



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 9, 2014

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

Re: ES&S Unity 3.4.1.0 – Examination June 9 & 10, 2014

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 9 & 10 voting system examination. The subject of that examination was ES&S voting system Unity 3.4.1.0. The factual background for this report includes ES&S' presentation to the examiners during an examination at the Secretary of State's office, statements made by ES&S' representatives during that examination and e-mail answers to follow-up examiner questions sent to SOS and then forwarded to the examiners.

The examiners have raised specific concerns about legal compliance. Specifically, compliance with the requirement to have an accurate and useable real time audit log pursuant to Texas Election Code §122.001(a)(11) and 1 Texas Administrative Code §81.62. During the exam, the examiners had issues with the scanners (M100 and DS200) not including a continuous feed printer dedicated to a real-time audit log and the ability of the election administrator function being able to delete the audit log outside the appropriate preservation period. Based upon these concerns, I do not recommend that the system be certified at this time. Confidence in these areas is necessary to ensure that the system operates in a safe, efficient and secure manner as required by Texas Election Code §122.001.

Additionally, the SOS, at its discretion, should consider certification conditions limiting the certification to the particular system components demonstrated at this examination.

Sincerely,

Katherine Minter Cary
General Counsel

cc: Examiners