

# Exhibit D

**JENNER & BLOCK**

September 15, 2010

Allegany County Board of Elections  
6 Schuyler Street  
Belmont, NY 14813

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**Re: Freedom of Information Law Request**

To Whom It May Concern:

Under the provisions of the New York Freedom of Information Law, Article 6 of the Public Officers Law, I hereby request a copy of the following records related to the New York primary elections held on September 14, 2010 and the general election to be held on November 2, 2010:

1. Documents sufficient to provide data showing the total number of votes cast in each contest, distinguishing between votes cast on the Election System & Software DS200 or the Dominion Voting Systems Corporation ImageCast (collectively the "Optical-scan Voting Machines") and those cast by absentee and affidavit ballot. This data should provide the number of votes cast in each precinct, election district or Assembly district, whichever is the smallest geographic subdivision for which the Optical-scan Voting Machines record votes.
2. Documents sufficient to provide data showing the number of Overvotes cast (i.e. votes invalidated because of Overvoting) in each contest, distinguishing between votes cast on the Optical-scan Voting Machines and those cast by absentee and affidavit ballot. This data should provide the number of votes cast in each precinct, election district or Assembly district, whichever is the smallest geographic subdivision for which the Optical-scan Voting Machines record votes.
3. Documents sufficient to provide data showing the number of spoiled ballots cast in each precinct, election district or Assembly district, whichever is the smallest geographic subdivision for which the Optical-scan Voting Machines record votes.
4. Documents sufficient to provide data showing voters' responses to the overvote message provided by the Optical-scan Voting Machines (i.e., how many voters, when confronted with the overvote message provided by the Optical-scan Voting Machines, chose to cast overvoted ballots and how many chose to have their ballot returned to them). This data should provide the number of votes cast in each precinct, election district or Assembly district, whichever is the smallest geographic subdivision for which the Optical-scan Voting Machines record votes.

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5. Shapefiles, or geospatial vector data files used in conjunction with the computer program ArcGIS, having file extensions .shp, .sbx, .sbn, .prj, .shx., or .dbf, showing the geographic boundaries of each precinct, election district or Assembly district, whichever is the smallest geographic subdivision for which the Optical-scan Voting Machines record votes.
6. All documents prepared for poll workers, or individuals responsible for training poll workers, in connection with the administration of elections to be conducted using the Optical-scan Voting Machines, including training manuals, schedules, supervisor lists, FAQs, and guidelines.
7. All documents, including documentation of communications, regarding the testing or public demonstrations of the Optical-scan Voting Machines.

As noted, I request documents responsive to these requests pertaining to both the September 14, 2010 primary election and November 2, 2010 general election. Accordingly, this request is continuing in nature and I request that documents be provided as they become available to you.

I understand there may be a cost for duplication of the records requested. If the fee exceeds \$25.00, please contact me before duplicating the records. Also, please contact me at (212) 891-1672 or ebrown@jenner.com, should these requests fail to adequately describe the records sought. Please send the responsive materials to my attention at:

Jenner & Block LLP  
919 Third Avenue  
37th Floor  
New York, NY 10022

As you know, the Freedom of Information Law requires that an agency respond to a request within five business days of receipt of the request. Therefore, I would appreciate a response as soon as possible and look forward to hearing from you shortly. If for any reason any portion of my request is denied, please inform me of the reasons for the denial in writing and provide the name and address of the person or body to whom an appeal should be directed.

Sincerely,



Eric P. Brown