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September 28, 2009

VIA HAND DELIVERY

Honorable Christine A. Varney
Assistant Attorney General
Antitrust Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

Re: Elections Systems & Software, Inc. Acquisition of Diebold's Premier Election Solutions

Dear Ms. Varney:

I am writing on behalf of Voter Action to request a meeting to discuss our concerns about the September 2, 2009, acquisition by Elections Systems & Software, Inc. ("ES&S") of the Diebold Inc. election systems business, known as Premier Election Solutions ("Premier"). Voter Action is a national non-profit organization that provides assistance to citizens and local communities with issues arising from privatization of key election functions, including the vote-counting process through the use of electronic election equipment.

Voter Action believes consumers of voting equipment—the voting public and election officials across the United States—face the imminent threat of higher prices, lower quality, and reduced service and innovation. Accordingly, Voter Action urges the Justice Department to take prompt action to unwind this transaction and ensure ES&S does not irrevocably integrate or waste Premier's competitive assets. This transaction threatens the democratic process itself.

As the events of the 2000 election dramatically have shown, the supply of reliable, quality voting equipment is critical to our democratic system. The ES&S acquisition of Diebold's Premier business threatens to undermine competition for such reliable, quality voting equipment as mandated by federal and state electoral reforms in the wake of the 2000 election events. More, not less, competition is necessary to ensure states and local communities have access to reliable systems.

