June 23, 2006

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 6.1 – Examination on May 25, 2006

Dear Ms. McGeehan:

This serves as my examiner's report of the Secretary of State's ("SOS") voting system examination of May 25, 2006, under Texas Election Code §122.036 and 1 Texas Administrative Code §81.60. The examination was for certification of Hart InterCivic, Inc.'s ("Hart") voting system version 6.1.

The background for this report is the presentation and statements made by Hart representatives during the examination I attended with Assistant Attorney General Suzanna Rickard on May 25. A "technical" non-legal report is prepared for the SOS by Jim Sneeringer, our office's expert designee.

Hart seeks to certify its voting system version 6.1, which includes changes from the previously-certified version 5.0. Hart provided evidence that its new version 6.1 received NASED Certification on March 3, 2006. The changes in version 6.1 were presented by Hart representatives to be as follows:

> Ballot Origination Software ("BOSS") – An image can now be printed on the ballot, e.g., county clerk's signature.

> Tally (Vote Tabulation System) – Now accepts write-ins as an image from the e-Scan, instead of having to be entered manually from the printed ballot. Also, small changes in the ID process for keys, a step in the overall security architecture.

> eCM Manager program – Now allows use of a GUID identifier for ID key. GUID did not exist in version 5.0.

> e-Slate voting device and e-Scan paper ballot scanner – A public counter is now visible on screen.

> SERVO (warehouse management system) – Now resets the system for the county's next election as part of procedure for backing up the system.

A question arose during this examination as to whether another one of Hart InterCivic's programs called "Fusion" needed to be examined and certified. Similar to Microsoft Excel,
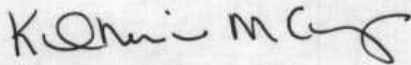
Fusion is a spreadsheet program used to combine data from two different systems' final vote totals for purposes of releasing the election results to the press. The examiners discussed whether Fusion is a component of the voting system to be examined. According to Hart, the version 6.1 voting system operates independently of Fusion, and they have not ever and do not now seek Texas certification on Fusion. The OAG has determined that, as this decision is for the SOS, if they wish to have Fusion certified as a part of Hart's voting system version 6.1, a separate examination of Fusion would have to be scheduled.

The question about "Fusion" was the only Texas election law question that was raised during the examination of Hart's voting system 6.1. Based on the information presented in the examination, I find no legal impediment to certification of Hart InterCivic, Inc.'s, voting system 6.1.

Sincerely,

Katherine Minter Cary
Chief, General Counsel Division
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