



July 27, 2016

VIA ELECTRONIC MAIL

Ms. Maribeth Witzel-Behl
Madison City Clerk
210 Martin Luther King Jr. Blvd. #103
Madison, WI 53703

RE: Use of Damaged Voting Equipment

Dear Ms. Witzel-Behl:

Election System & Software, LLC ("ES&S") has been notified by the City of Madison, Wisconsin ("City") that certain of the City's Model DS200, AutoMARKs and other voting system equipment purchased from ES&S suffered water damage in the building where the Model DS200s, AutoMARKs and other voting equipment were being stored. ES&S hereby notifies the City that such damage to the voting equipment and its related electronic components may result in the equipment not functioning properly and may affect the equipments' ability to accurately collect and report votes. Therefore, ES&S strongly recommends that the City not use any voting equipment which sustained water damage in any upcoming election.

Please be advised that any water damage sustained by the voting equipment may compromise the ability of such voting equipment to function properly and to accurately tabulate and report votes. As you are aware, water damage to any electronic component may affect the ability of the component to perform properly; and since all the electronic components of the voting equipment are integrated and must function together, even the slightest damage to one electronic component may affect the entire voting unit. As such, ES&S recommends that the City purchase new equipment to replace those voting units which sustained water damage. This is the most advantageous solution for the City as the cost of repairing a water damaged unit will far exceed the cost of replacing the water damaged unit.

The unfortunate occurrence of water damage to the voting equipment voids the equipment warranty provided to the City by ES&S, if any such warranty remains, for those units of equipment which sustained water damage. Therefore, ES&S will not provide any repairs or replacement of the damaged equipment at its cost.

ES&S regrets that the City's voting equipment sustained water damage, but would like to reiterate to the City that any such water damage to any piece of equipment and its related electronic components may result in the equipment not functioning properly on election day and may compromise the integrity of the entire election. Should the City decide to use any unit of equipment which has sustained any degree of water damage in any future election, ES&S advises the City that it will do so completely at its own risk and that ES&S will not be responsible for any errors, malfunctions, claims, damages, or other losses sustained by the City or a third party as a result of using the damaged equipment.

Ms. Witzel-Behl
July 27, 2016
Page 2

If you have any questions related to the above matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "T. Hallett".

Timothy J. Hallett
Associate General Counsel

cc: Mike Hoversten, ES&S
Kyle Weber, ES&S
Al Moraczewski, ES&S