OFFICE OF THE TOWN CLERK
TOWN OF LEICESTER

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DEBORAH K. DAVIS
TOWN CLERK
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ASSISTANT TOWN CLERK
E-mail: zuscaks@leicesterma.org

March 29, 2022

RESPONSE TO PUBLIC RECORDS REQUEST:

1a. The Town of Leicester does not use the purchase order system. Everything is done by invoice. The accountant's office no longer has any invoices available they were purchases in 2008/9.

1b. We no longer have the records pertaining to the purchase of the DS200 machines. We purchased four for the four precincts we have. We purchased through ES&S you may reach out to them.

1c. The town of Leicester does not have what you are looking for you may want to reach out to State Elections.

1d. I am not aware of any election assistance commission (EAC) certification of the electronic voting machines. Not sure of the process however I do know it took many years before the DS200 machines were certified by the state of Massachusetts.

I will attach the state approval of voting machines.

2. Town of Leicester did not have any role in what you are asking. The state election office would possibly have the documentation you are looking for.

3. This office is unaware of any Election Assistance oversights.

4. ES&S associates perform testing and maintenance on our DS200 machines. Before every Election The Board of Registrars does a test deck and tests the machines also.

6. Repetitive

7. ES&S DS200 voting machines are not connected to any computers or the internet and were not before during or after. I cannot provide documentation it does not pertain to the Town of Leicester.

Respectfully submitted,

Deborah K. Davis, Leicester Town Clerk

The Commonwealth of Massachusetts

William Francis Galvin, Secretary of the Commonwealth
Elections Division

APPROVAL OF VOTING EQUIPMENT IN MASSACHUSETTS

Name of Vendor:

Elections Systems and Software, Inc.
Corporate Headquarters
11208 John Galt Boulevard
Omaha, Nebraska 68137
Phone: (402) 593-0101
(800) 247-8683
Fax: (402) 593-8107
www.essvote.com

Type of Product:

ES&S DS200 Precinct Tabulator (EVS 5.0.0.3)
(Optical Scanning Vote Tabulator)

Submission of Detailed Specifications:

Prior to May 29, 2013, the Office of the Secretary of the Commonwealth received detailed specifications for the DS200.

Office Demonstration of Equipment:

On May 29, 2013, Benjamin Swartz, ES&S State Certification Manager, and other representatives from ES&S presented office demonstrations to members of the Elections Division at One Ashburton Place, Boston. On June 17, 2013, John Lento of ES&S presented another office demonstration (using modified equipment to meet the Massachusetts standards) to members of the Elections Division.

Field Tests:

Field tests were successfully conducted in the Town of Concord at the Annual Town Election held on March 25, 2014 and in the Town of Reading at the Annual Town Election and Special State Election, which were held concurrently on April 1, 2014.

The DS 200 Precinct Tabulator performed without incident in both field tests.

Reasons for Approval:

The Office of the Secretary of the Commonwealth has determined that the DS200 Precinct Tabulator, which is manufactured by ES&S, is a type of voting equipment which is in compliance with the following standards set forth in 950 C.M.R. § 50.02 and the Voluntary Voting System Standards of 2005 adopted by the Election Assistance Commission.

Overview of System:

The DS200 is a paper ballot scanner designed for polling place use. Voters mark selections on a paper ballot and then insert the ballot in any orientation for immediate tabulation. Both sides of the ballot are processed simultaneously with high-resolution scanners and the resulting ballot images are decoded by a proprietary recognition engine. Once voter selections are processed, the ballot is dropped into a secure ballot box. The scanner also has the ability to capture digital images of each ballot, but this function can be disabled to comply with current state law.

Product features of the DS200 include a 12-inch touch screen providing voters and poll worker feedback, an internal thermal printer for generating machine totals and log reports, and USB thumb drive for loading the election definition and storing results. The scanner has also been equipped with a cancellation device, which will mark every ballot as it is dropped into the ballot box.

The scanner is powered by a standard 120-volt AC power cord and contains a back-up battery to power the machine in the event of electrical power failure. When fully charged, the battery can maintain more than two hours of continuous use.

There are three operating modes on the scanner system: Administration, Polls Open Mode, and Polls Closed Mode. The "Administration" mode provides diagnostic and testing functions to calibrate and test the scanner. In "Polls Open" mode, the DS200 actively scans ballots and tabulates results. In "Polls Closed" mode, the scanner prints poll reports, including election results.

Below please find an analysis of the system as it applies to the standards set forth in the General Laws and Regulations.

(1) Simple and Convenient to Use (950 C.M.R. 50.02(1)):
The system is as simple and as easy to use as paper ballots—filling in an oval to indicate the voter's choice. The width of the ballot is 8 ½ inches and the maximum length of the ballot is 19 inches and ballots may be printed with one, two or three columns. However, unlike current approved optical scanner systems, a ballot can be printed with up to three

columns at the top and then printed straight across the entire width at the bottom to accommodate ballot questions.

The vote indicators (ovals) can be filled in with almost any writing utensil, though not all pencil marks will be read by the scanner. While blue and black ink can be read by the tabulator, the BIC Grip Roller Ball Black pen with a .7mm tip is the only approved marking device for the DS200. Red and orange ink is not recommended. The scanner draws three types of information from each ballot during scanning: audit information, ballot information, and voter marks.

(a) A reasonable and average person should be able to operate the equipment after a brief demonstration or explanation. Ballots can be fed through in all four orientations.

(b) Voting an average ballot on this equipment should not take an undue length of time. The system seemed to process sample ballots relatively quickly. During the field test, the poll workers commented that the tabulator took longer to process ballots than the equipment they currently used. After careful review by the local election officials and representatives from this Office, it was determined that while the time for processing a ballot was slightly longer than current equipment, it was not significant.

(c) After the paper ballot is marked, the voter feeds it through the machine. Only after the voter is ready to insert it into the tabulator is the ballot processed, thereby providing the voter with an opportunity to spoil a ballot and receive a new ballot in accordance with state law. The tabulator can be programmed to notify the voter if it detects certain discrepancies on the ballot such as under-votes or over-votes.

(d) As with other optical scanning voting equipment, the ballot is marked in a separate area from the machine. Accordingly, marking units would be necessary with adequate lighting. Otherwise special lighting would be necessary.

(2) Maximize Accuracy and Prevent Fraud (950 C.M.R. 50.02(2)):
The DS200 is designed to maximize accuracy and prevent fraud. When adequate training is given to election officers in the handling of ballots and correct use of the system itself, the system will provide adequate counting accuracy. When correctly programmed and tested, the system registers the number of ballots cast and the number read. Also, the number of votes for each candidate or question(s) are recorded and printed on the paper tape that documents election results.

The ballot is marked by filling in an oval with a black pen beside the candidate's name or voter's yes or no response to a ballot question. This process is similar to marking an "X" beside the voter's selection on a paper ballot.

(a) There are adequate locks on the compartment sections of the system and the area where the program card is inserted and where the printer tape is located for the end of the night reporting.

(b) The machine contains electronic components that register votes for candidates and questions electronically as well as a digital display that indicates the number of voters continuously while the machine is in the "Polls Open" mode as a public counter. The DS200 also has a protective counter that registers the total number of times the machine has operated in its lifetime.

(c) The system receives, registers and cancels each ballot prior to depositing it in a compartment. When using the steel ballot box, the system allows for three compartments: one for ballots tabulated by the unit, one for ballots where write-in votes have been detected which must be hand-counted at the close of polls, and one auxiliary compartment for ballots unable to be read by the machine. When using the plastic ballot box, the system has two compartments: the main compartment for ballots tabulated by the machine and the auxiliary compartment for ballots unable to be read by the machine. The plastic ballot box does not allow for the separation of write-in ballots.

(d) Only when the scanner is in "Polls Open" mode can votes be registered which prevents the machine from being used to register votes before and after the election.

(e) When marks for an office or question exceed the number to be elected, the tabulator will display a notification to the voter identifying a discrepancy on the ballot and allowing the voter to correct the ballot. If the voter chooses to cast the ballot with mistakes, the tabulator can be programmed to register the vote as a blank to prevent double voting.

(f) The DS200 can be programmed to accept multiple ballot styles, including any party ballot for a party primary. As with paper ballots, the election official is responsible for ensuring that the voter is qualified to receive a particular party ballot to vote on.

(3) Secrecy (950 C.M.R. 50.02(3)):
The voter's choice can be kept from the public view by enclosing it in a secrecy sleeve, placing the top of the secrecy sleeve near the protective cover of the system and feeding the ballot into the scanner.

(4) Must Meet Demands of Average Election (950 C.M.R. 50.02(4)):
The DS200 is adequate to demands of average election.

(a) The programmable cards used for the DS200 have a great capacity for reading and recording data. The size of the ballots is adequate to print candidates and questions for an average election.

(b) A recount of votes on the DS200 is absolutely possible as the actual paper ballots are retained for a hand recount if necessary.

(c) Ballots can be printed and the election definition programmed to receive write-in votes.

(5) Absentee Ballots (950 C.M.R. 50.02(5)):
Absentee ballots for use in the DS200 are optical scanner ballots.

(6) Service by Manufacturer (950 C.M.R. 50.02(6)):
Service for the DS200 is provided by ES&S.

Conditions for Approval:
The Vendor will provide any city or town who purchases or leases the equipment with a sufficient supply of the approved ballot marking devices at no additional charge. The Vendor will include a printing kit and complete instructions to all purchasers of the system. No printer will be required to purchase paper stock from the Vendor. Further, the Vendor will work with any printer with whom the Commonwealth or any city or town contracts for the printing of ballots to assure that all ballots printed will be processed by the system and shall not require any such printer to pay for training or special equipment required to print any ballots for use with the equipment. This includes testing sample ballots sent by a printer as quickly as possible to prevent any delays in the ballot printing process.

Dated: May 7, 2014

WILLIAM FRANCIS GALVIN
Secretary of the Commonwealth

The Commonwealth of Massachusetts

William Francis Galvin, Secretary of the Commonwealth
Elections Division

APPROVAL OF MODIFICATION TO VOTING EQUIPMENT APPROVED FOR USE IN MASSACHUSETTS

On May 7, 2014, the DS200 Precinct Tabulator, manufactured by Elections Systems and Software, Inc., (ES&S) was approved for use in Massachusetts.

During the certification process for the DS200 Precinct Tabulator, EVS 5.0.0.3 was the firmware version used for the office demonstrations held on May 29, 2013 and June 17, 2013, and for the field tests conducted in the Town of Concord on March 25, 2014 and the Town of Reading on April 1, 2014.

ES&S has notified the Office of the Secretary of the Commonwealth of some recent hardware modifications to the DS200 made necessary because various components of the unit have gone end-of-life since the last production manufacturing. Because of the unavailability of certain hardware components, new production units coming from manufacturing will carry a HW v1.3 rev level versus HW v1.2 recently approved for use in Massachusetts. ES&S has stated that the two units are functionally equivalent, but due to various components no longer being available, the new units will have a slightly different motherboard, with the newer version being slightly faster and containing more memory and other slight changes including an operating system upgrade that results from the motherboard change. As a result, the firmware version is changing from v2.7.0.2 to v2.7.1.2 for Massachusetts. The v1.3 units are EAC and VSTL tested and approved.

Under the provisions of section 32 of chapter 54 of the Massachusetts General Laws, after any equipment has been approved by the Secretary, any change or improvement that does not impair its accuracy, efficiency or capacity shall not render necessary a reexamination or reapproval of the equipment. ES&S has confirmed that the DS200 HW v1.3 units operating firmware v2.7.1.2 do not impair the accuracy, efficiency, or capacity of the previously certified DS200 system. Accordingly, the previous certification of EVS 5.0.0.3 will now include two DS200 hardware versions, v1.2 and v1.3, running firmware versions v2.7.0.2 and v2.7.1.2 respectively, and are approved sale and use in the Commonwealth.

Dated: July 18, 2014

Michelle K. Tassinari
Director/Legal Counsel, Elections Division

Davis, Debbie

From: jokais <jokais@protonmail.com>
Sent: Monday, March 21, 2022 10:30 AM
To: townclerk
Subject: Public RecordsRequest

Follow Up Flag: Follow up
Flag Status: Flagged

This is a request pursuant to the Massachusetts Public Records Law, M.G.L. Ch. 66 § 10. I request copies of all records and/or documents in the possession or control of the Town of Leicester related to Electronic Voting Systems/Voting Machines' Hardware, Software and Firmware used in the November 3, 2020 General Election. These documents include, but are not limited to, the following: (*in File Format .PDF*)

1. **All records/documentation relating to Approval of the Electronic Voting Systems/Voting Machines used in the November 3, 2020 General Election, and any Electronic Voting Systems/Voting Machines subsequently approved for future elections**. For each electronic voting system/voting machine, please include records and/or documentation showing the following information:
    a. Purchase Order(s) for the purchase, rent, or lease of all electronic voting systems/voting machines used in the November 3, 2020 General Election which denote:
        i. Purchase Order Numbers(s)
        ii. Name of Original Equipment Manufacturer(s)
        iii. Model Number(s) and revision(s) of the Hardware
        iv. Software and Firmware revisions
    b. Invoice(s) from the Original Equipment Manufacturer from the purchase, rent or lease of the electronic voting systems/voting machines used in the November 3, 2020 General Election which denote:
        i. Invoice Number(s)
        ii. Purchase Order(s)
        iii. Date(s) of Invoice(s)
        iv. Name of Original Equipment Manufacturer(s)
        v. Model Number(s) and revision of the hardware
        vi. Serial Numbers
        vii. Software and Firmware revisions
    c. Secretary of the Commonwealth's Approval of the electronic voting systems/voting machines' hardware, software, and firmware configuration prior to the November 3, 2020 General Election.
    d. Election Assistance Commission (EAC) Certification status of electronic voting systems/voting machines at the time of approval for the November 3, 2020 General Election.

2. **All records/documentation showing Authorization of Any Hardware, Software, and/or Firmware Configuration Changes/Updates that were installed on the electronic voting systems/voting machines prior to, or during, the November 3, 2020 General Election**. Documentation including:
    a. Name(s) and title(s) of the person(s) who approved these changes
    b. Secretary of the Commonwealth's approval of these changes
    c. Name of the organization(s) and/or individual(s) that implemented any hardware, software or firmware changes to the electronic voting systems/voting machines, including their credentials

3. **All records/documentation showing the Oversight Process to Confirm Approved Changes/Updates of electronic voting systems/voting machines used in the November 3, 2020 General Election were implemented in compliance with all Federal/Election Assistance Commission (EAC) and Commonwealth of Massachusetts voting regulations/laws.**

4. **All records/documentation relating to Testing Performed On the Hardware, Software, and/or Firmware Configuration of the electronic voting systems/voting machines prior to the November 3, 2020 General Election.** Documents including:
    a. Make(s), Model(s), Serial Number(s)
    b. Date(s) service was performed
    c. Name(s) of organization(s) and individual(s) that conducted the testing
    d. Description of service(s) provided for upgrade(s)

5. **All records/documentation relating to Cyber Security Testing performed on the electronic voting systems/voting machines prior to the November 3, 2020 General Election.** Documents including:
    a. Make(s), Model(s), Serial Number(s)
    b. Date(s) cyber security testing was performed
    c. Name(s) of organization(s) and the individual(s) that conducted the testing
    d. Description of the types of cyber security testing performed
    e. Copies of the reports from all cyber security testing

6. **All records/documentation showing the Actual Hardware, Software and Firmware Configuration/Revisions of the electronic voting systems/voting machines used on November 3, 2020 for the General Election.**

7. **All records/documentation showing the Authorization of Components of any electronic voting systems/voting machines To Be Connected To the Internet for, or during, the November 3, 2020 General Election.**

I will pay the reasonable costs incurred in producing these documents. Please notify me in advance of any charges. Further, if there are certain categories of documents that are more easily collected than others, please notify me of these documents as soon as they have been gathered. Please do not wait for all responsive documents to be collected.

Thank you for your time with processing this request.

Sent with ProtonMail Secure Email.