

**COMMISSIONERS COURT
OF
BASTROP COUNTY, TEXAS**

A RESOLUTION TO ADOPT THE EVS 6110 VOTING SYSTEM

WHEREAS, the EVS 6110 voting system by Elections System & Software is comprised of the ExpressVote ballot marking device, the DS850 central scanner, and the DS200 precinct scanner, and

WHEREAS, Section 123.035 of the Texas Election Code requires that use of new voting equipment must be approved by the Elections Division of the office of the Texas Secretary of State; and

WHEREAS, the County has received approval from the State of Texas for purchase of the ES&S EVS 6110 voting system that is certified for use in Texas as described in a letter dated September 17, 2021 which is attached hereto as EXHIBIT A; and

WHEREAS, the Bastrop County Elections Department has purchased the new ADA-compliant EVS 6110 voting system to be used by the County for the 2022 Primary Election (date to be determined) and all subsequent elections; and

WHEREAS, pursuant to Section 123.001 (b) of the Texas Election Code Bastrop County must formally adopt said voting system;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT OF BASTROP COUNTY, TEXAS THAT:

Bastrop County does hereby adopt the ES&S EVS 6110 voting system as certified by the State of Texas.

PASSED, APPROVED AND ADOPTED by a majority of the Commissioners Court of Bastrop County, Texas on this the 21th day of September 2021.

BASTROP COUNTY

BY:



County Judge Pro Tem

EXHIBIT A
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
TTY: 7-1-1
(800) 252-VOTE (8683)

Secretary of State

September 17, 2021

Kristen Miles
Bastrop County
804 Pecan
Bastrop, Texas 78602

Hello,

We are in receipt of a copy of the proposed contract between Bastrop County and Election Systems & Software ("ES&S"), which you have submitted to the Secretary of State pursuant to Section 123.035 of the Texas Election Code.

The contract indicates the county plans to acquire ES&S's EVS 6110 which includes the ExpressVote ballot marking device, the DS200 precinct scanner, and the DS850 central scanner. This letter will serve as confirmation from our office that this system is currently certified for use in Texas. Enclosed is a copy of the certification order that pertains to this system. We therefore officially approve the submitted contract for the purchase of these systems.

Pursuant to state law, this written approval of your voting system contract is required prior to your final execution of the contract, or it will be considered void.

If you need additional information, please contact the Elections Division toll-free at 1-800-252-2216.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith Ingram".

Keith Ingram
Director of Elections

Enclosures

KI:CP

The State of Texas



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Dial 7-1-1 For Relay Services
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Ruth R. Hughs
Secretary of State

REPORT OF REVIEW OF ELECTION SYSTEMS & SOFTWARE EVS 6.1.1.0 SYSTEM

PRELIMINARY STATEMENT

On August 21, 2020, Election Systems & Software ("ES&S" or the "Vendor") presented the EVS 6.1.1.0 system 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. Mr. Tom Watson, an expert in electronic data communication systems;
2. Mr. Brian Mechler, an expert in electronic data communication systems;
3. Mr. Brandon Hurley, an expert in election law and procedure; and
4. Mr. Charles Pinney, an expert in election law and procedure.

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

1. Dr. Jim Sneeringer, an expert in electronic data communication systems; and
2. Ms. Lesley French, an employee of the Texas Attorney General.

At the time of the examination, the Office of the Secretary of State was closed to the public due to health and safety concerns relating to the novel coronavirus (COVID-19). As a result, certain procedures were implemented for the examination of the EVS 6.1.1.0 system. For example, the examination was held in a manner that allowed some of the examiners to participate in person and other examiners to attend remotely via live video conference. The examiners who were not physically present in the exam room were able to view the other examiners' interactions with the equipment and ask questions to the in-person examiners and the vendor. Mr. Pinney and Ms. French attended the examination in person, while the other examiners participated via live video conference.

The examiners witnessed the installation of the EVS 6.1.1.0 software and firmware that the Secretary of State's office received directly from the Independent Testing Authority. The Vendor then demonstrated the system and answered questions presented by the examiners. After the vendor presentation, the in-person examiners conducted a test election and tested various other components of the system with the participation and guidance of the examiners who attended remotely via live video conference.

Examiner reports regarding the EVS 6.1.1.0 system are attached hereto and incorporated herein by this reference.

On December 9, 2020, pursuant to Section 122.0371 of the Texas Election Code, the Office held a public hearing, by telephone, for interested persons to express views for or against the certification of the EVS 6.1.1.0 system.

BRIEF DESCRIPTION OF EVS 6.1.1.0

The EVS 6.1.1.0 system is an updated version of the EVS 6.1.0.0 system, which the Office certified in April 2020 for use in Texas elections. EVS 6.1.1.0 includes software enhancements to the existing election management system, but there were no updates to the firmware or hardware of the voting devices presented in the EVS 6.1.0.0 system.

EVS 6.1.1.0 has been evaluated at an accredited independent voting system laboratory for conformance to the 2005 Voluntary Voting System Guidelines (VVSG). EVS 6.1.1.0 was certified by the Election Assistance Commission (EAC) on July 27, 2020.

The components of EVS 6.1.1.0 are as follows:

Component	Version	Description
ExpressTouch	1.0.3.0	Direct-recording electronic voting machine (only for curbside voting)
DS200	2.30.0.0	Precinct scanner
DS450	3.4.0.0	Central scanner
DS850	3.4.0.0	Central scanner
ExpressVote (HW 1.0)	4.0.0.0	Ballot marking device
ExpressVote (HW 2.1)	4.0.0.0	Ballot marking device
ExpressVote XL	1.0.3.0	Ballot marking device
ElectionWare	6.0.1.0	Election management software
ExpressLink	2.0.0.0	Election management software
Event Log Service	2.0.0.0	Election management software
ExpressVote Activation Card Printer	N/A	Voting machine ballot activation device
ExpressVote Previewer	4.0.0.0	Election management software
PaperBallot	6.0.0.0	Election management software
Removable Media Service	2.0.0.0	Election management software
Toolbox	4.0.0.0	Election management software

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 the written reports of the voting system examiners (all of whom recommended certifying the EVS 6.1.1.0 system for use in Texas elections).

The EVS 6.1.1.0 system, including its hardware and software components, meets the standards for certification as prescribed by Section 122.001 of the Texas Election Code. Specifically, the EVS 6.1.1.0 system and its 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 comply 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; and
10. Are capable of providing records from which the operation of the voting system may be audited.

CONCLUSION

Accordingly, based upon the foregoing, I hereby certify Election Systems & Software's EVS 6.1.1.0 system for use in Texas elections.

Signed under my hand and seal of office, this 8th day of January 2021.



JOSE A. ESPARZA
DEPUTY SECRETARY OF STATE