U.S. ELECTION ASSISTANCE COMMISSION
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Testing and Certification Process for Voting Systems

The Help America Vote Act of 2002 (HAVA) directs the U.S. Election Assistance Commission (EAC) to issue Voluntary Voting System Guidelines to update and augment the 2002 Voting System Standards. The updated guidelines will address advancements in information and computer technologies. EAC released the proposed guidelines for public comment on June 29, which marked the beginning of a 90-day comment period. EAC will consider comments and then adopt final guidelines in the fall of 2005. HAVA also directs EAC to develop a national program for accrediting voting system testing laboratories and to oversee the certification of voting systems.

Currently, the National Association of State Election Directors (NASED) oversees the qualification process for voting systems, working with independent testing authorities (ITA) accredited by NASED. HAVA mandates that EAC assume responsibility for the accreditation of testing labs and the certification of voting systems. NASED is currently working with EAC to transfer this process, which will be completed in 2005.

The evolution of the testing and certification process for voting systems follows.

NASED History

- NASED is a non-partisan trade association consisting of election directors from the 50 states, the territories and the District of Columbia.
- Until HAVA was passed in 2002, there was no federal agency that oversaw the certification and/or qualification process. National or federal certification/qualification did not exist.
- NASED members agreed to fill the gap and took responsibility for the "qualification" process to assist the states.
- NASED began performing this function after members adopted the 1990 Voting System Standards and accredited an ITA to make sure voting systems met the requirements.
- NASED members and staff have always performed this function as unpaid volunteers.
- The entire qualification process is a cooperative effort among the states, not a federal function.

Current Qualification Process

- Currently no federal agency certifies/qualifies voting systems or accredits independent testing authorities. NASED is a non-partisan trade association.
- Today, voting systems are tested by ITAs against the 2002 Voting System Standards.
- ITAs are non-federal labs. These labs apply to the NASED Voting Systems Board to become accredited.
- A National Voluntary Laboratory Accreditation Program (NVLAP) accredited lab assessor reviews the workmanship and performance of these labs. The process follows the NASED Accreditation Handbook, modeled after similar National Institute of

DEFENDANT'S EXHIBIT 57

Standards and Technology (NIST)/NVLAP handbooks for lab accreditation in other industries. Once a lab has received accreditation, it may begin testing voting equipment.

- After the ITA determines through testing that a voting system meets the 2002 VSS, the Technical Subcommittee of the NASED Voting System Board reviews the test report to validate ITA's findings.
- Only the Technical Subcommittee members see the test reports, and they have standing "non disclosure agreements" with the vendors.
- States are then notified that a voting system meets the requirements of 2002 VSS. The NASED qualification number and system information are made public on the NASED web site.
- Qualification is based solely on the ITA test reports and validation by the NASED Technical Sub Committee of the Voting Systems Board.

National Certification Mandated by HAVA

- HAVA mandated that EAC update the 2002 VSS.
- EAC, NIST and the Technical Guidelines Development Committee (TGDC) authored the Voluntary Voting System Guidelines to update and augment the 2002 Voting System Standards.
- EAC issued proposed guidelines for public comment on June 29, beginning a 90-day comment period. EAC will consider all comments, then vote to adopt a final version in the fall of 2005.
- These guidelines are voluntary. States can chose to adopt all, some or none of the guidelines. States can also set their own timeline for adoption of the guidelines.
- HAVA gives EAC the authority to accredit testing laboratories and federally certify voting systems – the first time both functions will be conducted by a federal entity. "The Commission shall provide for the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories." -- *HAVA, Section 231(a)(1)*
- HAVA uses the word "certification" not "qualification" to describe the process.
- EAC will assume responsibility for entire certification process in 2005.
- Voting systems will be tested against the 2002 VSS or the 2005 Guidelines, depending on the requirements of individual states.
- NVLAP will evaluate testing labs and recommend to EAC which should be accredited.
- EAC will vote to accredit recommended testing labs.
- Upon the recommendation of the testing labs, EAC will issue federal certification to voting systems that meet the requirements.

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