

The State of Texas



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Carlos H. Cascos
Secretary of State

December 27, 2016

Yvonne Ramon
Hidalgo County Elections Administrator
101 S. 10th Avenue
Edinburg, Texas 78539

Dear Ms. Ramon:

We are in receipt of a copy of the proposed contract and quote between Hidalgo County and Hart InterCivic ("Hart"), which you have submitted to the Secretary of State pursuant to Section 123.035 of the Texas Election Code.

The contract and quote indicate the county plans to acquire Hart's Verity 2.0 which includes the Hart Verity Touch DRE and Verity Touch with Access DRE, both of which have firmware version 2.0.3. The contract also indicates that the county plans to acquire Verity Build, Verity Central, Verity Count, and Verity Controller, all of which have software version 2.0.2. This letter will serve as confirmation from our office that these systems are 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 blue ink, appearing to read "Keith Ingram".

Keith Ingram
Director of Elections

Enclosures

KI: AF

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REPORT OF REVIEW OF HART INTERCIVIC'S VERITY 2.0 VOTING SYSTEM

PRELIMINARY STATEMENT

On June 29th and 30th, 2016, Hart InterCivic, Inc. (the "Vendor") presented Verity Voting 2.0 Voting System for examination and certification ("Verity 2.0"). 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. Stephen Berger, an expert in electronic data communication systems;
2. Mr. Tom Watson, an expert in electronic data communication systems;
3. Mr. Brandon Hurley, an expert in election law and procedure; and
4. Ms. Christina Worrell Adkins, 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
2. Ms. Amanda Crawford, Texas Attorney General's Employee.

On June 29, 2016, Mr. Berger, Mr. Watson, Dr. Sneeringer, and Ms. Adkins witnessed the installation of the Verity 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 Verity Touch Writer and Verity Touch with Access. Also, Mr. Tim Juro, a staff attorney with the Office, reviewed the accessibility components of the Verity Touch Writer and Verity Touch with Access.

On June 30, 2016, the Vendor demonstrated the system, answered questions presented by the examiners, and test ballots were then processed on each voting device. Each examiner attended. The results were accumulated and later verified for accuracy by the Secretary of State staff.

Other members of the Office of the Texas Secretary of State's Elections Division staff and other staff from the Office of the Attorney General were present at various points during the two day examination. Examiner reports on the system are attached hereto and incorporated herein by this reference.

On August 31, 2016, a public hearing was conducted in which interested persons were given an opportunity to express views for or against certification of the system.

BRIEF DESCRIPTION OF VERITY 2.0

With the exception of Verity Data, Verity Controller, Verity Touch and Verity Touch with Access, the products listed below are upgrades to previous qualified versions of either hardware and/or software that have been certified for use in the State of Texas.

The Verity 2.0 Voting System has been evaluated at an accredited independent voting system testing laboratory for conformance to the 2005 Voluntary Voting System Guidelines (VVSG). It has received Elections Assistance Commission (EAC) # HRTVerity2.0 on April 27, 2016. The components of Verity 2.0 include:

Component	Version	Description
Verity Build	2.0.2	Election definition software application
Verity Central	2.0.2	Central scanning software
Verity Count	2.0.2	Central count tabulation and reporting software application
Verity User Management	2.0.2	User Management Software application
Verity Election Management	2.0.2	Data Management Software application
Verity Desktop	2.0.2	Workstation management software
Verity Scan	2.0.3	Digital scanner (precinct scanner) (firmware)
Verity Touch Writer with Access	2.0.3	Ballot Marking device with audio/tactile interface
Verity Data	2.0.2	Election definition software application
Verity Controller	2.0.3	Controller unit for Verity Touch/Verity Touch with Access
Verity Touch	2.0.3	Direct recording electronic voting machine (DRE)
Verity Touch with Access	2.0.3	Controller for Verity Touch DAU unit

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, Texas voting system examiner reports, comments received at the public hearing held on August 31, 2016, and written public comments received.

The majority of the public comments received regarded the Verity Touch direct recording electronic (DRE) voting machine not producing a Voter Verified Paper Audit Trail (VVPAT). There is no federal or state law requiring VVPAT, and therefore, is not a requirement for certification. There were a number of other comments expressing concern that the Verity Touch DRE did not meet the requirements of the Texas Constitution in regards to the numbering of ballots. The Verity Touch DRE numbers ballots through the public counter, which is the method of numbering ballots prescribed by state law, and meets the requirements of the Texas Constitution. There were a number of comments regarding the requirements of the Texas Election Code in regards to the storage of ballot images and use of ballot images in a recount. The Verity Touch meets the requirements of storing

and producing ballot images, which are the electronically produced records of all votes cast by a single voter. In addition, there were a number of public comments received requesting an additional time to review the examiner reports and other materials. The Secretary of State provided more than the ten days after the date of the public hearing for written public comments required under 1 T.A.C. § 81.60, permitting comments outside the ten day public comment period, until November 30, 2016, to allow any interested persons to submit comments.

Each component of Verity 2.0, among other things:

1. Preserves the secrecy of the ballot;
2. Is suitable for the purpose for which it is intended;
3. Operates safely, efficiently, and accurately and complies with the voting system standards adopted by the Election Assistance Commission;
4. Is safe from fraudulent or unauthorized manipulation;
5. Permits voting on all offices and measures to be voted on at the election;
6. Prevents counting votes on offices and measures on which the voter is not entitled to vote;
7. Prevents 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. Prevents counting a vote on the same office or measure more than once;
9. Permits write-in voting;
10. Is capable of permitting straight-party voting; and
11. Is capable of providing records from which the operation of the system may be audited.

CONDITIONS


During the examination of the system, some examiners identified certain aspects of Verity 2.0 they thought might be improved, though each examiner recommended certification notwithstanding these aspects. There is only one condition on certification:

1. Precinct devices used during early voting by personal appearance, and central accumulators, pursuant to 1 T.A.C. §§ 81.52(h) and 81.62(a), are required to attach continuous feed audit log printers. Due to 1 T.A.C. §§ 81.52(h) and 81.62(a), end-users shall not use Verity Scan 2.0.3 as (1) a precinct device during early voting by personal appearance or (2) a central accumulator.

CONCLUSION

Accordingly, based upon the foregoing, I hereby certify Verity 2.0 for use in elections in Texas, subject to the above condition.

Signed under my hand and seal of office, this 15th day of December 2016.



COBY SHORTER, III
DEPUTY SECRETARY OF STATE