

EXHIBIT 1

Stephanie Cegielski

From: Jacque Ponder
Sent: Friday, November 09, 2007 8:36 AM
To: John Gardner
Cc: Bill Hobbs
Subject: FW: Survey of future certification process.

John-

Would you please send to Mike Ciletti a "clean" copy of your answers?

Thank you-

Jacque

From: Mike Coffman
Sent: Thursday, November 08, 2007 6:22 PM
To: Jacque Ponder
Subject: RE: Survey of future certification process.

Yes.

From: Jacque Ponder
Sent: Thursday, November 08, 2007 1:55 PM
To: Mike Coffman; John Gardner
Cc: Wayne Munster; Bill Hobbs
Subject: RE: Survey of future certification process.

Mike-

Is it ok for John to clean this up and send to Mike Ciletti?

Jacque

From: Bill Hobbs
Sent: Thursday, November 08, 2007 12:01 PM
To: Jacque Ponder; Mike Coffman; John Gardner
Cc: Wayne Munster
Subject: RE: Survey of future certification process.

Where I think we are: we can answer, and we have answers to all the questions. However:

- No one has put all the answers in a single "clean" document, that is, in a form appropriate to send in an email reply to Mike Ciletti.
- I haven't heard anyone say who should respond. Although the inquiry came to Jacque, I think it's ok for John to reply.

-Bill

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Survey questions

From: Jacque Ponder
Sent: Thursday, November 08, 2007 9:55 AM
To: Bill Hobbs; Mike Coffman; John Gardner
Cc: Wayne Munster
Subject: RE: Survey of future certification process.

Were John's answers sent to Mike Ciletti last night or are we still in the decision state as to whether or not to respond?

Jacque

From: Bill Hobbs
Sent: Wednesday, November 07, 2007 7:55 PM
To: Mike Coffman; John Gardner; Jacque Ponder
Cc: Wayne Munster
Subject: RE: Survey of future certification process.

With John's answers below, I think we've completed our response (except for putting it in a formal reply email). Assuming this is just for a vendor who wants to know each state's requirements, it's a reasonable request. I was initially concerned about whether there was any potential problem with respect to the current recertification process, but it seems to me that there's no problem in replying.
-Bill

From: Mike Coffman
Sent: Wednesday, November 07, 2007 7:47 PM
To: John Gardner; Bill Hobbs; Jacque Ponder
Cc: Wayne Munster
Subject: RE: Survey of future certification process.

Is it necessary to respond at all? Can't this wait until we are done with recertification? I don't want to divert our energies to this.

Mike Coffman

From: John Gardner
Sent: Wednesday, November 07, 2007 7:23 PM
To: Bill Hobbs; Jacque Ponder
Cc: Wayne Munster; Mike Coffman
Subject: RE: Survey of future certification process.

These were fairly straightforward, see additional answers below.

Thanks,
John G.

From: Bill Hobbs
Sent: Wednesday, November 07, 2007 3:01 PM
To: Jacque Ponder; John Gardner
Cc: Wayne Munster; Mike Coffman
Subject: RE: Survey of future certification process.

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Although not stated in this request, my recollection is that Mike Ciletti represents one of the voting system vendors doing business in Colorado. Based on that fact, and based on the wording of the survey, I'm guessing this might be a survey of every (?) state by that vendor (?). This is also a little confusing because of the reference to using a nonexistent "spreadsheet tab", but presumably this is a spreadsheet that Mike Ciletti will use to record our answers.

I'm also guessing that John might be able to provide a terse answer to most of these questions. However, for John's review, I made an initial stab at some questions (see below), marking spots where I think John could provide an answer. If there are grey areas, involving uncertain interpretations of state statute, we should talk before responding.

-Bill

From: Jacque Ponder
Sent: Wednesday, November 07, 2007 10:19 AM
To: John Gardner; Bill Hobbs
Cc: Wayne Munster; Mike Coffman
Subject: FW: Survey of future certification process.

I am not sure who should respond to this. If there is no response, please let Mike know.

Jacque

From: Mike Ciletti [mailto:mike@phaseline.com]
Sent: Wednesday, November 07, 2007 9:54 AM
To: Jacque Ponder
Subject: Survey of future certification process.

Jacque-

Is it possible to have someone in your office assist with completely this survey? We are trying to get a handle on how the 2005 & 2007 certification processes will look as they are right around the corner.

Thanks
Mike Ciletti

Survey of State Interpretations of Requirements to Use Federal Standards and Certifications

October 22, 2007

Please use the following list of questions when inquiring with each state certification authority for this survey.

In the "State Survey Response" spreadsheet tab, record answers to the questions under the appropriate column. Also capture the name(s) of the person(s) involved in making the state's interpretation and their role/capacity in the state office.

1. In your state certifications for voting systems, what are the state's interpretations for

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using federal standards and certifications?

For example:

· Do you use a specific version, unspecified version, latest and greatest?

1 Does it need to be certified by NASED or EAC or just approved by the test lab?

Section 1-5-601.5, C.R.S., requires that, "All voting systems and voting equipment offered for sale on or after May 28, 2004, shall meet the voting systems standards that were promulgated in 2002 by the federal election commission and that may thereafter be promulgated by the federal election assistance commission.

Section 1-5-608.5, C.R.S., requires that, "No electronic or electromechanical voting system shall be used in any public election in this state unless it has been certified by the secretary of state following successful qualification testing conducted by a recognized independent testing authority pursuant to this section."

2. Can you provide us with a citation of the state code or regulations that supports your interpretation? (In the conversation, we can provide the citations that we know of.)

3. What is the state's position on e-Pollbooks and whether state certification is required?

Section 1-5-102.7(4) requires the Secretary of State to certify electronic poll books.

4. What is the state's position on Ballot on Demand printers and whether state certification is required?

Various Sections of Secretary of State Rule 45 require Ballot on Demand printers to be certified as part of the voting system.

5. What are your plans, if any, for implementing the 2005 VVSG?

In accordance with section 1-5-601.5 (quoted above), the State will begin using the 2005 VVSG in its certification process on the effective date, December 13, 2007.

6. What is the anticipated cost for certifying a voting system in your state?

No cost is charged to applicant.

7. Does your state have a restricted schedule for performing certifications or can certifications be performed year round?

Year round.

8. Can you provide us with a copy of the latest revision for your certification application form?

<http://www.elections.colorado.gov/WWW/default/Voting%20Systems/Certifications/2007/Instructions/Application%20for%20certification-rev2.5->

2007.pdf

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EXHIBIT 2

Richard Coolidge

From: Mike Coffman
Sent: Saturday, December 01, 2007 12:47 PM
To: Mike Coffman; Bill Hobbs; Jacque Ponder
Cc: Richard Coolidge
Subject: RE: Press Release on Kopelman

What if the title reads that he was cleared of any "criminal" acts?

Mike

From: Mike Coffman
Sent: Saturday, December 01, 2007 12:45 PM
To: Bill Hobbs; Jacque Ponder
Cc: Richard Coolidge
Subject: RE: Press Release on Kopelman

Bill,

I'll work on another draft tomorrow and I'll take into account your concerns.

Mike Coffman

From: Bill Hobbs
Sent: Saturday, December 01, 2007 12:33 PM
To: Mike Coffman; Jacque Ponder
Cc: Richard Coolidge
Subject: RE: Press Release on Kopelman

I have several concerns about the latest version.

The headline says "State Audit Clears Election Worker". This is not really accurate. On Page 44, the audit report states

The conduct of the employee for whom the initial allegations were made does appear to have violated state statute [Section 24-50-117, C.R.S.] and State Personnel Board rules [rules 1-13 and 1-14].

Specifically, the employee owned and operated a partisan political business while employed with the Department of State. The employee's ownership and operation of this business appears to "raise criticism and the appearance of a conflict of interest" particularly given the job responsibilities for which this individual was assigned within the Elections Division. Furthermore, the employee engaged in outside employment/business ownership without advance written approval from the appointing authority.

Thus, rather than clearing the employee, the audit report confirms our original finding that he was guilty of two violations.

I am also concerned about the portion of the release that states, "It was alleged by the liberal oriented Progress Now Action and Colorado Ethics Watch that Kopelman stole the voter registration lists from the Secretary of State's office and profited by selling them."

First, this may not be entirely accurate about what they actually said. This week Rich went back and looked at the actual statements from Colorado Ethics Watch, and I believe he reported that they were a little different. I don't recall what Progress Now Action said, but we need to be accurate. The audit report, on page 48, says "One of the allegations made regarding an employee of the Department of State was that the employee had misused state assets and used his employment with the Department for personal gain." This characterization of the allegation appears immediately before the auditor's finding quoted in the release that ""We found no evidence that the business benefited financially from the individual's employment with the Colorado Department of State." It would be safer to use the auditor's language.

Second, I think it's better not to name Colorado Ethics Watch or any other specific organization. It pits us directly in a battle with a group that we will continue to be involved with as we perform our responsibilities (such as the Yellow Cab

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investigation and campaign finance complaints), and it may compromise our neutrality and objectivity in the minds of some. Also, if we do refer to them by name, I would suggest it's better not to use a label such as "liberal oriented". While the label may be true, and it may explain their motivations, we should not imply that it matters to us whether a group is "liberal oriented".

-Bill

From: Mike Coffman
Sent: Saturday, December 01, 2007 10:34 AM
To: Jacque Ponder
Cc: Richard Coolidge; Dan Kopelman; Bill Hobbs
Subject: Press Release on Kopelman

Rich,

Please look at my version. I took from what you did, what Dan did, and what I added in.

Mike Coffman

EXHIBIT 3

Richard Coolidge

From: Mike Coffman
Sent: Saturday, December 01, 2007 10:50 AM
To: Dan Kopelman (Away)
Cc: Jacque Ponder; Richard Coolidge; Bill Hobbs; Dan Kopelman (Away)
Subject: FW: Press Release on Kopelman
Attachments: Kopelman.doc

Dan,

When did you start this website? When you started it, did you have that part in it about soliciting for sale the targeted voter lists? We may need to clarify my one statement about having it up for several years before you came to the Secretary of State's office. It may be better to say that you had it prior to coming to the Secretary of State's office.

Mike Coffman

From: Mike Coffman
Sent: Saturday, December 01, 2007 10:34 AM
To: Jacque Ponder
Cc: Richard Coolidge; Dan Kopelman; Bill Hobbs
Subject: Press Release on Kopelman

Rich,

Please look at my version. I took from what you did, what Dan did, and what I added in.

Mike Coffman

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