

Supplemental Submission HART Intercivic – Certification Hearing February 21, 2008

Mr. Hobbs:

Thank you for the opportunity to speak at the HART portion of yesterday's hearing. Here is a summary of my oral testimony.

Two problems that we have reported to the department and that were not addressed and must be addressed before granting even temporary certification:

1. HART paper ballots and VVPAT ballots have a unique serial number preprinted on each. This violates the Colorado Constitution. The new documents do not address this major defect. The Secretary of State has no authority to override the Colorado Constitution.
2. The HAR system is not able to export election data as required by law. For example, the system does not export all Cast Vote Records and does not export the scanned ballot images. Both are required to verify that votes are correctly interpreted and counted.

The clerk's presentation misrepresented the HART experience in Colorado. In fact, HART has had many problems that were not identified or discussed by the Test Board. These include ballot printing problems, LAT issues, folded ballots, etc. It is wrong to leave the impression that the stray mark is the only issue.

The clerks proposed mitigation for the stray mark problem that is misleading. They gave the impression that over-votes would always be reviewed by a human resolution team. This is not true. I described the "auto-resolve" feature of the HART system and the fact that it is not known by the canvass board if this feature was used.

The ballot shown by the clerks was missing the printing around the edges. This is important because a stray mark in the bar code has another interesting side-effect.

The clerks gave a "junk statistic" presentation which assumed that stray marks are both accidental and random. Neither is true.

The HART representative misrepresented the quality reports on the equipment. Just scan the press to find many HART problems.

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