



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 14, 2020

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

Re: Election Systems & Software EVS Version 6.1.0.0 Examination January 15–16, 2020

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 January 15–16, 2020 voting system examination. The subject of that examination was Election Systems & Software ("ES&S") voting system EVS 6.1.0.0.

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

The Office of the Attorney General notes that the United States Election Assistance Commission certified EVS 6.1.0.0 on September 24, 2019 as a modification to EVS 6.0.4.0, which has been previously certified for use in Texas elections. EVS 6.1.0.0 consists of multiple components, including hardware and software components.

Both during and after the examination, the examiners raised specific concerns about legal compliance of EVS 6.1.0.0. Notwithstanding these concerns, proper procedures concerning the use and operation of EVS 6.1.0.0 would ensure compliance with applicable laws and rules. Therefore, after a thorough review of the system, the Office of the Attorney General concludes there are no legal compliance issues with EVS 6.1.0.0 and recommends certification consistent with this report.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ryan Vassar", with a long horizontal flourish extending to the right.

Ryan Vassar
General Counsel

cc: Charles Pinney, Secretary of State's Office