

## Lovullo, Brendan (ELECTIONS)

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**From:** Lovullo, Brendan (ELECTIONS) <Brendan.Lovullo@elections.ny.gov>  
**Sent:** Thursday, January 24, 2019 7:58 AM  
**To:** Burns, TJ <tj.burns@essvote.com>  
**Cc:** Connolly, Thomas (ELECTIONS) <Thomas.Connolly@elections.ny.gov>  
**Subject:** Application

TJ,

We have received parts of your application for certification of the express vote system. When reviewing the paperwork that was submitted we noticed that your letter (document attached) stating that ES&S has not been involved in any past or pending court cases does not seem to be accurate. After conducting a google search some of the following articles were discovered.

Please amend your letter to include any and all cases as the law requires.

<https://www.courthousenews.com/maker-of-voting-machines-takes-aim-at-cook-county-contract/>

<https://protect2.fireeye.com/url?k=dc5d49c5-807b7e66-dc5fb0f0-000babda0106-837d3f518bdf4e28&u=https://thevotingnews.com/cook-county-board-approves-new-election-equipment-contract-despite-rival-firms-lawsuit-chicago-sun-times/>

Thank you,  
B

Brendan Lovullo  
Deputy Director of Election Operations  
New York State Board of Elections  
518-473-5086

**From:** Burns, TJ  
**Sent:** Friday, January 25, 2019 4:28 PM  
**To:** 'Lovullo, Brendan (ELECTIONS)' <Brendan.Lovullo@elections.ny.gov>  
**Cc:** Connolly, Thomas (ELECTIONS) <Thomas.Connolly@elections.ny.gov>; Pearson, Steve <smpearson@essvote.com>  
**Subject:** RE: Application

Brendan,

The two items referenced below were related to ES&S' protest of the Cook County Request for Proposal and had nothing to do with our voting system, its major components, any evidence of fraud, faulty systems, or failure to correct past problems. ES&S' protest in Cook County was simply related to Cook County Request for Proposal process. Given this information, would you like ES&S to amend the attached letter?

Please let me know if you have any questions or need further information.

Thanks,

**TJ Burns** | State Certification Manager

Election Systems & Software | 11208 John Galt Blvd, Omaha, NE 68137

O: 402-970-1129 C: 248-513-0480 | [tj.burns@essvote.com](mailto:tj.burns@essvote.com) | <https://protect2.fireeye.com/url?k=0daf6990-518b68d9-0dad90a5-0cc47aa8d394-a2469696c856b270&u=http://www.essvote.com/>

## Lovullo, Brendan (ELECTIONS)

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**From:** Burns, TJ <tj.burns@essvote.com>  
**Sent:** Friday, January 25, 2019 5:48 PM  
**To:** Lovullo, Brendan (ELECTIONS)  
**Cc:** Connolly, Thomas (ELECTIONS); Pearson, Steve  
**Subject:** RE: Application  
**Attachments:** ES&S letter Part 6209.4(i).pdf

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Brendan,

My apologies, the letter is now attached.

Thanks,

**TJ Burns** | State Certification Manager

Election Systems & Software | 11208 John Galt Blvd, Omaha, NE 68137

O: 402-970-1129 C: 248-513-0480 | [tj.burns@essvote.com](mailto:tj.burns@essvote.com) | <https://protect2.fireeye.com/url?k=25617f9c-79457ed5-256386a9-0cc47aa8d394-78a520f5506c745e&u=http://www.essvote.com/>

**From:** Lovullo, Brendan (ELECTIONS) <Brendan.Lovullo@elections.ny.gov>  
**Sent:** Tuesday, January 29, 2019 3:01 PM  
**To:** Burns, TJ <tj.burns@essvote.com>  
**Cc:** Connolly, Thomas (ELECTIONS) <Thomas.Connolly@elections.ny.gov>; Pearson, Steve <smpearson@essvote.com>  
**Subject:** RE: Application

TJ,

After a little more searching on our part we found a patent infringement case, a lawsuit from the California Secretary of State and a DOJ antitrust lawsuit among others.

Please update your letter to include any and all cases as required under 6209.4 (i).

Thank you,

Brendan

## Lovullo, Brendan (ELECTIONS)

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**From:** Burns, TJ <tj.burns@essvote.com>  
**Sent:** Thursday, February 7, 2019 3:21 PM  
**To:** Lovullo, Brendan (ELECTIONS)  
**Cc:** Connolly, Thomas (ELECTIONS); Pearson, Steve; Hallett, Tim  
**Subject:** RE: Application  
**Attachments:** ESS NY Litigation Response 2.7.19.pdf

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Brendan,

Please see attached for updated letter regarding 6209.4(i) requirements as part of the EVS 6.0.4.1 Application.

Please let me know if you have any questions or need further information.

Thanks,

**TJ Burns** | State Certification Manager

Election Systems & Software | 11208 John Galt Blvd, Omaha, NE 68137

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