




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

NOC 07-001: Timely Submission of Certification Application

Issued by Program Director, July 17, 2007: 

This notice addresses inconsistencies observed by the U.S. Election Assistance Commission (EAC) in the timing of manufacturers' submissions of voting system certification applications. The EAC Voting System Testing and Certification Manual (VSTCM) does not explicitly set a deadline for the timely submission of a certification application. However, based upon the language of VSTCM Section 4.3, the EAC concludes that manufacturers must submit a voting system certification application prior to conducting any certification testing on a system.

Chapter 4 of the VSTCM outlines the procedural requirements for submitting a voting system to the EAC for certification testing and review. Section 4.3 of the Chapter addresses the application process. While this process does not explicitly identify a deadline for the submission of an application, a careful review of the section reveals the proper timing for submission. First, the language of Section 4.3 reflects the expectation that applications would initiate the certification process. The Section states that the "the first step in submitting a voting system for certification is submission of an application package." The section goes on to note that "[t]his application process initiates the certification process..." Clearly, the submission of the application is the threshold event in the testing and certification process.

Additionally, Section 4.3.1.2 notes that one of the purposes of the application process is to require the manufacturer to identify the EAC accredited Voting System Test Laboratory (VSTL) selected to perform testing. According to the Section, this selection is reported in the application in order to ensure that manufacturers do not change VSTLs during the testing engagement without the express permission of the EAC. When these two factors are considered (the threshold nature of the application process and its role in the assignment of a VSTL) we must conclude that an application is to be submitted prior to the initiation of any certification testing. This pre-testing submission requirement is the only means for the EAC to ensure that a manufacturer does not change a VSTL once testing has begun.

Therefore, the EAC finds that based upon the language of Section 4.3 of the VSTCM a manufacturer must submit a certification application prior to conducting any certification testing. Any testing occurring after the execution of a contract or agreement for certification testing between a Voting System Test Laboratory and a registered manufacturer is presumed to be certification testing.