Colorado Secretary of State's Uniform Voting System Advisory Committee

1700 Broadway, Denver, Colorado

Aspen Meeting Room, 3rd Floor

March 22, 2013

12:00 noon to 3:00 p.m.

Agenda

1. Call to order
2. Introduction of new member George M. Leing
3. Review of Agenda
4. Review of Summary of March 1, 2013 Meeting (Handout)
5. Revised Draft Definition of UVS (Handout)
6. Update on work of Technical Volunteers (Al)
7. Secretary of State Scott Gessler l: 00 p.m.
8. Discussion of System Support Options (Handout)
9. Other

Next Meeting Scheduled for April 5, 2013 from 12:00 noon to 3:00 p.m.

Summary of Uniform Voting System Advisory Committee Meeting
March 5, 2013

Meeting was called to order by Chair Deborah Johnson.

The Committee reviewed the summary of the February 8, 2013 meeting and requested a clarification of the discussion concerning amending rules and statutes. The result of the conversation was that the Committee believes we should not be restrained by current rules and statutes in seeking a uniform voting system, as it is highly likely that rules and statutes will need to be changed because of the advances in technology that may be available to the State.

The Committee reviewed the draft Operating Protocol for the Committee. While there were no objections to the substance of the protocol, the Committee members expressed disappointment that the words "non-binding" were used twice in the document.

The Committee invited Secretary of State Gessler to attend the next meeting and describe his vision of the Uniform Voting System project. **(Note: Secretary Gessler is scheduled to attend the March 22 meeting.)**

The Chair introduced the topic of the project timeline and in the discussion the following points were raised:

- Overall the timeline appears to be too rushed.
- The members expressed concern that the RFI was put out too soon without adequate time for Committee input.
- Full implementation of the UVS is not feasible on the current deadline of July 2014.
- We should set a goal to be ready for a "pilot" election in 2014 as the best case scenario.
- The pilot election could be for one or more counties and perhaps on one or more prospective systems.
- Further discussion of a pilot election may be appropriate after review of the RFI responses.
- The committee would like to review the RFI responses at its May 3, 2013 meeting. Depending upon the number of responses, a special meeting may be necessary.
- Noting the timeline reference to potential rule revisions, the Committee was told that there may be the opportunity to update rules that might impact the UVS project during the annual summer rule update following the Legislative session.

- The Committee suggested that in formation of the Public Participation Panel, the stakeholders who had previously been identified at a 2012 meeting on UVS should be represented. Committee members also emphasized that it will be important that questions raised by the Public Participation Panel be fully answered.

- It was suggested that a meeting of the Public Participation Panel be scheduled after the RFI review and before the RFP is issued.

- The Committee stated that the RFP issue date of August 1, 2013 should remain fluid, depending upon the responses to the RFI.

- The Committee suggested that in addition to the scheduled review of the draft RFP by the Committee, the Technical Volunteers and the Public Participation Panel, that perhaps a third party professional should be involved in development of the RFP.

- The Committee recommended that staff combine the various calendaring documents into a single calendar and that the calendar should remain fluid.

- The Committee discussed the potential need for certification of a new system and was told by staff that certification could take from four months to two years depending upon the system chosen.

- The Committee was informed that under current Colorado Law, the certification would be to the original 2002 Voting System Standards (2002 VSS) of the Federal Elections Commission. Legislation is needed to allow certification to the 2005 Voluntary Voting System Guidelines (2005 VVSG) issued by the Elections Assistance Commission. (*The new version of the VVSG (VVSG 1.1) currently under development, when approved, would be allowed under current Colorado Law because the standard would be in place after the January 1, 2008 date specified in 1-5-601.5, C.R.S., Compliance with federal requirements. However, without the appointment of EAC Commissioners, there is no mechanism for approval of these standards.)*

- Member Faith Gross indicated to the Committee that neither set of standards adequately provides for accessibility.

- The Committee agreed that the timing for certification should be indicated on the project timeline.

- The Committee raised the question of whether we should be contacting state universities about the potential for providing third party support. The determination was that until we see the RFI responses, we do not have sufficient information to have a substantive discussion with potential support service providers.

- Chair Johnson announced the appointment to the USVAC by the Secretary of George Leing, as a public member, who will join the Committee at its March 22, 2013 Meeting. The Chair distributed Mr. Leing's resume'.

The Committee meeting was adjourned by the Chair.

Colorado Secretary of State's Uniform Voting System Advisory Committee
Definition of a Uniform Voting System

For the purposes of the Colorado Secretary of State's Uniform Voting System Advisory Committee deliberations and for the development of system standards, the following definition of a Uniform Voting System shall apply:

> *A "Uniform Voting System" is an integral component of Colorado's comprehensive election structure including, but not limited to, voter registration, signature verification, accessibility, ballot design and production, ballot on demand, electromechanical issuing and reception of ballots, tabulation, statewide uniformity of equipment, election night reporting and results auditing.*

Specifically, the Uniform Voting System component of the comprehensive election structure is defined as a system that consists of a defined set of equipment, software, processes, documentation and support options including:

Election and Ballot Setup and Creation

- Equipment and software to create, edit, layout and produce paper and electronic ballots.
- Equipment and software to perform logic and accuracy testing pre-testing, and parallel testing.
- Equipment and software to provide creation of electromechanical ballots and secure electronic distribution and reception of ballots.

Vote Capture

- ADA compliant vote capture equipment and software including audio ballots
- Equipment and software to provide "ballot on demand" capabilities both at central and external sites.

Vote Tabulation and Results Reporting

- Equipment for scanning and tabulating votes from paper ballots.
- Vote tabulation hardware and software for uploading results.
- Software to allow reporting of results in a standardized format exportable to a central election night reporting system.
- Hardware and software to produce results by location when necessary.
- Software to allow reporting of results by source.
- Software to compile all results from an entire county by precinct.

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Options for Providing Voting System Support Services

Report to the Uniform Voting Systems Advisory Committee

March 22, 2013

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Options for Providing Voting System Support Services

Overview

Conducting elections is a complex operation. While the public and many of our government contemporaries see the results of our work once or twice a year when voting is actually occurring, there are many phases leading to the culmination of an election,.

Many phases of an election may involve some level of support from outside sources including certifying, maintaining, programming, testing, operating, and auditing the systems used for ballot creation, ballot production, ballot dissemination, vote capture, vote tabulation, and vote reporting.

A Changing Landscape

Traditionally much of the work associated with voting system support has been contracted through the equipment and software vendors either as part of the purchase contract or an adjunct contract for services.

In the past several years the voting equipment industry has shrunk. Only a few major companies remain that produce, sell, and service the bulk of the voting equipment currently used in the United States.

Surviving companies now support the equipment they produce and sell as well as the equipment of their former competitors.

This means more support is required to service multiple types of equipment throughout the country. Many jurisdictions have reported reductions in service availability and quality even as their service needs increase because of aging equipment and changing laws, rules, and processes.

System Support Models

There have historically been two models for voting system support:

- Local governments with individual vendor support contracts, or
- State Election Agencies providing some or all support services via a contract with a vendor or directly through the State Agency.

Since the passage of the Help America Vote Act, following the 2000 Presidential Election, another support model has evolved: Third party providers, contracted by State Election Agencies, to provide some or all of the support services to local jurisdictions.

The following are descriptions and examples of each model.

Support Model 1 - Traditional County/Vendor Support Model

Most states, including Colorado, use this model in which the counties contract directly with vendors for services. This involves each county entering into and managing a support service contract with one or more vendors who support the specific equipment used within the county.

Cost of County/Vendor Support Model

Analyzing Colorado's current county/vendor support costs is difficult because of the lack of specific information about actual costs. The Colorado Department of State's Survey of Counties following the 2008 November General Election solicited such information. It should be noted that 18 counties, including Denver and Pueblo did not respond to the survey and the data below is based only on the 47 responding counties.

Of the responding counties:

- 23 reported vendor costs for ballot layout.
- 21 reported vendor costs for technical support.

For the reporting counties in each category the average cost per Active Registered Voter was:

- Ballot layout - $0.15
- Technical support - $0.16

Based on the registered voter totals in the reporting counties, the combined total cost to those counties was:

- Ballot layout @ $0.15 = $321,440
- Technical support @ $0.16 = $342,870

The total cost to those reporting was $664,310

We so not have the complete picture because we do not know the costs for those counties that did not report, did not report in the specific categories, or did not report annual contract amounts as direct expenditures for the 2008 General Election.

However, to have a general frame of reference, if we apply the average per Active Registered Voter cost indicated to the full Active Voter registration for Colorado (2,672,442 on March 1, 2013):

- The cost for ballot layout support @ $0.15 = $400,870
- The cost for technical support @ $0.16 = $427,590

The total support cost, paid to vendors, based on these figures for a General Election, could be estimated at approximately $828,500 for ballot layout and voting equipment technical support. (These figures are from 2008 and no inflation has been considered.)

It may be that the cost of supporting our current equipment differs significantly from the support cost for a new generation of voting system technology.

County/Vendor service model advantages include:

- More direct control within each election jurisdiction.
- Accountability of local election officials to local citizens.
- The timing of services provided can be negotiated directly between the vendor and the county without the involvement of the State or other entity.

Disadvantages include:

- Since all states generally have big elections at the same time, some counties, especially smaller ones, often have to wait for service and then get only minimal vendor attention.
- Vendor staff turns over.
- Costs for vendor services continue to rise as equipment ages.
- Local governments with strained budgets are reluctant to pay for vendor services.
- Some believe it is a security risk to have the vendor involved in programming and maintaining the elections setup, vote capture, and vote tabulation equipment.

Support Model 2 - The State Elections Agency as Service Provider

States that provide significant levels of direct support for local elections through their State Elections Agency must hire a sufficient number of full and part time staff to be able to provide this support.

The following is information from a few states that provide nearly all, or a significant portion of the operational and system support for the State's voting systems.

Louisiana (Approximately 2.9 million Active Registered Voters – in 64 Parishes)

Louisiana represents the total state support model as the State provides all ballot and election system support for the 64 parishes in the state. Louisiana's parishes are comparable to counties in Colorado.

The State owns, stores, and maintains all of the voting equipment. The State leases warehouses throughout the state for the storage and maintenance of elections equipment.

Under the State Commissioner of Elections, an appointee of the Secretary of State, the Elections Section is divided into two areas: Programming/Operations and Balloting/Commissions.

For each election, in each of the 64 parishes, the Programming/Operations Unit:

- Programs and tests all voting equipment
- Distributes ballots
- Distributes voting machines

The Balloting Unit:

- Administers all laws governing voter registration and elections
- Maintains the statewide voter registration database
- Lays out and creates all of the ballot formats and provides them to the Programming/Operations unit for loading into the DREs and printing paper ballots

Following the State's testing, the paper ballots are printed by a single State contracted print vendor. The State Elections Department distributes the appropriate styles and quantities of paper ballots to each parish.

The State Operations (SO) staff members each assume a territory and responsibility for all of the parishes within that territory. The SO staff supervises the close of polls in each parish on all early voting machines following the one week of early voting.

This includes removing the memory cartridges and uploading the results to the state computers. The Early Voting period in Louisiana is from the 14th to the 7th day before Election Day.

SO staff is responsible for ensuring that every precinct voting location in the assigned territory is functional on Election Day. Working with the State technicians in each parish, they receive and respond to all problem calls in their territory. Like the technicians, all SO staff members are certified machine mechanics.

When voting is completed on Election Day, the cartridges from the Election Day machines are removed from the voting machines and delivered to the Clerk's office in each parish. Tally of the cartridges is done or supervised by SO staff.

Tallies are added to the Early Vote totals in the state computer system, and transmitted to the SOS. The results of the paper ballot scanning are uploaded into that system for reporting. All results reporting is done by the State.

Mail (absentee) ballots are issued by the local parishes and are tracked through the statewide voter registration system called ERIN (Election Registration Information Network). Signature verification on returned ballot envelopes is done at the local level.

The final canvass of votes is conducted by the Registrar of Voters in each parish; however the auditing is a joint function involving the Parish, the State, and the vendor.

<u>State Staffing</u>

- The Balloting Unit has 12 full time staff.
- The Programming/Operations unit has 36 full-time staff.
- In each of the 64 parishes the state has a contracted equipment warehouse with at least one full-time technician but up to five full-time technicians in the larger parishes. Additional part-time technicians are employed at election time.
- Total employees = 127 full-time and 80 part-time.
- The "Registrar of Voters" in each parish is partially paid for by the State.

The State of Louisiana has reported its annual budget is approximately $26.2 million including:

- $900,000 extended equipment warranty and support agreement
- $12.8 million Election Day Expenses
- $2.7 million warehouse leases
- $8.4 million for full-time employees and
- $1.4 million for part-time employee.

Alaska (Approximately 500,000 Registered Voter in 40 State Voting Districts)

Alaska represents a model with some state control.

The State Elections office owns and maintains the uniform statewide system of vote capture and vote tally equipment (Dominion).

Ballots are designed and programmed by the state.

The State has had the University of Alaska do security audits on the system.

Cost figures were not provided by the State of Alaska.

Maryland (Approximately 3.76 million Active Registered Voters in 24 Counties)

Maryland has a uniform statewide election system. The administration of elections, while overseen by a strong State Director and a State Board of Elections (SBE), is left primarily to the 24 counties' Local Boards of Elections (LBEs).

The state owns the voting equipment; however the purchase cost of the equipment is shared by the SBE and LBEs. The State pays 50% and the remainder is allocated to the LBEs based on voting age population within the County.

The LBEs perform all maintenance on the voting equipment.

The State has a time and materials contract with the vendor which includes repair of equipment when needed. The State pays the vendor, and bills the LBE for 50% of the actual cost.

The State, with vendor assistance, performs all ballot creation functions.

LBEs perform Logic and Accuracy (L&A) testing. The State has a contract for Voting System Services under which the contractor supplies L&A technicians to those LBEs needing assistance (about half actually request it). The cost of these technicians is split evenly between the SBE and the LBE. Counties are also free to hire their own technicians, although the State does not contribute to the costs if the LBE chooses this option.

Limited parallel testing is performed on Election Day by the State with SBE staff and volunteers.

Post election auditing is a joint process with the LBEs and the SBE. The audit process is State generated.

Cost figures provided by the State of Maryland indicate their cost for contracted technical support was about $2.5 million. Additionally there are State staff members involved at an estimated cost of $1.6 million, for an total of $4.1 million.

A Potential Colorado State Support Model

While not recommending any model, the following represents a staff vision of an approach Colorado might take in designing a State support model if Colorado chose to implement a state support model.

State Roles:

- Purchase, own and maintain all vote capture and vote tabulation equipment, software, and systems.
- Employ Election Specialist Technicians to maintain the equipment and system.
- Employ Election Programmers for ballot creation, Election Management System (EMS) programming, and uploading to the vote capture equipment.
- Arrange space for equipment storage and maintenance where it is not feasible for counties to properly store the equipment.
- Arrange space for storing and maintaining backup equipment and replacement parts.
- Conduct equipment and Logic and Accuracy testing.
- Provide and maintain backup voting and tabulation equipment.
- Provide ballot on demand equipment, training, and support.
- Design basic training materials for counties.
- At a future date, seek to centralize paper ballot printing, delivery of paper ballots to each county, and perhaps centralize mail ballot issuing.
- Provide Early Voting and Election Day technical support as needed.
- Operate an ongoing voting system help desk with increased hours and staffing during peak election times.

County Roles:

- Create elections and ballot styles in SCORE for import into the EMS.
- Where feasible, provide secure storage for voting equipment in an appropriate environment.
- Establish polling sites, vote centers and service centers as appropriate.
- Hire and train election judges and necessary personnel.
- Perform all ballot tabulation, regardless if electronic or paper ballots.
- Compile and report all results to the State Election Night Reporting System.
- Perform all post election canvass and audit functions.
- Store and maintain election materials as required by federal and state laws and rules.

Cost of Colorado State Support Model

Estimate of resources necessary at Colorado Department of State to accomplish above listed functions.

Cost Item	FTE	Even Year Cost*
Election Specialist Technicians	4	$200,000
Ballot on Demand Specialists	2	110,000
Helpdesk Assistants May through November of even numbered years	2	50,000
Election Specific Programmers	3	145,500
Legal resource	1	55,000
Election Night Reporting Specialist	1	55,000
Additional vehicles year around***	4	30,000
Rental vehicles for peak election times	3	10,000
Backup voting equipment, spare parts and storage space for same.		50,000
Total		$705,500

Note: Travel budget is included in personnel cost calculations
***Based on State Personnel formulae for specific position descriptions and rounded.*
****Amortized over five years*

State support model advantages include:

- Uniformity of services
- Availability of services on a state/local schedule, not the vendor's schedule
- Assurance that all jurisdictions get timely services
- Assurance to the public that the entire state is ready for an election

Disadvantages include:

- Need for additional employees at State agency
- Jurisdictional perception of loss of control

Support Model 3 - Third Party Support Provider

The primary model for support services provided by a third party is a State Election Agency contracting with one of the state's public universities to provide specific services or a range of services. These services range from very limited, such as certification of equipment and auditing, to full scale ballot development, equipment testing, equipment maintenance, training, etc.

Georgia (159 Counties)

Georgia pioneered this approach with an agreement between the State Elections Department and Kennesaw State University which now runs the Center for Election Systems. The Center originally provided minimal services for equipment certification but now provides a full menu of services to the 159 Georgia Counties, which includes:

- Equipment Certification
- End User Training (Staff and Election Workers)
- Deployment of DREs
- Acceptance Testing of Systems and Upgrades
- Logic and Accuracy Testing
- Security Procedures
- Parallel Monitoring Procedures for Election Day System Verification
- State Training Program Modules
- Ballot Building
- Helpdesk Support for Counties

Contract documents indicate that the 2013 Budget for these services is approximately $710,000.

Indiana (92 Counties)

The Secretary of State of Indiana has an agreement with Ball State University to provide some support services under the Voting System Technical Oversight Program (VSTOP) established in 2005, including:

- Develop System Standards for Voting Systems
- Review Technical Reports from Independent Testing Laboratories
- Recommend Approval of Systems
- Review Equipment Contracts Between Counties and Vendors
- Compile and Maintain Database of Each County's Voting System Equipment Inventory
- Perform Audits of Voting Systems

Costs for this program are identified by contract documents as an average annual cost over five years (2008-2012) of $102,000.

Connecticut (8 Counties)

The Secretary of State of Connecticut has an agreement with the University of Connecticut for the Connecticut "VoTeR" Center, which was established in 2010.

Services provided under this agreement include:

- Design and Conduct Voter System Testing Process
- Design and Conduct Acceptance Testing on All Voting System Components
- Evaluate Security, Integrity, and Dependability of Voting System Equipment in the State (Includes Upgrades)
- Evaluate All Potential New Equipment
- Design Technical Audits and Pre-Election and Post-Election Audits
- Develop Standards and Assist With Administration of Audits
- Review Memory Card Programming and Use
- Evaluate Malfunctioning Equipment

Contract documents indicate the cost of this program at $383,500 for the first year.

Cost Comparison Between Support Models

Based on information available:

- A County/vendor support system may cost approximately $800,000 to $850,000 annually.

- A full State support model (Louisiana)could cost as much as $26,000,000 annually.

- A Colorado system based on the staff described model could cost approximately $700,000 annually.

- A third party university model could cost between $100,000 and $700,000 annually depending upon services provided.

Analysis of a Third Party Support Model

Experience of other states indicates that there are six functional areas in which a third party provider may be able to effectively provide election support. These functions may be prioritized by the jurisdiction and phased in over time.

1. Training
    a. Poll Workers
    b. Poll Managers
    c. Election Officials
    d. Voters

2. Ballot Building
    a. Election definition (Database Programming)

   b. Ballot printing/production

3. Testing
   a. Certification testing
   b. Logic & Accuracy testing
   c. Acceptance testing
   d. Auditing
   e. Engineering Change Orders
   f. Other, special cases

4. Research
   a. Test scripts
   b. White papers
   c. Legislative initiatives
   d. Accessibility/Security/Usability research
   e. Interoperability

5. Election Support
   a. Call Center
   b. Rovers
   c. Election Night Reporting
   d. Emergency assistance

6. Maintenance
   a. Hardware
   b. Software

Timing

Given the timelines on this project, if a third party is to have a functional role in the up-front testing and acceptance of a new system, it will require a steep learning curve and a determination of the use or non-use of a third party very early in the project.

That creates a difficult scenario. We really won't understand the specific direction that Colorado wants to go with a system until we review the RFI responses which are due April 1, and perhaps will not have sufficient information until the RFPs are returned and evaluated in November and December of 2013.

Assuming a good response to the RFI, staff and our technical volunteers will need to spend the month of April (and perhaps May) analyzing the RFI responses for potential, then reporting the results of the analysis to the Advisory Committee at its May or June meeting.

From that point, we may get direction on the type of system we are seeking (software vs. hardware or some combination) and will be able to finalize the system requirements for an RFP issue by August 1.

These timelines are crucial to the discussion of a third party support supplier, if that party is to have a meaningful role in the early testing of whatever system(s) we select from the responses to the RFP.

Legislative Impacts

Another consideration impacting this issue is the potential for significant changes in Colorado's method of conducting elections.

There are two issues, either of which could seriously impact how we support a system and to what extent any third party might need to provide support.

The most significant of these would be a change to all mail ballots. This would dramatically decrease the scope of voting system support necessary since the primary means of tabulating votes would be high speed central count paper ballot tabulation systems. This would require significantly fewer equipment units than continuation of the current polling place/vote center model.

There would, of course, be some accessibility equipment to be supported, but the amount of equipment would be minimal compared to the equipment that is used now.

A second major impact might be if Colorado were to adopt "same day" or "Election Day" voter registration, maintain the current voting process, and allow registration to occur at voting locations. The equipment landscape might change considerably if counties opted, or the state required, Vote Centers rather than traditional precinct polling sites as the primary mechanism for in-person voting.

This might impact the type and number of voting units necessary, as well as increase the need for robust voter verification and pollbook capabilities.

These policy issues will be determined legislatively by the 2013 session. There may be no change, or there may be one or more significant changes. The Legislature is scheduled to adjourn on May 8, 2013.

We expect to have RFP responses in by October 29 and be able to announce a system choice by December 31.

If we expect to implement a pilot project or an initial election in the 2014 election cycle, some system testing, and perhaps certification, will need to be done well before that.

If a third party is to assist in that, the technicians will need to have been trained in elections standards, security, and operations. Ideally, a third party would assist our Voting Systems team in developing testing protocols and standards.

Questions

As Colorado considers the potential for the third party provider approach, there are numerous questions that need to be answered:

1. What capacity is available at Colorado Universities?

2. How long will it take a "center" to become familiar enough with election systems to be able to begin to provide services?

3. Will the cost of providing the services by the State or a third party be cost effective?

4. What services should be performed in the beginning?

5. What will the costs be to begin? In future years?

6. What kind of continuity could the center provide?

7. What kind of evaluation of the effectiveness should take place, and when?

8. What services might be performed by a third party in the future?

9. Are vendors hungry enough to be cost competitive in the services they can provide?

10. Will we see increased capital costs for any system(s) we buy because the vendor will not have the support service revenue stream?

11. Are there dangers in absolving the vendors of responsibilities for servicing equipment? (e.g. what we might consider a flaw in the system that we find later might be attributed by the vendor to improper servicing of the equipment by the State or a third party.)

12. Will the program providing these services have stability? If we adopt a third party university model, will the turnover in graduate students cause issues and will the faculty be stable?

13. Can the Department of State justify and receive budget authority for shifting the support costs from the counties to the state or is there a cost sharing aspect? If not, what is the funding mechanism?

14. Do we adopt a different support approach for "state" elections than for municipal, district and coordinated elections, or is it all or nothing?

15. Will the state need to add staff to provide oversight and quality control over a third party?

16. What is a realistic timeline for a third party approach to be effective?

17. If we determine to use a third party, should we contract with the vendor(s) for the first couple of years while we get a third party up to speed?

18. If a third party approach eventually reduces the need for technical personnel in the counties, will there be county jobs lost? Is this a good thing (cost savings) or bad?

Security, Interfaces and Audits

- Equipment and software allowing seamless interface to existing or new components and information including but not limited to: Statewide Voter Registration System, jurisdictional and candidate information, signature verification systems, ballot inventory, and Ballot on Demand.
- Any other components of the comprehensive elections structure that may be determined to be functionally important for integration and successful implementation of the Uniform Voting System.
- Physical security and data integrity measures.
- Contingencies and back-up plans.
- Software providing auditing capabilities meeting or exceeding auditing standards adopted by the State of Colorado, including risk limiting audits.

Training and Support

- Maintenance, operational, instructional and training materials and processes necessary to install, deploy and operate a Uniform Voting System.
- Support options including Vendor, County, State or Third Party Support.

Certification

- Is or can be certified to meet the current VVSG, or other standards, specified in Colorado statutes.