



DENVER
THE MILE HIGH CITY

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Denver Clerk and Recorder Announces 2008 Voting Model

Denver Clerk and Recorder Stephanie O'Malley announced today that Denver's voters will vote on paper ballots in 2008 and, unless the state legislature takes an action to prohibit it, voting will take place at combined precinct polling places.

The city's direct recording electronic (DRE) touch-screen voting machines, whose current decertification for use is under appeal with the Secretary of State, would see very limited usage only as vote-marking devices for the disabled community. Plans also call for using the city's existing conditionally-certified ballot scanners to count the paper ballots at a central location, unless appropriations are made for precinct scanners.

The plan caps an intensive process through the latter part of 2007 by the Denver 2008 Elections Model Advisory Committee. The committee was formed last September by newly elected Clerk and Recorder O'Malley and Denver Elections Director Michael Scarpello in response to problems with Denver's voting systems in the past. The committee, consisting of twenty-six stakeholders from various community groups, met weekly in open meetings to closely examine and consider choices for a new voting model.

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“Citizens and committee members have told us several things very clearly. By and large they want paper ballots and they want the option of going to a polling place to vote,” said O’Malley.

“We do need DRE voting machines for use by the disabled community in order to comply with the federal Help America Vote Act. Our plan is to use those machines as vote-marking devices only. They have the capability to print out a paper record of a person’s vote. That paper record will be duplicated onto a regular ballot, which will be counted along with all the other paper ballots.”

Announcement of the new voting model for Denver had been delayed two months pending the results of the Secretary of State’s voting systems certification process and subsequent consideration of Denver’s options in light of those decisions.

O’Malley has viewed with alarm, and spoken in opposition to, the position of many of Colorado’s county clerks advocating a mandatory mail-in ballot for all counties in 2008. “The proposed all-mail ballot election plan is problematic in that it that does not address the needs and desires of Denver’s voters and it does not solve a number of problems that all of the counties face,” said O’Malley. “It does not address how the disabled community will vote, and it does not address how those ballots will get counted.”

In addition, because of the state’s restrictive law inactivating voters who do not vote in an even-year election, as many as 155,000 of Denver’s inactive voters will not automatically receive a ballot in an all-mail ballot election unless the state legislature acts to change this law. Such a law change would be welcome independently of other factors.

The clerks' proposed all-mail ballot plan includes the use of service centers where voters could either drop off their ballots or vote in person. O'Malley says these service centers would function very much like the discredited vote centers Denver used in 2006, thus they introduce a great deal of risk into the elections equation. Vote centers are unlike precinct polling places because voters can go to any vote center to vote rather than having to go to a particular polling place.

"Planning for a service center model could be a nightmare, and our voters may wind up with a strong sense of déjà vu," she said. "We know that many of our voters prefer to vote in person so we would expect a heavy turnout at these centers but, as happened in 2006, we would have a very hard time predicting at which service center voters might show up. We would need to print large quantities of duplicate ballots to be ready at each location, or trust computer printers to print them out on demand."

In addition, these service centers would require the use of an electronic poll book (e-poll book) to verify voters' eligibility. The e-poll book's failure in 2006 caused many of the election problems in Denver in 2006. The state is currently developing a new statewide e-poll book but its design has not been completed and it has not been tested yet.

"We don't disagree with the concept of service centers or the other elements of the mail ballot plan," said O'Malley. "We just feel that the risks involved when implementing such a comprehensive plan in such a short period of time are too high. I, along with the advisory committee, want to avoid implementing an experimental plan in a critical election year where turnout is expected to be at record highs."

Any voter can vote by mail just by requesting a mail ballot. A new state law implemented this year even allows voters to request being placed on permanent mail ballot status.

Clearly, Denver's planned elections model depends on two important unknowns:

- The appeal process with the Secretary of State's office will have to be successful for Denver to use its DRE voting machines for the limited purposes stated, and to use its optical scanner counting machines.
- Action in the state legislature by proponents of a mandatory mail ballot could force Denver into lock step with a mandatory state-wide mail-in ballot, and service centers that would function virtually identically to vote centers.

“There is no demonstrable need for all counties in Colorado to vote using the same election model,” said O'Malley. “Voting systems have always been a matter of local decision in Colorado. Local choice in voting models hasn't been a problem in the past, and forcing everyone to use the same mail ballot voting model now will cause problems we in Denver wouldn't otherwise have to deal with.”

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