



U. S. ELECTION ASSISTANCE COMMISSION
VOTING SYSTEM TESTING AND CERTIFICATION PROGRAM
1225 New York Avenue, NW, Suite 1100
Washington, DC. 20005

November 20, 2007

Edwin B. Smith, III
Vice President, Compliance/Quality/Certification
Sequoia Voting Systems
1800 Glenarm Place, Suite 500
Denver, CO 80202

Dear Mr. Smith:

This letter is a continuation of our correspondence concerning the Notice of Non-compliance issued to Sequoia Voting Systems (Sequoia) on September 11, 2007. Please find a copy of this correspondence, attached. As you know, the notice alleged that Sequoia was utilizing more than one Election Assistance Commission (EAC) Voting System Test Laboratory (VSTL) to test its WinEDS 4.0.34 voting system in violation of EAC's Testing and Certification Program requirements. As a result, the EAC (1) sought information regarding Sequoia's agreements or relationship with SysTest Labs Inc (SysTest), a VSTL not identified as the organization's lead laboratory (iBeta Quality Assurance); (2) required Sequoia to submit a cure plan to ensure the organization's practices conformed with EAC's lead laboratory requirements; and (3) required Sequoia's cooperation in identifying and determining the usability of any testing performed by a VSTL, other than its identified lead laboratory.

After careful review of the correspondence and contracts submitted by all parties involved, the EAC has determined that testing on Sequoia's WinEDS 4.0.34 voting system was conducted by SysTest outside the oversight of your lead laboratory, iBeta. It appears that Sequoia adopted the impermissible contract structure after consultation with SysTest. The EAC has further concluded that because this testing was conducted outside the program, the results will not be accepted as the basis for an EAC Certification. The tests will have to be repeated by, or under the direction of, Sequoia's lead laboratory, iBeta. EAC has been pleased with Sequoia's cooperation during our review of this matter. Furthermore, we understand that you agree with the conclusions reached, and share our goal to ensure that the testing of all voting systems under EAC's program is above reproach.

Finally, before this matter may be closed, the EAC must receive the cure plan requested in its letter dated September 11, 2007. The notice of non-compliance required development of a "...cure plan which will ensure the independence of EAC VSTLs by conforming Sequoia's practices to the EAC's lead laboratory requirement." Please submit the cure plan mentioned above by December 20, 2007. While the EAC has been

pleased with Sequoia's willingness to resolve the non-compliance in this specific instance, it is incumbent on Sequoia to demonstrate to the EAC what steps it has taken to ensure that this will not occur again.

If you have any questions please feel free to contact me.

Brian Hancock

A handwritten signature in black ink, appearing to read "Brian Hancock". The signature is written in a cursive style with a large, sweeping initial "B".

Director
EAC Testing and Certification Program



U. S. ELECTION ASSISTANCE COMMISSION
VOTING SYSTEM TESTING AND CERTIFICATION PROGRAM
1225 New York Avenue, NW, Suite 1100
Washington, DC. 20005

November 5, 2007

Mr. James Nilius
Vice President of Compliance Services
SysTest Labs Incorporated
216 16th Street, Suite 700
Denver, Colorado 80202

Dear Mr. Nilius:

This letter is a follow up to a letter issued by the EAC on September 11th, 2007 (attached) regarding SysTest Labs Inc. (SysTest) involvement in voting system testing of the Sequoia WinEDS 4.0.34. First, let me express my appreciation for your cooperation in providing the documentation necessary for the EAC to determine the relationship between SysTest and Sequoia Voting Systems (Sequoia).

Per the EAC's letter we request that you submit: 1) a description of any testing performed on the system, including status and results, and 2) detailed information on all testing completed on the system, to Sequoia's lead laboratory iBeta Quality Assurance (iBeta). Despite continued concerns regarding the relationship between SysTest and Sequoia the EAC believes it is in the best interest of its Testing and Certification Program to allow iBeta access to the previous testing information in order to develop a plan and proceed with the testing of the system. The EAC is continuing with its review of the contractual relationship between SysTest and Sequoia and appreciates your cooperation as we work towards a resolution.

If you have any questions regarding this request or should have further information that you feel is germane to EAC's inquiry into the relationship between SysTest and Sequoia please feel free to contact me.

Brian Hancock

A handwritten signature in black ink that reads "Brian Hancock". The signature is written in a cursive style.

Director,
EAC Testing and Certification Program

Cc: Ms. Carolyn Coggins, iBeta
Mr. Edwin Smith, Sequoia Voting Systems.



October 24, 2007

delivered via electronic mail (2 pages, 3 attachments)

Mr. Brian Hancock
Director, Testing and Certification
Election Assistance Commission
1225 New York Avenue, NW; Suite 1100
Washington, D.C. 20005

Dear Mr. Hancock:

Sequoia Voting Systems is in receipt of your letter of October 12, 2007 requesting clarification of two items related to our letter to you of September 24, 2007.

In the first instance, you request the Master Services Agreement between Sequoia Voting Systems and SysTest Labs. An unsigned copy of the final draft version of this Agreement from November 2006 is enclosed. Neither Sequoia's Contracts department nor General Counsel could locate a signed copy of the Agreement. The record of this document's evolution ends with this final version of the draft Agreement, in both Sequoia's and Counsel's files. It is possible that Sequoia did not receive a fully executed copy for its files.

In the second instance, you request clarification of persons in the SysTest Statement of Work titled as "Software VSTL Consultant." We believe that "Consultant" references a program that was considered by Sequoia and SysTest but never initiated- that is, a Quality Assurance program for Sequoia products with the assurance work performed by a separate department of SysTest Labs. After reviewing the Notice of Clarification, both SysTest and Sequoia quickly agreed that such a program was no longer a viable option; and no assurance work was performed under this or any similar program. A copy of every SysTest Labs invoice received in calendar year 2007 is enclosed. You will find no mention of a consultant or consultative role invoiced to Sequoia Voting Systems. Our investigation did note two hours on invoice 9690, covering work from June 16 through June 30, for "Quality Assurance" activities. It is Sequoia's belief that such Quality Assurance work did not apply to any activities germane to Sequoia product quality, but to SysTest's own Quality Assurance program as it relates to System 4.0 submittals. Sequoia Voting Systems can find no work product from SysTest that would indicate that this or any other activity violates the July 24th Notice of Clarification regarding "Outside" work.

In the third and last instance, you request clarification "*as to the certification tests that SysTest was being contracted to perform as part of the EAC's certification process.*" Sequoia Voting Systems continues to assert, as it has in prior correspondence to you, that no contract existed between Sequoia Voting Systems and SysTest Labs. This assertion is based on the lack of standard contracting documents being signed for WinEDS System 4.0 testing, the existence of a Statement of Work that covered only Project Planning and in which Testing remains silent, and our substantial and persistent efforts to foster a contract between SysTest Labs and iBeta Quality Assurance. That being said, it was Sequoia's intention to have SysTest perform:

- source code review on our voting machine firmware,
- PCA on the voting machines,
- FCA on the voting machines,

functional unit testing on the voting machines, and authoring of the EAC Test Plan for the voting machines for submittal to iBeta and incorporation into the final Test Plan that iBeta would submit to the EAC.

The attached invoices provide another view into SysTest's activities related to System 4.0 testing. In summary, Sequoia Voting Systems is pleased to be able to provide to you these clarifying remarks and objective evidence. We assert that no activities occurred which would violate the July 24 Notice of Clarification regarding VSTL activities for manufacturers.

On a related matter, SysTest is holding its work product related to System 4.0 pending direction from the EAC regarding its disposition. You may recall this from my letter to you dated 4 October 2007 (attached) with courtesy copies to staff members at both iBeta Quality Assurance and SysTest Labs. We ask once again that SysTest be given clear direction on work product delivery at your earliest convenience. Lack of action in this regard irreparably delays work toward completion of System 4.0 VSTL testing.

Sincerely,

A handwritten signature in cursive script that reads "Edwin B. Smith, III".

Edwin Smith
VP, Compliance/Quality/Certification
Sequoia Voting Systems



U. S. ELECTION ASSISTANCE COMMISSION
VOTING SYSTEM TESTING AND CERTIFICATION PROGRAM
1225 New York Avenue, NW, Suite 1100
Washington, DC. 20005

October 12, 2007

Edwin B. Smith, III
Vice President, Compliance/Quality/Certification
Sequoia Voting Systems
1800 Glenarm Place, Suite 500
Denver, CO 80202

Dear Mr. Smith:

We are in receipt of your letter dated September 24, 2007 regarding the Election Assistance Commission's (EAC) Notice of Non-compliance issued to Sequoia Voting Systems Inc. (Sequoia) on September 11, 2007 and subsequent letter dated September 14, 2007. Before the EAC can formally address the issues you present in your letter and offer a proper response, the EAC needs further clarification on some information provided in your response.

First, the EAC requests that you send the "Master Services Agreement" between Sequoia and SysTest Laboratories Inc. (SysTest) mentioned in your letter. In order to properly understand the relationship between all of the parties involved it is important to have all of the documents that created these relationships.

Second, the Statement of Work signed by Sequoia and SysTest on June 27, 2007 states under section "6. Estimated Costs" that there will be a \$125.00/hour fee for "Software VSTL Consultant". The EAC is interested in fully understanding the nature of these consultant services and the amount of these services that were provided under the June 27th Statement of Work. As you know, on July 24th, 2007 the EAC issued a Notice of Clarification entitled "VSTL Work with Manufacturers Outside of Voting System Certification Engagements". One of the purposes of this Notice of Clarification was to clearly state the EAC's policies regarding a VSTL's participation in both the development and testing of a voting system. Therefore, the EAC is interested in fully understanding the nature of consultant services provided in the context of EAC Certification Testing.

Finally, the June 27th Statement of Work references four "service classifications" in section 6 (referenced above). These four services are: 1) Software VSTL Consultant 2) Project Manager 3) Hardware Environmental Test Engineer 4) Hardware Environmental Test Manager. The Statement of Work does not offer any other additional details

regarding the services provided. Based on these “service classifications” the EAC cannot readily determine the certification testing services that are being provided to Sequoia. The EAC is requesting further clarification as to the certification tests that SysTest was being contracted to perform as part of the EAC’s certification process.

I appreciate your prompt response to our previous requests. I look forward to hearing back from you on the issues presented in this letter. If you should have any questions please feel free to contact me anytime.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian J. Hancock". The signature is written in a cursive style with a large initial "B" and "H".

Brian J. Hancock
Director, Testing and Certification