



ALEX PADILLA | SECRETARY OF STATE | STATE OF CALIFORNIA
OFFICE OF VOTING SYSTEMS TECHNOLOGY ASSESSMENT
1500 11th Street | Sacramento, CA 95814 | **Tel** 916.653.7244 | **Fax** 916.653.4620 | www.sos.ca.gov

November 28, 2017

County Clerk/Registrar of Voters (CC/ROV) Memorandum #17126

TO: All County Clerks/Registrars of Voters

FROM: /s/ NaKeshia Robinson
Office of Voting Systems Technology Assessment

RE: Voting Systems: Conditional Approval of Election Systems and Software, Inc.'s EVS 5.2.1.0 CA Voting System

The California Secretary of State has approved Election Systems and Software, Inc.'s EVS 5.2.1.0 CA Voting System.

Attached is a copy of the Approval document.

Attachment: (1)



SECRETARY OF STATE

CONDITIONAL APPROVAL OF ELECTION SYSTEMS AND SOFTWARE, INC. EVS 5.2.1.0 CA VOTING SYSTEM

Whereas, pursuant to Elections Code section 19202, no voting system, in whole or in part, may be used unless it has received the approval of the Secretary of State; and

Whereas, Election Systems and Software, Inc. submitted an application for the EVS 5.2.1.0 CA voting system, which is comprised of ExpressVote, with Firmware version 1.4.1.0, AutoMARK, Hardware version 1.0 (A100), 1.1 (A200), 1.3 (A300) and 1.3.1, with Firmware version 1.8.6.0, DS200 Precinct Scanner Hardware version 1.3 with Firmware version 2.12.1.0, Model DS850 Central Ballot Counter Hardware version 1.0 with Firmware version 2.10.1.0, Election Reporting Manager (ERM) version 8.12.1.0, ExpressVote Activation Card Printer, Electionware version 4.7.1.0, Event Log Service version 1.5.5.0, Removable Media Service version 1.4.5.0, VAT Previewer version 1.8.6.0, ExpressVote Previewer version 1.4.1.0, ExpressLink 1.3.0.0 and PaperBallot version 4.6.1.0, submitted on or about September 7, 2016.

Whereas, the voting system described above has been certified by the United States Election Assistance Commission, certification number ESSEVS5210 which was issued on December 18, 2015; and

Whereas, during a series of tests conducted by the Secretary of State's office, the voting system performed in a manner consistent with California law; and

Whereas, the voting system was able to successfully and accurately execute all test cases, scenarios, and scripts developed by the Secretary of State's office; and

Whereas, the request for approval of the voting system as described above was considered at a public hearing held September 27, 2017, at Sacramento, California.

Therefore, I, Alex Padilla, Secretary of State for the State of California, find and determine, pursuant to Division 19 of the Elections Code, as follows:

For the reasons set forth above, Elections Systems and Software, Inc.'s EVS 5.2.1.0 CA voting system is hereby approved.

Use of Elections Systems and Software, Inc.'s EVS 5.2.1.0 CA voting system must comply with all California Election Code and California Code of Regulation requirements and is also subject to the following terms and conditions:

1. Jurisdictions are prohibited from installing any software applications or utilities on any component of the voting system that have not been identified by the vendor and approved by the Secretary of State.
2. Prior to sale or use of the system in California, the vendor must provide to all jurisdictions its Use Procedures, entitled "EVS 5.2.1.0 CA Use Procedures, October 2017", which the Secretary of State hereby approves. Compliance with the Use Procedures by the vendor and jurisdictions is a condition of the approval of this voting system. Compliance with all requirements set forth in the Use Procedures is mandatory, whether or not a particular requirement is identified in this approval document.
3. The system shall be utilized in a configuration of parallel central election management systems separated by an "air-gap" where (1) a permanent central system known to be running unaltered, certified software and firmware is used solely to define elections and program voting equipment and memory cards, (2) a physically-isolated duplicate system, reformatted after every election to guard against the possibility of infection, is used solely to read memory cards containing vote results, accumulate - and tabulate those results and produce reports, and (3) a separate computer dedicated solely to this purpose is used to reformat all memory devices before they are connected to the permanent system again.
4. No substitution or modification of the voting system shall be made with respect to any component of the voting system, including the Use Procedures, until the Secretary of State has been notified in writing and has determined that the proposed change or modification does not impair the accuracy or efficiency of the voting system sufficient to require a re-examination and approval.
5. Elections Systems and Software, Inc. must provide regular written reports to the Secretary of State's office on the resolution of hardware (including server, workstation and auxiliary components) encryption. The reports shall contain: (1) the schedule and status for implementation of any resolution; (2) the reasons for any anticipated change in implementation date of the solution, if any; and (3) any accomplishments or milestones achieved since the previous report. The first report shall be submitted to the Secretary of State no later than three months from the date of this certification, and subsequent reports submitted to the Secretary State on or before every January 15 and July 15 thereafter. Failure to make timely substantial progress and implement a solution by April 1, 2020, may result in decertification of this system pursuant to Elections Code section 19232.

6. No substitution or modification of the voting system shall be made with respect to any component of the voting system, including the Use Procedures, until the Secretary of State has been notified in writing and has determined that the proposed change or modification does not impair the accuracy or efficiency of the voting system sufficient to require a re-examination and approval.
7. Election Systems and Software, Inc. shall deposit an exact copy of the trusted build files to a State of California approved escrow facility within 10 business days. These build files along with the source code and all associated software and firmware shall be escrowed in a California approved source code escrow facility, pursuant to California Elections Code section 19212. Pursuant to California Code of Regulations section 20641, within five working days, the vendor shall certify to each affected election jurisdiction, with a copy to the Secretary of State, that it has placed the software in escrow.
8. Immediately after any repair or modification of any voting system component that requires opening the housing, the integrity of the firmware and/or software must be verified using an automated mechanism, or all software must be reinstalled by the jurisdiction from a read-only version of the approved firmware and/or software supplied directly by the federal testing laboratory or Secretary of State before the equipment can be put back into service.
9. No network connections to any device not directly used and necessary for voting system functions may be established. Communication by or with any component of the voting system by wireless or modem transmission is prohibited at any time. No component of the voting system, or any device with network connectivity to the voting system, may be connected to the Internet, directly or indirectly, at any time.
10. Upon request, members of the public must be permitted to observe and inspect, without physical contact, the integrity of all externally visible security seals used to secure voting equipment in a time and manner that does not interfere with the conduct of the election or the privacy of any voter.
11. Where voting equipment is used to record and tabulate vote results in a polling place, upon close of the polls, the poll workers are required to print two copies of the accumulated vote results and one audit log from each device. Each poll worker must sign every copy. One copy of the vote results from each device must be publicly posted outside the polling place. The second copy, along with the audit log, must be included with the official election material that is returned to the jurisdiction headquarters on election night.
12. Poll workers are not permitted to participate in any post-election manual count auditing of precinct results from a precinct in which they were a poll worker.
13. Elections officials must develop appropriate security procedures for use when representatives of qualified political parties and bona fide associations of citizens and media associations, pursuant to their rights under Elections Code section 15004, check and review the preparation and operation of vote tabulating devices and attend any or all phases of the election. The security procedures must permit representatives to observe at a legible distance the contents of the display on the vote tabulating computer or device. This requirement may be satisfied by positioning an additional display monitor or monitors in a manner that allows the representatives to read the contents.

14. With respect to any piece of voting equipment for which the chain of custody has been compromised or experiences a fatal error from which it cannot recover gracefully (i.e., the error is not handled through the device's internal error handling procedures with or without user input), such that the device must be rebooted or the device reboots itself to restore operation, the following actions must be taken:
- The chief elections official of the jurisdiction must be notified immediately;
 - The equipment must be removed from service immediately and replaced if possible;
 - Any votes cast on the device prior to its removal from service must be subject to a 1% manual tally, by the process described in Elections Code section 15360, as part of the official canvass. Notice to the public of this manual tally may be combined with the notice required by any other manual tally required in this order or by Elections Code section 15360;
 - Any memory card containing data from that device must be secured and retained for the full election retention period;
 - An image of all device software and firmware must be stored on write-once media and retained securely for the full election retention period;
 - The Secretary of State must be notified within two calendar days; and
 - All device software and firmware must be reinstalled from a read-only version of the approved firmware and software supplied directly by the federal testing laboratory or the Secretary of State before the equipment is placed back into service.
15. The Secretary of State reserves the right, with reasonable notice to the vendor and to the jurisdictions using the voting system, to modify the Use Procedures used with the voting system and to impose additional requirements with respect to the use of the system if the Secretary of State determines that such modifications or additions are necessary to enhance the accuracy, reliability or security of any of the voting system. Such modifications or additions shall be deemed to be incorporated herein as if set forth in full.
16. The Secretary of State reserves the right to monitor activities before, during and after the election at any precinct or registrar of voters' office, and may, at his or her discretion, test voting equipment.
17. Voting systems certified for use in California shall comply with all applicable state and federal requirements, including, but not limited to, those voting system requirements as set forth in the California Elections Code and the Help America Vote Act of 2002 and those requirements incorporated by reference in the Help America Vote Act of 2002. Further, voting systems shall also comply with all state and federal voting system guidelines, standards, regulations and requirements that derive authority from or are promulgated pursuant to and in furtherance of the California Elections Code and the Help America Vote Act of 2002 or other applicable state or federal law when appropriate.
18. Voting system manufacturers or their agents shall assume full responsibility for any representation they make that a voting system complies with all applicable state and federal requirements, including, but not limited to, those voting system requirements as set forth in the California Elections Code and the Help America Vote Act of 2002. In the event such representation is determined to be false or misleading, voting system manufacturers or their agents shall be

responsible for the cost of any upgrade, retrofit or replacement of any voting system or its component parts found to be necessary for certification or otherwise not in compliance.

19. The vendor must establish a California County User Group and hold at least one annual meeting where all California users and Secretary of State staff are invited to attend and review the system.
20. Prior to the disposal or sale of this voting system or portion thereof, all equipment shall be cleared with a minimum of a two-pass wipe so that no software, firmware or data remains on the equipment. At the time of disposal or sale, the equipment shall be returned solely to a non-functioning piece of hardware and the following documented for each:
 - Whether the machine is void of all software, firmware and data.
 - The hardware model name.
 - The hardware model number.
 - The hardware serial number.



IN WITNESS WHEREOF, I hereunto set my hand and affix the Great Seal of the State of California, this 27th day of November, 2017.

Handwritten signature of Alex Padilla in black ink.

ALEX PADILLA
Secretary of State