The State of Texas

Carlos H. Cascos
Secretary of State

REPORT OF REVIEW OF ES&S EVS 5.2.1.0, ExpressVote and AutoMARK Voting Systems

PRELIMINARY STATEMENT

On June 8th and 9th, 2016, Election Systems & Software (the "Vendor") presented EVS 5.2.1.0, ExpressVote and AutoMARK Voting Systems 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. Stephen Berger, an expert in electronic data communication systems;
2. Mr. Tom Watson, an expert in electronic data communication systems;
3. Mr. Brandon Hurley, an expert in election law and procedure; and
4. Ms. Christina Worrell Adkins, 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
2. Ms. Amanda Crawford, Texas Attorney General's Employee.

On June 8, 2016, Mr. Berger, Mr. Watson, Dr. Sneeringer, and Ms. Adkins witnessed the installation of the EVS 5.2.1.0 software and firmware that the Office of the Texas Secretary of State (the "Office") received directly from the Independent Testing Authority. Ms. Adkins examined the accessibility components of the ExpressVote and AutoMARK. Also, Mr. Andre Montgomery, a staff attorney with the Office, reviewed the accessibility components of the ExpressVote and AutoMARK.

On June 9, 2016, the Vendor demonstrated the system, answered questions presented by the examiners, and test ballots were then processed on each voting device. Each examiner attended. The results were accumulated and later verified for accuracy by the Secretary of State staff.

Other members of the Office of the Texas Secretary of State's Elections Division staff and other staff from the Office of the Attorney General were present at various points during the two day examination. Examiner reports on the system are attached hereto and incorporated herein by this reference.

On August 31, 2016, a public hearing was conducted in which interested persons were given an opportunity to express views for or against certification of the system.

BRIEF DESCRIPTION OF EVS 5.2.1.0, ExpressVote and AutoMARK VOTING SYSTEMS

With the exception of ExpressVote, ElectionWare, Event Log Service, ExpressVote Previewer, and Removable Media Service, the products listed below are upgrades to previous qualified versions of either hardware and/or software that have been certified for use in the State of Texas.

EVS 5.2.1.0 (together with AutoMARK and ExpressVote) has been evaluated at an accredited independent voting system testing laboratory for conformance to the 2005 Voluntary Voting System Guidelines (VVSG). Elections Assistance Commission (EAC) # ESSEVS5210 was received on December 18, 2015.

The components of the voting systems are as follows:

Component	Version	Description
ElectionWare	4.7.1.0	Suite providing end-to-end election management support
Event Log Service	1.5.5.0	Background function that monitors the functioning of Windows Event Viewer
ExpressVote Previewer	1.4.1.0	Allows user to preview screen layout and audio for AutoMARK
Removable Media Service	1.4.5.0	Supports installation and removal of election and results media.
ExpressVote	1.4.1.0	Accessible electronic ballot marker
VAT Previewer	1.8.6.0	Allows user to preview screen layout and audio for the AutoMARK
Election Reporting Manager (ERM)	8.12.1.0	Database system that stores a jurisdiction's election information data
AutoMARK (VAT)	1.8.6.0	Accessible electronic ballot marker
DS200 Precinct Counter	2.12.1.0	Precinct optical scanner
DS850 Central Counter	2.10.1.0	Central Tabulator

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, Texas voting system examiner reports, comments received at the public hearing held on August 31, 2016, and written public comments received.

The majority of the public comments received regarded general concerns about direct recording electronic (DRE) voting machines producing a Voter Verified Paper Audit Trail (VVPAT) and concerns about DRE voting machine producing ballot images for use in recounts. These comments are inapplicable to the EVS 5.2.1.0, ExpressVote and AutoMARK voting systems being certified because they are not DRE voting machines. The EVS 5.2.1.0, ExpressVote and AutoMARK voting

systems utilize an electronic voting system ballot wherein the voter's selections are printed on paper, which can verified by the voter before casting their ballot, and subsequently reviewed in a recount. The electronic voting system ballot utilized meets all requirements of the Texas Constitution and the Texas Election Code. In addition, there were a number of public comments received requesting an additional time to review the examiner reports and other materials. The Secretary of State provided more than the ten days after the date of the public hearing for written public comments required under 1 T.A.C. § 81.60, permitting comments outside the ten day public comment period, until November 30, 2016, to allow any interested persons to submit comments.

EVS 5.2.1.0, ExpressVote and AutoMARK 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

During the examination of the systems, some examiners identified certain aspects of the systems they thought might be improved, though each examiner recommended certification notwithstanding these aspects. In addition, various examiners raised concerns which can be adequately addressed through conditions imposed on certification. Conditions on certification are as follows:

1. EVS 5.2.1.0 is certified for use as a stand-alone system to be used only with the voting system components with which it was tested.
2. The card bin for ExpressVote is excluded from certification based on a lack of a keyed lock on that box. ExpressVote card bins may not be used in Texas.
3. Given the lack of information reported about the ExpressPass component's storage of the voter's selections on the sample ballot, and Section 61.014 of the Texas Election Code, the ExpressPass component is not certified for use in Texas. In addition, the poll book printer, software related to Election Night reporting, and other minor device and software options referenced by Mr. Hurley in his report as being excluded from the Form 100 submitted as part of the certification process are not addressed by the certification in this report.
4. Precinct devices used during early voting by personal appearance, and central accumulators, pursuant to 1 T.A.C .§§ 81 .52(h) and 81.62(a), are required to attach continuous feed audit log printers. Due to 1 T.A.C. §§ 81.52(h) and 81.62(a), end-users

shall not use the DS200 Precinct Counter as (1) a precinct device during early voting by personal appearance or (2) a central accumulator.

CONCLUSION

Accordingly, based upon the foregoing, I hereby certify EVS 5.2.1.0, ExpressVote and AutoMARK for use in elections in Texas, subject to the above conditions.

Signed under my hand and seal of office, this *15th* day of *December* 2016.

COBY SHORTER, III
DEPUTY SECRETARY OF STATE