



STATE OF TEXAS

REPORT OF REVIEW OF MODIFICATIONS TO HART INTERCIVIC'S eSLATE VOTING SYSTEM v. 3.3

PRELIMINARY STATEMENT

On May 27, 2004, Hart Intercivic (the "Vendor") presented modifications to its eSlate Voting System for examination and 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. 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 eSLATE VOTING SYSTEM

The eSlate voting system is a DRE ("Direct Recording Electronic") for elections consisting of: the Ballot Origination Software System ("BOSS"); the Judges Booth Controller ("JBC"), Tally System ("Tally"); the Ballot Now mail ballot system ("Ballot Now"); and the Rally System ("Rally"). The examined versions were eSlate v. 3.3 (JBC v. 2.2.1, BOSS v. 3.4.0, Tally v. 3.2.0 Ballot Now v. 2.3.0, and Rally v. 1.2.0.).

NATIONAL ASSOCIATION OF STATE ELECTION DIRECTORS (NASED) QUALIFICATION NUMBER

Hart v. 3.3 is qualified by NASED under the designation N-1-04-22-12-004 (1990 Voting System Standards). The final report date is May 5, 2004.

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 modifications to the eSlate System:

1. Preserve the secrecy of the ballot;
2. Are suitable for the purpose for which it is intended;
3. Operate safely, efficiently, and accurately;
4. Are safe from fraudulent or unauthorized manipulation;
5. Permit voting on all offices and measures to be voted on at the election;
6. Prevent counting votes on offices and measures on which the voter is not entitled to vote;
7. Prevent 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. Prevent counting a vote on the same office or measure more than once;

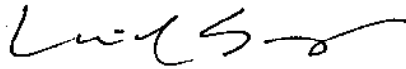
9. Permit write-in voting;
10. Are capable of permitting straight-party voting;
11. Are capable of providing records from which the operation of the system may be audited; and
12. Are capable of reporting undervotes.

CONCLUSION

The examination established to the examiners' satisfaction that the system now segregates provisional ballots from precinct totals, requiring an affirmative action in Tally to add provisional votes as required under state law. The examiners recommended certification.

Accordingly, based upon the foregoing, I hereby certify the eSlate voting system v. 3.3 (JBC v. 2.2.1., BOSS v. 3.4.0, Tally v. 3.2.0 Ballot Now v. 2.3.0, Rally v. 1.2.0.) for use in elections in Texas.

Signed under my hand and seal of office, this 27th day of July 2004.



Luis Saenz
Assistant Secretary of State