

# The State of Texas



Elections Division  
P.O. Box 12060  
Austin, Texas 78711-2060  
www.sos.state.tx.us

Phone: 512-463-5650  
Fax: 512-475-2811  
Dial 7-1-1 For Relay Services  
(800) 252-VOTE (8683)

Hope Andrade  
Secretary of State

## MEMORANDUM

TO: Ann McGeehan, Director of Elections

FROM: Paul Miles, Staff Attorney, Voting System Examiner

DATE: August 28, 2009

RE: August 20, 2009 Examination of the Hart Intercivic Voting System 6.2.1.

On August 20, 2009, Hart Intercivic ("Hart") presented a modification to its previously certified Hart Voting System v. 6.2.1 ("HVS") for examination. The submitted change was reviewed at SysTest, an independent testing authority ("ITA"). A copy of the SysTest letter determining that the change was minor and did not require further review through the federal EAC process was included with the vendor's application to the Secretary of State. In reliance on the letter, the examination focused on the modification's compliance with Texas' voting system standards as set out in Section 122.001 of the Texas Election Code (the "Code"). The vendor described the modification. Examiners cast ballots on both the eSlate and eScan voting devices and pulled the results through Tally, the vendor's central counting/central accumulation station software. The results matched the cast ballots, which had been previously marked and tallied by Secretary of State Office personnel.

The HVS as certified in August 2006 used generic PCMCIA cards (as the mobile ballot box or "MBB") and generic card reader/writer devices. According to the vendor, the market no longer produces the cards and reader necessitating a change to the use of new PCMCIA cards and a new Hart-branded card reader. In an election, the MBB is used in the eSlate and eScan at the polling place; after the election, the MBB cards are removed from the voting machines and taken to the central counting/central accumulation station to be read into Tally, which would be equipped with the new reader/writer device. The post election Rally system also makes use of the new card reader.

The examined changes do not affect the voter's contact with the voting system. Nor is the election official's interface with the HVS affected, either at the polling place or at the central counting station/central accumulation station. Whether use of the new PCMCIA cards or card reader device impacts the HVS' compliance with Section 122.001(a)(3-4) of the Code, which requires a voting system to operate safely and efficiently and be safe from fraudulent or unauthorized manipulation, is a question on which I will defer to our technical examiners expertise to determine. Tex. Elec. Code Ann. §122.001(a)(2-4)(Vernon 2003).

AM:PM:id