

# The State of Texas



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Ruth R. Hughes  
Secretary of State

## REPORT OF REVIEW OF ELECTION SYSTEMS & SOFTWARE EVS 6.1.0.0 SYSTEM

### PRELIMINARY STATEMENT

On January 15-16, 2020, Election Systems & Software (“ES&S” or the “Vendor”) presented the EVS 6.1.0.0 system for examination and certification. The examination was conducted in Austin, Texas. Pursuant to Sections 122.035(a) and (b) of the Texas Election Code, the Secretary of State appointed the following examiners:

1. Mr. Tom Watson, an expert in electronic data communication systems;
2. Mr. Brian Mechler, an expert in electronic data communication systems;
3. Mr. Brandon Hurley, an expert in election law and procedure; and
4. Mr. Charles Pinney, an expert in election law and procedure.

Pursuant to Section 122.035(a), the Texas Attorney General appointed the following examiners:

1. Dr. Jim Sneeringer, an expert in electronic data communication systems; and
2. Mr. Ryan Vassar, an employee of the Texas Attorney General.

On January 15, 2020, Mr. Mechler, Mr. Pinney, and Dr. Sneeringer witnessed the installation of the EVS 6.1.0.0 software and firmware that the Office of the Texas Secretary of State (the “Office”) received directly from the Independent Testing Authority. Mr. Pinney and Ms. Lena Proft, a staff attorney with the Office, examined the accessibility components of the ExpressVote, the ExpressVote XL, and the ExpressTouch.

On January 16, 2020, the Vendor demonstrated the system and answered questions presented by the examiners. Test ballots were then processed on each voting device. The results were accumulated and later verified for accuracy by staff of the Secretary of State.

Examiner reports regarding the EVS 6.1.0.0 system are attached hereto and incorporated herein by this reference.

On April 20, 2020, pursuant to Section 122.0371 of the Texas Election Code, the Office held a public hearing, by telephone, for interested persons to express views for or against the certification of the EVS 6.1.0.0 system.

## BRIEF DESCRIPTION OF EVS 6.1.0.0

The EVS 6.1.0.0 system is an updated version of the EVS 6.0.4.0 system, which the Office certified in September 2019 for use in Texas elections. EVS 6.1.0.0 includes software enhancements to the existing election management system and updates to other previously certified hardware components, including the ExpressVote and ExpressVote XL ballot marking devices, the ExpressTouch curbside DRE, the DS200 precinct scanner, and the DS450 and DS850 central scanners.

EVS 6.1.0.0 has been evaluated at an accredited independent voting system laboratory for conformance to the 2005 Voluntary Voting System Guidelines (VVSG). EVS 6.1.0.0 was certified by the Election Assistance Commission (EAC) on September 24, 2019.

The components of EVS 6.1.0.0 are as follows:

| Component                           | Version  | Description   |
|-------------------------------------|----------|---|
| ExpressTouch                        | 1.0.3.0  | Direct-recording electronic voting machine (only for curbside voting) |
| DS200 (HW 1.2)                      | 2.30.0.0 | Precinct scanner  |
| DS200 (HW 1.3)                      | 2.30.0.0 | Precinct scanner  |
| DS450                               | 3.4.0.0  | Central Scanner   |
| DS850                               | 3.4.0.0  | Central scanner   |
| ExpressVote (HW 1.0)                | 4.0.0.0  | Ballot marking device   |
| ExpressVote (HW 2.1)                | 4.0.0.0  | Ballot marking device   |
| ExpressVote XL (HW 1.0)             | 1.0.3.0  | Ballot marking device   |
| ElectionWare                        | 6.0.0.0  | Election management software  |
| ExpressLink                         | 2.0.0.0  | Election management software  |
| Event Log Service                   | 2.0.0.0  | Election management software  |
| ExpressVote Activation Card Printer | N/A      | Voting machine ballot activation device                               |
| ExpressVote Previewer               | 4.0.0.0  | Election management software  |
| PaperBallot                         | 6.0.0.0  | Election management software  |
| Removable Media Service             | 1.5.1.0  | Election management software  |
| Toolbox                             | 3.5.0.0  | Election management software  |

## **FINDINGS**

The following are the findings, based on written evidence submitted by the Vendor in support of its application for certification, oral evidence presented at the examination, and the written reports of the voting system examiners (all of whom recommended certifying the EVS 6.1.0.0 system for use in Texas elections).

The EVS 6.1.0.0 system, including its hardware and software components, meets the standards for certification as prescribed by Section 122.001 of the Texas Election Code. Specifically, the EVS 6.1.0.0 system and its components, among other things:

1. Preserve the secrecy of the ballot;
2. Are suitable for the purpose for which they are intended;
3. Operate safely, efficiently, and accurately and comply with the voting system standards adopted by the Election Assistance Commission;
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, prevent 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.

## **CONDITIONS**

In their written reports, the voting system examiners indicated that the use of certain ballot formatting configurations could present issues with the ExpressVote XL when that device is used as a tabulator. The ExpressVote XL is not certified as a tabulator in Texas, and the Vendor has not sought certification of that device as a tabulator in Texas. Therefore, the examiners noted that this issue is unlikely to occur with those ballot formatting configurations. Nonetheless, the examiners recommended that such configurations not be permitted for use in Texas elections.

This certification is conditioned on the provision that the ballot formatting configurations described in the voting system examiner reports are outside of the scope of the State's certification of the EVS 6.1.0.0 system, and those configurations may not be used in the programming of any voting system used in Texas.

**CONCLUSION**

Accordingly, based upon the foregoing, I hereby certify Election Systems & Software's EVS 6.1.0.0 system for use in Texas elections, subject to the above condition.

Signed under my hand and seal of office, this 24<sup>th</sup> day of APRIL 2020.

  
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JOSE A. ESPARZA  
DEPUTY SECRETARY OF STATE