

STATE OF COLORADO
Department of State

1700 Broadway, Suite 270
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Mike Coffman
Secretary of State

Holly Lowder
Director, Elections

Don Vopalensky
State Certification Manager
Premier Election Systems, Inc.
PO BOX 1019
Allen, TX 75013

August 31, 2007

Re: 2007-CDOS-DIE-001-0402 – Request for Items

As previously discussed we have compiled a list of outstanding items which require resolution to move forward with the conclusion of processing your voting system application for certification. We have arranged for a conference call with your office on Tuesday, September 4, 2007 to discuss the items. We have indicated in the attached table the specific location where the request for the items is a requirement under either Colorado Statute, Secretary of State Rules, or in some cases both.

Please keep in mind that the attached list of items is current as of today, and may be incomplete or changing based on the findings of follow up items presented to the testing board. Additionally, the testing board specifically is calling attention to items with severity 5 as they are primarily items that are preventing the certification process from moving forward. Items that involve impact to your customers (financially or procedurally) are included in the list, but the details of the impact are still be researched and evaluated by the testing board to make a determination how to mitigate the shortcomings of the system requirements as allowable by law.

In accordance with the previous letter to your attention from Secretary Coffman on August 29th, 2007, we anticipate a response and resolution to the attached list of items no later than September 29th, 2007.

Please contact me directly if you have any questions regarding the attached list of items prior to our arranged conference call on September 4th.

Thank you,

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2007-CDOS-DIE-001-0403 Open Issues

08.31.07

1. Significant Failure Observances.

<u>Phase</u>	<u>Description</u>	<u>Statute or Rule</u>	<u>Severity</u>	<u>Impact</u>
Application:	• No Issues to address			
Document Review:	• GEMS 1.18.24 2002 VSS matrix	Rule 45.5.1.1, 45.5.1.2 C.R.S 1.5.601.5	5	Required for recommendation of system for certification.
	• AVOS 2.0.12 CC-D 2002 VSS	Rule 45.5.1.1, C.R.S 1.5.601.5	5	Required for recommendation of system for certification.
	• Escrow of Voting System Software	Rule 11.8.2	5	Required for recommendation of system for certification.
	• Escrow of Voting System Software	Rule 11.8.3	5	Required for recommendation of system for certification.
	• Escrow of Voting System Software	Rule 11.8.4	5	Required for recommendation of system for certification.
	• Escrow of Voting System Software	Rule 11.8.6	5	Required for recommendation of system for certification.
	• Escrow of Voting System Software	Rule 11.8.9	5	Required for recommendation of system for certification.
	• Documentation Requirements	Rule 45.5.2.4.2	5	Required for recommendation of system for certification.
	• Documentation Requirements	Rule 45.5.2.4.4a	5	Required for recommendation of system for certification.
	• Accessibility Requirements	Rule 45.5.2.8.2b	5	Required for recommendation of system for certification.
	• Security Requirements	Rule 45.5.2.6.3f	4	
	• Accessibility Requirements (TSx Only)	Rule 45.5.2.8.2c	3	
	• Telecommunications Requirements	Rule 45.5.2.7.2b	2	
	• Physical and Design Characteristics	Rule 45.5.2.3.18	1	
	• Documentation Requirements (GEMS Only)	Rule 45.5.2.4.1d	1	
	• Accessibility Requirements (TSx Only)	Rule 45.5.2.8.2f	1	
	• VVPAT (TSx Only)	Rule 45.5.2.9.26	1	

Demonstration:	<ul style="list-style-type: none"> • No Issues to address 			
Trusted Build:	<ul style="list-style-type: none"> • Antivirus Software not provided. 		5	Required for recommendation of system for certification.
Functional Tests: (see additional detail in Section 2)	<ul style="list-style-type: none"> • Modems: <ul style="list-style-type: none"> - devices w/Fed FIPS 140/180 Certification, or - vendor letter of Non-submission 		3	
	<ul style="list-style-type: none"> • Database Security: <ul style="list-style-type: none"> - data file encryption (preferred), or - site/system protocol procedures 		4	
	<ul style="list-style-type: none"> • Battery Life: <ul style="list-style-type: none"> - charge life (>3hr) over device service life (preferred), or - spares and replacement schedule to hold power/time life curve, or - inline tertiary power, i.e. UPS 		3	
	<ul style="list-style-type: none"> • Provisional Ballot Processing: <ul style="list-style-type: none"> - enhance GEMS election definition programming/ballot sorting functions (preferred), or - specify procedures and equipment configurations/additions 		2	
	<ul style="list-style-type: none"> • Device Printout Content <ul style="list-style-type: none"> - expanded number of user-content fields for device printouts, i.e. Zero, Summary, Audit reports - selectable content, i.e. title + text - selectable formats, i.e. numerical 		2	

2. Failure Incidence Rate. (Functional Testing Only)

<u>Category</u>	<u>Description</u>	<u>Records (~85 total)</u>	<u>Rate (%)</u>
Modem/Comm. Security	Availability/FIPS 140, 180	15	17.6
Battery Life	Inadequate charge life	12	14.1
Printout Text	Insufficient content	10	11.7
Provisional Ballot Handling/Programming	Coding and Procedures	9	10.6
Database Security	Accessibility/Encryption	12	14.1
Subtotal	5 Categories	58	68.2%
Software Protection	Anti-Virus Program	2	2.3
SN Traceability	Unit + Display + Records	2	2.3
Memory Cards	Insufficient Capacity	1	1.2
V-VPAT Function	Impairment Feedback	1	1.2
Ballot Tracking	BOD Accountability	3	3.5
Ballot Layout/Contests	20 Yes/No	3	3.5
System Performance	MemCard Transfer Time	2	2.3
Audit Records	Content/Access	2	2.3
Defective Ballots	Read Accuracy	1	1.2
Mis-feed Events Limit	<1:5000	1	1.2
Accessibility	Dimensions/Features	3	3.5
System Calibration	CCOS Sensitivity	1	1.2
...
Total Failure Records	(functional tests only)	~85	...100%

3. Table of Scale.

<u>Significance</u>	<u>Value</u>	<u>Impact</u>
SEVERE	5	Impeding Certification
SERIOUS	3 – 4	Requiring Impact to Customers – FISCAL
CONDITIONAL	2	Requiring Impact to Customers – PROCEDURAL
ADVISABLE	1	See ADVISEMENTS Section

4. ADVISEMENTS – Recommendations for Implementation Consideration *[Advisements are to be determined by Testing Board at the conclusion of testing, and included in the Qualification Report for the voting system]*