

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. Ed Smith
Compliance Manager
Sequoia Voting Systems
717 17th Street, Suite 310
Denver, CO 80222

Re: Colorado Voting System

Dear Mr. Smith:

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 Sequoia'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 Sequoia Voting Systems:

Software, WinEDS, Version Number 3.1.074
Conditionally certified.

Precinct Scanner, Optech Insight / Insight Plus (including Memory Pack Reader, Version Number HPX K1.44/APX 2.12
Conditionally certified.

Central Count Scanner, Optech 400-C; WinETP, Version Number 3.00 / 1.14.3
Conditionally certified.

DRE: Edge II (including VeriVote; Edge Audio Unit; and Card Activator), Version Number 5.0.31 / 4.3 / 5.0 Rev. C and Edge II Plus (including HAAT Model 50, Version Number 1.2.33

Decertified. Major factors include the following deficiencies:

1. Failure for device to operate in a secured state requiring passwords.
2. Failure to provide auditable data to detect security violations.
3. Failure to ensure all electronic records have corresponding V-VPAT records.

This decision is effective immediately.

For components decertified, major factors are listed above. However, please refer to the certification report "Sequoia Voting Systems 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 that has been decertified, a meeting is scheduled for representatives of your company and affected county clerks to review the testing results with Secretary of State staff at the following time:

Wednesday, December 19, 1:00 p.m. – 5:00 p.m. (Secretary of State's Office)

Any vendor or county affected by a decertification decision 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 Sequoia voting systems:
Stephanie O'Malley, Denver County Clerk and Recorder
Nancy Doty, Arapahoe County Clerk and Recorder
Gilbert Ortiz, Pueblo County Clerk and Recorder
Amy Fordyce, Elbert County Clerk and Recorder