

Good morning Chair and Committee Members,

Your ES&S System 6.0.6.0 as approved on Dec 28th, 2021 by the United States Election Assistance Commission (EAC)



https://www.eac.gov/sites/default/files/voting_system/files/ES%26S%20EVS%206060%20Certificate%20and%20Scope%20of%20Conformance%2012_28_21.pdf

The Virus protection on your Election Management System, (EMS) laptops are based upon Windows Defender, which was set at April 19th, 2021. Since these machines are not connected to the internet, they don't get the much-needed updates, it has to be manually done.

COTS Software

Manufacturer	Application	Version
Microsoft Corporation	Windows Server 2016	WIN2016_6060.iso
Microsoft Corporation	Windows 10 Enterprise LTSC	WIN10_6060.iso
Microsoft Corporation	Windows Updates (Software updates included in the OS image)	Package date: WIN10_6060.iso-4/19/2021 WIN2016_6060.iso-4/19/2020
Microsoft Corporation	Windows Defender Antivirus (Configured within the OS image)	N/A
Dell	TPM Utility	DellTpm2.0_Fw1.3.2.8_V1_64.exe
Cerberus	Cerberus FTP Server - Enterprise	11.3.4 (64-bit)
Adobe	Adobe Acrobat	11.0.07
Yubico Login for Windows	Dual Factor Authentication YubiKey USB keys for dual factor authentication (optional)	2.0.3
PostgreSQL	PostgreSQL11	11

https://www.eac.gov/sites/default/files/voting_system/files/ES%26S%20EVS%206060%20Certificate%20and%20Scope%20of%20Conformance%2012_28_21.pdf

There was an engineering change order on 6/8/2022 from ES&S approved by the EAC to do a Windows update for the Operating System and the antivirus definitions....but why are they not doing others to keep our elections secure...This discovery by Microsoft came out on July 8, 2021 (<https://msrc.microsoft.com/blog/2021/07/clarified-guidance-for-cve-2021-34527-windows-print-spooler-vulnerability/>) ES&S didn't submit a change order until 5/31/2022 to the EAC, and the EAC approved it on 6/8/2022.

	ENGINEER CHANGE ORDER (ECO) ANALYSIS FORM	
Manufacturer:	Election Systems & Software (ES&S)	
System:	EVS Windows 10 and Server 2016	
ECO Number:	1141	
ECO Description:	Windows 10 and Server 2016 PowerShell Script updates	
<p>Overview: This ECO documents the application of Windows 10 and Server 2016 updates to the Election Management Systems (EMS) that consist of running the following two PowerShell Scripts: Windows Updates.ps1 and Update-AntiVirus-Definitions.ps1. The reason for the updates is to address the Critical Vulnerability CVE-2021-34527, also known as PrintNightmare, in the Windows Operating System and to ensure EVS systems are running the most up-to-date antivirus definitions.</p> <p><u>Systems Affected:</u> Federal: EVS 6.2.0.0, EVS 6.0.6.0 State: EVS 6.0.7.0, EVS 5.2.4.2, EVS 5.5.0.3</p> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • ECO 1141 ORIGINAL.docx (<i>ES&S ECO</i>) • ECO1141_EVS5242_Security Update Procedures.pdf (<i>ES&S Security Update Procedure</i>) • ECO1141_EVS5503_Security Update Procedures.pdf (<i>ES&S Security Update Procedure</i>) • ECO1141_EVS6060_Security Update Procedures.pdf (<i>ES&S Security Update Procedure</i>) • ECO1141_EVS6070_Security Update Procedures.pdf (<i>ES&S Security Update Procedure</i>) • ECO1141_EVS6200_Security Update Procedures.pdf (<i>ES&S Security Update Procedure</i>) <p>Supporting Tools:</p> <ul style="list-style-type: none"> • ECO-1141.zip (PowerShell script files) <p>Engineering Recommendation: Technical documentation review and onsite functional regression/verification performed at ES&S facility by Pro V&V to approve change. Functional regression testing consisted of installing the updates on all of the affected systems and executing/running two System Integration elections; one General and one Primary. The elections were executed on all precinct tabulators, central tabulators, and Universal Voting System devices. Each election's results were brought back into the EMS for reporting verification. Pro V&V determined the updates did not adversely impact system reliability, functionality, capability, or operation. No additional testing required.</p>		
Engineering Analysis: De Minimis		
<p>Reviewer:</p> <p style="text-align: center;">Wendy Owens Printed Name</p> <hr/> <p style="text-align: center;"><i>Wendy Owens</i> Signature</p> <hr/> <p style="text-align: center;"><i>05/31/2022</i> Date</p>	<p>Approver:</p> <p style="text-align: center;">Michael Walker Printed Name</p> <hr/> <p style="text-align: center;"><i>Michael Walker</i> Signature</p> <hr/> <p style="text-align: center;"><i>05/31/2022</i> Date</p>	

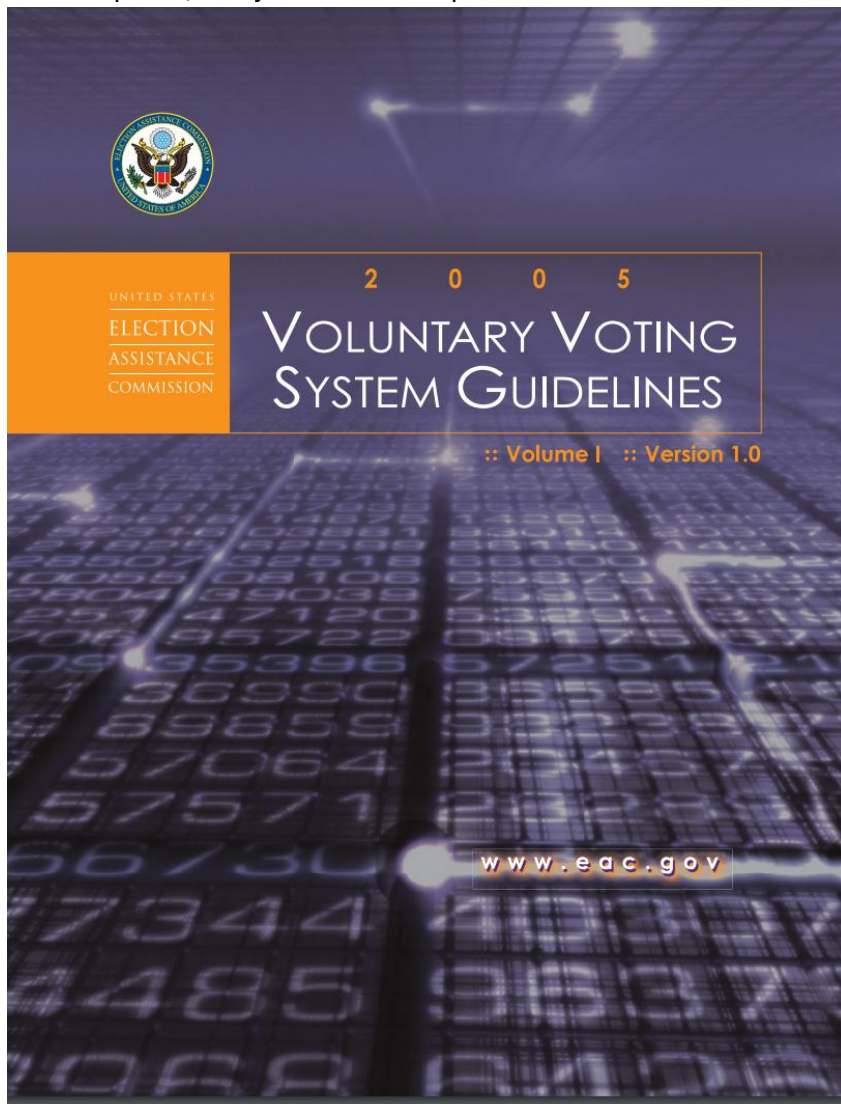
Even for little things Engineering Change Orders are required...look here...for the 6.0.6.0, even a simple battery change must be reviewed and approved.

Change ID	Date	Component	Description	Inclusion
ECO 1089	10/08/20	ExpressVote XL	Updated Bios, Assembly and PCB modifications	De minimis
ECO 1100	10/15/20	ExpressVote v1.0	EV 1.0 Copy Right Information	De minimis
ECO 1103	12/22/20	ExpressVote v2.1	Update CMOS battery	De minimis
ECO 1106	02/19/21	ExpressVote 2.1	Add conductive gasketing to exit guide	De minimis
ECO 1110	07/28/21	DS850	Added alternate manufacturer for camera cable	De minimis

https://www.eac.gov/sites/default/files/voting_system/files/ES%26S%20EVS%206060%20Certificate%20and%20Scope%20of%20Conformance%2012_28_21.pdf

(Page 20/20)

North Dakota requires voting systems follow the EAC’s Voluntary Voting System Guidelines, which then makes them required, and your state is responsible for enforcement.



In 7.4.2 of the EAC, VVSG 1.0 Standards this is required of the vendors.

7.4.2 Protection Against Malicious Software

Voting systems shall deploy protection against the many forms of threats to which they may be exposed such as file and macro viruses, worms, Trojan horses, and logic bombs. Vendors shall develop and document the procedures to be followed to ensure that such protection is maintained in a current status.

https://www.eac.gov/sites/default/files/eac_assets/1/28/VVSG.1.0_Volume_1.PDF

With this knowledge of a lack of security updates over the past 2 years before the election, we exposed our systems to millions of trojans and malware....oh so you say they are not connected to the internet....that's not quite true....

Ask your county election officials the following questions.

- 1) How do you get your election definition files to update the ExpressVote and DS200? Most will say they use the ES&S portal to download the files from their County Internet Connected Computer to download the files onto a USB flash drive.
 - a. So now ES&S is making the county liable for security, since it is going through their county PC and who know what status that PC is at....why didn't ES&S mail the thumb drives to the County...they better not say its not secure....since we send absentee ballots that way...
- 2) Do they ever use a non-Delkin thumb drive on the EMS laptop? If so they exposed it from that end as well...

Oh as a side note your DS200 1.3.11 may have modems in them, and all ES&S did was to remove modemrunner from the software build, but all of the other software is still there....and during the build of an election, modemrunner can easily be placed back into the DS200 by accident.

I recommend you get tough with the vendors and put these stop gaps in place to secure your elections, and if they fail you have a path forward to always conduct and secure your elections.

Thank you,

Rick Weible
Elkton, SD 57026

#2

ALVIN A. JAEGER
SECRETARY OF STATE
WEBSITE sos.nd.gov



PHONE (701) 328-2900
EMAIL sos@nd.gov

SECRETARY OF STATE
STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

State Of North Dakota – Certification of Election Equipment

Effective this date, I certify the following Election Systems and Software, Inc. (ES&S) Voting System components for use in the State of North Dakota. These voting system components have been officially determined and designated for use in every county of the State of North Dakota.

The following components are certified for use in the State of North Dakota:

Operating System Requirements:

- Windows 7 Professional, SP-1 (64-bit)
- Windows Server 2008, R2, SP-1 (64-bit)
- Windows 7 Enterprise, SP-1 (64-bit)

used IN 2020! x

Software Systems:

Electionware Voting System (EVS) 6.0.4.0 with the following modules:

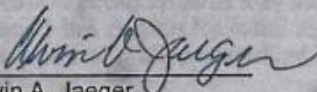
- Electionware, version 5.0.4.0
- Event Log Service, version 1.6.0.0
- Removeable Media Service, version 1.5.1.0
- ExpressVote Previewer, version 2.4.5.0

Hardware Systems:

- DS200 Hardware 1.3.11, version 2.17.4.0
- DS450 Hardware 1.0, version 3.1.1.0
- DS850 Hardware 1.0, version 3.1.1.0
- ExpressVote Hardware 2.1, version 2.4.5.0

This Certification is granted pursuant to North Dakota Century Code § 16.1-06-26 (attached). It also verifies that all components listed above and provided by ES&S comply with North Dakota Administrative Rule 72-06-01 (attached).

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the state at the Capitol in the City of Bismarck, on June 27, 2019


Alvin A. Jaeger
Secretary of State

POLITICO

CYBERSECURITY

Election commission orders top voting machine vendor to correct misleading claims

This isn't the first time Election Systems & Software has faced accusations of making fabricated or misleading assertions about its voting machines.



A voter in a voting booth. | Steve Helber/AP Photo

By KIM ZETTER

08/13/2020 05:00 PM EDT

The federal Election Assistance Commission has rebuked the nation's top voting-machine maker over marketing materials that the panel says deceptively implied the company's voting machines are EAC-certified.

The commission admonished Election Systems & Software over promotional literature and statements on its website that appear to assert, falsely, that voting machines the company sells with embedded modems have been sanctioned by the EAC under its testing and certification program. The statements put **ES&S** in violation of the EAC's testing and certification rules, the commission wrote in a previously unreported [March 20 letter to the company that POLITICO obtained](#), and directed ES&S to revise the literature and notify customers that the systems are not certified.

POLITICO reported earlier this year that the EAC was looking into the matter but hadn't yet determined whether ES&S had violated its rules.