

The State of Texas

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Geoffrey S. Connor
Secretary of State

REPORT OF EXAMINATION OF ELECTION SYSTEMS AND SOFTWARE, INC.'S MODEL 150/550 OPTICAL SCAN VOTING SYSTEMS

PRELIMINARY STATEMENT

On May 26, 2004, Election Systems and Software, Inc. (the "Vendor") presented modifications to its Model 150/550 optical scan voting systems for examination. The examination was conducted in Austin, Texas. Pursuant to Sections 122.035(a) and (b) of the Texas Election Code (the "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 systems, followed by review and testing by the examiners. Examiner reports on the systems are attached hereto and incorporated herein by this reference.

BRIEF DESCRIPTION OF MODEL 150/550 OPTICAL SCAN VOTING SYSTEMS

The Model 150/550 are optical scan ballot scanners designed to be used at the central counting station. The firmware version of the Model 150/550 presented for examination was 2.1.1.0a. The changes consisted of minor updates to the ballot sensitivity levels of the scanners.

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. Model 150/550 v. 2.1.1.0a was approved by an Independent Testing Authority on September 7, 2004.

The Model 150/550 voting systems, subject to the condition below:

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; and
11. Are capable of providing records from which the operation of the system may be audited.

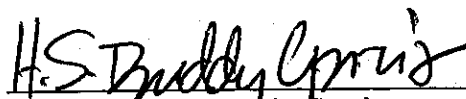
CONDITION

The examiners were concerned about the "bleed-through" on the ballot that is possible when ballots are marked with a felt tip pen, such as a Sharpie. As noted in the previous examination, as a condition of certification, the vendor must emphasize in its user manuals that black medium ball point pens must be distributed for use at the polling place, and counties adopting the Model 100 must ensure that black medium ball point pens are included with the precinct election supplies.

CONCLUSION

Accordingly, based upon the foregoing, I hereby certify the Vendor's application for certification of the Model 550/150 v. 2.1.1.0a for use in elections in Texas, subject to the above condition.

Signed under my hand and seal of office, this 17 day of December, 2004.



H. S. Buddy Garcia
Assistant Secretary of State