



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

May 19, 2017

Mr. Keith Ingram  
Director of Elections, Texas Secretary of State  
Elections Division  
P.O. Box 12060  
Austin, Texas 78711-2060

**Re: Election Systems & Software Unity Version 5.2.2.0 – April 18th through 20th, 2017, Examination**

Dear Mr. Ingram:

Pursuant to Texas Election Code §122.036 and 1 Texas Administrative Code §81.60, by this letter I am transmitting my examiner's report for the Secretary of State's ("SOS") June 18<sup>th</sup> through 20<sup>th</sup>, 2017, voting system examination. The subject of that examination was Election Systems & Software ("ES&S") voting system EVS 5.2.2.0

The factual background for this report includes ES&S's presentation to the examiners made during the examination at the SOS's office, statements made by ES&S's representatives during that examination, and e-mail answers to follow-up examiner questions sent by ES&S to SOS and then forwarded to the examiners.

Both during and after the examination, the examiners raised specific concerns about legal compliance of EVS 5.2.2.0. The Office of the Attorney General notes that the United States Election Assistance Commission certified the system on February 27, 2017 and that the system is similar in many respects to EVS 5.2.1.0, which has been previously certified for use in Texas elections. After a thorough review of the system as well as the relevant laws and applicable rules, the Office of the Attorney General concludes there are no legal compliance issues with EVS 5.2.2.0. Thus, we recommend certification of EVS 5.2.2.0.

Sincerely,

A handwritten signature in black ink that reads "John R. Ellis, IV".

John R. Ellis, IV  
Principal Deputy General Counsel  
Office of the Attorney General

cc: Examiners  
Christina Adkins, Texas Secretary of State