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October 5, 2007

Sent via: email alkolwicz@qwest.net
& United States mail

Mr. Al Kolwicz
Colorado Voter Group
2867 Tincup Circle
Boulder, CO 80305

RE: September 20, 2007 Colorado Open Records Act ("CORA") request to Colorado Secretary of State Mike Coffman.

Dear Mr. Kolwicz:

Thank you for your letter of October 2, 2007 in which you responded to my request for clarification of your September 20, 2007 open records request. Your letter provides some assistance in clarifying the records you are requesting.

Based on your explanations, we believe that some of documents you are requesting are the statutes, rules, etc., that reflect the design of the certification program, the requirements of the program, and the acceptance testing (such as logic and accuracy testing) performed by counties. Almost all of these documents are available on the "Voting System State Certification Program" section of the Secretary of State's web site at: <http://www.elections.colorado.gov/DDefault.aspx?tid=501>. You may also contact counties directly for information on their testing.

Several requests appear to ask for inspection of the test logs for the voting systems. The Secretary recently posted the blank test logs on that web page as well, so you may access those logs in that manner at no charge.

However, to the extent that you are requesting inspection of the completed test logs reflecting tests that have been conducted to date, those logs are work product and are not public records pursuant to § 24-72-202(6)(IV) and § 24-72-202(6.5), C.R.S., (2007). Consequently, they will not be made available for public inspection at this time. Once the Secretary has reached a final decision regarding the certification of these systems, these

records may be available for inspection provided there are no other exceptions to public disclosure that apply.

With respect to county security plans, we are interpreting your request (and clarification) as asking to inspect those documents.¹ For the 64 counties, the Secretary has at least two years of security plans. Each county submitted approximately 6 plans (3 each year). Several of those plans were rejected, which is why additional plans were submitted. For each plan, there are approximately 15 pages. Thus, there are approximately 5,670 pages of county security plans to pull and review. It may be that all or portions of the county security plans are specialized details of security arrangements, pursuant to § 24-72-204(2)(a)(VIII), which may need to be redacted. In order to make this determination, we anticipate that it will take 10 minutes to review each page, which includes analysis as to whether redactions are necessary, copying the page if redactions are necessary, then redacting and re-copying. You will be charged .25 cents per copied page (which is just the copy charge to prepare the records for inspection.). We anticipate paying approximately \$15.00 an hour for temporary staff to prepare these records for inspection. Given this review may take 960 hours to complete, it may cost approximately \$14,400 to prepare these records for inspection. If we have to redact each page of all of these records (and thus make copies), it will be an additional \$1,440. If you would like to inspect just the final plans which were approved for the current year, then this number will decrease significantly because there will be less records to prepare for inspection. Thus, please let me know if we have correctly interpreted your request to include county security plans, and if so, if you would like to review all versions we have, or just the final plans currently in place.

Your clarification of your request number A(8) implies that you are seeking any document which relates to voting system security, including the security tests on the electronic voting machines and any documents from the vendors relating to security. Excluding the test logs which I have already addressed, we estimate that documentation from the voting system vendors could be in the hundreds of thousands. We anticipate that in order to go through these to find security specific records, we would have to review all of the records. The hourly staff rate to review the records once we have pulled just the security specific records will be higher than \$15.00 an hour because we will have to hire temporary staff with expertise in computer language who can identify materials that may be trade-secrets or confidential commercial information. *See* § 24-72-204(3)(a)(IV). The review would also include analysis of whether the records are specialized details of security arrangements. *See* § 24-72-204(2)(a)(VIII). We anticipate that it will take more than 10 minutes per page to do this given that multiple exceptions may apply. There will also be a charge of .25 cents per page charge for those pages we have to copy in order to redact. If we

¹ Among other requests, your request number A(8) appears to require these plans because they are a part of the “holistic security” approach taken by the Secretary. To the extent that you are seeking a particular document which defines “holistic security,” there is no document which more specifically defines this term other than what you referenced as posted on the Secretary’s web page.

have correctly interpreted your request to include these security related records, please let me know so I can obtain a more specific estimate for this task.

Please let me know if I have correctly interpreted these requests. Once you have confirmed that we are correctly interpreting your requests, I will provide you with a total estimate of the fees to be charged for all of your requests. We will require those fees to be advanced pursuant to 8 C.C.R. 1505-12, rule 4, prior to preparing the records for review. We will establish a date for inspection after you have provided the required deposit.

Sincerely,

FOR THE ATTORNEY GENERAL

/s electronic signature

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