

STATE OF COLORADO
Department of State
1700 Broadway
Suite 250
Denver, CO 80290



Mike Coffman
Secretary of State

William A. Hobbs
Deputy Secretary of State

December 17, 2007

VIA EMAIL AND U.S. MAIL

Mr. Steve M. Pearson
Vice President, Certification
Election Systems & Software
11208 John Galt Blvd.
Omaha, NE 68137

Re: Colorado Voting System

Dear Mr. Pearson:

Your company submitted a voting system to the Colorado Secretary of State to be tested and considered for certification for use in Colorado elections.

In accordance with the Colorado Election Code and Election Rule 45, the Secretary of State's Testing Board conducted a series of tests on your company's voting system. The Testing Board tested for strict compliance with the Secretary of State's Rules. Outside auditors reviewed the Testing Board's findings to ensure that the Board complied with its testing procedures. In addition, the Colorado Office of Cyber Security independently reviewed the Testing Board's findings with respect to security testing.

The certification of voting systems must balance functionality, performance, physical and design characteristics, documentation, audit capacity, security, telecommunications requirements, and accessibility. Section 1-5-616, C.R.S. (2007). Although the Testing Board tested voting systems for strict compliance with the Secretary's Rules, a voting system can be certified as long as it substantially complies with the requirements of the Colorado Election Code, the Secretary's Rules, and any additional testing required by this office. Section 1-1-103 (3), C.R.S. (2007); Election Rule 45.3.2; Election Rule 45.6.3.1. A system substantially complies with the law if the purpose of the law is achieved despite the failure to strictly comply with each and every requirement.

In deciding whether to certify Election Systems & Software's voting system for use in Colorado elections, I have considered the results of the Testing Board, the results of the independent audit, and the review by the Office of Cybersecurity to determine whether the voting system substantially complies with the requirements of the Colorado Election Code and the Secretary of State Rules. Based on the above information, I have made the following determinations concerning the voting system submitted to this office by Election Systems & Software:

Software, Unity (Version Number 3.0.1.1)

Decertified. Major factors include the following deficiencies:

1. Failure to detect election programming changes and errors.
2. Inability to determine if tabulation software works correctly.

Precinct Optical Scanner, M100 (Version Number 5.2.1.0)

Decertified. Major factors include the following deficiency:

Inability to complete testing threshold of 10,000 ballots due to vendor programmer errors.

Central Count Optical Scanner, M650 (Version Number 2.1.0.0, Green Light Only)

Decertified. Major factors include the following deficiency:

Inability to complete testing threshold of 10,000 ballots due to vendor programmer errors.

DRE, iVotronic ADA w/ 3-button (9.1.6.2) and iVotronic non-ADA (9.1.6.2)

Decertified. Major factors include the following deficiencies:

1. System vulnerable to security attack
2. Failure to provide auditable data to detect security violations

This decision is effective immediately.

Major factors in decertification are listed above. However, please refer to the certification report "Election Systems & Software Project Overview – rev. A.2", which will be posted today on the Secretary of State's web site, for additional grounds for decertification. The certification report is incorporated into this decision by reference.

There will be an opportunity for representatives of your company and affected county clerks to meet with staff of the Secretary of State for a review of the testing results at the following time:

Wednesday, December 19, 8:00 a.m. – 12:00 noon (Secretary of State's Office)

A vendor or county affected by a decertification may request reconsideration following the established administrative process set out in section 1-5-621 (6), C.R.S.

Sincerely,



Mike Coffman
Secretary of State

cc: County clerk and recorders of counties using ES&S voting systems:
Pamela Anderson, Jefferson County Clerk and Recorder
Janice Rich, Mesa County Clerk and Recorder