

U.S. Election Assistance Commission Public Meeting

October 7, 2008

NIST/NVLAP Statement on Ciber, Inc. Accreditation

First I would like to thank the Election Assistance Commission (EAC) for their invitation to speak at this public meeting concerning the accreditation of Ciber, Inc. by the EAC. The National Institute of Standards and Technology (NIST) believes that public meetings, such as this, provide the necessary transparency to promote confidence in our nation's voting system process.

NIST recommends qualified testing laboratories to the EAC for accreditation so that the laboratories may then test voting systems under the EAC's Voting System Certification Program. In order to accomplish this, NIST is utilizing its National Voluntary Laboratory Accreditation Program (NVLAP). NVLAP is a voluntary, fee-supported program to accredit laboratories that are found competent to perform specific sorts of tests or calibrations. NVLAP procedures are codified in the Code of Federal Regulations (CFR, Title 15, Part 285).

NVLAP operates under a management system based on ISO/IEC 17011 - *Conformity assessment -- General requirements for accreditation bodies accrediting conformity assessment bodies* - the international standard for accreditation bodies. NVLAP does not develop standards; instead it relies on documented standards published and used by outside parties. NVLAP does, however, develop tools for recording the assessment findings and evidence of compliance. For completeness and consistency NVLAP uses handbooks and checklists which are program specific and available to the public on our web site at www.nist.gov/nvlap.

Simply stated, NVLAP offers an unbiased third party evaluation and formal recognition that a laboratory is competent to carry out specific tests or calibrations. Expert technical assessors conduct a thorough evaluation of all aspects of laboratory operation that affect the production of test data, using recognized criteria and procedures. General criteria are based on the international standard ISO/IEC 17025, *General requirements for the competence of testing and calibration laboratories*, which is used for evaluating laboratories throughout the world. Laboratory accreditation bodies use this standard specifically to assess factors relevant to a laboratory's ability to produce precise, accurate test data, including the technical competence of staff, validity and appropriateness of test methods, testing and quality assurance of test and calibration data.

Those laboratories seeking accreditation by NVLAP and subsequent recommendation to the EAC are required to meet the general NVLAP criteria for accreditation and demonstrate that they are competent to test voting systems according to the requirements of the Voting System

Standards (VSS) of 2002 and the Voluntary Voting System Guidelines (VVSG) 2005. Rigorous onsite assessments must be conducted and laboratories undergoing assessment must resolve any identified nonconformities before NIST will recommend a laboratory to the EAC. NVLAP assessments of voting system testing laboratories have paid particular attention to determining laboratory competence to test to new material included in the VVSG 2005, on voting system usability, accessibility and security.

To ensure continued compliance with NVLAP requirements, voting system testing laboratories undergo an onsite assessment before initial accreditation, then during the first renewal year, and then every two years thereafter to evaluate their ongoing compliance with specific accreditation criteria.

NVLAP conducted the assessment of Ciber, Inc. for compliance to the ISO 17025-based NIST Handbook 150 *Procedures and General Requirements* and the core test method requirements of the EAC-approved VSS 2002 and VVSG 2005. These core requirements are documented in NIST Handbook 150-22, a program specific handbook that addresses the technical requirements for voting system testing laboratories. NIST Handbook 150-22 does not restate all the requirements of the voting standards but does provide a framework for recording objective evidence of compliance to these standards.

Ciber, Inc. received their on-site assessment visit on December 17, 2007. This was a four day assessment performed by a NVLAP lead assessor and a technical assessor. In the interest of consistency NVLAP has used the same technical assessor for all on-site assessments of voting system testing laboratories. The lead assessor was responsible for assessing Ciber's management system for compliance to NIST Handbook 150 and used the NVLAP general operations checklist to record his findings. The technical assessor was responsible for evaluating Ciber's technical competence to the voting standards and used the NIST Handbook 150-22 checklist to record his findings.

There were twenty nonconformities found during Ciber's on-site assessment. Most of these nonconformities required revisions to Ciber's management system documentation. These included revisions in documentation involving subcontracting, purchasing, internal auditing, personnel, test methods and validations, electronic transmission of results, and the use of the NVLAP term and symbol.

The nonconformity findings in the technical phase of the assessment of Ciber were consistent with the nonconformities found in assessments of other applicant laboratories. The most critical of these were Ciber's need to show more evidence of ability to develop and validate test methods.

Ciber responded to the NVLAP nonconformity findings on January 23, 2008 by providing documentation of revised procedures and policies. These responses were evaluated by the two assessors and the NVLAP program manager. Thirteen of the twenty nonconformity responses

were judge to be sufficient to satisfy the requirements. More detail was requested for seven of the responses and an additional response was received from Ciber on April 16, 2008. Ciber's second response provided more detail to their previous responses, the most important of which was to provide a cross matrix showing how test procedures satisfy the requirements of the VVSG 2005. Their additional responses were deemed sufficient to satisfy the outstanding nonconformities.

NIST posts the results of the voting system testing laboratory assessments on its Improving U. S. Voting Systems web site at <http://vote.nist.gov/LabRec.htm>. The information listed includes the assessor's on-site report, the lab response and the NVLAP evaluation.

Ciber was granted NVLAP accreditation on May 16, 2008 and a letter from the NIST Acting Director was sent to the EAC recommending Ciber for accreditation in the EAC program.