

U.S. Election Assistance Commission Interim Accredited Voting System Testing Laboratories

On July 13, 2006, the U. S. Election Assistance Commission (EAC) adopted a two phase implementation of the [Voting System Testing and Certification Program](#) required by Section 231(a)(1) of the Help America Vote Act of 2002 (HAVA). The two phases consist of (1) the pre-election phase, and (2) the full program. Both will be rolled out in 2006. The first phase of the program began on July 24, 2006 will terminate upon the EAC's implementation of the program's second phase.

EAC notified the three Independent Test Authorities (Laboratories, or ITA's) used in the National Association of State Election Directors (NASSED) voting system testing and qualification program that EAC would be offering the possibility for interim accreditation for the previously NASSED accredited labs. This interim accreditation was deemed necessary because the EAC had been informed by National Institute of Standards and Technology (NIST) that the accreditation program for voting system laboratories developed under the National Voluntary Laboratory Accreditation Program (NVLAP) might not complete the accreditation process required under Section 231(b) of HAVA for the first group of test labs for eight to twelve months.

Prior to accreditation review, the labs were required to submit documentation to EAC providing information on the laboratory, including their organization, their quality program, and their parent organization. EAC also required a completed *EAC Certification of Laboratory Conditions and Practices* document (Attachment 1).

The labs were also notified that any interim accreditation granted would be good only until January 1, 2008. After that date, an interim accredited laboratory must have completed the NVLAP accreditation process and been recommended by that organization to the EAC for HAVA accreditation.

Finally, the labs were notified that interim accreditation would be granted for testing to the 2002 Voting Systems Standards only, and that the labs would be required to broaden their accredited scope of work if they want to be able to test to the 2005 VVSG. As of August 15, 2006, the following laboratory has been granted accreditation:

Laboratories With Interim Accreditation

SysTest Labs
216 16th Street
Suite 700
Denver, CO 80202
303-575-6881

Contact: Kevin Keelan, Director of Business Development – Compliance
Division
e-mail: votingsupport@systest.com

Wyle Laboratories (Hardware Testing Only)
7800 Highway 20 West
Huntsville, Al 35806
256-716-4587

Contact: Mike Smith, Program Development – Test Engineering and Research
Email: michael.smith@wylelabs.com



CERTIFICATION OF LABORATORY CONDITIONS AND PRACTICES

I, the undersigned, having investigated or caused to be investigated each matter, below; certify, affirm and acknowledge that each of the following numbered statements are true and otherwise accurately reflect the status, condition and operations of _____ (hereinafter “Laboratory”). I understand that by certifying the information below, I am making a statement or representation to the U.S. Election Assistance Commission required for receiving a Laboratory Accreditation under 42 U.S.C. §15371(b). I further understand, that to the extent any of the below representations or certifications are found to be materially false, the U.S. Election Assistance Commission may revoke any Accreditations granted to the above named laboratory and that I may be subject to criminal prosecution under 18 U.S.C. §1001.

1. **Signing Official.** I hereby certify that I am an officer, partner or other official vested with the legal authority to speak for, contract on behalf of or otherwise bind the above noted company, corporation, partnership or organization (Laboratory).

2. **Personnel.** I certify that the laboratory does not currently, and will not in the future, employ any individuals in any capacity related to the testing of voting systems who have been convicted of a felony offense or any criminal offense involving fraud under either Federal or state law.

3. **No Conflicts of Interest.** I certify that the Laboratory maintains and enforces policies which prevent conflicts of interest or the appearance of conflicts of interest. The laboratory will ensure that neither the Laboratory, its parent corporation, nor any individual staff member concerned with the testing of a voting system (to include the spouse or minor child of such persons) have any vested interest in the outcome of a test process. Prohibited conflicts of interests include the holding of any financial stake in the entity whose product is being tested or a direct competitor of that entity. Furthermore, no laboratory staff member may be involved in:
 - a. both the development and testing of a voting system or system component; or
 - b. otherwise providing consultation or other services to a voting system developer that would compromise the independence of the testing of a voting system or system component.

4. **Laboratory Location and Organization.** I certify that all of the facilities of the Laboratory which will be involved in the testing of voting systems subject to EAC

Certification physically exist within the geographic boundaries of the United States. I further certify that the Laboratory is a non-governmental entity, duly organized or incorporated, and validly existing in good standing under the laws of a State.

5. **Financial Stability.** I certify that the laboratory possess sufficient resources to enable it to properly use and maintain its test equipment and facility, to satisfactorily perform all required functions, and to adequately indemnify itself against financial liabilities or penalties that may result from its operations.
6. **Recordkeeping.** I certify that the laboratory operates and manages a records system in which it maintains all forms, reports, test records, observations, calculations and derived data for all tests performed for a period of at least 5 years.
7. **Contractors.** I certify that any laboratory contracted for use in this program by the undersigned Laboratory will be chosen from the Directory of Accredited Laboratories developed and maintained by the National Voluntary Laboratory Accreditation Program of NIST. I certify that the Laboratory operates a system to ensure that the testing and related work performed by any contracted laboratory is at an acceptable level of quality. The Laboratory is responsible for the work product of any and all contracted laboratories it uses. Finally, I certify that any contracted laboratory used by the Laboratory will meet all requirements and standards within paragraphs 2 – 6 of this Certification.
8. **Capabilities.** I certify that the Laboratory is currently capable of performing testing of voting system hardware and/or software as defined by the 2002 Voting Systems Standards. I further certify that the Laboratory will acquire the capability to perform testing to the 2005 Voluntary Voting System Guidelines (VVSG) and any subsequent release of voting systems guidelines adopted by the EAC or notify the EAC that it will not acquire this capability.
9. **Material Changes.** I certify that the laboratory will notify the EAC in writing within thirty (30) calendar days if there are any significant changes in laboratory operations from what the Laboratory described in any assertion that served as the basis for its NASED accreditation, or from any assertions that will serve as the basis for its interim EAC accreditation. Examples of events that require written notification include, but are not limited to: a Laboratory's decision to withdraw from the EAC's testing program, changes in ownership of the Laboratory, a change in location of the Laboratory facility, personnel changes in key staff positions or any change that would affect the accuracy of any of the numbered affirmations contained in this Certification.

I, by signing my name below, certify, affirm and acknowledge, under penalty of Federal law, that each of the above numbered paragraphs accurately represent the operations, conditions and practices of _____.

Signed this day, _____:

_____ (Signature)