

SECRETARY OF STATE'S TRANSPARENCY POLICY FOR THE  
PILOT ELECTION REVIEW COMMITTEE

1. Generally:
  - a. The committee does not have its own administrative offices or staff other than facilities and personnel supplied by the Secretary of State.
  - b. The Secretary of State supplies the Pilot Election Review Committee with all documents and records it requires or requests to perform its work.
  - c. The Secretary of State makes all records supplied to the Pilot Election Review Committee publicly available by posting them to the Committee's page of the Secretary of State's website. The Committee's website page is currently located at [www.sos.state.co.us/pubs/elections/VotingSystems/reviewCommittee.html](http://www.sos.state.co.us/pubs/elections/VotingSystems/reviewCommittee.html).
  - d. Requests for other records pertaining to the Pilot Election Review Committee's work should be submitted and will be processed according to the Secretary of State's standard policies for requests under the Colorado Open Records Act (CORA). The Secretary of State's standard CORA policies are posted on the Secretary's website at [http://www.sos.state.co.us/pubs/info\\_center/coraFAQ.html](http://www.sos.state.co.us/pubs/info_center/coraFAQ.html).
2. Records pertaining to the certification or temporary approval of voting systems under section 1-5-619, C.R.S.:
  - a. Secretary of State Work Product: Effective April 13, 2015, the Secretary of State will make publicly available the completed work product generated in the ordinary course of the voting system certification process by Department of State staff, by posting them on the Voting Systems page of the Secretary of State's website. These materials consist of:
    - i. Applications for temporary approval
    - ii. Colorado requirements matrix
    - iii. Test plan for temporary approval
    - iv. Test results
    - v. Temporary approvals, denials of temporary approval, county use authorizations, and conditions of temporary use.
  - b. Documentation Supplied by System Providers:
    - i. Colorado law requires voting system providers to submit copies of all system documentation, including prior test reports and prior certifications, with applications for certification or temporary use.
    - ii. Documents supplied by system providers may be public records under section 24-72-202(6)(a)(I), C.R.S., because they are "writings made, maintained, or kept

by” the state or any agency of the state. There are important exceptions to this rule, however:

- (A) Custodians of records must deny access to any trade secrets, privileged information, and confidential commercial and financial data. Section 24-72-204(3)(a)(IV), C.R.S.
  - (B) Publicly disclosing some vendor documentation may expose vulnerabilities that pose a threat to the security or integrity of the election. Section 24-72-204(2)(a)(VII)(A), (C), C.R.S.
  - (C) Rule 21.4.13(d)(2) requires providers, VSTLs and other agencies to identify all or portions of documents for which they assert a legal requirement for redaction.
- iii. On April 2, 2015, the Secretary of State’s office requested voting system providers to review their supporting documentation and redact all content they claim is exempt from disclosure under CORA.
- (A) The Secretary of State will make publicly available the redacted versions of the supporting documentation provided by each voting system provider, by posting them on the Voting Systems page of the Secretary of State’s website.
  - (B) The voting systems providers’ initial determination of CORA exemptions is not definitive.
  - (C) Requests for unredacted versions of the supporting documentation, if any, should be submitted and will be processed according to the Secretary of State’s standard policies for requests under (CORA).