



# MARYLAND ATTORNEY GENERAL

Douglas F. Gansler

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Media Contact:  
Raquel Guillory, 410-576-6357  
[rguillory@oag.state.md.us](mailto:rguillory@oag.state.md.us)

## **Attorney General Gansler Announces Agreement with Elections Systems and Software, Inc.**

**BALTIMORE, MD ( March 8, 2010)** - Attorney General Gansler today announced that he, along with the U.S. Department of Justice and eight other state attorneys general, has reached an agreement to remedy the harm to competition caused by Election Systems and Software, Inc.'s ("ES&S") acquisition of Premier Election Solutions, Inc. ("Premier"). ES&S, the largest provider of voting systems in the United States, acquired Premier, a subsidiary of Diebold, Inc. and the second largest provider of voting equipment systems, on September 2, 2009, just six days before bids were due to install a new optical scan voting system in Maryland. As a result, Maryland was limited to either contracting with ES&S on its terms or continuing to use its old system. Ultimately, the State decided not to contract with ES&S for a new voting system for the 2010 election.

After its acquisition of Premier, ES&S provided more than 70 percent of the voting equipment systems used in elections held in the United States. Because ES&S's acquisition of Premier joined the two closest competitors in the provision of voting systems, it was likely that states and local governments would have seen higher prices and a decline in quality and innovation in voting equipment systems.

This agreement requires ES&S to sell Premier's intellectual property for all past, present and in-development voting equipment systems to another competitor. The buyer will have the ability to compete for contracts to install new voting systems using the Premier product. ES&S is prohibited for 10 years, the term of the agreement, from competing for new installations using a Premier product. The buyer will also receive copies of all existing Premier service contracts so that it can compete for contracts that are up for renewals.

"With this agreement we believe that balance will be restored in the market place," said Attorney General Gansler. "Maryland will receive the benefits of competition when it seeks vendors to install and service our voting machines, including lower prices, better service and more innovation."

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Attorney General of Maryland 1 (888) 743-0023 toll-free / TDD: (410) 576-6372

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