

STATE OF COLORADO
Department of State
1700 Broadway
Suite 200
Denver, CO 80290



Scott Gessler
Secretary of State

Judd Choate
Director, Elections Division

Addendum to Meeting Notice
Uniform Voting System Public Participation Panel
December 19, 2013 – 3:30 p.m. Telephone Meeting

The meeting will be broadcast live. Access is through the Secretary of State website at:

http://www.sos.state.co.us/pubs/info_center/audioBroadcasts.html

Select Aspen Conference Room (live broadcast).

The following Communications have been received regarding this meeting:

- **Summary of the Issue Before the UVS Public Participation Panel**
- **Email from Harvie Branscomb**
- **Memorandum from Larry Moore, CEO The Clear Ballot Group**

Summary of Issue Before the UVS Public Participation Panel

On December 18, the UVS Advisory Committee voted among the members present, with one abstention, to recommend to the Secretary to discontinue consideration of the proposal submitted by Clear Ballot for a UVS system.

The reasons stated include:

1. The company appears to not have sufficient human resources to manage a project of this scope
2. The Company has no similar installations
3. The proposal indicates that the system will not be fully operational until at least 2016, and the Election Management System (EMS) is not currently developed so it is difficult to make a decision on how well it would serve Colorado elections.
4. The proposed system has no certifications and the only pending certification is with the State of New York. No application to the Election Assistance Commission for Federal certification.
5. The company describes itself as “pre-revenue” which raises the question of whether it has sufficient resources to implement a system of the Colorado scope.
6. The company’s experience is primarily in the areas of auditing, sorting and inventory with no experience in election voting systems.
7. The company’s proposal appears to address only central count, not voting center operations.

Email from Harvie Branscomb

Public Participation Panel

I attended a portion of the Advisory Committee discussion in person today and was shocked to find that they decided to recommend to eliminate the most innovative and interesting proposal provided in response to the RFP. That was after a mere 10 minutes or so of discussion. The one member on their committee who has actual operational experience with the vendor they recommended to drop- El Paso Clerk Wayne Williams was unfortunately absent from the meeting.

I was also surprised to hear George Leing's request to allow me to speak to the UVS Advisory Committee rejected. This is unfortunate since our PPP committee generously allows George to join in our meetings. I was glad to see that George abstained on the vote to recommend elimination of Clear Ballot Group from future consideration.

Clear Ballot Group is proposing an interesting solution that is just what the state has asked for- a best of class election technology regardless of certification- and a component that is conveniently compatible with existing systems, rather than a complete solution that requires an abrupt replacement of all existing systems with new.

The fact that Clear Ballot has not yet been bought by a large corporation should not be considered an existential negative. Clear Ballot can easily defend its stability and access to necessary capital, etc. And it has substantial and credible experience in different states with numerous elections. It is to me unconscionable that the UVS project would consider the invalidation of their extensive work to make an offer to Colorado before full consideration.

The emergency meeting of the PPP is not "necessary" as characterized in the email we received. It is neither necessary that PPP join with or disagree with the Advisory Committee. But since a meeting has already been called for I recommend that we disagree with the Advisory Committee and recommend to the Secretary that Clear Ballot Group be allowed to continue to pursue a position as a component within the framework of the UVS project. This is something that they are well prepared to do as a pilot project for central count vote capture and tabulation in coordination with 4 counties using 4 different existing voting systems in the 2014 election. Clear Ballot offers an opportunity for a no risk pilot project where existing systems remain fully operational and are supplemented by Clear Ballot's future-proof low cost capability for central count voter intent resolution. Surely this opportunity should remain on the table until a decision is made.

I have received the attached page from Clear Ballot that I feel should be shared with the PPP and the public. And I propose that we allow public comment on the telephone call meeting Thursday at 3:30PM, as we have done in our previous meetings, in order that Clear Ballot or any other vendor for that matter may communicate with the PPP if they choose to provide us with information that would address statements made by the Advisory Committee or our committee.

The very transparent record that Colorado is laying down by running its evaluation through two appointed public bodies, one with the charge to accept public input, will be stained by a too swift rejection of one of the most innovative of the respondents - one that is also one of the smaller but most technically credible of the vendors.

Note that the PPP has only begun its evaluation of Clear Ballot Group and plans a deeper consideration on January 7.

I suggest that we allow ourselves to proceed with the evaluation as planned.

Also it has become apparent that the ideal time for our post-vendor-demo meeting is after the week of the clerks conference in Pueblo starting on January 20. The coordination of the timing of our meeting after theirs would allow

some of us to attend the CCCA meeting and personally access the vendors who will likely be present. This will allow us to seek follow up on the vendor presentations on the 13,14,15 or provide us with a perhaps more time efficient alternative. Furthermore, we will be able to discuss with the clerks themselves when they are out of their sessions. Most clerks will be in attendance at Pueblo. This year the CCCA conference will be made available to the public at a registration fee whereas in the past it has been closed to the public. This decision by the clerks represents a major step forward in regards to respect for the public.

I therefore ask that we schedule the date of our meeting intended to be held after the demonstrations to also follow the end of the CCCA conference.

Note that the Advisory Committee today declined the suggestion that they meet in a joint meeting with us. My idea that we hold our PPP meeting in Pueblo at the time of the CCCA conference was also met with substantial discouragement.

Tomorrow (Thursday) at 10:30 the Joint State, Veterans and Military Affairs Committee will meet to hear a presentation by the SOS. I am planning to provide public testimony. At that time I will ask the State Affairs committee to help us by asking the SOS to provide results of SCORE queries and also pass on some questions to the county clerks so that we and other more important state policy makers can make major elections related decisions this year in the context of knowledge rather than belief.

Harvie Branscomb

To: Members of the UVS Public Participation Panel
From: Larry Moore, CEO, The Clear Ballot Group
Subject: Demonstration to the UVS Evaluation Team
Date: December 19, 2013

On Tuesday afternoon we were thrilled to receive an invitation from Al Davidson to demonstrate our solution for Colorado's Uniform Voting System to the stakeholders of Colorado's Uniform Voting System Task Force. We have looked forward to this opportunity to demonstrate the latest voting system technology to the Task Force and other experts. Wednesday afternoon we listened to the brief Task Force discussion that resulted in the recommendation that Clear Ballot be excluded from the demonstration phase.

We have always known that winning the UVS contract was a long-shot especially due to the difficulty of certification. So, for the past nine months we have been preparing our submission as a central count voting system. We have engaged SLI Labs in Denver to conduct independent accuracy tests of our tabulation against every voting system now certified in Colorado; their report should be available to the Task Force and to the State in January. This was done explicitly to respond to the concerns of the Task Force to minimize the disruption of a transition to a new system and to not have to throw away functioning hardware. When we submit our system for NY State certification early next year, it is likely to be the first all-COTS hardware system to be examined.

Over the course of the many hearings that we listened to, it seemed like the State was interested in "thinking outside the box" and was thirsty for more current technology, innovation and lower costs. At great dedication of time, money and effort, we focused the Clear Ballot team to produce our response to the UVS RFP. We believed that the State would be particularly interested in our cost proposal, our approach to serve the needs and budget of every county regardless of size, the timetable that would allow the State to assess our readiness as early as June, 2014 and the tremendous hardware support resources that the Fujitsu Corporation of America were willing to bring to bear on behalf of Colorado's counties. This seemed particularly appropriate in light of the very successful results we have experienced in scanning and tabulating over 350,000 Colorado ballots in 4 elections including a recall and one election that had 3 recounts. No other new product vendor has experienced the same volume of diverse successful Colorado testing as Clear Ballot.

So, with this email, we petition the Public Participation Panel to recommend that Clear Ballot be allowed to demonstrate its solution in the original time slot, to answer every question, address every concern and to have our performance and cost proposal compared against our competitors' – publicly, if possible.

Sincerely,

Larry Moore
Founder and Chief Executive Officer