

Translated by Jurandyr Passos <jurabp@gmail.com>
from the original in portuguese :
<http://www.votoseguro/arquivos/microbase06-nota1.pdf>

MICROBASE Clarification Notice

Considering the following:

1. We are the vendors of VirtuOS System, an operational system installed in most of the voting machines utilized in Brazilian official elections;
2. The notification we received to once and again attend the Systems Digital Signature and Sealing ceremony, this time regarding the 2006 elections.
3. The widely known, commented and publicized information about our refuse to take part in that event for many years;
4. Our sustained, written and official commitment to negotiate with the Superior Electoral Court the conditions under which we would authorize the use of our source code for public auditing purposes, which has not been accepted to date;

Regarding also that:

5. The present legislation demanding the auditing of all source codes of the Electronic Elections Systems **has never been adequate and thoroughly obeyed** by the Superior Electoral Court in order to warrant due credibility to the process of Systems Digital Signature and Sealing.
6. Several allegations of elections fraud have just been **undeniably proven**, in a way that could somehow implicate ourselves as vendors of important software used in the voting machines;
7. The Superior Electoral Court's disregard of **certain** important aspects of e-voting has led us to file a multimillion reais lawsuit claiming for compensation in case of an **eventual** undue intellectual property appropriation of the E-Voting System, in which we participate as an operating system vendor only, not as services providers under contract;
8. The Superior Electoral Court is public and widely known as **uniquely responsible for the E-voting system conception and definition**, should be held solely and entirely accountable for it under both civil and criminal laws, as long as those systems are bided every two years **under its own rigid specifications**;

9. Finally, although fully informed about our lawsuit against it, the Court did not follow any legal step, **as it could and should have done**, in order to establish the truth, leaving its vendor and the vendor's associate exposed to their own fate;

We have decided to warn the public, once and for all, that:

- a) We are in favor that **all** software employed in Brazilian voting machines be subject to the due auditing, conducted by a capable team of a private, independent and reliable entity, purposefully hired by the Government for such an important task, not along just five working days, which is totally inappropriate, but for several months of deep and detailed analysis, as demanded by the transparency and democratic spirit that should guide this process;
- b) We believe the costs of such an audit will be completely insignificant, not only before the total costs of an election only every two years but, above all, before its importance to the grant of democracy in our country;
- c) We protest to the fact that our operational system VirtuOS is not being audited at the source-code files level, since any fraud attempt could **of course** be made at that level of software, exposing us to the risk of a potential fraud scandal, even unfair and undue, which would be highly damaging to us;
- d) We also consider – although the Superior Electoral Court does not publicly assume its civil and judicial responsibility as the unique, legitimate and complete intellectual proprietor of the Brazilian Electronic Voting System, avoiding in this manner an exposure of its vendor to “gold digging” lawsuits and safeguarding them for damages caused by the Court's inaction.
- e) In the highest democratic spirit – although observing our commercial interests of course – we have over several years warned the Superior Electoral Court about our position, offering a way to reach a consensus that would lead to the conditions under which our system could be audited, as extensively demonstrated in the documentation we held.

Finally, we deeply regret that a matter of such a responsibility and magnitude has been treated with the repeated disregard we have verified and, more importantly, the Brazilian public opinion is being deluded and led to the false conclusion that Brazilian elections are safe from frauds, which obviously does not withstand a minimally serious and detailed technical analysis.

São Paulo, August 31, 2006

Microbase Tecnologia, Serviços e Comércio Ltda.

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