- 24 Feb 2015: Pro V&V Accredited. Pro V&V, Inc accredited as Voting System
  Testing Laboratory (VSTL) by U.S. Election Assistance Commission (EAC),
  effective through 24 Feb 2017
  (https://www.eac.gov/sites/default/files/voting\_system\_test\_lab/files/Pro\_V
  andV\_accreditation\_certificate\_2015.pdf)
- 2. Jun 2015: CO inventory shows NO Dominion Democracy Suite equipment in use. CDOS Colorado Voting Equipment Inventory as of June 12, 2015 shows no Dominion Democracy Suite voting equipment certified for use in CO (https://www.sos.state.co.us/pubs/elections/VotingSystems/files/2015/2015 VotingEquipmentInventory.pdf); Premier Accuvote and Sequoia AVC Edge were, by that time, owned by Dominion, but it is unclear if they had been at the time CO purchased/certified them.
- 9 Jul 2015: Pro V&V signs Test Report for DVS DS 4.19
   (https://www.sos.state.co.us/pubs/elections/VotingSystems/files/2015/DVS TestReport.pdf). The Pro V&V Test Report states that DVS D-Suite 4.14-D was "the predecessor of the D-Suite 4.19 System"
- 4. 4 Aug 2015: CO SecState approves DVS DS 4.19 for temporary use. SecState (Williams) approved DVS DS 4.19 for temporary use in 2 CO counties (Denver/Mesa) in the 2015 Coordinated Election (https://www.sos.state.co.us/pubs/elections/VotingSystems/files/2015/2015 1028GlobalConditionsTempUse.pdf). citing Pro V&V's 9 Jul 2015 Test Report (https://www.sos.state.co.us/pubs/elections/VotingSystems/files/2015/2015 0804TemporaryApproval-DVSDS.pdf).
- 3 Nov 2015: CO State Odd-Year Election. (https://www.sos.state.co.us/pubs/elections/Results/Abstract/2016/2016BiennialAbstract.pdf)
- 22 Dec 2015: CO SecState selects Dominion as CO Uniform Voting System.
   SecState (Williams) announced selection of DVS DS as the sole provider of
   Colorado's Uniform Voting System (UVS)
   (https://www.sos.state.co.us/pubs/newsRoom/pressReleases/2015/PR2015
   1222Dominion.html)( https://www.coloradopolitics.com/news/denver finalizes-nearly-1m-voting-system-purchase/article\_b19899cb-a19f-5b3d-

8316-9a902dc78ace.html), based on the recommendation of the Pilot Election Review Committee (PERC); members of the PERC? Chuck Broerman (EPC CCR); Donetta Davidson (former ED of CCCA, former commissioner of the US EAC, former CO SecState, etc); Steve Moreno (member of BoD of Election Center, the National Association of Election Officials, with lots of other former EAC/industry/establishment), etc.

7. **17 Feb 2016: CO Master Voting Systems Agreement w/DVS.** Contract date (Master Voting Systems Agreement Between Colorado Department of State and Dominion Voting Systems, Inc.)

(https://www.sos.state.co.us/pubs/elections/VotingSystems/DVSDemocracy Suite/documentation/CDOS-

DVS%20Master%20Voting%20Systems%20Agreement%2020160217\_Redact ed.pdf)

(https://www.sos.state.co.us/pubs/elections/VotingSystems/DVS-DemocracySuite/documentation/CDOS-

<u>DVS%20Master%20Voting%20Systems%20Agreement%2020160217\_Redacted.pdf</u>)

8. 28 Jun 2016: CO Primary Election.

(https://www.sos.state.co.us/pubs/elections/Results/Abstract/2016/2016Bie nnialAbstract.pdf)

- 9. 8 Nov 2016: General Election.
  - (https://www.sos.state.co.us/pubs/elections/Results/Abstract/2016/2016Bie nnialAbstract.pdf)
- 10. **18 Nov 2016: CDOS inventory shows 17 counties using DVS DS 4.21**. CDOS 2016 Equipment Database shows multiple Dominion Voting Systems (DVS) Democracy Suite (DS) 4.21 in use in 17 CO counties (https://www.sos.state.co.us/pubs/elections/VotingSystems/files/2016/2016 EquipmentDatabase.pdf)
- 11. 8 Feb 2017: EAC Certifies DVS DS 5.0. U.S. EAC issues Certificate of Conformance for Dominion Democracy Suite 5.0 (meaning the EAC certified the system), stating that the "certificate applies only to the specific version and release of the product in its evaluated configuration," and listing Pro V&V as the applicable accredited VSTL which evaluated the system for conformance to the 2005 Voluntary Voting System Guidelines (VVSG) (https://www.eac.gov/sites/default/files/voting\_system/files/Scope.and.Cert

## .FINAL.2.8.17.pdf).

The Scope of Certification accompanying the Certificate states "An EAC certification is not: ....a substitute for State or local certification and testing..." The certificate also states "Testing determined that the system and components used are not fully compliant to VVSG 1.0, Section 7 and RFI 2012-05. The deficiency is a result of the system using COT's software products in which the FIPS Certificates are no longer valid. The DVS 5.0 system shall be modified to bring it into compliance with the requirements of VVSG 1.0, Section 7 and RFI 2012-05. DVS has 30 days from the date of Certification of the DVS 5.0 system to submit a modification to make these changes"

- 12. **24 Feb 2017: Pro V&V VSTL accreditation expires.** Pro V&V Federal accreditation from U.S. EAC as VSTL expires (see 24 Feb 2015 Certificate above).
- 13. **27 Mar 2017: Pro V&V (not accredited) signs Test Plan for DVS DS 5.2-CO.** Pro V&V (NOT a Federally-accredited VSTL, as of 24 Feb 2017) signs/submits Test Plan for DVS DS 5.2-CO, stating that DS 5.2-CO is a "modification to the previously tested D-Suite 5.0 system;" it makes no mention of DS 4.19 or DS 4.21
  - (https://www.sos.state.co.us/pubs/elections/VotingSystems/DVSDemocracy Suite/testPlan.pdf)
- 14. 19 Apr 2017: Pro V&V (not accredited) signs Test Report for DVS DS 5.2-CO. (STILL not accredited) signs their Test Report for DVS DS 5.2-CO. It again refers to DS 5.2-CO as a modification of DS 5.0. (https://www.sos.state.co.us/pubs/elections/VotingSystems/DVS-DemocracySuite/testReport.pdf)
- 15. **20 Apr 2017: CO SecState (Williams) certifies DVS DS 5.2- CO** on the basis of Pro V&V test report, 20 April 2017

(https://www.sos.state.co.us/pubs/elections/VotingSystems/DVS-DemocracySuite/certificationLetter.pdf).

This is in violation of CO law, as Pro V&V was not accredited. Point of interest: DVS 5.2-CO incorporates many new and interesting capabilities, including the ability for the system to support Ranked-Choice Voting (RCV) a way to prevent run-off elections; enthusiasts insist RCV is different from fractional voting, but it requires a calculation of non-whole numbers of votes

in the background, in order to identify the contest winner, and the ability to calculate non-whole numbers is the ability to calculate non-whole numbers. (https://www.sos.state.co.us/pubs/elections/VotingSystems/DVS-DemocracySuite/documentation/2-13-DemocracySuiteSystemChangeNotes.pdf),

- 16. 7 Nov 2017: CO Coordinated Election (https://results.enr.clarityelections.com/CO/71802/Web02-state/#/)
- 17. **21 Feb 2018:** Pro V&V (not accredited) signs Test Report for DS 5.2-CO.1, which is described as adding ICX "Classic" (use of ICX as a Ballot Marking Device (BMD), which prints a paper ballot that is then scanned in another machine, rather than as Direct-Recording Electronic (DRE) ballot marking device, which would produce only a digital "ballot." (https://www.sos.state.co.us/pubs/elections/VotingSystems/DVS-DemocracySuite/modification/DVSAvalueCertificationLetter.pdf)
- 18. **3 May 2017: DVS request CO certification of DVS 5.2.** DVS submits Application for Certification or Modification of a Voting System for DVS 5.2; it is shown as a "Certification of a Voting System," not a "Modification of a Voting System."

(https://www.sos.state.co.us/pubs/elections/VotingSystems/DVS-DemocracySuite/finalApplicationForCertification.pdf)

- 20 April 2017: SecState (Williams) certifies DS 5.2- CO.1.
   (https://www.sos.state.co.us/pubs/elections/VotingSystems/DVS-DemocracySuite/certificationLetter.pdf
   ). It is unclear if DS 5.2-CO or DS 5.2-CO.1 were ever deployed and used in CO.
- 20. 9 May 2017: U.S. EAC welcomes new testing and certification director, Jerome Lovato. Who came from the CO SOS office in September 2017, where he was the Voting Systems Certification Lead and Risk-Limiting Audit Project Manager (https://www.eac.gov/eac-welcomes-new-testing-certificationdirector-jerome-lovato). That's how good EAC is: they hired the guy who couldn't get it right in CO. At least he was also responsible for RLA.
- 21. **26 Jun 2018: CO Primary Election.** (https://www.sos.state.co.us/pubs/elections/Results/Abstract/2018/2018Ab stract.pdf)

- 22. 6 Nov 2018: General Election. (https://www.sos.state.co.us/pubs/elections/Results/Abstract/2018/2018Abstract.pdf)
- 23. **20 May 2019: Pro V&V (not accredited) Test Plan for DSuite 5.11-CO** states that DS 5.11-CO is a modification to the previously approved D-Suite 5.2-CO System (https://www.sos.state.co.us/pubs/elections/VotingSystems/DVS-DemocracySuite511/testPlan.pdf).
- 24. 7 Jun 2019: Pro V&V (not accredited) signs Test Report for DVS D-Suite 5.11-CO. The report states that "D-Suite 5.11-CO is a modification to the previously approved D-Suite 5.2-CO System" (https://www.sos.state.co.us/pubs/elections/VotingSystems/DVS-DemocracySuite511/testReport.pdf)
- 25. 7 Jun 2019: SecState (Griswold) certifies DVS Democracy Suite 5.11-CO (same day that Pro V&V signed out their report; I guess CDOS took a lot of time to review the test report...) (https://www.sos.state.co.us/pubs/elections/VotingSystems/DVS-DemocracySuite511/certificationLetter.pdf) in response to an Application for Modification of a Voting System, dated 6 June 2019 (https://www.sos.state.co.us/pubs/elections/VotingSystems/DVS-DemocracySuite511/finalApplicationForCertification.pdf) citing section 1-5-608.5, C.R.S. (which states that "(1) A federally accredited laboratory may test, approve, and qualify electronic and electromechanical voting systems for sale and use in the state of Colorado," proving that Griswold knew it was a requirement), and stating "Pro V&V, a federally accredited voting-system testing laboratory, tested Democracy Suite 5.11-CO in accordance with the test plans my office approved on May 20, 2019 and May 23, 2019. My office also reviewed Pro V&V's test reports dated June 3, 2019 and June 7, 2019, and the Colorado requirements matrix completed and transmitted by Pro V&V on June 4, 2019,"
- 26. 5 Nov 2019: CO Coordinated Election. (https://www.sos.state.co.us/pubs/elections/Results/2019/2019StateAbstractCertAndResults.pdf)

- 27. **3 Mar 2020: CO GOP Presidential Primary.**(https://www.sos.state.co.us/pubs/elections/Results/Abstract/2020/2020Bie nnialAbstractBooklet.pdf)
- 28. 8 May 2020, updated 21 May 2020: CO SecState (Griswold) issues Notice of Temporary Adoption of changes to election rules, including "de minimis" change definition (see below).

  (https://www.sos.state.co.us/pubs/rule\_making/files/2020/20200508ElectionsNoticeTempAdopSBSJ.pdf)
- 29. **30 Jun 2020: CO Primary.** (https://www.sos.state.co.us/pubs/elections/Results/Abstract/2020/2020Bie nnialAbstractBooklet.pdf)
- 30. 8 Jul 2020: CO SecState (Griswold) issues a Notice of Permanent Adoption to election rules, first issued on 8 May, including critical changes (https://www.sos.state.co.us/pubs/rule\_making/files/2020/20200708Electio nsNoticeTermpPermAdoptionSB.pdf), e.g. 8 CCR 1505-1, New Rule 1.1.17, "De minimis change" means a change to voting system hardware that is so minor in nature and effect that it requires no additional testing by a VSTL." That re-definition is amplified in procedures at New Rule 21.1.1(c), which essentially place the "de minimis" determination, sequentially, in the hands of the vendor, the VSTL, and the SecState. I.e., they can decide that they don't need any testing or testing report. In the first place, the SecState is obviously too ignorant to understand what is/isn't de minimis (e.g., it ISN'T just a question of hardware; it's also software, data, drivers, configuration, etc), and no one should have any confidence in her staff, either; they don't even know what "two-factor authentication" is/isn't. In the second place, her rules contradict U.S. EAC Notice of Clarification (NOC) 19-01: Software De Minimis Changes, 15 Nov 2019, which states, in part "3.4.3.3 The EAC will review all proposed de minimis changes endorsed by a VSTL. The EAC has sole authority to determine whether an VSTL endorsed change constitutes a de minimis change under this section,"

(https://www.eac.gov/sites/default/files/voting\_equipment/NOC19.01\_Soft wareDeMinimisChanges\_11-15-2019.pdf) and also NOC 09-003, Clarification of De Minimis Change Determination Requirements, which states, in part "3.5. De Minimis Changes. ..Such changes, however, require VSTL review and endorsement as well as EAC approval. Any proposed change not accepted as

a de minimis change is a modification and shall be submitted for testing and review..."

(https://www.eac.gov/sites/default/files/eac\_assets/1/1/De%20Minimis%20 Change%20Determination%20Requirements.pdf) In the third place, there's no such thing as a "de minimis" change to hardware or software, because a single character in code or a single modification in hardware may profoundly impact the security and proper functioning of a complex system.

31. **28 Jul 2020:** Trevor Timmons says SCORE was penetration tested in **2020**; CDOS Chief Information Officer (CIO) stated that security firm Synack (on a pro bono basis) would conduct penetration tests of CO's election systems "ahead of the Presidential vote, including SCORE. "We want them to go pretty hard at us," he said. "The reality is you're probably going to find something." He also reiterated that CO uses "multi-factor authentication," and endpoint detection (not sure how you do that for systems you insist aren't connected to outside networks), antivirus software, and routine password replacements." He really said that. (https://statescoop.com/colorado-official-details-plans-for-penetration-testing-of-election-systems/)

32. **3 Nov 2020: General Election** (https://www.sos.state.co.us/pubs/elections/Results/Abstract/2020/2020Bie nnialAbstractBooklet.pdf)

- 33. 8 Dec 2020: CO SecState (Griswold) certifies the 2020 General Election results from Colorado, on the basis of an election conducted on voting systems she illegally certified for use. (https://www.sos.state.co.us/pubs/newsRoom/pressReleases/2020/PR2020 1208CertifyElectionResults.html)
- 34. **1 Feb 2021: Pro V&V Accredited.** Pro V&V, Inc accredited as Voting System Testing Laboratory (VSTL) by U.S. Election Assistance Commission (EAC), breaking with historically printing an expiration date on the certificate. VVSG 2.0 § 3.8 states "Expiration and Renewal of Accreditation. A grant of accreditation is valid for a period not to exceed two years. A VSTL's accreditation expires on the date annotated on the Certificate of Accreditation." <a href="https://omb.report/icr/201504-3265-004/doc/55158601">https://omb.report/icr/201504-3265-004/doc/55158601</a> (https://www.eac.gov/sites/default/files/voting\_system\_test\_lab/files/Pro% 20V%26V%20Accreditation%20Certificate.pdf)

35. 23 Apr 2021: Pro V&V (re-accredited) signs Test Report for DVS D-Suite 5.13, which states that DS 5.0, predecessor of DS 5.2-CO, was certified in 8 Feb 2017, that DS 5.2-CO is a modification of DS 5.0, that Pro V&V tested DS 5.2 in 2017, that DS 5.11-CO test campaign "expanded upon the 5.2-CO system," and that the DS 5.13 "test campaign expands on the D-Suite 5.11-CO campaign." Table 2-0 makes it clear that numerous DS 5.13 components were not tested for this report, and that Pro V&V relied upon their testing results/report for DS 5.11-CO. In addition to the fact that Pro V&V wasn't even an accredited VSTL for the testing of DS 5.2 or DS 5.11-CO, this is the same sloppy, lackadaisical approach to testing that led to them missing functional errors in the testing of the DVS components used in GA in 2020 elections, resulting in a court case in which Pro V&V's Lab Director, Jack Cobb, had to admit that he had no particular cybersecurity expertise or experience. That's like finding out that your pilot has "no particular experience with airplanes."

(https://www.sos.state.co.us/pubs/elections/VotingSystems/DVS-DemocracySuite513/testReport.pdf).

- 36. 26 Apr 2021: CO SecState Griswold certifies DVS DS 5.13, on the basis of Pro V&V's astoundingly inadequate testing and report, including testing conducted while they were not an accredited VSTL.
  (https://www.sos.state.co.us/pubs/elections/VotingSystems/DVS-DemocracySuite513/certificationLetter.pdf)
- 37. **23 July 2021: EAC Notice of Clarification**, the director of the USEAC's Voting System Test Laboratory Program (director) issued a Notice of Clarification prospectively amending section 3.8 of the Voting System Test Laboratory Program Manual regarding the expiration of accreditation. "The intent of section 3.8 in the Voting System Test Laboratory Manual, version 2.0 is to make clear that the VSTL accreditation is subject to reassessment by NVLAP and the EAC with a period of approximately two years, at the discretion of the EAC. It is not intended to describe the EAC VSTL accreditation revocation process, which is described in chapter 5 of the Voting System Test Laboratory Manual, version 2.0."

(https://www.eac.gov/noc-21-01)

Notes:

- No record, or basis has been found Colorado Revised Statutes for CO certification of DVS DS 4.21. Nor is there any record of EAC Certification of DS 4.2.1 at (https://www.eac.gov/voting-equipment/certified-voting-systems) nor under decertified or terminated systems.
- U.S. EAC has approved 40 Engineering Change Orders for Dominion Voting Systems since March, 2017; it's not clear from the U.S. EAC site which may have affected CO DVS equipment/software. (<a href="https://www.eac.gov/voting-equipment/certified-voting-systems">https://www.eac.gov/voting-equipment/certified-voting-systems</a>)
- U.S. EAC has links to "Cybersecurity Training" under "Resources for Election Officials" (https://www.eac.gov/); that link goes directly to the Center for Tech and Civic Life

(<a href="https://learn.techandciviclife.org/library/?category=Cybersecurity">https://learn.techandciviclife.org/library/?category=Cybersecurity</a>)