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June 7, 2004

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

Re: Hart Intercivic, Inc. ("Hart") Tally v3.2.0; Rally v
1.2.0; Ballot Origination Software System v3.4.0; Ballot
Now v2.3.0; eSlate v2.0.13; and the Judges Booth
Controller v. 2.2.1 (the "Voting Systems").

Dear Ms. McGeehan:

Pursuant to my appointment as an examiner under §122.035 of the Texas Election Code, I examined the above referenced Voting Systems as presented by Hart for examination. The examination and testing with respect to Texas Election Law and procedure was conducted on May 27, 2004.

This report is concerned solely with the ability of the Voting Systems and each of the individual components to function in compliance with Texas Election Law. This report is based on the presentation and statements by Hart, and the testing completed by the examiners on May 27, 2004. Hart gave a presentation and overview, and the examiners then conducted a full examination by casting ballots and observing the functions of the voting devices, the Judges Booth Controller, and the tabulation and reporting of votes. The Voting Systems were presented with the representation that a number of minor software items had been addressed, but the only "material" change had been made to Tally. The version numbers of the individual components indicate multiple software changes.

This examiner relies on the presentations made, the representations of fact, the observation of the functioning components of the Voting Systems, and the examiners qualified to examine software programming and functions, with respect to the functioning and efficiency of the software operating the Voting Systems. However, with respect to the operation and function of the Voting Systems, based on the written materials, the presentations and representations of fact by Hart, the testing made by casting and tabulating votes, and efforts during such process to afford the

Voting System the opportunity to function other than as represented by Hart, the process, procedures, function and accuracy of the Voting Systems appeared adequate and in compliance with the Texas Election Code.

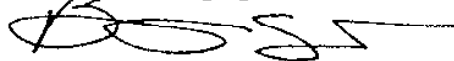
The major components of the Voting System are the Ballot Origination Software System v3.4.0 ("BOSS"), the eSlate Precinct Voting System v2.0.13 ("eSlate"), the Tally System v3.2.0 ("Talley"), Ballot Now v2.3.0 ("Ballot Now"), the Judges Booth Controller v2.2.1 ("Controller"), and Rally v1.2.0 ("Rally"). BOSS, eSlate, Ballot Now and the Controller are configured and function in substantively the same manner as previously certified and, as examined with the modifications and improvements, they were found to be in compliance with *Chapt. 122, Subchapt. A, Texas Election Code* for use in an election.

Rally was also found to function in compliance with the Election Code, and the difficulty experienced in the most recent, prior examination did not reappear. Tally was also found to function accurately and in compliance with the Election Code during the examination, including the real-time log printer. Both Rally and Tally were found by this examiner to be in compliance with *Chapt. 122, Subchapt. A, Texas Election Code*, for use in an election.

Recommendation

I recommend the Secretary certify the Hart Voting Systems, consisting of the Ballot Origination Software System v3.4.0 ("BOSS"), the eSlate Precinct Voting System v2.0.13 ("eSlate"), the Tally System v3.2.0 ("Talley"), Ballot Now v2.3.0 ("Ballot Now"), the Judges Booth Controller v2.2.1 ("Controller"), and Rally v1.2.0 ("Rally"), as meeting the requirements of the Texas Election Code.

Very truly yours,



Barney L. Knight