

Madame Chair, Vice Chair, Commissioners:

Mr. Wilkey has provided testimony about the National Association of State Election Directors (NASED) Voting Systems Board and the current voting system hardware and software qualification process. The Election Assistance Commission (EAC) has been working with the NASED Board to develop the outline of a plan for a smooth transition of this process to the EAC.

NASED has proposed March 31 as a transition date. However, transition cannot take place until the plan is fully developed and all essential elements are in place. It is critical that there be no gap in the availability of this process, particularly at this time when many jurisdictions are replacing or upgrading their voting systems.

To date, we have identified six major elements for the EAC system qualification process. We believe this list is essentially complete, but it may need some modification as work progresses.

1. A procedure for the submission and peer review of system test reports from independent test labs.
2. A panel of qualified peer reviewers. This would include both technical personnel and election officials.
3. A documentation process to record peer review findings and qualification recommendations.
4. A list of qualified voting systems including version numbers and system descriptions.
5. A procedure for the interpretation and clarification of the Voting System Standards with appropriate documentation.
6. A grievance procedure for resolution of vendor and test lab disagreements on interpretation of the Voting System Standards.

We have also identified several implementation considerations that arise by virtue of transferring responsibility for this process from a volunteer board of a professional association to a Federal government agency. For example, the peer reviewers will be under contract and paid for their services. Their performance will be subject to periodic review. In addition, the process will be subject to various Federal laws governing the openness and fairness of government activities, such as the Freedom of Information Act and the Administrative Procedures Act. Further legal analysis is required to ensure that the process is defined in conformance with all applicable statutes.

At present we are ready to begin developing a detailed description of each of these elements. We expect to confer with the testing labs, the vendor community, election

officials and NIST as this work proceeds. The EAC General Counsel needs to undertake the necessary legal analysis.

Therefore, I recommend that the Commissioners approve this general framework so that we may move ahead with all due haste to complete the transition plan and thereby establish a firm date when the EAC will assume responsibility for the voting system qualification process.