

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)

Roger Williams
Secretary of State

REPORT OF EXAMINATION OF UNILECT PATRIOT VOTING SYSTEM PRELIMINARY STATEMENT

On May 26, 2005, the UniLect Corporation (the "Vendor") presented its Patriot Voting System for re-examination by order of the Secretary of State pursuant to Section 122.091(a) of the Texas Election Code (the "Code"). The examination was conducted in Austin, Texas. Pursuant to Sections 122.035(a) and (b) of the Texas Election Code, the Secretary of State appointed the following examiners:

1. Mr. Nick Osborn, an expert in electronic data communication systems;
2. Mr. Tom Watson, an expert in electronic data communication systems;
3. Mr. Barney Knight, an expert in election law and procedure; and
4. Mr. Glenn Glover, an expert in electronic data communication systems.

Pursuant to Section 122.035(a), the Texas Attorney General appointed Dr. Jim Sneeringer, an expert in electronic data communication systems.

The Vendor first demonstrated the system; the examiners thoroughly examined the system. Examiner reports on the system are attached hereto and incorporated herein by this reference.

BRIEF DESCRIPTION OF THE PATRIOT VOTING SYSTEM

The Patriot Voting System is a DRE (Direct Recording Electronic) system for elections consisting of: the ballot setup and central counting station software IntELlect Voting System (IEVS), the InfoPackerER, which is a device to load the election data from IEVS into the InfoPacks, Precinct Control Units (PCU), which load the ballot onto the voting machines and retrieve the votes cast on the Voter Units, InfoPack memory cards which are used to load the election into the PCU and record votes, Voter Units (VU) the device on which voters cast their ballots, Color Voting Units (CVU), the Patriot Curbside Model, and the Freedom Unit keyboard for disabled voters.

The system as presented consisted of:

PCU v. 2.56
Patriot Color Voting Unit v. 2.54
Patriot Curbside Model v. 2.54
Patriot Freedom Unit v. 1.0
IntELlect Voting Software v. 2.6
InfoPackerER v. 1.0

FINDINGS

The following are my independent findings, based on oral evidence presented at the examination, written evidence submitted by the Vendor in support of its application for certification, and the findings of our voting system examiners as set out in their written reports.

The Patriot Voting System as submitted for examination on May 26, 2005 does not meet the standards for certification as prescribed by Section 122.001 of the Texas Election Code.

Specifically, the system:

1. is not suitable for the purpose for which it is intended;
2. does not operate safely, efficiently, and accurately;
3. is not safe from fraudulent or unauthorized manipulation; and
4. is not capable of providing records from which the operation of the voting system may be audited.


CONCLUSION

The voting systems examiners recommended that the Patriot voting system be decertified and that the versions submitted for the May 2005 examination be denied. This recommendation is based in part, but not limited to, the following reasons:

1. The inadequacy of the central counting station's real-time audit log, which includes the failure to log all significant events in a clear and concise manner. The system's log is printed in codes, which require a user to refer to the system's manual. The examiners also noted that the printer could be detached and its disconnection would not be noted until the system attempted to log an event. The examiners also noted that the electronic log is not encrypted.
2. Potential battery failure on the PCU and InfoPacks. While the vendor noted that this sort of failure was rare, the system does not give users a warning of impending failure, which could result in a loss of election data.
3. The use of Windows 98 as the operating system for IEVS. Windows 98 is no longer supported by Microsoft and examiners expressed concern with the users' ability to obtain the OS.
4. Messages on the IEVS were not displayed in a clear and concise manner, which examiners felt would create confusion on the part of election officials as to their meaning. The examiners also noted that the manual and printed materials supplied by the vendor were inadequate both as reference materials for election officials and for their function in reviewing the voting system.
5. The examiners noted that the examination itself was inadequate due to the vendor's failure to include key components of the system for review such as the card readers for early voting and the modem transfer functions. The time spent attempting to operate these features took away from the time available to review the above problems with the system.
6. In addition to the examiners concerns, we note that the system did not comply fully with the state's accessibility requirements as outlined on the attached Accessibility Review documentation.

In light of the examiners' concerns, I hereby suspend the certification of the Patriot Voting System, and I further direct that any political subdivision that heretofore has used this system discontinue such use until otherwise notified.

Certified under my hand and seal of office, this 26 day of Sept., 2005.


BUDDY GARCIA
ASSISTANT SECRETARY OF STATE