

**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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March 13, 2008

VIA E-MAIL AND US MAIL

Mr. David Hart  
President  
Hart InterCivic  
P.O. Box 80649  
Austin, TX 78728

Re: Colorado Voting System

Dear Mr. Hart:

The Hart InterCivic (Hart) voting system was submitted to the Colorado Secretary of State for testing and consideration for certification for use in Colorado elections. On December 17, 2007, I notified you of the conditional certification of the Hart eSlate Direct Record Electronic (DRE) and the Software System 6.0 (EMS).

On February 11, 2008, Governor Bill Ritter signed House Bill 08-1155 into law. This legislation extends my authority over the 2007 testing process and allows for additional testing and communication with the vendors and the counties. The legislation authorizes me to amend or rescind any of the orders I issued on December 17, 2007 decertifying a voting system if I re-test the system or otherwise demonstrate that the major deficiencies identified in my December 17 order have been resolved or mitigated. In deciding to amend or rescind an order, the legislation requires me to consider county accuracy and security procedures, audits, processing functions, and other relevant procedures in accordance with the laws and rules governing the conduct of elections.

Pursuant to H.B. 08-1155 and after additional testing, I decided to amend my previous order and conditionally certify the Central Count Scanner, the eScan Precinct Scanner and the Ballot Now Software on February 28, 2008.

Upon listening to public testimony on March 7, 2008, regarding the Conditions for Use (Condition) imposed on voting systems certified for use in the State of Colorado; I am proposing changes to the previously issued Conditions. The following information details the changes or removal of Conditions:

**Global Conditions (applicable to all components)**

**Condition 8 – Election Programming**

The Condition has been modified to allow Hart to program for the counties. To prevent the administrative passwords from being known to the vendor, the programming is then to be sent to the Secretary of State's office (or other independent entity) for changing of

administrative passwords. This process is to be followed each time there is a change in programming leading up to an election. Hart shall provide a copy of the BOSS software to the Secretary of State, at no charge, to accommodate the procedure.

**Software Conditions (BOSS and Components)**

Condition 1b – System/database/network security hardening

An option was added allowing the county to conduct a forensic evaluation of the workstation/server in addition to creating a back-up copy of the election database.

Condition 1c - System/database/network security hardening

Option #1 – The timeframe for conducting the requirements has been changed from election night to the period during the post-election audit.

Option #2 – The timeframe for conducting the requirements has been changed from election night to the period of time between the close of polls through the canvass period.

Condition 3 – Audit Trail Information

The Condition provides clarity on a variety of methods available for gathering audit information.

Condition 6 – Election Database Creation and Testing

The Condition has been changed from ordering a complete set of at least 5 ballots of each style to 4 ballots of each style.

**Precinct Count Scanner Conditions (eScan)**

Condition 2 – Ballot Processing

The Condition has been amended to allow for templates to be used and created as needed, so long as they are first submitted to the Secretary of State for verification and creation of HASH values for later audit purposes.

Condition 3 – External Power Supply

The requirement for a UPS back-up or battery back-up has been replaced by the ability to use any external power supply as a back-up in the event of a power failure.

**Central Count Scanner Conditions (Ballot Now/Scanners)**

Condition 2 – Ballot Processing

The Condition has been amended to allow for templates to be used and created as needed, so long as they are first submitted to the Secretary of State for verification and creation of HASH values for later audit purposes.

### Condition 3 – External Power Supply

The requirement for a UPS back-up or battery back-up has been replaced by the ability to use any external power supply as a back-up in the event of a power failure.

### Condition 4 – Audit Trail Information

The audits requirements were amended pursuant to the recommendations of the American National Standards Institute (ANSI). The requirement is based on the number of ballots cast in a county and limits the audit to the device and race chosen by the Secretary of State's office as part of the post-election audit procedure.

### **DRE Conditions (eSlate)**

#### Condition 1 – External Power Supply

The requirement for a UPS back-up or battery back-up has been replaced by the ability to use any external power supply as a back-up in the event of a power failure.

#### Condition 3 – Ballot Processing

The Condition has been amended to allow for templates to be used and created as needed, so long as they are first submitted to the Secretary of State for verification and creation of HASH values for later audit purposes.

#### Condition 4 – Ballot/Race Conditions Simulation

The Condition has been changed from ordering a complete set of at least 5 ballots of each style to 4 ballots of each style.

The proposed Conditions are being submitted as a draft to all counties using the Hart voting system for public comment. For the Conditions associated with the components or software listed above, please review the "Hart Draft Conditions for Use", which is posted on the Secretary of State's web site. The Conditions are not yet finalized and additional comments on proposed changes will be considered prior to the Conditions being finalized. Please submit written comments by 5 p.m. on March 18, 2008 to Stephanie Cegielski at [stephanie.cegielski@sos.state.co.us](mailto:stephanie.cegielski@sos.state.co.us).

Sincerely,



Mike Coffman  
Secretary of State

cc: County Clerk and Recorders of counties using Hart voting systems:  
Melanie Woodward, Clerk and Recorder, Alamosa County  
Sheila Emick, Clerk and Recorder, Baca County  
Patti Nickell, Clerk and Recorder, Bent County

Hillary Hall, Clerk and Recorder, Boulder County  
Joyce Reno, Clerk and Recorder, Chaffee County  
Kay Feyh, Clerk and Recorder, Cheyenne County  
Pam Phipps, Clerk and Recorder, Clear Creek County  
Lawrence Gallegos, Clerk and Recorder, Conejos County  
Dolores Burns, Clerk and Recorder, Costilla County  
Lucile Nichols, Clerk and Recorder, Crowley County  
Debbie Livengood, Clerk and Recorder, Custer County  
Ann B. Eddins, Clerk and Recorder, Delta County  
LaRita Randolph, Clerk and Recorder, Dolores County  
Jack Arrowsmith, Clerk and Recorder, Douglas County  
Teak Simonton, Clerk and Recorder, Eagle County  
Norma Hatfield, Clerk and Recorder, Fremont County  
Jean Alberico, Clerk and Recorder, Garfield County  
Jessica Lovingier, Clerk and Recorder, Gilpin County  
Sara Rosene, Clerk and Recorder, Grand County  
Stella Dominguez, Clerk and Recorder, Gunnison County  
Linda Pavich Ragle, Clerk and Recorder, Hinsdale County  
Judy Benine, Clerk and Recorder, Huerfano County  
Hayle Johnson, Clerk and Recorder, Jackson County  
Debra Lening, Clerk and Recorder, Kiowa County  
Della Calhoon, Clerk and Recorder, Kit Carson County  
Patricia Berger, Clerk and Recorder, Lake County  
Bernard Gonzales, Clerk and Recorder, Las Animas County  
Corinne Lengel, Clerk and Recorder, Lincoln County  
Pamela Schneider, Clerk and Recorder, Logan County  
Elaine Sullivan, Clerk and Recorder, Moffat County  
Carol Tullis, Clerk and Recorder, Montezuma County  
Fran Long, Clerk and Recorder, Montrose County  
Connie Ingmire, Clerk and Recorder, Morgan County  
Sharon Sisnroy, Clerk and Recorder, Otero County  
Michelle Ann Nauer, Clerk and Recorder, Ouray County  
Debbi Green, Clerk and Recorder, Park County  
Maedene Beth Cumming, Clerk and Recorder, Phillips County  
Dorothy McCaslin, Clerk and Recorder, Prowers County  
Nancy Amick, Clerk and Recorder, Rio Blanco County  
Sandy Jackson, Clerk and Recorder, Rio Grande County  
Kay Weinland, Clerk and Recorder, Routt County  
Dorothy Zanoni, Clerk and Recorder, San Juan County  
Peggy Nerlin, Clerk and Recorder, San Miguel County  
Patrice Carter, Clerk and Recorder, Sedgwick County  
Cheri Brunvand, Clerk and Recorder, Summit County  
Garland Wahl, Clerk and Recorder, Washington County  
Beverly Ann Wenger, Clerk and Recorder, Yuma County