December 6, 2007

Mr. David Beirne
Executive Director
Election Technology Council (ETC)   **Sent via e-mail: dbeirne@electiontech.org**
14173 NW Freeway, #239
Houston, TX 77040

Dear Mr. Beirne:

Thank you for your letter of November 16, 2007, sharing ETC's request that the EAC expedite
the certification process. While the EAC will always strive to improve the efficiency of its
program, it will never certify a voting system that has not been thoroughly and rigorously tested.
Anything less would be a disservice to both the voters of this country and to our election officials
who rely on the voting systems we certify.

While, as you note, our certification process is in its infancy, the EAC takes exception to the
characterization that "delays in certifying systems through the EAC-administered certification
process are negatively impacting the ability of the industry to deploy State required
enhancements to their products for the 2008 Primary Election Calendar." Your letter attributes
these delays to the following:

1. "Interpretations requested from the VSTL's in the application of the Voting Systems
    Standards (VSS) which have delayed adoption of test plans;" and
2. "The unpublished draft VSTL Program Manual which will address many of the
    outstanding issues/concerns regarding the certification process and provide clear
    procedural requirements to the VSTL's and manufacturers."

The EAC disagrees with your assessment that these items have caused delays in the process.
Allow me to address these issues in the order you present them.

First, as of the date of your letter, the EAC has answered six requests for interpretation (RFI).
We have no outstanding requests for interpretation at the present time. The average
response time to the six RFIs was 47 days. The most recent three RFIs averaged a 15 day
response time. I think you will agree that not only has our response time improved greatly over
the course of the year, but that a 15 day response timeframe on a complicated technical question
is outstanding. These facts seem to indicate that the RFI process has added little, if any,
additional time to the certification process. In fact, some of the delays in testing have been
caused by the manufacturers' failure to follow the requirements of our program (see *8.14.07 EAC*

notice of non-compliance to Elections Systems and Software Inc., 9.11.07 EAC Notice of Non-Compliance to Sequoia Voting Systems Inc.) or because of a failure to timely provide the information necessary to approve a test plan.

Second, you have claimed that because the EAC has not yet published its Voting System Test Laboratory Accreditation Manual (Laboratory Manual) there are outstanding issues regarding the testing process. As previously noted, the EAC presently has no outstanding questions regarding the Testing and Certification Program. While the draft Laboratory Manual will provide helpful guidance and detail for our Voting System Test Laboratories (VSTL), at present the requirements of the program are adequately laid out in the EAC's Testing and Certification Program Manual (Program Manual), as well as the "letter of agreement" and "Certification of Laboratory Conditions and Practices" that are signed by each VSTL prior to accreditation. Additionally, the EAC has issued five Notices of Clarification to address questions over the Certification program as they arise.   In many cases, it has become apparent that some voting system manufacturers have either not yet familiarized themselves with our Testing and Certification Program Manual, or assume they are operating under old NASED Qualification program. Please refer to the EAC web site at http://www.eac.gov/voting%20systems/voting-system-certification/correspondence and note the resources that have been expended reiterating EAC policy that was approved last year. The EAC encourages the Election Technology Council to advise all its members of the importance of reviewing the policies and procedures contained in the Certification Program Manual so that systems move through our process in the most efficient manner possible.

While the EAC is committed to continually assessing and improving the voting system certification program, product certification is a process involving several parties, in which each must do their in order for the process to run efficiently.

Sincerely,

Thomas Wilkey
Executive Director

November 16, 2007

Thomas Wilkey
Executive Director, United States Election Assistance Commission
1225 New York Avenue, NW
Suite 1100
Washington, DC 20005

Dear Mr. Wilkey:

As we rapidly approach the 2008 Presidential Primary cycle, it is important to share some concerns the Election Technology Council (ETC) has in regards to the timeliness of the certification process now administered by the Election Assistance Commission (EAC). Although we respect the EAC's commitment to maintaining a robust certification process, delays in certifying systems through the EAC-administered certification process are negatively impacting the ability of the industry to deploy State required enhancements to their products for the 2008 Primary Election Calendar. We urge the EAC to examine the current certification process for areas of improvement and we reiterate our commitment of working with the EAC, on a continuing basis, to avoid further delays.

As an industry, it is important for us to raise your awareness to issues as we see them on the horizon or as they confront us directly. We realize that the current federal certification process is simply maturing. As with any new process, we also understand that guidance will be sought on the application of voting system guidelines and testing procedures administered through the Voting System Test Laboratories (VSTLs). Below is a listing of the contributing factors we feel are creating delays in the process:

1. Interpretations requested from the VSTLs in the application of the Voting System Standard (VSS) which has delayed adoption of Test Plans;
2. The VSTL Program Manual which will address many of the outstanding issues/concerns regarding the certification process and provide clear procedural requirements to the VSTLs and Manufacturers has yet to be published;

The absence of new certifications in time for the 2008 Primary Election cycle will require the need for less-than-optimum procedures to accommodate the needs of customers based on changes within the respective States. Although the industry recognizes that the voting system standards are voluntary, no one's interest is served if each State is placed in a position of opting out of, or waiving, the EAC-administered certification due to delays which may be deemed unacceptable for the States.

I encourage you and the EAC Commissioners to quickly develop a means to assess any inefficiencies in the EAC certification process and work toward moving products through in an expedited, but substantive manner. Both the EAC and the voting system industry are charged with ensuring adequate services to the voters. We can only achieve this objective through a collaborative effort and due diligence to address situations as they arise. If the ETC can assist in any way, either as a resource or facilitator for the industry, please let me know.

Sincerely,

David Beirne
Executive Director

cc: EAC Commissioners
        Brian Hancock