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June 7, 2004

Ann McGeehan
Deputy Assistant
Secretary of State
P.O. Box 12060
Austin, Texas 78711-2060

Re: AccuPoll, Inc. ("AccuPoll") DRE Voting System v2.3.14,
consisting of the ABS Voting Machine, BAW Work Station,
Central Count Server, CNC Vote Consolidator and Computer
to view results (the "Voting System").

Dear Ms. McGeehan:

Pursuant to my appointment as an examiner under §122.035 of the Texas Election Code, I examined the above referenced Voting System as presented by AccuPoll for examination. The examination and testing with respect to Texas Election Law and procedure was conducted on May 27, 2004.

This report is concerned solely with the ability of the Voting System and each of the individual components to function in compliance with Texas Election Law. This report is based on the presentation and statements by AccuPoll, and the testing completed by the examiners on May 27, 2004. AccuPoll gave a presentation and overview, and the examiners then conducted an examination by casting ballots and observing the functions of the voting devices and the tabulation and reporting of votes. It is noted that, the multiple components of the Voting System were presented for certification as one voting system and not for individual approval.

AccuPoll offers the option of producing a paper ballot as cast by the voter on the electronic system. However, the Voting System includes the option to disable the printing of the paper ballot. As a result, the option should not pose a conflict with the Code.

This examination was the first exposure of this examiner to the Voting System and AccuPoll, and AccuPoll's first request for certification in Texas. The Voting System appears to have a number of favorable attributes and levels of security. The security for the Voting System appears to be a step forward in many respects. However, it appeared that AccuPoll presented its generic voting

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AccuPoll DRE Voting System

2

June 7, 2004

system for examination, i.e. that it did not make any additions or modifications specifically for the purpose of complying with the Texas Election Code. As a result, despite giving the appearance of a potentially very good voting system, the Voting System did not comply with several requirements of the Texas Election Code.

The following were observed as being among the functions that do not presently comply with the Texas Election Code: (1) Summary Screen. The voting machine summary screen, used by the voter to review the vote selections prior to casting ballot, did not list all candidates for which a vote was cast when more than one candidate was to be selected for a specific race. (2) Tabulation. (a) Straight party votes are not listed on the tabulation. (b) There is no log printer requirement for the tabulation of ballots, at election central or otherwise. (3) Audit Trail. The Voting System appears to offer multiple benefits with respect to auditing an election, even excluding the printed paper ballot which may be redundant and problematic. Votes are stored in multiple places, as are electronic audit logs. When an election judge or worker interfaces with the electronic voting system the judge or worker is required to enter a personal assigned password. However, despite each voting machine having a printer, the Voting System has no provision for a real-time audit log printer during tabulation.

As a result, notwithstanding the many attractive attributes of the Voting System, it was found not to be in compliance with *Chapt. 122, Subchapt. A, Texas Election Code*, for use in an election.

Recommendation

I recommend the Secretary not certify the AccuPoll Voting System as meeting the requirements of the Texas Election Code, at this time. The Voting System was presented for certification as a system, and certification was not requested for any individual constituent parts of the system. As a result of the certification being requested only for the entire system, and the above listed points of non-compliance, the Voting System should not be certified.

Very truly yours,



Barney L. Knight