I. Initial Registration

Manufacturer submits Manufacturer Registration Application Form (EAC Form 001C)

EAC sends letter to manufacturer acknowledging receipt of application form and process initiation

Incomplete form: EAC notifies manufacturer and requests information

Successful application review

Manufacturer completes and submit missing information

EAC notifies manufacturer that it has been registered and issues identification code

Manufacturer maintains registration up to date

EAC includes Manufacturer on listing of registered voting system manufacturers

II. Suspension of Registration

Manufacturer violation of T&C Manual's procedural requirements

EAC provides written notice and deadline for Manufacturer's response

Manufacturer does not respond nor provides cure

EAC issues notice to Manufacturer of intent to suspend registration

Manufacturer submits objections and supporting information

EAC makes decision and notifies Manufacturer

For information on Effects of Suspension, please, refer to Section 2.6.2 of the Testing and Certification Manual.
3.5. **De Minimis Changes.** A de minimis change is a change to voting system hardware that is so minor in nature and effect that it requires no additional testing and certification. Such changes, however, require VSTL review and endorsement as well as EAC approval. Any proposed change not accepted as a de minimis change is a modification and shall be submitted for testing and review consistent with the requirements of this Manual. An approved de minimis change is not a modification.

For information on De Minimis Changes, please, refer to Section 3.5 of the Testing and Certification Manual.
3.6.2. **General Requirements.** A request for an emergency modification waiver may be made by a Manufacturer only *in conjunction with* the State election official whose jurisdiction(s) would be adversely affected if the requested modification were not implemented before Election Day. Requests must be submitted at least 5 calendar days before an election. Only systems previously certified are eligible for such a waiver.

**Decision Authority issues letter granting temporary waiver**

- **EAC reviews and approves modification waiver**
- **EAC reviews waiver and determines request is incomplete**
- **EAC denies request for waiver**

**Incomplete requests returned to Manufacturer for resubmission with a written notification regarding its deficiencies**

- **Manufacturer successfully resubmits waiver**

**EAC posts information on website upon grant of the waiver and removes it upon the waiver’s expiration**

**EAC denial shall be final and not subject to appeal**

- **Manufacturer may submit for certification, consistent with Chapter 4 of the Manual, modifications for which emergency waivers were denied**

**3.6.6. Effect of Grant of Waiver.** An EAC grant of waiver for an emergency modification is not an EAC certification of the modification. Waivers under this program grant Manufacturers leave to only temporarily amend previously certified systems without testing and certification for the specific election noted in the request. Without such a waiver, such action would ordinarily result in Decertification of the modified system (See Chapter 7). Systems receiving a waiver shall satisfy any State requirement that a system be nationally or federally certified. In addition—

3.6.6.1. All waivers are temporary and expire 60 days after the Federal election for which the system was modified and the waiver granted.

3.6.6.2. Any system granted a waiver must be submitted for testing and certification. This shall be accomplished as soon as possible.

3.6.6.3. The grant of a waiver is no indication that the modified system will ultimately be granted a certification.

For information on Provisional, Pre-Election Emergency Modification, please, refer to Section 3.6 of the Testing and Certification Manual.
Manufacturer submits certification application to EAC

EAC reviews package for completeness and accuracy

Incomplete form: EAC notifies Manufacturer and requests information

Successful application review

EAC notifies Manufacturer and provides unique application number

Manufacturer completes and submit missing information

VSTL develops Test Plan (TP)

EAC approves TP

VSTL conducts testing and submits test reports to EAC

EAC Program Director reviews test report (TR) for completeness

Review of TR by EAC Technical Reviewers

EAC Program Director reviews Technical Reviewers response to TR

Recommends certification – forwards to Decision Authority for action

Refers matter back to Technical Reviewers for additional specified action and resubmission

Decision Authority issues an Initial Decision on Certification

For more information on Initial Decision on Certification, please, refer to Chapter 4 of the Testing and Certification Manual.
For more information on Grant of Certification, please, refer to Chapter 5 of the Testing and Certification Manual.
U.S. Election Assistance Commission  
Denial of Certification

Decision Authority issues Manufacturer an initial decision denying certification

Manufacturer requests opportunity to cure
- Decision Authority approves request
- Manufacturer submits compliance plan
  - Decision Authority approves compliance plan
  - VSTL conducts testing and submits TP to EAC
  - EAC Decision on the System – follows same process and rights as an Initial Decision on Certification

Manufacturer requests reconsideration of initial decision
- Decision Authority acknowledges request and provides records to Manufacturer
- Manufacturer submits written materials in support of its position
  - Decision Authority denies certification
  - Manufacturer appeals final decision denying certification
  - Appeal Authority grants appeal – follows same process and rights as Grant of Certification
  - Appeal Authority denies appeal – no additional appeals
  - Certification application considered finally denied

Manufacturer takes no action
- Certification application considered finally denied

For more information on Denial of Certification, please, refer to Chapter 6 of the Testing and Certification Manual.
I. Decertification Policy – Reasons for decertification

(Systems will be decertified only after completion of the process outlined in Chapter 7 of the Testing and Certification Manual)
II. Informal Inquiries

7.3.3.1. Initiation. Informal Inquiries are initiated at the discretion of the Program Director. They may be initiated any time the Program Director receives attributable, relevant information that suggests a certified voting system may require Decertification. The information shall come from a source that has directly observed or witnessed the reported occurrence. Such information may be a product of the Certification Quality Monitoring Program (see Chapter 8). Information may also come from State and local election officials, voters, or others who have used or tested a given voting system. The Program Director may notify a Manufacturer that an Informal Inquiry has been initiated, but such notification is not required. Initiation of an inquiry shall be documented through the creation of a Memorandum for the Record.

7.3.3.2. Inquiry. The Informal Inquiry process is limited to that inquiry necessary to determine whether a Formal Investigation is required. In other words, the Program Director shall conduct such inquiry necessary to determine (1) that the information obtained is credible and (2) that the information, if true, would serve as a basis for Decertification. The nature and extent of the inquiry process will vary depending on the source of the information. For example, an Informal Inquiry initiated as a result of action taken under the Certification Quality Monitoring Program will often require the Program Director merely to read the report issued as a result of the Quality Monitoring action. On the other hand, information provided by election officials or by voters who have used a voting system may require the Program Director (or assigned technical experts) to perform an in-person inspection or make inquiries of the Manufacturer.
III. Formal Investigations

1. Decision Authority authorizes initiation of an EAC Formal Investigation
   → Notice given to Manufacturer of the scope of investigation
   → Formal Investigation conducted (7.4.5)
   → Report of Investigation*

   *Unsubstantiated Allegation (in whole)
   - Matter closed – report forwarded to Manufacturer

   *Substantiated Allegation
   - Decision Authority issues Notice of Non-Compliance

*7.4.6.1. When Complete. The report is complete and final when certified and signed by the Decision Authority.
*7.4.8. Publication of Report. The report shall not be made public nor released to the public until final.

For more information on Decertification, please, refer to Chapter 7 of the Testing and Certification Manual.
Decertification

Decision Authority issues Notice of Non-Compliance

Manufacturer requests opportunity to cure

Decision Authority approves request

Manufacturer submits compliance plan

Decision Authority approves compliance plan

VSTL conducts testing and submits TP to EAC

Decision on Decertification

System NOT decertified

System decertified*

*7.8 A Decertification is effective upon the EAC’s publication or Manufacturer’s receipt of the decision (whichever is earlier).

For more information on Decertification, please, refer to Chapter 7 of the Testing and Certification Manual.
V. Appeal of Decertification

** 7.10. Effect of Decertification.** A voting system that has been decertified no longer holds an EAC certification under the Certification Program. For purposes of this Manual and the program, a decertified system will be treated as any other uncertified voting system. As such, the effects of Decertification are as follows:

7.10.1. The Manufacturer may not represent the voting system as certified.
7.10.2. The voting system may not be labeled with a mark of certification.
7.10.3. The voting system will be removed from the EAC list of certified systems.
7.10.4. The EAC will notify State and local election officials of the Decertification.

For more information on Decertification, please, refer to Chapter 7 of the Testing and Certification Manual.
For more information on the Quality Monitoring Program, please, refer to Chapter 8 of the Testing and Certification Manual.
I. Requirements for Submitting a Request for Interpretation

Proper Requestor: registered Manufacturer or a VSTL

Seek clarification on a matter of unsettled ambiguity

Request interpretation of an applicable voting system standard

Present an existing factual controversy

For more information on Requests for Interpretations, please, refer to Chapter 9 of the Testing and Certification Manual.
II. Procedures for Requests for Interpretation

A. Requests for Interpretations shall be made in writing to the Program Director. The following steps must be taken when writing a request (Section 9.4):

9.4.1 Establish standing to make the request.
9.4.2 Identify the EAC voting system standard to be clarified.
9.4.3 State the facts giving rise to the ambiguity.
9.4.4 Identify the ambiguity.
9.4.5 Provide a proposed interpretation.

B. EAC Action

For more information on Requests for Interpretations, please, refer to Chapter 9 of the Testing and Certification Manual.