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Proposed Rules hearing January 14, 2015

Douglas County is in support of the comments made by the Elections Statute Review Committee. The following are comments we wish the Secretary of State's office will consider prior to final adoption of the proposed rules:

1. Amended Rule 7.2.6 to clarify that if the voter leaves the voluntary delivery statement blank, the county must still accept a ballot for counting if it is otherwise valid.

The fact that there are two statements of affirmation for the voter to sign only when they voluntarily offer their ballot to another individual for delivery will cause voter confusion. Additionally, I believe this rule will treat voters differently. In accordance with 1-7.5-107(6) A mail ballot is valid and shall be counted only if it is returned in the return envelope, the self-affirmation on the return envelope is signed and completed by the eligible elector to whom the ballot was issued. The return envelope self-affirmation is specific under 1-7.5-107((3)(b.5)(I)

Voters are required to sign the specific affirmation, not just any affirmation.

Recommendation: Either combine affirmations into one affirmation or omit the non-statutory affirmation. This rule is un-force able and un-auditable.

2. Amended Rule 7.8.3 (formerly Rule 7.8.1) to provide for signature verification in accordance with the Secretary of State's Signature Verification Guide.

I have been unable to locate the SoS's Signature Verification Guide, and wonder how can we adopt a rule in the absence of the Guide? How do we know if this is a good rule or not?

Recommendation: Postpone adoption of this rule until the Signature Verification Guide can be produced and vetted.

3. Amended Rule 7.8.11 (formerly Rule 7.8.7) to clarify testing versus auditing of signature verification devices.

7.8.11(c) The requirement to operate the automated signature verification devise on a "closed" network, upon initial review we are finding this requirement to be unfeasible and request additional time to review impacts and solutions. All other systems that interact with this device utilize the internet and require a reengineering of our network system.

Recommendation: Postpone implementation until further analysis and reengineering can be accomplished.

4. Amended Rule 8.9 to outline accommodation of watchers at group residential facilities.

Watchers should be required to stay in common areas of the facility and not be allowed to go to the private rooms. This is like allowing watchers to knock on doors of voters and request to come in and observe them while they vote in the privacy of their own home.

Recommendation: Restrict watcher activities to common areas only. This rule does not respect the privacy of individuals. I would also like to request watcher be required to pass a CBI background check.

5. Amended Rule 8.10.2 (formerly Rule 8.4.2) to clarify which election activities watcher may watch., 8.13 escalation process from first level signature review to second level review, and 8.15.5 clarify what watchers is not permitted to do.

Proposed rule 8.10.2(b) States that Witness and Verify means personally observe actions of election officials and each step of conduct of an election. However,

Proposed rule 8.13 Watcher may escalate no more than ten ballot envelope signatures in an hour for a second review, and

Proposed rule 8.15.5 States, that a Watcher may not Interact with election judges other than a designated watcher contact, except as permitted in Rule 8.13.

Recommendation: Rules are in conflict with each other, revise or omit 8.13.

5. Amended Rule 11.101(i) to clarify election night reporting requirements for primary elections.

For a Primary Election, contest names must include party abbreviation. I need clarification on this, I am uncertain that the systems in place can support this request. To the extent possible, we use the exports from SCORE to create our Voting System Database. The SCORE system does not create the contests with a party identifier. I am uncertain that the voting systems will support this requirement and would need to be vetted prior to enacting this rule. Additionally, a defined list of party abbreviations identified for this to be successful.

Recommend: Need standardization of abbreviations, example with or without parenthesis, single letter abbreviations, etc. Ensure all systems in place, present and future, can support this requirement prior to adoption.