



Diebold Election Systems, Inc.
P.O. Box 1019
Allen, Tx. 75013
469-675-8990
Fax 214-383-1596

Overnight:
1253 Allen Station Pkwy
Allen, TX 75002

October 30, 2006

Chris Albrecht
Chairman and CEO
HBO
1100 Avenue of the Americas
New York, NY 10036-6712

Dear Mr. Albrecht:

I am writing on behalf of Diebold Election Systems to express my concern about the documentary "Hacking Democracy" that will debut on HBO on November 2nd.

Based on our understanding of its content, we believe the film contains significant factual errors and does not meet HBO's standards for accuracy and fairness.

Specifically, we are asking that HBO post on its Web page a statement from Diebold Election Systems on November 1st and that the statement be posted until "Hacking Democracy" is withdrawn from the HBO schedule.

Further, we request that a 30-second disclaimer be shown by HBO immediately before, immediately after and at least once during each airing of "Hacking Democracy" indicating that HBO has not verified the accuracy of any claims made in the movie and that a statement from Diebold Election Systems is available on www.HBO.com.

"Hacking Democracy" is directed by the directors of "VoterGate" and contains much of the same material. "VoterGate" was produced with special thanks to Susan Sarandon and The Streisand Foundation.

The material errors and material misrepresentations are so egregious that HBO should pull the documentary. Failing that, a pre-airing rebuttal and disclaimer are not only appropriate but also in the best interests of HBO and its subscribers.

The first of these material errors is the statement that Diebold tabulated more than 40 percent of the votes cast in the 2000 Presidential election.

Diebold was not in the electronic voting business in the U.S. in 2000. Diebold purchased Global Election Systems in 2002, but Global had at the time only eight percent of the market.

The documentary also "reports" that a Diebold machine subtracted 16,022 votes from Al Gore in Florida in 2000. Again, Diebold was not in the electronic voting business in the U.S. in 2000.

The documentary charges that 144,000 votes were counted in Boone County, Indiana, a county of 19,000 voters, and positioned this issue as if it was because of problems with Diebold Election Systems voting machines. **Boone County did not then and does not now use Diebold Election Systems machines.**

These are examples of obvious material mistakes that simple fact checking should have caught. The documentary is also replete with material examples of inaccurate reporting.

Here are just three examples:

- The film claims that 2,747 votes for Kerry switched to Gephardt in California in 2004. This is true for the unofficial count. During the standard election canvass audit process which is conducted following every election no matter what technology is deployed, this discrepancy was immediately discovered and accurate totals were presented as official election results.
- Aviel Rubin had a conflict of interest when he generated his negative report on Diebold Election Systems in 2003. He had stock options in a competing company (VoteHere). http://www.jhu.edu/news_info/news/home03/aug03/votehere.html. Surely, this is something that is worth including so viewers can draw their own conclusions.
- Harri Hursti is shown attacking a Diebold machine in Florida. But his “attack” proved later to be a complete sham. Hursti was invited by the California Secretary of State’s office to demonstrate his supposed ability to “hack” a Diebold optical scan system. He declined, writing in an e-mail that -

“While I have never tested the end-to-end cycle of the memory card, I find it most likely, that the preset counters will not survive the whole cycle – and therefore proving these two Diebold claims accurate.” (e-mail sent from Hursti December 19, 2005 at 11:26 am; emphasis added).

In other words, the Leon County, Florida attack could not even begin to be duplicated when proper procedures for staging the optical scan unit for an election were implemented. Placing the unit in the election mode voided any attempt to manipulate its contents, even when ‘unfettered’ access to the unit is available.

Here are some facts.

Forty percent of the voting population will use touch screen voting systems during the November 2006 election. Diebold Election Systems touch screen machines are used in about 35-40% of this market. Approximately 70% of the jurisdictions using Diebold Election Systems touch screen voting stations in November will use units with a voter verifiable paper audit trail printer (VVPAT). Voters across the country will also use more than 24,000 Diebold Election Systems optical scan machines that use a fully auditable paper ballot.

Diebold Election Systems is the company with the most fully auditable electronic voting machines in use today across America. Another fact conveniently overlooked.

HBO has a stellar track record of producing and airing quality documentaries. “Hacking Democracy” clearly does not meet those standards and should not be aired five days before Election Day.

We look forward to your response to our requests.

Sincerely,



David Byrd
President, Diebold Election Systems, Inc.