

The State of Texas



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Ruth R. Hughs
Secretary of State

Texas Certification Procedures for Electronic Pollbooks

In accordance with House Bill 4130 (86th Legislature, 2019), 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. The process and standards for the certification of these devices is outlined below.

Application Process

A vendor seeking certification of an electronic pollbook system in Texas must submit an Application for Certification with the Secretary of State's Office no later than 30 days before the date of the Functional Examination by the Secretary of State's Office. That Application must include:

- A completed Application for Certification
- 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 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

Certification Process

The certification process in Texas involves two phases:

- Technical Examination by a NIST-certified testing laboratory
- Functional Examination by the Secretary of State's Office

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.

Functional Examination

The Functional Examination will be conducted by employees of the Secretary of State's Office according to the standards outlined in the Texas Functional Testing Matrix for Electronic Pollbooks.

The vendor will present the electronic pollbook system for an in-person examination, which will take place at the office of the Elections Division of the Secretary of State's Office. The examiners will conduct functional testing of the electronic pollbook system to determine whether that system meets the requirements outlined in the Texas Functional Testing Matrix for Electronic Pollbooks.

Before the date of the Functional Examination, the vendor must provide the Secretary of State's Office with a report from a NIST-certified testing laboratory demonstrating that the electronic pollbook system meets the requirements of the Texas Technical Testing Matrix for Electronic Pollbooks.

After reviewing the Application for Certification, the test report from the NIST-certified testing lab, and the examiner's completed Functional Testing Matrix, the Secretary of State will issue a decision on whether the electronic pollbook system will be certified for use in Texas elections.

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.

Initial Certification Process by January 1, 2020

Vendors who wish to offer their pollbooks to jurisdictions in Texas for elections occurring in 2020 will need to have those systems certified before January 1, 2020.

The Application for Certification (along with all accompanying documentation) must be submitted no later than December 2, 2019. Our office will schedule the in-person Functional Examination of the system as soon as the Application is received, and will be able to offer examination dates as early as October. The vendor will need to submit their system for testing with the testing lab and provide the report from the testing lab to the Secretary of State's Office before the date of the Functional Examination. The in-person Functional Examination will need to occur before December 15, 2019 for the system to receive a January 1, 2020 certification.

Once the examination has taken place, the Secretary of State's office will have 30 days to make a determination on certification. However, all applications submitted by December 2, 2019 will have a certification decision issued by January 1, 2020.

Conditional Certification

The Secretary of State has discretion to issue a conditional certification in the event that an electronic pollbook device is unable to meet certain requirements and standards listed in the Functional and Technical Matrices but is able to nonetheless comply with the requirements of Texas law or those standards by following other procedures. A pollbook device may also be conditionally certified in the event that the electronic device 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.

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 Functional Testing Matrix for Electronic Pollbooks. Local jurisdictions should review the matrix and ensure that the system, as delivered, meets those functional requirements.

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.

Recertification Process

Election Code 31.014 requires an electronic pollbook system that is used in Texas elections to be certified annually by the Secretary of State's Office. Accordingly, vendors will need to seek recertification of their system on an annual basis which will become effective on January 1 of the year in which the system will be used.

To seek recertification of a previously certified electronic pollbook system, the vendor will need to submit a new Application for Certification (along with all accompanying documents) by October 1 of the year preceding the year in which the system will be used. The vendor will not be required to submit the system for examination by a NIST-certified testing laboratory unless such testing is specifically requested by the Secretary of State's Office after review of the Application.

The Secretary of State's Office will issue a decision on recertification within 30 days of the receipt of the Application for Certification. The Secretary of State's Office may choose to grant the certification, deny the certification, or require additional in-person examination of the system before recertification may be granted.

A major modification to an electronic pollbook system will require the vendor to complete the full certification process, including the Technical Examination and Functional Examination phases. A major modification to an electronic pollbook system may not be certified through this administrative recertification process. The Secretary of State's Office retains discretion on whether a modification to an electronic pollbook system constitutes a major modification requiring the full certification process.

Modifications to Electronic Pollbook Standards

After the completion of the initial round of certifications, the Secretary of State may make modifications to the Technical and Functional Matrices for future electronic pollbook certifications. Any modifications made to the current process will be in place by **June 30, 2020** in order to provide vendors adequate time to ensure compliance with the revised standards.