

**Denver Election Commission  
200 W. 14th Avenue Suite 100  
September 16, 2003  
4:00 P.M.**

Present: Sandy Adams, Commissioner  
Susan Rogers, Commissioner  
Wayne E. Vaden, Commissioner  
Efrain Padro, City Attorney's Office  
David Broadwell, City Attorney's Office  
Carolyn Metzler, Citizen  
Frank Sullivan, Denver Democrats  
Bonnie Clarke, Denver League of Women Voters  
Sean Walsh, CRL Associates  
Karon Majeel Hatchett, Executive Director  
Robert Asmus, Staff  
Alan McBeth, Staff

Commissioner Vaden called the meeting to order at 4:05 p.m.

I. Approval of Minutes

Commissioner Adams moved that the minutes of the August 21, 2003 Regular Meeting be approved. Commissioner Rogers seconded the motion, which passed unanimously.

II. Executive Director Report

A. Revenue for July 2003: \$167.56  
Revenue Year to Date: \$95,644.56

B. Spanish Language Advisory Board Update

Ms. Hatchett indicated that Evelyn Rojo is ill, and that there is no formal report available at this time. Mr. McBeth noted that Univision TV covered the most recent Advisory Board meeting, and that the "outreach" effort has received television coverage at recent voter registration events and on the DCTV show, "Latin Lingo."

Denver Election Commission  
September 16, 2003  
Page 2

The next meeting of the Spanish Language Advisory Board is scheduled for October 1, 2003 and will be held at NEWSED.

Ms. Hatchett made some remarks about the Kids Voting/Denver Election Commission School Voter Registration drive. This drive has been organized by Evelyn Rojo, Nancy Gilder (Mayor's Office) and Alan McBeth. Several staff members and volunteers will go to Denver high schools and present an orientation to the Voter Registration Drive. The program will encourage high school students to go out into their communities to get their friends, relatives and neighbors registered to vote. The drive will last for the duration of National Kids Voting week – September 22 – 26. To date, seven high schools have agreed to participate. They are East, North, West, Thomas Jefferson, Kennedy, Lincoln and Manual. Ms. Hatchett asked Commissioner Vaden to contact Montbello high school to see if students and teachers there might participate.

Ms. Hatchett also noted that the drive would be kicked off on Monday, September 22nd, with an appearance at Thomas Jefferson high school by Mayor Hickenlooper. Commissioner Rogers volunteered to speak on behalf of the Election Commission at this event.

C. Donation Plan

Ms. Hatchett requested that consideration of this agenda item be tabled until the next Commission meeting. Hatchett indicated that she is in discussion with Mr. Henry of the city's Ethics Board concerning how donations to the Commission might be accepted. She indicated that she had met with Mr. Henry two weeks ago. They reached agreement that it may be appropriate for the Commission to accept some gifts.

However, the process of how gifts are to be accepted is not resolved. Hatchett noted that the Auditor's Office appears to have a policy prohibiting the acceptance of gifts by city agencies.

Ms. Hatchett indicated that she requested that the AFL donate \$250.00 of its promised \$600.00 gift directly to Denver Community Television (DCTV) – to cover the cost of an Election Commission membership in DCTV. The membership will allow the Commission to produce Public Service Announcements (PSAs) on topics such as the upcoming Mail Ballot election and new voter identification requirements. Hatchett also noted that there is a great deal of reluctance on the part of the Budget and Auditor's offices to creating a Special Revenue Fund for donations to the Commission.

Denver Election Commission

September 16, 2003

Page 3

Ms. Hatchett indicated that she would draft a policy on "gift acceptance" and seek its approval by the Commissioners and the Ethics Board.

Commissioner Rogers asked if this situation mirrors the League of Women Voters' arrangement to buy "I VOTED" stickers directly and donate them to the Election Commission. Hatchett responded in the affirmative, noting that the arrangement involved no direct donation of money to the Commission.

Commissioner Vaden asked about the status of the Commission's budget. Ms. Hatchett responded that, to date, she has not been informed of any problem with the budget. She indicated that she is uncertain if the Commission's proposal exceeds the expectations of the Budget and Management Office (BMO). She also noted that the Commissioners would find one budget item on the Mail Ballot Update.

### III. Old Business

#### A. North Denver Democrats Update

Ms. Hatchett indicated that this item is on the agenda as a result of a request by Commissioner Rogers. She suggested that the Commissioners examine the legal filing on the matter. Given the North Denver Democrats' compliance with campaign finance requirements, the City Attorney has decided not to pursue the case.

#### B. Mail Ballot Update

Ms. Hatchett indicated that she submitted the Mail Ballot Plan to the Secretary of State last week, but has not yet received that office's approval of the plan. She also indicated that the Secretary of State does not anticipate taking the full 15 days allowed by law for approval. Hatchett noted that this year's plan is much more detailed than the 2001 Mail Ballot plan.

Commissioner Rogers noted that the "Official Instructions" on the ballot are not entirely in English and Spanish, and asked if this is the final document. Ms. Hatchett indicated that the document in question is only a draft, and not the final version.

Ms. Hatchett indicated that the Department of Justice has requested that Denver offer multiple Ballot Drop-Off sites, so that people who do not wish to mail their ballots will not be disenfranchised.

Denver Election Commission

September 16, 2003

Page 4

She directed the Commissioners to examine the various draft "Drop-Off" proposals prepared by Carrie Kellogg. One calls for 19 drop-off sites, and has a cost estimate of \$59,700.00

Commissioner Vaden requested that the Postal Service be contacted. Vaden wants to know if the Commission will pay the postage for a returned ballot if a voter fails to do so. Ms. Hatchett responded that state law requires voters to pay for postage. Commissioner Vaden asked if there is any way to get a reduced postal rate for ballots returned by voters. Ms. Hatchett indicated that the only way to return ballots at no cost is to drop them off.

Commissioner Adams asked what would happen if the Commission established only one drop-off site, or fewer sites than have been proposed. Commissioner Rogers responded that such an action would invite a lawsuit by the Department of Justice and/or the American Civil Liberties Union.

Commissioner Rogers asked if a new "drop-off plan" would require the Commission to resubmit its entire Mail Ballot Plan. Ms. Hatchett replied that an amendment to the plan is all that would be required.

Commissioner Rogers also asked if the drop-off sites proposed are geographically distributed. Ms. Hatchett answered in the affirmative, and suggested that the Commissioners peruse the various proposals and respond to her with their preferences. Hatchett indicated that another meeting might have to be held to finalize the Commission's decision. She also noted that a Supplemental Budget might be required to cover the costs incurred.

Commissioner Rogers noted that ways to reduce the costs of drop-off sites include reducing the number of sites, reducing the staffing at each site, and reducing the number of days "ballot drop off" would be offered. Commissioner Rogers asked Ms. Hatchett to prepare a matrix that would allow the Commissioners to consider the alternatives easily, and also inquired how much had been budgeted for Mail Ballot Drop-Off sites.

Ms. Hatchett responded that the budgetary problems have arisen due to the fact that the Commission did not reduce the number of precincts prior to the May and June 2003 elections. Reprecincting would have saved money on election judges for those elections. Since it was not done, the Commission went over budget for the May and June elections, leaving too little to cover all the costs of the November 2003 election.

Denver Election Commission  
September 16, 2003  
Page 5

Commissioner Rogers indicated that she would rather see fewer workers at each drop-off site than to have fewer sites. She reiterated the need for geographical diversity of the sites. Commissioner Vaden expressed the opinion that the current proposals lack sufficient geographical diversity. Commissioner Rogers asked to see the proposals displayed on a map.

Ms. Hatchett noted that the Commission has asked to use the community center at Green Valley Ranch as a ballot drop-off site. Commissioner Rogers asked if libraries might be used, and was advised that to be used, libraries must pay extra staff time – which is cost-prohibitive for them.

Ms. Hatchett indicated that one possibility would be to shorten the hours of "drop-off" operation (except for on Election Day). She also noted that utilizing more sites would entail more work for the Operations Department and therefore additional costs.

Commissioner Rogers indicated her belief that the Commissioners need to review the proposals before making a decision. Ms. Hatchett indicated that she would supply the Commissioners with maps and an additional proposal that utilizes only the DMV sites. Commissioner Vaden asked if the use of only DMV sites would save a significant amount of money. Hatchett replied that the savings would be only a few thousand dollars.

Commissioner Adams asked Ms. Hatchett if she had discussed the "Ballot Drop-Off Plan" with the Secretary of State. Ms. Hatchett replied in the negative. Given that, Commissioner Adams asked why so many drop-off sites were included in the proposals, noting that they contain more sites than were used in 2001. Ms. Hatchett indicated that she would check on the matter. Commissioner Adams asked if it is appropriate for the citizens of Denver to pay to accommodate those voters who refuse to mail their ballots to the Commission.

Commissioner Rogers responded that some people will not leave a ballot in their mailbox – to be picked up by the letter carrier. Rogers indicated her belief that many of these people cannot get to a mailbox, but can get a ride to a drop-off location. Commissioner Rogers asked that the drop-off proposals be tabled for a week, so the Commissioners can consider them. She indicated that a Special Meeting might be required to decide upon a final plan.

Denver Election Commission  
September 16, 2003  
Page 6

#### C. League of Women Voters Thank You letter

Ms. Hatchett read a letter that has been prepared for the Commissioners' signatures. It is addressed to

Nancy Ulrich, President of the Denver League of Women Voters and thanks the League for its purchase of "I VOTED" stickers for use in the 2004 election.

#### IV. New Business

##### A. November 4, 2003 Drop-Off Sites

Commissioner Vaden noted that this item has already been discussed.

##### B. Secretary of State Voter Identification Guidelines

Ms. Hatchett reported that the Secretary of State has not provided a final draft of these guidelines, and that she has no update on the situation.

##### C. New Voter Registration Forms

Ms. Hatchett reported that new Voter Registration forms in English have been finalized, but that the order promised to the Election Commission is missing. The Commission has no supply of voter registration forms from the Secretary of State, which has not completed a Spanish version of the form.

Commissioner Rogers asked if the forms would be on paper or on card stock. Ms. Hatchett responded that the new forms are on paper. She also noted that the Secretary of State was asked to print Spanish forms on a different color than white. This request was denied, since law now requires scanning of Voter Registration forms, and colors other than white will not work in such an application.

#### V. Announcements and comments by Commissioners staff and guests.

Alan McBeth noted that the Commission did Voter Registration earlier in the day at a Naturalization Ceremony at Boettcher Concert Hall. The Commission received 77 registrations, 19 of which were from Denver. Those from other counties have been sent to the appropriate county officials.

Denver Election Commission  
September 16, 2003  
Page 7

Carolyn Metzler indicated that she remains concerned about voters who list their addresses as post office boxes or private mailbox locations. Ms. Hatchett indicated that Commission staff has sent letters to voters with such addresses and has cancelled the registration of voters whose letters were returned as "undeliverable." Based on this information, Rocky Rushing is updating the voter registration database. Voters who use a non-resident address have been notified that election law does not allow such addresses. "Mailboxes Etc." has promised to keep the Commission updated on those who use their services.

Sean Walsh of CRL Associates asked if the Secretary of State has failed to send forms to other counties. Ms. Hatchett responded that Denver and Douglas counties have not received their allotments of Voter Registration forms. It is apparently due to a shipping problem. Mr. Walsh asked if there would be any voting sites (with voting machines) for the November election. Ms. Hatchett answered in the negative, indicating that only "replacement ballots" (paper ballots) would be available at the Commission office.

Commissioner Rogers asked to make a remark on the ballot drop-off plan, indicating her belief that democracy is not "free;" a democracy may have to incur costs to ensure that every voter is enfranchised. Budgetary concerns cannot be the sole determining factor when deciding how many drop-off sites to establish. Commissioner Rogers also introduced City Attorney David Broadwell to the Commission, staff and visitors. Mr. Padro explained that he will be leaving his employment with the city, and that Mr. Broadwell will become the City Attorney assigned to the Election Commission.

Frank Sullivan indicated that he is amazed the City Attorney's office has dropped the case against the North Denver Democrats. Mr. Sullivan made the claim that the monetary figures indicated in the legal filing on the matter do not justify dropping the case. Mr. Padro responded that the City Attorney's office has no "agenda," and merely follows the dictates of the law.

Commissioner Vaden announced that the next meeting of the Commission would be held on October 21, 2003 at 4:00 p.m.

VI. Motion for Executive Session

Ms. Hatchett requested that an Executive Session be held to discuss a personnel issue. Commissioner Rogers moved that Executive Session be called concerning personnel matters. Commissioner Adams seconded the motion, which passed unanimously.

VII. Motion for Adjournment

At 5:15 p.m. Commissioner Adams moved that the meeting be adjourned. Commissioner Rogers seconded the motion, which passed unanimously.

THE DENVER ELECTION COMMISSION

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Sandy Adams, Commissioner

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Susan Rogers, Commissioner

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Wayne E. Vaden, Commissioner

Attest:

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Karon Majeel Hatchett, Executive Director

Dated: \_\_\_\_\_