The State of Texas

Roger Williams
Secretary of State

REPORT OF EXAMINATION OF ELECTION SYSTEMS AND SOFTWARE, INC.'S AUTOMARK VOTER ASSIST TERMINAL SYSTEM v. 1.0.121 AND AUTOMARK INFORMATION MANAGEMENT SYSTEM v. 1.0.9

PRELIMINARY STATEMENT

On January 6, 2005, Election Systems and Software, Inc. (the "Vendor") presented its AutoMARK system for examination and initial certification. 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. Glenn Glover, an expert in electronic data communication systems; and
4. Mr. Barney Knight, an expert in election law and procedure

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 AUTOMARK SYSTEM

The AutoMARK system consists of the AutoMARK Voter Assist Terminal and the AutoMARK Information Management System.

The AutoMARK Voter Assist Terminal ("VAT") is a device, essentially containing a touch-screen and printer, used in conjunction with optical scan ballots at the polling place. A voter inserts an optical scan ballot into the AutoMARK, which reads the ballot's identification codes and produces an image of the ballot onto the AutoMARK's screen. The voter selects his or her choices on the touch screen in a similar manner to voting on a direct recording electronic voting system. Cast votes are not retained on the AutoMARK. The voter's selections are printed onto the optical scan ballot. Once marked, the ballot is returned to the voter, who reviews the ballot and deposits it into the provided ballot box.

The AutoMARK Information Management System ("AIMS") is the software used to program the AutoMARK VAT for an election. AIMS can be used to program the election manually or draw on the ballot definition files created in the Vendor's UNITY software to set the various ballot styles onto the AutoMARK.

The examined versions were the AutoMARK VAT System v. 1.0.121 and the AutoMark AIMS System v. 1.0.2. Minor changes were made to AIMS between the version reviewed at the examination and version 1.0.9, as approved by the independent testing laboratory. The vendor submitted a log detailing the changes between the two versions.

NATIONAL ASSOCIATION OF STATE ELECTION DIRECTORS (NASED) QUALIFICATION NUMBER

The AutoMARK VAT System v.1.0.121 and AutoMARK AIMS System v. 1.0.9 are qualified by the EAC under the designation N-2-14-22-12-001. The final report date is June 1, 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 AutoMARK System meets the standards for certification as prescribed by Section 122.001 of the Texas Election Code. Specifically, the AutoMARK 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 AutoMARK System was examined using the vendor's previously-certified optical scanners. To use another optical scan system with the AutoMARK would require additional review by the Secretary of State.

2. Political subdivisions using the AutoMARK System shall provide a privacy sleeve for blind or visually impaired voters and for voters with limited dexterity who may need assistance handling their marked ballot. The privacy sleeve is an envelope or folder of such design and dimensions as to hide from view the voted ballot while it is being carried by the voter or poll worker from the voting booth to the ballot box or precinct tabulator.

3. Political subdivisions using the AutoMARK System shall train their election officials to limit assistance to activating the AutoMARK for a voter and transferring a completed ballot to the ballot box or precinct tabulator, if the voter is unable to do so. Assistance must be rendered in a way that does not hinder the voter's ability to cast his or her ballot in secret.

CONCLUSION

Accordingly, based upon the examination, the vendor's submitted materials, and review of the independent examiners, I hereby certify the AutoMARK Voter Assist Terminal System v. 1.0.121 and the AutoMARK Information Management System v. 1.0.9, subject to the above conditions.

Certified under my hand and seal of office, this __1__ day of __AUGUST__, 2005.

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BUDDY GARCIA
ASSISTANT SECRETARY OF STATE