

Barney Knight & Associates

Attorneys at Law

Tel: (512) 323-5778
Fax: (512) 323-5773
www.cityattorneytexas.com
attorneys@cityattorneytexas.com

Executive Office Terrace
223 West Anderson Lane, Suite A-105
Austin, Texas 78752

Attorneys
Barney L. Knight
Sheila I. Limon
Paige H. Sáenz
Charles K. Eldred

January 25, 2005

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

Re: Diebold Election Systems: GEMS v 1.18.22, Accuvote-Tsx
DRE TouchScreen v4.5.2 Firmware, Accuvote-TS R6 v 4.5.2,
Accuvote-OS v 2.0.12, and VC Programmer v 4.1.11

Dear Ms. McGeehan:

Pursuant to my appointment as an examiner under §122.035, Texas Election Code, I attended an examination on Wednesday, January 5, 2005, for the purpose of examining the above referenced Diebold Election Systems: GEMS v 1.18.22, Accuvote-Tsx v4.5.2 Firmware, Accuvote-TS R6 v4.5.2, Accuvote-OS v 2.0.12, VC Programmer v 4.1.11 (collectively the "Voting System"). At that time, Diebold made a presentation and the examiners asked questions and examined the use and function of the Voting System and the component parts listed.

I relied upon Diebold's representations concerning operation of the software and electronic components. Those representations were made during the examination and in the printed materials provided for the Voting System, and the related materials previously provided by Diebold for prior examinations. Other than examining the materials provided, observing the demonstration, participating in the casting and tabulating of ballots, presenting questions and observing the response of Diebold to my questions and those presented by the other examiners, I did not conduct an independent examination of the software or the electronic components.

This report is concerned solely with the ability of the Voting System to comply with Texas Election Law. No opinion is expressed regarding the suitability of the Voting System for the purposes of or use by any jurisdiction. The earlier certified versions of GEMS, Accuvote-TS R6 and Accuvote-OS were modified by the vendor, and a majority of the changes were made to enhance security and operating features. Based on the materials reviewed, the presentation by the vendor, the questions and answers, and the testing by casting and tabulating ballots, the Voting System appears to function in compliance with Texas election law and procedure.

Ann McGeehan
Director of Elections
Secretary of State
Re: Diebold Election Systems

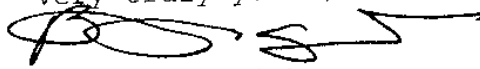
2

January 25, 2005

Recommendations

I recommend the Secretary certify Diebold Election Systems, GEMS v 1.18.22, Accuvote-Tsx w/4.5.2 firmware, Accuvote-TS R6 v 4.5.2, Accuvote-OS v 2.0.12, and the VC Programmer v 4.1.11, as meeting the requirements of the Texas Election Code.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Barney L. Knight', with a long horizontal flourish extending to the right.

Barney L. Knight