# Summary of and Response to Comments on the U.S. Election Assistance Commission's Voting System Testing and Certification Manual

The U.S. Election Assistance Commission (EAC) issued its Voting System Testing and Certification Manual for public comments on October 2, 2006 (71 FR 57932), and on January 24, 2007 (72 FR 3127).  The EAC received over 400 comments from the public. The majority of these comments came from voting system test laboratories, voting system manufacturers, and public interest groups. The EAC also received a number of comments from State and local officials and private individuals.

The majority of comments received by the Commission raised concerns or questioned the meaning or application of various provisions of the manual.  These comments were requests for clarification. Another significant block of comments were less specific and focused on the fundamental purpose behind the program or its basic methodology. Comments in this category included individuals who noted that electronic voting machines should not be used in Federal elections and those who disagreed with the program's fundamental structure which utilizes EAC accredited laboratories to test voting systems through direct contracting with the system's manufacturer. Finally, there were a range of specific recommendations on a wide variety of topics. Examples include: (1) comments from manufacturers and interest groups requesting the EAC to provide specific timeframes or response times for various program elements or activities; (2) recommendations that the EAC Mark of Certification requirements be abolished or that the mark not be ''permanently'' affixed to voting machines to allow for its removal in the event of a voting system upgrade or decertification; (3) recommendations from test laboratories and public interest groups that the EAC clarify the role of its Voting System Test Laboratories, emphasizing that test plans, test reports, and other information submitted under this program be submitted directly and independently by the test labs; (4) comments from test laboratories recommending that the program provide a means for dealing with de minimis hardware changes; (5) recommendations from interest groups that the EAC utilize a third party group of technical advisors for all of its determinations under the program; (6) recommendations from interest groups urging the commission to make Certification Program documents available to the public; and (7) recommendations from State officials that the EAC contact and work with the Chief State Election Official when reviewing fielded voting systems, providing emergency modification waivers, or reviewing anomaly reports.

The EAC reviewed and considered each of the comments presented. In doing so, it also gathered additional information and performed research regarding the suggestions. The EAC's commitment to public participation is evident in the final version of the Certification Manual. The Manual has been enhanced in a number of areas in response to conscientious public comment. A total of six pages have been added to the Manual. Throughout the entire Manual the EAC added or amended language to clarify its procedures consistent with the comments it received. For example, to further clarify terminology used throughout the Manual almost a dozen terms were newly defined or

significantly clarified in the definition section of Chapter 1. Additionally, the EAC made changes to clarify the independent role of Voting System Test Labs in the program, require the EAC to publish its average response timeframes, and increase its coordination on State Election Officials. Examples of larger changes made in the document include an added section to Chapter 3 of the Manual, providing procedures for de minimis changes. This was put in place to deal with the numerous engineering change orders the Commission expects will be submitted to test laboratories under the program. Similarly, the EAC re-titled and re-wrote a major portion of Chapter 10 of the Manual (Release of Certification Program Information) to more clearly and affirmatively state EAC's policy on the release of Certification Program information.

## Significant Changes to Manual by Chapter

### Chapter 1

- 1 .12 EAC Response Timeframes. We had a number of comments on setting EAC response times. Rather than setting arbitrary time periods we decided to use our website to note actual (average) timeframes for certain activities.
- Added Definitions for *Component, File Signature, HASH Algorithm, Installation Devise, Integration Testing, Linker, System Identification Tools, and Trusted Build.*

### Chapter 2
- 2.3.2.7 Defined malfunction for the purpose of the Manufacturer reporting requirement.
- 2.6 et al. Clarified that suspension of manufacturer registration can be triggered by a failure to meet program requirements and prohibits suspended manufacturers from submitting modifications and changes to certified systems.

### Chapter 3
- Added "EAC Identification" as another reason certification may be required.
- Added De Minimis Changes.
- Added that emergency modification requires consent of the Chief State Election Official (per State comments).
- Noted that EAC will make a decision on emergency modification within 5 Business days.
- Clarified basis for denial of request for emergency modification.
- Noted that info regarding emergency modifications will be posted on EAC Website.

### Chapter 4
- Clarified that manufacturers may NOT change VSTL once selected unless approved by the EAC.
- Added requirement for Manufacturers to identify all usable configurations of the voting system submitted for testing and certification.

- Replaced request for the TDP with requests for (I) Implementations statement, (2) Functional Diagram, and (3) System Overview Documentation.
- 4.5. Clarified VSTL's role as direct supplier of testing plan and report.
- 4.5.2 Clarified and added detail to the requirement that VSTLs notify the EAC of all failures and anomalies during testing.
- Clarified EAC authority to request additional information as needed during test report review.

**Chapter 5**
- 5.4 - 5.7 Clarified Trusted Build procedure by replacing the term "digital signature" with the more correct (and inclusive) term "file signature".
- Elements of trusted build clarified by adding Definitions of "file signature" and "HASH Algorithm" in Chapter 1.
- 5.1 1 Clarified that the Certification Document will identify all legitimate configurations of a certified voting system.
- 5.15 Clarified that the mark of certification need be securely affixed as opposed to permanently affixed.
- Clarified that components of voting systems are not certified apart from the system itself.
- 5.1 5 Clarified that the mark of certification should only reflect the certification of the system as a whole and not a component.

**Chapter 6**
- Reduced Manufacturers' time for responding to an initial decision from 20 days to 10 days.

**Chapter 7**
- Clarified that the EAC will provide for (via contract with a VSTL) testing of a voting system during a decertification investigation.
- Stressed need for Manufacturer to consider EAC approval time and state certification time when creating a compliance plan (plan to cure during decertification).

**Chapter 8**
- 8.7.4 Defined "credible" anomaly report.

**Chapter 9**
- Clarified intent to publish all VVSG/VSS interpretations.

**Chapter 10**
- 10.1 and 10.2 Redrafted to focus on information release rather than withholding. While not changing substance, the section now spotlights transparency.
- Added a list of areas where publication of documents or information is expected.