

# The State of Texas



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Jane Nelson  
Secretary of State

December 23, 2024

TJ Burns  
State Certification Manager  
Election Systems & Software  
11208 John Galt Blvd.  
Omaha, NE 68137

Dear Mr. Burns,

Pursuant to our authority to certify electronic pollbook systems under Election Code 31.014, and in light of issues reported to our office by multiple Texas counties, our office has decertified the ES&S ExpressPoll 7.2.6.3 system.

During the Early Voting period of the November 5, 2024 election, our office received reports from multiple counties concerning issues with the ES&S ExpressPoll 7.2.6.3 system. These issues included electronic pollbooks becoming unresponsive, errors that caused some voters to receive incorrect ballot styles, failure to save check-in data for certain voters and a general failure to provide notification to poll workers of errors in workflows or with peripheral devices.

In response to these communications, our office contacted ES&S for additional information. ES&S confirmed the existence of an ongoing issue and subsequently proposed a solution to mitigate certain effects experienced by the counties. While this solution was implemented for some counties, ultimately, ES&S was unable to resolve the underlying issue(s) and indicated that additional development would be necessary to completely prevent those issues in the future.

As such, the reports provided to our office by the counties indicate that the ExpressPoll 7.2.6.3 system failed to satisfy the following electronic pollbook certification standards in Texas:

- Functional Standard 8 - Electronic pollbook must sync data with the county's central database in real-time and provide information about when the voter was checked in at a specific location.
- Functional Standard 25 - Electronic pollbook must be capable of issuing the correct ballot style to a voter based on the information in the voter registration database.

- Functional Standard 26 - Electronic pollbook must be capable of keeping a running count of voters who have been accepted to vote each day.
- Technical Standard 13 - Electronic pollbook must be capable of transmitting a time-stamp for when each voter is accepted to vote at a polling place, including the voter's unique identifier (VUID).
- Technical Standard 14 - Electronic pollbook must be capable of time-stamping the receipt of a transmission of a time-stamp for when each voter is accepted to vote by another device, including the voter's unique identifier (VUID).
- Technical Standard 24 - Electronic pollbook must allow an election worker to enter information indicating that the voter has voted in the election.
- Technical Standard 26 - Electronic pollbook must be capable of correctly processing all voter registration information and producing audit logs for any actions that modify, transmit, or use that information.
- Technical Standard 28 - Electronic pollbook must allow election workers to verify that the pollbook has been setup correctly, is working correctly, and is correctly recording voter information.
- Technical Standard 29 - Electronic pollbook must keep a running count of voters who have been accepted to vote each day.
- Technical Standard 30 - Electronic pollbook must be capable of performing at least two of the following four actions:
  - Regularly syncing voter information with the county central database;
  - Storing voter information on local device;
  - Storing voter information on an encrypted removable memory device; or
  - Producing a physical printed list showing any actions involving voter information by that device.

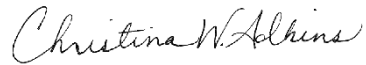
Additionally, the Texas Certification Procedures for Electronic Pollbooks require pollbook vendors to provide written notice to the Secretary of State's Office of any incidents impacting the performance or security of their system during an active election within two hours of the vendor's first knowledge of the incident. In this case, our office was informed by the impacted counties rather than receiving timely notices directly from ES&S. Written notice was only provided after our inquiry.

In light of these issues, and due to the system's failure to comply with the technical and functional certification standards listed above and the incident notification requirements outlined in the Texas Certification Procedures for Electronic Pollbooks, our office has formally decertified the ES&S ExpressPoll 7.2.6.3 system.

This decertification does not preclude the vendor from submission of any future versions of the ExpressPoll system for consideration for certification. However, certification will not be granted unless each of the issues identified above are fully resolved.

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

Sincerely,

A handwritten signature in cursive script that reads "Christina W. Adkins".

Christina Worrell Adkins  
Director of Elections