

Voting System Certification Regulations

California Code of Regulations

Title 2. Administration

Division 7. Secretary of State

Chapter 6.1. Procedures and Standards for Reviewing Voting Systems, Parts of a Voting System, and Ballot Marking Devices for Certification or Conditional Approval

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20700. Certification of Voting Systems and Voting System Equipment.

- (a) In deciding whether to certify, decertify, or withhold certification of a voting system, voting system procedures, or part of a voting system under Division 19 of the Elections Code, the Secretary of State shall apply the standards entitled "**California Voting System Standards (October 2014)**" (<http://admin.cdn.sos.ca.gov/regulations/elections/california-voting-system-standards.pdf>), which are hereby incorporated by reference.
- (b) The publication entitled "**California Voting System Standards (October 2014)**" (<http://admin.cdn.sos.ca.gov/regulations/elections/california-voting-system-standards.pdf>) may be accessed on the Internet at www.sos.ca.gov ([//www.sos.ca.gov/](http://www.sos.ca.gov)) or obtained by submitting a written request to the Secretary of State, Office of Voting System Technology Assessment, 1500 11th Street, Sacramento, California 95814.

Note: Authority cited: Sections 19100, 19101, 19216 and 19242, Elections Code. Reference: Sections 19100, 19101, 19200, 19201 and 19202, Elections Code.

History

1. New chapter 6.1 (sections 20700-20707) and section filed 12-10-2014; operative 4-1-2015 (Register 2014, No. 50). This database is current through 1/16/15 Register 2015, No. 3
2 CCR § 20700, 2 CA ADC § 20700

20701. Application.

- (a) Any person, corporation, or public agency owning or having an interest in the sale or acquisition of a voting system or part of a voting system may apply to the Secretary of State for certification of such system. The application shall be in writing, on a form supplied by the Secretary of State, and shall include the following information:
- (1) Information about the applicant, including name, address, telephone number, and business address, if applicable;
 - (2) Information about the voting system including, but not limited to, software and firmware version numbers;
 - (3) A signed confidentiality agreement providing the Secretary of State, upon demand, source code for all software and firmware and a working model of the voting system;
 - (4) A signed letter providing that the Secretary of State may receive all reports, testing documentation and trusted build installation disks directly from the appropriate federal Voting System Testing Laboratory (VSTL) who tested the voting system under the federal Election Assistance Commission's (EAC) or its successor entity's Voting System Testing and Certification process, if applicable;
 - (5) Final VSTL test reports, if applicable, for the voting system;

- (6) Documentation showing that the voting system is federally qualified, if applicable;
- (7) A list of all commercial off the shelf (COTS) software, firmware and hardware that is either recommended or required to install, operate, and/or provide maintenance support for the system;
- (8) System configurations, option settings and definition parameters for all software, firmware and hardware (including COTS);
- (9) A directory listing of program, data, and support files required to install, configure, operate, and/or provide supplemental support for the voting system;
- (10) A description of known defects, faults or failures as defined in Elections Code section 19210, outstanding bugs, security vulnerabilities or other limitations of the system and any mitigations for each;
- (11) A detailed network diagram of what components are connected or related and how they are connected;
- (12) Use Procedures for the voting system;
- (13) Photographs of the voting system;
- (14) A list of jurisdictional users who use the exact version of the voting system being submitted;
- (15) A list of California jurisdictional users who are using a predecessor version of the voting system being submitted;
- (16) All financial relationships between the applicant and the manufacturer, distributor, or retailer of the various components comprising the voting system;
- (17) All the documentation necessary for the identification of the full system configuration submitted for evaluation and for the development of an appropriate test plan for conducting system certification testing, collectively referred to as the Technical Data Package (TDP) and as set forth in the "**California Voting System Standards (October 2014)** (<http://admin.cdn.sos.ca.gov/regulations/elections/california-voting-system-standards.pdf>)." The TDP provides information that defines the voting system design, method of operation, and related resources. It provides a system overview and documents the system's functionality, hardware, software, security, test and verification specifications, operations procedures, maintenance procedures, and personnel deployment and training requirements; and
- (18) Any additional information the Secretary of State may request on an as-needed basis from the applicant.

Note: Authority cited: Sections 19100 and 19101, Elections Code. Reference: Sections 19100 and 19210, Elections Code.

History

1. New section filed 12-10-2014; operative 4-1-2015 (Register 2014, No. 50).
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2 CCR § 20701, 2 CA ADC § 20701

20702. Deposit of Funds into an Agency Trust Account.

- (a) After the Office of Voting Systems Technology Assessment of the Secretary of State's office has received the application, it shall review the application and associated documentation and provide the applicant with:
 - (1) A list of any deficiencies.
 - (2) An estimated amount designated as the initial deposit of funds into an Agency Trust Account sufficient to guarantee and reimburse the cost of any expenditures associated with the examination of the voting system, pursuant to Elections Code section 19222.
- (b) If the initial deposit is not sufficient to reimburse the cost of all expenditures associated with the examination of the voting system, the Secretary of State's office will require an additional deposit of funds into the Agency Trust Account to be received by the Office of Voting Systems Technology Assessment of the Secretary of State's office as directed. If the Office of Voting Systems Technology Assessment of the Secretary of State's office does not receive such additional deposit of funds as directed, the Secretary of State may suspend the certification process on the voting system.
- (c) After all expenditures have been paid, the Office of Voting Systems Technology Assessment of the Secretary of State's office shall notify the applicant of any amount in excess of those expenditures. The applicant may request that the amount in excess of those expenditures be refunded or held in the Agency Trust Account for future testing and certification.

Note: Authority cited: Sections 19100, 19101 and 19242, Elections Code. Reference: Sections 19100 and 19222, Elections Code.

History

1. New section filed 12-10-2014; operative 4-1-2015 (Register 2014, No. 50).
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2 CCR § 20702, 2 CA ADC § 20702

20703. Application Complete Before Examination Begins.

Only after the Office of Voting Systems Technology Assessment of the Secretary of State's office has received a completed application, including the deposit of funds into an Agency Trust Account sufficient to guarantee and reimburse the cost of any expenditures associated with the examination of the voting system, may an examination begin. No application shall be deemed to be complete until all required documentation and funds for examination have been submitted to the Secretary of State's office.

Note: Authority cited: Sections 19100, 19101 and 19242, Elections Code. Reference: Sections 19100 and 19222, Elections Code.

History

1. New section filed 12-10-2014; operative 4-1-2015 (Register 2014, No. 50).
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2 CCR § 20703, 2 CA ADC § 20703

20704. Equipment to Submit for Testing.

(a) For the purposes of testing, the applicant shall provide for the testing process:

(1) At least one working model of the specific voting system under review for each phase of testing, if applicable, to the Secretary of State for the duration of the testing process. Engineering or developmental prototypes are not acceptable. A working model of the specific voting system under review shall include:

- (A) All hardware, software and firmware necessary to run the system;
- (B) All COTS software, including necessary drivers;
- (C) All ballots, if applicable, in sufficient quantity for testing purposes;
- (D) All peripheral devices, including those required for usability and accessibility; and
- (E) Any other components recommended by the manufacturer for use with that voting system.

(2) Any other materials and equipment deemed necessary by the Secretary of State.

(b) The Office of Voting Systems Technology Assessment of the Secretary of State's office shall maintain one working copy of the voting system, in its certified configuration, for a minimum of one Gubernatorial or Presidential Election cycle.

Note: Authority cited: Sections 19100, 19101 and 19242, Elections Code. Reference: Sections 19100, 19102 and 19212, Elections Code.

History

1. New section filed 12-10-2014; operative 4-1-2015 (Register 2014, No. 50).
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2 CCR § 20704, 2 CA ADC § 20704

20705. Examination.

The Office of Voting Systems Technology Assessment of the Secretary of State's office shall conduct the examination of new voting systems seeking initial certification as well as for modified versions of systems that have been certified. The Office of Voting Systems Technology shall use a state-approved testing agency or expert technicians as provided in Division 19 of the Elections Code. The examination shall meet the standards established in the "[California Voting System Standards \(October 2014\)](http://admin.cdn.sos.ca.gov/regulations/elections/california-voting-system-standards.pdf) (<http://admin.cdn.sos.ca.gov/regulations/elections/california-voting-system-standards.pdf>)."

Note: Authority cited: Sections 19100, 19101 and 19242, Elections Code. Reference: Sections 19100, 19200, 19201, 19210 and 19223, Elections Code.

History

1. New section filed 12-10-2014; operative 4-1-2015 (Register 2014, No. 50).
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2 CCR § 20705, 2 CA ADC § 20705

20706. Report of Findings and Hearing.

- (a) Upon completion of testing of the voting system and evaluation of the voting system Use Procedures, the Office of Voting Systems Technology Assessment of the Secretary of State's office shall, within 30 days, provide a staff report to the Secretary of State on the voting system, its Use Procedures, and the impacts or effects of the voting system on voting in California. The staff report shall identify whether the voting system and its Use Procedures materially affect the lawful conduct, accuracy, efficiency, privacy or security of elections, or materially affects the convenience to the voter of the elections process. The examination of the voting system is deemed complete upon submission of the staff report to the Secretary of State.
- (b) The Office of Voting Systems Technology Assessment of the Secretary of State's office shall schedule a public hearing to receive testimony and information on the proposed voting systems and procedures as provided in Elections Code section 19211.

Note: Authority cited: Sections 19100, 19101 and 19242, Elections Code. Reference: Sections 19100 and 19211, Elections Code.

History

1. New section filed 12-10-2014; operative 4-1-2015 (Register 2014, No. 50).
This database is current through 1/16/15 Register 2015, No. 3
2 CCR § 20706, 2 CA ADC § 20706

20707. Changes or Modifications to a Certified Voting System.

- (a) Any person, corporation, or public agency owning or having an interest in the sale or acquisition of a voting system or part of a voting system may submit a written request for review of any proposed change or modification to a certified voting system to the Secretary of State's office. All requests shall be submitted in writing to the Office of Voting Systems Technology Assessment at 1500 11th Street, Sacramento, CA 95814, or by email to votingsystems@sos.ca.gov (<mailto:votingsystems@sos.ca.gov>).
- (b) The written request for review for a change or modification shall, at a minimum, include:
 - (1) Documentation supporting the need for each change or modification;
 - (2) A list of every voting system component – hardware, firmware, or software – that interacts directly or indirectly with the voting system component or components for which administrative approval of a change or modification is requested;
 - (3) Version numbers of all affected hardware, firmware, or software; and
 - (4) Classification of each modified hardware, firmware, or software component as either commercial off the shelf (COTS), third-party, or vendor-developed. Where applicable, the name of any third-party company that developed the modified component shall be included.
- (c) Any change or modification must be examined for conformance as set forth in the "[California Voting System Standards \(October 2014\)](http://admin.cdn.sos.ca.gov/regulations/elections/california-voting-system-standards.pdf) (<http://admin.cdn.sos.ca.gov/regulations/elections/california-voting-system-standards.pdf>)."
- (d) The applicant shall pay for all expenditures associated with the testing, pursuant to section 20702.

*Note: Authority: Sections 19100, 19101, 19216 and 19242, Elections Code.
Reference: Sections 19100, 19216 and 19222, Elections Code.*

History

1. New section filed 12-10-2014; operative 4-1-2015 (Register 2014, No. 50).
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