

**NASS Voting Equipment and State Testing Procedures Survey of States**  
**11/09/05**

- 1. Does your state require a voting system to receive a favorable report from a federal Independent Testing Authority (ITA) before such system can be purchased and used in your state?**

| <b>Yes</b>   | <b>No</b>  | <b>n/a</b> |
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| AK, AL, CO, GA, IA, ID, IN, KY, LA, MD, MI, MN, NC, ND, NM, OR, SD, UT, VA, WA, WI, WV, WY (not law, but SOS does) | MS (except for ITA done by direction of MS SOS for purchase of statewide system), NH |            |

- 2. Does your state pursuant to state law require a voting system to be examined by the Secretary of State before such system can be purchased and used in your state? If yes, are there statutory standards or requirements that each voting system must meet during that examination?**

| <b>Yes</b>  | <b>No</b>   | <b>If yes, are there statutory requirements....</b>   |
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| AL (by Electronic Voting Commission and SOS is a member) CO, GA, IA, ID, KY (State Board, SOS is Chair), LA, MD (State Board and local boards), MI (Board of State Canvassers, not SOS, but SOS staff does testing), MN, NC, ND, OR, NM (panel that includes SOS), SD (State Board of Elections), VA (State Board of Elections), WA, WI (State Elections Board), WV | AK, IN, MS, NH (but practically they do and accessible equip for all polling places purchased by SOS), UT, WY | AL – only electronic voting systems certified by the committee may be used by the counties<br>AK – state statutory requirements VVPAT<br>CO-Sec.1-5-611 thru 1-5-621 CO Revised Statutes and SOS Rules 11,34, 35, and 45. Additional info on website.<br>GA - yes<br>IA-(2002 VVSG are state requirements)<br>ID-(no state requirements, only certification from EAC)<br>KY – Yes, state statute KRS 11.379.<br>LA – requires any type or make of voting machine or absentee counting equipment that is used in LA to be certified by the |

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|  |  | <p>SOS as meeting the standards acceptable to him as to durability, accuracy, efficiency and capacity.</p> <p>MD - yes</p> <p>MI – no response to this portion</p> <p>MN - yes</p> <p>NC – in addition to code review and testing for 2002 federal qualification, the certification procedure tests for compliance with statutory requirements including VVPAT, straight party option, retrievability of absentee ballots, and in-precinct reporting of absentees.</p> <p>ND – pertinent sections of the ND Century Sec. 16.1-0101, 16.1-06-10.1, 16.1-06-11, 16.1-06-26 and Administrative Codes 72-06-01-01, 72-06-01-02</p> <p>NH, said no but precinct tabulators must be able to count a paper ballot and accessible equip must produce a paper ballot.</p> <p>NM – yes</p> <p>OR – Oregon Revised Statutes 246.550 and 246.560</p> <p>SD – yes</p> <p>WA – Yes, Statutory standards are minimal and can be found in RCW 20A.12</p> <p>WI, 5.91, Wisconsin Statutes</p> <p>WV- 2 computer system experts of opposite political parties evaluate each machine and a report is submitted based on their findings.</p> |
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**3. Does your state require both the examination and a favorable ITA report or is one of them sufficient to use a voting system? If the latter, which one is sufficient?**

| <b>Yes, both</b>   | <b>Neither</b> | <b>Only One/Which One</b>  |
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| AL (currently law doesn't require it, but their electronic voting commission does) CO (are some temporary use conditions) GA, IA, ID, IN, KY, LA, MD, MI, MN, NC, ND, NM, OR, SD, VA, WA, WI, WV | MS             | AK (certified by EAC and meet state statutes)<br>NH Ballot Law Commission conducts an exam with assistance from SOS. A favorable ITA is useful.<br>UT, Favorable ITA report<br>WY – any system purchased and used for 2006 must meet 2002 VVSG |

**4. How does your state test a voting system for HAVA compliance?**

| <b>State</b> | <b>Testing Method</b>  |
|--------------|--|
| AK           | In the process of developing new regulations regarding testing and security of our new HAVA-compliant DREs. We do no testing for HAVA compliance. Rely on the federal certification and testing process.   |
| AL           | AL law does not require testing voting systems for HAVA compliance. The SOS has provided guidance on voting system HAVA compliance to the counties in the form of an EAC advisory. The SOS has informed counties that any vendor from which a voting system is purchased must certify that the system is HAVA compliant for reimbursement  |
| CO           | Thru our requirements for certification we have outlined a 4-phase process of review, evaluate, demonstrate and test voting systems. We have made available to the public the specific tests, qualification reports and certification documents as they apply to specific systems. We have selected an internal team of elections specific specialists and technical specialists who perform the review and tests of the system. We also allow an opportunity for the public to attend the demonstration portion of our evaluation and submit comments and questions to the review team. |
| GA           | We validate that a voting system submitted for use in GA is identical to the system tested and certified for use by the ITA's. GA then conducts functional tests (tests to confirm the system works as expected, and to confirm the system executes elections following GA election code requirements) and stress tests (tests to confirm the system can handle the volume of votes and variety of elections required in GA.   |
| IA           | Board of Voting Machine Reviewers meets and conducts an election on the system. Also, reviews all software and sees a presentation on what to buy or lease.  |
| ID           | Examined during the demonstration phase of the state certification process   |

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| IN | The SOS and Elections Division determine at the time of reimbursement what equipment is “accessible” Currently the latest versions of certified DRE systems and the Automark are considered certified accessible equipment meeting HAVA compliance. Optical scan systems, accompanied by at least one of these accessible machines meet HAVA requirements.   |
| KY | Do not have a test for specific HAVA compliance at this time.  |
| LA | SOS issues standards that a voting system must meet prior to be certified for use in LA. A certification committee evaluates each voting system for compliance with the voting system standards prior to the issuance of the certification by the SOS. The state received documentation and specs from each voting system vendor that responded to LA RFP setting forth in specific detail how each voting system met the requirements of HAVA. In addition, technical experts with the LA DOS verified each vendor’s compliance with the requirements of HAVA.  |
| MD | The state’s acceptance test includes HAVA Title III requirements   |
| MI | By requiring the system to be programmed for a Michigan Primary and a Michigan General. Tests are then run to demonstrate HAVA Sec. 301 compliance. Reliance on ITA is also necessary.   |
| MN | In accordance with MN. Stat.Sec. 206.57, examination of new voting systems, and MN Rules Chapter 8820, voting system testing   |
| MS | HAVA compliance is the responsibility of each county. However, the Secretary of State entered into a contract with Diebold Election Systems to provide a uniform, HAVA compliant, touchscreen voting system for all counties that chose to participate in this plan. This ensures HAVA compliance for those counties. If a county chooses not to participate, they assume responsibility for HAVA compliance by state law.   |
| NC | Testing each voting system for compliance with the requirements of HAVA Sec. 301 is part of our certification process. This includes functional evaluation of the audio capabilities, alternative means of selection and input (other than touch screen) and overvote prevention and/or alerts.  |
| ND | Verifies a voting system’s HAVA compliance against the specs set forth in Sec. 301A of HAVA  |
| NH | 1. A vendor must have a town or city to sponsor it before the Ballot Law Commission or the Secretary of State. 2. The vendor must respond to an extensive questionnaire, requiring disclosure in HAVA-related, security and user-related areas. 3. In the case of vendors of accessible voting machines, they must respond to an RFP. 4. Vendor must provide full ITA lab report if available. 5. Potential users, including state and local election officials, and persons with a wide range of disabilities use, rate and discuss the system in a series of meetings. 6. Secretary of State or other officials run test deck through system before the Ballot Law Commission. 7. Attorney General reviews the system carefully for HAVA compliance. |
| NM | Uses ITA reports and also uses the report based on the New Mexico’s Disability Committee’s report after their examination of the voting system.  |
| OR | Will require any DRE used in any OR county will have the capability to produce a paper trail record of the votes and   |

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|    | follows Oregon revised statute 246.560  |
| SD | No response   |
| UT | By reviewing ITA and NASED reports  |
| VA | Voting systems are determined to be HAVA compliant by national ITA tests to meet EAC 2002 standards.  |
| WA | Our testing and certification staff test to the specific guidelines issued by the EAC, i.e. changeable font size, volume control and default in the case of DREs. Our own statutory guidelines are used for voting systems in general.  |
| WI | The vendor must demonstrate all accessibility equipment during the testing process. Part of the testing process includes an evaluation by the state Elections Administration Council, which includes representatives from the disability community and from advocacy organizations. These individuals review and evaluate all voting systems. |
| WV | HAVA requirements are codified in WV law and are a part of the requirements each machine must meet before receiving certification   |
| WY | Only using HAVA compliant equipment if 2006. The equipment will all be tested by vendor and clerk upon delivery to the county.  |

**5. Are decisions to purchase a voting system, i.e., the type of system to be purchased and the payment for voting systems, made by each county or by the state?**

| <b>By State</b>  | <b>By County (states certify certain vendors and county decides from those)</b> | <b>Slight variation of By County</b>   |
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| AK<br>GA<br>LA<br>UT (state has chosen and negotiated with each county to implement a statewide solution and state will be purchasing after lengthy RFP process)<br>ND (state purchased same system for every polling place) | AL, CO, IA, NC, OR, VA, WA, WI, WV, WY  | ID (state provides list of state certified companies and funding to localities. Counties decide which machines from list and when the system will be purchased)<br>IN (states determines certified systems and counties choose from those certified systems. SOS, with consent from Elections Division decides what is reimbursed with HAVA funds.<br>KY – Counties may only purchase system the state certifies, but prices is determined by county. Except the price per machine is capped by state for HAVA equip by MOA with the county. |

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|  |  | <p>MD – State in consultation with the county boards purchased a uniform statewide system. County pays share of purchasing and operating based on VAP.</p> <p>MI (state qualified three vendors and negotiated prices. County clerks reach a consensus on which system for their county.)</p> <p>MS (county can decide to participate in a statewide system, or go out on own and do all legwork)</p> <p>MN (state certifies equipment, has also entered into a contract if counties wish to participate. Counties don't have to and can purchase any certified equipment, plans need to go through SOS. Once approved, state provides grants for HAVA equipment)</p> <p>NH (state decides and purchases accessible voting systems, counties decide and purchase vote tabulating systems)</p> <p>NM (states decides qualified systems and counties select and purchase using state's revolving loan fund -10yr interest free)</p> <p>SD (state making decision on accessible terminals, but counties purchase additional devices)</p> <p>WY (state said system must meet 2002VMSG. State will pay with HAVA funds. Only two systems/companies were selected by counties)</p> |
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**6. Does your state have a list of voting systems eligible for purchase and the costs?**

| <b>Lists available with costs</b>   | <b>Only lists available</b>  | <b>Neither available</b>  |
|---|--|---|
| CO (pricing added online shortly), IA (state did a pricing RFP early summer), IN (state has some quantity purchase agreements in place with some vendors, others counties need to negotiate) MI, NH (only one), NM, WY (state has contracted with only two) | AL (counties must do own bid process) ID, KY, LA, MN (only cost for one statewide contract)ND, OR, SD, VA, WA, WV (does have costs for HAVA funded machines) | AK,GA (one statewide system), MD (one statewide system), MS (only one system on state list), NC (list should be available by 12/01/05), WI (at this time no equipment is certified for use in WI. Two systems have been thru state testing process, but await final eval from State Elections Board 11/30. One other system will be tested soon) UT |

**7. What is the status of implementing HAVA compliant voting systems for use in your state for the 2006 elections?**

| <b>State</b> | <b>Status of Implementation</b>   |
|--------------|---|
| AK           | Alaska has already purchased 100 DREs. We are in the process of purchasing additional units, and we will have one HAVA compliant voting system in each polling location in 2006.  |
| AL           |   |
| CO           | Currently certifying equipment that is both HAVA compliant and state compliant for 2006. Many legislative changes in 2005 for voting systems so they are working on implementing those for new purchases in the state. At this time we are confident of achieving the 2006 deadline for all of our counties voting systems. |
| IA           | All counties will be compliant by December 30, 2006. 60% have ordered new equipment as of Nov 1. Rest are in process  |
| GA           | GA met this requirement in November 2002.   |
| ID           | January 1, 2006   |
| IN           | All counties are off of punch card or lever machines. Approximately 20 counties need accessible equipment.  |
| KY           | On track for meeting 1-01-06 deadline   |
| LA           | A company has been selected to supply the HAVA compliant voting system and contract negotiations are ongoing. LA has an implementation schedule in place to replace the non-compliant level machines in 50 parishes and retrofit existing machines for disability access to meet the applicable HAVA deadlines.             |
| MD           | Md voting system hardware currently meets the HAVA requirements under 2002VVSG. The software currently meets 1990 VVSG. The state is evaluating the software to comply with 2002VVSG. If acceptable, all voting units will have new software installed prior to the 2006 elections.   |
| MI           | We are working very hard on this  |

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| MS | On track  |
| MN | A state-wide contract for local jurisdictions to purchase off of was entered into by the state and vendor on 11/2/05 for the sale of accessible equipment and precinct count scanners. The contract provides that the equipment be in place no later than January 1, 2006. Note that these items are not required and that counties may purchase any certified equipment. In addition, counties must submit plans for review and comment by the SOS before they can receive grants for the purchase of HAVA compliant voting equipment. Then the county commissioners will approve a final plan, after which counties apply for grants, receive their funds and make their purchases. |
| NC | Following completion of pending certification examinations, all voting systems certified for use in NC will be HAVA compliant. All counties will be required to upgrade or replace their existing systems at this time.   |
| ND | Will be completely HAVA compliant by January 1, 2006 and possibly as soon as the first week in December.  |
| NH | On schedule, contract with vendor is in final stages of negotiation.  |
| NM | Ordering systems by first week of December  |
| OR | Conducted certification for accessible equipment in mid-October. Currently, awaiting the report from consultant to determine if this system will be available for use in OR counties.   |
| SD | On track. Plan is complete. Purchase agreement is very close to signing.  |
| UT | We are scheduled to have a compliant voting system by January 1, 2006.  |
| VA | All of the 90 localities that were required to replace punch card or lever voting systems have already purchased or are in the process of purchasing their HAVA compliant equipment. All of the 44 localities that were required to purchase one DRE (or other accessible) have purchased or are in the process s of purchasing. Anticipate all systems in place by January 2006.   |
| WA | Will be HAVA compliant for voting systems in time for the first federal election in WA in September 2006. Depending on availability of certified systems for the disability access units, WA may or may not be fully compliant with the disability access unit requirements by January 1, 2006. All WA counties have selected the desired disability access units and have HAVA funding available for purchase, but we are unsure if all vendors will have certified equipment available by January 1, 2006.  |
| WI | State HAVA plan commits federal funds to providing one piece of accessible /compliant voting equipment per polling place. We are finalizing the funding mechanism now and should have several types of accessible voting systems/equipment approved by the end of the year. We expect that each polling place will have a compliant system by the April 2006 election in WI.  |
| WV | On track to be fully HAVA compliant by January 1, 2006. The voting system will be in place and prepared for use by the end of December.   |
| WY | The contracts with both companies have been signed and the equipment is all to be delivered to the counties and tested on site no later than December 15, 2005.   |



