EAC's Testing and Certification Program for Voting Systems
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Prior to the passage of the Help America Vote Act of 2002 (HAVA), voting systems were assessed and qualified by the National Association of State Election Directors (NASED), a nonpartisan association consisting of state level election directors nationwide. These voting systems were tested against the 1990 and 2002 voting system standards developed by the Federal Election Commission (FEC). With HAVA's enactment, the responsibility for developing voting system standards was transferred from the FEC to the U.S. Election Assistance Commission (EAC) and they are now called Voluntary Voting System Guidelines.

In 2005, EAC adopted the first set of voluntary voting system guidelines, as mandated under HAVA. HAVA also requires that EAC provide certification, decertification, and recertification of voting systems and the accreditation of testing laboratories, marking the first time the federal government will be responsible for these activities. Under HAVA, the National Institute of Standards and Technology (NIST) will assist the EAC with the certification program through its National Voluntary Laboratory Accreditation Program (NVLAP), and will provide recommendations to the EAC regarding laboratory accreditation. EAC will make the final decision to accredit laboratories based upon the information provided by NVLAP. Participation by states in EAC's certification program is voluntary; however, most states currently require national certification for the voting systems used in their jurisdictions.

EAC's Voting System Testing and Certification Program
In July 2006, EAC adopted a two phase implementation of its Voting System Testing and Certification Program. The two phases consist of (1) the pre-election or interim phase, and (2) the full testing and certification program. The interim phase began in July, and covers only modifications to voting systems. On December 7, 2006, EAC Commissioners voted to approve adoption of the full program with implementation beginning in January 2007.

The purpose of EAC's national voting system certification program is to independently verify that voting systems comply with the functional capabilities, accessibility, and security requirements necessary to ensure the integrity and reliability of voting system operation, as established in the Voluntary Voting System Guidelines.

Frequently Asked Questions

Q: How long has the federal government tested voting equipment?
A: The Help America Vote Act of 2002 (HAVA) ushered in federal assistance for the certification of voting equipment for the first time, tasking EAC and the National Institute of Standards and Technology (NIST) to partner in implementing and administering the program.

Q: Who had the authority to certify voting equipment in the past?
A: In the past, voting systems have been reviewed and certified by the National Association of State Election Directors (NASED). NASED performed this service on a volunteer basis and received no federal funding. Most of the voting systems in use today were qualified by NASED.

Q: How will the certification process work?
A: Under HAVA, NIST and the EAC are jointly responsible for creating the voluntary voting system guidelines. These guidelines include a set of specifications and requirements against which voting systems can be tested to determine if the systems provide all of the basic functionality, accessibility and security capabilities required of these systems. In addition, the guidelines establish evaluation criteria for the national certification of voting systems. NIST assists the EAC with the certification program through its National Voluntary Laboratory Accreditation Program (NVLAP), which will provide recommendations to the EAC regarding laboratory accreditation. After EAC receives the recommendations from NVLAP, EAC will conduct further review of the recommended labs to address non-technical issues such as conflict of interest policies, organizational structure, and recordkeeping protocols. After the EAC review, the Commission will vote regarding full accreditation. (NOTE: This answer has been updated to reflect the HAVA mandate that the Commission make the final determination regarding accreditation. An earlier version of this response incorrectly stated that the EAC executive director would make this decision.)

Q: Why will manufacturers be allowed to pay test labs directly?
A: EAC does not have the legal authority to collect money from voting system manufacturers to pay for the testing of voting systems. (see 31 U.S.C. §3302(b), *Miscellaneous Receipts Act*). However, if Congress grants the EAC statutory authority to collect and use such funds, the Commission would establish a procedure to directly assign voting systems to a lab and pay the corresponding costs for the testing procedures.

Q: Why will manufacturers be allowed to choose which test lab to use?
A: Regardless of which lab conducts the work, all labs will be held accountable under the accreditation requirements and international lab standards. If a lab violates either EAC policy or the international standards, it could risk losing its accreditation by both EAC and NVLAP. The concept of manufacturers contracting with independent test labs is consistent with numerous other federal government and private sector testing programs. However, if Congress grants EAC statutory authority and funding to pay the test labs

directly, it will establish procedures to also assign which labs will test the various systems that are submitted for testing by the manufacturers.

Q: Will the source code be available to the public?
A: EAC will make all information available to the public consistent with federal law. EAC is prohibited under the Trade Secrets Act (18 U.S.C. §1905) from making the source code information available to the public. However, the test labs will examine the source code to ensure compliance with the voluntary voting system guidelines.

Q: What does EAC's interim accreditation program cover?
A: EAC's interim program issued temporary accreditation to test labs to check modifications to voting systems currently in use. In order to participate in the program, labs applying for interim certification had to attest to a set of EAC required laboratory conditions and practices. EAC requirements for these labs included certifying the integrity of personnel; no conflicts of interest, which covers not only personnel but also their immediate family; as well as the financial stability of the laboratory. EAC hired a NVLAP-trained assessor to verify that these labs successfully met the 17025 standards set by the International Standards Organization. Interim accreditation was necessary to ensure there was no interruption in this process leading up to the November 2006 elections, as NVLAP is currently processing laboratory applications under the HAVA-required program. EAC received the first set of lab recommendations from NIST on January 18, 2007.

Q: Will EAC track problems that occur in the field?
A: Absolutely. EAC's certification program establishes accountability through its Quality Monitoring Program which ensures, through various check points, that the voting systems used in the field are in fact the same systems EAC has certified. For instance, under the program, EAC has the ability to conduct site visits to production facilities to determine whether systems produced are consistent with those that have received EAC certification. EAC will collect reports from election officials regarding voting system anomalies. After reviewing the reports, EAC will share credible information with election officials. In addition, upon invitation or with permission from election officials, EAC will conduct reviews of systems that are in use in the field.

Q: Did EAC track problems that occurred during the November 2006 election?
A: EAC worked with elections officials throughout the country to track potential issues and concerns. As we move forward with implementation of the full program, we will continue to work with election officials to share information and provide assistance.

Q: Why didn't EAC vote to adopt the full certification program prior to the November 2006 election?
A: EAC began its first year of operation in 2004. The first priority under HAVA was the distribution of $3 billion in federal payments to the states to help improve the administration of federal elections. The second priority was adoption of voluntary voting system guidelines. EAC issued the payments to states in 2004 and 2005, and adopted the

guidelines in 2005.   EAC began a year-long process to develop the certification program immediately following adoption of the guidelines.

Q: Will EAC make test reports available to the public?
A: EAC will make test reports and all related information available to the public consistent with federal law.

Q: Under the EAC certification program, will there be any repercussions for a manufacturer that misrepresents its product or refuses to address valid system failures?
A: For the first time, manufacturers will be held accountable through EAC's Quality Monitoring Program and its decertification process, which would be the ultimate sanction against a manufacturer. If a system is decertified, the manufacturer may not represent the system as being certified, may not label the system as certified, and the system will be removed from the EAC's list of certified voting systems. Election officials will be notified about the decertification.

Q: Do states have to use voting systems that have been certified by the EAC?
A: According to HAVA, participation in EAC's certification program is voluntary. However, approximately 40 states have required that voting systems used in their jurisdictions to have a national certification.