

# The State of Texas

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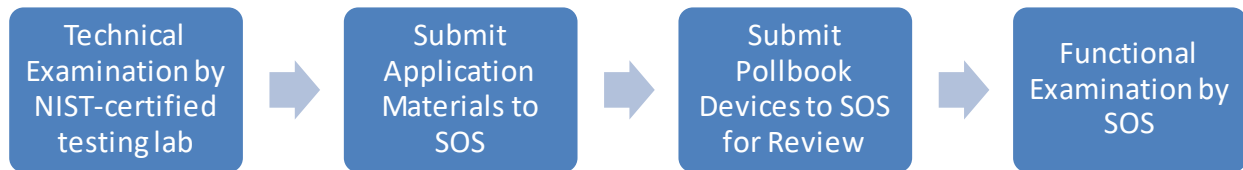
## Texas Certification Procedures for Electronic Pollbooks

In accordance with Texas Election Code 31.014, the Secretary of State shall prescribe specific standards and requirements for the certification of an electronic device used to accept voters under Chapter 63 of the Texas Election Code. Texas Election Code 31.014(b) requires such devices to be certified annually by the Secretary of State's Office.

The process and standards for the initial certification and annual recertification of electronic pollbook systems are outlined below.

### General Procedures

A system that is submitted for an initial certification, or a system that is submitted for annual recertification, will follow the following basic process:



### Technical Examination

The Technical Examination must be performed by a NIST-certified testing laboratory. The vendor must submit a copy of the Technical Data Package (TDP) to the testing lab, and the testing lab must assess the system's requirements with the Texas Technical Testing Matrix for Electronic Pollbooks. The vendor is responsible for any costs and fees associated with conducting these tests.

The vendor will satisfy this portion of the testing by submitting a test report from the testing lab demonstrating that the vendor provided the testing lab with a copy of the TDP and that the electronic pollbook system satisfies the requirements of the Texas Technical Testing Matrix for Electronic Pollbooks.

### **Application Process**

After the vendor has completed their technical examination, they must submit the following materials along with their Application:

- A completed Application for Certification
- A testing report from an independent, NIST-certified testing laboratory showing completion of the Texas Technical Testing Matrix for Electronic Pollbooks;
- A Technical Data Package which includes the following documentation:
  - User Operating, Support, and Maintenance Manuals
  - Training Materials and Instruction Guides
  - Recommended Use Procedures
  - Software License Agreement
  - Software System Design
  - Warranty Information
  - Recommended Security Practices
- A completed Vendor Risk Management Policy document
- A list of certifications and denials of certification for the system in other jurisdictions
- A list of any and all known anomalies experienced with the use of the electronic pollbook system and a description of the resolution of each anomaly
- A list of all consumables required for the continued operation of the system, and the supply chain for those consumables
- A list of compatible peripheral devices used with the electronic pollbook system
- A statement regarding any foreign ownership interests in the electronic pollbook system
- A description of additional compatible languages (if any)
- A description of accessibility features (if any)
- Screenshots of all phases of the pollbook process that interact with election workers and/or voters

This application may be submitted in a paper or electronic format to the Secretary of State's Office at the following address:

Elections Division  
Secretary of State  
P.O. Box 12060  
Austin, Texas 78711-2060  
[elections@sos.texas.gov](mailto:elections@sos.texas.gov)

## **Functional Examination Process**

The Functional Examination in Texas involves two phases:

- Submission of Pollbook Devices to the Secretary of State's Office
- Functional Examination by the Secretary of State's Office

### **Submission of Pollbook Devices**

The vendor must submit pollbook devices to the Secretary of State's Office for the initial examination process. Those devices must be received by the Secretary of State's Office at least one week before the date of the vendor's Functional Examination.

After the vendor submits their application materials, the Secretary of State's Office will notify the vendor of the required equipment and the required configurations for those devices.

The vendor must also submit any peripheral devices that are intended to be used with the system.

The pollbook devices will be reviewed by the Secretary of State's Office to verify whether the system satisfies the requirements identified in the Texas Electronic Pollbook Functional Standards, the Texas Electronic Pollbook Test Cases, and the Texas Requirements for Electronic Pollbook Forms.

The functional examination will be conducted using a database of test voters (using fictional voter data) provided to the vendor by the Secretary of State's Office.

The Secretary of State's Office will identify which requirements and standards were determined to be satisfied during the review process, and will also identify any requirements or standards that require further demonstration from the vendor.

After the functional examination process is completed, any equipment submitted to the Secretary of State's Office will be returned to the vendor.

### **Functional Examination**

If there are any requirements or standards that were identified as requiring further demonstration from the vendor following the review of the submitted pollbook devices, then the Secretary of State's Office will conduct a Functional Examination of those requirements and standards with the vendor.

The Functional Examination will be conducted by employees of the Secretary of State's Office according to the requirements outlined in the Texas Electronic Pollbook Functional Standards, the Texas Electronic Pollbook Test Cases, and the Texas Requirements for Electronic Pollbook Forms.

### **Determination of Certification Status**

After conducting the Functional Examination, the Secretary of State's Office will make a determination regarding whether the system satisfies the requirements for certification in Texas.

If the system satisfies the requirements, then the vendor will receive a certification letter (including the system name and version number) to confirm that the system is certified.

If the system does not satisfy the requirements, then the Secretary of State's Office will inform the vendor of the specific standards that were not satisfied or were not demonstrated during the examination process.

The vendor will be given an opportunity to address any issues with their system and demonstrate their system's ability to comply with those standards. If the vendor resolves the issues and demonstrates that their system complies with the standards, then the vendor will receive a certification letter (including the system name and version number) to confirm that the system is certified.

If the vendor is unable or unwilling to satisfy the standards, then their request for certification will be denied.

The certification of the system is based on the specific configuration of that system that is presented during the Functional and Technical Examinations. If there are multiple potential configurations that the vendor wishes to use in Texas elections, those must be presented during the examination process. Otherwise, those configurations will not be included in the certification of that system.

### **Conditional Certification**

The Secretary of State has discretion to issue a conditional certification in the event that an electronic pollbook system is unable to meet certain requirements and standards listed in the Functional Standards or Technical Matrix but is able to nonetheless comply with the requirements of Texas law or those standards by following other procedures.

A pollbook system may also be conditionally certified in the event that the system is unable to meet certain requirements on the device itself if the jurisdiction can otherwise meet those requirements by using paper records and documentation that address those requirements.

If a pollbook system is conditionally certified, then the vendor's certification letter will include a statement of the conditions placed on the certification of that system.

### **Annual Recertification Timelines**

The Secretary of State's Office will conduct annual recertifications for currently certified pollbook systems between June – August of each year.

However, the Secretary of State's Office may conduct annual recertifications outside of these timelines at the discretion of the Secretary of State's Office.

### **Acceptance Testing by Local Jurisdictions**

Local jurisdictions who acquire a Texas-certified electronic pollbook system will need to complete Acceptance Testing on the newly acquired equipment to ensure that the system meets the functional standards required by the Texas Electronic Pollbook Functional Standards. Local jurisdictions should review the standards and ensure that the system, as delivered, meets those functional requirements.

Local jurisdictions may use the Texas Electronic Pollbook Test Cases to assist them in their functional acceptance testing.

### **Incident Notification Requirements**

Electronic pollbook vendors are required to provide written notice to the Secretary of State's Office of any incidents impacting the performance or security of their systems during an active Texas election within two hours of the vendor's first knowledge of the incident.

### **Modification Process**

Minor modifications to a Texas-certified electronic pollbook system must be submitted to the Secretary of State's Office for administrative review. The request must be submitted in writing to the Secretary of State's Office, and must contain sufficient information to identify the changes to the system's most recently certified version. That request must also contain a statement from a NIST-certified testing laboratory approving the proposed modifications or stating that the proposed modifications do not warrant examination by the testing lab.

Upon receiving the request for review of a minor modification, the Secretary of State's Office has discretion as to whether to review the modification through this administrative process or whether a formal certification process is required for the approval of the modification.

If the request is reviewed through the administrative review process, then the employees of the Secretary of State's Office will determine whether the requested modification requires an in-person examination or whether it is a de minimis change that does not require an in-person examination of the modification. After this review is completed, the Secretary of State's Office will notify the vendor in writing whether the modification is approved or denied.

### **Modifications to Electronic Pollbook Standards**

The Secretary of State's Office periodically updates the standards, requirements, and procedures for pollbook certification to reflect legislative changes or revisions to the procedural requirements for certification.

When revisions occur, vendors with current certified systems will receive notification from the Secretary of State's Office regarding the updated requirements before the annual recertification process begins. Those updated standards will also be made available on the Secretary of State's website for new vendors or members of the public to review.

These standards are subject to changes resulting from legislation or litigation. In the event of any legislative or court-ordered changes, the Secretary of State's Office may make immediate revisions to those standards to reflect those changes, and may require recertification or minor modifications to existing systems to incorporate those changes. If those circumstances occur, vendors with current certified systems will receive notification from the Secretary of State's Office regarding the updated requirements and the timeline required for recertification or minor modification approval. Those updated standards will also be made available on the Secretary of State's website for new vendors or members of the public to review.