



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Institute of Standards and Technology**  
Gaithersburg, Maryland 20899

August 8, 2008

Mr. James Nilius  
Senior Director, VSTL  
SysTest Labs, LLC.  
216 16<sup>th</sup> Street, Suite 700  
Denver, CO 80202

NVLAP Lab Code 200733-0

Dear Mr. Nilius,

SysTest Laboratories (SysTest) is currently accredited by NVLAP to NIST Handbook 150 for a core set of voting system test methods contained within the 2002 Voting System Standards (VSS-2002) and the 2005 Voluntary Voting System Guidelines (VVSG-2005). As part of the accreditation process SysTest is required to demonstrate the ability to document and validate the test methods used to comply with the requirements of VSS-2002 and VVSG-2005. These documented test methods were to be used for testing conducted in all NVLAP accredited test reports, which include voting system test campaigns submitted to the U. S. Election Assistance Commission (EAC).

Unfortunately, during the last NVLAP on-site assessment, there were no documented test methods available, even though SysTest had performed NVLAP accredited testing for voting systems submitted to the EAC. A lack of documented test methods also precludes the documentation of the validation of said methods. In addition, there were instances discovered where testing was performed by personnel who had not been qualified to perform the testing.

Since the NVLAP on-site assessment another issue has surfaced which may be interpreted as improper behavior between an independent testing laboratory and its client. This issue is documented in a letter from the EAC to you, as the VSTL Senior Director, dated July 25, 2008. The letter cites a situation, supported in an attached email message, where SysTest may be "allowing and inviting manufacturers to play an inappropriate role in the development of test plans." NVLAP shares the EAC's concern in this matter, which, if true, would be a significant violation of ISO 17025 and NIST Handbook 150 and as such could affect SysTest's accreditation status.

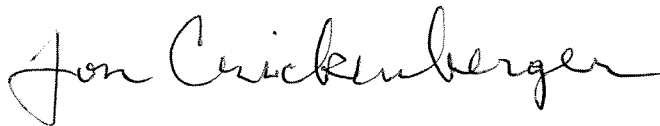
These findings are of great concern to NVLAP and are supported in the nonconformities found during the last on-site assessment as well as reports from the EAC. Due to the severity of these non-conformances it is necessary for NVLAP to take further steps to ensure that all accreditation requirements are being met. Such steps will take the form of on-site monitoring of actual testing by representatives from NVLAP, the EAC, and the NIST Information Technology Laboratory. In addition SysTest must submit, to NVLAP, copies of test methods, the test method validations, and a listing of testers, with their documented qualifications, for all subsequent testing until further notice.



Specifically, NVLAP is requiring that SysTest submit a schedule of all accredited voting system testing within 14 days of receipt of this letter. NVLAP will then decide whether to witness all or parts of the testing and assemble a team of observers from the groups mentioned above. This team will arrive unannounced at SysTest to observe the testing and evaluate the test methods and validations. In addition, beginning with the receipt of this letter, SysTest must send a package to NVLAP for each subsequent accredited testing campaigns which includes the documented test methods, the test method validations, a list of testers performing the tests, and evidence that the testers are qualified. These packages will be sent to NVLAP until further notification.

NVLAP is committed to ensuring that the accreditation requirements are met by all participating laboratories. In the past SysTest has been a cooperating member of our program and we trust that the laboratory is willing to prove its competency using the methodology described above. We look forward to being able to facilitate this process as expeditiously as possible.

Sincerely,

A handwritten signature in cursive script that reads "Jon Crickenberger". The signature is written in black ink and is positioned above the typed name.

Jon M. Crickenberger  
NIST/NVLAP Program Manager

cc: EAC