

From: Al Davidson  
Sent: Wednesday, October 02, 2013 3:28 PM  
To: Harvie Branscomb  
Cc: Public UVS Panel  
Subject: RE: requesting two documents and discussion of rulemaking and future

Harvie,

Thank you for your comments. I will attempt to address your questions.

1. Your previous suggestions on the rules were sent to all PPP members as you sent them via the PPP mailbox. I note today's email from you was also sent to them as is this response.
2. The recording of the meeting you requested is posted at [http://www.sos.state.co.us/pubs/info\\_center/audioBroadcasts.html](http://www.sos.state.co.us/pubs/info_center/audioBroadcasts.html) . The recording was not posted immediately as it was held at Jefferson County on Friday, and the audio needed to be downloaded to a CD by Jeffco and then uploaded to our system by our IT Department. The upload occurred yesterday.
3. I will forward your request for the referenced document to the appropriate staff in the Department.
4. If I remember correctly there was a mid-October date set to produce a first draft of the report by the Chair. I am certain she is aware of the deadline set.

Thanks,

Al

Al Davidson  
Uniform Voting Systems Program Manager  
Al.Davidson@sos.state.co.us  
(303)894-2200 Ext. 6361  
(303)869-4928 (Direct)  
Cell (503)930-9820  
Fax (303)869-4861

-----Original Message-----

From: Harvie Branscomb

Sent: Wednesday, October 02, 2013 3:10 PM

To: Al Davidson

Cc: Public UVS Panel; harvie@electionquality.com

Subject: requesting two documents and discussion of rulemaking and future

Al

Thanks for sending us the notification of the RFP release. I have looked at the 148 pages but it will take some time to read.

I notice already that I regret that we did not get to see the RFP Glossary before you issued the RFP. I saw a few problems, but I am particularly afraid that the definition of "ballot image" is going to be very confusing- as it could apply to a scanned array that looks just like a simulacrum of the face of a ballot, or it could apply to a cast vote record- a digital representation of the ballot after it has been interpreted. In case of the RFP its important that these two things be addressed separately for specific purposes. You may recall I warned about this potential confusion in comments on the system requirements. There are some other glossary definitions that I know are taken directly from rules or from rules proposals that I either have already or will be commenting on in the rulemaking.

I anticipate having my rules suggestions adapted into the newest draft version of the rules from 9/26 within 48 hours. I noticed that a reasonable number of my previous suggestions had been adopted. I have since made a much more thorough check of the rules and found other needed modifications. Many I think will be uncontroversial. Since the rulemaking deadline is October 8, Tuesday and not as early as Friday, the PPP still has time to make comments of its own, or at least its members can support certain of my suggestions if they choose if time is short. I will attempt to make a form that allows this commenting to take place to distribute to the PPP before the weekend. I hope that my previously attached comments on the rules was distributed to PPP members. That is a document based on my most recent and deepest pass through the rules.

Thanks for all the work you put into the RFP and the modifications that you made in response to public comment.

The main reason for this email is to formally ask CDOS staff for a recording or a report of the publicly posted meeting of the UVSAC legislative subcommittee. Its posted agenda is attached. It met on 9/27 at Jefferson County. I am sure that the PPP would like to know the nature of the discussion at that meeting. If the recording has been posted, we only need to know the link.

And there is another document that I would like to formally request access to, through the CORA process if necessary. That is a proposal for legislation probably from the CML and or the SDA that is in the possession of the Dept of State that would apparently add an article to Title 1 for the purpose of making legally compatible the special district, or school board, or municipal elections schedules with the state and federal elections managed under Title1. While this proposal may be considered to be work product by its authors, I am sure that the Dept. of State is not the author, therefore I believe that the CORA exception based on that excuse is moot for the copy in the possession of the SOS.

In Colorado we have become all too familiar with legislative strategy of concealment and late introduction used to ensure passage of new election law. I am optimistically hoping to see that practice end with the unfortunately well concealed HB 13- 1303 bill that will no doubt continue to cause havoc because of its inadequately vetted details.

Please pass on my request to the appropriate staff at the Dept. of State as necessary to fulfill my request.

Thanks again for your assistance and I note that I am waiting to see the draft of the report from our Chair so that comments may be made prior to our arbitrarily set deadline.

Also for those who missed the previous meeting, we decided to find and use a web based publicly viewable mechanism to develop a report to the SOS as well as to become involved in the rulemaking process and potentially the legislative process via comments and writings of our own without the necessity of meeting in person.

Also I should note that while we decided to attempt to issue our own survey to the election officials if the questions are not asked by some other group, at this point it appears that the COVAMEC 1303 commission may proceed with a survey based on my suggestions using an adaptation of the national EAC survey draft for 2014. I have attached my proposal as I adapted it from the EAC original. This draft was provided to the COVAMEC last Monday morning and will be on the agenda for a COVAMEC field trip meeting to the Denver Election Center on Monday August 7.

That is a public meeting that begins I believe at 1PM and will include a demonstration of election practices for the 2013 election under the 1303 law. Note that the attached includes much information that the SOS would normally answer using statewide access to SCORE on behalf of the counties, and presumably will do so in this case as well. If so, the resulting document will probably be shorter even as the information produced would be the same.

Harvie Branscomb