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RECEIVED

August 19, 2008

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Honorable Jennifer Brunner
Ohio Secretary of State
180 East Broad Street
Columbus, Ohio 43215

SECRETARY OF STATE

Dear Secretary Brunner:

I am writing to update you on findings from additional testing and analysis that Premier has now completed to further investigate the origin of the sharing violation issues first identified in the March 2008 Primary in Butler County. As you know, these issues led to sporadic failures to upload, on the initial attempt, a small percentage of election results to the Premier election management system, GEMS. As you are aware, all results were eventually uploaded and we understand that no votes have been lost.

Our previous analysis of this issue, which included a review of server logs and other relevant information available at that time, identified as the cause of the sharing violation a conflict between GEMS and on-access antivirus software. Our Product Advisory Notice (PAN) 2008-009, issued in May, notified customers in Ohio and nationwide of this potential event and identified this conflict as the sole cause for this condition. In addition, in the Technical Analysis we provided to Butler County's Board of Elections on June 11, 2008, the document concluded with the statement, "*As noted in Premier's recent Product Advisory Notice (PAN), disabling McAfee during uploads will prevent this sharing violation from occurring.*"

We now no longer believe this to be the case. As you know, earlier this month Butler County elections staff, along with personnel from your office and Premier also there to observe the process, conducted extensive onsite testing on this issue. That testing, which sought to replicate the conditions which generated the posting failure, revealed that the sharing violation event could, in fact, occur with McAfee disabled. Since those tests were completed, we have conducted our own additional extensive testing with high-volume uploads, including uploads with McAfee disabled and with Digital Guardian uninstalled.

This testing has confirmed the findings of your office's Butler County test – that disabling McAfee does not, in fact, eliminate the potential for a sharing violation. A subsequent analysis of the GEMS source code has revealed that it contains a logic error that allows the poster to attempt to post a file that is still

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being received if two files are received in sequence and the first file takes longer to save than the second file. Although active on-access antivirus software may also generate this condition, we now have reason to believe that the logic error in the GEMS code can cause this event even when no such antivirus program is installed on the server.

I wanted to make you aware of these findings as soon as possible. We are indeed distressed that our previous analysis of this issue was in error. We have today issued a new Product Advisory Notice (copy attached) that provides all Premier customers nationwide with this updated information.

This PAN, like the previous one issued concerning this matter, makes clear that there are simple, well established procedures that will mitigate and reveal this issue, should it occur. These procedures are outlined in the GEMS Election Administrator Guide, and these standard canvass processes are in use in jurisdictions throughout the nation. Our previous extensive testing, and those of numerous outside authorities, has not previously identified this logic error in the code.

Secretary Brunner, as you have noted in recent public statements, your investigation has determined that the sharing violations that occurred in 11 Ohio counties produced no inaccurate certified vote results. Voters in jurisdictions Premier serves, both in Ohio and throughout the country, can be assured that election officials employing standard canvass and cross check procedures will count their votes completely and accurately.

Again, we sincerely regret that our earlier analysis of this operational issue provided only a partial answer to the cause of the sharing violation condition, and that it was not until our subsequent high volume testing that the logic code error was identified. Premier takes seriously, and is committed to investigating, any anomalies that are reported to us by our customers. Unfortunately, in this case, our processes initially revealed only one of the two potential causes for this issue. I would be happy to answer any questions that you may have concerning this important matter, and please do not hesitate to contact me personally if I can be of further assistance. Premier stands ready to work with you and your staff in any way to advance our mutual goal of an accurate and secure election for Ohio voters this November.

Sincerely,



Dave Byrd
President