



Remarks by Ian S. Piper, Election Technology Council,
Information Technology Association of America
before the U.S. Election Assistance Commission

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Good morning Chairman DeGregorio and Commissioners:

My name is Ian S. Piper, Compliance Officer with Diebold Election Systems, Inc. and I am here to provide testimony on behalf of the Information Technology Association of America (ITAA) and its Election Technology Council (ETC).

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. Our industry employs over 2,000 dedicated citizen employees, who all work hard to support the success of American elections. Today, we offer products and services used to run the majority of elections for public office in this country. Current members of the ETC are: Advanced Voting Solutions, Danaher Guardian Voting Systems, Diebold Election Systems, Election Systems & Software, Hart InterCivic, Sequoia Voting Systems, and UniLect Corporation. Membership in the ETC is open to any company in the election technology marketplace.

The ETC is pleased to respond to your request for vendor perspective and comment on the Manual for the Voting System Testing and Certification Program. Indeed, our member companies have a great stake in the successful launch of this program. For our companies, it is an imperative that the new program be widely adopted in the states, creating a consistent and economical set of requirements for voting systems used in 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 development of a new voting system testing and certification program. We commend the Commission, your staff and NIST for opening the processes to input from all concerned parties.

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 a new EAC-run testing and certification program. The EAC and NIST have had, and will have, the full support of the ETC and its members in making the transition to the new certification process. As the draft manual for the testing and certification program stands today, our members are pleased with most elements of the program and the process under which EAC and NIST have developed the program. To be sure, there are some issues that require further consideration, but that should not detract from the solid progress that has been made in the past 6 months.

Our members wish to raise several important issues that should be given further consideration before EAC adopts the process and begins the migration to the new certification and testing program. Those issues are:

1. Decreasing 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 key consideration of the new certification process. By combining the federal level ITA certification testing and a few 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.

The members of the Election Technology Council urge the EAC to allow for state petitions to augment federal test plans with testing of select state requirements.

2. Developing New Uniform, Economical Testing Practices

Not only is testing voting systems for the purpose of obtaining federal and state certifications becoming too frequent and overly costly, the situation may soon be aggravated by the need for new and fairly complex tests mandated by the 2005 VVSG. The guidelines put forth several new requirements for which no appropriate tests currently exist. According to experts in the standards and testing field, the most challenging tests may prove to be in the areas of system usability and security.

Further, the advent of state-mandated volume testing has dramatically increased costs of certification in some states. Volume testing incorporates the use of at least 100 DREs, each unit counting hundreds of ballots over the course of days to emulate the election-day

experience at a polling site. While the goals of this type of testing are worthy, cost increases have resulted.

Without the development of new tests that are uniformly applied from testing lab to testing lab, and designed from the outset to diminish the need for repetitive tests, a potentially vast new area of vendor expense may be created. Testing expense has the potential to drive up voting system costs significantly and slow the entry of new systems into the market.

The ETC believes that the EAC, NIST, and other concerned groups should quickly take steps to begin work on developing more uniform and economical testing for voting systems. Vendors would like to see more progress in designing tests for new requirements under the VVSG and remain willing to work closely with EAC, NIST and the Voting System Testing Labs (VSTLs) on such initiatives.

3. Certification for Systems Developed under a Previous Standard

In previous communications with the EAC, we have asked the Commission to recognize and retain the good and common elements of the pre-existing NASED voting system certification procedures. We expect that the EAC certification process will likely incorporate several elements of the NASED procedure.

One element of the current NASED certification process that the EAC has indicated it may carry forward is the discontinuation of certifying voting system platforms that were certified under a previous standard. It is important that the Commission understand the economic and election performance impacts of such a step 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.

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.

Without additional federal funding to the states, the lack of a phased implementation of the new guidelines has the potential to slow state adoption of the 2005 VVSG and the EAC testing and certification program. If every proposed software and hardware modification triggers submission for full system testing under the 2005 Guidelines, there may be no way to keep 2002-certified equipment in the field.

Other Comments on Major Aspects of the Draft Certification Process:

4. *Test Plan Review and Acceptance.*

The draft program manual contains no guidelines setting timeframes for EAC/VSTL deliverables in reviewing and accepting the system test plan. To facilitate correct product planning and development cycles, voting systems providers need to be given an indication of turnaround times from the EAC and VSTLs.

5. *Test Reviewers Qualifications and Experience*

The draft program manual contains no discussion of minimum qualifications and experience for Test Plan Reviewers. While the EAC will obviously strive to hire the most qualified and experienced people, the ETC believes that it is critical that the testing process be operated in the most objective fashion possible. Hence, we believe it is fair and logical to impose an objective set of standards for the Reviewers charged with managing key parts of the testing and certification program,.

6. *Records Retention*

Sec. 1.11 of the draft manual requires vendors to retain certification records 3 years past the last sale or use of a voting system model. Given the dispersion of equipment in the states, some of which is in use well-beyond its intended lifespan, the information on last use is not always provided to vendors.

7. *Anomaly Reporting*

In Sec. 8.7, procedures are provided for reporting anomalies in voting system operation. The ETC would like to see a more concrete definition of anomalies. Also, more precision is required on defining a credible report. While the reports will come from election administrators, not vendors, election administrators should be provided a clear idea of the criteria and the process for determining a credible anomaly report.

Concluding Remarks:

In providing this testimony, our intention is to give feedback to the EAC on some of the overarching issues which raise concerns for the industry and our valued customers.

State adoption of the federal Voluntary Voting System Guidelines and the Voting System Testing and Certification Program is what makes the standard effective. If the goal is to encourage states to adopt the federal standard, then the impacts of repetitive testing, new test requirements, and limiting the options for upgrading 2002 VVSS-compliant equipment for both vendors and customers at the election jurisdiction level need to be carefully considered and addressed. In particular, EAC and Congress must pay close attention to the words and actions of state and local governments on the topic of equipment certified under the 2002 standard. Slow adoption, or low levels of adoption by the states, of the 2005 VVSG may have negative consequences for development and adoption of future federal voting systems guidelines.

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