

From: Mary Eberle <m.eberle@wordrite.com>
Sent: Sunday, July 14, 2013 11:50 PM
To: Public UVS Panel; Al Davidson (Temporary)
Cc: Marilyn Marks; Harvie Branscomb; Al Kolwicz; Paul Geissler; Jim August; Suzanne Staiert; Scott Gessler; Dana Williams
Subject: Colorado Uniform Voting System project

Dear Members of the Colorado SOS Uniform Voting Systems Project,

I concur with the letter from Harvie Branscomb, copied below, that requests a delay in issuing the RFP. Here I am giving you some specifics for the future, followed by why I think the present effort is not suitable. If you can only read part of this email, please skip to the heading about the "current RFP effort." Thank you.

For a "Sometime in the Future" RFP

For when a new and improved RFP is created, I think that ballot processing and the Risk-Limiting Audit must be made easier by requiring a unique number (perhaps with county name or other identifier) to be printed in large font in the margin of each cast ballot just before it is scanned (the Mitch Trachtenberg system developed in Humboldt County, California). If numbers with many digits are used, put spaces between each group of three digits or other meaningful grouping. Alternatively, require a separate full recount after every election, done by a different election system (exemplified by Clear Ballot).

I don't see a requirement for an actual voter-verified paper audit trail (VVPAT) for DRE voting. Neither "provide a **method** for the voter to confirm their choices before casting the ballot" or "**the functionality**" of a VVPAT is necessarily equivalent to paper that may be hand counted later during an audit. The better approach is a ballot-marking device, but not many are certified now. It is critical that the voter's identity must not be able to be determined by the order that hand-counted or audited VVPATs appear in.

You have received excellent input from Paul Geissler, Boulder County Canvass Board Member, regarding requirements for running a Risk-Limiting Audit. He is a Ph.D. statistician who has taken the time and effort to understand the special nature of audits of elections, and his list of requirements should be included when approaching vendors for proposals. Harvie Branscomb also has focused his attention on auditing election results.

I also fully concur with the annotated document supplied to you by Jim August, particularly his analysis of the mail ballot envelope processing. I am chagrined that the Runbeck system has been accepted without much public input, in-depth analysis, or certification, though it may be a fine system.

Al Kolwicz's lengthy document "Requirements July 13.doc" is a gold mine of processes and procedures that election integrity demands. You will not go wrong in adhering to Al Kolwicz's list and seeking his further input.

The bottom line on the above is that people who have looked at the specifics of elections for many years (Harvie Branscomb and Al Kolwicz) and very intensively for the 2012 election cycle (Jim August and Paul Geissler) are saying, "Whoa. More needs to be done here." Please take to heart their considered requests and provide for much more time to create a better RFP and thus a better election system product.

For the Current RFP Effort

In particular, this summer -- and even the rest of 2013 -- is a bad time to create any RFP because of (1) the uncertainties, complications, and unintended consequences due to HB13-1303 and (2) the technological transition that provides few newly certified options that use modern software and hardware.

Frankly, therefore, I am with Marilyn Marks, who in a typically cogent document reminds us that "while improved, more secure, more user-friendly voting systems are highly desirable, the UVS project focus and timing is in conflict with technological, statutory, management and financial constraints." Furthermore, she states, "CRS 1-5-608.5 (3) (a) requires that **the Secretary shall approve certification, purchase and installation of systems meeting the certification criteria.**" Thus because multiple systems of various vintages meet the certification criteria, I don't see how any "uniform" voting system can be achieved in our state by Secretary Gessler or any Secretary of State.

I ask you as Secretary Gessler's chosen few to please step back from this unfortunately timed and probably legally impossible task.

Thank you for your consideration of this comment and for your service to our state and its voters.

Sincerely,
Mary

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On 7/13/2013 4:51 PM, Marilyn Marks wrote:

[Citizen Center agrees wholeheartedly with Harvie Branscomb's comments below.](#)
[Please consider us a co-signer of this letter. You should have also received our attached comments which are consistent with Harvie's letter.](#)

[To the Colorado SOS Uniform Voting System Project:](#)

The Colorado Secretary of State has focused attention on the value to be obtained if Colorado swaps out the equipment we use for elections. Secretary Gessler has launched a "uniform voting system" project whose parameters will be defined by August 1 and vendors selected by end of year. The co-signers of this letter would like instead to see Colorado election officials and voters both benefit from a patient, well designed and open process that will guide future equipment purchases. The process must first openly decide upon goals and quantifiable metrics for success. Components of the voting system ought to conform to intentionally designed specifications for standard interfaces to permit smooth interoperability.

Delay makes so much more sense than to jump straight from where we are now to a decision about a vendor. And the delay gives us a chance for citizens to participate in a public and principled process that can respond to many changes initiated by the 1303 bill as well as accommodate many advantageous options that are soon becoming available, including those that will have Colorado's design requests in mind.

We the signers collectively request to terminate the current plan to issue the August 1 RFP. We

ask the Secretary to launch a public process intended to define specifications by mid 2014 or later, and use the 2013 election as an opportunity for data gathering and increased understanding of what 1303 will do to and for Colorado's electorate.

Signed
Harvie Branscomb

(co-signer) Marilyn Marks, Citizen Center Marilyn@TheCitizenCenter.org

Background:

The absence of a clearly established consensus about what our election system's priorities are is a fundamental obstacle to our ability to acquire a system of quality. The Secretary's UVS project and the 1303 bill both give us an good excuse and excellent opportunity to start from basics before acquiring new systems. I fear that we are quietly hiding failings of design of our existing systems. It is hard to imagine how we will succeed in obtaining a better system, even if it is arbitrarily selected in a way to be uniform. Some for of uniformity may be one goal, but it is not enough. It is certainly not the only goal.

The ad hoc presumption that staff from our existing county elections offices and at the CDOS are the best team to design the parameters of our next system might turn out to be a severely limiting. The Secretary's rush to come to a conclusion is certain to be a limiting factor, especially when highly knowledgeable public are at last being brought into the process.

The Secretary on Thursday made what sounded like an eloquent argument that there is no better time than now to select a system. The argument he used would have worked equally well two years ago or two years from now. The argument ignored the special conditions we find ourselves in. Mr. Gessler is trying to lead us in a drastic transition toward uniformity from a condition of huge differences between counties and confusion generated by 1303. He opined correctly that there will always be something better tomorrow. That is only an abstract observation that simply ignores exceptional conditions that Colorado and the election equipment market are now in.

We are experiencing the aftermath of a huge federal spending spree in the mid 2000's to obtain electronic voting equipment that has proven itself inadequate. We are only slowly approaching the expected end of life of equipment bought at that time. Large numbers of people are now working on innovative alternative systems, and will continue to do so mostly because some states have indicated an interest in innovation. Colorado had resembled one of them. But the rush to a conclusion this year proves otherwise.

The Secretary may find himself single-handedly defending his theoretical and impractical shift to uniformity. His unique desire for a speedy jump to uniformity is self-admittedly aimed at saving money, and seems not particularly concerned about quality or improvement upon the past. We need to balance these goals.

A major shift in the target and timing of the RFP process is merited. We can use the RFP process to identify several vendors who can demonstrate their election wares in the follow-through to the 2013 election. We can plan for substantial data gathering at locations set up for the purpose to test under close to live election conditions some of the latest versions of equipment, long before

we make a decision to buy only from one of them for years to come. This would also give us time to open our planning to future-looking options.

written by Harvie Branscomb