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January 25, 2005

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

Re: AccuPoll, Inc. ("AccuPoll") DRE Voting System v.2.04.05,
consisting of the ABS Voting Machine, BAW Work Station,
Central Count Server, CNC Vote Consolidator, and Computer for
results (the "Voting System"). As referenced herein, the
"Voting System" does not include the Bar Code Scanner.

Dear Ms. McGeehan:

Pursuant to my appointment as an examiner under §122.035, Texas
Election Code, I examined the Voting System as presented by
AccuPoll for examination. The examination and testing pursuant to
Texas Election Law and procedure was conducted on January 5, 2005.

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 January 5, 2005. 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.

During the presentation and the testing and examination by casting
and tabulating ballots, the issues raised in my June 7, 2004 report
were successfully addressed by the vendor. The Voting System uses
a separate CD for each polling place and election day at the
precinct begins with each polling station presenting a zero totals
tape. Although a voting station failed during the examination,
registering a fatal error, that failure was efficiently addressed
and the voting stations and processing of votes at the precinct
level, using the precinct controller, i.e. voting administrator
workstation, functioned in compliance with the Election Code.

Ann McGeehan
Director of Elections
AccuPoll, Inc.

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The Voting System at central count, consisting of the Central Vote Consolidator, Printer, Election Central (computer for tabulation) and the Administrator PC Notebook (to handle provisional ballots, interface with the Election Central computer, etc.) also functioned in compliance with the Election Code. In this respect, each ballot on the CD is read at Election Central and Election Central also compares and confirms its totals with the reported precinct totals.

The vendor was not prepared to demonstrate the Bar Code Scanner device with the election system and election presented during the examination. As a result, the Bar Code Scanner was not adequately examined and tested and should not be certified for use in Texas..

Recommendation

I recommend the Secretary certify the Voting System as defined above, as meeting the requirements of the Texas Election Code. Such recommended certification is for the AccuPoll Voting System, v. 2.04.05, and is exclusive of the Bar Code Scanner. The AccuPoll Voting System v 2.0405. was demonstrated and shown to function in compliance with Chapt. 122, Subchapt. A, Texas Election Code, (excluding the non-essential accessory Bar Code Scanner). The Bar Code Scanner is not recommended for certification at this time.

Very truly yours,



Barney L. Knight