

March 13, 2008

The Honorable Joanne Rajoppi
Clerk, Union County
Union County Clerk's Office
2 Broad Street
Elizabeth, NJ 07207

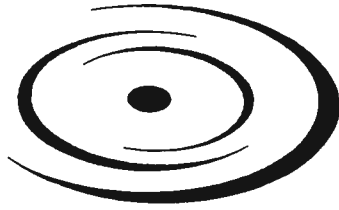
*via electronic mail and express courier
two pages*

Dear Clerk Rajoppi:

This letter is in response to reports that you plan to or have sent Sequoia AVC Advantage units to an unlicensed third party. As we understand it, these units are fully operational, including Sequoia proprietary hardware and software. This hardware and software is licensed by Sequoia to the County of Union for undertaking elections in connection with voting systems and equipment manufactured by Sequoia. The software includes without limitation (i) WinEDS Election Management Software, and (ii) firmware embedded within the Sequoia Equipment (collectively "Software").

Under various license agreements between Sequoia and the County which have been in effect since at least 2004, the license rights granted to the County are non-transferable. These license agreements emphatically prohibit transfer or sub-license of any of the license rights granted to the County, as well as prohibiting assignment or transfer of the license agreement itself. Moreover, the Software constitutes proprietary information and trade secrets of Sequoia which are protected by law independent of the license agreements, and which are exempt from disclosure under the New Jersey Open Public Records Act (see N.J.S.A. 47:1A-1.1).

Your public statements speak to the need to maintain voter confidence in the voting system. Sequoia shares this commitment. As such Sequoia has put in place mechanisms with the New Jersey Office of the Attorney General for third party independent software review. We also will make available to you the relevant portions of the source code of the Advantage firmware so that a qualified reviewer could trace the execution of that portion of the code and determine that our explanation regarding the machine tape party turnout totals is indeed accurate. If you have chosen not to avail yourself of either of these options for



SEQUOIA
voting systems

February 13, 2008

Ms. Joanne Rajoppi
Union County Clerk
2 Broad Street
Room 113
Elizabeth, NJ 07207

Dear Ms. Rajoppi,

Sequoia Voting Systems is currently attempting to assess the party turnout issue experienced on 9 of the AVC Advantage machines used in Union County's February 5, 2008 Primary election. In order continue with our assessment, it is necessary to review the cartridge image backups for these nine machines. Therefore, we are requesting copies of these nine results cartridges in order to further investigate the issue.

As we are requesting copies of the results cartridges, the original cartridges will not be in our possession.

Regards,

Joe McIntyre
Sr. Project Manager

examination of the software, and have instead transferred any Advantage units to an unlicensed third party, we respectfully request that you immediately reclaim possession of those Advantage units and furthermore confirm to Sequoia that no units are in, or have ever been in, possession of an unlicensed third party.

We trust that the County will abide by the terms of the license agreements with Sequoia. The County's failure to do so will be met by Sequoia exercising all of its legal rights, under the license agreements and otherwise, to prohibit transfer of the Software to, or access to the Software by, unlicensed third parties. Our desire in this matter is to work collaboratively with you to resolve this issue and respond to any questions you have regarding the machine tape party turnout totals. I understand that our New Jersey Operations staff have been attempting to arrange a conference call or meeting with you to respond to your stated desire for additional information. I hope that we will have this call at the earliest opportunity.

Very truly yours,



Edwin B. Smith, III
Vice President,
Compliance/Quality/Certification

CC: Donna Kelly, DAG
Dennis Kobitz, Board of Elections