



LEAGUE OF WOMEN VOTERS®
OF COLORADO

RECEIVED
JUL 26 2013

July 24, 2013

The Honorable Scott Gessler
Colorado Secretary of State
1700 Broadway, Suite 200
Denver, Colorado 80290

Dear Secretary Gessler:

The League of Women Voters applauds your decision to delay by two months the Request for Proposal with regard to the selection of a vendor for a statewide, uniform voting system. It is our belief that the delay will not have an adverse effect on the project as a whole.

We particularly support the delay in light of the following:

- It will allow sufficient time for public input that could impact the requirements of the RFP.
- The initial concern that some counties had an immediate need in terms of additional equipment has been somewhat alleviated at least through the 2014 election.
- The impact of the new legislation has not been tested in an election. Waiting to see how these changes affect the process of running elections this November would be beneficial.
- The League is opposed to unfunded mandates. This delay may enable the legislature to address how to help the counties fund an investment in new equipment.

Again we wish to express our appreciation for your willingness to hold off the release of the RFP for a couple of months.

Sincerely,

Roberta Heisterkamp
President

DT: June 28, 2013
RE: PPP Meeting -- June 26, 2013
FR: Al Kolwicz, for Colorado Voter Group
TO: PPP Committee Members, Secretary of State Scott Gessler, Deputy Suzanne Staiert

Dear PPP committee members, Secretary Gessler, and Deputy Staiert:

I am writing to you in hopes that my suggestions will be helpful to your project and to the UVS project at large. If any of my comments seem harsh, know that I do not intend to be personally critical to any member of the committee. I have served on similar committees, as a volunteer, and I appreciate the contribution that each of you are making. I will make three major points.

I. STOP! Take the time to do a quality job.

The PPP committee has accepted responsibility to attempt the possible with an impossible deadline. I have successfully managed the development of several industrial-strength systems with complexity on the order of the election system. I know from experience that successful systems development, deployment, and operation is strongly dependent on the quality of the input to the requirements specification. I can see from your process that you are being led down a path to failure.

The scope of your work-product is large. It must be completed before any RFP is issued. Requirements come first. Harvie Branscomb's draft letter to SOS Gessler, published under "Communications received PDF" on your website, addresses this issue more completely. Branscomb is right! Much more time is needed to collect and assimilate non-government-stakeholder requirements for our election system. Patience and due process are vital, given the presumption that the election system is to be "uniform" across the state. I cannot believe that any professional systems analyst would endorse the current schedule.

There is no way that a meaningful work-product can be produced in public in time to affect the future election system. It is foolhardy for the UVS project to proceed to RFP specification and solicitation before non-government-stakeholder requirements have been collected and rationalized through a public process.

I strongly suggest that you notify the Department and the public of this now rather than later. Do not continue on the path to release a superficial, incomplete or too-late to be relevant report from your committee. A report produced after the RFP has been released to vendors will do much more harm than good. It will undermine remaining voter confidence and will engender additional suspicion about special interests attempting to influence elections. And, such a report would open the Department to additional public criticism.

Protect your personal reputations; stand to protect the people. Do not accept responsibility for a project that cannot be successful. Instead, tell management what is needed in order to produce a quality report containing “non-government-stakeholder requirements for an election system”.

II. **STOP! Restructure the Committee’s Process**

As a consequence of sparse PPP meeting attendance (two speakers) you permitted me to speak to the committee for substantially more than five minutes (the allotted time for public speakers). For this I thank you.

However, I strongly recommend that before your next public meeting you restructure the committee’s approach to your public input collection process. I suggest the following:

1. **Type and form of input** -- Publish a notice describing exactly what type and form of input you are soliciting. Define key categories – ballot scanning and digital image storage/transmission, vote interpretation, chain of custody, transparency, etc. Define classes of inputs – deficiencies, problems, improvements, defects, proposed requirements, etc. This will alert oral and written input submitters to shape their input to something that the committee is seeking and can be effectively forwarded to decision-maker(s).
2. **Timeline** -- Publish a consolidated timeline showing key dates for the combination of teams – staff, advisory committee, technical committee, and PPP, etc. This will alert the public to the fact that the committee’s work will not affect the requirements specified in the RFP and may therefore serve little, if any, purpose.
3. **Member profile** -- Publish a PPP committee-member-profile summarizing the relevant election system experience of each member (including the election equipment with which they have experience). This will alert the public to the knowledge level of the committee, so that input can be shaped to the level of knowledge of committee members.
4. **Structured submissions** -- Create a web-based application that will provide for the structured submission of input by the public and that publishes the submissions for public access online. Assign a team to filter and republish these submissions and to publish the refinements for public access online. This will enable the committee to collect input that is digestible by the committee, and will allow the public to monitor the input and its transformation.

5. **Full-duplex discussion** -- Not every knowledgeable person can communicate their input about the election system in a five minute oral presentation. For the committee to suggest that this is possible demeans the committee, and could be seen as an insult to the public.

Additionally, a presentation is not always the most effective means to communicate complex, interrelated material to a heterogeneous group. Written input can also be limited in its effectiveness. For some input, a dialog – a bi-directional (full-duplex) discussion is required. This enables the speaker to explain and the listener to ask questions and challenge the speaker's premises.

There are several ways that your committee could accomplish this efficiently. For example, your committee could solicit written proposals, in outline/summary form, from interested members of the public. Based on submissions structured into categories such as described above, the committee can select a few people to interview in depth. Invite those selected to meet individually with the committee to discuss whatever the committee wants to discuss. To achieve more interviews, the committee can form smaller teams to conduct interviews in parallel. Once each interview is complete, the interviewing team can document what they learned, and make appropriate recommendations.

III. **Our time at the meeting was not effective.**

Unfortunately, I did not make effective use of the time you provided me at the meeting. I believe this is due to three reasons:

1. **Meeting preparedness** -- The email that I sent to the committee was not distributed to, and therefore not studied by committee members. A problem I take responsibility for is sending my report too close to meeting time (4 hours). It summarized my expectations for the meeting, and provided you with two attachments. The first is a sample systems overview diagram of an election system, and the second is a report published by Dr. Corry, a Colorado Voter Group founding member. It is disturbing to learn that committee email is apparently intercepted and is not delivered directly to committee members. The public should be notified of this and the estimated delay.
 - a. Committee members had not studied, and consequently were not prepared to discuss the election system overview diagram.
 - b. Committee members had not studied, and consequently were not prepared to discuss the system requirements that obtain from Dr. Corry's report.

- c. As of Friday 7:00 PM, my email has not yet been posted on the website. (I don't know if committee members have yet seen my email. I don't even know if my email and attachments are going to be published.)
 - d. The second speaker's submission (by Mr. Jim August) is also not published on the site.
 - e. The "Communications received PDF" is not an effective method of publishing committee and public communications and submissions because:
 - There is no INDEX to the communications and submissions.
 - There is no direct access to individual documents.
 - There will be a problem SEARCHING the data across multiple meetings.
2. You did not notify me until five or ten minutes before I spoke that there would not be an open ended discussion of the materials that I had submitted, but instead, I would be permitted to make a five minute presentation. I came prepared with years of relevant experience, and submitted in advance two documents to serve as a starting point for our discussion. I expected to answer your questions and explain situations from live experiences. I was unprepared to give a five minute presentation – and in fact would not have come to Denver to do so.
 3. You did permit me to speak for considerably more than five minutes, but I was not prepared to give a presentation. I had no idea of committee member backgrounds and did not know what level of abstraction would be understood by the committee.

IV. Summary – STOP! Do not be a part of a sham.

Unless you revise your schedule and process, and perform the necessary preparation work, I believe that the work-product of this committee will be useless and unused. I do not sense that any of the committee members want to be associated with a sham report. To discount the requirements of non-government-stakeholders is a huge mistake.

The massive deficiencies in Colorado's election system are real. They result in disenfranchisement and questionable election results. Improvements are needed. Any major improvement must be well-considered and publicly-endorsed.

We strongly suggest that this committee STOP what you are doing and take the time to do what is needed. In order for your work to be meaningful the UVS project must have a new and more patient schedule.