



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 19, 2012

Mr. Keith Ingram
Director of Elections, Texas Secretary of State
Elections Division
P.O. Box 12060
Austin, Texas 78711-2060

Re: Dominion Voting Assure 1.3 – Examination August 22, 2012

Dear Mr. Ingram:

Pursuant to Texas Election Code §122.036 and 1 Texas Administrative Code §81.60, by this letter I am transmitting my examiner's report for the Secretary of State's ("SOS") August 22, 2012 voting system examination. The subject of that examination was Dominion Voting ("Dominion") voting system Assure 1.3.

The factual background for this report includes Dominion's presentation to the examiners during an examination at the Secretary of State's office and statements made by Dominion's representatives during that examination.

During the examination of Dominion's voting system, a legal question arose regarding "certification conditions." That is, whether the SOS can conditionally approve a voting system, subject to certain conditions. The SOS did not believe that they could impose "certification conditions" under the Texas Election Code. Instead, the examiners were asked, based on the information provided at the examination, to provide their reports within 30 days recommending for or against certification based on the examination.

The examiners have raised specific concerns about legal compliance. First, compliance with the requirement to have an accurate and useable real time audit log pursuant to Texas Election Code §122.001(a)(11) and 1 Texas Administrative Code §81.62; and second, the lack of evidence that the system complies with the disability standards of Texas Election Code §122.001(c) and Texas Administrative Code §81.57. Based upon these concerns, I do not recommend that the Dominion Assure 1.3 be certified at this time. Confidence in these areas is necessary to ensure that the system operates in a safe, efficient and secure manner as required by Texas Election Code §122.001.

Sincerely,

Katherine Minter Cary
General Counsel

cc: Stephen Berger
Brandon Hurley
Jim Sneeringer
Melanie Huff, SOS
Juanita Woods, SOS