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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 165
SECRETARY OF STATE
ELECTIONS DIVISION

FILED
04/03/2026 9:16 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Voting System Certification Process Update

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 05/22/2026 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Filed By:
Russell Buttram
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 05/15/2026

TIME: 1:00 PM - 1:30 PM

OFFICER: Russell Buttram

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 503-446-4951

CONFERENCE ID: 585789401

SPECIAL INSTRUCTIONS:

Passcode: bs7W9rd2

NEED FOR THE RULE(S)

This rule is needed to modernize and clarify Oregon's voting system certification process, ensure alignment with federal testing standards, incorporate Oregon-specific requirements, and formalize the Secretary of State's review in consultation with the OACC Equipment Certification Committee. It provides a transparent, consistent framework for evaluating voting systems and managing updates or modifications.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Voluntary Voting System Guidelines (VVSG) issued by the U.S. Election Assistance Commission (EAC), referenced as a federal certification pathway. This document is available from the EAC or from the Elections Division.

Oregon Voting System Requirements Matrix, developed and maintained by the Secretary of State in consultation with the Oregon Association of County Clerks' Equipment Certification Committee. This matrix is available from the Elections Division.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The proposed updates clarify and modernize the process for certifying voting systems and apply uniformly to all vendors and to all Oregon voters. By strengthening transparency, accountability, and security in voting system certification, the rule supports equitable access to reliable election technology across all communities. No racial equity concerns were identified during review of the rule's content or implementation structure.

FISCAL AND ECONOMIC IMPACT:

The proposed rule is expected to have minimal fiscal or economic impact. The rule primarily clarifies and formalizes existing voting system certification processes already used by the Secretary of State and reviewed in consultation with the OACC Equipment Certification Committee. State and county election officials are not anticipated to incur new costs, as the work aligns with current duties and established workflows. Vendors seeking certification will continue to bear the costs of required testing, documentation, and review, consistent with current practice.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

1) State agencies, units of local government, and members of the public are unlikely to be economically affected by this rule, as the work aligns with current duties and established workflows. Vendors seeking certification will continue to bear the costs of required testing, documentation, and review, consistent with current practice.

2) This rule does not regulate small businesses and is not expected to create any economic impact or cost of compliance for them.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not involved in the development of this rule because this rule does not regulate small businesses.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

A Rules Advisory Committee was not involved in the development of this rule because the fiscal and economic impact and cost of compliance is expected to be minimal.

AMEND: 165-007-0350

RULE SUMMARY: This rule updates Oregon's process for certifying voting systems. It allows systems to be certified through federal approval or testing by a federally accredited lab. Applicants must submit required forms and test documentation, and when applicable, an Oregon-specific requirements matrix. The Secretary of State, in consultation with the Oregon Association of County Clerks' Equipment Certification Committee, reviews the application and may approve, conditionally approve, or deny certification. All associated costs are paid by the applicant, certification documents are posted publicly, and any system modifications must be reported and may require further testing.

CHANGES TO RULE:

165-007-0350
Oregon Voting System Certification ¶

(1) All voting systems submitted for certification pursuant to ORS 246.550 must be certified For purposes of this

rule, "voting system" means either:

(a) A "vote tally system," as that term is defined in ORS 246.012(10); or

(b) A "voting machine," as that term is defined in ORS 246.012(11).

(2) The Secretary of State shall certify a voting system for use in Oregon pursuant to ORS 246.550 through either of the following pathways:

(a) Certification by the U.S. Elections Assistance Commission (EAC) or be examined as meeting the Voluntary Voting System Guidelines (VVSG); or

(b) Certification based on examination and testing by a federally accredited Voting Systems Testing Laboratory (VSTL).

(23) A person or company applying for certification of a voting system in Oregon must shall submit a complete Oregon Voting System Certification Application to the Secretary of State.

(34) A complete Oregon Voting System Certification Application includes:

(a) A Form SEL 675 which initiates the certification process;

(b) A VSTL Test Report documenting, at a minimum that the voting system meets or exceeds the Voluntary Voting System Guidelines prepared by a federally accredited VSTL, which must:

(A) Clearly identify the VVSG version under which the voting system meets the Voluntary Voting System Guidelines Version 1.0 promulgated by the U.S. Election Assistance Commission in the following areas:

(A) Technical Data Package (TDP) Review. 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, including, but not limited to, the version number of any proprietary software, firmware and hardware, if applicable was tested;

(B) Demonstrate that the scope of testing is consistent with and sufficient to evaluate compliance with the applicable VVSG version for that voting system, including all requirements relevant to the system's architecture and functionality; and

(C) Document, at a minimum, testing equivalent in scope to the applicable VVSG requirements.

(c) For certification under paragraph 2(b) only, all commercial off-the-shelf software, firmware and hardware, and the system configuration as proposed for Oregon certification;

(B) Source Code Review. A voting system's source code is its operating instructions in the original programming language, which must be compiled or assembled into an executable computer program completed Oregon Voting System Requirements Matrix, developed and maintained by the Secretary of State in consultation with the Oregon Association of County Clerks Equipment Certification Committee, which:

(A) Identifies applicable Oregon-specific statutory, administrative, operational, security, accessibility, and usability requirements;

(B) System Integration. System integration tests focus on the functionality. Indicates whether the voting system meets each requirement; and

(C) For any requirement not met of integrated hardware and software components, internal and external system interfaces, usability and accessibility and security. Election management functions, ballot-counting logic and system capacity are also tested;

(D) Physical Configuration Audit (PCA). The PCA compares the voting system components submitted against vendor's technical documentation and establishes a configuration baseline identified by the vendor as not applicable to Oregon, provides a detailed explanation sufficient to allow meaningful evaluation.

(5) The Secretary of State, in consultation with the Oregon Association of County Clerks Equipment Certification Committee, shall review the Oregon Voting System Certification Application to determine whether the voting system satisfies the applicable requirements in ORS 246.560 and is otherwise suitable for certification in Oregon.

(6) Based on the software and hardware. The audit also includes witnessing the build of the executable system to materials submitted and the review conducted under this rule, the Secretary of State may:

(a) Certify the voting system;

(b) Certify that it matches the build in the document voting system with conditions or limitations; and

(c) Functional Configuration Audit (FCA). The FCA is an exhaustive Deny certification.

(7) If the Secretary of State certification of every system function and combines the voting system, with or without conditions of functions cited in the vendor's documentation and is used to verify the accuracy and completeness of the Technical Data Package. This portion of the testing process will also verify limitations, the Secretary shall issue a report that satisfies the requirements in ORS 256.550(3). If the Secretary of State denies certify the accuracy of the counting logic for the system.

(c) Oregon Test Report, documenting at a minimum that the voting system adheres to the Oregon Voting System Certification Standards contained in Appendix 1, which is incorporated into this rule by reference, the Secretary shall state the reasons for denial.

(8) Certification of the voting system by the Secretary of State may occur only after a complete Oregon Voting

~~System Certification Application has been received and also:~~

~~(A) Confirms that the voting system presented is the same as the one certified by the Elections Assistance Commission (EAC) or as the one documented in the VSTL test report submitted under (3)(b) of this rule;~~

~~(B) Establishes a baseline for future evaluations or tests, and the contents reviewed and assessed. The Secretary of State may require the submission of additional information to complete the review and assessment of the voting system, such as state review after modifications have been made; and~~

~~(C) Define acceptance tests, if any.~~

~~(4) The cost of the examination by the VSTL and any additional testing necessary to produce the Oregon Test Report shall be paid by the person or company presenting the voting system for certification.~~

~~(5) Certification of the voting system by the Secretary of State may only occur once a complete~~

~~(9) All costs associated with VSTL testing, preparation of the Oregon Voting System Requirements Matrix, and any additional testing or documentation required by the Secretary of State shall be paid by the person or company presenting the voting system for certification.~~

~~(10) The Oregon Voting System Certification Application has been received and the contents reviewed and assessed. The Secretary of State may require the submission of additional information, any additional information requested by the Secretary of State to complete the review and assessment of the voting system.~~

~~(6) Changes or modifications to a, and any documentation of the Secretary of State's certified voting system must~~

~~(11) Any changes or modifications will be reviewed by to a certified voting system must be reported in writing to the Secretary of State and may require additional examination, testing, or recertification.~~

~~(7) This rule applies to applications for certification submitted on or after the effective date of this rule.~~

Statutory/Other Authority: ORS 246.150

Statutes/Other Implemented: ORS 246.550, ORS 246.5560