Dwight Shellman

From: Al Kolwicz [redacted]
Sent: Tuesday, March 10, 2015 7:56 AM
To: [redacted] Teak Simonton; Dwight Shellman; [redacted]
Cc: Colorado Voter Group [redacted]); Ellyn Hilliard [redacted]; Steve House ; Mike McAlpine; John Fryar; [redacted]
Subject: Submission - Pilot Election Review Committee - UVS evaluation criteria
Attachments: Requirements July 13.pdf; Public Input - Pilot Election Review Committee - March 5^J 2015-KOLWICZ.pdf; Pilot Election Review Committee seeks public input; Public Input - Pilot Election Review Committee - March 10 2015.pdf

Date: March 10, 2015

To: Pilot Election Review Committee

Chuck Broerman [redacted]
Donetta Davidson [redacted]
Connie Ingmire [redacted]
George Leing [redacted]
Jennifer Levin [redacted]
Teak Simonton [redacted]
Dwight Shellman Dwight.Shellman@sos.state.co.us
Clarissa Thomas [redacted]

Subject: **Response to the committee's request for "public input regarding the criteria that should be used to evaluate competing systems".**

References:
(1) UVS Pilot Program http://www.sos.state.co.us/pubs/elections/VotingSystems/files/2013/UVSPilotProgram.pdf
(2) UVS Pilot Kickoff – Williams – Feb 2015 https://www.sos.state.co.us/pubs/elections/VotingSystems/files/2015/UVSOverview.pdf
(3) Audio of March 5th meeting - http://pub.sos.state.co.us/20150305121706A

Attachments: (1) UVS Requirements, July 13, 2013
(2) Public input – Pilot Election Review Committee – March 5, 2015
(3) Pilot Election Review Committee seeks public input, March 6, 2015

This message and attachments-1 and -2 are Colorado Voter Group's initial response to the committee's request for public input.

Evaluation Criteria

It is our understanding that evaluation criteria will be used to determine compliance or non-compliance with each election system requirement. In July of 2013 our members submitted to the UVS Public Participation Panel attachment-1: "UVS Requirements". The list is incomplete, but it identifies many mandatory election system requirements.

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Some of the July 2013 requirements are not explicitly called out by statute or rule, but must be fulfilled in order to comply with explicit requirements. These "implicit" requirements are derived from what is "explicitly" required by statutes and rules, and by the State Constitution, Article VII section 11.

> **Colorado Constitution – Article VII**
> **Section 11. Purity of elections.** The general assembly shall pass laws to secure the purity of elections, and guard against abuses of the elective franchise.

The evaluation criteria being developed by the committee should be designed to collect the facts needed by the public. The public needs to know whether or not each pilot system meets each mandatory requirement.

We strongly recommend that the Committee's evaluation criteria be requirements based, and that the requirements be verifiable.

Respondents

Based on the March 5th meeting, we understand that Dwight has in mind a survey instrument that will be completed by onsite "respondent(s)".

Compliance with each requirement will be judged by persons with the knowledge and skills needed to make the assessment. It is best if the public has an opportunity to confirm or deny each compliance/non-compliance assertion.

Who the respondents are is definitely worthy of a thorough discussion by the committee. Subject matter knowledge is necessary. And it is best if respondents are not conflicted.

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We suggest that the individual who answers each question be identified. This may help to eliminate well-intended but incorrect responses. You might forewarn respondents that they may be required to produce documentation supporting their response.

Follow-up

Once we have a chance to review the committee's draft, we plan to augment and revise our input. We look forward to an opportunity to discuss and debate with the committee the draft evaluation instrument.

Thank you for the invitation to submit public input.

Al Kolwicz

Colorado Voter Group
2867 Tincup Circle
Boulder, CO 80305
[redacted]

SAMPLE FORM

ITEM	Meets Requirement YES	Meets Requirement NO	Respondent's Signature	Requirement
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1b				Tightly drawn standard for determining compliance with CRS 1-1-103(1)
1c				Tightly drawn standard for determining compliance with vote interpretation accuracy
1d				Tightly drawn standard for determining compliance with vote counting accuracy
1e				Tightly drawn standard for determining compliance with transparency
				Etc.
2				The designated Election Official is the owner and custodian of all

				digital files and all documents created by and for an election.
				Etc.

July 13, 2013

Al Davidson
Colorado Department of State

Thank you for the opportunity to comment on your UVS requirements document (see "Invitation for Public Comment, July 9, 2013").

As we have written previously, see "Kolwicz PPP June 26 Meeting", much more time than 5 or 6 days, and a formal professional process is required to prepare an adequate statement of requirements.

We can do little in the time you require – other than to recommend from the top of our heads some obvious changes to your document. Please do not interpret the attached suggestions as our comprehensive or professional assessment of the Election System requirements. It is not.

We consider all of the following suggestions to be vital.

We expect from you a written reply indicating whether or not you have adopted each recommendation, and, for each suggestion that you do not accept, your reason for rejection.

We are available to answer any questions you may have.

We again strongly advise you to abandon this ill-conceived, unprofessional effort to ram through this massive change to Colorado's Election System.

Al Kolwicz

Colorado Voter Group
http://www.ColoradoVoterGroup.org
2867 Tincup Circle
Boulder, CO 80305
[redacted]

CC: Secretary of State, Scott Gessler
Deputy Secretary of State, Suzanne Staiert
Colorado Voter Group

UVS Requirements

The UVS project is proceeding under the false assumption that the current statutes and Colorado Department of State election rules represent the desired Election System. This is not true. The current statutes and rules are incomplete, ambiguous, outdated, and incoherent and must be repaired before investing millions of dollars for new technology.

The following are some recommended additions/changes to the UVS requirements document.

1. The Election System must include, for each requirement, a tightly drawn standard for determining compliance. Some examples:
    a. Specifically, what constitutes sufficient evidence that the Election System actually complies with Article VII section 8 of the Colorado Constitution.
    b. Specifically, what constitutes sufficient evidence that the Election System actually complies with the requirements of 1-1-103(1) … all eligible electors are permitted to vote, and … those who are not eligible electors are kept from voting?
    c. Specifically, what constitutes sufficient evidence that the Election System accurately interprets and counts the votes on every cast ballot?
    d. Specifically, what constitutes sufficient evidence that the Election System is: Secure, Accurate, Verifiable, Anonymous, and Transparent?
2. The Election System must ensure that the Designated Election Official is the owner and custodian of all digital files and all documents created by and for an election.
3. All Election System documentation (including testing), and specifications must be published, in a searchable form, on a public website.
4. The requirements document is missing a narrowly-drawn Election System overview that bounds the system and identifies and describes all components (internal and external) and interfaces between components – hardware, software, documentation, data, procedures, and personnel.
5. The Election System must be modular and adaptable to innovation and change. It must, within 180 days, be able to implement, test, adopt and deploy changes in the law or rules.
6. To encourage technological innovation, the components of the Election System must be bounded by open interfaces such as: election definition file, eligible elector file, pollbook file (showing which voter was issued which ballot(s) of which ballot style), ballot image file, cast vote record file, and contest results file.
7. The requirements document must include a specification for target costs (procurement, maintenance, and operating) of each election system element.
8. The requirements document must include a specification for target component throughput.
9. The Election System must include a specification of specifically who is accountable for compliance and compliance testing of each requirement.

10. The Election System must include a specification for how challenges to vote interpretation, voter eligibility, chain of custody, audit details, etc. are to be determined by the public and processed.
11. The Election System must produce a verifiable unbroken chain of custody for all election records.
12. The Election System must include a glossary that precisely and unambiguously defines all terms. For example, there must be a precise consistent specification of when a ballot is considered to be "cast".
13. All terms used in the Election System documentation (on forms, screens, tables, reports, etc.) must use/refer to the corresponding term used in the Colorado Constitution, Statutes, and Rules.
14. The Election System must include specifications for all election processes, personnel, records and files used to prepare for, conduct, report, audit, and archive elections.
15. The Election System must create and maintain a list that identifies and describes all threats including voter intimidation, lost/stolen ballot, etc.
16. The Election System must create and maintain a list that specifies for each threat whether each occurrence is to be: detected in real time, detected periodically, reported in real time, reported periodically, prevented, and recovered.
17. The Election System specification must include the title and description of all election records and files and the official custodian of each.
18. The Election System specification must include a comprehensive Entity Relationship Diagram.
19. Without exception, all digital files and documents created by and for an election must be exportable to digital files in industry-standard-format for import into spreadsheet and/or database tables and/or image files as requested. This includes logs and metadata. Tabular data must be exported in tabular form; a report does not qualify.
20. Without exception, all data created by and for an election must be available to the public using CORA or from a public website.
21. All private voter data must be stored in a separate table for computer files, and a secure-access-only place on paper records and screens.
22. All private voter data must be excluded from public tables, reports or screens.
23. Every paper ballot must include a unique identifier that is printed on a perforated, removable stub.
24. Confidential voter records in the voter file will be designed to keep confidential data confidential, but sufficient data from the confidential record will be included in all tables, exports, and reports so that election reports can be audited and balanced.
25. The Election System must include incident reporting/tracking/resolution/governance mechanisms.

26. The Election System must include a precise specification for governance of the Canvass Board, and detailed specifications of which records are available in what form, and when.
27. The Election System must not collect or create any records that can be used to associate a specific voter and their voting choices.
28. The Election System must provide mechanisms to detect, prevent, report, and prosecute occurrences of suspected voter intimidation.
29. The Election System must provide mechanisms to detect, prevent, report, and prosecute occurrences of suspected vote selling.
30. The Election System must provide mechanisms to detect, prevent, report, and prosecute occurrences of suspected voting-privacy violations.
31. The Election System must provide mechanisms to detect, prevent, report, and prosecute occurrences of suspected voter impersonation.
32. The Election System must provide mechanisms to detect, prevent, report, and prosecute occurrences of suspected erroneously-delivered ballots.
33. The Election System must provide mechanisms to prove that the intended elector received the ballot that was issued to the elector.
34. The Election System must provide for deferred opening of the ballot return envelope until such time as the intended elector can challenge a ballot that was falsely submitted in the intended elector's name.
35. The Election System must provide mechanisms to prove that the ballot released from custody of the intended elector was received by the Designated Election Official.
36. The Election System must provide mechanisms to prove that each cast ballot was marked by the intended elector.
37. The Election System must ensure that no mail ballot is removed from its ballot return envelope until there can be no further challenge to its eligibility.
38. The Election System must provide for publicly-verifiable voting system certification, canvass, recount, audit, test, identity verification, eligibility verification, ballot control, voter intent, poll watching, open records, and records retention.
39. The Election System must provide for the appointment of truly independent (non-conflict of interest) and technically competent public bodies to create election rules and to judge election complaints.
40. The Election System must provide for the appointment of truly independent (non-conflict of interest) public bodies with the technical competence to monitor, report, and enforce government and public compliance with election statutes and rules.
41. The Election System must guarantee that the votes on each ballot are anonymous. This can be achieved by placing voted ballots into a sealed envelope that contains only the ballot style on the outside of the envelope, and by isolating this envelope from the return envelopes and merging and shuffling these sealed envelopes before they are opened.

42. Before a paper ballot is scanned, the Election System must remove and retain, as an election record, the ballot stub.
43. The Election System must record on each anonymous paper ballot, before it is scanned, a unique identifier that will appear in the scanned image.
44. The Election System must have the capability for voters to "opt out" of receiving their ballot by mail.
45. The Election System must provide for install-time customization including what data is created, recorded, and reported. For example, (a) style-only or precinct-style, (b) contest-only or contest by voting-method.)
46. The Election System must specify certification and testing scope, governance and methodology.
47. The Election System logs must include the settings of and all changes to all parameters and switches. For example, the sensitivity settings for vote interpretation and signature verification.
48. The Election system must provide a way for the voter to verify that the votes recorded on a digital device are the votes that the voter intended. A printout by the program recording the electronic ballot is not sufficient – the verification must be independent of the program recording the electronic ballot.
49. The Election System must provide quality management capabilities including measurement and public reporting for each process. For example, for each contest/style: (a) median, average, high, low confidence of vote interpretation accuracy, (b) median, average, high, low confidence of voter identity-verification and voter eligibility-verification accuracy.
50. The Election System must provide for timely and meaningful public input on contests, contestants, electors, ballot design and layout, rules, tests, and structure of and changes to the Election System.

Pilot Election Review Committee –March 5, 2015

Al Kolwicz – Boulder County Republican.

Member of the Central Committee of the Colorado Republican Party.

Here today representing Steve House, a candidate for State Party Chairman of the Colorado Republican Party. The Party will elect its chairman on March 14th.

Mr. House is very interested in any and all plans to evaluate and assess the performance of proposed voting systems. If elected, he will assign a Party representative to work with this committee.

He hopes that we share an understanding that:

- It is vital that together we satisfactorily address issues such as those that have resulted in canvass board non-certification reports and litigation. As canvass boards become more diligent, more sunlight will shine on the end-to-end election system.

- Excellent vote interpretation and counting does not address lost or stolen ballots, voter impersonation or intimidation, and lack of privacy, transparency and verifiability. It takes an entire system to assure a free and fair election.

Mr. House would like to receive electronic copies of key documents, such as the following. (Ideally these documents will be published for public access on the CDOS Internet site.)

1. system and product functional and performance specifications
2. objective standards against which the systems will be measured
3. test and certification plans
4. administration and governance protocols – planning, operational, and problem
5. transparency policy including public access to electronic election records
6. comprehensive sample of election records

Al Kolwicz

[redacted]

[redacted]

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From: CO Secretary of State <ColoSecofState@public.govdelivery.com>
Sent: Friday, March 06, 2015 4:34 PM
To: Al Kolwicz
Subject: Pilot Election Review Committee seeks public input

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News Release

MEDIA CONTACT: (303) 860-6903

Tim Griesmer

tim.griesmer@sos.state.co.us

Pilot Election Review Committee seeks public input

DENVER, March 6, 2015 – During his remarks at the 2015 winter conference of the Colorado County Clerks Association, Secretary of State Wayne Williams announced his intent to implement a uniform voting system in Colorado before the 2016 primary election.

Secretary Williams recently formed the Pilot Election Review Committee (PERC) to accomplish this task. The PERC will evaluate the performance of various voting systems and make a recommendation to the Secretary of State on the selection of a statewide platform. The committee is seeking public input regarding the criteria that should be used to evaluate competing systems.

“I want all interested stakeholders and members of the public to have an opportunity to weigh in on this process,” remarked Secretary of State Wayne Williams. “Public input is critical to ensuring that we achieve the best result for Colorado as we move to the next generation of voting systems.”

Five voting system providers are under consideration to provide Colorado’s uniform voting system. They include Clear Ballot Group, Inc., Dominion Voting Systems, Inc., Election Systems & Software, LLC, Everyone Counts, Inc., and Hart InterCivic, Inc. The five systems will be piloted in elections this year.

Members of the public may submit ideas regarding Colorado’s selection of a uniform voting system to dwight.shellman@sos.state.co.us by 5:00PM on Thursday, March 12, 2015. All submissions will be posted

on the Pilot Election Committee's page of the Secretary of State's website. More information about the uniform voting system initiative and the proposals of the various providers are available on the Voting Systems page of the Secretary of State's website.

# # #

Questions?
Contact Us

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