



U. S. ELECTION ASSISTANCE COMMISSION
VOTING SYSTEM TESTING AND CERTIFICATION PROGRAM
1225 New York Avenue, NW, Suite 1100
Washington, DC. 20005

August 21, 2007

Mr. Howard Van Pelt
President & CEO
Advanced Voting Solutions, Inc.
1600 Redbud Blvd., Suite 301
McKinney, TX 75069

Notice of Non-Compliance

Mr. Van Pelt,

The EAC is in receipt of your August 19 email response to our letter dated August 14, 2007 requesting clarification of a hardware discrepancy noted by iBeta during testing of the AVS WINware2.0.4.

Your email response continually refers to the latest version of the motherboard in question being “*tested and approved as part of our EAC (emphasis added) VSS 2002 testing efforts in late 2005 and early 2006.*” You later state “*Ciber subsequently issued their report to the EAC on or about February 21, 2006. In the Ciber report to the EAC, a section from page 3 lists the hardware serial numbers of the three units tested at Wyle with the new motherboard and stipulates that Ciber was in receipt of Wyle report 52359-01 when they completed the EAC Final report.*”

As you are well aware, the EAC Testing and Certification Program was not in place in 2005 or 2006. The program came on-line as of January 1, 2007. In addition, although the EAC did accredit SysTest and Wyle Labs to operate under very specific conditions in an interim capacity, Ciber was never accredited under the interim program, and is not accredited in any capacity by the EAC as of the date of this letter. Given these facts, I assume that your letter describes testing engagements conducted pursuant to voting system qualification by the National Association of State Election Directors (NASED). NASED was the only body qualifying voting systems to the VSS 2002 at that time. Any testing done for the NASED program is irrelevant to the EAC certification program as noted in Section 3.3 of the *Testing and Certification Program Manual*.

EAC communications with iBeta still indicate a discrepancy between a hardware component noted in your system documentation and what was resident in the voting system presented for certification testing. Absent any additional clarification from AVS, the EAC must assume that AVS either had prior knowledge of this discrepancy, or did

not have adequate management and procedural quality controls in place to prevent the use of changed components in your voting systems. Please forward, in writing, any additional information you think may explain the discrepancy or provide the EAC with new or revised internal quality control procedures adopted by AVS to prevent the occurrence of such discrepancies in the future within 30 days from the date of this letter. If the EAC does not receive a satisfactory response within this timeframe, we will initiate suspension procedures outlined in Section 2.6.1.3 of the Testing and Certification Program Manual

Sincerely,

A handwritten signature in black ink, appearing to read "Brian J. Hancock". The signature is fluid and cursive, with the first name "Brian" and last name "Hancock" clearly legible.

Brian J. Hancock
Director, Testing and Certification

cc: Carolyn Coggins, iBeta Quality Assurance
Brad Bryant, President, National Association of State Election Directors (NASSED)