Exhibit C

JENNER&BLOCK

August 26, 2010

Jenner & Block LLP
919 Third Avenue
37th Floor
New York, NY 10022-3908
Tel 212 891-1600
www.jenner.com

Chicago
Los Angeles
New York
Washington, DC

Jeremy M. Creelan
Tel 212 891-1623
Fax 212 909-0809
jcreelan@jenner.com

Stephen Kitzinger, Esq.
New York City Law Department
100 Church Street, room 2-126
New York, NY 10007

Re: NAACP New York State Conference, et al. v. New York State Board of Elections, et al., No. 10-cv-02950

Dear Mr. Kitzinger,

I write in regard to the upcoming elections to be held across New York State on September 14, 2010 and November 2, 2010. Plaintiffs would like to confirm that certain types of information related to the elections will be preserved for production to Plaintiffs in this matter.

It is the Plaintiffs' expectation that the Defendants will collect and preserve the following information related to the September 14, 2010 and November 2, 2010 elections:

- Precinct-level data showing the total number of votes cast in each contest, distinguishing between votes cast on the Defendants' new optical-scan voting machines and those cast by absentee and affidavit ballot.
- Precinct-level data showing the number of overvotes cast in each contest, distinguishing between votes cast on the Defendants' new optical-scan voting machines and those cast by absentee and affidavit ballot.
- Precinct-level data showing the number of spoiled ballots, as well as the spoiled ballots themselves, made available for inspection.
- Precinct-level data (whether collected by the machines, poll workers or others) indicating voters' responses to the overvote message provided by the Defendants' optical-scan voting machines, i.e., how many voters chose to cast overvoted ballots and how many chose to have their ballot returned to them.
- "Shapefiles," or geospatial vector data files, showing the geographic boundaries of each voting precinct.

It is our understanding that the new optical-scan voting machines capture this information automatically. Please confirm that this information will be maintained for production from the upcoming elections and provided to Plaintiffs as soon as it becomes available.

In addition, it has come to our attention that during at least one training session for Poll Site Coordinators, held on August 11, 2010, the Coordinators were instructed **not** to tell voters that casting an overvote would nullify their vote in that particular contest. It was reported to Plaintiffs that the Coordinators were instead told that "that is a decision for the lawyers." This is obviously of great concern and we would like your assurance that this is not the Defendants' policy and that remedial action will be taken in regard to this particular training session and any other sessions where similar statements were made by trainers.

Once again, we would like to reiterate Plaintiffs' request to hold a 26(f) conference as soon as possible. We propose a conference call or meeting next week at any time on Monday, Tuesday, Wednesday, or Thursday.

Sincerely,

Jeremy M. Creelan

JMC:epb