

The State of Texas



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Ruth R. Hughs
Secretary of State

MEMORANDUM

TO: Keith Ingram, Director of Elections, Texas Secretary of State

FROM: Chuck Pinney, Staff Attorney, Elections Division, Texas Secretary of State

DATE: May 18, 2020

RE: Hart Intercivic – Verity 2.4 Voting System Examination

In accordance with my appointment by the Texas Secretary of State as a voting system examiner under Tex. Elec. Code §122.067, I present my report on the voting system examination which took place on April 13-17, 2020, in the offices of Hart Intercivic in Austin, Texas.

On April 13-17, 2019, the examiners appointed by the Texas Secretary of State and the Texas Attorney General examined Verity 2.4, a voting system that was presented by Hart Intercivic (“Hart”) for certification in Texas. The following components were examined:

Component	Version	Previous Texas Certification Date
Verity Data	2.4	7/22/2019
Verity Build	2.4	7/22/2019
Verity Count	2.4	7/22/2019
Verity Central	2.4	7/22/2019
Verity User Management	2.4	7/22/2019
Verity Election Management	2.4	7/22/2019
Verity Desktop	2.4	7/22/2019
Verity Scan	2.4	7/22/2019
Verity Touch Writer with Access	2.4	7/22/2019
Verity Controller	2.4	7/22/2019
Verity Touch	2.4	7/22/2019
Verity Touch with Access	2.4	7/22/2019
Verity Touch Writer Duo	2.4	7/22/2019

For the reasons outlined below, I recommend that this system be certified by the Texas Secretary of State under Tex. Elec. Code §§122.031 and 122.039.

Background

Hart previously received certification in Texas for the HVS voting system and previous versions of Verity. The most recent version of their software, Verity 2.3, was presented by Hart in May 2019, and was certified in July 2019.

The voting system that was the subject of this examination, Verity 2.4, was certified by the U.S. Election Assistance Commission (“EAC”) on February 21, 2020.

Summary of the Examination

The examination of Verity 2.4 took place on April 13-17, 2020.

Due to health concerns relating to COVID-19, a number of accommodations were required in order to comply with social distancing and protective gear recommendations from the CDC. The Office of the Secretary of State was closed to the public at this point in time, so the examination was conducted at the offices of Hart Intercivic in Austin, Texas. The equipment was secured during the week of the exam using serialized seals on the door of the exam room and a constant livestream video feed of the exam room that was accessible to the examiners at any time throughout the exam week.

In order to accommodate those health concerns, the exam was conducted over the course of five days with no more than two examiners on each day, rather than the normal two-day exam with all six examiners present at once. The examiners who were not physically present in the exam room were able to participate remotely via a live video conference that allowed them to watch the other examiners’ interaction with the equipment and ask questions to the in-person examiners and the vendor. Each examiner had an opportunity to examine the equipment in person for at least one day during the exam week.

I was present for the first and second days of the exam, which involved the installation of the software and firmware for Verity 2.4 off of the trusted build provided to our office by the testing lab.

On the third day of the exam, the vendor provided a presentation of the software and the updates involved in the current version of Verity. Brandon Hurley and I examined the equipment and conducted the test election by voting a series of test ballots and comparing the results of those test ballots. We then conducted the accessibility testing and tested the visually impaired functions, the sip-and-puff controller, and the paddle controller. The system performed well during the accessibility testing and presented no issues.

On the fourth day of the exam, Jim Sneeringer and Lesley French conducted their in-person examination of the equipment.

On the fifth and final day of the exam, Brian Mechler and Tom Watson conducted their in-person examination of the equipment.

On each day of the exam, the in-person examiners conducted testing on various components of the system to determine if they could generate any issues or errors.

Analysis

The standards for a voting system in Texas are outlined in Texas Election Code Chapter 122. Specifically, the system may only be certified for use in Texas if it satisfies each of an enumerated list of requirements contained in Texas Election Code §122.001. Because the system satisfies each of those requirements, I would recommend that this system be certified.

Other examiners' reports have gone into greater detail about the various features of Verity 2.4, including its security features, ease of use, and reliability as a system. My conclusions about the positive aspects of the system are similar to those of the other examiners. I will highlight a few relevant features of the system.

Ballot Numbering

The Texas Election Code establishes a few different ballot numbering requirements in various sections of the Code. Specifically, any ballots used in a Texas election must be (1) numbered consecutively, beginning with the number "1", (2) numbered so that a specific range can be linked to a specific polling place, and (3) must be distributed to voters non-sequentially in order to preserve ballot secrecy. Texas Election Code §§51.006-51.008, 52.062, 62.009.

In my report for the examination of Verity 2.3, I noted that Verity 2.3 did not provide a software solution for an entity to address these ballot numbering requirements, and I recommended that the vendor provide a software solution in future versions of the system.

Verity 2.4 does include a software solution for ballot numbering which addresses the requirements of Texas law. The system generates a ballot number that generates a random number from a specific range of numbers, and contains a device ID that allows the ballot to be linked to a specific polling place, but not to a specific voter. The system also generates a report that allows the jurisdiction to determine which ballots were issued at each polling place.

Because the software solution for ballot numbering in Verity 2.4 addresses the ballot numbering requirements of Texas law, I would recommend certification of this system without imposing the condition that was included in the certification order for Verity 2.3 which required jurisdictions to follow certain ballot numbering procedures when using that system.

Verity Duo Paper Feed Issue

During the exam, the Verity Duo presented a minor paper feed issue that obstructed the manner in which the ballot stock was fed into the device. The vendor indicated to us that resolving this issue was a minor hardware fix that had already been implemented in the Texas jurisdictions that

use that equipment. The vendor was able to provide documentation on how that issue is repaired and demonstrated the minor repair to the examiners during the exam.

Conclusion and Recommendation

Verity 2.4 meets the necessary standards for certification under Texas Election Code §122.001 and complies with all other legal requirements under the Texas Election Code. Therefore, I would recommend certification of the current version of Verity.