



## **New York State Board of Elections RESOLUTION – November 10, 2009**

### **Resolution urging the US Department of Justice and the New York State Attorney General to intervene in litigation concerning the acquisition of Premier Election Solutions by ES&S.**

**WHEREAS** ES&S is the largest vendor of voting systems and related services in the nation and the acquisition of such a large competitor has a significant anti-competitive effect on the market for voting equipment and services; and

**WHEREAS** local governments need to be assured that they can choose among a range of options for voting systems, that prices and services offered by voting system companies are competitive and fair, and that voters are assured that elections are secure and their tax dollars are being used wisely;

**WHEREAS** the Antitrust Division took significant action in 1997 with respect to the proposed merger of American Information Systems and Business Records Corp.; and

**WHEREAS** Professor Douglas Jones of the University of Iowa has recently prepared a history of the development of mechanical voting machines, which took root in the period between 1890 and 1910 that shows how the features of the market eventually led to a single monopoly supplier. We should avoid restructuring the market for electronic voting into a monopoly configuration where the purchasing governmental units have no choice but to accept the terms imposed by a single vendor.

**NOW THEREFORE BE IT RESOLVED** that the State Board urges the US Department of Justice and the New York State Attorney General to intervene in pending litigation concerning the acquisition of Premier Election Solutions by Election Systems & Software, Inc. (ES&S) to protect the interests of the people of New York State; and

**NOW THEREFORE BE IT FURTHER RESOLVED** that copies of this resolution be provided to US Attorney General Eric Holder and New York State Attorney General Andrew Cuomo.