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December 23, 2022

Mr. Keith Ingram
Director of Elections
Texas Secretary of State
Elections Division
208 East 10th Street
Austin, Texas 78711

Re: Inspection of the EVS 6.2.0.0 System conducted on June 23, 2022

Dear Mr. Ingram:

Pursuant to my appointment by the Texas Secretary of State as a voting systems examiner under TEXAS ELECTION CODE § 122.035, please allow this letter to serve as my report concerning the above referenced examination. I, along with the other statutory examiners and staff from the Secretary of State's office, examined the Electronic Systems & Software EVS6.2.0.0 voting system ("**ES&S 6.2.0.0 System**") on June 23, 2022, at the offices of Elections Division of the Texas Secretary of State in Austin, Texas.

Prior to the in-person exam, officials from the Texas Secretary of State and the examiners participated in a phone call to discuss the ES&S 6.2.0.0 System and the plan of examination. Also prior to the exam day, I reviewed all of the documentation provided by ES&S about the ES&S 6.2.00 System. On June 23, 2022, the other examiners and I inspected the above referenced software and equipment and accompanying written materials for compliance with the relevant provisions of the TEXAS ELECTION CODE and Texas Administrative Code related to the requirements for election machines and software.

The ES&S 6.2.0.0 System is the newest version of the ES&S voting system. The last version of the ES&S voting system that the Texas Secretary of State certified for us in Texas was the 6.1.1.0 System. While there were some similarities to this previous ES&S systems approved by the Secretary, there were substantive changes in the ES&S 6.2.0.0 System.

ACCESSIBILITY TESTING

On the day of the inspection, the examiners tested the physical equipment of the ES&S 6.2.0.0 System for accessibility compliance with the applicable state laws and regulations. These tests confirmed that the ES&S 6.2.0.0 System complied with the accessibility requirements of Texas law.

HARDWARE AND SOFTWARE TESTING

Prior to the examination day, ES&S completed the loading and installation of the ES&S 6.2.0.0 System. The hashtag validation process that had been the topic of previous discussions was reported to have been successfully completed without any problems.

On the day of the examination, ES&S provided the examiners an overview of the changes to the 6.2.0.0 System and a generalized background of the structure of the System. The examiners posed several questions that were answered by ES&S officials.

Later on the examination day, the examiners tested each piece of equipment and software for security, functionality and accuracy. The examiners and staff cast a script of ballots on each voting machine and paper ballots were fed into the optical scanners. The mock votes were tabulated and sorted with the new election software.

At the conclusion of the voting tests, a discussion among the ES&S officials and examiners occurred concerning the use of bar codes in the ES&S 6.2.00 System and the new “Regional Reporting” features.

OBSERVATIONS

1. Each of the separate pieces of hardware and software examined met the listed requirements of the TEXAS ELECTION CODE and TEXAS ADMINISTRATIVE CODE.
2. After the examination, an issue did arise concerning ES&S’s U.S. Election Assistance Commission’s certification of its Regional Results options in the ES&S 6.2.00 System. The EAC eventually certified this change to the ES&S 6.2.00 System in late 2022. This certification was necessary for the examiners reports and any consideration of certification by the Texas Secretary of State.
3. The changes in the ES&S 6.2.00 System appear to all improve the security and robustness of the previous ES&S Systems. It is not clear if all of the improvements would be useful or permissible under Texas law. Things such as the Regional Reporting function should be scrutinized to see if this and other new functions can be used by the local jurisdictions in their elections.

RECOMMENDATION

Based on the foregoing observations and my examination of the ES&S 6.2.00 System, its accompanying literature, the representations made by ES&S officials both in its literature and at the examination, and the final certification from the EAC recently received, I recommend that the ES&S 6.2.00 System be certified as compliant with the requirements of the TEXAS ELECTION CODE and the TEXAS ADMINISTRATIVE CODE.

This report should not be construed as a tacit or implied comment on any of the technical aspects of the ES&S 6.1.0.0 System except as expressly stated herein. In the event any of the equipment, software or security devices examined are altered, changed or decertified by any accrediting agency (other than a "minor modification qualified for administrative certification process" as that term is defined in § 81.65 of the Texas Administrative Code), this report should be considered withdrawn.

Thank you for the opportunity to serve as an examiner and participate in this important process that protects the integrity of Texas' voting systems.

Sincerely,

A handwritten signature in black ink, appearing to read "Brandon T. Hurley". The signature is written in a cursive style with a large initial "B".

Brandon T. Hurley

A handwritten signature in black ink, appearing to read "A. J. ...". The signature is written in a cursive style with a large initial "A".