

**UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA, et. al.,

Plaintiffs,

v.

ELECTION SYSTEMS and SOFTWARE, Inc.,

Defendant.

CASE NO.: 1:10-cv-00380

JUDGE: Bates, John D.

DECK TYPE: Antitrust

DATE STAMP: June 28, 2010

**UNITED STATES'S CERTIFICATE OF COMPLIANCE WITH
THE ANTITRUST PROCEDURES AND PENALTIES ACT**

The United States of America hereby certifies that it has complied with the provisions of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h) ("APPA"), and states:

1. The Complaint, proposed Final Judgment, and Asset Preservation Stipulation and Order ("APSO"), by which the parties have agreed to the Court's entry of the Final Judgment following compliance with the APPA, were filed on March 8, 2010. The United States also filed its Competitive Impact Statement ("CIS") on March 8, 2010.

2. Pursuant to 15 U.S.C. § 16(b), the proposed Final Judgment and CIS were published in the *Federal Register* on March 15, 2010. See *United States, et. al. v. Election Systems and Software, Inc.*, 75 Fed. Reg. 12256.

3. Pursuant to 15 U.S.C. §16(b), the United States furnished copies of the proposed Final Judgment and CIS to anyone requesting them and made both documents, along with the Complaint and APSO, available at the Department of Justice, Antitrust Division's internet site.

4. Pursuant to 15 U.S.C. § 16(c), a summary of the terms of the proposed Judgment, APSO, and CIS was published in *The Washington Post*, a newspaper of general circulation in the District of Columbia, during a seven-day period beginning on March 19, 2010 and ending on March 25, 2010.

5. As noted in the CIS, there were no determinative materials or documents within the meaning of 15 U.S.C. § 16(b) that were considered by the United States in formulating the proposed Final Judgment, so none were furnished to any person pursuant to 15 U.S.C. § 16(b) or listed pursuant to 15 U.S.C. § 16(c).

6. On June 25, 2010, defendant served on the United States, and filed with this Court, declarations that describe its communications with employees of the United States concerning the proposed Judgment, as required by 15 U.S.C. § 16(g).

7. The sixty-day public comment period specified in 15 U.S.C. § 16(b) and (d) began on March 25, 2010, and ended on May 24, 2010. During that period, the United States received a total of three comments on the proposed settlement. The United States filed its response to those comments with the court on June 17, 2010, and published its response in the *Federal Register* on June 28, 2010. See *United States, et. al. v. Election Systems and Software, Inc.*, 75 Fed. Reg. 36689.

8. The parties have satisfied all the requirements of the APPA that were conditions for entering the proposed Final Judgment. The Court may now enter the Final Judgment if the Court determines that, pursuant to 15 U.S.C. §16(e), entry of the Final Judgment is in the public interest.

Dated: June 28, 2010.

Respectfully submitted,

/s/

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CERTIFICATE OF SERVICE

I, Stephanie A. Fleming, hereby certify that on June 28, 2010, I caused a copy of the foregoing Certificate of Compliance with the Antitrust Procedures and Penalties Act to be served upon defendant Election Systems and Software, Inc. and the Plaintiff States by mailing the documents electronically to their duly authorized legal representatives as follows:

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