

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT  
N.D. OF N.Y.  
FILED

DEC 28 2007

ROBERT L. SCHULZ, et al., )  
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 Plaintiffs, )  
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 )  
 STATE OF NEW YORK, et al., )  
 )  
 Defendants, )

LAWRENCE K. BAERMAN, CLERK  
ALBANY

No. 07-cv-0943  
LEK-DRH

AFFIDAVIT BY LYNN E. LANDES  
IN SUPPORT OF PLAINTIFFS

Lynn E. Landes, being duly sworn, deposes and says:

1. I am over 18, I reside at 217 S. Jessup Street, Philadelphia, PA 19107. I am not a party in the matter captioned above and I make this affidavit in support of Plaintiffs.
2. I am a researcher and freelance journalist. From 1996-2002, I researched and wrote articles about the environment and health. I also hosted my own radio show (WDVR), produced television news spots (DUTV), and was a paid commentator for Radio 5 of the British Broadcasting Corporation (BBC). I host two websites: [www.ZeroWasteAmerica.org](http://www.ZeroWasteAmerica.org) and [www.TheLandesReport.com](http://www.TheLandesReport.com).
3. I have dedicated the last five years (2002-2007) to investigating electronic voting systems, voting data irregularities, election fraud, and exit polling operations. My articles have been published in online and print journals. I appear in several documentaries on the subject. I maintain a dedicated Internet location for the subject of voting security: <http://www.thelandesreport.com/VotingSecurity.htm>.
4. In this affidavit I will provide information on the location, history, and purpose of the New York-based National Election Pool (and its predecessors), and its contacts with the fifty states of the Union regarding the collection and reporting of election returns and exit polls on Election Day.

5. The National Election Pool (NEP) is a consortium of dominant television networks that are based, or whose parent companies are based, in the city of New York. NEP, through its member and contractor, The Associated Press, appears to have its central election operations located at 55 Washington Street, Suites 451 and 453, Brooklyn, New York, 11201. See paragraph # 35.
6. According to an archived webpage hosted by NEP contractors, Edison Media Research and Mitofsky International (Edison/Mitofsky):

“The National Election Pool is a consortium of ABC News, Associated Press, CBS News, CNN, Fox News and NBC News. It was formed in 2003 in order to provide information on Election Night about the vote count, election analysis and election projections. NEP contracted with Edison Media Research and Mitofsky International (Edison/Mitofsky) to make projections and provide Exit Poll analysis. In addition, the NEP retained the Associated Press to conduct a tabulation of the vote throughout the country.” See Exhibit A - [http://www.exit-poll.net/exit\\_polling.html](http://www.exit-poll.net/exit_polling.html)
7. ABC News is headquartered at 77 West 66th St., New York, NY 10023. See Exhibit B - <http://abcnews.go.com/Site/page?id=3068843>
8. Associated Press is headquartered at: 450 W. 33rd Street, New York, NY 10001. See Exhibit C - <http://www.ap.org/pages/contact/contact.html>
9. CBS News is headquartered at: 51 West 52nd Street, New York, NY 10019-6188. See Exhibit D- [http://www.cbcorporation.com/contact\\_info/index.php](http://www.cbcorporation.com/contact_info/index.php)
10. CNN’s parent corporation, Time Warner is located at: One Time Warner Center New York, NY10019-8016. See Exhibit E  
[http://www.timewarner.com/corp/aboutus/our\\_company.html](http://www.timewarner.com/corp/aboutus/our_company.html) &  
[http://www.timewarner.com/corp/aboutus/fact\\_sheet.html](http://www.timewarner.com/corp/aboutus/fact_sheet.html)
11. FOX News is headquartered at: 1211 Avenue of the Americas, New York, NY 10036. See Exhibit F - <http://www.newscorp.com/management/foxnewschannel.html>
12. NBC News is headquartered at: 30 Rockefeller Plaza, New York, NY. See Exhibit G - <http://www.msnbc.msn.com/id/10285339/>
13. It is common knowledge that on election night (both primaries and General Elections, when people are voting for President of the United States of America), before the end of the voting periods in the States, NEP’s T.V. network members (ABC, CBS, CNN, FOX NBC, and the AP) begin reporting the results of their “Exit Polls.” The “Exit Polls” are conducted in those States by NEP’s contractor, Edison/Mitofsky. See paragraphs 6 above and paragraph 21 below.
14. It is common knowledge that on election night (both primaries and General Elections, when people are voting for President of the United States of America), immediately

following the end of the voting periods in the States, NEP's T.V. network members (ABC, CBS, CNN, FOX, NBC, and the AP) begin reporting the winners and the losers, based on the results of the tabulations of the vote, state-by-state. The tabulations are provided to the NEP by NEP member and contractor, the Associated Press. See paragraph 6 above and paragraphs 21 and 40 below.

15. It is common knowledge, that in order for The New York City-based NEP, through its contractor, New York City-based Associated Press, to be able to tabulate the vote from hundreds of thousands of polling stations in the fifty states of the Union, spread across 3,041 counties, thousands of towns and cities, and begin reporting the winners and the losers within minutes of the close of those polling places, the NEP maintains personal and/or electronic communications with election officials and other public officials in each of the fifty states.
16. NEP's announcement, election night, of the winners and losers is based on unofficial vote totals. It is commonly understood that the voter returns that are broadcast across the nation by NEP's T.V. network members on election night have not been certified by any Chief Election Officials in any of the States. The state certification and announcement of official election results can take days or weeks.
17. The Associated Press was founded in 1846. According to their website, "AP operates as a not-for-profit cooperative with more than 4,000 employees working in more than 240 worldwide bureaus. AP is owned by its 1,500 U.S. daily newspaper members. They elect a board of directors that directs the cooperative." See Exhibit H-a - <http://www.ap.org/pages/about/about.html>
18. However, it appears (as of their Annual Meeting in Dallas, TX, April 20, 1998) that the AP's board of directors is not elected by all its members, but instead by voting shares that they call, "membership bonds" which appear to be controlled by about a dozen members. See Exhibit H-b - <http://web.archive.org/web/20021222153917/www.ap.org/anniversary/index.html>  
<http://web.archive.org/web/20021223001612/http://www.ap.org/anniversary/story3.html>
19. As of October 22, 2004, Burl Osborne, was the chairman of the AP board of directors, and also publisher emeritus of The Dallas Morning News. Kathleen Carroll, was senior vice president and executive editor of AP, was a reporter at The Dallas Morning News before joining AP. Carroll was also on the Associated Press Managing Editors (APME)'s 7-member executive committee. The APME "works in partnership with AP to improve the wire service's performance," according to their website. APME vice president, Deanna Sands, was managing editor of the Omaha World Herald newspaper, whose parent company owns the largest voting machine company in the nation, Election Systems and Software (ES&S).
20. In an October 22, 2004 article, Could the Associated Press (AP) Rig the Election?, I wrote: "Many Americans believe that polling organizations and the broadcasters will raise the red flag on any election shenanigans. But others have their doubts. The Collier

brothers, authors of the book, VoteScam: The Stealing of America, wrote about vote fraud and the role the news media and polls played. In 1970, Channel 7 in Miami projected with 100% accuracy (a virtual impossibility) the final vote totals on Election Day. When asked where they got their exit poll data, both Channel 3 and Channel 7 claimed that the League of Women Voters sent it in from the precincts. But, the League's local president tearfully denied it, saying, "I don't want to get caught up in this thing." The broadcasters then told the Colliers that a private contractor used the data from a single voting machine to project the winners, but the contractor said he got the data from a University of Miami professor, who in turn denied this. In the end, the news broadcasters appeared to have got the polling numbers out of thin air. One thing is clear. The air will be thick with distrust and doubt on Election Night 2004." See Exhibit I - <http://www.thelandesreport.com/AP.htm>

21. Edison/Mitofsky has its office at 34 W Main Street, Suite 353, Somerville, NJ 08876. On their website, Edison/Mitofsky defines the NEP membership, the purpose of the NEP, and Edison/Mitofsky's role as NEP's contractor:

"Edison Media Research and Mitofsky International formed a partnership in Exit Polling in 1996. Since then, Edison/Mitofsky has become the preeminent Exit Polling organization in the world. The companies were chosen by ABC, CBS, CNN, FOX, NBC and the Associated Press to conduct Exit Polls and collect vote returns to project and analyze results for broadcast in 2004 and 2006, and will again provide data for every major presidential primary and the general election in 2008." See Exhibit J - <http://www.exit-poll.net/about.html>

22. A long-standing collaboration between the major news broadcasters on Election Day is corroborated on an archived webpage from the Edison/Mitofsky website, dated 2003-2004: "Mitofsky International is a survey research company founded by Warren J. Mitofsky in 1993. Its primary business is conducting exit polls for major elections around the world. **It does this work exclusively for news organizations. Mitofsky has directed exit polls and quick counts since 1967 for almost 3,000 electoral contests.** He has the distinction of conducting the first national presidential exit polls in the United States, Russia, Mexico and the Philippines." (Emphasis by Landes). See Exhibit K - <http://web.archive.org/web/20040810131736/www.exit-poll.net/election-night/aboutmitofsky.html>

23. NEP is the successor of Voter News Service (VNS). VNS was created in 1993 and dissolved in 2003, following the election discrepancies in the 2002 elections. VNS was a consortium of the same entities that today make up the NEP. VNS's headquarters and space for the Associated Press was at 45 Main Street, Brooklyn, New York. Previous to September 11, 2001, VNS was located at 225 West 34th Street, Suite #310, New York NY, 10122.

According to the following website, DUMBO press release, July 1, 2002: "Voter News Service, formerly News Election Service, was created in 1970 to provide polling data to subscriber news organization."

See Exhibit L - <http://www.dumbo-newyork.com/index.cfm?objectid=77C0F326-3048-7098-AF69DB4DE754BE97&navid=99BD9295-3048-7098-AF958F2DD7E146F1>

According to the following website, DUMBO Newsletter, August/September 2001: “The Associated Press will be moving to 45 Main Street adjacent to Voter News on September 1.”

See Exhibit M - [http://www.dumbo-newyork.com/files/\\_finalnewsltr\\_aug\\_sep\\_01.pdf](http://www.dumbo-newyork.com/files/_finalnewsltr_aug_sep_01.pdf)

Also see Exhibit N – Information regarding a former VNS website.

24. VNS had its own predecessors. On February 14, 2001, in testimony before Congressman Billy Tauzin's (LA) Committee on Energy and Commerce, VNS executive director, Ted Savaglio, said that the networks first got together in 1990, before becoming Voter News Service (VNS), which was created in 1993.
25. However, according to the VoteScam authors, the Collier brothers, collaboration among the major news networks and their use of computers to project the “winners” on Election Night, dates back to 1964. The contractors were then called, “News Election Services” and “Voter Research and Survey”. The “1964” date was confirmed by Lee C. Shapiro. In a Sept 23, 2002 article I wrote:

“In a telephone interview I had with long-time VNS communications director, Lee C. Sharpio, she agreed to the 1964 date. But that's about all she would reveal. There is no transparency to VNS. Shapiro will not tell you how big their budget is, nor who hires the 46,000 people she claims they use on election night to collect exit polling data, nor will she give you any proof that these 46,000 employees exist...no phone logs, no emails lists, no documents to prove that they do what they say they do. Shapiro would not let me talk to any employee of VNS's regular staff of 30. She says that VNS will not let anyone witness their operations on election night nor would she disclose its location. VNS has no (active) website and a very uninformative brochure.”
26. In 2002, VNS sent out pre-election survey forms asking for information, such as: voter registration and precinct data, number of *absentee precincts* (I'm not sure what that means), voting system/equipment used, and any changes to congressional districts. These forms were sent to county election administrators in states across the country. I contacted election officials in Bucks County PA, Fairfax County VA, and Cook County IL. They sent to me a copy of their VNS survey form. See Exhibit O -  
<http://www.thelandesreport.com/images/VNS-Images/VNS-IL.jpg>  
<http://www.thelandesreport.com/images/VNS-Images/VNS-PA1.jpg>  
<http://www.thelandesreport.com/images/VNS-Images/VNS-PA2.jpg>  
<http://www.thelandesreport.com/images/VNS-Images/VNS-VA1.jpg>  
<http://www.thelandesreport.com/images/VNS-Images/VNS-VA2.jpg>
27. For the 2004 election, the following CBS News webpage contains 3 versions of the exit poll form published by the NEP for use by exit poll workers who interviewed voters at the polls in states throughout the country. See Exhibit P -

<http://www.cbsnews.com/htdocs/pdf/natepoll.pdf>)

28. For the 2004 election, the following CBS News webpage contains data that indicates that a much longer exit poll survey was also conducted by the NEP in states across the country. See Exhibit Q - [http://web.archive.org/web/20041107062657/http://election.cbsnews.com/election2004/poll/poll\\_p\\_\\_\\_u\\_s\\_\\_all\\_us0.shtml](http://web.archive.org/web/20041107062657/http://election.cbsnews.com/election2004/poll/poll_p___u_s__all_us0.shtml))
29. In a telephone interview I had with long-time VNS communications director, Lee C. Sharpio, in 2002, she said that VNS (now NEP) will not let anyone witness their operations on election night nor would she disclose the location of its central election operations room. See Exhibit R - <http://www.thelandesreport.com/VoterNewsService.htm>
30. Today, the NEP has no website, no office, and no telephone number specifically dedicated to it, according to Alicia Buhse, spokesperson for Edison Media Research in an interview with me on Dec.17, 2007. For decades, the operations of the NEP and its predecessor organizations have long been cloaked in secrecy. And, in keeping with the secretive nature of the NEP organization, the Edison/Mitofsky's Exit Poll website gives no direct contact information for the NEP. In an attempt to discover if the NEP had a lead agent of some sort, I asked Ms. Buhse who pays for the services that Edison/Mitofsky render to the NEP. Ms. Buhse specifically declined to give me that information. She instead referred me to the NEP. According to Ms. Buhse, the members of NEP take turns each month acting as the NEP public relations representative. For December 2007, Jennifer Farley of CBS news is the contact person. On Ms. Farley's behalf, Sandy Genelius, another CBS spokesperson, called me on December 20, 2007. I asked Ms. Genelius how the NEP paid its bills, and she said that each of the six members wrote out their own separate checks. She said that there was no NEP bank account from which funds were drawn.
31. In our December 17, 2007 interview, Ms. Buhse told me that the NEP keeps a **"quarantine room"** in New York City, but did not say where it was or what it was used for.
32. I suspect the NEP "quarantine room" is located at 55 Washington Street, Suites 451 and 453, in Brooklyn, NY, one block away from the building that housed the offices of VNS at 45 Main Street, Brooklyn, NY.
33. In order to confirm that offices for VNS actually existed, one day in November of 2002 my husband and I drove from Philadelphia to Brooklyn, New York. We personally entered the lobby of the building that housed the offices of VNS at 45 Main Street, Brooklyn, NY. I did not enter their offices, because I did not want them to know that I believed I had discovered the general location of their Election Day operations. From the beginning, it was not easy to find a phone number for VNS headquarters. I had obtained a number for VNS from telephone information, but that phone number was answered by a workman with a foreign accent who said he was "laying cable" for VNS



and that he had no other information to give me, and that he wished people would stop calling. I finally obtained a VNS contact phone number from the executive offices of one of the national news broadcasters. However, when the people at VNS refused to give out any information on the location of their Election Day operations, it occurred to me that the "cable guy" might be working at that location. So, I called back the original number and the same man answered. I believed that he would not give me any information if he knew I was a journalist, so I talked fast, sounded flustered, and pretended that I meant to call the 45 Main Street address. I asked what street he was located at. He said "Washington". I asked if that was a street or avenue, at which point I think he realized that he had said too much, and hung up on me.

34. Washington Street is one block away from Main Street in Brooklyn near the base of the Brooklyn Bridge. My husband and I entered a roughly configured, large, industrial type building that housed a number of what appeared to be "light" manufacturing companies and offices. The building had more than one entrance. While exploring the building, I observed that the only indication that VNS was a tenant was a scribbled "VNS" in pencil on the one of the building's directories. We climbed up about 3 or 4 stories. When we reached the door to the VNS offices, we found a note that was taped to the door, again with VNS scrawled in pencil. I suspected that this was VNS's operations room. Unlike the other tenants in the building whose spaces were secured by clearly strong, but ordinary metal industrial doors appropriate for their types of business, the VNS door was secured by what appeared to be a high-tech locking mechanism located in the center of the door. My husband knocked on the door. No one answered, so we left.
35. My suspicion (that the room could be AP's central "election operations" room or the "quarantine room" Ms. Buhse referred to in my December 17, 2007 telephone interview), appears to have been confirmed on December 20, 2007 by plaintiff John P. Liggett, who personally visited the location, 55 Washington Street, Suites 351 and 453, and who was told by AP personnel and observed himself that the location was occupied by the Associated Press for election operations. I understand that Mr. Liggett is filing his own affidavit on this matter.
36. Following the 2004 Presidential election, the NEP website reported that vote totals were "collected" from 3,000 "quick count precincts". See Exhibit S <http://web.archive.org/web/20040810131736/www.exit-poll.net/election-night/aboutmitofsky.html>
37. I have not been able to discover what the NEP means by "quick count". In my January 5, 2005 article, Did Networks Fake Exit Polls, While AP 'Accessed' 2,995 Mainframe Computers?, I wrote:

"Although, the AP has admitted it was the sole source of raw vote totals for the major news broadcasters on Election Night in 2004, AP spokesmen Jack Stokes and John Jones refused to explain to this journalist, when asked, how the AP received that information. **They refused to confirm or deny that the AP received direct feed from central vote tabulating computers across the country.**" See Exhibit T -

<http://www.thelandesreport.com/NEP.htm>

38. American Free Press reporter, Christopher Bollyn seems to have discovered that "quick counts" are collected as the result of a direct contact between AP and government-owned and operated vote-tabulating computers. He has reported that on Election Night in 2004 he spotted an AP employee connecting her laptop to an ES&S computer at the Cook County (IL) election headquarters. In an interview with this reporter, Bollyn said, "When I asked the AP "reporter" if she had "direct access" to the mainframe computer that was tallying the votes, she said yes and then Burnham (a Cook County official) stepped in and re-asked my question for me. Again the answer was, "Yes." See Exhibit U for a copy of Bollyn's article - [http://www.americanfreepress.net/html/private\\_company.html](http://www.americanfreepress.net/html/private_company.html)
39. As I described in my January 5, 2005 article, I followed-up with my own phone call to Cook County, Illinois and spoke with Cass Cliatt, their spokesperson. She said that after the polls close any reporter can use the county's "connector cables" that allow them to download the latest vote totals. Cliatt said that this did not constitute a connection to the mainframe computer. She did admit that AP employees were there on Election Night and had cables dedicated to them specifically. But, she again insisted that the AP cables were not connected to the mainframe computer.

Bollyn disagreed. In an email to this journalist he wrote: "Cook County had a complete press room set up in the back room where there were about 8 computer terminals hooked up to the internet. So why were this AP woman and her helper, a man, setting up their lap top in the front room with wires that came across the counter only for them? And the real question is why was Scott Burnham so dedicated to defending this AP "reporter" and not allowing me to talk to her? He did not care if I talked with the Fox News guy or the CLTV people. It was only the AP "reporter" who was being protected. Scott Burnham is David Orr's (county clerk) right hand man and PR person. What was the county clerk's office trying to hide? I have never seen something like that and Burnham was very firm about that - I was not allowed to talk to the AP reporter directly. As you recall, I saw she had more important things to do - she was in deep into the middle of a novel as the first numbers came in from Cook County."

I asked computer security specialist, Dr. Rebecca Mercuri, at that time, a fellow at the Radcliffe Institute for Advanced Study at Harvard University, if it a good idea to allow reporters to "hook up" to a cable in order to access vote tabulation data. She said she didn't think so. "It's not as if they are handing them a CD with the data on it. That would be the safest thing to do and probably faster. Why would they allow them to connect up?" she asked.

40. It appears that the Associated Press provided the same vote-tabulation service for NEP's predecessor, Voter News Service (VNS). In a May 27, 2003 Washington Times article titled, "AP to feed networks election tallies", Jennifer Harp reported:

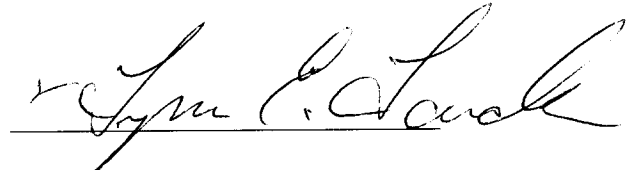
"Five television networks have signed agreements with the Associated Press to provide



vote-tabulation services starting with the 2004 presidential primaries, AP announced yesterday. "ABC, CBS, NBC, CNN and Fox News Channel said AP will provide continuous running election-night returns on presidential, gubernatorial and congressional races, as well as selected statewide ballot propositions, **under contracts that run through 2008,**" AP said in a statement." See Exhibit V -

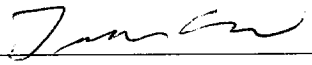
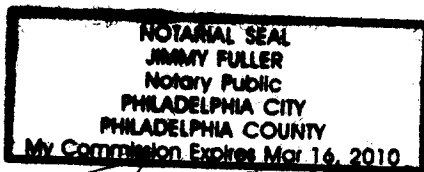
<http://www.thelandesreport.com/AP1.PDF>  
<http://www.thelandesreport.com/AP2.PDF>  
<http://www.thelandesreport.com/AP3.PDF>

Dated: December 22, 2007



LYNN E. LANDES  
217 S. Jessup Street  
Philadelphia, PA 19107  
215-629-3553  
lynnlandes@earthlink.net

Sworn to before me this 22<sup>nd</sup> day of December, 2007

  
\_\_\_\_\_  
Notary

# **EXHIBIT A**

# Exit Polls by Edison Media Research and Mitofsky International



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## Exit Polling From Edison Media Research and Mitofsky International

**Edison Media Research not only provides exit polling services to the National Election Pool, we also use our national network of over 6,000 interviewers to conduct Commercial Exit Polls to measure consumer opinions, advertising and marketing effectiveness, and point-of-sale data. Our rigorous training and sampling methodology ensures the most representative sampling possible, and is often more efficient and cost-effective than telephone or Internet surveying.**

**For more information about Edison's Consumer Exit Polling services, [click here.](#)**

### What is the National Election Pool (NEP)?

The National Election Pool is a consortium of **ABC News, Associated Press, CBS News, CNN, Fox News and NBC News**. It was formed in 2003 in order to provide information on Election Night about the vote count, election analysis and election projections. NEP contracted with Edison Media Research and Mitofsky International (Edison/Mitofsky) to make projections and provide Exit Poll analysis. In addition, the NEP retained the Associated Press to conduct a tabulation of the vote throughout the country.

### What does the Associated Press provide to the NEP?

The AP collects voter returns from all counties in the United States and from cities/towns in the New England states. They provide tabulations for each state for Senate and Governor, and congressional district tabulations for U.S. House of Representatives. They also provide tabulations for selected state referenda and initiatives. Regular AP clients are offered a more comprehensive vote count for many additional political contests.

### What does Edison/Mitofsky provide to the NEP?

Edison/Mitofsky conducts statewide Exit Polls throughout the country as well as a National survey. In addition, Edison/Mitofsky collects the vote count in a sample of precincts in each state. Edison/Mitofsky provides Exit Poll analysis and projections for President, U.S. Senate, Governor as well as selected U.S. House, and state referenda and initiatives.

### What is an Exit Poll?

Exit Polls are interviews with voters after they have cast their votes at their polling places. A sample of precincts are scientifically selected to collectively represent a state, or for the national Exit Poll, the nation. An interviewer gives every nth voter exiting the polling place a questionnaire to complete. There are questions about demographics such as gender, age, race, and issues related to the person's vote choice in different contests. Participation is voluntary and anonymous. The interviewing starts when the polls open and continue throughout the day until about an hour before the polls close.

## **Who decides what questions to ask on the Exit Poll?**

All questions asked on state and national questionnaires are prepared by the six members of the National Election Pool.

## **How many polling places will be in your sample?**

Sample sizes vary from state to state.

## **How do you select sample precincts?**

Precincts are selected as a stratified probability sample of each state. The purpose of stratification is to group together precincts with similar vote characteristics. A recent past election was used to identify all precincts as they existed for that election. The total vote in each precinct and the partisan division of the vote from this past race are used for the stratification. In addition, counties are used for stratifying the precincts. The total vote also is used to determine the probability of selection. Each voter in a state has approximately the same chance of being selected in the sample.

## **Who makes projections of the winning candidates?**

Projections are made by Edison/Mitofsky and transmitted to each of the NEP members and subscribing news organizations. Edison/Mitofsky does not provide its information to the public. Each of the members has its own analysts who review the Exit Poll results and the tabulated data as it is collected. Each news organization makes its own decision about what to report to the public. All decisions are made after careful review by the analysts and are not automatic decisions made by a computer.

## **How are projections of winners made?**

Projections of a winning candidate are based on models that use votes from three different sources -- Exit Poll interviews with voters, vote returns as reported by election officials from the sample precincts, and tabulations of votes by county. The models make estimates from all these vote reports. The models also indicate the likely error in the estimates. The best model estimate may be used to make a projection if it passes a series of tests.

## **When will projections be made?**

Projections of a winning candidate are only made after all the polls in a state are closed and when the best model estimates show a clear winner. There will be no projections before the last polls in a state are closed.

## **How do absentee votes affect projections?**

In a number of states significant numbers of voters cast their ballots before Election Day. They either cast an absentee ballot or they vote at voting locations set-up for voters in the weeks leading up to the election. The results of these absentee/early voters' interviews are combined with the Election Day Interviews. Instead, they are interviewed by telephone shortly before the election. They are asked the same questions as voters interviewed in the Exit Polls on Election Day.

## **What is the Margin of Error for an Exit Poll?**

Every number estimated from a sample may depart from the official vote count. The difference between a sample result and the number one would get if everyone who cast a vote was interviewed in exactly the same way is called the sampling error. That does not mean the sample result is wrong. Instead, it refers to the potential error due to sampling. The margin of error for a 95% confidence interval is about +/- 3% for a typical characteristic from the national Exit Poll and +/-4% for a typical state Exit Poll. Characteristics that are more concentrated in a few polling places, such as race, have larger sampling errors. Other non sampling factors may increase the total error.

### **How many people will it take to conduct the Exit Polls and collect the vote at the Edison/Mitofsky sample precincts?**

For a national election, almost 3,000 people will be required to do the job at Edison/Mitofsky. This includes Exit Poll interviewers, telephone operators to take their calls at election headquarters, reporters at the sample precincts to get the vote, developers to program the computers, systems specialists, election researchers, technical support at all sites, analysts reviewing the computations, support staff to manage the Exit Polls and management of the project. In addition the Associated Press will staff its operation with thousands of additional people.

### **Are these current models and procedures going to assure the public that there will be no mistakes?**

**Since Edison/Mitofsky began conducting exit polls for the National Election Pool in 2003, the news organizations using the Edison Mitofsky data have not made a single mistake in deciding a winner in any race.**

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# **EXHIBIT B**



Good Morning America | World News | 20/20 | Primetime | Nightline | This Week | ABC  
Friday, December 21, 2007  
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## How do I contact ABCNews.com?

E-Mail the People Who Bring You the News

Your comments and opinions count! Please use the links below to direct your e-mail to the various ABC News broadcasts and to ABCNews.com on the Web.

- To send ABC Primetime Entertainment and Daytime programming Feedback, click here.
- To send SPORTS Feedback, click here.
- Contact Good Morning America
- Contact World News with Charles Gibson
- Contact Primetime
- Contact 20/20
- Contact Nightline
- Contact This Week
- ABC News Programming Specials
- ABC News Programming Other
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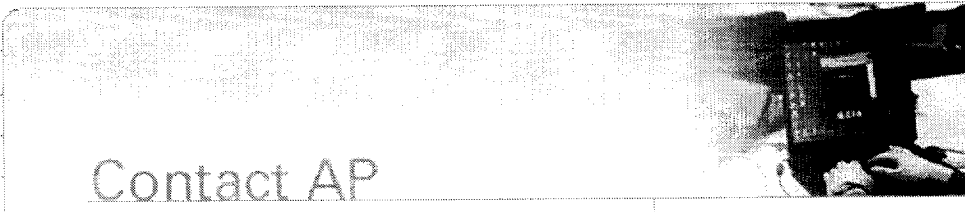
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CORPORATE PROFILE

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Phone 212.484.8000

Building Brands for a Digital World

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22000 AOL Way  
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**HBO**  
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Time Inc.

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# Fox News Channel

## COMPANY INFORMATION

Fox News Channel  
 1211 Avenue of the Americas, 2nd Floor,  
 New York, NY 10036  
 Phone: 212-556-2500  
 Web: www.foxnews.com

### PRIMARY PRESS CONTACT

Brian Lewis, Executive Vice President  
 Corporate Communications  
**Phone:** 212-301-3331  
**Fax:** 212-819-0816  
**E-Mail:** brian.lewis@foxnews.com

### SECONDARY CONTACT

Irena Briganti, Vice President  
 Media Relations  
**Phone:** 212-301-3608  
**Fax:** 212-819-0816  
**E-Mail:** irena.briganti@foxnew

## DESCRIPTION OF BUSINESS

Fox News Channel is a 24-hour general news service devoted to delivering fa balanced coverage of the day's news events. Reaching more than 90 million I network offers 18 hours of live programming weekdays, covering breaking ne the globe, as well as political, business and entertainment news. FNC is the n watched cable news channel in America and is home to a number of well-resj journalists including Brit Hume, Chris Wallace and Shepard Smith. The netwo signature opinion programs, The O'Reilly Factor and Hannity & Colmes, are t highest rated shows in cable news.

**In Operation Since: October 7, 1996**

*Last updated: August 30, 2007*

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# **EXHIBIT H-a**



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## Facts & Figures

### Facts

The Associated Press is the backbone of the world's information system serving thousands of daily newspaper, radio, television and online customers with coverage in all media and news in all formats. It is the largest and oldest news organization in the world, serving as a source of news, photos, graphics, audio and video.

AP's mission is to be the essential global news network, providing distinctive news services of the highest quality, reliability and objectivity with reports that are accurate, balanced and informed. AP operates as a not-for-profit cooperative with more than 4,000 employees working in more than 240 worldwide bureaus. AP is owned by its 1,500 U.S. daily newspaper members. They elect a board of directors that directs the cooperative.

AP supplies a steady stream of news around the clock to its domestic members, international subscribers and commercial customers. It has the industry's most sophisticated digital photo network, a 24-hour continuously updated online news service, a state-of-the-art television news service and one of the largest radio networks in the United States. It also has a commercial digital photo archive, a photo library housing more than 10 million images and provides advertising management services.

AP has received 49 Pulitzer Prizes, more than any other news organization in the categories for which it can compete. It has 30 photo Pulitzers, the most of any news organization.

The Associated Press is the essential global news network, delivering fast, unbiased news from every corner of the world to all media platforms and formats. Founded in 1846, AP today is the largest and most trusted source of independent news and information. On any given day, more than half the world's population sees news from AP.

### Figures

243 bureaus in 97 countries.

1,700 U.S. daily, weekly, non-English and college newspapers.

5,000 radio and television outlets taking AP services.

850 AP Radio News audio affiliates.

550 International broadcasters who receive AP's global video news service, APTN, and SNTV, a sports joint venture video service.

121 number of countries served by AP

4 languages in which AP sends news. The report is translated into many more languages by international subscribers.

4,100 AP editorial, communications and administrative employees worldwide.

3,000 of AP's worldwide staff are journalists.

49 Pulitzer Prizes, including 30 for photography.

#### The AP news report is:

24 hours a day

7 days a week

(Updated April, 16, 2007)

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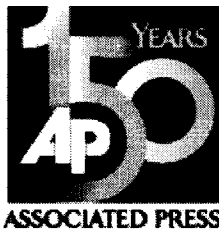
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# **EXHIBIT H-b**



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Anniversary Reflections

**From the AP Annual Meeting and Luncheon**

April 20, 1998 in Dallas

Annual Meeting Program

AP Panel Discussion & meeting (Listen)

Bios of Panelists

AP Celebrates its 150th Anniversary

AP Board Election

Sen. Daniel Patrick Moynihan's Luncheon Address - complete text (listen)

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**Letter to the membership**

**AP President and Board Chairman meet Clinton**

**Panel discussions with AP photographers:**

Winning the Pulitzer Prize.  
Digital news photography

**When the Source was Morse**

Veteran AP telegrapher Aubrey Keel describes what it was like to "key" the news

Exhibits

**The AP Newseum, Arlington, Va. Exhibit**

AP President Lou Boccardi Opens the exhibit.

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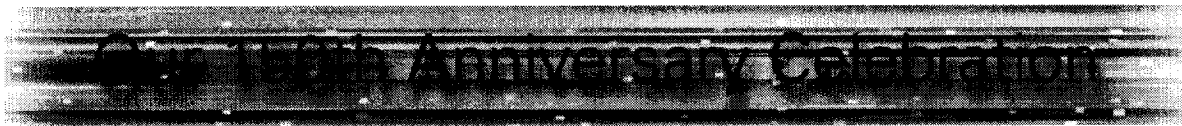
Other exhibits

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You will need Apple's Quicktime to view the panorama, Real Media's Player to listen to the programs, and Macromedia's Shockwave for the book features.

Download: Quicktime | Shockwave | Real Player





## **Newhouse re-elected AP chairman**

Anniversary  
Page

DALLAS (AP) \_ Donald E. Newhouse, president of Advance Publications Inc. and of The Star-Ledger of Newark, N.J., was re-elected chairman of the board of directors of The Associated Press on Monday

Stephen Hamblett, chairman, chief executive officer and publisher of the Providence Journal Co., was elected vice chairman

Louis D. Boccardi was re-elected president and chief executive officer of the news cooperative.

Other AP management officers re-elected to one-year terms were Patrick T. O'Brien, senior vice president and chief financial officer; James M. Donna, vice president and secretary; and vice presidents William E. Ahearn, Vincent J. Alabiso, Claude E. Erbsen, Walter R. Mears, John W. Reid, Wick Temple and James R. Williams.

Daniel Boruch was elected treasurer, and Scott Johnson was re-elected assistant treasurer, along with newly elected Salvatore Focella and Ann Randolph. Other AP management officers re-elected were assistant secretaries Lilo Jedelhauser and Greg Groce.

## **Four incumbents, three newcomers elected to AP board**

DALLAS (AP) \_ Four incumbents and three new members have been elected to the board of directors of The Associated Press.

Incumbents re-elected in results of all-mail voting announced at the news cooperative's annual meeting April 20 were David E. Easterly, president and COO of Cox Enterprises Inc., representing the Dayton (Ohio) Daily News; Richard J. Harrington, president and CEO of The Thomson Corp., representing The Repository of Canton, Ohio; P. Anthony Ridder, chairman and CEO of Knight Ridder, representing The Miami Herald, and Lissa Walls Vahldiek, vice president and COO of Southern Newspapers, representing The Baytown (Texas) Sun.

New members are Joe Hladky, president and publisher of The Gazette of Cedar Rapids, Iowa; George B. Irish, vice president and general manager for newspapers of Hearst Newspapers, representing the Albany (N.Y.) Times Union, and, representing a city of less than 50,000 population, Uzal H. Martz Jr., president and publisher of the Pottsville (Pa.) Republican.

Hladky will fill the unexpired one-year term of Larry Franklin, who resigned from the board on the sale of Harte-Hanks Newspapers.

The other directors were elected to three-year terms.

Voting was based on membership bonds held by the newspapers that make up the news cooperative. The results:

- Ridder, 16,497 bond votes.
- Easterly, 15,997.
- Vahldiek, 14,431.
- Harrington, 12,289.
- Irish, 11,424.
- Hladky, 9,230.
- W. Dean Singleton, president and CEO, MediaNews Group, The Denver Post, 8,902.
- Frank A. Blethen, publisher and CEO, The Seattle Times, 7,640.
- Emmett J. Jones, president and COO, Donrey Media Group, the Southwest Times Record of Fort Smith, Ark., 6,957.
- Peter A. Horvitz, chairman, president and CEO, Horvitz Newspapers Inc., East Side Journal of Bellevue, Wash., 5,923.
- W. Stacey Cowles, publisher, The Spokesman-Review of Spokane, Wash., 5,834.
- Foy S. McNaughton, president and CEO, McNaughton Newspapers, The Davis (Calif.) Enterprise, 2,294.

In the separate election to represent a city of less than 50,000 population, Martz received 13,272 bond votes, and Fred Paxton, president and CEO of Paxton Media Group Inc., representing The Paducah (Ky.) Sun, received 6,027.

# **EXHIBIT I**



## The Landes Report ...

► [Go back to Voting Machine Webpage](#)

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### Could the Associated Press (AP) Rig the Election? *(Check updates at bottom)*

by Lynn Landes 10/22/04

The Associated Press (AP) will be the sole source of raw vote totals for the major news broadcasters on Election Night. However, AP spokesmen Jack Stokes and John Jones refused to explain to this journalist how the AP will receive that information. They refused to confirm or deny that the AP will receive direct feed from voting machines and central vote tabulating computers across the country. But, circumstantial evidence suggests that is exactly what will happen.

And what can be downloaded can also be uploaded. Computer experts say that signals can travel both to and from computerized voting machines through wireless technology, modems, and even simple electricity. Computer scientists have long warned that computer voting is an invitation to vote fraud and system failure. An examination of Diebold election software by several computer scientists, including Dr. Avi Rubin and his staff, proved that secret backdoors can be built into computer programs that allow votes to be easily manipulated without detection.

ES&S, the nation's largest voting machine company that will reportedly count 50% of all votes, describe on their webpage how "accessible" their results are, "At ES&S, we know election administrators and the public want fast and accurate election results. That is why we have developed several election management system software solutions to make the reporting process easier, more reliable, and more accessible." Diebold, the second largest voting machine company, advertises a similar service. Both ES&S and Diebold have close ties to the Republican Party.

But, can't the AP be trusted? Isn't it an objective non-partisan news organization? Some say no. The AP is batting for a Bush presidency.

In Online Journal, Stephen Crockett and Al Lawrence, the hosts of Democratic Talk Radio, wrote, "...the Associated Press ran a story that was widely published in newspapers and on the Internet, headlined "Bush Leads Kerry In Electoral Votes," that could have been written by the Bush campaign. The assignment of states to candidates, the headline and the conclusions were all simply wrong. The Associated Press should print a retraction and work to see that it is widely published."

And on WBAY TV in Green Bay, Wisconsin ran an AP article reporting that Bush has won the election, weeks before the election is to take place. The AP reported, "At this hour, President Bush has won re-election as president by a 47 percent to 43 percent margin in the popular vote nationwide. Ralph Nader has 1 percent of the vote nationwide. That's with 51 percent of the precincts reporting." According to reports, the AP is now saying the article was a "test article," a never-heard-before journalistic practice.

Who is the AP? The Associated Press was founded in 1848. It is a not-for-profit news cooperative, some would say 'monopoly', that rakes in about \$500 million dollars a year. The AP is owned by its 1,500 U.S. daily newspaper members. Their board of directors is elected by voting 'bonds'. However, it is not clear who controls the bonds. AP spokespeople would not give out information on who sits on their board, however AP leadership appears quite conservative.

Burl Osborne, chairman of the AP board of directors, is also publisher emeritus of the conservative The Dallas Morning News, a newspaper that endorsed George W. Bush in the last election. Kathleen Carroll, senior vice president and executive editor of AP, was a reporter at The Dallas Morning News before joining AP. Carroll is also on the Associated Press Managing Editors (APME)'s 7-member executive committee. The APME "works in partnership with AP to improve the wire service's performance," according to their website. APME vice president, Deanna Sands, is managing editor of the ultra conservative Omaha World Herald newspaper, whose parent company owns the largest voting machine company in the nation, Election Systems and Software (ES&S).

Many Americans believe that polling organizations and the broadcasters will raise the red flag on any election shenanigans. But others have their doubts.

The Collier brothers, authors of the book, VoteScam: The Stealing of America, wrote about vote fraud and the role the news media and polls played. In 1970, Channel 7 in Miami projected with 100% accuracy (a virtual impossibility) the final vote totals on election day. When asked where they got their exit poll data, both Channel 3 & Channel 7 claimed that the League of Women Voters sent it in from the precincts. But, the League's local president tearfully denied it, saying, "I don't want to get caught up in this thing." The broadcasters then told the Colliers that a private contractor used the data from a single voting machine to project the winners, but the contractor said he got the data from a University of Miami professor, who in turn denied this. In the end, the news broadcasters appeared to have got the polling numbers out of thin air.

One thing is clear. The air will be thick with distrust and doubt on Election Night 2004.

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**UPDATES:**

- Nov 4, 04: Votes Downloaded to AP - Confirmation that the Association Press gets direct feed from voting tabulating computers - read Christopher Bollyn's article.
- Nov 1, 04: The AP announces results BEFORE the election AGAIN - [http://election.rockymountainnews.com/results\\_races.cfm](http://election.rockymountainnews.com/results_races.cfm))  
Sorry, folks, but I grabbed this page without getting the date and who sent me this info. I'll try to find it.

(For more on the AP: <http://www.conspiracyplanet.com/channel.cfm?channelid=97&contentid=1624>)

---

Lynn Landes is one of the nation's leading journalists on voting technology and democracy issues. Readers can find her articles at [EcoTalk.org](http://EcoTalk.org). Lynn is a former news reporter for DUTV and commentator for the British Broadcasting Corporation (BBC). Contact info: [lynnlandes@earthlink.net](mailto:lynnlandes@earthlink.net) / (215) 629-3553

# **EXHIBIT J**



# Exit Polls by Edison Media Research and Mitofsky International



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## About Edison Media Research

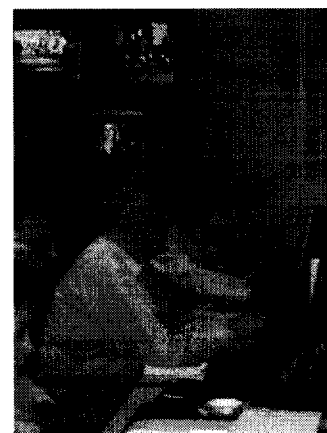
### The Most Experienced Exit Polling Team in the World

Edison Media Research and Mitofsky International formed a partnership in Exit Polling in 1996. Since then, Edison/Mitofsky has become the preeminent Exit Polling organization in the world. The companies were chosen by ABC, CBS, CNN, FOX, NBC and the Associated Press to conduct Exit Polls and collect vote returns to project and analyze results for broadcast in 2004 and 2006, and will again provide data for every major presidential primary and the general election in 2008. Edison/Mitofsky also designed the CNN RealVote system used by the cable network during the 2002 General Election. In previous years, Edison/Mitofsky has conducted exclusive Exit Polling for elections around the country including Mayor's races in New York City, Washington, DC, and in state elections for Governor and U.S. Senate.

Edison Media Research successfully uses the same methods used for political exit polling for a variety of commercial uses. We have performed exit polls at a wide variety of locations including retail stores, movie theaters, concert venues, airports, train stations, buses, cruise ship docks, golf courses, baseball stadiums and basketball arenas.

In addition, Edison conducts survey research that provides strategic information to radio stations, television stations, Internet companies, newspapers, cable networks, record labels and other media organizations.

Edison also recently conducted a groundbreaking, national study of localism in radio by the Federal Communications Commission. Like our work for the National Exit Poll, this study involved data collection in each of the 50 states-- while there are many research companies with locations and capabilities in various metropolitan locations, Edison is unique in its ability to conduct complex Exit Poll-based research projects in all 50 states, in a wide variety of settings.



Through its history, Edison Media Research has conducted many groundbreaking surveys. Edison, working with Arbitron, has conducted first-of-their-kind national surveys on at-work media usage, radio spot-loads, in-car media, and other topics. Edison is also frequently selected by media trade organizations to conduct research including recent studies on music purchasing, Country Music and Radio, Hispanic music usage, and a variety of other topics.



In addition, Edison has conducted 14 major national studies in conjunction with the Arbitron Company on the role of the Internet in today's media world. These studies shed new light on the impact of the Internet on traditional media and have become the standard guide to the growth in usage of streaming media. Edison Media Research has replicated these Internet surveys in Canada, Finland and the United Kingdom. The results of these studies are quoted frequently in Business Week, Advertising Age, The Wall Street Journal and The New York Times.

Edison Media Research works with many of the largest Radio Ownership Groups in the United States including Bonneville, Entercom, CBS Radio, Westwood One, Radio One and ABC Radio. Edison Media Research also conducts research for successful radio stations in Argentina, Canada, Czech Republic, Denmark, Hungary, Iceland, Ireland and the United Kingdom. Edison Media Research also conducts research for the U.S. Government's broadcasting ventures in the Middle East including "Radio Sawa" and "Radio Farda". This research is currently conducted weekly in Abu Dhabi, Egypt, Iraq, Jordan, Lebanon and Morocco. Edison Media Research tailors its research to the particular needs and culture of each country while using research techniques that have been proven to work throughout the world.

**Check out our Consumer Exit Polling section for more information on the various projects that Edison Media Research has worked with using Exit Polls.**

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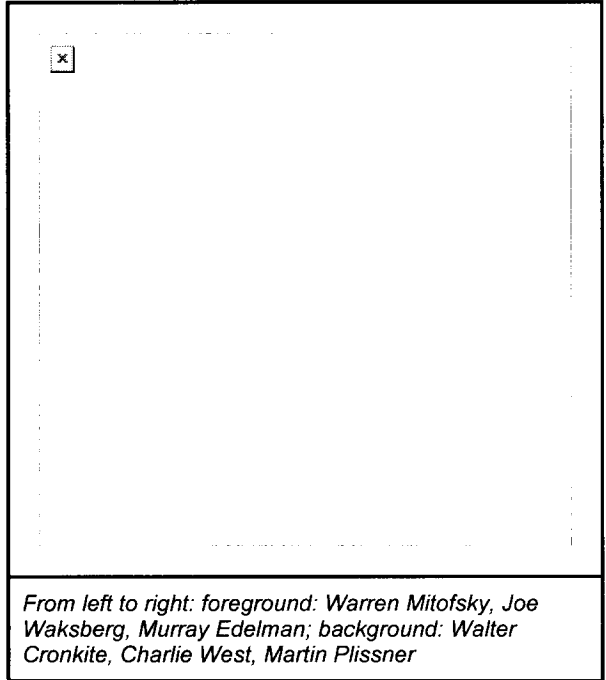
# **EXHIBIT K**

- Home
- Using Exit Polls in Your Election Coverage
- State Election Information
- Exit Poll System Description
- Subscriber Training & Election Day Assistance
- About Edison Media Research
- About Mitofsky International
- Employment Opportunities

## Mitofsky International

Mitofsky International is a survey research company founded by Warren J. Mitofsky in 1993. Its primary business is conducting exit polls for major elections around the world. It does this work exclusively for news organizations. Mitofsky has directed exit polls and quick counts since 1967 for almost 3,000 electoral contests. He has the distinction of conducting the first national presidential exit polls in the United States, Russia, Mexico and the Philippines.

His record for accuracy is well known. "This caution in projecting winners is a Mitofsky trademark, one which has served him well," said David W. Moore, the managing editor of the Gallup Poll in his book, *The Super Pollsters*.



*From left to right: foreground: Warren Mitofsky, Joe Waksberg, Murray Edelman; background: Walter Cronkite, Charlie West, Martin Plissner*

Mitofsky International election research clients in the United States have included all the major television Networks, major newspapers such as *NY Times*, *Washington Post* and *WSJ*. Mitofsky also has a diverse roster of international Broadcast clients. Along with CESSI, Ltd., his was the sole exit poll for the Russian presidential elections in 1996 and 2000 as well as all other Russian elections since 1993. His was the only exit poll and quick count reported by the Mexican broadcast industry for its 1994 presidential Election. Since then he and Consulta S.A., have done all national and state exit polls for Televisa, Mexico's largest broadcaster.

Warren Mitofsky started and directed the first network election pool, Voter Research & Surveys, from 1990 to 1993, later to become known as Voter News Service (VNS). Mitofsky and Edison Media Research have recently conducted exit polls in D.C., NJ, NY and for the 2003 California recall election. With the dissolution of VNS in 2002, the election consortium has chosen Edison and Mitofsky International to be the sole provider of Exit Polls for all Primaries and General Elections.

Mitofsky created the Exit Poll research model and its execution in 1967 at CBS News; he continued to bring his innovative and accurate view of election data to Political reporting and analysis within CBS as director of its election unit for the

next 27 years and a founder of the *CBS/New York Times Poll*. Mitofsky is a vital member of the American Association for Public Opinion Research and a fellow of the American Statistical Association. He is currently working on a book about exit polls.

**Contact Information**

Mitofsky International  
1776 Broadway - Suite 1708  
New York, NY 10019  
Phone: 212-980-3031  
Fax: 212-980-3107  
<http://web.archive.org/web/20040810131736/http://www.mitofskyinternational.com/>

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Edison Media Research / Mitofsky International

<http://www.exit-poll.net>

[info@exit-poll.net](mailto:info@exit-poll.net)

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# **EXHIBIT L**

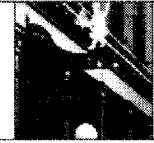


# DUMBO

GREAT NEIGHBORHOOD - GREAT SPACES - GREAT PRICES



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▶ RETAIL



▶ RESIDENTIAL

## PRESS

In the News

[ Press Releases ]

## DUMBO UPDATES

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## VOTER NEWS SERVICES LEASES 17,000 SF IN DUMBO'S GROWING BUSINESS NEIGHBORHOOD [print page](#)

**Brooklyn, NY, July 1, 2002** - Voter News Service (VNS), the primary national provider of exit polling data, signed a 17,000 sq.-ft. lease for its corporate headquarters space with Two Trees Management in DUMBO (Down Under the Manhattan Bridge Overpass), the fast-growing Brooklyn waterfront neighborhood. David Walentas, President of Two Trees Management Company, and Barry Gosin, Vice-Chair and CEO of Newmark & Company Real Estate, Inc., the exclusive leasing agent for DUMBO, made this announcement.

Voter News Service, formerly News Election Service, was created in 1970 to provide polling data to subscriber news organization. VNS typically provides election results and forecasts on Election Day. Subscriber organizations include the three major television networks as well as FOX News, CNN and the Associated Press. Subscribers rely on VNS to provide continuous updates on Election night. The information can also be used to retrieve specific demographic trends, such as how Americans of a given gender, age bracket, income or religion are voting. The new office space will serve not only as corporate headquarters for the group but also as a data processing center. Voter News Service is relocating from a Penn Plaza address in Manhattan to 45 Main Street, one of two newly renovated office buildings in the heart of the 24-hour DUMBO community. Together with 55 Washington Street, 45 Main Street has recently undergone a complete transformations in the form of a combined \$5 million capital improvement program that included new lobbies, high speed elevators, underground parking, new windows, HVAC, electrical and other building systems. VNS will be the recipient of an intensive landlord workletter that includes all partitions, electrical and data wiring, complete HVAC distribution, new lighting, carpeting, new windows, and new bathrooms. They will be moving into their new space September 1.

"We are thrilled to welcome Voter News Service to the burgeoning DUMBO community," Mr. Walentas said. "They bring a vitality, excitement and professionalism to our growing work community. Their vote of confidence in DUMBO will go a long way to giving DUMBO the credibility it deserves as a remarkable, viable, wonderful office district."

In addition to an extensive build out and a brand new home, VNS will receive extensive city benefits for moving to DUMBO. Through a combination of several new incentives, including the REAP program, VNS's savings will total as much as \$15 per square foot, bringing their effective rent to well under \$10 per square foot.

According to Ted Savaglio, president of Voter News Service, the company selected DUMBO over other locations for its compelling pricing as well as its sense of neighborhood. "Economic incentives made DUMBO a compelling choice for us, and the neighborhood itself and the quality of the office space in the newly renovated buildings sealed our decision," Savaglio said. Leslie Harwood of Newmark & Co. Real Estate represented Voter News Service in this transaction. John Brierty and Christine Claffey of Newmark & Co. Real Estate, exclusive on-site leasing agents for DUMBO, represented DUMBO in this transaction.

"I am confident that Voter News Service will be very happy doing business here. Their operation will be complemented by the terrific retail shops, beautiful new parks and wonderful neighborhood feel DUMBO offers," Mr. Walentas said. "We know other major tenants will follow Voter News Service in an exodus from Manhattan to the terrific environment, exceptional space and exciting neighborhood of DUMBO."

*Considered "the next SoHo" by many New Yorkers, DUMBO is the energetic, artistic 24-hour community located just across the Brooklyn Bridge. Featuring hundreds of luxury apartments and dozens of first-class retailers, DUMBO also boasts more than 2 Million square feet of office space, with the finest opportunities at the newly renovated 45 Main and 55 Washington Streets. DUMBO has become home to many of New York's most innovative new media, design, industrial, Internet-related and finance companies, many taking advantage of State and City sponsored incentive programs to lower their rents by as much as \$15 per square foot on a net effective basis.*

*For more information on space leasing opportunities, please contact Chris Havens(718) 222-2505*

\* \* \* \* \*

◀ [back to listings](#)

▲ [back to top](#)





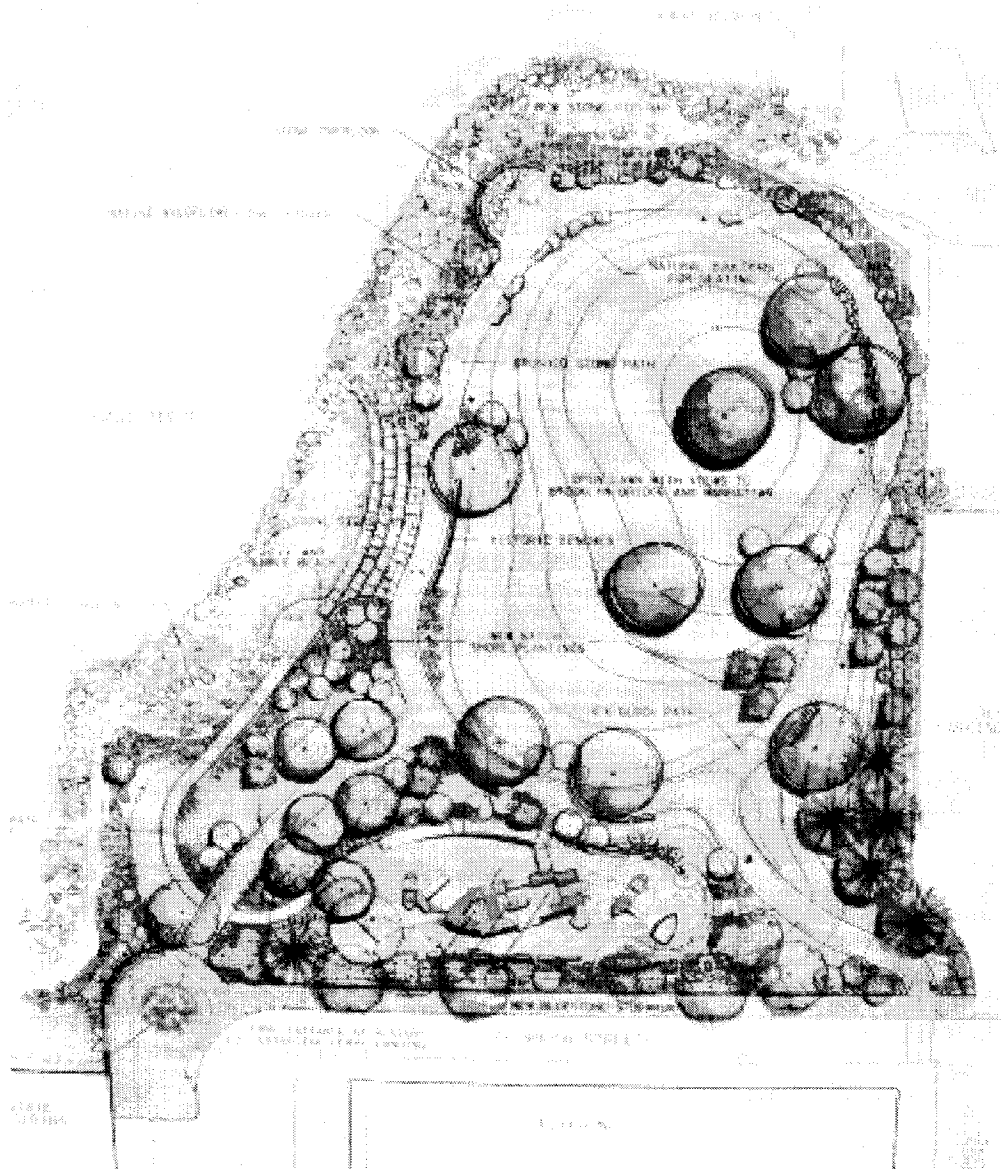
# EXHIBIT M

# DUMBO newsletter

AUGUST/SEPTEMBER 2001

## WHAT'S INSIDE:

- New Neighbors!  
65 Washington nearing completion
- Eyebeam Atelier cashes in  
Commercial Expansion Program  
paying dividends
- Digital DUMBO  
Festival showcases digital culture
- Spirit & spirits for tenants  
DUMBO Tenant Appreciation Night
- Neighborhood news



Courtesy New York City Department of Parks and Recreation

## Park coming to DUMBO

After years of talk and advocacy, the Brooklyn Bridge Park is finally on its way to becoming a reality. The first stage of construction for the Brooklyn Bridge Park is underway, and a groundbreaking ceremony took place on July 27. The first piece of the park is at the former parking lot site on Main Street. The parcel, already under municipal control, is being built by the New York City Parks Department, and will feature paths, a playground, man-made hills and, of course, views of the Manhattan skyline.

Ultimately, planners envision a waterfront park stretching along the East River for a mile and a half from Atlantic Avenue to Jay Street. Although many issues, such as governance and funding of the park, remain to be resolved, the beginning of construction is surely a positive sign. \$150 million in public funds have already been committed, with Governor George Pataki and Mayor Rudy Giuliani having allocated \$85 million in state funds and \$65 million in city funds respectively.

DUMBO will soon become home to an additional 54 families with the new 12-story luxury apartment building located at 65 Washington Street to be ready for occupancy on October 1st. Unlike many of the other buildings in the DUMBO area which have been converted from warehouse space, the new apartment building has been built from the ground up.

laundry facility and a health club for tenants' convenience. Also, there will be a large public open space between the new building and 81 Washington Street. During the summer months, the adjacent restaurant, Rice, will offer outdoor seating.

The new apartment building is the first substantial new construction in the DUMBO area since 1930. The building will add to the 203 housing units already created by Two Trees in DUMBO in the past three years. For information on renting an apartment call the rental office at (718) 596-6500 or contact Trish Galligan at (718) 222-2500. Renters will be able to move in October 1st.

Front Street Pizza will return to their former home on the corner of Front and Washington Streets. Sal and Val expect to open their brand new store around September 1st.

## New Neighbors!

65 Washington  
nearing  
completion

Leasing for the 54 apartments begins August 19. The 54 apartments range in size from studios to three bedrooms; rental prices range from approximately \$1300 to \$5000 per month. All apartments will be pre-wired for internet and cable access and feature high-end kitchens, fine bathrooms, hardwood floors, and either balconies or terraces. Some of the apartments also feature spectacular views. The building will have a

## Eyebeam Atelier Cashes in on New York City Rent Abatement Program

Eyebeam Atelier, a new tenant on the 12th floor of 45 Main Street has become the first tenant in New York City to take advantage of the new Commercial Expansion Program (CEP). Michael Carey, President of the New York City Economic Development Corporation, John Johnson, President and CEO of Eyebeam Atelier, and David Walentas of Two Trees made this announcement at a press conference on July 17, at which Carey and Walentas presented Johnson with a check for \$5,600.

Eyebeam signed a lease last year, and will be moving from SoHo shortly, after completing extensive construc-

tion. Eyebeam is a not-for-profit organization established to provide education and support for artists, students, and the general public in the field of art and technology. The organization was founded in 1996 by Mr. Johnson with the purpose of introducing broad and diverse audiences to new technologies and media arts.

Eyebeam received money through the Commercial Rent Abatement Program, which offers tenants who lease renovated space up to \$2.50 per square foot for five years. The Commercial Rent Abatement Program is a facet of CEP, which was designed

to attract tenants to the outer boroughs. CEP has been a driving force behind the expansion of the DUMBO office market.

Two Trees Management has assisted many tenants with the CEP application process. We are encouraging all office tenants who think they may be eligible for incentives to apply as soon as possible. If you have any questions, please contact Isaac Esterman at (718) 222-2500.

Gale Gates et al.

# Digital DUMBO



MASTEL + MASTEL  
GALLERY

Four Eyes Productions, the multi-media content provider and designer located at 45 Main Street, in conjunction with the Mastel + Mastel Gallery will be hosting Digital DUMBO ([www.digitaldumbo.com](http://www.digitaldumbo.com)), a three day festival showcasing DUMBO as a nucleus of artistic and digital culture running from September 6-9th.

The three day festival will begin with the launch party for FourEyes.TV ([www.foureyes.tv](http://www.foureyes.tv)), on September 6, from 6-10 pm at the Mastel + Mastel Gallery, 70 Washington Street, Suite #700. There will be digital arts exhibitions at the Mastel + Mastel Gallery, and several other DUMBO venues throughout the festival.

Works for the festival will be in mediums including flash animation, digital video, streaming media, and other uses of mixed media that create moving imagery and other forms of art. To submit work for the exhibition, go to [www.digitaldumbo.com](http://www.digitaldumbo.com), or email [ejm@ejmpr.com](mailto:ejm@ejmpr.com).

Gale Gates at 37 Main Street will be taking its place along side Lincoln Center and the Joyce Theatre as hosts of the Quebec-New York 2001 festival. The festival runs from September 13 to October 6 throughout the city and is conceived as a citywide exhibition of all of Quebec's exports, from arts to food to technology.

Gale Gates will be hosting an exhibition by the Society of Arts and Technology from Montreal, a group dedicated to the exploration of the fusion of technology and art. Open parties will be held each Saturday for the duration of the festival in Gale Gates' space, beginning with an opening night party Saturday, September 15 from 10 pm-4 am. The exhibition will be open Wednesday through Sunday, from September 15 to October 6.

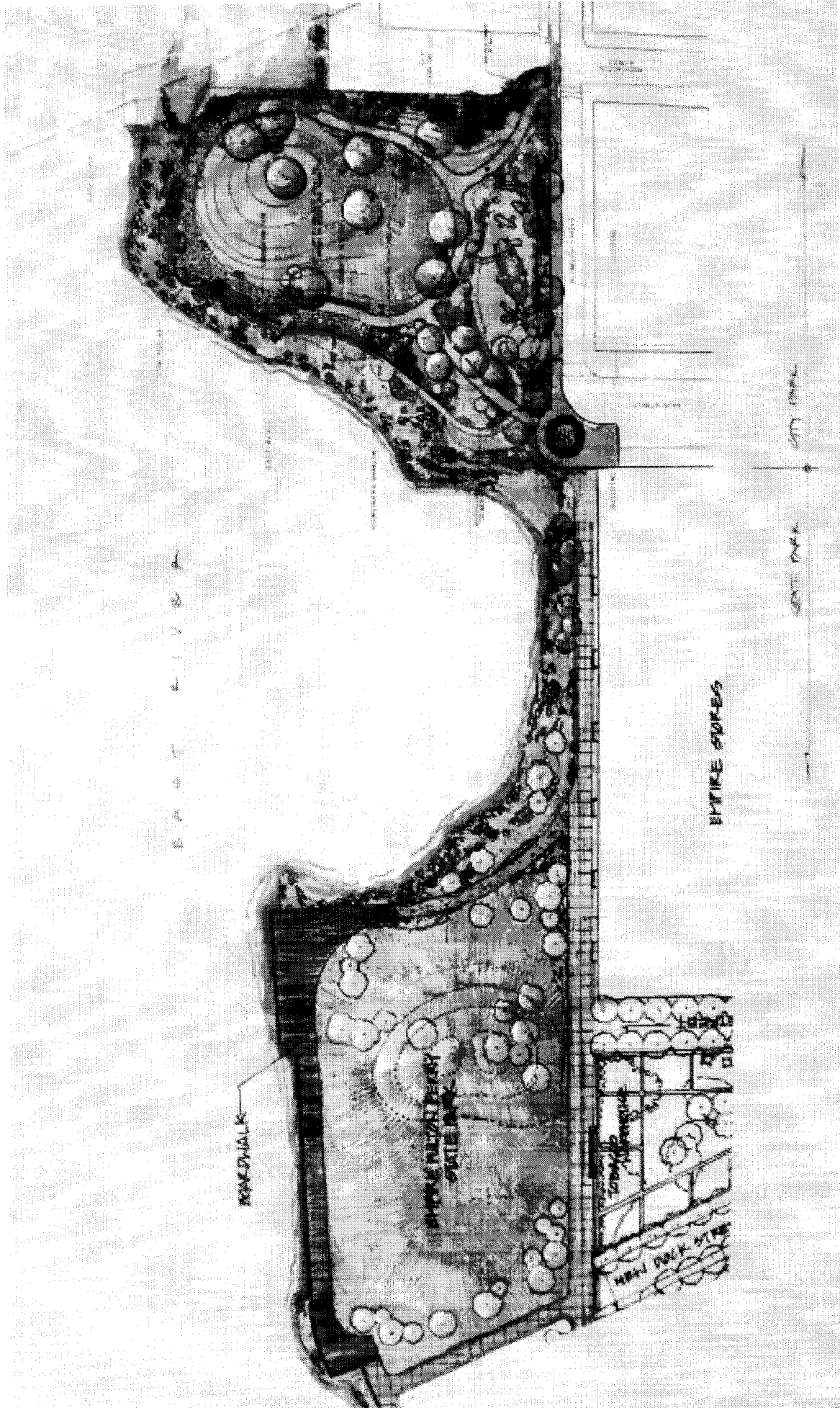
## news? new! news? new!

- \* **Bridgestone Cleaners** has recently opened at 103 Front Street. Bridgestone offers a full array of dry cleaning services to the DUMBO community.
- \* **The DUMBO Hardware Store** at 115 Front Street is planning its grand opening for the last week in August. They plan to stock a wide range of hardware, building supplies, and paints.
- \* **The Voter News Service**, a company which compiles and analyzes exit polling data to predict election results, has signed a twelve year lease for 18,000 SF on the ninth floor of 45 Main Street. As a provider of election data to CBS, NBC, ABC, Fox News, CNN and the Associated Press, VNS is the largest such firm in the country. Voter News Service is expected to move into their newly constructed office by September 1st. They expect to be at full operating capacity by Election Day.
- \* Five other new office tenants have signed new office leases in DUMBO in the last three weeks as well: **The Associated Press** will be moving to 45 Main Street adjacent to Voter News on September 1. Their new space will house their state and local election headquarters. **Strategic Energy**, a national energy sales group headquartered in Pittsburgh, has moved into a pre-built unit on the sixth floor of 45 Main Street. Soon to join them down the hall will be a sales office for **Paychex**, a publicly traded payroll services provider. New tenants at 55 Washington Street include **Clearpool**, a not-for-profit organization which manages charter schools in Brooklyn and upstate New York. Also moving to the recently completed 5th floor at 55 Washington is **Pettistudio**, a design firm relocating from Manhattan.
- \* The annual summer sculpture show is currently taking place in Empire-Fulton Ferry State Park.

## Spirit & spirits for tenants

Two Trees Management will host a tenant appreciation reception, September 13th, at 5:30 P.M at the newly opened Rice Restaurant at 81 Washington Street. As DUMBO becomes an even more exciting place to work, live, and shop, we would like to show our appreciation to our tenants who have made DUMBO such a great neighborhood. Tenants will be able to meet and network with other tenants and enjoy free food and drink. For more information about the event, please contact Isaac Esterman at (718) 222-2500. We look forward to seeing all of our tenants at the reception.





Courtesy New York City Department of Parks and Recreation

Plan of the new Main Street Park, shown together with the upgraded Empire-Fulton Ferry State Park.

# EXHIBIT N

Registrant:

Voter News Service (VNSUSA-DOM)  
225 West 34th Street, Suite #310  
New York  
NY, 10122  
US

Domain Name: VNSUSA.ORG

Administrative Contact:  
slavin, veda (VS2282) [veda.slavin@VNSUSA.ORG](mailto:veda.slavin@VNSUSA.ORG)  
voter news service (vns)  
225, west 34th street  
nyc, ny 10122  
(212) 947-5442 (FAX) (212) 947-7756

Technical Contact:  
Slavin, Boris (BS4829) [boris\\_slavin@HOTMAIL.COM](mailto:boris_slavin@HOTMAIL.COM)  
RAMATEK CORP  
381 Garibaldi Ave #9  
Lodi, NJ 07644  
US  
973-614-9456

Record expires on 11-Jul-2004.  
Record created on 10-Jul-1997.  
Database last updated on 18-Sep-2002 23:46:42 EDT.

Domain servers in listed order:

DNSAUTH1.SYS.GTEI.NET	4.2.49.2
DNSAUTH2.SYS.GTEI.NET	4.2.49.3
DNSAUTH3.SYS.GTEI.NET	4.2.49.4

# EXHIBIT O



**Subject: VNS info. on Cook Co.**

**Date: Wed, 7 Aug 2002 14:35:40 -0400**

**From: Brendan Cantwell <Brendan.Cantwell@vnsusa.org>**

**To: "sburnham@cookctyclerk.com" <sburnham@cookctyclerk.com>**

Dear Mr. Burnham,

In order to complete my research on Cook County, I need the following information:

- 1) Results for the 2000 general presidential election broken down by precinct with voter registration totals.
- 2) 1998 precinct voter registration totals.
- 3) Current countywide voter registration totals.
- 4) The date of your last registration purge or "list clean up."
- 5) The type of voting equipment used in Cook County.
- 6) An estimate on the number of absentee ballots that will be cast for the Nov. 2002 election.
- 7) Conformation as to whether precinct results are still available at the polling place.
- 8) Required authorization, if any, for reporters stationed at polling place.
- 9) Telephone number that can be called on election night to conform results.

Also, if you have undergone major boundary changes since the 1998 general election, I will need to get copies of the precinct maps in the county. If boundarie changes occurred between 1992 and 1998 I will need the '98 maps as well as the current ones. If there is a charge for the maps, please include an invoice or let me know where to send a check if prior payment is required.

All of the requested information may sent to:  
Voter News Service  
Brendan Cantwell  
Research Department  
45 Main St., Suite 900  
Brooklyn, NY 11201

Thank you for your time and effort.

If you have any questions please contact me at 800-641-8683.

-Brendan Cantwell

November 5, 2002

PLEASE COMPLETE AND RETURN AS SOON AS POSSIBLE IN THE ENVELOPE PROVIDED.

COUNTY:

**COUNTY ELECTION DIRECTOR INFORMATION**

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

Office Telephone Number: (Area Code: \_\_\_\_\_) \_\_\_\_\_

Office Fax Number: (Area Code: \_\_\_\_\_) \_\_\_\_\_

Election Night Telephone Number: (Area Code: \_\_\_\_\_) \_\_\_\_\_

Home Telephone Number: (Area Code: \_\_\_\_\_) \_\_\_\_\_

Email Address \_\_\_\_\_ County Web Address \_\_\_\_\_

**REGISTRATION AND PRECINCT DATA**

**Date.** What is the date on which the voter registration data presented below were last compiled in your county? \_\_\_\_\_

**Final Report.** How many *total precincts* will you report on Election Night when you make your *final report* with 100 percent of the vote counted? \_\_\_\_\_

**Absentee Precincts.** Does the number of total precincts for the final 100 percent vote count report on election night include any *absentee precincts*? yes \_\_\_\_\_ no \_\_\_\_\_ If yes, how many? \_\_\_\_\_

**County Wide Data**

VNS Requested Data	Your County Numbers
Total number of registered voters in the county	
Total number of registered voters in largest precinct	
Total number of precincts in the county	

If your county contains more than one U. S. Congressional District, please complete the grid requesting additional data on the districts. See the reverse side of the sheet.

**ANTICIPATED MODIFICATIONS**

**Precinct Changes.** Will the number of precincts in your county change before Election Day?  
 yes \_\_\_\_\_ no \_\_\_\_\_

**New Systems.** In general, are you considering any changes or innovations in the electoral system for the 2002 General Election? (This would include the testing of any new voting system.) yes \_\_\_\_\_ no \_\_\_\_\_

If you answered "YES" to the above question, please briefly describe anticipated modification. Include a description of the extent of change (the number of precincts) and type of system used. Include information on testing a new system in part of the county as well as countywide modifications.

**Comments on Changes**

**VOTING SYSTEM SPECIFICATIONS**

Please indicate with a check mark the type of voting system(s) to be used in your county in the 2002 election. If you use more than one system, please write the number of precincts using each system in the margin left of your check mark.

- |   |  |
|---|--|
| <input type="checkbox"/> Machine<br><input type="checkbox"/> Paper Ballot (voter writes "X" by preference)<br><input type="checkbox"/> Electronic (voter touches a panel) | <input type="checkbox"/> Computer Punch Card<br><input type="checkbox"/> Optical Scanner Systems<br><input type="checkbox"/> Other, or combination (Please explain: _____) |
|---|--|

**VERIFICATION CONTACT**

It is VNS practice, after you have released your final report, to call back and obtain that report again. This is to verify to ourselves that we have correctly processed your county vote totals; we are not questioning your tabulation. Who should we call to do this and what telephone number should we call?

NAME: \_\_\_\_\_

TELEPHONE \_\_\_\_\_

**CD Breakdown  
 Congressional District Data**

VNS Requested Data	CD#	CD#	CD#	CD#	CD#
Total number of registered voters in the CD					
Total number of registered voters in largest precinct in the CD					
Total number of precincts in the CD					

# Voter News Service

## 2002 General Election - VA Questionnaire

Please return this questionnaire in the enclosed postage-paid envelope, as soon as possible.  
 Print or mark answers clearly. Thank You.

County Fairfax Congressional District # 3-8th, 10th, 11th  
 Clerk/Registrar Diane McIntyre Phone # (703) 324-4715  
 Election Supervisor Margaret Luca Phone # (703) 324-4734  
 Election Supervisor Phone #s on election night: (703) 324-4734  
 Election Night Phone(s) (703) 324-4735 2<sup>nd</sup> # (703) 324-4768 Fax (703) 324-4706  
 Home: Emergency only (703) 978-4916 E-mail address maggi.luca@fairfaxcounty.gov  
 County Web Address www.fairfaxcounty.gov/eh Office Hours 5:00 A.M. to 11:00P.M.

### Registration, Precinct Data and Voting System Type

- How many precincts do you have in your county? 218 How many absentee precincts? 2
- How many total precincts will you report on election night (include absentee and early-voting precincts) for your final vote counted report of 100%? 219
- If your precinct total is a different total reported to the Secretary of State, please explain the difference. 221 - 3 absentee totals by Congressional District
- Is there a chance the # of precincts could change between now and Election Day? Check  Yes or  No
- What is your latest county voter registration total? (Please include inactive voters in your total.)  
 Registration total 593,162 in Precinct # 218 as of date 9/1/02 / Inactive voters total 61,953 as of date: 9/1/02 in Precinct # 218.
- Have you purged your registration rolls since the 2000 election? Check  Yes or  No.
- Do you anticipate any changes in procedures or voting system before Election Day? (Include testing of new voting equipment and consolidation of precincts) Check  Yes or  No If yes, please explain: test of touch screen machines in 6 precincts
- Are provisional ballots (votes) by state or by county? (Provide details) by County - decision by Electoral Board whether to count conditional ballots on Wednesday after election
- Check off the type of voting system used in your county.  Machine Lever  Optical Scanner  
 Computer punch card  Other or Combination (provide details) DRE-1242 - 212 precincts  
Optical scan - absentee precinct test-touch screen - 6 precincts

### Multi-Congressional Districts (CD) Counties

- See the chart below for multi-congressional districts. For each congressional district (CD) within your county, please indicate the following: (You will need one line for each CD in the county)

Chart					
One line for each CD in a county.					
CD #	County name	Total # of Precincts	Total # of Registrations	# of Registered Voters	Precinct #
8	Fairfax	68		180,044	
10	Fairfax	50		141,303	
11	Fairfax	101		271,815	

- Will your reports break down the number of precincts being reported in a CD? Check  Yes or  No
- Will you assign absentee precincts?  Yes or  No. If yes, how many per CD? CD#( ) CD#( )  
 Countywide only. How many? 1

Page 2 - VA Questionnaire- Please mark and/or print clearly.

**Absentee Voting Procedures** (Defined as ballots not casted at the polling place on Election Day.)

- When do you begin processing absentee ballots in your county: *Check off.* \_\_\_\_\_ As they come in.  
 Prior to Election Day, but not before \_\_\_\_\_ (day or date)  During Election Day (any special time? \_\_\_\_\_)  
 After the polls close. \_\_\_\_\_ Other, please explain \_\_\_\_\_
- How are absentee ballots released to the news media in your county? *Check off your answer.*  
 Released by county as a special precinct. Is it the first report? Yes or  No  
 Released by county as a special report, but not a separate precinct. Is it the first report? Yes or No  
 Released by county as a separate last precinct of the evening.  
 Released by county as a separate last report of the evening.  
 Combined with other precincts and reported as soon as the totals become available. \_\_\_\_\_ Early in count?  
 Middle? \_\_\_\_\_ Late? \_\_\_\_\_ Other, please explain \_\_\_\_\_
- Will "mail-in" absentee ballots be reported separately from "early-voting" absentee ballots? *Check Yes or No.*  
 If yes, explain \_\_\_\_\_
- Based on the 2000 election in your county, what is your best estimate on the number of absentee votes expected for the 2002 election? Mail In # 6,000 Early # 5,000

**Internet Capability**

- What information is available on your county website? *Check off your answer.* \_\_\_\_\_ Voter Registration  
 Polling Place Locations \_\_\_\_\_ Early Voting Turn-out
- Will your county's election results be available on election night via the Internet? *Check Yes or No*  
 If yes, what is the election night results website address (if different than county address)?  
 www.fairfaxcounty.gov/eb
- Will Internet results on election night be available by (check one);  Individual precincts? \_\_\_\_\_ Cumulative county? If cumulative, will the number of precincts reported be available with each update? Yes / No / Both
- How often is your county website updated? *Check One.* \_\_\_\_\_ Daily \_\_\_\_\_ Weekly \_\_\_\_\_ Monthly  As needed.
- What is the name and telephone number of the person in charge of your website? We would like this information to direct any programming and template questions to this person prior to the election.  
 Name: Bill Taylor Phone: (703) 324-4753 E-mail: william.taylor@fairfaxcounty.gov

**Press Room Facilities on Election Night**

- Where will your "Press Room" be located election night? Address: 12000 Government Center Pky, Suite 315C
- Is there a telephone available for our reporter to make Toll Free calls? *Check Yes or No.*  
 If yes, what is the phone number (703) 324-8381
- Do we need to reserve space for the VNS reporter? *Check Yes or No*  
 Yes  No
- Who is the election night news media contact? Name: Margaret Luca / Phone # (703) 324-4734

**Verification - Election Night**

It is VNS practice, after you have released your final report, to call back and obtain the report again. This is to confirm that we have correctly processed your unofficial county vote totals; not to question your tabulation. Who should we call to do this? (Name / Title) Margaret Luca, Electoral Board Secretary At what phone number(s)?  
 (703) 324-4734, 2nd phone # (703) 324-4735

On election night fax your final report to VNS for verification. The VNS Reporter assigned to your office should have the fax number. If not, back-up to faxing will be emailing the final report (verification) to the Virginia State Manager at [vaelection@aol.com](mailto:vaelection@aol.com). Thank you in advance.

Name/Title who filled out questionnaire: Judy Flaig, Election Manager  
 Phone (703) 324-4768 E-mail: judy.flraig@fairfaxcounty.gov

Thank you for completing and returning this questionnaire for the 2002 General Elections.