

**STATE OF COLORADO**  
**Department of State**

1700 Broadway  
Suite 250  
Denver, CO 80290

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**Mike Coffman**  
Secretary of State

**William A. Hobbs**  
Deputy Secretary of State

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August 29, 2007

**VIA FACSIMILE & CERTIFIED MAIL**

Aldo Tesi  
President  
Elections System Software (ES&S)  
11208 John Galt Blvd.  
Omaha, NE 68137

**Re: Colorado Certification for 2008 Primary & General Elections**

Dear Mr. Tesi:

As you know, the Colorado Secretary of State's Office is under court order to "retest previously certified systems or any new systems ... prior to the next primary, general or statewide ballot issue election following the November 7, 2006 general election, whichever comes first" (*Conroy v Dennis*, Denver District Court, Case No. 06CV6072).

As the November 6, 2007 election does not contain a statewide ballot issue, **all previously certified electronic voting equipment currently in use in counties remains certified for the 2007 election.** However, per the court order, previously certified equipment is **not certified for use in the 2008 Primary Election.** Before electronic equipment can be used in 2008, it must pass the rigorous retesting process performed by this Office.

Since retesting began in April, this Office has been unable to obtain from ES&S all of the documentation, system components, and other information necessary for us to conduct the retesting, despite our repeated attempts to do so. As a result, we have been unable to complete the retesting process for your equipment.

Notwithstanding this delay, I am committed to seeing this process through and ensuring that the electronic voting equipment used in Colorado is secure and accurate.

Therefore, in order to expedite retesting, each vendor will be held to the following requirements:

1. Vendors will have **30 days in which to respond to any request** from the Secretary of State's Office for missing or incomplete information. Failure to respond to a request within 30 days will **suspend the certification process** until the information or equipment requested is submitted.

2. If, by 5:00 PM, Friday, November 16, 2007, the State is still missing information or materials from ES&S that is necessary to complete the certification process, then **ES&S's voting equipment will not be certified for use in the 2008 Primary or General election.**

By your meeting the above requirements, we will ensure that the retesting process is completed in a timely manner, and that counties have ample time to make any necessary purchases for the August 2008 Primary Election.

I expect ES&S's full cooperation.

Sincerely,

Mike Coffman  
Secretary of State

CC: Jefferson County Clerk & Recorder  
Logan County Clerk & Recorder  
Mesa County Clerk & Recorder