

MEETING NOTES
2008 Elections Model Advisory Committee
Tuesday, September 25, 2007 – 2:00 P.M.
Conference Room of Clerk & Recorder

Clerk & Recorder O'Malley convened the meeting at 2:05 p.m.

Attendees: Michael Scarpello, Director of Elections
Charles Williamson, Election Judge Trainer
Rich Pelletier, America Votes
Ed Neuberg, Denver Commission for People with Disabilities
Faith Gross, The Legal Center for People with Disabilities
Sara Harmer, Technology Services
Heather Riti, Budget Management Office
Bill Compton (representing Vivian Stovall) Colorado Democratic Party
Manolo Gonzalez-Estay, Spanish Language Advisory
Carolyn Metzler, Republican Party
Tamra Ward, Denver Metro Chamber
Penny May, Mayor's Office
Rosemary Marshall, State Legislator
Jessie Danielson, America Votes
Carol Tone, League of Women Voters
Denis Berckefeldt, Auditor's Office
Susan Shepherd, Denver Area Labor Federation
Walt Beckert, AFSCME
Vicky Ortega, City Attorney's Office
Jenny Flanagan, Colorado Common Cause
Tina Romero, Elections Division Staff
Matt Crane, Elections Division Staff
Paul Casper, Elections Division Staff
Alton Dillard, Elections Division Staff

Today's discussion will include voting locations.
Next week's discussion includes voting systems.

Introductory comments by Clerk & Recorder O'Malley

- Reference Notes from 9.18.07 meeting
- Review committee schedule
- Review ground rules
- Presentation and discussion on voting
- October 9th – further discussion and final recommendations

Acknowledgment of visitors:
Chris Bragg, The Colorado Statesman

Daniel Chacon, Rocky Mountain News
David Larson, Coloradoans for Voting Integrity
Scott Meiklejohn, Meiklejohn Consulting

Voting locations advantages, disadvantages & unknowns

- precinct polling place election
- Vote Center
- combined polling place election

Rich Pelletier, America Votes, states clarification on a combined polling place not being a Vote Center model; people would be subject to going to a location with combined precincts and no option to vote just anywhere. This is confirmed.

Precinct Voting Advantages:

- traditional
- history of success
- closer to voters' homes
- sense of community
- less risk because of limited technology (no e-pollbook)
- less complicated training of pollworkers
- lower expenses (especially technology)

Jessie Danielson, America Votes, states that there is a comfort level with precinct voting.

Jenny Flanagan, Common Cause, states that research shows a higher turnout with precinct voting.

Ron Williamson, Election Judge Trainer, states that of the 280+ sites, many senior residences were voting sites and in 2006 seniors were unable to get to Vote Centers. And seniors were forced to vote by mail.

Manolo Gonzalez-Estay, Spanish Language Advisory, states that demographics need to be looked at especially Latino neighborhoods; as well as factoring Vote Centers that are located in sites that are not comfortable (e.g. police stations).

Rich Pelletier, America Votes, says that the trust issue is a big factor.

Denis Berckefeldt, Auditor's Office, states that the particular concern with seniors not being able to get to Vote Centers is important and goes on to say that quantifiable data is needed and, he just doesn't want to assume that voters vote less.

Tamra Ward, Denver Metro Chamber, said Vote Center's length of wait was an issue.

Gonzalez-Estay indicates that Rice University and C.U. Denver and C.U. Boulder are collecting data, particularly Hispanic data and there are local experts conducting studies that have the quantifiable data related to voting and vote patterns.

Disadvantages to Precinct Polling:

Scarpello leads the discussion pointing out problems with HAVA/ADA regulations at polling places, more likely votes are disqualified because voters voted at wrong location; less convenient for voters because voters must vote at a particular location; precincts cannot accept mail-in absentee ballots; more potential points of failure; delivery of returns is more complex, security concerns prior to the election; may be construed as a step backwards; higher expenses, more election judges required; supply & equipments costs are potentially higher (supplies, delivery, and ballot boxes or precinct scanners) ADA compliance expenses are potentially high; more likely to have higher rate of voters who vote incorrectly, that is, provisional.

Susan Shepherd, Denver Area Labor Federation, asks for clarification of costs. Scarpello says it becomes more a balance of costs—spending more here and less there.

Gonzalez-Estay states that bilingual judges are less likely to be sourced as well as, competent judges. He also requests more study information in the packets of information that are being distributed.

Rich Pelletier, requests numbers on voters who voted provisionally in the last election. Matt Crane responds that in 2004 there were approximately 8,000 and in 3,000 in 2006.

Carolyn Metzler, Republican Party, wants to followup Manolo's comments regarding hiring of bilingual election judges when citizens can't be sourced and costs incurred.

Denis Berckefeldt, inputs that we have had a history of precinct voting and we haven't had a serious problem with people voting at the wrong precinct and, goes on to ask if it is a potential failure and, how many failures have we actually had. Two problems we absolutely face are getting judges and ADA compliance.

Dan Willis, Guest & Secretary of Denver Democrats, disagrees with Berckefeldt, stating the number is not quantifiable of citizens who leave and don't vote because they are in the wrong precinct; it was the number one way that citizens were disenfranchised; he goes on to point out the DMV (Denver Motor Vehicle) doesn't get the change of address and this was supposed to be fixed by statute and, it just came up in Denver when we had a state legislative race; Adams County had recorded the move and Denver didn't have the change; the vacancy election day occurred a month and a half after the voter moved to Denver; the address doesn't catch up with the person; the update doesn't get recorded in Denver; they go to the precinct where they think they should vote and we continue to see this disconnect on Election Day.

Ed Neuberg, Commission for People with Disabilities, points out the difficulty of finding Vote Centers compliant with HAVA and difficulty with precincts will continue;

50 were difficult to find; precincts will be even more difficult; **Clerk & Recorder O'Malley asks what percentage required modification.** Matt Crane responds that 25 sites at \$36,000 modification; Lisa Doran at the Secretary of State Office indicated that we used \$50,000 and Crane verified that this was used between 2 grants; modifications included disabled parking; no clear path of travel; a 300 foot mat to enable a clear path of travel cost \$14,000 and, those funds came from the State HAVA Grant; **Neuberg** goes on to say that manpower was extensive in setting up facilities.

Faith Gross, The Legal Center, introduces herself and is attending this meeting for the first time and has been traveling the state performing audit reviews; she goes on to say that in 2004 General Election she waited 1.5 hrs. to vote; she performed informal accessibility reviews and the majority of problems were in schools and churches; schools are not required to be accessible, program activities must be accessible and kids are bussed to accessible schools; she would like to see the schools more accessible; she points out that \$706,000 was received by a polling place for an automatic door opener in Telluride's Townhall; and goes on to say that synagogues and mosques are not required to be accessible. She points out the enormity of this task and that there are not enough accessible voting systems.

Jessie Danielson, says people like precinct voting and, for the last 2 years take into account the confusion caused to voters given that marketing and outreach efforts were extensive.

Carolyn Metzler, said marketing and outreach related to Vote Centers did not let voters know that there were Vote Centers. She received many calls from constituents stating their confusion.

Sara Harmer, Technology Services said we should consider opportunities. Scarpello agrees and says we will continue with today's agenda.

Polling Precinct Unknowns:

- Not sure of level of ADA compliance required by U.S. Department of Justice
- Outdated incomplete surveys regarding ADA compliance of all polling places
- Unknown space requirements until voting systems determined—paper will be different than electronic machine setup

Ed Neuberg states that these Polling Place requirements are the minimum so that people can vote; the accessibility board of the USDOJ uses this to ensure compliance and legal; this city was the genesis of disability rights; it's the right thing to do and a lot of people will be watching.

Faith Gross indicates that the stripped down version of the survey site is on the Secretary of State Website; temporary solutions are pointed out; bathrooms and water fountains are not required; accessible parking and access to the building, public transportation must provide access to the building, the door and the hardware and the path of travel in the polling place must be accessible; 200 sites were surveyed and she goes on to say that she

hopes these are in the office; she surveyed in 2004 and 2005 for the Elections Commission in Denver and performed informal surveys; what she found were that the majority of sites were not ADA compliant.

Jenny Flanagan, says this is most important issue in discussion of how many locations and agrees with Faith and Ed that we meet requirements; we should be thinking in terms of needs of all of the citizens of the City and there are more state dollars; she raises question about whether the federal government is going to provide funding; is it better for our City to have more polling places from an accessibility standpoint.

Sara Harmer poses the possibility of partnership opportunities such as Starbucks, car dealerships, who possess some of the required technology and suggests this as an opportunity to identify new polling places.

Vote Centers Advantages:

- Convenience of voting anywhere
- Drop off absentee ballots
- Votes will not be disqualified because voters voted at the wrong location
- Fewer locations to make HAVA/ADA compliant
- Fewer election judges (questionable)
- Political parties receive the voting report electronically
- Lower expenses, less judges, less locations, less ADA compliance expenses

Carolyn Metzler is a supporter of Vote Centers and Faith Gross's issues are one of the main reasons; because we must have accessibility for all voters; reduction of expense from partisan viewpoint is much more plausible with Vote Centers.

Ron Williamson, asks regarding the vote printed out by precinct; how do we manage that hurdle and from his experience, the main problem was that older machines could not read all the precincts; Crane says that if we go to the Edge II we can report by precinct and also paper.

Disadvantages of Vote Center Voting:

- further from voters' homes
- less personal
- risk of technology failure
- potential poor public perception
- crowd control is more complex
- election judges need to be more technology savvy
- more judge apprehension & turnover generating higher expenses

Carol Boigon, City Council, points out that the ADA exemption from bathroom compliance and knowing that Park Hill Methodist had long lines and some folks couldn't get to a bathroom from a mobility standpoint is a real concern.

Jenny Flanagan said 55 Vote Centers were not enough to meet the need in Denver for 2008; not only in terms of volume of numbers, but also thinking community needs; when folks are traveling within their neighborhood and you are asking folks to go 2 miles is a lot for some; what does it say to new communities if we limit locations; there's no proof that Vote Centers are increasing turnout; Larimer has lots of credence; we are basing on active voters; the numbers are skewed; these new concepts of voting do increase turnout among folks who are already voters and increases participation among likely voters.

Gonzalez-Estay said Hispanic voters aren't being tracked; there could be lower turnout for a certain demographic.

Councilperson Boigon said extrapolation for voters would have gotten us to 70 Vote Centers.

Sara Harmer says you don't know where people are going to vote. The logistics and the trending are the issues with Vote Centers.

Berckefeldt in reference to Jenny Flanagan's comments, said it's the base where we start from; we need to look at the thing that is going to make it the easiest for the most people to vote. He states that he is a precinct voting person but is trying to keep an open mind.

Dan Willis differs from the Democratic Party in that he likes Vote Centers; one problem, he points out was the lack of provisionals; there were not enough printed; one big disadvantage was the sign-in station for each precinct; assuming the technology snafu not to have happened, we still would have had long lines but not like the presidential and reminds all of the primaries from local offices, of which there will be at least 5 primaries in 2008.

Faith Gross said parking was an issue, as there were not enough parking spaces.

Unknowns related to Vote Centers:

- unknown space requirements until voting system determined
- uncertain poll book technology,
- uncertain bandwidth requirements
- e-pollbook is in the Score Project but we don't know that it's going to work

Scarpello said we will have to have backups and contingency plans and Harmer says that there are uncertain bandwidth requirements. Harmer clarifies that some of the trails from the state 6-7, require 2-3 T1 lines per location at \$5,000 each

- 3 times the amount of service to support the Vote Center model
- Sequoia is end-of-lifing the software that the city uses

Scarpello explains that we're not sure that if we have a parallel model we may not be able to use the Integrity model; anticipated outcome end of December or first of year regarding certification of machines; 7 counties using Score System right now but they are not testing the e-pollbook and it's still very unsure.

Tamra Ward states that as you are looking at a contingency a plan there needs to be some communication with other counties.

O'Malley said Clerks are asking questions and asking for answers immediately.

Boigon points out that at the General Government Meeting there was discussion about the USDOJ making the push for statewide systems for the 2008 election; thusfar, we do not have any luck with any state programs including CBMS and Procurement; so the fact that we have to have this system imposed on us is disturbing.

Dan Willis points out that we should look at Adams County Vote Center model.

O'Malley restates that it is premature as to what model we are going into; Larimer is going to use their pollbook and they will use data dump and not use the score e-pollbook; if you want to use an outside pollbook, it will be up to the county per Crane.

Combined polling place advantages:

- fewer locations
- potentially fewer judges
- less risk because of limited technology
- lower expenses

Disadvantages of combined polling places:

- voter confusion
- less convenient for voters
- political parties cannot receive the voting report electronically
- higher expense unknown

Flanagan said there is confusion about where to go in the room when there is combined precinct polling.

Democratic Party opposes this model per **Willis** and points out that the last time we had combined precincts people thought they could vote anywhere in the state.

Unknowns related to combined precinct voting:

- space requirement
- unknown number of problems with HAVA/ADA regulations.

Berckefeldt said this may be where we need to go and, it may be a point of compromise; this will be the 4th model in 4 years, we're going to face this anyhow; he is very interested in looking at this combined precinct voting and call it *precinct voting*

Flanagan states that it's just more combined locations but to call it a whole new concept; you can still call it *precinct voting*.

Representative Rosemary Marshall is very comfortable with this model.

Gonzalez-Estay is concerned with having qualified bilingual judges and doesn't think this model will support higher numbers of voters and, views this as a band aid fix.

Carolyn Metzler asks how many precincts at a combined voting. Matt Crane responds 4 to 5.

Tamra Ward says sometimes an intermediate plan is where we need to step. Scarpello says the way to envision this would be a paper pollbook. He goes on to say that we would still be in compliance and it would be a paper pollbook.

Informal surveys indicate that the largest number of precincts was 4 or 5 and they were maintained as separate precincts in different parts of the building per Crane.

Scarpello said we could use laptops instead of paper pollbooks.

Willis comments that the statutory requirement is paper pollbook, per precinct.

Scarpello reviews analysis of numbers pointing out:

Year 2000-Voters at the polls 111,907; Absentee Voters 66,314; Early Voters 20,244; and Total Voters, 199,838

Year 2004-Voters at the polls 128,930; Absentee Voters 66190; Early Voters 37,606 and Total Voters, 240,897

2008 Projection:

Voters at the Polls: 115,020

Absentee Voters: 89,460

Early Voters: 51,120

Total Voters: 255,600

Precinct Polling Place Election:

2004 – 420 precincts at 292 polling places, 110 polling places combined (90 polling places had 2 precincts, 18 polling places had 3 precincts, 1 polling place had 4 precincts, 1 polling place had 5 precincts)

2008 – 430 precincts at 275 polling places ???

Vote Center Election:

State Law requires 1 Vote Center for every 10,000 active registered voters

2008 Projection of 273,000 active registered voters' breakdown by projected number of Vote Centers; 60 Vote Centers for every 4,554 active registered voters

70 Vote Centers for every 3,904 active registered voters

80 Vote Centers for every 3,416 active registered voters

90 Vote Centers for every 3,036 active registered voters

100 Vote Centers for every 2,732 active registered voters

Combined Polling Place Election requires how many combined polling places:

430 precincts equal to 3 precincts to a polling place @ 143 polling places

4 precincts to a polling place @ 107 polling places

5 precincts to a polling place @ 86 polling places

Denver plans to have a big push for mail-in voting in 2008 per Crane; **Metzler** comments that this is strictly based on assumptions.

Crane said we have looked at previous numbers and what we've heard from other counties indicates this as a ballpark number.

Bill Compton is representing Vivian Stovall today and, for informational purposes, as well as, serving as Political Director of the Colorado Democrats, the party is anticipating a very heavy mail in push and a big county, mail in push statewide;

Berckefeldt says you're sort of reaching critical mass, but Michael said the technology would not be as demanding. **Berckefeldt** said critical mass and ADA point towards a Vote Center model;

Flanagan said finding out where people want to go was the issue; Denver was presented with the Larimer model, but Denver isn't Larimer; Sequoia developed the pollbook and she is very worried about technology failure.

O'Malley responds that in working with Scott Doyle and Jan Kuhnen with the specific goal of the e-pollbook and what it was and, it is proprietary and, clearly Larimer County and other counties want to see us as successful; it doesn't mean that we couldn't purchase or emulate their pollbook.

Sequoia said they had repaired their pollbook per Harmer and she goes on to say that we have to look at the total manifestation from Qwest to the building and, if services at a particular building fail, there needs to be contingency on what if service goes down including, total failure of the laptop; it's not just one thing and, we need to have immediate restoration assurance from Qwest and then there are other considerations besides the pollbook.

Scarpello said we will hold off on historical and projected costs until next week.

Dillard speaks to handouts—essentially an overview of discussions nationwide from legislation to experiences of municipalities; in keeping with Manolo's point we can include studies.

Next week's agenda item—voting systems.

Susan Shepherd states concern with decision making since October 9th is our last committee meeting. O'Malley said we need to get to next couple of sessions and determine from there as to whether there needs to be an extension of sessions.

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