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August 22, 2007

**VIA E-MAIL TRANSMISSION
AND OVERNIGHT DELIVERY**

Brian Hancock
Director of Voting Systems Certification
U.S Election Assistance Commission
1225 New York Avenue, N.W.
Suite 1100
Washington, D.C. 20005

RE: Notice of Noncompliance- ES&S response

Dear Mr. Hancock:

Election Systems & Software, Inc. ("ES&S") is in receipt of your letter dated August 14, 2007, regarding the inclusion of a complete list of manufacturing and assembly facilities as part of our January 2007 registration with the EAC. Below we will address the substantive issue raised in your August 14 letter. First, I would like to reiterate that we have some concerns about the process through which this matter was handled by the EAC. The Commission plays an incredibly important role in overseeing the election process and maintaining voter confidence. At ES&S, because of our respect for the Commission's duties and authority, we have a strong record of working with EAC staff to comply with requirements and provide all necessary information and resources.

If, in the future, you or your staff has questions or concerns, we would appreciate an opportunity to address them with you directly. In this situation, the process through which you first posted a notice on your Web site and distributed it to election officials across the country, without contacting us first for explanation, created confusion and could undermine voter confidence in the entire field of elections. This has broad ramifications for everyone involved in carrying out elections: vendors, election officials, and even the EAC. Further still, this entire situation appears to have been driven by the promotion of a then yet-to-be-aired news media report. If we had been given the opportunity

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