



## U.S. Election Assistance Commission Pre-Election Voting System Certification

*This document outlines the first phase of the U.S. Election Assistance Commission's (EAC) Voting System Testing and Certification Program. This first phase addresses critical modifications to voting systems required by the states to effectively administer the November, 2006 General Election. This document will be issued to each voting system manufacturer who (1) has voting systems that state and local election officials intend to use in the 2006 General Election and (2) has had such systems previously qualified to the 2002 Voluntary Voting System Standards by the National Association of State Election Directors (NASED).*

**Overview.** The EAC will implement the Testing and Certification Program required by Section 231(a)(1) of the Help America Vote Act of 2002 (HAVA) in two distinct phases: (1) the pre-election phase, and (2) the full program. Both phases will be rolled out in 2006. The first phase of the program will begin on July 24, 2006 and terminate upon the EAC's implementation of the program's second phase. The pre-election phase of the program (outlined by this document) provides manufacturers a means to obtain Federal Certification for modifications required by state and local election officials administering the 2006 General Election. The pre-election phase will help transition from the NASED program, which has qualified voting systems at the national level for more than a decade, to the more rigorous and detailed EAC program. This will be done by delaying implementation of some procedural requirements (found in the Full Program) until after the critical pre-election period. The phased approach will allow the EAC to provide diligent review of voting system modifications while, at the same time, ensuring a smooth transition from one program to another and avoiding unacceptable delays often associated with introducing new industry requirements.

**Purpose.** The purpose of the pre-election phase of the program is to provide voting system manufacturers with a means to obtain a Federal Certification of voting system modifications during the vital period immediately prior to the November 2006 General Elections. Many states require a Federal or national certification as a condition of state certification. Historically, the three to four month period immediately preceding a General Election produces a number of emergent situations that require the prompt modification of voting systems. These changes are often required by state or local election officials and must be made prior to Election Day. To this end, the pre-election phase of the EAC's Certification Program is designed to meet the immediate needs of election officials from the date NASED terminates its qualification program until after the

November General Election. The pre-election requirements of the certification program are narrowly tailored to meet these needs.

**Policy.** During the pre-election phase of the Certification Program , manufacturers may submit modifications of voting systems previously qualified to the 2002 Voting System Standards to the EAC for certification. A “modification” is any uncertified change to a previously qualified voting system’s software, hardware or firmware. The submission of modifications must be made consistent with the requirements of the program, stated below. The EAC will issue a provisional certification for modifications that meet the 2002 VSS requirements and have been properly tested for system integration.

**Effective Period.** The pre-election phase of the EAC’s Voluntary Voting System Certification program will begin July 24, 2006 and terminate upon the EAC’s adoption of the full program. Certifications issued during the pre-election phase will also expire upon the EAC’s adoption of the full program.

**Program Requirements.** In order to submit an application for the modification of a voting system under this program, voting system manufacturers must provide documentation to ensure that the system:

1. Has been previously qualified by NASED to the 2002 Voting System Standards (VSS). The official list of NASED qualified systems is available at [www.NASED.org](http://www.NASED.org).
2. Is submitted no later than Friday, October 6, 2006 (31 days before the November 7, 2006 General Election).
3. Has been properly tested by an EAC accredited laboratory. A list of EAC accredited laboratories will be published on the EAC web site at [www.eac.gov](http://www.eac.gov).
4. To ensure the timely processing of pre-election modifications, testing shall be limited to: (1) testing of the modification(s), and (2) system integration testing.
5. Is submitted consistent with the conditions and procedural requirements as stated below.

**Application Procedure.** If a manufacturer seeks EAC certification for a modification and meets the program requirements noted above, the manufacturer must submit an application package. Application packages shall be sent to:

Program Manager, EAC Pre-Election Certification, 1225 New York Ave, NW, Suite 1100, Washington, D.C. 20005. The application package shall contain:

I. Submission Letter. Manufacturers must submit a letter with their application package. This letter:

1. Must contain contact information. Included in the contact information shall be:
  - i. The official name and address of the manufacturer.
  - ii. The name of a management contact authorized to make determinations for and bind the manufacturer. The contact's title, address, telephone number, fax number and email address shall also be provided.
  - iii. The name of a contact authorized to provide technical information to the EAC on behalf of the company. The contact's title, address, telephone number, fax number and email address shall also be provided.
2. Must state and agree to the following program requirements or conditions:
  - i. The voting system being modified has been previously qualified by NASED to the 2002 VSS.
  - ii. The voting system being modified will be submitted for full EAC Certification after the 2006 General Election.
  - iii. As the pre-election phase only certifies modifications to voting systems not previously certified by the EAC, manufacturers may only represent *the modification* as provisionally certified until the EAC certification expires. Manufacturers shall not represent the entire system as holding an EAC Certification.
  - iv. The Manufacturer will submit any subsequent modifications that require implementation before October 6, 2006 to the EAC for certification. If a modification is made after the October 6, 2006 deadline, but before the General Election, the manufacturer shall inform the EAC of the modification. This notification will serve to inform the EAC about a necessary change made to the system, but will not result in a Pre-Election Certification.
  - v. The Manufacturer shall submit a report to the EAC regarding the performance of the modified voting system within 60 days

of the 2006 General Election. This report shall identify and describe any:

1. Performance failures;
  2. Technical failures;
  3. Security failures; and/or
  4. Accuracy problems.
3. Must contain a description of the modification at issue, including background regarding the system's prior certifications, the problem the modification is meant to address, and the nature of the modification.
  4. A description of the manufacturer's quality system and internal requirements for managing system changes and version control for their products.
  5. A description of the steps taken (and to be taken) to ensure proper functioning and fielding of the modified system. This section shall include a discussion of the efforts taken to make sure the system meets the requirements of the 2002 VSS. This discussion should cover test plan development, system (modification) testing, test results, production, quality control, and the manufacturer's plan to field the modification in time for the 2006 General Election.
- II. Test Plan. The application must include a copy of the test plan created by an EAC accredited lab. The plan must provide for 1) testing of the modification and 2) system integration testing.
- III. Technical Data Package. The application must include a copy of the Technical Data Package that served as the basis for the system's 2002 VSS Qualification and an updated Technical Data Package which includes changes reflecting the modification at issue.
- IV. Test Report. The application must include a copy of 1) the test report for the modification at issue, 2) test reports from any previous modifications, and 3) the test report that served as the basis of the system's original 2002 VSS Qualification.

**EAC Action.** Upon receipt of an application to certify a modification, the EAC shall expeditiously review the application. The EAC Executive Director shall be responsible for the EAC determination of certification. The Executive Director will:

1. Review Application for Completeness. Upon receipt of the application, the application will be reviewed to ensure it is complete and meets the requirements of the program.
  - a. Noncompliant application packages will be rejected. The EAC Executive Director (“Executive Director”) will promptly notify the manufacturer, in writing, when an application is rejected and specifically identify the application’s omission or nonconformance.
  - b. The Executive Director will also notify manufacturers when an application has been accepted for review. This written notice is not a certification. The notice shall provide the manufacturer with an estimated date that the review of the application will be completed.
2. Technical Review. After an application has been accepted for review, the EAC shall evaluate the submission for technical compliance with the 2002 VSS. In the event an issue of non-compliance arises, the manufacturer will be notified of the non-compliance and be provided an opportunity to offer further explanation and information or fix the problem prior to a final EAC decision.
3. Final Decision. The Executive Director shall make a final EAC decision regarding the modification’s compliance with the 2002 VSS. Those modifications found to be in compliance will receive an EAC Certification. The Executive Director shall notify the manufacturer of the EAC’s determination in writing. Notice of all provisional certifications issued under this program will be available at [www.eac.gov](http://www.eac.gov).

**Effect of Certification.** *Certification of a modification issued under the pre-election phase of the EAC Certification Program is provisional and shall expire upon EAC adoption of the full program.* The certification is not an EAC endorsement of the product. It signifies only that the modification to the voting system meets the requirements of the 2002 VSS and that the modification has successfully completed system integration testing. It does not signify that the modified voting system, in its entirety, has been fully tested and certified by the EAC.

All modifications receiving provisional certification under the pre-election phase of this program must be resubmitted by the manufacturer after the EAC formally

adopts the full program. These systems will then undergo testing and review and be eligible for receipt of a permanent EAC certification.

EAC's certification program does not repeal NASED issued qualifications. These qualifications remain valid. All voting systems previously qualified under the NASED program shall retain their NASED qualification, consistent with state law. Changes to the design, circuitry, or construction of a NASED qualified system may serve to negate the qualification. The EAC will accept such systems for testing and review under the full program prior to receipt of a permanent EAC certification.

**Appeal.** Manufacturers may appeal to the EAC Commissioners an agency decision denying certification. Appeals shall be mailed to the Chair of the Commission. The manufacturer must request the appeal within 3 calendar days of its receipt of the final agency decision. The appeal must identify the conclusions it wishes considered and the basis for its appeal. The Chair will acknowledge receipt of the appeal in writing. The manufacturer shall then have an additional 5 calendar days to forward arguments, facts and/or documentation to support its appeal. All submissions must be in writing and timely submitted. Upon receipt of the manufacturer's materials (or the passage of 5 days), the Commission shall render a written decision. This decision on appeal shall be final and binding on the manufacturer.