

## Modification requests

- As you are likely aware, we have received requests from ES&S and Clear Ballot to modify their voting systems certification. We have now learned that ES&S does not have enough of the certified equipment to fulfill county contracts. ES&S lobbyists indicated to counsel that they have only roughly around 1/6 of the amount of machines that will be needed by the counties based on the currently certified voting system.
- We believe this is a serious issue.
  - Should the modification request not be able to be approved in the next month or so, counties set to replace their DREs with ExpressVotes would not be able to do so. This would leave open the question of whether the State Board would need to consider the a hardship waiver request to extend the use of DREs through the primary.
  - The only alternative would be paper ballots, counted by hand, with no accessible option. This would create litigation risk for the counties regarding federal HAVA compliance due to not having an options for voters with disabilities to vote independently. It also poses significant security and reliability concerns.