



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

September 11, 2007

Ms. Carolyn Coggins
Quality Assurance Director
iBeta LLC.
3131 S Vaughn Way • Suite 650
Aurora, CO 80014

Dear Ms. Coggins,

This letter is to inform you, as the lead Voting System Test Laboratory (VSTL) responsible for the testing of Sequoia Voting System-WinEDS version 4.0.34., of the EAC Notice of Non-compliance issued to Sequoia based upon the information provided to the Commission by SysTest on September 6, 2007. Please find a copy of the notice, attached.

As you will see, this notice finds that Sequoia contracted directly with more than one laboratory for the testing of its Sequoia Voting System-WinEDS version 4.0.34. This action was inconsistent with the disclosure made on its *Application for Voting System Testing* and violated the requirements and procedures of the EAC Testing and Certification Program. To remedy the situation Sequoia will be required to (1) provide EAC information, (2) develop a cure plan to remedy the non-conformance, and (3) agree to cooperate with the EAC by enabling any laboratory that conducted certification testing under contract with Sequoia to provide iBeta all information, results and documentation necessary to determine whether such testing was properly and independently performed.

At this time, we request that you provide the EAC with a detailed description of all contracts or agreements with Sequoia regarding the testing of its WinEDS version 4.0.34. for EAC certification. Additionally, we request a narrative chronicling iBeta's knowledge of the events leading up to the present contract structure. As noted in the attached letter to Sequoia, you will be responsible for making initial determinations regarding the adequacy of testing performed by third party laboratories. The EAC will coordinate with you on this important matter. Finally, due to the issues surrounding the certification of this system, submission of the test plan should be a priority.

As the lead VSTL, I know that you will work diligently to assist the EAC in remedying this matter. It is of vital importance for the EAC to both maintain the integrity of its new Certification Program and proceed with voting system testing in a timely fashion. Please let me know if you have any questions concerning the above.

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

Brian Hancock
Director, Testing and Certification

Attachment: Sequoia Notice of Non-compliance



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

September 11, 2007

Mr. Edwin B. Smith,
VP, Compliance, Quality and Certification
Sequoia Voting Systems
1800 Glenarm Place, Suite 500
Denver, CO 80202

RE: Notice of Non-compliance

Dear Mr. Smith:

It has come to the EAC's attention that Sequoia Voting Systems has contracted with more than one Voting System Test Laboratory (VSTL) for the testing of its Sequoia Voting System-WinEDS version 4.0.34. This practice is inconsistent with the disclosure made on your *Application for Voting System Testing* and violates the requirements and procedures of the EAC Testing and Certification Program.

As you know, EAC's Certification Program requires manufacturers to identify the EAC VSTL it has selected to perform testing. The selection of a VSTL is performed at the start of the certification process and must be noticed to the EAC on the *Application for Voting System Testing* (Form EAC 002C). Specifically, the Manufacturer's application must provide for the "[s]election and identification of the VSTL that will perform voting system testing and other prescribed laboratory action consistent with the requirements of this Manual." (Certification Program Manual, Section 4.3.1.2., *Selection of Accredited Laboratory*). Additionally, the Manual states that "[o]nce selected, a Manufacturer may NOT replace the selected VSTL without the express written consent of the Program Director. Such permission will be granted solely at the discretion of the Program Director and only upon demonstration of good cause." (Certification Program Manual, Section 4.3.1.2., *Selection of Accredited Laboratory* (emphasis in original)).

Section 4.3.1.2. encompasses four basic principles: (1) a manufacturer must select one accredited VSTL responsible for the testing of a particular system under EAC's program; (2) this selection must be noticed on a system's application form and is subject to review and approval by the EAC program Director pursuant to Section 4.3.3. of the Manual; (3) the selected VSTL will be the entity responsible to "perform voting system testing and other prescribed laboratory action consistent with the requirements of [the] Manual;" and (4) manufacturers are strictly prohibited from contracting or directly employing another VSTL without the "express written consent of the Program Director."

In Sequoia's August 9, 2007 application for the testing of its WinEDS version 4.0.34 voting system, you identify iBeta Quality Assurance as your "lead VSTL." You also identify,

although it is not required, two laboratories “subcontracted to iBeta.”¹ To the extent Sequoia had entered into an agreement for certification testing with any laboratory other than iBeta, its actions are inconsistent with its application form and not in compliance with EAC’s certification program.

It is important to understand that the purpose behind these requirements is to protect the independence of EAC VSTLs. As you recognized in your application, EAC’s laboratory program operates under the “lead laboratory” concept. VSTLs perform testing consistent with their accreditation, EAC’s Programs and EAC monitoring. Testing decisions are made by VSTLs, independent of the Manufacturer. Even the appearance of manufacturer influence over the testing process is unacceptable. A situation where a manufacturer is contracting directly with multiple laboratories to perform various parts of the certification process creates the appearance that the manufacturer is influencing the certification of its own product. This is not acceptable.

Consistent with Section 2.3.1.7 of EAC’s Testing and Certification Program Manual, you must either respond to this notice of non-compliance with an explanation demonstrating that the information presented in this notice is erroneous and you are, in fact, in compliance **or** cure your non-compliance within 30 days. To cure non-compliance Sequoia must:

- (1) Provide EAC a detailed description of all contracts or agreements with any laboratory (other than iBeta) regarding the testing of Sequoia Voting System-WinEDS version 4.0.34 as well as a narrative chronicling Sequoia’s knowledge of the events leading up to the present contract structure. The EAC will coordinate directly with the laboratories to acquire additional information;
- (2) Develop, for EAC approval, a cure plan which will ensure the independence of EAC VSTLs by conforming Sequoia’s practices to the EAC’s lead laboratory requirement; and
- (3) Agree to cooperate with the EAC by enabling any laboratory that conducted certification testing under contract with Sequoia to provide iBeta (as Sequoia’s identified lead VSTL) all information, results and documentation necessary to determine whether such testing was performed independently, consistent with EAC Certification Program requirements and consistent with VSS standards. Such testing and results must be accepted by both iBeta and the EAC to serve as a basis of certification.

Failure to timely comply with this notice will result in the suspension of your organization’s registration pursuant to Section 2.6 of EAC Testing and Certification Manual. Please contact me if you have questions.

Sincerely,



Brian Hancock
Director of Testing and Certification

Attachment: *Application for Voting System Testing*

¹ The EAC has already clarified (in NOC 07-005) that the VSTL identified by a manufacturer on its system application form (the lead VSTL) is solely and independently responsible for the decision to use and the selection of a subcontractor.



Application for Voting System Testing

OMB Control # 3265-0004

- 1. **Manufacturer Name:** Sequoia Voting Systems
- 2. **Manufacturer Code:** SEQ
- 3. **Version of Standards to be Used for Testing:** FEC 2002
- 4. **Voting System Name:** Sequoia Voting Systems - WinEDS version 4.0.34
- 5. **System Model/Version Number:** See number 8 below for details
- 6. **EAC Accredited VSTL:** iBeta Quality Assurance as lead VSTL, SysTest Labs and Wyle Labs subcontracted to iBeta
- 7. **Requested EAC Certification number:** SEQ-40-2007-W1

8. Brief Description of System or system modification:

Note: Version numbers (last digit(s)) may increment as last minute changes are made to address coding changes required by iBeta.

- WinEDS Workstation - v 4.0.034 - WinEDS Client Application
- WinEDS Server - v 4.0.034 - WinEDS Server Application
- Extended Services - 1.08 - Functionality includes manual data entry and database backup/restore
- Election Reporting - 4.0.12 - Election Night Reporting Application
- HAAT Listener - 1.5.5 - Receives results transmissions from the HAAT
- WFR - 1.0.17 - WinEDS Flash Recorder - used in conjunction with batch cartridge creation and tally, supports multi-port USB hub
- WinETP - 1.16.1 - Tally software for the 400C
- Ballot Wizard - 1.2 - Creates Optech ballot layouts. Used in MI only
- Insight - APX - 2.16 - Pack Logic
- Insight HPX - 1.44 - Insight Firmware
- Insight - CPX - 1.14 - Communications Firmware
- Edge II - 2.1.12, HAAT - 2.5.16, Edge II Plus - 2.1.40, Advantage Plus 1.2.17, Advantage D10 - 10.4.3, Card Activator - 2.1.12

Signature:

Edwin B. Smith III

Digitally signed by Edwin B. Smith III
 DN: CN = Edwin B. Smith III, C = US, O = Sequoia Voting Systems, OU = Compliance/Certification
 Date: 2007.08.09 11:07:01 -06'00'

Date:

8-09-2007