



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 29, 2019

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 6.0.4.0—Examination June 26–27, 2019

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 June 26–27, 2019 voting system examination. The subject of that examination was Election Systems & Software ("ES&S") voting system EVS 6.0.4.0.

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 6.0.4.0 on May 3, 2019 as a modification to EVS 6.0.2.0, which has been previously certified for use in Texas elections. EVS 6.0.4.0 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 6.0.4.0. The Office of the Attorney General notes certain instances in which use of the system may not comply with current legal requirements, including the numbering of ballots; however, such concerns could be mitigated with proper procedures in place. Notwithstanding, after a thorough review of the system as well as the relevant laws and applicable rules, the Office of the Attorney General concludes there are no legal compliance issues with EVS 6.0.4.0. Thus, we recommend certification of EVS 6.0.4.0 consistent with this report.

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan Vassar", written over a light blue horizontal line.

Ryan Vassar
Chief, General Counsel Division

cc: Charles Pinney, Secretary of State's Office