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August 22, 2005

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

Re: UniLect Corporation Patriot Touch-Screen Voting System, consisting of the Patriot Precinct Control Unit v2.56 ("PCU"); Patriot Color Voter Unit v2,54 ("PCVU"); Patriot Curbside Model v2.54; Intellect Voting Software v2.61; Absentee Card Reader, Model 1000; Absentee Card Reader, Model 20; InfoPackER v1.0 and the InfoPack v1.0 (collectively the "Voting System" or "System" or "Patriot Voting System"); and the Patriot Freedom Unit v1.0;

Dear Ms. McGeehan:

Pursuant to my appointment as an examiner under §122.035 of the Texas Election Code, I examined the UniLect Corporation Patriot Touch-Screen Voting System, consisting of the devices and software as referenced above.

I examined the Patriot Voting System with respect to Texas Election Law and procedure on August 18, 2005. I relied upon the statements and representations of Jack Gerbel, President of UniLect, and his accompanying personnel, as made and corrected by them, concerning operation of the software and electronic components used in the System. Those representations were made during the examination and were considered together with those contained in the UniLect materials and documentation. Other than observing the presentation and processing test ballots, I did not conduct an independent examination of the System software or electronic components.

This report is concerned solely with the ability of the System to operate and comply with the minimum requirements of the Texas Election Code, and applicable procedures. No opinion is expressed regarding the comparative efficiency of the System, or the suitability for the purposes of, or use by, any jurisdiction.

The Patriot Freedom Unit is for availability to and use by physically impaired voters and is subject to review and examination, with recommendations for certification made, by

members of your staff. For the purposes of this report, the Patriot Freedom Unit is not included in the term "Voting System".

We were able to examine the listed components of the Voting System, without repeat of the distractions, incidents and functional problems experienced in the May 2005 examination. And, it appears the increments and components of the System are capable of functioning accurately and in compliance with Texas Election Law, subject to a modification of the real-time audit log.

Excluding the real-time audit log, the efficiency and use of the ballot required with the Model 1000 and Model 20 raises some question regarding accuracy of use and efficiency for the voter. These Models are used for the early voting function, and the card readers appear to accurately read and record votes as marked. The issue, if any, is the card requirement that voters compare a paper ballot (on which each candidate has been given a number) and to mark that number on the separate card ballot. The marks appear to be accurately recognized by both Model 20 and Model 1000, and to eliminate the problems associated with punch card ballots. The issue, if any, however, is the ease of use by the voter, i.e. no device is available to assist the voter to correspond a candidate name with the position to be marked for that candidate. Although the card appears to meet the minimum requirements of the Texas Election Code, it would appear that a number of voters will have some difficulty selecting the candidate on the paper (that contains a list of the offices and the candidates for the offices), and taking the correct number from that paper to the separate card that consists only of multiple small, numbered squares, that must be marked to vote for the candidate with the corresponding number.

UniLect has changed the base operating system from Windows '98 to 2000 Windows Professional. The process and procedures for setting up, conducting, tabulating and reporting the election appear to be in compliance with the minimum requirements of the Texas Election Code. The System appears to accurately record, tabulate and report votes as cast, and produce to election results. It appears UniLect has successfully addressed the issues and performance items experienced during the May examination. Subject to a modification of the real-time audit log function, the System appears suitable for certification as in compliance with the Texas Election Code.

I recommend that Unilect be required to make an additional modification to its real-time audit log function. As currently configured, the audit log continues to function if the "Pause" function is activated, although it will print all intervening actions when the "Pause" feature is thereafter deactivated. The real-time audit log function should be modified to automatically stop tabulation if the "Pause" function is activated, and prevent

further tabulation so long as the "Pause" function is deactivated.

Recommendation

Subject to the real-time audit log being modified to stop tabulation when the "Pause" feature of the real-time audit log is activated, and to continue to disable the tabulation process until the "Pause" feature is again reactivated, I recommend the Secretary find that the Patriot Voting System has been successfully demonstrated to meet the requirements of the Texas Election Code. Subject to the modification of the real-time audit log, I recommend the Patriot Voting System be certified as meeting the requirements of the Texas Election Code.

Respectfully,

Barney L. Knight