

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

August 29, 2007

VIA FACSIMILE & CERTIFIED MAIL

Don Vopalensky
State Certification Manager
Diebold Election Systems, Inc.
P.O. Box 1019
Allen, TX 75013

Re: Colorado Certification for 2008 Primary & General Elections

Dear Mr. Vopalensky:

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 Diebold 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 Diebold that is necessary to complete the certification process, then **Diebold'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 Diebold's full cooperation.

Sincerely,

Mike Coffman
Secretary of State

CC: Adams County Clerk & Recorder
Alamosa County Clerk & Recorder
Broomfield County Clerk & Recorder
Delta County Clerk & Recorder
El Paso County Clerk & Recorder
La Plata County Clerk & Recorder
Larimer County Clerk & Recorder
Mineral County Clerk & Recorder
Pitkin County Clerk & Recorder
Saguache County Clerk & Recorder
Teller County Clerk & Recorder
Weld County Clerk & Recorder