



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 7, 2008

Ann McGeehan
Director of Elections, Texas Secretary of State
Elections Division
P.O. Box 12060
Austin, Texas 78711-2060

Re: Hart InterCivic, Inc., Voting System Version 6.2.1 – Examination on January 18, 2008

Dear Ms. McGeehan:

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") January 18, 2008 voting system examination. The subject of that examination was Hart InterCivic, Inc.'s ("Hart") voting system version 6.2.1 ("System v. 6.2.1").

The factual background for this report includes System v 6.2.1's presentation to the examiners during an examination at the Secretary of State's office, statements made by Hart representatives during that examination, and Hart's written response to questions submitted in writing.

Hart provided evidence that its new version 6.2.1 received certification from the National Association of State Election Directors on August 7, 2006. According to Hart representatives, the changes to version 6.2.1 are upgrades to the following systems: Ballot Origination Software ("BOSS") & Ballot Now, Tally (Vote Tabulation System) & Rally, eCM Manager program, e-Slate voting device and e-Scan paper ballot scanner, SERVO (warehouse management system), JBC (Judges Booth Controller).

During the examination of Hart's voting system 6.2.1., a legal question arose regarding "certification conditions." That is, whether the SOS can conditionally approve a voting system upgrade, subject to certain conditions. The Secretary may, at his discretion, impose "certification conditions" pursuant to Texas Election Code §122.003.

That secretarial authority is relevant because the technical examiners raised specific concerns about Voting System 6.2.1's security features. Based upon those concerns I do not recommend that Hart InterCivic, Inc. Voting System 6.2.1 be certified unless that certification is conditioned upon the implementation of security measures recommended by the technical examiners. These conditions are necessary to ensure that the system operates in a safe, efficient and secure manner as required by the Election Code.

Sincerely,

Katherine Cary
General Counsel

cc: Examiners
Juanita Woods, SOS