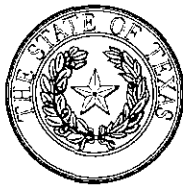


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REPORT OF REVIEW OF MINOR MODIFICATION TO ELECTION SYSTEMS & SOFTWARE EVS 6.3.0.0 SYSTEM

PRELIMINARY STATEMENT

Pursuant to Section 122.063 of the Texas Election Code and Title 1, Section 81.65 of the Texas Administrative Code, Election Systems & Software (“ES&S” or the “Vendor”) submitted to the Office of the Texas Secretary of State (the “Office”) a request for the administrative certification of a minor modification to the EVS 6.3.0.0 system. After reviewing the Vendor’s initial documentation, the Office determined that additional examination was needed to review the minor modification for approval.

On February 1, 2024, ES&S presented the proposed modification, which was previously approved by the U.S. Election Assistance Commission (“EAC”) as Engineering Change Order (“ECO”) 1167, for examination and certification. The examination was conducted in Austin, Texas. Pursuant to Section 122.067 of the Texas Election Code, the Secretary of State appointed the following examiners:

1. Mr. Tom Watson, an expert in electronic data communication systems;
2. Mr. Brian Mechler, an expert in electronic data communication systems;
3. Mr. Brandon Hurley, an expert in election law and procedure; and
4. Mr. Charles Pinney, an expert in election law and procedure.

Pursuant to Section 122.067, the Texas Attorney General appointed the following examiners:

1. Mr. Robert Thomson, an expert in electronic data communication systems; and
2. Mr. Justin Gordon, an employee of the Texas Attorney General.

On February 1, 2024, the examiners witnessed the installation of the EVS 6.3.0.0 software and firmware that the Office received directly from the Independent Testing Authority. A hash validation was performed according to the procedures contained in the Vendor’s documentation, including the proposed documentation that was the subject of this modification. The hash validation was successful.

In the course of the examination, the Vendor demonstrated the modification to the system and answered questions presented by the examiners.

During the examination, the examiners provided feedback regarding the documentation provided by the Vendor as part of this modification. Based on that feedback, the Vendor submitted a revised version of ECO-1167 to the EAC. The revised documentation was approved by the EAC on April 9,

2024, and was submitted to the Office for review and approval on April 11, 2024. The revised documentation was provided to the examiners before preparation of their reports regarding this modification.

Examiner reports regarding this modification to the EVS 6.3.0.0 system are attached hereto and incorporated herein by this reference.

On June 18, 2024, pursuant to Section 122.0691 of the Texas Election Code, the Office held a public hearing for interested persons to express views for or against the certification of the minor modification to the EVS 6.3.0.0 system contained in ECO-1167.

BRIEF DESCRIPTION OF MODIFICATION

The minor modification contained in ECO-1167 is a documentation change that provides additional information relating to hash validation procedures for the EMS system that is used with the EVS 6.3.0.0 system.

Specifically, the modification amends the vendor's list of semi-static files to include additional files relating to the installation process, so that a jurisdiction that is comparing the EAC-provided trusted hash to their user-generated hash will be able to verify that a warning relating to those files was an expected outcome of the validation process.

FINDINGS

The following are the findings, based on written evidence submitted by the Vendor in support of its application for administrative certification of a minor modification, oral evidence presented at the examination, and the written reports of the voting system examiners (all of whom recommended certifying this modification to the EVS 6.3.0.0 system for use in Texas elections).

The minor modification to the EVS 6.3.0.0 system contained in ECO-1167 meets the standards for certification as prescribed by Section 122.001 of the Texas Election Code. Specifically, the EVS 6.3.0.0 system and its components, as modified by this modification, among other things:

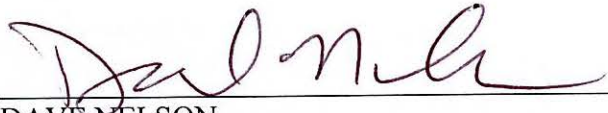
1. Preserve the secrecy of the ballot;
2. Are suitable for the purpose for which they are intended;
3. Operate safely, efficiently, and accurately and comply with the voting system standards adopted by the Election Assistance Commission;
4. Are safe from fraudulent or unauthorized manipulation;
5. Permit 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; and

10. Are capable of providing records from which the operation of the voting system may be audited.

CONCLUSION

Accordingly, based upon the foregoing, I hereby certify the modification to the Election Systems & Software's EVS 6.3.0.0 system contained in ECO-1167 for use in Texas elections.

Signed under my hand and seal of office, this 4th day of September, 2024.



DAVE NELSON
DEPUTY SECRETARY OF STATE