

May 22, 2017

Dear Secretary Williams,

By the time that I got half-way thru the proposed rules, I concluded that major problems that have been brought to the department's attention have been ignored. I decided to stop working on the document. I no longer expect a quality product.

The public will continue to be forced to rely upon a department that is not willing or not able to deliver an election system that is secure, accurate, verifiable, transparent, and receives truly anonymous votes.

The problems we have identified are not likely to be solved using the rulemaking process. We have recommended that the department adopt sound engineering methodology to formulate requirements, and define and resolve problems. You might do well to rely more on election integrity advocates than you do on election officials.

What follows is a copy of the notes I made as I first read the proposed rules. Blue provides a place holder and black identifies my thought.

*Amendments to 8 CCR 1505-1 follow:*

When is an elector eligible to vote in a jurisdiction? Is it their actual residence (a) on election day?, (b) their recorded residence on the day their voter registration record was most recently updated? (c) ???

Presently this is a problem. Electors receive ballot styles based on outdated residence address. The eligible electors in the final registration list does not match the electors who cast ballots in the district. And, when is the "final" registration list adopted? There are relevant updates that occur during and even after election day.

*New Rule 1.1.10:*

This definition requires better precision. It does not reflect "ballots counted". It reflects the interpreted votes on a ballot that has been interpreted and accepted for counting. The current implementation rule requires revision to include differentiation between over and under votes, and an indicator showing how the votes were interpreted - auto, resolution board, supervisor override, challenged, etc?

*New Rules 1.1.33 and 1.1.34:*

Personally-identifiable information must be recorded in a separate table(s) that are linked to the voter. Inclusion of the table contents in screens, exports, and reports must be optional by design, and controlled by authorization. The list of information types must be complete, rather than by example.

*[Not shown: renumbering Current Rules 1.1.32-1.1.49 as Rules 1.1.35-1.1.52]*

The voter registration file must include for each registrant on the file the ballot style that the registrant is eligible to vote in the current election. There must be a rule defining what happens when the residence address changes in the midst of an election.

### 13.2.9 Hearing and Resolution of HAVA complaints

The complainant's request for hearing is not formulated when the complaint is submitted. It is known only after the department writes its determination. We start with the assumption that CDOS intends to follow the rules and laws. The obvious defense against this revision is to always ask for a hearing, and cancel the request if it is not needed.

The above notes are by nowhere near a complete list of the problems we have reported to CDOS. I refer you to the issues raised in our March 13, April 9, April 14, and May 10 correspondence. I have attached the May 10<sup>th</sup> document as a reminder. And I refer you to the years of non-certification reports by Boulder County Canvass Boards, and in particular the 2016 Primary Election Canvass Report DRAFT 14.

Once again, I strongly encourage you to significantly improve your process, before Colorado is trapped in an unresolvable Federal legal finding. I believe that your current process has little to no chance of addressing the fundamental problems.

Al Kolwicz  
Boulder Colorado

