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www.VelvetRevolution.us

October 5, 2009

Attorney General Edmund G. Brown, Jr.  
Office of the Attorney General  
Public Inquiry Unit  
Via Fax: (916) 323-5341

Dear Attorney General Brown:

VelvetRevolution.us, a nonprofit group dedicated to election integrity, justice, and government accountability, is calling upon you to **launch an immediate and comprehensive criminal investigation into the knowing use and sale of faulty election systems** to California by Diebold/Premier Elections Solutions. These systems have played a key role in undermining the state's elections, as the company has knowingly and fraudulently sold equipment to the state which fails to meet federal voting system standards and, thus, California standards as well.

We have also called upon Diebold/Premier to **refund to California** all of the money the state has paid for its failed and faulty voting systems, **over \$100 million**, following Secretary of State Bowen's recent decertification of just one of their systems. We hope she will similar decertify all of the others which also fail to meet legal state and federal standards.

Unless Diebold/Premier, within 90 days, issues a full refund to California, we call on you, on behalf of the State of California, to **investigate and, as appropriate, file suit against Diebold/Premier seeking the return of funds for breach of contract and fraud.**

Hundreds of people have already joined Velvet Revolution in our call, which includes third item: the need for Secretary of State Debra Bowen to decertify all of Diebold's systems and prohibit the company from further involvement in California's elections.

Diebold/Premier is not the only electronic voting system vendor plaguing California's elections, of course. But the company currently presents the most glaring irregularities and illegalities, as evidenced by the findings of Secretary of State Debra Bowen's March 2 report to the Election Assistance Commission, "Concerning Errors and Deficiencies in Diebold/Premier GEMS Version 1.18.19." ([http://www.sos.ca.gov/elections/voting\\_systems/sos-humboldt-report-to-eac-03-02-09.pdf](http://www.sos.ca.gov/elections/voting_systems/sos-humboldt-report-to-eac-03-02-09.pdf)) In the public hearings conducted upon the release of this report, Diebold's spokesperson admitted that all versions of their software fail to record ballot deletions! (See <http://www.bradblog.com/?p=6995>.) Diebold has admittedly been aware of fatal flaws in their systems for years. These systems do not meet federal certification

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guidelines and never should have been certified nor used in the state. Diebold's voting systems each do some or all of the following:

- delete ballots without notice
- allow the "permanent" audit log records to be deleted
- fail to properly record deletion of ballots
- insert incorrect time stamps on audit log items.

The people of California are counting on you to hold Diebold/Premier accountable for its fraudulent business practices that have had and continue to have a devastating effect on our democracy. Velvet Revolution is calling upon you to add power to our demand for a refund by making clear your intent to take legal action should the company not comply. Additionally, we are requesting that your office embark on an immediate and thorough criminal investigation of this company.

We would like to update our members on your plans in relation to Diebold's future and the refund due to California. Please let us know how you will proceed. We would be happy to provide further documentation upon request.

Sincerely,

Emily Levy  
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