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July 19, 2007

**Thomas J. Weaver**  
Deputy Secretary of the Commonwealth  
Department of State  
210 North Office Building  
Harrisburg, PA 17120

**Harry A. VanSickle**  
Commissioner  
Bureau of Commissions, Elections and Legislation  
Department of State  
210 North Office Building  
Harrisburg, PA 17120

***VIA EMAIL AND FEDERAL EXPRESS COURIER***

Dear Mr. Secretary and Commissioner VanSickle,

I write to you today to make a formal request for financial relief with regard to the implementation of the Help America Vote Act (HAVA). More specifically, the County of Luzerne respectfully requests financial aid for the total cost of a proposal from Election Systems & Software (ES&S) for a three-year, extended warranty plan that is in excess of \$300,000.

As you know, Luzerne County, like all Pennsylvania counties, has done its very best to work through the many hardships of implementing HAVA, and we thank the Department of State for the great deal of assistance and guidance on the many, many issues that have arisen since 2004. We hope we've made the Commonwealth proud by way of our accomplishments. Yet in spite of all we've been able to accomplish together, you may be aware that county relationships with ES&S are already strained ones. We will, however, continue to work hard on behalf of the Commonwealth and with ES&S to ensure that excellence in Pennsylvania elections is met time and again.

As the former commissioners of the Counties of Adams and Union, respectively, I'm sure you know all too well that these are trying times for counties of our size. Despite these trying times, our commissioners in Luzerne County believe that longer-term investments in improving our community are to be the cornerstone of a better future for our county and its residents. The county is already committed to ambitious projects such as the construction of a new, \$150 million, state-of-the-art prison; a multi-million dollar commitment to developing the Susquehanna Riverfront and Downtown Wilkes-Barre; restoration of the historic Luzerne County Courthouse in time for its centennial celebration (scheduled, 2009); and of course, Commission Chairman Greg Skrepenak's untiring commitment to ensuring seniors, children and all of our citizens are protected from the scourge that drugs brings to our doorsteps each day.

Our county's five-year plan for economic stability and continued growth unfortunately holds no room for the kind of expense that ES&S is all but demanding we pay. Further, the encumbrance of \$300,000 is not one that the county had any opportunity to consider at the time

of the mandated switch to electronic voting. That is not to say, however, we did not try. We asked for these statistics and, aside from price, the details of an extended warranty as early as the State of Ohio in March of 2006. We were told by the vendors at that time, especially ES&S, that there would be sufficient time to talk about warranty arrangements after the system was in place. We were at the zero-hour when the system was finally delivered and were again told that the warranty coverage could be negotiated by the county when time permitted. Today, however, that is not the case. The fact is, ES&S refuses to lower the pricing structure, is unwilling to restructure the coverage plan to meet the needs of the counties and ES&S has not answered our repeated requests for the exact terms and conditions of the extended warranty plan. As it turns out, ES&S misleads its customers in the Commonwealth, and judging from conversations with other election directors at a recent election officials' conference in Portland, Oregon—other jurisdictions as well.

In addition to not being able to meet the financial burden that ES&S is asking us to meet, we cannot individually deal with such a large, multi-national corporation and the mix of deception this company promulgates and respectfully ask the Commonwealth, specifically, the Department of State, for its leadership in insuring that the voting-system vendors doing business here do not have the opportunity to threaten a democratic process with such unsavory business practices that vendors, such as ES&S, seemingly have a deep commitment to employing.

The Commonwealth and the rest of the nation are at a critical moment in the election process and the decisions we all make today will have a great deal of consequence affecting all levels of government. We should not be without coverage on an election system; we should have the right to a higher standard of business practice in the voting-systems marketplace; and, we all should be continually reviewing election practices at all levels for excellence and integrity. We should all carefully weigh the outcome of potential failures in the democratic process and the long, lasting effect it would have on the confidence of the electorate. As I've come to learn from other jurisdictions, once the confidence is lost, it is virtually un-retrievable—and that would suggest that the democratic process itself has been broken.

Thank you for your time and kind consideration. I look forward to meeting you, Mr. Secretary, and seeing you again soon Commissioner.

Sincerely,

A handwritten signature in black ink, appearing to read "Leonard C. Piazza III". The signature is fluid and cursive, with a large initial "L" and a stylized "P".

Leonard C. Piazza III  
Director of Elections  
County of Luzerne

**CC VIA EMAIL:**

Gregory A. Skrepenak, Chairman, Luzerne County Board of Commissioners  
Rose S. Tucker, Luzerne County Board of Commissioners  
Stephen A. Urban, Luzerne County Board of Commissioners  
Joseph M. Cosgrove, Esq., Luzerne County Board of Elections  
David A. Fisher, Luzerne County Board of Elections  
Samuel T. Guesto, Jr., Chief Clerk ~ Luzerne County Manager  
William G. Brace, Deputy Chief Clerk  
Salvatore Diaz, Chief of Budget and Finance  
James P. Blaum, Esq., Chief County Solicitor  
Neil T. O'Donnell, Esq., Solicitor to the Luzerne County Board of Elections