

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

October 24, 2007

VIA Facsimile

Mr. Steve Pearson
Vice President, Certification
Election Systems and Software
11208 John Galt Blvd.
Omaha, NE 68137

Re: 2007-CDOS-ESS-001-0403 – Suspension Notice

Dear Mr. Pearson:

On August 29, 2007, I notified ES&S by letter that a failure by ES&S to respond to any request for documentation within a 30-day time period would suspend the certification process.

On September 24th, my office provided a letter to ES&S detailing a list of items requiring your attention for the completion of the certification of your voting system. In addition, the testing board conversed extensively with your certification team on October 1st and provided a line-by-line review of all of the outstanding items, informing your team of the specific missing items, and possible courses for remedy. The 30-day deadline for ES&S to provide all outstanding items requested on September 24 is today, October 24.

I have been informed that yesterday morning, in a conference call between your office and my staff, you indicated that ES&S will not be able to meet the 30-day deadline and provide documentation and functional test resolution as requested by the Testing Board. You requested an extension of time beyond the required 30-day deadline.

At this time, my office is unable to proceed with any further certification testing without the required documents. Therefore, I am formally suspending the certification process for ES&S until all required items, including a retest plan, has been provided to the Testing Board.

In addition, it is my understanding that there is a history of coordination issues with your company. Those issues include the following: changing project managers multiple times since April, providing incorrect programming of required databases for testing, providing incorrect ballots for testing, failing to provide required documentation of Federal testing, and test failures requiring extensive machine servicing.

Therefore, I am requesting that ES&S respond in writing to each of the following questions as soon as possible:

Main Number (303) 894-2200
Administration (303) 860-6900
Fax - Administration (303) 869-4860

TDD
Web Site
E-mail – Administration

(303) 869-4867
www.sos.state.co.us
sos.admin1@sos.state.co.us

1. What personnel and administrative changes will be made by ES&S to ensure that the recertification process will be able to resume moving forward?
2. By what date will ES&S fully comply with the requests in the September 24th notice?
3. What assurance does ES&S provide to the Testing Board that future deadlines will be met?

As you are aware, the testing process for 2007 has been extensive and has already extended well beyond the scheduled time frame. Nevertheless, I have allowed the Testing Board to extend to each vendor the opportunity to correct outstanding issues before reaching a final determination.

As previously stated in my August 29 letter, the ultimate deadline for these items to be delivered and finalized to the Testing Board is November 16th. My office has previously provided information to you regarding the process of retesting, which includes the scheduling of the testing lab to ensure the protection of confidentiality of all systems currently under review. Space and time will be reserved on a first come first serve basis.

Failure to respond to future requests in the given time frame will put your application at risk of being rejected.

If you have any questions regarding this request, please feel free to contact John Gardner directly.

Respectfully,



Mike Coffman

cc: Pam Anderson, County Clerk and Recorder, Jefferson County
Janice Rich, County Clerk and Recorder, Mesa County