



U. S. ELECTION ASSISTANCE COMMISSION
VOTING SYSTEM TESTING AND CERTIFICATION PROGRAM
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Notice of Clarification

NOC 11-01: Clarification of De Minimis Change Determination Requirements Related to Data

Issue by Program Director, 6/29/11

Section of Manual to Be Clarified:

De Minimis Changes. AS outlined in Section 3.5 of the EAC *Testing and Certification Program Manual (Manual)* a de minimis change is a change to voting system hardware that is so minor in nature and effect that it requires no additional testing. Such changes, however, require VSTL review and endorsement as well as EAC approval. Any proposed change not accepted as a de minimis change is a modification and shall be submitted for testing and review consistent with the requirements of the *Manual*. An approved de minimis change is not a modification.

3.5.1. De Minimis Change—Defined. A de minimis change is a change to a certified voting system's hardware, the nature of which will not materially alter the system's reliability, functionality, capability, or operation. Software and firmware modifications are not de minimis changes. In order for a hardware change to qualify as a de minimis change, it must not only maintain, unaltered, the reliability, functionality, capability and operability of a system, it shall also ensure that when hardware is replaced, the original hardware and the replacement hardware are electronically and mechanically interchangeable and have identical functionality and tolerances. Under no circumstance shall a change be considered a de minimis change if it has reasonable and identifiable potential to impact the system's operation and compliance with applicable voting system standards.

Purpose:

This notice of clarification is intended to identify items that are potentially eligible for being declared as a de minimis change under the above referenced sections. Specific questions have arisen related to data; specifically, whether data should be considered in a similar manner as software and if not, then whether or not data changes would be potentially eligible for being declared as de minimis.

Clarification:

The EAC's *Manual* does not allow changes to a voting system's software to be considered de minimis. The definition makes clear that software or firmware modifications are not eligible to be considered as a de minimis change. However, the *Manual* does not address changes to a voting system's data and whether or not such changes would be considered as software changes.

Data, for the purpose of the EAC's Testing & Certification Program, is defined as:
Information used by a voting system to determine the flow and/or output of a process, program or system.

Changes to certain types of data, or portions of data, can result in major configuration and operational changes to a voting system. However, some data changes may have no impact on the actual performance of the system.

Because data changes are not addressed in section 3.5 of the *Manual*, it is necessary to clarify whether or not data changes can be considered de minimis. In order for a data change to be found de minimis, the change must not materially alter the system's reliability, functionality, capability, or operation.

Under no circumstance shall a change to the system's data be considered de minimis if it has a reasonable and identifiable potential to impact the system's performance and compliance with applicable voting system standards. If a voting system manufacturer feels that the data change meets the criteria to be considered de minimis, then the procedure outlined in section 3.5.2 of the *Manual* must be followed, which includes an independent determination by a VSTL as to whether or not the data change meets the definition of de minimis, and a final determination by the EAC's Program Director regarding the proposed change.

Conclusion:

A change to a voting system's data **may** be considered de minimis provided the change meets the requirements of section 3.5 of the EAC's *Program Manual* and this clarification.