



Sent via Electronic Mail

February 7, 2012

Mr. Mark Robbins
General Counsel and Acting Executive Director
US Election Assistance Commission
1201 New York Avenue, NW, Ste. 300
Washington, D.C. 20005

RE: Notice of Non-Compliance

Dear Mr. Robbins:

Please accept this letter as acknowledgement that ES&S is in receipt of the Notice of Non-Compliance for the EAC certified Unity 3.2.0.0 voting system as detailed in the EAC Formal Investigation Report dated December 20, 2011.

Pursuant to Section 7.6.2 of the *EAC Voting System Testing and Certification Program Manual (Manual)*, it is ES&S' intent to exercise option 7.6.2.3 *Right to Cure System Defects Prior to the Decertification Decision* as allowable by the Program.

Upon your acceptance of this request and pursuant to Sections 7.7.1 *Opportunity to Cure* and 7.7.1.1, *Manufacturer's Request to Cure*, ES&S will be submitting a request for the opportunity to cure the defects identified in the Notice of Non-Compliance and outlined in Section 7.7.1.3 *Manufacturer's Compliance Plan* of the Manual.

In anticipation of your approval of this request, ES&S has already begun the steps to ensure a timely certification of these corrections. We appreciate your support in this being a timely and efficient testing and approval process.

Sincerely,

Steve M. Pearson
Vice President, Certification
Election Systems & Software, Inc.

cc: Kathy Rogers, Sr. Vice President of Government Relations