



Colorado Secretary of State

## *The Secretary's Report*

Secretary of State  
Mike Coffman

Newsletter  
September 2007

### **No Statewide Measure on Nov. 2007 Ballot**

Secretary Coffman announced last month that no statewide measures have qualified for the November 6, 2007 ballot; the first time an odd-year election will not include a statewide ballot measure since the passage of TABOR in 1992. TABOR stipulates that only tax-related statewide measures may be considered in an odd-year election.

With no statewide measure, the state saves \$1.7 million, as Colorado law requires the Secretary of State's Office to reimburse counties "for the cost of the duties performed by the county clerk and recorder that relate to conducting the election" if there is a statewide measure on the ballot.

The General Assembly set the reimbursement amount at \$1,729,923;

### **Coffman Delivers Ultimatum to Electronic Voting Machine Vendors**

Secretary Coffman sent a clear message to the four vendors who supply electronic voting equipment in Colorado last month, demanding their full cooperation in providing the necessary information for retesting of their equipment or face decertification that would render their equipment unauthorized for use in Colorado in 2008.

"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," Coffman said. "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. In 2006, the former Secretary of State Gigi Dennis was sued by various 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 plaintiffs also asked the court for an injunction on the further use of electronic voting machines until the equipment could be retested. The judge declined the request, stating that forcing counties to find an alternative voting system just before the 2006 election would create more potential harm to the process than allowing the machines to be used. However, the court ordered that all previously certified equipment must be retested prior to the next primary, general, or statewide ballot issue election.

"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

the funds would have been drawn from the Secretary of State's cash fund.

Read more [here](#).

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ever to take place in Colorado."

Since there are no statewide issues on the 2007 ballot, the testing does not have to be completed by this November's election. Because of repeated vendor delays, Coffman does not expect the results to be completed until December. According to Coffman, had the vendors cooperated with the testing process from the beginning, the work would have been completed by July 1st.

In a letter sent to the four vendors (Diebold, Hart InterCivic, ES&S, and Sequoia), Coffman states that vendors must provide all information or documentation to the Secretary's office within 30 days of receiving a request. Failure to do so will immediately suspend the certification process for the vendor until the request is fulfilled. All requests for information, files or equipment related to electronic voting must be turned over to the Secretary of State by no later than 5:00 PM, November 16, 2007. If a vendor fails to turn over requested information that is deemed necessary for the certification process by the November 16th deadline, the electronic voting equipment from that vendor will not be certified for use in the 2008 Primary and General 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.

Learn more about the retesting process and read the letters from Secretary Coffman to the four vendors by clicking [here](#).

The [Denver Post editorial board](#) urges Coffman to "take the steps needed to ensure election integrity."

Read more on this issue from the [Rocky Mountain News](#) and the [Grand Junction Sentinel](#).

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**[Time to consider a rotating regional primary](#)** - Coffman's Op-Ed in the [Rocky Mountain News](#)

It's being called *Tsunami Tuesday* - February 5, 2008 - when at least eighteen states will hold their presidential primary to determine the nominees of both parties. Seven states will have already held primaries or caucuses before this tidal wave hits, and as yesterday's *Rocky* editorial warned, we could see New Hampshire's primary in mid-December *of this year*.

Few political pundits argue that this race to be first is a good thing. Voters are likely to grow apathetic to the presidential contenders a full year before they go to the polls to elect the next leader of the free world. But state lawmakers all across the country can't seem to help themselves; South Carolina was the

latest to buckle to the pressure, moving their primary to January 19.

I commend Colorado lawmakers, who acted a bit more rationally earlier this year when they passed legislation giving the major political parties the *option* of holding their caucuses on February 5 - the Democrat state party already took the bait, and the Republican's will likely follow suit soon.

One potential silver lining to the 2008 Mad Dash may be that the idea of a rotating regional primary will gain traction.

Read Coffman's full column in the [Rocky](#) and find out more about the [Rotating Regional Primary](#) concept.