



**UNITED STATES ELECTION
ASSISTANCE COMMISSION**

TESTIMONY
OF
DONETTA DAVIDSON, COMMISSIONER
U.S. ELECTION ASSISTANCE COMMISSION

BEFORE THE

HOUSE COMMITTEE ON ADMINISTRATION,
Subcommittee on Elections

THURSDAY, MARCH 17, 2011



**U.S. Election Assistance Commission
Testimony before the U.S. House Committee on Administration
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Good morning Chairman Harper, Ranking Member Brady, and Members of the Subcommittee. I am pleased to be here on behalf of the U.S. Election Assistance Commission (EAC) to discuss the Commission's activities and my initiatives as Commissioner.

I joined the United States Election Assistance Commission (EAC) in August of 2005 after serving as Colorado's Secretary of State. I was reappointed to the Commission in 2008, and I am currently serving the last year of my term. I began my career in election administration when I was elected in 1978 as the Bent County clerk and recorder in Las Animas, Colorado, a position I held until 1986.

Since my arrival at the EAC, I have been very involved in the work of our Voting System Testing and Certification division, and I serve as the designated officer to the Technical Guidelines Development Committee (TGDC). The Help America Vote Act (HAVA) mandates that the TGDC help EAC develop voluntary voting system guidelines (VVSG). The VVSG set the standards against which voting systems are tested. The director of the National Institute of Standards and Technology (NIST) serves as the chair of the TGDC and provides technical support to the Committee. In addition, NIST and the EAC jointly choose four members with specific technical expertise of the TGDC. The EAC uses the work product of the TGDC as the basis for all voluntary voting systems guidelines promulgated by the Commission as prescribed by HAVA.

Additionally, HAVA specifies that NIST provide recommendations to EAC regarding voting system test laboratories. Since Fiscal Year (FY) 2004, EAC's annual appropriations have included funds for NIST support.

Today I will focus on my activities as the EAC's most recent chair, as well as provide an overview of the Voting System Testing and Certification program.

2010 ACTIVITIES

During 2010 I served as chair of the EAC, and my top priority was to make sure the Commission was prepared to provide resources to both voters and election officials during this federal election year.

The 2010 federal election year included many new election administration initiatives. Ten years ago, early voting was rare. Absentee ballot tracking, vote centers and ballot on demand were unheard of in most jurisdictions. Live webcasts of the vote tabulation process were not available. In 2010, we saw many of these innovations become commonplace.

HAVA was a catalyst for many of these innovations. For instance, the HAVA-mandated move to statewide voter registration databases facilitated the migration from paper poll



books to digital poll books, which makes the voter check-in process faster and more accurate. We have observed poll workers using the poll books and commenting about how much easier the voter check-in process has become.

Jurisdictions were also electronically transmitting registration materials and blank ballots to military and overseas voters to help ensure they receive their ballots on time and to comply with the Military and Overseas Voter Empowerment (MOVE) Act, which Congress passed in 2009.

I chaired nine public meetings in 2010, and the topics included the Maintenance of Expenditure policy, which was adopted; the Uniformed and Overseas Citizen Absentee Voting Act (UOCAVA) Pilot Program; the Quality Monitoring Program and the successful partnership with Cuyahoga County, Ohio; and voter preparation and information using modern communication tools like social media. In December of 2010, we held a public meeting which included a review of the election, and a roundtable discussion featuring election officials, and representatives from voting system manufacturers and test laboratories. These meetings were planned to showcase topics and innovations that would be useful to both election officials and voters.

VOTING SYSTEM TESTING & CERTIFICATION PROGRAM

EAC Strategic Plan Fiscal Years 2009 Through 2014, Goal 4: Build public confidence in elections by testing and certifying voting systems to improve system security, operation and accessibility.

The anticipated outcome of the goal is that voting equipment operates more reliably and securely and provides greater accessibility to the disabled. States, the District of Columbia and territories use EAC’s testing and certification program to ensure voting systems meet their respective standards and statutory requirements.

FY 2010 Enacted	FY 2011 CR	FY 2012 Request
\$1,861,008	\$1,704,685	\$1,307,493

Goal 4 consists of three strategic objectives:

- 1) develop and update the voluntary voting system guidelines (VVSG);



- 2) provide for the accreditation and revocation of accreditation of independent, non-Federal laboratories qualified to test voting systems to Federal standards; and
- 3) administer the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories.

The Voting System Testing and Certification Program

Under HAVA, EAC is responsible for assisting states with improvements to voting systems by providing a voluntary federal certification program. The Voting System Testing and Certification Program also provides the public with the opportunity to review every aspect of the certification process, such as voting equipment system information, test plans and reports, and reports on voting system anomalies in the field.

EAC accredits voting system test labs which, using the VVSG, evaluate voting systems, devices, and software to determine if they provide the functionality, accessibility, and security capabilities needed for reliable election results. The test labs provide recommendations to EAC, and the Commission's executive director determines whether to issue a certification.

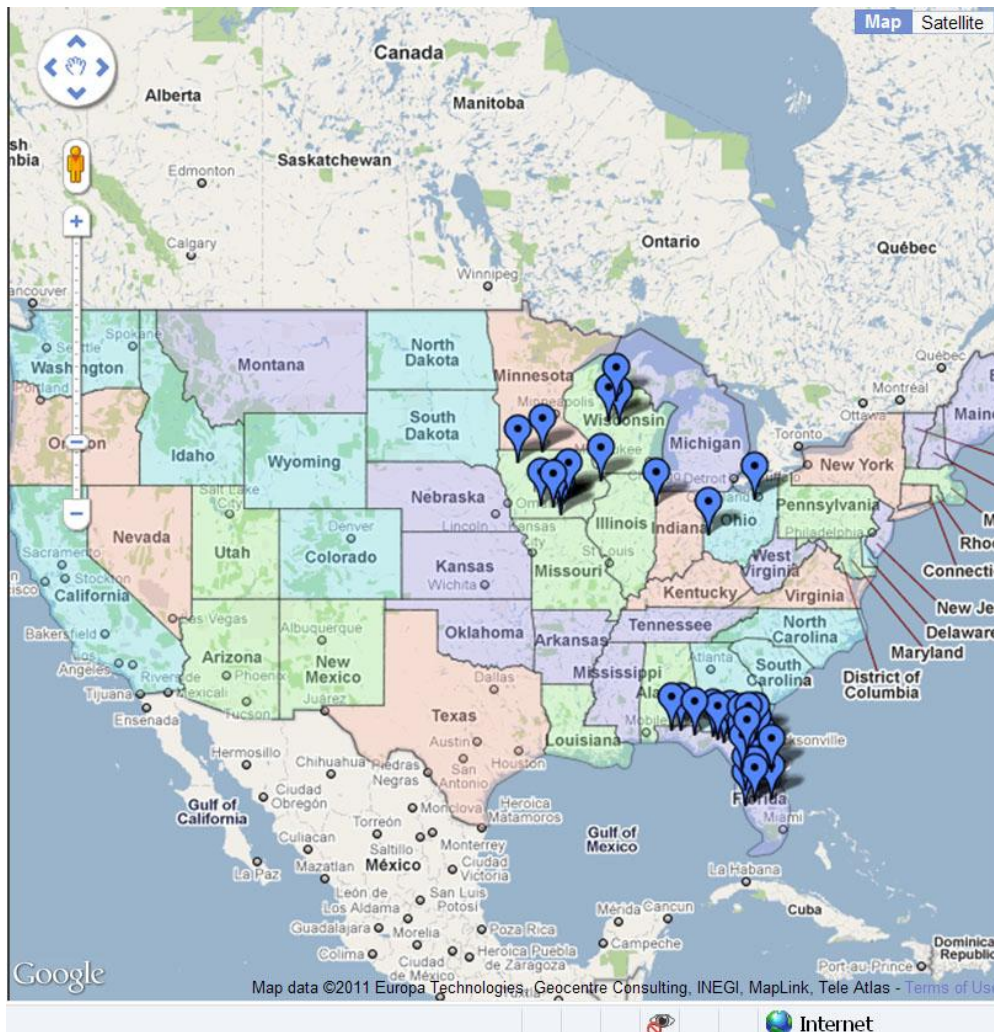
Participation by the states in EAC's Voting System Testing and Certification Program is voluntary. States use varying approaches for both the type of testing required and the language used to require testing. The following four categories illustrate the diverse approaches, including the degree states have mandated the use of EAC's Testing and Certification Program.

- Thirteen states require federal certification. Relevant state statutes and/or rules require that voting systems be certified by a federal agency.
- Nine states require testing to federal voting system standards. Thirteen states require testing by a laboratory accredited to federal standards.
- Twenty states do not have federal certification requirements. Relevant state statutes and/or regulations do not mention any Federal agency, certification program, laboratory, or standard.

These varying requirements of States, the District of Columbia, and territories as well as the location of EAC-certified systems, are available via an interactive map on www.eac.gov.



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Comprehensive procedures for the Program are detailed in EAC’s Voting System Testing and Certification Program Manual. The program supports local elections officials in the areas of acceptance testing and pre-election systems. It also increases quality control in voting system manufacturing by means of periodic manufacturing facility audits of EAC-registered manufacturers, and provides clear procedures to manufacturers for the testing and certification of voting systems to specified Federal standards consistent with the requirements of HAVA.

In addition to its certification duties, the division works in a cooperative and coordinated manner with the National Institute of Standards and Technology (NIST) to evaluate and accredit voting system test laboratories (VSTLs). A condition for accreditation requires all VSTLs to possess a valid accreditation from NIST’s National Voluntary Laboratory Accreditation Program (NVLAP). NVLAP accreditation is the primary means by which EAC ensures that each VSTL meets and continues to meet the technical requirements of



the EAC program. It sets the standards for each VSTL's technical, physical and personnel resources, as well as its testing, management, and quality assurance policies and protocols. EAC received the first two recommendations to accredit laboratories from NVLAP in January 2007. After NIST provides its list of recommended laboratories, EAC sends a letter to the laboratories inviting them to apply for EAC accreditation under the VSTL program. Procedural requirements for the VSTL Program are detailed in EAC's Voting System Test Laboratory Manual. Currently, six voting systems are certified, as are two laboratories. Laboratories apply for EAC accreditation by invitation from the Commission. A letter of invitation from EAC identifies the scope of accreditation for which the laboratory may apply. After a thorough review of the laboratory application, the Commissioners vote on whether to accredit each potential VSTL. EAC monitors VSTLs through a comprehensive compliance management program.

The Compliance Management Program

Program staff gather information on the procedures and practices of its VSTLs. There are three main sources of information:

- 1) VSTL Notifications of Changes;
- 2) EAC Requests for Documents or Information; and
- 3) EAC On-Site Reviews.

The information collected is reviewed by EAC to ensure that VSTLs meet all program requirements.

EAC staff has continued to improve the certification process by answering technical questions from election officials and manufacturers, helping VSTLs understand how to test specialized systems, reviewing test plans, tracking anomalies, and keeping the technical review and approval process moving forward.

Each VSTL is also required to provide to division staff a weekly update of the project timeline for all voting system testing engagements, and to promptly inform staff when testing discrepancies or other actions require changes to the project schedule. Staff continues to hold weekly teleconferences with the laboratories and manufacturers of all testing engagements underway and to hold kick-off meetings with the labs and manufacturers to give EAC staff and technical reviewers an opportunity to meet with the labs and manufacturers and ask technical questions about the systems submitted for testing.

In addition to voting system certification and laboratory accreditation, EAC along with its Standards Board, Board of Advisors, and Technical Guidelines Development Committee (TGDC) (chaired by the director of NIST and comprised of 14 other members) work together to update and implement voluntary testing guidelines for voting systems. Efforts continue into research and development of improved guidelines for the next iteration VVSG document. Issues in the VVSG include:



- Software Independence
- Common Data Format
- Accessibility
- Vote-by-Phone systems
- EPollBook
- Open Ended Vulnerability Testing

The Voting System Testing and Certification (T&C) Division

T&C consists of six full-time staff and five part-time technical experts. To save contractual overhead costs, EAC converted two contractor staff at a cost of \$350,000 per year to two half-time technical reviewer staff, taking advantage of the Part-Time Annuitants Act authority at a cost of \$220,500 in late FY 2010. Further, by the end of FY 2011, EAC plans on decreasing staff by one of the part-time reviewers.

The division’s FY 2012 budget request includes \$201,700 for travel, \$15,000 for the purchase of voting systems for in-house use, \$3,500 for supplies, \$1,800 for printing, and \$1,500 for training.

Transfer to NIST

In 2012, EAC plans on transferring \$3,250,000 to NIST and entering into an interagency agreement for the activities specifically required under HAVA Sections 221 *Technical Guidelines Development Committee* (TGDC), 231 *Certification and Testing of Voting Systems*, and 245 *Study and Report on Electronic Voting and the Electoral Process*. EAC and NIST continue to work on the development of testable guidelines for remote electronic voting systems to assist voters covered under the Uniformed and Overseas Citizens Absentee Voting Act and the National Defense Authorization Act for Fiscal Year 2010.

EAC Voting System Testing & Certification Program
Voting Systems Status Report of Certified Voting Systems; Voting Systems Currently Under Testing

Active Systems							
<u>Manufacturer</u>	<u>Voting System (Name/Version)</u>	<u>Testing Standard</u>	<u>VSTL</u>	<u>Testing Application</u>	<u>Test Plans (Status/Current Version/Date)</u>	<u>Test Reports (Status/Current Version/Date)</u>	<u>Certification Status</u>
Dominion	Sequoia WinEDS 4.0	2002 VSS	SLI Global	08/09/2007	Approved Ver. 3.0 04/17/2009	Draft Ver. 2.0 11/30/2010	Currently under testing
Dominion	Democracy Suite 4.0	2005 VVSG	Wyle	04/19/2010	n/a	n/a	Currently under testing - Certification



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ES&S	Unity 3.2.1.0 Previously Unity 3.0.1.0 & Unity 3.0.1.1 w. ATS 1.3	2002 VSS	Wyle	06/12/2007 REVISED 08/17/2009	Approved Rev. B 02/28/2011	Draft Rev. A 02/28/11	Currently under testing
ES&S	Unity 5.0.0.0	2005 VVSG	Wyle	02/18/2010	Draft Rev 1.0 12/21/10	n/a	Currently under testing - Certification Testing Timeline 02/28/11
Certified Systems							
Manufacturer	Voting System (Name/Version)	Testing Standard	VSTL	Testing Application	Test Plans (Status/Current Version/Date)	Test Reports (Status/Current Version/Date)	Certification Status
MicroVote	EMS Ver. 4.0	2005 VVSG	iBeta	07/17/2007	Final Ver. 3.0 updated version 4.0 submitted with Test Report V.4.0 12/19/2008	Final Ver. 5.0 03/02/2009	Certified Voting System Final Decision 02/06/2009 Certificate of Conformance Initial Decision on Certification made on 12/31/2008
ES&S	Unity 3.2.0.0 Rev 1 (Modification)	2005 VVSG & 2002 VSS	iBeta	06/22/2010	Final Ver. 4.0 09/23/2010	Final Ver. 4.0 10/12/2010	Certified Voting System Final Decision 08/24/2010 Certificate of Conformance Initial Decision on Certification made on 07/22/2010
ES&S	Unity 3.2.0.0	2002 VSS	iBeta	03/19/2007	Final Ver. 2.0 (iBeta) 04/03/2009	Final Ver. 4.0 07/22/2009	Certified Voting System Final Decision 07/21/2009 Certificate of Conformance Initial Decision on Certification made on 07/20/2009
ES&S/ Dominion (Premier)	Assure 1.2	2002 VSS	iBeta	04/05/2007	Final Ver. 2.0 (iBeta) 04/06/2009	Final Ver. 3.0 08/06/2009	Certified Voting System Final Decision 08/06/2009 Certificate of Conformance Initial Decision on Certification made on 08/03/2009



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Unisyn	OpenElect 1.0	2005 VVSG	Wyle	06/03/2008	Final Rev. B 07/23/2009	Final Rev. B 01/14/2010	Certified Voting System Final Decision 01/13/2010 Certificate of Conformance Initial Decision on Certification made on 01/12/2010
MicroVote	EMS Ver. 4.0B (Modification)	2005 VVSG	Wyle	6/23/2009	Final Modification 09/08/2009	Final Rev. C 06/21/2010	Certified Voting System Final Decision 08/17/2010 Certificate of Conformance Initial Decision on Certification made on 08/12/2010

CONCLUSION

EAC's Voting System Testing and Certification program provides value to election officials, regardless of whether their jurisdiction requires EAC certification. The baseline information provided by EAC about these voting systems allows states to limit their testing to state specific issues. If a state chooses to only partially participate in EAC's certification program, the information has the potential to save the state millions of dollars and six to twelve months of testing time.

I have watched the evolution of this program since my arrival at the EAC in 2005. At that time, no voting systems had been certified by the federal government. Today, four voting systems are certified and we are working with jurisdictions throughout the nation, sharing information and collaborating on how to make voting systems operate more efficiently. Voting system manufacturers are held accountable through EAC's Quality Monitoring Program and the transparent process which includes posting on EAC.gov all test reports and plans so the public can review the process and the results. We issue system advisories, announcements of investigations and publicly display the location of all EAC-certified systems in the field. I believe the new level of accountability and transparency EAC has brought to the process of certifying voting systems will ultimately lead to an increase in voter confidence.



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EAC staff has taken action to streamline the entire testing and certification process, including in-person kick-off meetings, weekly conference calls with all parties and daily communication with the test labs and the manufacturers. The Commission has taken strong steps to increase efficiency without sacrificing the program's high standards.

EAC has tasked NIST to create uniform test suites for the labs to use. These suites will help to ensure better consistency and efficiency in testing, ultimately saving time and money.

As a former election official, I know that the information provided by EAC and the expertise and support offered by the Voting System Testing and Certification program team is very valuable to the election administration community and to voters.