



December 7, 2021

Dear EAC Commissioners & Staff,

Thank you for the opportunity to provide public comments on the Voluntary Voting System Guidelines (VVSG) Lifecycle Policy 1.0 draft.

On the whole, creation of this lifecycle policy is a major step forward in the development of the VVSG paradigm and represents significant progress towards the Commission's goals. We applaud your decision to deprecate obsolete major versions of the VVSG 24 months after the first Voting System Test Laboratory (VSTL) accreditation to the new standard. That transition period, with a clear start and end date, is exactly the kind of tradeoff necessary to accommodate upgrades to legacy systems without allowing vendors to continue using outdated standards indefinitely.

Of course, the 24-month deadline alone does not provide strong assurances that VVSG 2.0 will become the driving certification standard. It's no secret that the lack of appropriate lifecycle management allowed legacy vendors to sidestep prior updates to the VVSG. Indeed, all current EAC-certified systems are still using VVSG 1.0, over six years after the adoption of 1.1, and we fear similar loopholes might allow legacy vendors to sidestep 2.0 as well. In particular, we are concerned about the "minimal changes" allowed on 1.0-certified systems even after the 24 month deadline has passed. To ensure the maintenance process for legacy systems is not abused, we would suggest the following additions to the lifecycle policy:

- 1) First, define more clearly what is considered "minimal." There are several categories under that heading which, as currently written, may provide avenues for avoiding 2.0 certification entirely. For example:
 - "Updating components to the current VVSG standard"
 - This category indicates that replacement of entire components of a voting system would be valid as minimal changes. This is clearly not "minimal" in the traditional sense of the word, and would allow any legacy vendor to update any portion of their system to 2.0 without having to update every portion - they could, for example, update every component except the BMD, where we know that the accessibility requirements in VVSG 2.0 may be particularly difficult. If it is possible to update a legacy system in this way, ignoring components where the new standard presents challenges while updating others to the new standard (which would often require new features and upgrades), vendors could avoid certifying to the new standard indefinitely while still making major system updates.
 - "Jurisdictional rule change"

- Similarly, this category appears to allow just about any change, big or small, to be made as long as the statute or regulation of a current customer requires it and an election official supports it. Without a clearer definition of “minimal” to guard against misuse, this could turn into another way for major system updates to slip through without requiring 2.0 certification.
- 2) Second, incorporate public review and comment into the process for determining whether a proposed “minimal change” is allowable. Public comment provides meaningful transparency, reassuring the public that both vendors and the EAC are acting in good faith when considering modifications to systems certified under deprecated standards. A comment period will also give the broader election administration community the chance to provide context the EAC might otherwise lack, which could aid in making a better judgment about a particular change.

Thank you for your consideration of these comments, and please don't hesitate to contact us if you have any questions about the feedback we have provided.

Best,

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