



VOTEC Corporation, the WelcomeVoter™ Company

April 22, 2020

Nevada Secretary of State, Barbara Segavske via email of Wayne Thorley, Deputy SOS for Elections
Deanna Spikula, Washoe County Registrar of Voters
Washoe County Commissioners
Eric Brown, County Manager
Christine Vuletich, Assistant County Manager
Paul Burr, Technology Services, It Manager
Mark Stewart, Washoe County Purchasing and Contracts Manager

Regarding Washoe County Registrar of Voters' interpretation of Purchase Order 4500040312:

VOTEC attests that we have been producing the AB 345 software and hardware with all reasonable speed and professionalism.

We can tell the Registrar wants out of the contract. The Registrar has terminated twice. The Registrar offered no reason for the first termination other than being nervous. To my unbelief, the Purchasing and Contracts Manager upheld nervousness as a valid cause for contract termination.

The reasons offered in the second termination letter are sketchy and were under the Registrar's control to have us correct but no communication was forthcoming prior to the second termination.

I'm in the elections technology business because I excelled in applied math and am comfortable I can produce no matter how stressed a customer may get. I work with customers to structure our joint efforts to balance the desirability of computerizing all the functions requested against the requirements of any upcoming election. We do need customers to be our partners in successful elections.

VOTEC is delivering all items contracted for in a professional manner. We are developing and delivering the same product with Clark County. We are also developing for and delivering to all other Nevada counties other than Carson City.

We are having to develop software later than anyone desires. This is because of the lateness of specifications and the size of the task. The lateness of specifications is a reflection of the sizable ambition of AB 345. The project is essentially to write a real time voter registration system with uncommon subtleties that the Legislature deemed necessary, subtleties not found in any other state's election law nationwide. As recently as last month there were still specifications needing to be finalized by the Secretary of State's Office.

To show that VOTEC has not provided cause for termination cited in the April 14 letter, we only need to show that the purported evidence for failing to provide a completed software package for use in the upcoming Primary Election is any one of the following:

- a) Irrelevant – Such provision is not in any contract. No document ever defined “basic functional needs”.
- b) Incorrect – For one and a half of the three itemized points we have countervailing facts. The remaining are either not making sense or are scheduled for very near-term delivery. The stated assumption that VOTEC failed is the Registrar's and contradicts other counties' understandings.
- c) Occasioned by Washoe County deficiencies – Brian Takemoto appears to be over-tasked so as to be only sporadically available to the VOTEC project. We believe Mr. Takemoto was requested to work on both the VOTEC system and a backup system concurrently. This is a recipe for failure.



We offer Clark County's near daily engagement in guiding our software delivery for comparison.

- d) Stress motivated – The Registrar terminated the contract Feb 25 to then be overridden by the Deputy County Attorney. The termination came out of the blue. The Deputy County Attorney asked us to meet cursory milestones in a letter of March 13. We agreed.

The WelcomeVoter Kiosks are in our warehouse awaiting scheduling of delivery. Software is complete as defined in the Registrar's recognition that 'some "bugs" will be present in any new software'. Our staff is very quick to fix "bugs" when they appear in the development cycle. We need timely feedback from our customers. Also, some of the cited bugs were misunderstandings on Washoe County's part.

Our humble advice to Washoe County is to continue the contract for several reasons:

- a) It will not benefit Washoe County to have it known that Purchasing Officers are ready to repudiate a contract for nervousness. Would that be a good headline?

This was memorialized in an email from Purchasing and Contracts Manager, Mark Stewart: *"I do believe nervousness is a real and valid concern" ... "I do support the Registrar of Voters in the termination of the agreement."*

- b) It will benefit Washoe County in the long run. It was Registrar Spikula's stated intention as we discussed this order, to purchase what Washoe County would need for the coming decade. I will trust that her deputies can testify to such a goal. Cancellation now is shortsighted
- c) It will benefit Washoe County in the long run. Secretary of State Cegavske's staff has worked with VOTEC to standardize approaches to voter registration and electronic poll books. This benefits all parties – the SOS, the counties, and VOTEC.

VOTEC has delivered its Clark County voter registration and election management system to all Nevada counties but Washoe, Douglas, and Carson City. We have delivered our WelcomeVoter Kiosk to all Nevada Counties but Carson City. We are Nevada's prime supplier. We have worked for decades to be attuned to Nevada law through our work in Clark County.

If VOTEC is selected to deliver state wide voter management for Nevada, this should make it easy for Washoe County to move to the next generation of such a system, and less expensive.

It makes sense for VOTEC to be selected based on investment, expertise, and working software.

Registrar Spikula has solicited a price quote for our VEMACS voter registration software and services. She must have considered VEMACS as a likely beneficial future step. Ending the relationship doesn't feel like a good long-term plan.

Should Washoe County cancel the contract we will seek the funds we were denied. We will also seek whatever publicity might be available in the elections community to restore our reputation. Numerous major U.S. counties can testify to our abilities but a contract cancellation can cause significant harm.

Please, let's get on with the business of election management using a longer-term perspective. Elections are challenging enough without wasting energy. At a minimum, we recommend a conference between VOTEC and County manager(s) prior to putting the contract on the Commissioners' calendar. Your voters will benefit. Your finances will benefit. We'll all show ourselves as doing due diligence.

Sincerely,

John Medcalf, VOTEC CEO

We will be available Tuesday, April 28 for the Commissioners meeting. Please forward connection info.