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January 15, 2008

Hon. Gary L. Sharpe  
United States District Judge  
James T. Foley U.S. Courthouse  
445 Broadway, Room 441  
Albany, New York 12207

Re: *United States of America v New York State Board of Elections, et al.*  
06-CV-0263 (GLS)

Dear Judge Sharpe:

Attached please find a copy of the State Board's response to the United States Proposed Supplemental order regarding the implementation of the State Board's remedial plans (Docket # 181).

The State Board's Response seeks to clarify the proposed order by clearly stating that the remedial plan was filed by defendant State Board (SBOE). The State Board's Response also seeks to remove overly broad statements made by the United States. The State Board's Response seeks to limit a portion of the June 2, 2006 order that is not applicable, since there will be ballot marking devices at every polling site. Finally the State Board's Response seeks to add language to allow for the United States and the State Board to reach an alternative reporting requirement without the need to resort to Court action.

Given the restrictive time to respond to the United State's proposed order, we have been unable to attempt to reconcile the State Board's response with the Department. However, we stand ready to meet with the Court and the United States to address the differences in the proposals.

Respectfully submitted,

/S/  
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/S/  
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cc: All Counsel of record