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June 2, 2005

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

> Re: UniLect Corporation Patriot Touch-Screen Voting System, consisting of the Patriot Precinct Control Unit v2.56 ("PCU"); Patriot Color Voter Unit v2,54 ("PCVU"); Patriot Curbside Model v2.54; Patriot Freedom Unit v1.0; Intellect Voting Software v2.60; Absentee Card Reader, Model 1000; Absentee Card Reader, Model 20; InfoPackER v1.0 and the InfoPack v1.0 (collectively the "Voting System" or "System" or "Patriot Voting System")

Dear Ms. McGeehan:

Pursuant to my appointment as an examiner under §122.035 of the Texas Election Code, I examined the UniLect Corporation Patriot Touch-Screen Voting System, consisting of the devices and software as referenced above.

I examined the Patriot Voting System with respect to Texas Election Law and procedure on May 26, 2005. In that examination, I relied upon the representations of Jack Gerbel, President of UniLect, and his accompanying personnel, concerning operation of the software and electronic components used in the System. Those representations were made during the examination and were considered together with those contained in UniLect's materials and documentation. Other than observing the demonstration and processing test ballots, I did not conduct an independent examination of the System software or electronic components.

It appears that increments and components of the System are capable of functioning accurately and efficiently, and in compliance with Texas Election Law. However, I am unable to recommend certification of the Voting System for the reasons noted below. Further, the Patriot Freedom Unit is for availability to and use by physically impaired voters and is subject to review and examination, with recommendations for certification made, by members of your staff.

We were unable to examine several components of the Voting System due to shipping and off the shelf software errors. The

Absentee Card Readers, both the Model 1000 and the Model 20, are for use in early voting, and it was not possible to examine these. The connecting cables were mis-routed to Los Angeles by the express carrier. The modem transfer of precinct results was not successfully demonstrated due to interface problems with a new modem and related software issues. The VV Pat Printer designed for attachment to a voter unit to provide voters the opportunity to see their vote selections in print, and to assist with subsequent recounts, was not listed as a part of the System presented for examination, and was not demonstrated while functioning with a PCVU. Further, it was also not possible to print and produce a tabulation and report of the election due to post script software not being installed on a new printer.

The examination as a whole was unsatisfactory. These examinations include numerous critical functions, and the multiple distractions referenced above interfered with and limited the quality and value of the examination of the other components of the System. As a result, focus on important functions, issues and performances was lessened. The time lost and the misdirections resulting from these events limited the quality and efficacy of the examination as a whole. I recommend UniLect plan and prepare more thoroughly for any future examination.

In addition to resolving the above difficulties, it is recommended that Unilect make additional improvements to its real-time audit log function. The audit log does have some attributes, i.e. the election system will not function if a log printer is not connected. However, the information and events logged are limited and the descriptions of the events logged are also too limited. The audit log must at a minimum satisfy the requirements of Rule Sec. 81.62, Texas Administrative Code. In addition, rather than printing out single letters of the alphabet as a sort of code to which the operator may refer for the actual event logged, it is recommended that the audit log be more explanatory, specific and clear as to the events logged.

Based on review and brief discussion with Unilect personnel, as it currently functions it is easily possible for the audit log printer to be disconnected from election central and another printer connected to temporarily replace the actual audit log printer. While the temporary replacement printer is connected, havoc could be attempted with the election system recording the actions only on the replacement printer and then when completed the temporary replacement printer together with its audit trail can be removed and the original audit log printer reconnected. It appears this type of event could be accomplished with little, if any, audit trail remaining.
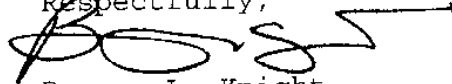
It appears the Patriot PCU, CVU and Curbside Model may function efficiently and accurately. However, due to difficulties referenced above, including tabulation, such units were not shown to function in compliance with the Texas Election Code. And, possibly due to insufficient preparation for the examination and third party negligence, the other increments and components of the Voting System were not found to meet the requirements of the Code.

Recommendation

I recommend the Secretary find that the Patriot Voting System has not been successfully demonstrated to meet the requirements of the Texas Election Code. I recommend the Patriot Voting System not be certified at this time.

Respectfully,

Barney L. Knight