



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 3.4.1.4 – 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 18th through 20th, 2017, voting system examination. The subject of that examination was Election Systems & Software ("ES&S") voting system Unity 3.4.1.4.

The factual background for this report includes ES&S's presentation to the examiners made during the examination at the Secretary of State'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 Unity Version 3.4.1.4. The Office of the Attorney General notes that the United States Election Assistance Commission certified the system on August 26, 2016 as a modification to Unity Version 3.4.1.0, which has been previously certified for use in Texas. The modifications in question seem primarily to address the use of various other certified systems in conjunction. 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 Unity Version 3.4.1.4. Thus, we recommend certification of Unity Version 3.4.1.4.

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