

**Email sent to Uniform Voting System Public Participation Panel members from Harvie Branscomb, on Sunday, July 28, 2013.**

To: Public Participation Panel  
cc: UVSAC

My apologies for the length of the email. I am the only person listed as "advocate" on the panel.

As the below email demonstrates, unfortunately not for the first time, our means for internal communication has thus far been less than effective. I am not blaming any person, but rather it is a structural problem. These emails require timeliness to be effective particularly in the squeezed time schedule that the UVS is operating under.

I wholeheartedly support the intention and the implementation of the Colorado Open Meetings Law, but it is being interpreted and implemented in a manner that is obstructive to the purpose and function of the panel. This must be acknowledged and somehow remedied. I feel I must write to the committee as a whole under the circumstances, and expect that my email will be made public in a suitable manner as well as any responses to it.

I have learned the only way for the public or the PPP to understand any part of what is happening with Colorado election policy both as a result of the 1303 bill but also of the UVS project is to listen to the weekly meeting of the COVAMEC (1303) commission. When listening to that meeting last Monday I learned that our PPP has a fixed date for a meeting in Grand Junction in September. I also learned quite a few other things that there is no time to relate here but I wish we were being regularly informed.

Since our previous meeting, the SOS decided to make public a RFP draft and solicit comments for which the deadline has already passed. Then the UVSAC commented on the draft RFP in a recent meeting. All of that has happened without official communication to the PPP in preparation for its own upcoming meeting other than a survey for dates for a September meeting. In addition, the UVSAC rejected the one remaining survey question that was forwarded by the PPP to staff for inclusion in a survey even though UVSAC presumably do not have authority over the PPP.

The UVS staff has prepared updated versions of the RFP draft and I am waiting to see the most recent of these- having already asked for it as well as sent a CORA request to follow up that request. The most recent update would include the staff responses to both the public comments sent to our panel as well as the comments made by the members of the UVSAC. Only with this document can the PPP see the result of its work and make value of it. I write this with the intention of adding this to the list of open agenda items that I will list below.

At last week's UVSAC meeting the Commission concluded that there was no reason to put out the RFP on August 1. But then El Paso County Clerk and Recorder Wayne Williams argued forcefully for a replacement date of only October 1 and the committee made that advice to the SOS. I see no viable explanation for the October 1 date, other than what Clerk Williams said was a need to see the responses to the RFP before legislators plan legislation for the 2014 session. I think that is simply strange- putting the cart before the horse - so to speak.

Now that the Secretary has agreed to a two month delay in the release of the RFP it becomes important that we see the updated versions of the draft as they are produced. It is also reasonable to continue to ask for a further delay so that Colorado could have time to openly figure out what it wants to ask for in a voting system rather than just reacting to a proposal written by those familiar with existing systems. With a truly rapid response process between the interested parties this could be done in months.

But sadly, the process of communicating with and between the committees and the public is not rapid but instead slow and sometimes non-existent. I am afraid that the PPP is participating in what might amount to a white-wash over a non-public process. I am concerned to avoid this.

I heard last Monday that the UVSAC Chair and the PPP Chair will report to the 1303 Commission tomorrow Monday. I suggest we listen to this before our meeting. I cannot imagine what the PPP Chair can report as there has been so little communication with the PPP and so few decisions acted upon and questions asked - and particularly little feedback from PPP members. The PPP does not have a means to set its own agenda and mine are the only emails I have seen being sent. If there are communications from the Chair concerning the PPP I am not aware of them but expect to be made aware.

I know that several of the intentions expressed by the PPP have not been fulfilled and there are several questions asked that have been left unanswered. I provide a partial list here hoping for followup:

- 1) Means to communicate within the committee under the COML- no answer
- 2) Questions for elections officials from the PPP - rejected or left on table
- 3) Letter by Chair to the SOS to learn the reason for haste vis a vis the RFP and to ask for a delay - unknown status
- 4) Requested telephone meeting prior to the Pueblo meeting - no action
- 5) Notification of critical events of the UVS process such as arrival of public comments on RFP draft - none
- 6) List of canvass board, LAT members and watchers so we can invite them personally to our meetings - status unknown
- 7) Advice about how the Pueblo meeting will proceed - rules for interactions outside of the meeting- unexplained
- 8) Forwarding of emails from members to the committee - delayed

I'm hoping to contribute to a more communicative and effective process that could conceivably respect the needs of the Colorado public in deciding key parameters of its new voting system.

This is a public document.

Harvie Branscomb  
Advocate Member, PPP

On 7/26/2013 2:36 PM, Al Davidson (Temporary) wrote:

> All,

>

> I sent this out on July 19 after receiving it from Harvey. I have discovered that the email group I used was corrupted and this may not have gotten distributed. I am redistributing it with my apologies to Harvey. I have deleted the old group and now have this valid address group. My apologies to all.

>  
> Thanks,  
>  
> Al  
>  
> Al Davidson  
> Uniform Voting Systems Lead  
> [Al.Davidson@sos.state.co.us](mailto:Al.Davidson@sos.state.co.us)  
> (303)894-2200 Ext. 6361  
> (303)869-4928 (Direct)  
> Cell (503)930-9820  
>  
> -----Original Message-----  
> From: Harvie Branscomb [<mailto:harvie@electionquality.com>]  
> Sent: Friday, July 19, 2013 9:34 AM  
> To: Al Davidson (Temporary)  
> Cc: [harvie@electionquality.com](mailto:harvie@electionquality.com); Suzanne Staiert; Hilary Rudy; Scott  
> Gessler; Andrew Cole  
> Subject: request for UVS documents  
>  
> Al  
>  
> cc: PPP committee and UVSAC committee  
>  
> Thanks for that quick response.  
>  
> I'm curious how much time the UVSAC members were given to read the public comments before  
meeting yesterday morning at 9AM to give their comments. Some members seemed to have read many  
of the comments. Even so I don't think this kind of rush is good for government or  
> constituents but I'm glad to see many dedicated people trying to keep up.  
>  
> I know it must be hard for you to keep this hectic schedule. Did the UVSAC see the public comments  
on Monday as staff did? I assume the PPP committee which I am on didn't know what was there until  
yesterday afternoon when I wrote my email. Can you confirm that?  
>  
> I hope that the Secretary will move the RFP later than October 1 if he  
> agrees to any delay at all and I hope he does. My suspicion is that he  
> will not move the RFP date and what is now half baked will go out (and  
> probably couldn't be any better under the precipitous timing and  
> stringent circumstances so this isn't a criticism of your work.)  
>  
> The state will not get best benefit out of a rushed process to write a RFP. The state will not get the  
best result out of either an August 1 or October 1 deadline. We still cannot find a reason for rushing.  
>  
> The idea of timing the RFP to fit with bill drafting is crazy. The result of a RFP has no business driving  
legislation. Definitely it should be the other way around. CDOS hasn't had a great track record of  
launching successful legislation lately. I hope that if and when the delay is in place, the Secretary will  
see the advantages of taking enough time to think about what the State actually wants... and make a

plan that will guide the next layer of software and hardware that these companies will be making. Particularly if the legislature will authorize modern certification specifications and tests fit for the next decade or two, as opposed to VVSG 2002 or even 2005 or even the more recent work that hasn't been finalized. That suggests a delay of at least 6 months to a year. Not years.

>

> I think both August 1 and October 1 are unreasonable dates for several reasons. The fact that better computers are always being made is no justification for sending an RFP on one of those two dates. The legislative calendar is definitely not a responsible rationale to go with October 1.

>

> Windows 2K Pro is not an unreliable OS and the voting vendors are supporting it. It works. When will there be a reality check on these speculative concerns that are being described as mission critical?

>

> What is the cause for a rush towards a new and uniform system?

>

> I'm very disappointed the UVSAC decided to go back to a relaxed meeting schedule. This suggests that the RFP might simply wait on the shelf for two months if the delay is granted. Will the PPP speed up its schedule or will that be treated as impossible? Will we receive the contacts for the especially experienced members of the public in each county (canvass boards, watchers, LAT teams) to send invitations for our meetings? This is unfinished business.

>

> Will we have a chance to query the clerks? I don't understand why the UVSAC was given the authority to take our one remaining question off the survey. Can you explain? Can anyone explain why we shouldn't ask that and other important and relevant questions? Is someone considering it a success when the public is thwarted from even asking questions of its election officials?

>

>

> Harvie Branscomb

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> On 7/18/2013 2:08 PM, Al Davidson (Temporary) wrote:

>> Harvey,

>>

>> The version of the system requirements that the Committee dealt with today is the same as released to Public Participation Panel and the public for comment. The next version is still in the draft work product stage and is in the process of being changed to reflect comments submitted. When comments have been incorporated we will release another draft.

>>

>> The questionnaire responses are pretty rough in form, however since they were provided to the Committee they are public record and I will have them waiting at the Secretary of State's 2nd floor office for pickup with Marilyn's name on the envelope.

>>

>> You may communicate with Marilyn that they will be available at that office within the next 15 minutes.

>>

>> Thanks,

>>

>> Al

>>

>> Al Davidson

>> Uniform Voting Systems Lead

>> [Al.Davidson@sos.state.co.us](mailto:Al.Davidson@sos.state.co.us)

>> (303)894-2200 Ext. 6361

>> (303)869-4928 (Direct)

>> Cell (503)930-9820

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>> -----Original Message-----

>> From: Harvie Branscomb [<mailto:harvie@electionquality.com>]

>> Sent: Thursday, July 18, 2013 1:39 PM

>> To: Andrew Cole

>> Cc:harvie@electionquality.com; Al Davidson (Temporary); Marilyn Marks

>> Subject: [SPAM][GFI-SR] - request for UVS documents

>>

>> Andrew

>> Could you please forward to myself and Marilyn Marks a copy of the document that was brought to the UVSAC meeting today containing the latest version of the system requirements for the future UVS RFP?

>>

>> Also I am asking for the county responses to the most recent UVS questionnaire that was sent to county clerks. Marilyn Marks would also appreciate a copy of same. She is on the way to Denver and capable of picking up the documents. Please discuss this with her.

>>

>> If this email request is insufficient to produce the documents, I have attached an appropriate CORA request.

>>

>> Harvie Branscomb

>> UVS PPP Member

1-970-963-1369

Carbondale, Colorado USA