U.S. Election Assistance Commission

Voting System Testing and Certification Program

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Notice of Clarification

NOC 17-01: New System Designation
Issued by Program Director, July 18, 2017

Section of Certification Manual to Be Clarified:

Testing & Certification Program (Cert) Manual, Version 2.0

3.3.1. <u>New System Certification</u>. For purposes of this Manual, new systems are defined as voting systems that have not been previously tested to applicable Federal standards. New voting systems must be fully tested and submitted to the EAC according to the requirements of Chapter 4 of this Manual.

4.1. **New system**. A new system is a voting system not previously certified by the EAC. The application package must contain an application form, Summative Usability Testing Report and the Test Readiness Review.

Purpose:

The Voluntary Voting System Guidelines version 1.1 states:

The *Voluntary Voting System Guidelines Version 1.1* will take effect after their final adoption by the EAC. At that time, there will be a transition period to move from the *2005 VVSG* to *VVSG 1.1*. At a date to be determined by EAC Commissioners, EAC will fully transition to *VVSG 1.1* and manufacturers will no longer be able to test to the *2005 VVSG* for a full system certification.

On January 6, 2016, the Commissioners unanimously voted to adopt full implementation of the VVSG 1.1, with a transition date of 18 months from January 6th, with no new systems being tested to the 2005 VVSG after that date. In preparation for this transition, staff created a list of new system criteria, which became the subject of significant ongoing discussion with the Manufacturers and VSTLs. On May 16, 2016, a list of criteria was sent to the Manufacturers in an email entitled "EAC Guidance on when a voting system must be submitted for certification as a 'new' system." That email communicated the following proposed criteria for consideration:

"Criteria for determining a NEW system include, **but are not limited to**:
- *Addition of 1 or more new voter facing vote capture & tabulation components.*
- *Any single instance resulting in greater than 20% new functional source code*

change.
- *Any substantive new functionality added to the system that is determined to introduce significant new vulnerabilities and dependencies into the system.*
- *At the written request of one or more States made to the Program Director."*

On Friday, March 31, 2017, a group of eight of the Registered Manufacturers sent a joint letter to the EAC outlining several items of concern. One of the concerns raised was the EAC's criteria for designating a "new system".

As a result of significant discussion and feedback from the manufacturers and the VSTLs regarding the proposed new criteria, the EAC staff now offers the following clarification for the *Testing and Certification Manual version 2.0* Sections 3.3.1 and 4.1 regarding the definition of a "new system".

Clarification:

 The EAC has determined that the most efficient way to determine the criteria for a "new" system is to let manufacturers use their current criteria for configuration management to establish when a system is "new." Pursuant to the Manual, sections 2.3.1.4 and 2.3.1.5, the manufacturer shall have written policies regarding its quality assurance system and its internal procedures for controlling and managing changes to, and versions of, it's voting systems. Such polices shall be consistent with this Manual and guidance provided in the VVSG. Further, pursuant to section 2.5.2 of the Manual, Registered Manufacturers are required to keep all registration information up to date. Manufacturers must submit a revised application form to the EAC within 30 days of any changes to the information required on the application form.

As part of the application review for any system being submitted, the EAC will utilize these already required policies and procedures to validate whether the voting system being submitted meets the Manufacturers criteria for a new system or a modification to an already certified system, respectively. Additionally, each system is already held to similar standards in Section 9.1.1 of VVSG 1.0 which it states:

> *Configuration management addresses a broad set of record keeping, auditing, and reporting activities that contribute to full knowledge and control of a system and its components. These activities include:*
> - *Identifying discrete system components*
> - ***Creating records of a formal baseline and later versions of components***
> - ***Controlling changes made to the system and its components***
> - ***Releasing new versions of the system (Emphasis added)***
> - *Auditing the system, including its documentation, against configuration management records*
> - *Controlling interfaces to other systems*
> - *Identifying tools used to build and maintain the system*

As part of the ongoing validation and verification that the Manufacturers are following the policies and procedures provided along with its registration as a Registered Manufacturer, the EAC will conduct regularly scheduled audits on each of the manufacturers. Failure to follow these policies and procedures may lead to suspension of

registration as noted in Section 2.6 of the Manual.

Conclusion:

As of the date of this Clarification, the EAC will use each manufacturer's quality assurance system and its internal procedures for controlling changes to, and versions of, it's voting systems when determining when a voting system is a "new" system.