

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

December 17, 2007

VIA EMAIL AND U.S. MAIL

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

Re: Colorado Voting System

Dear Mr. Hart:

Your company submitted a voting system to the Colorado Secretary of State to be tested and considered for certification for use in Colorado elections.

In accordance with the Colorado Election Code and Election Rule 45, the Secretary of State's Testing Board conducted a series of tests on your company's voting system. The Testing Board tested for strict compliance with the Secretary of State's Rules. Outside auditors reviewed the Testing Board's findings to ensure that the Board complied with its testing procedures. In addition, the Colorado Office of Cyber Security independently reviewed the Testing Board's findings with respect to security testing.

The certification of voting systems must balance functionality, performance, physical and design characteristics, documentation, audit capacity, security, telecommunications requirements, and accessibility. Section 1-5-616, C.R.S. (2007). Although the Testing Board tested voting systems for strict compliance with the Secretary's Rules, a voting system can be certified as long as it substantially complies with the requirements of the Colorado Election Code, the Secretary's Rules, and any additional testing required by this office. Section 1-1-103 (3), C.R.S. (2007); Election Rule 45.3.2; Election Rule 45.6.3.1. A system substantially complies with the law if the purpose of the law is achieved despite the failure to strictly comply with each and every requirement.

In deciding whether to certify Hart Intercivic's voting system for use in Colorado elections, I have considered the results of the Testing Board, the results of the independent audit, and the review by the Office of Cybersecurity to determine whether the voting system substantially complies with the requirements of the Colorado Election Code and the Secretary of State Rules. Based on the above information, I have made the following determinations concerning the voting system submitted to this office by Hart InterCivic:

Software, System 6.0 (EMS), including Boss (4.2.13), Tally (4.2.8), Rally (2.2.4), Servo (4.1.6), and eCM Manager (1.1.7)

Conditionally certified.

Central Count Scanners and Software, Ballot Now, Version Number 3.2.4

Decertified. Major factors include the following deficiency:

Failed to count ballots correctly

Precinct Scanner, eScan, Version Number 1.1.6

Decertified. Major factors include the following deficiency:

Failed to count ballots correctly

DRE, eSlate, Version Number 4.0.19, and components JBC Units (4.0.19) and VBO Units (1.7.5)

Conditionally certified.

This decision is effective immediately.

For components decertified, major factors are listed above. However, please refer to the certification report "Hart InterCivic Project Overview – rev. A.2", which will be posted today on the Secretary of State's web site, for additional grounds for decertification. For components or software conditionally certified, please review the conditions set out in that report for information regarding the necessary conditions to be fulfilled in order for the equipment to be used. The certification report is incorporated into this decision by reference.

For components or software decertified, there will be an opportunity for representatives of your company and affected county clerks to meet with staff of the Secretary of State for a review of the testing results at the following time:

Thursday, December 20, 1:00 p.m. – 5:00 p.m. (Secretary of State's Office)

A vendor or county affected by a decertification may request reconsideration following the established administrative process set out in section 1-5-621 (6), C.R.S.

Sincerely,



Mike Coffman
Secretary of State

cc: County clerk and recorders of counties using Hart InterCivic 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 Zaroni, 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