



August 4, 2008

Brian Hancock
Director of Voting System Testing & Certification
U.S. Election Assistance Commission
1225 New York Avenue, NW, Ste. 1100
Washington, DC 20005

Dear Mr. Hancock,

Thank you for your letter of July 25, 2008 in which you seek clarification on an email exchange between SysTest Labs and Election Systems and Software (ES&S) dated July 16, 2008 with the subject of "Test Cases – Volume, Performance, Stress, and Recovery." We appreciate the opportunity to respond to your stated concerns.

To ensure a comprehensive, thorough, and accurate response to your inquiry, we tasked our Corporate Quality Assurance Manager to look into our independence policies in general, our procedures that ensure adherence to these, and the specific questions you raised. Our QA Manager operates independently of our VSTL and reports directly to our Chief Operating Officer to ensure transparency and independence. Our response is based on the findings of his independent audit, a review of our policies and practices, and interviews with all staff involved. Each of the four specific questions raised in your clarification request are addressed below:

1. What role do manufacturers play in the development of test plans by SysTest Laboratories?

- Manufacturers have no direct role in the development of test plans, cases, and reports at SysTest Labs. Manufacturers do provide information related to the system and its behaviors. The primary source of this information is through the TDP supplied for the system. However, when gaps are identified in the TDP from what is required to develop test plans and test cases, manufacturers may be asked to fill in those gaps and make modifications to the TDP to eliminate the disparity. The email between SysTest Labs and ES&S is an example of this kind of technical inquiry to the manufacturer. In this case, we sought additional technical information required for us to develop test cases for volume/stress/performance and error recovery.

2. Describe in detail the internal processes used by SysTest Laboratories in the creation of test plans for voting systems and the procedures used to prevent manufacturer influence of the test plan creation process.

- SysTest Lab's Standard Operating Procedure for the Certification Test Plan describes the method for creating test plans for voting systems relative to a VSTL test program. The procedure identifies inputs into the test plan such as the Technical Data Package and the FCA test review findings and also instructs that the test plan must be created from an approved Certification Test Plan template.

The procedure outlines the requirement to obtain vendor acknowledgement once the plan has been completed, however the responsibility for creating the test plan belongs solely to the Test Manager assigned by SysTest Labs. Any attempt to influence the technical approach, content or otherwise compromise the integrity of the plan is reported to our Sr. Director of the VSTL, Vice President of Compliance Services, and our Quality Assurance Manager. Any such incident would be investigated and reported to EAC.

3. Provide any written policies in effect as of 7/16/2008, which guided SysTest staff regarding the participation of manufacturers in the test plan development process.

SysTest Labs has established a number of policies and practices that address expectations of independence in the test plan development process. These policies are provided to all VSTL staff and are enforced by our operational chain of management. Policies relevant to this issue include:

- Quality System Manual
 - Section 1.6 SYSTEST LABS ETHICS STATEMENT
 - We, the Board Members, Officers, and Employees of SysTest Labs, in recognition of the importance of our company's role as a provider of Information Technology Quality Assurance services and as an ***Independent Testing Laboratory*** in affecting the quality of information systems, software applications, and software and hardware systems throughout the world, and in accepting a personal obligation to our profession, our customers, government, professional organizations, and the general public, do hereby commit ourselves to the highest ethical and professional conduct
 - Section 1.8 STATEMENT OF INDEPENDENCE
 - The management and staff of SysTest Labs and SysTest Labs' testing subcontractors and their employees ***shall maintain an independent decisional relationship between SysTest Labs and SysTest Labs' testing subcontractors and SysTest Labs' clients***, affiliates, or other organizations so that the Laboratory's capacity to render test reports objectively and without bias is not adversely affected.
SysTest Labs and SysTest Labs' testing subcontractors and their employees ***shall maintain independence from Voting System Manufacturing clients whose systems are under VSTL test*** or are scheduled for a VSTL voting system test campaign. Specifically, employees shall not have a direct beneficial interest in a voting system product.
The Test Laboratory, whether on-site at SysTest Labs or at SysTest Labs' testing subcontractor's facility or at a client's site, ***shall be organized so that staff members are not subjected to undue pressure or inducement that might influence their judgment or the results of their work.***

- Section 1.9 MANAGEMENT COMMITMENT
 - The EXECUTIVE MANAGEMENT TEAM for SysTest Labs is COMMITTED TO ENSURING:
 - *...that at no time will SysTest Labs violate its statement of independence by engaging in any activity that would place the company and/or its employees in a compromising position or in a position of conflict of interest.*
- SLP-VC-05 Sections 5.2 “Create the Certification Test Plan” and 5.3 “Obtain Vendor Sign-off”; *The Certification Test Plan is created exclusively (using approved Certification Test Plan Template) by the SysTest Labs’ personnel.*

4. SysTest stated in its correspondence with ES&S that one of its considerations in the creation of the test plan was to “...ensure certification.” Clarify what SysTest meant by this statement, given its role as an independent testing laboratory.

- SysTest Labs understands that VSTL’s are responsible for independently testing voting systems to standards and do not have as the end goal the unconditional certification of a voting system. Our goal is *not* to ensure or guarantee certification for the manufacturer; it is to perform our task in a manner that assures the system under test is evaluated effectively. Our sole objective is to provide the EAC the detailed technical information it needs to consider whether the system under test is worthy of certification.
- We agree that taken out of context the choice of words in the email are unclear in this regard, however, there was no ‘promise’ or guarantee of certification intended. We would also point out that the email went on to discuss ensuring **“that the equipment meets and exceeds all VSS 2002 Requirements for a positive Voter experience and EAC experience.”**

As shown above, our audit finds that there are no improprieties against the 17025/Handbook 150, 150-22 within the NVLAP program or the EAC current lab manual requirements indicated by the subject email exchange between SysTest Labs and ES&S. We appreciate the opportunity that EAC provided for us to comment on this matter. Please let us know if you have any additional questions.

Yours Sincerely,

Mark Phillips
Vice President, Compliance Services
SysTest Labs