

Dwight Shellman

From: Al Kolwicz [REDACTED]
Sent: Wednesday, March 11, 2015 8:11 AM
To: [REDACTED] Teak
Simonton; Dwight Shellman; [REDACTED]
Cc: Colorado Voter Group [REDACTED]; Ellyn Hilliard
[REDACTED]; Steve House ; Mike McAlpine; John Fryar;
Subject: Follow up -- RE: Submission - Pilot Election Review Committee - UVS evaluation criteria

When can we expect to receive electronic copies of the documentation that we requested at your March 5th meeting? Without it, it isn't feasible for the public to complete a professional response to your request for public input for evaluation criteria. Does the committee have copies of this documentation?

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

One example of what we are talking about is this. In scanning the Clear Ballot proposal we find the following report sample. As you can see, over votes and under votes are reported by contestant, rather than by contest. This is not meaningful. Furthermore, the number of over votes reported for Obama is 3 and the number reported for Romney is 0. What can this possibly mean?

General Election, Nov 6, 2012, Leon County, FL Statement of Votes Cast

Precinct: Counter Group:

Choice	Ballots with Contest (*)	Votes	Over Votes
PRESIDENT			
Barack Obama	148,517	90,558	3
Mitt Romney	148,517	55,619	0
Gary Johnson	148,517	1,134	1
Write-in	148,517	310	0
Jill Stein	148,517	231	1
Roseanne Barr	148,517	102	1
Virgil H. Goode, Jr.	148,517	61	0
Thomas R. Stevens	148,517	46	0
Ross C. Anderson	148,517	32	1
Tom Hoeffling	148,517	20	0

10 entries per page 1 to 10 of 93

From: Al Kolwicz
Sent: Tuesday, March 10, 2015 7:56 AM
To: [Redacted]
'Dwight.Shellman@sos.state.co.us'; [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

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.

At the March 5th meeting I spoke to the committee in behalf of Steve House, candidate for Colorado Republican Party Chairman. Colorado Voter Group agrees with these comments and submits them as additional input, see attachment-2.

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.

We are thinking that the respondent should be the person who will assume accountability for the answer – a person who has the evidence needed to back up and defend the answer. There may be different respondents for different items on the form.

Whoever responds to an item should understand that they are accountable for the response, and should be permitted to say “I don’t know” unless they actually do know the answer.

It is possible that no respondent is willing to take accountability for some of the items. Perhaps because nobody knows the facts, or there is no evidence to support the answer. The absence of a respondent is valuable input to the committee.

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

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Boulder, CO 80305



SAMPLE FORM

ITEM	Meets Requirement YES	Meets Requirement NO	Respondent's Signature	Requirement
1a				Tightly drawn standard for determining compliance with Article VII, section 8
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.