

The State of Texas



Elections Division
P.O. Box 12060
Austin, Texas 78711-2060
www.sos.state.tx.us

Phone: 512-463-5650
Fax: 512-475-2811
Dial 7-1-1 For Relay Services
(800) 252-VOTE (8683)

Carlos H. Cascos
Secretary of State

MEMORANDUM

TO: Keith Ingram, Director of Elections, Secretary of State's Office

FROM: Christina Worrell Adkins, Staff Attorney, Elections Division Legal Section

DATE: December 15, 2015

RE: Hart InterCivic Verity 1.0 Voting Systems Examination

On September 23-34, 2015, Hart InterCivic ("Hart") presented for examination Verity Voting 1.0. This system includes the following components: Verity Build, Verity Central, Verity Count, Verity User Management, Verity Election Management, Verity Scan, Verity Touch Writer with Access.

Pursuant to Texas Administrative Code §81.60, Hart submitted their application for state certification, Forms 100 and 101, authorization letters, and a copy of all firmware/software and source codes sent directly from SLI Global Solutions, a nationally accredited voting system test laboratory. Examiners were given a copy of the application and testing materials for review prior to the two-day in-person examination that occurred on September 23 and 24, 2015.

Examination

On Day 1 of the examination, the technical examiners, Stephen Berger, Tom Watson and James Sneeringer, were present to observe and verify the installation of the vendor's software. I was present for observation purposes, but did not participate in the installation portion of the exam. In addition to observing the installation of the software, the technical examiners also verified version numbers of the software and component parts.

After the installation was completed, I received assistance from Secretary of State Staff Attorney Andre Montgomery with testing the Verity Touch Writer with Access for compliance with state and federal accessibility guidelines. After reviewing and testing the tactile, audio, and visual input devices and approaches to marking and casting a ballot, we determined that the Verity Touch Writer with Access met the accessibility guidelines dictated by both federal and state law.

On Day 2 of the examination, all examiners were present. The vendor presented an overview on the Verity system and the component parts that were part of the certification examination.

Examiners were then given the opportunity to test each piece of equipment with a pre-marked “test deck” of ballots to ensure that the equipment performed the tasks required under state law and accurately tabulated the ballots cast. The pre-marked test deck was marked and hand tallied by staff from the Secretary of State’s office on ballots provided by the vendor. The vendor was not previously made aware of how the ballots would be marked. Pre-marked ballots were voted using the Verity Touch Writer with Access. These ballots along with additional pre-marked ballots were scanned using Verity Scan and Verity Central. Write-ins were adjudicated using both Verity Scan and Verity Central and the final tabulation for all ballots was completed using Verity Count. The tabulation report from Verity Count matched the hand tally of the pre-marked test deck that was completed by the Secretary of State’s office.

ISSUES

During the examination, the examiners discovered that when certain ballots were scanned on Verity Central and the corresponding vDrive was then read into Verity Count an error message would occur that indicated that the vDrive was invalid. After the examination, Hart investigated this error and determined that the problem occurred when there was a combination of straight party voting and write-in candidates on a given ballot. Hart resolved the issue and submitted a de minimis change request to the Election Assistance Commission (“EAC”). The EAC subsequently approved the change.

CONCLUSIONS

Over the course of the two-day in-person examination, and in the review of the materials that were contained in the vendor’s application, there was no evidence that Verity 1.0 and its components failed to comply with the Voting System Standards outlined in Sections 122.001, 122.032, 122.033, and 122.0331 of the Texas Election Code or the rules outlined in Chapter 81, Subchapter C of the Texas Administrative Code. The one issue that did occur during the course of the examination was acknowledged by Hart and resolved in a swift manner. Should the Secretary of State consider certification, I recommend that Hart be required to demonstrate that the process that resulted in the corrupted vDrive has been resolved.

Overall, Verity 1.0 met the requirements prescribed by the Texas Election Code, and the Texas Administrative Code that pertain to voting system certification. Therefore, I recommend certification of the aforementioned system.