The State of Texas

Rolando B. Pablos
Secretary of State

REPORT OF REVIEW OF ES&S EVS 5.4.0.0, ExpressVote, and AutoMARK

PRELIMINARY STATEMENT

On April 18th and 20th, 2017, Election Systems & Software (the "Vendor") presented EVS 5.4.0.0, ExpressVote and AutoMARK for examination and certification. The examination was conducted in Austin, Texas. Pursuant to Sections 122.035(a) and (b) of the Texas Election Code, the Secretary of State appointed the following examiners:

1.e   Mr. Stephen Berger, an expert in electronic data communication systems;e
2.e   Mr. Tom Watson, an expert in electronic data communication systems;e
3.e   Mr. Brandon Hurley, an expert in election law and procedure; ande
4.e   Ms. Christina Worrell Adkins, an expert in election law and procedure.e

Pursuant to Section 122.035(a), the Texas Attorney General appointed the following examiners:

1.e   Dr. Jim Sneeringer, an expert in electronic data communication systemse
2.e   Mr. John Ellis, an employee of the Texas Attorney General.e

On April 18th, 2017, Mr. Berger, Dr. Sneeringer, and Ms. Adkins witnessed the installation of the EVS 5.2.2.0 software and firmware that the Office of the Texas Secretary of State (the "Office") received directly from the Independent Testing Authority. Ms. Adkins examined the accessibility components of the ExpressVote and AutoMARK. Also, Mr. Andre Montgomery, a staff attorney with the Office, reviewed the accessibility components of the ExpressVote and AutoMARK.

On April 20th, 2017, the Vendor demonstrated the system, answered questions presented by the examiners, and test ballots were then processed on each voting device. The results were accumulated and later verified for accuracy by the Secretary of State staff. Each examiner attended.[1]

Other members of the Office's Elections Division staff were present at various points during the examination. Examiner reports on the system are attached hereto and incorporated herein by this reference.

On June 14, 2017, a public hearing was conducted in which interested persons were given an opportunity to express views for or against certification of the system.

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[1] On April 20, 2017, the Vendor demonstrated the ExpressPass feature; however, this feature is outside the scope of certification and is only addressed in the conditions below to make clear that it is outside the scope of certification.

BRIEF DESCRIPTION OF EVS 5.4.0.0, ExpressVote & AutoMARK

EVS 5.4.0.0 (together with AutoMARK and ExpressVote) contains many of the same components as a previous EVS system that the Secretary of State certified on December 15, 2016, but includes various upgrades/revisions. For example, this system includes a revision to the ExpressVote terminal that allows it to be used as a tabulator as opposed to only a ballot marking device, which requires an optional curved ballot collection box to be attached to the device for the deposit of cast ballots.

EVS 5.4.0.0 (together with AutoMARK and ExpressVote) has been evaluated at an accredited independent voting system testing laboratory for conformance to the 2005 Voluntary Voting System Guidelines (VVSG). It received Elections Assistance Commission (EAC) number ESSEVS5400 on February 24, 2017.

The components of EVS 5.4.0.0 (together with AutoMARK and ExpressVote) are as follows:

Component	Version	Description
ElectionWare	4.8.0.0	Database system that allows jurisdictions to code, layout paper ballots, and burn media.
Event Log Service	1.5.6.0	Background function that monitors the functioning of Windows Event Viewer
ExpressVote Previewer	2.1.0.0	Allows user to preview screen layout for ExpressVote
Removable Media Service	1.4.6.0	Supports installation and removal of election and results media
ExpressVote HW Rev 2.1	2.1.0.0	Accessible electronic ballot marker and precinct scanner
VAT Previewer	1.8.7.0	Allows user to preview screen layout and audio for the AutoMARK
Election Reporting Manager (ERM)	8.13.0.0	Database system that stores all of a jurisdiction's election information data
AutoMARK	1.8.7.0	Accessible electronic ballot marker
DS200 Precinct Scanner	2.14.0.0	Precinct Scanner and Tabulator
DS850 Central Scanner	2.11.0.0	Central Scanner and Tabulator

FINDINGS

The following are the findings, based on written evidence submitted by the Vendor in support of its application for certification, oral evidence presented at the examination, and Texas voting system examiner reports.

EVS 5.4.0.0 (together with ExpressVote and AutoMARK) meets the standards for certification as prescribed by Section 122.001 of the Texas Election Code. Specifically, the EVS 5.4.0.0, ExpressVote and AutoMARK components, 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 complies 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;
10. Are capable of permitting straight-party voting; and
11. Are capable of providing records from which the operation of the system may be audited.

CONDITIONS

During the examination of the systems, some examiners identified certain aspects of the components they thought might be improved, though each examiner recommended certification notwithstanding these aspects. In addition, various examiners raised concerns which can be adequately addressed through conditions imposed on certification. Conditions on certification are as follows:

1. The DS200 has a portable ballot box with spaces for two locks. The same is true of the bin attached to the ExpressVote terminal to the extent it is a ballot box in the context of the ExpressVote terminal being used as a tabulator. Pursuant to Section 85.032 of the Texas Election Code, these ballot boxes may not be used during early voting unless two different locks are affixed thereto, each with a different key. In addition, the Office of the Texas Secretary of State intends to issue procedures to counties to address the transfer of voter ballots in the event there are full ballot boxes.
2. Precinct devices used during early voting by personal appearance, and central accumulators, pursuant to 1 TAC. §§ 81.52(h) and 81.62(a), are required to attach continuous feed audit log printers. Due to the current iteration of 1 T.A.C. §§ 81.52(h) and 81.62(a), end-users shall not use the DS200 as (1) a precinct device during early voting by personal appearance or (2) a central accumulator.[2]
3. Given Section 61.014 of the Texas Election Code, uncertainty as to methods of use outside of the polling place, and the fact that it is outside the scope of this certification, the ExpressPass component is not certified for use in Texas.

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[2] This condition relies upon the current version of 1 TAC §§ 81.52(h) and 81.62(a). Any change in §§ 81.52(h) and 81.62(a) which eliminates the requirement for a continuous feed audit log printer would render this condition moot.

CONCLUSION

Accordingly, based upon the foregoing, I hereby certify the EVS 5.4.0.0, ExpressVote and AutoMARK for use in elections in Texas, subject to the above conditions.

Signed under my hand and seal of office, this 28th day of ___July___ 2017.

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COBY SHORTER, III
DEPUTY SECRETARY OF STATE