



EAC Decision on Request for Interpretation 2010-05 2005 VVSG Vol. I, Sections 1.7 Testing & Certification Program Manual Section 4.4.2.3

Date:

August 18, 2010

Question(s):

Which program requirements control with regard to the testing of modifications to an already EAC certified system?

Section of Standards or Guidelines:

2005 VVSG, Volume 1, Section 1.7

If a modification to a system qualified or certified to a previous standard is submitted for a national certification 24 months after the EAC's final adoption of the VVSG 2005, every component of the modified system will be tested against the VVSG 2005.

Voting System Testing and Certification Program Manual, Section 4.4.2.3

The modification will be tested to the version or versions of the VVSG/VSS currently accepted for testing and certification by the EAC. This requirement, however, does not mean that the full system must be tested to such standards. If the system has been previously certified to a VVSG/VSS version deemed acceptable by the EAC (see Section 3.2.2.2.), it may retain that level of certification with only the modification being tested to the present version

Background:

On July 23, 2010 California Secretary of State Debra Bowen sent a letter (attached) to the EAC regarding a possible conflict between the VVSG and the EAC's Voting System Testing and Certification Program Manual (Program Manual). In her letter, Secretary Bowen requested an interpretation from the EAC regarding the possible conflict. Under the EAC's Program, Secretary Bowen is not considered a proper requestor of an RFI.

However, the EAC, at its own discretion, has deemed that this possible inconsistency is necessary of an interpretation. The EAC believes that this interpretation is necessary due

to the importance of modifications to certified systems and the possible confusion the conflicting sections could create.

Interpretation:

Upon review EAC has decided there is a conflict between the sections of the VVSG and Program Manual noted above. Given this conflict, the decision is to follow the policies and procedures as outlined in the Program Manual. This decision is based upon three distinct reasons.

First, as noted in section 1.3 of the Program Manual, the express purpose of the Program Manual as adopted by the Commission is to, “provide clear procedures to Manufacturers for the testing and certification of voting systems...” As such, the Program Manual is the controlling document when it comes to programmatic policies and procedures. The issue identified is procedural and appropriately handled by the policies outlined in the Program Manual.

Second, in adopting the Program Manual and the policies within, on December 7, 2006, the Commission showed a clear intent to supersede all previous programmatic policies with those outlined in the Program Manual. The 2005 VVSG was adopted on December 13, 2005, almost a year prior to the adoption of the Program Manual. This is further evidenced by Section 1.3 of the Program Manual which states in part, “The procedural requirements of this Manual supersede any prior voting system certification requirements issued by the EAC”. This statement shows a clear and unambiguous attempt by the Commission to place all programmatic procedures under the umbrella of the Program Manual.

Finally, in this specific instance, it is in the best interest of the EAC’s program for the modification procedure in the Program Manual to dictate this process. In order for the EAC to run an effective program that is of value to the States, there must be a focused and efficient modification process in place. Requiring all systems to be tested end-to-end each time there is a modification to the system would make the EAC’s program unusable for most jurisdictions. Full end-to-end test campaigns currently can take anywhere between six months to two years to complete the rigorous testing process. Both time and cost restraints make this kind of program structure unfeasible. Therefore, the modification process currently in use, as outlined in the Program Manual, is the appropriate procedure.

Conclusion:

Modification testing is an integral part of the EAC’s voting system certification process. The current process allows improvements to already certified systems to get to the field for use in elections in a timely manner. To force systems undergoing a modification to be subject to full end-to-end testing is not realistic for the EAC’s program to operate effectively. It is important to keep in mind that under the current structure a system that is certified to the 2002 VSS can not obtain 2005 VVSG certification without undergoing full end-to-end testing to the

2005 VVSG. Therefore, a system can not receive an easy path to 2005 VVSG conformance by simply having modifications tested to the 2005 VVSG.

Effective Date:

Immediately upon publication and distribution.