

KELLY HART

ATTORNEYS AT LAW

BRANDON T. HURLEY
brandon.hurley@kellyhart.com

TELEPHONE: 817-878-3542
FAX: 817-878-9280

May 20, 2017

Mr. Keith Ingram
Director of Elections
Texas Secretary of State
Elections Division
208 East 10th Street
Austin, Texas 78711

VIA EMAIL

Re: Inspection of Election Systems & Software's Unity 3.4.1.4 System on April 19, 2017 (the "ES&S Unity 3.4.1.4 System")

Dear Mr. Ingram:

Pursuant to my appointment by the Texas Secretary of State as a voting systems examiner under TEXAS ELECTION CODE § 122.035, please allow this letter to serve as my report concerning the above referenced examination. I, along with the other statutory examiners and staff from the Secretary of State's office, examined the ES&S Unity 3.4.1.4 System on April 19, 2017, at the offices of Elections Division of the Texas Secretary of State in Austin, Texas.

We examined the ES&S Unity 3.4.1.4 System for compliance with the relevant provisions of the TEXAS ELECTION CODE and Texas Administrative Code related to the requirements for election machines and software. I also reviewed the written materials submitted by ES&S for compliance with the TEXAS ELECTION CODE and Texas Administrative Code requirements for voting equipment.

NOTE CONCERNING UNIQUE NATURE OF THE UNITY 3.4.1.4 SYSTEM

Unlike previous exams, the testing of the ES&S Unity 3.4.1.4 System was unique because it is simply meant to be a "bridge" system to allow current users of earlier ES&S systems to use some of the more updated aspects of the Unity systems. For this reason, there was no physical hardware updates associated with the ES&S Unity 3.4.1.4 System. The hardware of the ES&S Unity 3.4.1.1 System (that has been previously approved by the Secretary of State) was used to display some of the features of the ES&S Unity 3.4.1.4 System. These included a bridge from the ERM System within the ES&S Unity 3.4.1.4 System to allow for the use of the Ivotronics machines by counties that purchased previous ES&S systems.

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FORT WORTH OFFICE | 201 MAIN STREET, SUITE 2500 | FORT WORTH, TX 76102 | TELEPHONE: (817) 332-2500 | FAX: (817) 878-9280
AUSTIN OFFICE | 303 COLORADO, SUITE 2000 | AUSTIN, TX 78701 | TELEPHONE: (512) 495-6400 | FAX: (512) 495-6401
NEW ORLEANS OFFICE | 400 POYDRAS STREET, SUITE 1812 | NEW ORLEANS, LA 70130 | TELEPHONE: (504) 522-1812 | FAX: (504) 522-1813
BATON ROUGE OFFICE | 301 MAIN STREET, SUITE 1600 | BATON ROUGE, LA 70801 | TELEPHONE: (225) 381-9643 | FAX: (225) 336-9763
MIDLAND OFFICE | 508 W. WALL, SUITE 444 | MIDLAND, TX 79701 | TELEPHONE: (432) 683-4691 | FAX: (432) 683-6518
Kelly Hart & Hallman, a Limited Liability Partnership | www.kellyhart.com

TESTING OF THE SOFTWARE

Before testing, ES&S officials provided a detailed explanation of the limited and unique nature of the ES&S Unity 3.4.1.4 System as described above. ES&S officials also demonstrated the methods used to transfer data between the older systems and the ES&S Unity 3.4.1.4 System. The representations by ES&S officials described this as a single coding event that required multiple laptops with the old and new systems installed on each computer. ES&S also represented that adequate instructions would be provided to counties using this new bridge system to allow for an easy application.

OBSERVATIONS

General Compliance with Texas Election Code. The software programs of the ES&S Unity 3.4.1.4 demonstrated to the examiners complied with the applicable requirements listed in §§ 122.001 *et seq.* of the TEXAS ELECTION CODE and the related regulations in Texas Administrative Code.¹

Limited Use and Timing of the System. ES&S represented that the ES&S Unity 3.4.1.4 System would likely be a “one time use” application as counties switched to newer systems. ES&S also represented that the likley end-user for the ES&S Unity 3.4.1.4 System would be larger counties with a substantial investment in earlier systems. These two limitations appear to be important to certification and should be considered in making conditions to the certification. If the ES&S Unity 3.4.1.4 System is allowed to be used on a wide-scale basis over an extended period, it could lead to human errors and the possible use for purposes for which it was not intended

CONCLUSION

Based on the examination and review of the materials, it is my opinion that the ES&S Unity 3.4.1.4 System meets the requirements of Texas law and the applicable administrative rules. In the event the Secretary of State chooses to certify the ES&S Unity 3.4.1.4 System, I would recommend the following conditions should be placed on the certification:

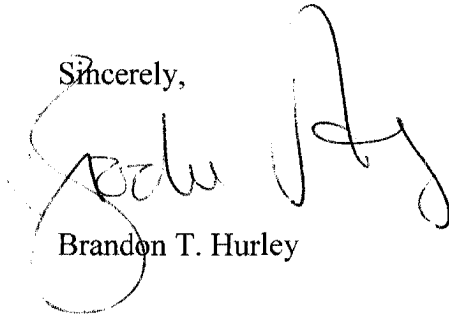
- A limited period for which the certification exists for the System to allow counties to use it as a “bridge” for a limited period;
- The certification should be limited to approving use with previously approved ES&S systems that are compatible with the ES&S Unity 3.4.1.4 System.

¹ It should be noted that to the extent the ES&S Unity 3.4.1.4 System is going to be used with any previously approved ES&S system, any concerns or limitations suggested in previous reports and certifications should continue to be considered part of this report and suggested for any final certification.

This report should not be construed as a comment on any of the technical aspects of the ES&S Unity 3.4.1.4 System except as expressly stated herein. In the event any of the equipment, software or security devices examined or used with the ES&S Unity 3.4.1.4 System are altered, changed or decertified by any accrediting agency (other than a “minor modification qualified for administrative certification process” as that term is defined in § 81.65 of the Texas Administrative Code), this report should be considered withdrawn.

Thank you for the opportunity to serve as an examiner and participate in this important process that protects the integrity of Texas’ voting systems.

Sincerely,

A handwritten signature in black ink, appearing to read "Brandon T. Hurley", written over a circular stamp or seal.

Brandon T. Hurley

cc:
Examiners (*via email*)