

US Election Assistance Commission & the ES&S Optical Scanning System

[Note: These two documents relate to problems -- uncovered by the Cleveland Plain Dealer and others -- that escaped the EAC's formal certification testing. They may have been settled, but the fact that this can happen has not changed.]

EAC Issues Formal Investigation Report on DS200 Precinct Count Optical Scanner

EAC Staff

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http://www.eac.gov/blogs/eac_issues_formal_investigation_report_on_ds200_precinct_count_optical_scanner/

EAC has issued its Formal Investigation Report *[next page and http://www.eac.gov/testing_and_certification/quality_monitoring_program.aspx]* regarding the Election Systems & Software (ES&S) DS200 Precinct Count Optical Scanner in the EAC-certified Unity 3.2.0.0 voting system. The conclusion is that three of the four anomalies that were originally identified are substantiated. The next steps are 1) a manufacturer site audit to evaluate testing and quality assurance practices and 2) issuance of a Notice of Noncompliance.

The three substantiated anomalies are:

- Intermittent screen freezes, system lockups and shutdowns that prevents the voting system from operating in the manner in which it was designed.
- Failure to log all normal and abnormal voting system events.
- Skewing of the ballot resulting in a negative effect on system accuracy.

The manufacturer will have the opportunity to respond to the report and provide additional information if necessary. For more information about the process, please see the Voting System Testing and Certification Manual.

The investigation was initiated by EAC as a result of information contained in an article in The Cleveland Plain Dealer published on April 14, 2010, about a freeze/ shutdown issue experienced in Cuyahoga County, Ohio during pre-election testing. Section 7.4 of the EAC Voting System Testing and Certification Program Manual outlines the process for conducting a formal investigation. For more information, please see the Formal Investigation Report. Jurisdictions using EAC certified voting systems are identified on the website here.

The Process

The investigation process is initiated when EAC receives information that a voting system may not be in compliance with the applicable voting system standard or EAC certification program requirements. Upon receipt of such information, EAC initiates an Informal Inquiry to determine the credibility of the information. If the information is credible and suggests the system is non-compliant, a Formal Investigation is initiated. If the results of the Formal Investigation demonstrate non-compliance, the Manufacturer is provided a Notice of Non-Compliance. Before a final decision on decertification is made, the Manufacturer will have the opportunity to remedy any defects identified in the voting system and present any additional information for consideration by the EAC.

Quality Monitoring Program

http://www.eac.gov/testing_and_certification/quality_monitoring_program.aspx

EAC's Quality Monitoring Program is designed to ensure that voting systems certified by EAC are the same systems sold by manufacturers. The quality monitoring process is a mandatory part of the program and includes elements such as fielded voting system review, anomaly reporting, and manufacturing site visits. For more information see Chapter 8 of the Voting System Testing and Certification Program Manual (<http://www.eac.gov/assets/1/Documents/Cert.Manual.4.1.15.FINAL.pdf>).

System Advisory Notices

System Advisory Notices are an important part of the Quality Monitoring Program. EAC issues advisories to inform jurisdictions and members of the public of an existing anomaly or issue with an EAC-certified system. The advisory notice describes the nature of the issue identified, the root cause of the issue if known, and the current status of a solution to the issue. EAC will follow up with additional advisory notices regarding unresolved issues as more information is gathered and the problem is resolved. Sign up for automatic system advisory alerts.

These notices support EAC's quality monitoring program requirement related to identifying and reporting anomalies of fielded EAC systems. These notices are issued after an anomaly or issue is identified and verified through conversations with the jurisdiction fielding the system and the manufacturer of the system.

See below the System Advisory Notices that EAC has issued, or visit the Resource Library.

<snip -- other vendors>

Election Systems and Software

EVS 5.0.0.0

There are currently no System Advisory Notices

EVS 5.2.0.x - EVS 5300 (MD)

07/10/15 ES&S RSA Crypto Notice

<http://www.eac.gov/assets/1/Documents/ESS%20RSACrypto%20Notice%2007%2010%202015.pdf>

07/10/15 Loading ExpressVote Media: "Manifest Signature Verification Failed" (Revised Version)

<http://www.eac.gov/assets/1/Page/ESS-FYIEWR0026Rev2-07.10.2015.pdf>

05/11/15 Loading ExpressVote Media: "Manifest Signature Verification Failed"

<http://www.eac.gov/assets/1/Documents/FYIEWR0026.pdf>

Unity 5.2.0.0 Modification

There are currently no System Advisory Notices

Unity 5.0.1.0 Modification

There are currently no System Advisory Notices

Unity 3.4.0.0 Modification

There are currently no System Advisory Notices

Unity 3.4.1.0 Modification

There are currently no System Advisory Notices

Unity 3.2.1.0

- 07/28/11 DS200 Unresponsive Touch Screen Technical Advisory
http://www.eac.gov/assets/1/Documents/Unity3210-Screen_Unresponsiveness.Technical_Advisory-07.28.2011-FINAL.pdf
- 07/28/11 DS200 Ballot Skew Technical Advisory
http://www.eac.gov/assets/1/Documents/Unity3210_Ballot_Skew-Technical_Advisory-07.28.2011-FINAL.pdf

Unity 3.2.0.0 Rev. 3 Modification

There are currently no System Advisory Notices

<snip -- other vendors>

Formal Investigations

A Formal Investigation is an official investigation of a non-conformity to a voting system. The end result of a Formal Investigation is a Report of Investigation. For more information see Chapter 7 of the Voting System Testing and Certification Program Manual.

See below the Formal Investigations that EAC has issued, or visit the Resource Library.

Election Systems and Software *[the only vendor they've formally investigated]*

Unity 3.2.0.0

- 08/30/12 EAC Response to ES&S Withdrawal Request
http://www.eac.gov/assets/1/Documents/EAC%20Response%20to%20ESS%20U3200_Withdrawal_8%2031%2012.pdf
- 08/03/12 ES&S Letter Requesting Certification Withdrawal
http://www.eac.gov/assets/1/Documents/3%202%200%200%20withdrawal%20ESS_8-3-2012%20correction.pdf
- 02/07/12 ES&S Response to EAC Notice of Non-Compliance
http://www.eac.gov/assets/1/Documents/ESS%20Notice%20of%20Non-Compliance%20Response%202_7_12.pdf
- 02/01/12 Notice of Non-Compliance
<http://www.eac.gov/assets/1/Documents/NoticeNonCompliance%20FINAL.2.01.12date%20revised.pdf>
- 12/20/11 Formal Investigation Report
http://www.eac.gov/assets/1/Documents/Formal_Investigation_ESS_Unity_3200_FINAL_12.20.11.pdf
- 05/25/11 Formal Investigation Anomaly Status
http://www.eac.gov/assets/1/Documents/ESS_Formal_Investigation_Anomaly_Status_Chart-FINAL.pdf
- 03/03/11 Timeline of Activities
http://www.eac.gov/assets/1/Documents/DS200_investigation_timeline_4_6_2011.xls
- 03/01/11 Notice of Initiation of Formal Investigation and Investigation Authorization
http://www.eac.gov/assets/1/Documents/Notice_of_Forma_Investigation.3.2.0.0.FINAL.3.01.11.pdf