PREMIER™
ELECTION SOLUTIONS

PREMIER
ECTION SOLUTIONS, INC.
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July 14, 2008

VIA FEDERAL EXPRESS

Hon. Gary L. Sharpe
United States District Judge
Northern District of New York
James T. Foley U.S. Courtroom
445 Broadway, Room 441
Albany, New York 12207-2924

Re: *United States of America v New York State Board of Elections, et al.*
06-CV-0263 (GLS)
Premier Elections Solutions, Inc. ("Premier")

Dear Judge Sharpe:

Premier would like to take this opportunity to share with the Court the rationale behind the Company's decision to withdraw from the opportunity to supply the State of New York with HAVA compliant voting systems and devices.

As the procurement process unfolded, it became clear to Premier that we could not accurately predict the overall expenses we would incur to complete state certification, both with SysTest and NYSTEC. It was apparent these immediate costs would exceed the initial estimate of $1 million, with a significant likelihood that they would escalate far beyond that figure. Moreover, the state certification pertaining to the ADA component would only be a provisional one, and significant additional costs were a certainty in order to secure full certification. Thus, the ultimate cost of certification could continue to spiral upward, and Premier could not obtain assurances that these certification expenses would be limited or "capped" in any way. Therefore, Premier's only available options were to withdraw from the state, or expose itself to potential certification expenses rivaling those that have been incurred thus far to obtain full federal certification for our entire suite of voting solutions.

It is our understanding that several counties have recently expressed concern about their inability to secure the full complement of equipment from their selected vendor to meet the timetable established by the Court. Premier would like the Court to know it retains in its inventory more than sufficient numbers of ADA compliant AutoMark units to meet those needs.

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Should the Court, the State of New York and the affected jurisdictions determine that there is an urgent need for additional HAVA compliant units for ADA voters, Premier stands ready to assist in any way possible. Should you have any questions concerning these issues, please feel free to contact me.

Respectfully submitted,

Dave A. Byrd
President
Premier Election Solutions, Inc.

DAB/tc

cc: Ana E. Svizzero, Director of Election Operations
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