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June 13, 2005

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

Re: AccuPoll, Inc. ("AccuPoll") DRE Voting System v.2.5, consisting of the Voting System and Server software v. 2.5 (that functions with the Voting Stations and Voting Administrative Workstation), the Election Management System v. 2.5 (Election Central) that functions with the Central Count Server, Central Vote Consolidator and computer, including the Bar Code Scanner; and the Ballot Builder v. 2.5 that functions as the ballot builder for the election (the "Voting System").

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 June 9, 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 June 9, 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. The multiple components of the Voting System were presented for certification in a manner to allow approval as one voting system or as individual components.

AccuPoll made a well organized and informative presentation, including an overview of the Voting System and its several component parts. That presentation included discussion of multiple security attributes afforded by the Voting System. These appeared to be well conceived and comparatively well planned. And, I have relied on these representations together with representations made by AccuPoll regarding other functions of the Voting System.

Ballot Builder v 2.5 appeared to function as required. In my opinion, it functions sufficiently to create a ballot and election to enable the election to comply with the Texas Election Code.

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. The voting stations and processing of votes at the precinct level, using the administrator workstation, functioned in compliance with the Election Code, as did all other components of the Voting System. Votes cast at the precinct are maintained on the voting stations, the administrator work station and are maintained and forwarded to election central on a CD. The software appeared to provide sufficient codes and security to satisfy the requirements of the Texas Election Code.
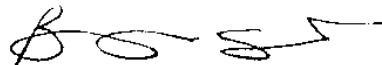
The Voting System at central count, consisting of the Central Vote Consolidator, Printer, Election Central (computer for tabulation) and the Administrator PC Notebook (to handle provisional ballots, interface with the Election Central computer, etc.) also functioned in compliance with the Election Code. 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.

There are two issues that I recommend AccuPoll consider as enhancements during their next revision of the Voting System. The first of those was raised by Jim Sneeringer during the examination, i.e. requiring the precinct election judge to verify the unique code number assigned to the election prior to opening the polls. Second, election central and tabulation may continue when the "pause" button has been engaged on the real-time audit log printer. Although the printer will immediately print all actions that may have occurred during the "time-out", the audit log printer function should be modified to stop tabulation if the "pause" function is initiated. In this respect, we did verify that it was not possible to detach and substitute an alternative printer at any point, without the original log printer recording an error message and notice when, and if, it is subsequently reconnected to tabulation.

<p align="center">Recommendation</p>

I recommend the Secretary certify the Voting System as defined above, as meeting the requirements of the Texas Election Code. The AccuPoll Voting System v 2.5 was demonstrated and shown to function in compliance with *Chapt. 122, Subchapt. A, Texas Election Code.*

<p align="center">Very truly yours,</p>

<p align="center">Barney L. Knight</p>