

The State of Texas



Elections Division
P.O. Box 12060
Austin, Texas 78711-2060
www.sos.texas.gov

Phone: 512-463-5650
Fax: 512-475-2811
Dial 7-1-1 For Relay Services
(800) 252-VOTE (8683)

Jane Nelson
Secretary of State

REPORT OF REVIEW OF ELECTION SYSTEMS & SOFTWARE EVS 6.3.0.0 SYSTEM

PRELIMINARY STATEMENT

On January 24-25, 2023, Election Systems & Software (“ES&S” or the “Vendor”) presented the EVS 6.3.0.0 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. Mr. Robert Thomson, an expert in electronic data communication systems; and
2. Mr. Austin Kinghorn, an employee of the Texas Attorney General.

On January 24, 2023, Mr. Mechler, Mr. Pinney, and Mr. Thomson witnessed the installation of the EVS 6.3.0.0 software and firmware that the Office of the Texas Secretary of State (the “Office”) received directly from the Independent Testing Authority. Mr. Pinney conducted the examination of the accessibility components of the ExpressVote and the ExpressTouch.

On January 25, 2023, the Vendor demonstrated the system and answered questions presented by the examiners. After the vendor presentation, the examiners conducted a test election and tested other components of the system. The results of the test election were accumulated and later verified for accuracy by staff of the Secretary of State.

During the initial examination, the examiners identified a paper jam issue with the DS300 precinct scanner. A follow-up examination of that issue was conducted on March 31, 2023. Consistent with the Office’s administrative rules, the Office determined that due to extenuating circumstances—specifically, the completion of the follow-up examination—the examiners needed more than 30 days to complete their examiner reports. *See* 1 Tex. Admin. Code § 81.60(9)(C). Accordingly, the Office extended the deadline for the examiners to submit their reports pertaining to the EVS 6.3.0.0 system. 1 Tex. Admin. Code § 81.60(9)(C). The examiners’ reports indicate that the paper jam issue could be resolved by imposing a condition on certification prohibiting the installation of the imprinter on the DS300 precinct scanner.

Examiner reports regarding the EVS 6.3.0.0 system are attached hereto and incorporated herein by this reference.

On June 1, 2023, pursuant to Section 122.0371 of the Texas Election Code, the Office held a public hearing for interested persons to express views for or against the certification of the EVS 6.3.0.0 system.

BRIEF DESCRIPTION OF EVS 6.3.0.0

The EVS 6.3.0.0 system is an updated version of the EVS 6.1.1.0 system, which the Office certified in January 2021 for use in Texas elections.¹ EVS 6.3.0.0 includes software enhancements to the existing election management system and updates to other previously certified hardware components, including the ExpressVote ballot marking device, the ExpressTouch curbside DRE, the DS200 precinct scanner, and the DS450 and DS850 central scanners. EVS 6.3.0.0 also included an additional hardware component (DS300 precinct scanner). The ExpressVote XL ballot marking device was not submitted for certification with the EVS 6.3.0.0 system.

EVS 6.3.0.0 has been evaluated at an accredited independent voting system laboratory for conformance to the 2005 Voluntary Voting System Guidelines (VVSG). EVS 6.3.0.0 was certified by the U.S. Election Assistance Commission (EAC) on November 17, 2022.

The components of EVS 6.3.0.0 are as follows:

Component	Version	Description
ExpressTouch	4.2.1.0	Direct-recording electronic voting machine (only for curbside voting)
DS200 (HW 1.2)	3.0.0.0	Precinct scanner
DS200 (HW 1.3)	3.0.0.0	Precinct scanner
DS200 (HW 1.3.13)	3.0.0.0	Precinct scanner
DS300	3.0.0.0	Precinct scanner
DS450	4.2.0.0	Central scanner
DS850	4.2.0.0	Central scanner
DS950	4.2.0.0	Central scanner
ExpressVote (HW 1.0)	4.2.1.0	Ballot marking device
ExpressVote (HW 2.1)	4.2.1.0	Ballot marking device

¹ ES&S also submitted the EVS 6.2.0.0 system for certification in Texas. The examination of that system occurred in June 2022. The Office’s certification orders for the EVS 6.2.0.0 and EVS 6.3.0.0 systems are being issued simultaneously.

ElectionWare	6.3.0.0	Election management software
ExpressLink	3.0.0.0	Election management software
Event Log Service	3.0.0.0	Election management software
ExpressVote Activation Card Printer	N/A	Voting machine ballot activation device
PaperBallot	6.3.0.0	Election management software
Removable Media Service	3.0.0.0	Election management software
Toolbox	4.3.0.0	Election management software
Regional Results	1.5.0.0	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 6.3.0.0 system for use in Texas elections, subject to certain conditions outlined below).

The EVS 6.3.0.0 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 6.3.0.0 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; and
10. Are capable of providing records from which the operation of the voting system may be audited.

CONDITIONS

The Secretary of State imposes the following conditions on the certification of the EVS 6.3.0.0 system:

1. The imprinter attachment shall not be installed on any tabulation devices used with the EVS 6.3.0.0 system.
2. The Regional Results module must be used in accordance with procedures prescribed by the Secretary of State under Section 127.1231(b) of the Texas Election Code for the module to be considered within the scope of the certification of the EVS 6.3.0.0 system.

CONCLUSION

Accordingly, based upon the foregoing, I hereby certify Election Systems & Software's EVS 6.3.0.0 system for use in Texas elections, subject to the above conditions.

Signed under my hand and seal of office, this 29TH day of JUNE, 2023.



JOSE A. ESPARZA
DEPUTY SECRETARY OF STATE