

**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 Sisroy, 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