

Colorado Voter Group

2867 Tincup Circle
Boulder, CO 80305
303-494-1540

Dana Jaclyn Williams
Communications Director
1700 Broadway, Suite 250
Denver, CO 80290

October 11, 2007

RE: Colorado Open Records Act, request for inspection of SCORE II records.

Dear Ms. Williams:

We have analyzed your letter, dated October 8, 2007, and believe that it is not responsive to our September 11, 2007 open records request, as augmented by our October 2, 2007 letter.

Attached is a worksheet, which we originally attached to our October 2, 2007 letter. We have made our best effort to transcribe the points in your seven (7) paragraph letter onto the worksheet, and ask that you confirm that we have correctly transcribed your responses.

1. Transmittal letter - Security plan

The 4th item in your paragraph 2 indicates that the state has possession of and will produce this letter in response to our item 1.

2. SCORE documentation

We understand that the state is in possession of no documents, files or information related to the five (5) classes of documentation we have requested.

3. SCORE specifications

We understand that the state is in possession of a system roll-out plan and is prepared to produce this plan for inspection in response to our item 3(g).

We understand that the state is in possession of identification and specifications, but will withhold these records using the work-product exclusion for the "sample." We suspect that there is a miscommunication caused by our choice of the word "sample". We actually mean "example". Will this remove your work-product exclusion?

We further understand that the state is in possession of no documents, files or information related to any of the other twenty-one (21) SCORE specifications we have requested.

We do note that your paragraph 3 suggests that records responsive to our item 3(h) are available among the documents published on the Department of State website at http://www.sos.state.co.us/pubs/info_center/statewide_voter_reg_proposal.html. We find no such documents responsive to our request; for example, we cannot even find the words "poll watcher" in these documents.

4. Ownership, distribution , and confidentiality agreements

Your paragraphs 3 and 4 assert that the state is not free to produce the requested materials for inspection. You cite the contract as the reason.

We do not agree that the contract prohibits the production of the records that we have requested. Furthermore, we are prepared to sign non-disclosure agreements with the vendor and/or the state.

5. Policy regarding response time and cost for records

We understand from your paragraph 5 that the state is in possession of no documents, files or information related to any of the five (5) classes of user-transactions we have requested in our items 5(a), 5(b), 5(c), 5(d) and 5(e).

6. Plans for public presentation

We understand from your paragraph 5 that the state is in possession of no documents, files or information related to our item 6, any plan for presentation of the SCORE II system to the public.

7. Plans for responding to public

We understand from your paragraph 5 that the state is in possession of no documents, files or information related to our item 7, any plan for responding to any of the public questions and comments that have been submitted to the Department of State regarding the SCORE II system.

Of the 36 line items we have requested, we understand your response to say that there are no records related to 32 of these items. If it is not the case that for each of these 33 items there are “no documents, files or information”, then we ask that you correctly complete the attached worksheet entry for each of these items.

Further, we understand your response to say that records exist and will be produced for our items 1 and 3(g); at least some records exist related to our item 3(f) but these records will be withheld using the work-product exclusion; and, records related to our item 4 exist but will be withheld using an argument of confidentiality (which we do not accept).

As a way of communicating our sense of urgency, there is a risk that deficiencies exist in the SCORE II system that would make the SCORE II system unsuitable for release to production. We have been denied information related to this project since at least June 19, 2003.

We must be permitted to determine if our concerns are true, and if so to report these findings before the system is released to production – where it can do harm. To hide facts from the public until it is too late for the public to take action is contrary to Colorado’s open government tradition.

Thank you very much for expediting this matter.

Sincerely,



Al Kolwicz

Colorado Voter Group

Attachment: Work TABLE