To COVAMEC

I presented 8 questions to the COVAMEC body on Sept. 16. Here are the questions I asked:

1) What is the name of each source county for responses to the two surveys conducted by SLI Systems?

2) Why should the obsolescence (end of support by Microsoft e.g. operating system bug fixing) of Windows 2000 Professional and Windows XP trigger a replacement of voting systems based on these operating systems, knowing that the software applications running on these operating systems are controlled by "trusted build" and may only change with permission of the SOS after extensive testing?

3) What are the risks and benefits of DRE with VVPAT in fulfillment of HAVA requirements as compared to the alternatives?

4) What are the risks and benefits of the ballot on demand system of ballot production and inventory control?

5) Is there an explanation for the selection of the particular list of voting systems contained in the SLI Systems report?

6) Will COVAMEC ensure or influence the verifiability by the voter at voter service and polling centers of the anonymity of each ballot, correct interpretation of voter intent, privacy of the voter intent, and "countedness" of the ballot?

7) Will COVAMEC influence the schedule for voting system unification or acquisition via the CDOS uniform voting system project?

8) Will COVAMEC help Colorado citizens understand how our elections are conducted in each county and use this understanding to help us obtain better public policy? The COVAMEC might facilitate this understanding by issuing a survey to Colorado counties and encouraging a response.

For this reason I am working to adapt a draft EAC survey obtained from this link:


I expect my adaptation will help the survey conform better to Colorado elections. I intend to extend the survey to fully quantify the conduct of the 2013 election in each Colorado county. The existing survey obtains details of voter registration, UOCAVA ballot delivery, use of absentee ballots, the level of effort entailed in election administration and the use of provisional ballots. A version of the EAC survey will in any case be delivered to election officials in Colorado by the EAC to learn about the 2014 election.

I intend to add questions that obtain additional relevant information -- for example concerning ballot production, UOCAVA ballot return, more about use of mail-in ballots and the voter experience at VSPCs so that the specific features of the 1303 bill can be well understood. With this information Colorado will be better prepared to change law, rule and practice with the best interests of Colorado voters and election integrity in mind.
I am planning to present a draft survey instrument in time for a future COVAMEC meeting.

Three additional questions I now wish to ask concern the Powerpoint presentation made by Amber McReynolds at the 9/16 meeting about VSPC process:

9) Slides from the Business Practices Subcommittee show that the process at VSPCs include an option of flat ballot voting, mail-in voting and DRE voting at each center. Will these three options be made available at each center in each county or will the counties determine which options are available?

10) Will the privacy provisions (booths, etc.) of the VSPC be made available for private voting of a mail-in ballot?

11) Will some or all counties offer the service of voter interaction with an optical scanner (including whatever feedback about correct interpretation of the ballot is offered) at VSPCs?

12) The affirmation shown on the presented slide states: "I have been a resident of the state of Colorado for at least 22 days." The 1303 bill states (CRS 1-2-201 (b)): "The person has resided in this state twenty two days immediately prior to the election at which the person intends to vote." It appears that these two statements are only consistent on what we know of as "election day."

CRS 1-2-202.5 (3)(a)(I) from Section 10 of the 13-1303 bill also includes this question for an electronic voter registration: "Have you resided in Colorado for at least twenty two days immediately prior to the election?" But CRS 1-2-205 (2) from Section 12 of the bill requires the affirmation to include the following statement that is shown on the slides: "I have been a resident of the state of Colorado for at least twenty two days." I am assuming here that "the election" refers to what we have affectionately referred to as "election day" even though under 1303 this day now has very little significance other than as a partial deadline for return of ballots.

The latter affirmation written into the law clearly specifies a relative statement about date of residency that is only consistent with the other residency provisions in law on the "day of the election" but not any of the 21 prior days. The residency requirement in law refers to a fixed date, 22 days prior to the day typically referred to as "election day." The residency requirement is for a specific date for each election, but the affirmation is written relative to the date of registration. Can this inconsistency brought into the law by HB 13-1303 possibly be corrected prior to the November 2013 election? It selectively and limits the franchise to electors registering to vote in the 21 days prior to election day who have moved to Colorado within 44 days of election day. For example an elector who moves to Colorado on the 23rd day before election day will have to wait until election day to register and vote in order to be able to sign the affirmation honestly.

CRS 1-9-204 also contains the same error in an affirmation for challenged voters that also assumes the challenge takes place on "election day."

There is also text in the self affirmation on the slide that was removed from CRS 1-2-205 by the 1303 legislation- the text to the effect of sole legal place of residence. That text now apparently appears in law only in the text of questions for an electronic voter registration form in CRS 1-2-202.5 (3). Thus it appears that while some perhaps justified liberty has been taken in writing the proposed self-affirmation on the presented slides, the inconsistency between the residency requirement and the affirmation remains as clearly stated in the 1303 bill.

I would think that these issues would interest the COVAMEC as a priority item considering that the 44th day before an election is soon upon us. Note that I identified this problem in my public comments made to the SOS prior to the onset of rulemaking pursuant to the 1303 bill changes to law.

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