

**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**

David Hart  
President  
Hart InterCivic  
PO Box 80649  
Austin, TX 78728

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

Dear Mr. Hart:

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

Sincerely,

Mike Coffman  
Secretary of State

CC: Alamosa County Clerk & Recorder  
Archuleta County Clerk & Recorder  
Baca County Clerk & Recorder  
Bent County Clerk & Recorder  
Boulder County Clerk & Recorder  
Chaffee County Clerk & Recorder  
Cheyenne County Clerk & Recorder  
Clear Creek County Clerk & Recorder  
Custer County Clerk & Recorder  
Delta County Clerk & Recorder  
Dolores County Clerk & Recorder  
Douglas County Clerk & Recorder  
Eagle County Clerk & Recorder  
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Gunnison County Clerk & Recorder  
Kiowa County Clerk & Recorder  
Kit Carson County Clerk & Recorder  
Lake County Clerk & Recorder  
Las Animas County Clerk & Recorder  
Moffat County Clerk & Recorder  
Montrose County Clerk & Recorder  
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Washington County Clerk & Recorder