



**U. S. ELECTION ASSISTANCE COMMISSION**  
**VOTING SYSTEM TESTING AND CERTIFICATION PROGRAM**  
1225 New York Avenue, NW, Suite 1100  
Washington, DC. 20005

## Notice of Clarification

### NOC 08-002: Clarification of EAC Mark of Certification Requirement

Issued by Program Director, July 30, 2008:

A handwritten signature in black ink, appearing to read "Brian Hancock".

*This notice addresses the Mark of Certification requirement in Section 5.15 of the EAC Testing and Certification Program Manual. Specifically, several voting system manufacturers have expressed concern about the language in Section 5.15.3 which requires that the Mark of Certification be securely affixed to the voting machine. This section defines "securely affixed" to mean that the label is etched, engraved, stamped, silk-screened, indelibly printed, or otherwise securely marked on a permanently attached part of the equipment or on a nameplate of metal, plastic, or other sturdy material fastened to the equipment by use of welding, riveting, or adhesive.*

This clarification is issued to allow a manufacturer to more easily change a Mark of Certification when a product has been recertified to a different version of EAC standards and to allow the removal of the Mark of Certification in instances where a machine has been decertified. In addition, this clarification will accommodate voting system manufacturers who do very small batch production runs and need additional flexibility in producing and affixing the Mark. This clarification amends the general requirements outlined in Section 5.15 of the Testing and Certification Program Manual. This clarification also provides further information on distribution of the Mark of Certification and options for compliance actions for misuse of the Mark.

#### Label Design and Application

All labels bearing the EAC Mark of Certification shall be designed and applied to voting equipment so that the labels will remain in place and be clear and legible during the customary conditions of distribution, storage, voting and routine testing and maintenance. The materials used for the label, printing and adhesives shall be reasonably expected to last the normal life of the voting system. If using an adhesive type label for the Mark of Certification, the label stock material shall be such that the label cannot be removed intact and reapplied. The label shall also be designed to resist the effects of cleaning agents (if any) specified by the manufacturer. The Mark of Certification shall remain clear and legible after the use of any recommended cleaning agents, and adhesive labels, if used, shall not have become loose or curled at the edges.

## **Distribution of the EAC Mark of Certification**

To protect the EAC Mark of Certification from unauthorized use, the EAC is amending Section 5.15 of the testing and Certification Program Manual by choosing to provide the Mark of Certification directly to registered manufacturers of a certified voting system rather than posting the Mark on the EAC web site for download. The EAC will provide the Mark as a template in .jpg, .eps, .pdf, and .tif formats. Manufacturers who need access to the Mark pursuant to labeling an EAC certified voting system should send a formal request, via email or letter, to the Director. The request should include the specific voting system with version numbers, note where the Mark will be displayed on the voting system, and in what format the Mark will be reproduced.

## **Misuse of the Mark**

Section 5.14 of the *Manual* states that: “Manufacturers may not represent or imply that a voting system is certified unless it has received a Certificate of Conformance for that system.” This statement is clarified by the following description of actions that will be taken should the EAC Mark of Certification be misused by a Registered Manufacturer.

If the EAC determines that a voting system is not in compliance with the VSS/VVSG, and the system has already been sold or otherwise distributed bearing the Mark of Certification in conflict with the requirements of the certification program, EAC shall provide written notice to the Manufacturer. If the Manufacturer fails to take corrective action within 15 days of receipt of such notice, the EAC shall have the right to announce publicly that the voting system may no longer comply with its original certification, and may choose to initiate decertification actions outlined in Chapter 7 of the *Manual*, and/or suspension of Manufacturer Registration as outlined in Section 2.6 of the *Manual*. Corrective action may include modification of the voting system so that it comes into compliance with the VSS/VVSG, or removal of the Mark of Certification from the product.