The State of Texas

REPORT OF EXAMINATION OF ACCUPOLL, INCORPORATED'S ACCUPOLL VOTING SYSTEM v. 2.5

PRELIMINARY STATEMENT

On January 5, 2005, AccuPoll, Incorporated (the "Vendor") presented its AccuPoll voting system for initial certification. The vendor returned on June 9, 2005, to present and explain changes that had been made to the system during its federal voting system review.

The two examinations were 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 then examined its accuracy and security features. Examiner reports on the system are attached hereto and incorporated herein by this reference.

BRIEF DESCRIPTION OF THE ACCUPOLL SYSTEM

AccuPoll v. 2.5 is a DRE ("Direct Recording Electronic") voting system for elections consisting of the following components: the AccuPoll Voting Station ("AVS") DRE device, which consists of a touch screen coupled with a laser printer, capable of printing a paper receipt of the voter's ballot; the precinct administrative Voting Administrative Workstation ("VAW"), which is linked to the AVS by ethernet; the central counting station vote tabulating Central Vote Consolidator ("CVC"); and the Central Count Server ("CCS"), which creates election reports. The election setup system, BallotBuilder, was reviewed by examiners at the June 9, 2005 voting system examination.

The version of the system examined in January 2005 was AccuPoll v. 2.04.05. The system as certified by a federal independent testing authority and subsequently re-reviewed in Austin on June 9, 2005 was v. 2.5.

ELECTION ASSISTANCE COMMISSION ("EAC") QUALIFICATION NUMBER

AccuPoll v. 2.5 is qualified by the EAC under the designation N-2-13-22-22-001. The final report date is May 10, 2005.

FINDINGS

The following are the findings, based on oral evidence presented at the examination to our examiners, 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 AccuPoll system v. 2.5 meets the standards for certification as prescribed by Section 122.001 of the Texas Election Code.

Specifically, subject to the conditions below, the AccuPoll system:

1. Preserves the secrecy of the ballot;
2. Is suitable for the purpose for which it is intended;
3. Operates safely, efficiently, and accurately;
4. Is safe from fraudulent or unauthorized manipulation;
5. Permits voting on all offices and measures to be voted on at the election;
6. Prevents counting votes on offices and measures on which the voter is not entitled to vote;
7. Prevents counting votes by the same voter for more than one candidate for the same office or, in elections in which a voter is entitled to vote for more than one candidate for the same office, prevents counting votes for more than the number of candidates for whom the voter is entitled to vote;
8. Prevents counting a vote on the same office or measure more than once;
9. Permits write-in voting;
10. Is capable of permitting straight-party voting; and
11. Is capable of providing records from which the operation of the system may be audited.

CONDITIONS

1. The vendor did not present the following components: (1) modem transfer, to transfer election results from the precinct to the central counting station; and (2) an early voting by mail program, to program and print early voting by mail ballots and to process the voted mail ballots. These elements of the voting system will have to be submitted separately for certification.

2. Within one year from the date of this certification, the AccuPoll voting system must be modified and resubmitted to Texas for certification to demonstrate when the real-time audit log printer on the Central Count Server is paused, the system ceases to function; failure to resubmit the modification within the one-year time prior will result in an automatic decertification of the AccuPoll voting system.

3. As no voter verifiable paper audit trail ("VVPAT") certification standards exist as of the date of this certification, including accessibility standards for disabled voters, this certification does not address the VVPAT as an official component of the voting system. A county may not use a VVPAT as an official ballot, and a VVPAT may not be used to conduct a recount. The VVPAT is an election record and must be preserved along with all the records of the election for the normal retention period. We note that federal qualification standards for VVPAT have been proposed and are being considered by the federal Election Assistance Commission ("EAC"). Formal adoption is expected in September 2005, and, if approved, the guidelines will become effective 24 months after their adoption. Accupoll's VVPAT will need to be re-evaluated by the Texas Secretary of State at that time. Secretary of State may issue additional guidelines on the use of the AccuPoll VVPAT.

CONCLUSION

Accordingly, based upon the foregoing and subject to the above conditions, I hereby grant the Vendor's application for certification of the AccuPoll voting system v. 2.5.

Signed under my hand and seal of office, this ___1___ day of _JULY_, 2005.

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BUDDY GARCIA
ASSISTANT SECRETARY OF STATE