



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 07-005: Voting System Test Laboratory (VSTL) responsibilities in the management and oversight of third party testing.

Issued by Program Director, September 5, 2007:

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

This notice addresses questions raised by a voting system manufacturer regarding the billing and management responsibilities of a VSTL when using a third party laboratory. There were two general questions asked: 1) Must VSTLs handle all of the invoicing or payment from the manufacturer? and 2) What are the VSTL's responsibilities regarding the intake and distribution of the manufacturer's documentation, units under test, and the assessment and management of the testing process.

Once a VSTL is identified to the EAC by the Manufacturer in its application for system testing, it is recognized as the "lead" laboratory for the duration of the testing engagement. The EAC will not accept a test plan or test report for that system from any other VSTL absent extenuating circumstances as noted in Section 4.3.1.2 of the *Testing and Certification Program Manual*. This policy exists in order promote VSTL independence.

Under the EAC's Testing and Certification Program, VSTLs may contract or otherwise provide for the testing of voting systems by third parties. However, consistent with NIST Handbook 150-22 and EAC policy, the lead VSTL shall be responsible for the accuracy, quality assurance, and results of **all** tests performed on the voting systems submitted to them by the manufacturers under the EAC's Testing and Certification Program. This includes testing (both core and non-core) performed by third party laboratories under their direction, including third party VSTL laboratories. Any procedural or substantive irregularities or errors which occur during the third party testing process will be imputed to the lead VSTL.

VSTLs using third party laboratories shall take steps to ensure that all such third party laboratories meet the standards of the Testing and Certification Program. This means that

at a minimum the lead VSTL must ensure that: 1) any hardware tested by the qualified third party laboratory is first validated by the VSTL as the same hardware presented to it for certification, 2) the third party laboratory provides the VSTL with evidence that it will direct its activities in compliance with any and all relevant VVSG requirements for testing and that the testing was, in fact, performed consistent with such specific requirements, and 3) the third party laboratory issues a report to the VSTL that fully documents its testing such that the VSTL may produce the test report.

Therefore, under EAC Laboratory Accreditation Program:

1. The lead VSTL is fully responsible for all contracting with third party laboratories for testing under EAC's Certification Program. Manufacturers shall not directly manage, control or compensate a subcontracted laboratory.
2. The use of or selection of third party laboratories is at the sole discretion of the lead VSTL. Third party laboratories are subcontractors to the lead VSTL.
3. The lead VSTL shall directly manage the testing project, including the intake and distribution of the manufacturer's documentation, management of units under test, and the assessment and management of the testing process.

Because the lead VSTL is responsible for all aspects of testing and will have any and all deficiencies of a third party laboratory's testing imputed upon it, it is incumbent on the lead VSTL to set the parameters for management and oversight of the testing. This includes the management and review of all system documentation and determining the level of oversight necessary to ensure that all the requirements of the Testing and Certification program are met. Ultimately, it is the lead VSTL's responsibility to properly test the voting system and accurately report those tests to the EAC. It is in the best interest of the lead VSTL and the EAC's Testing and Certification Program that all necessary steps are taken to manage the process in a way that ensures the independence of the laboratories and the proper testing of the voting system.