

Response to “The Facts About Voting System Test Labs”

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The views expressed in this response are those of the authors and do not necessarily reflect the views of ACCURATE or the NSF.

We would like to clarify a few points that EAC Executive Director Thomas Wilkey raised (“The Facts About Voting Systems”¹) in response to our Jan. 22 Guest Observer column (“Unlike Ballots, EAC Shouldn’t Be Secretive”²). The primary point of our article was to convey our concern over the fact that nearly 70% of the voting machines used by registered voters in the 2006 election were tested by a lab that failed interim accreditation, for reasons that remain unexplained by the Election Assistance Commission.

Rather than stating that the EAC would be reforming its practices to prevent similar occurrences in the future by making the testing and certification process more transparent, Director Wilkey chose to take issue with our choice of words.

It matters little whether the EAC “de-accredited” (the term we used) or “de-certified” Ciber (the term Director Wilkey claims we used). What does matter are the issues of disclosure and test lab supervision by the EAC. Consider the EAC’s long-delayed disclosure. As we noted originally, the EAC failed to publicize Ciber’s de-accreditation; the New York Times publicized it. Further, this time period --- over six months --- spanned a federal election. The EAC must explain the reasons for its delay and commit to providing timely public notice if it revokes accreditations (or interim accreditations) in the future.

We are also left wondering about how this incident will affect the EAC’s future supervision of test labs. Director Wilkey notes that the EAC took over test lab accreditation from the National Association of State Election Directors (NASED) last summer. Granted, we should have been more clear about this transition in our Guest Observer piece. But this was far from a last-minute handover, as the EAC had been working with NASED on a transition since 2004. We know little about what happened during this transition, or how it led to the de-accreditation of a test lab on the eve of the 2006 elections. That is something the EAC must clarify.

Finally, Director Wilkey points out that EAC does not have the authority under HAVA to select and pay test labs, rather than allow voting system vendors to do so directly. This is a valid point, and one that Congress should act to address. The fact remains, however, that the EAC is not using the authority it does have to enforce test lab independence, as it might do by limiting communications between vendors and test labs.

The bottom line is that the EAC must clarify what happened in this instance, and must take steps to prevent similar occurrences. The way to do this is to make the testing and certification process more transparent. We have suggested ways to accomplish this goal here, in our Guest Observer column, and in ACCURATE’s comments on the Testing and

¹ See: http://www.rollcall.com/issues/52_69/guest/16711-1.html

² See: http://www.rollcall.com/issues/52_66/guest/16640-1.html

Certification Program Manual³; and we will continue to offer constructive suggestions in the future.

³ See: http://accurate-voting.org/wp-content/uploads/2006/10/ACCURATE_VSTCP_comment.pdf