:

Subject: RE: alteration of Audit Log in Access

From: "Nel Finberg"

Date: Wed, 17 Oct 2001 14:48:16 -0700

Importance: Normal

Thanks for the response, Ken. For now Metamor accepts the requirement to restrict the server password to authorized staff in the jurisdiction, and that it should be the responsibility of the jurisdiction to restrict knowledge of this password. So no action is necessary in this matter, at this time. Nel

From Tyler to Ken Clark, Diebold Election Systems

Re: Nichols Lab

. To: >.

. Subject: Re: Nichols Lab

. From: "Tyler"

. Date: Mon, 15 Feb 1999 14:04:19 -0600

In point of fact, the user documentation MUST be completed before attempting certification. It is my understanding that the documentation is a certification requirement. I don't know how closely Nichols will scrutinize the documentation, but I wouldn't feel comfortable going forward with certification with what we have for GEMS. Ostensibly, the documentation we submit to Nichols will become the "certified" documentation and we ostensibly shouldn't provide anything but that to customers. But then again, with regards to the entire NASED certification process, I can never quite get a handle on the relationship between "ostensible" and "reality"... :-)

From Ken Clark

RE: AVTS - Diagnostics & Installation

. To: "Support Team (E-mail)"

. Subject: RE: AVTS - Diagnostics & Installation

. From: "Ken Clark"

. Date: Tue, 6 Jul 1999 16:41:56 -0500

. Importance: Normal

> From: [owner-support@gesn.com](mailto:owner-support@gesn.com) On Behalf Of > Juan Rivera

> > I do not feel that it is necessary or desired to do this on each and every > election. We, the manufacturer, are supposed to set the > procedures to follow > for this equipment since we build it.

I hate more than anyone else in the company to bring up a certification issue with this, but a number of jurisdictions require a "system test" before every election. I just helped Knecht yesterday with an RFP from Riverside that required this. That is why the AccuVote displays the silly "\*\*\*System Test Passed\*\*\*" message on boot up instead of "memory test passed", which is all it actually tests.

No argument from me that it is pointless. You could probably get away with a batch file that prints "system test passed" for all I know. We will do something along those lines with the new unit after a memory test or whatever.

Ken

From Ken Clark

RE: Testing sb100 database 1.14.2 (asap please)

. To: "SUPPORT (E-mail)"

. Subject: RE: Testing sb100 database 1.14.2 (asap please)

. From: "Ken Clark"

. Date: Fri, 7 Jan 2000 09:38:52 -0600

. Importance: Normal

> Do you all think it would be a good idea to get Jeff Dean to send us 10 or > so precincts by eight parties with pre-printed test decks from one of the > California sites for Jane to test AccuVote and CC???? If so, > I'll call Jeff > Dean and set up asap.

\*Any\* testing we can do on 1.14 is a good idea. With the risk of sounding alarmist, 1.14 really needs more testing. Even though much of GEMS looks the same from the outside, the guts changed substantially between 1.11 and 1.14. That's why you see all kinds of things completely unrelated to shadow races broken in the early 1.14 releases.

Hats off to everyone posting 1.14 bug reports.

Ken

(The above memo is important because it documents that the "guts" of GEMS 1.14 are substantially changed from the certified version, 1.11 -- it was then used in elections, but according to Diebold's own chart of which versions were certified, version 1.14 was never certified.)

From Steve Knecht

1.14 vs. 1.15 GEMS versions

(uncertified versions used.)

. To: "Global Support"

. Subject: 1.14 vs. 1.15 GEMS versions

. From: "Steve Knecht"

. Date: Fri, 14 Jan 2000 17:10:34 -0800

Is it the intention of development staff that California March election will be run on some version of 1.14 or will we end up in the 1.15 range. Can you comment on the following: Are the changes being made now to 1.15 GEMS things that are in the ballot layout realm, and will not impact ballot processing, or tabulation issues?? In other words, is it possible that changes made from now on will break things we're starting to test, such as memory card up/download, central count, etc. We are beginning testing of 1.14.4 this week. Should we be testing with something else?

I guess a little summary picture of what you expect over the next 3 weeks of testing would be helpful. I'd say we will have to lock down GEMS by mid - February, AVTS ballot station is to go on-line, along with a pollbook function by Feb. 7, but we are supposed to do testing and L&A prior to this. No panic yet, just wondering where we're going to lock some of this down for the March primary.

Here is the related memo from Ken Clark:

Needless to say, the changes were extensive. The paint is still wet, and I expect people will want some tweaks in functionality as well as the obligatory bug fixes. We'll treat the early 1.15 series as "prereleases" for LHS testing so California does not have to suffer. Once 1.15 looks at least as solid as 1.14 though, we'll end the 1.14 branch. 1.14 and earlier Databases will upgrade to 1.15 without harm as usual. People testing 1.14 are encouraged to try out 1.15 to avoid any surprises when they are forced to upgrade.

Ken

(Here is a whole series of odd memos pertaining to how they should handle the inconvenience of an uncertified version number popping up on the screen in Florida)

From Greg Forsythe

Florida Certified Versions

. To: "Support"

. Subject: Florida Certified Versions

. From: "Greg Forsythe"

. Date: Thu, 17 Feb 2000 11:12:02 -0500

. Organization: Global Election Systems, Inc

Just received a call from Beverly Hill, Alachua County. She has a survey form from the state regarding versions and things. She is at the SA screen and the version is 1.92-15. Saturday, Feb. 12 she created a screen test database. This copy has 1.92-14. 1.92-14 is certified, 1.92-15 is not.

SOLUTION REQUIRED! Greg Forsythe

Re: Florida Certified Versions

From Nel Finberg

To:

Subject: Re: Florida Certified Versions

From: "Nel Finberg"

Date: Thu, 17 Feb 2000 09:51:10 -0800

I am currently looking into the problem with Beverly. Nel

From Greg Forsythe

Re: Florida Certified Versions

To:

Subject: Re: Florida Certified Versions

From: "Greg Forsythe"

Date: Thu, 17 Feb 2000 12:55:09 -0500

Organization: Global Election Systems, Inc

References: <007301bf7961\$cda9d030\$cdbb2fd1@greg

Hernando's original database installed with Gunzip shows 1.92-09. Their copy has 1.92-14. It appears that when the database is gunzipped from the original diskette it carries the version from the source. When a copy is made on the customer's computer the version relates to the version the customer's computer programmed for. Solution might be to make the copy the official database showing the correct version. Comments .....

From Nel Finberg

Re: Florida Certified Versions

To:

Subject: Re: Florida Certified Versions

From: "Nel Finberg"

Date: Thu, 17 Feb 2000 10:24:37 -0800

References: <007301bf7961\$cda9d030\$cdbb2fd1@greg

The problem has been fixed. Nel

From Greg Forsythe

Re: Florida Certified Versions

To:

Subject: Re: Florida Certified Versions

From: "Greg Forsythe"

Date: Thu, 17 Feb 2000 13:33:55 -0500

Organization: Global Election Systems, Inc

Well done Nel! How did you fix it? Did you delete the original and use the copy? If the diskettes had been sent in an unzipped format using Number 10, the Restore function in the System Administration Menu, would the database have come up with the version the customer's machine was running the first time and cause no problems? Greg

From Nel Finberg

Re: Florida Certified Versions

To:

Subject: Re: Florida Certified Versions

From: "Nel Finberg"

Date: Thu, 17 Feb 2000 13:13:25 -0800

References:

What we failed to do at the time the date was repaired in Alachua's database (which showed question marks in the date field as a result of being prepared in patch 15) was set the database release file to patch 14. This is what I did this morning as well as set the release files for all of the remaining databases on their system. It should be noted that it could be that a lot of databases were initially set up with earlier versions of VTS, which we should be attentive to, given the stringency of certification in the state. I will clean up release files on the new Florida accounts in the next few days.

Nel

From Nel Finberg

Re: Florida Certified Versions

To:

Subject: Re: Florida Certified Versions

Subject: Re: Florida Certified Versions  
 From: "Nel Finberg"  
 Date: Thu, 17 Feb 2000 10:09:56 -0800  
 (uncertified versions used.)

You are correct. However, Hernando's database should technically have been compiled using patch 14, not patch 9. We do want to make sure that ballots have been successfully tested and memory cards uploaded, particularly given the initial version conflict. It would be a good idea to get rid of the original diskette in order to remove the perception of version conflicts.

Nel

From Nel Finberg

Re: Florida Certified Versions

To:

Subject: Re: Florida Certified Versions

From: "Nel Finberg"

Date: Thu, 17 Feb 2000 10:24:37 -0800

The problem has been fixed. Nel

From Cathi Smothers

GEMS Versions

From: Cathi Smothers [mailto:[csglobal@earthlink.net](mailto:csglobal@earthlink.net)]

Sent: Monday, June 05, 2000 5:02 PM

To: Ken Clark

Okay. Here's a "stupid new employee" question.

I need to get the MN accounts upgraded to 1.16. How do I know which version of GEMS (i.e. 1.16.3, 1.16.4, etc.) to use?

From Ken Clark

RE: GEMS Versions

To:

Subject: RE: GEMS Versions

From: "Ken Clark"

Date: Mon, 5 Jun 2000 18:00:49 -0500

Importance: Normal

In-reply-to:

From: Cathi Smothers [mailto:[csglobal@earthlink.net](mailto:csglobal@earthlink.net)]

Sent: Monday, June 05, 2000 5:02 PM

To: Ken Clark

Hope you don't mind the support list follow up. Certainly not a stupid question, and its worth a post on this topic every once in a while.

Baring any certification issues, the latest stable release is what you want to upgrade accounts to. We always let people know when a release is for testing only in the release announcements. Testing releases are usually 1.X.1.Y releases. For example 1.16.1.1-6 were all testing releases. At some point we conclude that testing is going well, and declare the branch stable. A new testing branch is then opened, and only bug fixes go into the stable branch. Right now 1.16.latest is considered stable, 1.16.4 being the current release by my mail. How stable the stable branch really is has everything to do with how much testing by support it receives.

Its fair to say the nature of this company and business make this process fairly informal, perhaps more so than I would like. Testing releases go out to customers when they shouldn't, and new features get added to stable branches when they shouldn't. It is not entirely undisciplined either though.

Obviously you need to keep an eye on the support and bugtrack lists. Sometimes a bug slips into a stable branch, in which case its better to ship a version you trust, or wait for it to get corrected.

Secondly, does the upgrade simply consist of installing the new executable file or are there other components that need to be installed as well? They are currently using 1.11.8.

There are several components.

The GEMS exe

The ABasic directory and abasic.ini

The Reports directory and reports.ini

Locale.ini

The DLL files shipped on the GEMS CD get updated from time-to-time as well, though not often. Is usually a good idea to order the CD for a long-haul upgrade. Its not really clear whether 1.11->1.14 qualifies as long haul or not. That really depends on your comfort level. There is never any harm in ordering a CD. Other frequently asked questions while I am here:  
 Features are always propagated forward. I suppose one day we might remove a feature, but I've never seen it happen.  
 Baring bugs, artwork and memory cards are still compatible after GEMS upgrade unless there is a big announcement to the contrary. Its only happened once that artwork was incompatible after upgrade, and memory cards have never been incompatible.  
 The database changes between major releases (1.15->1.16) but not minor releases (1.16.1->1.16.2). You can downgrade out of trouble between minor releases, but a major release upgrade is a one way trip.

Ken

From Jeff Hintz

Software for Los Angeles, CA

To: "Support Team (E-mail)"

Subject: Software for Los Angeles, CA

From: "Jeff Hintz"

Date: Thu, 31 Aug 2000 12:31:06 -0500

Importance: Normal

I am going out to LA next week, and I would like to know what software version of Gems & AVTS is being sent out on their equipment. Thanks, Jeff Hintz

(uncertified versions used.)

From Rodney D Turner

RE: Software for Los Angeles, CA

To:

Subject: Re: Software for Los Angeles, CA

From: "Rodney D Turner"

Date: Thu, 31 Aug 2000 13:31:55 -0500

References: <000201c01371\$42bb57a0\$0903a8c0@Jeff

Hi Jeff, I have completed the computer for LA and Alameda. The computer for LA has GEMS 1-16-9 and the AVTS units have 3-13-1-4. The computer for Alameda has GEMS 1-16-10 and GEMS 1-16-9 ( there is a short-cut on the desktop for GEMS 1-16-9) the AVTS units have 3-13-1-4. All of the AVTS units including VIBS, have an OS of Windows NT. Because of NT, you have to remove the floppy from the drive during start-up. If you do not, NT changes the Imation drive from "A" to "D". If you forget to take out the disk from the drive, you have to restart without the disk in the drive to get it back to drive "A". Drop me a line Jeff, if you have any questions, or concerns. Rodney [rodney@gesn.com](mailto:rodney@gesn.com)

From Talbot Iredale

RE: Software for Los Angeles, CA

To:

Subject: Re: Software for Los Angeles, CA

From: "Talbot Iredale"

Date: Thu, 31 Aug 2000 12:03:50 -0700

(uncertified versions used.)

Jeff and Rodney, LA and Alameda will need a revised version of GEMS and maybe BallotStation to support the import/export that they require. I am working on it now but I am certain there will be more changes.

From Larry Dix

RE: Software for Los Angeles, CA

To:

Subject: RE: Software for Los Angeles, CA

From: "Larry Dix"

Date: Thu, 31 Aug 2000 15:41:58 -0500

Importance: Normal

Tab - Would you be willing to venture an outside guess as to when the revised GEMS version will be ready. This really becomes an issue since I need to coordinate staff to be onsite. Is this also the case for Alameda? Coordination of time and staff is everything on these 2 installs. Larry J. Dix Global

Election Systems

From Ken Clark

Re: Gems-1-17-1  
 To:  
 Subject: RE: GEMS-1-17-1  
 From: "Ken Clark"  
 Date: Thu, 31 Aug 2000 17:33:04 -0500  
 Importance: Normal  
 In-reply-to: <058c01c0138a5f76e27e0\$ 1204a8c0@gesn.com>

Is this a "testing" release or not? (Ashamed to ask). I think the hallucinations ought to be resurfacing with Steve already. Ken  
 From Talbot Iredale  
 (uncertified versions used.)

RE: GEMS-1-17-1  
 To:  
 Subject: Re: GEMS-1-17-1  
 From: "Talbot Iredale"  
 Date: Thu, 31 Aug 2000 16:14:23 -0700

References:  
 This is no more of a test release than 1.16.9 was though I would not be surprised if we have to make more changes to fully support LA and Alameda.  
 Tab Re: Software for Los Angeles, CA

To:  
 Subject: Re: Software for Los Angeles, CA  
 From: "Steve Knecht"  
 Date: Fri, 1 Sep 2000 09:10:49 -0700  
 References: <000201c01371\$42bb57a0\$0903a8c0@Jeff>

(uncertified versions used.)  
 Jeff, I think my thread may be out of sync, but discussion with Tab yesterday indicated that you'd be at least at 1.17.1 or higher to provide you with the "import" capability with their database. I believe Rodney / Mike would have to tell you what they loaded onto AVTS. Tab is still working on several programs that may affect what AVTS Rev and GEMS rev we both end up with.

From Tari Runyan  
 1-17-7-5 testing  
 To: "SUPPORT (E-mail)"  
 Subject: 1-17-7-5 testing  
 From: "Tari Runyan"  
 Date: Mon, 23 Oct 2000 08:21:16 -0600

(uncertified versions used.)  
 I have tested this version to the extent I am able - twice even and unless anyone else has discovered anything - i think it can be released to the Ca Counties - Let me know if anyone else has any concerns as I would like to get this out this morning. Thank you  
 (There are dozens more memos like this, and hundreds that document the use of uncertified versions of the voting system, spanning a period from 1999 to 2003.)

#####  
 Bev Harris is author of Black Box Voting: Ballot Tampering In The 21st Century ... See <http://www.blackboxvoting.com/> and it's activist arm <http://www.blackboxvoting.org/>  
 homepage: <http://www.scoop.co.nz/mason/stories/HL0309/S00150.htm>

add a comment on this article  
 Diebold Shuts Down Blackboxvoting.org With Legal Threats 11.Oct.2003 19:56

-----  
 David  
 Diebold Shuts Down Blackboxvoting.org With Legal Threats  
 Posted on Wednesday, September 24 @ 00:55:36 EDT by David

Claiming that links on the hbv.org site were infringing on their copyright. Diebold has temporarily shut the site down

Claiming that links on the bbv.org site were infringing on their copyright, Diebold has temporarily shut the site down.

The issue at question is links to a database of Diebold email provided by an insider that documents Diebold's ongoing campaign of fraud and deception in the design, manufacture and sale of its computer voting machines and software.

Diebold originally objected to emails being posted in their entirety on the bbv.org site. When the material was taken down, Diebold then claimed that links to sites outside the US were infringing their copyright, and the ISP complied with the demand.

This will not stand. We are searching for new home for the site and it will go back up as soon as we can manage it.

[add your comments](#)

**now they are threatening indymedia ISPs**

by we are everywhere *Thursday October 16, 2003 at 10:53 PM*

Diebold is now sending cease and desist letters to ISP's telling them to remove the "infringing" page or site (ie Indymedia) or face the consequences.

Thankfully at least one ISP is refusing and EFF will be defending them.

Keep posting this stuff everywhere. They deserve to be shaking in their boots.

[http://www.eff.org/Legal/ISP\\_liability/20031016\\_eff\\_pr.php](http://www.eff.org/Legal/ISP_liability/20031016_eff_pr.php)

[add your comments](#)

**p2p distribution**

by Osama Bin Kenobi *Friday October 17, 2003 at 03:14 AM*

Distribute the information via p2p, which Diebold can't stop. Then just post links to the files on a webpage. Amazing, isn't it? A legitimate use for p2p!

[add your comments](#)

**Link is down**

by fumphis *Friday October 17, 2003 at 08:16 PM*

Link to incriminating Diebold memos is down!

[add your comments](#)

**Link**

by Scifience *Saturday October 18, 2003 at 05:56 AM*

[webmaster@scifience.net](mailto:webmaster@scifience.net)

I have mirrored the book chapters as well as the memos on my site (read the latest blog posting).

<http://www.scifience.net/>

[scifience.net/](http://www.scifience.net/)

[add your comments](#)

**Oh yeah**

by Scifience *Saturday October 18, 2003 at 05:59 AM*

If anybody has more memos for me to host, email them [webmaster@scifience.net](mailto:webmaster@scifience.net).

[add your comments](#)

**Thanks Google**

by a googler *Saturday October 18, 2003 at 06:46 AM*

<http://makeashorterlink.com/?F21A32146>

The HTML cached version of the PDF file.

[add your comments](#)

**Freenet**

by malverian *Saturday October 18, 2003 at 07:05 AM*

It might be a good idea to try to get this spread on Freenet. In fact.. I think it would be a neat idea to have Indymedia sponsor some kind of decentralized forum as a "back up plan" for the website in the event a case like this ever actually holds merit.

[add your comments](#)

**freenet link**

by the canadian kid *Saturday October 18, 2003 at 07:24 AM*

[robert@soros.ca](mailto:robert@soros.ca)

Unfortunately, and its really too bad, but freenet codebase is undergoing some heavy duty overhauls right now which make it next to impossible to retrieve any data. Maybe within two or three months it'll be back in shape, I'd love to post a freenet key to this data right now but I cant insert anything \*SIGH\*.....

I have several colocated boxes serving in Canada, would I be in any legal difficulties by serving up this document outside of the u.s. ? Seems like a silly question but u.s. power seems to have a grip over most of the world these days... and I'm not interested in incurring the wrath of your glorious leader george bush...

[add your comments](#)

**Canada would be good**

by Chris S. *Saturday October 18, 2003 at 07:36 AM*

However what would be best is for someone who lives outside the US with access to hosting in Europe to mirror the BBV stuff.

Ideally you want to make sure that nobody between the host and the transatlantic connection is subject to pressure from the US side (ie no US owned providers). For this reason a host on an European academic network would be best.

[add your comments](#)

**Yet another mirror**

by Etaoin Shrdlu *Saturday October 18, 2003 at 09:35 AM*

[etaoin.shrdlu@+REMOVE+sympatico.ca+REMOVE+](mailto:etaoin.shrdlu@+REMOVE+sympatico.ca+REMOVE+)

As my mother said, "mirror early, mirror often".

<http://emdx.org/r.php?U=BBV>

Note to Diebold drones: this is out of reach of the DMCA, so your legal threats will be posted there for all to enjoy.

[add your comments](#)

**Full PDF Mirrored**

by Scifience *Saturday October 18, 2003 at 11:01 AM*

[webmaster@scifience.net](mailto:webmaster@scifience.net)

I have mirrored the full PDF as an HTML file on my site:

<http://www.scifience.net/>

Tell everyone to read this; it is important!

[add your comments](#)

**Another mirror**

by Tal Rotbart *Saturday October 18, 2003 at 11:46 AM*

[tal@+.REMOVE.+netbox+.NO.+com+.SPAM.+](mailto:tal@+.REMOVE.+netbox+.NO.+com+.SPAM.+)

The mirror is at:

<http://opium.mine.nu/bbv/>

Please be gentle, this is hosted on my home PC...

Note: This is outside the jurisdiction of the DMCA.

[opium.mine.nu/bbv/](http://opium.mine.nu/bbv/)

[add your comments](#)

**Another mirror of BBV**

by Tal Rotbart *Saturday October 18, 2003 at 12:02 PM*

[tal@+no-spam+netbox+.no-spam.+com](mailto:tal@+no-spam+netbox+.no-spam.+com)

Mirror is at:

<http://opium.mine.nu/bbv/>

Please be gentle, this is my home PC.

Note: This is outside the jurisdiction of the DMCA.

[opium.mine.nu/bbv/](http://opium.mine.nu/bbv/)

[add your comments](#)

**A**

by p2phacker *Saturday October 18, 2003 at 03:40 PM*

Or get it from GUNet (censorship resistant, anonymous P2P):

In a directory:

gnunet://4A198E200E74FE93A5DFC9F8AD9F0B582F72542E.F3798FD9096BAF03035AD0A3F3DC6E982FD817DE.3B459249.11264

The individual files:

- gnunet://afs/AAED8C5710C2EF2444CBC673F46C823B26A24D52.82EE8483195F3209F9F3F56266FC81A54CE746B2.4125BA59.66591
- gnunet://afs/B51F4ED6A30B9A346D76C4479AE99A66391F9988.3423BA9B003815E6B51A14C88C778A9E8A073C71.B7C8C8CE.124306
- gnunet://afs/88692BC9C3A676F9469FF22FDE88EBEC8FF03A93.186C49059BC7B978088FB601E627B9F60FF13798.D80FD279.86760
- gnunet://afs/7FD7CB6AAA09BC02A890014F071C35A69A97A3AE.4B72370837E8F79682A2DCB2A3C0230FE5039FF3.F38A2578.124819
- gnunet://afs/41897B18ED53327654C9B719C760E21D934C916E.83A9E421CB41C32440C4B18D6A3D613787C99C6E.952AD56F.82380
- gnunet://afs/11A14F89922EC87D522F9DE10F35834851BA1496.F2E40FD038D33CEDDB7A86C41744F6FA2C9DD41.8FF058FB.141494
- gnunet://afs/10463B4D39FDC072E63C616DE9C8570F818C6027.097ECB706B609BE27BE119F7111434AF0FA096D3.70796C47.239234
- gnunet://afs/4248B16C4DD9F044077D3D17E0BB2AFC0C810A1C.0B5337D7A66E8FE59AE018542687E7924CCF513C.111D3739.67304
- gnunet://afs/42CBF0FD6555CD921C994449BD85EE4DFEBD680A.D4C5533D682F73E4A309E8F0B18F149E8E775D80.8DAD3C48.123125

[add your comments](#)

**Mirroring frenzy**

by Zenon Panoussis *Saturday October 18, 2003 at 04:55 PM*

[oracle@provocation.net](mailto:oracle@provocation.net)

Mirror galore. Ralph E. Joke, don't bother with meaningless cease & desists. If you really mean it, then sue.

[centipede.provocation.net/diebold/](http://centipede.provocation.net/diebold/)

[add your comments](#)

**anon**

by anon *Saturday October 18, 2003 at 05:32 PM*

the pdf of diebold's memos is incomplete. a full version will be released shortly - watch this page for updates.

[add your comments](#)

**P2P links for Black Box Voting**

by another netizen against private voting scheme *Saturday October 18, 2003 at 10:51 PM*

For those who have compatible P2P applications, the nine (9) PDF'ed chapters of Black Box Voting are available in a single zip file using the following URNs (Universal Resource Names):

sha1:NT4AUG3JQE7PA2ADB2LV62WSVKBWBOF3

tree:tiger/:NL6OKRPRRRW2ZAWDNW15J63CBTCYWYXU6IYRWNA

md5:6eb03f2948c6f4f9d361a539bcd6d192

ed2k:332926740e45ece69dd13884335648de

Obligatory leading text:

"If you would like to support the author and publisher of this work, please go to <http://www.blackboxvoting.com/support.htm>"

"This book is available for purchase in paperback from Plan Nine Publishing, <http://www.plan9.org>."

Enjoy!

[add your comments](#)

**Yet Another Mirror**

by LocalH *Sunday October 19, 2003 at 06:42 AM*

<http://localh.kicks-ass.org/bbv/>

May go down at any time, and it's on a slow-ass link (16KB/s upstream). But it's yet another mirror, and if I get 1 hit in my logs, then I've achieved what I want to.

[add your comments](#)

**Bittorrent**

by anonymous *Sunday October 19, 2003 at 06:52 AM*

HOLY crap.. you guys are all living in the past have any of you ever heard of bittorent "google it frig!

NO need to do any silly mirroring.. its dam well almost none stopable.. start mirroring a .torrent file

the tech is so cool the more people that want the file the faster your download goes. so take a directory of the content and make a .torrent end of story

.. oh and tell people to leave there downloads running even after they are done.. or to re-download (it will just spawn a seeD!)

[add your comments](#)

**Update**

by LocalH *Sunday October 19, 2003 at 09:59 AM*

<http://localh.kicks-ass.org/bbv/>

I've switched over to BitTorrent. Anyone who was getting the direct downloads can finish, once they have (or decide to cancel), and my bandwidth opens back up, I'll seed the torrents.

[add your comments](#)

**New Mirror**

by anon *Sunday October 19, 2003 at 10:30 PM*

Here:

<http://d125.wortha.swarthmore.edu/>

[add your comments](#)

**narc on the list! " Officer Anon"**

by narc on the list! " Officer Anon" *Monday October 20, 2003 at 12:02 AM*

Officer Anon is back to see if we are plotting against the system! WATCH WHAT YOU SAY, IT MAY BE USED AGAINST YOU IN THE COURT OF HOME LAND SECURITY!

[add your comments](#)

**Ironic**

by LocalH *Monday October 20, 2003 at 09:06 AM*

It's ironic how exposing FLAWS in the electronic voting system that will eventually be the cornerstone of our democracy, and we have to worry about the gov't coming down on us.

Only in America...

[add your comments](#)

**Mirror, mirror...**

by whowhere *Monday October 20, 2003 at 12:48 PM*

It is my understanding that a ".to" domain purchased directly from the Kingdom of Tonga, not the US rep., is immune to any form of forced disclosure because of the laws of Tonga about internet privacy.

This should be investigated and a brief tutorial posted for all to use in the future because more and more we will see cases like the RIAA and Diebold that we need the protection against their deep pocket lawyers.

[add your comments](#)

**Grand Poobah**

by Anonymous *Monday October 20, 2003 at 08:57 PM*

Reading these mails, I'm struck by how banal they are. These guys are treating their machines and software just like any systems house would.

Rushing bugfixes to the field, "managing customer perceptions," it's all S.O.P. in the systems biz. Only, these aren't just any old systems. They are the mechanisms of Democracy in America. Business as usual just. will. not. do!

Kudos to the brave webmasters defying the blunt instrument of legal threat! And particular props to whoever let the cat out of the bag in the first place!

[add your comments](#)

**Excerpts**

by anon *Tuesday October 21 2003 at 01:52 PM*

by anon Tuesday October 21, 2003 at 01:52 PM

#### THE MEMOS

Read the diebold memos:

<http://why-war.com/memos/s/lists/>

Search the diebold memos:

<http://why-war.com/memos/cgi-bin/search.pl>

#### MEMO EXCERPTS

"Elections are not rocket science. Why is it so hard to get things right! I have never been at any other company that has been so miss [sic] managed."  
source: <http://why-war.com/memos/s/lists/announce.w3archive/200110/msg00002.html>

"I have become increasingly concerned about the apparent lack of concern over the practice of writing contracts to provide products and services which do not exist and then attempting to build these items on an unreasonable timetable with no written plan, little to no time for testing, and minimal resources. It also seems to be an accepted practice to exaggerate our progress and functionality to our customers and ourselves then make excuses at delivery time when these products and services do not meet expectations."  
source: <http://why-war.com/memos/s/lists/announce.w3archive/200110/msg00001.html>

"I feel that over the next year, if the current management team stays in place, the Global [Election Management System] working environment will continue to be a chaotic mess. Global management has and will be doing the best to keep their jobs at the expense of employees. Unrealistic goals will be placed on current employees, they will fail to achieve them. If Diebold wants to keep things the same for the time being, this will only compound an already dysfunctional company. Due to the lack of leadership, vision, and self-preserving nature of the current management, the future growth of this company will continue to stagnate until change comes."  
source: <http://why-war.com/memos/s/lists/announce.w3archive/200112/msg00007.html>

"[T]he bugzilla historic data recovery process is complete. Some bugs were irrecoverably lost and they will have to be re-found and re-submitted, but overall the loss was relatively minor."  
source: <http://why-war.com/memos/s/lists/support.w3archive/200207/msg00090.html>

"28 of 114 or about 1 in 4 precincts called in this AM with either memory card issues "please re-insert", units that wouldn't take ballots - even after recycling power, or units that needed to be recycled. We returned 7 memory cards, 4 of which we didn't need to, but they were far enough away that we didn't know what we'd find when we got there (bad rover communication)."  
source: <http://why-war.com/memos/s/lists/support.w3archive/200003/msg00034.html>

"If voting could really change things, it would be illegal."  
source: <http://why-war.com/memos/s/lists/support.w3archive/200009/msg00109.html>

"I need some answers! Our department is being audited by the County. I have been waiting for someone to give me an explanation as to why Precinct 216 gave Al Gore a minus 16022 when it was uploaded. Will someone please explain this so that I have the information to give the auditor instead of standing here "looking dumb"."  
source: <http://why-war.com/memos/s/lists/support.w3archive/200101/msg00068.html>

"[...] while reading some of Paranoid Bev's scribbling."  
source: <http://why-war.com/memos/s/lists/support.w3archive/200302/msg00069.html>

"Johnson County, KS will be doing Central Count for their mail in ballots. They will also be processing these ballots in advance of the closing of polls on election day. They would like to log into the Audit Log an entry for Previewing any Election Total Reports. They need this, to prove to the media, as well as, any candidates & lawyers, that they did not view or print any Election Results before the Polls closed. \*\*\*However, if there is a way that we can disable the reporting functionality, that would be even better.\*\*\*" (emphasis added)  
source: <http://why-war.com/memos/s/lists/rcr.w3archive/200202/msg00051.html>

"4K Smart cards which had never been previously programmed are being recognized by the Card Manager as manager cards. When a virgin card from CardLogix is inserted into a Sovrus (have tried CM-0-2-9 and CM-1-1-1) the prompt "Upgrade Mgr Card?" is displayed. Pressing the ENTER key

CardLogix is inserted into a Spyrus (have tried CM-0-2-9 and CM-1-1-1) the prompt "Upgrade Mgr Card?" is displayed. Pressing the ENTER key creates a valid manager card. This happens in Admin mode and Election mode."

source: <http://why-war.com/memos/s/lists/bugtrack.w3archive/200201/msg00025.html>

LEARN MORE

<http://www.why-war.com/features/2003/10/diebold.html>

[add your comments](#)

**Permanent mirror URL**

by Why War? *Tuesday October 21, 2003 at 07:39 PM*

[media@why-war.com](mailto:media@why-war.com)

Throughout Why War's campaign of [electronic civil disobedience](#), we will maintain a permanent mirror URL at:

<http://why-war.com/memos/>

If the memos are moved to a different server, this URL will redirect you to the new site.

[why-war.com/](http://why-war.com/)

[add your comments](#)

**links down**

by k anderberg *Wednesday October 22, 2003 at 11:11 AM*

[sheelanagig@Juno.com](mailto:sheelanagig@Juno.com)

Interesting that slashdot and now your links to the memos are down too, good thing mirrors were taken immediately...

[add your comments](#)

**Current List Archive**

by anon *Wednesday October 22, 2003 at 03:47 PM*

See <http://www.why-war.com/features/2003/10/diebold.html> for links at the top to current archives. They are at:

<http://eddie.ratm.net/johnkimble/lists/lists.tgz>

-and-

<http://www3.telus.net/swix/list.tar.bz2>

BitTorrent is better, it can be found at:

[http://suprnova.lagalot.com/torrents/469/lists.tgz\(1\).torrent](http://suprnova.lagalot.com/torrents/469/lists.tgz(1).torrent)

Current link to archives is always at:

<http://www.why-war.com/memos/>

I am not affiliated with why-war.com.

[add your comments](#)

**re: memos**

by anon *Wednesday October 22, 2003 at 03:47 PM*

If the FULL set of memos are 103,854,080 bytes in size un-compressed then I have them. As i am currently living down-under i should be able to provide a download mirror, maybe thru..... i don't know

[add your comments](#)

**Current Links to FULL Memo Archives**

by anonymous *Wednesday October 22, 2003 at 03:52 PM*

See <http://www.why-war.com/features/2003/10/diebold.html> for links at the top to current archives. They are at:

<http://eddie.ratm.net/johnkimble/lists/lists.tgz>

-and-

<http://www3.telus.net/swix/list.tar.bz2>

BitTorrent is better, it can be found at:

[http://suprnova.lagalot.com/torrents/469/lists.tgz\(1\).torrent](http://suprnova.lagalot.com/torrents/469/lists.tgz(1).torrent)

Current link to archives is always at:

<http://www.why-war.com/memos/>

The "open source" (free) chapters for black box voting are located at:

<http://centipede.provocation.net/diebold/>

-and-

<http://scifience.net/bbv/>

I am not affiliated with why-war.com or either of the above mirrors.

Cheers!

[add your comments](#)

**Addition**

by Zenon Panoussis *Thursday October 23, 2003 at 08:57 AM*

The archive at <http://centipede.provocation.net/diebold/> now carries the memos too. A full-text search is available at <http://www.provocation.net/diebold/>, but it rejects Internet Explorer (use any other browser).

[add your comments](#)

**ms**

by sharon johnson *Sunday October 26, 2003 at 04:44 PM*

message error 404 when trying to access link to memo

[add your comments](#)

**Diebold Memos Posted here**

by Tocque Deville *Wednesday October 29, 2003 at 12:14 AM*

Get em while their up...

[americanassembler.com](http://americanassembler.com)

[add your comments](#)

**Links to internal memos**

by northern guy *Thursday October 30, 2003 at 06:39 PM*

I listened to the story on the internal memos of Diebold and thought I would read them but all links are turned off.

More lies.

Hey Dude where's my country.

[add your comments](#)

**Nice site**

by Green *Friday October 31, 2003 at 12:13 AM*

Aside from the memo info I was glad to see the other info on there, debunking of Posner, also, from what I skimmed.

[add your comments](#)

**IMC Network:** [www.indymedia.org](http://www.indymedia.org) **africa:** [ambazonia](#) [nigeria](#) [south africa](#) **canada:** [alberta](#) [hamilton](#) [maritimes](#) [montreal](#) [ontario](#) [ottawa](#) [quebec](#) [thunder bay](#) [vancouver](#) [victoria](#) [windsor](#) **east asia:** [japan](#) **europa:** [andorra](#) [athens](#) [austria](#) [barcelona](#) [belgium](#) [belgrade](#) [bristol](#) [cyprus](#) [estrecho / madiag](#) [euskal herria](#) [galiza](#) [germany](#) [hungary](#) [ireland](#) [istanbul](#) [italy](#) [liege](#) [lille](#) [madrid](#) [nantes](#) [netherlands](#) [nice](#) [norway](#) [paris](#) [poland](#) [portugal](#) [prague](#) [russia](#) [sweden](#) [switzerland](#) [thessaloniki](#) [united kingdom](#) [west vlaanderen](#) **latin america:** [argentina](#) [bolivia](#) [brasil](#) [chiapas](#) [chile](#) [colombia](#) [ecuador](#) [mexico](#) [peru](#) [puerto rico](#) [gollasvuvu](#) [rosario](#) [sonora](#) [tijuana](#) [guaymas](#) **oceania:** [adelaide](#) [aotearoa](#) [brisbane](#) [jakarta](#) [manila](#) [melbourne](#) [perth](#) [sydney](#) **south asia:** [india](#) [mumbai](#) **united states:** [arizona](#) [arkansas](#) [atlanta](#) [austin](#) [baltimore](#) [boston](#) [buffalo](#) [chicago](#) [cleveland](#) [danbury, ct](#) [dc](#) [hawaii](#) [houston](#) [idaho](#) [ithaca](#) [la madison](#) [maine](#) [michigan](#) [milwaukee](#) [minneapolis/st. paul](#) [new jersey](#) [new mexico](#) [new orleans](#) [north carolina](#) [north texas](#) [ny capital nyc](#) [oklahoma](#) [philadelphia](#) [pittsburgh](#) [portland](#) [richmond](#) [rochester](#) [rocky mountain](#) [rogue valley](#) [sandiego](#) [san francisco bay area](#) [santa cruz, ca](#) [seattle](#) [st louis](#) [tallahassee](#) [red hills](#) [tennessee](#) [urbana-champaign](#) [utah](#) [vermont](#) [western mass](#) **west asia:** [beirut](#) [israel](#) [palestine](#) **process:** [discussion](#) [fbi/legal updates](#) [indymedia faq](#) [mailing lists](#) [process & imc docs](#) [tech](#) [volunteer](#) **projects:** [climate](#) [oceania](#) [print](#) [radio](#) [satellite](#) [tv](#) [video](#)

© 2000-2003 San Francisco Bay Area IMC. Unless otherwise stated by the author, all content is free for non-commercial reuse, reprint, and rebroadcast, on the net and elsewhere. Opinions are those of the contributors and are not necessarily endorsed by the San Francisco Bay Area IMC. [Disclaimer](#) | [Privacy](#)