

Email from Harvey Branscomb 6-25-13

Al Davidson and the PPP members:

Al, before I forget, I have heard a request for use of web pages in public comments (slides on a web site). I hope the infrastructure at the SOS room has this capability tomorrow.

Unfortunately this morning is the first time the email I sent on 6/21 was delivered to my address in the PPP mailing list. Thanks so much for resending it. It is a fairly extensive document containing a proposed survey to the clerks and I wished the PPP to have the weekend to look at it to come up with proposed revisions. My apologies to the PPP that this did not happen in spite of best efforts and follow through.

As you may know there is now another email to the PPP that I have written and sent to you yesterday that has also not been forwarded yet. It contains a **proposed letter to the SOS**. I know you, Al, have received it. I am however replacing that email/letter with this one that has been styled for easier reading (I highlighted some key phrases and changed a couple of words). Please forward this email you are now reading in its entirety to the PPP in place of the 6/24 email.

I want to ask if the public will have had adequate **access to demonstrations of various voting systems** before the RFP is finalized. By public I mean to include the PPP, the canvass boards, watchers, and LAT teams as well as interested candidates etc. The clerks and their staff have had very extensive access to these vendors at their private conferences, but the public has had limited and not similar access. (I am aware of a couple of demo sessions at the SOS office, but these are not yet sufficient.)

I also want to alert the PPP to some specific vulnerabilities of the future election. One is that counties **may require use of DRE at polling centers** (including on election day) and that the only access to a paper ballot might be through the mail-in process or the provisional ballot at a polling center. I think the PPP might want to discuss this at an early point if my guess is correct as this would represent another major change in voting method on election day that has not been advertised to the public. One piece of evidence for this is from the June 24 report to the 1303 Commission from the office of SOS:

**Under the new Colorado election model, many counties may opt for electronic voting for the Voter Service and Polling Centers. Traditional units generally cost between \$6,000 and \$8,000 each. Most counties would need multiple units for each Voter Service and Polling Center, some equipped for voters with disabilities.**

Speaking of which I think the public has been mistreated by some advocates of HB 13-1303 when they failed to describe various downside effects of the legislation. Perhaps the **PPP can assist in collecting relevant information - both positive and negative - about relevant factual effects of 1303** before the UVS decisions are made. I think we can help the SOS provide an important public service in this manner. This could also be a topic for discussion.

In other related news have recently learned that the Deputy SOS will not be making one of the planned presentations at the clerks conference this week to avoid violating the open meetings law- presumably because the clerks conference is deliberately closed to the public. I have also learned from CCCA (clerks association) Executive Director Donetta Davidson the welcome news that their board has decided last

night to make the CCCA meetings open starting in December (for a fee.) Apparently neither I nor other members of the public will be allowed to attend the meetings of the CCCA happening this week in Grand Junction. I do not know yet if there are vendor demonstrations that I had also asked to get access to in order to better perform my role on the PPP.

Harvie Branscomb

Submitted by Public Participation Panel Member Harvey Branscomb

*DRAFT LETTER To: The honorable Secretary of State Scott Gessler*

*From the Public Participation Panel of the Uniform Voting Systems Project.*

*Mr. Secretary;*

*Elections are the foundation of our democracy. You have recently appointed us as citizens to participate in a unique and timely opportunity - a structured public review and revision of the technology and techniques that underlie the public's most important decision-making process. This is a process that transfers to you the authority to maintain and improve the quality of elections as well as the authority to appoint us to perform this important role. It **could not be more important to us** as it is to all citizens of Colorado.*

*We thank you for creating the several committees (UVSAC, UVSPPP, UVS technical committee) two of which operate in the public domain. We thank you for instructing us to engage the participation of many other interested parties in this crucial and necessarily rare opportunity. We are honored to be selected for this role and take it seriously.*

*In order to **respect the public interest** in equal measure we would like to comment upon the context of our engagement and the scope and instructions we have been given and **gain your assistance in performing our role effectively.***

*The PPP held its first meeting on May 22 and its second meeting was held on June 26. The timeline presented to the PPP on May 22 anticipates an RFP from the state to go out to prospective vendors on August 1 2013. It also anticipates a selection of vendor or vendors by the end of December of this year. That first date is approximately **35 days from today.***

*It is likely that the PPP will hold one more meeting prior to the planned release of this RFP. As we understand it, once the RFP goes out, the existing substantial flexibility about the nature of our future voting system will be severely restricted by the very purpose and effect of the RFP. Public input after that date of August 1 will have a much limited effect in comparison to the effect it might have before the RFP goes out. **Of course as of yet we have seen nothing that represents a draft of an RFP.***

*Meanwhile the PPP is just getting started to define its process and find ways to communicate with the public that represents its target for obtaining input.*

*Three such categories of very well informed and experienced members of the public who deserve to be*

*consulted are the county logic and accuracy test teams, county and municipal canvass boards and election commissions, and watchers. Candidates may also turn out to be a very valuable resource that are only lightly represented among the various committees. Numerous election officials around the state are the sole custodians of the records that contain these contacts. The PPP would like to **obtain a list of contacts and invite these members of the public to participate** by making informed commentary in preparation for the writing of the RFP.*

*The PPP itself would like to **examine the proposed RFP in detail**, but preferably after 1) discussing and developing by consensus a set of **guiding principles for Colorado's election system**, 2) finding means for **predicting and measuring its performance** (including an examination of potential vulnerabilities and remedies for those vulnerabilities) and 3) establishing some **criteria for substantial compliance** with these quality standards. Once these goals and criteria are in place, it will be possible to proceed methodically to design specifications for interfaces between components of a voting system of **measurable high quality**, always keeping in mind the **practical capabilities of vendors and other sources of the necessary intellectual property**. Such specifications would be well suited to release to potential vendors in the form of an RFP.*

*Among the Colorado public and those outside our state there are many experts and those with great experience who would add immeasurably to the result who are not included on the three committees. There are several serious efforts underway to design new voting systems in various election jurisdictions around the country. We would like to **take the kind of time that these other well founded groups are taking** to arrive at an excellent solution. And we would like to gain the benefit of the experience that exists both inside and outside our state by **hearing from these experts at our hearings**, as the preparation for the RFP proceeds during the course of a patient and public process.*

*Perhaps portions of this process can be expedited in some ways, but **not at all within 35 days**.*

*While we are instructed to advise the SOS in making decisions about the RFP to be released, and with respect to the selection process for vendor or vendors, we feel that **we are not positioned to be effective in our role** under the current timeline. Likewise we suppose that the UVSAC will have similar difficulty in making well informed and thought-out advisory comments within the time frame anticipated even though they started well before we did.*

*We humbly suggest therefore that you **dramatically revise the anticipated schedule** for the release of the RFP, to **delay its release by at least a year**. We acknowledge that this does have some side effect on the preparedness for Jefferson County and Arapahoe County to purchase equipment. We know these counties would prefer to purchase equipment to satisfy HAVA and match what the CDOS will recommend other counties to purchase in the future. We are also aware that there are solutions to the pressure that these counties feel.*

*We also understand that the full effects of HB 13-1303 on the process of running elections in our very different counties and municipalities has not yet been understood. We therefore suggest that the **future***

*of the State of Colorado election system should not be rushed into a decision at this moment to satisfy these two counties' needs that have already been well understood and accommodated for several years.*

*Please take seriously our appreciation of the attempt to bring Colorado into the future with more consistency and additional quality through the UVS project. Please know that we appreciate being asked to be a part of it. But please do not bind us into a role that leaves us only hearing and making belated comments only after the crucial decisions that are expected to be made in the next 35 days.*

*With all due respect and sincerely yours,*

*Members of the Public Participation Panel by majority vote of \_\_\_\_\_ to \_\_\_\_\_.*

## Al Davidson (Temporary)

---

**From:** Suzanne Core <suzcster@gmail.com>  
**Sent:** Monday, June 24, 2013 8:54 AM  
**To:** Public UVS Panel  
**Subject:** voting system

I can only assume that, since you could not push through measures to make it harder for certain people to vote, you have decided to burden all counties with new voting machines?

Who makes them?  
What do they cost?  
Are you paying for them from your own pocket?  
Did anyone tell you we are in a recession?  
What is the paper trail?

This is appalling! And yes, I do want answers to my questions. Thank you.

--

*"The best index to a person's character is how he treats people who can't do him any good, and how he treats people who can't fight back."* --  
Abigail Van Buren

## Al Davidson (Temporary)

---

**From:** Mary Eberle <m.eberle@wordrite.com>  
**Sent:** Tuesday, June 25, 2013 9:07 PM  
**To:** Al Davidson (Temporary)  
**Cc:** Harvie Branscomb; Margit Johansson  
**Subject:** Public participation in the "uniform voting system"

Dear Mr. Davidson,

I have read some of what Harvie Branscomb has written to you and to the PPP group in the past week. I am in complete agreement with Harvie, and thus I urge you to distribute his letters to the full PPP membership and ask that they be thoughtfully read and acted on.

We have paid dearly in this state for hasty decisions made to buy new equipment with HAVA moneys. To this day, Jeffco voters who must use a DRE because of disability or need to vote early do not have a paper trail to check that the machine has accurately recorded their votes.

That is just one example of the cost haste makes to election integrity.

Slowing down the process and involving more citizen experts will result in a system that Colorado can use reliably and with integrity. Speed and decisions solely by insiders have historically had the opposite effect.

Thank you for your work on these issues.

Sincerely,  
Mary

Mary C. Eberle, 2012 Watcher and Canvass Board Member  
1520 Cress Court  
Boulder, CO 80304  
303 442-2164

## Al Davidson (Temporary)

---

**From:** John Howe <[johnhowe@montrose.net](mailto:johnhowe@montrose.net)>  
**Sent:** Wednesday, June 26, 2013 7:33 AM  
**To:** Al Davidson (Temporary)  
**Subject:** Voting

Hello Mr. Davidson,  
Voting is one of our most basic rights and obligations.  
Adopting a new statewide voting system should be a more open and debate process.

John Howe  
THAM, Inc.  
PO Box 1890, Telluride, CO 81435  
302 Adams Ranch Road #7  
970-369-HOME (4663)  
970-596-6254 cell  
[johnhowe@montrose.net](mailto:johnhowe@montrose.net)