



**Election Systems  
& Software**

MAINTAINING VOTER CONFIDENCE.  
ENHANCING THE VOTING EXPERIENCE.

EXPERIENCE  
RELIABILITY  
SECURITY  
INNOVATION

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November 28, 2022

Ms. Anita Wray  
Madison County Circuit Clerk  
PO Box 1626  
Canton, MS 39046

**RE: Election Systems & Software (“ES&S”) Hardware and Software License, Maintenance and Support Services (“License and Maintenance Services”)**

Dear Ms. Wray:

This letter is in response to your request for information regarding ES&S' License and Maintenance Services to be provided by ES&S to Madison County, Mississippi (“County”). Such License and Maintenance Services shall be performed by ES&S or its authorized representatives. The License and Maintenance Services to be performed by ES&S include the license, maintenance and support for ES&S' proprietary ElectionWare® Election Management Software and Firmware (collectively, “ES&S Software”) as well as ES&S' Model DS200, ES&S' Model DS450 and ES&S ExpressVote BMD voting equipment (collectively, “ES&S Equipment”).

Please be advised that ES&S is the sole and exclusive developer and licensor of the ES&S Software. As such, ES&S owns all patents, copyrights and trademarks (“Intellectual Property”) in its proprietary ES&S Software. Further only ES&S can provide help desk support services for the ES&S Software as well as provide any and all upgrades, enhancements, maintenance patches and other changes to the ES&S Software as may be required by ES&S or its customers. No other vendor in the marketplace today is authorized to license or provide maintenance and support services for the ES&S Software.

With respect to the ES&S Equipment, please be advised that ES&S owns all Intellectual Property associated with the ES&S Equipment. Further, certain component parts of the ES&S Equipment are proprietary to ES&S and may only be obtained directly from ES&S. As certain component parts of the ES&S Equipment may only be obtained directly from ES&S, only ES&S can ensure that such ES&S proprietary component parts are installed in the ES&S Equipment. This is important to note as all ES&S Equipment certified both at the federal and State level require the replacement of the same component parts which were included in the voting equipment at the time such voting equipment was certified. By utilizing ES&S for the performance of hardware maintenance services, the County will be assured that all

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component parts installed in the ES&S Equipment will be in compliance with both the federal and state certified equipment configuration.

In order for the County to receive License and Maintenance Services on the ES&S Software, the County must utilize ES&S for the license of the ES&S Software as well as the performance of software maintenance services as ES&S is the sole and exclusive licensor of the ES&S Software. In addition, in order to ensure that only certified component parts are utilized in the repair and maintenance of the ES&S Equipment, it is necessary for the County to obtain such hardware maintenance services directly from ES&S as ES&S owns certain proprietary component parts which are installed in the ES&S Equipment.

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Katie D. Figgins', with a large, sweeping flourish extending to the right.

Katie D. Figgins  
Associate General Counsel