**Requesting Administrative Approval of a Proposed
Change or Modification to an Approved Voting System**
Effective May 1, 2009 **[revised September 5, 2012]**

Background

California Elections Code section 19213 precludes a voting system or part of a voting system that has been approved by the Secretary of State from being changed or modified until the Secretary of State has determined the change "does not impair its accuracy and efficiency. . . ."

If the Secretary of State determines the change or modification does not impair the accuracy or efficiency of the voting system, the Secretary of State may administratively approve the proposed change or modification.

The Application Process

A written request for administrative approval of any proposed change or modification must be made to the Secretary of State's Office of Voting Systems Technology Assessment (OVSTA).

Unless the change or modification is solely to a process or procedure, the change or modification must be submitted to a voting system testing laboratory (VSTL).

Typically, a vendor requests an administrative approval. However, a county elections official may submit a request in cases where the change or modification affects only a process, procedure or some other element under the control of the county elections official.

The written request for administrative approval 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 software, hardware and firmware;
4. Classification of each modified software, hardware or firmware 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; and
5. Documentation that the requested change or modification has been submitted to a VSTL for review, unless the requested change involves a change or modification to process or procedure.

All administrative approval requests should be sent to OVSTA by mail to 1500 11th Street, Sacramento, CA 95814, or by email to votingsystems@sos.ca.gov.

The Testing Process

The voting system vendor must submit proposed changes or modifications to an Election Assistance Commission (EAC) certified VSTL. The VSTL must:

1. Submit directly to the Secretary of State all testing documentation concerning the proposed change or modification, including, but not limited to, the voting system vendor's request for testing and all engineering change orders, test scope, test plans, test data, test results and a summary report.
2. If there is a change to software or firmware, the VSTL must conduct a functional test of the full voting system with the requested change or modification incorporated and supply the Secretary of State with the test plan, test data, test results and summary report. In order to expedite and facilitate the administrative approval process, the vendor and the VSTL are encouraged to include OVSTA staff in the construction of test plans and in the actual testing process.
3. Conduct all necessary tests of each component of the California-approved voting system that is affected by the requested change or modification. If the VSTL concludes an approved component of the system is not affected by the change or modification and no testing is necessary, the VSTL report must include a narrative explanation of how it reached that conclusion and not simply a conclusory indication, such as a check mark on a form or an entry such as "n.a.," "none" or "no."
4. If the proposed changes or modifications are to the source code, the VSTL must thoroughly examine and compare the original and changed source code, and explain any finding it issued that the changes do not adversely affect the functionality or security of the voting system.

   a. The VSTL must submit a copy of the modified source code to the Secretary of State's office, along with the VSTL report on the source code changes.
   b. In the event administrative approval is granted, the modified source code must be escrowed with an approved California escrow facility before it can be used in a California election.

After receiving and reviewing all documentation, the Secretary of State will determine whether the proposed change or modification requires further review and testing.

The Approval Process

The time required for OVSTA to review and make a determination as to whether the proposed change or modification impairs the accuracy or efficiency of the voting system will depend on:

1. How long it takes the vendor and/or VSTL to supply OVSTA with all of the required documentation and software, as applicable;
2. The nature and complexity of the proposed change or modification; and
3. OVSTA's current workload.

Questions

For further information, please contact OVSTA at (916) 653-7244 or votingsystems@sos.ca.gov.