

Public Meeting of the Election Assistance Commission February 2, 2006

Thank you for your kind invitation to speak with you today. It is an honor to be here. My name is Sandy Steinbach. I am here in my capacity as the Chairperson of the NASED Voting Systems Board. Tom Wilkey was our Chairperson until he accepted the position as the Executive Director of the EAC. In my day job I am the Director of Elections for the State of Iowa, a job I have held for the past 20 years.

It has been a long journey to get where we are today. I am honored to be here with you, the Members of the Election Assistance Commission, discussing the process for an agency of the US government to take charge of the certification and testing of voting equipment. This is an important duty and your help is sorely needed.

As long as there have been elections, there have been concerns about the integrity of the process. This did not change when computers came into use to make vote-counting faster and more accurate. The process for achieving a federally supported and funded voting system testing program has been anything but fast.

Over thirty years ago, in 1975, Roy Saltman of the National Bureau of Standards issued a report to the Clearinghouse on Election Administration at the Office of Federal Elections. (Those two agencies are the bureaucratic ancestors of the Election Assistance Commission (EAC) and the National Institute of Standards and Technology (NIST)). His report, "Effective Use of Computing Technology in Vote-Tallying" raised many issues that are still of concern.

Saltman reported that "increasing computerization of election-related functions may result in the loss of effective control over these functions by responsible authorities and that this loss of control may increase the possibility of vote fraud." [page 1] Saltman's conclusion was that a basic cause of computer-related election problems was the lack of appropriate technical skills at the state and local level to develop or implement sophisticated Standards against which voting system hardware and software could be tested. That is still true now.

Nine years later, in 1984, Congress appropriated money for the development of the first Federal Election Commission Voting Systems Standards. The Standards were published in 1990. The FEC issued a separate document explaining the need for a national testing program, but the government did not authorize or fund a certification and testing program until the adoption of the Help America Vote Act in 2002.

When the initial Standards were issued, there was no provision for the accreditation of test laboratories or for any authoritative way to verify that a voting system claiming to comply with the standards actually did. To fill this void the NASED Voting System test authority accreditation program began in 1992. The mission of the program was (and still is) to assure that any laboratories

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performing qualification tests on voting systems had the ability to do the necessary testing. Working with technical advisor, Bob Naegele, NASED developed and published the *NASED Program Handbook: Accreditation of Independent Testing Authorities for Voting System Qualification Testing*. The Handbook describes the accreditation process and the requirements for laboratories to achieve it. Then the Board recruited and accredited ITAs to do the testing. This was not a simple or fast process. Over the next six years seven vendors submitted a dozen voting systems to this process.

In February of 1997 NASED president Christopher Thomas and Voting Systems Board Chairman Wilkey asked the FEC to update the now dated VSS. Five years later, after another long and painful process the FEC issued the 2002 Voting Systems Standards. Since then, the NASED board has issued two Technical Guides to clarify issues in the published Standards and we are working on a third one to deal with the growing complexities of having both a "software ITA" and "a hardware ITA" responsible for testing a single system.

NASED Voting Systems Board also has an appeals policy. This describes the process for resolving disputes between vendor and ITA.

You have specifically asked me to address what NASED did in response to the issuance of the 2002 Voting Systems Standards. The testing program was already under way. Volume II of the 2002 Standards provides guidance to the ITAs for testing and report preparation. The largest part of the process continued as it had before. At first, testing simply continued against the 1990 Standards. Gradually, as vendors had systems, or parts of systems ready, the ITAs began to test against the 2002 VSS. It was two full years before a voting system came through the process fully qualified under the 2002 VSS.

On a policy level, NASED adopted a formal testing policy to define the time period for continuing to test under the old standards. The policy was adopted in February 2003 and established the schedule for continuation of testing under the 1990 Voting System Standards and a deadline after which no additional 1990s testing would be done in the NASED program.

In 2005 NASED issued an addendum to this policy permitting testing of components under the 2002 VSS to permit their use with 1990-qualified voting systems. This was allowed if the addition of the 2002 component did not require any changes in the older system. The intention of this change was to allow accessible components to be added to 1990 systems to meet HAVA requirements.

The NASED voting system testing program has no budget. The ITAs are paid for the work they do by the vendors, but the committee members and especially the technical committee work on a volunteer basis. Collectively members of our

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committee and our technical advisors have donated thousands of hours to provide meaningful testing of voting equipment.

Those who participate do so because we know it is essential to the election process. Some of us have day jobs that usually fund our travel and give us time from our other duties to work on this. At one time or another, all of us have spent our own money to attend meetings.

The technical committee consists of three consultants who perform their services without any compensation. Brit Williams, Paul Craft and Steve Freeman are my heroes. These three men are the heart and soul of the voting system testing program and they do this work for free. None of them has a salaried position. They work as consultants and their time is valuable. Brit Williams, Paul Craft and Steve Freeman do the lion's share of the work and make a big sacrifice to do it.

The Help America Vote Act requires the Election Assistance Commission to "provide for the testing, certification, decertification and recertification of voting system hardware and software by accredited laboratories." Those of us in NASED understand what an awesome responsibility that is. We have been doing this program with no official legal duty and no money since 1992.

The Commission's Fiscal Year 2004 Annual Report, issued one year ago, states that in April 2005 NIST would assume the responsibilities for test lab certification. At this time, however, NASED continues to provide oversight of the existing testing labs. The 2004 annual report also anticipates that the full transition of the voting system qualification process from NASED to the EAC would be complete in FY 2005. (See pages 27 and 28.) We aren't there yet.

Anyone watching the progress of voting system testing knows that the federal government has been slow to take on the responsibility. The time between significant events is measured in years. The prolonged time for the current transition has left us quite uncomfortable. The program needs improvements, but we are uncertain whether it is beneficial to expend the effort to make them when our tenure is short. However, the end of the transition process is a frequently adjusted target and, so far it never gets closer.

This is a huge responsibility. NASED started the program to accredit and oversee independent test authorities 14 years ago, because no one else would. The responsibility weighs heavier on us now, knowing that the EAC has the duty, the authority and a budget to do it. But we are still running this program on a shoestring. We hope that you will be able to relieve us of this immense burden -- very soon.