



Remarks by John S. Groh, Chairman, Election Technology Council,
Information Technology Association of America
before the U.S. Election Assistance Commission

February 2, 2006

Good morning Chairman DeGregorio and Commissioners:

My name is John Groh and I am a Senior Vice President with Election Systems & Software. I am here to provide testimony on behalf of the Information Technology Association of America (ITAA) and its Election Technology Council (ETC). The ITAA is one of the nation's oldest and largest trade associations for the information technology industry, representing approximately 400 companies. The Election Technology Council consists of companies which offer voting system technology hardware products, software and services to support the electoral process. These companies have organized as an association to work together to address common issues facing our industry. Current members of the ETC are: Advanced Voting Solutions, Danaher Guardian Voting Systems, Diebold Election Systems, Election Systems & Software, Hart InterCivic, Perfect Voting System, Sequoia Voting Systems, and UniLect Corporation. Membership in the ETC is open to any company in the election systems marketplace.

The ETC is pleased to respond to your request for vendor perspective on issues surrounding the implementation of a new national voting system certification process and its likely impact on voting systems certified under previous generations of voting systems standards.

Our member companies have a great stake in the conduct and outcome of this process. Indeed, voting solutions provided and supported by our members account for over 90% of voting systems in the marketplace today. Our members employ over 2,000 dedicated citizen employees, who all work hard to support the success of American elections.

Our members wish to thank the Election Assistance Commission (EAC) and the National Institute of Standards and Technology (NIST)/Technical Guidelines Development Committee (TGDC) for the focus and urgency with which you all have moved forward with both the Voluntary Voting Systems Guidelines (VVSG) and the transition to a new voting system certification process. We commend the Commission, your staff and NIST for opening the processes to input from all concerned parties.

If we correctly understand the currently proposed implementation of a new certification program as set out in the VVSG, the EAC has provided the States and NIST a 24-month transition window after the adoption of the 2005 VVSG on December 14, 2005 to migrate to a new set of voting system guidelines and certification process. This migration has already begun and, if the current rate of progress is maintained, should be an attainable goal. The EAC and NIST will have the full support of the ETC and its members in making the transition to the new certification process. However, it is anticipated from communications with our customers that some state election agencies may require certification to the VVSG sooner. To facilitate federal ITA certifications before the December 2007 deadline, the new certification process will likely need to be in place before the end of this year.

As the EAC and NIST move forward in the design and implementation of a new certification process, our members believe the EAC should give serious consideration to the fundamental issue of testing frequency and repetition. State and county election officials, and their vendor partners, face an ever-increasing volume of federal qualification and state testing activity. Reducing the cost and delay imposed by continual – and often repetitive – testing should be a primary consideration of the new certification process. By combining the federal level ITA certification testing and basic state level tests, the EAC would streamline the system certification process, saving valuable time for election officials and reducing redundant non-value added costs for everyone.

Moving to the subjects specifically identified in the invitation to participate on this panel, ETC members urge EAC and NIST to consider the very important implications of the following issues in designing the new process and setting out policy to treat systems certified under the existing and current 2002 Voluntary Voting System Standards (2002 VVSS):

The Commission and NIST should recognize that the pre-existing NASED voting system certification procedures and processes have good elements that will be common to any certification process. Those elements are the application process, Technical Data Package (TDP) submission, source code analysis, functional testing, and the final assessment report. In addition, the creation of a voting software repository within NIST's National Software Reference Library has created a mechanism for improving the security, accuracy, and transparency of voting systems software. We expect that the EAC certification process will likely incorporate those elements.

One element of the current NASED certification process that the EAC has indicated it will carry forward is the discontinuation of certifying voting system platforms that were certified under a previous standard. It is important that the EAC understand the economic and election performance impacts on state and county election administrators, the voters and vendors.

We know that stopping any and all certification of systems certified under the 2002 VVSS, on a certain date, without an allowance for state required enhancements or to fix errors found, will impose major economic consequences on states or election jurisdictions which have recently purchased voting systems under those standards. Due to the many meaningful changes made under the 2005 VVSG, there may be no way to economically retrofit some voting systems. Such equipment may have to be discarded and new procurements undertaken with new purchase costs to the election jurisdictions.

Most of the changes to a voting system over its lifetime affect the firmware and software on a voting system. Voting systems are typically designed so that changes in functionality can be implemented through firmware and software upgrades. The cost of these upgrades may be covered under software maintenance agreements. Over the course of a product's life, it is likely to receive a software upgrade at least once every one to two years. The most beneficial updates a product would ever require are to its firmware and software. It is reasonable to expect that firmware and software modifications and enhancements be certified to the current applicable standard.

If the federal certification process mandates that for any voting system submission, both software and hardware must meet the new standard to even be considered by a Voting System Test Lab (VSTL), then any new guideline requirements that cause change to the hardware platforms will place a financial burden on the voting system customers to replace or retrofit voting systems before the system components meet their expected service life. If future changes to the guidelines continue to affect the hardware platforms, then the financial burden on the voting system customer forced to replace or retrofit those systems will be incurred yet again.

In addition to cost and other economic impacts, the EAC should consider election management and performance issues in setting transition policy for systems certified under the 2002 VVSS. States and jurisdictions make voting system acquisitions with an expectation of a 10 to 15 year service life. This timeframe allows the customer to refresh technology when it becomes near-obsolete or to take advantage of technology upgrades as they become available in the market. As states and jurisdictions introduce new technology, they must move along the learning curves for system usage, support, and training. Changes to hardware

platforms can impact the training that the customer has invested in its pollworkers as well as associated voter education programs.

To mitigate the economic and election performance risks identified above, the members of the Election Technology Council make the following recommendations:

1. When the 2005 VVSG are made effective in December 2007, the EAC must set a policy that allows for the ongoing certification of software updates to those 2002 VVSS certified hardware platforms without having to submit changes to the existing hardware platforms, unless the hardware change can be shown to be critical to the safety, security, accuracy, and reliability of the voting system.
2. When 2005 VVSG are made effective, there must be provisions made for emergency action on software updates, allowing elections officials who require enhancements, encounter voting law changes or identify software anomalies in pre-election tests, to obtain certified fixes for equipment certified under the 2002 VVSS or 2005 VVSG.
3. At the time that the 2005 VVSG are made effective in December 2007, any software updates submitted for certification should meet the new or current standard.
4. This transition policy should remain effective for future revisions to the VVSG guidelines.
5. The transition policy needs to be documented and clearly communicated, allowing all involved full knowledge and awareness so budget planning can be managed. We also see a need for this policy guidance as the planned continuous process of developing and implementing ever-improving new Voluntary Voting System Guidelines takes place in the future.
6. The EAC must take into consideration how the improvements required by the VVSG will be funded.

Concluding Remarks:

In providing this testimony, our intention is to give feedback to the EAC on the consequences to the vendor community and, as we see it, to the states and election jurisdictions – our valued customers whom we serve.

State adoption of the federal Voluntary Voting System Guidelines is what makes the standard effective. If the goal is to encourage states to adopt the federal standard, then the economic

and election performance impacts to customers at the state and local level needs to be considered and addressed.

The Election Technology Council and our members are committed to working with the EAC, NIST, and our customers, to see the 2005 VVSG and a new certification process through to successful implementation. It is our belief that the adherence to standards and rigor of the certification process is critical to maintaining the integrity of our elections.

Above all, we are responsive to customer needs and are committed to providing safe, secure, accurate, reliable and accessible voting systems under any standard or certification program. We only ask that the appropriate time be allowed so it can be done right and that the funding and costs of implementation be considered when creating new guidelines and certification processes. We all recognize and accept that with new voting system technology comes complexity and need for changes in election administration, poll worker skills and increased voter education and outreach programs.

We are all involved in this process together, and by working together we can improve the process of voting, voter access and participation.