



U. S. ELECTION ASSISTANCE COMMISSION
1335 East-West Highway, Ste. 4300
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www.eac.gov

April 6, 2017

Shannon Roden, CPCM
Contracts Manager
NTS Technical Systems
Huntsville Operations
7800 Hwy. 20 West
Huntsville, AL 35806

shannon.roden@nts.com

Re: Withdrawal from Election Assistance Commissions
Voting Systems Test Laboratory Program

Dear Ms. Roden,

Thank you for your email and letter dated March 13, 2017 informing the Election Assistance Commission (EAC) that NTS will be withdrawing from its role as a "testing laboratory" from the EAC's Voting Systems Test Laboratory Program. I also understand that a similar letter has been forwarded to the National Voluntary Laboratory Accreditation Program (NVLAP) at NIST.

In your letter, you indicated that NTS' withdrawal would be effective as of March 31, 2017. While we interpret that date certain to mean that you will no longer be accepting voting systems for testing after that date, we are obligated to remind you of your responsibility to maintain certain records and documents which you have acquired during your tenure in the Program for the required period of time (5 years) as set forth in the Voting System Test Laboratory Program Manual.

Pursuant to Section 2.23 (Recordkeeping) of the *Voting System Test Laboratory Program Manual*:

*"As a condition of accreditation, all laboratories shall have a written policy regarding the proper storage, management and retention of all records relating to the testing of voting systems. At a minimum, **this policy shall require all forms, reports, test records, observations, calculations, and derived data for all tests performed on a given voting system (or component of said system) be retained for a period of at least 5 years after the last test performed on any version of that system (or component of any version of said system). The policy shall require that all documents are maintained in a safe and secure environment and stored in a manner that provides for organized and timely identification and retrieval. Additionally, all records must be kept in a data format usable and available to the EAC.**"*

(Emphasis added)

Our records indicate that you have provided testing for a large number of jurisdictions and for multiple vendors regarding multiple voting systems. We also understand that you may also be serving as a “source code” escrow agent for multiple jurisdictions. As a current repository for what is an undoubtedly a large volume of records, please advise us on how you will continue to store and provide access to the records you have amassed over the years.

And while you do not directly house any “source code” data for the EAC, it will be helpful for us to be able to communicate to the jurisdictions that have used your services on what they can expect and what steps they may need to take to ensure access to their data or to effectuate the transfer of their data for future access.

We assume voting system manufacturers that have worked with NTS/Wyle over the past years will be contacting you shortly to work out a mutually agreeable way to transfer any data, hardware, software or other materials necessary back into their custody in a reasonable timeframe, as well as the transfer of escrowed software to another trusted third party escrow agent for the State.

As these transfers may take time, and because of the highly important nature of this information, particularly since the designation of elections as Critical Infrastructure by the Secretary of Homeland Security, we believe it is imperative that NTS be available and able to work with these jurisdictions and entities well beyond your stated date of March 31, 2017.

We look forward to hearing from you on how you intend to proceed in regard to the above-mentioned necessary actions.

Thank you for your prompt response and for your years of dedicated service as an EAC voting system test laboratory.

Sincerely,

A handwritten signature in blue ink, appearing to read "BDN", with a large, stylized flourish extending from the end.

Brian D. Newby, Executive Director

U.S. Election Assistance Commission