

Colorado Voter Group

2867 Tincup Circle

Boulder, CO 80305

Ms. Melody Mirbaba
Assistant Attorney General I
Public Officials Unit
1525 Sherman Street
Denver, Colorado 80203

DRAFT

October 9, 2007

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

Dear Ms. Mirbaba:

We have analyzed your letter, dated October 5, 2007, and believe that it is not responsive to our September 20, 2007 open records request, as augmented by our October 2, 2007 letter.

Attached to our October 2 letter is a worksheet (attached again here with spelling corrections). We cannot transcribe the points in your letter onto the worksheet, and ask that you do so.

Regarding: A - Requirements & Specifications

We understand from the absence of coverage in your letter that the state is in possession of no documents, files or information related to election system requirements and specifications. We expect that the absence of coverage is an oversight on your part, and ask that you reconsider your response. If it is not the case that for each of the ten (10) items requested in this category there are "no documents, files or information", then we ask that you correctly complete the worksheet entry for each of these items.

The second and third paragraphs of your letter speak to the design of the certification program. To clarify, we are interested in the requirements and specifications of the election system.

The fifth paragraph of your letter speaks to the county security plans. We assume that you are telling us this in partial response to our item A(8) which intends to discover:

Where there are specific requirements on counties, including, "rigorous county security measures in Rule 43... acceptance testing, pre-election testing, and post-election audit processes", we wish to inspect the documents, files, and information related to the testing that these requirements will be met in future elections, and that these requirements are sufficient to ensure the security of the entire election system.

The response in the fifth paragraph relates to the county plans, rather than the requirements and specifications of the state upon the counties; we are interested in the state. Further, the request in item A(8) is intended to discover what Colorado is doing via its "holistic testing" program that guarantees Colorado voters a secure election system. How is Colorado testing to ensure that the testing requirements placed on each county are sufficiently robust and specific to ensure the security of the entire election system?

The sixth paragraph of your letter does not appear responsive to our request A(8) security specification and assessment.

CORA A(8). Documentation that defines what is meant by "holistic security" and precisely how is it implemented and tested? If it means that the department has conducted an "IBM Application Security Assessment", please provide a copy of the assessment.

Regarding: B – Project Administration

We understand from the absence of coverage in your letter that the state is in possession of no documents, files or information related to certification project administration. We expect that the absence of coverage is an oversight on your part, and ask that you reconsider your response. If it is not the case that for each of the fourteen (14) items requested in this category there are "no documents, files or information", then we ask that you correctly complete the worksheet entry for each of these items.

Regarding: C – Tests & Results

We understand from the fourth paragraph of your seven paragraph letter that the state is in full possession of documents, files and information that are responsive to each and every line item requested in our item C – Tests & Results, and that the state is refusing us access to these materials using the "work product" exclusion.

We wish to notify your office that if in the future it is determined that the data, files and information related to any one of these line items does not exist, it is our intention to hold the Attorney General accountable for misrepresenting the facts. For example, if there is no test designed to verify and validate "C(1) - Compliance with Colorado Constitution Article VII section 8 - anonymous ballots," Colorado voters will have been deprived of an opportunity to protect our civil rights.

If it is not the case that each of the twenty-two (22) items requested in this category is "fully in the state's possession" and "refused for production", then we ask that you correctly complete the worksheet entry for each of these items.

In addition, we have requested an opportunity to participate in the meetings related to the Secretary's final certification decision, to which you refer. The Secretary has refused our request for participation, and we believe that this is wrongful and violates the intent of Colorado open meetings law. Further, we wish to notify your office that it is our intention to hold the Secretary accountable for denying Colorado voters an opportunity to protect our civil rights.

We look forward to a prompt response to this letter with a completed worksheet. It is vital that the record be complete and accurate.

Sincerely,



Al Kolwicz

Colorado Voter Group

Attachment: TABLE 10-09-07