

**From:** Al Kolwicz [mailto:alkolwicz@qwest.net]  
**Sent:** Wednesday, April 25, 2007 3:25 PM  
**To:** 'Jonathan Tee'  
**Cc:** Colorado Voter Group (ColoradoVoter@googlegroups.com)  
**Subject:** RE: Voting Systems Public Demonstrations

Jonathan,

I and possibly other of my colleagues would like to observe some or all of the public demonstration.

1. Please provide us with a detailed schedule for what is to be happening and when. The document referred to in your note, below, seems to not contain this data.
2. To be useful to us, we must prepare for the demonstration. This requires that we have an advance document that details the objectives, procedures and the detailed test plans. Please forward a copy of these materials, so that we may come to the demonstration prepared.
3. We are currently negotiating with the Secretary of State to gain access to the actual certification testing process. We do not consider this public demonstration as a replacement for our request to observe the actual testing.

Thanks you for the heads up.

Al

Colorado Voter Group  
2867 Tincup Circle  
Boulder, CO 80305  
303-494-1540

March 28, 2007

Mr. Mike Coffman  
Colorado Secretary of State  
1410 Grant St B305  
Denver, CO 80203

**RE: HART eSlate Certification Test**

Dear Mr. Coffman:

We believe that the HART eSlate voting equipment violates the Colorado Constitution, Article VII Section 8. We would like to review the certification tests that will be used to prove that the eSlate voting equipment complies with the Colorado Constitution and provides for completely anonymous ballots.

We submit for your inspection the following three images of HART eSlate components:

1. An image of the voter-selections printed on a VVPAT.
2. An image of the barcode printed on a VVPAT.
3. An image of a portion of the Cast Vote Records report.

The voter-selections printed on the VVPAT displays a field identified as `BALLOT_KEY` (third line from top); the barcode printed on the VVPAT presumably encodes the `BALLOT_KEY` (bottom line); and the Cast Vote Records report displays the `BALLOT_KEY` (in the boxed area).

It is our understanding that the value in the `BALLOT_KEY` field is a direct violation of the constitutional requirement that, "... no ballots shall be marked in any way whereby the ballot can be identified as the ballot of the person casting it."

- The VVPAT voter-selections printout very clearly marks each ballot in a way that the ballot can be identified by the voter as the ballot that they cast. This enables voters to prove how they voted and therefore opens the opportunity for vote selling and voter intimidation.
- In addition, since the VVPAT printout is a continuous roll, it is possible for one to make a list of the sequential voters who used a particular eSlate device. This is particularly true in small precincts. By aligning the list of voters with the content of the VVPAT printout and/or electronic ballots (cast vote records), it is possible to determine how a voter voted.
- In addition, since the Cast Vote Records report contains the `BALLOT_KEY`, it is obvious that the electronic ballot, referred to as the cast vote record, also contains the `BALLOT_KEY`. This opens the opportunity for privacy invasion, and expands the opportunity for vote selling and voter intimidation.

We would like to review the certification tests that will be used to prove that the eSlate voting equipment complies with the Colorado Constitution and provides for completely anonymous ballots.

Al Kolwicz  
[AlKolwicz@qwest.net](mailto:AlKolwicz@qwest.net)

Harvie Branscomb  
[harvie@media.mit.edu](mailto:harvie@media.mit.edu)

Dr. Charles Corry  
[ccorry@ejfi.org](mailto:ccorry@ejfi.org)



Official Ballot

Election: 2006 Primary Election

Ballot Key: 397349

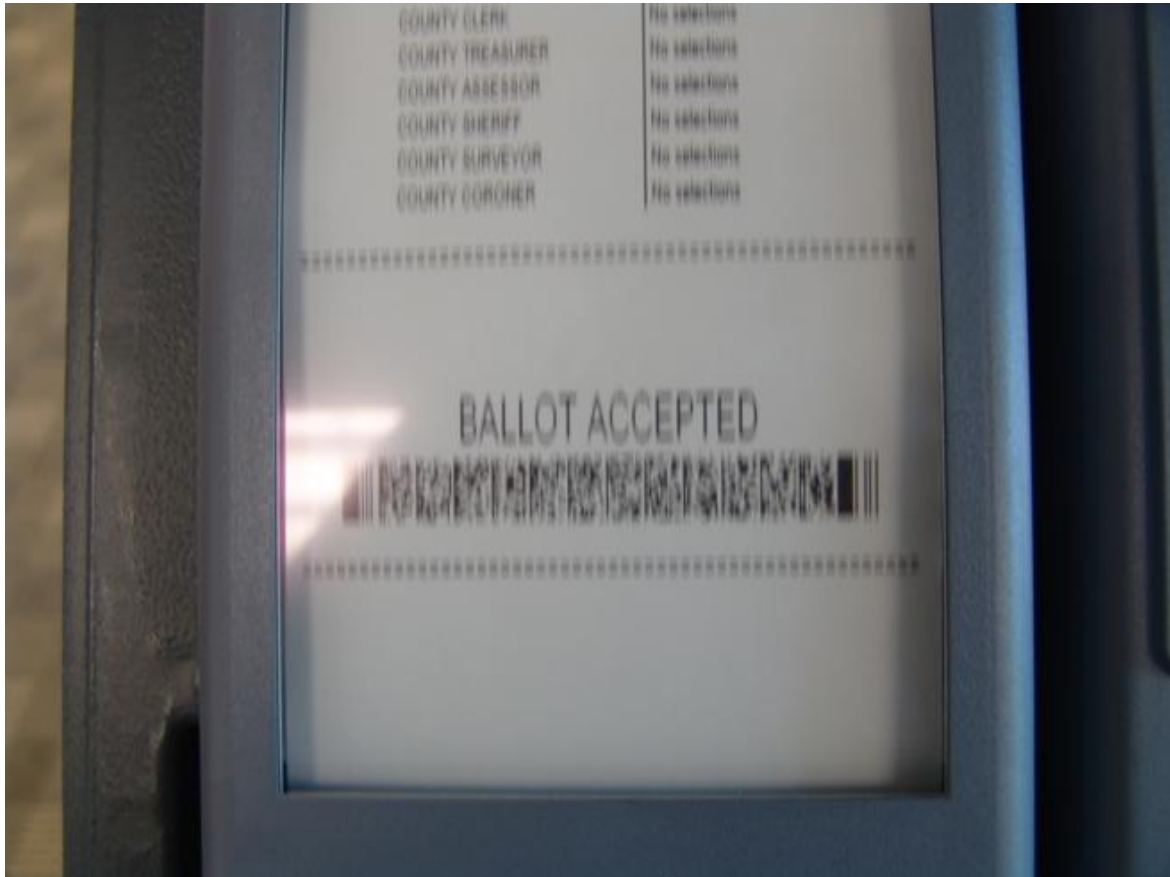
Polling Place Type: Early      Party: HST

Precinct: 6044518113

eSlate Ser. Number: A087A9      Printer Ser. Number: V0371D

Paper Verification Page      1-1

Contest	Selected
U.S. SENATOR	No selections
U.S. CONGRESSIONAL DISTRICT 8	No selections
GOVERNOR	Harold Lloyd
SECRETARY OF STATE	Robert Adams
STATE TREASURER	Eppie Archuleta
ATTORNEY GENERAL	Horace Austin Warner
REGENT OF UNIV OF CO 6TH CO	ABCDEFGHIJKLMNPO
STATE SENATE DISTRICT 30	No selections



**Device Cast Vote Records - eSlate - A0ADEC**  
0806 Primary Party LAT backup

Polling Place: Edwards Elementary

Total CVRs: 13

Precinct: 22-Edwards W  
Party: DEM Ballot Key: 532608

Contest Title	Candidate/Option
REPRESENTATIVE TO THE 110th UNITED STATES CONGRESS - DISTRICT 2	Mark Udall
GOVERNOR	Bill Ritter Jr.
SECRETARY OF STATE	Ken Gordon
STATE TREASURER	Cary Kennedy
ATTORNEY GENERAL	Fern O'Brien
STATE BOARD OF EDUCATION - CONGRESSIONAL DISTRICT 2	Evie Hudak
REGENT OF THE UNIVERSITY OF COLORADO - AT LARGE	Stephen C. Ludwig
STATE REPRESENTATIVE - DISTRICT 56	Dan Gibbs
COMMISSIONER-DISTRICT3	Sara J. Fisher
TREASURER	Krysta Brubaker
ASSESSOR	Mark D. Chapin
SHERIFF	B. Scott Griffin
CORONER	Kara Bettis

Precinct: 22-Edwards W  
Party: DEM Ballot Key: 531361

Contest Title	Candidate/Option
REPRESENTATIVE TO THE 110th UNITED STATES CONGRESS - DISTRICT 2	No Selection
GOVERNOR	Bill Ritter Jr.
SECRETARY OF STATE	Ken Gordon
STATE TREASURER	Cary Kennedy
ATTORNEY GENERAL	Fern O'Brien
STATE BOARD OF EDUCATION - CONGRESSIONAL DISTRICT 2	Evie Hudak

REGENT OF THE UNIVERSITY OF COLORADO - AT LARGE	No Selection
STATE REPRESENTATIVE - DISTRICT 56	Dan Gibbs
COMMISSIONER-DISTRICT3	Mike Lederhause
TREASURER	Krysta Brubaker
ASSESSOR	Mark D. Chapin
SHERIFF	B. Scott Griffin
CORONER	Kara Bettis

Precinct: 22-Edwards W  
Party: REP Ballot Key: 530588

Contest Title	Candidate/Option
REPRESENTATIVE TO THE 110th UNITED STATES CONGRESS - DISTRICT 2	No Selection
GOVERNOR	No Selection
SECRETARY OF STATE	No Selection
STATE TREASURER	No Selection
ATTORNEY GENERAL	No Selection
REGENT OF THE UNIVERSITY OF COLORADO - AT LARGE	Brian Davidson
STATE REPRESENTATIVE - DISTRICT 56	No Selection
COMMISSIONER-DISTRICT3	Hugo Benson
CLERK AND RECORDER	No Selection
TREASURER	No Selection
ASSESSOR	No Selection
SHERIFF	No Selection
SURVEYOR	Dan Corcoran

Precinct: 22-Edwards W  
Party: REP Ballot Key: 533226

Contest Title	Candidate/Option
REPRESENTATIVE TO THE 110th UNITED STATES CONGRESS - DISTRICT 2	No Selection
GOVERNOR	Bob Beauprez

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**From:** Al Kolwicz [mailto:alkolwicz@qwest.net]  
**Sent:** Thursday, April 26, 2007 9:15 PM  
**To:** 'Jonathan Tee'  
**Cc:** Colorado Voter Group (ColoradoVoter@googlegroups.com)  
**Subject:** Voting Systems Public Demonstrations

Jonathan,

As Mr. Branscomb notified you on Wednesday the 25<sup>th</sup>, Harvie Branscomb, Charles Corry, and I will be there Wednesday, Thursday and Friday. We each represent separate independent groups, and also collaborate in the Colorado Voter Group.

It is not obvious to us how individual vendors are planning to demonstrate a complete voting system (HAVA 301(b)) that meets Colorado voting standards (RULE 45.5). Many counties use multi-vendor voting systems.

It appears that the demos will be scripted, one-way, vendor controlled show and tell. We hope that the demonstrations will answer our questions regarding problems that we have reported in the past. We want to verify that these problems have been confirmed, corrected, and tested, and expect to see demonstrated the corrections to these problems. These problems include:

1. Compliance with Colorado Constitution Article VII section 8 which requires anonymous ballots.
2. HAVA compliance regarding voter verification of paper record of vote.
3. Canvassing problems.
4. Post election audit problems.
5. Poll watcher transparency problems (central and polling location).
6. Counting problems: Creatively marked paper ballots, and folds, see-thru, and print transfer problems with paper ballots.
7. Record keeping needed to verify each step of the election.
8. Public access to computer data files.
9. Mail ballot election integrity and accuracy.
10. Data and system security.
11. Verification of software, firmware and hardware versions.
12. etc.

Please supply a link to the “accompanying documents published by the Secretary of State on March 16 and posted on our website”. I cannot seem to find them.

Perhaps you can help us with both of our March 28<sup>th</sup> requests to SOS Coffman. We do not understand why we have not received a response to our “Non-anonymous voting” letter. We infer from your prior note that SOS Coffman has refused our March 28 Election System Verification request. Is this correct? We do not ask special access – only public access. Perhaps you can help us to resolve these issues. The SOS has much to gain from expertise possessed by outside experts and much to lose by ignoring public comments and review.

Thank you very much.

Al

Mike Coffman  
Colorado Secretary of State  
1700 Broadway, Suite 270  
Denver, CO 80290

By FAX: 303 869 4860

May 3, 2007

**RE: Voting System Demonstration – May 2, 2007**

Dear Mr. Coffman:

You have a problem in your elections office that requires your immediate attention. Yesterday's voting system demonstration was mind-numbing, irrelevant, and unbelievably poorly organized.

- The presentation did not address the topics required by election rule 45.
- The vendor and the elections division staff representatives were unable or unwilling to answer questions. I was essentially disallowed from even asking relevant questions.
- The public was rudely treated. They could not see, could not hear, and could not speak – even to ask for inaudible utterances to be repeated – and was forced to endure six hours of inaudible presentation in order to ask questions that were not answered.

You have stated that transparency is one of your key goals. I want you to know, in no uncertain terms; yesterday's demonstration was a total failure in this regard.

I for one am highly offended by what happened yesterday. There were four video cameras running during the demonstration. The public was seated well behind the cameras. You might wish to review the tapes so you can make your own assessment.

There are at least two more demonstrations scheduled. I hope that you will take immediate action to (a) disallow the HART application from proceeding to functional testing, and (b) ensure that the remaining demonstrations comply with the rule, are transparent, and are friendlier to the public.

In addition, we were aghast to learn that ITA testing will not be conducted for this certification.

*Al Kolwicz*

CAMBER – Citizens for Accurate Mail Ballot Election Results  
2867 Tincup Circle  
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[www.users.qwest.net/~alkolwicz](http://www.users.qwest.net/~alkolwicz)

[www.coloradovoter.blogspot.com](http://www.coloradovoter.blogspot.com)

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**From:** Al Kolwicz [<mailto:alkolwicz@qwest.net>]  
**Sent:** Thursday, May 03, 2007 8:52 AM  
**To:** Dan Kopelman ([Dan.Kopelman@SOS.STATE.CO.US](mailto:Dan.Kopelman@SOS.STATE.CO.US))  
**Cc:** 'Jonathan Tee'; SOS Mike Coffman ([Secretary@sos.state.co.us](mailto:Secretary@sos.state.co.us)); Harvie Branscomb; Ralph Shnelvar; 'Jleventhal@champmail.com'  
**Subject:** HART demonstratin was deficient and should be rescheduled

Dan,

Yesterday's voting system demonstration was deficient because it did not demonstrate a voting system, and it did not meet key requirements of Rule 45.

Below is a highlighted copy of a section from Rule 45. This is only one illustration of where the demonstration was deficient.

We believe that the HART application should not be authorized to proceed to functional testing until it does provide a demonstration of a voting system that meets all requirements.

Al

*Al Kolwicz*

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## ELECTION RULES OF THE COLORADO SECRETARY OF STATE

Rule 45. Rules Concerning Voting System Standards for Certification

### 45.6.1 Voting System Provider Demonstration

45.6.1.1 The voting system provider shall demonstrate the exact proposed voting system to the Secretary of State or his or her designee prior to any functional testing. It should be expected that a minimum of 6 hours would be required of the voting system provider to demonstrate and assist with programming of the software as necessary.

45.6.1.2 The demonstration period does not have a pre-determined agenda for the voting system provider to follow; however, presentations should be prepared to address and demonstrate with the specific system the following items as they pertain to each area and use within the voting system:

- (a) System overview;
- (b) Verification of complete system matching EAC certification;

- (c) Ballot definition creation;
- (d) Printing ballots on demand;
- (e) Hardware diagnostics testing;
- (f) Programming election media devices for various count methods:
  - (i) Absentee;
  - (ii) Early Voting;
  - (iii) Precinct/Poll Place;
  - (iv) Provisional; and
  - (v) Vote Center.
- (g) Sealing and securing system devices;
- (h) Logic and accuracy testing;
- (i) Processing ballots;
- (j) Accessible use;
- (k) Accumulating results;
- (l) Post-election audit;
- (m) Canvass process handling;
- (n) Audit steps and procedures throughout all processes;
- (o) Certification of results; and
- (p) Troubleshooting.

## Colorado Voter Group

May 25, 2007

### **RE: Voting System Public Demonstration**

Dear Mr. Tee:

We just completed another unsatisfactory Voting System Public Demonstration - the fifth day of pointless demonstrations.

We suspect that the Colorado Department of State intends to claim that the public was involved in the certification process. First, the demonstrations are so superficial that they cannot be considered a substantive part of any legitimate certification process. Second, the time that we have invested has been made superficial and inconsequential by this unprofessional process.

The demonstrations were superficial and addressed almost no real election system issues. So what is the point? Even the temporary workers who are watching the demonstrations and occupying valuable seats will not be sufficiently informed by the demo to be ready to operate the equipment.

Questions asked by the public might have inspired the test board to include tests for real election problems. But we have been told that the questions posed by the public will not result in any change of the planned functional testing. Why allow staff to deceive management into believing that they are actually doing something of value?

1. We were aghast when the ES&S representative announced the six (6) Mesa County and Jefferson County employees as being present "to support the vendors". Who paid for these people? Why were they representing the interests of the vendors instead of the public? More than once, the vendor asked these county employees to participate in the demo. It was clear that they were not under the same restrictions as the rest of the public attendees.
2. Unchanged from Kolwicz's May 3 note to Secretary Coffman, the public was still unable to clearly see or hear the May 25<sup>th</sup> demonstration. Thankfully, the Legislative Liaison for the Colorado Cross-Disability Coalition, Sheila Hicks, attended the ES&S session and successfully got the meeting stopped and the seating rearranged. We would like to understand why Ms. Hicks received an immediate response, and our report was ignored. Is it because she was in a wheelchair?.
3. We overheard at the ES&S demo that Mr. Gardner controlled the seating arrangements and purposefully assigned the "best" seats to insiders and squished the public into a noisy back corner of the room. We would like to know if this is true. We definitely observed that the table containing the "test board" has served as a barrier between the vendor and the public in every test.

4. At the ES&S demo, there was a new person sitting at the "Test Board Table". When Mr. Branscomb asked Mr. Gardner, informally during a break, if there were now five members of the Test Board, Gardner stated that the meeting was on break and questions could only be asked at the end of the demo. When Mr. Branscomb repeated the question during the public question period Gardner refused to respond on the basis that the question was not one for the vendor pertaining to the demo. (At the May 2<sup>nd</sup> demo Gardner announced that questions could be posed to the vendor or to the SOS staff.) After the demonstration was over Branscomb approached Gardner one more time, at which time Gardner said: "You are just pushing too much" and he told Branscomb that he had "filed too many open records requests" and should "go downstairs for an answer". In fact, Mr. Branscomb has not filed an open records request at all. However, Mr. Kolwicz has and may have to do so again to obtain even simple answers to simple questions. This is only an example of how badly the public is being treated.

We hope that an adult and civil response to Branscomb's question is immediately forthcoming from CDOS.

5. We have heard that there will be another demonstration focused on disabled voter capabilities. If this is true, when and where will this demonstration be conducted, who has been invited to attend, and may we attend?
6. In our March 28 letter to Secretary Coffman, our April 26 email to you, and our May 3 conversation with and email to Dan Kopelman, we discussed the lack of transparency of the entire certification process, including functional testing.

How can we observe the functional testing process?

How will the critical decision for approval/rejection of equipment be made and who will make this decision?

How will the public participate in this decision?

7. In the ES&S demonstration, as in the past, the public did not have enough time to ask all of their questions, and was prohibited by Mr. Gardner from even asking relevant questions. As well, Mr. Gardner chose the order of questioners according to his own preference and apparently arbitrarily decided the ending time, forcing (as had been done previously) the public to cease asking questions at the time he decided (in spite of the maximum 3 day plan for this demonstration set in the rules).

Does Secretary Coffman approve of this heavy-handed, unfair treatment of the public? Does he support these methods which obviously censor the public's speech? If not, what will Mr. Coffman do about it? If so, how may we appeal this policy?

8. What is the procedure for gaining access to the un-redacted video tapes of the demonstrations?

To reiterate what we said in our May 3 note to Secretary Coffman, the demonstrations continue to be unsatisfactory.

Based on what we saw and what we know from the public record, two things are clear enough to make recommendations.

- We recommend that the following DRE voting equipment not be advanced to functional testing: (a) Hart Intercivic eSlate, (b) Diebold AccuVote TSX, (c) Sequoia AVC Edge, and (d) ES&S iVotronic.

All of these products fail to meet Colorado requirements. All bring unnecessary risk and uncertainty to Colorado's election process. All would subvert Secretary Coffman's plan to restore public trust in elections.

- We recommend that the AutoMark be advanced to functional testing.

This product uses simple and straightforward full-ballot-text paper ballots. These ballots are verifiable, they simplify election processes, and they avoid the security issues of electronic ballots.

The AutoMark permits blind and physically restricted voters, and in fact almost all voters (more of the voters than with any of the DREs), to independently and privately select and verify their votes.

As an extra practical advantage, this vote is recorded on a reliable and easily verifiable and re-countable full size paper ballot.

Without sacrificing voter privacy, AutoMark provides a way for any voter, with or without disability, to make use of an assistant if needed. It clearly satisfies the HAVA requirements in a manner which is compatible with the interests of the voting public at large.

We hope that you will be able to quickly get answers to our questions and concerns. We are available to meet with you or talk by phone to discuss these points.

We thank you very much for facilitating and expediting this communication and for anything that you do to improve the transparency and credibility of this re-certification process.

Al Kolwicz

Harvie Branscomb

From: Al Kolwicz [mailto:alkolwicz@qwest.net]  
Sent: Saturday, July 28, 2007 8:09 AM  
To: 'Jonathan Tee'  
Cc: Colorado Voter Group (ColoradoVoter@googlegroups.com)  
Subject: More questions regarding CDOS voting equipment certification

Hello Jonathan,

Has the certification underway at CDOS detected the vulnerabilities documented in the California report (see below)? We believe that this is a legitimate question that deserves an answer.

It is our expectation that the certification process must be transparent in order to maximize the quality of the results. We have submitted many questions regarding the certification process that have gone unanswered. We are disappointed in the closed nature of this process.

How does CDOS propose to resolve this disconnect between "expected" and "actual"?

Overview by UC Principal Investigator Matt Bishop  
[http://www.sos.ca.gov/elections/voting\\_systems/ttbr/red\\_overview.pdf](http://www.sos.ca.gov/elections/voting_systems/ttbr/red_overview.pdf)

Diebold Elections Systems, Inc.  
[http://www.sos.ca.gov/elections/voting\\_systems/ttbr/red\\_diebold.pdf](http://www.sos.ca.gov/elections/voting_systems/ttbr/red_diebold.pdf)

Hart Intercivic  
[http://www.sos.ca.gov/elections/voting\\_systems/ttbr/red\\_hart.pdf](http://www.sos.ca.gov/elections/voting_systems/ttbr/red_hart.pdf)

Sequoia Voting Systems  
[http://www.sos.ca.gov/elections/voting\\_systems/ttbr/red\\_sequoia.pdf](http://www.sos.ca.gov/elections/voting_systems/ttbr/red_sequoia.pdf)

[http://www.sos.ca.gov/elections/elections\\_vsr.htm](http://www.sos.ca.gov/elections/elections_vsr.htm)

Al Kolwicz  
Colorado Voter Group

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From: Al Kolwicz [mailto:alkolwicz@qwest.net]  
Sent: Saturday, July 28, 2007 10:26 PM  
To: 'Jonathan Tee'  
Subject: FW: More questions regarding CDOS voting equipment certification

MORE

Articles for reference:

- San Diego Union Tribune, Review shows S.D. Voting machines can be breached, <http://www.signonsandiego.com/news/metro/20070728-9999-1n28elect.html>
- Californian/NC Times, State: E-voting open to hacking, [http://nctimes.com/articles/2007/07/28/news/californian/23\\_19\\_227\\_27\\_07.txt](http://nctimes.com/articles/2007/07/28/news/californian/23_19_227_27_07.txt)
- New York Times Scientists' Tests Hack Into Electronic Voting Machines in California and Elsewhere, <http://www.nytimes.com/2007/07/28/us/28vote.html>
- San Jose Mercury News, E-voting Fails Hasty State Reviews, [http://www.mercurynews.com/ci\\_6486946?IADID=Search-www.mercurynews.com-www.mercurynews.com&nclick\\_check=1](http://www.mercurynews.com/ci_6486946?IADID=Search-www.mercurynews.com-www.mercurynews.com&nclick_check=1)
- Los Angeles Times, 3 Voting Systems Faulted, <http://www.latimes.com/news/local/la-me-vote28jul28,1,558730.story?ctrack=1&cset=true>
- PC World (ran in Washington Post) California Report Slams E-voting Systems, <http://www.washingtonpost.com/wp-dyn/content/article/2007/07/28/AR2007072800059.html?sub=AR>
- San Francisco Chronicle, State Vote Machines Lose Test To Hacker, <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2007/07/28/MNGP6R8TJO1.DTL&hw=bowen&sn=001&sc=1000>

## Florida Voting Equipment Fails Test

From: Al Kolwicz [mailto:alkolwicz@qwest.net]  
Sent: Wednesday, August 01, 2007 6:59 AM  
To: 'Jonathan Tee'  
Cc: Colorado Voter Group (ColoradoVoter@googlegroups.com)  
Subject: Voting Equipment Inadequately Designed and Developed

Hello Jonathan,

Florida reports that they too have discovered flaws in their voting equipment. I've collected some links for you below.

While Florida's and California's tests prove conclusively that the voting equipment was inadequately designed and developed, it must not be assumed that these tests have detected all of the flaws. We are confident that they have not.

Remedies involving "trustworthy staff" are not acceptable. The only acceptable remedy is a top-down redesign of the equipment starting with a comprehensive specification of the requirements and specific measures that must be met. These specifications must be developed in conjunction with and agreed to by independent election system advocates, such as the Colorado Voter Group.

Has Colorado detected these flaws? The secretive nature of the ongoing voting equipment certification activity continues to increase our level of distrust in the process.

We have provided the framework of a specific plan that would (1) significantly reduce the risk that Colorado's election results will be compromised by voting equipment flaws, while at the same time (2) meet the HAVA objective of permitting disabled voters to use flawed voting equipment if they so choose. We do not believe that our proposal has been given careful consideration. To the contrary, we believe that simplistic, bureaucratic negatives have been offered that disproportionately influence the decision to properly examine and work out problems with our proposal.

We ask again, please encourage Mr. Coffman to enter into a dialog with us to protect Colorado voters. The election system belongs to the people, not the vendors, and not the bureaucrats.

Florida references:

August 1, 2007 -- Florida's top elections chief has found Diebold's voting machines could be compromised easily by hackers and is demanding a quick fix.  
[http://www.miamiherald.com/top\\_stories/story/188769.html](http://www.miamiherald.com/top_stories/story/188769.html)

July 31 2007 -- Study finds Florida optical scan voting machines still flawed  
[www.orlandosentinel.com/news/local/state/orl-bk-votemachines-073107,0,6998799.story](http://www.orlandosentinel.com/news/local/state/orl-bk-votemachines-073107,0,6998799.story)

July 27, 2007 -- Software Review and Security Analysis of the Diebold Voting Software  
<http://oss.dos.state.fl.us/communications/press-releases/SAIT%20Report.pdf>

June 14, 2007 -- Engagement Plan for Review of Voting Equipment Used in Florida's 13th Congressional District During the 2006 General Election  
<http://gop.cha.house.gov/FL13/FinalFL-13EngagementPlan.pdf>

August 6, 2007  
Mike Coffman  
Secretary of State  
1700 Broadway, Suite 250  
Denver, Colorado 80290  
Delivered by hand  
RE: Voting System Certification

Dear Secretary Coffman:

Previously I asked Jonathan Tee of your staff to identify who was in charge of the voting machine certification after the removal of Dan Kopelman from that position. I was told that no decision had been made about his replacement. The diagram on the Secretary of State website indicates that there is a Voting Systems Program Director who is in charge of the testing of voting systems. I have never received a response to my question. Who is acting as the Voting Systems Program Director? Who is leading the recertification of the DREs in your office?

The link provided below contains the reports from the California Top to Bottom review of voting systems recently completed by teams of experts appointed by California Secretary of State Debra Bowen. This review, which was done by nationally known experts, identified serious security vulnerabilities in the Diebold, Sequoia and Hart Intercivic DRE electronic voting systems which are currently under review by your office. As has been widely reported in the press, Secretary Bowen's review proved that it was possible to hack into these DREs and reprogram them to change votes without any leaving any evidence that the voting machines had been corrupted. As you will note, the review was done by teams of nationally known computer scientists with industry standard security testing procedures.

<http://www.sos.ca.gov/elections/electionsvsr.htm>.

What is your office doing to address the security vulnerabilities identified by the California Secretary of State? What security testing is being done by your office to address these demonstrated security defects? Will your recertification of the Diebold, Sequoia and Hart Intercivic DREs specifically address the public findings of Secretary Bowen?

In *Conroy v. Dennis*, it was shown that almost no comprehensive security testing is done by the independent testing authorities. The decertified Sequoia, Diebold and Hart Intercivic DREs were 267() *S.Ijfpht St.*

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303.349.7583

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"tested" and "certified" by Ciber, Inc. Ciber, Inc. has lost its accreditation to test voting systems due to inadequate testing and documentation procedures. These facts raise grave questions whether Colorado can or should rely on the work done by Ciber, Inc.

Is your office planning to rely on the discredited work done by Ciber, Inc? What additional security testing are you doing to address the gap in security testing caused by well documented problems with Ciber, Inc.

Colorado voters are understandably concerned that these recent developments raise very serious questions about the integrity of Colorado's elections and your process for recertification of the Diebold, Sequoia and Hart Intercivic OREs.

I look forward to your prompt response to my questions.

Claudia Kuhns  
Executive Director  
The Public Integrity Project  
Be the Change USA

Received by ~ IL~ Mike Coffman on August 6, 2007.  
on behalf of Secretary of State

**From:** Al Kolwicz [mailto:alkolwicz@qwest.net]  
**Sent:** Monday, August 20, 2007 4:46 PM  
**To:** Jonathan Tee (Jonathan.Tee@SOS.State.CO.US)  
**Subject:** Open questions

Hi Jonathan,

Is there any reason that we should not submit an open records request to get answers to the numerous questions we have asked?

Al

*Al Kolwicz*

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Boulder, CO 80305  
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## **Certification answers found lacking.**

Sent: Wednesday, August 22, 2007 10:52 AM  
To: 'Jonathan Tee'  
Cc: Colorado Voter Group  
Subject: [Colorado Voter].257 RE: Voting System Certification FAQs

Hello Jonathan,

We are very disappointed by the "Voting System Certification FAQs" posting. [see below]

1. It does not include the many legitimate and relevant questions that we have asked, thereby giving a false impression of order.
2. It, in a sense, declares war on the people of Colorado by essentially declaring that Department of State staff is omnipotent and not accountable to the people. "The Secretary of State will not consider outside influences while reaching a decision."

This declaration of secrecy forces us to prepare CORA requests to gain access to the information we have requested.

Would you be willing to join us in a joint press conference so that the press can get a clear understanding of what is happening?

This process must be exposed to sunshine.

Al

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## **Colorado Voter Group**

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Mr. Jonathan Tee  
Communications Director  
Colorado Department of State  
1700 Broadway  
Denver, CO 80290

August 24, 2007

Dear Mr. Tee:

This letter is our formal request that we be permitted to attend Phase IV of the voting system certification process.

We request advance notice of the meeting and any preparatory meetings, and advance copies of any materials, including the agenda, that will be used for the meeting.

We are basing our request on the following meeting description:

### **Phase IV – Certification Documents**

Phase IV is a two (2) day process where the voting systems testing board meets with the Secretary of State and presents its recommendation, as well as the recommendations of the independent audit, and potential options for the certification of a voting system.

Based on this meeting, the Secretary of State makes a decision on the certification of each vendor and a cover letter and certificate is generated to the vendor stating their certification status.

Typical options for the recommendation include: Full compliance certification, certification with restrictions on use, a temporary certification (requesting the vendor to address certain items), or refusal to certify the system.

Thank you for your prompt attention.

Al Kolwicz  
Boulder County

Harvie Branscomb  
Eagle County

Dr. Charles Corry  
El Paso County

**From:** Jonathan Tee [mailto:Jonathan.Tee@SOS.STATE.CO.US]  
**Sent:** Wednesday, August 29, 2007 3:12 PM  
**To:** Al Kolwicz  
**Subject:** RE: Phase IV Open Meeting Request

Al,

The meeting described in Phase IV is a staff meeting between the Secretary and his internal staff, similar to many meetings the Secretary holds each day with his staff.

Also, regarding your reference to an open records request, we have made a concerted effort to post as much information online as possible. However, if you believe that relevant, disclosable information is missing from the website we will be happy to add it.

Thank you.

Jonathan Tee  
Communications Director

**From:** Al Kolwicz [mailto:alkolwicz@qwest.net]  
**Sent:** Wednesday, August 29, 2007 5:26 PM  
**To:** 'Jonathan Tee'  
**Cc:** Colorado Voter Group (ColoradoVoter@googlegroups.com)  
**Subject:** RE: Phase IV Open Meeting Request

Jonathan,

1. Does this mean that our request to attend the public policy making meeting of the “voting system testing board” and the Secretary of State is being denied?

#### **Phase IV – Certification Documents**

Phase IV is a two (2) day process where the **voting systems testing board** meets with the **Secretary of State** and presents its recommendation, as well as the recommendations of the independent audit, and potential options for the certification of a voting system.

**Based on this meeting, the Secretary of State makes a decision** on the certification of each vendor and a cover letter and certificate is generated to the vendor stating their certification status. Typical options for the recommendation include: Full compliance certification, certification with restrictions on use, a temporary certification (requesting the vendor to address certain items), or refusal to certify the system.

2. If our request is being denied, what law does your attorney cite as a justification for circumventing Colorado's sunshine laws - Article 24, section 6 C.R.S.?

The formation of public policy is public business and **may not be conducted in secret.**

3. Will there be another opportunity for the public to have full and timely access to the information presented at the meeting, and will the public have an opportunity to influence the decision to ensure that the public interest is protected in this vital matter?

Thank you for your efforts to increase voter confidence.

AI

# The Pueblo Chieftain Online

<http://pueblochieftain.com/metro/1188626400/13>

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Published: Saturday September 01, 2007

## State seeks cooperation from voting equipment vendors



**Mike Coffman**

**By MARGIE WOOD**  
THE PUEBLO CHIEFTAIN

Colorado Secretary of State Mike Coffman said Wednesday that he has written to four voting equipment suppliers to demand their cooperation with testing their equipment.

If they fail to submit all the information he needs by Nov. 16, they will not be certified to supply equipment for the 2008 election, Coffman said.

He said the four vendors operating in Colorado - Diebold, Hart InterCivic, ES&S and Sequoia - have failed to answer his requests.

Last week, county clerks were informed that the earliest date for certifying election equipment would be Oct. 1, which sent some into a panic because they thought the new certification would be required in time for off-year elections on Nov. 6. But on Friday, Coffman said certification won't be required for this year's elections because there are no state issues on the ballot.

In a press release on Wednesday, Coffman said, "Despite repeated demands since the beginning of this process, to this day we have still not received all of the information from each of the vendors that we need to complete testing. Throughout this entire process, they have been slow to

cooperate in getting us the documentation, hardware or other necessary information that we have requested.”

The secretary of state is required by state law to test and certify all new equipment purchased by the counties after May 28, 2004, in order to make sure that it meets the state’s standards for security and accuracy.

Last year, then-Secretary of State Gigi Dennis was sued by plaintiffs opposed to the use of electronic voting systems. They alleged that the testing process was flawed, inadequate and failed to prove that the electronic voting equipment was both secure and accurate.

The court didn’t bar the electronic machines from the 2006 general election, but did order retesting of all previously certified equipment before the 2008 primary election, Coffman said.

“I am strictly following both the law and the court ruling and conducting a process that is both tough and fair to everyone involved,” Coffman said. “It is the most comprehensive look at electronic voting equipment ever to take place in Colorado.”

Because of the delays he blamed on the vendors, Coffman said he does not expect the results to be completed until December. If they had cooperated, he said, the work would have been completed by July 1.

In his letter to the four vendors, Coffman ordered them to provide all information or documentation to the secretary’s office within 30 days. Failure to do so will immediately suspend the certification process for the vendor until the request is fulfilled. All requested information, files or equipment related to electronic voting must be turned over to him by Nov. 16, he said. Equipment of any vendor who doesn’t meet that deadline will not be certified for use in the 2008 elections.

“My job is to make sure that the elections in Colorado are always fair and honest, and that every ballot cast is done so in a system that is secure and will accurately count every vote,” said Coffman.

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**From:** Al Kolwicz [mailto:alkolwicz@qwest.net]  
**Sent:** Wednesday, September 05, 2007 7:56 AM  
**To:** Jonathan Tee  
**Cc:** Colorado Voter Group  
**Subject:** Request for vendor letter and contingency plan

Hello Jonathan,

1. Will you share with us a copy of the letter to the vendors (below)?
2. Will you share with us any documents dealing with a contingency planning for the possibility that one or more types of voting equipment will not meet certification standard?

Thanks

Al

*Al Kolwicz*

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**From:** Jonathan Tee [mailto:Jonathan.Tee@SOS.STATE.CO.US]  
**Sent:** Wednesday, September 05, 2007 8:07 AM  
**To:** Al Kolwicz  
**Subject:** RE: Request for vendor letter and contingency plan

Al,

The letters have been posted on the Voting Systems website:  
<http://www.elections.colorado.gov/DDefault.aspx?tid=501>

More will be posted on this page later today.

Jonathan

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**From:** Al Kolwicz [mailto:alkolwicz@qwest.net]  
**Sent:** Wednesday, September 05, 2007 2:52 PM  
**To:** 'Jonathan Tee'  
**Cc:** Colorado Voter Group (ColoradoVoter@googlegroups.com)  
**Subject:** RE: Request for vendor letter and contingency plan

Hello Jonathan,

Thanks, I've looked at the documentation posted on the site.

1. Does the absence of documentation request letters to HART and Sequoia signify that they have already provided all documentation?
2. Do we understand correctly that ES&S and Premier are still in Phase II of the Certification process? The requests asking these vendors to submit missing documentation are dated August 31<sup>st</sup>.

“During Phase II, the voting systems department communicates with the vendor to request clarification regarding documents received or to **ask the vendor to submit missing documentation.**”

3. Do we understand correctly that the 16-day Phase II was to have been completed several months ago? Why has the process been permitted to continue?
4. The Premier Summary indicates that there are “No Issues to address” regarding the “Demonstration”. How can this possibly be? The public submitted many issues. Is it the intention of CDOS to disregard these many issues?

As you know, we are awaiting responses to our several requests to oversee the certification process. It is very difficult to interpret what is happening over there since the process is not at all transparent. When do you think that we will get answers?

Al

**From:** Al Kolwicz [mailto:alkolwicz@qwest.net]  
**Sent:** Wednesday, September 05, 2007 3:32 PM  
**To:** 'Jonathan Tee'  
**Cc:** Mike Coffman (mike.coffman@sos.state.co.us); Colorado Voter Group (ColoradoVoter@googlegroups.com); Paul Hultin  
**Subject:** Certification - please change CDOS position.

Dear Jonathan,

We think it wrong that the CDOS has declared that untrustworthy voting equipment remains certified for the November 2007 election as indicated in its August 29th letters to vendors.

“As the November 6, 2007 election does not contain a statewide ballot issue, **all previously certified electronic voting equipment currently in use in counties remains certified for the 2007 election.** However, per the court order, previously certified equipment is **not certified for use in the 2008 Primary Election.** Before electronic equipment can be used in 2008, it must pass the rigorous retesting process performed by this Office.”

In our opinion, CDOS should be recommending against use of the equipment for the November 2007 election.

Not only does CDOS have a statewide responsibility, but as the state’s chief election official has been assigned the duty to act in behalf of the clerks and the people. The clerks and the people rely on SOS for equipment quality decisions. There is no alternative. The CDOS can’t just walk away from this obligation – can they?

The statutes specifically state the responsibilities of the SOS and make no reference to this obligation being connected in any way to statewide elections.

**1-5-614. Certification of electronic and electromechanical voting systems - standards.** The secretary of state shall certify electronic and electromechanical voting systems and approve the purchase, installation, and use of such systems by political subdivisions and establish standards for certification.

**1-5-617 (5)** The designated election official of a political subdivision that plans to use an electronic or electromechanical voting system that has been certified in accordance with this section shall apply to the secretary of state for approval of the purchase, installation, and use of the system. The secretary of state shall prescribe the form and procedure of the application by rule adopted in accordance with article 4 of title 24, C.R.S.

While the voting equipment was not explicitly decertified by the court, it should have been decertified by the SOS because:

#### **45.9 Decertification**

45.9.1 If after any time the Secretary of State has certified a voting system, it is determined that the voting system fails to substantially meet the standards set forth in this rule, the Secretary of State shall notify any jurisdictions in the State of Colorado and the voting system provider of that particular voting system that the certification of that system for future use and sale in Colorado is to be withdrawn.

45.9.2 Certification of a voting system may be revoked and/or suspended at the discretion of the Secretary of State based on information that may be provided after the completion of the initial certification.

Furthermore, there is general agreement that the process used to improperly certify the equipment was flawed. As per the court record,

- In the face of this pressure, the Secretary's staff took unusual and extraordinary measures to push the DREs through the certification process.
- There is no evidence that any of the required documentation was ever reviewed, analyzed, or evaluated by the Secretary's office.
- Gardner's functional tests did not measure potential flaws in computer codes, nor did he test the robustness of the programming or the vulnerability of the programming to unauthorized tampering, except in cursory fashion.
- The Secretary's test logs do not identify the tests that were actually performed or the methodologies used.
- Plaintiffs next contend that the Secretary did not establish minimum security standards. The Court agrees.
- The Court concludes that the Secretary has not established minimum security requirements as mandated by § 1-5-616(1)(g), C.R.S. (2006), and did not adequately test the DRE systems against those minimum security requirements.

In addition, we have reported many Colorado detected problems and other states, including California, have documented problems with the same voting equipment, and it is not responsible for Colorado to ignore these professional findings.

Why in the world would the CDOS take a unnecessary chance at compromising the November 2007 election by allowing this untrustworthy equipment to be used?

At a very minimum, CDOS should notify the Counties and the public that using this voting equipment would be without the blessing of the CDOS.

Al

**From:** Al Kolwicz [mailto:alkolwicz@qwest.net]  
**Sent:** Wednesday, September 05, 2007 9:36 PM  
**To:** 'Jonathan Tee'  
**Subject:** RE: More info on Voting System webpage

Jonathan,

Surely there must be an error. Is it true that Paul Craft is going to be one of two Colorado certification auditors?

<http://www.elections.colorado.gov/WWW/default/Voting%20Systems/Independent%20Auditors.pdf>

Al

**From:** Jonathan Tee [mailto:Jonathan.Tee@SOS.STATE.CO.US]  
**Sent:** Wednesday, September 05, 2007 4:52 PM  
**To:** Jonathan Tee  
**Subject:** More info on Voting System webpage

For those interested in the Independent Audit of the Voting System State Certification process, the Secretary of State's Office has posted additional information on its Voting Systems webpage, <http://www.elections.colorado.gov/DDefault.aspx?tid=501>.

Also posted are the latest communications between the Secretary of State's Office and the electronic voting system vendors.

Sincerely,

Jonathan Tee  
Communications Director  
Colorado Secretary of State

**From:** Al Kolwicz [mailto:alkolwicz@qwest.net]  
**Sent:** Thursday, September 06, 2007 10:39 AM  
**To:** 'Jonathan Tee'  
**Cc:** Colorado Voter Group (ColoradoVoter@googlegroups.com)  
**Subject:** Violation of law and abuse of power

Dear Mr. Tee:

We have reviewed the following item from the Colorado Department of State (CDOS) website.

Firstly, we are disappointed that the CDOS has arbitrarily, with a swipe of the hand, decrees that the Colorado Election Rule 45 and 1-5-617 CRS do not apply and are “directory, not mandatory”. The statute and rules language does not indicate anything to support this interpretation. It appears that the CDOS is violating its own rules and Colorado law.

C.R.S. 1-5-617 (c) The secretary of state shall decide whether to certify an electronic or electromechanical voting system within ninety days after the system is submitted for certification.

Rule 45 unambiguously and firmly says that the dates are MAXIMUM, not “directory”.

Furthermore, the October 1<sup>st</sup> completion date makes no provision for addressing our requests for public access, and makes no provision for responding to the many problems that we have submitted. To trample over the people and deny us access to the process is an abuse of power.

We believe that CDOS, by its actions, is unwisely creating a situation of maximum distrust.

Again, we ask, when may we oversee the testing process and materials and decision making meeting, and when should we expect answers to the many technical questions we have posed?

[http://www.elections.colorado.gov/WWW/default/Voting%20Systems/FAQs\\_FINAL.pdf](http://www.elections.colorado.gov/WWW/default/Voting%20Systems/FAQs_FINAL.pdf)

##### **5) How long is the re-testing process expected to take?**

C.R.S. 1-5-617(1)(c) gives the Secretary of State ninety days from the submission date of an electronic voting system to reach a decision on certification; section 1-5-617 was added to the Colorado Revised Statutes in 2005. However, in light of the publication of Rule 45 in March 2006 that greatly expanded the re-testing process and increased the documentation created during testing, the Secretary of State has determined that the process must go beyond the 90 days set in statute; such a deadline is directory, not mandatory.

The court-ordered recertification process has been a difficult one. Completion of the certification process has been delayed by difficulties the office has experienced in obtaining from vendors the documents and computer files necessary to complete the testing process. Had it not been for these delays, it is likely that the process would have concluded by July 1, 2006, as originally planned.

Instead, the projected completion date for the re-testing process is now October 1, 2007. This office understands the difficult position that this puts county clerks and recorders. The Secretary of State has made it clear that there is no guarantee that every voting system will successfully

pass the re-testing process. However, this office wants to assure the public that, in the event a voting system does not pass the re-testing process, we will work with affected counties to arrive at solutions that enable them to carry out their responsibilities.

*Al Kolwicz*

**Colorado Voter Group**

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**From:** Al Kolwicz [mailto:alkolwicz@qwest.net]  
**Sent:** Thursday, September 13, 2007 6:28 PM  
**To:** 'Jonathan Tee'  
**Cc:** Colorado Voter Group (ColoradoVoter@googlegroups.com)  
**Subject:** RE: Request for vendor letter and contingency plan

Hello Jonathan,

There is still no documentation request to HART on the CDOS website. What gives?

Al