PILOT ELECTION REVIEW COMMITTEE
MARCH 19, 2014, 9:00AM – 12:00PM
ASPEN CONFERENCE ROOM

OVERVIEW OF VOTING SYSTEM CERTIFICATION AND TESTING

I. General Overview of Voting System Certification
- Before 2002, voting systems were assessed and qualified by National Association of State Election Directors (NASED). These voting systems were tested against:
  o 1990 Voting System Standards, adopted by Federal Election Commission (FEC)
  o 2002 Voting System Standards (2002 VSS), also adopted by FEC
- On passage of the Help America Vote Act of 2002 (HAVA), responsibility for developing voting system standards was transferred from the FEC to the Election Assistance Commission (EAC). In general, HAVA requires the EAC to:
  o Develop voluntary voting system guidelines with technical support of the National Institute of Standards and Technology (NIST)
  o Certify, decertify and recertify voting systems
  o Accredit voting system test laboratories (VSTLs), based on recommendations of National Institute of Standards and Technology (NIST)through the National Voluntary Laboratory Accreditation Program (NVLAP)
- Voting system standards iterations
  o 2002 Voting System Standards
  o 2005 Voluntary Voting System Guidelines (2005 VVSG) – formally adopted by the EAC in December 2005
  o VVSG 1.1 (sometimes referred to as "2009 VVSG")
    ▪ First proposed in summer of 2009
    ▪ Updated version was proposed in 2012
    ▪ Not yet formally adopted by EAC
- EAC governance issues
  o HAVA provides that EAC consists of four commissioners
    ▪ Nominated by the President and confirmed by the full Senate
    ▪ No more than two commissioners may belong to same political party
  o In 2010, EAC lost its quorum of commissioners, preventing performance of many of its duties, including formal adoption of VVSG 1.1
  o In December 2014, EAC regained a quorum of commissioners when the Senate confirmed Thomas Hicks, Matt Masterson and Christy McCormick

II.　General Overview of Colorado's Certification Standards
- Colorado adopted the 2002 VSS in 2004. Section 1-5-601.5, C.R.S.
  - In 2009, the same statute was amended to authorize the Secretary of State to require by rule that voting systems and equipment satisfy federal requirements promulgated after January 1, 2008, as long as they meet or exceed the 2002 VSS
- The Secretary of State is required by statute to adopt rules that establish minimum standards for electronic and electromechanical voting devices. Section 1-5-616, C.R.S.
- In addition, the Secretary of State is obligated to adapt the rules establishing standards for voting systems "to ensure that new technologies that meet the requirements for such systems are certified in a timely manner." Section 1-5-617(4), C.R.S.
- The Secretary of State's current rule concerning voting system standards is Election Rule 21
- Security protocols for voting systems that counties must follow are contained in Rule 20

III.　General Overview of Colorado's Voting System Testing and Certification Process
- Voting systems must be tested to ensure compliance with voting system requirements established by sections 1-5-615 and -616, C.R.S., and rules adopted by Secretary of State. Section 1-608.5, C.R.S.
  - Testing may be performed by a federally accredited VSTL. Currently, there are three VSTLs accredited by EAC:
    - NTS Huntsville (formerly Wyle Laboratories)
    - Pro V&V – accredited last month
    - SLI Global Solutions (formerly SysTest Labs)
  - The SOS may use or rely on testing already conducted by a VSTL or another state
  - The SOS may conduct joint testing with an agency of another state or a VSTL
- Once tested, the voting system provider may request full certification or temporary approval. Sections 1-5-617, -619, C.R.S.
- If the SOS temporarily approves use of a system:
  - Counties must obtain written authorization before using the system in any election
  - Counties may lease a temporarily approved system
  - Counties may not purchase a temporarily approved system
  - Use of temporarily approved systems is valid for all purposes
- The procedures for testing are outlined in Rule 21.2:
  - Phase I – The voting system provider submits an application and all system documentation, VSTL reports from previous testing and evaluations by other jurisdictions
  - Phase II – The SOS reviews documentation to preliminarily complete requirements matrix

- Phase III – The SOS prepares and approves the test plan in collaboration with the VSTL and the voting system provider
- Phase IV – The VSTL executes the test plan if the voting system provider agrees and makes pass/fail/not applicable notations on the requirements matrix
- Phase V – The SOS reviews the test results and determines whether the requirements are satisfied; SOS posts the certification test report on the website.
- Review Colorado requirements matrix
- Conditions of temporary use – among others, require risk-limiting audit by at least one county for each system