

December 3, 2006

Mrs. Tibisay Lucena

President and Other Directors of the National Electoral Committee

We, Ana Mercedes Díaz-Cardozo and Carlos Luciano Guyon-Celis, Venezuelan, of legal age, bearers of Venezuelan ID cards Nos. 5,564,445 and 4,309,389 respectively, appear before you to bring into view that:

On October 16, 2006, the National Electoral Committee issued its news bulletin No 2, wherein it stated that an Audit was being performed of the components of voting machines models SAES 3000 and SAES 3300, and that up to that moment, the National Electoral Committee had in its possession 4500 machines model SAES 3300 and 25000 SAES 3000, for a total of 29500 machines. Both models would be used in the December 3 presidential election, as specified in Annex "A". Nevertheless, the Smartmatic Consortium, on June 23, 2005, states to have sold to the National Electoral Committee 5500 SAES 3300 machines in addition to the 25000 machines used in 2004, which adds to a total of 30500 voting machines and not 29500 as the National Electoral Committee informs, see Annex "B". It is necessary to point out that in the Agreement subscribed between the National Electoral Committee and the Smartmatic Consortium on March 15, 2004, only the sale of 20000 SAES 3000 machines is mentioned, not the sale of 25000 SAES 3000.

The National Electoral Committee mentioned in detail in the Electoral Infrastructure to be used on December 3, 2006, that it would use a total of 32331 machines, see Annex "C" (physical) and the CD. Based on information disclosed by the National Electoral Committee itself, thus we have to deem it true, it is clear that 2831 of these machines were not audited.

Likewise, on October 25 of this year, the National Electoral Committee signed two new contracts with Smartmatic to purchase 5540 SAES 3300 voting machines to be added to the 30000 machines used in the electoral processes of 2004 and 2005. These last 5540 SAES 3300 were supposedly technically impossible to audit due to lack of time, see annex "D".

The inconsistency produced by the Electoral Organ itself among the number of purchased voting machines, audited voting machines and voting machines to be used, obliterates confidence and credibility in the results issued by voting machines that have not been audited, or even worse, that make people wonder where they are installed. Of 36040 voting machines "purchased" by the National Electoral Committee, only 29500 machines were audited, and, we are aware of the whereabouts of only 32331 machines.

This irrefutable evidence represent technical and legal elements that compel opening and counting each and every polling station to guarantee the reliability of the presidential elections being held today. With the manual count of all

votes, the National Electoral Committee would comply with that established in Article 4 of the Organic Law of the Electoral Power, which provides the reliability, transparency and effectiveness of electoral processes.

But, there is more, Ladies and Gentlemen, Directors of the National Electoral Committee, we must refer to Resolution No. 061011-0873 of October 11, 2006, which contains the Regulatory Rules of the Auditing Procedure for the Automated Voting System and Vote Count at the closing of the voting act in the Presidential Election of 2006, and in which it is stated literally.... "Under no circumstances will the audit deem as the ballot count, nor is it part of this act" ... and its purpose shall be to perform a statistical analysis, wherein any irregular patterns or biases in the automated system, should there be any, shall be determined, see annex "E", which besides constituting an electoral irregularity, it is totally against what was agreed between the Republic of Venezuela, in whose name the National Electoral Committee acted on March 15, 2004, and Smartmatic, and which establishes in its second clause that: "the following attached documents are part of this contract". Among these documents, the one marked number five refers to the offer of the supplier and therein, when it talks about equipment and systems to be installed, it points out that among the necessities to be fulfilled by the architecture of the system, it is established that the latter must comply with all provisions contained in the Venezuelan Law and the Venezuelan electoral culture within optimal security levels, and guarantee accuracy and AUDITABILITY. Further on under paragraph reading: "In case of electoral processes", the following is recorded: "The voter arrives to the machine and pushes the buttons associated to the candidates of his/her preference in the electronic ballot. Every time a button is pushed in the electronic ballot, the image corresponding to the candidate/party appears on the screen of the machine. The purpose of this is for the voter to verify that his/her vote has been read correctly by the machine. The voter may select over and over his/her options, and correct any error as many times as he/she wishes. Once the voter has selected correctly all his/her choices, he/she pushes the "VOTE" button that appears on the touch-screen of the voting machine. At that moment, the machine stores the vote in a Flash Memory and prints the ballot on paper by means of the integrated printer. The values selected by the voter are clearly established in this "physical ballot". **This printed ballot is the way that the voter has to verify once more the value of his/her vote ("HOT AUDIT")**. Next, the voter introduces the physical ballot in a sealed box (which corresponds to the station). Those printed votes allow the **later auditability of the results**, see annex "F".

This means, Directors of the National Electoral Committee, that the written instrument issued by the machine, is nothing more, nothing less than the true will of the voter expressed in a PHYSICAL VOTE and it is not just a receipt, as Venezuelans have been led to believe.

Directors of the National Electoral Committee, without tricks, without deceit, without abuses; let us count each and every ballot casted by Venezuelans and let the next president of Venezuela be the true choice of the people's will.

Everything that we have pointed out is evidence of a flagrant violation incurred by the National Electoral Committee with regard to Article 293 of the Constitution of the Bolivarian Republic of Venezuela, which states that "the organs of the Electoral Power shall guarantee the equality, reliability, transparency and efficiency of the electoral processes, as well as the enforcement of the personalization of the suffrage and the proportional representation".

Due to all the aforementioned, we believe that the reliability of the National Electoral Committee would be seriously compromised if each and every ballot box is not opened for recount. The reasons here stated lead us to request, as we formally do, to open and count each and every electoral ballot box that contain the physical votes casted by Venezuelan citizens in this electoral process.

Awaiting justice in Caracas, on December 3, 2006.

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Ana Mercedes Díaz Cardozo

Venezuelan ID V-5564445

(Illegible signature)

Carlos Luciano Guyon

Venezuelan ID V-4309389

**CUADRO COMPARATIVO: MAQUINAS EN POSESION DEL CNE Y NUEVA COMPRA OCTUBRE 2006 vs
INFRAESTRUCTURA ELECTORAL**

INSTRUMENTO DE SOPORTE (FUENTE: CNE-SMARMATIC)	SAES3000	SAES3300	TOTAL MAQUINAS
MAQUINAS EN POSESION DEL CNE Y NUEVA COMPRA OCTUBRE 2006	25.000	11.040	36.040
INFRAESTRUCTURA ELECTORAL			32.331
		DIFERENCIA	3.709

**CUADRO COMPARATIVO: MAQUINAS EN POSESION DEL CNE Y NUEVA COMPRA OCTUBRE 2006 vs
MAQUINAS AUDITADAS**

INSTRUMENTO DE SOPORTE (FUENTE: CNE-SMARMATIC)	SAES3000	SAES3300	TOTAL MAQUINAS
MAQUINAS EN POSESION DEL CNE Y NUEVA COMPRA OCTUBRE 2006	25.000	11.040	36.040
BOLETIN INFORMATIVO No.2	25.000	4.500	29.500
		DIFERENCIA	6.540

CUADRO COMPARATIVO: MAQUINAS AUDITADAS vs MAQUINAS INSTALADAS

FECHA	INSTRUMENTO DE SOPORTE (FUENTE: CNE)	SAES3000	SAES3300	TOTAL MAQUINAS
16-10-2006	BOLETIN INFORMATIVO No.2	25.000	4.500	29.500
2006	INFRAESTRUCTURA ELECTORAL			32.331
			DIFERENCIA	(-2.831)

CUADRO EXPLICATIVO: MAQUINAS DOCUMENTADAS ADQUIRIDAS POR EL CNE

FECHA	INSTRUMENTO DE SOPORTE (FUENTE: CNE-SMARMATIC)	SAES3000	SAES3300	TOTAL MAQUINAS
15-03-2004	CONTRATO INICIAL COMPRA-VENTA DE MAQUINAS ELECTORALES SUSCRITO ENTRE CNE Y EL CONSORCIO SBC	20.000		20.000
23-06-2005	DECLARATORIA DE SMARTMATIC SOBRE CONTRATO DE COMPRA-VENTA DE MAQUINAS SAES3300 AL CNE		5.500	5.500
<u>25-10-2006</u>	DECLARATORIA DE SMARTMATIC SOBRE CONTRATO DE COMPRA-VENTA DE NUEVAS MAQUINAS AL CNE		5.540	5.540
			TOTAL	31.040

CUADRO EXPLICATIVO: MAQUINAS EN POSESION DEL CNE Y NUEVA COMPRA OCTUBRE 2006

FECHA	INSTRUMENTO DE SOPORTE (FUENTE: CNE-SMARMATIC)	SAES3000	SAES3300	TOTAL MAQUINAS
23-06-2005	DECLARATORIA SOBRE MAQUINAS <u>USADAS</u> POR EL CNE EN ELECCIONES 2004 Y 2005	25.000		25.000
23-06-2005	DECLARATORIA DE SMARTMATIC SOBRE CONTRATO DE COMPRA-VENTA DE MAQUINAS SAES3300 AL CNE		5.500	5.500
<u>25-10-2006</u>	DECLARATORIA DE SMARTMATIC SOBRE CONTRATO DE COMPRA-VENTA DE NUEVAS MAQUINAS AL CNE OCTUBRE 2006		5.540	5.540
			TOTAL	36.040