

Meeting Notes
2008 Model Elections Advisory
Tuesday, October 16, 2007
2:00 p.m.

Attendees: Stephanie O'Malley, Clerk & Recorder
Michael Scarpello, Director of Elections
Ed Neuberg, Commission for People with Disabilities
Faith Gross, The Legal Center
Rich Pelletier, America Votes
Vivian Stovall, Senior Alliance
Carolyn Metzler, Republican Party
Jacquelynn Parkison, Election Judge (sitting in for Ron Williamson)
Heather Riti, Budget Management Office
Penny May, Mayor's Office
Jessie Danielson, America Votes
Walt Beckert, AFSCME
Rosemary Marshall, State Legislator
Denis Berckefeldt, Auditor's Office
Susan Shepherd, DALF
Jenny Flanagan, Common Cause
Bonnie Clarke, League of Women Voters
Scott Meiklejohn, Meiklejohn Consulting
Dusti Gurule, Latina Initiative
Sara Cassidy, Denver Metro Chamber (for Tamra Ward)

Clerk & Recorder O'Malley provided an update regarding the November Regular & Coordinated Biennial School Election – Last batch of ballots to be mailed October 22, 2007. Reactivation can occur only in office. No one can mail in a form or fax a form for reactivation. There are 3 ballot styles including, candidates at large, ballot initiatives, School District #1 candidates for District 1 and School District candidates for District 5. Ballot drop-off sites don't begin until October 29.

Director of Elections Scarpello states that 15 models of election were proposed and a motion was made to eliminate options 6, 7, and 10. He suggests continuing by picking the low-hanging fruit and getting down to the more viable options. He requests thoughts on how to proceed.

Bonnie Clarke, League of Women Voters, wants to know more about paper ballot central count; regardless of what mode is used, she wants to know how ballots get delivered to the central counting place. Scarpello responds that there are different modes of pick up of ballots in different jurisdictions; sometimes there is picking up throughout the day at each location to deliver back and, sometimes there is a collector; but bottom line is that ballots go to a central location.

Rosemary Marshall, State Legislator, states that the Administration has consistently said they support the Elections Division but with Option 9, 15 million dollars is rather high. She goes on to say that there has not been enough input from the Administration as to the most practical course to take. In addition, she says that if options are chosen with added cost, will the Administration support those options.

Carol Boigon, City Council, states that Council is committed to make the best election in 2008 and that she can't speak for the Administration. Penny May, Mayor's Office, speaks for the Administration and states that they also want to have the best election possible and, that they will work with Stephanie to make sure that happens.

O'Malley comments that she wants to be fiscally prudent and doesn't want voters to have their vote abridged. She is uncomfortable asking the voters for 6 million dollars and, this would be a tough ask. Scarpello adds that when it comes to cost; as far as Vote Centers go, T1 costs are not figured in. In addition, there are costs when it comes to facilities and we are currently lobbying for a new facility to co-house the warehouse and administrative offices. Stephanie goes on to say that it might impact the City's ability to provide service in another area and the City's ability to fulfill everybody's wish list and it could affect other services in other parts of the City.

Rich Pelletier, America Votes, offers that in terms of how the conversation is structured perhaps the group could talk first about which options they are supportive of.

Berckefeldt, Auditor's Office, raises the question of Vote Centers stating that there are significant problems with 8 and 9; that there are too many budgetary problems involved with 8 and 9; and unless enough places can be found from a technology standpoint and an ADA standpoint, these will be difficult. **Walt Beckert, AFSCME**, seconds the motion. Walt goes on to say that some people believe that Vote Center's are the best thing for the future and that whatever we decide for 2008 may not hold until 2010. Once the pollbook has been tested and has proven to be a good thing who knows. The Secretary of State is going to have a pollbook that may work for us. **Vivian Stovall, Senior Alliance**, wants to ensure that Vote Centers aren't killed for the future. **Ed Neuberg, DCPD (Denver Commission for People with Disabilities)** brings up HAVA/ADA accessible places and that if we're looking at 175 sites, costs can't be estimated. **Gross** said it wasn't easy last year and looking at Vote Centers in the future requires that folks here share responsibility with staff to find accessible voting sites. **Jenny Flanagan, Common Cause**, appreciates what is being said and wants to come at it from where will funds come from including all staff necessary to run the election, education and outreach and the fact that it will be a new model. Her biggest concern is new technology and we won't know that until early next year. She goes on to say that machines today are being certified with 2002 standards and we would be buying machines without knowing the standards; there is too much expense with new voting machines.

Carolyn Metzler, Republican Party, supports Vote Centers from an accessibility standpoint and, with the funds spent last year on adaptations it's going to be money down the drain. Carolyn says we all acknowledge concerns about technology and that once we

sign the dotted line, it's obsolete and, she would not support eliminating Vote Centers at this time.

Susan Shepherd, DALF (Denver Area Labor Federation) asks if there is a sense of voting places for next year and are there some in the bank. Faith Gross responds that about 45 were okay; people power was required 2 days before the election; if we start now and survey we would be in better shape; the 45 were pretty good; the sites that were added were problematic from an accessibility standpoint. Paul Casper, Warehouse Supervisor, adds that reliable surveys were done with 80 or 90 sites and that 6 crews will be out this week surveying.

Walt Beckert wants to know if we can do precinct reporting out of Vote Centers. Matt Crane responds that if we have all Edge machines we can; if we keep split machine scenario-Advantage and Edge, we can't. This only applies to a Vote Center environment.

Faith Gross, the Legal Center, goes on to say that she sent an email to Howard Cramer at Sequoia asking if the new Edge II Plus have simultaneous audio and visual. Scarpello points out that 2005 standards have not been certified and states that Cramer is highly confident that the Edge will be compliant but not the Edge II Plus.

O'Malley calls for the question to eliminate Options 8 & 9; vote results as follows:

- 13 yes votes
- 2 oppose
- 2 abstentions

Rich Pelletier moves to eliminate the precinct polling place option, especially in light of ADA issues and recommends that the number of sites should be determined by handicapped accessible sites.

Carolyn Metzler asks if there are a hard and fast number of sites.

Scarpello states that for purposes of this exercise we made an educated guess about how many we could or couldn't have-- it could be 100 or it could be 175. O'Malley adds that we knew it was more than 75 but less than 292. **Flanagan** states that we talked about precinct polling and it's just using more combined but less polling precincts; with fewer sites and adds, that from the public perception we want to make it clear to the voters that we will have new locations and we will have to do education; it's precinct polling and wants to be sure that this is how we will approach the concept.

Scarpello calls for the question to Eliminate Polling Place Election Options 1-5 and vote results as follows:

- 14 in favor
- 1 against
- 1 abstention

Option 13 – **Dusti Gurule, the Latina Initiative**, states that Advantage precinct results were discussed as a problem and asks for clarification. It is clarified that the problem would be with machines not being used as someone enters a polling place as a machine would be designated for a specific precinct.

Stovall raises the question of complexity of election administration and Scarpello responds that it gives us the best of both worlds but also the worst, because poll workers may not be trained that well and there could be more mistakes; Edge Machines are fairly new and, paper ballots would be new and, these two modes of education would make it difficult.

Walt Beckert comments that when we had our unclear election, we had 1184 machines and we are now proposing 200 new machines; we had lines going out the door and machines were kept busy; the back-up was at registration not at the machines. Walt wants to know if 1400 machines are satisfactory or not and wants to know if anyone had done the mathematics. **Heather Riti, Budget Management**, responds that the math has been done. Walt goes on to say that taking 6-8 minutes to vote, how many people can vote in an hour and how will you get an estimated 112,000 through on election day. Assuming that half vote on machines and half on paper, based on historical data, with Options 13 and 14, voting machines go up. Scarpello says this assumes looking at the flow all day; understanding that during rush hour there are going to be lines; one can never have too many machines and we can still end up with lines. Crane explains that we have time stamps of when people voted but that we haven't tracked actual times that people voted.

Options 11 and 12 would still have training issues but not as extensive per Scarpello.

Stovall is concerned about training and staff needs to be trained to train; having been a judge since the mid 70's; concept is that people cannot be trained and, maybe age wise they can't be trained however, she is concerned about the mentality. She goes on to say that she attended every training class and, there was a difference in the training classes and, how things were handled. She doesn't believe that one Edge Machine per polling location will work. A large number of people are going to want both machines and paper in **Stovall's** estimation and she is leaning towards Option 15. O'Malley responds that the Elections Division needs to train to dual systems to understand paper process and machine process and this opens the door for added risk. Keeping it more simple poses less risk per O'Malley. Scarpello said there has been some discussion and concern about one machine at each polling place and explains that with Options 11 or 12 these would be paper. The idea with 11 and 12 would be to encourage paper voting and **Faith Gross** states that people with visual disabilities will come in and be told that they have to vote on the machine; they may not want to and, the same holds for those who want to vote on paper and they are told they have to vote on the machine. **Faith** is concerned about this form of voting being viewed as segregation.

Scarpello called around to different jurisdictions and found that California is heading towards paper as well as, Florida. Alameda County in California; in determining problem

with lines had 1000 machines and 850 on each machine; similar counties had similar usage; Omaha had 300 machines with 450 votes on each machine; machines would be overused from this standpoint.

McReynolds adds that DREs at the main office had 1, 1, and 2 voters at recent elections. There is parking involved and this poses difficulty. **Faith's** husband voted at a machine, although he is not disabled, he believes that many people share the belief that paper would be going backwards.

Paul Casper adds that using machines is very labor intensive, will be more expensive; software isn't going to work the same for both; it has to be changed out and it's more time consuming; simple is better per Casper; more man hours are needed and the cost of machine versus labor needs to be distinguished. **Carol Boigon** reminds all that it's not about subsets but the bottom-line figure.

Carolyn said there will be a delay with paper ballots; currently Denver only has 2 central count machines. **Bonnie Clarke, League of Women Voters**, suggests eliminating #13 because of the Advantage Machines stating that they will have to go away before the next election. **Rich Pelletier** offers a second. Discussion follows. **Flanagan** says this is a big unknown and leans more toward Option 14 and buying more Edge Machines. There is comment about the Edge with paper and, who gets to use the machines and can we come up with training to address. **Stovall's** solution to have more than one machine would require multiple 100's of Edge Machines. **Flanagan** is not ready to vote on **Bonnie Clarke's** proposal. **Berckefeldt** is with Jenny in holding off on the vote, stating that 15 appears to be complicated but it appears to be paper, too. He goes on to say that you're going to vote with paper ballots or you're not; then we get to issues of mixing paper and machines. **Berckefeldt** is confused about Option 13, because if people want to vote on machines, they should be able to.

Flanagan states that in terms of ADA models, in finding sites, stakeholders worked hard to find ADA compliant sites and recommends the help of the panel in identifying future sites. She goes on to say that provisional ballots when talking Vote Center to precinct style, provisional ballot usage will increase and only those counted will be in federal and state races; this may be prohibited by law and we used sample ballots in 2006 to vote; and, perhaps we create some options. Crane said that the e-pollbook was supposed to make it better; if we go to option of paper pollbook and perhaps one laptop with the whole jurisdiction in each precinct; and, provisional ballots will have to be addressed. **Carol Boigon** states that investing in terms of long-term value we should eliminate counting equipment because it would be a short-term investment. Scarpello states that the precinct counter is incompatible with Vote Centers.

O'Malley said what was done and what should be done were 2 different things and our mission is to get it right this time. She brings back the motion and 2nd on the floor to eliminate Option 13, Edge and Advantages in combined precinct; results as follows:

2 in favor

Opposed – 10

Abstentions - 4
Motion fails.

Carol Boigon moves to eliminate Option 12 paper ballots with precinct count and Walt Beckert seconds. **Bonnie Clarke** states that she would strenuously argue against eliminating this because this corrects the undervote and overvote and, assists with clerical errors; California used this; Minnesota is going to; this gives you a paper ballot and results to post in the precinct and gives you ability to handle excess people; national legislation is being discussed and this may be a more efficient system in terms of counting ballots; instead of moving to machines that may be obsolete

Scarpello states that in Omaha when it comes to precinct count and overvote that the vote doesn't count. In Colorado with central count the vote is kicked out and there is a chance if they can determine voter intent, it can count.

Option 15 is central count per Scarpello.

Flanagan wants clarification on central count as to whether precinct results be done. Flanagan agrees with Boigon that if we are not going to Vote Centers again this might be the best model to keep

Rich Pelletier comments that whether central or precinct count, central count would be faster versus precinct count; if there was central count overvote, judges would determine voter intent and the ballot would be recast. Crane responds that this is true.

210 precinct machines will be needed per O'Malley, if we go with precinct counters.

David Larson, Coloradoans for Voting Integrity, talks about 1 million dollars for DREs and 1 million dollars for scanners, stating that if DREs are bought machines may be decertified and much riskier. He goes on to say that there are lower maintenance costs on scanners. There would be 1.4 million dollar cost on optical scanners and 1 million dollar cost on DREs but would there be a difference in maintenance costs? Paul Casper is not familiar with precinct counters and can't comment.

Scarpello adds that the complexity of elections administration applies as well, because of precinct counters and DRE mix.

O'Malley requests clarification of the ballot being placed in the counter by the voter or the judge. It is explained that if the machine is an Automark, then the judge would place the ballot in the machine; if Edge Machines are used, the voter would place their own ballot in the box; scanner indicates when a voter overvoted; the voter corrects the ballot and gives the ballot to be counted again; some risk in there being repeated scenarios when voter has to go back and there may be a line at the precinct scanner. Faith Gross is struggling with the unknowns until November 16 for vendors to provide documentation to the Secretary of State. O'Malley states that vendors have started to cooperate, that the SOS seems confident but it's a pretty big 'if'; it is asked if the Advantage are part of the

recertification process. Crane responds that John Gardner said if Win EDS software is recertified, the machines will be approved and not be decertified or recertified. Faith is not satisfied that the Edge II Plus can meet accessibility requirements and believes that we should buy the absolute minimum machines because she will be back saying we have to buy the most accessible machines. The question posed to Mr. Cramer was fairly simple and she is disappointed that he didn't respond.

Flanagan offers a substitute motion of going with Option 11, central count practicable to certification to go to 2 Edge Machines at the polling places; this still involves additional costs and the HAVA costs are unknown; there is still a big cost associated with this budget. **Flanagan** withdraws her motion.

Question is called to eliminate Option 12; vote results as follows:

3 in favor

Against– 4

Abstaining – 7

Motion fails.

Susan Shepherd is not comfortable with option 14 because machines are becoming obsolete; all the machines could possibly not be certified; although the Secretary of State, last Friday, was confident things would move forward; (Clerks pressure would provide a huge personal opinion)?; 2002 federal requirements and Colorado adopting these on 31st of December also factor.

Bonnie Clarke wants to know if there's a consensus and that we don't have to be so specific that we don't want to mix paper with machines and, that if you are going to be roasted if there aren't going to be machines; her opinion is let's give our general direction, with most voting on paper and go with machines.

Option 14 is not the right option because it may be obsolete by 2012. **Shepherd** cannot justify taxpayer money towards this end. **Berckefeldt** seconds eliminating Option 14.

Vote results as follows:

13 in favor

Abstention – 1

Option 14 is eliminated

O'Malley reflects regarding a hybrid of paper and equipment and Option 13 doesn't speak to that. **Berckefeldt** states that if Advantages and Edges are okay and we get by with one more election; he is okay with keeping it but afraid of the unknown; alternate to the hybrid **Berckefeldt** suggests 13 as the hybrid and as #1. **Faith Gross** states support for 13 and, she is going to assume that machines will be certified and that vendors will step up; she's looking long-term as far as polling places and that people are used to them. **Gross** supports Option 13 and **Berckefeldt** seconds.

Rich Pelletier says additional cost to Option 13 would be an added \$425,000 with 240 Edge and less than 120 places, theoretically, would there be any additional cost; with the

hybrid method; are 8 going to be enough; paper was intended to cut down on voter disenfranchisement; Option 13 opens up more points of failure.

Stovall wants to know if paper ballots will still be available and mail-in ballots still available.

Scarpello states that we want electronic voting; from the practical side you are okay with lines and from the political side, Florida has caved in and California has caved in; and he expresses that he expects that the committee will stand in a press conference with him and, we won't have a paper trail.

Gurule wants to voice support for a hybrid model, because of problems and, some people are apprehensive and, the option of paper ballot is trusted; some people want to vote on paper.

Gross states that paper trail would be available with Option 13 and that the Edge would provide paper trail and the Advantage wouldn't.

Substitute motion is posed by **Rosemary Marshall** to go with the hybrid and have Option 13 and, more than one recommendation and, we can prioritize 11 & 12 (precinct count vs. central count—basic difference is with results) and go with 13. **Carol Boigon** seconds; voting to allow the substitute motion.

Vote results as follows:

7 in favor

6 opposed

1 abstention

Substitute motion carries.

Faith Gross is not convinced that voting with paper is any more secure and tampering with paper can occur and is concerned with segregated voting. **Neuberg** wants 13 as prime and 11 and 12 as second choices. **Jacquelynn Parkison, Election Judge**, says judges know Advantage and they are learning the Edge; the problem was with e-pollbooks and registration was the problem. Cost wise and administrative wise having flexibility; either of these options would work and she doesn't want to eliminate Option 13. **Bonnie Clarke** responding to motion, agreed to accessibility and Advantage cannot reprint and we are aware of Sarasota where we cannot determine what happened to those 18,000 votes; with hybrid election people are concerned with their votes being printed or not printed and that can be dealt with. If less than twenty-five voters vote on the machine, per Matt, results will have to be rolled over to the total count. Matt says if we go to Options 11 and 12 we will have to reprecinct because of the way state law is written; clarification is required from Secretary of State and, Dan Willis had mentioned that the law is unclear; if it's precinct, it's not clear if it's 1500 or 1600 per precinct, it is something that would have to be addressed legislatively; **Berckefeldt** is still a paper ballot guy and is very comfortable with the hybrid vote.

Walt wants to know that if machine is programmed for the precinct that he can vote by machine. He states that it is up to Carol and City Council to come up with the money and Walt would like to see paper balloting and DREs at combined polling places and leave decision to people who know more about the budget. Option 15 is still on the table per O'Malley. My objection, **Vivian** says, is whether you can walk into that combined location and that's my biggest concern and Option 15, in having more than one Edge machine, would address my concern.

Heather Riti says that she looks at the technology and upkeep over several years and is leaning toward Option 11; buying additional central scanners; and ensuring everyone is trained; there is question with buying new machines and having new capability and, are we going to be able to get them in time and we may not get them in time for the 2008 Elections.

Rich says his sense is that we are building off of **Clarke's** consensus and that the Division determines the needs of each polling place without locking the Division into a specific number per polling place. Scarpello restates that taking away combined polling places; preference is paper and potential use of machine in adequate numbers to serve the people and alternative is to use DREs only. **Rich Pelletier** responds "no." Beckert states that not everyone is in favor of pure DREs. **Pelletier** is not sure on central or precinct counting; and we haven't guidance on way to count; doesn't want to place motion and wants more discussion about central vs. precinct counters.

O'Malley says you're in the precinct with precinct counting and able to see your vote right away and to revote if you want to; centralized counting is conducted with optical scanners and, if a ballot is kicked out it is looked at by judges for voter intent.

Trustworthiness opens you up to 175 points of vulnerability thru certification and liability per Scarpello and maybe central count is more secure; there are 5 or 6 machines to test with central count and with precinct based there is 200 that have to be tested. Crane acknowledges that central count scanners went down in the last election and these machines aren't certified and precinct counters aren't also; there are 175 packets of information to get to central count and 175 points of failure there as well.

Rosemary was anxious to hear what Division would recommend and all seem to have inherent problems and it's difficult to determine what would be better than others; we want everybody to have a vote and we want to ensure that there is an option for paper trail and we don't want to rely solely on electronic version. Let us know what is most practical and efficient. O'Malley has broached from perspective of keeping it simple and noncomplex and being sensitized to disability community; I don't want to get our Division in discussion about disabled voters; hybrid model is appropriate; keep confusion down and complexities down; because of what happened in November 2006 and the mass confusion in the polling places; O'Malley is sensitive to that not happening; risk of a line scares her; the precinct counters scare her; could become complex; central count minimizes the risk because they go to a duplicating team; wants to know how many up for discussion in terms of machines. O'Malley states that she and Mike have further

discussion; machines could be millions plus and then it becomes an investment made that perhaps wasn't a good one.

Bonnie said maybe 30-50% will be voting by paper in 2008 and there is an argument for central count.

O'Malley states that this process was so helpful and critical and because of how it was approached and, 1 or 2 people are needed to put something in writing back to her and Mike as a memorialized document to place comments in writing. **Denis Berckefeldt** volunteers to do so.

O'Malley goes on to say that the Clerks Association Legislative Committee requested her involvement on the Legislative Committee with 3 other clerks and she believes that this session is going to be legislative. There will be proposals around election matters and some things that have already presented themselves back to you via email. O'Malley would like to keep this group as an advisory group related to input and would be going to the group for input on proposals for same day registration and mandatory balloting for the Presidential Election.

4:10 p.m. adjournment.
