

**Denver Election Commission
200 W. 14th Avenue Commission Meeting Room**

**September 21, 2004
4:00 p.m.**

Present: Sandy Adams, Commissioner
Susan Rogers, Commissioner
Wayne Vaden, Commissioner
Victoria Ortega, City Attorney's Office
Suzanne Comcowich, Budget and Management Office
Bonnie Clarke, League of Women Voters
Carolyn Metzler, Denver Republicans
Mike Nelligan, Denver Republicans
Frank Sullivan, Denver Democrats
John Heckman, Concerns of People
Barbara DeGroot, Citizen
Julie Connor, City Council District 7 Office
Karon Majeel Hatchett, Executive Director
Robert Asmus, Staff
Kathleen Mills, Staff
Anthony Rainey, Staff
Bill Brennan, Staff
Walter Bell, Staff
Alan McBeth, Staff

Commissioner Adams called the meeting to order at 4:08 p.m.

I. Approval of Minutes

Commissioner Rogers moved that the minutes of the August 31, 2004 Election Commission Meeting be approved. Commissioner Vaden seconded the motion, which passed unanimously.

II. Executive Director Report (Please see attached report for detailed information.)

A. Revenue for August, 2004: \$866.85
Revenue Year to Date: \$212,611.26

Denver Election Commission
September 21, 2004
Page 2

B. IT Update – Anthony Rainey

Mr. Rainey directed the Commissioners to his monthly report for detailed information on IT. The highlights of the report indicate an upcoming general systems check, ballot creation and some phone calls concerning the security of Denver's electronic voting machines. Mr. Rainey indicated that he will begin preparation for early voting next week. Site surveys will be conducted and a new early voting site (the King Soopers at Stapleton) will be added.

Mr. Rainey reported that he has been attending a conference at the Secretary of State's office concerning the new statewide Accenture voter registration system. He further noted that he is working on facilitating more timely payment of election judges, and performing election maintenance. Commissioner Rogers requested that one change be made in the IT report. She indicated that the new Stapleton early voting site is in the northeast corner of the city, not the northwest corner.

Ms. Hatchett mentioned that paying election judges in a timely manner is extremely important, but it is difficult to process in the "Integrity" system. Mr. Rainey noted that most voter registration computer systems do not have an "accounts payable" module. Ms. Hatchett indicated that Mr. Rainey, Ms. Mills (Election Judge Coordinator) and Debbie Gokey (Business Manager) are working with the Auditor's Office on enhancing the election judge payment system.

Commissioner Rogers noted that several City Council members have expressed concern over the delay in election results reporting for the Primary Election, and that they want assurances that this problem will

not recur in the General Election. Mr. Rainey responded that during the first hour after the polls close on General Election Day, partial absentee ballot and all early voting results would be reported.

Commissioner Adams asked why absentee results were not reported earlier on Primary Election Night. Commissioner Rogers noted that the City Council members who have contacted her want results earlier than they were reported for the Primary Election. Mr. Rainey responded that a "table" malfunctioned on Primary Election night. He noted that this has never happened before, and he does not expect it to happen again. Rainey also noted that the Commission is prepared with new back-up facilities, new machines and new power supplies for the General Election.

Denver Election Commission
September 21, 2004
Page 3

Commissioner Adams indicated that the advantage of DRE (Direct Recording Electronic) voting machines is the fast reporting of results, and that the Commission should expect quick results from these machines. Commissioner Vaden expressed the opinion that City Council members and others should be able to wait 30 minutes for accurate election results. Commissioner Rogers added that results are "better accurate than fast."

C. Data Entry Update – Bill Brennan

Ms. Hatchett noted that Mr. Brennan is doing data entry at this time, and directed the Commissioners to his report, which is attached to the Executive Director's report. She also indicated that she would have Mr. Brennan join the Commission Meeting.

Ms. Hatchett reported that the data entry staff has been working on Saturdays, and noted that there is a finite number of computers that staff can utilize to do data entry. She also mentioned that the Commission has hired additional temporary workers to handle data entry. Hatchett indicated that the Commission may have to institute an evening shift for data entry, and may request referrals of temporary employees from the Secretary of State's office. (She noted that Bill Brennan will be asked about this when he joins the meeting.)

Ms. Hatchett indicated that Mr. Brennan has been asked to contact organizations doing voter registration drives, to explain to them the problems the Commission is encountering with registration forms submitted by some of these organizations. Hatchett mentioned that a large percentage of new registrations are duplicates. She also noted that there is a possible "saturation" of voter registrations in Denver, and that the Commission is encouraging people to get their registration done immediately. She also noted that there are not "duplicate registrations" but "duplicate registration applications." These duplicates are costly to the Commission, in that they entail labor to begin processing, then it is discovered that the new registrant is already registered.

Hatchett also mentioned the task and expense of scanning voter registration documents onto index-able database disks, currently provided by an independent contractor. Commissioner Vaden mentioned that this task constitutes much of the Clerk and Recorder's staff's work. He suggested that there might be a way for his staff to accomplish this, rather than having it hired out by the Commission. Mr. Rainey commented that the Clerk and Recorder's computer system would not interface with the Commission's systems.

Denver Election Commission
September 21, 2004
Page 4

Mr. Brennan reported that there are approximately 5,000 to 7,000 voter registration applications that have not yet been input. That is down from the 15,000 to 20,000 outstanding only a few weeks ago.

Asked about the number of registrations input, Mr. Brennan reported that his staff input 1,750 forms today, 1,830 yesterday and 1,330 on Saturday. Of these, approximately 25% were "duplicates." Brennan mentioned that the number of applications received is tapering off, and that all registration applications are due on October 4th. Ms. Hatchett asked Mr. Brennan if he plans to go to an evening shift. His response was "No, not at this time." He indicated that, unless there is a big surge of submissions, his staff would be caught up by the end of next week.

Ms. Hatchett indicated that she is considering adding some evening shifts, noting that unusual volumes

may require extreme measures. Mr. Brennan mentioned that working on Saturdays helps, and that his temporary workers are getting more efficient at data entry. Hatchett indicated that her goal is to have 2,000 voter registration applications input each day.

Commissioner Adams asked about voters whose addresses are "mailboxes etc." facilities. Mr. Brennan indicated that in the Primary Election, there were five voters in Denver who were coded as "Administrative Pending" (the code assigned to voters whose addresses are not legitimate residence addresses). Brennan said that voters with this status would not appear in General Election registration books. Commissioner Adams asked that these voters be contacted. Mr. Brennan indicated that they would be sent letters. Brennan noted that if these voters try to vote in November, they will have to do an "Emergency Registration" at the Commission office.

D. Spanish Language Outreach Update – Tina Romero

Ms. Romero was not immediately available. She is working on ballot translation. (See attached report.)

E. Logistics Update (Early Voting Sites) – Carrie Kellogg

Ms. Hatchett directed the Commissioners to Carrie Kellogg's report. Early voting sites will be the grocery stores normally used, plus the King Soopers at Stapleton Plaza. Ms. Hatchett noted that the Commission will investigate the use of "permanent" sites in 2005. Mr. Rainey indicated that the telephone lines are up and running at the early voting sites, and that all sites are ready for early voting.

Denver Election Commission
September 21, 2004
Page 5

Regarding the request by Inter-Neighborhood Cooperation (INC) to have an Election Commissioner speak at INC's next meeting, Commissioner Adams indicated that Commissioners do not plan to attend. Commission representatives have been to an INC meeting already this year.

Commissioner Rogers suggested that election and "required identification" information be supplied to INC. Ms. Hatchett mentioned that the Secretary of State may change the current voter ID requirements.

Returning to the subject of early voting sites, Commissioner Vaden moved that Ms. Kellogg's plan for early voting sites, dates and times be adopted. Commissioner Adams seconded the motion, which passed unanimously. Commissioner Rogers noted that the Commission must publicize the early voting opportunities.

F. Election Judges Update

Ms. Hatchett directed the Commissioners to Kathleen Mills' report. Commissioner Rogers indicated that she wished to direct a question to Ms. Mills, and requested that Ms. Mills be asked to join the meeting.

Ms. Mills joined the meeting. Commissioner Adams mentioned that she continues to get calls from election judges who want to know if they will be reappointed to work at the General Election if they worked at the Primary Election. Ms. Mills indicated that she is attempting to put these Judges in the same precinct in which they worked at the Primary, and certainly as close as possible to that precinct. She has also attempted to correct the Democrat/Republican balance to the extent possible. She noted that Judge assignments for November are not exactly identical to those for August.

Ms. Mills indicated that she views the August election as a "template" for Judge assignment in November. She is striving to achieve better partisan balance in all precincts and to assign Judges as close to their homes as possible.

Commissioner Adams indicated that the Supply Judge in a precinct is not "the boss" in the location, and asked Ms. Mills to stress that in the Judges' training classes. Mr. Asmus expressed the opinion that even extensive training cannot change some behavioral and personality traits.

Commissioner Rogers asked if caucus assignments for Judges take priority. Ms. Hatchett responded in the affirmative. Commissioner Adams indicated that such Judges lost their priority if they failed to work at the Denver Election Commission

September 21, 2004
Page 6

Primary Election. Ms. Hatchett noted that the Commission had only one month to pay the Primary Election Judges and to get Judges assigned for the General Election. She indicated that the Commission assigned the Judges who worked at the Primary first.

The Commissioners all agreed that the Commission is required to appoint Judges who come from the caucuses.

G. Secretary of State Rules Hearing

Ms. Hatchett directed the Commissioners to SOS Rule 13.9, which deals with contacting absentee voters who fail to provide sufficient information or a signature on their absentee ballot return envelopes. She noted that the Commission arranged to have such voters contacted by telephone for the Primary Election. The Secretary of State is concerned that such contact might be in violation of the Help America Vote Act (HAVA), since it treats voters in some counties differently than voters in other counties. This contact gives added assistance to voters in some counties, and HAVA requires that all voters be treated the same. In order to avoid any variation from HAVA regulations, the Commission will not telephone absentee voters with missing information. However, indicated Commissioner Vaden, SOS rules allow the Commission to contact these voters in writing. In fact, noted City Attorney Ortega, the rules require that such voters be contacted in writing. Commissioner Vaden indicated that this rule has raised some controversy with county clerks, and may be subject to change.

Ms. Hatchett also mentioned that in Denver, for the Primary Election, the Commission counted provisional ballots that were cast in incorrect precincts, if the ballot style was identical to that of the voter's correct precinct.

NOTE:

Approximately one week following the meeting, a lawsuit was filed against the Secretary of State's rules regarding the counting of provisional ballots. The result of this legal action may influence how provisional ballots are treated in Denver.

III. Old Business

A. DEC Voting Machine Demonstration Update

Ms. Hatchett asked City Attorney Ortega to report on the ethics implications of accepting refreshments from Sequoia for the October 5th "Denver Votes 2004" demonstration event. Ms. Ortega reported that such

Denver Election Commission

September 21, 2004

Page 7

an acceptance is permissible. It is not a violation of the city's Donor/Ethics provisions. She also noted that any employees accepting gifts from vendors might be required to submit Disclosure Statements.

Ms. Hatchett requested that notification of the event be sent to all members of the audience. She noted that Howard Cramer of Sequoia will be present for the demonstration, and that she has asked that some of Sequoia's technical people also be present. Commissioner Rogers asked if the Commission might videotape the demonstration. Mr. Rainey responded that this would be a possibility.

B. Voter Outreach – Alan McBeth, Tina Romero

Ms. Hatchett indicated that this item has already been covered.

C. 2004 Primary Election Provisional Ballot Reporting

Ms. Hatchett directed the Commissioners to the report on this item. Commissioner Rogers requested a report on how many provisional ballots in the Primary Election were not counted – and why they were not counted. She also asked if Emergency Registration was available at the Commission office, and if votes cast after Emergency Registration would have been counted. Ms. Hatchett responded in the affirmative to both questions. Rogers added that Election Judges must be trained as to when to direct voters to do an Emergency Registration rather than a provisional ballot.

D. 303 West Colfax Relocation Update

Ms. Hatchett reported that she and Robert Asmus attended a meeting with other occupants of 303 W. Colfax, along with representatives of the homeless community, the Mayor's office and Deborah Ortega of the city's Commission to End Homelessness. She reported that a decision has been made to utilize the

Commission's space at 303 W. Colfax as an emergency homeless shelter, beginning October 1, 2004. Homeless use will not be limited to the Commission's future supply room, but will also include the Conference Room and Lobby.

Ms. Hatchett indicated that she wants to pull up the carpet in 303 W. Colfax before it is used by the homeless. City Attorney Ortega suggested that steam cleaning might be sufficient. Ms. Hatchett reiterated that the Commission would have to clean or replace the carpet before moving in. She intends to discuss the options with the city's Public Office Building Department.

Denver Election Commission

September 21, 2004

Page 8

New Business

A. County Clerks ESCR Meeting Update – Kellogg, Rainey

Ms. Hatchett directed the Commissioners to the report on this meeting, and asked Mr. Rainey to mention some of the highlights of the meeting. He noted that the Secretary of State plans to change the voter registration application. Commissioner Rogers indicated that the "boxes" for letters and numbers will be eliminated. Commissioner Adams asked if there would be a tear-off receipt to identify each application. Rogers responded that that option has not yet been acted upon, and that she has submitted a complete page of suggestions for changes. Ms. Hatchett noted that there is insufficient time to make changes prior to the voter registration deadline for November. Mr. Rainey indicated that the form is still being changed, and Ms. Hatchett asked all parties to submit suggestions to her via e-mail.

B. General Election Phone Center Plan

Ms. Hatchett indicated that she and Mr. Rainey attended a meeting with the city's Technical Services Department. She indicated that the Commission plans to add three more rows of phones in the phone center; two more rows for Election Judges lines and an additional row for voters' calls. She plans to have three supervisors on hand for the day before the election and Election Day.

Mr. Rainey indicated that 25 phones will be in place, and that the underlying issue concerns the creation of a "real" phone center to meet future needs. In this case, an infrastructure would have to be built to accommodate such a facility. Commissioner Rogers asked if such a facility could be built at 303 W. Colfax Avenue. Commissioner Adams expressed the opinion that once HAVA has been in place for a while, the Commission will need a "real" phone center. Ms. Hatchett indicated that she expects to see the enactment of new laws that will require the establishment of a call center.

Ms. Hatchett mentioned that the Commission's space on the 9th Floor of 303 W. Colfax might work for a call center, but that it would require phone lines and other infrastructure improvements for such use. Another possibility would be to use another organization's facilities, staffed with Commission employees.

Denver Election Commission

September 21, 2004

Page 9

Commissioner Vaden indicated that the city is moving to a "311" phone system, and will have to construct a phone center to operate it. The Commission might be able to staff the "311" center on Election Day.

C. General Election Satellite Plan

Ms. Hatchett introduced Walter Bell, who will be in charge of the General Election Satellite Plan. She indicated that the goal is to dispatch "alternate" judges more quickly, as they are needed on Election Day. To this end, she proposed having coordinators (located at several locations) who Election Judges can call. Hatchett expects to have "alternate judges" available on location at these sites. She indicated that Denver Motor Vehicle offices are good locations. Mr. Bell noted that DMVs are small, and could not handle a large number of "alternate" judges. High Schools were also suggested as sites. Hatchett indicated that the plan is evolving, and that Commissioners will have a copy of it soon.

D. Emergency Preparedness (new item)

Commissioner Vaden noted that the Commission has no 'back up' plan in case of emergency. Ms. Hatchett indicated that she, Commissioners Vaden and Rogers, Mr. Rainey and Mr. Casper (Operations

Department) recently met with Police Commanders and the Office of Emergency Management. They developed a preliminary plan, which will be finalized and presented. Hatchett noted that the Commission has police support on Election Day, and that she hopes to educate the police on the procedures for provisional ballots, in case the police are asked to deal with irate voters.

Commissioner Adams suggested that discussions with representatives of the Denver Democratic and Republican parties would be valuable. Adams envisions the parties supplying volunteers to come to the Commission and observe the various processes, procedures and machines in use. Such scrutiny might, she suggested, assuage the concerns many people have about elections in Denver.

Commissioner Rogers indicated that she has been discussing such an approach with various individuals, and asked if such a role is part of what "canvassers" would do. She would like to offer this opportunity to canvassers. Ms. Hatchett indicated that she plans to send notices on machine testing to all parties.

Commissioner Adams indicated that she wants all processes (and in particular, the processing and "duplication" of absentee ballots) observed, and the procedures posted for the benefit of the observers.

Commissioner
Denver Election Commission
September 21, 2004
Page 10

Rogers expressed the opinion that statute does not allow for such observers, noting that Poll Watchers have specific authorization to visit specific sites on Election Day. She asked Ms. Ortega to find out what kinds of "observers" state law allows.

Commissioner Adams asked Carolyn Metzler (Denver Republicans) if she would have trouble finding volunteers to be "observers." Ms. Metzler indicated that it should not be difficult. Mike Nelligan (Chair of the Denver County Republicans) indicated that he thinks "observers" are a good idea, and that the Commission should do whatever is needed to make the election process transparent. Bonnie Clarke of the League of Women Voters asked if parties other than the Republicans and Democrats might be involved as "observers." To act as Poll Watchers, said Commissioner Rogers, they would have to be appointed by a major political party or a candidate or issue committee.

NOTE: Pursuant to CRS 1-7-106, "Each participating political party or issue committee whose candidate or issue is on the ballot, and each unaffiliated and write-in candidate whose name is on the ballot for a general or congressional vacancy election shall be entitled to have no more than one watcher at any one time in each precinct polling place in the county and at each place where votes are counted in accordance with this article. The chairperson of the county central committee of each major political party, the county chairperson or other authorized official of each minor political party, the issue committee, the write-in or unaffiliated candidate shall certify the names of one or more persons selected as watchers on forms provided by the county clerk and recorder."

Frank Sullivan indicated that he wants to be assured of the security of the voting machines, wants an invitation to the October 5th Voting Machine Demonstration, and wants to see the testing of voting and counting machines. He asked if canvassers are different from Poll Watchers. Ms. Hatchett responded in the affirmative. He also indicated that he wants to know what the relevant statutes are, so he'll know what the law allows him to do. Commissioner Rogers indicated that City Attorney Ortega would research the matter. Sullivan asked when the answer would be available. Ms. Ortega indicated that it would be early next week. Commissioner Rogers indicated that she wants Ms. Ortega to tell the Commission how it can accommodate Mr. Sullivan and Ms. Metzler, so that the Commission can then contact them.

Denver Election Commission
September 21, 2004
Page 11

Julie Connor of Council District Seven noted that Colorado is a "battleground" state, and asked if the Commission is concerned about intimidation of voters, coming in the guise of "voter challenges." She asked if a voter challenge had to be based on personal knowledge of the challenged voter's status. Commissioner Rogers said that voter intimidation usually falls under the electioneering laws, and large-scale voter intimidation has been a very rare occurrence in Denver. Connor indicated that she is more concerned with "lower level" intimidation,

where voters are challenged, and Election Judges are not familiar with the procedures to follow in such a case.

Commissioner Vaden replied that such a possibility is the reason the Commission trains police and Election Judges that virtually anyone may cast a provisional ballot. Ms. Hatchett reiterated that "voter challenges" would be covered completely in Election Judges training. Commissioner Rogers added that such situations are the reason we have specific phone lines for Election Judges and "roving troubleshooters" out on Election Day.

IV. Announcements and Comments by Commissioners, staff and guests

Ms. Metzler asked when absentee ballot mailing would begin. Ms. Hatchett responded that October 4th is the planned date. It has been delayed due to the court case to decide if Ralph Nader (Colorado Reform Party) would be on the ballot.

Ms. Hatchett asked for a brief Executive Session following the meeting, concerning personnel matters. Commissioner Rogers moved that the Commission go into Executive Session. Commissioner Vaden seconded the motion, which passed unanimously

Denver Election Commission
September 21, 2004
Page 12

VI. Adjournment

At 6:04 p.m. Commissioner Vaden moved that the meeting be adjourned. Commissioner Rogers seconded the motion, which passed unanimously.

THE DENVER ELECTION COMMISSION

Sandy Adams, Commissioner

Susan Rogers, Commissioner

Wayne E. Vaden, Commissioner

Attest:

Karon Majeel Hatchett, Executive Director

Date: _____