

2366 Eastlake Ave. East

Suite 311

Seattle, WA 98106

o. 206.723.1941

f. 206.260.3031

48 North Pleasant St.

Suite 304

Amherst, MA 01002

o. 413.253.2700

f. 413.253.2702

www.voteraction.org

CONTACT: John Bonifaz, (413) 253-2700

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**VOTER ACTION CHALLENGES MERGER OF
ELECTION SYSTEMS & SOFTWARE AND DIEBOLD**

**COMPLAINT FILED WITH THE US JUSTICE DEPARTMENT
SAYS MERGER VIOLATES FEDERAL ANTI-TRUST LAW**

Voting systems monopoly “threatens the democratic process itself”

WASHINGTON, D.C. – Voter Action, a national non-profit organization working to protect the integrity of US elections, filed a complaint yesterday with the US Justice Department challenging the recently-announced merger of the nation’s two largest voting systems companies, Election Systems & Software and Diebold’s subsidiary, Premier Election Solutions. The complaint alleges that the merger creates monopoly power in violation of federal antitrust laws. The voting rights group delivered its complaint to Assistant Attorney General Christine A. Varney, the chief of the Justice Department’s Antitrust Division.

“This transaction threatens the democratic process itself,” Voter Action’s letter states. “The ES&S/Premier acquisition is absolutely unique in its potential for disturbing U.S. election processes and results.”

“[T]his is an audacious market share grab,” the letter continues. “ES&S is eliminating its closest rival to reduce competition for critical electoral equipment and outsourced services. There is simply no legitimate reason for this acquisition of monopoly power under the antitrust laws.”

The letter urges the Justice Department “to take prompt action to unwind this transaction.”

The law firm of White & Case represents Voter Action in this matter, and the letter issued yesterday was signed by J. Mark Gidley, a partner in the firm’s Washington, DC office. Mr. Gidley, a leading antitrust lawyer, chairs the firm’s Global Antitrust/Competition Practice and served as the Acting Assistant Attorney General for the US Justice Department’s Antitrust Division in 1992-1993.

A copy of Voter Action’s letter to the Justice Department is available at www.voteraction.org.