

The State of Texas



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Rolando B. Pablos
Secretary of State

MEMORANDUM

TO: Keith Ingram, Director of Elections, Texas Secretary of State

FROM: Alli Fick, Staff Attorney, Elections Division

DATE: October 5, 2018

RE: Election Systems and Software EVS 6.0.0.0 Voting System Examination

On September 5 – 6, 2018, Election Systems and Software (ES&S) presented EVS 6.0.0.0 for examination. EVS 6.0.0.0 includes new components and components that have been previously certified in Texas. All components submitted for certification were previously qualified by the federal Election Assistance Commission (EAC) as required by Texas law.

Per §81.60 of the Texas Administrative Code, ES&S submitted their application for Texas certification (Forms 100 and 101), a log detailing the changes from the previously Texas certified system, reports of all tests on the items submitted, operating manuals, maintenance manuals, training manuals, technical specifications, operational specifications, authorization letters, software, and source codes. The examiners were provided a copy of the application materials prior to the examination.

The following components were presented for examination:

Component Submitted for Certification	Version/Firmware #	Previous Texas Certification Date
ExpressTouch	1.0.0.0	N/A
DS200	2.17.0.0	7/28/2017
DS450	3.1.0.0	7/28/2017
DS850	3.1.0.0	7/28/2017
ExpressVote (HW 1.0 & 2.1)	1.5.0.0/2.4.0.0	7/28/2017
Electionware	5.0.0.0	7/28/2017
ExpressLink	1.4.0.0	7/28/2017
Event Log Service	1.6.0.0	7/28/2017
ExpressVote Activation Card Printer	N/A	7/28/2017
ExpressVote Previewer	1.5.0.0/2.4.0.0	7/28/2017
PaperBallot	5.0.0.0	7/28/2017
Removable Media Service	1.5.0.0	7/28/2017
Toolbox	3.2.0.0	7/28/2017

Examination

On September 5 – 6, ES&S presented EVS 6.0.0.0 for examination. The examiners were Jim Sneeringer, Tom Watson, Brandon Hurley, John Ellis, Elaine Kiang, and myself.

Jim Sneeringer, Brandon Hurley, Elaine Kiang, and I were present for the first day of the exam. During the morning of the exam, the software was installed from the SOS flashdrive, the examiners verified the hardware and software version numbers, and ES&S loaded and provided an overview of the election programming. Additionally, during the first day, ES&S chose to ask for certification of the ExpressVote as a ballot marking device—not as a tabulator. Therefore, the ExpressVote may only be used as a ballot marking device in Texas.

At the end of the first day, Brandon Hurley, Elaine Kiang, and Jean Gill, a staff attorney for the Secretary of State, tested the functionality and usability of the ExpressVote and ExpressTouch for ADA compliance. Jean used the large-buttoned keypad, two-position switch, and the sip and puff device. After reviewing the provided documentation and testing the tactile, visual, and audio components of both the ExpressVote and ExpressTouch, we determined that these devices complied with the guidelines dictated by state and federal law.

On the second day of the exam, Jim Sneeringer, Tom Watson, John Ellis, Elaine Kiang, and I were present for the full day, and Brandon Hurley was present for the afternoon of the exam. During the morning, ES&S presented on the background, highlights, and security features of EVS 6.0.0.0. The examiners were then able to vote on the ExpressVote and the ExpressTouch using a pre-marked test deck of ballots. As a ballot marking device, the ExpressVote has a touch screen and prints a paper ballot after a voter makes their selections. The ExpressTouch is a direct recording electronic voting machine allowing a direct vote on the device by the manual touch of a screen. The ExpressTouch does not log anything until the voter casts their ballot.

Votes were tabulated using the DS200, DS450, DS850 and ExpressTouch. The DS200, DS450 and DS850 are optical scan paper ballot tabulators, and the paper ballots were fed into these devices. After votes were tabulated, the examiners reviewed the audit logs from the ExpressVote, ExpressTouch, DS200, DS450, DS850, and Electionware. Electionware is an election management system, one of the features of which allows a supervisor to review and adjudicate the scanned images of voted ballots. For purposes of the exam, write-ins were resolved using Electionware.

Issues

During the July 2018 examination of ES&S's EVS 5.2.4.0, a question arose concerning whether the DS200 could be locked with two locks as required by Section 85.032 of the Texas Election Code. Per this issue, ES&S provided supplemental information regarding how the DS200 can be secured with two different locks. Their explanation included that the DS200 has an area on the front of the ballot box for a security seal, and this location may also be used to secure a lock. A second lock can be placed on the DS200 ballot bin. This complies with Texas law and appears to be a reasonable solution.

Conclusion

After reviewing the materials provided and observing the two-day examination, there was no evidence that EVS 6.0.0.0 violates any of the provisions of the Texas Election Code or Texas Administrative

Code that pertain to voting systems certification. The issue concerning double locking the DS200 has a reasonable solution that appears to comply with the Texas Election Code.

Therefore, I recommend certification of EVS 6.0.0.0.