

Robert L. Schulz
2458 Ridge Road
Queensbury, NY 12804

June 16, 2009

Paul M. Collins
Deputy Special Counsel
State Board of Elections
40 Steuben Street
Albany, NY 12207

Re: Schulz et al., v. State of New York, et al.
Case number 07-943

Dear Mr. Collins:

This exchange supplements the Rule 26 (a) information provided to you on June 15, 2009.

The following individuals would have access to:

1. Historical records of ELECTION SYSTEM MALFUNCTIONS (instances in which the testing or examination of the election system revealed that reported aggregates and tallies of the votes were inaccurate or otherwise affect reported election results).
2. Historical records of MEMORY CARD MALFUNCTIONS (instances in which votes tabulated by scanners and stored on memory cards inside the scanners could not be retrieved, the data was incorrect, card readers malfunctioned, the memory card became full and the scanner then rejected all ballots, The vote totals and aggregates on the memory card differed from other vote totals and aggregates recorded in other memory or on other media, etc.).
3. Historical records of FAILURE TO CONFORM TO APPLICABLE STANDARDS for voting systems.
4. Historical records of how discovered violations to conform to applicable standards for voting systems were CORRECTED.
5. Historical records of defects uncovered during testing performed to qualify or to certify the voting system examined (Records include any electronic record, emails or other correspondences regarding the discovery of defects, the description of the problem, the repairs of the defect, the methods used to test the defect repair, and the test results record).

INDEPENDENT TESTING LABS AND CONSULTANTS

WYLIE LABS – NASED APPROVED INDEPENDENT TEST AUTHORITY (ITA)

Wyle Laboratories, Inc,
7800 Highway 20 West
Huntsville, Alabama 35806
phone (256) 837-4411

Shaw Southworth, Tester
Jim Dearborn, Tester
Joe Hazeltine, Tester
Wendy Owens, Project Engineer
Lance Phares, Q.A. Manager
A.J. Louis, Senior Project Engineer
Brenda Brooks, Project Engineer
Raul F. Terceno, Q.A. Manager

CIBER, INC. – NASED APPROVED INDEPENDENT TEST AUTHORITY (ITA)

Mac J. Slingerland, President & CEO,
CIBER, Inc
7501 South Memorial Parkway
Suite 107
Huntsville, AL 35802
PH: 256-882-6900
FAX: 256-882-9905

Ms. Kelly A. Rohacek, NVLAP Contact
CIBER, Inc
7800 Madison Blvd.
Suite 206
Huntsville, AL 35806-2049
Phone: 256-895-2521
E-Mail: krohacek@ciber.com
<http://ts.nist.gov/standards/scopes/2007760.htm>

SYSTEST, INC – NASED APPROVED INDEPENDENT TEST AUTHORITY (ITA)

Ms. Traci Mapps, Current Head of Voting System Testing
Systest, Inc
216 16th Street, Suite 700
Denver, CO 80202-5115
Phone: 303-575-6881 Fax: 303-575-6882

Carol Coggins, Past Head of Voting System Testing
iBeta Quality Assurance
3131 S. Vaughn Way, Suite 650
Aurora, CO 80014-3511
Phone: 303-627-1110 x122
Fax: 303-627-1233

NASED VOTING SYSTEMS BOARD:

Thomas Wilkey, NASED VSB Chairman
The Election Assistance Commission
1225 New York Avenue, NW
Phone: 518-339-4818
Washington, DC 20005
Phone: 202-566-3100
Fax: 202-566-3127

Britt Williams, NASED VSB technical sub-committee
Kennesaw State University • Center for Election Systems
1000 Chastain Road,
MB# 5700
Kennesaw, GA 30144
770-423-6900

Steven Freeman, NASED VSB technical sub-committee
Freeman, Craft, McGregor Group
Post Office Box 1716
Tallahassee, Florida 32301-1716

Paul Craft, NASED VSB technical sub-committee
Freeman, Craft, McGregor Group
Post Office Box 1716
Tallahassee, Florida 32301-1716

Brian Hancock, NASED VSB Secretariat
The Election Assistance Commission
1225 New York Avenue, NW
Phone: 518-339-4818
Washington, DC 20005
Phone: 202-566-3100
Fax: 202-566-3127

R. Doug Lewis, NASED VSB Secretariat

The Election Center,
12543 Westella,
Suite 100,
Houston, TX 77077-3929
Phone: 281-293-0101
electioncent@pdq.net

Sandra Steinbach, Chairperson Voting Systems Standards Board

[Kate McGregor](#), Test Consultant for Voting Systems, State of California

[Freeman, Craft, McGregor Group](#)

Post Office Box 1716
Tallahassee, Florida 32301-1716

KENESAW STATE UNIVERSITY (in charge of testing and programming Georgia voting systems)

[Merle King](#), Executive Director of the Center for Election Systems

Kennesaw State University • Center for Election Systems

1000 Chastain Road,

MB# 5700

Kennesaw, GA 30144

770-423-6900

[Michael Ian Shamos](#), Head of voting system testing in Pennsylvania

Statutory Examiner for electronic voting,

Commonwealth of Pennsylvania (1980-1996)

Consultant to the Pennsylvania of the Commonwealth of Pennsylvania (2004-)

Carnegie Mellon University

5000 Forbes Avenue

Pittsburgh, PA 15213

The following individuals would have access to the defect tracking “BUG REPORTS” (information on how their systems have failed in the field).

SEQUOIA VOTING SYSTEMS,

Sequoia Voting System

767 Oakport St.

Oakland, CA 94621

Patrick Holm, Integrity Product Manager

Christina Rehfuss, Support Manager

Ed Bernosky, Senior Software Developer

Daniel Mohl, Software Developer

Karen Webster, Product Specialist

Lisa Flanagan, Product Specialist

Dennis Shaffer, Product Specialist

Tiffinie Bosarge, Product Specialist

Eric Alkema, Product Specialist

Gerald Gonzales, Product Specialist (his personal 100+ hour weeks- allowed the 2004 primary and general elections in those states to succeed.)

PREMIER VOTING SYSTEM (AKA DIEBOLD)

P.O. Box 1019.
Allen, TX. 75013.
(469) 675-8990

Ian S. Piper, Compliance Manager
Jeff Dean, Senior programmer
Talbot Iredale, Head of Development

Voting System Vendors unhappy with the NASED test process (Disgruntled)
Populex

Sanford Morganstein, President
420 B Airport Road
Elgin, IL 60123
Phone: 877-767-8539

Accupoll (now bankrupt)

William E. Nixon, President and chief executive
4440 Von Karman Avenue
Suite 125
Newport Beach, CA

Voting Technologies International – VTI (now bankrupt)

Anthony Boldin, President
757 N Broadway
Milwaukee, WI 53202
Phone 414-431-0180

The following individuals would have access to information regarding the usability (human interface) issue of the voting systems. Usability speaks directly to the criteria of frustration and confusion.

Paul Herrnson:

Director, Center for American Politics and Citizenship
Professor, Government and Politics, University of Maryland
<http://www.bsos.umd.edu/gvpt/herrnson/>
http://www.capc.umd.edu/rpts/VotingTech_par.html

"Voting Technology: The Not-So-Simple Act of Casting a Ballot"

Paul S. Herrnson, Richard G. Niemi, Michael J. Hanmer, Benjamin B. Bederson and Frederick C. Conrad,

Brookings Institution Press 2008 c. 215pp.

<http://www.brookings.edu/press/Books/2007/votingtechnology.aspx>

Noel Runyan:

Over thirty-six years experience with microprocessors, digital logic, analog circuits, speech output, systems architecture, human interface design, and development of access technology for persons with disabilities. Extensive development and application of speech and braille interface technologies.

He wrote "IMPROVING ACCESS TO VOTING: A Report on the Technology for Accessible Voting Systems" found at http://www.votetrustusa.org/pdfs/improving_access.pdf
A review on VoteTrustUSA stated:

"Direct Recording Electronic (DRE) voting machines, once considered essential to ensuring private and independent voting booth access for voters with disabilities, often do not work as promised, according to a new report published today. Authored by access technology expert Noel Runyan and published by election reform groups Demos and Voter Action, "Improving Access to Voting: A Report on the Technology for Accessible Voting Systems" shows that, due to inadequate or malfunctioning voting machines, voters with disabilities are frequently forced to ask for assistance or compromise the privacy of their vote" severe violations of federal disability accommodation requirements.

The report details significant difficulties for voters with disabilities, including: the lack of a controllable interface for those who are unable to use touch screens or tactile key inputs; inadequate audio access features for people with visual or cognitive impairments, with dyslexia, or with severe motor-impairments; and lack of privacy curtains to prevent others from reading the voters' selections on their visual displays."

(http://www.votetrustusa.org/index.php?option=com_content&task=view&id=2262&Itemid=841)

Noel Runyan also headed the "Accessibility Review Report for California Top-to-Bottom Voting Systems Review" in July 2007 (with Jim Tobias)

http://www.sos.ca.gov/elections/voting_systems/tbr/accessibility_review_report_california_ttb_ab_solute_final_version16.pdf

Yours truly,

Robert L. Schulz

Cc: J.P. Liggett
1040 1st Ave #351
New York, NY 10022