

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

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

Attendees: Michael Scarpello, Director of Elections
Billy Compton representing State Representative Rosemary Marshall.
Denis Berckefeldt, Auditor's Office
Rich Pelletier, America Votes
Sara Harmer, Technology Services
Charles Williamson, Election Judge Representative
Penny May, Mayor's Office
Bonnie Clarke, League of Women Voters
Meg Costello, Common Cause
Susan Shepherd, Denver Area Labor Federation
Walt Beckert, AFSCME
Vivian Stovall, Seniors
Ed Neuberg, Denver Commission for People with Disabilities
Faith Gross, The Legal Center for People with Disabilities
Carolyn Metzler, Republican Party
Carol Boigon, City Council
Steve Welchert, Democratic Party
Dusti Gurule, Latina Initiative
Tina Romero, Staff
Amber McReynolds, Staff
Paul Casper, Staff
Matt Crane, Staff
Alton Dillard, Staff

Clerk & Recorder O'Malley references the question raised at last week's meeting regarding 5 meetings being an adequate number of meetings to determine the model of election for 2008. She goes on to say that the next couple of sessions will determine the need for a sixth meeting, which will ultimately lead to she and Michael Scarpello making the decision based on the group's recommendation.

O'Malley introduces Scott Hogenson as the new Deputy Director of the Elections Division. The decision for Director of Elections was between Michael and Scott. In his estimation of a choice for Deputy Director, Michael chose Scott. He hails from Salt Lake City, Utah and, he has a passion for elections work.

Introductory comments:

- Notes from 9/25/2007 referenced
- Review committee schedule
- Review Ground Rules

Guests present:

Howard Cramer with Sequoia Voting Systems
Scott Meiklejohn, Meiklejohn Consulting
David Larson, Coloradoans for Voting Integrity
Margaret Johanson, Coloradoans for Voting Integrity
Chris Bragg, Colorado Statesman

This week's agenda includes:

Presentation & discussion on voting systems
Discuss future meetings
Distribute information packet for next week

Advantages, Disadvantages, and Unknowns of Paper Ballots: *(reference PowerPoint presentation of 10.2.07)*

Advantages:

Bonnie Clarke points out one possible advantage; that it is conceivable that someone could use a Xerox machine to copy a ballot and not resort to provisional ballots.

Accessibility with Braille. If ballots had to be copied due to contingency, copied ballots would have to be accessible.

Faith Gross states that an AutoMARK advantage is that it uses the same paper ballot as every other voter uses and the secrecy sleeve allows for privacy.

Disadvantages:

When counting in a central count location, machines eat up the ballots and judges have to copy the ballot.

No second chance of voting.

AutoMARK Machine and precinct counter would shoot out the ballot saying you voted twice and, in the central office this would not be a problem

420 piles of ballots based on number of ballot styles; if we have a primary, then times the ballot styles by 3; in a precinct count mode it would require bringing them to a central location and, shooting them thru the machine; It might be 10 p.m. before ballots would get to the central office; at midnight, this poses a problem for candidates wanting to know outcomes

Sara Harmer comments regarding no second chance voting saying that, if they don't make it to duplicating or something happens to the ballot, there's no second chance

Ballot boxes can be left in judges cars

Faith Gross says without a ballot marking device it is an inaccessible method of voting; some voters with manual dexterity and some who are blind would need help with insert to AutoMARK and some people might take issue; the HAVA issue would be to cast a ballot privately and independently; if you choose to vote for a write-in candidate, the AutoMARK won't tell you what you wrote; she didn't know there was a problem with the AutoMARK certification; limited dexterity and blind voters would have to place the ballot in a ballot box or precinct-based counter; SB83 redefined how to cast a ballot where a ballot marking device is available for use; if that is the designated voting system, every person would have their ballots cast by the judge; you would need to have 2 judges from 2 parties accepting the ballots

Dave Larson, Colorado Voting Integrity, asks for clarification on the AutoMARK generating ballots; Scarpello explains that the AutoMARK doesn't count ballots and goes on to say that you take a regular paper ballot, put it into the machine and vote on the AutoMARK like a DRE; it prints your vote on the ballot; it's a marking device; Scott Hogenson clarifies that it doesn't print ballots

AutoMARK from logistics side would require 420 ballot styles X 3 and would have to be programmed per **Harmer**.

When ballots are cast, can they be thrown out on precinct scanners, it might show as overvote; at central count, it would throw out the vote and the ballot would be duplicated; judges would determine voter intent per Crane.

Paper/unknowns:

HAVA/ADA compliance and questions of AutoMARKs or DREs for the disability community; Question of certification/AutoMARKs are not certified and DREs are also are up in the air in terms of certification.

Central count vs. precinct count; central count change could come from Congress or the U.S. Department of Justice.

Acceptance by voters may be considered a step back by some.

Bonnie Clarke regarding voter acceptance states that a substantial number of voters choose to vote by mail; there isn't a problem with this type of voting for this segment of the population.

Scarpello says that in many states overvote ballots are thrown out and goes on to say that he witnessed a 10% failure rate on election day in his experience.

The cost of a scanning machine is \$6,000 per machine.

Susan Shepherd, DALF, says she votes by paper and there are issues around paper; she goes on to ask if a copy of a voter's ballot could be made; she reiterates that paper voting

will be encouraged; she refers back to the problem of fraud and no second chance of voting.

DRE advantages:

Successful history in Denver

Faster and easier voting

Provides for ADA/low-vision voting

Voter familiarity, environmentally friendly, facilitate second chance voting; auditable paper trail; Paul Casper clarifies that this cannot be viewed on the Advantage by the voter.

Ron Williamson said to distinguish between the Advantage where you can see the entire ballot and the Edge causes confusion because you have pagination (cannot view the entire ballot).

Carolyn Metzler said with the Edge machine, you can't undervote; you have an opportunity to correct your undervote.

Edge II reads back to the voter what is being sent to the printer per **Faith Gross**.

DRE voting totals are read instantaneously.

DRE disadvantages:

Time added to print the paper and time voters take to review on the Edge; depending how many times you change your vote, it can take up to 3 times longer to vote per **Ron Williamson**

240 Edges that are owned include the printer; printer has been modified; we would opt for the new printers if given a choice; rate of failure is questioned by Scarpello; high rate of failure occurs with 16% to 18% on the printers

Ron Williamson states that several printers did a strikeover on the printout.

Steve Welchert asks if there is something he needs to take with him when he votes on these machines; Paul Casper explains that you have the opportunity to view your vote; he goes on to explain that the EDGE machine paginates and explains how votes appear; **6-8 minutes per voter is too long per Welchert.**

Clerk & Recorder O'Malley says some people actually stand there and wait for the paper to printout.

It is difficult to recount the voted paper ballot from the machine per **Scarpello**.

Perceived system with vulnerability to fraud; these systems are vulnerable to hackers; higher costs; according to Colorado State Law these machines must be replaced by 2010; 940 machines must be gone by 2010; 940 + 240 are not enough machines for the Presidential Election

With lower turnout rate; had the e-pollbook been working, there still would have been long lines; **Paul Casper** says we have to buy more machines to prevent long lines requiring higher infrastructure costs, more space, more ventilation, and power supply.

Dusti Gurule asks for the cost of the Edge machines; it is verified that the Edge II Plus are about \$6,500 per unit, and extra printers were included so that judges wouldn't have to change paper rolls in the Vote Centers.

Berckefeldt referencing the e-pollbook said that's something that cannot be secured; if someone gets into the T1 line can this be hacked into; **Sara Harmer** said Sequoia could be more specific about the pollbook's vulnerability; she goes on to say that the City hosts a lot of sensitive data and hackers would have to get in through the front end; all they could do is say Sara voted or didn't vote; it can only prevent duplicate voting.

Berckefeldt states that his point is that if you want to get in and vote someone multiple times; what's to prevent this? Crane explains that the actual application that the Elections Division uses is a stand alone system and data gets loaded into the system.

Someone could say, per Rich Pelletier, that 2,000 people were voted and prevent folks from voting. Crane explains that our hardware is so hardened and that every 20 minutes we get an update on voters. McReynolds explains that voted numbers and a significant increase would show immediately.

Harmer says vulnerabilities come from the inside; the potential is higher for hacking from the internal staff.

DRE disadvantage is higher maintenance and higher preparation costs. **Casper** explains that the time to prep 100 machines takes 3-4 weeks to set up and he has no idea on the costs.

Harmer comments that the issues with the pollbook are irrelevant when you are talking paper or DREs/ checking these off is the same.

Faith Gross says that the VPAT in 2008 is required and the font is about 8 pt.; anyone with low vision or legal blindness is going to have a problem; Edge II can zoom as an electronic machine; the Advantage font is too small. She goes on to say that the 2008 VVSG requires that if there is a VPAT, the paper has to actually go to a scanner and be read back to the voter; **Cramer, Sequoia**, said no one has that functionality yet. Crane says the VPAT has to be accommodated by 2008 unless this becomes cost prohibitive to the county and this can then be pushed out to 2010.

Margaret Johanson, Coloradoans for Voting Integrity, states that yearly costs for maintenance are high; Scarpello responds that we don't have answers; Crane states that day to day care is handled in-house and, if there is a huge problem that we can't fix, that's referred back to the vendor.

Steve Welchert, Democratic Party, states that the function of budget is to buy machines for every precinct and asks if this is a goal to have all voters have the same experience; Clerk & Recorder O'Malley says, "yes". Crane responds that we made sure each Vote Center in 2006 had both machines; it just depended on space of the facility; larger had Advantage and smaller spaces had the Edge.

Question posed--How big a deal is it to the people of Denver? How do we feel about DREs?

Bonnie Clarke responds that the national position of the League of Women Voters is that with voting systems to be acquired and, the state of technology, that the official ballot should be on paper; she references handout #4 from the League's website and states that this position changed in 2006 at the national level.

DRE Unknowns/Other Comments:

Carolyn Metzler says we will have uniformity in 2010 where machines are used; as voting numbers we must go to machines, because of the speed; understanding that something can happen from a failure standpoint; we need to use systems that are faster, not slower.

Steve Welchert comments that if our mission is to increase voter turnout and his experience was with the provisional ballot process, which he didn't mind but, what kind of precinct voting are we going to have? How you're going to count is not an issue, it's how accessible is voting?

Berckefeldt said it's been so long since he voted on paper; people have been voting by machine for 50 years. In his estimation there's not a big groundswell to vote on paper; but it doesn't make sense anymore and he is offended that there's voter fraud going on.

Gross says that she wouldn't attempt to protect every voter; many voters would not give up their right to vote independently without assistance; it's one of the few issues of agreement for the National Federation of the Blind and the National Association of the Blind; she goes on to say that she is going to give them an update about accessible voting in 2008.

Rich Pelletier said voting fraud is not a big issue in Colorado. Crane explains that by 2010 all machines in all counties that vote by DRE must have VPAT capability;

Welchert says each machine has to have its own printer and says that in Jefferson County in even-numbered years, they have received as high as 60% mail-in ballots a week before Election Day; how would Denver handle that volume?

McReynolds explains that we had issues with 2 machines during the general election and, 1 broke; a machine was lent by Sequoia; our counting team would come in and process quickly; purchase of another central count for paper would provide for a quick process per McReynolds and, once the process is fine-tuned; there will be more people in a higher turnout year; once you get the process down, it can be a quick count; Scarpello explains that each machine can count 60,000 to 80,000 per machine in a quick count.

Dave Larson, wants to talk about what was discovered in California; in your packet there is a red team report; a group that tested hackability within the system; source code reviewed; machines can be hacked and it's been proven by multiple groups; it's difficult to come up with a system that can't be hacked; you might have to hand audit each and every vote out of a DRE cast vote; extreme numbers of manpower.

Casper explains that the Secretary of State requires 5% audit of the machines.

Scarpello explains that there is a question about all central count voting; you have a failure rate of over 10% with printers; you can actually find problems with optical scan; some percentage of votes are going to be lost

Every single vote count will have to be hand audited per **Larson**, if Denver receives a challenge. **Harmer** responds re hackability in relation to the 2006 election saying that they had one month to hack and Denver has 50,000 hack attempts a week, of folks trying to get thru the city system; she provides perspective of vulnerability to the elections system being for one day only.

Walt Beckert, AFSCME states that quick calculation indicates 6-8 minutes per voter at a projected 115,000 voters, in 2008, with 1278 machines, indicates that we are 1184 machines short; he raises possibility of purchasing machines or running dual machines and, can we keep every machine busy; the fraud side exists but Denver isn't rampant.

Casper explains that in losing ballots; if the VPAT is lost, the record is still recorded; the official paper trail is gone, but results can still be viewed.

SOS has not certified machines including the 100C

Uncertain federal legislation

Shortage of technically competent poll workers

Unknown lifespan of equipment

Support of vendors

Availability of funds

Edge II Plus print faster, but we don't have these; Edge II plus has an incorporated printer to the machine per Scarpello.

Model with paper and DRE

Rich Pelletier wants to know if we are speaking in absolute terms related to paper ballots or are we looking at this in combination thereof. DREs combined with paper per Scarpello. Pelletier asks for context of precinct reporting and what this means in terms of paper; mixed Advantage and Edge; data was not pulled from Edge; information can be pulled by ballot style per Statute; if we do combined precinct mode, we would have to report by precinct; the machine would pick up what precinct the ballot is from; we began doing this in May 2007; DREs might not make data available in a Vote Center environment explains Crane.

Anyone can use the DRE, not just disabled voters, because it may cause confusion for the voter; raises the question about can I vote on a machine? And yes, they can; it's not paper vs. machine – it's both.

Future Meetings:

Scarpello explains that the first 2 weeks involved education and the lay of the land and then we talked locally about machines, disadvantages and advantages of locations and systems; we've thrown this back and forth on how we want to proceed. Just because we weight one point of advantage doesn't necessarily weight advantages the same.

O'Malley intercedes and says we want to hear on how you want to proceed.

O'Malley goes on to say that dialogue is needed between stakeholders in a 5th or 6th meeting outside of she and Mike. She says that she would prefer that the group has had that opportunity to present this to she and Mike with a basis for recommendation, in writing, as well as verbally; stakeholders have an opportunity to chime in with 6 meetings.

Susan Shepherd raises question about understanding of the budget; costs reiterated by Ron Williamson; Scarpello asks if we want mathematical formula and Boigon says to arbitrarily assign numbers will not get us where we need to get; Berckefeldt says these aren't going to be me in a vacuum; Berckefeldt has changed his mind and put all that stuff in the hopper and says if we did this and if we didn't do this, what would we gain or lose? O'Malley says there are assumptions built into the budget numbers; we've got to get where we need to get with some built in assumptions; these are all the different models based on these assumptions; Boigon said if we build a pro or con we would have to validate and staffing costs will also factor; a question of cost for each type or each model is raised by Gurule asking where are they going to get the money, what percentage will come from the City and, can we get a realistic idea of where the money is going to come from? Scarpello said we had 1.4 million and we have at least \$100,000 available

though the State. Gurule said a breakdown of budget would be helpful. Clarke recommends putting numbers to all these components; e.g. cost of place to vote; 100 judges to be found and trained; each piece of equipment, then we can mix and match or multiply and, on some things we won't have figures. Harmer said there are also recurring costs and some unknown costs based on what the State decides. Dollars on the necessities will be provided at the next meeting and the 6th meeting will convene on the 16th if that works for everyone to convene, per O'Malley. Scarpello and O'Malley to provide information at next meeting. Rich Pelletier asks regarding the budget for 2008 and whether it has been sent to Council; O'Malley explains that it's all operational and we have not submitted costs related to equipment. Welchert said it would be helpful to have staff remain in the room when O'Malley and Scarpello are not present.

Berckefeldt said that to Council's credit the \$160,000 supplemental was approved. Council has always approved requests from the Election Commission per Boigon.

O'Malley concludes that recommendation in writing are particularly requested with a decision to be targeted by end of November.

Meeting adjourned at 3:43 p.m.

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